

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 Thursday, 21 March 2024
9 (The hearing starts in open session at 9.34 a.m.)
10 THE COURT USHER: [9:34:53] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:35:19] Good morning, everyone.
14 Madam Court Officer, can you please mention the case.
15 THE COURT OFFICER: [9:35:24] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:35:38] Thank you very much.
20 Can I ask the parties to introduce themselves, starting with the Prosecution, please.
21 MS MAKWAIA: [9:35:45] May it please the Court. For the Prosecution this
22 morning, myself, Holo Makwaia, senior trial lawyer; Marie-Jeanne Sardachti, trial
23 lawyer; Alessia Vitiello, analysis assistant; Sanyu Ndagire, assistant legal officer; and
24 our intern, Mamadou Fofana. Thank you, your Honour.
25 PRESIDING JUDGE SAMBA: [9:36:04] Thank you very much, Ms Makwaia.

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1 Ms Pellet for the victims, please.

2 MS PELLET: [9:36:11](Interpretation) Thank you, your Honour. The victims are
3 represented by Tars Van Litsenborgh and myself Sarah Pellet, counsel in
4 the Office of Public Counsel for Victims.

5 PRESIDING JUDGE SAMBA: [9:36:22] Thank you very much, Ms Pellet.
6 And Ms Naouri for the Defence, please.

7 MS NAOURI: [9:36:28](Interpretation) Thank you, your Honour. Good morning.
8 Beside me we have Léa Allix and behind me we have Elina Legat, and I am
9 Jennifer Naouri, lead counsel for Mr Said.

10 PRESIDING JUDGE SAMBA: [9:36:42] Thank you very much, Ms Naouri.
11 And for the record, I take note that Mr Said is in court with us. A very good
12 morning to you, Mr Said.

13 MR SAID: [9:37:01](Interpretation) Good morning, your Honour.

14 PRESIDING JUDGE SAMBA: [9:37:02] Good morning.

15 Good morning, Mr Witness. I hope you had a restful night.

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

17 (The witness speaks French)

18 THE WITNESS: [9:37:11](Interpretation) Good morning, your Honour. I did
19 indeed have a restful night, thank you.

20 PRESIDING JUDGE SAMBA: [9:37:17] Good. Now we're going to continue with
21 your testimony this morning. I wish to remind you that you are still on oath to say
22 the truth to this Court.

23 We left off yesterday with Defence counsel putting questions to you in
24 cross-examination and we are going to continue along that line.

25 Ms Naouri, your witness, please. Thank you.

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1 MS NAOURI: [9:37:46](Interpretation) Thank you, your Honour.

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

3 Q. [9:37:53] Good morning, Witness.

4 A. [9:37:55] Good morning.

5 Q. [9:37:56] We're going to start off where we left off yesterday. And, of course,
6 both of us still need to remember to have a five-second pause between putting our
7 questions and answering our questions. I know it's not easy for either of us, but
8 we'll do our best.

9 Well, yesterday we were talking about various groups and, in your written statement
10 at paragraph 50, you spoke about the UFDR.

11 To your knowledge, in what year approximately was the UFDR founded?

12 A. [9:38:43] I don't have an exact date. But I think that the UFDR was created to
13 combat Bozize's regime, so that must have been in the -- around 2005, 2006,
14 possibly 2007.

15 Q. [9:39:17] Very well. Thank you, Witness.

16 Now, in your written statement, in -- at paragraph 51 --

17 A. [9:39:25] I'm afraid I don't have the witness before me on
18 the screen -- the statement before me on the screen.

19 Q. [9:39:32] *Now, Mr. Witness. What I am going to do is read out an excerpt to
20 you, which I will have displayed for you just like it was done yesterday. A. Yes. Q. ...
21 but when I read out information to you which is quite easily verifiable at paragraph
22 51, and which is rather simple, such as "Djotodia was the leader of the UFDR" for the
23 purpose of saving Court time, I just directly present it to you.

24 * Now then, in paragraph 51, you state quite simply - among other things - you state
25 that Djotodia was the leader of the UFDR. However, for my part, my question is as

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1 follows: to your knowledge, was Damane Zakaria equally presented as one of the
2 founders of the UFDR?

3 A. [9:40:14] I think that Zakaria Damane was indeed also one of the UFDR leaders.
4 And Djotodia played a more political role.

5 Q. [9:40:30] Okay, so what you're telling us is that Damane Zakaria's role was more
6 as a fighter, whereas Djotodia's role was more as a political representative; is that
7 correct?

8 A. [9:40:44] Yes, that's right.

9 Q. [9:40:50] I'm going to read a passage from a piece of testimony, but it's not your
10 testimony.

11 And it is a confidential document, confidential for the witness and for the public. It's
12 at tab 122 of our list of evidence and it's CAR-OTP-2013-0420 and I'd like to refer to
13 page 0427, at paragraph 48. And for English, it's tab 123.

14 So we're not going to display it because it's a different witness who is speaking. At
15 paragraph -- at this paragraph he says that the opposition to Bozize had existed since
16 2006 when the -- the Union of Democratic Forces for Unity, led by Djotodia and
17 Damane was created.

18 Now, I cited that without identifying the person who provided the information.

19 Now, that person says that the UFDR was headed by Djotodia and Damane and that
20 person gives the date of 2006, does that date of 2006 strike you as being correct?

21 A. [9:42:11] Yes, indeed.

22 Q. [9:42:16] Okay. And this person said -- refers to these two individuals leading
23 the UFDR, Djotodia and Damane, so putting them on an equal footing. Would you
24 agree with that?

25 A. [9:42:30] I would say that Djotodia was much more of a politician than a fighter.

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1 Q. [9:42:41] Thank you. Thank you for those clarifications, Witness.

2 *Now, this person, Damane ZaKaria. He was a government minister in August 2013,
3 isn't that correct?

4 A. [9:42:53] Sorry?

5 Q. [9:42:54] Damane Zakaria, he was a minister in the government in August 2013;
6 is that correct?

7 A. [9:43:02] No, he was not a minister.

8 Q. [9:43:05] Okay, well, I'm going to present a piece of evidence to you.

9 This is tab 23, this is a public document, CAR-OTP-2060-06 -- sorry, 2060-0616 and
10 we're going to go to page 0330 and look at the title of the document.

11 THE INTERPRETER: [9:43:37] The interpreter corrects: This is actually at tab 53
12 and the correct reference number is CAR-OTP-2005-0330.

13 MS NAOURI: [9:44:24](Interpretation) Thank you.

14 That's perfect. Thank you for having zoomed in there. Could we scroll down
15 a little bit.

16 Q. [9:44:37] Well, we see that this document is decree number 13 of 7 August 2013.
17 Could you scroll back up again so that the witness can see the title. Thank you.

18 Decree 13 281. And this decree is regarding the appointment of a minister and
19 special adviser to the Presidency of the Republic.

20 I'd now like to display to you the next page, 0331.

21 And here you see that the first article of this decree states that General
22 Zakaria Damane is appointed minister, special adviser to be the Presidency of
23 the Republic, do you see that, Witness?

24 A. [9:45:33] Yes, I see it well.

25 Q. [9:45:41] *And so, does this decree refresh your memory? You were the Prime

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1 Minister at the time. Did you take cognizance of that decree? Were you aware of the
2 appointment of Damane Zakaria?

3 A. [9:46:01] To answer your question, I would say one has to distinguish between
4 the ministers who are the members of the government, which I lead, and advisers
5 which were appointed by the president. They were not ministers, they were
6 advisers. Sometimes they were referred to as being ministers, but that was sloppy
7 language usage. *And they were appointed single-handedly by Mr Djotodia,
8 considering that my counter-signature does not appear in this decree.

9 Q. [9:46:36] Thank you for that clarification. That helps us understand
10 the responsibilities of Zakaria Damane.
11 Do you know whether he occupied any other posts after this one, any other official
12 posts?

13 A. [9:46:56] It's possible, but I don't recall any other post that he held.

14 Q. [9:47:03] All right. So you don't know if he was a minister under Samba-Panza,
15 for instance?

16 A. [9:47:18] No, I don't know.

17 Q. [9:47:21] Very well. No problem.

18 Later, to your knowledge, was Zakaria Damane a member of another group other
19 than the UFDR?

20 A. [9:47:34] The UFDR was created in 2006, 2007, I believe. And when the Seleka
21 was created, the Seleka in fact regrouped various factions, various groups, including
22 the UFDR and other armed groups.

23 Q. [9:48:00] Yes, we'll be dealing with that, but my question is to know whether
24 after 2013, perhaps in 2014, my question is whether you know whether Zakaria
25 Damane was a member of another group such as the -- the patriotic rally for

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1 the renewal of the republic?

2 A. [9:48:26] The rally?

3 Q. [9:48:28] The patriotic rally for the renewal of the republic.

4 A. [9:48:35] Yes, that's possible. That was an armed group which was set up
5 amongst its members such as Djoubaye, who was a minister, and another individual
6 who was a minister, Juba (phon) -- actually, Djono Ahaba, I believe, who is currently
7 the minister of transport, was also a member of that armed group. Djono Ahaba.

8 Q. [9:49:20] Thank you for that information.

9 To your knowledge, do you know whether other people claimed leadership within
10 the UFDR? For example, Florian Ndjadder?

11 A. [9:49:40] Florian Ndjadder, I would be surprised if he was a member of
12 the UFDR.

13 Q. [9:49:46] I'm going to show you another document now.

14 And this is at tab 124 of our list of evidence. It's CAR-D33-0006-0007, which is
15 a public document which may be displayed to the witness and to the audience.

16 Okay, you see that we are on the first page now, 0124, and it is a set of articles which
17 is entitled "Piracy and Terrorism: New Security Challenges in Central Africa". And
18 the page I'd like to have displayed to you now is page 0125, I believe, if I'm not
19 mistaken. Yes, that seems to be right.

20 I'm sorry, I've made an error. The article I would like to show to you is on page 0123.
21 I'll first show you the title of the article and then we will move to an extract from that
22 article that I think is of particular interest.

23 So, I see that the court clerk is on page 0023. In fact the page I'd like to have
24 displayed is 0123.

25 That's great. Thank you.

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1 So this is the article that I am interested in. It's an article which was written by
2 Claude Jean Sophil, who at the time is a police superintendent in the Central African
3 Republic, and it's entitled "Preventing and eradicating terrorism and piracy in Central
4 African Republic". It's quite a long article. I'd like to take you now to page 0125.
5 Thank you, that's perfect.

6 This is the paragraph I'm interested in. It starts with "*En sus*".

7 "So aside from military targets, a number of terrorist acts were perpetrated on sites of
8 an economic nature such as animal parks which generate revenue for the Central
9 African economy. By way of example, an armed group entitled the Union of
10 Democratic Forces for the Rally (UFDR) led by Florian Ndjader claimed responsibility
11 for attacks which took place between 2005 and 2007 in Tiringoulou and Gordille
12 against positions of the Forces of Order who were responsible for preventing hunting,
13 illegal hunting which was a problem plaguing the area at the time. Now, these two
14 sites represent large nature reserves, animal reserves in the Central African Republic."

15 So my question is regarding Florian Ndjadder. In light of your political activities,
16 were you aware that Florian had -- was responsible for attacks in 2005 and 2007 in
17 that part of the Central African Republic, notably, in Tiringoulou and Gordille.

18 A. [9:54:25] Well, to answer your question, the first part of your question, I can be
19 quite clear, Florian Ndjadder was never a leader of the UFDR. As regards
20 the second part, I don't recall him taking responsibility for any attack.

21 Q. [9:54:52] Thank you, Witness. Are you aware of any other -- any examples of
22 groups from the north who carried out attacks against targets of an economic nature?

23 A. [9:55:02] Yes.

24 Q. [9:55:06] Please tell us more, if you would.

25 A. [9:55:12] There were attacks on the corridor linking Cameroon and the CAR.

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1 Now, as CAR is a landlocked country, our goods transit through the port of
2 Cameroon and they take the Garam-Boulai road passing by Baboua and Bouar to
3 arrive into Bangui or to leave Bangui. So there were times when attacks took place
4 along that corridor to put economic pressure on the city of Bangui.

5 Q. [9:56:07] Thank you, Witness. Do you have any other examples?

6 A. [9:56:13] I think that's the most important or the main one.

7 Q. [9:56:28] Okay, so it's the main one. So now I'd like to ask you if you recall
8 whether the Union of Republican Forces was one of the groups that made up part of
9 the Seleka, the UFR, the Union of Republican Forces?

10 A. [9:56:46] I don't know. I'm not familiar with that armed group.

11 Q. [9:56:52] Okay. Thank you, Witness.

12 I'm going to show you another piece of evidence.

13 It's at tab 20 of our list of evidence and it is a public document which can be displayed
14 to the witness and to the audience. It's CAR-OTP-2054-1346 and the first page of
15 interest to me is indeed page 1346, which makes it clear what the document is about.

16 You can see that this is the -- in fact the Libreville agreement. There it is.

17 And I'd now like to go to page 1349, please. Yes, there we go.

18 This is the last page and you can see that this is the Libreville agreement which was
19 signed on 11 January 2013, and amongst the signatories, the third to the right, for -- on
20 behalf of the Seleka coalition, do you see that?

21 A. [9:58:05] Yes, I do.

22 Q. [9:58:06] You see, on behalf of the Seleka coalition, you have the CPJP, the UFDR,
23 the UFR and the CPSK. So the UFR was represented at the Libreville agreement
24 negotiations, does that refresh your memory?

25 A. [9:58:28] No. Well, what you see here is that the Seleka was a coalition, so

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1 the UFR is one of the components, the member parts, are constituent parts of
2 the Seleka. Now, I didn't take the -- the interest or I didn't have the interest to know
3 about the component groups of the Seleka. I was more interested in who was
4 leading the Seleka, Mr Djotodia was the leader of the Seleka. But I didn't -- I wasn't
5 personally familiar with the different components of the Seleka, except for the UFDR,
6 which I was familiar -- with which I was familiar. And I believe that the CPJP was
7 led by Nouredine Adam, if I'm not mistaken, but as for the others, I wasn't
8 particularly aware of them.

9 Q. [9:59:31] Okay, we're going to go -- we will return to the matter of
10 this -- the CPJP. *And you have referred to "leading", and stated that there were
11 leaders. And so, if I have understood you correctly, each Seleka group had its own
12 leader. Is that correct? A. [9:59:44] Yes, that is correct.

13 Q. [9:59:46] Okay. Thank you, Witness.
14 Now, you just referred to the CPJP and you also referred to it in your written
15 statement at paragraph 50. Do you recall more or less when the CPJP was founded?

16 A. [10:00:04] No, I don't know exactly, but perhaps I could add some detail.
17 I believe that there were two streams in the CPJP and in fact it split. Abdoulaye
18 Hissène led one part and Nouredine Adam led the other part, if I recall correctly.

19 Q. [10:00:34] Okay. And to the best of your knowledge, Mr Witness, everyone
20 beyond Abdoulaye Hissène and Nourredine Adam, were there any other individuals
21 who allegedly laid claim to being the founding fathers of the CPJP?

22 A. [10:00:48] No.

23 Q. [10:00:52] All right, then, let me show you another document, Mr Witness.

24 This is tab 120 in our list of materials. This can be shown to the public. And
25 obviously to you, Mr Witness. It bears the ERN CAR-D33-0006-0421 and the title of

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1 this document is at 0421.

2 All right, so you can see, Mr Witness, here we have an article featured in Cairn.Info,
3 number of 125 in March 2012, entitled "Rebellion and Limits of Peace Consolidation in
4 Central African Republic". And perhaps I can refer you to the excerpt of interest to
5 me because it's quite -- well, it's a number of pages, 04 -- hang on, just bear with me,
6 I don't want to get it wrong -- 32. 0432 is the page of interest to me.

7 So it's the second paragraph. It starts with "*La Convention des patriotes*".

8 So let me read out this and then you can follow as I read:

9 "The Convention for Patriots for Justice and Peace (CPJP), a rebel group which is
10 the most recent one to appear, is following also a model of fighting localised upon
11 processed resources, partly by sponsorship, and forming a rebellion. Some of those
12 who are within the faithful members of the CPJP previously fought for the UFDR,
13 which originally emanated from combatants emanating themselves from various
14 ethnic groups. Under pressure linked to power-showering between individuals that
15 were -- that were little experienced in terms of centralised governance, the group
16 fragmented and the members, the Runga members, went off to the Bria outlying areas
17 is rich in diamonds. End of 2008, they were driven out - either by soldiers or by
18 the UFDR - in an attack during which they allegedly lost lots of diamonds. They
19 retreated to villages in -- their original villages in the north and east of Ndele, calling
20 themselves by the enigmatic name of Black Camp, launching attacks on the -- on this
21 prefecture city to protest against the loss of their place of work. The major-sultan of
22 Ndele (the grandchild of the sultan who was reigning at the height of slave raids in
23 the region) led negotiations with the men searching first to mop up their deaths with
24 the UFDR. The soldiers broke negotiations by circumventing by the north to attack
25 Black Camp."

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1 THE INTERPRETER: [10:04:17] *The combattants then resumed their belligerent activities,
2 led by Charles Massi, a minister who had been sidelined. They morphed into a rebellion by
3 adopting the name CPJP. MS NAOURI: [10:04:24](Interpretation) End of quote.

4 Q. [10:04:26] I have a number of questions going to this excerpt. The first bears
5 upon Charles Massi.

6 Do you know the role of Charles Massi in this rebellion group, particularly within
7 the ranks of the CPJP?

8 A. [10:04:42] Charles Massi, yes, he was a state minister in the government, and he
9 rebelled against the Bozize regime and he joined the CPJP. And ultimately he was
10 killed.

11 Q. [10:05:10] Very well. But before he died he was indeed a founding father of
12 the CPJP; is that right?

13 A. [10:05:17] I don't know whether he was one of the founding members, in actual
14 fact.

15 Q. [10:05:23] Very well. Okay, one of -- one of the members of that group. That's
16 very clear, Mr Witness.

17 A. [10:05:29] What I wanted to add --

18 Q. [10:05:32] Continue, please.

19 A. [10:05:34] All the armed groups that were established in the north of the country
20 came from the north. But Charles Massi didn't come from the northern areas of
21 the country, he comes from the west. So he couldn't be the leader of the armed
22 groups in the northern areas of the CAR.

23 Q. [10:05:59] That's clear. Thank you very much for that clarification, Mr Witness.
24 Did you ever hear of, in 2012, for example, of this Black Camp that is referenced by
25 the article here?

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1 A. [10:06:12] No.

2 Q. [10:06:15] Very well. Now, you've just said, very clearly, in actual fact, you've
3 said - I don't want to misconstrue or paraphrase - he couldn't be a leader of an armed
4 group in the north of CAR - and I can see there was a small excerpt that escaped
5 the transcript. You said all the armed groups that had been established, and then
6 there's a gap, but Charles Massi doesn't come from the north, he comes from the west,
7 so he can't be head of the government.

8 Can you repeat what you said before so we capture on the record what you said,
9 Mr Witness?

10 A. [10:06:57] Yes. All the armed groups which were referenced and in the north
11 are -- were founded by people coming from the north. Charles Massi could very
12 well be a member of the CPJP, but I have certain reservations about that, certain
13 doubts that he is one of the founding members.

14 PRESIDING JUDGE SAMBA: [10:07:23](Overlapping speakers)

15 MS NAOURI: [10:07:24] *Pardon.*

16 PRESIDING JUDGE SAMBA: [10:07:25] Just to help you there, Ms Naouri, I think
17 the witness's words were to the effect that he -- because he was coming from the west,
18 he couldn't be the leader of the armed groups in the northern area of the CAR.
19 Not the leader of government, but he couldn't be the leader of armed groups in
20 the northern part of the CAR. Thank you.

21 MS NAOURI: [10:07:55](Interpretation) Thank you very much. Yes, it didn't
22 feature either.

23 Q. [10:07:59] I have a follow-up question, Mr Witness.

24 Now, you were talking about the fact that it's difficult when you're not -- when you
25 come from the north to take up the leadership of these various groups, but the article

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1 talks about a fight localised in an area for taking sponsorship of the rebellion. In
2 other words, did the -- did this activity start in the north because there was free access
3 to resources?

4 A. [10:08:28] Yes, that could be the reason, but let me just clarify my thought. I'm
5 talking about Charles Massi, he could be one of the CPJP leaders, but not be one of
6 the founding members. He couldn't go into the north and -- and establish or found
7 an armed group. But he could be one of the leaders, because, given his status, his
8 political stature, in other words, a former state minister, he could hold an important
9 position within the CPJP, but I have doubts about seeing him as a founder of that
10 same movement.

11 Q. [10:09:15] That's crystal clear, Mr Witness. Thank you very much for that
12 clarification.

13 And, to the best of your knowledge, the fights between the UFDR and the CPJP
14 mentioned in the article, was that something that was going on, for example, in 2012?

15 A. [10:09:38] 2012 I think saw the creation of the Seleka, which is a coalition
16 bringing together various factions. So I don't think it's likely that there would be
17 intestine fighting during that particular period.

18 Q. [10:10:05] All right. And to the best of your knowledge, Dhaffane's role within
19 the CPJP, what was that?

20 A. [10:10:20] I don't really know his role within the CPJP, but he was one of
21 the most influential figures within the Seleka. He was also a state minister before he
22 was pushed out.

23 Q. [10:10:42] Okay. Now, you say in paragraph 51 of your written statement that
24 a fourth group was led by Mohamed Moussa Dhaffane. Do you know the name of
25 that fourth group that is not the CPJP?

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1 A. [10:11:04] No, I don't know that particular group. But when he came to blows
2 with Mr Djotodia, he created a group called the renewed Seleka.

3 Q. [10:11:25] And if I tell you that the CPSK, the patriotic convention for the -- for
4 Kodro's salvation, does that jog your memory?

5 A. [10:11:41] I can't remember. I know that there -- movements such as that did
6 exist, but I can't remember the name of its leader.

7 Q. [10:11:50] All right.

8 You don't remember whether CPSK was represented by Djotodia at the Libreville
9 agreements?

10 A. [10:12:16] It was one of those armed groups that was part of the Seleka at the
11 Libreville process.

12 Q. [10:12:22] All right.

13 Now, 2012, the proclaimed leader of these various groups formed a coalition, you said
14 that. Can you tell us how that coalition, to the best of your knowledge, was actually
15 established?

16 A. [10:12:40] I don't have the details. I think it's the Seleka members themselves
17 who would be better positioned to offer you details on that. What I can tell you is
18 that they were -- there were a number of groups and they felt that to fight Bozize's
19 regime, that they had to come together on the basis of certain affinities. So that was
20 described as regional, because these groups come from the north and there are
21 religious affinities, ethnic affinities as well, and there were the Runga ethnic group
22 and the Gula groups involved and it was on that basis that they came together to
23 establish the Seleka coalition.

24 Q. [10:13:37] Thank you very much.

25 Now I am going to have you listen to a recording now.

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1 This is item at 127 in my list of materials -- 126. French 127, and the English
2 version at tab 126. But the item itself is at 126 and it bears the ERN D33-0002-0107.

3 And we're going to be listening to the entirety of this recording. There is no time
4 code. This is an audio recording of Mohamed Moussa Dhaffane and it lasts 01:32.

5 THE INTERPRETER: [10:14:30] Interpreter notes that he does not have
6 the transcription of this item.

7 THE COURT OFFICER: [10:14:39] Just to confirm, its public, right?

8 MS NAOURI: [10:14:43](Interpretation) That's right, yeah, it emanates from the RFI
9 website, so it could well have been heard by -- by anybody and everybody.

10 (Playing of the audio excerpt)

11 THE INTERPRETER: [10:15:38](Interpretation of the audio excerpt)

12 "... we saw each other one or two times. Because I had left the CPJP at the time and
13 joined the CPSK. So Nouredine wanted me to stay in the CPJP and I said no, and
14 so I left.

15 And then we talked with him, but had to find a way forward that would gather us all
16 together, so I found the Seleka root.

17 Meantime, he had been in touch with Michel Djotodia in Cotonou. And so me,
18 because I was in jail I didn't have any direct telephone contact with Michel Djotodia
19 and so he did the middleman process. And that's how it went. And then he came
20 to see me to tell me, all right, since it's that way, Djotodia's going to be joining
21 the UFDR. Before it was the CPSK and the CPJP.

22 And when Michel Djotodia joined us, that brought in the UFDR as well. So it was
23 three movements and he came to see me and said, look, because Djotodia is the elder
24 one, the older brother, he is the one who started before us, with the UFDR, so we're
25 going to -- we're going to have him as president. I said 'I don't see a problem with

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1 that'."

2 MS NAOURI: [10:16:50](Interpretation)

3 Q. [10:16:46] Do you hear that, Mr Witness?

4 A. [10:16:51] Yes.

5 Q. [10:16:53] Very well. So here's my first question.

6 This is a public statement made by Dhaffane here. Did you hear that it was he who
7 allegedly came up with the idea of the word "Seleka" for the name of the movement,
8 as he says in this recording?

9 A. [10:17:11] Yes. This is what he told us.

10 Q. [10:17:15] Okay. Thank you very much.

11 And do you know why he was in jail? He said that at that particular time he was in
12 jail when he decided to establish this collation that they would ultimately call
13 the Seleka.

14 A. [10:17:35] I don't know. I don't know where he was incarcerated.

15 Q. [10:17:38] All right. You don't -- you say you don't know where. You're
16 a lawyer, do you know why he was in prison?

17 A. [10:17:46] I'm not his lawyer.

18 Q. [10:17:52] Of course. It was just a question of general knowledge. Okay, you
19 don't know, so that's, that's not a problem.

20 I have no additional questions on this recording, so we can take it down. I can see
21 that it's flashing.

22 All right.

23 So, Mr Witness, I'd like to talk about the national union government, the first one that
24 came in the wake of the Libreville agreement.

25 So, under Bozize, the national union government under Bozize. So you were

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1 appointed prime minister of that national union government on 17 January 2013; is
2 that right?

3 A. [10:18:35] Yes, that's correct.

4 Q. [10:18:47] All right. I'd like to show you some evidence here.

5 It is tab 21 in our list of materials, bearing the ERN CAR-OTP-2101-1895. And I'm
6 interested in the first page.

7 Could we just zoom in somewhat so the witness can see the title of this decree.

8 That's lovely. Thank you very much. Perfect. That's it.

9 So, we see this decree appointing the prime minister, head of government.

10 And if we just scroll down, just slightly, we can see the first article where we read
11 "Counsel Nicolas Tiangaye is appointed prime minister, head of government."

12 Mr Witness, can you confirm that this is your appointment?

13 A. [10:19:56] Yes, it is indeed.

14 Q. [10:19:57] Thank you. Who did you take over from? Prior to your tenure,
15 who was prime minister?

16 A. [10:20:11] *It was Mr. Faustin-Archange Touadera, who is the current president
17 of the Central African Republic.

18 Q. [10:20:16] Thank you.

19 Now, a few days before your appointment on 21 January 2013, you gave an RFI
20 interview, do you remember that?

21 A. [10:20:32] I no longer remember.

22 Q. [10:20:34] Very well.

23 Well, let me show you an item here.

24 This is 95 on our list of materials. It's a public document. Its ERN is
25 CAR-D33-0014-0078.

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1 All right, then, it's coming up.

2 This is an interview on the RFI website posted on 21 January 2013 entitled "Nicolas
3 Tiangaye: 'I have a mission'".

4 Does this jog your memory, Mr Witness?

5 A. [10:21:20] Yes.

6 Q. [10:21:25] Very well.

7 So I would just like to go further down in the document, please, because I'd like to
8 refer you to a question that was put to you.

9 It's on the next page, 0079.

10 Could you just go down, slightly further down, Mr Usher, please, in the document.

11 That's it. That's perfect. That's the question that I want to zoom in on that starts
12 with "Parmi". So the question is put to you, this is the journalist, puts the question to
13 you:

14 "Among the 30 members of the future government, François Bozize is claiming 20
15 positions for his movement and for his allies in the ex-rebellion of the -- in the former
16 rebellion of the civil society. Do you agree?

17 In no country whatsoever is a government formed in the public forum.

18 I was -- broached negotiations, there were various people involved, and then we'll
19 see."

20 Now, here's my question. Now, how did the government -- the transition
21 government, ultimately convene? How was it brought to fruition, this transition
22 government mentioned in this article?

23 A. [10:22:48] There are a number of entities in the -- making up the presidential
24 majority, the democratic opposition and the armed groups, the Seleka armed groups.
25 The groups of combatants and the non-combatant entities. So the signatories of

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1 the Libreville agreement entered into negotiation to reach a conclusion and that
2 ultimately produced this national unity government. Q. [10:23:26] Very well. And
3 what was François Bozize's stance on this?

4 A. [10:23:34] *The problem that arose was that Bozize wanted to exercise control over
5 all sovereign positions, and this led to a stumbling block when it came to the ministry
6 of mines and geology. There was a deadlock because Bozize wanted to grab that
7 ministry, in the belief that his problems with the rebellion were linked to the
8 management of mines, meanwhile the armed groups had set their sights on the same
9 ministry. And in the absence of a consensus or a understanding on the issue, they
10 were compelled to refer the matter to the Mediator of the Central African Republic
11 crisis, namely President Sassou Nguessou of Congo, who was able to come up with a
12 compromise. and in fact it was Denis Sassou Nguesso and cut the ministry into two,
13 the mining went to Bozize and geology went to the armed groups.

14 Q. [10:24:50] Very well. Thank you very much, Mr Witness.

15 Now, I think we could possibly replay the Dhaffane recording, because I'm informed
16 that not everything found its way into the record, and of course the record for us is
17 very important.

18 I don't know whether you need the ERN again or not. I'm looking at the
19 court officer. If you want, I can offer the ERN again, that's not a problem.

20 THE COURT OFFICER: [10:25:20] So we're talking about the audio right? So ERN
21 is -- so it's tab 126, yes, CAR-D33-0002-0107.

22 And, to assist our interpreters, we're going to display the transcript of this video,
23 tab 127, ERN CAR-D33-0014-0202, we are going to display the transcript and as soon
24 as we're ready the audio will be played again. Thank you very much.

25 (Playing of the audio excerpt)

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1 THE INTERPRETER: [10:26:06](Interpretation of the audio excerpt) "... in August 2012,
2 the gendarmerie, Chad, there was a military camp, and I had a cell for myself. And I stayed
3 there a while. But I could also have visits, family visits, and it was in that particular context
4 Nourredine came and talked with me.

5 And so we met three or four times. Because I had left the CPJP and I had established
6 the CPSK by that time."

7 Interpreter notes that he does not have the transcript.

8 THE COURT OFFICER: [10:27:05] We are ready.

9 I'm turning to the interpreters.

10 Yes, ready to start again, thank you.

11 (Playing of the audio excerpt)

12 THE INTERPRETER: [10:27:13](Interpretation of the audio excerpt)

13 "... was born in August 2012. I was in jail at that particular time, in the gendarmerie, in Chad,
14 at N'Djamena. It's a camp, it's a military camp, and because I had a cell just for me, I stayed
15 there for a while and I could receive family visits. And it was in that particular context that
16 Nourredine came to see me and we dialogued.

17 So we talked, we saw each other three or four times. Because by that time I had left the CPJP
18 and I had launched the creation of the CPSK. And so Nouredine, he wanted me to stay
19 with the CPJP, and I said no, I can't do that. And I left, I left.

20 And then, well, we talked and I said, 'Okay, I'll try and find a way forward that will bring us
21 all together', and so I came up with the Seleka formulation.

22 In the meantime, he had established contact with Michel Djotodia in Cotonou. And so me,
23 because I was in jail, I didn't have any direct telephone contact with Michel Djotodia and so it
24 was Nouredine that did the middleman process. He spoke to Djotodia and then he came
25 back to me. And that's how it went. And then he came to see me to say, okay, this is how it

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1 is, Djotodia will be joining us with the UFDR. Before it was the CPSK and the CPJP.
2 And so when Michel Djotodia joined us, so that brought in the UFDR as well, so that
3 was three movements in total. He came to see me and said, because Djotodia is
4 the elder brother, he's the elder brother, he started things before us, with the UFDR,
5 so we'll put him as a president. I said 'I don't have a problem with that'."

6 MS NAOURI: [10:28:56](Interpretation) There we are. So I can see that
7 the transcript is now up to date.

8 Q. [10:28:56] Thank you very much, Mr Witness, for your forbearance, the record is
9 very important for us.

10 All right. Let's now return to the national union government and I'd just like to see
11 who were the various stakeholders in this government. To do that I'd like to show
12 you item at tab 21 in our list of materials, which bears the ERN CAR-OTP-2101-1895,
13 and I'm interested in 1896.

14 This is the first page, where we see what the decree is about. So this is decree 13 015
15 bearing upon the appointment of members of the national union government.

16 And I'd like to go to 1897, the next page, so we can look at bullet point 3.

17 There we are. So we can see the second vice-prime minister, minister of foreign
18 affairs and African integration, the French-speaking world and Central Africans
19 abroad. So we have Colonel Anicet Parfait Mbaye.

20 Now, could you tell us which party Minister Mbaye was a member, please.

21 A. [10:30:44] I don't know if Mbaye was the member of a political party, but he was
22 close, close to President Bozize. *They had been comrades-in-arms in the rebellion to
23 seize power in 2000.... rather, in 2003, but I do not know whether he was a member of
24 the KNK. I am not in a position to confirm that to you.

25 I don't know. I can't confirm that. He was a military man so he wasn't -- he

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1 didn't present himself as being the member of a political party, I believe, but he was
2 very close to President Bozize.

3 Q. [10:31:37] Okay. Thank you, Witness.

4 Now, on the same page, if we move down the document, you can see the minister of
5 state responsible for the economy, the plan, and international cooperation, that was
6 Enoch Derant Lakoue.

7 Could you tell us what group he was a member of or was he part of the opposition or
8 part of the party of power.

9 A. [10:32:07] He was a member of the social democratic party, the PSD, and he was
10 a member of the presidential -- or he was close to the presidential majority. In fact,
11 he was president of that party.

12 Q. [10:32:28] Okay, Witness, and thank you.

13 You also see the name of Josué Binoua, who you will see was the minister of security,
14 et cetera. Could you tell us what group Mr Josué Binoua was a member of, or was
15 he a representative of civil society or part of the government?

16 A. [10:32:58] Mr Binoua was a representative or member of civil society.

17 Q. [10:33:09] Very well.

18 And on the same page, at point -- or item 7, if you would be so kind as to show us
19 that part of the document.

20 So at number 7 we see Jacques Mbosso, who was the minister of justice. What group
21 or political party was he a member of?

22 A. [10:33:40] He was a judge. He was not the member of a political party, but he
23 was close to Bozize so he could be considered to be part of the presidential majority.

24 Q. [10:34:00] Okay. And then at the bottom of the page we see Mr Henri Pouzere
25 who was appointed minister of post and telecommunications. Do you recall what

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1 party he was a member of or was he part of the presidential majority?

2 A. [10:34:21] No, he was a member of the democratic opposition.

3 Q. [10:34:26] Very well. If we might, we -- I suggest we move to the next page,
4 1898. Perfect. Thank you very much.

5 We see here item 10, we see that Prince Emilien Yedidya Danguene was
6 the minister for development of mining projects.

7 Do you recall what group he was a member of?

8 A. [10:35:04] Well, as I said a few moments ago, there was some difficulty
9 establishing a government, and because of the minister -- the ministry for mining
10 affairs, President Sassou was needed to deal with the matter. That ministry was
11 actually split into two and, *as you can see, at No. 10, you have there the Ministry for
12 the development of mining and energy projects. That ministry was allocated to Mr.
13 Yedidya Danguene, a member of the presidential majority and a close ally of Bozize.
14 And at No. 11, you have the ministry of geology, mineral research and water
15 resources, which was entrusted to Herbert-Gotran Djono-Ahaba, a member of the
16 Seleka, that is, someone who belonged to the armed groups. (Overlapping speakers)

17 Q. [10:36:22] Okay, thank you, Witness.

18 And just to return to Danguene, he was one of the Bozize's cousins; isn't that right?

19 A. [10:36:30] I don't know their family relationship.

20 Q. [10:36:32] Thank you. In any case, no problem.

21 I'd like to move on to Dorotheé, and I want to pronounce her name correctly,
22 Dorotheé Aimée Malenzapa, minister for rural development. Can you tell us what
23 group she belonged to?

24 A. [10:36:58] *She was part of the presidential majority, the KNK.

25 Q. [10:37:00] Okay. And then we have Théodore Jousso, minister of transport.

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1 And what was his position? A. [10:37:10] He was there on behalf of the presidential
2 majority.

3 Q. [10:37:15] Okay, we're going to move on to the next page, or rather, to point 14, I
4 shouldn't go too fast.

5 Here we have Docteur Marie-Madeleine N'Kouet, minister of the public -- for public
6 health, rather?

7 A. [10:37:33] She was from civil society.

8 Q. [10:37:36] Then we have Mr Crépin Mboli-Goumba?

9 A. [10:37:42] Member of the democratic opposition.

10 Q. [10:37:46] Perfect.

11 We see the name Marcel Loudegue, there at the bottom of the screen, minister for
12 national education?

13 A. [10:37:56] Member of the democratic opposition also.

14 Q. [10:38:02] Christophe Gazam Betty?

15 A. [10:38:06] Armed groups. The armed group Seleka.

16 Q. [10:38:14] Okay, we shall now move to the next page, 1899.

17 So you see here Sabin Kpokolo, minister of public function?

18 A. [10:38:35] Civil society, he was a trade unionist.

19 Q. [10:38:39] Very well.

20 Amalas Amlas Haroun, minister for commerce and industry?

21 A. [10:38:52] Armed groups.

22 Q. [10:38:59] Abakar Sabone, minister of development of tourism and handicrafts?

23 A. [10:39:12] Armed groups.

24 Q. [10:39:15] Joachim Kokate, minister for the promotion of small and medium
25 sized businesses?

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- 1 A. [10:39:20] Presidential majority.
- 2 Q. [10:39:25] Marie Madeleine Moussa Yadouma?
- 3 A. [10:39:32] Civil society.
- 4 Q. [10:39:35] André Ringui-Le-Gaillard, minister for urbanism?
- 5 A. [10:39:50] Armed groups.
- 6 Q. [10:39:52] Davy Yama, minister for housing?
- 7 A. [10:40:00] Presidential majority.
- 8 Q. [10:40:06] Very well. We now move on to the last page, so 1900.
- 9 Maurice Yondo, minister responsible for the government, secretary general and
- 10 relations with institutions?
- 11 A. [10:40:33] Democratic opposition.
- 12 Q. [10:40:36] Very well. Thank you very much for those details, Witness.
- 13 We have finished with this document now.
- 14 I have a question I'd like to put to you regarding paragraph 60 of your written
- 15 statement, which is going to appear on your screen.
- 16 Tab 1 of our list of evidence, tab 2 for the English version, CAR-OTP-2024-0036,
- 17 page 0046, paragraph 60.
- 18 So we can see that page 60 is now on your screen, and I quote: "I took up my duties as
- 19 prime minister and headed a team of about 30 people. I'm not sure of the exact
- 20 number. My director of cabinet was Emmanuel Kosse and the deputy director was
- 21 Maurice Lenga. At that time, I used the same phone number that I have now.
- 22 The same applies for my email account."
- 23 Now, I'd just like to clarify, when you refer to your cabinet, are you referring to your
- 24 cabinet in 2013, or later, when Djotodia was president?
- 25 A. [10:42:08] Well, it depends on the date on which I -- I think it was -- I think it

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1 was the date at which I took up my responsibilities, so under Bozize.

2 Yes, no, it was definitely under Bozize because the next paragraph refers to my
3 difficulties with Bozize.

4 Q. [10:42:56] So you're confirming that this was under Bozize?

5 A. [10:43:01] Yes, that's right.

6 Q. [10:43:09] Okay. Thank you for that clarification, Witness.

7 I'd now like to move on to a different topic. Now, this time I'd like to discuss

8 President Djotodia's government -- no, I correct, before speaking about

9 President Djotodia's government, in 2013 Mr Djotodia was the minister for security?

10 A. [10:43:39] Sorry?

11 Q. [10:43:40] Under Bozize, what was Djotodia's role?

12 A. [10:43:46] *He was the first vice-Prime Minister
13 in charge of national defence.

14 Q. [10:43:56] And as a minister he would travel; is that correct?

15 A. [10:44:03] Yes.

16 Q. [10:44:11] I'm going to show you a piece of evidence. It is tab 89, when it comes
17 to the piece of evidence. And tab 94 the French transcript, I believe, and
18 transcription thereof. And tab 91 for the English transcription, I believe.

19 At tab 89, the material bears the reference number CAR-OTP-2042-0550 and
20 the French transcript is CAR-D33-0014-0167.

21 So this is a six-minute -- an excerpt of six minutes. I'm going to ask that we just play
22 the beginning of it up to the 40th second. So the first 40 seconds, please.

23 THE COURT OFFICER: [10:45:16] Which transcript would you like us to display,
24 please?

25 (Interpretation) Which transcript would you like to have displayed, please?

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1 MS NAOURI: [10:45:25](Interpretation) Well, that's a good question. As it's in
2 French, and given that it is a speech made by the witness, perhaps it would be useful
3 to display the English language transcript, but that's a suggestion that I'm making.

4 THE WITNESS: [10:45:56](Interpretation) Your Honour, may I?

5 PRESIDING JUDGE SAMBA: [10:45:57] Yes, please.

6 THE WITNESS: [10:46:01](Interpretation) May I have a two-minute break, please.

7 PRESIDING JUDGE SAMBA: [10:46:05] Certainly, Mr Witness. We will wait for
8 you. Thank you.

9 THE WITNESS: [10:46:09](Interpretation) Thank you.

10 (The witness exits the courtroom)

11 THE COURT OFFICER: [10:46:51] And I just would like to check with
12 the interpreters whether the English -- it was a suggestion, but I would like to
13 double-check with the interpreter whether the English transcript will be better or
14 the French transcript, because the video is in French, right?

15 THE INTERPRETER: [10:47:06] The English transcript, please.

16 THE COURT OFFICER: [10:47:08] The English transcript, confirm.

17 MS NAOURI: [10:47:22](Interpretation) Court officer, as we have a little break, I'd
18 like to take advantage of it. To my right, it has been suggested to me that if you give
19 me control of the video after the break, that would be acceptable for us, so if it is
20 acceptable to you, we would be happy to -- to take control of the video and audio.

21 (The witness enters the courtroom)

22 THE COURT OFFICER: [10:48:10] The Defence now has control of the video and we
23 from our bench now handle the English transcript.

24 THE WITNESS: [10:48:19](Interpretation) Thank you.

25 THE COURT OFFICER: [10:48:22] The video is public, of course.

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1 PRESIDING JUDGE SAMBA: [10:48:37] Thank you.

2 Welcome back, Mr Witness.

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

4 MS NAOURI: [10:48:46](Interpretation) Thank you, your Honour.

5 Q. [10:48:48] Witness, as we announced before the break, we're now going to play
6 a video to you, an extract from a video, which I will play it for you. Go ahead.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [10:49:05](Interpretation of the video excerpt)

9 "Central Africans, Dear compatriots,

10 On 17 March 2013, 5 ministers of the Government of National Unity on a mission to
11 Sibut were detained by elements of the Seleka rebel coalition. The latter issued
12 a 72-hour ultimatum to the government, threatening to resume hostilities.

13 In light of this new development, the Government of National Unity would like to
14 provide the following information to make the current situation more
15 comprehensible."

16 MS NAOURI: [10:49:56](Interpretation)

17 Q. [10:49:53] So this is a speech which you made, or you are said to have made on
18 Central African radio on 17 March 2013. Do you confirm that you made this speech?

19 A. [10:50:11] Yes, I confirm it.

20 Q. [10:50:14] So you say that five ministers of the government of national unity on
21 a mission to Sibut. So, what you were referring to here was an official, official travel
22 by Michel Djotodia; is that right?

23 A. [10:50:34] Yes, that is right.

24 Q. [10:50:36] And who were the other ministers that made up that delegation?

25 A. [10:50:42] I no longer recall.

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1 Q. [10:50:50] There were also representatives of the international community
2 present at Sibut at that time; is that correct?

3 A. [10:50:59] I don't recall.

4 Q. [10:51:00] Okay, Witness. I'm going to show you a piece of evidence which is
5 at tab 51 on our list of evidence, CAR-D33-0014-0099, and that's going to be displayed.
6 Okay, perhaps we could scroll up this page.

7 It's an RFI press article dated 17 March 2013 entitled, "CAR: Five ministers from
8 the Seleka coalition held by rebels -- by the rebels in Sibut".

9 So please could you run down to the bottom of the page.

10 Very good. Thank you.

11 And we read that: "The Seleka rebels are angry and it's not the first time that they
12 have spoken out. A joint government and international community delegation (with
13 in particular the mediator of the Economic Community of Central African States) has
14 gone to meet on several occasions to negotiate their stationing, their quartering."

15 My question to you, Witness, is who was the international community representative
16 present in Sibut? A. [10:52:58] *I don't recall, but if we're talking about the mediator of
17 the ECCAS, that would have been the representative of President Sassou in Bangui,
18 namely General Issango. That would have been General Essongo. Q. [10:53:28] Yes,
19 indeed, that's -- that's right. Thank you, Witness.

20 Now, under the Libreville agreement your government had the task of continuing
21 the DDR process and RSS. Now, is that the reason why Djotodia, the minister of
22 defence, was present in Sibut at that point in time?

23 A. [10:53:56] I don't recall the nature of their -- their mission there, but I believe it
24 was to seek to pacify the militants, or, rather, combatants, I should say, and to seek to
25 restrict their movements.

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1 Q. [10:54:24] Okay, thank you, Witness.

2 I'd now like to show you another piece of evidence, it's at tab 52 of our list of evidence.

3 It is a public document and bears the reference number CAR-D33-0014-0122. And

4 it's going to be displayed.

5 So we see that this is a press article, it's a Radio Ndeke Luka article, dated

6 18 March 2013, and it says: "A 72-hour ultimatum from Seleka to Bozize. Seleka is

7 holding 5 ministers in Sibut in infringement of the Libreville agreement."

8 So could we please scroll down.

9 Thank you.

10 So we see the last paragraph:

11 "The purpose of the mission was to discuss the peace process and the conditions for

12 disarmament and demobilisation of the rebels. But the rebels presented a list of 11

13 demands to be taken into account. An ultimatum, a 72-hour ultimatum was issued

14 to the government to apply them. If the government failed to do so they would not

15 hesitate to take up arms anew."

16 Could we move to the next page, please, 0123.

17 "These demands included the release of political prisoners, recognition of their ranks,

18 and incorporation of their troops into the Central African armed forces (the FACA),

19 the departure of South African troops present in the country, and the lifting of

20 barricades controlled by the FACA."

21 Now, my question is: Was the purpose of the mission as described in this article, in

22 other words, to discuss the peace process and the conditions for disarming and

23 demobilising the rebels, is that indeed in line with what you understood the purpose

24 of that delegation to be?

25 A. [10:57:30] In fact, in reality the armed groups had already decided to -- to break

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1 through the Damara red line, so in fact this mission was just an excuse to -- to take
2 hold of the principal leaders of the Seleka ahead of the offensive that was going to
3 start on 22 March and which was to culminate in the overthrowing of the Bozize
4 regime on 24 March.

5 Q. [10:58:16] Witness, what information is or was available to you that leads you to
6 say that or give that as an answer?

7 A. [10:58:26] Well, I'm saying this based on a trip which I myself made. If I
8 remember correctly, it was on 1 or 2 March when I travelled to Damara, where
9 the advance post was of the Seleka, where the groups were amassing at 75 kilometres
10 from Bangui. So I had gone there to take stock of the situation and of the security
11 situation in the country. I was accompanied by General Akaga, who was in charge
12 of the Central African armed forces. We met there with the Seleka military leaders
13 in Damara. We met with the chief of staff, General Issiaka, Aubin Issiaka. And
14 their position was clear. General Issiaka was confident that they were going to take
15 Bangui. If the situation did not change, they were ready to break through the red
16 line and attack Bangui.

17 Now, I was accompanied by two ministers, Minister Binoua of administration of
18 the territory -- no, Binoua was responsible -- was the minister for security, I believe,
19 and it was Minister Deby who was responsible for administration of the territory.
20 Now, when I returned to Bangui I reported to President Bozize on the gravity of
21 the situation and I implored him to make concessions, notably, to release political
22 prisoners and to incorporate some Seleka fighters into the Central African armed
23 forces. But President Bozize did not accord much importance to my advice because
24 he was counting heavily on the support of the South Africans, the South African
25 soldiers, to protect his regime.

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1 And one of the factors that aggravated the situation was that on 15 March 2013,
2 President Bozize had held a rally during which he had celebrated, in fact,
3 the anniversary of his coup d'état, the coup d'état which had allowed him to take
4 power, because that coup d'état had taken place on 15 March 2003.
5 *And that was his last term of office in accordance with the Constitution. Moreover, it
6 was equally stated in the Libreville Accords that he was ineligible for a third term of
7 office.. So during that rally he celebrated his coup d'état and he also
8 gave a speech, during which he said that he would be candidate, and once again in
9 violation of the constitutional and the Libreville agreement. So that was an
10 important message, a threatening message, which indicated that he would not leave
11 power, unless he was overthrown, and I think that that was a contributing factor
12 which aggravated the situation and which pushed the Seleka to break through the red
13 line.
14 I'm sorry for having been long in my answer but I wanted to provide this information
15 so that you would understand the context at the time.

16 Q. [11:03:12] I understand quite well and what you have said is important.

17 I think we should now take a break. But I look, of course, to the Presiding Judge on
18 that.

19 PRESIDING JUDGE SAMBA: [11:03:22] Yes.

20 Mr Witness, we'll take a break here and come back in 30 minutes.

21 I rise the Court for 30 minutes, please.

22 THE COURT USHER: [11:03:31] All rise.

23 (Recess taken at 11.03 a.m.)

24 (Upon resuming in open session at 11.33 a.m.)

25 THE COURT USHER: [11:33:12] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SAMBA: [11:33:32] Good morning again, everyone. Good
3 morning again, everyone.

4 Good morning, Mr Witness. We're going to continue with your cross-examination.
5 Ms Naouri, your witness.

6 And welcome, Mr Jacobs.

7 MS NAOURI: [11:33:51](Interpretation) Thank you, your Honour. And you indeed
8 noticed that Mr Jacobs has joined us on the bench. You're a step ahead of me.

9 Q. [11:34:02] Good morning, Mr Witness.

10 A. [11:34:05] Good morning.

11 Q. [11:34:08] Perhaps we can resume where we left off.

12 All right, I'd like to revisit very swiftly the Libreville agreements once more and to
13 show you article 5, this is tab 20, CAR-OTP-2054-1346, and it's page 1347 which is of
14 interest. So we can zoom in on article 5.

15 All right. Can you see that article, Mr Witness?

16 A. [11:34:56] Yes.

17 Q. [11:34:58] So can you see "The national unity government is responsible
18 specifically for", and I'm interested in the penultimate bullet point "To continue the
19 DDR process and the RSS process with the support and assistance of the international
20 community".

21 So here's my question: At Sibut, was there any DDR implementation process under
22 the Libreville agreement?

23 A. [11:35:41] No. The DDR process hadn't started for lack of funds from the
24 international community.

25 Q. [11:35:54] All right. I'm going to read out an extract from a transcript coming

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1 from another witness who has appeared before this Court,* transcript of the hearing
2 of 24 October, 2022, T-023, French version, page 35, lines 11 to 16.. And this is the
3 French version. And this witness tells us the following, and let me quote:

4 "An important event occurred in Sibut and this was after the Libreville agreements.
5 At Sibut, each colonel had to identify his elements to go from 2,000 to 3,000 in the
6 Central African Republic. And that's how the identification was made and a bonus
7 was given to each element identified at Sibut." End of quote.

8 You were not informed of that identification process that took place in Sibut,
9 Mr Witness?

10 A. [11:37:08] I wasn't informed of it and I don't know the source of the bonuses that
11 were allegedly handed out.

12 Q. [11:37:27] Thank you, Mr Witness. Very well.

13 All right, in the extract of the article that we looked at earlier on, there was also the
14 departure of the South African troops that was being called for. Why were these
15 South African troops present in January and March 2013 in the Central African
16 Republic?

17 A. [11:38:10] Those troops were in CAR at the behest of President Bozize to ensure
18 the security of his power of his regime.

19 Q. [11:38:29] Very well. Was there another mission given to that South African
20 contingent over and beyond safeguarding Bozize's regime?

21 A. [11:38:46] I'm not aware of any other mission.

22 Q. [11:38:51] Very well. Now, I'd like to show you some evidence.

23 This is tab 134 of our list of materials. This is D33-0014-0269.

24 So first let me display for you the first page. Here it is. So we can see this title.

25 This is an article appearing in Jeune Afrique on 4 April 2013 entitled "Central African

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1 Republic: South African will be withdrawing its soldiers."

2 So I'm interested in an excerpt that we see on 0270.

3 Very well. So here we have these two paragraphs here. Let me start with the first
4 one and then we'll be scrolling down ever so gently.

5 "'We took the decision to withdraw our soldiers. We were in Central African
6 Republic on the basis of an agreement between the two countries', said Mr Zuma,
7 according to utterances reported by the radio and the South African public television,
8 SABC, shortly after the extraordinary summit devoted to the future of the Central
9 African Republic which concluded Wednesday evening at Ndjamena."

10 Next paragraph: "'Our mission was to help train soldiers. Since the coup d'état and
11 the rebel takeover of power, it was clear that the government was no longer in place',
12 said Mr Zuma, speaking to a team of the SABC after travelling with him to Chad for
13 the summit of the Economic Community of Central African States.

14 The South Africa forces were present in Central African Republic and a bilateral
15 cooperation agreement bearing upon the training of the Central African army. South
16 Africa had reinforced its military presence beginning of the year in that country
17 where soldiers were already there particularly to train a protection unit for VIPs
18 under an agreement 2007.

19 The decision of South Africa to withdraw its soldiers had initially been announced on
20 Wednesday evening by Chadian president Idriss Déby at the end of the summit."

21 So I have a number of questions on this. You say that the South Africans were to
22 safeguard Bozize's regime, but here we learn that they were to train a protection unit
23 for VIPs. Is that what you mean by securing Bozize's power?

24 A. [11:42:04] No, not at all. To the best of my knowledge, it had no mission to
25 train soldiers. They weren't instructors. And I would add that when -- when those

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1 two Seleka columns entered Bangui, the South African soldiers were involved in the
2 combat, in the fighting.

3 Q. [11:42:29] That's right. We're going to get there in a moment. You're
4 absolutely right. But before the 2013 fighting, the article says that the South African
5 contingent was beefed up at the beginning of 2013. Can you tell me how many
6 soldiers reinforced the South African units in Central African Republic?

7 A. [11:42:53] No, I have no information about the military numbers.

8 Q. [11:42:56] And do you know where their base was located in Bangui, the South
9 Africa contingent, where was it based in Bangui; do you know?

10 A. [11:43:05] No, I don't know where their base was.

11 Q. [11:43:11] All right. But did they have easy access to the presidential office
12 because they were there to protect Bozize?

13 A. [11:43:23] Of course.

14 THE INTERPRETER: [11:43:27] Correction from the interpreter: They were there
15 to protect Bozize's power.

16 MS NAOURI: [11:43:32](Interpretation)

17 Q. [11:43:33] Now, you've just said that there was fighting between the South
18 African elements and the elements members of the rebel groups. Do you know how
19 many losses were suffered within the South African ranks?

20 A. [11:43:45] Officially it was said 13 South African soldiers died. In actual fact,
21 the actual number of victims was higher.

22 Q. [11:44:05] All right. So staying with the same article of Jeune Afrique, the next
23 page, so this is 0271, where we read, and you can see it at the beginning of the page,
24 we see:

25 "Jacob Zuma had travelled with three of his ministers responsible for international

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1 relations and cooperation, defence and state security, which is a hallmark of the
2 importance of this tricky affair for South Africa. At least 13 South African soldiers
3 have been killed on 24 March by the rebellion which was at that time entering Bangui,
4 a few hours before toppling Francois Bozize's regime.

5 In Bangui, Central African sources close to the presidency and security services
6 asserted that Mr Zuma and Mr Bozize had concluded a deal for access to South
7 African companies to oil wealth, diamond wealth and gold wealth."

8 So the figures here mentioned at least 13 soldiers. Why -- why do you say that there
9 were allegedly more?

10 A. [11:45:24] Well, this is because of a -- of a strong response from the South
11 Africans, from the South African opposition. The figure 13 had been played down.
12 I went to see Mr Zuma in South Africa to talk about that point at the behest of the
13 president, Idriss Déby, and I can confirm that 13 was very much -- was very low
14 because they were fighting on two fronts. * There were two fronts on the Damara
15 road, under the command of General Issiaka, who was Seleka's Chief of Staff. Then
16 there was another battle on the Bossembele road, where the Seleka troops were under
17 the command of General Arda.. So if there was fighting along two axes, and given the
18 numerical superiority of the armed groups, the Seleka armed groups, quite obviously
19 the losses couldn't only tot up to 13 people.

20 Q. [11:47:00] Okay. Where were you on 24 March 2013, Mr Witness?

21 A. [11:47:12] I was in Bangui.

22 Q. [11:47:16] Where exactly in Bangui?

23 A. [11:47:19] At my home, from which I was taken out secretly.

24 Q. [11:47:25] So you didn't actually see these clashes, right?

25 A. [11:47:30] I was aware of them.

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1 Q. [11:47:34] So you just told us that you didn't know the military numbers of the
2 South African contingent. Would you stand by that? A. [11:47:49] Yes, I would.

3 Q. [11:47:50] Very well. And this visit that you made with Zuma -- well, to Zuma,
4 to go and see Zuma, when did that take place?

5 A. [11:48:06] I don't have the date top of mind.

6 Q. [11:48:09] But how much, approximately, time went by between that and
7 24 March 2013 events?

8 A. [11:48:16] One or two months I'd say.

9 Q. [11:48:19] And where was it?

10 A. [11:48:20] It was at Pretoria.

11 Q. [11:48:25] In -- under what -- in what context?

12 A. [11:48:31] In dialogue with Jacob Zuma, the president, in setting up a liaison
13 office for setting up a South African embassy in the Central African Republic.

14 Q. [11:48:53] All right. Now, this article tells us there was a desire to withdraw
15 these troops from CAR in April 2013. Did you talk about that point particularly with
16 Zuma about the withdrawal of those troops?

17 A. [11:49:12] Yes.

18 Q. [11:49:13] What was ultimately decided?

19 A. [11:49:15] When I went there, I think the South African troops had already left
20 by that point.

21 Q. [11:49:28] And Zuma, did he talk about the deal that he had struck with Bozize
22 about a scope for South African companies to take over oil resources, diamond and
23 gold wealth that he had asked?

24 THE INTERPRETER: [11:49:43] Overlapping speakers.

25 THE WITNESS: [11:49:46](Interpretation) No, this wasn't something that was part of

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1 the discussion -- was to be part of the discussion.

2 THE INTERPRETER: [11:49:52] Corrects the interpreter.

3 THE WITNESS: [11:49:55](Interpretation) But I know that the South Africans really
4 wanted to tap into the oil areas in the south of CAR near the -- near the city of Carnot.
5 I think the royalties permit had been awarded by President Bozize.

6 Q. [11:50:19] Thank you, Mr Witness.

7 All right, let's go back to the claims made at Sibut by representatives of the Seleka.
8 Were there any other claims?

9 A. [11:50:33] There were 11 claims, but the main ones were those that we saw
10 indicated.

11 Q. [11:50:53] All right, Mr Witness. I'm going to play another extract of your
12 speech made on the radio on 19 March 2013 and this time -- and this speech actually
13 lasts eight minutes, so we're not going to listen to everything in the courtroom, but I
14 want to play time code 3:41 to 4 minutes and we'll be taking over here.

15 For the record, this is 89 -- French version at 90 and the English version is at 91. And
16 if I've followed correctly, this is the English version of the transcript that will be
17 brought up on our screens.

18 I'm told it's the second page of the English transcript, if I pip you to the post, court
19 officer.

20 Right, there we have it. We can see the time code 3:41.

21 THE COURT OFFICER: [11:52:06](Interpretation) The audio is public material and
22 you now have control.

23 (Playing of the audio excerpt)

24 THE INTERPRETER: [11:52:16](Interpretation of the audio excerpt)

25 "... was destituted.

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1 For the past 48 hours, the Seleka coalition has been making new demands that were
2 never included in the Libreville agreements, namely the integration of 2,000
3 combatants into the defence and security forces and recognition of the ranks obtained
4 in the rebellion."

5 THE COURT OFFICER: [11:52:39](Interpretation) Sorry to interrupt. Would it be
6 possible to offer the ERNs because only the tab numbers have appeared on the record.
7 Thank you.

8 MS NAOURI: [11:52:54](Interpretation) You're absolutely right. The ERN is
9 CAR-OTP-2042-0550, and the transcription, French transcription is D33-0014-0167.

10 Q. [11:53:12] So, Mr Witness, this request for integrating Seleka members in the
11 defence and security forces, why would that be a new claim, a new request?

12 A. [11:53:28] Sorry?

13 Q. [11:53:31] In the extract we've just heard, it's stated that fresh demands that were
14 never included in the Libreville agreements were made by the Seleka coalition,
15 namely the integration in the defence and security forces of 2,000 combatants,
16 recognition of the ranks obtained in the rebellion as well. So why is this seen as a
17 fresh demand from the Seleka, according to you?

18 A. [11:54:00] Because it didn't feature in the Libreville agreements. This was
19 never contemplated, the integration of 2,000 combatants, Seleka combatants, into the
20 Central African forces and this threw up problems, because in terms of the financial
21 cost or burden to the state but also the nationality of the combatants because most or
22 at least a big chunk of these combatants weren't Central Africans, they were Chadians
23 and Sudanese. So this threw up a problem of national sovereignty. Consequently,
24 we didn't have any clear indication of according to which criteria the integration of
25 those combatants would be made and with the ranks which they were self-attributed

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1 because there were self-proclaimed generals, self-proclaimed colonels. So it was
2 inconceivable to recruit these individuals and build them into the Central African
3 forces with ranks that they had given simply to themselves.

4 Q. [11:55:07] Okay, but the Libreville agreements in its article 5 provides for
5 reorganising the defence and security forces, so what tangible measures were
6 envisaged to do that reorganisation of the defence and security forces?

7 A. [11:55:26] The reorganisation of the armed forces has no relation whatsoever
8 with the situation which is being referred to. The reorganisation, what does it mean?
9 It means that recruitments had to be made, training had to be given, discipline had to
10 be looked at, and also the supply of logistical resources, weapons and ammunition,
11 requisites for defending territory integrity and the protection for civil -- civilians
12 there.

13 Q. [11:56:05] Now, Michel Djotodia, he becomes minister of security and defence,
14 and of course this is a union government, including members from the Seleka. From
15 that point, wasn't there an expectation that these groups would be integrated in a
16 structured way along the lines of what you've laid out being incorporated then in the
17 army under the Libreville agreements?

18 A. [11:56:35] Yes, this was something which was contemplated, but a committee
19 had to be convened to check and verify the recruitment of these elements in view of
20 their ultimate integration in the ranks to avoid persons who were unsuitable or didn't
21 fulfil military criteria to avoid those individuals joining the ranks of the CAR armed
22 forces, but that committee didn't appear ever, to the best of my knowledge, because it
23 had to go through the DDR and the DDR hadn't started for lack of funding from the
24 international community.

25 Q. [11:57:24] Mr Witness, to the best of your knowledge, so-called members of the

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1 Seleka coalition, did they ultimately -- were they ultimately integrated in the army?

2 A. [11:57:41] Yes, of course.

3 Q. [11:57:46] So, even today, therefore, within the Central African armed forces
4 there are elements that initially came from the Seleka armed groups; is that right?

5 A. [11:57:57] Yes, that's right.

6 Q. [11:57:59] Thank you, Mr Witness.

7 All right, now I'd like to return to the matter of the FOMAC. So tell us, if you can,
8 what was the role or mandate of the FOMAC at the beginning of 2013 in the Central
9 African Republic?

10 A. [11:58:20] The FOMAC was tasked to safeguard or to offer security in Central
11 African Republic and to prevent elements belonging to armed groups to create
12 disorder in the country, but that mission, in my view at least, wasn't abided by in full,
13 wasn't adhered to in full.

14 Q. [11:59:06] All right. Now when you say that the FOMAC was tasked to
15 provide security in CAR's territory to avoid elements belonging to armed groups to
16 create disorder in the country, are you talking about the stationing, the quartering?

17 A. [11:59:29] More or less. I can't remember the exact terms of the -- of the
18 mission, but that was the main task entrusted to the FOMAC -- that was to be
19 entrusted to the FOMAC.

20 Q. [11:59:48] And in actual fact, did they fulfil -- fulfil other functions aside from
21 focusing on containing the armed elements that were creating upheavals or
22 committing acts that could be held against them?

23 A. [12:00:08] Yes.

24 I'm sorry, I didn't abide by the five-second rule.

25 It was said that the FOMAC didn't have the -- enough military logistical resources to

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1 prevent these armed groups from taking over power. General Akaga had -- had run
2 away when the group -- armed groups had decided to cross the red line. Their
3 numbers stood at about 8,000 men, 8,000 men strong, so the CAR armed forces nor the
4 FOMAC could stand up to or could withstand the Seleka assaults that benefited from
5 numerical superiority, and the only way to stop the Seleka from taking over power
6 would be an air -- air support and the FOMAC -- nor the FOMAC nor the Central
7 African forces had air power. And in terms of what was expected from the FOMAC,
8 the FOMAC was far from being able to fulfil the mission that was initially given to it.

9 Q. [12:01:35] Okay. At paragraph 70 of your written statement, you said that on
10 22 March 2013, it was a FOMAC soldier who came to you. Was that a normal task
11 for a FOMAC soldier to go and collect a civilian two days before the arrival of the
12 Seleka in order to take you to the airport?

13 A. [12:02:03] There were already some Seleka elements in Bangui and their task
14 was also to assure the security of important people. I was in a meeting with
15 representatives of the international Francophone organisation at my home when a
16 vehicle -- when the FOMAC came to my house. An officer, a soldier from Gabon,
17 I believe, entered my home to take me, take me out to M'Poko camp near the airport.

18 Q. [12:02:50] And how long did you spend at M'Poko camp at the airport?

19 A. [12:03:01] I believe a week, or perhaps a little less. I no longer recall.

20 Q. [12:03:06] Who else was at M'Poko camp when you were there?

21 A. [12:03:13] Many important people, ministers, the speaker of the National
22 Assembly, and even army generals were taking shelter or had found refuge at M'Poko
23 camp. And if I'm not mistaken, the chief of staff of the army was there too.

24 Q. [12:03:36] And what were the instructions to the general of the army from
25 Francois Bozize?

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1 A. [12:03:47] Sorry?

2 Q. [12:03:49] What instructions, to your knowledge, had been given by
3 Francois Bozize to the army, notably to the general of the army who was with you in
4 M'Poko camp?

5 A. [12:04:04] When the armed forces had entered Bangui on the 22nd, I believe that
6 President Bozize was absent. He was travelling. He was not in Bangui. He was
7 either in South Africa or perhaps in Angola. When troops arrived at PK22 on the
8 22nd, I called the chief of staff of the army who told me that he didn't have the means
9 to -- to deal with the situation, and when Bozize returned, it was already late. I think
10 that the -- that the Central African armed forces did not have -- were not -- were not
11 the dominant power.

12 Q. [12:05:11] Very well. Witness, in the transcript of the 26 February 2024, and I'm
13 going to read paragraph 54, page 35, lines 26 to 36, I will cite. And I won't identify
14 anybody.

15 "It was then said that we were going to set up a rear base and that we were going to
16 take revenge on the Seleka. The president was against this idea". The president
17 questioned, by the way, was President Bozize. "The president was opposed to this
18 idea, to the idea of responding at that point in time. He was against firing on Seleka".

19 *Were you ever informed that François Bozizé, as explained to us by this witness,
20 issued instructions not to attack members of the Seleka?

21 A. [12:06:09] Well, that does not seem likely to me because when he returned from
22 travel, he did attempt to resist in the area of PK12. It didn't work out and that's
23 when he fled by helicopter. The armed forces of the Central African Republic did
24 not have the capacity to overcome the Seleka. There were -- there was no officer in
25 the combat theatre. It seemed to me, I believe that he fled. So I don't think that the

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1 testimony that you've just referred to is probable.

2 Q. [12:06:48] Thank you, Witness.

3 I'd like to return now to the government of the -- the national unity government, but this time
4 under President Djotodia. Do you recall on what date you became prime minister of
5 Mr Djotodia's government?

6 A. [12:07:11] I think that would have been in March up to mid-April, but I don't have the
7 exact date in mind.

8 Q. [12:07:23] I'm going to show a document to you, Witness.

9 It's at tab 58 of our list of evidence, it's a public document, bearing ERN number
10 CAR-OTP-2004-1597, and I would ask that page 1597 be displayed, please.
11 So as you can see, this is decree number 013.001 appointing the prime minister, head of
12 government.

13 And if we now scroll down to the first article, please. If you could just move down the
14 document a little.

15 So the first article says that Mr Nicolas Tiangaye is appointed prime minister and head of the
16 transitional government. And we see at the bottom of the page that this document was
17 drawn up on 26 March 2013 and was signed by Mr Djotodia.

18 Could you confirm that this decree appoints you as prime minister, Witness?

19 A. [12:08:41] Yes, I think that is that. That is indeed the situation.

20 Q. [12:08:50] How did you come to be prime minister? How were you contacted to
21 become prime minister?

22 A. [12:08:56] *After the Seleka made their entry and effectively seized power on 24 March,
23 the ECCAS Heads of State had demanded that the Libreville Agreement should stay in force,
24 and that I be maintained in the position of Prime Minister. And therefore President Djotodia
25 was merely complying with those instructions.

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1 Q. [12:09:26] *Well and good. But under what circumstances did the ECCAS Heads of State
2 indicate that it was necessary to indeed act within the framework of the Libreville Accords?

3 A. [12:09:40] I believe that there was a summit of the heads of state I believe in
4 Ndjamena because there were spokespersons present at the summit in Ndjamena and
5 we took part in that.

6 Q. [12:10:01] And when did that summit take place?

7 A. [12:10:05] I believe it was in April. The heads of state of the CEEAC set out the
8 main lines and set up the national council for transition with a constitutional charter
9 and arranged a transition which -- that that document was to be the fundamental text
10 for the transition and was to govern the transitional period.

11 PRESIDING JUDGE SAMBA: [12:10:36] Ms Naouri, can I remind you about the
12 five-second rule, please, yourself and the witness. I can see that the interpreters are
13 really going through some tough time. Please.

14 MS NAOURI: [12:10:55](Interpretation) You're quite right, your Honour. Thank
15 you for reminding me. We shall try to be more disciplined. So I'll take a breath
16 from time to time.

17 Q. [12:11:10] So, Witness, when you were interviewed as part of the Ngaïssona,
18 Yekatom case, you referred to a meeting on 28 March in 2023 at the National
19 Assembly where you said that all of the general officers of the army were present,
20 including the police, and that they swore allegiance to Djotodia then.

21 So I would refer to transcript CAR-OTP-00000892, page 75, lines 7 to 22. And this at
22 tab 13 of our list of evidence, and tab 14 for the English version.

23 So my question is whether following that meeting on 25 March 2013 the minister of
24 communication spoke on behalf of the government on the radio waves. Do you
25 recall that?

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1 A. [12:12:18] No.

2 Q. [12:12:19] Well, then I'm going to present a piece of evidence to you.

3 It's at tab 55 of our list of evidence, which bears the ERN CAR-OTP-2042-0544, and
4 the transcript is at tab 56, CAR-D33-0014-0194, and the English translation is at tab 57.

5 This is a public document and may be displayed to everyone.

6 And to be more particular, more specific, this is an extract of a radio announcement
7 on 28 March 2013.

8 I think that we can listen to this extract. I don't know if you would like to maintain
9 control or offer it over to me.

10 We shall listen to it in its entirety.

11 THE COURT OFFICER: [12:13:26] From the first page of the transcript?

12 MS NAOURI: [12:13:30](Interpretation) Yes, thank you for your question. As we're
13 going to hear the entire extract, we'll take the transcript from the beginning and run
14 through it to the end.

15 THE COURT OFFICER: [12:13:45] Public? I don't have time to check the
16 confidentiality level, that's why. Public?

17 MS NAOURI: [12:13:51](Interpretation) Yes, I had said it is -- it may be shown to the
18 public. No problem.

19 THE COURT OFFICER: [12:13:57](Interpretation) The Defence has the floor.
20 Thank you very much.

21 (Playing of the audio excerpt)

22 THE INTERPRETER: [12:14:12](Interpretation of the audio excerpt)

23 "Central Africans, dear Compatriots. The Head of State has expressly asked me to
24 convey the following message to you:

25 Since this morning, after receiving the general and senior officers of the Central

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1 African Army and the Defence and Security Forces, the Head of State has held
2 meetings to assess the security situation in the city of Bangui and in the interior of the
3 country.

4 We note that weapons are still being secured and a certain amount of damage is still
5 being done. So the arrangements have been reformulated to allow work to resume
6 effectively on Tuesday throughout the country, particularly in Bangui.

7 Petrol stations will be secured by military elements to allow users to refuel and traffic
8 to resume in the city of Bangui.

9 Arrangements are being put in place to secure the banks. Specific sites have been
10 identified for the confinement of all armed elements and their clear disarmament and
11 identification. The details are the responsibility of the relevant military authorities,
12 in other words, the EEAC Multinational Force, which has been mandated by the
13 Heads of State to provide very strong support to both the Seleka fighters and the
14 Central African military and gendarmes, who have started to regroup in order to
15 secure the town.

16 The Head of State solemnly asked all the directors of cabinet and ministries to return
17 to their posts and to get their departments up and running on Tuesday.

18 All civil servants, whether in education or health, are to return to work. The security
19 of the city will be resolved within 48 hours with the support of the multinational force.
20 This is the message that the Head of State has asked me to convey."

21 PRESIDING JUDGE SAMBA: [12:16:36] Yes, Madam Prosecutor.

22 MS SARDACHTI: [12:16:39](Interpretation) Yes, I listened to the audio and I saw
23 that what I heard was not in line with what is set out in this English language
24 transcript. And this is at 0033 -- D33-09 -- sorry, 0014-0144. I heard "circulation" of
25 weapons and not "securing" of weapons. Now, as this term has been captured in

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1 both English and French transcript, I'd like to ensure that the transcript be corrected
2 now and that the word which was used in the audio was "circulation" of arms.

3 MS NAOURI: [12:17:38](Interpretation) If I remember correctly, I remember that an
4 interlocutory decision was taken on the administration of these proceedings, stating
5 that where there is a disagreement regarding the content of the transcript, that that
6 should be raised. If you had noticed a transcript in advance, you might have let us
7 know in advance. We would have been happy to take that into account. There is
8 also that chance of course that the -- it's a mistake in this transcript in the English
9 version. I didn't listen to the audio. We will be happy to check with the
10 Prosecution whether there are any issues regarding the re-transcription of this audio
11 in today's transcript.

12 And I would refer to paragraph 36 regarding how to proceed in the case of
13 disagreements on the content of the transcript. That's a paragraph in the decision on
14 administration of these proceedings. So I think we can leave it at that for now.

15 MS SARDACHTI: [12:18:53](Interpretation) I think that to save time, we could take
16 two minutes and actually replay the audio. This would allow us to confirm that it
17 was indeed a circulation of weapons.

18 PRESIDING JUDGE SAMBA: [12:19:06] Yes, that should be easy. You, both
19 counsel, can actually -- or both parties can actually liaise with each other. It's a
20 distinction between the word "secure" and "circulate". So that's easy enough, you
21 know, and agree on something, the French version as against the English version, so
22 that we can honestly move on. If the word is "circulate", I'm sure Ms Naouri will -- if
23 you want us to listen to it again, we could, of course. That is for the Defence because
24 the Prosecution has raised this up so that we have really a clear transcript and know
25 exactly what is being said.

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1 MS NAOURI: [12:19:47](Interpretation) Well, honestly, I'm in your hands, your
2 Honour. I think that it might be a waste of time because we could listen to this after
3 the hearing and establish that there is an issue. The more we talk about it -- I'm
4 trying to wrap up on time. But if you prefer that we re-hear the audio, I'm happy to
5 do that, but I think it might be a waste of time at this point in time.

6 PRESIDING JUDGE SAMBA: [12:20:15] Well, it's just so that we have an accurate
7 transcript, if we have to do that, because that will help us also when we come to
8 dealing with the Article 78. It's at the beginning of the audio.

9 So, Madam Court Officer, can we listen to that again, and let's have a clear
10 information on what the word is, whether it's "secure" or "circulate".

11 THE COURT OFFICER: [12:20:39] Yes, Madam President.

12 (Interpretation) Defence is in control and the transcript is already on the screen.

13 (Playing of the audio excerpt)

14 THE INTERPRETER: [12:20:52](Interpretation of the audio excerpt)

15 "... circulating of weapons and a certain amount of damage is still being done".

16 PRESIDING JUDGE SAMBA: [12:21:00] Thank you very much. So the word we
17 need there for the English version of tab 57 is "circulate".

18 You could continue, Ms Naouri, please.

19 MS NAOURI: [12:21:12](Interpretation) Yes, thank you, your Honour. So that
20 means that the French and English versions are correct now.

21 Q. [12:21:22] So, Witness, let's speak about this speech made by Minister
22 Gazambeti.

23 So, first of all, in this speech the minister refers to the location where the elements
24 were to be held and to be disarmed. Do you know which site this concerned?

25 A. [12:21:52] To my knowledge, there was no dedicated site for disarmament.

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1 Q. [12:22:01] Were there dedicated sites for containing, for localising the elements?

2 A. [12:22:10] Some elements who had arrived into Bangui for the first time,
3 I believe that they were grouped together at Beal camp and some were at Camp de
4 Roux. I believe there were also some at Fidel Obrou camp and others at Kassai camp
5 and others at the RDOT on the PK10 road.

6 Q. [12:23:10] Very well. Thank you, Witness. And the call to the directors of the
7 cabinets and the staff of the ministries to return to work, that's a call that was adhered
8 to; am I right?

9 A. [12:23:28] Yes, I think so.

10 Q. [12:23:32] At one point in time you gave an interview to RFI. Do you recall
11 that?

12 A. [12:23:38] No.

13 Q. [12:23:40] Well, I'm going to present a piece of evidence to you.
14 This is at tab 96 of our list of evidence, CAR-D33-0014-0082, page 0082. This is a
15 press article published on the RFI site on 28 March 2013 and entitled "Nicolas
16 Tiangaye on RFI: It is the stubbornness of Bozize which has led to the situation".
17 And this article is by a particular RFI journalist.

18 Now do you recall this article, Witness?

19 Okay, we will look at this article and I'd like to go to the second page, page 0082.

20 THE INTERPRETER: [12:24:45] The journalist was Cyril Bensimon.

21 MS NAOURI: [12:24:55](Interpretation)

22 Q. [12:24:55] So I would like us to focus on the second question. And the question
23 put by the journalist is:

24 "And as regards the international donors and -- with the countries which are friends
25 of South Africa, how are you going to proceed?"

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1 And your answer is:

2 "Well, they need to understand that it is the stubbornness of Bozize, he who refused
3 to apply the Libreville agreement, that caused this situation to become irreversible.

4 And it's important that our partners understand the situation and also take into
5 account that the people of the country are suffering and that they cannot be
6 abandoned." End of quotation.

7 Who are the donors to which you refer in this discussion with the journalist?

8 A. [12:25:56] They are, well, the traditional donors: The European Union, the
9 World Bank, the International Monetary Fund, and bilateral partners, including
10 France, and also partners in the subregion, the countries which were members of the
11 ECCAS and the CEMAC.

12 Q. [12:26:42] I'll just wait a moment for my five seconds.

13 Okay, now let's look at the next question in the interview. Could you move back up.

14 So the question is the following:

15 "The most urgent matter in Central African Republic and in particular in Bangui at
16 the moment is re-establishing security. How do you plan to re-establish security
17 given that there are still a lot of Seleka elements in the city and there is practically no
18 police force presence? How do you propose to resolve this problem?"

19 Answer:

20 "Of course, this security issue arises. The Seleka elements need to be confined.
21 They need to be confined to barracks in Kassai and at Camp Beal. And those
22 elements who are not confined to barracks should be considered to be false Seleka
23 elements, not true Seleka elements. Because there are people who are not truly
24 members of Seleka but who claim to have the status of Seleka combatants."

25 Now, my question to you, Witness, is that it was generally known from March 2013

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1 that persons claimed members of Seleka who -- or claimed -- elements claimed to be
2 part of the Seleka coalition who were in fact not. Is that correct?

3 A. [12:28:24] Yes, that is correct. And Mr Djotodia also recognised that fact.

4 Q. [12:28:28] Very well. Thank you, Witness.

5 And now we have finished with that document. Thank you very much.

6 I would now like to move on to the second transition government and take you to a
7 document at tab 58 of our list of evidence, which is CAR-OTP-2004-1597 at page 1605.

8 So here we see that this is a decree.

9 Could you scroll down a little bit.

10 Decree 13.009 appointing the members of the transition government.

11 And I'd like to go to the list of ministers of state starting with number 1.

12 Thank you very much.

13 So we see number 1 -- I'm just checking my notes. Yes, number 1, minister of state

14 with responsibility for mines, oil, energy and hydraulics, Herbert-Gotran

15 Djono-Ahaba.

16 Now, this person had already been minister for geology and mining research in the
17 national unity government under Bozize; is that correct?

18 A. [12:30:26] Yes.

19 Q. [12:30:27] And Mr Djono-Ahaba remained in that post under President
20 Samba-Panza; is that correct?

21 A. [12:30:43] I do not recall.

22 Q. [12:30:46] And today Mr Djono-Ahaba is part of Touadera's government as
23 development minister for energy and hydraulics; is that right?

24 A. [12:30:58] No. Currently he is transport minister and civil aviation.

25 Q. [12:31:14] Thank you very much for that clarification. But did he hold the

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1 position of minister for energy development and hydraulic results under Djotodia's
2 purview as president?

3 A. [12:31:28] I believe so. He had a position actually before he became transport
4 minister, and in all likelihood it was the energy ministerial position that he held.

5 Q. [12:31:43] Thank you, Mr Witness.

6 Now, I'm going to refer to a document. We have to show the courtesy copy for
7 confidentiality reasons. This courtesy copy was sent by email. This is 136 in my list
8 of materials.

9 And if you like, we can -- I'm told in my earpiece very kindly that we can show this.

10 Oh, no. Anyway, it's CAR-OTP-2094-0295. Apparently it's too complicated to
11 show that. But anyway, I'm interested in 0295.

12 Perhaps we can scroll down a smidgen in the text. And I want to go to the first
13 bullet point. That's it. All right.

14 First we'll have to scroll up ever so slightly, you're absolutely right, so we know what
15 we're dealing with here. Thank you.

16 So this is the decree 14.012 bearing upon the appointment and confirmation of
17 members of the transitional government. And this is Madam Samba-Panza's
18 government. You see the date.

19 So if we scroll down in article 1, minister responsible for public works, urbanism,
20 housing and public buildings, Mr Herbert-Gotran Djono-Ahaba.

21 Can you see that, Mr Witness?

22 A. [12:33:40] Yes.

23 Q. [12:33:41] Does that jog your memory about the role of Djono-Ahaba under
24 Samba-Panza?

25 A. [12:33:48] Yes.

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1 Q. [12:33:49] Thank you, Mr Witness.

2 Now, forgive me, we're going to be returning to the initial decree where -- which we
3 found at tab 58 and it was CAR-OTP-2004-1597 and we're at page 1605 of that item.

4 Thank you very much.

5 And I'd like to go to the second name. So we see minister for equipment and public
6 works, Mr Crépin Mboli-Goumba.

7 So here's my question: That particular minister, Crépin Mboli-Goumba, he was a
8 part of your national union government under Bozize; is that right?

9 A. [12:35:04] Yes.

10 Q. [12:35:06] And Mr Crépin Mboli-Goumba was a candidate in the parliamentary
11 elections of 2016; is that right?

12 A. [12:35:20] No. In 2016, all those who were a member of the government were
13 ineligible, so neither he nor I, nobody put themselves forward for the presidential and
14 parliamentary elections of 2016.

15 Q. [12:35:45] All right. And the presidential elections of 2020, was he a candidate?

16 A. [12:35:54] Yes, he was.

17 Q. [12:36:00] Does he hail from a political party?

18 A. [12:36:03] Yes.

19 Q. [12:36:04] Which one?

20 A. [12:36:05] His party is called the fatherland, the African party for a radical
21 transformation and the -- and state independence -- African party for radical change
22 and state independence.

23 Q. [12:36:34] If I'm not mistaken, you represent Mr Crépin in a legal
24 case -- Mr Crépin Mboli-Goumba in a legal case for slander and contempt against a
25 judge; is that right?

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1 A. [12:36:58] Yes, that's right. You're well informed, counsel.

2 Q. [12:37:04] And the next name of interest to me is on the next page, 1601, if you
3 wouldn't mind. This will be the fifth name -- no, sorry, it's 1606 is the next page.

4 Sorry.

5 So can you see the fifth name, we can see Christophe Gazambeti. He was already a
6 communication minister in your national union government; is that right?

7 A. [12:37:46] Yes, that's right.

8 Q. [12:37:47] And today Mr Gazambeti is special adviser to the prime
9 minister -- well, he was, I believe, from 2015 to 2017; is that right?

10 A. [12:38:04] No, I can't remember. But he's dead.

11 THE INTERPRETER: [12:38:10] Interpreter correction for counsel's question:
12 Under Touadera's presidency.

13 MS NAOURI: [12:38:18](Interpretation)

14 Q. [12:38:19] That's why I said 2015 to 2017. But it's not a problem if you don't
15 remember.

16 So staying with the same page, but this time number 6, we have Michel Djotodia who
17 is defence minister. He held the same ministry as the ministry he held in the
18 national union transition union government under Bozize; is that right?

19 A. [12:38:43] Yes, that's right.

20 Q. [12:38:46] Then we see Henri Pouzere who was a minister under Bozize's
21 national union government; is that right?

22 A. [12:38:57] Yes, that's right.

23 Q. [12:38:59] Charles Armel Doubane who features 8 in this list, do you remember
24 what position Mr Doubane held before you joined the transitional government?

25 A. [12:39:21] He was the permanent representative before the UN representing the

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1 Central African Republic, but he never accepted to join the position of minister for
2 foreign affairs.

3 Q. [12:39:49] So what happened when he turned down that position?

4 A. [12:39:53] For personal reasons.

5 Q. [12:40:01] Yes, but did somebody replace him?

6 A. [12:40:04] Yes, I believe so. I think it was Mrs Banga-Boty who was appointed
7 foreign minister in his stead later on.

8 Q. [12:40:25] All right. So let's carry on with these names. Number 9, Abdallah
9 Kadre Assane. So he is appointed minister for the economy and he stayed in that
10 position all the way through to 2016; that's right, isn't it?

11 A. [12:40:47] Yes.

12 Q. [12:40:50] Thank you. And then we see Maître Aristide Sokambi, minister for
13 territorial administration. So she stays in Samba-Panza's -- she stays to stay in
14 Samba-Panza's government; isn't that right?

15 A. [12:41:15] Yes, that's right.

16 Q. [12:41:16] Do you remember what position -- hang on just a sec. Yes, which
17 position Aristide Sokambi would take up under Touadera's presidency?

18 A. [12:41:38] Maître Aristide Sokambi. Territorial administration, I can't
19 remember, but I think he was -- he had the defence or the justice portfolio.

20 Q. [12:41:52] I'm going to show you another piece of evidence before returning to
21 the decree.

22 This is Tab 60 in your list of materials bearing the ERN CAR-D33-0014-0076 and
23 page 0076 which interests me.

24 So as we can see here, the title says -- I mean, this is a press release from the
25 International Criminal Court dated 2 July 2015 entitled "The Central African

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1 Republic's justice minister talks cooperation upon his visit to the seat of the Court of
2 the ICC". Can you see this, Mr Witness?

3 A. [12:42:38] If you wouldn't mind scrolling up.

4 Q. [12:42:42] Yes, we can do that all the way to the photo, actually. My head -- my
5 eyes were up so I didn't actually see where we were. So here we are. So this is
6 indeed, is it not, Mr Sokambi?

7 A. [12:42:55] Yes, that's indeed him.

8 Q. [12:42:58] Very well. So this jogs your memory that he did indeed hold the
9 position of minister for justice?

10 A. [12:43:04] Minister of justice, but I think he was also defence minister.

11 Q. [12:43:13] Thank you very much.

12 We can take this down now, please. And we can bring up once more the decree, so
13 tab 58 in your list of materials, CAR-OTP-2004-1595 -- 97.

14 THE INTERPRETER: [12:43:38] Corrects the interpreter.

15 MS NAOURI: [12:43:40](Interpretation)

16 Q. [12:43:38] And page 1605 is what I want to look at -- sorry, 1606, the next
17 page on. Apologies.

18 All right, then -- no, 12. That's it. Number 12. That's it. Thank you.

19 So we see minister for national education, Marcel Loudegue. Was he also a minister
20 for national education within your national union government under Bozize?

21 A. [12:44:26] Yes, that's right.

22 Q. [12:44:30] Very well. Arnaud Djoubaye is the next name, Djoubaye Abazene,
23 transport minister. Mr Djoubaye remained transport minister under Samba-Panza;
24 is that right?

25 A. [12:44:52] Yes, that's right.

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1 Q. [12:44:53] And after this, what position did he hold?

2 A. [12:44:58] He's currently state minister responsible for justice.

3 Q. [12:45:05] Thank you, Mr Witness.

4 So we see Arsène Sendé who is appointed justice minister. Before becoming
5 minister, Arsène Sendé was a judge at the criminal chamber at the court of cassation;
6 is that right?

7 A. [12:45:26] Yes, that's right.

8 Q. [12:45:27] Thank you, Mr Witness.

9 Next can we look at Mr Yondo, who is appointed minister for the promotion of small
10 and medium-size companies. Can we see him?

11 A. [12:45:51] We can't see the name.

12 Q. [12:45:55] Yes, it's on the next page. It's 1607, please. Maurice Yondo.

13 MS MAKWALA: [12:46:09] Sorry to interrupt, your Honours, the cross-examination
14 also needs to have a purpose. For the last few minutes we've been seeing the
15 reading of names and the witness confirming. We could go on ad infinitum, and
16 there's a lot of documents so I stand guided, your Honours, but for the sake of proper
17 usage of judicial time, perhaps the cross-examination could be more centred.

18 PRESIDING JUDGE SAMBA: [12:46:34] The witness confirming and clarifying, but
19 yes, Ms Naouri, can we know why you are asking these questions in respect of these
20 names and these documents?

21 MS NAOURI: [12:46:50](Interpretation) Of course, your Honour.

22 Well, it's very important really because we've got the documents, but without the
23 documents being -- receiving comments from the witness, they don't have the same
24 values. That's the first point.

25 Second point is that we are trying to see the continuum of these positions being held.

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1 We're talking about who was part of a state seen by the Prosecution as a Seleka state.
2 And we can see here that there are people who are holding positions either because
3 they were already in that position or they continue to occupy that position under
4 Samba-Panza, for example, lots of people originally emanating from the Seleka
5 government, or they were competent -- we've just seen that a judge from the court of
6 cassation finds his way into the ministry of justice position. This is consistent and
7 coherent, somebody has the skills to fulfil this point. *And so we are tendering these
8 materials into the record to be used subsequently. It is one of the most important
9 elements of the Defence case: that is, the continuity of the State and its representatives;
10 this so-called Seleka State which is alleged to have devised a plan.

11 Now, we've got other documents to put to the witness. We know full well how
12 much time we need to do that. We won't be encroaching on additional time. But
13 this is important time that we're devoting to this because we need to know the roles
14 here, why the person is in that role, and he is confirming that the person was
15 physically there.

16 An example, the foreign minister. Here we have a decree where we learn that there
17 is indeed a foreign minister, and the witness tells us that that person didn't actually
18 come, didn't actually fulfil, join his position. He was replaced by somebody else.
19 So all these questions are relevant.

20 Now, I understand that it may strike people as rather fastidious, but it's crucial
21 because if I forget one name, such as the foreign minister in this example, then we
22 won't know whether people actually joined their position, if they did the work, and
23 we don't have confirmation, the confirmation of what we did prior to that and
24 afterwards. So it's very important. And I've almost finished on this section and
25 then we'll be moving on to another area. But this is absolutely crucial for our case.

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1 *And the only witness, bearing in mind that this is the only witness called by the
2 Prosecution to shed light on the government. This person is the only member of that
3 government; the one and only member. That being the case, it is only right and
4 proper for questions to be put to him regarding those who were members of that
5 government. I believe that it is necessary, and will serve the interests of justice.

6 PRESIDING JUDGE SAMBA: [12:49:13] Well, we do agree with you that this
7 witness is a very important witness. My only concern is, with these kind of
8 questions, how do you link them to the charges on the document containing the
9 crimes and the document containing the charges? How do you link them, you
10 know?

11 MS NAOURI: [12:49:32](Interpretation) Sorry, do forgive me, but I just offered an
12 answer, your Honour. The charge is, is that a Seleka state has a plan, but I'm saying
13 there is no Seleka state. This is the thrust of our Defence. Very clear on this.
14 There is no Seleka state to speak of because the ministers were there beforehand or
15 they stayed after. It's not the Seleka. These were ministers, ministers who at least
16 were trying to work in a state of general disorder. Crimes against humanity, that's
17 the charges, and committed by whom? The Seleka state. This is what the
18 Prosecution is saying, it's their narrative. So I want to know, do -- were these people
19 really Seleka or not. And this will be crucial in our Defence briefs, to look at who
20 did what in that state apparatus.

21 And I reiterate, it's not because this is just an important witness, it is the only former
22 government member that was called. They chose not to call Djotodia or other
23 members of the government. We have Mr Tiangaye with us before you today. And
24 what I want to know, whether people generally join their positions and were they
25 generally a part of that government under Djotodia. We're in the heart of the DCC,

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1 we're talking about Djotodia government, which is the major Seleka person, if you
2 believe the Prosecution narrative.

3 PRESIDING JUDGE SAMBA: [12:50:52] Carry on with your cross-examination,
4 Madam. Thank you.

5 MS NAOURI: [12:50:57](Interpretation) Thank you, your Honour.

6 Q. [12:50:58] All right then, Mr Witness, I'm looking at the name of interest to me
7 now, Jérémie Tchi -- sorry, I'm going to get the name -- I'm going to mispronounce it,
8 do forgive me in advance. Jérémie Tchimanguere, minister for rural developments.
9 It's 18, number 18. We can't pick that out very clearly. But he was a civil society
10 representative; isn't that right?

11 A. [12:51:25] No. He was a Seleka -- he was from the Seleka.

12 Q. [12:51:33] Very well. Thank you very much, Mr Witness.

13 And then we see Ms Madeleine Moussa-Yadouma, who had already held that
14 position under the Bozize national union government; is that right?

15 A. [12:51:56] Yes, that's right.

16 Q. [12:51:57] Thank you. All right, we can see Sabin Kpokolo, minister for the
17 civil service, he also had been appointed to that same position under Bozize's national
18 union government; is that right?

19 A. [12:52:21] Yes, that's right.

20 Q. [12:52:24] Next, Marie-Madeleine -- oh, it's the same page. Yes, we're on the
21 same page. Marie-Madeleine Nkouet, minister for housing. She was also a
22 minister prior, but for public health in the -- in Bozize's national union -- national
23 transition government; is that right?

24 A. [12:52:47] Yes, that's right.

25 Q. [12:52:51] Colonel Bertrand Mamour, who's appointed delegate minister for

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1 national defence?

2 A. [12:53:04] I can't see that at all.

3 Q. [12:53:06] It's right at the bottom of the page.

4 A. [12:53:11] Very well.

5 Q. [12:53:12] Yes, I should have spotted that it wasn't being displayed on your
6 screen.

7 So, Colonel Bertrand Mamour, delegate -- minister delegated to national defence.

8 This was a well-known and recognised career soldier; is that right?

9 A. [12:53:36] Yes, that's right.

10 Q. [12:53:38] Thank you.

11 Bonandélé Koumba, minister delegated to foreign affairs and budget. Before 2013,
12 this person had been secretary of state for finance and adviser for international affairs.
13 Would you bear that out, Mr Witness?

14 A. [12:54:04] In 2013?

15 Q. [12:54:13] Before 2013.

16 A. [12:54:14] Yes, it's possible. Yes, but he was a minister in my government, as
17 communication minister I believe.

18 Q. [12:54:34] Very well. Thank you very much for that clarification, Mr Witness.

19 And in 2015 he becomes minister for telecommunications under Touadera; is that
20 right?

21 A. [12:54:45] No. He was telecoms minister in my government.

22 Q. [12:54:53] And to the best of your knowledge, he was part of Touadera's
23 government, was he?

24 A. [12:54:59] No.

25 Q. [12:55:02] Very well.

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1 Now, we can see Christophe Brémaidou. Can we see him?

2 That's the next page, on 1602 -- no, I correct myself, 08. Forgive me.

3 Can you see that right at the top here, Christophe Brémaidou, minister delegated to
4 the economy. He had already held that position within your government; is that
5 right?

6 A. [12:55:36] Yes, that's right.

7 Q. [12:55:39] Very well.

8 Now we have remaining Joseph Bendounga, delegate minister for rural development,
9 who's also in the Bozize national union government; is that right?

10 A. [12:56:00] I'm not sure of that.

11 Q. [12:56:14] If you can't remember, it doesn't matter, Mr Witness.

12 A. [12:56:17] I'm not sure.

13 Q. [12:56:19] Very well.

14 And the next name, Claude Lenga, this gentleman was part of the KNK; isn't that
15 right?

16 A. [12:56:34] Yes, he was.

17 Q. [12:56:37] Honoré Douba, he had held the urbanism portfolio prior under Bozize
18 national union government; is that right?

19 A. [12:56:53] Yes, that's right.

20 Q. [12:56:54] And then lastly we have Michel Doko. He also had held the same
21 ministerial portfolio under Bozize in the national union government; is that right?

22 A. [12:57:07] No. In actual fact, that gentleman -- well, Michel Doko had problems
23 and in fact there's a person with the same name as him and I don't think he was
24 actually retained.

25 Q. [12:57:23] Okay. Well, who replaced him if you remember?

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1 A. [12:57:26] I can't remember any more.

2 Q. [12:57:29] Thank you, Mr Witness.

3 So now let's turn our minds to the national transitional council. You signed the
4 decree establishing this body, didn't you, in May 2013?

5 A. [12:57:51] Yes.

6 Q. [12:57:57] So let's have a look at 72 in our list of materials, CAR-OTP-2100-1832.

7 You signed the decree to establish the CNT in 2013.

8 So, you can see at the top of the document this is a decree bearing upon the convening
9 of the national transition council in an extraordinary session.

10 And now I would like to go to the next page, 1833, please. Thank you.

11 So on this particular page we can see decree bearing upon the creation and make-up
12 of the national transition council.

13 And can I go to the last page, 1837, please. Right at the bottom of the page, please.

14 There we are.

15 So we see your signature. Mr Witness, do you confirm that it is indeed your
16 signature?

17 A. [12:59:27] Yes, it is my -- mine.

18 Q. [12:59:34] (Microphone not activated)

19 THE INTERPRETER: [12:59:42] Counsel, microphone not activated. Microphone,
20 please.

21 THE WITNESS: [12:59:49](Interpretation) I can't hear you any more.

22 MS NAOURI: [12:59:52](Interpretation)

23 Q. [12:59:54] Yes, it's absolutely normal that you shouldn't hear me, because my
24 microphone wasn't activated. Let me reiterate.

25 So this decree was followed by a decree approving the appointment of members of

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1 the transitional government; is that right? Okay.

2 Now let's look at 138 in our -- my list of materials. It's CAR-OTP-2005-0384 -- sorry

3 139. This is the last mistake I'll be making of the day. So 139, CAR-OTP-2005-0384.

4 So we can see here that this is a decree approving the appointment of members of the

5 national transitional council. And I'd like to scroll the first page down until we see

6 an initialling.

7 So, Mr Witness, would you confirm that those are your initials that we see on this

8 document?

9 A. [13:01:04] Yes, those are mine.

10 Q. [13:01:08] Very well.

11 0390 now, please.

12 So what we see here, your signature, do you confirm that it is indeed your signature,

13 Mr Witness?

14 A. [13:01:34] Yes, that's mine.

15 Q. [13:01:37] Thank you.

16 All right. I'm going to move on to another area, so I'm going to stop at this juncture

17 because I can see the time and I can see that we're one minute past the hour.

18 So I'm in your hands, your Honour.

19 PRESIDING JUDGE SAMBA: [13:01:49] Yes, this is the right place for us to stop.

20 But before we go, may I ask how much more time you want with this witness,

21 Ms Naouri.

22 MS NAOURI: [13:02:02](Interpretation) Yes, of course, your Honour. I think that I

23 require one and a half sessions. Now, of course I will try to do it in a shorter period

24 in time, but I might go over time, so I think it will take the next session -- the first

25 session tomorrow morning and probably half of the following session. I'm trying to

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1 be cautious, but I need to take into account the possible length of answers by the
2 witness. Thank you.

3 PRESIDING JUDGE SAMBA: [13:02:37] Well, we're hopeful that you'd at least do it
4 for one session so that you give us -- I mean, you give the other side an opportunity in
5 case they want to ask questions in re-examination, and for the Chamber also, in the
6 event that we want to put questions to this witness, you having said from the Bar that,
7 you know, he's the only government official that has appeared before this Court and
8 who may likely be the only one appearing before this Court, and who, as I said, we
9 also consider a very important witness. So it's just to encourage you to wrap up
10 tomorrow in one session, actually, if you may.

11 MS NAOURI: [13:03:18](Interpretation) Your Honour, I was allowed eight hours.
12 I've used five. I won't use all eight. Please, I am doing by best, but I can't promise
13 that I'll be able to wrap up within a single session. I simply can't make that
14 commitment. I did have right -- or do have a right to eight hours. We're trying to
15 work as efficiently as possible. We cannot promise that we will complete within one
16 session. I have a number of passages from the transcript in Ngaïssona, Yekatom.
17 This is the first time that we have been able to put these matters to the witness.
18 There were Bar table motions that were refused. We need to go through this witness
19 for a number of reasons, so I cannot undertake to complete within one session
20 tomorrow. With all the will in the world, I'm afraid I can't.

21 PRESIDING JUDGE SAMBA: [13:04:05] It's appreciated.

22 As I said, I'm just encouraging you to, if you could. We cannot stop you from
23 eliciting the evidence that you really want in favour of your client.

24 So, on that note, I'm going to rise this Court and ask that we come tomorrow at 9.30.

25 Mr Witness, I wish to -- I'm sorry, I wish to remind you that you are still on oath. So

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1 we meet here again tomorrow at 9.30 and I ask that you do not discuss your
2 testimony, as I know you really know, with anybody when you leave this courtroom.

3 So I rise the Court for 9.30 tomorrow, please. Thank you.

4 THE COURT USHER: [13:04:44] All rise.

5 (The hearing ends in open session at 1.04 p.m.)

6 CORRECTIONS REPORT

7 The following interpretation corrections, marked with an asterisk are brought into the
8 transcript.

9 Page 3, lines 19-23

10 << Witness, when I'm going to read out a passage of your written statement I'm going
11 to make sure that it is displayed to you. But, when I'm just going to refer to a very
12 simple peace of information such as Djotodia was at the head of the UFDR, which is
13 stated here at paragraph 51. I will just state that boldly to you.>>

14 Is corrected to:

15 <<Now, Mr. Witness. What I am going to do is read out an excerpt to you, which I
16 will have displayed for you just like it was done yesterday. A. Yes. Q. ... but when I
17 read out information to you which is quite easily verifiable at paragraph 51, and
18 which is rather simple, such as "Djotodia was the leader of the UFDR" for the purpose
19 of saving Court time, I just directly present it to you.>>

20 Pages 3 and 4, lines 24-2

21 <<So we're referring to paragraph and in that paragraph, amongst other things, what
22 you say is that Djotodia was at the head of the UFDR. Now my question is whether,
23 to your knowledge, was Damane Zakaria also present as one of the founders of the
24 UFDR?>>

25 Is corrected to:

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1 <<Now then, in paragraph 51, you state quite simply - among other things - you state
2 that Djotodia was the leader of the UFDR. However, for my part, my question is as
3 follows: to your knowledge, was Damane Zakaria equally presented as one of the
4 founders of the UFDR?>>

5 Page 4, lines 2-3

6 <<Now, regarding Damane Zakaria, he was a member of the government in October
7 2013, he was a member of the government as a minister?>>

8 Is corrected to:

9 <<Now, this person, Damane ZaKaria. He was a government minister in August 2013,
10 isn't that correct?>>

11 Pages 5-6, lines 25-2

12 <<Does this decree refresh your memory? You were the prime minister, you will have
13 passed this decree. Do you recall the appointment of Zakaria Damane?>>

14 Is corrected to:

15 <<And so, does this decree refresh your memory? You were the Prime Minister at the
16 time. Did you take cognizance of that decree? Were you aware of the appointment of
17 Damane Zakaria?>>

18 Page 6, lines 7 to 8

19 <<They were in fact advisers which were appointed by President Djotodia.>>

20 Is corrected to:

21 <<And they were appointed single-handedly by Mr Djotodia, considering that my
22 counter-signature does not appear in this decree.>>

23 Page 10, lines 10 to 11

24 <<You refer to different leaders there, so would I be right in saying that each
25 component group of the Seleka coalition had its own leader; is that correct?>>.

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1 Is corrected to

2 <<And you have referred to "leading", and stated that there were leaders. And so, if I
3 have understood you correctly, each Seleka group had its own leader. Is that
4 correct?>>

5 Page 12, lines 1-3

6 <<The interpreter notes that he can no longer follow the text because it is not scrolled
7 up>>

8 is corrected to:

9 <<The combattants then resumed their belligerent activities, led by Charles Massi, a
10 minister who had been sidelined. They morphed into a rebellion by adopting the
11 name CPJP.>>

12 Page 18, lines 16-17

13 <<Faustin-Archange and the current president of the Central African Republic
14 Amendment>>

15 is corrected to:

16 <<It was Mr. Faustin-Archange Touadera, who is the current president of the Central
17 African Republic.>>

18 Page 20, lines 3-9

19 <<The problem that arose is that Bozize wanted all the sovereign positions and there
20 was a stumbling block with the mining minister and the geology minister. There was
21 a stumbling block, a sticking point, because Bozize wanted that ministry, saying that
22 his problems linked with the rebellion emanated from the mines management and
23 these armed groups laid claim to the same ministry. And for lack of any agreement or
24 consensus on this matter, it was necessary to make recourse to a mediator, the
25 president of Congo, Sassou-Nguesso, who found a compromise>>

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1 <<The problem that arose was that Bozize wanted to exercise control over all
2 sovereign positions, and this led to a stumbling block when it came to the ministry of
3 mines and geology. There was a deadlock because Bozize wanted to grab that
4 ministry, in the belief that his problems with the rebellion were linked to the
5 management of mines, meanwhile the armed groups had set their sights on the same
6 ministry. And in the absence of a consensus or a understanding on the issue, they
7 were compelled to refer the matter to the Mediator of the Central African Republic
8 crisis, namely President Sassou Nguessou of Congo, who was able to come up with a
9 compromise.>>

10 Page 22, lines 22-23

11 <<They had been comrades during the rebellion back in 2003, when they took power,
12 but I don't know if I was a member of the KNK>>

13 Is corrected to:

14 <<They had been comrades-in-arms in the rebellion to seize power in 2000.... rather, in
15 2003, but I do not know whether he was a member of the KNK. I am not in a position
16 to confirm that to you.>>

17 Page 24, lines 11-15

18 <<as you can see, number 10 was the minister for development of mining projects and
19 that ministry was entrusted to Mr Yedidya Danguene, and you see that Mr Yedidya
20 Danguene was appointed as being the -- being the minister responsible for geology
21 and hydraulics. That -- that portfolio was entrusted to Herbert Gontran Djono
22 Ahaba>>

23 is corrected to

24 <<As you can see, at No. 10, you have there the Ministry for the development of
25 mining and energy projects. That ministry was allocated to Mr. Yedidya Danguene, a

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1 member of the presidential majority and a close ally of Bozize. And at No. 11, you
2 have the ministry of geology, mineral research and water resources, which was
3 entrusted to Herbert-Gotran Djono-Ahaba, a member of the Seleka, that is, someone
4 who belonged to the armed groups.>>

5 Page 24, line 23

6 <<She was part of the presidential majority.>>

7 Is corrected to

8 <<She was part of the presidential majority, the KNK. Page 27, lines 11-12

9 He was the first vice-minister, vice-president and minister responsible for national
10 security.>>

11 Is corrected to

12 <<He was the first vice-Prime Minister in charge of national defence.>>

13 Page 30, lines 16-17

14 <<I don't recall, but if we're talking about the mediator of the ECCAS, that would
15 have been General Essongo.>>

16 Is corrected to

17 <<I don't recall, but if we're talking about the mediator of the ECCAS, that would
18 have been the representative of President Sassou in Bangui, namely General Issango.

19 That would have been General Essongo.>>

20 Page 33, lines 4-6

21 <<after that, he had been elected and re-elected and his last term of office was based
22 on the constitutional plan, but also, according to the Libreville agreement, he was to
23 have a third term of office>>

24 is corrected to

25 <<And that was his last term of office in accordance with the Constitution. Moreover,

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1 it was equally stated in the Libreville Accords that he was ineligible for a third term of
2 office. Page 34-35, lines 25-1

3 <<transcript of 24 October 2022 hearing, T-23 at page 35, line 11 to 13>>

4 is corrected to

5 <<... transcript of the hearing of 24 October, 2022, T-023, French version, page 35, lines
6 11 to 16>>

7 Page 38, lines 13-16

8 <<On the Damara road there was one front and Issiaka's command, who was the chief
9 of staff for the Seleka, and there was another fighting on the Bossembele road
10 involving the Seleka troops under General Arda's orders.>>

11 Is corrected to

12 <<There were two fronts on the Damara road, under the command of General Issiaka,
13 who was Seleka's Chief of Staff. Then there was another battle on the Bossembele
14 road, where the Seleka troops were under the command of General Arda.>>

15 Page 45, line 20

16 <<Could you tell us why Bozize adopted this position?>>

17 Is corrected to

18 <<Were you ever informed that François Bozizé, as explained to us by this witness,
19 issued instructions not to attack members of the Seleka?>>

20 Page 46, lines 22-25

21 <<After power was taken by the Seleka in an effective fashion on 29 March, the chiefs
22 of state of the CEEAC had demanded that -- that the Libreville agreements be
23 adhered to and that I be maintained in the post of prime minister, and therefore
24 President Djotodia obeyed that instruction.>>

25 Is corrected to

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1 <<After the Seleka made their entry and effectively seized power on 24 March, the
2 ECCAS Heads of State had demanded that the Libreville Agreement should stay
3 inforce, and that I be maintained in the position of Prime Minister. And therefore
4 President Djotodia was merely complying with those instructions.>>

5 Page 47, line 1-2

6 <<Very well. And how was it that the heads of the CEEAC were together?>>

7 is corrected to

8 <<Well and good. But under what circumstances did the ECCAS Heads of State
9 indicate that it was necessary to indeed act within the framework of the Libreville
10 Accords?>>

11 Page 61, lines 8-10

12 <<So we have this on record to use it as an ultimate basis and this is very important
13 for the Defence to have this continuum, this state continuum and see the state
14 representatives, the state which is so-called Seleka which allegedly fermented a plot>>

15 is corrected to

16 <<And so we are tendering these materials into the record to be used subsequently. It
17 is one of the most important elements of the Defence case: that is, the continuity of the
18 State and its representatives; this so-called Seleka State which is alleged to have
19 devised a plan.>>

20 Page 62, lines 1-5

21 <<And the only witness, the only witness, bearing in mind that the witness is calling
22 this witness, the only witness who is shedding light on the government, the only
23 person and only single-standing person coming from the government, so it's quite
24 right and proper that we should put questions to him about who was the member of
25 that government. I think it's necessary and that is all about serving justice.>>

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1 Is corrected to
2 <<And the only witness, bearing in mind that this is the only witness called by the
3 Prosecution to shed light on the government. This person is the only member of that
4 government; the one and only member. That being the case, it is only right and proper
5 for questions to be put to him regarding those who were members of that government.
6 I believe that it is necessary, and will serve the interests of justice.>>
7 Page 66, lines 3-4
8 <<You signed the decree establishing this body, didn't you, in May 2013?>>
9 Is corrected to
10 <<You are the one who signed the order establishing the CNT on 13 April 2013,
11 correct?>>