

Trial Hearing
WITNESS: CAR-OTP-P-2232

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 16 November 2021
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:17] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:46] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:54] Good morning, Mr President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:08] Thank you.
20 I ask for the appearances of the parties.
21 Prosecution first.
22 MS STRUYVEN: [9:32:15] Good morning, Mr President, your Honours. For the
23 Prosecution today we have Kweku Vanderpuye, Yassin Mostfa,
24 Pierre Belbenoit Avich and myself, Olivia Struyven.
25 PRESIDING JUDGE SCHMITT: [9:32:26] Thank you.

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1 And the Legal Representatives of the Victims next.

2 MR DANGABO MOUSSA: [9:32:30](Interpretation) Good morning, Mr President,
3 your Honour. For the Representatives, we have Carnero and Evelyne Ombeni and
4 myself, Moussa.

5 MR SUPRUN: [9:32:43](Interpretation) Good morning, Mr President, your Honours.
6 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the
7 Office of Public Counsel for Victims. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:32:49] The Defence. We start with Ms Dimitri.

9 MS DIMITRI: [9:32:52] Good morning Mr President. Good morning, your Honours.
10 Mr Yekatom, who is present in the courtroom this morning, is represented by
11 Mr Thomas Hannis, Mr Gyo Suzuki, Mr Jean-Michel Kola, Ms Yasmeen Hajjali and
12 myself, Mylène Dimitri.

13 PRESIDING JUDGE SCHMITT: [9:33:06] Thank you.

14 Mr Knoops.

15 MR KNOOPS: [9:33:08] Morning, Mr President, your Honours, everyone in the
16 courtroom. We are here before you with Ms Lauriane Vandeler, Barbara Szmatura
17 and Mathilde Couloigner. And the accused is present in the courtroom. Thank
18 you.

19 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you.

20 And good morning, Mr Witness. We are now continuing with your examination
21 and the Prosecution has still the floor.

22 MS STRUYVEN: [9:33:40] Thank you, Mr President.

23 WITNESS: CAR-OTP-P-2232 (On former oath)

24 (The witness speaks Sango)

25 QUESTIONED BY MS STRUYVEN: (Continuing)

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1 Q. [9:33:48] Good morning, Mr Witness. I hope you feel better. I will continue
2 today with my examination and I will first ask you a few more questions about the
3 names you mentioned.

4 I think we can still do it in open session so long as we don't reveal what we had
5 agreed on last week.

6 And so I would like you to have a look at CAR-OTP-2100-2602. It's at tab 22 at
7 page 2605. And I have very, very specific short questions about a few individuals.

8 And so the first question is about an individual we haven't mentioned yet. It's the
9 one that you see on the screen, the second name, Ndali General Bouar. And my
10 question was whether he -- whether you have a first name, whether you know his
11 first name this General Ndali from Bouar?

12 A. [9:35:10] (No interpretation)

13 PRESIDING JUDGE SCHMITT: [9:35:17] Actually, I did not hear a translation, but I
14 assume that he said "no".

15 THE INTERPRETER: [9:35:24] Sorry, there's no interpretation for the moment.

16 PRESIDING JUDGE SCHMITT: [9:35:28] And why?

17 Well, it's obvious that there is no interpretation at the moment, but it would be nice to
18 hear why that is so.

19 Actually, I've been told there is no issue, but still, there is no interpretation. So, yeah.

20 MS STRUYVEN: [9:36:04] I can continue in French, but that's the only thing I can
21 propose.

22 PRESIDING JUDGE SCHMITT: [9:36:09] Yeah, but, actually, it should work. So
23 I don't know what's happening here. So -- and, unfortunately, it's not completely
24 new to these proceedings.

25 THE INTERPRETER: [9:36:20] The witness is -- is saying in Sango that he doesn't

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1 know the first name of Ndali, General Ndali.

2 PRESIDING JUDGE SCHMITT: [9:36:31] Okay. So we have an interpretation.

3 Please continue.

4 MS STRUYVEN:

5 Q. [9:36:39] Mr Witness, did you know -- do you know if Richard was in contact
6 with this General Ndali, or Ndale, in view of the 5 December attack?

7 A. [9:37:07] As regards the contacts between Richard and General Ndali, I could
8 say yes, they were in contact. But as regards the attack of 5 December, I cannot
9 confirm it because I didn't see General Ndali myself. I only heard talk about him.

10 Q. [9:37:38] And so I think over the last days of your testimony -- so you confirm
11 that Richard was in contact with {ICR: (Redacted)} and this General Ndali, who were
12 all in the Bouar area, the border area? Do you remember if he was in contact with
13 anyone else from the border area? So I'm talking about the Cameroonesse border
14 area.

15 A. [9:38:17] You know, he was the coordinator of the operations. Most of the
16 ComZones had his number and could contact him so that they could give him their
17 reports.

18 Q. [9:38:57] And so maybe one last question about the border area. You had
19 mentioned on Friday at page 23 that Steve Yambete attempted an attack but failed
20 and he was arrested. Do you know if Richard was also in contact with
21 Steve Yambete?

22 A. [9:39:25] As regards contacts between Richard and this person, I don't know
23 anything.

24 Q. [9:39:41] One other short question about what you see in front of you. There is
25 a reference to Richard Yaloke. Is this Richard Bozando; do you know?

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1 A. [9:40:08] I don't know the difference between the different Richards. There was
2 also a Richard who was based in Boeing and he also was a native of Yaloke. There
3 were lots of Richards during that time, during that period.

4 Q. [9:40:31] No worries about that. And then a little bit further down there is
5 reference to Bruno Semdiro. And the only question there is whether you know if he
6 participated in the 5 December attack. You already explained a lot about him so we
7 don't need to go back on that one, but just whether you know if he participated or not.

8 A. [9:41:14] No, he didn't participate in that attack.

9 Q. [9:41:25] And then one down, just to confirm, because you have already
10 confirmed, Lieutenant Abel is Lieutenant Abel Denamganai, correct?

11 A. [9:41:47] Yes. That is the only lieutenant who was called Abel. Yes, I can
12 confirm.

13 Q. [9:41:58] And then a few lines more down there is a reference to Fred Kossi. Is
14 this -- is this Lucien Fred Kossi?

15 A. [9:42:22] Well, I don't know the family name of Lucien. But it was a soldier and
16 I knew him as Kossi.

17 Q. [9:42:45] And one more down there is a reference to Achille Godonam,
18 Corporal Achille Godonam. You already explained on Friday that he was a native
19 from Bossangoa, but can you explain very briefly what his role was or what he was
20 doing in the Bossangoa area.

21 A. [9:43:25] Yes. I don't know what he was doing before Bossangoa. He was a
22 nurse. He was part of the people who created the Anti-Zaragina group. He was a
23 ComZone of the Anti-Balaka and he came to Bangui to fight the Seleka.

24 Q. [9:43:59] Thank you. I have one other clarification at the next page. And so
25 it's at page 2606. It's the top name, the very first name on the page. You -- you

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1 referred on Friday to a certain Guy Gustave or Gustave who was part of the military
2 police. This is at page 71.

3 Is the -- is this the Guy Gustave that you were referring to, so with a last name
4 Yandoungou or Yagoungou? I'm sorry for the pronunciations.

5 A. [9:44:52] I don't know his family name. I know him as Gustave. I always
6 called him Commander Gustave. So I cannot confirm his family name.

7 Q. [9:45:20] No worries. And then one last one at the next page at 2607 at the
8 bottom, there is a reference to Didatien, and maybe -- and the only question there is if
9 this is Didatien Kossimati or if it's another Didatien.

10 A. [9:45:54] Yes, I think it is Didatien Kossimati.

11 Q. [9:46:05] So now I'm going to move to another topic and it's also a very specific
12 clarification I'm going to ask you.

13 On Friday, you explained that during that meeting where you had Ngaïssona,
14 Bernard Mokom and Maxime Mokom, Bernard talked about the compensation for the
15 expenses that the ComZones had made on their way to Bangui in view of the attack
16 on Bangui. And you said that Bernard told the Anti-Balaka that they, the
17 Anti-Balaka, were asked to come to Bangui. And so that is why they were entitled to
18 this compensation.

19 When Bernard said that they had asked them to come to Bangui, was that said in the
20 presence of Ngaïssona and all the ComZones?

21 A. [9:47:42] I didn't say it was Bernard who told them to come to Bangui. He said
22 that during the meeting, that they came to Bangui for the specific aim. Since they
23 had *a list of expenses, he told them to wait, that they would receive compensation.
24 They would have their expenses reimbursed after the objective had been obtained. I
25 didn't say that it was Bernard who asked them to come to Bangui. That happened in

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1 the presence of Mokom and the general coordinator. The meeting was held in his
2 compound.

3 Q. [9:49:01] So -- in -- according to your understanding, who had asked -- was it
4 discussed who had asked those ComZones to come to Bangui to fight in the attack?
5 Was that discussed during the meeting?

6 MR KNOOPS: [9:49:35] Mr President, I believe this is a confusing question because
7 the meeting the Prosecution is referring to was after the attack of 5 December.

8 PRESIDING JUDGE SCHMITT: [9:49:45] No, I don't agree. I think even after the
9 attack, there might be -- there have been the issues who had asked to come to Bangui.
10 So, Mr Witness, please answer the question.

11 So was an issue at this meeting who had asked the ComZones and these people to
12 come to Bangui and fight, was this an issue? Was this discussed, as far as you
13 recollected?

14 THE WITNESS: [9:50:41] In the meeting, he didn't speak about this subject, but it
15 was the coordination that decided to set up the meeting. That's what I know. To
16 say that we discussed the individual who asked them to come, that was something
17 we didn't discuss.

18 The coordination was responsible for the operations and also asked them to express
19 their needs. That is what was said.

20 PRESIDING JUDGE SCHMITT: [9:51:17] Thank you.

21 MS STRUYVEN: [9:51:19] I now have a few questions in private session.

22 PRESIDING JUDGE SCHMITT: [9:51:26] Yeah, we go to private session.

23 (Private session at 9.51 a.m.)

24 THE COURT OFFICER: [9:51:30] We are in private session, Mr President.

25 MS STRUYVEN: [9:51:50]

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1 Q. [9:51:51] And so over the -- over several days of your testimony you explained
2 that Mokom organised and coordinated the 5 December attack. And my question is
3 simply: Do you know if he discussed it with his father, Bernard Mokom, during or
4 after the attack?

5 A. [9:52:23] Yes. I already told you that he coordinated the attack of 5 December
6 and that at that moment his father was still in Cameroon. He and the Minister
7 Ngaïssona were in Cameroon. He himself wasn't in Bangui. He was on the other
8 side of the river, and he -- but he did coordinate the activities. That's the moment
9 when the men launched the attack of 5 December. It's only afterwards that he
10 became the coordinator.

11 I would like to add that all the attacks were coordinated. What I know is that
12 Maxime Mokom coordinated the operations. And for the men to come to Bangui
13 and the attack, whether he reported back to his father, I don't know. I only know
14 that they were in regular contact with each other by phone, he and his father.

15 Q. [9:53:34] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [9:56:05] Yes. He went to the different bases in order to introduce himself.

8 (Redacted), he told them that they'd already arrived in Bangui, that they must remain

9 calm because there were a lot of things that still had to be done to attain their

10 objective. They mustn't behave badly. They must remain there in order to follow

11 what was going to happen next.

12 (Redacted)

13 He also told the men not to create disorder, to remain together, and to wait patiently

14 for the follow-up. (Redacted)

15 (Redacted) that he gave the men.

16 Q. [9:57:07] And did he discuss with these elements also the -- the fact that they

17 would be compensated in the end when they reached their objective?

18 A. [9:57:41] Yes. He said they shouldn't scatter. They should remain together

19 because the objective was almost achieved and those who wanted to go into the army

20 could do so and could participate in the DDR programme, and those who want to go

21 back to their fields could also do that. Everybody could decide what they wanted.

22 But they mustn't scatter, and they must remain calm and wait for the follow-up.

23 Q. [9:58:20] This may be clear to you, but what -- what was meant by the

24 "follow-up"?

25 A. [9:58:45] I've always told you that we didn't have enough means, equipment.

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1 The Anti-Balaka's personnel were not enough so when they arrived in Bangui, there
2 were about 52,000 men. And what could the coordination give them to -- give them
3 as compensation? So the main objective was to take over power. And from that,
4 they -- they could either go back to the army or return to civilian life. And once they
5 were in power, they could also receive compensation. But if it stopped at that level,
6 the coordination didn't have enough means to compensate everybody, and that is
7 why I said that since the objective hadn't been attained, the Anti-Balaka started to
8 create chaos. They started creating disorder on the ground. That is what they were
9 doing, even despite their leaders.

10 Q. [10:00:12] And just another -- I'm just checking if we can go into public session.
11 Maybe we may. I will ask you a few more questions about that -- no, I'll keep it
12 simple.

13 At the base -- at the military bases, did you see Anti-Balaka elements carrying
14 weapons?

15 A. [10:00:49] Yes. Some of them were armed and others were without weapons.
16 Some had grenades and others had hunting guns. So there were very many
17 Anti-Balaka elements and they received or collected weapons from the attacks that
18 they had carried out or from searches conducted in Seleka-owned houses.

19 At some point in Bangui there were weapons everywhere in the city. Even civilians
20 were able to acquire one or two weapons and then maybe even make it possible for
21 the Anti-Balakas to obtain weapons. So everybody wanted to be able to defend
22 themselves and to be able to operate.

23 Q. [10:02:07] I will ask you again some questions about the weapons later.

24 Just -- just one last question (Redacted).

25 So you saw the elements, did these elements that you saw at the time

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1 were -- participated in the 5 December attack, do you know?

2 A. [10:02:36] It's difficult for me to say that it is all of them who fought. It is true

3 that it is the Anti-Balaka who launched the attack, but it is not every element who

4 participated in the fighting. I say so because some joined later and even for those

5 who were there, not all of them participated in the fighting.

6 There were some child soldiers in -- in the group and there were child soldiers in each

7 group.

8 PRESIDING JUDGE SCHMITT: [10:03:21] Perhaps you follow up on that

9 so -- otherwise, we have the discussion later on about what the representatives of the

10 victims are supposed -- or allowed to ask or not. So perhaps you can follow up on

11 here.

12 MS STRUYVEN: [10:03:38]

13 Q. [10:03:39] In your assessment, would you be able to assess the age of the child

14 soldiers that you saw at the time?

15 A. [10:04:10] Some of them were 15 years old. Some were even younger or

16 smaller, younger. Even 12 years old. What I know is that OCHA visited the

17 coordination with a view to count the children and then provide them with training

18 and orientation. That's OCHA. That's what I know.

19 PRESIDING JUDGE SCHMITT: [10:04:51] Mr Witness, how did you tell that the -- a

20 child is 15 or 13 or 12 years old? How did you try to figure that out?

21 THE WITNESS: [10:05:16](Interpretation) When you look at someone, if they are

22 young, you would know using your eyes. So you can look at someone with your

23 eyes and assess how old they -- they may be. It's possible that you could be

24 mistaken, but you could also be right.

25 PRESIDING JUDGE SCHMITT: [10:05:33] I understand. That's perfectly

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1 understandable. That's like normally people would try to assess the age of a person.

2 Do you happen to know why these children, as you say, joined the Anti-Balaka and

3 how they joined the Anti-Balaka? Do you know that?

4 THE WITNESS: [10:06:06](Interpretation) All I know is the story of only one of them.

5 Seleka killed his brother -- his father and mother, so he was angry and joined

6 Anti-Balaka in order to -- to revenge. And you see, I cannot know what the reasons

7 were for each child to join the movement. So it is their respective leaders who could

8 be in a position to explain why they joined and their motivation.

9 PRESIDING JUDGE SCHMITT: [10:06:41] But at least you have provided

10 information with regard to one person and what you concretely know. That's

11 perfectly fine as an answer.

12 I think we can continue. Can we go to open session?

13 MS STRUYVEN: [10:06:56] Yes, indeed we can go back to (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:07:00] Yeah, open session.

15 (Open session at 10.07 a.m.)

16 THE COURT OFFICER: [10:07:05] We are back in open session, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:07:14] Perhaps one additional question with

18 regard to the question of child soldiers.

19 So did you see them participating in battle?

20 THE WITNESS: [10:07:38](Interpretation) You see, there were various battlefronts

21 and I witnessed the fighting in Boeing. I was close to the battlefront. I saw children

22 participating in that fighting. Some of them carrying jerrycans of water in order to

23 provide water for their elders who were in front. So they were more involved in

24 carrying supplies. That is what I saw.

25 PRESIDING JUDGE SCHMITT: [10:08:26] Did you also see any child soldiers with

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1 weapons participating in battle?

2 THE WITNESS: [10:08:48] (Interpretation) Let me repeat myself. I saw children
3 carrying water for the combatants who were fighting at the front. I didn't see them
4 carrying weapons and participating in the fighting. Maybe that happened in other
5 sectors, but in the sector where I was present and where I saw what was going on, I
6 did not see any children participating actively and carrying weapons.

7 PRESIDING JUDGE SCHMITT: [10:09:19] Thank you for that clarification.

8 Do you have knowledge or have you even seen that children who participated were
9 killed?

10 THE WITNESS: [10:09:44](Interpretation) No, I never saw that. Maybe some were
11 killed in other sectors, but I did not see any such incident myself.

12 PRESIDING JUDGE SCHMITT: [10:10:02] Thank you very much.

13 Please continue.

14 MS STRUYVEN: [10:10:07]

15 Q. [10:10:08] Mr Witness, you referred to OCHA getting involved, I think. Do you
16 know if the issue of child soldiers was discussed amongst the Anti-Balaka
17 coordination?

18 A. [10:10:39] Yes. What I know is -- is that people from OCHA came and their
19 leader was someone from Rwanda. They came to meet with the coordination and
20 they also travelled to the various bases in order to collect children, provide them with
21 training and send them back to school in order to change their lives. This is what I
22 know. But I wasn't involved in the discussions that the OCHA members had with
23 the coordination, and I am not aware of the issues that they discussed. I believe that
24 the person who represented OCHA was called Richard.

25 Q. [10:11:42] Does the name Alexis Kamanzi, is that a name familiar to you?

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1 A. [10:11:58] Alexis, was that not the member of the OCHA team? I don't know.

2 He was from Rwanda. The OCHA representative was called Alexis, I think.

3 Q. [10:12:24] And when you say that the OCHA people came to meet with the
4 coordination, did that include Mr Ngaïssona?

5 A. [10:12:56] Yes. You know, the coordination did not have a bureau or office as
6 such. All the meetings held at Ngaïssona's headquarters, and that is where
7 everybody came to meet to collect information. Even journalists came there for
8 information. So everything happened in his compound.

9 Q. [10:13:35] Just in case you know, do you -- do you remember roughly, because
10 this has been a long time ago, do you remember roughly when this happened, when
11 OCHA went to Ngaïssona's compound to discuss child soldiers, and if -- do you
12 know if it happened multiple times?

13 A. [10:14:15] Well, you know, it's difficult to remember dates, especially during
14 those times of crisis where everything was mixed up. And I think the OCHA
15 representatives met with the Anti-Balaka ComZone several times in order to discuss
16 how to take back the children. But I only saw them meet with the coordination once.
17 But they were often with Richard. You see, first of all, they knew Richard before
18 they got to know the coordination and the ComZones.

19 Q. [10:15:10] Now, I would like to indeed talk about what happened in terms of
20 coordination, so the role of Ngaïssona in this period. And so the questions that I'm
21 asking is -- are about the period in 2014 up until Mr Ngaïssona created his own
22 political party, which, according to our information, happened around
23 29 November 2014.

24 So I'm talking at a period before he split up, so to speak, with Maxime Mokom and
25 Bernard Mokom. And so in this period before this split-up, first of all, I would like

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1 to talk a bit more about the reporting. You gave the example during your testimony
2 of the ComZones being asked to provide the lists of their elements, the list of the
3 weapons and the ammunition they had available, I think the list of the expenses that
4 they had made. Do you know if then that information -- when the ComZones
5 gathered that information, was that information reported to Mr Ngaïssona?

6 A. [10:16:30] Yes. The ComZones drew up a list of their needs and submitted the
7 lists to the coordination. But I do not know what decision the coordination took in
8 relation to those needs expressed. That is what I can say.

9 You see, all the decisions were not taken in the presence of the ComZones. It was
10 possible to have a meeting with the ComZones and then Maxime, Bernard and the
11 coordinator would, for example, withdraw to discuss or deliberate, and at that time
12 one would not know what their discussions were about and what the discussion -- the
13 decisions would be.

14 That is what I can say.

15 Q. [10:17:55] And do you know if -- if it concerned -- were all the ComZones - both
16 in Bangui and those who had come from the provinces or who were still staying in
17 the provinces - were they all reporting to Mr Ngaïssona; do you know?

18 A. [10:18:17] Well, some ComZones had his direct telephone number, others would
19 call him directly, while some would have to go through a third party. But I did not
20 see any ComZone reporting directly to Mr Ngaïssona. What I know, however, is
21 that some ComZones were able to call him directly. But I wasn't present where a
22 report was submitted directly to Mr Ngaïssona.

23 However, during meetings, ComZones had the possibility to take the floor and
24 express themselves.

25 That is how it happened.

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1 Q. [10:19:25] And do you know of examples of ComZones who would be able to
2 call Mr Ngaïssona directly?

3 A. [10:19:45] Yes. Several of them. I have several examples. You see, I saw
4 with my own eyes when I was in Miskine, Tchakpa Blaise took up his phone and
5 called Ngaïssona directly and talked to him. But I specify I was not at Ngaïssona's
6 residence every day. I was not with him every day. So things might have
7 happened when I -- or about which I would not be aware. You see, everyone was
8 involved in their own activities in order to meet their needs. We did not receive any
9 money from the coordination in order to feed our families. So we only went there
10 when there was a meeting. People didn't go there all the time. And I myself, I did
11 not go there on a daily basis. So I am not in a position to know everything that
12 happened there every day at Mr Ngaïssona's compound. What I am telling you is
13 what happened when I was present.

14 Q. [10:21:27] Of course. And you already explained that there were these
15 so-called private meetings between Ngaïssona and Bernard Mokom and
16 Maxime Mokom. Did that happen often? Did you see that happen often, that they
17 would have separate private meetings amongst themselves?

18 A. [10:22:03] Yes. I have already told you that I even saw them withdraw to their
19 room in order to confer. But I also said that I was not at Ngaïssona's residence every
20 day. I have told you already about the things that I saw with my own eyes.

21 Q. [10:22:37] Now, can you tell the Chamber a bit more about the meetings that
22 were occurring. Do you know how often the coordination was meeting with the
23 ComZones and in which circumstances they would meet?

24 A. [10:22:55] Let me repeat myself. There were many ComZones. What I can tell
25 you is that -- rather, what I cannot tell you is the number of ComZones who attended

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1 any particular meeting. I am not in a position to provide you with such data.

2 What I know, however, is that several meetings took place there. Let me add that I

3 did not attend all those meetings and therefore I am not in a position to tell you

4 everything about what happened at all the meetings. At some meetings, for example,

5 he asked the ComZone to control their elements on the ground. I heard him say that

6 in my presence.

7 So let me again state that I did not attend all the meetings on all days and I did not

8 attend the, so to speak, closed-session meetings, no.

9 Q. [10:24:35] No, and that's -- that's perfectly understandable. What we want is to

10 get a sense of what was going on at the time because obviously we weren't there, so

11 we just want to get a sense of how this was -- how this was going on.

12 But maybe if you can explain to the Chamber, can you give us examples of what

13 would be discussed during these meetings and how -- just examples of how decisions

14 would be made on -- on subjects, generally speaking, if you can give an example.

15 A. [10:25:28] Okay. I was not a member and I did not attend those closed-session

16 meetings. And these closed-session meetings often took place after the general

17 meetings in order to confer among themselves. In fact, these people used to meet

18 regularly. They could contact each other by telephone. They had all types of

19 discussions among themselves and I have no way of finding out or knowing what

20 their discussions were about.

21 Q. [10:26:35] Then I will move to -- I know it's difficult also -- it's difficult questions

22 because they are very general and so it's very difficult also for you to answer them.

23 I'll move to something more specific and it's the weapons and the ammunition.

24 On Friday, at page 14, you already explained to the Chamber how weapons were

25 obtained in the Bouar region and you explained that in the Bouar region, sometimes

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1 Anti-Balaka soldiers would buy weapons and ammunition because there were
2 weapons available in the area.

3 Can you explain to the Chamber how -- how weapons or ammunition were obtained
4 in Bangui? And you can take your time. It's just for us to understand what was the
5 process of getting ammunition or weapons, when were they needed, who would need
6 them, et cetera?

7 A. [10:27:55] I told you that there was a military base at Bouar. During the
8 fighting, the elements in that area got their weapons supplies from that base. They
9 were also present at the border with Cameroon and it was easy to get hunting
10 ammunitions. They could easily buy hunting guns and ammunitions, obtaining
11 those supplies at the border from Cameroon. They would get the supplies from
12 Cameroon. I was not there, but I can only tell you what I was told.
13 Now, in Bangui the Anti-Balaka were looking for hunting ammunition and it was
14 difficult to find it in Bangui. The bullets, for example, if someone had some
15 ammunition such as bullets and ammunitions that they wanted to sell, they could put
16 it up for sale and the elements would buy it. That was one way of getting those
17 types of supplies.

18 They also had the possibility of buying hunting ammunition from private individuals.
19 And what I am telling you is what I saw. I cannot tell you what I did not see.
20 During the war, Bangui was a powder keg. Everybody had ammunitions. Some
21 had grenades. And some individuals sold ammunitions to the Anti-Balaka while
22 others actually gave the ammunitions free of charge to the Anti-Balaka.

23 Q. [10:30:25] And did you know where the money for the ammunition come from?

24 A. (No interpretation)

25 PRESIDING JUDGE SCHMITT: [10:30:59] Again no interpretation.

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1 THE WITNESS: [10:31:04](Interpretation) I don't know. I don't know the financial
2 sources of each group. What I know is that ...

3 PRESIDING JUDGE SCHMITT: [10:31:23] Well, it would be -- I think really it would
4 be good if we had a decent coordination between interpreters. So it seems to be an
5 issue when half an hour is over, whatsoever, but it's really important that we get
6 everything that the witness says.

7 So I assume, since the witness has talked a little bit longer, that this was not the full
8 interpretation, what we have now.

9 Mr Witness, could you please repeat your answer. Unfortunately we had an
10 interpretation issue.

11 THE WITNESS: [10:32:04](Interpretation) I can repeat. As you know, Bangui was
12 like a powder keg. Everybody had a weapon. And since everybody was
13 weapon -- had a weapon, some gave their materiel, their military resources freely to
14 the Anti-Balaka, others sold them to the Anti-Balaka.

15 The leaders could also buy food supplies for his group and people *of good will also
16 gave them money so that they could buy weapons. I know that Mokom bought
17 weapons and grenades which he gave to the chief of staff to distribute amongst the
18 men. That is what I saw.

19 But I wasn't there all the time to see everything. What I do know is that each base
20 had their own strategy of how to provide for themselves. That's what I can tell you.

21 PRESIDING JUDGE SCHMITT: [10:33:20] And, Mr Witness, the specific question
22 was what about ammunition also, where did the money, for example, for ammunition
23 come from, if you know?

24 THE WITNESS: [10:33:40](Interpretation) Everybody was doing what they could to
25 get some money. Some had roadblocks and all the people who passed by had to

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1 give them a bit of money, had to put some money in the basket. They used that
2 money either for food or to buy anything that they needed.
3 I repeat, everybody had their own way of doing things and at a certain point of time it
4 was difficult to control the Anti-Balaka. There was a lot of robbery, theft by some,
5 and others used different strategies to try and get supplies. So it's difficult. I can't
6 know all the sources.

7 PRESIDING JUDGE SCHMITT: [10:34:40] Ms Struyven, I think you
8 might -- Ms Dimitri, what's the problem?

9 MS DIMITRI: [10:34:45] I'm sorry, Mr President. I don't normally intervene like
10 this, I do it through email, but because there's going to be a follow-up, in French the
11 witness said, and it wasn't captured in the -- by the English interpreter, "*les gens de*
12 *bonne volonté leur donnaient aussi de l'argent pour se ravitailler*".

13 PRESIDING JUDGE SCHMITT: [10:35:02] Yeah, yeah, I understood it. Yeah, yeah.
14 So, Ms Struyven, I think you can try to elicit it in a more general way, or you can go
15 back to the statement now, to be more specific. So otherwise we lose a lot of time
16 here and I think you can go through paragraph 86 following.

17 MS STRUYVEN: [10:35:25] Just one question.

18 Q. [10:35:28] The chief of staff you mentioned, is that Olivier Feissona? The chief
19 of staff you mentioned in respect of Mokom. Do you -- did you want to refer to
20 Feissona?

21 A. [10:35:51] Yes. People came forward with arms and munition that they wanted
22 to sell and they saw -- came to Feissona and then it was passed on to coordination.
23 Maxime gave money and purchased that resource or equipment and gave the order
24 thereafter that this equipment be kept to see what would happen afterwards. That's
25 what I saw with my own eyes. They purchased and then some was given also free

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1 of charge.

2 Sorry, it was not given free of charge. They bought them.

3 Q. [10:36:57] So you say the coordination was -- was buying weapons and then
4 they were given to Feissona and he would keep them in case of need by the
5 ComZones; is that how I understood you?

6 A. [10:37:28] I'm not sure how the ammunition was shared out or distributed on
7 the ground. I only know that if there was an attack, these equipment was made
8 available to the men for the attack. But I don't know how they proceeded to
9 distribute the equipment.

10 Q. [10:37:57] So the coordination would make weapons or ammunition available to
11 the men who were carrying out the attack, correct?

12 A. [10:38:18] Yes. The coordination, as I said, when they were preparing the
13 attack of 5 December, it was coordinated by Richard. He -- he purchased the
14 ammunition which was made available to the men who were carrying out the attack
15 during the 5 December attack. That's all I can tell you. But I don't know the actual
16 procedure of sharing the supplies. That I don't know.

17 Q. [10:39:03] As the judge, Presiding Judge suggested, in your statement, in your
18 first statement, you gave an example related to Sylvestre Yagouzou and you saw
19 something in respect of him, in particular of getting weapons or ammunition. Do
20 you remember that example that you gave in your first statement, paragraph 168?
21 You explained what you saw in respect of the delivery of a weapon to Sylvestre
22 Yagouzou.

23 A. [10:39:43] Yes, I know that at that moment I was at the coordination and
24 Sylvestre Yagouzou arrived in a white pickup. There were five or six people in the
25 vehicle. Sylvestre Yagouzou arrived with weapons and ammunition, there were also

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1 grenades, gave it to the coordination and said that he had bought this from someone.
2 In fact, he took this from someone and gave it to the coordination. I saw Richard.
3 He spoke with the coordination and then he paid. And Yagouzou also had weapons
4 with him which he kept in his vehicle, and he left with those weapons. I don't know
5 what he used those weapons for. After that, he died.

6 Q. [10:41:18] And in your statement you're quite specific about who paid for the
7 weapons. Do you remember who paid from the coordination, who was the
8 individual who paid Yagouzou?

9 A. [10:41:41] I repeat, I said he went to the coordination. When you talk about
10 coordination, the leader was Ngaïssona, Mokom, Maxime Mokom, Bernard Mokom,
11 and also their secretary. They took the decision inside and Mokom came with the
12 money to pay. I know that sometimes Maxime could give money, but Ngaïssona
13 gave the money to pay for the weapons or to pay for certain other equipment.

14 Q. [10:42:45] Was there any instance where you see Ngaïssona specifically pay for
15 weapons or ammunition?

16 A. [10:43:33] I repeat, there everybody had their own responsibility, everybody had
17 their own responsibility. Ngaïssona was the umbrella, if you like, the supreme
18 authority. Sometimes he sent Maxime or his general secretary or his chief of staff.
19 They didn't have enough resources. If needed, he would check out the situation and
20 they would go towards him to ask for money. And then he would buy something.
21 He didn't -- it was his subordinates, his associates who carried out the purchase. He
22 never bore a weapon himself. He never bore a weapon. He never even came close
23 to a weapon. It was the others around him who bore weapons. If there was a talk
24 of buying them, yes, he could give them money to buy those weapons, but he himself,
25 he didn't carry a weapon.

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1 When visitors came to him -- to visit him, he didn't like them coming to his residence
2 with weapons. Before that, they had to lay down all their weapons outside. He
3 himself, he never carried weapons. He didn't even touch a weapon. He never did.
4 He never did. However, he would give money so that the arms would be purchased,
5 but he wouldn't personally carry a weapon. He might not even know the quantity of
6 weapons that were purchased.

7 Q. [10:46:03] I'm going to move to another subject and it's about the other attacks.
8 You already referred to -- so you have the 5 December attack and there were other
9 attacks. Again, can you give a sense to the Chamber -- I think -- well, I'll -- I'll put it
10 a different way.

11 On Friday you also said -- you gave the example of Chiki Chiki who fought in
12 Berberati, and that was at page 40. So my question is: After the 5 December
13 attacks - you already said that there were other attacks - where were those attacks and
14 how were they coordinated? If you can explain that to the Chamber in a relatively
15 brief fashion.

16 A. [10:47:04] There were attacks and some of them weren't even coordinated.
17 There were others who suddenly, suddenly were triggered off. The Seleka might
18 attack them or the Seleka could attack a civilian population. Then the Anti-Balaka
19 would immediately launch a counterattack. And this type of attack was not
20 coordinated. It was after that those responsible for the actions would phone
21 to -- phone and find out what was happening. So towards the end of the attack, they
22 could provide the reasons for the attack. They could say, for example, "The Seleka or
23 a group of Muslims attacked a civilian population and we reacted in order to push
24 them back." So the attacks that were coordinated were the ones of 5 December.
25 Most of the attacks in Bangui were not coordinated. The attacks in Bangui really

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1 weren't coordinated, but it's only afterwards that the leaders reported back to the
2 chief of staff in order to explain what had happened. Sometimes they also phoned
3 the chief of staff to ask for reinforcements.

4 The only coordinated attack was that of 5 December, but the other small attacks
5 which happened in the town of Bangui were not coordinated.

6 Q. [10:49:14] I'll -- I'll be more specific. Did you hear of attacks being carried out
7 in villages such as Berberati, Yaloke, Boda, Bossembele, Bossemptele, after the
8 5 December attack? Can you tell us more about these attacks, how they were
9 organised and how the reporting in respect of these attacks occurred. If you prefer
10 to go into private session, I can ask the Presiding Judge if that would be fine.

11 A. [10:50:02] The attacks in the provinces, when they occurred, the leaders called
12 the bureau of coordination to give a report. Sometimes they phoned the ComZones
13 or those responsible of coordination in order -- or directly to the top to tell them about
14 what was going on. So it was after the attack that they phoned their leaders to give a
15 report.

16 As I have already said, I'm not always with the leader so that I know exactly what's
17 going on with all the attacks. There were lots. There were many. I cannot know
18 how they coordinated their operations on the ground. Each time, Richard was
19 aware of the operations that were happening and he gave a report to the general
20 coordinator.

21 Q. [10:51:23] So you explained that Richard gave a report to, I suppose, Ngaïssona,
22 who you referred to as the general coordinator. Would there be any follow-up that
23 you were aware of after Richard would update Ngaïssona on particular attacks in the
24 provinces? So -- so what -- would there be any action taken upon those reports?

25 A. [10:52:23] That they brought it back to their leader, either by phone or face to

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1 face, but I don't know the follow-up. But I know that Richard gave instructions to
2 elements on the ground to withdraw, sometimes to look after the wounded and to
3 take them to this or that place. Sometimes he asked them if they had enough
4 ammunition so that they could launch the attack. If that was not the case, he asked
5 them to perhaps delay the attack.

6 I wasn't there myself so -- sometimes the elements first attacked before informing him.
7 The attack had already taken place, and then the question was, "What should we do
8 as a follow-up?" All he could say was, "Be careful. Do not upset the population.
9 Protect the population." But the elements on the ground, if they were hungry, they
10 started to behave badly.

11 Q. [10:54:08] And what do you mean by "they started to behave badly"?

12 A. [10:54:27] "Behave badly" means pillage, loot, take things by force. It depended
13 on the situation on the ground. They could erect roadblocks and demand payment
14 in order to pass. Those sort of things.

15 Within the Balaka, there were people with bad intentions who could steal your
16 telephone, take your motorbike. The code word they had is kusket (phon), kusket.
17 That's the password. And that's not the coordination that asked them to do that.
18 It's the elements who did that themselves on the ground.

19 Q. [10:55:36] Now, you -- you already explained the generalised sense of hatred
20 against the Muslim population. During the attacks in Berberati or Carnot or Yaloke,
21 Bossembele, et cetera, how was the Muslim population treated by the Anti-Balaka?

22 A. [10:56:21] Well, you know, if there was a fight between the Anti-Balaka and the
23 Seleka elements in a particular place, and if the Seleka was -- were the victorious
24 party, then *there would be retaliation against all the Christian population of that area,
25 and if it was the Anti-Balaka who won, then there will be reprisals against all the

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1 Muslims of that area.

2 So when the Anti-Balaka won a battle, all that belonged to the Muslims -- all that
3 belonged to the Muslims was taken, was looted. So this is what happened in the
4 Anti-Balaka camps and also in the Seleka camps. They all did the same thing.

5 PRESIDING JUDGE SCHMITT: [10:57:33] Could we stop here because I have -- do
6 you have a question -- yeah, yeah, of course. Please.

7 MS STRUYVEN:

8 Q. [10:57:41] Just about -- about that, was that discussed with the coordination, do
9 you know? Were there reports about that on -- passed on to the coordination? And
10 if so, how did the coordination react to Anti-Balakas looting, for example, Muslim
11 houses?

12 A. [10:58:22] There was no report relating to theft and the looting. The elements
13 on the ground, at the end of the combat, they thieved and looted. What could the
14 coordination do? The evil had already been done. They had already destroyed
15 everything.

16 When the coordination arrived, they only realised that everything had been destroyed.
17 What could the coordination do in that situation? They can only look.

18 PRESIDING JUDGE SCHMITT: [10:59:02] Mr Witness, the question is if the
19 coordination was informed about what happened on the ground later on. The
20 question was not if they had the possibility to do anything. The question was if they
21 knew what was going on on the ground. And I've -- I think I understood that you
22 said there were constant reports, but perhaps you can specify.

23 THE WITNESS: [10:59:48](Interpretation) The leaders -- or, rather, when the
24 elements thieved and looted, they wouldn't make a report to the coordination as
25 regards the looting. But it is the victims who could inform the coordination saying,

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1 "Look, the Anti-Balaka came to do this and to do that." But a Muslim -- a Muslim
2 victim could not do that. They could not go to the coordination and say, for example,
3 that their motorbike had been stolen, that their goods had been stolen. A Muslim
4 did not have that possibility.

5 When the goods were stolen or looted, it's lost, it's lost for the good. The
6 coordination can't do anything. If the good is stolen in Berberati, for example, what
7 can the coordination in Bangui do in order to return those goods?

8 By looting and thieving and putting into a vehicle, the coordination could ask that
9 that particular vehicle belonging to one -- or this one or another question, they could
10 try and find that person and give it back to the rightful owner. But the problem to
11 give back the vehicle, you had to give money. The owner of the vehicle had to give
12 money before their vehicle was returned. Sometimes some victims of theft took
13 revenge to get their property back without paying any money. This is how things
14 happened.

15 And often, it was the looter or the thief who asked for money. It wasn't via the
16 coordination. You had to give money to the looter or the thief before the goods were
17 returned.

18 PRESIDING JUDGE SCHMITT: [11:02:00] Mr Witness, you were talking about
19 looting and you have been asked about that. Were there also, to your knowledge,
20 killings of civilian population in these areas, in the provinces, that you know of, the
21 civilian Muslim population?

22 THE WITNESS: [11:02:35](Interpretation) Yes. During the attacks people
23 necessarily die. Seleka elements are killed. Muslim civilians are killed. And that
24 is why the Muslims retreated to PK5 or to the mosques in order to seek refuge and
25 protection.

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1 So when one came across a Muslim, that was the end of it for the Muslim. He no
2 longer would return to his home.

3 If a Muslim made the mistake of entering a Christian sector, that was the end of it for
4 him or her. And the same applied for the Christian who made the mistake of
5 entering a Muslim neighbourhood; that was the end for that Christian.

6 So during those attacks, all Muslims, whether they were a mother, a child or anything,
7 that person had to pay for the things that happened. And the same applied to the
8 Seleka. They all had to pay for -- for the damage that had been suffered.

9 You see, all elements were filled with hatred in their hearts. Everything that to their
10 eyes looked like a Muslim was equal to death. And they were determined to kill all
11 the Muslim targets. Those are the things that were happening on the ground during
12 the fighting. And the coordinator -- coordination could not do anything about it. It
13 could only observe that the damage was being done.

14 PRESIDING JUDGE SCHMITT: [11:04:38] How -- how did you -- perhaps one last
15 question. I think perhaps we can extend a little bit the coffee break, otherwise it
16 would be too short.

17 But how, Mr Witness, did you come aware of all this, what happened on the ground?
18 How did you come to know this?

19 THE WITNESS: [11:04:58](Interpretation) Well, you know, everyone is aware of
20 what was going on. We had contact with the leaders. They could say, for example,
21 that such and such an element did such and such a thing and was involved in such
22 and such a fight and that such and such a person died, that attackers were warded off
23 and that land or territory was covered, and so on and so forth. These are the type of
24 things that were being said.

25 Now, we also were able to call people on the ground, elements on the ground to

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1 provide us with information. Some elements would say, for example, that they
2 weren't present at the fighting, but that they only heard about it.

3 PRESIDING JUDGE SCHMITT: [11:05:53] Thank you.

4 I think we can now have a break, but I would like to discuss shortly how much time
5 would you need, when will you finish examination.

6 MS STRUYVEN: [11:06:03] I think I'm almost halfway for today. So I think I may
7 need to go a very short period after the lunch break, unless we extend
8 the lunch -- until the lunch part.

9 PRESIDING JUDGE SCHMITT: [11:06:25] Perhaps you can -- I can already
10 announce, to have a meaningful break, we will extend it until a quarter to 12. You
11 can think in the meantime, perhaps that you can streamline it. My question has the
12 background that -- the question is, of course, what about the Defence? We have
13 already had a figure been given by both of you.
14 We would have to start today if you tell me -- you both tell me that if we add you up,
15 so to speak, we can't meet it with tomorrow and Thursday. So can you give, so to
16 speak, an update.

17 I know that you, Mr Knoops, prefer to start tomorrow, but we can only agree to that if
18 it's realistic to finish on Thursday.

19 MR KNOOPS: [11:07:17] Yes, Mr President, thank you very much. I believe that
20 also the LRV has 30 minutes scheduled. So if the Prosecution continues after the
21 break, LRV then -- would leave me perhaps one hour. I could start with one topic or
22 two topics today. That's for me fine. I can start today.

23 PRESIDING JUDGE SCHMITT: [11:07:38] And how long, you said four sessions?

24 MR KNOOPS: [11:07:44] I -- I anticipate to finish tomorrow at the end of the third
25 session.

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1 PRESIDING JUDGE SCHMITT: [11:07:49] But then we could start because
2 Ms Dimitri has said four hours.
3 MS DIMITRI: [11:07:55] Less than two -- two sessions maximum, Mr President.
4 PRESIDING JUDGE SCHMITT: [11:07:58] Okay. Then we can -- if you don't say
5 you want to start immediately after the LRVs have finished, I would say then we start
6 tomorrow with the Defence with your examination.
7 And I'm not sure how many questions the LRVs have left, but, of course, we will see
8 that then.
9 So we have now a break until a quarter to 12.
10 THE COURT USHER: [11:08:22] All rise.
11 (Recess taken at 11.08 a.m.)
12 (Upon resuming in open session at 11.46 a.m.)
13 THE COURT USHER: [11:46:55] All rise.
14 Please be seated.
15 PRESIDING JUDGE SCHMITT: [11:47:16]
16 MR KNOOPS: [11:47:17] Mr President, sorry. Just for the schedule, Mr President,
17 you asked me before the break the schedule anticipated by the Defence. I conferred
18 with the team. Our proposal would be to the Chamber, if the Prosecution indeed
19 would finish around the lunchtime and the LRV would use their time they have
20 indicated, we would prefer to use the afternoon to streamline our examination and
21 assure the Chamber that we finish tomorrow before the end of the third session.
22 But in order to streamline, I would need several hours this afternoon. So I would
23 respectfully ask the Chamber if the Prosecution would stick to their time limit, that
24 means that it would be around lunch, could finish with their examination and the
25 LRV afterwards, and I can then use the time to prepare for tomorrow. And we will

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1 be ready tomorrow afternoon.

2 PRESIDING JUDGE SCHMITT: [11:48:24] No, I think we can -- I think that's a good
3 proposal and I fully understand that also. And I know that every party is under a lot
4 of pressure when the other party has finished the examination and to really grasp
5 what remains of what you perhaps anticipated, so I understand that.

6 So I think we do it this way. We finish after the -- for today, after the examination by
7 the victims representatives. And you take your time, the afternoon, which is not
8 much any way then, but still some hours.

9 So Ms Struyven, you know, a little bit of a promise here.

10 MS STRUYVEN: [11:49:05] Yes, Mr President. I think I may still need half an hour
11 after the lunch. But I'll try to be as smooth as possible.

12 PRESIDING JUDGE SCHMITT: [11:49:16] And I suggest then really that we shorten
13 the lunch break so -- also to give you -- half an hour might not be much, but
14 nevertheless so that you don't have to work until the late evening, perhaps. Yeah?
15 Please.

16 MS STRUYVEN: [11:49:31]

17 Q. [11:49:32] Mr Witness, you explained to us that at the meeting with Ngaïssona
18 and Bernard Mokom there were also ComZones coming from the provinces. And so
19 my question is to explain to us what happened in certain villages in the provinces.
20 At the time, were any of these ComZones coming from the provinces, were they
21 punished by the coordination for, for example, having destroyed the house of a
22 Muslim or having looted Muslim property?

23 A. [11:50:26] No, I never experienced that. I never saw that. They had a meeting.
24 *He reminded them of it. But I don't remember any meeting at which sanctions were
25 taken in relation to the destruction of houses.

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1 Q. [11:50:56] Now, another question.

2 I think you already mentioned the issuance of badges, I think it was in relation to an
3 individual called Baudouin. Did the ComZones generally, did they get badges to
4 your knowledge?

5 A. [11:51:20] Yes, all ComZones had badges and soldiers as well. I know the team
6 that produced the badges. They travelled through the provinces to deliver and issue
7 badges. They went to Berberati and they virtually travelled through all the
8 provinces to produce badges or establish badges.

9 Q. [11:52:04] I'm moving to another subject. I may be moving a lot of subjects
10 because we don't have that much time left.

11 I would like to talk to you about the prison in Bangui being attacked by the
12 Anti-Balaka.

13 Did you hear of a time where the Ngaragba prison was attacked in Bangui by
14 elements of the Anti-Balaka?

15 A. [11:52:53] No, I don't remember the date.

16 Q. [11:52:58] That's okay. We know all of this has been a long time ago, so it's
17 okay if you don't remember the date. But do you remember that the Anti-Balaka
18 attacked the prison and can you tell us more about that?

19 A. [11:53:24] Yes, I remember. I do recall.

20 Q. [11:53:29] So what happened?

21 A. [11:53:45] Could we deal with this in private session?

22 PRESIDING JUDGE SCHMITT: [11:53:48] Of course.

23 Private session.

24 (Private session at 11.53 a.m.)

25 THE COURT OFFICER: [11:53:54] We are in private session, Mr President.

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1 THE WITNESS: [11:54:15](Interpretation) Yes. What I remember is that at that time
2 there was an attack, a soldier was killed and then this was followed by clashes. At
3 that time, Feissona was in prison. Emotion and Bawa Sami were in prison at
4 Ngaragba. The Balaka attacked the Ngaragba prison and they liberated Sami and
5 Emotion. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 That is how it happened. It is only afterwards that I learned that some Muslims who
13 had left the Ngaragba prison were executed. I heard about it. I didn't see it.

14 I don't know who killed them. I only heard that they were killed on the road.

15 PRESIDING JUDGE SCHMITT: [11:56:29] Mr Witness, do you know who decided to
16 attack the prison?

17 THE WITNESS: [11:56:54](Interpretation) Well, the prisoners had telephones while
18 in the prison. They coordinated with those who were outside. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [11:57:27] Thank you.

25 Ms Struyven.

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1 MS STRUYVEN: [11:57:29]

2 Q. [11:57:30] And you explained that you went to the coordination. Do you mean
3 that you went to Ngaïssona's house, the headquarters?

4 A. [11:57:51] Yes. The coordination was at his residence. I have already told you
5 that it didn't -- that there was headquarters as such for the coordination -- no
6 headquarters as such. It was his father's residence, which was near the church which
7 was used as the headquarters. There really wasn't a headquarters as such for the
8 general coordination. No, there wasn't. Everybody met at that location.

9 Q. [11:58:26] But -- so you explained that Mokom went to Ngaïssona's house,
10 correct, in the framework of this liberation of Sami Bawa and others?

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS STRUYVEN: [12:01:12]

5 Q. [12:01:12] And do you know how the coordination reacted on their liberation?

6 A. [12:01:35] (Redacted).

7 But as regards the reaction, I have no idea. I know that after the liberation, they
8 were free to go where they wanted.

9 PRESIDING JUDGE SCHMITT: [12:01:50] May I shortly.

10 It might have escaped my attention, Mr Witness, so bear with me if I have not heard it.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [12:03:06] Thank you.

20 MS STRUYVEN: [12:03:08]

21 Q. [12:03:09] In -- in your statement -- do you remember another instance where
22 Anti-Balaka members liberated prisoners, liberated other Anti-Balaka elements? Do
23 you remember another instance?

24 A. [12:03:47] Yes. I remember what happened in the case of Coxis. He was
25 stopped and taken to court. He phoned the other elements who came on motorbikes

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1 and finally obtained his release. At that time there was *no insecurity in the town.

2 His name was Aaron, Aaron Vainqueur.

3 Q. [12:04:28] Also known as Aaron Ouilibona, correct?

4 A. [12:04:37] Yes, Aaron Ouilibona.

5 Q. [12:04:47] In this respect, you already discussed this before, so we're not going

6 to go back to the subject, but on the -- in the declaration of 14 February, the

7 Anti-Balaka expressed their disagreement with the fact that some Anti-Balaka

8 elements had been arrested by MISCA and Sangaris. We went into -- we looked at

9 that document some days ago.

10 Do you remember, after Sangaris and MISCA arrested some of the Anti-Balaka

11 elements - I think there were 10 elements arrested at the time. This is in February

12 2014 - do you know what the reaction was of the Anti-Balaka elements to that arrest?

13 Other than issuing the declaration.

14 A. [12:06:03] What I know, that they were with Ngaïssona and they could get their

15 hands on some of the elements. The Anti-Balaka became angry and wanted to

16 demonstrate to show their discontent. Fortunately, Mokom advised them *to -- to go

17 out onto the streets and demonstrate.

18 It's only afterwards that they made the statement. After that, no

19 Balaka -- Anti-Balaka went out. He asked all the leaders to control their elements

20 and to speak to their elements, so they didn't go out as they initially intended, except

21 *at the level of Gobongo who wanted to go out to demonstrate.

22 They started to go out. He phoned Mokpem who gave him advice. And in the end,

23 everybody stayed in their bases. They didn't go out to demonstrate as they initially

24 intended.

25 Q. [12:07:31] In respect of this incident, in your statement you explained that - and

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1 this is paragraphs 180 to 182 - that there were further meetings held I think, including
2 with government advisers.

3 Do you remember what happened? Maybe I'll situate you in time. On the
4 10 February 2014, General Soriano made a declaration that was cited in the
5 14 February declaration, and he was quite strict and strong about the Anti-Balaka and
6 the fact that they needed to be disarmed. Then some Anti-Balaka members were
7 arrested, and then came the declaration.

8 But do you remember anything that happened right after the declaration and then the
9 meetings that occurred after the declaration was issued?

10 A. [12:09:01] What I know is that the fight started in Boeing. After that fight, I
11 learnt that some elements who were fighting had a shock. And the next day, the
12 commander of the Sangaris took a decision by stating war against the Anti-Balaka.
13 He said on the radio, Ndeke Luka, he made the statement. And after that, the
14 Anti-Balaka went out and barricaded the roads.

15 If I remember correctly Nzapalainga asked Mokom and Richard to a meeting near
16 him - that was Nzapalainga - in order to bring about some sort of peace so that that
17 could be restored after the statement made by the representative of the Sangaris
18 And also so they could find some understanding to arrest the Minister Ngaïssona.
19 They wanted to talk about that. This happened at the cardinal's where there was a
20 meeting. But I wasn't present at that meeting. Only Mokom, Sema, Bezouane, and
21 other individuals were there.

22 PRESIDING JUDGE SCHMITT: [12:10:54] Could we discuss this in open session?

23 MS STRUYVEN: [12:11:00] Yes, I think so.

24 PRESIDING JUDGE SCHMITT: [12:11:02] I assume -- I have the -- because also the
25 last answer could have been, but nevertheless. Then we go to open session.

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1 (Open session at 12.11 p.m.)

2 THE COURT OFFICER: [12:11:20] We are in open session, Mr President.

3 MS STRUYVEN: [12:11:26]

4 Q. [12:11:29] So just so that I understand you correctly, General Soriano, who was
5 the head of the Sangaris at the time, so he made a strong statement against the

6 Anti-Balaka, and he declared, or it was understood as if he declared war against the

7 Anti-Balaka. And so in reaction to that, if I understand you correctly, the

8 Anti-Balaka came out, and they raised barricades. Is that how I understood you?

9 A. [12:12:13] Yes. They came out towards Combattant, and they erected

10 barricades. They wrote a petition. Nzapalainga made contact with the bureau to

11 see if they could reach some understanding and asked for the release of those who

12 had been arrested. They all met in the place of Nzapalainga, but I wasn't present at

13 this meeting. Dede was there, and together they wrote this petition so they could

14 obtain the release of some individuals and enter into a dialogue.

15 Q. [12:13:08] Now, in -- in your statement, you -- you explained that

16 Maxime Mokom asked the ComZones to come out on streets and to fight the

17 international forces.

18 Do you remember that that happened?

19 A. [12:13:46] After that, everyone came out. They took this decision so that the

20 international forces were regarded as an enemy. Since they were against the

21 Anti-Balaka, they had to treat them like that and therefore took a decision

22 accordingly.

23 Q. [12:14:21] And when you say "they took the decision," you mean the Anti-Balaka
24 coordination; correct?

25 A. [12:14:40] It is the coordination who took the decision. After these events, the

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1 Minister Ngaïssona was not present because there was an attempt to kidnap him. So
2 he wasn't present when these events took place. Only the coordination of operation
3 took this decision.

4 Q. [12:15:11] Now, I would like to show you -- I'm moving ahead in time. I would
5 like to show you one document. It's at tab 30. It's an Anti-Balaka document signed
6 by Ngaïssona. It's on CAR-OTP-2108-0049. So this is a document from
7 17 June 2014.

8 PRESIDING JUDGE SCHMITT: [12:15:42] Can it be shown to the public?

9 MS STRUYVEN: [12:15:45] Yes.

10 PRESIDING JUDGE SCHMITT: [12:15:46] Yes.

11 MS STRUYVEN: [12:15:51]

12 Q. [12:15:52] Where Feissona Olivier, *Chef d'état Major des Patriotes Anti-Balaka*
13 (Interpretation) "is authorised to supervise and guarantee sustainable peace for the
14 population."

15 (Speaks English) I just asked you questions about Feissona Olivier. He was the one
16 who broke out of the prison. Do you remember what he was supposed to do in this
17 capacity?

18 A. [12:16:45] As I said, this was a moment in time where the Anti-Balaka
19 committed a lot of exactions on the population. The coordination no longer had all
20 the authority they had before on the soldiers. The coordination did whatever they
21 could to have a mandate for Feissona so they could neutralise or control the situation
22 for the population.

23 At a certain point of time, Ngaïssona could no longer cope himself and he too was
24 risking death. So it was a very tricky, delicate moment.

25 Q. [12:17:44] And at this time Feissona is still the chef d'état-major. He would still

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1 have been handling the weapons, as you explained earlier?

2 A. [12:18:14] Yes. When Richard Bejouane *passed away he was chief of staff.
3 He assumed all those functions. So if there were exactions committing, it was trying
4 to stop them and disarm them so that the population could breathe. The Anti-Balaka
5 at that moment were difficult. There were barricades almost everywhere.
6 Ngaïssona, at that moment a grenade was launched in his compound and he himself
7 was in danger. And so he tried to bring about peace for the population. The -- it
8 was very difficult. There were various groups and it was very difficult to control
9 them. He couldn't control them.

10 Q. [12:19:25] And so in this function, was Feissona also supposed to bring unruly
11 Anti-Balaka to prisons?

12 A. [12:19:58] No. Take them to prison? I don't know about that. I know that he
13 approached certain leaders to ask them to control the soldiers. *There were also fake
14 Anti-Balaka on the ground, because some individuals created so-called Anti-Balaka
15 groups whereas they were not known.

16 So there were thieves, robbers who operated under the name Anti-Balaka and when
17 they were stopped, they were taken to MINUSCA or Sangaris or to the gendarmerie.

18 Q. [12:21:05] Now, I would -- I would like to discuss another event that happened,
19 I think, a few months later and it has to do with, if you remember, Samba-Panza in
20 September, I think, of 2014. It may be another date, but she went to the UN in
21 New York, the headquarters of the UN in New York, and when she -- there was an
22 issue that when she returned she couldn't land in Bangui. Do you remember that
23 event?

24 A. [12:21:59] Yes, I remember she was at the headquarters of the United Nations at
25 the Security Council. And upon her return, the roads were blocked, the Anti-Balaka

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1 blocked all the roads and she couldn't land to return to her residence.

2 I also remember that the coordination bureau was sent because I remember they sent

3 a pastor to make a statement so that the Anti-Balaka open up the roads. * But

4 Andjillo wanted to kill them. At that moment it was a very tricky situation. They

5 barricaded the roads until almost the centre of town. No one could move,

6 MINUSCA, Sangaris couldn't move. They remained in their bases. There were

7 attacks here and there. There were also attacks between them and MINUSCA.

8 That's what I know.

9 Q. [12:23:12] I'll have a few follow-up questions on this and I'm going to try to take

10 it step by step. In your statement you refer to a person called Lakosou. Do you

11 remember what the purpose was of -- you explain in your statement that

12 Maxime Mokom asked him to make a specific statement and you explained why he

13 asked him to make the statement instead of an Anti-Balaka member making the

14 statement. Can you explain to the Chamber why he was asked to make the

15 statement?

16 MR KNOOPS: [12:23:49] Mr President, just an observation. I think the Prosecution

17 should refrain from citing from the statement without foundation, as she has done it

18 several times. I let it go, but I think it's not correct. It's not a 68(3) statement and

19 I think it's not proper to cite or to paraphrase the statement and then ask the question.

20 PRESIDING JUDGE SCHMITT: [12:24:12] Yeah, so when we don't have a Rule 68(3)

21 witness, if you want to go to the witness statement you can do that if it is established

22 that the witness does not recall any more or if there are - this is in principle - if there

23 are established some -- there seem to be some contradictions. So please observe that.

24 Thank you.

25 MS STRUYVEN: [12:24:39]

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1 Q. [12:24:41] Do you remember what you said in your statement about this person,
2 Lakosou?

3 A. [12:25:01] Yes, I remember that because Lakosou made a statement together
4 with the Anti-Balaka relating to the coordination as regards the operations of
5 Maxime Mokom. They said they would assume their own responsibility. And so
6 that's to make sure that Samba-Panza would not return, that she stayed in New York
7 and that her government would no longer be in existence. *I think it is the Sangaris
8 forces that made it possible for the plane to land.
9 She had to land about 16 o'clock, 17 o'clock, but she didn't go this route. I heard it
10 said that she was transported by helicopter from the airport to the -- the embassy of
11 France. It wasn't very far from her residence because part of her *chicken coop,
12 because she had a chicken coop, was looted. There was a lot of looting going on at
13 that time.
14 There were a lot of damage, a lot of damage. There were attacks until kilometre 5, as
15 far as I know.

16 Q. [12:26:43] And can you explain to the Chamber who -- who was attacking?

17 A. [12:27:07] There were attacks everywhere. MINUSCA, Sangaris tried to open
18 up the roads and get rid of the blockades, but there was resistance. Those who
19 commanded the operation was Maxime Mokom. On that day, I didn't see
20 Minister Ngaïssona. There were only the others who were coordinating the day of
21 that particular attack. That attack or those attacks -- it's difficult. All the roads
22 were blocked and barricaded. It was almost a dead town. And this was -- this
23 civilian society also behind this and supported it.

24 Q. [12:28:08] Just to come back on Mr Lakosou, do you remember exactly what you
25 said in your statement about Mokom asking Mr Lakosou to make a statement or a

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1 speech rather than someone from the Anti-Balaka?

2 A. [12:28:55] Yes, as I said, it was a joint statement. He asked -- he asked that the
3 town be completely dead so that Samba-Panza couldn't enter CAR. *It was Gervais
4 Lakosou. He was the civil society representative. I don't know how he was
5 persuaded to enter into this game. *What is certain is that there was report on this.

6 Q. [12:29:28] And then afterwards, after Samba-Panza managed to reach her
7 residence, do you remember if there was a meeting with her or her adviser and
8 members of the Anti-Balaka?

9 A. [12:29:59] Yes. There was a meeting which took place between them with
10 Minister Ngaïssona. And also I heard that he signed a document, a commitment,
11 signed a commitment saying that they would protect the transition. After that, he
12 made a statement and all the roads were opened up, the barricades were taken away
13 and peace was restored.

14 Q. [12:31:01] In your statement you also describe a meeting with Ngaïssona or the
15 coordination and the ComZones. Do you remember in -- in the framework of this
16 event. Do you remember that meeting?

17 A. [12:31:31] Yes. After the statement he made in the presence of Samba-Panza,
18 he called the ComZones together and told them that from that day on he wanted
19 everybody to be calm because everything they did was such that would engage his
20 responsibility. If anybody committed any act, he would be the one to answer before
21 the courts.

22 That is why I just told you a short while ago that there was a time at which the
23 coordination executive did not have any handle or control over the elements because
24 the elements were saying that they were the ones fighting for themselves and that it
25 was not Ngaïssona who was fighting on the battleground, that they were the ones

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1 fighting by themselves.

2 That is why it was necessary to -- to insist on -- on these issues. People actually got
3 killed.

4 So if there was any misconduct, Ngaïssona may have called -- called them, but the
5 person called may not answer the phone. And I know that they made a number of
6 calls, that he would call, but quite often some of the elements would not answer his
7 calls.

8 That is what he was doing. And there was a time when they did not respect him
9 anymore. And towards the end of the events, everybody was doing whatever they
10 wanted to and they did not obey him any longer.

11 Q. [12:33:50] Now, I still have a few questions about this particular event.

12 In your statement you refer to negotiations with the government. Do you remember
13 at the time what the negotiations with the government were about in the framework
14 of this event?

15 A. [12:34:29] As far as I know, they wanted to negotiate for the arrests to stop, that
16 Anti-Balaka elements should no longer be arrested, and that the coordination was
17 ready to support the transition all the way up to the elections. I am not able to give
18 you all the points that were discussed during those negotiations and that were on the
19 agenda. You see, they were angry that the Sangaris were arresting Anti-Balaka
20 elements and so during the negotiations they wanted those arrests to stop.

21 Q. [12:35:22] Do you remember if they discussed the fact that Sangaris had to also
22 stop disarming the Anti-Balaka?

23 A. [12:35:56] Yes. They asked the -- that there should be a stop to the disarming of
24 the Anti-Balaka and that the DDR process should be set up because, whenever the
25 Sangaris arrested an Anti-Balaka, they would take him directly to Ngaragba and that

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1 is what led to gunshots between the two.

2 So during the negotiations, the issue of stopping the disarming was discussed, along
3 with the fact that the coordination was willing to accompany the transition all the
4 way to the elections.

5 This is the kind of discussion that took place -- or, these are the types of decisions that
6 were taken.

7 Q. [12:36:59] And then one last one: Did they also discuss the Anti-Balaka
8 becoming or getting positions in the government? Do you remember that?

9 A. [12:37:30] Yes, I remember that some positions in the transition government
10 were set aside for the Anti-Balaka, but I have told you that I wasn't present at the
11 discussions to provide you with all details. What I know is that the Anti-Balaka
12 movement sent representatives to the Ministry of Youth and Sport, for example,
13 Wenezoui and Dede. They became part of government representing the Anti-Balaka
14 movement.

15 MR KNOOPS: [12:38:06] Mr President, maybe that's my mistake, but I think the
16 word disarming is misunderstood by the witness, because otherwise his answer
17 doesn't make sense.

18 MS STRUYVEN: [12:38:20] No, it does.

19 PRESIDING JUDGE SCHMITT: [12:38:22] Okay. So then please continue and we
20 will -- we will have to interpret it. And if it makes sense, we will have to figure that
21 out in the end.

22 MS STRUYVEN: [12:38:56]

23 Q. [12:38:56] Maybe another question: Do you remember if this was also the
24 time -- do you know someone called Alfred Legrand Ngaya?

25 A. [12:39:15] Yes. He is a pastor. He made a statement and the Anti-Balaka

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1 tracked him down. They wanted to kill him. Andjilo wanted to execute him after
2 his statement. After that statement, the Anti-Balaka searched for him. They
3 wanted to kill him. But finally, government provided accommodation for him at the
4 *hôtel du Centre*. They said that it was Samba-Panza who corrupted him before he
5 made the type of statement he made.

6 He, however, said that it was Ngaïssona who had asked him to make the statement
7 for the purpose of peace. But the Anti-Balakas did not understand this and they
8 attacked his home. So he fled, fortunately, and sought refuge at the *hôtel du Centre*.

9 Q. [12:40:33] And the statement itself, was it the confusion about whether or not
10 the Anti-Balaka were going to seek Catherine Samba-Panza's
11 demissioning -- *démission*?

12 "Resignation" is the word in English.

13 A. [12:41:10] Yes. Well, when they blocked the road while she was still at the
14 headquarters, they asked for her resignation. They went through Lakosou of a civil
15 society. They did not want her to land in Bangui. Fortunately, the international
16 forces were present and they did everything to enable her plane to land. But if those
17 forces had not been there, it would have been difficult for her to land in Bangui.

18 Q. [12:41:52] But do you remember that originally the Anti-Balaka had asked for
19 her resignation and then they had withdrawn that request for her resignation, which
20 was the statement that Ngaya gave, after which the ComZones were confused?

21 A. [12:42:28] *Oui*.

22 PRESIDING JUDGE SCHMITT: [12:42:29] What means "*oui*"? What does this mean
23 in that context? The question was a little -- actually, you said -- it entailed something
24 a bit confusing. And I'm a little bit confused, actually, but I think you did not mean
25 that.

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1 MS STRUYVEN: [12:42:45] Okay.

2 Q. [12:42:47] Can you --

3 PRESIDING JUDGE SCHMITT: [12:42:48] Can you please break it down, simply.

4 MS STRUYVEN: Yes.

5 PRESIDING JUDGE SCHMITT: (Overlapping speakers) To put it this way.

6 MS STRUYVEN: [12:42:50]

7 Q. [12:42:52] So is it correct that -- that the ComZones met with Mr Ngaïssona and
8 they agreed to ask Mrs Samba-Panza's resignation? Do you remember that?

9 A. [12:43:17] Yes. I know that at some point they asked for Samba-Panza's
10 resignation. But when it comes to the meeting with Ngaïssona, I don't know.

11 Lakosou also called for that. But then the pastor made a statement on the radio
12 saying that he had been sent by Ngaïssona. So the Anti-Balaka started to track him
13 down to hurt him, thinking that he had been corrupted by Samba-Panza. And this
14 led to the split within the coordination. So he fled and found refuge at the *hôtel du*
15 *centre*. And after the dialogue, calm returned.

16 Q. [12:44:29] And again about Lakosou, is it -- do you remember if he was asked to
17 make the first speech so that the Anti-Balaka wouldn't be blamed for what was going
18 on in Bangui?

19 A. [12:45:12] Yes, I remember. Lakosou made a statement. He made a statement
20 in which he called on the population to come out and participate or organise a ghost
21 town, that is in relation to the departure of the transitional president's departure to
22 New York. After that, they came out and blocked the roads, and so this person was
23 part of the civil society and used to work in collaboration with the Anti-Balaka. That
24 is what I know.

25 Q. [12:46:04] I'm going to ask you questions on another subject very briefly.

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1 You already talked about the stealing of cars in order to get money so they would
2 then ask the owner of the car -- the Anti-Balaka would ask the owner of the car to
3 recuperate the car, but the owner would have to pay the Anti-Balaka who took the car.
4 Do you know of an instance where cars or vehicles, trucks ended up in the compound
5 of Ngaïssona, whether they were brought to the compound of Ngaïssona?
6 A. [12:46:58] Well, when vehicles were stolen, they were not driven to
7 Mr Ngaïssona's residence. People tried to find places to hide those vehicles. If
8 those vehicles had been driven to Ngaïssona's residence, the owners would go and
9 see Ngaïssona, and Ngaïssona would definitely have ordered for the vehicles to be
10 returned to the owners.
11 So what happened was that vehicles were stolen and hidden. And so while vehicles
12 were being sought to be recovered, then they would ask for some kind of
13 compensation for the vehicles to be released. And it was the owner of the vehicle
14 who would then take those steps to recover their vehicles.
15 But for all matters pertaining to small amounts of monies and these types of
16 transactions, I never saw Ngaïssona involved in them. So this is how the
17 transactions and the operations took place for vehicles to be released that had been
18 parked in a particular location, some money had to be paid for the vehicles to be
19 released. So people paid for their vehicles to be released.
20 You see, if someone took a vehicle and parked it at Ngaïssona's place and the owner
21 went to Ngaïssona's residence, Ngaïssona would necessarily have released the vehicle.
22 So what the thieves did was, they would take the vehicles and hide them somewhere
23 and wait for the owners to come, ask Ngaïssona, and then the thief would say, "Okay,
24 I have my men and I have conducted operations and is Ngaïssona who is feeding us."
25 So they would now have to go back and negotiate to buy back what belongs to them.

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1 Q. [12:49:20] Mr President, if I can have a few questions in private session.

2 PRESIDING JUDGE SCHMITT: [12:49:24] Yes.

3 (Private session at 12.49 p.m.)

4 THE COURT OFFICER: [12:49:29] We are in private session, Mr President.

5 MS STRUYVEN:

6 Q. [12:49:47] Mr Witness, do you remember an instance that you described in your
7 statement where a vehicle was stolen by Blaise Tchakpa and his men?

8 A. [12:50:15] Yes. The vehicle of Usaca. I think there was a vehicle from the
9 ministry of defence as well. It was a four-by-four, a white vehicle, white in colour,
10 which belongs to the ministry of defence. That vehicle was taken at the Avenue des
11 Martyrs, and it was stolen and taken to Tchakpa's compound. After that, they left
12 his compound with the vehicle. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Later on, I heard that a computer and some money that were in the car were not
23 recovered. But the vehicle itself was recovered, taken to the coordination, and the
24 coordination handed it back to the ministry of defence.

25 The same thing happened for -- with a vehicle from the police, which was recovered

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1 by the coordination and handed over to the police. The coordination restituted or
2 handed back those vehicles without receiving any money or compensation in return.

3 As for the police, he said that if the vehicle was not returned, he would authorise the
4 Sangaris and MINUSCA to attack wherever they were. I think the vehicle was
5 returned in Bozoum, as far as I can remember.

6 So when it comes to the stealing of cars, I wasn't really very informed. Things
7 happened there. Vehicles would be taken and hidden and sold, or people would be
8 asked to pay. And, you know, some owners were scared of going all the way to
9 Boy-Rabe. And so if this is what happened and Ngaïssona or Mokom called the thief,
10 they would not answer the phone under those circumstances.

11 So the owners of the vehicles had to go and see the thieves and negotiate with them in
12 order to get back their vehicles. And that was a time when these elements were not
13 under any control, and that is how they were able to make some money for a living.

14 Q. [12:54:11] In -- in your statement at paragraph 275, your first statement, and
15 then in your second statement, paragraphs 99 to 203, you -- you explain a slightly
16 different system where -- where, actually, money was asked for vehicles to be
17 returned. Do you remember what you said about that in your first and your second
18 statement?

19 A. [12:54:54] Yes. What I'm telling you is that, when a vehicle is stolen, the
20 ComZone who has collected the vehicle will hide the vehicle and require the owner to
21 pay an amount of money before collecting the vehicle. So it's the ComZone who
22 imposes the amount of money for the soldiers' food, and so the owner would have to
23 pay in order to get their vehicle back.

24 Q. [12:55:34] And -- and do you remember having said something about
25 Ngaïssona's role in this respect in your statement?

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1 A. [12:56:03] I told you that Ngaïssona was not involved in these types of
2 transactions. He didn't touch any money through those types of transactions. Even
3 money from checkpoints and collection points, at borders, at the waterfront, and all of
4 that. The reports of those activities went to Mokom, and Mokom would then -- and
5 Lieutenant Donoh would take this money and use it for -- for the food for the troops
6 on the ground.

7 Now, when Ngaïssona called, for example, the person he called could maybe even
8 answer the phone and said they would come, but then wouldn't. But even if the
9 chief of staff called the thief, the ComZone would require that money be paid before
10 the cars are returned.

11 So Ngaïssona was not aware of these things. And the chief of staff -- well, you know,
12 in all these things, the chief of staff was complicit, so to speak, with the -- with the
13 ComZones so that they all could make money together. But the coordinator had
14 given instructions to the chief of staff. But when he got to the ground, there was
15 money exchanged before the vehicles were returned, and then he would come back
16 and report to coordinator that there was no exchange of money, whereas that was not
17 true.

18 So the truth of the matter is that people were collecting money on ground before any
19 vehicles were returned, whereas he thought that the vehicle was returned without
20 any exchange of money. Whereas, the owner had to pay for it.

21 But if the vehicle was in his compound, then the owner would come to him and ask
22 for the vehicle to be returned to him. He wouldn't give money to the owner, and he
23 would not be asking for a hundred or 200,000, no. Ngaïssona had money, his own
24 money.

25 PRESIDING JUDGE SCHMITT: [12:58:47] Is this a natural pause where we can go

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1 into the break, or what do you think?

2 MS STRUYVEN: [12:58:55] I'm going to put two more questions to him and maybe
3 read out from his statement.

4 PRESIDING JUDGE SCHMITT: [12:59:02] So, if it fits here, yes, of course.

5 MS STRUYVEN: [12:59:06] It's about money still.

6 Q. [12:59:08] Mr Witness, in your statement you said -- and I'll read it at
7 paragraph 275.

8 PRESIDING JUDGE SCHMITT: [12:59:16] Please, also the ERN, the number.

9 MS STRUYVEN: [12:59:18] So it's the first statement. It's CAR-OTP-2090-0561. It's
10 at tab 14, and so it's paragraph 275, which is at page 0598.

11 And you said: "If your car got stolen by the Anti-Balaka, you had to pay Ngaïssona
12 in order to get it back. The same worked with Mokom. The money that was paid
13 was distributed among the Anti-Balaka."

14 And then you give a concrete example where the owner paid almost a million CFA to
15 Ngaïssona and that Ngaïssona then gave the money to Feissona, Tchakpa got a part
16 and that the rest was distributed to the smaller ComZones. And you say: "This is
17 an example of how it worked. The price would depend on the value of the car. If
18 you did not pay, the car would be sold to someone else."

19 PRESIDING JUDGE SCHMITT: [13:00:47] So does that refresh your memory,
20 Mr Witness?

21 THE WITNESS: [13:01:06](Interpretation) I repeat, let me give you the example of
22 the vehicle of Usaca. Usaca's vehicle was taken and led to the base of Tchakpa Blaise.
23 The Usaca staff contacted coordination. A member of the coordination went to try
24 and recuperate the vehicle and give it back to Usaca. When the coordination arrived,
25 they worked with a ComZones.

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1 Finally, Usaca gave a sum of money, which he gave to the ComZones, and they
2 shared the money. They gave part of it to the one who started the operation. And
3 the chief of staff said, "Look, the vehicle has been released." Ngaïssona thought that
4 the vehicle had been released free of charge. Unfortunately, they took the money
5 and shared it amongst themselves.

6 This is to show you that Ngaïssona wasn't aware of what was happening on the
7 ground. The money which was given as ransom, Ngaïssona was not aware of this.
8 He had his money. He didn't want to take money from anybody else.

9 If, for example, they seized vehicles and led it to Ngaïssona's compound, the owner
10 would collect it without payment; free. The money that was given would depend on
11 the value of the vehicle. If -- sometimes they asked one million, sometimes 500,000,
12 depending on the value of the vehicle. But Ngaïssona didn't see this money. They
13 used the money to cover their -- the needs of their elements. And they would say to
14 Ngaïssona, "Oh, look, the vehicle has been returned to its owner."

15 PRESIDING JUDGE SCHMITT: [13:03:56] May I, shortly.

16 Mr Witness, so the Prosecutor has read to you this paragraph 275 of your former
17 statement where you have said, "If your car got stolen by the Anti-Balaka, you had to
18 pay Ngaïssona in order to get it back." So to make it clear, this is not correct?

19 THE WITNESS: [13:04:32](Interpretation) I didn't say that the money was given to
20 Ngaïssona, but to the ComZones who were carrying out the operation. If he learnt
21 the news, he sent the chief of staff to negotiate with the ComZones. It's the
22 ComZones who took the money, but the money wasn't given to Ngaïssona. The
23 ComZones took money from the owner of the vehicle without being -- without
24 Ngaïssona being aware. That's what I said.

25 PRESIDING JUDGE SCHMITT: [13:05:11] Thank you for that clarification,

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1 Mr Witness.

2 MS STRUYVEN: [13:05:14] Maybe one last question about the money.

3 PRESIDING JUDGE SCHMITT: [13:05:20] Absolutely. Now we are on it, so I think
4 we have to finish this issue.

5 MS STRUYVEN:

6 Q. [13:05:21] So -- but earlier you explained that the money that was collected from
7 the checkpoints - and I think you also mentioned the money collected alongside the
8 river - that money was going to the chief of staff - I assume you mean Feissona - and
9 Mokom to be distributed amongst the ComZones. Did I understand that correctly?

10 A. [13:05:59] Let me give you an example. The money which they took on the
11 checkpoints along the river and other checkpoints, Ngaïssona never saw that money.
12 That money never fell into the hands of Ngaïssona. All the ComZones who shared
13 that money, who used that money, each time when they made a report, for example,
14 from Boeing, who made a report to Maxime, Maxime distributed that money between
15 the elements so that they could buy food.

16 For example, the one who erected a checkpoint, if he received money, he would share
17 the money between him and his elements. That's all.

18 PRESIDING JUDGE SCHMITT: [13:07:02] I think we can now have the break. We
19 shorten it a little bit, as I have said, perhaps a quarter past 2. It's not the usual time,
20 but I think we can all keep it in mind. And we expect you, really, to finish quickly
21 afterwards.

22 THE COURT USHER: [13:07:20] All rise.

23 (Recess taken at 1.07 p.m.)

24 (Upon resuming in private session at 2.16 p.m.)

25 THE COURT USHER: [14:16:52] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [14:17:13] So we are in private session I understand.

3 Then you may continue.

4 MS STRUYVEN: [14:17:21]

5 Q. [14:17:23] Mr Witness, before -- before I ask you a few more last questions about

6 your statement, I first would like to confirm with you some telephone numbers so

7 that we have them on the record. In your first statement, you gave us your two

8 telephone numbers. I'll read them out. It's (Redacted)

9 Can you confirm that these were indeed the telephone numbers you were using at the
10 time.

11 THE INTERPRETER: [14:18:29] The -- from the Sango interpreter: The witness is
12 running through the numbers much too fast. The Sango interpreter couldn't catch
13 them.

14 PRESIDING JUDGE SCHMITT: [14:18:43] Could you please repeat the number,
15 Mr Witness, a little bit slower so that the interpreters can follow.

16 THE WITNESS: [14:19:03](Interpretation) (Redacted)

17 PRESIDING JUDGE SCHMITT: [14:19:20] Thank you. I have to say something
18 else.

19 Mr Witness, when you have -- you have a binder in front of you with the documents
20 provided by the Prosecutor, please only consult this binder with regard to the
21 portions you are asked for, yeah? Thank you very much.

22 Ms Struyven, you may continue.

23 MS STRUYVEN: [14:19:49]

24 Q. [14:19:50] And -- and then also about the telephone numbers, is it correct that

25 (Redacted)

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- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 THE INTERPRETER: [14:21:49] And the Sango interpreter did not catch the rest.
- 16 (Redacted)
- 17 MS STRUYVEN: [14:22:07]
- 18 (Redacted)
- 19 (Redacted)
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1 MS STRUYVEN: [14:23:21]

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [14:24:06] (No interpretation)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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17 (Redacted)

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- 1 PRESIDING JUDGE SCHMITT: [14:26:36] With a little house on top.
- 2 MS STRUYVEN: [14:26:39] My English doesn't stretch that far.
- 3 PRESIDING JUDGE SCHMITT: [14:26:44] I don't think that this would be correct
- 4 English, "with a little house on top," but nevertheless.
- 5 MS STRUYVEN: [14:26:51]
- 6 Q. [14:26:51] And so now I have only two more series of questions about your
- 7 statement. And the first one is about the fact that in your statements, (Redacted)
- 8 (Redacted)
- 9 (Redacted)
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- 25 (Redacted)

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1 (Redacted)

2 Q. Thank you. (Overlapping speakers)

3 THE INTERPRETER: [14:29:50] From the Sango interpreter: (Redacted)

4 (Redacted)

5 MS STRUYVEN: [14:30:01] In your statement, you also described other instances

6 where you went to --

7 PRESIDING JUDGE SCHMITT: [14:30:04] Give him a -- give him a keyword, so that

8 (Overlapping speakers)

9 MS STRUYVEN: [14:30:05]

10 Q. [14:30:06] And do you remember -- and you only have to describe this shortly.

11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [14:30:12] No, give him a keyword that orientates

13 him. I don't have a problem with that. And if he remembers, he can elaborate on it.

14 MS STRUYVEN: [14:30:24]

15 Q. [14:30:25] Do you remember an instance where Andjilo was involved in

16 holding -- or that the elements of Andjilo were involved in keeping a Muslim man?

17 A. [14:31:06] I remember that there was one day in Boeing three Muslim

18 children - and that is an event that I remember - three Muslim children. I am

19 forgetting the names. It was an element belonging to Choko (phon) who wanted to

20 take them to kill them in the Muslim cemetery area.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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25 PRESIDING JUDGE SCHMITT: [14:35:15] Shortly. I think this -- this was not what

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1 you meant. But nevertheless, this might help Mr Knoops to streamline -- excuse me,
2 his examination.

3 Please continue.

4 MS STRUYVEN: [14:35:29]

5 Q. [14:35:32] Thank you for that, Mr Witness.

6 In your statement, you describe Ngaïssona's reaction. Do you remember what his
7 reaction was on -- (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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15 (Redacted)

16 (Redacted)

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1 (Redacted)

2 Q. [14:42:23] (Redacted)

3 (Redacted), at the time were you aware that in the villages like Berberati and Carnot
4 and Boda and other villages, at the time or in the weeks (Redacted),
5 were you aware that Muslims were staying in enclaves, so in confined areas in these
6 villages? Were you aware of that?

7 So after there were attacks, that the Muslims were grouped in specific areas, for
8 example, in Boda or in other villages?

9 PRESIDING JUDGE SCHMITT: [14:43:23] Ms Dimitri.

10 MS DIMITRI: [14:43:24] Mr President, can we do this in public session?

11 PRESIDING JUDGE SCHMITT: [14:43:27] Yeah, I think so. Yeah, it appears to be
12 possible in public session.

13 We go to public session.

14 (Open session at 2.43 p.m.)

15 THE COURT OFFICER: [14:43:37] We are in open session, Mr President.

16 MS STRUYVEN: [14:43:51]

17 Q. [14:43:51] So the question was, did you hear at the time that Muslims were
18 confined in specific areas in Berberati or in Carnot or in Yaloke or Boda?

19 A. [14:44:20] Yes. The Muslims had regrouped, were reunited. The Muslims
20 of -- were together in Yaloke. The Muslims in Boda gathered together in the Muslim
21 sector. They left the other sectors to go into the Muslim sector. That's the same
22 thing that happened in Bangui when all the Muslims found themselves in kilometre 5.

23 Q. [14:45:02] And do you remember other areas where Muslims had regrouped
24 together in certain villages or cities?

25 A. [14:45:26] Yes. Towards Boda, there was a town in Guen where the Muslims

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1 gathered together. There was an attack around Guen. There were many deaths.

2 Q. [14:45:54] Did you hear the same happening in Bossangoa?

3 A. [14:46:14] Yes. In all the villages of Central African Republic the Christians and
4 the Muslims lived together. When the events started, they affected all areas and
5 things changed. Some Muslims managed to get back to Bangui. Those who didn't
6 have that chance were killed along the way. Some couldn't reach kilometre 5.

7 In all the provincial areas there were no Muslims any more. Bossangoa, Yaloke, on
8 the Bossangoa axis, the Bouar axis, there were no Muslims any more. The Muslims
9 grouped together in Bambari. The towns where the Muslims were seen was at Boda.
10 All the other towns were deserted. The Muslims went to Bambari and Bria and
11 Kaga-Bandoro. Some went to Chad, others went to Cameroon.

12 Q. [14:47:55] And during the meetings with the ComZones that you attended, was
13 this -- do you remember if this was discussed?

14 A. [14:48:26] I said that during the meetings which I participated in we didn't talk
15 about what happened in the provinces. Most of the ComZones from the provinces
16 had already arrived in Bangui. We discussed the situation in Bangui only. We
17 asked the ComZones to keep their elements in control in Bangui.

18 In the towns of the provinces there were no Muslims any more, so we couldn't fight in
19 those villages in any way. All the provincial sectors were under the control of the
20 Anti-Balaka.

21 Q. [14:49:29] Just one last question: Were you aware that there was Muslims in
22 the Lobaye area in the area of Mbaiki?

23 A. [14:49:51] Yes, there were Muslims in Mbaiki. But they were chased out from
24 Mbaiki. Some found refuge in Bangui. The Anti-Balaka looted their homes, just
25 like they had in the other towns and in other areas in the provinces.

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1 Q. [14:50:33] And do you know who the ComZone was in the Mbaiki area?

2 A. [14:50:52] In the Mbaiki zone it was Yekatom, Rambo, who coordinated the
3 operations in that sector. I was aware of what was happening in that area towards
4 Berberati and in that area it was -- *Rombhot was the leader in that section up to
5 Lobaye and Boda.

6 So it was Rambo who controlled that area.

7 Q. [14:51:33] Thank you very much for your patience. I have no further questions.
8 But thank you.

9 PRESIDING JUDGE SCHMITT: [14:51:39] Thank you very much.

10 Any questions by the representatives of the victims?

11 MR DANGABO MOUSSA: [14:51:46](Interpretation) No, we have no questions,
12 Mr President.

13 MR SUPRUN: [14:51:54] Mr President, I believe that the areas of interest for the
14 former child soldiers have been sufficiently covered by the Prosecution and the
15 Chamber. I very much appreciate it and, accordingly, I have no questions to this
16 witness. Thank you.

17 PRESIDING JUDGE SCHMITT: [14:52:13] Thank you very much. I also would
18 have thought so.

19 So we conclude the hearing for today.

20 Again, Mr Witness, what I'm always saying, please don't talk about your testimony
21 with any other person. And we meet together again tomorrow at 9.30 and we start, I
22 assume, with Mr Knoops? That's correct? Okay.

23 THE COURT USHER: [14:52:35] All rise.

24 (The hearing ends in open session at 2.52 p.m.)