

Trial Hearing
WITNESS: CAR-OTP-P-0889

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 16 March 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:32] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:55] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:01] Good morning, Mr President, your Honours.
17 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: [9:32:18] I ask for the appearances of the parties.
21 Prosecution first, please.
22 MS STRUYVEN: [9:32:22] Good morning, Mr President, your Honours.
23 For the Prosecution today we have Sylvie Wakchom and myself, Olivia Struyven.
24 PRESIDING JUDGE SCHMITT: [9:32:30] Thank you.
25 The representatives of the victims next.

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- 1 MR FALL: [9:32:33](Interpretation) Thank you, Mr President.
- 2 The victims of the other crimes are represented this morning by Madam
- 3 Evelyne Ombeni and myself, Yaré Fall. Thank you.
- 4 MR SUPRUN: [9:32:52] Good morning, Mr President, your Honours.
- 5 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the
- 6 Office of Public Counsel for Victims. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:32:55] Thank you.
- 8 And next is the Defence of Mr Yekatom.
- 9 MS GUISSÉ: [9:32:58](Interpretation) Good morning, Mr President, your Honours.
- 10 Today Mr Yekatom is back to the courtroom, and he is assisted by Madam Dimitri,
- 11 who is following remotely, Mr Gyo Suzuki, Madam Yasmeeen Hajjali and myself,
- 12 Anta Guissé.
- 13 PRESIDING JUDGE SCHMITT: [9:33:19] Thank you.
- 14 And the Defence of Mr Ngaïssona, Mr Knoops.
- 15 MR KNOOPS: [9:33:23] Good morning, Mr President. Good morning,
- 16 your Honours. Good morning, everyone in the courtroom.
- 17 We are here before the Chamber today with Ms Marie-Hélène Proulx,
- 18 Ms Chiara Giudici, Ms Sara Pedroso and Alexandre Desevedavy. And
- 19 Mr Ngaïssona, of course, is present in the courtroom. Mr Landry is following
- 20 the proceedings from the field office.
- 21 PRESIDING JUDGE SCHMITT: [9:33:44] Thank you very much.
- 22 And, again, a warm welcome to our witness. Good morning. I hope you are well
- 23 and you understand us good, and the connection is good and stable.
- 24 WITNESS: CAR-OTP-P-0889 (On former oath)
- 25 (The witness speaks French)

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1 (The witness gives evidence via video link)

2 THE WITNESS: [9:33:58](Interpretation) Good morning, Mr President. I'm well.

3 And I can hear you very clearly, Mr President. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:34:07] So these are good preconditions, so to
5 speak, to start.

6 Ms Proulx, you still have the floor.

7 MS PROULX: [9:34:20] Thank you, Mr President.

8 QUESTIONED BY MS PROULX: (Continuing)(Interpretation)

9 Q. [9:34:25] Good morning, Mr Witness. Can you hear me?

10 A. [9:34:29] Good morning. Yes, I do.

11 Q. [9:34:34] First of all, before we go back to where we were on Monday afternoon,
12 let me address something that you said earlier, and I seek clarification from you on
13 that.

14 For this purpose I will be putting to you two or three questions in private session,
15 please, thank you.

16 PRESIDING JUDGE SCHMITT: [9:34:56] Okay, then we go to private session.

17 (Private session at 9.35 a.m.)

18 THE COURT OFFICER: [9:35:13] We are in private session, Mr President.

19 MS PROULX: [9:35:23](Interpretation)

20 Q. [9:35:25] Mr Witness, on Monday, at page 26 in the real-time transcript in French,
21 you said -- and we were talking about the period before 5 December, you said that at
22 the time Maxime Mokom managed the entire movement and all the preparation for
23 the 5 December attack, and that he even sidelined the Ngaïkosset brothers.
24 So am I to understand that, according to you, the Ngaïkosset brothers were sidelined
25 when it came to preparations for the attack of 5 December?

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1 A. [9:36:08] When I refer to the Ngaïkosset brothers being sidelined, it is because at
2 that time the two Ngaïkosset brothers were not on the same territory where
3 Maxime Mokom was. The two Ngaïkosset brothers were under supervision or
4 surveillance, so to speak, in Congo-Brazzaville. So it was only Mokom alone who
5 managed everything single-handedly.

6 Q. [9:36:52] When you say they were under surveillance, what do you mean? Do
7 you mean that they were in detention?

8 A. [9:37:03] Yes, but I did not see it. I only heard that the two Ngaïkosset brothers
9 had been arrested in Congo-Brazzaville as they attempted to -- to travel in
10 Congo-Brazzaville. Even up until the time (Redacted), the two Ngaïkosset brothers
11 had not returned. It is only towards the end of the preparations for the 2016
12 elections that the two Ngaïkosset brothers were released to return to the country.
13 But I didn't see it my own eyes. These are -- this is information that was circulating
14 and I only heard about it.

15 Q. [9:37:46] Just to be very clear, so going by your information, they were detained
16 at the time of the attack of 5 December; is that correct?

17 A. [9:37:57] Yes.

18 Q. [9:38:06] Perfect. I thank you very much for those clarifications.

19 And I think, Mr President, that we can return to open session.

20 PRESIDING JUDGE SCHMITT: [9:38:12] Open session.

21 (Open session at 9.38 a.m.)

22 THE COURT OFFICER: [9:38:25] We are back in open session, Mr President.

23 MS PROULX: [9:38:36](Interpretation)

24 Q. [9:38:39] So we will continue from where we were on Monday when we were
25 talking about the movement and ComZones in particular. I would like to start by

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1 showing you a document at tab 26 in the Defence binder, CAR-OTP-2030-0232.

2 The document being displayed is a list of the Anti-Balaka ComZones. Do you
3 recognise this document, Mr Witness?

4 A. [9:39:42] Yes, I recognise the names.

5 Q. [9:39:53] Do you remember why this list was drawn up?

6 A. [9:40:07] The DDR project was ongoing or was being prepared, so there were
7 many, many, many Anti-Balaka. So in order to start to identify the Anti-Balaka
8 soldiers in relation to the DDR programme, it was necessary, first of all, to identify
9 their leaders who were called the ComZones. So we needed to know which
10 ComZone had which telephone number, where they came from, which village they
11 left before they got to Bangui. And then, based on that, it would be known who
12 were the elements that were with each ComZone and then find out what their origins
13 were, which village they came from, what sector they came from in order to be able to
14 process the DDR procedures normally.

15 So if you don't identify them and you don't know who is who, who then will qualify
16 for the DDR disarmament programme? That is why it was necessary to identify
17 them and then hand over the list to those who were managing the DDR programme.

18 Q. [9:41:45] I would like you to look at the names, and maybe we could scroll down
19 the list so that you can see the names that appear on this document. Because I have
20 a question, the following: Mr Witness, am I correct to understand that on this
21 document you find the names of all the ComZones?

22 What I'm saying is, are there any ComZones that are on this list but who did not
23 accept Mr Ngaïssona's political project?

24 What I'm saying is that by including a name on this list, it doesn't mean that this
25 person or the actions of that particular or those particular ComZones were condoned

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1 or commissioned by Mr Ngaïssona; am I correct to think so?

2 A. [9:42:39] To start with, on this list I see many names of persons who did not
3 agree with Ngaïssona's political ideology. That is on this list. Many names are
4 those of persons who do not agree with Mr Ngaïssona's political ideas. But there are
5 some names there of persons who agreed with his political ideology.

6 So I can say that it is not -- this list is not a comprehensive list of all the leaders. You
7 see, when we talk about the DDR, some people felt that there was nothing about
8 the DDR. They didn't want to provide their names, and then -- because they didn't
9 see the relevance of the project until it started, and then they saw how practical it
10 became and then they provided their names. So there are also other names that are
11 nicknames, ComZone T, ComZone what have you. Their family names are not
12 mentioned, so I'm not able to identify them to be able to know whether these are
13 people whose names could appear on a DDR list.

14 So my conclusion is that not all of them agreed with Ngaïssona's political ideology.
15 That's what I'm talking about, his political ideology. I don't know if I have answered
16 your question.

17 Q. [9:44:15] Yes, and I thank you for your answer.

18 In your statement at page 2122-8085, you talk about Yagouzou and you say that
19 initially he was aligned with Mokom but that later on he joined Mr Ngaïssona's
20 political project. Then two pages further on you talk about Chiki Chiki and you say
21 that he, on the other hand, had ultimately given up the idea of peace and started
22 committing abuses.

23 Am I to understand, Mr Witness, and understand correctly, that the allegiance of
24 ComZones either to Mr Ngaïssona or to Mr Mokom was likely to change based on
25 circumstances and that it did fluctuate a lot?

1 A. [9:45:19] Yes. If you talk about allegiance of the ComZones, well, counsel,
2 what I can tell you is -- is that some of them refused. For example, right here I can
3 tell you that they may have already heard something somewhere in order not to align
4 with Mr Ngaïssona's political idea, but they don't talk about it openly. And then,
5 you see, their henchmen, who do not introduce themselves, also come to visit
6 Ngaïssona to find out what his political ideology was. And I'm referring, for
7 example, here to Maxime Mokom. And so these people come towards Ngaïssona,
8 but then only end up withdrawing publicly because they were more inclined or
9 listening more to Maxime Mokom.

10 Chiki Chiki, whose example you mentioned, he was not one who was listening to
11 Ngaïssona. He was at Berbérati and Mambéré-Kadeï, which is where Chiki Chiki
12 was, but he had never, never aligned with Ngaïssona.

13 So imagine what happens during meetings, Anti-Balaka meetings. He would from
14 time to time leave Berbérati and attend the meeting. He went to the Brazzaville
15 forum as a participant, but that did not change anything in regards to his position.
16 And when Mokom detached himself openly, it was -- then it became clear that he too
17 expressed a dissatisfaction with Ngaïssona's political ideology.

18 Yagouzou Sylvestre, for example, initially was someone who communicated very
19 well with Mokom, but that is when Mokom was not in Bangui but was in Bozoum,
20 and they had very good communication at the time. But ultimately at the end, when
21 Ngaïssona came on board, he adopted Ngaïssona's political ideology and detached
22 himself from Mokom.

23 Q. [9:47:48] Thank you. You also talked about some other ComZones in your
24 statement, saying that they were close to Mokom, particularly Andjilo, Nongba,
25 Jobrice Ouabiro.

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1 Now would you agree with me that those ComZones, since they were close to
2 Mokom, were not influenced by Mr Ngaïssona and were not under his authority?
3 A. [9:48:21] Counsel, let me specify here once again that this was not limited only
4 to those names. There are many of them, many of them who never listened to
5 Ngaïssona but would attend meetings convened by Ngaïssona. Because at those
6 meetings there will necessarily be talk about DDR, about the cessation of hostilities,
7 about the PCUD party. So they would come and what was of interest to them was
8 the DDR project, because according to them there was money in it. So when you
9 hear DDR, you see the money behind.
10 So when Ngaïssona convened meetings, they would attend because the DDR would
11 be discussed and that's what they were expecting. So they would attend
12 the meetings, but it doesn't mean that they were under Ngaïssona's authority.
13 The person whom they were listening to was Mokom.
14 So when I say people who were close to Mokom, I am not talking about people who
15 were Mokom's relatives. I'm talking about people who supported Mokom's idea.
16 And that's why I said "close to". I'm not referring to Maxime Mokom's relatives in
17 that sense.

18 Q. [9:49:44] Just a follow-up question on Andjilo. Do you know whether he
19 remained in Bangui in 2014?

20 A. [9:50:02] Andjilo was in Bangui. He remained in Bangui but would go back to
21 his village from time to time and come back. So quite often he moved about,
22 sometimes to Bangui, sometimes to his village and then would come back to Bangui.

23 Q. [9:50:22] Would you agree with me, Mr Witness, that some ComZones in 2014
24 were so powerful that they could sign their own mission orders without requiring
25 approval from the coordination or from Mr Ngaïssona?

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1 A. [9:50:45] Let me say in that regard that if Andjilo, for example, wanted to go
2 somewhere, he didn't need anybody for a mission -- for a mission order. He
3 communicated more with Mokom and they understood each other very well. So
4 because of that close communication, he only needed to talk with Maxime Mokom.
5 He didn't need anyone else to authorise him to go on mission.
6 You see, mission orders were used for awareness building missions in the hinterland
7 towards those who did not have the opportunity to come to Bangui or who weren't
8 available -- who didn't have transport fare to come to Bangui to attend and assist in
9 the DDR programme. So it was necessary to send somebody, a ComZone, for
10 example, to convey information to them on the status of the process, and this would
11 be something that required the drafting of the lists of elements through these leaders
12 or to inform the leader on the developments and status of the DDR, and then also
13 reach out to persons, inviting them to join the PCUD party. These were the types of
14 things that were done when mission orders were issued. But those who did not
15 support the PCUD and its political ideology did not need mission orders in order to
16 move about.
17 I'm sorry, I didn't answer one aspect of your question. I just realised it, namely
18 whether some leaders could issue their own mission orders. The answer is that, yes,
19 many of them could. For example, I can give you an example which Mr Ngaïssona
20 is aware of. One day the chief of staff of the Anti-Balaka, at the time when
21 the coordination was under Mokom, one Azounou Côme Hippolyte, a deputy,
22 himself issued a number of documents imitating Ngaïssona's signature, forging it,
23 and he used it to issue authorities for -- to be used in villages where cattle was taken
24 and sold. So people were asked to mobilise cows to be sent to Bangui so that
25 Ngaïssona could sell them and send the money back for the building of schools that

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1 had been destroyed by Seleka using this money.

2 So these are some of the things that were done in this regard. So that this individual,

3 when he became aware of these things, sent out such a document with Ngaïssona's

4 names and the Anti-Balaka stamp, and people thought that it was Ngaïssona so

5 the cows were sent in a large truck to Bangui. He received them, sold them and put

6 the money in his individual account, and the villagers were waiting for the money,

7 but they never got it.

8 So -- but the villagers had believed that the message had come from Ngaïssona, so

9 they sent people to Ngaïssona. And they were so surprised when they arrived that

10 Ngaïssona himself was not aware of the whole transaction. So they showed him

11 the paper that had been sent and which led them to believe that it came from

12 Ngaïssona.

13 So concerning papers and signatures and all of these things, many things were done

14 using Ngaïssona's signature.

15 Q. [9:54:52] In your statement, and again on Monday, you alluded to the fact that

16 throughout 2014 new Anti-Balaka groups were emerging in the provinces at locations

17 where there had been no such groups before.

18 Am I to understand that those new Anti-Balaka groups were also created

19 spontaneously and that Mr Ngaïssona did not play a role in the creation of those new

20 groups?

21 A. [9:55:30] Madam, when you talk of the Anti-Balaka, I can tell you that even as

22 you and I, as we are talking, there are Anti-Balaka groups that are still being created

23 or emerging in some villages in the Central African Republic. These are groups that

24 are truly spontaneous. You can be here today and hear nothing, but, boom,

25 tomorrow you hear that the youth have organised themselves into an Anti-Balaka

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1 group.

2 So what I can tell you is that it is still ongoing and it is based on the experience of
3 the village. If there had been violence somewhere, the -- the young people would
4 group together. So even today these groups are still being born in villages where
5 such things are happening.

6 Q. [9:56:26] Mr Witness, would it be correct to say that in 2014 the coordination did
7 not control the ComZones but the ComZones also had difficulty controlling their
8 elements; is that correct?

9 A. [9:56:50] Well, if -- you are talking about -- well, let me specify here that when
10 you talk about the coordination, and let's be truthful about this, the coordination
11 existed only on paper, only on paper. The coordination existed only on paper.
12 Nobody knows who is who and who does what.

13 You see, maybe Ngaïssona might have needed to draft something, he would call
14 anyone who he wanted to, Ngaya, or someone else, or he can draft it himself. So
15 there was no individual playing the role of the coordination. The coordination that
16 actually had a role was the coordination that brought the Anti-Balaka all the way to
17 Bangui. The coordination which was led by Maxime Mokom, which you have
18 talked about. And you mentioned the chief of general staff and the deputy chief of
19 general staff, who were in place up until 5 December, but after that you cannot talk
20 about a -- an organisation known as the coordination which was supposed to do
21 such-and-such a thing.

22 Now when you talk about the ComZone leaders, what needed to be done was that
23 each ComZone leader needed to provide food to his elements in order to avoid any
24 slippages. Now but if your elements did not have food, how would you be a leader
25 over them? Who would obey you? No one would obey you. So there were too

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1 many slippages. Nobody knew who was doing what, nobody knew who was whom,
2 there was theft everywhere, there was disorder everywhere, and it is true that it was
3 happening all over the place.

4 Q. [9:58:55] In your statement you briefly discussed the Boda Anti-Balaka. You
5 said that at the time no one had control over them.

6 So I have a few questions to ask you on these Anti-Balaka. Would you agree with
7 me that it was not Mr Ngaïssona who appointed Habib Soussou as the ComZone for
8 Boda; is that correct?

9 A. [9:59:32] Habib Soussou, I think that he also joined later, not in 2014, but just
10 close to the elections in 2016 that he came to Bangui himself and wanted to meet
11 Ngaïssona, saying that he was of the Boda Anti-Balaka. He wanted to join
12 Ngaïssona's coordination and he wanted at that time also to participate in the DDR
13 programme and also to join Mr Patrice-Edouard Ngaïssona's political ideology. That
14 was in 2015, 2016, that's when he came to Bangui. 2015, if I'm not mistaken, when he
15 came to Bangui himself.

16 But before then, before then no one had any contact with an Anti-Balaka from Boda.
17 Even Mokom did not have contact with any Anti-Balaka from Boda.

18 Q. [10:00:45] I would like to show you a document on this subject, number 58,
19 CAR-OTP-2087-9108. I will wait for it to be displayed, then I will have questions.
20 The document is a mission order dated 11 April 2014 appointing Habib Soussou to
21 carry out a mission to Boda from 13 April to 16 *May 2014. And on the second page
22 one can see that the mission order is signed by Mr Ngaïssona.

23 Now as for the subject of the meeting -- of the mission, sensitisation, mobilisation, and
24 a return to sustainable peace.

25 Now, to your knowledge, do you know whether those objectives for the mission

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1 order were real? Was that a sincere objective of Mr Ngaïssona, or by signing that
2 mission order he had a hidden agenda?

3 A. [10:02:34] Counsel, in answer to your question whether Mr Ngaïssona had
4 a hidden agenda, I cannot answer that question.

5 But I told you that Habib himself came to Bangui to join the PCUD party. So this
6 document shows what I have just said. So he himself came to subscribe to
7 the political ideology of Ngaïssona and it was at that time that Ngaïssona told him
8 about peace, that it served nothing killing people in Boda, to benefit what? That it
9 was not necessary to take away someone's life. Everyone needed to be alive.
10 And it was after that that Ngaïssona himself -- that he came with his delegations
11 with -- for peace, and that is when this document was given to him now to go and
12 sensitise the other Anti-Balakas in Boda.

13 Regarding what is written in this paper, it was really for peace in Boda. Those of us
14 Central Africans, including myself, when we heard what was happening in Boda
15 I was very sad. I was in Bangui when we heard what was happening there. I mean,
16 had God left Boda? It was a very sad situation. But after the arrival of
17 Habib Soussou in Bangui and after his return there, Boda became calm, and it is
18 today.

19 Q. [10:04:40] Do you agree with me to say that the fact that a mission order such as
20 this one was signed by Mr Ngaïssona does not imply that Mr Ngaïssona had control
21 or authority over what was happening during the mission? The control was
22 exercised by the ComZones and the elements participating in that mission; is that
23 correct?

24 A. [10:05:15] I can say that about the mission order. It was there, but was there
25 a follow up? That is something that must be known. Was there a follow up after

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1 the mission order that was issued? So he took this document, but after he returned
2 to where he came from it is possible that he may not respect what is there. No one
3 can tell him or do anything to him because there he is considered as the leader, so if
4 he does not respect the provisions nobody can do anything to him. It depends only
5 on himself what he is doing there.

6 I do not know whether I've answered your question.

7 Q. [10:06:12] Yes. Thank you. Your answer was very clear.

8 I would like to show you another document, 13, CAR-OTP-2001-5386. And I would
9 like to show page 5466.

10 So it is an acknowledgment letter signed by Mr Ngaïssona recognising Habib Soussou
11 and Dogo Aimé. Have you ever seen this document before, Mr Witness?

12 A. [10:07:32] No.

13 Q. [10:07:50] I understand that you never saw the document, but if you can read
14 through the document I will have questions for you, please.

15 Mr Witness, as you can see, it is a document authorising Habib Soussou and Dogo
16 Aimé to supervise and guarantee sustainable peace amongst the population of Boda.
17 I don't know whether you can ask us -- you can give us an answer, but if it's not
18 possible, no problem. But when you look at the document, despite the terms used
19 that Mr Ngaïssona authorises, but in reality the two people mentioned are not really
20 answerable to Mr Ngaïssona. The document creates a hierarchical link -- is not
21 a document that creates a hierarchical link between Mr Ngaïssona and these two
22 people.

23 A. [10:09:06] I agree with you. I agree with you. And from my own point of
24 view it is Soussou Habib and his elements in Boda, they were the one fighting against
25 the Muslims there. And if they stopped fighting, then the fighting will be over. So

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1 by giving such an -- a document saying that from now on it is you, it is you, Habib,
2 with all those who are with you to stop the fighting and guarantee peace in that
3 locality.

4 So he knows that he is directly designated, because if you are being told not to do this,
5 it means that it is you who has to respect that provision.

6 But after that, the link, there's really no more link because he left and returned to
7 Boda. That's all.

8 Q. [10:10:22] I would like to show you a last document and that is number 69,
9 CAR-OTP-2108-0050.

10 THE INTERPRETER: [10:10:53] Correction: 2108-0150.

11 MS PROULX: [10:11:01](Interpretation)

12 Q. [10:11:01] It is a mission order dated 29 August 2014.

13 Maybe it can be scrolled down so that you can look at the first page.

14 And I would like to also show the witness page 0053, which shows the terms of
15 reference of the mission.

16 Can you scroll down a little bit, point 2, "Objectives of the mission". And it states
17 that it is to negotiate with the leaders of the armed groups the lifting of the obstacles
18 created by these people so as to have access to humanitarian aid and then to also
19 carry -- bring about the armed groups to commit in dialogue to reduce violence.
20 Now after these two mission orders, do you agree that despite this lack of authority
21 over the Anti-Balaka in this region, Mr Ngaïssona continued and persisted in his
22 efforts to try and restore peace in Boda?

23 A. [10:12:58] I remember that during that period there was another group which
24 was part of the Seleka coalition which was carrying out a lot of violence, and
25 the population was complaining in that locality because these groups were targeting

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1 the Anti-Balaka. So if it was the Anti-Balaka negotiating with the 3R groups, maybe
2 they could also lay down weapons and peace would be restored in that locality.

3 In that vein, the Anti-Balaka had to try to dialogue with the group the 3Rs for
4 the restoration of peace in the locality.

5 But Mr Ngaïssona was always trying to do what he could, that is in answer to your
6 question: The return of peace, the presidential election, because one cannot go to
7 elections without peace, you need peace. And as long as there is no peace,
8 the transition would not end. There would be no elections. So one really has to
9 struggle and work to restore peace before talking about presidential elections.

10 Q. [10:14:42] Do you agree with me, Mr Witness, that all the efforts made by
11 Mr Ngaïssona to try to convince the Anti-Balaka to respect the civilian population
12 were done at high risk for his own security, his own personal security? Do you
13 agree with me?

14 A. [10:15:14] I agree with you.

15 Q. [10:15:16] To your knowledge, because of his efforts for peace, did
16 Mr Ngaïssona receive any threats or other types of aggression from the direction of
17 the Anti-Balakas?

18 A. [10:15:40] Mr Ngaïssona is present here, he can talk about all the threats against
19 him. But I heard -- I saw one with my own eyes from Mr Andjilo, who came to
20 the house that Ngaïssona was living in. He was not in his own house, he was in his
21 father's house. Andjilo arrived armed with his elements. He even wanted to kill
22 Mr Ngaïssona, who fortunately was alerted before Andjilo arrived. So he escaped.
23 Andjilo even shot at Ngaïssona who left by a second door to go and hide.
24 So I have already said that it is not everyone who subscribed to Mr Ngaïssona's
25 political ideology, and so those who did not favour that ideology considered

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1 Mr Ngaïssona as an obstacle.

2 Q. [10:16:56] I would like to show you another document, tab 2,

3 CAR-D30-0006-0051. It is an article published by the BBC News on

4 14 February 2014.

5 In that article it is mentioned that Mr Ngaïssona was reacting following certain

6 statements made by Richard Bejouane. Apparently, he said that any offensive

7 against the Anti-Balaka would be considered as a declaration of war against

8 the Central African population. And the article states that Mr Edouard Ngaïssona

9 was trying to calm down those statements and he said that the Anti-Balaka will not

10 fight against Central Africans or Sangaris. And he said that the Anti-Balaka were

11 not troublemakers.

12 Mr Witness, is it -- was it a risk, Mr Witness, for Mr Ngaïssona to oppose so publicly

13 one of the members, an influential member of the Anti-Balaka such as

14 Richard Bejouane?

15 A. [10:18:51] To begin with, I would like to say that opposing Richard Bejouane,

16 Ngaïssona could not do that. Just like Andjilo who was even trying to kill this

17 gentleman, Richard Bejouane could have done the same thing. So I can add that

18 Ngaïssona was speaking on behalf of the Anti-Balaka who wanted peace. But there

19 were Anti-Balakas at that time who were attacking the international community,

20 international NGOs, who stole their vehicles and prevented them from assisting

21 members of the population who needed assistance. So Ngaïssona was trying to talk

22 to those Anti-Balaka who were listening to him who wanted peace to facilitate

23 the issue.

24 But as I have said, it was not all the Anti-Balaka who wanted peace. There were

25 some who wanted to take power, others wanted peace, others were fighting against

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1 the Seleka simply to have peace and free movement. But others were fighting just to
2 take over power. So Ngaïssona could only speak on behalf of those who wanted
3 peace, whereas those who did not want peace could continue with their activities still.

4 Q. [10:20:35] In your statement on page 2122-7910, you stated that if the orders of
5 Mr Ngaïssona had been implemented he would not find himself before the ICC
6 today.

7 Now, can you explain what you mean by that?

8 A. [10:21:10] I remember that there was a question put to me.

9 Ngaïssona, well, all the Anti-Balaka were listening to him. It was following an
10 article that he himself published which was shown to me. And if he says that all
11 the Anti-Balaka were listening to him, I can answer because I know that he was
12 sensitising the Anti-Balaka for the return of peace. And if the Anti-Balaka, all of
13 them had been listening to him at that time, I believe that there wouldn't have been
14 blunders, excesses, violence, what the country had experienced.

15 That is why I am saying that if he had been listened to, then he would not be here
16 before the ICC. But this proves that what he said was not followed, and as a result
17 of that he is here now before the ICC because people did not work towards peace.

18 Q. [10:22:41] Mr Witness, was it in this interview that Mr Ngaïssona had a political
19 statement, but which did not reflect reality because in reality he did not have control
20 over the Anti-Balaka; is that correct?

21 A. [10:22:59] Yes, that is correct.

22 Q. [10:23:06] Now I would like to talk to you about some exactions perpetrated by
23 Anti-Balaka members in 2014.

24 During your interview with the OTP in 2020 you talked about certain individuals
25 causing problems at the time. And I have some few questions there.

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1 Mazimbele, you said Mazimbele created terror. He was stealing vehicles,
2 motorcycles and harassing the population, and that because of him people could not
3 easily go to the Boy-Rabe neighbourhood. So if I understand you well,
4 Mr Mazimbele -- Mazimbele -- Mazimbele -- Mazimbele was not under anyone's
5 control.
6 A. [10:24:13] Who can control Mazimbele? No one could control Mazimbele.
7 Now if I give you a little background about this person, I can say that when
8 the Anti-Balaka were carrying out attacks at the very beginning, that name did not
9 exist. There was no Mazimbele. It was after 5 December that Mazimbele started
10 gaining ground. He was a leader who was trained. He was a FACA. So suddenly
11 you have a gentleman who appears and he's in Boy-Rabe because he's already also
12 a native of Boy-Rabe. But I do not know where he had been before. After that he
13 arrived and he gathered around him the young people of Boy-Rabe. He gathered
14 some soldiers of Boy-Rabe around him. But they were not Anti-Balaka. That is my
15 point of view.
16 I will say that Mazimbele was not an Anti-Balaka, given what he did.
17 Because -- because of him those of us in -- in that neighbourhood could not -- could
18 not have any peace. At 5 p.m. no one could leave Boy-Rabe. It was difficult,
19 because you knew that if you went out even after 5 p.m. you would lose your
20 telephone and even any money that you have with you, because Mazimbele's
21 elements were racketeering everything.
22 Maxime Mokom called him but he did not come. He dictated the law and he was
23 stealing vehicles. And if he found vehicles to steal and even motorcycles from
24 the Central African people, he would take them. He would take five, 10 and so on
25 for selling. At one point, even when the international forces, MINUSCA and so on,

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1 they carried out patrols to protect the sector, he will come out and shoot at them.

2 That is why Boy-Rabe was known as a red neighbourhood, because the international

3 forces could not even come to assist Boy-Rabe. It was abandoned to

4 Mazimbele -- Mazimbele's mercy and no one could do anything about it.

5 Q. [10:27:18] But what was Mr Ngaïssona's opinion with regard to Mazimbele's

6 conduct? Do you have any idea what his ideas were about that?

7 A. [10:27:37] Ngaïssona's opinion, he can speak, he could have been

8 spoke -- speaking and doing everything possible regarding the conduct of Mazimbele,

9 but he did not have any capacity, any powers to stop Mazimbele. He could not say,

10 "No, Mazimbele, it should stop today." He could not. Right up until this person

11 actually died himself.

12 Q. [10:28:14] A short while ago we talked about Andjilo. Would I be correct to say

13 that he was also uncontrollable, that is Andjilo?

14 A. [10:28:30] No one could also control Andjilo. Not even Ngaïssona. The only

15 person who could calm Andjilo a little bit was Mokom, because Andjilo was talking

16 more in the dialect and that is the language he masters, and the person who could talk

17 with him in the local language was Mokom Maxime.

18 Q. [10:29:08] To your knowledge, did Andjilo stay faithful to Mokom?

19 A. [10:29:19] Of course, Andjilo was loyal to Mokom. At one point there was an

20 altercation with Mazimbele in Boy-Rabe. Mazimbele was gathering soldiers to

21 attack Andjilo and his elements, but Andjilo went and sought refuge in Mokom's

22 place. So he remained loyal to Mokom.

23 Q. [10:30:01] On Monday you talked about Yanoue Aubin, also known as Chocolat.

24 It is true that you do not know him very well. But just to know, do you know

25 whether he was also indisciplined and was attacking the civilian population?

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1 A. [10:30:26] Yes, he was also an indisciplined person against the population of
2 Combattant. The population was complaining about thefts of vehicles from civilians,
3 theft of motorbikes. But as I have told you, I never saw him, I only heard about his
4 name because of the actions that he was carrying out every day. During the day his
5 elements would have been circulating. But I can also tell you even Mokom did not
6 have any control over him, even Mokom himself. This person did not listen to
7 anyone. He did not listen to Ngaïssona or Mokom. I don't know which side he was
8 on. I have no idea.

9 Q. [10:31:39] Did you hear mention that Mr Ngaïssona had people follow Aubin
10 with the goal of assassinating him?

11 A. [10:31:57] I never, I never heard that.

12 Q. [10:32:17] We have just talked about some individuals who were uncontrollable,
13 and I understand that your position is that you cannot -- that they could not be
14 arrested. But as far as you know, did Mr Ngaïssona ever think about trying to arrest
15 or capture these people in order to stop them from committing abuses?

16 A. [10:32:48] As I have already said, and I will repeat myself, these
17 individuals - and this can be confirmed by the entire population of Bangui - if there
18 was a problem concerning the Anti-Balaka leaders, now, if a problem was taken to
19 them, what happened was that they trusted Mokom more than anyone else, because
20 Mokom had assisted them all the way from the provinces to the -- to the bush and all
21 the way to Bangui. So that is why quite often they would listen more to Mokom.
22 And so they would glorify -- Mokom would glorify himself by even saying that he
23 was the one who enjoyed that kind of position.
24 So if anybody mentioned that an order had come from Ngaïssona, they would say, I
25 myself, I suffered, I had to fight the Seleka in order to get the weapons. I had to fight

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1 Seleka with machetes or with my bare hands in order to acquire this equipment.

2 You are not the one who gave me the -- the weapons, you are not the one who gives
3 me food, so you cannot order me, you cannot give me any orders.

4 So these are the types of answers that came out of their mouths.

5 Q. [10:34:23] At page 2122-7694 and subsequent pages of your statement, you make
6 mention of an incident where a 12 Puissances element had committed a theft. Then
7 you mentioned that in that specific incident the element was sanctioned but that you
8 were not aware of any other cases involving punishment or sanctions of Anti-Balaka
9 elements.

10 My question therefore for you is as follows: Did Mr Ngaïssona have the possibility
11 to intervene and punish any element if the ComZones themselves were not doing so
12 themselves?

13 A. [10:35:26] To start with, the ComZone and their elements lived or were based in
14 certain locations, but I never saw Ngaïssona go to any of those ComZone bases. So
15 he never went there, how then can he be the one to punish them? And by the way,
16 Ngaïssona was not able to punish ComZones himself. So if he were to punish
17 anyone, he would be punishing or sanctioning the ComZones and then
18 the ComZones in turn would sanction their elements.

19 Now, if I talk about 12 Puissances having punished one of his elements, it is because
20 of my presence. I went there. I was dealing with my brother and I appealed to him.
21 And that's how he started trying to cross-check to find out the details and then
22 ultimately came up with a solution. Now that punishment may have been meted
23 out in my presence, and when we left, I don't know whether he was going to continue
24 to do so, I don't know.

25 Q. [10:36:58] On Monday at page 99 of the real-time transcript, you described an

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1 event where Mr Ngaïssona handed over a vehicle and released a Muslim family
2 which he had been protecting at the High Court in Bangui. You described the event
3 very well so I am not going to ask you questions on the details of what happened.
4 But I want to show you a video which is a small coverage of the event at the time and
5 then I have a few questions for you.

6 For the record, the video is at tab 17 of the Defence binder, *CAR-OTP-2023-1597.
7 and we will play the entire video, which is 4:33 long. We have a transcription at
8 tab 68, CAR-OTP-2107-1499.

9 So I wait for the signal from the interpreters. When they are ready, then we can play
10 the video.

11 PRESIDING JUDGE SCHMITT: [10:38:15] May I? Haven't we seen that already?
12 But okay, we don't want to watch it every time with every witness. So wouldn't it be
13 enough to draw, to draw questions out of it and put it to the witness? You know, I
14 perfectly well -- I'm not sure if we haven't seen it twice already, but at least one time,
15 so we can't play it to every witness that is coming, coming to this court, I would say.
16 And I know that the witness, our witness in his statement refers to such incident, so
17 why not ask him simply about it. So we don't have to play this again. It is many
18 times on the record already, so to speak.

19 MS PROULX: [10:39:08] Point taken, Mr President.

20 Q. [10:39:13](Interpretation) Mr Witness, you have heard what has been said. We
21 will not play the video. But I have a question for you arising from this TV coverage
22 of the event or report on the event where we see the prosecutor of the High Court and
23 then Mr Ngaïssona. And the footage mentions that there is an ongoing procedure
24 against Mr Ngaïssona and that within the context of that procedure Mr Ngaïssona
25 wanted to demonstrate his good faith by handing over a vehicle that had been stolen

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1 by the Anti-Balaka elements and also to release Muslim families whom he had
2 protected at his home for some weeks or months.

3 Now the question I have for you is as follows: Mr Ngaïssona did this in front of
4 the media. Now, according to you, was Mr Ngaïssona doing this simply or
5 singularly for his personal interest, mindful of the judicial proceedings against him, or
6 did he do so for the media?

7 Oh, I see there's an objection.

8 PRESIDING JUDGE SCHMITT: [10:40:36] Well, the objection is obvious, but please
9 formulate it.

10 MS STRUYVEN: [10:40:41] Yes, the objection would be that of course the witness
11 cannot testify to what the intentions were of Mr Ngaïssona at the time.

12 PRESIDING JUDGE SCHMITT: [10:40:47] But he can of course testify if he has
13 talked with him about the matter, what he has observed, if you phrase it in this way.
14 It's always about the phrasing. Yeah. This is a little bit you're asking
15 the -- the witness to look into the mind of Mr Ngaïssona, which we cannot allow.
16 And just a second, I am being informed that the transcript of the video, but since it
17 has not been shown, but nevertheless it can be on the record, the four end digits are
18 1597.

19 MS PROULX: [10:41:45](Interpretation)

20 Q. [10:41:46] Mr Witness, I will repeat my question. Did you see Mr Ngaïssona do
21 any such similar things, such as handing over vehicles and protecting kidnapped
22 Muslims? Did you see him do any such other things without the TV cameras?

23 A. [10:42:12] Yes, I saw him do other things. There were women, Muslim women
24 and men who were staying at his place. He did that without the media. I saw
25 Muslim children who were staying at his place, and Monsignor Nzapalainga and

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1 the imam. You know, some of them -- these children did not even want to go back to
2 their parents. They wanted to stay with Ngaïssona, but they couldn't go back
3 without the authorisation of their parents.

4 Now when it comes to the vehicle, he had kept it for a very long time in order to
5 locate its owner. He kept the vehicle on his father's side of the compound and
6 searched for the owner for a long time. Apparently, it is when he arrived in Bangui
7 that he took custody of the vehicle, and he was looking for its owner for a long time.
8 He had been looking for its owner for a long time.

9 Q. [10:43:24] Did you ever hear Mr Ngaïssona say why he was protecting Muslim
10 civilians and why he was handing back stolen vehicles?

11 A. [10:43:48] According to Mr Ngaïssona himself, he often said, and I heard him
12 say so, that no one deserves to die. That things happened when the Seleka came in,
13 and then there is the Seleka and the Anti-Balaka, but that time had come for peace
14 and that violence does not solve any problem. He kept saying, and I heard this from
15 this gentleman, that violence does not solve any problem.

16 PRESIDING JUDGE SCHMITT: [10:44:21] A remark, you see, that you can put
17 questions to the witness in a manner that you get some answers. I don't assess
18 the answers without any objectionable wording.

19 MS PROULX: [10:44:46] Indeed. Thank you for the guidance, Mr President.

20 Q. [10:44:50](Interpretation) Witness, I want to show you another document in
21 tab 34, Defence binder, CAR-OTP-2030-0518.

22 It is a transcript of an interview pertaining to the abduction of Madam Priest, whom
23 you talked about in your statement yourself.

24 Can we scroll down, please. Well, maybe we can go straight to page 2.

25 Further down we see that the document refers to the fact that the abduction of

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1 Madam Priest had taken place without the approval of the leaders of the Anti-Balaka
2 movement. The document goes on to describe how Mr Ngaïssona had set up
3 a strategy which made it possible for Madam Priest to be ex-filtrated and liberated.
4 First of all, can you confirm to me that Mr Ngaïssona effectively played a role in
5 the liberation of Madam Priest?

6 A. [10:46:46] I remember that woman of the humanitarian organisations who was
7 abducted by Andjilo's brother, if I'm not mistaken. That's Madam Priest, right?

8 Q. [10:46:59] That is correct, Mr Witness.

9 A. [10:47:05] Thank you. {ICR: (Redacted)}
10 (Redacted)}. Those of us who were working for
11 the PCUD politics of Mr Ngaïssona and who were working with the Anti-Balaka,
12 {ICR: (Redacted)}
13 (Redacted)} until {PFR: (Redacted)} where she was located. Ngaïssona himself did
14 not sleep over this matter. {PFR: (Redacted)} looking for this woman.
15 What I am saying is that Ngaïssona had nothing to do with this abduction, nor did
16 any responsible Anti-Balaka. It happened because of anger relating to Andjilo's
17 brother who was arrested, but he was not happy. So we don't know how this idea
18 came to his mind. And according to him, he needed to abduct a -- a significant
19 figure in order to get his brother released. And that is how he abducted this lady.
20 And we were called and he was told that a woman had been abducted. So {PFR:
21 (Redacted)}. {ICR: (Redacted)}. And,
22 well, ultimately there were about {PFR: (Redacted)} who ended up spending time
23 looking for this woman.
24 Andjilo's brother is a very aggressive person. No one could get close to him. {ICR:
25 (Redacted)}, and the mayor of the 4th

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1 arrondissement, Brigitte Ondara, she also was working relentlessly. As well as
2 Monsignor Nzapalainga was in Boy-Rabe, and he was staying at the Saint Bernard
3 Catholic Church. Every morning {ICR: (Redacted)} would get up and continue
4 searching for this woman. Then we found out that the woman had been taken
5 behind the hill and was hidden there.

6 {PFR: (Redacted)}
7 (Redacted)
8 (Redacted)
9 (Redacted)} {ICR: (Redacted)}
10 (Redacted)
11 (Redacted)
12 (Redacted)}.

13 The Sangaris forces also were able to locate her at the end because of
14 the investigations that we had conducted. So the Sangaris had positioned
15 themselves close to that location, but they couldn't dare, they couldn't do anything,
16 they couldn't attempt anything.

17 Now as soon as {PFR: (Redacted)}
18 (Redacted)}, well, immediately
19 the -- the Sangaris wanted to take her, and {PFR: (Redacted)}
20 (Redacted)}, he had left his home, {ICR: (Redacted)}
21 (Redacted)
22 (Redacted)}.

23 So my conclusion is that, if we look at the ideology at play here, it was the ideology of
24 peace. I am Central African and I follow that ideology. We needed somebody to
25 do -- to lead the Central Africans on the road to peace.

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1 Now, if nobody was doing it, others would do things that might appear to be good
2 but which were not good, so it was necessary for awareness to be built in
3 the population. So Ngaïssona {PFR: (Redacted)
4 (Redacted)}.

5 Q. [10:52:20] Thank you.

6 That brings me to the measures that were taken in 2014 to enhance a return to peace.

7 I want first of all to talk about badges. In your statement you say that

8 the Anti-Balaka badges or ID cards served the purpose of identifying the true

9 Anti-Balaka and distinguishing them from the fake or false Anti-Balaka.

10 Would I be right to say that another objective of the identity cards was to facilitate

11 the setting up of the DDR programme?

12 A. [10:53:02] Yes, the setting up the DDR, yes. Because what I can tell you is that

13 when you talk about the Anti-Balaka, you are referring to many, many, many people.

14 And I don't know if Ngaïssona can give an exact number of the Anti-Balaka at the

15 time. I'm sure he will say that he does not know that figure. He might provide an

16 approximate number, a ballpark figure, so to speak, because there were many, too

17 many Anti-Balaka. Even their leaders were not able to put a number to the elements

18 that were with them or behind them. There were many Anti-Balaka.

19 So there came a point at which the DDR became topical and the process was

20 underway. So if you say you are an Anti-Balaka coordinator and you don't know

21 the number of Anti-Balaka, you don't know their names, yet you claim to be

22 the coordinator, so we don't want an approximate figure for the DDR. So the DDR

23 project must be properly managed in relation to figures. So you cannot show up

24 today and say you have 10,000 men and then end up practically showing up with

25 20,000 elements. So that's not good. That is why the idea came up that, using

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1 badges, you might be able to have a number, a number to work with.

2 But then the badges also took on another dimension, because other persons got
3 involved in producing fake badges as well in order to be able to get something out of
4 the DDR process. So things got mixed up as they went along.

5 Q. [10:55:10] Yes, indeed, you have gone ahead of me in some of my questions.

6 But now let us look at the document under tab 24 of the Defence binder,

7 CAR-OTP-2030-0230.

8 Now, Witness, you see a badge with the sign of a dove. This is the one you handed
9 to the OTP interviewers in 2016; is that correct?

10 A. [10:56:12] Yes.

11 Q. [10:56:24] Mr Ngaïssona had approved the census of the elements and also
12 the production of this model of the badge; is that correct?

13 A. [10:56:36] Yes, he approved it at the beginning. But as I have just said, towards
14 the end other things began to happen.

15 Q. [10:56:57] Based on your discussions with Mr Ngaïssona in relation to
16 the production of these cards, were you able to observe and note that the intention
17 behind producing this card was a good intention and that there was no hidden
18 motive?

19 A. [10:57:21] I think I have already spoken to the intent, namely that it was
20 intended to identify people and to distinguish. And I also said that the DDR process
21 required that the number of persons within the Anti-Balaka movement should be
22 known. So I've already addressed those questions.

23 PRESIDING JUDGE SCHMITT: [10:57:46] Can -- can we have the break now?

24 Yeah, I think we -- I think -- I think it's a good idea. I have a certain reason for that,
25 so it's nothing very important.

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1 Until 11.30.

2 THE COURT USHER: [10:58:01] All rise.

3 (Recess taken at 10.58 a.m.)

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

5 THE COURT USHER: [11:33:53] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [11:34:18] Ms Proulx, please proceed.

8 MS PROULX: [11:34:25](Interpretation)

9 Q. [11:34:27] Mr Witness, I will continue from where we left off, the identity cards
10 and badges of the Anti-Balaka.

11 Now the Anti-Balaka or the coordination, which had decided to prepare those badges
12 in *2014, had been supported by the transitional government or -- and
13 the international community in the support of those ID cards?

14 A. [11:35:08] No, he did not have the support of the government. In other words,
15 I'm saying that there was no support. In fact, the elements themselves had to pay for
16 the issuance of those badges themselves.

17 Q. [11:35:39] And these monies were requested simply for the production of
18 the documents, that means the coordination itself did not have the money to produce
19 the documents and they had to ask for the money to do it?

20 A. [11:35:59] Yes.

21 Q. [11:36:00] I will show you another badge model that we have in evidence in this
22 trial. Tab 59, CAR-OTP-2091-0290.

23 Now you can see that this model of the badge has a lion on it rather than a dove.

24 Now you explained in your statement that certain badges were issued very early,
25 even before Mokom came back to Bangui by Côme Azounou and Baudoin Yangue.

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1 Were you referring to those badges with the lion?

2 A. [11:37:30] No.

3 Q. [11:37:31] Mr Witness, have you already seen those badges with the lion before?

4 A. [11:37:37] No, this is my first time of seeing them.

5 Q. [11:37:55] The evidence in the record indicates that some badges were almost

6 everywhere in Bangui *and even in the provinces. Even traders in the market,

7 people who were not Anti-Balaka succeeded in having badges issued to them. Do

8 you have any knowledge of this failure of the system of badges?

9 A. [11:38:26] What I can say is that there were badges and there was the DDR

10 process. This means that everyone wanted to have badges like all the Anti-Balaka so

11 as to be able to take part in the DDR process, to be able to be integrated into the DDR

12 process. That is how come badges were to be found everywhere, and it was not

13 possible to know which were the genuine and which were the fake ones. It was not

14 difficult to distinguish between them.

15 Q. [11:39:14] Mr Witness, according to you, this badge on the screen with a lion,

16 according to you is it a fake?

17 A. [11:39:22] No, I did not say that. But I do not know, because this is my first

18 time of seeing it, so I cannot say it was a fake badge, who produced it, who did not

19 produce it. So as I've told you, this is the first time I am seeing this badge.

20 Q. [11:39:48] In the statement you talk about the role of Côme Azounou and

21 Baudoin Yangue in the production of badges. But you said that these two

22 individuals were known for their forgery, the signing of Mr Ngaïssona's signature

23 and other documents.

24 So do you know whether they indeed produced fraudulent badges or that they issued

25 badges to people who were not really Anti-Balaka?

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1 A. [11:40:27] Regarding badges, Counsel, I'm telling you that people were looking
2 at the financial benefits behind them. So it was famine pushing them to do that. So
3 to look for money they could produce badges and be able to have money that way, so
4 the reason I can give is that people were looking for where there was money to be
5 had.

6 Q. [11:41:13] To your knowledge, Mr Witness, did Mr Ngaïssona validate or
7 encourage the distribution of badges to people who were not Anti-Balaka?

8 A. [11:41:32] I did not hear about or see Ngaïssona encourage that.

9 Q. [11:41:44] And to your knowledge, Mr Witness, the issuance or delivery of
10 the badges to the Anti-Balaka, was it a way for Mr Ngaïssona to validate the criminal
11 actions of some of them?

12 A. [11:42:07] As I have told you a short while ago, the idea of the badges, according
13 to what I know, was to identify and determine the exact number of Anti-Balakas for
14 the DDR process. So as far as I'm concerned, that was all there was about it, nothing
15 else.

16 Q. [11:42:32] Thank you. I will move to something else. The commitment of
17 Mr Ngaïssona to the billeting of the Anti-Balaka and their inclusion in the DDR.
18 Now document 19, CAR-OTP-2025-0362.

19 You can see it displayed. It is a plan for the billeting and the urgent taking into care
20 of Anti-Balaka combatants dated *February 2014. Do you remember -- or, rather, it
21 was presented in 2014. Do you remember any discussions on this matter?

22 A. [11:43:58] Yes, I think I have seen that plan. One day Mr Ngaïssona talked
23 about his plans for billeting and the project for reintegration through farms and so on.
24 He talked about such a project to support those from the villages who wanted to
25 return home by creating farming land to support them cultivate food. Hectares were

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1 to be put in place and this project would assist these Central Africans. I remember
2 that he talked about that project on one day.

3 Q. [11:45:06] I would like to look at page *0365 with you. At the top of the page,
4 second paragraph:

5 "To stop and eliminate the propensity and to excesses of Anti-Balaka combatants
6 'mixed', the billeting, and the taking into charge of the feeding of the combatants of
7 the Anti-Balaka constitutes an urgent necessity to consolidate the pacification and
8 normalisation process in the CAR. This operation would make it possible to
9 preserve the Central African communities."

10 Does that reflect the objectives of Mr Ngaïssona as he explained them to you?

11 A. [11:46:08] Yes, that is indeed what he explained.

12 Q. [11:46:18] The next page, please. At the bottom of that page and the page that
13 follows, there is a list of commanders of the zones. You can briefly look at the names
14 and go on to the next page to see the other names. That is page 0367.

15 Now you can see the names of the ComZones in this document, Mr Witness.

16 Is it correct that this list simply presents the reality of who was a commander at the
17 time but does not imply that these ComZones had accepted the *peace project of
18 Mr Ngaïssona or that they were under his authority?

19 A. [11:47:36] I agree with you. The list that I have seen, it is not all the ComZones
20 who accepted the political ideology of Mr Ngaïssona. Even within the framework of
21 a return to peace, I can see that the ComZones do not follow their ideology. But he
22 never discarded them. He continued working with them as part of his efforts to
23 restore peace.

24 Q. [11:48:20] So is it correct that even though these ComZones were not working
25 with Ngaïssona within the context of peace, Ngaïssona continued trying to convince

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1 them to join him?

2 A. [11:48:36] When I talk about Ngaïssona on that aspect, I am referring first of all
3 to the PCUD party. Some people accepted to work for the return of peace and they
4 joined the PCUD. But others did not accept membership of the PCUD party and
5 who did not also accept the peace processes promoted by Mr Ngaïssona.

6 But since the DDR process was there, they were compelled, because even if he was
7 not there, since they were present in the territory they would have used the money
8 according to the list drawn up which we have seen.

9 Q. [11:49:35] Another document, tab 20, and that is CAR-OTP-2025-0372. It is
10 very similar to one that we have just seen and it is plan for emergency aid to
11 Anti-Balaka groups.

12 THE INTERPRETER: [11:50:07] We don't like to intervene too often, Mr President,
13 but the documents, they are being read without being displayed.

14 MS PROULX: (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [11:50:20] I'm just being told that the documents are
16 being read without yet being displayed. That's difficult then for the interpreters.
17 So perhaps that we perhaps slow down a little bit. Thank you.

18 MS PROULX: [11:50:40] My apologies to the interpreters. I was trying to save time,
19 but obviously it had the opposite effect.

20 Q. [11:50:57](Interpretation) Mr Witness, have you already seen this document?

21 A. [11:51:04] I did not see the document, but I heard about -- about it, that is
22 emergency assistance for the regroupment of the combatants.

23 Q. [11:51:20] Have you ever already heard Mr Ngaïssona talk about this document?
24 And if that is the case, what did he have to say about it?

25 A. [11:51:31] I remember Mr Ngaïssona talking about the billeting or barracking of

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1 the Anti-Balaka. He was not happy with the fact that the Anti-Balaka was -- were
2 scattered all over the place and throughout the national territory. There was no
3 billeting and so there were cases of theft that were increasing, so he was asking
4 the government and the international community why had the Seleka billeted in
5 the Beal camp. And almost everywhere in Bangui there are Seleka sites there, so
6 why not also billet the Anti-Balaka so as to avoid all those excesses, blunders, or
7 exactions. That is what I remember in relation to this plan.

8 Q. [11:52:44] Now I will look at page 0375, an excerpt from that page, and I will
9 wait for it to be displayed.

10 Now at the very bottom of the page, "Expected Results". And those results are
11 the billeting of the Anti-Balaka on the cantonment sites. Their feeding.

12 The Anti-Balaka should have the necessary equipment for domestic needs. That
13 they should receive appropriate health care. And finally, that those who volunteer
14 to return to their communities of origin should receive the necessary support for this
15 social reintegration.

16 So do you agree that this was for the purpose of restoration to peace?

17 A. [11:54:07] I agree.

18 Q. [11:54:18] And those objectives, are they consistent with what you heard
19 Mr Ngaïssona said regarding that project or plan?

20 A. [11:54:32] Kindly repeat the question, please, so that I should be able to hear it
21 better.

22 Q. [11:54:39] The objectives that we have just seen in the billeting project, are they
23 consistent with what you heard Mr Ngaïssona say, that is in relation to his own
24 objectives for the Anti-Balaka?

25 A. [11:55:07] I think that the objectives are consistent, because if the Anti-Balaka are

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1 billeted and receive health care, just like was the case with the Seleka, that would
2 have drastically reduced the excesses, the acts of violence and theft of civilian
3 population property.

4 Q. [11:55:44] I will show you another document. It's 72, *CAR-OTP-2117-0704.

5 This is a press article dated 10 February 2014. And the Sangaris general is quoted,
6 Francisco Soriano, and towards the middle of the page Mr Soriano is asking himself
7 who are the -- who is the leader of the Anti-Balaka, who are their -- what are their
8 political objectives and what is their hierarchy, and he says everything is unclear.

9 Then Soriano talks about billeting and he said that billeting the Anti-Balaka would be
10 attributing to them legitimacy which they do not have, but that they should not be
11 billeted but chased away because they are outlaws and thieves.

12 Now I have a few questions on this statement by General Soriano. Now do you
13 agree with me, Soriano was wondering about the leaders of the Anti-Balaka, so he
14 himself did not recognise Mr Ngaïssona and the general coordinator? Do you agree?

15 A. [11:58:01] Yes.

16 PRESIDING JUDGE SCHMITT: [11:58:01] I would like shortly to correct the ERN
17 number. It's 2117-0704. In the transcript it was 2116.

18 MS PROULX: [11:58:27](Interpretation)

19 Q. [11:58:28] I have another question concerning General Soriano. He said that
20 the Anti-Balaka are a nebulous group, that they should not be given legitimacy by
21 billeting them. But do you agree with me that in early 2014, February 2014 when he
22 made those statements, the Anti-Balaka existed, they were there in Bangui and
23 elsewhere, they were armed and they were hungry? Did you observe the fact that
24 the international forces and Sangaris, the fact that they ignored the grievances of
25 the Anti-Balaka had as effect to actually worsen the situation of the Anti-Balaka or

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1 the situation in 2014?

2 A. [11:59:30] I perfectly agree with you. The simple fact of ignoring people, even
3 if they did not have weapons, somebody who even have edged weapons only, you
4 really need to intervene for the welfare of the Central African population, for
5 the welfare of the Central African citizens. But the fact of overlooking or ignoring
6 the existence of the Anti-Balaka was as if -- I mean, they would -- it would worsen
7 the situation than it was already at that time.

8 Q. [12:00:23] I would like to make you listen to the reaction of Mr Ngaïssona to that
9 statement of *General Soriano. It is an audio, 4 minutes, 34 seconds. It is tab 38.
10 CAR-OTP-2042-2641. And the transcript is tab 73, CAR-OTP-2118-5622. And for
11 the audio it will be 18:38 to 23:10.

12 (Playing of the audio excerpt)

13 THE INTERPRETER: [12:01:38](Interpretation of the audio excerpt)

14 "Journalist: As announced in the headlines, there have been news about
15 the Anti-Balaka accusing them of disturbing peace in the country and that's why we
16 need to fight them. According to General Kor Soriano [phon], commander in chief
17 of the Sangaris forces in the Central African Republic. His words when heard by all
18 and that is how Mr Patrice Ngaïssona, introducing himself in public as the leader of
19 the Anti-Balaka, criticised these statements. By the way, he is not the only one to
20 criticise them and many other sons of the soil have tried to fight against Seleka for
21 the exactions against the population and they have asked that such statements should
22 not be taken lightly. That is how, after considering the facts properly and consulting
23 various Anti-Balaka groups, Mr Patrice-Edouard Ngaïssona launched an appeal to all
24 the Anti-Balaka to rally in specific areas in order to facilitate their identification so
25 that they can rest while waiting for help from the state to help them return to their

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1 towns and villages of origin. During the call he stated that the quartering or billeting
2 will enable the Central African forces to recognise the fake Anti-Balaka who are doing
3 evil and thereby tarnishing the name of the Anti-Balaka, going by part of his
4 statement.

5 Patrice Edouard Ngaïssona [PEN]: I have come here to ask the Anti-Balaka in
6 the Central African Republic to withdraw, to stop fighting in order to enable the false
7 Anti-Balaka who are discrediting the true Anti-Balaka to be identified. There are
8 many of them. The Central African forces, the MISCA forces and the Sangaris are
9 attempting to arrest these people who are creating disorder by pillaging
10 the population and killing others and blackmailing populations of
11 various neighbourhoods. Let us withdraw, let us leave these forces free hand to
12 neutralise these people who are tarnishing our names. We are not here to fight.

13 Journalist: Mr Ngaïssona availed himself of the opportunity to ask the authorities of
14 the country to release the Anti-Balaka who had been arrested and who are suffering
15 in prison. He calls on the authorities to help them to return to their native areas of
16 origin because, according to him, they don't intend to become professionals in
17 weapons. He said these things to European minister Mongonu Ngoya [phon].

18 PEN: And I have asked the authorities of our country to release the youth who have
19 been arrested and who are suffering in prison so that they can link up with the others
20 in the various billeting camps. We therefore agree with the decision to withdraw
21 finally and extend a hand to the government to proceed to the quartering of these
22 children, disarming them and returning them to their areas of origin. People have
23 suffered loss and that is how they came to Bangui out of anger. They did not come
24 to Bangui to incorporate or to be joined to the army. The authorities of our country
25 should develop social programmes and help them to return to farming and to schools

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1 so that they may return to their villages. You know it is almost the rainy season and
2 the young people want to quickly return to their homes. This is what we want to say
3 to the government and to the authorities of our country so that our brothers can be
4 released and our children can have an opportunity to negotiate. I believe that
5 the idea of resources for their billeting is something that should be taken seriously
6 because the resources should be made available and PAM should be associated in
7 their billeting so that they cannot be hungry while government seeks to return them
8 to their homes. This is what we have said right from the beginning that they should
9 go back, but we have not had any interlocutor with whom to negotiate.

10 Journalist: You have just listened to Mr Edouard Patrice Ngaïssona on the national
11 news."

12 MS PROULX: [12:06:35](Interpretation)

13 Q. [12:06:38] You have just heard the interview given by Mr Ngaïssona in which he
14 maintains his commitment to peace, his call for the Anti-Balaka to withdraw, to stop
15 fighting, and has said that the Anti-Balaka are not there to fight.

16 Now those statements which were made publicly over the radio, were those
17 statements similar to what Mr Ngaïssona would say in private?

18 A. [12:07:18] I'm sorry, I'm really sorry to hop back, to have to hop back to what
19 General Soriano said. I am a Central African and what I am saying is not in relation
20 to my testimony as such. As a Central African and as a son of this country, my heart
21 is bleeding and it is here that I'm hearing these things that General Soriano said. I
22 never heard these statements before. It is thanks to you that I have heard what he
23 has said. And my -- my heart bleeds even at this moment as I talk to you.
24 General Soriano dares to talk about Central Africans -- and I'm not even talking about
25 the Anti-Balakas. Even if he talks -- he is talking about the Anti-Balaka, let him think

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1 about the civilians who are suffering. The Anti-Balaka took up self-defence, but
2 what about the ordinary civilians who were defenceless? There was no army at the
3 time. And as a general -- I think that he was in the Central African Republic as
4 a referee on a football field where two parties were fighting, where two teams were
5 playing. As the referee he is supposed to be impartial. How can General Soriano
6 leave the civilian population who are defenceless at the mercy of people who are
7 fighting each other? Really, quite honestly, my heart bleeds. But what can I do? I
8 will turn the page and move on to answer your question.

9 Yes, yes, as I have told you, I have heard Ngaïssona say these types of things similar
10 to what he said to the journalists. I have heard that being said in private. He
11 always said such things. Sometimes I heard him talk along the same lines as he has
12 spoken to the journalists.

13 Q. [12:09:26] Did you ever hear Mr Ngaïssona say that the idea of including
14 the Anti-Balaka in the DDR came to him after he had a discussion with
15 François Bozizé?

16 A. [12:09:48] I never heard that.

17 Q. [12:09:58] Mr Witness, I will show you another document at tab 4 of the Defence
18 binder, CAR-D30-0008-0037.

19 The document is a press release of 3 April 2014 where reference is made to
20 a statement to the media by the Anti-Balaka represented by Alfred Legrand Ngaya
21 and Emotion Namsio on that day. It says that the steering committee of
22 the Anti-Balaka calls for national dialogue. And again they are calling for quartering
23 or billeting and taking care of the Anti-Balaka by providing them particularly with
24 food and health services, while waiting for the DDR programme to be implemented
25 jointly by the government in place and the international community.

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1 Would you agree with me that the message of 3 April here is the same message as
2 that which was mentioned in the various documents earlier in February?

3 A. [12:11:47] Yes, I agree with you.

4 Q. [12:11:54] Mr Witness, as far as you know, on that day did Mr Namsio and
5 Mr Ngaya make those requests for billeting and taking care at the behest or at the
6 request of Mr Ngaïssona?

7 A. [12:12:13] I was not present. I have just become aware of this information here
8 with you. But if you see in -- what happened is that in the statement Mr Ngaya
9 specified that the request was made in relation to Mr Ngaïssona, going by what I have
10 just read from this release.

11 Q. [12:12:49] Let me show you another document, number 22 in the Defence binder,
12 CAR-OTP-2025-0396.

13 This is a document titled "Contribution of the Movement of Anti-Balaka Patriots for
14 the Restoration of Peace and Security in the Central African Republic". It is dated
15 June 2014.

16 Have you seen this document before, or do you remember any discussions around
17 this document?

18 A. [12:14:09] I have never seen this document and I have not had any discussions
19 about it. And so I have no idea about this document.

20 Q. [12:14:32] All right. I have taken note of that, Mr Witness, but I will at least ask
21 you a question on the content, which I believe you must be familiar with.

22 The idea behind the project is to set up four main thrusts for actions to restore peace
23 and security.

24 Now specifically there is a third component to it, which is social reintegration of
25 the Anti-Balaka ex-combatants. It's at page 0404. And you can read in that draft, or

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1 in that project, that measures should be taken to reduce the propensity for insecurity
2 arising from actions by the combatants, demobilisation and socioprofessional
3 reinsertion would be the relevant alternative that can enable that objective to be
4 achieved.

5 So there's reference also made to the desire of some Anti-Balaka to return to their
6 villages and to return to their traditional activities. Emphasis is placed on
7 the importance of social reintegration.

8 Now were these the types of discussions that you may have already had with
9 Mr Ngaïssona? Did he talk about the importance of taking such measures?

10 A. [12:16:09] I remember one day when Mr Ngaïssona and I talked about
11 the importance for -- why it was important for the Anti-Balaka to return to their
12 geographical sectors, to their geographical zones, that is those from the provinces
13 who expressed a desire to do so, and the idea was more for peace and to help
14 the country economically. I remember that one day he said that it was important for
15 the Anti-Balaka to return.

16 And on that point he described the situation whereby a majority of these people were
17 on the spot in Bangui, whereas in the CAR people relied on hunting, rather, whereas
18 all the hunters were now in Bangui.

19 You see, people live on a daily basis in the CAR, so we farm in order to get our -- our
20 cassava and foodstuff. But what -- now what has happened is that the majority of
21 the farmers are now in Bangui. So he went on to say those types of things, such as it
22 is necessary for the farmers to -- for these farmers to return to their geographical
23 zones in order to help the economy of the country and enable the Central Africans
24 also to have food supplies and food for our parents, or our relatives.

25 I do recall that those are some of the things that he said.

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1 Q. [12:18:00] We have just noticed that he took a position on -- on the billeting and
2 DDR in February, *April and June 2014. Would you agree that the same requests for
3 billeting and participation in the DDR were also presented to
4 President Sassou Nguesso at the Brazzaville talks in July 2014?

5 A. [12:18:32] Yes, I agree.

6 Q. [12:18:40] Thank you. Let me now show you another document, number 37,
7 CAR-OTP-2039-0024.

8 What you are seeing, Mr Witness, is a document entitled "Agreement on
9 Disarmament, Demobilisation, Reintegration and Repatriation Agreements between
10 the State of the Central African Republic and the Transitional Government as well as
11 the Armed Groups" in May 2015.

12 Would it be correct to say that nothing had happened and that there had been no
13 agreement on the participation of the Anti-Balaka in the DDR programme before
14 these agreements in May 2015?

15 A. [12:20:09] Please kindly repeat your question.

16 Q. [12:20:12] No problem. I want to find out whether you agree with me that
17 the May 2015 agreement was the first time where the transitional authorities accepted
18 to include or involve the Anti-Balaka in the DDR process, and that before May 2015
19 such an inclusion had not happened?

20 A. [12:20:47] You see, there's General Soriano who was representing
21 the international community as an arbiter or referee in the conflict, well, who refuses
22 to recognise the Anti-Balaka whereas they were in existence. Well, I think that again
23 for me, and maybe for you, it is actually the first time.

24 Q. [12:21:18] Mr Witness, from the time they arrived in Bangui in December 2013
25 until they were included in the DDR process in May 2015, you would agree with me,

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1 wouldn't you, that the Anti-Balaka were somewhat left to their own devices?

2 A. [12:21:39] Yes, I agree with you.

3 Q. [12:21:46] I now want to show you another document. Tab 1, Defence binder,
4 CAR-D30-0006-0049.

5 This is a press article of April 2016 which deals with the pre-DDR processes starting
6 on 26 April 2016 in Boy-Rabe neighbourhood. The article states that, within
7 the context of the pre-DDR, the Anti-Balaka in Bangui have started registration in
8 order to establish their socioprofessional profile, and in that context they would be
9 provided with a card and recorded on a well-organised list.

10 My question for you, Mr Witness, is as follows: Would you agree with me,
11 Mr Witness, that the delivery of cards and the drawing up of lists were steps that
12 the movement had already taken in 2014, except that in 2014 no one helped
13 the Anti-Balaka to achieve their goals? Would you agree with that?

14 A. [12:23:35] I agree.

15 Q. [12:23:46] There is a quotation. If we could scroll down in the document, we
16 would see who is quoted in the document, and I will not mention the name.

17 Someone is quoted in the document who says that this strategy to find creative means
18 of income generation for the unemployed and idle Anti-Balakas would help them.
19 And once again, would you agree that the idea of finding employment for
20 the Anti-Balaka and enabling them to meet their needs was one of the earliest
21 requests and claims made by Mr Ngaïssona in 2014?

22 A. [12:24:39] I agree with you that it is crucial.

23 Q. [12:24:55] I will now change topics somewhat and deal with a point which you
24 addressed in your 2020 interview with the OTP in which you said that

25 the Anti-Balaka in 2014 had been arrested at the request of Mr Ngaïssona and handed

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1 over to the gendarmerie. Other witnesses appearing here before you also testified to
2 this system and called it the military police of the Anti-Balaka.

3 Would it be correct to say that it was mainly because of the absence of a functional
4 state authority that the Anti-Balaka created their own system whereby persons
5 involved in abuses would be arrested? In other words, the Anti-Balaka filled
6 a vacuum of authority, so to speak.

7 A. [12:25:59] My answer to that question, Madam, is that I did not see with my own
8 eyes - how do I put this? - the auto-defence -- the self-defence, the Anti-Balaka
9 self-defence. I didn't see that. But I saw a group of soldiers, well-trained soldiers,
10 whom Ngaïssona asked assistance from in order to arrest a number of people who
11 were claimed -- who were said to be in the 4th arrondissement and then handing
12 them over to the gendarmerie. I did not see any group of Anti-Balaka involved in
13 that.

14 What I saw was trained soldiers who were recognised by the state of the Central
15 African Republic being used by Ngaïssona to arrest some thieves. And at the end of
16 it all, the Ministry of Defence took advantage of it and set up checkpoints in various
17 locations and localities within Bangui.

18 Q. [12:27:14] Were you able to observe that the initiative by Mr Ngaïssona to ask
19 soldiers to arrest elements who were involved in these excesses, did you notice that it
20 had a positive impact when it comes to restoring peace?

21 A. [12:27:38] The effect and impact was immediately positive, because at that time
22 all the soldiers had come back to the territory and at the time when the Seleka came in,
23 we Central Africans, we did not know where the soldiers were. But at that time
24 the soldiers were present and that's why he asked the soldiers to take up their
25 responsibility. To take up their responsibility in the face of this increase or spike in

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1 violence, theft, theft of vehicles and what have you.

2 So the soldiers answered "present", identified the homes of these troublemakers, then
3 arrested them and handed them over to the gendarmerie. And then this was
4 followed by peace.

5 Q. [12:28:38] Mr Witness, as far as you know, was this system used by
6 Mr Ngaïssona as a smokescreen in order to caution the commission of crimes by
7 the Anti-Balaka?

8 A. [12:29:03] Can you hear me?

9 Q. [12:29:06] I hear you clearly.

10 A. [12:29:08] I can't hear anything.

11 Can you hear me? I do not hear you.

12 PRESIDING JUDGE SCHMITT: [12:29:17] We hear you very well, Mr Witness.

13 So we have to clarify that the witness has of course to hear what is being said here.

14 And we appreciate it that we -- that you conduct your examination largely in open
15 session. Thank you.

16 And to bridge this gap, do you have already an idea when you can finish?

17 MS PROULX: [12:30:10] I'm still hopeful that I can finish at the end of the day. It
18 might require a few more minutes at the end.

19 PRESIDING JUDGE SCHMITT: [12:30:19] We will see. So we give it a try and we
20 have also -- we hope that the connectivity will be good soon and then we can
21 continue.

22 And for the Yekatom Defence, do we have a, let's say, an actual assessment?

23 MR SUZUKI: [12:30:36] Good afternoon, Mr President.

24 Yeah, we think we would only need about a session, maybe a little bit more. But it
25 wouldn't be much more.

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1 PRESIDING JUDGE SCHMITT: [12:30:48] Thank you very much.

2 So it would be good if you could finish today. Also for you, I would assume. It's
3 always better then to have finished a day with the examination. But I think we can
4 save any -- any -- yeah, and then we would have of course Ms Struyven.

5 I ask Ms Struyven, what about a redirect?

6 MS STRUYVEN: [12:31:09] Thank you, Mr President.

7 I think we do have some redirect. It will not be very extensive but we will have
8 some redirect.

9 PRESIDING JUDGE SCHMITT: [12:31:15] What does that mean, "not very
10 extensive"?

11 MS STRUYVEN: [12:31:18] I don't think hours, but I think I would need at least one
12 hour to go through specific points.

13 PRESIDING JUDGE SCHMITT: [12:31:23] Okay. So we will see.

14 But I think still we would have enough time to finish tomorrow definitely.

15 So, Mr Witness, do you hear me now again?

16 Obviously yes, and I think if you can repeat your question, that's better.

17 THE WITNESS: [12:31:54](Interpretation) Can you hear me?

18 PRESIDING JUDGE SCHMITT: [12:31:56] Very good.

19 MS PROULX: [12:32:00](Interpretation)

20 Q. [12:32:02] Mr Witness, do you hear me?

21 Mr Witness, can you hear us?

22 A. [12:32:24] I can't hear anything. I cannot hear the president and I was hearing
23 some music a short while ago.

24 THE COURT OFFICER: [12:32:36](Via video link) We can hear only the Judge, but
25 we cannot hear the Defence.

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- 1 PRESIDING JUDGE SCHMITT: [12:32:41] We have understood.
- 2 THE COURT OFFICER: [12:32:43](Via video link) Thank you, your Honour.
- 3 PRESIDING JUDGE SCHMITT: [12:32:43] What about having now the lunch break
- 4 a little bit earlier than normally, until 2 o'clock, and then let's try a longer session,
- 5 yeah? Perhaps we try it this way and hope for the best.
- 6 So we have now the lunch break until 2 o'clock.
- 7 THE COURT USHER: [12:33:10] All rise.
- 8 (Recess taken at 12.33 p.m.)
- 9 (Upon resuming in open session at 2.04 p.m.)
- 10 THE COURT USHER: [14:04:08] All rise.
- 11 Please be seated.
- 12 PRESIDING JUDGE SCHMITT: [14:04:32] Good afternoon. I'm informed that
- 13 the connection is good and the witness can hear us.
- 14 So please proceed, Ms Proulx.
- 15 MS PROULX: [14:04:47] Thank you, Mr President.
- 16 Q. [14:04:51](Interpretation) Mr Witness, good afternoon. Can you hear me well
- 17 now?
- 18 A. [14:04:58] Yes, I can.
- 19 Q. [14:05:07] Very well. So to give you a little indication, I hope to have finished
- 20 all my questions this afternoon. But I would, however, ask you to try, to the extent
- 21 possible, to provide me with shorter answers and I shall start to -- or try to shorten
- 22 my own questions. And in so doing we'll be sure to wrap up today, well, at least
- 23 wrap up on my part, that is.
- 24 Now before we took the break we were talking about the efforts made by
- 25 Mr Ngaïssona to ask a group of military -- of soldiers to arrest a number of soldiers

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1 who were causing problems. And you told me that you had seen immediate results
2 or positive results subsequent to this initiative on the part of Mr Ngaïssona.

3 Now I have a question for you, as follows: To your knowledge, did this system put
4 in place by Mr Ngaïssona, or was this system used in such a manner to camouflage or
5 caution the punishment put in place, punishment of the Anti-Balaka that is?

6 A. [14:06:35] Well, with regard to this system, this system was not to camouflage.
7 To my mind, it was to assist, to assist the restoration of peace.

8 Q. [14:06:59] I thank you.

9 Now in your interview with the Office of the Prosecutor in 2020, when you were
10 discussing this mechanism that had been put in place - I'll provide you with
11 the reference in your statement, page 2122-7900 - the investigators of the OTP put
12 the question to you as to why Mr Ngaïssona had not entered directly into contact
13 with the Ministry of Defence with a view to putting together a system to restore order,
14 to which you responded that at that time the international forces did not want to enter
15 Boy-Rabe neighbourhood.

16 Now this is a subject that we have broached with other witnesses in the past and what
17 we were told is that in the year 2014, Mr Ngaïssona had extended his hand on
18 a number of occasions to the transitional government and to the international forces
19 with a view to working together with them and putting a stop to those undisciplined
20 soldiers and restoring order. And we were told that these calls for assistance had
21 remained unanswered. Is that also something that you noted personally?

22 A. [14:08:28] Yes. In brief, as you had just clarified, that is the right way of putting
23 it.

24 Q. [14:08:42] I thank you for that. I'd like to now look at a number of press
25 releases with you that were issued by the coordination and by Mr Ngaïssona in

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1 the year 2014.

2 Firstly, I believe I had mentioned to you that a while back Mr Alfred Legrand Ngaya
3 came to testify and he explained to us that the press releases were drafted in
4 consultation with Mr Ngaïssona and at his behest. Are you in a position to confirm
5 that?

6 A. [14:09:22] I am not in a position to confirm that. But in view of what I have
7 seen, Ngaya could have drafted, but from what I have seen, that is. As to what I
8 have not seen, I do not know. But Ngaïssona did on occasion request for him to
9 draft.

10 Q. [14:09:48] So, yes, let's look at a few of these together. Let's start with
11 document 50, CAR-OTP-2084-0146.

12 So this is a press release dated 21 January 2014. And in brackets I know that you
13 were not yourself in Bangui in January 2014, but I do believe that you will be able to
14 answer my question.

15 So in this press release, Mr Ngaïssona is congratulating Catherine Samba-Panza upon
16 her election as the president of the Central African Republic and is committing
17 himself to suspend hostilities and says that he is open to restore peace by the side of
18 the president, to restore peace and security, that is.

19 Now you knew Mr Ngaïssona and would you agree with me that indeed
20 Mr Ngaïssona often said that he did indeed want to work hand in hand with
21 the president and that he wanted to give the president a chance to fulfil her mission?

22 A. [14:11:46] Yes, I often heard Mr Ngaïssona speak and it was in this very vein,
23 that is, what you have just said.

24 Q. [14:12:05] I'm going to be moving on to the next document at 51, tab 51,
25 CAR-OTP-2084-0147.

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1 This is a press release dated 1 February 2014 in which Mr Ngaïssona notes an increase
2 in violence that was falsely ascribed to the Anti-Balaka but was in fact down to false
3 Anti-Balaka. And the *press release is calling upon the MISCA and other forces to
4 track down these fake Anti-Balaka. I know we've already talked about these fake
5 Anti-Balaka on Monday, Mr Witness, so I don't need to rehash what you said about
6 that, but I would just like to put something to you.

7 There is an individual who gave a statement to the Office of the Prosecutor and said
8 individual said that Mr Ngaïssona was manipulating the fake Anti-Balaka with
9 a view to creating a violent atmosphere.

10 Now, Mr Witness, were you a witness to that yourself?

11 A. [14:14:03] No, I did not see that myself. What I saw and what I heard from
12 Mr Ngaïssona had nothing to do with such a distortion. And in my statement I gave
13 a name. I said that such an individual was always distorting things with a view to
14 continuing in the military struggle rather than restoring peace.

15 Q. [14:14:49] I thank you.

16 I'm going to be showing you another press release. It's 76 in the Defence file.
17 CAR-OTP-2124-1213.

18 So, Mr Witness, have you already -- or you have indeed already seen this press
19 release during your interview with the OTP. It's dated 4 April 2014. And in this
20 press release Mr Ngaïssona says that he will declare the end of hostilities and asks
21 the chief of battalions to make sure that this decision is applied.

22 So this press release, which is a public document, is it in keeping with what
23 Mr Ngaïssona would say in private?

24 A. [14:16:19] Yes, in private I heard him say the very same thing. The press
25 release is drafted to facilitate information reaching those in the provinces, because

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1 there is no way of putting this on the same key with the cessation of the hostilities in
2 Brazzaville. So it could have made life easier for them had it gone out over the radio
3 for them to hear that agreements had been signed so that they could also try and
4 respect these agreements.

5 Q. [14:17:23] If I understand you correctly, Mr Witness, this press release was an
6 attempt to communicate with the Anti-Balaka who were outside of Bangui, so if I
7 understand, it was indeed released to try and reach out to the ComZones and their
8 soldiers; is that correct?

9 A. [14:17:46] Yes.

10 Q. [14:17:58] I thank you. I'm going to be moving on to another press release.
11 That is document 55 in the Defence file. CAR-OTP-2084-0157.
12 So this is a radio press release dated 28 June 2014 on the subject of the commencement
13 of the month of Ramadan. And in this press release Mr Ngaïssona is requesting of
14 the Anti-Balaka that they observe a pacifist attitude and that they do not conduct any
15 acts that might perturb the Muslims during this period given over to prayer.
16 Now, first of all, do you remember this press release over the radio?

17 A. [14:19:26] Yes, I do recall.

18 Q. [14:19:34] And does the contents of this press release correspond to what
19 Mr Ngaïssona also said in private?

20 A. [14:19:56] Yes. In private he would say the same thing.

21 Q. [14:20:15] I thank you.

22 I'm moving on to the next release, which is document 56, CAR-OTP-2084-0166.

23 It's being brought up. So this is press release number 18, dated 3 July 2014. So
24 that's approximately three weeks before Brazzaville. And in this press release it is
25 said that the Anti-Balaka have taken the resolution to commit themselves to

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1 the dialogue and -- process, but it also notes that the Anti-Balaka military are being
2 arbitrarily arrested.

3 It also notes that there are bad consequences subsequent to the behaviour on the part
4 of the French forces.

5 Now do you remember the context in which this press release was prepared,
6 Mr Witness?

7 A. [14:21:50] Yes, I do recall. At that time it was necessary for this press release to
8 be drafted. There was the Seleka coalition even in Bangui and in the rear country.
9 There were also the Anti-Balaka. But the Sangaris forces only arrested the Balaka,
10 and not the Seleka, and the population was talking about this and referring to this fact.
11 And according to the population even in Bangui, it was as if the Sangaris forces were
12 trying to make sure that the Anti-Balaka were arrested and leave the population to
13 the mercy of the -- or at the mercy of the Seleka.

14 So it was about the Sangaris behaviour that the -- this press release was drafted.

15 Q. [14:23:25] And to your knowledge, Mr Witness, did this difference of treatment
16 on the part of the Sangaris forces towards the Anti-Balaka, did it call into question
17 the commitment of Mr Ngaïssona in favour of peace?

18 A. [14:23:51] Yes. It can compromise everything, commitment to peace.

19 Q. [14:24:06] I don't know whether my question was very clear.

20 PRESIDING JUDGE SCHMITT: [14:24:09] May I shortly. I just want to correct
21 the -- in the transcript, the ERN, the last, is wrong. It's the last four digits are
22 0167 -- 66, excuse me. Now I will repeat the error. Okay.

23 Please continue.

24 MS PROULX: [14:24:26](Interpretation)

25 Q. [14:24:28] Mr Witness, I don't know whether my question was very clear, what

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1 I was driving at was with regard to the Sangaris forces, they treated the Anti-Balaka
2 differently from the Seleka, which was perceived as an injustice. But am I right in
3 thinking that, despite this perceived injustice, Mr Ngaïssona continued to work
4 towards peace. That it didn't change his mind. Would you agree with that?

5 A. [14:25:00] Yes, I am in agreement with you. He did not change his mind.

6 Q. [14:25:17] I'm going to be moving on to another press release, document 28 in
7 the Defence file. CAR-OTP-2030-0245.

8 Now in this document, Mr Witness, there are in fact three press releases. And I
9 might let you peruse them briefly, all three of them.

10 That's number 27, which talks or asks the Anti-Balaka to do everything they can to
11 enable the free movement of goods and people.

12 In the next press release, *communiqué* number -- on the next page, number 26, it's
13 asking the Anti-Balaka to abstain from becoming violent again in the face of
14 provocation on the part of some armed groups.

15 And thirdly, at the third page, we find a *communiqué* or press release number 25,
16 which is asking the Anti-Balaka to allow for the free movement of the NGO vehicles,
17 Red Cross vehicles and ambulances, et cetera.

18 So I have a number of questions to put to you on these documents. The OTP has
19 shown them to you during your interview, but firstly we note that they are neither
20 signed nor dated.

21 Now Mr Ngaya, who came here a while back, told us that according to him they were
22 indeed published and they were broadcast.

23 Now can you confirm that that is indeed the case.

24 A. [14:27:46] I can confirm that a document that I can see up on the screen was
25 indeed published, in keeping with the request of the international community that

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1 asked that the free movement be facilitated, the free movement of NGOs, of
2 the Red Cross. Because at that time there were many cases of theft of vehicles,
3 whether it be vehicles belonging to NGOs. I remember that such a press release was
4 indeed published.

5 Q. [14:28:39] And the requests that are made in these three press releases, namely
6 to allow for the free movement, to not respond to provocation, et cetera, are these also
7 things that you heard Mr Ngaïssona talk about in private?

8 A. [14:29:03] Yes, I did hear him talk about such things in private. Even
9 sometimes in the meetings with the Anti-Balaka ComZones he would talk about such
10 things with a view to sensitising the ComZones.

11 Q. [14:29:32] I thank you. I'm going to be moving on to the next *communiqué*,
12 which is number 82 in the Defence. So that is CAR-OTP-2124-1236. That's tab 82.
13 This is a radio announcement which refers to the Brazzaville forum, so we are looking
14 at the period shortly after the Brazzaville forum, end of July, early August 2014. In
15 the announcement there's a request for roadblocks to be dismantled.
16 My question is as follows: The dismantling of the roadblocks, was that a project that
17 Mr Ngaïssona talked about in private as well? Did he attach importance to
18 the dismantling of the roadblocks?

19 A. [14:31:08] As I have just said in relation to the three previous *communiqués* or
20 press releases, these were the things that he usually talked about. Even at meetings,
21 he said those things during meetings. And in relation to this specific announcement
22 before me, he himself took action. He acted himself. And for the first time I saw
23 him go himself to the location, or the Anti-Balaka bases. Or on the Mbaïki road
24 where Yekatom was present, and that is the road on which roadblocks had been set
25 up. So he went himself, along with the Sangaris forces, to be present and see for

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1 himself how the roadblocks were being dismantled.

2 So that was one time when I saw him do in person what he had said needed to be
3 done.

4 Q. [14:32:29] Some observers, and maybe even some witnesses, if I recall well, have
5 said that, according to them, the dismantling of the roadblocks occurred rather very
6 lately after many abuses and excesses had been committed.

7 Now according to you, Mr Witness, I would like to know whether Mr Ngaïssona had
8 the necessary authority to force anyone to dismantle those roadblocks earlier in 2014?

9 A. [14:33:11] Now when you talk about dismantling these roadblocks, I do not see
10 how he could have forced anyone, because no one would have listened to him. This
11 is only my point of view. I know that no one would have listened to him. And if
12 he had gone to the locations himself to try to dismantle the roadblocks. And
13 the reason being that he -- he -- he knew that Alfred Yekatom Rombhot had already
14 sensitised his elements on the Mbaïki road to dismantle the checkpoints.

15 So if there was no such sensitisation in place, he himself could not have proceeded to
16 dismantle.

17 So what I know is that Yekatom had already gone ahead and done some sensitisation
18 before Ngaïssona went to dismantle.

19 Q. [14:34:21] Thank you.

20 I will now go on to the Brazzaville talks which took place at the end of July 2014. On
21 Monday during your testimony you stated that the flowchart or the organigram of
22 the Anti-Balaka only existed on paper and did not reflect reality. And you said that
23 it was created based -- or mainly for the Brazzaville forum.

24 Now I would like to understand from you whether Mr Ngaïssona fraudulently
25 submitted the organigram to the Brazzaville forum, or is it the case on the contrary

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1 that the submitted organigram was a genuine attempt at presenting a united
2 movement at the forum?

3 A. [14:35:25] As far as I am concerned, and in relation to this question of
4 the organigram, well, according to all international organisations and national
5 organisations such as NGOs and what have you, I think that if we say that
6 the organigram ought to have been respected, then the office or the -- the bureau
7 of -- on that organigram ought to have played its role towards the implementation of
8 the said organigram.

9 But in the case at hand, this did not happen when it comes to the organigram that was
10 set up by Mr Ngaïssona. So it might appear on the organigram that you occupy
11 such-and-such a position, but in reality it was only on paper. It's not everybody who
12 worked or discharged the duties outlined in that organigram.

13 So as far as I am concerned, it is not about Ngaïssona's impression. It is about
14 the -- the desire to help in the peace building process, because there was no real desire
15 to achieve that as well.

16 Q. [14:37:01] I just want to understand. Are you saying or blaming Mr Ngaïssona
17 for having been negligent in relation to the lack of impact in reality of the organigram?
18 Is it Mr Ngaïssona's fault, or is it because the people who were brought together did
19 not have the necessary impulse or the necessary desire to achieve these things that
20 were stated?

21 A. [14:37:34] My answer would be that it is the last thing that you have said which
22 is the answer to the question. People were brought together, but they didn't have
23 the courage. Well, let me first of all say what my point of view, my personal point of
24 view is. The conditions in the Central African Republic were such that the Central
25 Africans were living in very, very unfavourable living conditions. So I spent a lot of

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1 time working for peace and -- but people would say, oh, I would rather do something
2 in order to earn a living and earn something for my family rather than spend time
3 working for peace and working for the return of peace. The others can do -- can do
4 that.

5 So there is also that reality, that real time reality which also played a significant role in
6 what we were experiencing.

7 Q. [14:38:43] Let us now look at another document, which is at tab 32 of
8 the Defence binder. CAR-OTP-2030-0267.

9 Well, Mr Witness, the document will be displayed for you and it's a list of participants
10 at the Brazzaville forum. I would like you to take some time and look at the names
11 which also appear on the next page.

12 Mr Witness, I take it you have seen the names. You have looked at them. This
13 morning you told us already that many persons on this list did not share
14 Mr Ngaïssona's political viewpoints. But I have a different question, slightly
15 different question for you today. Can you confirm that the Anti-Balaka
16 representatives from the regions who appear on this list were chosen by
17 Maxime Mokom?

18 A. [14:40:58] Yes, I confirm that the choice of representatives from the region is
19 exactly correct. One, it is Maxime Mokom who was in contact with the leaders from
20 various regions. He is the one who had their telephone numbers. He is the one
21 who contacted them and invited them to Bangui for the forum.

22 I remember that he was there and he is the one who gave the names, saying "I will call
23 such-and-such a person from such-and-such an area." For example, someone from
24 Ouaka, *Bambari, who was going to be their representative? Yes, that is how it
25 exactly unfolded.

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1 Q. [14:41:59] Do you think that Mr Ngaïssona may have or may have had
2 the authority to expel those who were not in favour of peace from the list? Or were
3 you -- would you think that by including them he was hopeful that they would join
4 the -- the peace ranks?

5 A. [14:42:32] As far as I understand, he could not have excluded them. And again,
6 if I were in his shoes, I would also have thought that because I am bringing them in
7 contact with reality, which they will experience themselves, maybe they might change
8 sides, they might change decisions and come to the point where they no longer
9 support the option to support hostilities. But once again let me say that this did not
10 change their viewpoints -- their decisions.

11 Q. [14:43:20] Let me show you another document in the OTP binder. Tab 1,
12 CAR-D30-0003-0001.

13 This is an introductory statement or speech by Mr Ngaïssona delivered at the
14 Brazzaville forum.

15 First of all, Mr Witness, do you remember this speech?

16 A. [14:44:16] I remember that he delivered a speech, but I don't remember its entire
17 content.

18 Q. [14:44:32] That's normal, Mr Witness. It's a very long speech. But I want to
19 draw your attention to page 0004 of this speech. In the second
20 paragraph Mr Ngaïssona says:

21 "The Anti-Balaka patriots are very committed to a lay Central African society where
22 all religious groups can freely express their faith, where citizens will enjoy freedom of
23 movement across the national territory and participate actively in the socio-economic
24 development processes of the country."

25 Now that call for a lay Central African society where there is equality between

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1 religious denominations, does that reflect what Mr Ngaïssona also said to you when
2 you spoke with him in private?

3 A. [14:46:05] Yes, I do recall that at a meeting he said similar things when talking to
4 the Anti-Balaka ComZones. Yes, he said the same things and he said, "Whatever
5 you do, we are all Central Africans. Whether you be a Christian or you be Muslim,
6 you are Central African." And he said it was time for peace to come to all Central
7 Africans across the territory.

8 But the problem was that there were some Muslims who had come in and who, by
9 the way, were not Central Africans. And he said that it was time to turn
10 the page and to leave the national authorities, the international forces and
11 the international community to try to identify those ones. Because, you see, it wasn't
12 easy for everybody to identify who was or was not a Muslim in the Central African
13 Republic.

14 So I remember that at the Hotel Azimut at some point he had made such statements
15 at a meeting.

16 Q. [14:47:27] In your statement you say that Mr Ngaïssona had invited
17 the ComZones to respect and uphold the Brazzaville agreement, but that not all
18 the leaders respected the agreement and that there was no follow-up.

19 Now when it comes to this absence of follow-up, was it due to some negligence on
20 Mr Ngaïssona's part, or was it simply due to the lack of structure and hierarchy and
21 control over the ComZones and their elements?

22 A. [14:48:10] Well, it's not -- well, what I can say is that -- well, personally, I -- I do
23 not see any negligence on this matter. I don't see any negligence. But if you ask for
24 my personal opinion, well, I don't see -- well, that's what I'm seeing in this situation,
25 rather, is that Ngaïssona was alone. But he needed people on the ground where

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1 the ComZone -- ComZones were, whether in the provinces or in Bangui, to try to talk
2 and explain, expound on the things that were said at the Brazzaville forum and then
3 explain the resolutions to them so that they can understand the benefits and
4 the disadvantages.

5 But the question here was who was going to do that. There was already a lack of
6 organisational structure. First of all, there were not sufficient people in hand to
7 reach out to the Anti-Balaka on the ground. You needed to talk to them. And it
8 was not all the ComZones that attended the meetings.

9 So even the press release or announcement, even when broadcast over radio, were not
10 heard by all persons. There were locations where you didn't have the radio signal.

11 So because of the geographical location of some places and because of these
12 institutional and organisational problems, the Anti-Balaka were, therefore, not in
13 a position to provide maximum awareness building to the ComZones.

14 Q. [14:50:15] You said during your interview with the OTP that after the signing of
15 the Brazzaville agreement, 23 million CFA francs had been given by the organisers,
16 but that this was embezzled or part of it was embezzled by Mokom.

17 Now on those events I have a few questions for you, but let me first of all show you
18 the document in tab 70, Defence binder, CAR-OTP-2110-0133. And I'll wait for
19 the document to be displayed before I put any question to you.

20 So, Mr Witness, this is a report on a meeting of 6 September 2014 at the Hotel Azimut.

21 My first question is the following: Do you remember this meeting and were you
22 present at it?

23 A. [14:51:58] Yes, I remember.

24 Q. [14:52:07] So you can see a little further down mention is made of Mokom where
25 it is said that he had received a significant amount of money instead of

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1 the Anti-Balaka treasurer in Brazzaville. That he disappeared after the Anti-Balaka
2 delegation returned to Bangui.

3 And then the next page refers to rumours whereby Mr Ngaïssona allegedly was
4 complicit when it came to that embezzlement.

5 Now, Mr Witness, have you ever heard of this -- these rumours about Mr Ngaïssona
6 being complicit in the embezzlement of funds?

7 A. [14:53:11] Yes, I heard those rumours. But, you see, if we had been in private
8 session I may be able to provide you with a few more details, if you want them, in
9 relation to that specific incident which occurred at that time exactly.

10 PRESIDING JUDGE SCHMITT: [14:53:32] Of course.

11 Then we go to private session.

12 (Private session at 2.53 p.m.)

13 THE COURT OFFICER: [14:53:47] We are in private session, Mr President.

14 MS PROULX: [14:53:59](Interpretation)

15 Q. [14:54:00] Mr Witness, please proceed.

16 A. [14:54:05] Thank you.

17 You see, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Now to start, you said a short while ago that I talked about an amount of 23 million,

22 but that was a mistake on my part. The amount was larger than 23 million. You

23 see, there were 23 participants, so he asked for 1 million for 23 participants. And out

24 of that he gave only 200,000 to each participant, including himself, in terms of

25 distribution.

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1 Mr Ngaïssona himself had already left with President Catherine Samba-Panza in her
2 plane. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted), the representatives of
6 the Seleka coalition who were there, (Redacted)
7 from them the amount of money that had been released to them. (Redacted)
8 (Redacted) and the total was not 23 million, but it was
9 2 million per participant. So the Seleka people then (Redacted) had received
10 2 million each. That is how Lieutenant Konate, Emotion Brice Namsio and others
11 started to ask questions to Chiki Chiki and they were sort of revolting.
12 And so they said, "Mokom, you cannot receive 2 million per person and hand over
13 only 200,000 per person. So for the money that you have received, can you show us
14 a receipt for receiving that money?" But Mokom refused (Redacted) any document
15 proving that he had received the money and simply said that he -- that was
16 the amount he had received.
17 So right there in Brazzaville he was lying. (Redacted), then
18 Mr Ngaïssona said the amount was 1 million, 1 million each. So he said, "All right,
19 each person will receive 1 million in order to provide some assistance to those who
20 were unwell and get some medication." And that's how it happened. But the exact
21 amount was 2 million.
22 And so that is how during the meeting it was said that (Redacted)
23 (Redacted)? There were all sorts
24 of problems that arose and that there was a complicity between him and Mokom.
25 And so that was the problem.

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1 But the truth of the matter was that Ngaïssona had already left with Mr -- with
2 Catherine Samba-Panza and it is Mokom who received and single-handedly benefited
3 all to himself of that amount of money.

4 PRESIDING JUDGE SCHMITT: [14:57:59] Thank you. I think we can go back to
5 open session.

6 Yeah, open session.

7 (Open session at 2.58 p.m.)

8 THE COURT OFFICER: [14:58:13] We are back in open session, Mr President.

9 MS PROULX: [14:58:28](Interpretation)

10 Q. [14:58:29] Thank you for the very comprehensive explanation you provided,
11 Mr Witness.

12 Now, Mr Witness, would it be correct to say that Maxime Mokom never showed up at
13 subsequent coordination meetings after the Brazzaville forum?

14 A. [14:58:45] Yes. He never attended the meetings thereafter.

15 Q. [14:59:03] Now hoping back to the relationship between the Anti-Balaka
16 coordination and the transitional government and the international forces, MISCA
17 and Sangaris, we have just been looking at the press releases and we noted that as of
18 January Mr Ngaïssona had immediately congratulated Madam Catherine
19 Samba-Panza for her election and had extended an olive branch to the Sangaris and
20 MISCA forces.

21 Now would you say, Mr Witness, that in spite of this gesture of peace,
22 the government, the transition government and the international forces were very
23 hostile towards Mr Ngaïssona as of early 2014?

24 A. [15:00:02] Yes, I agree with you.

25 Q. [15:00:11] And do you know what justified that hostility towards Mr Ngaïssona?

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1 A. [15:00:27] Personally, I do not know what justifies this. It was -- whether it was
2 the person of Mr Ngaïssona himself or the Anti-Balaka, but what I know of all this is
3 what the general said at an earlier stage. You -- he was the one who was in charge.
4 And if he says such things, well, it is the army, it is the hierarchy, *who will disobey?
5 And as such, it was General Soriano at the time who was the chief in charge of this,
6 but he was not aware of the existence of the Anti-Balaka, despite the fact that he can
7 see them there. And he spoke as if he saw nothing happening, as if no one was
8 present at all.

9 That is the answer that I can provide you with.

10 Q. [15:01:50] I'm going to be showing you another document, Mr Witness. This is
11 a document that you yourself handed over to the Office of the Prosecutor, so I believe
12 that you will recognise it. It is tab number 27 in the binder of the Defence. That is
13 CAR-OTP-2030-0244.

14 Firstly, we note that this press release is different from the others. It doesn't have the
15 Anti-Balaka heading. It looks quite different.

16 Now could you explain to us how it was drafted or how it came about, in fact, this
17 press release, if you know.

18 A. [15:03:02] Well if you don't see the heading, it was -- it's for the simple reason, as
19 I said to you, that the Anti-Balaka was not organised, the coordination was not
20 organised. So any computer could be used. So the computer used here to draft this
21 press release, if they don't have the headed -- heading paper used by the Anti-Balaka
22 press release, well, if that person drafting it does not have that in their possession,
23 then they will just simply draft it without that heading. And this is the reason that
24 might explain this, because there wasn't just one computer used by the coordination
25 of the Anti-Balaka to draft press releases.

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1 Q. [15:04:03] Now in terms of content in this press release, the minister adviser in
2 charge of security, I believe that this was Mr Jean-Jacques Demafouth, he is being
3 accused of illegally arming individuals to attack the Anti-Balaka and put the attention
4 on the Angolans.

5 Now these accusations against Mr Demafouth, are they founded?

6 A. [15:04:51] Yes, I would say that, yes, that these accusations are founded.
7 Now let's talk about this minister adviser Demafouth in charge of security and
8 the relations between Sangaris and EUROFOR and MINUSCA. Now put this
9 question to any Central African, they will not have a good opinion of him. And I'm
10 telling you the truth here. Any Central African will know him as a major
11 manipulator. That is the truth. And at this moment in time he is managing
12 the transition and there's this business of Angolan donations that really made a lot of
13 noise on the Central African scene when the people were demanding that these
14 Angolan donations be managed. And this gentleman who was always known as
15 a manipulator and continues to be so, and he tries to turn people's attention away to
16 a recurrence of violent acts. And I think we're talking about that moment in time if
17 my recollection serves me correctly.

18 Q. [15:06:19] Were you aware of any other behaviour on the part of Mr Demafouth
19 in 2014 which might have been against Mr Ngaïssona, against the Anti-Balaka?

20 A. [15:06:43] Yes, I also know that as Mr Ngaïssona was making a great deal of
21 effort to restore peace and for elections to take place, at a certain moment in time
22 the civilians noted that Mr Demafouth did not want transition to end, he wanted this
23 transitional government to continue working. And it was clear for all to see that he
24 was not in favour of elections, that he wanted the transitional government to
25 continue.

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1 PRESIDING JUDGE SCHMITT: [15:07:25] May I shortly, please.

2 Mr Witness, what is the source of information -- for this information that you have?

3 Where did you get it from?

4 THE WITNESS: [15:07:47](Interpretation) Mr President, in the Central African

5 Republic information is shared from person to person. Now in view of what was

6 said in the press, this gentleman said things in the press with regard to

7 the transitional government and those comments were taken apart by the Central

8 Africans to the effect that Mr Jean-Jacques Demafouth was not in favour or was not in

9 agreement with the transitional government coming to an end so early. He said that

10 it was too early to talk of elections. And it was on the basis of these comments that

11 information started to be circulated, according to which he was not in agreement with

12 elections being held at that moment in time.

13 PRESIDING JUDGE SCHMITT: [15:08:45] Thank you.

14 Ms Proulx.

15 MS PROULX: [15:08:51](Interpretation)

16 Q. [15:08:54] I'm going to be showing another document to you, Mr Witness, to be

17 found at tab 33 of the Defence binder. CAR-OTP-2030-0270.

18 Now while we wait for the document to be brought up, I shall explain to you this is a

19 letter from Mr Ngaïssona addressed to President Sassou Nguesso dated

20 23 October 2014. And you will remember that October 2014 was quite a hectic

21 month where there was quite a lot of problems in Bangui.

22 And here we are, it's being brought up on the screen now.

23 So in this letter Mr Ngaïssona is requesting a hearing from Mr Sassou Nguesso, or

24 a meeting, in order to respond to the incendiary statement on the part of Catherine

25 Samba-Panza.

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1 Now would you agree that this letter is a good example of a disagreement, quite
2 a serious disagreement with President Samba-Panza, Mr Ngaïssona attempted to
3 resolve this dispute through official and political channels, rather than having
4 recourse to weapons?

5 A. [15:11:33] Yes, I am in agreement with you.

6 Q. [15:11:42] And I understand from your last few days of testimony that this is
7 indeed what you saw Mr Ngaïssona do on a number of occasions to promote
8 dialogue and political solutions rather than having resource to weapons; do you
9 agree?

10 A. [15:12:10] I do agree.

11 Q. [15:12:21] So I'm going to move forward in time a little bit. I would like to talk
12 about the Nairobi talks.

13 Now you said that Mr Ngaïssona did not want to attend. He had been warned by
14 the French ambassador. And in your statement you explain that from Nairobi
15 onwards Mr Ngaïssona had really started to understand
16 Mr Mokom -- Mr Maxime Mokom's basic line of thought and that he had started to
17 distance himself. And in your statement you said that before that, Mr Mokom
18 would act behind Mr Ngaïssona's back and then talk to him as if nothing was amiss.
19 Now what makes you say that Mr Ngaïssona started to distance himself from
20 Maxime Mokom?

21 A. [15:13:29] What makes me say that Mr Ngaïssona began to distance himself was
22 that it was clear that he no longer called Maxime Mokom at that time. He might
23 have called him when he was alone or asleep at night, but nothing really brought him
24 together with Maxime Mokom on an official basis. This was notable. I saw that he
25 had nothing to do with Maxime Mokom, neither did he call me, neither did he have

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1 him come to see him as he had done in the past. And from that moment in time,

2 Maxime Mokom also stayed in -- kept himself to himself.

3 So whatever was -- happened in the past, he would always call upon Maxime Mokom,

4 but from that moment on, Maxime was no longer with Ngaïssona, Ngaïssona was no

5 longer with Maxime.

6 Q. [15:14:35] I'm going to be showing you another document at tab 79 of

7 the Defence binder. CAR-OTP-2124-1223.

8 So what I am presenting to you here is a press release from

9 the coordination -- the National Coordination of Operations dated 29 December 2014

10 from Maxime Mokom. And in said press release Maxime Mokom is condemning

11 the creation of a political party linked to the Anti-Balaka, saying that this movement is

12 an apolitical movement and he orders all the prefectural coordinators and

13 the ComZones to abstain from what he calls any attempt for agitation and false

14 information.

15 Now did Maxime -- or was Maxime Mokom very hostile to Mr Ngaïssona at that

16 moment in time?

17 A. [15:16:28] I don't really know how to respond to that, because at that moment it

18 wasn't very easy to see. I no longer saw him so I can't really answer that question.

19 But when we talk about this publication, it proves to you and provides you with

20 the answer that he is hostile.

21 Q. [15:17:05] I'm going to be showing you another document at tab 42.

22 CAR-OTP-2066-2289, tab 42, and I'd like to show to you, more specifically, page 2300.

23 So the document I'm showing to you is from a Facebook account called *Original*

24 *Antibalaka* set up on 8 November 2014.

25 So this is a profile showing publications that seemed to be destined at attacking

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1 the PCUD and that repeat the allegations that we have just seen in the other
2 document, namely, that the Anti-Balaka is an apolitical movement.
3 So my first question: Do you know who was behind this Facebook account?
4 A. [15:18:47] I do not know. This is my first time also, the first time that I'm seeing
5 this.

6 But according to what I'm reading here, this does agree with the press release by
7 Mr Maxime Mokom, the one we have just spoken about earlier.

8 Q. [15:19:21] Mr Witness, have you noted that subsequent to the setting up of
9 the PCUD and the division of the Anti-Balaka movement between the Mokom and
10 Ngaïssona factions, did you notice that there was a tendency among the pro-Mokom
11 to try and sully the reputation of Mr Ngaïssona publicly?

12 A. [15:19:56] Yes, they did tend to do so publicly, and even sometimes at the end of
13 a meeting those in attendance at the meeting, as I said, well, they were obliged to
14 come to the meeting because of the DDR information.

15 But as for everything else, talking about sensitisation, the PCUD party, everything
16 else, that wasn't of interest to them. They were just interested in the DDR part of
17 the meeting.

18 But when they left the meeting, sometimes I would hear some of them talking or
19 saying nasty things about Mr Patrice Ngaïssona.

20 Q. [15:20:47] I'm going to be showing another document to you a bit similar in
21 nature by virtue in its contents. That's at tab 62, CAR-OTP-2093-0326.

22 THE INTERPRETER: [15:21:09] Tab 62, correction from the interpreter.

23 MS PROULX: [15:21:26](Interpretation)

24 Q. [15:21:27] So this is a document which seems to be a note or a complaint from
25 Maxime Mokom against Mr Ngaïssona and other individuals. It is not officially

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1 dated, but we -- we see from the note that it -- that it was drafted in *May 2015 and it
2 contains many an allegation against Mr Ngaïssona. He is accused of
3 mismanagement - end of May 2015 - he is accused of retaining information and
4 dictatorial behaviour and circulating false information, and later on down he is
5 alleged to have had a Machiavellian plan.

6 Now, firstly, were you aware of this complaint, Mr Witness?

7 A. [15:22:41] No, this is the first time that I'm seeing that such a complaint was
8 drafted by Mokom. The first time for me.

9 Q. [15:23:01] And are you in a position to comment on these allegations of
10 mismanagement, of dictatorial behaviour, of Machiavellian plan, et cetera?

11 A. [15:23:19] Well, firstly, I would start by saying that the names given at the -- at
12 the top of the document, I can see that next to Ngaïssona there's the only Anti-Balaka
13 who is still working in the PCUD party. The only Anti-Balaka ComZone who was
14 working for the PCUD. I can see his name, Ndomate Dieudonné. And it was
15 Maxime Mokom who had brought him, this journalist. It was Maxime who had him
16 come to occupy a position as spokesperson for the Anti-Balaka. But he also wanted
17 to work for the PCUD party.

18 And as Maxime saw that the PCUD party was starting to take hold everywhere, he
19 acknowledged that throughout the national territory it was present, and to my mind
20 it was then that he felt a little bit destabilised.

21 And as I said previously, Maxime is hostile. He is hostile with regard to
22 the attempts at peace and the setting up of the PCUD party. Well, he is not at all in
23 favour of that. He really wants there to be the restoration of constitutional order by
24 all means. So when I say "restoration of constitutional order", he wants via weapons
25 or any other means for François Bozizé to return to power.

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1 So that is the comment that I would have to make in this regard.

2 Q. [15:25:25] So would you agree with me that - I apologise - that in order to obtain
3 these objectives Mokom wanted to sully his reputation or try to impede him in some
4 way?

5 A. [15:25:47] He had many advantages. He can harm, cause harm. And I'd like
6 to specify here, I have already heard him say, speaking in Sango, "Leave that guy.
7 What he is doing, when they arrest them, then he'll understand." Talking about
8 the ICC. "When he is arrested, he will understand." I heard him say that myself. I
9 heard him say such things. Even before the arrest of Mr Ngaïssona, he said such
10 things.

11 And as for the military wing, well, he had contacts throughout the ComZones. So
12 maybe in hiding he would use some ComZones in order to take power. What is not
13 to say that he was using these ComZones to create blunders in order to attain his
14 objectives? That's the question we should also be asking ourselves.

15 Q. [15:27:21] Now we have two further subjects to cover. We've nearly finished
16 Mr Witness.

17 I would like to briefly talk about the PCUD. You've talked about it a great deal. I'm
18 going to try not to have you repeat what you have already said.

19 But I would like to look at document 31 together, that's CAR-OTP-2030-0255.

20 So this is the speech by Mr Ngaïssona that he gave on the occasion of
21 the transformation of the Anti-Balaka movement into a political party, that is to say
22 on the date of the creation of the PCUD party.

23 Do you remember this speech, Mr Witness?

24 A. [15:28:34] Yes, I do recall. It was at the Hotel Ledger Plaza.

25 Q. [15:28:48] We are in open session, so I'm not going to explain why, but in your

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1 statement we understand that you had a very good knowledge of this document. So
2 I would like to know whether you recall what the aim of Mr Ngaïssona was in giving
3 this speech, what was the message that he wanted to bring across?
4 A. [15:29:23] The message that he conveyed here talks about the return to
5 Brazzaville. Well, what I managed to retain of -- from the Brazzaville agreements
6 was that all the representatives of the international community, from
7 the African Union, from the CEEAC, they all gave the impression that they were
8 changing or transforming the armed struggle into a political struggle. That was
9 really the subject that was being debated, whether it be Anti-Balaka or whether it be
10 Seleka, rather than using weapons to take power, it would be better to transform your
11 movement into a political entity. And it is the people who gave the power. It is
12 the people who decide to vote for you, and you will take power, rather than using
13 weapons by which the civilians will suffer. That is what I retain of what happened
14 during the Brazzaville agreement.
15 And it was really on the basis of this idea upon return from Brazzaville that
16 Ngaïssona accelerated this transformation of the Anti-Balaka in order to adhere to this
17 political concept. And at that moment in time, Mokom does not want to hear of this
18 idea of transformation of the Anti-Balaka -- Anti-Balaka into a political group.
19 And as I said, there were others -- other Anti-Balaka members, ComZones, who
20 already have ID cards, who have already joined political parties. So how is this
21 going to all come about? This is what the ComZones were wondering, those who
22 had already joined other political parties, namely.
23 Ngaïssona's response to that is, well, as it was said during the Brazzaville forum,
24 the struggle here is not an arms struggle, it is a political struggle now. And if you
25 want Anti-Balaka come -- to come to power, then you need to come together

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1 whether -- from whichever political party you come, you need to come together to
2 support Ngaïssona and make sure that he makes the most of this. And that is what I
3 understood from this transformation.

4 Q. [15:32:34] Mr Witness, you would agree that the message transmitted on the day
5 of the creation of the PCUD was exactly the same as the message that was repeatedly
6 conveyed several times over throughout 2014.

7 A. [15:32:56] Yes, I agree with you it's the same message.

8 Q. [15:33:05] Mr Witness, as far as you know, was Mr Ngaïssona's objective simply
9 to bring back the Gbaya to power?

10 A. [15:33:28] Counsel, with your leave, well, if you talk about Gbaya, they are an
11 ethnic group living in the Central African Republic.

12 Now when we talk about Gbaya, Gbaya and Gbaya, well, it's not all Gbaya who were
13 living well or comfortably during Bozizé's time. It's not all the Gbayas who had a
14 decent situation during Bozizé's time. What was happening involved all Central
15 Africans. You cannot shift the burden entirely to the Gbaya. I myself have been
16 penalised for many things simply because I'm Gbaya. And why? Why? I was
17 penalised for many things because I am Gbaya. Why? Because President Bozizé is
18 Gbaya? Because Ngaïssona is Gbaya? No, the problem is not only about being
19 Gbaya, and that that is the truth.

20 So Bozizé, who lost power. Let me tell you that before he lost power, the young
21 Gbaya - since you are saying "Gbaya, Gbaya" all the time - they are the ones who
22 brought down the head from Bozizé's statute which was positioned before -- in front
23 of *lycée* Boganda. That was a monument which they tore down and placed the head
24 in the middle of the road. And it is the young Gbaya people who did that because
25 they had had enough. They had enough of what they were receiving as Gbaya

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1 people. Bozizé didn't do anything for the Gbaya people, and it is the Gbaya people
2 who are still suffering at the end of it all.

3 I don't agree with that position.

4 Q. [15:35:25] Mr Witness, my question was simply based on statements given by
5 some witnesses to the OTP claiming -- who claimed that the only objective
6 Mr Ngaïssona had was to bring Mr Bozizé back to power. But I understand from
7 your answer that you don't agree with that position?

8 A. [15:35:46] No, I don't agree. Put that question to Mr Maxime Mokom. Those
9 who say so should answer. Mr Maxime Mokom is not the only Gbaya person.
10 The Seleka arrived and all that the Seleka knew to do was to track down the Gbayas.
11 And that's why the Gbayas are suffering and they are still suffering to this day. And
12 I'm really sorry if I -- I sound -- well, because I feel that I myself have been penalised
13 on several scores just because I'm Gbaya, and I'm not happy about that at all.

14 Q. [15:36:27] Thank you for your answer, Mr Witness.

15 And I would like briefly to talk about the members of the PCUD and I want to show
16 you a document at tab 83 in Defence binder CAR-OTP-2124-1244, rather.

17 THE INTERPRETER: [15:36:54] Mr President, we're not sure that we got the right
18 reference for the tab, the interpreter.

19 PRESIDING JUDGE SCHMITT: [15:37:01] Well, the reference is 2030-0265, isn't it?
20 Yeah.

21 Do we know when this list was drafted? When this -- I don't see a date here.

22 MS PROULX: [15:37:36] Indeed, Mr President, there's no date. It's a document that
23 the witness himself provided to the Office of the Prosecutor. So I will ask
24 the question.

25 Q. [15:37:48](Interpretation) Mr Witness, do you see the list on the screen?

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1 This is a list which does not bear a date and which is not signed either. But you are
2 the one who handed it to the OTP, I believe, in 2016, at your first interview with
3 the OTP.

4 Do you remember, Mr Witness, when this list was drawn up?

5 A. [15:38:29] No, I don't remember.

6 I do recognise the names, though, the names on the list. But I don't remember on
7 what occasion the list was drawn up. So maybe it was in relation to some travel or
8 to go to some institution somewhere in Bangui, but I -- I don't know
9 the circumstances in which this list was drawn up.

10 PRESIDING JUDGE SCHMITT: [15:39:09] Mr Witness, it is perfectly understandable,
11 since it does not bear a certain date. But perhaps you try to recall if it -- at least if it
12 has been drafted in 2014 or '15. If you can't say so, it's okay. But perhaps if you try
13 to picture yourself back in time. And looking at this document, perhaps you can
14 give us at least an estimate.

15 THE WITNESS: [15:39:45](Interpretation) I see two names here. And if my
16 memory were to be jogged, it leads me to say that it must have been before
17 the Brazzaville forum, before the Brazzaville forum. Because the other name that I
18 see here, well, after the Brazzaville forum that person was no longer with Ngaïssona.
19 And I'm referring here to Kokaté Joachim. So I think this list was drawn up before
20 the Brazzaville forum.

21 PRESIDING JUDGE SCHMITT: [15:40:24] Thank you for this effort.

22 Please continue, Ms Proulx.

23 MS PROULX: [15:40:30](Interpretation)

24 Q. [15:40:32] Mr Witness, I put it to you that there are many names on this list
25 which are names of persons who have never been part of the PCUD. So I want to

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1 find out from you whether you agree with me that the PCUD was created in
2 November 2014, late in that year? And would you agree with me that indeed Kokaté
3 was not a member of the PCUD and that Maxime Mokom neither, nor
4 Achille Godonam neither, that none of them, none of those three was a member of
5 the PCUD? Would you agree?

6 A. [15:41:14] Yes, I agree with you. You see, Achille Godonam, well, he was quite
7 absent from most of the meetings, or he would set himself aside and then
8 subsequently ask the other ComZones what was discussed at the PCUD meetings.
9 So what I can say in terms of the dates of the PCUD is that the outreach had begun
10 even around the time of the Brazzaville forum, but that the only thing is that the party
11 had not been legalised or authorised to use the name PCUD officially.

12 Q. [15:42:06] Let's go to the next page, which contains other names, that is on
13 the next page, and I would like to give you some time to look at those names.
14 Would you agree with me that Ouabiro Jobrice, Azounou Côme, Houronti Dieudonné
15 and Mbomon Basile were never members of the PCUD?

16 A. [15:42:44] Oh, Mbomon Basile, he was a PCUD. And the other names you
17 mentioned were not members of the PCUD.

18 Mahani Constant, no, no, those were not PCUD members. Mbomon Basile, yes, he
19 was. Mbomon Basile, yes, he was.

20 Q. [15:43:07] The names that we have all mentioned as not having been PCUD
21 members, would it be correct to say that those persons were rather loyal to Mokom?

22 A. [15:43:18] Yes, they were loyal to Mokom. There are some who were neither
23 loyal to him nor to the PCUD party but who were only interested in the DDR
24 programme. So things depended on what each individual stood for.

25 And if I take Octinam Thierry, for example, he was neither with the PCUD nor with

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1 Mokom, but he's there. He would attend the meetings and he was interested in
2 the DDR process.

3 Q. [15:44:03] Just to conclude on that list, therefore, you would agree with me that
4 it does not truly reflect the PCUD membership?

5 A. [15:44:12] No, it does not.

6 Q. [15:44:25] Let me hop back to something you said last week in answer to
7 a question from my learned colleague from the OTP. It's at transcript 108, real-time,
8 at page 49, at which you said to my colleague of the OTP that: "Following
9 the decision stopping him from participating in the 2016 presidential elections,
10 Mr Ngaïssona's commitment to peace reduced."

11 So we are looking at 2016 here, some two years after he returned to Bangui.

12 Now, Mr Witness, would it be correct to say that although he had been excluded, in
13 spite of everything Mr Ngaïssona campaigned for President Touadéra at the time?

14 A. [15:45:27] Well, first of all let me try to talk about the idea of being less
15 committed to peace. I don't know whether that is what I said. Maybe -- if that's
16 what I said, maybe I did not quite understand the question. I did not say that he was
17 not in favour of peace. I said that he was less committed in sensitising or reaching
18 out to the Anti-Balaka, because he was of the view that in spite of all the efforts he
19 had made there were some who agreed and some who did not agree until proof of
20 the contrary. But he continued to speak peace, but he was not engaged as before in
21 building awareness within the Anti-Balaka of -- on the concept of peace. That's what
22 I meant to say.

23 Now could you please repeat the second question, please. Thank you.

24 Q. [15:46:33] Yes, it is that in 2015, 2016 he campaigned for Mr Touadéra. Would
25 you agree with that?

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1 A. [15:46:45] Yes, I agree with that. He campaigned, he campaigned and he
2 moved about himself to -- to Ouham and campaigned for Mr Touadéra.

3 Q. [15:47:02] Would you also agree that although he was a little bit less active and
4 that his energy levels had dropped a little bit in 2016, he never gave up his
5 commitment to peace; is that correct?

6 A. [15:47:20] Yes, that is correct.

7 Q. [15:47:30] Would you agree with me that Mr Ngaïssona's actions demonstrated
8 that a return to peace was more important for him than his personal political
9 ambitions?

10 A. [15:47:51] I agree with you.

11 MS PROULX: [15:47:58](Interpretation) I have one last topic to address before we
12 conclude, but we'll do that in private session, please.

13 PRESIDING JUDGE SCHMITT: [15:48:10] Private session.
14 (Private session at 3.48 p.m.)

15 THE COURT OFFICER: [15:48:19] We are in private session, Mr President.

16 MS PROULX: [15:48:25](Interpretation)

17 Q. [15:48:31] Mr Witness, this will be my last series of questions.

18 First of all, I would like to know, I would like you to clarify something on a question
19 that the Presiding Judge put to you last Monday. The Presiding Judge asked you on
20 Monday whether you had had any one-to-one conversation with Mr Ngaïssona, and
21 you in answer said that you had had a conversation on the PCUD.

22 Am I to understand, from your role in 2014, and the privileged position you held in
23 movement in 2014, that you had several conversations with Mr Ngaïssona and that
24 you were quite close to him, that you were regularly in contact with him in 2014?

25 Would that be correct to say?

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1 A. [15:49:31] You are entirely correct.

2 Q. [15:49:38] So I know that you cannot read into somebody's mind, and I'm not
3 going to ask you to do so, but did it happen on any given day during any of these
4 conversations in 2014 that you had any reason to believe that Mr Ngaïssona's
5 commitment to peace was not sincere?

6 A. [15:50:13] I cannot read into his thoughts, as you have said. But all I can say is
7 in relation to what he spoke himself and observe his conduct in relation to the words
8 that he spoke.

9 And as I have told you, and since you have put the question to me, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 I am Central African. I have family in Bangui. Central Africans are my family.

16 We need peace. We need freedom of movement. And that was one of the reasons
17 why I work for peace in the Central African Republic.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted). All this for the purpose returning peace to
24 the country.

25 So what I can say is that Mr Ngaïssona's efforts for the return to peace is what I saw

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1 and I heard him speak, and I also tried to implement it.

2 Q. [15:52:33] Thank you for your answer.

3 Now I would like to briefly address something which you discussed with the OTP in
4 2020 in your statement. That would be at tab 22 of the OTP binder.

5 OTP-2220 -- 2122, and from page 8004 to page 8006.

6 During the interview the OTP investigators made -- made you listen to (Redacted)

7 (Redacted) phone, that is (Redacted). We are

8 not going to listen to the audio because it is not necessary within the context of

9 the question I have for you, but I want to show you a transcript of that phone call.

10 And that is at document 98 -- that is at document 86 of the Defence binder,

11 CAR-OTP-210 -- 2130-0767. And for the transcript, it's at tab 45 and it's at -- at tab 85,

12 rather, CAR-2127. And I would like us to look at lines 31 to 36 of the transcript, if we
13 may.

14 In this message you say the following, Mr Witness:

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Now, Mr Witness, I would like to understand from you what you meant by that.

23 Are you somehow saying through this message that you knew some people who

24 came to testify in this trial against Mr Ngaissona for some financial benefit or other

25 benefits?

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1 A. [15:55:40] To begin with, let me start by saying that all the way back in Bangui I
2 had heard that (Redacted)
3 So I asked myself, "(Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 and then afterwards they said things about Ngaïssona and the Anti-Balaka. And
8 then that is how the ComZones and the Anti-Balaka threatened Ngaïssona by saying
9 that Samba-Panza had given them the money from Angola which he is said to have
10 embezzled. So they were asking them -- they were asking him to give them their
11 share.
12 After that Ngaïssona published a press release and then asked for an audience with
13 Demafouth and Samba-Panza, and it came before the assembly. And he asked them
14 to show evidence that he had actually received the money. And it is at that point
15 that the Anti-Balaka understood that Ngaïssona had not signed off the gift from
16 Angola -- for the gift from Angola.
17 So without lying, that's -- that's how I then came to the position, "Oh, they didn't give
18 me anything, but now they are saying this and that." But in any event, I got carried
19 away by -- by -- by a feeling of anger. That's the first thing that I can say.
20 Secondly, let me say that I talked about Maxime Mokom. Maxime Mokom was
21 hostile to the idea of a return to peace, and he wanted to take power by all means
22 possible and bring Bozizé back to power. (Redacted) Mokom sending ammunition
23 for hunting weapons to the Anti-Balaka. That feeling also overwhelmed me, and
24 that's how I began to wonder, "How is it that this person is free and Ngaïssona is
25 the only one who is trying?" And here I'm talking about what I was observing in

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1 terms of Ngaïssona's reaction and behaviour regarding the process for the return of
2 peace. That's what I'm talking about.

3 So I had observed that Ngaïssona was making efforts every day for peace to return.
4 I heard him talk about peace every day. But Mokom, on the other hand, always
5 wanted to revert to the use of weapons to bring Bozizé back to power. It is because
6 of all the feelings that I had concerning these things that I expressed myself in that
7 way.

8 Q. [15:59:20] Do you have any information which would lead you to believe that
9 Maxime Mokom may have manipulated people to come and testify against
10 Mr Ngaïssona?

11 A. [15:59:40] Well, scheming and things of that nature, well, I don't know.
12 Ngaïssona was already here at the ICC. And as I have said before, I had already
13 heard Maxime say that when he will be arrested, then he will understand what all this
14 is about.

15 Now if somebody is already making such statements about an individual upstream,
16 that would mean -- and although I might not know his intent, that would mean that
17 he might be able to send people. He might already be able to do such things,
18 according to my own understanding.

19 Q. [16:00:26] I have one last question, Mr Witness.

20 It has just been said that you were close to Mr Ngaïssona for a very long time. You
21 worked by his side in the Anti-Balaka and then within the PCUD.

22 So, Mr Witness, some people might think that you came here to testify with a view to
23 defending Mr Ngaïssona, maybe to exonerate him and exonerate yourself, or
24 exonerate the movement in general.

25 Now what would you answer to those individuals?

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1 A. [16:01:06] Well I would start with myself.
2 Everything that I do in the CAR, well everyone is a witness to my involvement. Day
3 and night I work, despite the fact that it is difficult for me to live. I do not have
4 a salary. I am not part of the public. I am not discouraged, however. I have been
5 able to set up a business, and one day, maybe, I might find that business again. But
6 before being able to do so, peace has to exist. And I believe that there are not enough
7 people who have the courage to work in favour of the restoration of peace in Central
8 African Republic. There aren't enough people to go to -- to go towards
9 the Anti-Balaka.
10 (Redacted)
11 (Redacted), but they think that I should not be by their side. It has not discouraged
12 me, however, despite the threats upon my person. I have been persistent in working
13 for the return of peace. Peace is important. It is essential for all Central Africans.
14 And I have not given up, despite all the threats from the Anti-Balaka.
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted) with a view to
21 contacting me subsequently and talking about this project, that is the DDR project.
22 That is the project to reduce community violence. And it is via this means of -- that I
23 found Mr S and he brought these things to -- in favour in order to bring support.
24 But to say that I came here to testify in favour of Mr Ngaïssona, no, I do not believe
25 that I am defending Mr Ngaïssona. Yes, it is true that some people will believe that

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1 I am doing so, but I came here to testify to say what I saw and I have -- I've talked
2 about Mokom. (Redacted)
3 (Redacted). But I was the one who came here to talk about
4 Mokom. I am Central African, I saw what he did. I did not appreciate it, because
5 this is flying in the face of peace. I can see that his idea is to try and stop peace in
6 the Central African Republic, and it's not because he gave something to eat that I'm
7 not going to talk about him.
8 What I want too is peace and there weren't enough people to go to advise these
9 Anti-Balaka to sensitise them to return to peace. I can tell you that there were only
10 (Redacted)
11 (Redacted). At a given moment in time there was no one left.
12 It was just up (Redacted). Our awareness raising, how far can that go exactly? We
13 put our hands in the fire in order to try and we, with Ngaïssona, (Redacted) with
14 Ngaïssona were sensitising people for peace.
15 I did not come here to take Ngaïssona's defence. I came to testify to say what I have
16 seen and heard, and that is why I have come.
17 Q. [16:06:36] Mr Witness, thank you very much for that answer and for the other
18 responses that you have furnished. You have been very patient with me, I had many
19 questions, and I'd like to thank you.
20 I have now finished with my questions.
21 PRESIDING JUDGE SCHMITT: [16:06:49] Thank you, Ms Proulx.
22 Thank you, Mr Witness, also from the Chamber, for patiently answering the questions
23 today and all the other days.
24 We are not yet finished, you know that. We continue tomorrow at 9.30 with
25 the Yekatom Defence and a potential redirect by the Prosecution. Thank you.

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- 1 THE COURT USHER: [16:07:09] All rise.
- 2 (The hearing ends in private session at 4.07 p.m.)