

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 Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 17 November 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:27] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:53] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:58] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II in the case of the Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:17] Thank you.
21 The appearances of the parties.
22 The Prosecution first.
23 MS STRUYVEN: [9:32:20] Good morning, Mr President, your Honours. For the
24 Prosecution today, we have Kweku Vanderpuye, Yassin Mostfa, Pierre Belbenoit
25 Avich and myself, Olivia Struyven.

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- 1 PRESIDING JUDGE SCHMITT: [9:32:29] Thank you.
- 2 And for the representatives of the victims, please.
- 3 MR DANGABO MOUSSA: [9:32:33](Interpretation) Good morning, Mr President.
- 4 Good morning, everyone. For the LRV, we have Enrique Carnero --
- 5 PRESIDING JUDGE SCHMITT: [9:32:40] Thank you.
- 6 Mr Suprun.
- 7 MR DANGABO MOUSSA: [9:32:40](Interpretation) -- and Maître Dangabo Moussa.
- 8 MR SUPRUN: [9:32:43] Good morning, Mr President, your Honours. The former
- 9 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of
- 10 Public Counsel for Victims. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [9:32:53] Thank you.
- 12 I turn to the Defence.
- 13 Ms Dimitri first.
- 14 MS DIMITRI: [9:32:55] Good morning, Mr President. Good morning,
- 15 your Honours. Good morning, everyone. Mr Yekatom, who is present in the
- 16 courtroom this morning, is represented by Mr Thomas Hannis, Mr Jean-Michel Kola,
- 17 Mr Gyo Suzuki, Ms Yasmeen Hajjali and myself, Mylène Dimitri.
- 18 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.
- 19 And Mr Knoops, please.
- 20 MR KNOOPS: [9:33:18] Good morning, Mr President. Good morning,
- 21 your Honours. Good morning everyone in the courtroom. Good morning. The
- 22 Defence team of Mr Ngaïssona is today comprised of Lauriane Vandeler, Barbara
- 23 Szmatula and Ms Phoebe Oyugi. And the defendant is in the courtroom.
- 24 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
- 25 And a welcome also and good morning to Mr Witness. I hope you are well. We

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1 continue with your examination today. And it's now the turn of the Defence and we
2 start with Mr Knoops.

3 MR KNOOPS: [9:33:54] Yes.

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

5 (The witness speaks Sango)

6 QUESTIONED BY MR KNOOPS:

7 Q. [9:33:55] Good morning, Mr Witness. My name is Alexander Knoops. I'm
8 an attorney here in the Netherlands, in Amsterdam is my office residing. I'm one of
9 the counsel of Mr Ngaïssona and I have some questions for you, sir, today.

10 I think the first question might better be asked in private session.

11 PRESIDING JUDGE SCHMITT: [9:34:25] Then we go to private session.

12 (Private session at 9.34 a.m.)

13 THE COURT OFFICER: [9:34:47] We are in private session, Mr President.

14 MR KNOOPS: [9:34:50]

15 Q. [9:34:51] Mr Witness, good morning. First of all, I'm very sorry for what
16 happened with you during the war.

17 My first question to you is, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MR KNOOPS: [9:36:11] I'm not having translation, Mr President.

23 PRESIDING JUDGE SCHMITT: [9:36:14] Me neither. But we had this yesterday
24 already. So I think we hear the witness speak, so I would assume that if we have
25 interpreters sitting in the booth, that, at least, one of those would also hear it.

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1 So can we please have the translation, the interpretation of what the witness said.

2 THE INTERPRETER: [9:36:36] The interpreters have been interpreting.

3 Can anyone hear the interpreters?

4 PRESIDING JUDGE SCHMITT: [9:36:48] Ms Dimitri is hearing something. What
5 are you hearing?

6 MS DIMITRI: [9:36:54] In fairness to the interpreters, yes, I heard the English and
7 French.

8 PRESIDING JUDGE SCHMITT: [9:36:59] So then --

9 MS DIMITRI: [9:37:01] -- so I think it's an issue maybe with the -- it's a technical
10 issue.

11 PRESIDING JUDGE SCHMITT: [9:37:09] So then my apologies.

12 So, Mr Knoops, you have the same problem, yes?

13 So then perhaps repeat the interpretation, please, first.

14 THE INTERPRETER: [9:37:54] The English interpreter is speaking now.

15 Can you hear me, please? English interpreter speaking.

16 Testing ...

17 Mr President?

18 PRESIDING JUDGE SCHMITT: [9:38:14] So let me just explain what happened. So
19 I don't know why, but since yesterday -- and I think I don't know who was here at my
20 tool, it was simply muted. So I don't know who is going inside here after our
21 hearing and changes anything. So it is my fault, so to speak. I did not recognise
22 that. So apologies.

23 So, again, please.

24 THE INTERPRETER: [9:38:43] Testing English interpretation.

25 PRESIDING JUDGE SCHMITT: [9:38:46] Perfect. Everything, perfect. Now when

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1 you have sound, you hear it. Yes.

2 Could you please repeat the answer of the witness, the interpretation so that we

3 have -- that we also have heard it. Mr Knoops wants to hear it, and I want to hear it.

4 THE INTERPRETER: [9:39:38] From the Sango interpreter: The witness said as
5 follows:

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [9:39:56] Thank you very much.

10 Thank you.

11 MR KNOOPS: [9:40:00]

12 Q. [9:40:00] Sir, thank you.

13 Can you explain why you supported the cause of the movement of the Anti-Balaka.

14 A. [9:40:25] The fact that we fled is because Seleka took over power. (Redacted)

15 (Redacted). So you have to know

16 that the Seleka did not forgive anyone who had been working with Bozizé.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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1 Q. [9:50:49] Can you say to the Chamber whether this was during the first half of
2 2014 or the second half of 2014, if you can recall.

3 A. [9:51:18] I believe that it was in the second half of the year 2014. (Redacted)
4 (Redacted)

5 THE INTERPRETER: [9:51:41] And the Sango interpreter says they did not catch the
6 name of that person.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [9:53:30] And -- and, sir, can you give us approximately the time frame when
23 this split took place between the different groups within the coordination.

24 THE INTERPRETER: [9:53:52] Correction: The witness said (Redacted)

25 (Redacted)

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1 THE WITNESS: [9:54:01](Interpretation) I think it was after Brazzaville. After

2 Brazzaville.

3 After Brazzaville, yes. Yes. The split took place after Brazzaville, and then

4 thereafter Mokom went to Kenya. (Redacted)

5 (Redacted)

6 Maxime returned from Kenya and a meeting was convened for mediation. And it

7 was as from that moment there were two coordinations, the Ngaïssona wing and the

8 Maxime wing.

9 MR KNOOPS:

10 Q. [9:54:56] Thank you. We'll come to this subject later, sir, in my examination.

11 Thank you.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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1 (Redacted)

2 Q. [10:01:38] Yes. For instance, I understood from your testimony that you say
3 that Mr Godonam was part of the 5 December attack. Correct? You stand by this
4 statement. Just an example.

5 A. [10:02:07] Which Godonam are you referring to?

6 Q. [10:02:14] Achille. Achille.

7 A. [10:02:23] Yes, Achille was one of those who left Bossangoa to attack Bangui on
8 December 5.

9 Q. [10:02:41] And you know how long he was in Bossangoa before he left to
10 Bangui?

11 A. [10:02:48] I told you that I heard that he was a nurse. I only got to know him in
12 Bangui, so I don't know. I have no idea what he was doing before. I only got to
13 know him in Bangui, in much the same manner as I got to know Minister Ngaïssona
14 within the Anti-Balaka movement. I had been hearing about him but never met him.
15 It is only when I joined the movement that I got to know him, and that's an example I
16 can provide.

17 Q. [10:03:51] Thank you. And can you tell us whether your information at that
18 time was that Achille Godonam, after the 5 December attack, he stayed in Bangui?
19 He remained there?

20 A. [10:04:14] Yes. After the attack of 5 December, Achille remained in Bangui up
21 until 2016. For now, I don't know where he is because (Redacted).

22 Q. [10:04:37] Yes. Thank you.

23 Sir, would you please be so kind to look at a document I'm about to show you, which
24 is the -- which is tab 62 of our Defence binder. That's Defence document
25 CAR-D30-0007-0729. It's a document -- yeah. It's displayed to you.

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1 Sir, if you look at the top, you see the name of Mr Godonam Achille. And you see
2 that he was incarcerated on 30 January 2014 in the prison of -- the central prison of
3 Bertoua and released on 28 May 2014. That's the -- at the bottom of this document
4 with the place of signature, Bertoua.

5 Now, my question to you, sir: Were you aware - apparently not - that Mr Godonam
6 was not in Bangui during the time frame you mentioned, and if he would have
7 participated on 5 December in the attack, then he would have returned to Cameroon
8 to be arrested there? But that's not your testimony.

9 So are you in agreement with me that your information about Mr Godonam was not
10 correct, that he was not part of the 5 December attack -- (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [10:07:10] May I ask -- may I ask why this document
12 would -- we have here a time frame 30 January 2014 until May 2014. 5 December is
13 seven weeks, eight weeks before that.

14 MR KNOOPS: [10:07:30] Yes.

15 PRESIDING JUDGE SCHMITT: [10:07:30] So --

16 MR KNOOPS: [10:07:30] Then Mr Godonam should have then returned after the
17 attack to Cameroon to be arrested there. And the -- and the witness said he was
18 after --

19 PRESIDING JUDGE SCHMITT: Yeah, but --

20 MR KNOOPS: (Overlapping speakers) -- he stayed there.

21 PRESIDING JUDGE SCHMITT: [10:07:42] Mr Witness, when -- do you recall
22 when -- did you meet -- did you meet Mr Godonam at all personally, or is what you
23 are telling us have you heard about this person?

24 THE WITNESS: [10:08:09](Interpretation) (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) Why did he go to Bangui? It's

6 because of the attack of December 5.

7 Let's take another example. Andjilo. Andjilo was in the province, but on 5

8 December he also came to Bangui for the attack. So these are all people who came

9 from -- from provinces and they came to Bangui because of the attack. Andjilo was

10 in Bangui, he went back to the province and he was arrested in the province.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [10:09:53] Mr Knoops, I have -- can we discuss -- no,

15 of course, now I don't think so (Redacted)

16 (Redacted)

17 MR KNOOPS: [10:10:07] Yes. I'm finished with this topic, Mr President. I think

18 the next questions -- let me check. Yeah. Those questions can be asked in open

19 session.

20 PRESIDING JUDGE SCHMITT: [10:10:19] Okay. Then we go to open session.

21 (Open session at 10.10 a.m.)

22 THE COURT OFFICER: [10:10:44] We are in open session, Mr President.

23 MR KNOOPS: [10:10:47]

24 Q. [10:10:47] Sir, my next topic relates to COCORA.

25 Now, you told us yesterday on 11 November of this year in this court - the real-time

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1 transcript page 18, lines 19 till 24 - that Steve -- Steve Yambete created COCORA.

2 Would you agree with me that this happened around December 2012, approximately
3 in December 2012?

4 A. [10:11:46] I said that Yambete created COAC. COCORA was created by Levy
5 Yakete, not by Yambete.

6 Q. [10:12:19] COAC and COCORA, were they established around December 2012?

7 A. [10:12:42] Yes. COAC and COCORA are two movements that were set up at a
8 time when I was not party to them. I only saw some of the actions they took, such as
9 setting up roadblocks. I was not a member of that movement to be able to know
10 what they were doing within the movement and so I cannot say anything about it.

11 Q. [10:13:11] No, that's clear to us, sir.

12 But you are in agreement that the establishment of these two organisations was
13 December 2012; you can confirm that?

14 A. [10:13:35] Yes. COAC and COCORA were created, but I don't know the date
15 on which they were created. I cannot confirm a date. I am not able to confirm a
16 date. But we must understand that after the Seleka attack, the movement was set up.
17 And in 2013, everybody had left. I don't know whether the executive was set up in
18 December 2012 or in 2012. I really don't know for sure. And so I am not able to
19 give you a date regarding these two movements because I didn't belong to any of
20 them.

21 Q. [10:14:24] Can you remember that in December 2012 the youth went out on the
22 streets to erect barricades? That's -- the allegation is that it had to do with also the
23 speech of Mr Bozizé in December 2012.

24 A. [10:15:10] Let me repeat myself. You have been talking about a date in
25 December, but I know nothing about that. What I know is that the population came

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1 out and set up roadblocks with a view to protecting their sectors. But I don't know
2 on what date exactly that started.

3 Q. [10:15:34] Do you know the date or the time frame when Mr Ngaïssona was
4 appointed as minister of youth and sports?

5 A. [10:16:11] He was appointed after the Libreville dialogue, the Libreville talks.
6 If I remember well, he came back from Libreville and it is then that he was appointed.
7 And after the dialogue, the Seleka also joined the government, as well as other
8 individuals.

9 Q. [10:16:43] I suggest to you that this was 3 February 2014. Would you agree
10 with this date?

11 A. [10:16:55] No. No. He wasn't appointed minister of youth in February 2014.
12 No, no, no. In 2014, Mr Ngaïssona was no longer minister. I believe that the
13 Anti-Balaka movement is the one which proposed a minister for youth and sports in
14 2014. It wasn't Ngaïssona. It was in fact Bozizé who appointed Ngaïssona minister
15 of youth and sports. It was not in 2014 because Bozizé left power in 2013.

16 You see, in 2014 it was Minister Bara who was an Anti-Balaka minister in the
17 government at the time. So at that time, he was not -- he was not in government, no.

18 Q. [10:18:29] I beg your pardon. Maybe I made myself a mistake. I meant --

19 PRESIDING JUDGE SCHMITT: [10:18:33] Yeah, you -- I think -- I think we could
20 have spared this. Actually, I want -- I pondered to intervene, but then I thought you
21 might have an idea behind it, but you simply misspoke.

22 MR KNOOPS: [10:18:47]

23 Q. [10:18:47] Sorry, Witness. My mistake. I meant 3 February 2013. Apologies.
24 I suggest to you if the date of 3 February 2013, 2013, not '14. Sorry.

25 Is that, according to your recollection, the date that Mr Ngaïssona became minister of

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1 youth and sports?

2 A. [10:19:31] No. I don't know the date on which he was appointed. And by the
3 way, I did not sign that decree myself. It was signed by the president of the republic,
4 and he's the one who would know the date. And Minister Ngaïssona would also
5 know because he definitely has a copy of that decree. I, I don't know.

6 Q. [10:19:51] Okay. I'll show you then tab 44 -- 54, and that's CAR-OTP-2004-1530,
7 in particular, page 1533 and 1535, where you see the date of the decree in February.
8 And then, having established this date, my next question to you is: Do you know
9 when Mr Yambete was nominated as *chargé de mission* for the ministry of youth and
10 sports?

11 A. [10:21:19] What I know is that he was *chargé de mission* at the ministry of youth
12 and sports, but I do not know the date on which he was appointed to that position.
13 All I know is that he was *chargé de mission* at the ministry of youth and sports.

14 Q. [10:21:43] Can you recall also whether this appointment was after or before
15 Mr Ngaïssona became minister of youth and sports? Was Mr Yambete appointed
16 before or after 3 February 2013?

17 A. [10:22:28] I told you that I knew that he was *chargé de mission* but that I'm not
18 aware of the date on which he was appointed. Indeed, he was *chargé de mission* in
19 Minister Ngaïssona's ministry, but the date on which he was appointed, I don't know.

20 PRESIDING JUDGE SCHMITT: [10:22:47] Mr Knoops, if you have a document like
21 the last one that you showed, simply show it and point to it, and the document -- may
22 I say it this way: The document is better than a witness statement, a witness who
23 was not directly involved. So --

24 MR KNOOPS: [10:23:05] Yeah.

25 PRESIDING JUDGE SCHMITT: [10:23:07] So we could simply take note of the fact

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1 via the document. It would also expedite, I think, matters. Yeah?

2 MR KNOOPS: [10:23:14] Of course. Thank you, sir.

3 Tab 55 of our Defence binder.

4 Q. [10:23:19] Sir, I have a document before you for you, which is Defence document

5 CAR-OTP -- D30-0007-0728. It's, again, a decree. And it does say at the end that

6 Mr Yambete Steve is appointed as *chargé de mission* and the date, which you find at

7 the bottom of the document, 30 December 2012.

8 PRESIDING JUDGE SCHMITT: [10:24:19] It's hard to read, but it seems from the

9 context perfectly clear that "30 December 2012" is meant. I think you can continue

10 from there. The witness -- there's no need that the witness comments on that.

11 MR KNOOPS: [10:24:27] No.

12 PRESIDING JUDGE SCHMITT: [10:24:28] We can take it as it is here, this document.

13 Which means that this was before Mr Ngaïssona was appointed minister of youth.

14 MR KNOOPS: [10:24:37] Yeah.

15 Q. [10:24:43] Do you have any knowledge on the reason why Mr Yambete was

16 appointed on 30 December 2012 in this role as *chargé de mission* well before Ngaïssona

17 became minister of youth and sports?

18 A. [10:25:25] This was a decision of the head of state. I do not know. I am not

19 able to know the reasons for which he decided to appoint Yambete as *chargé de mission*.

20 This falls within the ambit of his discretionary powers, and he signed the decree in his

21 capacity as head of state. He knows why he did so, and I cannot make any

22 comments on the reasons behind the decision because I did not participate in that

23 reasoning in any manner whatsoever.

24 Q. [10:26:05] Sir, in {ICR: (Redacted)} -- or maybe we should ask this in a private

25 session.

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1 PRESIDING JUDGE SCHMITT: [10:26:20] Yeah. Indeed. Indeed. Indeed.

2 MR KNOOPS: [10:26:30] I can also repeat the question and then delete the -- I say in
3 his former your role you described, and we don't have to -- we can delete it from the
4 transcript, redact it. If the Court agrees, I can continue --

5 PRESIDING JUDGE SCHMITT: [10:26:45] Yes. Yes, we can do it this way so we
6 can stay in open session. But this is no problem. We can --

7 Mr Witness, this will be expunged from the record.

8 Please, because we have -- I want confirmation that we are still in open session. For
9 court officer, it was a little bit complicated.

10 Open session. Okay. Good.

11 Then repeat your question and leave the last part out, please.

12 MR KNOOPS: [10:27:14] Yes.

13 Q. [10:27:15] So were you aware of the whereabouts of Mr Ngaïssona in
14 December 2012? Where -- where was he located? Was he somewhere in a place
15 you know or knew?

16 A. [10:27:55] I told you that I heard mention of him. The first time I saw him was
17 within the Anti-Balaka movement. I am not aware of what he was doing before then.
18 And even when he became minister, I did not have the opportunity to see him. It is
19 only within the Anti-Balaka movement that I got to see him, and that's it.

20 PRESIDING JUDGE SCHMITT: [10:28:33] May I shortly correct the ERN of the last
21 document. It's CAR-D30-0007-0728. So many zeros, they can have a mistake.
22 So please continue.

23 MR KNOOPS: [10:28:52] Yeah. Sure.

24 Q. [10:28:53] Thank you, Mr Witness.

25 One last question which can be dealt with in open session. The next topic I have to

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1 go probably in private session. Yeah.

2 Still on the same topic, Mr Witness, you testified on 11 November, so on the first day
3 of your appearance before this Court, that -- and I'll be precise. That's in the English
4 real-time transcript, 23, page 23, lines 7 to 10.

5 You testified about the leaders of the youth movements who fled when the Seleka
6 came to power. Those leaders of those movements fled, and there were no longer
7 any leaders to organise the youth people, the young people.

8 Now, my -- my question to you is, Mr Witness: Are you in agreement that those
9 youth movements did not engage in any fighting with the Seleka? They just fled
10 without fighting the Seleka.

11 A. [10:31:29] When Seleka entered the town of Bangui, the youth did not fight.
12 Everybody fled. Because they didn't have any weapons, they had to flee and
13 sought -- or seek refuge elsewhere. Most of the youth fled and went back to hide in
14 their homes. And that's what happened.

15 Q. [10:32:03] And according to your information, there were no individuals at that
16 time who did encourage or incite those youth to attack the Seleka. There was
17 nobody saying to the youth, "You should fight now. You should attack the Seleka,"
18 correct?

19 A. [10:32:30] Even the soldiers fled, so what more of the poor civilians. And the
20 head of state and the soldiers, they fled. So the civilians could only do the same
21 thing.

22 Q. [10:33:09] But my question -- that's told by you already.

23 My question was: You have no information at the time that certain leaders,
24 authorities, were asking the youth to stay and fight, correct?

25 A. [10:33:29] The authorities and the young people, all of them, fled. No one

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1 stayed behind to propose any such of resistance. Women, children, everyone. They
2 left. Everyone.

3 Q. [10:34:22] Thank you.

4 Mr President, our next topic, I think it's, to be perfectly safe --

5 PRESIDING JUDGE SCHMITT: [10:34:31] Yeah. We can go to --

6 MR KNOOPS: [10:34:35] Private session.

7 PRESIDING JUDGE SCHMITT: [10:34:36] -- private session, of course.

8 (Private session at 10.34 a.m.)

9 THE COURT OFFICER: [10:34:43] We are in private session, Mr President.

10 MR KNOOPS: [10:35:02]

11 Q. [10:35:02] Sir, my next topic will delve into the military operations or the
12 operations by Maxime Mokom.

13 And my first question to you is you described to this Court on 11 November - the
14 English real-time transcript 24-25, in particular, page 25, lines 8 till 15 - very
15 extensively how Mr Ngaïssona became the minister of youth and sports.

16 You would agree with me, sir, that Mr Ngaïssona had no military background
17 whatsoever. You would agree with me on this suggestion to you.

18 A. [10:36:19] Yes. I have told you Ngaïssona was never involved in the army and
19 he never handled a weapon. I know him as a businessman, an economic operator.
20 Subsequently, he became president of football, that is, the football federation. Then
21 he was a member of parliament. I heard it said that he was a high official of the
22 forestry and water department. But at no time was he a member of the army.

23 Q. [10:37:05] Thank you.

24 Now, tell us about the background of Mr Mokom. Did he, according to your
25 information, have a military background?

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1 A. [10:37:39] Yes. Mokom was a police commander. He was a trained police
2 commander. And as far as I know, he was trained in Libya.

3 Q. [10:37:55] Can you recall, sir, that Mr Mokom (Redacted) underwent a training
4 in Libya as an intelligence officer for some time before the events of 2013?

5 A. [10:38:28] It was in 2005 that he received training in the police, in the intelligence
6 service of the police. And after he returned, he was integrated as a commander of
7 the police, and he was the -- he had the rank of commander as an intelligence agent.

8 Q. [10:39:01] Was he, in your estimation, according to your information,
9 experienced in warfare and war tactics? Did you have information that he was
10 actually skilled in strategic decisions, tactics, how to set up military operations,
11 et cetera?

12 A. [10:39:40] You know, he's a policeman, a career policeman. That's his
13 profession. And after his training -- well, he is a policeman. So he's supposed to
14 know all the fighting tactics and others. It goes without saying.

15 Q. [10:40:29] In your evidence you gave on 11 November before this
16 Court - transcript page -- real-time page 66 of the English version, lines 7 till 8 - you
17 did say to the Chamber that Andjilo made Maxime Mokom the coordinator.
18 Was Mr Mokom made coordinator of the movement in 2013 because one knew that
19 he was skilled in military tactics and operations? Was that the reason why he was
20 asked to become the coordinator in 2013 of the operations from Zongo?

21 A. [10:42:01] I have told you that it was not Andjilo. He was not the one who
22 appointed him as coordinator of operations. (Redacted)
23 (Redacted) Maxime was supervising or directing operations by phone. And when
24 Minister Ngaïssona returned to the Central African Republic, he self-proclaimed
25 himself coordinator. And when Maxime Mokom returned to Bangui, he was

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1 designated coordinator. Ngaïssona was the national coordinator; whereas, he
2 introduced Maxime Mokom as coordinator of operations. And Mokom senior was
3 an adviser. So it was not Andjilo who appointed him coordinator. He was a mere
4 ComZone and he only commanded troops.

5 PRESIDING JUDGE SCHMITT: [10:43:26] May I, Mr Knoops.

6 Mr Witness, but you told us that Maxime Mokom directed operations and that he
7 directed a lot of operations. So this means, I suggest to you, that people accepted
8 him to take this role. So why did they do that?

9 Mr Knoops, I try a little bit. This is your question because --

10 MR KNOOPS: [10:43:54] Yes.

11 PRESIDING JUDGE SCHMITT: [10:43:55] -- he might not have the position.

12 But why did people accept Maxime Mokom to take this role directing operations, to
13 your knowledge? Was it - and I pick up what Mr Knoops asked - was it because
14 they knew he was capable in that regard, I would suggest to you?

15 THE WITNESS: [10:44:27](Interpretation) Yes. Let me give you my answer. It
16 was not because he had military tactical skills. It is in the same way in which
17 Ngaïssona introduced himself as the national coordinator of Anti-Balaka. Similarly,
18 Maxime introduced himself as occupying that position. And when he arrived, he
19 was introduced to the others as operational -- operations commander. There was no
20 specific reason for that.

21 When Ngaïssona returned to Cameroon, during a meeting, he introduced himself as
22 the national coordination. And I do not know on which basis.
23 That is what I can tell you. That is what I know.

24 PRESIDING JUDGE SCHMITT: [10:45:26] But with regard to the operations that
25 Maxime Mokom directed, he was accepted as a leader in that regard? Not

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1 formally -- we are not talking about formal position as coordinator, but he was
2 accepted by the people who received perhaps his orders. Is that correct when I'm
3 saying that?

4 THE WITNESS: [10:45:55](Interpretation) Yes, that is correct. He worked from the
5 provinces, *and he made it possible for them to advance all the way to Bangui on the
6 5th of December. So they knew each other and they accepted his position as
7 operations coordinator during the operations.

8 PRESIDING JUDGE SCHMITT: [10:46:28] Thank you.

9 Mr Knoops.

10 MR KNOOPS: [10:46:31]

11 Q. [10:46:32] Mr Witness, was this also meant for the group of Andjilo? Did he,
12 Andjilo, at that time accept the position of Mokom as you just described?

13 PRESIDING JUDGE SCHMITT: [10:46:59] By "at the time," what are we talking
14 about? The second half of 2013? December 2013?

15 MR KNOOPS: [10:47:09] No. Way before. So when -- when the movement was
16 created --

17 PRESIDING JUDGE SCHMITT: [10:47:10] Okay, then --

18 MR KNOOPS: [10:47:12]

19 Q. [10:47:13] When the movement was created by Mokom, when he put himself in
20 the position as the operations commander, did Mr Andjilo accept that position as
21 well?

22 A. [10:48:04] I have told you that when Maxime was in Zongo, there was no
23 coordination bureau, but he had phone contacts with Andjilo on the ground right up
24 to 5 December. They were communicating up until the time they arrived Bangui for
25 the attack of 5 December, right up to the planning of the 5 December attack. So he

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1 returned and he was appointed operations commander, and no one opposed that
2 decision. So he was the coordinator of operations of the Anti-Balaka. And the
3 people who commanded Andjilo was General Mauri. And after Mauri died, Andjilo
4 self-proclaimed himself general. No one opposed his position. He coordinated
5 operations on the ground by phone. So there was no opposition. He sent them
6 medical supplies, hunting ammunition. They knew each other. They
7 communicated.

8 Q. [10:49:25] So it's -- it's fair to say, Mr Witness, that Andjilo reported to Mokom
9 in 2013.

10 A. [10:49:52] I have told you that they were in contact ever since the time that they
11 were in the bush until they advanced to Bangui. Up till the attack of 5 December,
12 they were in phone contact on a permanent basis, on a very regular basis.

13 Q. [10:50:19] Do you know, Mr Witness, whether Mr Andjilo himself, he himself
14 contacted Mr Mokom to be part of his entourage, his group, or did Mr Mokom
15 approach Mr Andjilo to reinforce his group in Zongo? Do you have information on
16 how the contact between the two of them was established? Who made the first step?

17 A. [10:51:17] Andjilo (Redacted). He left the province and went directly to
18 Bangui.

19 Now, regarding how he entered into contact with Mokom, I do not know. Whether
20 it was Mokom who looked for him or he was the one who came to contact Mokom, I
21 do not know. All I know is that they were in telephone contact, but I do not know
22 who established the contact.

23 PRESIDING JUDGE SCHMITT: [10:51:47] May I.

24 I'm just interested, Mr Witness. When you said they were in regular phone contact,
25 did you have -- or did you become informed that they got along well or not so good?

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1 Were there any problems between them? If you know.

2 THE WITNESS: [10:52:05](Interpretation) I think that if there was no understanding
3 between them, I do not believe that Andjilo would have travelled 300 kilometres to
4 come and fight on 5 December. This means that there was a good collaboration,
5 a good understanding between them because he travelled between 400 and
6 500 kilometres on foot to come and fight on 5 December. So there was good
7 collaboration, good understanding.

8 PRESIDING JUDGE SCHMITT: [10:53:14] Yeah, I think that is a conclusion that we
9 can follow, perhaps.

10 Mr Knoops, please continue.

11 MR KNOOPS: [10:53:20]

12 Q. [10:53:21] Mr Witness, you -- you testified earlier before this Court, on 16
13 November, yesterday, the real-time transcript page 9, line 21, also on several other
14 occasions in your testimony, that Mr Mokom coordinated all the operations.
15 Did he, according to your information, also coordinate the operations of the group of
16 Andjilo?

17 A. [10:53:59] I think that I have already answered that question. If Mokom and
18 Andjilo had a good understanding, it means that they were coordinating the
19 operations together.

20 Q. [10:54:39] Thank you.

21 On 12 November you testified before this Court, in the English real-time transcript
22 page 57, lines 9 till 22, you explained the Court how Mr Mokom coordinated,
23 managed, all the operations. And you told the Chamber that he used three till four
24 phones.

25 Is it your evidence that -- that all the tactical decisions Mr Mokom made on any

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1 operations for the groups, he transferred all those technical decisions via these three
2 till four phones to the various commanders in the field? That was his mode of
3 communication to transfer his tactical decisions, correct?

4 A. [10:55:51] They were 600 kilometres away. The only means of communication
5 was by telephone. So it was calls that were made between them.

6 Q. [10:56:33] As you were there, as you say, can you tell the Chamber how the
7 communications network, telephone communications network, operated in 2013.
8 Was it operating without any problems?

9 A. [10:57:00] In 2013, the Orange network functioned very well in the Central
10 African Republic. It was the best network. And if the network had not been
11 functioning well, there would have been no communication on the organisation of
12 5 December. Everything was coordinated by telephone. Everything was planned
13 by telephone. And if they are in a locality with no network, they will do everything
14 to find network so as to communicate. That is how things happened.

15 In some areas there was no network and people have to move elsewhere, maybe
16 climb up a hill to find a network. So 500/600 kilometres away, the means that could
17 allow them to travel and to plan their operations was to call each other by telephone.

18 In Zongo there was no communication problem because all the networks are
19 functional. *You had Télécel, Orange. Practically all the networks in Bangui were
20 functional then.

21 PRESIDING JUDGE SCHMITT: [10:58:37] Mr Knoops, time for a break, or?

22 MR KNOOPS: [10:58:43] Maybe one question on -- on the phone.

23 PRESIDING JUDGE SCHMITT: [10:58:45] Yes. Yeah, of course. Yeah, yeah. If
24 it's related, of course.

25 MR KNOOPS: [10:58:47] Yes.

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1 Q. [10:58:49] Final question, Mr Witness, on this mode of communication.

2 Now, Mr Mokom using three till four phones, I (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [11:00:27] The reason why I asked this question to you, sir, is, is it fair to say that

13 if I imagine the situation at that time where Mr Mokom was in charge of all the

14 technical decisions, using three till four phones to communicate with all the elements

15 to coordinate, plan everything, was this for him a 24/7 job? Was he, during the day,

16 fully occupied with arranging, managing, those operations, according to your

17 information?

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 PRESIDING JUDGE SCHMITT: [11:03:14] I think you have an answer here,
- 6 Mr Knoops.
- 7 MR KNOOPS: [11:03:16] Thank you, Mr President.
- 8 PRESIDING JUDGE MINDUA: [11:03:17] We have now a break until 11.35.
- 9 THE COURT USHER: [11:03:22] All rise.
- 10 (Recess taken at 11.03 a.m.)
- 11 (Upon resuming in private session at 11.39 a.m.)
- 12 THE COURT USHER: [11:39:08] All rise.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [11:39:24] Mr Knoops, you still have the floor.
- 15 And in private session, I think we are.
- 16 Mr Knoops, I said you are still -- we are still in private session and you have the floor.
- 17 MR KNOOPS: [11:39:48] Thank you.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 A. [11:40:32] Yes. And that was at the beginning.
- 22 Q. [11:40:35] That was indeed my next question, sir.
- 23 What do you understand "at the beginning"? Directly after Mokom fled to Zongo?
- 24 A few weeks after he fled to Zongo? Is that a fair estimation?
- 25 A. [11:41:19] As I said, before Claude Ngaikosset was transferred to Kinshasa, he

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1 used to be in charge of publishing tracts that denounced Seleka's activities. So his
2 work involved designing tracts that denounced the crimes that Seleka was
3 committing in Bangui.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [11:43:05] No. It is not Mokom who appointed him to that position. It was a
12 movement and he was in charge of those tracts which aimed at denouncing Seleka
13 abuses, and that is why he was a coordinator. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [11:43:55] Did Mr Ngaikosset report to Mokom?

17 A. [11:44:02] Well, he did not have to report because everybody was working from
18 the same location. He could input his documents from under a tree, as the case may
19 be. So the work that he did was political action aimed at denouncing the Seleka
20 activities. So he would design and prepare those tracts for distribution in the city of
21 Bangui so that everybody would be aware or would be informed of the situation or
22 on the situation.

23 Q. [11:44:56] Mr Witness, is it fair to say that at that time, the beginning of the
24 arrival in Zongo and onwards, Mr Mokom therefore had no need of any external
25 political adviser or coordinator because Mr Ngaikosset was there? Do you agree?

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1 A. [11:45:31] Zongo is in a foreign territory. So one would not have needed a
2 political adviser there. Mokom was in full control of his case file, so to speak. He
3 did not need an adviser for his work. So what I'm telling you is what I know.

4 Q. [11:46:09] Thank you. Thank you, sir.

5 In this regard, you told the Chamber on 12 November, English real-time transcript
6 page 52, lines 18 till 25, you described the individual of Mr Ngremangou in charge of
7 military operations bringing the soldiers together of the Anti-Balaka.

8 Do you know whether Ngremangou was in this role asked by Mokom to arrange
9 this?

10 A. [11:47:17] (Redacted), Ngremangou was in Bangui behind the airport. He used
11 to communicate with Mokom and he was also in charge of military operations in his
12 capacity as an officer. Even Mokom had a lot of respect for him. Now, when it
13 comes to work, they exchanged views. And I want to repeat that Mokom had a lot
14 of respect for him.

15 Q. [11:47:55] The gentleman with the name of General Ndali in the Bouar area you
16 told us about on 16 November in this court, English real-time transcript page 5, lines 3
17 till 4, he was the coordination of operations there and the ComZones gave reports to
18 him.

19 Do you know whether he was approached by Mr Mokom to fulfil this role at that
20 time?

21 A. [11:48:53] What I know is that Ndali is a native of Bouar, but I never met him. I
22 only know that from time to time he was in touch with Mokom. Now, whether
23 Mokom gave him orders or not, I don't know, but maybe he did. What I know,
24 however, is that from time to time he was in contact with him.

25 Q. [11:49:17] Sir, you just told us that Mr Mokom was or intended to be in full

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1 control. Was this also the reason why he was willing to take over the responsibility
2 of the coordination centre you refer to on 11 November before this Court on the
3 English real-time transcript, 71, page 71, lines 1 till 3? You told us that there was a
4 moment where the coordination centre was set up in Cameroon, that that operation
5 centre failed and that Mokom took over responsibility of that centre.

6 What was the reason that Mokom wanted to take over responsibility of that centre?

7 A. [11:50:54] The decision that was made in Cameroon to transfer coordination to
8 that gentleman is one that I know nothing about. All I know is that at some point, a
9 number of people were being arrested there. But he was in Zongo. He was not in
10 Bangui. And that is about a thousand kilometres from Bangui. (Redacted)
11 (Redacted). And that is why they decided to transfer the centre to Mr Mokom. But
12 I do not know for what reasons the people in Cameroon decided to come to that
13 decision.

14 Q. [11:51:44] You told us on 20 -- 12 November, sir, that when Mr Bozizé was still
15 in Cameroon, Bernard Mokom and a number of other officers joined them in
16 Cameroon. And there they met and set up an office specifically known as FROCCA
17 in order to engage in political battle with a view of reconquering power.

18 Can you give the Court a time frame when this office, which you call FROCCA, was
19 set up, which time frame we're speaking of.

20 A. [11:52:59] It was right after Mr Bozizé set up in Cameroon, *in Yaoundé. It was
21 immediately thereafter that we began to hear about it, because the objective of
22 FROCCA was to recapture power to enable him wrap up his mandate. So he was
23 working in order to encourage the international community to re-establish him in
24 power through several avenues of pressure.

25 You may want to know that in Gabon, there were discussions, and a number of

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1 questions were addressed. A number of things didn't work out. A crisis committee
2 was set up. It didn't succeed. And that is how it came about that Bozizé left
3 Cameroon and went to an unknown destination or a destination unknown to the
4 others.

5 Q. [11:54:11] Mr Witness, can you recall whether this bureau FROCCA in
6 Cameroon was set up before August 2014?

7 A. [11:54:23] No. Bozizé left power in 2013. FROCCA, I think it was set up
8 in -- in -- in 2013. In any event, I wasn't there when FROCCA was being created.
9 But I -- I believe that there was a lawyer with whom they worked to create FROCCA.
10 I was not in Cameroon. So I do not know the date on which that decision or the date
11 on which FROCCA was created.

12 Q. [11:55:09] I'm sorry. I misspoke again. It's August 2013. Sorry, Mr Witness.
13 I repeat my question again.

14 Do you know whether FROCCA, which you say was established in Cameroon, was
15 set up before August 2013 or after August 2013?

16 A. [11:55:47] I do not know the date on which it was created. I was not in
17 Cameroon to be able to know the date on which that movement was created.

18 Q. [11:56:06] We would like to show you, sir, a document in our binder. It's tab 59,
19 CAR-OTP-2094-0387, which is a communiqué of FROCCA issued by - you see the
20 gentleman with the photo - Lin Banoukepa. And if you scroll down at the end of the
21 communiqué, you see the date 5 August 2013.

22 According to our information, FROCCA was set up in Paris in August 2013 and not in
23 Cameroon.

24 Was this information -- is this information new for you today? This is the first time
25 that you hear this information?

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1 PRESIDING JUDGE SCHMITT: [11:57:38] Could this be asked and answered in
2 open session? I leave it to you, actually, to your wisdom, so to speak. Or are you
3 going to refer specifically (Redacted)
4 (Redacted)

5 (Redacted)

6 MR KNOOPS: [11:58:12] Yeah. I think, Mr President, if the Prosecution agrees, I
7 think the establishment of FROCCA can be done in open session.

8 PRESIDING JUDGE SCHMITT: [11:58:26] I don't see any objections from this side.
9 So we go to open session. And please repeat the question --

10 MR KNOOPS: [11:58:32] Yes, of course.

11 PRESIDING JUDGE SCHMITT: [11:58:33] -- in a dense matter, so to speak.
12 (Open session at 11.58 a.m.)

13 THE COURT OFFICER: [11:58:58] We are in open session, Mr President.

14 MR KNOOPS:

15 Q. [11:59:03] Sir, the document before you is a *communiqué de presse* from
16 FROCCA --

17 PRESIDING JUDGE SCHMITT: [11:59:03] And, also, may I interrupt again. So we
18 could also think, {ICR: (Redacted),
19 (Redacted)}.

20 MR KNOOPS: [11:59:22] You mean for the gentleman in the *communiqué de presse*
21 or --

22 PRESIDING JUDGE SCHMITT: [11:59:28] I think I should have -- please, we go back
23 to private session and discuss it there. It's better.
24 (Private session at 11.59 a.m.)

25 THE COURT OFFICER: [11:59:38] We are back in private session, Mr President.

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- 1 PRESIDING JUDGE SCHMITT: [11:59:40] We have also established a little bit the
2 possibility at least that we can go more often to open session (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 Then we go back to open session.
10 (Open session at 12.00 p.m.)
11 THE COURT OFFICER: [12:00:43] We are in open session, Mr President.
12 MR KNOOPS:
13 Q. [12:00:50] Mr Witness, again, the *communiqué de presse* before you suggesting
14 that FROCCA was established in August 2013, and according to information in Paris,
15 is this information new for you today? Is this the first time you hear this
16 information?
17 A. [12:01:27] What I know is that I heard about FROCCA when they were in
18 Cameroon. Mr Lin was in France.
19 When they were in Cameroon, they, first of all, set up the FROCCA executive or
20 bureau in Cameroon. It is only afterwards that Bozizé went to an unknown
21 destination. And it is suggested that he went to France.
22 THE INTERPRETER: [12:02:14] Says the witness.
23 MR KNOOPS:
24 Q. [12:02:16] So, in your evidence, that would imply that Mr Bozizé would have
25 left Cameroon after August 2013. Is -- is that your information?

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1 A. [12:02:44] No. Bozizé lost power in the month of March. He went to
2 Cameroon on 24 March. And there in Cameroon, they set up the FROCCA bureau
3 so as to try to see how to return to power. He had not yet finished his term of office.
4 He wanted to appeal for the support of the international community.
5 The activities started in Cameroon before he went to France to meet with this lawyer
6 and release this communiqué. And as from that moment, I was no longer aware of
7 what happened. What I know is that they started their business over there with
8 Levy Yakete.

9 Q. [12:03:50] What -- Mr Witness, what is the information you have when
10 Mr Bozizé left Cameroon? Which time frame?

11 A. [12:04:14] I do not know the date on which he left Cameroon. I was not even
12 aware. I did not know when he left. I simply heard that he was no longer available
13 in Cameroon.

14 Q. [12:04:43] Do you know, Mr Witness, whether Mr Bozizé, after going to Paris,
15 returned at any moment in time to Cameroon?

16 A. [12:04:57] No. I do not have any information about that. I know that he left
17 Cameroon for good. That is all.

18 THE INTERPRETER: [12:05:26] Says the witness in French.

19 MR KNOOPS:

20 Q. [12:05:31] Do you know whether -- I will mention the person we used before,
21 {ICR: (Redacted)} we mentioned before, wanted Mr Banoukepa, the person in this
22 *communiqué de presse*, to be the general coordinator
23 (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [12:06:02] You mean Mr Alpha.

25 MR KNOOPS: [12:06:05] It's now Mr Alpha. Okay. Yeah. Right. Mr Alpha.

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1 PRESIDING JUDGE SCHMITT: [12:06:10] Because now -- this is now -- let's say I
2 started it. So now we would get confused if we --

3 MR KNOOPS: All right. Yeah.

4 PRESIDING JUDGE SCHMITT: [12:06:11] So Mr Alpha you mean.

5 MR KNOOPS: [12:06:17] Okay.

6 PRESIDING JUDGE SCHMITT: [12:06:18] Yeah.

7 MR KNOOPS: [12:06:19]

8 Q. [12:06:21] Mr Witness, sorry. Is it correct that Mr Alpha wanted this gentleman,
9 Mr Lin Banoukepa, to become the general coordinator of the Anti-Balaka? And
10 when he heard that Mr Ngaïssona was to be appointed as general coordinator, was
11 not in agreement and became angry?

12 A. [12:07:10] No. There was no misunderstanding. If Alpha had a problem, he
13 would have contacted the coordination. But if the coordination presented him, it
14 means that there was no problem. It is for that reason that he came.

15 Q. [12:07:44] We'll come to this subject later.

16 PRESIDING JUDGE SCHMITT: [12:07:43] And also the answer shows that the
17 witness, who is a clever person, has understood {ICR: (Redacted)}
18 Mr Alpha.

19 MR KNOOPS: Alpha, yeah.

20 PRESIDING JUDGE SCHMITT: [12:07:53] Thank you very much, Mr Witness, for
21 being so observant and so aware of everything what's going on.

22 Mr Knoops.

23 MR KNOOPS: [12:08:08]

24 Q. [12:08:08] You agree, Mr Witness, that this bureau FROCCA which, according to
25 your evidence, was set up in Cameroon, was not engaged in any military operations

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1 at that time?

2 A. [12:08:38] What I said is that they created their bureau in Cameroon. I was not
3 present there and I do not have any information relating to military operations. I
4 told you that they set up that front in order to fight politically with the international
5 community so as to appeal to them so that President Bozizé should be able to return
6 and complete his term of office. That is what I know.

7 Q. [12:09:22] Yeah. Sir, on 12 November in this Court, in the English real-time
8 transcript, page 73, lines 7 till 8, you told the Court that Mr Yambete was arrested by
9 the local authorities at that time after he attempted to make an attack.

10 Is it my understanding -- is my understanding correct from your evidence that this
11 was, according to your information, merely an attempt by Yambete to attack and this
12 attack failed because of the intervention of the local authorities?

13 A. [12:10:28] I said that they attacked Garam-Boulai. And during the attack, they
14 destroyed Ecobank. That is how come the Cameroonian authorities attacked the
15 Seleka elements. They pushed them back, and he retreated to Cameroon where he
16 was arrested.

17 Q. [12:11:18] In your evidence you stated that the -- after the fail -- after this attack
18 or failed attack, the responsibility of this coordination centre was transferred to
19 Mr Alpha. Do you know how this happened?

20 A. [12:12:18] No. During that attack, the various responsibilities relating to
21 operations had not yet been given over to Alpha.

22 Q. [12:12:45] When, in terms of time, was this responsibility handed over to
23 Mr Alpha? Was he -- he'd just -- he had just arrived in the location we mentioned,
24 Mr Alpha? Was it several weeks after his arrival? Several months? In other
25 words, what is the time frame, according to your information, that this responsibility

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1 was transferred to Mr Alpha?

2 A. [12:13:23] I have told you that after the failure of the Garam-Boulai attack, the
3 authorities started arresting people there. And so they began to suffer pressure from
4 Cameroonian authorities, and that is how come they transferred responsibility for
5 operations to Alpha.

6 Q. [12:14:14] Yeah. Again, my question, sir, is: Can you give us a time
7 estimation? Was it in the month March, April, May of 2013? June?

8 A. [12:14:46] No, I do not know the date or the month, so I have no idea about the
9 dates.

10 Q. [12:14:56] When you say that you do not know how this responsibility of this
11 coordination centre, FROCCA, was handed over to Alpha, I guess that you are not
12 aware of the individuals who handed over that responsibility.

13 A. [12:15:42] I said -- in fact, I never said that the responsibility of FROCCA was
14 given to Alpha. The responsibilities that were transferred to Alpha concerned the
15 management of the Anti-Balaka movement. These were not activities related to
16 FROCCA, no.

17 Q. [12:16:16] Is it fair to say, sir, that after this responsibility for the management of
18 the Anti-Balaka activities was handed over to Mr Alpha, that from that moment on
19 there was no coordination centre anymore in Cameroon for this purpose?

20 A. [12:16:50] When Alpha was working there, I did not know the work that people
21 were doing in Cameroon. I never asked him the question to know what the people
22 in Cameroon were doing. I have no idea.

23 Q. [12:17:21] Sorry, you have no idea whether after this management was
24 transferred to Mr Alpha, whether a new type or form of management in Cameroon
25 was installed?

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1 A. [12:17:58] What I know is that the responsibilities were transferred to him and
2 he was in communication with them. Aside from that, I have no further information
3 about what happened there. I only know that during that period there was a lot of
4 pressure upon them from the authorities of the country.

5 Q. [12:18:27] Yeah. So, Mr Witness, are you in agreement with me if -- if I would
6 suggest to you that the -- after this management was transferred to Mr Alpha, he was
7 in full control of the total management of the Anti-Balaka movement from that
8 moment on?

9 A. [12:19:19] Nothing surprises me. I have told you that after the transfer he was
10 still in communication with the people in Cameroon. They were still in contact.
11 The transfer of responsibilities did not put an end to the communication with the
12 people in Cameroon.

13 Q. [12:19:45] Mr Witness --

14 A. [12:19:46] I would like to request that we go into private session.

15 PRESIDING JUDGE SCHMITT: [12:19:53] Yeah. That makes sense.

16 We go to private session, Mr Witness.

17 (Private session at 12.20 p.m.)

18 THE COURT OFFICER: [12:20:02] We are in private session, Mr President.

19 THE WITNESS: [12:20:20](Interpretation) Yes, he was in contact with Cameroon.

20 That is why people in Cameroon sent him money to Zongo. So money transfers
21 coming from Cameroon were sent to him in Zaire. So he was still in contact with
22 Cameroon. There were decisions that he was taking, but he could not take those
23 decisions, unless Cameroon gave him authorisation.

24 So I repeat. He was still in contact with Cameroon, and it was Cameroon that sent
25 him money to enable him to work. They were still in communication, and they were

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1 coordinating the activities together.

2 Q. [12:21:24] But can you explain to the Chamber, Mr Witness, if you say that the
3 responsibility of the management of the Anti-Balaka was transferred to Mr Alpha,
4 that means that Mr Alpha was from then on dealing with the management of the
5 Anti-Balaka. That's something different from having communications.
6 Would you agree?

7 A. [12:22:07](No interpretation)

8 PRESIDING JUDGE SCHMITT: [12:22:30] There was obviously an answer by the
9 witness, but we did not receive it.

10 THE WITNESS: [12:22:34](Interpretation) No. I do not agree. I do not agree with
11 what you have just said.

12 MR KNOOPS: [12:22:40]

13 Q. [12:22:40] Well, explain to us what you then mean with your evidence before
14 this Court that the responsibility was transferred to Mr Alpha.

15 A. [12:23:08] But I think it is the same question that you put to me a short while ago.
16 You have simply rephrased it.

17 Q. [12:23:23] Yeah, because your answer is not clear.

18 PRESIDING JUDGE SCHMITT: [12:23:28] Mr Witness, you can also say that you
19 have nothing to add or something like that. But you can also answer it again if you
20 want. I would not stop here the counsel, but if you say you think you have
21 answered it already, it's fine if you stick with that.

22 MR KNOOPS: [12:23:57]

23 Q. [12:23:58] You simply don't know, Mr Witness?

24 PRESIDING JUDGE SCHMITT: [12:24:00] No. Let him answer, Mr Knoops. I
25 have put the question to him and please let him -- let the witness first answer.

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1 If you want to add something or clarify something, you can do that. If you think you
2 should say simply, "I have already answered that," it's also okay.

3 THE WITNESS: [12:24:32](Interpretation) I have told you a short while ago that in
4 Cameroon, they were under pressure. So they transferred the coordination to him.
5 But they were still in communication because money was still coming from their side
6 there to make it possible for him to procure ammunition and send it to the ground.
7 The funding was still coming from Cameroon, and so they were still in contact, and
8 there were decisions that he took after authorisations from Cameroon.
9 That is what I know.

10 PRESIDING JUDGE SCHMITT: [12:25:22] I think you can move on, Mr Knoops.
11 He has answered the question. And in the end, as always, we would have to
12 interpret what this means then in the end.

13 MR KNOOPS: [12:25:45] An interesting question with the Chamber could also be,
14 what authorisation the witness is referring to? Who was authorising (Overlapping
15 speakers)

16 PRESIDING JUDGE SCHMITT: [12:25:55] Yes, you can ask him, yes, exactly.

17 MR KNOOPS: [12:25:58]

18 Q. [12:25:58] Mr Witness, first of all, who had to authorise any activities of
19 Mr Alpha after the responsibility was handed over to him?

20 A. [12:26:23] The people or, rather, the person who had transferred that
21 responsibility to him -- well, in any case, (Redacted)
22 (Redacted).

23 But the people who sent the money for the activities, after he had used the money, he
24 reported back to them. He would tell them who had taken such an operation in
25 such-and-such a place. (Redacted)

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1 (Redacted)

2 Q. [12:27:11] And who were these individuals? Who were these persons?

3 A. [12:27:18] The money sent -- the name of the sender was a Cameroonian name.

4 They made a report over the telephone. Everything happened by phone. That is

5 what I know. They did not tell me the name of the person to whom they reported.

6 Was it his father or someone else? I have no idea.

7 Q. [12:28:01] Okay. Thank you, sir.

8 I have some questions on the function of the ComZones, and that can be done in open

9 session.

10 PRESIDING JUDGE SCHMITT: [12:28:10] Open session.

11 (Open session at 12.28 p.m.)

12 THE COURT OFFICER: [12:28:24] We are in open session, Mr President.

13 MR KNOOPS: [12:28:32]

14 Q. [12:28:33] Mr Witness, your testimony on several occasions on 11 and 12

15 November - and I'm referring in specific to the English real-time transcript of 12

16 November, page 41, lines 8 till 9 - you describe the role of the ComZones. And you

17 say that also based on the list of names you represented:

18 "[...] that most of the names on this list [were] ... names of ComZones [which] came

19 from the provinces towards Bangui."

20 My question to you is: Is it correct to say that the ComZones you refer to here - and

21 were referred to in the notebook you were shown - already existed before 5

22 December 2013?

23 That institution of ComZones did already exist before 5 December?

24 A. [12:30:06] Yes. The ComZones were already in existence. They were the

25 leaders of the various groups prior to the attack of 5 December. They were the

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1 group leaders. These were the commanders of the troops. Each one of them had
2 his own group. For example, Andjilo had his group, and each of the ComZones had
3 their own groups. Each ComZone was in control of his elements. That was the role
4 of the ComZones. They were the leaders of the groups.

5 Q. [12:30:56] Thank you.

6 Mr Witness, where I'm interested in - and, maybe also the Court and the
7 Prosecution - the term, "ComZone," the institution of "ComZone" was at a certain
8 time -- must have been created in the Central African Republic.

9 How was this institution of a ComZone created and when?

10 A. [12:31:41] I think that I have already answered this question when I was talking
11 about ComZones. Groups were created in Bossangoa, and the initiator of the first
12 group was the leader of the group. And all the troops under him would be his
13 elements and they would refer to him as "leader" or "chief," and he would
14 immediately become their ComZone, the one who would give them orders. And he
15 would be the one to take them all the way. So he contacted the coordination to
16 inform it about all those movements. That is the role of a ComZone.
17 The ComZone is the one who provides guidance and leadership for his troops on the
18 ground.

19 PRESIDING JUDGE SCHMITT: [12:32:42] But I think it's -- it's a good question
20 indeed, Mr Knoops.

21 You said it started, the institution of ComZones, started in Bossangoa.

22 Can we understand it from there, that others from other regions quickly followed and
23 thus this structure was established?

24 Is this a correct understanding?

25 THE WITNESS: [12:33:07](Interpretation) Yes. I just gave you the example of

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1 Bossangoa, and I told you that a group might be borne in Bossangoa, and the initiator
2 of that group then becomes known by its elements as the "leader" or the "chief,"
3 whose role then would be to provide guidance for those elements.

4 Now, whenever they were able to find some kind of spoil of war, he would be the one
5 to take care of the distribution. So even the ComZones in Bangui and in all other
6 neighbourhoods behaved in more or less the same way.

7 MR KNOOPS: [12:34:03]

8 Q. [12:34:04] I think a logical question is still, Mr Witness: Is it correct that this
9 institution of a ComZone has an historical foundation in the society of the CAR? It
10 was created based on the concept that every village is responsible for its own
11 protection. We have to understand it like this, that the ComZone institution was
12 borne from this concept? Or was it something which was newly invented in 2013 by
13 someone during the crisis?

14 Do you understand my question?

15 A. [12:35:15] Well, let me proceed by an example. If all of us in this courtroom
16 came together and formed a movement and we all belonged to the same village, we
17 would designate our leader who would represent and command us. You could
18 also -- we could also designate his deputy, and that is how we would then become
19 functional.

20 Another example: You are the lead counsel of your team. So you are the leader
21 and you give instructions to your colleagues, your colleague lawyers.

22 Q. [12:36:01] I might hope so.

23 PRESIDING JUDGE SCHMITT: [12:36:04] No. We take it -- I think that is a good
24 description so though. I'm -- I think, Mr Knoops, you can change subject now.

25 MR KNOOPS: [12:36:17] Yeah.

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1 PRESIDING JUDGE SCHMITT: [12:36:18] I -- we can assume that it might have
2 some, also, historical roots. But perhaps you can also elaborate on that if you have
3 any information that -- that is more specific in that regard. Because, also, the
4 expression "ComZone" must have appeared at some point in time for the first time.

5 MR KNOOPS: [12:36:42] I never read the real origin of the title.

6 PRESIDING JUDGE SCHMITT: [12:36:46] So perhaps -- perhaps I ask him.

7 Mr Witness, when did you -- you know, we are interested when this expression
8 "ComZone" appeared first so -- as far as you recall it. When did you hear first
9 from -- from such an institution, such a name for certain regional groups labelled as
10 "ComZones"?

11 When did you hear that first?

12 THE WITNESS: [12:37:24](Interpretation) Well, they borrowed that word from the
13 army. It is a military term. It is used in the army, and I believe that it is a region
14 commander for the north, for the east and for any other area. So they borrowed the
15 term "ComZone", which would stand for an area commander, somebody who is in
16 charge of troops in a particular area. So an area commander in Boali, an area
17 commander elsewhere. That is the origin of that concept.

18 PRESIDING JUDGE SCHMITT: [12:38:11] Thank you.

19 MR KNOOPS: [12:38:15]

20 Q. [12:38:16] Yes, but do you know whether this goes back years before the 2013
21 incidents? The creation of this term.

22 A. [12:38:45] Before 2013 or 2013? Which period are you referring to? Please, can
23 you rephrase your question?

24 Q. [12:38:52] The -- the term "ComZone", did that term already exist before 2013?

25 A. [12:39:04] I said that the movement borrowed, copied, that word "ComZone"

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1 from the army. Because within the army, you have area commanders, military area
2 commanders. So when they set up the Anti-Balaka movement, each group of
3 elements within specific villages had a leader. So the leader would become the
4 ComZone for Yaloke or for such-and-such a village, or ComZone for Bangui,
5 Malimaka or Bangui Miskine. So "ComZone" is a term that has been copied or
6 borrowed from the army.

7 PRESIDING JUDGE SCHMITT: [12:40:10] I think we really have to move on, but it's
8 really some clarification here I would say.

9 MR KNOOPS: [12:40:15] Yeah.

10 Q. [12:40:16] Mr Witness, there's a Prosecution witness who came before this Court
11 and he testified, it was P-0808, which in our tab 48, Defence binder, who said that
12 there was no way to put any pressure on the ComZones because they were
13 completely autonomous.

14 Would you agree with this qualification, that ComZones operated, to a certain extent,
15 autonomous?

16 A. [12:41:30] Well, if they had not received instructions, how could they have left
17 an area 600 kilometres away to come and carry out the attack on 5 December. They
18 could not have come to attend meetings without instructions. Could they have left
19 their areas far away and come all the way to Bangui and carry out the attack on 5
20 December? No, I think these people knew that they had leaders, people who were
21 their leaders.

22 Q. [12:42:01] You testified that the -- the attack of 5 December was coordinated, but
23 there were a lot of operations that were not coordinated.

24 Were the ComZones capable of doing their own operations? Do you know examples
25 of them?

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1 A. [12:42:31] Yes. I said that all the fighting was not coordinated by the
2 coordination. In some cases, they carried out combat at their own levels and then
3 would inform the coordination only thereafter providing the reasons for which they
4 had carried out the attack. That's what I know.

5 PRESIDING JUDGE SCHMITT: [12:43:12] Mr Knoops, may I ask you to -- kindly to
6 tell us exactly this tab 48, the exactly ERN. (Overlapping speakers) The transcript
7 number, of course, and lines so that we have the exact reference, please.

8 MR KNOOPS: [12:43:28] The exact page is -- is not in the binder. The statement is
9 partially in the binder, tab 48 of that witness, but the citation I just referred to is from
10 page 7. It's T-071. So it's tab 48, P-0808, page 7, lines 24 till 25, particularly the
11 second -- second sentence of that line, lines 24/25.

12 PRESIDING JUDGE SCHMITT: [12:44:20] Thank you very much.

13 MR KNOOPS: [12:44:22] You're welcome.

14 Q. [12:44:30] Sir -- we're still in private session, yes, I think.

15 PRESIDING JUDGE SCHMITT: [12:44:35] No. We are in open session.

16 MR KNOOPS: [12:44:38] Open session. Okay.

17 Q. [12:44:39] Mr Witness, we just referred to the providance of finances.

18 On 12 November, you referred to the place Gobere. That's transcript
19 page -- real-time page 5, the English real-time transcript, lines 15 till 19, where you
20 said that no ammunition was provided at Gobere.

21 My question to you -- and by the way, you refer there to highway bandits recovering
22 arms on the ground.

23 My question to you is specifically, in addition to your statement before the Court on
24 the 12th, have you information -- do you have information whether the elements who
25 were there were paid by anyone for their engagement in fighting?

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1 A. [12:46:18] The elements in the various villages -- I said that the movement was
2 managed by the coordination. And the elements in the various villages which were
3 engaged in combat, well, the coordination did everything to try to find out what was
4 happening at their level. And they, too, reported to the coordination. But now I
5 don't know anybody who gave them money for the fighting.

6 Q. [12:47:01] Thank you.

7 My second question on this subject is your evidence given yesterday, 16 November,
8 in the English real-time transcript, page 27, line 12, referring to Mister -- I will not
9 mention the name in public. It's the gentleman we -- arrived in a white
10 pick-up truck. You probably know what I mean.

11 He arrived with weapons and ammunition, you told the Court, and with some
12 grenades. And at page 27, you say that Mr Maxime Mokom, Bernard Mokom, and
13 his secretary were there. They took the decision inside and Maxime Mokom came
14 with the money to pay.

15 You can recall this statement?

16 Furthermore, you said: "I know that sometimes Maxime could give money, but
17 Ngaïssona gave the money to pay for the weapons or to pay for certain other
18 equipment."

19 My question to you sir, is: How do you know if Mr Ngaïssona inside gave the
20 money for weapons or for another purpose, like food?

21 How you know that he gave the money specifically to Mokom for the weapons?

22 A. [12:49:47] I would like us to go into private session, please.

23 PRESIDING JUDGE SCHMITT: [12:49:51] Yes. We go to private session.

24 (Private session at 12.49 p.m.)

25 THE COURT OFFICER: [12:49:57] We are in private session, Mr President.

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1 THE WITNESS: [12:50:16](Interpretation) Yes, Mr President. You know, the
2 Anti-Balaka coordination was like a chain. At the top of the chain is Minister
3 Ngaïssona. And then there was also Bernard Mokom, his adviser, and Mokom
4 Maxime as well as others, such as the chief of general staff and the ComZones.
5 During meetings, it is during those meetings that some ComZones suggested that
6 they had been there and that they have been working but that they needed materiel in
7 order to be able to continue the work. It is at that level that the coordination decided
8 to ask the assembly to identify people who were selling arms and point them to the
9 coordination so that the coordination can buy the weapons and hand them over to the
10 chief of general staff within the context of their operations.

11 So I can confirm that it is the general coordination that paid for the weapons. The
12 money came out of the coffers of the general coordination.

13 MR KNOOPS:

14 Q. [12:52:13] But you testified earlier that the coordination had no resources.

15 A. [12:52:27] I said that Maxime Mokom did not have money. I did not talk about
16 the coordination. What I said is that the amounts of money that were collected on
17 the ground was -- those amounts were not forwarded to the coordination.

18 You see, when the Anti-Balaka arrived, the coordination took care of their feeding.
19 And it is only when the coordination was no longer able to provide them with food
20 that they became disorderly and were involved in armed robbery in order to be able
21 to get food.

22 But at the beginning, when they arrived, the coordination put them into a number of
23 camps and provided them with food such as cassava and other food items. So they
24 were able to also collect some money at checkpoints along the road.

25 But when all of that ended, that is when the armed robberies started. That is when

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1 some went back to their villages. That is when some went to the road leading to
2 Cameroon and somehow attacked vehicles that were taking products or goods to or
3 from Cameroon.

4 Q. [12:54:22] Mr Witness, but you're not sure, according to your evidence, when
5 you're speaking specifically about this incident you described with Sylvestre
6 Yakouzou who arrived in a white pick-up truck that the money which was apparently
7 given inside to Mokom was given for the purpose of paying weapons or other
8 equipment or food? You simply don't know this?

9 A. [12:55:16] I can give you an example. If I bring you a telephone and you go in
10 and come out and give me some money, would that be money for food or would it be
11 payment for the telephone? You see, they came. They came with weapons and
12 they were given money. So the money was for the weapons.

13 Do you think that money was for food? If the money was for food, what would they
14 have paid for the weapons with, the weapons that were brought?

15 Q. [12:56:02] But that's not your evidence. Your evidence was that the money was
16 allegedly given to pay for the weapons or to pay for certain other equipment. That's
17 what you told the Court. So I put it to you that you don't know whether
18 Mr Ngaïssona gave the money for this occasion for that purpose because you weren't
19 inside when the decision was made.

20 A. [12:56:57] Mr President, *he had come with weapons and said that he had
21 brought these weapons here, for the Coordination to buy them because he did not
22 have money. So they went into the house with the coordinator, and he came out with
23 money to buy the weapons. It is because the weapons were there that the money was
24 brought out. So if the weapons hadn't been brought, the money wouldn't have been
25 brought out.

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1 PRESIDING JUDGE SCHMITT: [12:57:37] I think the witness has answered the
2 question.

3 MR KNOOPS: [12:57:40]

4 Q. [12:57:41] And can you confirm that the reason why this happened was that
5 those weapons were not to be distributed; that the coordination paid for those
6 weapons to prevent anything which might happen with that weapon?

7 A. [12:58:14] Well, well, let me simply repeat myself. The goal of the Anti-Balaka
8 had not yet been met. The international community was protecting power, and that
9 is how the Anti-Balaka ended their activities. All the weapons that had been bought
10 and sent to the province and that were used for the attack on Bangui, the purpose of
11 all that was to recapture power.

12 Did they have an armoury, that is, the Anti-Balaka? Did they have an armoury
13 where they could stock their weapons? No, they did not. So once they bought any
14 weapons, such weapons would immediately be made available to the leaders. The
15 coordination did not have any armoury where to stock weapons or to hold weapons.

16 PRESIDING JUDGE SCHMITT: [12:59:39] Mr Knoops, do you have -- you know we
17 look at the time. It would -- if you have a question which is directly related to that, I
18 would say --

19 MR KNOOPS: [12:59:50] Two questions related to it.

20 PRESIDING JUDGE SCHMITT: Yes, okay. Please continue.

21 MR KNOOPS: To finish this topic.

22 PRESIDING JUDGE SCHMITT: [12:59:54] Yes.

23 MR KNOOPS: [12:59:55]

24 Q. [12:59:55] But, sir, this -- you're suggesting that this happened before 5
25 December or after 5 December?

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1 A. [13:00:10] After 5 December.

2 Q. [13:00:15] Are you aware that Mrs Samba-Panza distributed or gave money on
3 several occasions in the beginning of 2014 to the Anti-Balaka? Were you aware of this?

4 A. [13:00:53] I -- I learnt that money had been given to the coordination. When
5 she granted audience to the coordination, she gave them money. That's what I learnt.
6 But I didn't see it.

7 Q. [13:01:12] Do you know whether this happened in the premises of
8 Mr Ngaïssona's father?

9 A. [13:01:30] What are you talking about?

10 Q. [13:01:44] Do you know -- do you know that the mayor of the --

11 PRESIDING JUDGE SCHMITT: [13:01:47] Do you have -- do you have information,
12 Mr Witness --

13 MR KNOOPS: [13:01:50] Yeah.

14 PRESIDING JUDGE SCHMITT: [13:01:51] -- where this money was given to the
15 coordination? If it was at the place of, as counsel suggested, of the house of
16 Mr Bernard Mokom, do you know that? That's simply the question.

17 MR KNOOPS: [13:02:06] Mr Ngaïssona's father.

18 PRESIDING JUDGE SCHMITT: [13:02:08] Excuse me. At the house of
19 Mr Ngaïssona's father it was.

20 THE WITNESS: [13:02:19](Interpretation) Are you talking about the money given by
21 Madam Samba-Panza? What I know is that the presidency gave them money, but I
22 didn't see that with my own eyes. I don't even know the person to whom the money
23 was handed over. So I learnt about it, but I never saw it.

24 I do remember that one day, the coordination had asked for that money in order to be
25 able to take care of the children and also engage the DDR program. And it is in that

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1 context that Madam *Samba-Panza could have given that money.

2 Now, how the money was managed, I do not know. I am not in a position to know.

3 Some of the elements went back to the villages because they had no food in Bangui.

4 Well, the money I did not see with my own eyes, and I did not see anybody collect it.

5 MR KNOOPS:

6 Q. [13:03:39] (Redacted) during meetings with Mr Ngaïssona.

7 So then you should know that in February 2014, the mayor of the 4th arrondissement

8 gave 3 million on behalf of the transitional government to --

9 PRESIDING JUDGE SCHMITT: [13:04:04] Well, if he should know or not is the

10 question. Why not -- why not ask the witness simply if he was present when the

11 money -- when this money was given. And I think he has already answered that he

12 was not present. I think it has been answered by the witness.

13 MR KNOOPS: [13:04:20] Yeah.

14 Q. [13:04:22] But do you know whether money was given by the mayor of the

15 2nd arrondissement?

16 PRESIDING JUDGE SCHMITT: [13:04:32] That is something different indeed.

17 MR KNOOPS: [13:04:35]

18 Q. [13:04:35] In February 2014. In the house of Mr Ngaïssona's father for the

19 support of the Anti-Balaka and that money came from the government. It was given

20 by the mayor. By the mayor of the 4th arrondissement.

21 A. [13:05:17] I saw the lady mayor of the 4th arrondissement, *Madame Brigitte,

22 several times at Mr Ngaïssona's residence, but I do not know what the content of their

23 meeting was. I do not know what their business together was. I really don't know.

24 But I saw him have discussions with madam mayor. Now, whether that lady gave

25 him money or not, I do not know. All I know is that I saw her several times at his

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1 residence.

2 PRESIDING JUDGE SCHMITT: [13:06:01] That is at least some information.

3 So we now have the break until 2.30. I would like to ask you, Mr Knoops, kindly ask
4 you how far advanced are you, if I may?

5 MR KNOOPS: [13:06:14] I will finish in the last session.

6 PRESIDING JUDGE SCHMITT: [13:06:17] Okay, fine. Until 2.30, break.

7 THE COURT USHER: [13:06:22] All rise.

8 (Recess taken at 1:06 p.m.)

9 (Upon resuming in private session at 2.32 p.m.)

10 THE COURT USHER: [14:32:53] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:33:14] Good afternoon.

13 Mr Knoops, you still have the floor, and we are in private session.

14 MR KNOOPS: [14:33:24] Mr President, I have one question on Ms Samba-Panza
15 which can be dealt with in open session.

16 PRESIDING JUDGE SCHMITT: [14:33:46] You mean we can immediately go into
17 open session?

18 MR KNOOPS: [14:33:53] Yes.

19 PRESIDING JUDGE SCHMITT: [14:33:54] Okay. I misunderstood you.
20 Open session.

21 (Open session at 2.34 p.m.)

22 THE COURT OFFICER: [14:34:01] We are in open session, Mr President.

23 MR KNOOPS:

24 Q. [14:34:04] Sir, on 16 November, yesterday, you testified about the return of

25 Ms Samba-Panza, to finish the subject about Ms Samba-Panza, from New York where

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1 she visited the headquarters of United Nations. And upon her return, roads were
2 blocked and the Anti-Balaka blocked all the roads, and their intention was that she
3 shouldn't land to return to her residence.

4 Now, I put to you, sir: Are you familiar that in September 2014, the real reason why
5 the roads were blocked in Bangui upon the return of Ms Samba-Panza was that she
6 received at that time money from Angola. It was paid out in dollars, and her *chef de*
7 *mission* deposited money in Cameroon because of the currency rate, and the whole
8 civil society protested publicly about the allegation that this money was embezzled by
9 her, and that created the chaos in Bangui.

10 Can you recall that this was the real cause of people going into the streets? Not only
11 Anti-Balaka, but the whole civil society revolted at that time.

12 A. [14:36:21] I was not part of the government to be aware of the transactions
13 regarding Samba-Panza, the transaction between Angola and Mrs Samba-Panza. We
14 learnt everything later. As I explained yesterday, those who tried to blockade the
15 roads were the Anti-Balaka *and the civil society reacted through Gervais Lakosou.
16 Those who did the roadblocks were the Anti-Balaka, and they did that until the
17 Sangaris came and took steps.

18 *There were some explosions and there were also some deaths that occurred. *Do
19 you think that the civil society would have gone out to fight MINUSCA?
20 What I know is that I saw armed weapons block the roads and that fights did take
21 place.

22 Q. [14:37:49] (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [14:37:57] Mr Knoops, you know we have this
24 interpretation issue. And, actually, a lot what is happening is because, especially
25 also the Presiding Judge, we are too quick. So you have to really to try to finish -- let

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1 the interpretation finish and then continue. It's a little bit -- it might be a little bit
2 tedious, but it's very important to -- to improve the issue.

3 MR KNOOPS: [14:38:28] Of course.

4 PRESIDING JUDGE SCHMITT: [14:38:29] And this also would shift a little bit of
5 burden from the parties and also from -- in a way, from the Presiding Judge to
6 intervene. But as I said, I'm also very often the culprit here.

7 So, please, Mr Knoops.

8 MR KNOOPS: [14:38:43] Thank you, Mr President.

9 Q. [14:38:44] Sir, I put to you that even the supporters of Seleka erected at that time
10 barricades in the streets. And I refer to an incident at the fire workers station in
11 Bangui where Seleka supporters were part of this civil society revolt.
12 Are you familiar with this incident?

13 A. [14:39:22] At a certain point in time, I know that the Anti-Balaka and the Seleka
14 who are in Bangui managed to sign a pact of non-aggression. After signing this pact,
15 they started to work together.

16 Q. [14:40:14] Well, that's not my question. But I take it that you are not familiar
17 with the incident I described, correct? You don't know of Seleka -- pro-Seleka
18 barricades in September 2014 at the fire workers station in Bangui?

19 A. [14:40:53] As regards the actions undertaken by Seleka, I am not aware.

20 Q. [14:41:03] My next question is: Your evidence given on 12 November before
21 this Court, English real-time transcript, page 62, lines 2 till 4, where you say that you
22 learnt that Mr Ngaïssona in Boeing proclaimed himself as general coordinator of the
23 Anti-Balaka.

24 My question to you first is: What is the basis of this information? Were you
25 present at that time of this event?

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1 A. [14:42:12] May I answer this question in private session?

2 PRESIDING JUDGE SCHMITT: We go to private session.

3 (Private session at 2.42 p.m.)

4 THE COURT OFFICER: [14:42:21] We are in private session, Mr President.

5 THE WITNESS: [14:42:40](Interpretation) (Redacted)

6 (Redacted). Minister Ngaïssona, as regards him with Bernard Mokom, they left

7 Cameroon to return to Bangui. At that time, there was a gathering of Anti-Balaka in

8 Boeing. And at that time, again, Ngaïssona was elected or appointed coordinator of

9 the Anti-Balaka.

10 (Redacted)

11 already then he had started to work as coordinator. I do know that.

12 Before our arrival in Bangui, he worked, he had started to work as coordinator. This

13 is something I know.

14 MR KNOOPS:

15 Q. [14:43:57] Can you indicate a time frame?

16 A. [14:44:12] It was after 5 December. It was after 5 December.

17 Q. [14:44:22] So it's your evidence that Mr Ngaïssona started after 5 December as

18 general coordinator. Is that your evidence?

19 A. [14:44:34] Yes. He presented himself as general coordinator after 5 December

20 in Boeing. He presented himself then as general coordinator.

21 Q. [14:44:58] Was it before Christmas 2013? Was it before Christmas 2013?

22 A. [14:45:23] I don't remember the precise date, but I know he presented himself

23 after 5 December.

24 Q. [14:45:31] But it was the month of December for your -- in your evidence. You

25 say it was December.

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1 PRESIDING JUDGE SCHMITT: [14:45:50] The witness can answer if it is December
2 or not. So if he knows. If he doesn't know, he can say: I'm not sure if it was
3 December or January or February or whenever. I think he can answer that simply.
4 Mr Witness, you will not recall the exact date, we assume. But as Mr Knoops asked
5 you, might it have been the December? Or are you sure it was December? Or was
6 it later? If you know. Only if you know.

7 THE WITNESS: [14:46:37](Interpretation) That's why I said to you I cannot
8 remember the date. But in any case, it was after 5 December when he came to
9 Bangui and presented himself as the general coordinator of the Anti-Balaka.

10 PRESIDING JUDGE SCHMITT: [14:46:53] I think, Mr Knoops, we move on from
11 there. And actually, we have also documents, and you have already presented them,
12 the Defence and Prosecution.

13 MR KNOOPS: [14:47:08] Yeah. Yeah. I also refer to the itineraries of ...

14 PRESIDING JUDGE SCHMITT: [14:47:13] Absolutely. We have that on the record.
15 And if we not have it, then, I assume again that you will present us this documentary
16 evidence, which is labeled as "bar table motion" --

17 MR KNOOPS: [14:47:21] Yes.

18 PRESIDING JUDGE SCHMITT: [14:47:22] -- and, in this instances here, you would
19 have presented this to us.

20 MR KNOOPS: [14:47:31]

21 Q. [14:47:32] Sir, as a Prosecution witness -- or an individual which was
22 interviewed by the office of the Prosecution --

23 PRESIDING JUDGE SCHMITT: [14:47:40] By the way, open session possible again?

24 MR KNOOPS: [14:47:43] Yes. Sorry.

25 PRESIDING JUDGE SCHMITT: [14:47:44] But it's very difficult for everyone here to

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1 be always aware of (Overlapping speakers)

2 MR KNOOPS: [14:47:50] Open.

3 PRESIDING JUDGE SCHMITT: [14:47:52] Open session, please.

4 MR KNOOPS: [14:47:55] Yes. *S'il vous plaît.*

5 (Open session at 2.48 p.m.)

6 THE COURT OFFICER: [14:48:09] We are in open session, Mr President.

7 MR KNOOPS: [14:48:13]

8 Q. [14:48:13] Sir, there's an individual interviewed by the office of the Prosecution

9 during the investigation. And that individual -- and it's for the Court, tab 60, 6-0,

10 CAR-OTP-2080-0852 at pages 0863 till 0864. And that individual informs the

11 Prosecution that in December 2013, there were two meetings with 12 Puissances, the

12 Anti-Balaka, with the help of Mr Bara to create a coordination in Boeing.

13 During that meeting, an Anti-Balaka coordination was set up, and that individual was

14 selected in a certain position within that coordination.

15 PRESIDING JUDGE SCHMITT: [14:49:31] Paragraph 78 for everyone to follow.

16 MR KNOOPS: [14:49:35] Of course, of course, yes, para 78.

17 Q. [14:49:38] While this same individual informs the office of the

18 Prosecution that - and that's paragraph 81, this -- "[...] 1st Anti-Balaka coordination

19 met" for "a second time" a "few days or weeks later."

20 PRESIDING JUDGE SCHMITT: [14:49:56] Now your question, please.

21 MR KNOOPS: [14:49:58]

22 Q. [14:49:58] The question, sir: Were you aware of the -- according to this

23 information, establishment of the "1st coordination" of the Anti-Balaka by these

24 individuals, whereby Mr Ngaïssona is not mentioned?

25 A. [14:50:43] The only coordination of the Anti-Balaka which I know is that which

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1 is implemented, and that was done by Minister Ngaïssona. After that, there was
2 coordination that was set up in Bimbo. It is Wenezoui, the ex-minister, who did that
3 and that's the area of Rhombot.

4 After that, there was a split between {ICR: (Redacted)} and Minister Ngaïssona. And
5 from that date onwards, Ngaïssona, and the other group belonged {ICR: (Redacted)}.

6 And the coordination of the former minister, Wenezoui, joined the coordination of
7 Ngaïssona. So there wasn't a coordination managed by Bara. No. I don't know that.

8 The second meeting of the Anti-Balaka in Boeing was after the meeting that took
9 place in Kenya. It's there that all the Anti-Balaka organised a large gathering in the
10 Yamwara school so that they could speak to all the ComZones and explain what had
11 happened in Kenya. But to say that there was a coordination led by Bara, no.

12 Minister Ngaïssona appointed Bara as minister of youth and sport or suggested that
13 he become minister.

14 Q. [14:52:53] Sir, there's a second Prosecution witness who gave a statement
15 in -- before this Court, saying that on 10 January 2014, there was a meeting in Boeing;
16 so several days before Mr Ngaïssona arrived in Bangui, where the Anti-Balaka
17 coordination was discussed. And that's tab 61 of the Defence binder. It's the
18 statement of P-884, page 32. And that was in relation to the CLPC, which, according
19 to this statement, relates to the Anti-Balaka.

20 Were you familiar of that meeting on 10 January in Boeing without Mr Ngaïssona
21 being present?

22 A. [14:54:43] I don't know anything about this meeting. It's the first time here that
23 I learn about it.

24 Q. [14:54:57] Thank you.

25 There's another Prosecution witness who was part of the coordination, ultimately,

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1 who told the investigators of the Prosecution that {ICR: (Redacted)} had proposed his
2 own coordinator, but the ComZones refused that candidate and that's why they
3 ultimately unanimously accepted Mr Ngaïssona as coordinator. And this happened
4 sometime after his arrival in Bangui.

5 That's for the Court, tab 33 of the Defence binder, CAR-OTP-2027-2290 at 2299,
6 paragraph 54 of P-0889.

7 Were you aware that {ICR: (Redacted)} tried to propose his own candidate, not being
8 Ngaïssona, but all the ComZones refused that candidate because they believed that
9 Mr Ngaïssona was a better candidate to represent them?

10 PRESIDING JUDGE SCHMITT: [14:56:50] Ms Struyven?

11 MS STRUYVEN: [14:56:53] Mr President, I think if I look at this paragraph 54, the
12 Defence is trying to suggest that {ICR: (Redacted)} proposed another person as a
13 coordinator; where, in fact, paragraph 54 says that this witness would have said that
14 {ICR: (Redacted)} proposed himself as the coordinator.

15 PRESIDING JUDGE SCHMITT: [14:57:13] Yes. The problem here is -- I'm too quick
16 again. The problem here is that -- and tab 33, paragraph 54, is not incorporated, so I
17 cannot verify what you are saying. But why don't we do it this way, that we simply
18 read it out for the record.

19 And, Mr Witness, you listen to it.

20 You listen to what is read now to you, and then you can answer, if you are aware of
21 the fact that might be described there. Yeah?

22 We do it this way. Mr Knoops, please read out 54 so that also the judges are aware of
23 what you're talking about.

24 MR KNOOPS: [14:57:57](Interpretation) "About a week after {ICR: (Redacted)}
25 (Redacted)

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1 (Redacted)
2 (Redacted)} [look at the document entitled 'Organigram of the Anti-Balaka
3 Movement'].
4 The leaders were not in agreement with him, because he *did not talk about the return
5 of the constitutional order.
6 They didn't want only to have somebody that was pro-Bozize.
7 The leaders of the Anti-Balaka decided to turn to Ngaïssona *that afternoon."
8 PRESIDING JUDGE SCHMITT: [14:58:56] This has to -- {ICR: (Redacted)}.
9 And then you can speak, Ms Struyven.
10 Private session.
11 (Private session at 2.59 p.m.)
12 THE COURT OFFICER: [14:59:13] We are in private session, Mr President.
13 PRESIDING JUDGE SCHMITT: [14:59:24] (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 So, Mr Witness, you have heard this paragraph of another witness -- or what another
19 witness says.
20 Does this comport or concur with your recollection of events?
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 later on.

6 Q. [15:04:20] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted). Nairobi was 2014 -- 2015, sorry. Nairobi was April 2015.

10 PRESIDING JUDGE SCHMITT: Ms Struyven.

11 MS STRUYVEN: [15:05:13] Just for the record, Nairobi started in December 2014,

12 and went on for several months, to conclude in April 2015.

13 PRESIDING JUDGE SCHMITT: [15:05:24] Yes, but -- but if I may. The question is,

14 and perhaps I break it down a little bit: (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [15:06:51] I think we have an answer here,

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1 Mr Knoops.

2 MR KNOOPS: Yes.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MR KNOOPS:

6 Q. [15:10:05] Can you, sir, mention any example of documents which were
7 produced during any of those meetings by the coordination?

8 A. [15:10:44] (Redacted) nor am I the
9 president of the coordination. When you ask me to show you a document, that's
10 impossible for me to do. I can talk to you about what I saw. But when you ask me
11 to show you a document, I really don't understand.

12 PRESIDING JUDGE SCHMITT: [15:11:09] Mr Knoops, please allow me.

13 Mr Witness, the counsel has not asked you to show a document, but simply if you
14 recall that as a result, perhaps, (Redacted)

15 a document was produced, if you have knowledge of that. It could be a press
16 communiqué. It could be order, or whatsoever. Only if you recall that such a
17 document, I think that was the question Mr Knoops, was produced or not. Simply
18 that.

19 (Redacted)

20 (Redacted). That's perfectly clear. But only the knowledge if, perhaps, something
21 like that has been produced.

22 THE WITNESS: [15:12:20](Interpretation) Now, when it comes to the statement on
23 the Anti-Balaka, it is the members of the coordination who prepared those statements.
24 The movement had made some statements, there had been some press releases. That
25 is true. But I am not in a position to give you an example.

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1 PRESIDING JUDGE SCHMITT: [15:12:42] Fair enough.

2 Mr Knoops, I think you have to move on.

3 MR KNOOPS: [15:12:46] Yeah.

4 Q. [15:12:49] Mr Witness, were you aware that during those meetings, every
5 decision, every document, was being voted for within the coordination?

6 So if you say that you were present during those coordination meetings - and we have
7 several documents before us - why is it that you cannot mention any of them?

8 Because if you were part of that coordination meeting, you would have been part of
9 the voting for that document.

10 A. [15:14:02] Well, yesterday I told you, and I gave you an example. There was
11 this decision to create and set up a military police. If memory doesn't fail me,
12 Emotion was designated, and Commandant Gustave was also part of that group.
13 And then, later on, a mission order was issued (Redacted). It was the secretary
14 general who signed that mission order that made it possible for them to work towards
15 that goal. (Redacted)

16 Now, as for the press releases, there were many of them signed by the coordination,
17 so I cannot cite the entirety of the communiqués released by the coordination.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 But when you claim that we had to go through a voting process for decisions to be
23 made at the -- within the Anti-Balaka movement, I don't think that this was the case.

24 That is not how it happened. Decisions were taken orally and those who were to
25 belong to a group were selected in that way, and that's how things happened.

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1 Q. [15:16:19] Do you know whether Mr Ngaïssona in February 2014 on behalf of
2 the coordination issued a certain project for the billeting of the Anti-Balaka, which
3 was voted for in the coordination?

4 It's, for the Chamber, tab 5 of our Defence binder, CAR-OTP-2025-0362, not yet to be
5 shown to the witness.

6 A. [15:17:32] The Anti-Balaka did not have a base.

7 Now, billeting them would not have been an easy exercise. They didn't have a base
8 or they didn't have bases as such. So you -- you could have a base or barracks for
9 soldiers and they would be asked to go back there. But they didn't have -- the
10 Anti-Balaka didn't have any base as such. Wherever they were, wherever the
11 ComZone was resident, wherever they were staying, that would be considered a base
12 for them. So how were they going to be billeted?

13 Q. [15:18:27] In other words, you're not familiar with this document? You're not
14 familiar with the project set up by the coordination in February 2014 on the billeting
15 of the Anti-Balaka? Please answer yes or no. I have 40 minutes left, and we should
16 just precisely answer the questions without delving into non-relevant information
17 (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [15:18:47] No. You don't have to admonish the
19 witness. There's no reason for that. I think we can do this in another way.

20 Mr Witness, I know -- I know why you don't want to show the document yet to him,
21 but the project was called *projet de cantonnement et de prise*.

22 Have you ever heard of that?

23 THE WITNESS: [15:19:42](Interpretation) I already told you that I never saw a
24 billeting project. And indeed, the Anti-Balaka were never billeted, as was the case
25 with the -- the Seleka. No, they were never billeted.

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1 MR KNOOPS: [15:19:58]

2 Q. [15:19:59] Sir, a second question: Are you familiar with a document which the
3 coordination issued after being voted for in June 2014 - so before
4 Brazzaville - whereby the coordination made a written proposal for the restoration of
5 peace and security in CAR on behalf of the Anti-Balaka coordination?

6 A. [15:20:58] When it comes to documents that were signed within the peace
7 framework, I think several communiqués were issued with Seleka and other entities,
8 but they were never really implemented.

9 Q. [15:21:25] Can you tell us what was the programme of the coordination for the
10 restoration of peace, apart from whether or not it was implemented.
11 What was the programme of the coordination which they suggested to the
12 international community in June 2014?

13 A. [15:22:28] The Anti-Balaka project that I am aware of is the DDR project, that is
14 the idea to join the DDR by disarming the elements.
15 Now, among all the signed agreements, I think the DDR was one which was
16 supported by most. That is the disarmament and demobilisation project.

17 Q. [15:23:08] And do you know how that programme was to be implemented on
18 behalf of the coordination? What was the time frame? How were they going to do
19 it?

20 A. [15:23:47] I heard a radio announcement, but when it comes to the various
21 phases and the implementation of the peace programme, I really don't know. It is
22 the general coordinator and the coordinator of operations who had the
23 decision-making authority. So I have no idea what their thoughts were about the
24 outcome of the project or what they intended to do with the project.

25 Q. [15:24:28] (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 I can give the Chamber the tab numbers. By the way, the document of June is in our

6 binder tab 7, the *Contribution du Mouvement des Patriotes Anti-Balaka pour la*

7 *Restauration de la Paix et de la Sécurité* (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [15:25:30] No, but now we have a question to the

9 witness and we have to give the witness a chance to answer. So perhaps I wrap it up

10 a little bit.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [15:26:43] Mr Knoops, perhaps for the -- for the help

18 of the Chamber, can you indicate the tabs of the --

19 MR KNOOPS: [15:26:49] Yes.

20 PRESIDING JUDGE SCHMITT: [15:26:50] -- witnesses, so this is simply then easier

21 for us to follow when we go through the transcripts.

22 MR KNOOPS: [15:26:54] That was indeed my next (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [15:26:55] Of course we could put it together, but if

24 you can help us, it's a little bit easier.

25 MR KNOOPS: [15:27:01] Yeah.

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1 Q. [15:27:01] (Redacted)
2 (Redacted), for the Court, tab 41, CAR-OTP-2122-8146 on page 8148 at lines 42 till 52.
3 And I am inclined to read that portion to the witness out of fairness that he can
4 respond because this person is yet to testify.
5 Mr Witness, please listen to the statement. You can also find it on your screen. Of
6 course I will not read out your name. (Redacted)
7 (Redacted)
8 (Redacted)
9 PRESIDING JUDGE SCHMITT: [15:28:33] What was it? I didn't get the translation
10 here, unfortunately. So can you please -- can you please repeat it.
11 THE INTERPRETER: [15:28:43] The only words the interpreters got from the floor is
12 "of him", "*de lui*".
13 PRESIDING JUDGE SCHMITT: [15:28:48] So then I read it out again.
14 (Interpretation) "I am not used to him."
15 (Speaks English) Okay. Then it continues, let me read out:
16 (Interpretation) "But ... he seems to be more used to Maxime Mokom."
17 (Speaks English) Ms Struyven has a complaint or an objection or --
18 MS STRUYVEN: [15:29:21] Yes.
19 PRESIDING JUDGE SCHMITT: [15:29:22] -- a comment.
20 MS STRUYVEN: [15:29:23] If you look even three lines earlier and two lines further
21 he says: (Speaks French) (Overlapping speakers) (Speaks English) so the witness
22 who is interviewed. (Redacted)
23 (Redacted)
24 THE INTERPRETER: [15:29:40] Overlapping speakers.
25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 PRESIDING JUDGE SCHMITT: [15:30:00] (Overlapping speakers)
5 MS STRUYVEN: [15:30:01] -- that he's never heard --
6 PRESIDING JUDGE SCHMITT: [15:30:01] This is --
7 MR KNOOPS: [15:30:02] That's not the point.
8 PRESIDING JUDGE SCHMITT: [15:30:02] This is -- this is the problem if we -- if we
9 do not -- so we have now overlapping speakers again.
10 So this is the problem, so to speak, if we put chunks of other witness statements to a
11 witness. So I have asked the witness if he -- (Redacted)
12 (Redacted)
13 (Redacted). And we leave it at that.
14 And then, and this was exactly the reason why I asked Mr Knoops and he kindly
15 provides us with these tabs, and then we look, let's say, holistically at everything we
16 have here and put together what we make out of what is said in this courtroom.
17 So, Mr Knoops, this is -- so we have this now on the record.
18 What is the other witness statement, please, also with ERN number --
19 MR KNOOPS: [15:31:03] Of course.
20 PRESIDING JUDGE SCHMITT: [15:31:03] -- so that we can follow it.
21 MR KNOOPS: [15:31:07] Yes, to finish this reference, Mr President, what for the
22 court is also of interest is lines 49 to 52 where this witness, who was, by the way, a
23 member of the coordination, (Redacted)
24 (Redacted)
25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [15:31:34] Yeah. Again, a reference -- let me
2 just -- let me finish the interpreters. And then let me say that once -- and this is
3 exactly why I ask for this procedure, once we have this on the record, then we will of
4 course read what has been said, as I said holistically, meaning what has said before
5 and after. So it will not escape our attention, this is what I want to say was that you
6 can rely on that.

7 MR KNOOPS: [15:32:06] Thank you very much.

8 PRESIDING JUDGE SCHMITT: [15:32:08] This addresses the Prosecution concerns
9 and your concerns, Mr Knoops.

10 MR KNOOPS: [15:32:12] Yeah.

11 MS STRUYVEN: [15:32:13] Mr President, if I may just -- if just --

12 PRESIDING JUDGE SCHMITT: [15:32:15] Not -- not so -- not so quickly. It's not
13 that I don't want to allow it, but I'm rightfully, rightfully so admonished by the
14 interpreters that because we have this chain of interpretation, there's overlapping
15 speakers and also very often my interventions are only partly on the record because
16 of that reason, which is also of course not nice.

17 So now please wait a second and then please speak.

18 MS STRUYVEN: [15:32:45] No, the only thing I wanted to add is that it becomes
19 very unfair to a witness if (Redacted)

20 (Redacted)

21 (Redacted), we believe, to

22 answer questions like that because then it becomes almost -- it becomes very difficult
23 for the witness to respond to allegations that I think the witness probably thinks are
24 properly put to him, whereas in fact they are not properly put to him. So that's all.

25 PRESIDING JUDGE SCHMITT: [15:33:21] Two comments on that.

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- 1 First of all, we have also established practice that when we put questions, be it
2 Prosecution, be it Defence put questions to a witness, it is good to know the
3 foundation for the question. And this is what Mr Knoops is doing.
4 But I would prefer personally if then counsel, be it Prosecution or be it Defence,
5 draws out the allegation or the suggestion or whatever and puts it to the witness.
6 And then, as we try to do it now, since 10 minutes, we try to get on the record the
7 documents, for example, the former witness statements, and then we put this together
8 and we make an holistic assessment, as I always say, of all the evidence before us.
9 So now please, Mr Knoops, to the second statement. And we don't read it to the
10 witness. You direct us to where you want to direct us and then I can assure you, and
11 the Prosecution especially, that we will read it completely in the context.
- 12 MR KNOOPS: [15:34:30] Yeah, Mr President, sorry to say that we are now five
13 minutes discussing while this has already been discussed by the Chamber, and the
14 Prosecution itself has on several occasions put statements of witnesses to their own
15 witnesses. So I'm sorry to say, there's nothing improper of putting a witness
16 statement to the witness and give him a chance to respond.
- 17 PRESIDING JUDGE SCHMITT: [15:34:49] No, no, we are not -- not entertaining now
18 a further discussion because this causes time. And actually, it might -- it depends a
19 little bit also on the circumstances, but in general I -- from now on, so to speak, I think
20 the Chamber would prefer it if the -- if we know the foundation but if the suggestion
21 is drawn out, so to speak, and then put to the witness. Yeah?
- 22 But now we -- and Mr Knoops, I have not said that anything was improper what you
23 have done.
- 24 MR KNOOPS: [15:35:27] Thank you, Mr President.
- 25 PRESIDING JUDGE SCHMITT: [15:35:28] So please continue now.

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1 MR KNOOPS: [15:35:30] In light of the time, I will speed up. The second reference
2 is our tab number 48, which is a statement by (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [15:36:20] Thank you. I have already seen it. And
7 actually I recall it even, this one.

8 MR KNOOPS: [15:36:24] Yes. And that was quite specific.

9 Q. [15:36:28] Mr Witness, (Redacted)

10 (Redacted)

11 (Redacted). What is your response to those two statements?

12 PRESIDING JUDGE SCHMITT: [15:37:00] Actually, I think the witness has
13 answered already.

14 MR KNOOPS: [15:37:02] Okay.

15 PRESIDING JUDGE SCHMITT: [15:37:04] Has answered. Please move on,
16 Mr Knoops.

17 MR KNOOPS: [15:37:06]

18 Q. [15:37:06] Can you recall any document of the coordination whereby the name
19 of Mr Bernard Mokom features?

20 A. [15:38:00] I can't remember. Only the secretary of the coordination and the
21 coordinator were busy with this.

22 Q. [15:38:13] Do you know, Mr Witness, whether the -- whether Mr Ngaïssona
23 gave a speech on 21 February 2014, on behalf of the coordination, in which he, in
24 public, made several statements on behalf of the coordination how to deal with the
25 Anti-Balaka.

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1 A. [15:39:09] I know that Minister Ngaïssona made several statements and
2 speeches. He made a speech before the President Samba-Panza. In that speech,
3 he -- he committed to accompany the transition until its conclusion. He made
4 several speeches. It wasn't only one single speech. He made several.

5 MR KNOOPS: [15:39:45] Could we please play tab 13. That's an audio of close to
6 four minutes. Transcript is to be found at tab 14. That's CAR-OTP-2118-5623 to
7 page 5624, and the audio is 2042-2641. That's the audio. The transcript is the
8 number I just gave, tab 14, starting on line 3 till 53.

9 PRESIDING JUDGE SCHMITT: [15:40:30] While we are waiting, Mr Witness, I
10 would like to ask you something until they are ready with the video.

11 Mr Witness, at these meetings that you said you participated, did you speak up?
12 Did you participate in the discussions?

13 THE WITNESS: [15:40:47](Interpretation) You know, during the meetings, everyone
14 introduced themselves. But after that, people could sit down, and only the
15 coordinator passed on information, which he passed on to the ComZones,
16 for example, to have contact with the government, to have contact with the
17 MINUSCA dealing with disarmament. So he gave a report of meetings he had with
18 MINUSCA and with other personalities. He was an authority. So he reported back
19 to the other ComZones. There was Bernard Mokom who spoke, and other
20 ComZones also spoke. That is what happened.

21 PRESIDING JUDGE SCHMITT: [15:42:17] Thank you.

22 I think -- is this evidence channel 1, if it works?

23 THE COURT OFFICER: [15:42:22] Evidence channel 1, your Honour.

24 PRESIDING JUDGE SCHMITT: [15:42:26] Yeah. Give it -- it takes obviously a little
25 bit of time.

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1 (Viewing of the video excerpt)
2 THE INTERPRETER: [15:42:48] (Interpretation of the video excerpt)
3 "Let us look at the newspaper.
4 Dear parents, your -- stay tuned to your radio to get information about what's
5 happening today.
6 The president of the transition received two individuals.
7 The first was the person responsible for Amnesty International who came to talk
8 about a subject after an inquiry that -- an investigation which had taken place as
9 regards what's happening in the Central African Republic.
10 The second personality was Nicolas Tiangaye who came to express his concerns.
11 There was also Montaigne who met the leaders of the church and the head of the
12 Muslim community to talk about the crisis in CAR.
13 The Secretary-General of the United Nations is concerned about the -- the situation in
14 CAR. He asked MINUSCA to look at the number of troops and to increase that and
15 waiting for further blue helmets. Ngaïssona has presented himself as the
16 coordinator of the Anti-Balaka and said that they should all go to the barracks which
17 has been allocated to them so that the place could be given to Sangaris and
18 MINUSCA so that the town of Bangui could be disarmed.
19 The hospitals have received donations by -- given to them by Limbio. There's been
20 medicine donated to Hyacinthe Wodobodé.
21 This is the Central African radio, and you're listening to the news.
22 Good day to all my listeners. As we said in our headlines, the transitional president
23 Samba-Panza has met two personalities. The first was Christian Mukosa, who works
24 on behalf of Amnesty International, who has carried out a working visit to CAR. He
25 has given us his impressions. And after his mission to the Central African Republic,

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1 he said on behalf of Amnesty International that peace must be restored. The
2 population is suffering, and there's a lot of trouble in the country.
3 Mrs Brigitte Izamo, who is advising legal matters for the president, provided
4 information as regards this visit to Sedo: 'Amnesty International, who is part of the
5 international body who is attached to human rights and peace, and the transitional
6 president was given the report which lists all the exactions that have been carried out
7 in the country.'

8 MR KNOOPS: [15:46:40] Mr President, I'm sorry. In light of the time, this was not
9 the abstract we suggested. It starts at -- this was the preceding abstract. I said
10 page 5624, from lines 3 till 53.

11 PRESIDING JUDGE SCHMITT: [15:46:57] Okay. Then we have to -- No problem.
12 I think we can fix that.

13 And in the meantime, for the transcript, the ERN for the audio is
14 CAR-OTP-2118-5622.

15 THE COURT OFFICER: [15:47:19] I'm sorry, Mr Knoops. But the information and
16 instructions that we got from you and the team was to play the entire audio recording,
17 and we don't have the timestamp to replay it, if you want to play a portion of it.

18 PRESIDING JUDGE SCHMITT: [15:47:32] Did we play -- not "we" but court officers
19 play, or whoever, and did we hear the chunks that you wanted us to hear?

20 MR KNOOPS: [15:47:48] I can also read the three portions from the transcript --

21 PRESIDING JUDGE SCHMITT: [15:47:49] Perhaps to facilitate --

22 MR KNOOPS: [15:47:50] Because I have just 14 minutes left.

23 PRESIDING JUDGE SCHMITT: [15:47:51] Yeah, yeah, no, I'm fine -- I would be fine
24 with that. So please continue, Mr Knoops.

25 MR KNOOPS: [15:47:55] Yeah.

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1 PRESIDING JUDGE SCHMITT: [15:47:55] And you want obviously to ask a
2 question after that to the witness?

3 MR KNOOPS: [15:48:00] Yes. Yes.

4 PRESIDING JUDGE SCHMITT: [15:48:01] So, Mr Witness, listen to what counsel is
5 now reading out. And afterwards, he will put a question to you with regard to this
6 what he is reading.

7 MR KNOOPS:

8 Q. [15:48:08] Sir, I'm asking you about the interview Mr Ngaïssona gave on
9 21 February 2014. And the journalist said the following - it's in the transcripts of this
10 audio, line 3 and following:

11 (Interpretation) "As announced in our speaking newspaper, serious rumours have
12 circulated on the Anti-Balaka accusing them of disturbing peace in our country and
13 that it suits them to make war. This is what General Francis Soriano stated, the
14 commander leading the Sangaris forces in the Central African Republic."

15 (Speaks English) The answer of Mr Ngaïssona was the following, Mr Witness:

16 (Interpretation) "I came -- I have come here today to ask the Anti-Balaka of the Central
17 African Republic to withdraw, to give up the fight, finally to allow the identification
18 of false Anti-Balaka who are tarnishing the name of the true Anti-Balaka. They are
19 many. And the Central African forces, as well as those of MISCA and the Sangaris,
20 are seeking to try and find out who these people are who are creating disorder and
21 causing damage amongst the population by killing people, by thieving from the
22 inhabitants in the neighbourhoods. Let us withdraw, and let us allow these forces to
23 neutralise those individuals who tarnish our names. We are not there to fight. That
24 is why we are -- I am asking all the Anti-Balaka to withdraw and to leave it up to the
25 international foreign forces and others to neutralise these individuals who are

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1 committing these actions in the name of the Anti-Balaka thereby tarnishing their
2 name."

3 (Speaks English) It was further in this interview, Mr Ngaïssona says the
4 following - that's line 40 and further of the transcript:

5 (Interpretation) "They have not come here to be included in the army. But the
6 authorities of our countries must know that and must introduce projects, projects of
7 social development to try and find a means so that finally we can reunite in the
8 groups and provide them with agricultural tools, seeds, so that finally they can return
9 back home, because the rainy season is close and these people want to return home
10 quickly. I think that we must tell the government in our country this so that they
11 quickly release our brothers and enable the young people to have -- to have some sort
12 of negotiations with them so that they can return quickly to their homes.

13 I think that the pretext of the lack of resources which prevents the regroupments and
14 the billeting, but the government of our country must know, if they do not have the
15 financial means to give these young people so that they can regroup, we could give
16 them the products of PAM" P-A-M "to enable them to be billeted so that they do not
17 suffer from hunger whilst waiting for a solution which the government must find for
18 these young people to return to their homes. This is what we have asked since the
19 beginning but we do not have an interlocutor to negotiate with them."

20 MR KNOOPS: [15:53:11] End of the citation at line -- end of the citation at line 53.

21 Q. [15:53:14] Mr Witness, can you recall that all those elements which were
22 mentioned by Mr Ngaïssona in this interview on 21 February, so a few weeks after his
23 arrival in Bangui, were discussed during the coordination meetings you attended?

24 A. [15:53:42] Mr President, if -- he made this speech after that of the commander
25 Sangaris. But why did he make such a speech? Well, because there was a clash two

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1 days before in Boeing. There were clashes between Kilometre 5 and the Anti-Balaka
2 groups. I think it's the Burundi and the Sangaris who intervened to put an end to
3 that clash. By so doing, the Sangaris soldiers, some of them, were wounded. After
4 that, Sangaris made a declaration of war against the Anti-Balaka.

5 And that is why President -- Minister Ngaïssona was forced to make that speech.

6 And after that, the Sangaris withdrew their declaration of war against the
7 Anti-Balaka.

8 Q. [15:55:18] Again, no answer, but I move on.

9 Mr Witness, were you familiar that Mr Ngaïssona, after having arrived in Bangui, had
10 also meetings publicly in Hotel Azimut with the coordination?

11 A. [15:55:39] The meeting that was taking place in Azimut was for reconciliation
12 between the two fractions, that's to say the two wings, say, with Minister Wenezoui.
13 The Wenezoui group was split and -- sorry, was splitting the movement. And
14 during that meeting, Wenezoui was appointed general -- deputy general coordinator.
15 That's the meeting that took place in the Azimut.

16 Q. [15:56:38] Were you there? Were you present?

17 A. [15:56:41] No, I wasn't present during the meeting.

18 Q. [15:56:58] On the -- yesterday, you testified about a statement Mr Ngaïssona
19 gave. And your evidence was yesterday in regard to the September 2014 events we
20 went through already today, that Mr Ngaïssona gave a statement signing a
21 commitment saying that he would protect the transition. And after that statement,
22 the roads were opened up.

23 You might remember this, what you said yesterday. It's in the English real-time
24 transcript of yesterday, page 52, lines 22 till 25, running to 53, line 1, where you also
25 say that the barricades were taken away and peace was restored.

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1 So you say that Mr Ngaïssona gave this statement of commitment after these events in
2 September 2014 which led to the removal of these roadblocks.

3 Do you still stand by that statement, sir?

4 A. [15:58:31] I stand by that statement. That's what *he said.

5 Q. [15:58:50] I suggest to you that this statement by Mr Ngaïssona was given
6 several months before the events in September 2014, namely on 17 April 2014.

7 That's, for the Court, tab 22.

8 So the statement you refer to, sir, by Mr Ngaïssona, this commitment, was given
9 several months before the events and, therefore, there was no relationship with his
10 commitment and the removal of the barricades. In other words, based on the date of
11 the statement, the narrative you gave yesterday is not correct.

12 A. [16:00:03] No. He made his speech after there was the attempted arrest.
13 There were shots in his compound. The Anti-Balaka protested. He signed the
14 declaration so that he could be free. That is why he made that speech. He was
15 asked to make a speech so that he could be free.

16 Q. [16:00:30] The Court can look at tab 22.

17 Next question: Do you know a person called Jean-Jacques Larmassoum?

18 Jean-Jacques Larmassoum.

19 A. [16:01:06] Yes, I know Larma. I know Jean-Jacques Larmassoum. He's a
20 soldier. A former soldier. He was also a former rebel leader.

21 Q. [16:01:12] Was he part of the Anti-Balaka, in your estimation?

22 A. [16:01:22] No, Larma was not part of the Anti-Balaka movement. I remember
23 that he was arrested by the Balaka and handed over to the army or to some force, and
24 then he was imprisoned. That's what I remember. He was not part of the
25 Anti-Balaka movement.

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1 Q. [16:01:55] And do you know why -- why he was arrested? What was the
2 reason why he was arrested?

3 A. [16:02:07] I think it was because of a holdup, or because of theft, that he was
4 arrested and handed over to the authorities.

5 Q. [16:02:26] Do you know who arrested him?

6 A. [16:02:44] I think he was arrested around Gobongo. He was arrested and
7 tortured in Andjilo's area. But thanks to the intervention by Minister Ngaïssona and
8 Maxime Mokom, he was released. I know he was tortured. He was tied up even
9 before being handed over to the authorities.
10 Then Minister Ngaïssona and Maxime Mokom intervened for him to be handed over
11 to the gendarmes, to the gendarmerie.

12 Q. [16:03:32] I put to you, sir, that Mr Larmassoum was arrested because he
13 controlled a group of 300 men, elements, of fake Anti-Balaka who committed crimes,
14 and it was the coordination who ordered the arrest of that individual. There's a
15 Prosecution witness who gave a statement to this extent.

16 Can you confirm this? That this was the reason why the coordination intervened.

17 A. [16:04:36] What I know is what I know. What I heard is that he was arrested
18 because of a holdup and he was handed over to the gendarmerie. Now, any story
19 about 300 men, I'm only hearing about that now.

20 Q. [16:04:55] Final question --

21 PRESIDING JUDGE SCHMITT: [16:04:58] Mr Knoops, which tab is it? Do you
22 have a --

23 MR KNOOPS: [16:05:00] It's not a tab. I can give the reference exactly.

24 PRESIDING JUDGE SCHMITT: [16:05:03] Yeah, please do that.

25 MR KNOOPS: [16:05:04] It's P-0992. That's the number of the witness.

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1 CAR-OTP-2122-6499 at 6526 till 6527, paragraphs 176 till 179.

2 PRESIDING JUDGE SCHMITT: [16:05:27] Thank you very much.

3 MR KNOOPS: [16:05:28]

4 Q. [16:05:28] My last question, sir.

5 I hesitate to do it in private session or open. But I -- well, in favour of the witness, I
6 would do it in private session.

7 PRESIDING JUDGE SCHMITT: [16:05:46] Then we go to private session.

8 We are in private session.

9 MR KNOOPS: We are in private session.

10 PRESIDING JUDGE SCHMITT: [16:05:54] So, you know, it's a long day, so
11 apologies.

12 MR KNOOPS: [16:06:00] Indeed.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MR KNOOPS: [16:10:22] Thank you.

23 These were our questions, Mr President.

24 PRESIDING JUDGE SCHMITT: [16:10:24] Thank you, Mr Knoops.

25 Ms Dimitri, do you stand by what you said with regard to the length of the

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1 questioning?

2 MS DIMITRI: [16:10:39](Microphone not activated)

3 PRESIDING JUDGE SCHMITT: [16:10:50] First of all --

4 MS DIMITRI: [16:10:52](Microphone not activated)

5 PRESIDING JUDGE SCHMITT: [16:10:52] I didn't hear you, you have to put the
6 microphone on.

7 MS DIMITRI: [16:10:54] Sorry. I said I didn't hear you because I removed my
8 headset -- the wrong headset. But I think you're answering what's --

9 PRESIDING JUDGE SCHMITT: [16:10:54] But I think you can read my mind.

10 MS DIMITRI: [16:10:56] Yes, yes. We do stand by our estimates. We're going to
11 be, big maximum, two sessions. We're aiming at less.

12 PRESIDING JUDGE SCHMITT: [16:11:04] Yes. Thank you very much. This
13 concludes the hearing for today.

14 Thank you, Mr Witness. We see each other tomorrow at 9.30 with -- in all likelihood
15 for the last time in this courtroom. So until then.

16 THE COURT USHER: [16:11:17] All rise.

17 (The hearing ends in private session at 4.11 p.m.)