

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 Thursday, 17 March 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:26] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:52] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:00] 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: [9:32:15] Thank you.
21 The appearances of the parties.
22 Prosecution, first. I see a new face here. Or part of it at least.
23 MS STRUYVEN: [9:32:24] Yes, exactly.
24 Today for the Prosecution we have Sylvie Wakchom, Kweku Vanderpuye and myself,
25 Olivia Struyven.

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1 PRESIDING JUDGE SCHMITT: [9:32:32] The representatives of the victims next,
2 please.
3 MR FALL: [9:32:41](Interpretation) Good morning, Mr President. Good morning,
4 your Honours. Good morning to everyone.
5 The victims of the other crimes are represented today by Madam Evelyne Ombeni
6 and by myself, Yaré Fall. And I thank you.
7 MS LAU: [9:33:02] Good morning, Mr President, good morning, your Honours.
8 Good morning, everyone.
9 Today the former child soldiers are represented by myself, Fiona Lau, Office of the
10 Public Counsel for Victims. Thank you.
11 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.
12 I turn to the Defence.
13 Also not a new face, but welcome back, Ms Dimitri.
14 MS DIMITRI: [9:33:21] Thank you very much, Mr President.
15 It's good to be back.
16 Good morning, Mr President. Good morning, your Honours.
17 Mr Yekatom, who's present in the courtroom this morning, is represented by
18 Ms Yasmeen Hajjali, Ms Anta Guissé, Mr Gyo Suzuki and myself, Mylène Dimitri.
19 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
20 And Mr Knoops for the Defence of Mr Ngaïssona.
21 MR KNOOPS: [9:33:40] Yes, Mr President. Good morning, your Honours. Good
22 morning, everyone in the courtroom.
23 The Defence of Mr Ngaïssona appears today just with the costume, the jacket of
24 Mr Landry in the field office. We see his jacket hanging around the chair, but he is
25 apparently somewhere in the building. With Ms Chiara Giudici on my right side,

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1 Ms Sara Pedroso and Mr Alexandre Desevedavy. And the Defendant is present -- is
2 present in the courtroom, Mr President.

3 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.

4 Well, jackets tend to be filled at some point in time. So I think we can trust this will
5 be the case here too.

6 And of course, again welcome and good morning to our witness. I hope you hear
7 and understand us well.

8 WITNESS: CAR-OTP-P-0889 (On former oath)

9 (The witness speaks French)

10 (The witness gives evidence via video link)

11 THE WITNESS: [9:34:50](Interpretation) Good morning, Mr President. Good
12 morning to the Defence. Good morning to everyone. I can hear you very well.
13 Thank you.

14 PRESIDING JUDGE SCHMITT: [9:34:57] So we continue with your questioning, and
15 I can assure you that this will end today. We continue with the Defence of
16 Mr Yekatom, and I understand that Mr Suzuki will conduct the examination.
17 You have the floor.

18 MR SUZUKI: [9:35:16] Good morning, Mr President, your Honours.

19 QUESTIONED BY MR SUZUKI:

20 Q. [9:35:23] Good morning, Mr Witness. My name is Gyo Suzuki and I'll be
21 asking you some questions on behalf of Mr Yekatom today. I know it's been a long
22 testimony for you, and I shouldn't take much more than an hour, so I will ask for your
23 patience in advance. Is that clear, Mr Witness?

24 Can you hear me, Mr Witness?

25 PRESIDING JUDGE SCHMITT: [9:36:09] I think he nodded. I would start with the

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1 first question.

2 MR SUZUKI: [9:36:14] Thank you, Mr President.

3 Madam Court Officer, could you please take us to the document at OTP tab 54, please.

4 It's CAR-OTP number 2132-7226, for the record. And could you go to page 7230,
5 please.

6 THE COURT OFFICER: [9:37:11] Could you please give the tab number just to
7 verify the ERN number.

8 MR SUZUKI: [9:37:16] Of course. It's tab 54. It should be tab 54 of the binder.
9 The Prosecution binder, sorry.

10 Sorry, that's not to be played publicly, please.

11 PRESIDING JUDGE SCHMITT: [9:38:08] Now on the screen, I think, yeah.

12 MR SUZUKI: [9:38:10] Thank you.

13 And could you please go to the bottom three messages, Madam Court Officer.

14 Perfect. Thank you.

15 Q. [9:38:11] Mr Witness, so we can stay in public session, I'll just ask you to read
16 those messages to yourself, and could you tell us when you've finished reading them.

17 PRESIDING JUDGE SCHMITT: [9:39:27] Mr Witness, are you fine for the question?

18 THE WITNESS: [9:39:36](Interpretation) Yes, I can hear you. You can speak,
19 Counsel. I can hear you.

20 MR SUZUKI: [9:39:47]

21 Q. [9:39:48] Thank you, Mr Witness.

22 Now in those messages you refer -- you use this term "b2", or "*b deux*". Can you
23 confirm that this term "b2" is referring to informants or collaborators with the Seleka?

24 A. [9:40:20] Firstly, I'd like to say good morning to you, Counsel, before answering
25 your question with regard to b2.

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1 Now the people that we call b2 back home are people who are informants.

2 People -- I'm talking here to people who are in the neighbourhood because at the time
3 the Seleka were looking for the Gbaya, wondering whether such-and-such a person
4 was Gbaya, where they'd done this, that or the other, and they would go and look in
5 your house. And these were the b2, the b2 people.

6 PRESIDING JUDGE SCHMITT: [9:41:06] Shortly, a correction for the transcript. In
7 the transcript the ERN of tab 54 is not correct. The correct number would be
8 2132-7226. Thank you.

9 MR SUZUKI: [9:41:23] Thank you for that clarification, Mr President.

10 Q. [9:41:49] Mr Witness, so the b2s, they would also point out the residences of
11 FACA and the presidential guard members; is that correct?

12 A. [9:42:15] Yes, indeed. It would depend on which individual. For money,
13 sometimes if you were not a FACA they might have something against you and they
14 would use the Seleka against you for no reason. Just by virtue of your presence, that
15 would bother them and they would use the Seleka against you for the Seleka to
16 destroy your house and harm you. There we are.

17 So including FACA and including presidential guard, it doesn't matter. There are
18 many youths who would do that.

19 Q. [9:43:00] And they would also report on resistance groups -- the activities of
20 resistance groups; is that right?

21 A. [9:43:20] Yes, indeed. As I said, even where the -- well, whether they were a
22 group of resistance or not, the fact to say that somebody is a Gbaya or somebody is a
23 soldier who was working during the Bozizé time, the Seleka would give them money
24 and spare them. There were some who were looking for a cover via the Seleka, via
25 that means in order to have protection or money and they were ready to do anything

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1 at all for that.

2 Q. [9:44:07] Thank you, Mr Witness. The last message on the screen, can we -- can
3 we understand that it was dangerous for these b2s to be seen collaborating with the
4 Seleka openly, that they were taking risks as well?

5 A. [9:44:45] Personally, I don't see any risk because people who might get closer to
6 the Seleka, well, they would get money and they would get protection from the
7 Seleka. So I don't see anything dangerous for them. I don't really see the -- any
8 danger that might befall them. But when the Anti-Balaka came to Bangui, I realised
9 that those people would disappear, they would leave their houses and you would no
10 longer see them. * I realised that too with a neighbour, a youngster who was in the
11 neighbourhood of my grandmother, and when the Anti-Balaka arrived in Bangui he
12 also left his residence and he abandoned his residence, and to date I still don't know
13 where he can be found. So it's a danger. He was obliged to live -- leave his
14 residence even today.

15 Q. [9:46:11] Thank you, Mr Witness. Now, did you -- you said that the Seleka
16 would provide these b2s with money. Did you also hear that they provided them
17 with phone credit to use to inform and to collaborate?

18 A. [9:46:37] I don't know about that. I didn't see it nor did I hear about it. But if
19 somebody called the Seleka, then certainly they must have had a means of
20 communication in order to do so. Because back home, the prepaid recharge cards,
21 well, then you need to pay for it once again when you run out of credit. That might
22 have been the case.

23 Q. [9:47:12] Thank you, Mr Witness. Now, this b -- the conduct of the b2s, it
24 continued after 5 December as well, didn't it? That they continued to report to the
25 Seleka about Anti-Balaka positions or Anti-Balaka movements, for example, in

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1 December 2013.

2 A. [9:47:50] Yes, counsel, their position did not change. And even by the end of
3 the presence of the Anti-Balaka in Bangui, changed nothing to the position of the b2s.
4 There are some who are still present and who continue to communicate with the
5 Seleka.

6 Q. [9:48:18] Thank you, Mr Witness. A number of witnesses have spoken to the
7 Prosecution and said that there were weapons found in the Muslim trader shops in
8 Boy-Rabe. Is that something that you are also aware of?

9 A. [9:48:49] Yes, Counsel, I am aware of that. I also saw some before {PFR:
10 (Redacted)}. On one morning, the Seleka was arriving in Boy-Rabe and on each
11 occasion when they did so, the Muslims would bring out the weapons in order to
12 accompany the Seleka. And at a given moment in time, there was an international
13 community force, whether it be the MISCA, I can't really remember, it was an
14 international force which came and started to search the shops of the Muslims and
15 they brought out some weapons. And in a given shop, they might have brought out
16 three or four or five weapons. The population came out to the roadside and they
17 brought out weapons from these shops. That is true.

18 Q. [9:50:10] And those weapons that -- that you saw, they were combat weapons; is
19 that correct?

20 A. [9:50:27] Yes, it's weapons like Kalashnikov of various varieties. I don't know
21 the names of the other weapons. Automatic war, weapons of war.

22 Q. [9:50:45] And were you aware of links between some of the Boy-Rabe Muslim
23 traders and the Seleka?

24 A. [9:51:12] Well, what I can say is that I do not know the nexus. But what I did
25 notice was that the day when the international forces were searching the shops and

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1 they brought out all those weapons, the entire population of Boy-Rabe saw this going
2 on and those Muslims abandoned those -- their shops and they left for PK5 and the
3 shops remained as they were. And when the forces tried to leave, there were some
4 youths who started to loot those shops. And some people tried to put a stop to it.
5 And at the end, it was clear that even those Muslims have weapons and they are
6 siding with the Seleka. But I am not aware of the nexus. Maybe they're looking for
7 protection or maybe they were also assisting the Seleka, but I don't manage to see a
8 difference between those Muslims.

9 Q. [9:52:26] Thank you, Mr Witness. I'm going to change topics now to the 5
10 December attack. In your 2016 witness statement, you mention the fact that the
11 Chadian contingent of CEMAC counterattacked alongside the Seleka against the
12 Anti-Balaka on that day. And we've also heard a witness, an Anti-Balaka ComZone
13 who also fought on 5 December who spoke about Chadian FOMAC forces fighting
14 alongside the Seleka on that day.

15 So my question to you is: Did this kind of create a perception that these
16 international forces were allied with the Seleka, that they were pro-Seleka?

17 A. [9:53:36] Yes. The population of the Central African Republic saw the presence
18 of the CEMAC -- the FOMAC, the FOMAC forces. But there were others as well
19 from Chad, there were other forces from Cameroon. But let me come back to that
20 red line. These were the FOMAC Chadian forces who were present. This was a red
21 line that had been defined by the international community, by the African Union, by
22 the subregion, but it was those very same forces who allowed the Seleka to gain entry
23 to Bangui. Those are the FOMAC Chadian forces.

24 So in Bangui, even the population was witness to this. They saw that it was the
25 FOMAC Chadian forces who were side by side with the Seleka in order to fight.

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1 And this is what gives the impression, because the Central African Muslims in the
2 shops who have been living for some time if Bangui were taking up weapons
3 alongside the Seleka. Well, that is what is being said in the Central African Republic.
4 People talk about the religious crisis. To see these Chadian forces who for a majority
5 are Muslims, to see that the Central Africans have taken up weapons side by side
6 with the Seleka, that is why people talk about the Central African Republic crisis as a
7 religious crisis between Muslims and Anti-Balaka. And I believe that this is why
8 people talk about Christians versus Muslims.

9 Q. [9:55:31] Thank you for that answer. But just to focus on this -- on this -- on
10 this perception, did it create -- well, because of this perceived alliance with the Seleka,
11 did the population feel that the international forces were unable to provide stability
12 and security in the Central African Republic during the crisis?

13 A. [9:56:19] It is clear that I always come back to the beginning before the Seleka
14 were in Damara, 115 or 120 kilometres afield from the capital. There was this force
15 that was stopping the Seleka from entering Bangui. And at that moment in time the
16 international community, during meetings that were convened, decided to stop the
17 advancement of the Seleka. But a given moment in time, the Seleka was already in
18 Bangui in the presence of these forces who were mingling with them in order to put a
19 stop to them. But the community, the international community is a grouping
20 together of many countries. If we talk about the subregion itself, there are the
21 countries of the subregion that come together. These forces that came from all these
22 countries to assist CAR, but how is it that the Seleka manages to get right into the
23 centre of Bangui and the soldiers are not present and there's no one to defend the
24 civilians in the presence of the Seleka? Even in the presence of all these forces, the
25 Seleka lay down the law on a daily basis. They -- they killed, they did everything.

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1 And it was in the presence of those very forces.

2 Q. [9:57:52] Thank you for that answer, Mr Witness.

3 Now, specifically about the 5 December attack, you said in your 2020 witness
4 statement that Modibo Honoré, he attacked on that day through Boeing. Could you
5 tell the Court, if you know, how many elements he had, roughly, in his group?

6 A. [09:58:38] Counsel, if you put the question to me as to those elements in Boeing
7 under Modibo Honoré or under other Anti-Balaka chiefs, I would tell you that I am
8 not in a position to give you the number of soldiers that he had. I'm not in a position
9 to do so.

10 Q. [9:59:05] That's okay, Mr Witness. Thank you, though.

11 What I'm going to do now, Mr Witness, is I'm going to give you around 10 names,
12 and can you confirm or not confirm that these individuals are Anti-Balaka ComZones
13 who had groups and bases in Boeing.

14 So I will start with Yvon Donoh.

15 A. [9:59:41] Yes, I can confirm, he is in Boeing.

16 Q. [9:59:47] Jean-Jacques Makandji?

17 A. [9:59:58] Jean-Jacques Makandji is the deputy to what's his name,
18 Modibo Honoré. I can confirm that he's in Boeing.

19 Q. [10:00:17] Thank you for that clarification.

20 So he's not a ComZone; is that correct?

21 A. [10:00:26] No. He was Modibo Honoré's deputy. And Honoré would not go
22 out if his Gods don't allow him to go out, so it's Makandji who was his deputy and
23 acted on his behalf.

24 Q. [10:00:46] Thank you. And Mouyouktena (phon) Rodrigue.

25 A. [10:00:58] I don't know that name.

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- 1 Q. [10:01:05] Not a problem. Fazo, an individual named Fazo.
- 2 A. [10:01:16] I don't know that name either, Fazo.
- 3 Q. [10:01:21] Jean Richard Kota-Oko from Yaloké?
- 4 A. [10:01:32] Yes, I know that one. He is or he was in Boeing.
- 5 Q. [10:01:39] Thank you. And Nganafio David?
- 6 A. [10:01:51] I don't know that one.
- 7 Q. [10:01:56] Yara Leroi?
- 8 A. [10:02:07] Yes, he was in Boeing. He was a native of Yaloké and was based in
- 9 Boeing as well.
- 10 Q. [10:02:15] And at some -- at some point he was based at the Yamwara school; is
- 11 that correct?
- 12 A. [10:02:27] Yara Leroi?
- 13 Q. [10:02:30] Yes.
- 14 A. [10:02:30] Well, those who were in Yamwara at the time, I really don't know
- 15 them. But it is only when I got to Bangui that I knew who was where, but I didn't
- 16 know who was in Yamwara. There's a group which I am aware was in Yamwara.
- 17 It was a big group, but then they subsequently divided up.
- 18 Q. [10:03:01] Gothias Patrick. He was a ComZone in Boeing.
- 19 A. [10:03:12] Yes, yes, I know Gothias. He was in Boeing. He was a ComZone,
- 20 but he didn't have any elements.
- 21 Q. [10:03:23] Thank you. Nguégai (phon) Olivier?
- 22 A. [10:03:37] I don't know him.
- 23 Q. [10:03:38] And the last one, Kaïroma (phon) Emmanuel.
- 24 A. [10:03:48] I don't know Kaïroma Emmanuel. I don't know him.
- 25 Q. [10:03:54] Thank you for your patience, Mr Witness.

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1 A. [10:03:59] Please, there were other leaders in Boeing, and this would include
2 Sebastien Wenezoui, who also had elements in Boeing, and you forgot to mention
3 those names. There was also Yagouzou Sylvestre who was ComZone in Boeing
4 before moving to the other neighbourhood in Combattant.

5 Q. [10:04:30] Thank you for those names as well, Mr Witness.

6 Madam Court Officer, could you please display on the screen the document at
7 Defence tab number 9. That's CAR-OTP-2027-2311.

8 Mr Witness -- thank you, Madam Court Officer.

9 Mr Witness, these -- you provided this sketch to the Prosecution of the Boeing area
10 with a number of Anti-Balaka bases that you've -- that you've indicated. Can you
11 just confirm that some of these groups were in -- were in Boeing before 5 December.

12 A. [10:05:58] I cannot confirm whether they were there before 5 December. If they
13 had been there, I would not have known their location because by that time {ICR:
14 (Redacted)

15 (Redacted)}. And then still {PFR: (Redacted)

16 (Redacted)}, the group was split and Yekatom took some of his elements according to
17 what {ICR: (Redacted)}. And according

18 to that information, it is Yekatom who took the elements from the Yamwara school
19 and left. So the sketch that is before me was drawn because I was asked to try to
20 locate the positions of the Anti-Balaka bases in Boeing. And this is in relation to
21 when I went to Boeing. And I went there to see these positions after 5 December.
22 And this diagram is made in relation to that visit.

23 Q. [10:07:25] Thank you, Mr Witness. I appreciate that you weren't there on the
24 day, but to your knowledge -- (Overlapping speakers)

25 A. [10:07:37] On the 5 of December, I wasn't there. It is after.

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1 Q. [10:07:41] Thank you. But some Anti-Balaka -- you do know that some

2 Anti-Balaka groups retreated on that day to the Boeing area; that is correct, isn't it?

3 A. [10:08:09] What are you talking about? I have not understood your question.

4 Please, kindly repeat it.

5 Q. [10:08:18] Apologies, Mr Witness. I'll ask you again.

6 It's correct, isn't it, that some Anti-Balaka groups retreated on 5 December to the

7 Boeing area and established bases there? That's correct, isn't it?

8 A. [10:08:52] Yes. According to Mokom, after the 5 December attack, some people

9 settled in Boeing.

10 Q. [10:09:04] Thank you. And in your 2020 witness statement, you -- you spoke

11 about how the youth in Bangui joined the Anti-Balaka en masse before 5 December,

12 but can you confirm that this was also the case after 5 December, this phenomenon of

13 people joining the Anti-Balaka?

14 A. [10:09:43] Counsel, I'm not in a position to provide an answer to that question.

15 Talking about before, yes, there were young people who left Bangui as the

16 Anti-Balaka approached Bangui. And young people would leave and join them.

17 So there was information going around that youth had gone to link up with the

18 Anti-Balaka who were advancing and close to Bangui.

19 But when the Anti-Balaka withdrew, after 5 December, they remained in the capital in

20 Bangui, and I am not able to tell you who may have joined before 5 December and

21 who joined after 5 December.

22 Q. [10:10:39] Thank you, Mr Witness. Just about the youth joining before 5

23 December, the reason they joined was because the Anti-Balaka were seen at the time

24 as liberators, that they would liberate the people from the Seleka; is that correct?

25 A. [10:11:16] At the time, yes, the Anti-Balaka were being considered as liberators,

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1 effectively. *According to information from -- there was information 1 that the entire
2 Central African population was applauding the Anti-Balaka. Even on 5 December
3 there were women who supported them. They had the total support of the people of
4 the Central African Republic.

5 Q. [10:11:53] Thank you. I have a specific question for you. An individual
6 named Paleon Zilabo, he was an Anti-Balaka *médiateur*, but he was never a ComZone;
7 is that right?

8 A. [10:12:23] Paleon Zilabo was not a ComZone. He did not have any elements.
9 He had a title, he was called mediator and that's it.

10 Q. [10:12:34] Thank you. And Vivien Beina, same for him. He was never a
11 ComZone; is that correct?

12 A. [10:12:43] Vivien Beina, same thing. He was not a ComZone. He didn't have
13 any elements.

14 Q. [10:12:55] And can you confirm that an individual named Mossio was a
15 ComZone of Combattant?

16 A. [10:13:08] Mossio, I don't know him.

17 Q. [10:13:14] It's okay. Ouilibona Talbhote, he was a ComZone of Combattant?
18 Can you confirm that?

19 A. [10:13:36] Well, I really do not know the majority of the ComZones in
20 Combattant and I don't want to waste your time.

21 Q. [10:13:43] It's okay, Mr Witness. I'll move on to a different topic now.

22 In your 2020 witness statement, you said that -- or you discussed how alleged victims
23 of crimes would sometimes speak on the radio and you said, and I quote:

24 (Interpretation)

25 "There were testimonies on radio as well. At some time, it was prohibited for this

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1 type of material to be broadcast over radio."

2 (Speaks English) Here, just to clarify, are you saying that at a certain point in the
3 Central African Republic, it was -- it became forbidden by law to make these kind of
4 unverified claims on the radio or in the media?

5 A. [10:14:47] Yes. You see, there were rumours that would become transformed
6 as it gained ground -- as they gained grounds to be considered by the population as
7 the truth. So in order to fight these rumours and distinguish them from truthful
8 information, so it was not possible to say on the radio things that had not been
9 verified or crosschecked.

10 Q. [10:15:23] Okay. Thank you, Mr Witness. But it was after the crisis that it
11 became forbidden to do that. Can you confirm that?

12 A. [10:15:45] Well, I'm referring here to the period of the transition of government
13 because during the Seleka era, their intent was to torture, kill and pillage the
14 population. So they did not have any time to lead the country and pay attention to
15 the radio or anything else. That was not their concern.

16 Q. [10:16:13] Thank you, Mr Witness.

17 Madam Court Officer, if you could take us to the document at Defence tab number 10.

18 For the record, that's CAR-OTP-2001-3068. If you can go to page 3084, please. If
19 you could scroll down a little bit please, Madam Court Officer. Perfect. Thank you.

20 Mr Witness, I appreciate that this is in English, so I'll summarise a little bit. This is a
21 2014 -- May 2014 report about the media in Central African Republic, about media
22 content. And here reference is made to an ordinance of May 2005 issued by
23 President Bozizé which was in force at the time of this report. And I'm going to read
24 two sentences out for you. So following this ordinance, "Jail sentences for press
25 offences have nearly disappeared from the media law, notably for defamation."

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1 And continue, "With the issuance of this ordinance, media professionals realised that
2 they had obtained a decriminalisation of press offences."

3 Does this accord with what you were saying about the state of radio or media content
4 during the crisis?

5 A. [10:18:52] As far as I can remember, in relation to Bozizé's time, well, when you
6 asked me the question a short while ago, I was thinking of the period of the Seleka
7 and the Anti-Balaka, but now we're back into Bozizé's era. And so I would say that
8 following the summary of this publication, what comes to mind is that this happened
9 during the Bozizé era.

10 You see, during the Bozizé era, at some point journalists were somewhat victims,
11 some of them were sequestered, so to speak, and some of them complained. And so
12 if I remember correctly, it is in relation to those instances that the decree signed by
13 Bozizé was signed for the benefit of journalists so that they may not be sequestered
14 as such.

15 You see, at the time Maka Gbossokotto, and what have you, were journalists who
16 were thrown into jail because they made statements that were not true and so there
17 was a feeling that journalists could not work freely. That was the context.

18 Q. [10:20:21] Thank you, Mr Witness. And you mentioned this prevalence of
19 rumours at the time during the crisis. Is it fair to say that these rumours that spread
20 through the population, they had the effect of amplifying fears or exacerbating
21 people's fears?

22 A. [10:21:01] Yes, of course. Based on rumours, one can be frightened and one can
23 be fearful of death. And sometimes, based on rumours, you may hear something
24 and then have to be a little more cautious. You might think that it is only a rumour,
25 but sometimes something happens. So people have to be careful to know whether

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1 it's a rumour or not. And that is how it came about that a lot of information was
2 being circulated, whether it was rumour or not, so that people could be on guard and
3 not be taken unaware. That's how it was.

4 Q. [10:21:50] Thank you, Mr Witness.

5 PRESIDING JUDGE SCHMITT: [10:21:51] Just shortly, the last ERN is wrong in the
6 transcript. It's 2001-3068. Thank you.

7 MR SUZUKI: [10:22:06] My apologies. Thank you for the clarification.

8 Q. [10:22:11] Mr Witness, I have one brief question about Zongo. In your 2020
9 witness statement, you said that the *force navale* and the Congolese police were
10 operating on the river between Bangui and Zongo. Is it correct that they were
11 patrolling the entire length of the river between these two cities?

12 A. [10:22:55] Counsel, I can only speak to the things that I saw and not to the things
13 that I did not see. Sometimes I may come by some information as well, but if you
14 ask me about the entire river, I don't know where it starts, I don't know how it came
15 to the capital, I don't know where it continues to, so I'm not able to say anything
16 about the protection of the entire river by the naval forces. You see, they did not
17 patrol the river as such. They were on the shores of the river. And so there were
18 Seleka. This is what I saw with my own eyes. There was Seleka on this side.
19 *And then on the Congolese side, there were others DGM forces on the other side.
20 So when you cross over, you get straight to them. But on this side, before crossing
21 over, the Seleka was present. So that's -- that's what I'm talking about.
22 Well, there were areas which I could not see with my own eyes, so I'm not able to
23 confirm whether the forces were there or not.

24 Q. [10:24:20] Thank you, Mr Witness. That's -- that's very helpful.

25 If we could -- if we could move to private session, please, Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:24:31] We go to private session.

2 (Private session at 10.24 a.m.)

3 THE COURT OFFICER: [10:24:46] We are in private session, Mr President.

4 MR SUZUKI: [10:24:54] Thank you.

5 Q. [10:24:55] If we could go to the document at Prosecution tab 54, CAR-OTP
6 number 2132-7226, please, at page 7232.

7 Apologies the ERN is -- the page, sorry, is 7232.

8 Madam Court Officer, if you could take us to the messages at 14:46 and 14:48, please.

9 Thank you.

10 Mr Witness, last week, counsel for Mr Ngaïssona discussed with you some Facebook
11 messages dated around 20 August.

12 A. [10:26:30] I'm sorry. I am not able to read the message on this side, please.

13 Q. [10:26:40] If -- I can read them -- I can read them to the witness, if that would
14 help.

15 PRESIDING JUDGE SCHMITT: [10:26:47] Can you see it now? We have tried to
16 enlarge it.

17 THE WITNESS: [10:27:03](Interpretation) Could you please zoom in again further.

18 Thank you.

19 Now I can -- I can read it.

20 MR SUZUKI: [10:27:14]

21 Q. [10:27:14] Thank you. Mr Witness, I was saying that last week you -- you
22 discussed with counsel for Mr Ngaïssona the Seleka raids that took place in Boy-Rabe
23 around 20 August and the fact that you had to flee from your home and you had to
24 seek refuge in the forest.

25 Now, these messages that you see on your screen of 4 September, can you just

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1 confirm that you were still in Bangui at this time? It might seem obvious, but could
2 you just confirm that, please.

3 A. [10:28:03] 4 September 2013? I'm not able to confirm that. I forget the dates,
4 but I don't know whether I was in Bangui, and I don't know if he was asking this
5 questions because (Redacted). So it must be between (Redacted). So in order not to
6 mislead you, I do not know exactly where I was. Was I in Bangui in hiding, or did
7 he ask me this question when (Redacted)? Well, I don't know.

8 But if I'm not mistaken, I say here that I simply go to visit during the day, but I don't
9 sleep there. So that must be when I was still in Bangui. You see, I was in hiding
10 and then at that time from time to time I would go back home and then disappear
11 again because the Seleka could appear at any time.

12 Q. [10:29:17] Thank you for that, Mr Witness. I'm going to change topics a little
13 bit.

14 In your 2020 witness statement, you mention the fact that Florent Kema and his group
15 refused to come to Bangui before 5 December, and for that Maxime Mokom would
16 refer to him as a coward. But is it correct that Florent Kema, here he was refusing to
17 follow Mr Mokom's instructions and Mr Mokom could do nothing about it; is that
18 correct?

19 A. [10:30:10] Yes, that's right. He couldn't do anything about it. But with Kema,
20 he would always try. He was always -- would always try to gain his confidence.
21 And then Kema took his decision for -- took his decision until he came to Bangui for
22 the PCUD?

23 Q. [10:30:46] And you said about Florent Kema, and I'll quote: (Interpretation) "He
24 doesn't want people to command him because he is a soldier too."

25 (Speaks English) So is it fair to say that because Mokom was not part of the military

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1 hierarchy, Kema did not believe that he needed absolutely to follow his directions; is
2 that correct?

3 PRESIDING JUDGE SCHMITT: [10:31:06] Ms Struyven.

4 MS STRUYVEN: [10:31:11] Thank you, Mr President. Again, I don't think this
5 witness can testify to what Florent Kema was thinking. So it's a similar objection as
6 the ones I made before.

7 PRESIDING JUDGE SCHMITT: [10:31:22] Yeah, if you -- if you are able to rephrase
8 it, it might be okay, but not with this phrasing. I agree with Ms Struyven.

9 MR SUZUKI: [10:31:32] Thank you, Mr President.

10 Q. [10:31:40] From what you saw of the interactions between Florent Kema and
11 Mr Mokom, did you get the impression that Kema did not believe he was obliged to
12 follow?

13 PRESIDING JUDGE SCHMITT: [10:31:56] No -- yeah, it's similar, I would say.

14 Mr Witness, did you -- did you have any contact with Mr Kema and can you tell us
15 anything about if you became aware of some information that could help us to
16 identify what he, his relationship with Maxime Mokom, or if you can elaborate on
17 that? Otherwise, we would continue simply to another issue.

18 THE WITNESS: [10:32:33](Interpretation) Thank you, Mr President. Until proof of
19 the contrary, I did not have any exchanges with Florent Kema, really. As to where
20 he lives, what he does, I have no idea at all about Kema. Until he joined the PCUD
21 party, that is. And as a member of that party, I still do not have any further details
22 with regard to this Mr Kema. All I know is that Maxime Mokom would ask people
23 to come to help from other villages and Kema was one of those people who refused to
24 do so, just like Yekatom would refuse. Well, that's all that I can say. I do not have
25 any further details about Kema.

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1 PRESIDING JUDGE SCHMITT: [10:33:40] Thank you, Mr Witness.

2 Please move on. And when we can go back to open session, please tell us.

3 MR SUZUKI: [10:33:52] Of course. We could go to open session for the next
4 question, actually, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:34:05] Okay. Then open session.

6 (Open session at 10.34 a.m.)

7 THE COURT OFFICER: [10:34:16] We are in open session, Mr President.

8 MR SUZUKI: [10:34:20] Thank you, Madam Court Officer.

9 Q. [10:34:27] Mr Witness, you -- you discuss Maxime Mokom's relation with the
10 Anti-Balaka leaders throughout your statement, and you use -- among other words,
11 you use words such as he guided them, he motivated them, he convinced them to
12 come to Bangui. So would you agree with me that Mr Mokom's relationship with
13 these Anti-Balaka leaders was that he would provide strategic advice and kind of
14 encourage the resistance, but it was not a strict hierarchical relationship? Would you
15 agree with that?

16 A. [10:35:34] Well, I don't know much about military matters or hierarchy, but I can
17 confirm that as you just said, he would motivate them, he would give them the
18 courage to come to Bangui. And I can confirm, just what you said.

19 Q. [10:35:57] Thank you, Mr Witness. So would you agree that the participation
20 of these Anti-Balaka groups was ultimately voluntary. It was ultimately up to each
21 leader to decide whether they wanted to follow these instructions; is that correct?

22 A. [10:36:36] Well, as I said in my statements, the Anti-Balaka were spontaneous.
23 It was a spontaneous group that defended their villages. Subsequently, when
24 Maxime Mokom entered into contact with some of them, he encouraged them to
25 come and assist those other villages where the civilians were still suffering. And

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1 gradually, there were some who would agree to come and provide assistance in other
2 villages, but people in Bangui also needed help. I think I've already said this in my
3 statements and that is how gradually the spontaneous group, which continued to be
4 spontaneous in various villages and act spontaneously in various villages then
5 gradually came to Bangui.

6 Q. [10:37:49] Thank you for that, Mr Witness.

7 My last topic, I'm afraid we'll have to go into private session, Mr President.

8 PRESIDING JUDGE SCHMITT: [10:37:58] Private session.

9 (Private session at 10.38 a.m.)

10 THE COURT OFFICER: [10:38:11] We are in private session, Mr President.

11 MR SUZUKI: [10:38:18] Thank you, Madam Court Officer. And if you could take
12 us to -- well, actually --

13 Q. [10:38:29] Mr Witness, the Prosecution wants to put a number of your Facebook
14 messages into the case record. And in fairness to you, I'd like to give you a chance to
15 explain these messages. So I'm going to do that for -- for two or three of your
16 messages, of your Facebook messages.

17 Madam Court Officer, if you could take us to tab 43 of the Prosecution binder, please.

18 That's CAR-OTP-2131-5154, at 5155. And if you could zoom into the top four
19 messages, please.

20 Perhaps, Madam Court Officer, you could zoom out a bit just so the top four can be
21 seen. And if the witness can't see them, then I can read them out.

22 Mr Witness, can you see these messages? Can you read them?

23 A. [10:40:20] I can't read them. Could you please zoom on them, into them a little
24 bit.

25 Q. [10:40:37] If you could tell us when you have finished reading those two, we'll

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1 move down, Mr Witness.

2 A. [10:41:25] Yes, I have finished reading them.

3 Q. [10:41:28] Can you explain what you mean in that last message. Who are you
4 referring to when you say "the hand of these Muslims"?

5 A. [10:41:51] Well, first of, I would ask you to verify the identity of this individual
6 to whom I'm talking about.

7 (Redacted)

8 (Redacted). If you believe that the word Muslim that I am using here is to incite
9 violence against the Central African Muslims, I would like to remind you that I am
10 talking here to a Central African Muslim and I don't know what subject this is all
11 about. I don't know where it starts, with which message it starts, but what I'm
12 saying here is that we need to take -- to do everything we can to get this -- our country
13 back from the Muslims. These are not Central African Muslims. These are people
14 who for the great -- for the most part do not understand our language.

15 And as I said to you earlier on, even the Central African Muslims, well, I can't say it's
16 their fault and that they are siding with the Seleka. No. Maybe they are also
17 looking for protection in order not to be killed. In order not to be killed, you might
18 want to side with the strongest side. So I am talking here about those foreigners who
19 came to our country to take our country over. That's what we're talking about. I'm
20 talking to a young Central African Muslim and it is with he who I am exchanging
21 messages. It is not only the Christians who are complaining about the Seleka. Also,
22 Muslims complain about the Seleka. And even at PK5, there are people who are
23 complaining about this Seleka coalition.

24 Q. [10:43:56] Thank you, Mr Witness. That's very, very helpful. And just more
25 broadly, is it -- did you notice that during the crisis it was common that the Seleka

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1 would be referred to as Muslims among the Central African population?

2 A. [10:44:29] Well, the Seleka are not referred to as Muslims. But by virtue of the
3 fact that they speak a Muslim language, a language that we do not understand, a
4 language that we do not speak in the Central African Republic, that's where the
5 Muslim term stemmed from.

6 Q. [10:44:57] Thank you for that clarification.

7 If we could go to the document at tab 54, please. That's CAR-OTP-2132-7226 at 7228.

8 PRESIDING JUDGE SCHMITT: [10:45:17] I wondered if it would not be possible to
9 discuss this in open session. I'm not quite sure. Because we -- I think we do not
10 mention the name of the, let's say, the other discussant. If we don't do that, I think
11 we could discuss the issue, perhaps, in open session. I'm wondering. So if you
12 have another argument, but I thought this perhaps is possible.

13 MR SUZUKI: [10:45:46] We could move into --

14 PRESIDING JUDGE SCHMITT: [10:45:50] Okay. Then let's give it a try.

15 MR SUZUKI: [09:04:35] Thank you.

16 PRESIDING JUDGE: Open session, yeah.

17 (Open session at 10.46 a.m.)

18 THE COURT OFFICER: [10:46:02] We are back in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [10:46:14] I assume you want to zoom in to the
20 lower part of the page, I would assume, so we can perhaps bring this up relatively
21 broadly for the witness so that he can see it and read it. And I assume you want to
22 put to him 10 August 2013 at 19.06.

23 MR SUZUKI: [10:46:42] Yes. Thank you, Mr President.

24 PRESIDING JUDGE SCHMITT: [10:46:56] Of course, not displayed to the public.

25 This is clear, obviously

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1 MR SUZUKI: [10:47:02] Thank you.

2 Q. [10:47:05] Mr Witness, can you -- can you read those messages to yourself? Are
3 you able to?

4 A. [10:47:34] Yes, I have read it.

5 Q. [10:47:39] And could you -- could you explain what you mean in these messages
6 to the Court, please.

7 A. [10:47:54] I am talking here about the Anti-Balaka. They were starting to attack
8 in the provinces, and I was saying here that according to an adage, those who want
9 peace will prepare for war. So people will be taking things into their own hands in
10 order to fight against those Muslims because that is the time at which the Anti-Balaka
11 was starting to fight against the Seleka.

12 Q. [10:48:35] And just so it's clear for the -- just so it's clear, by *musulman* you're
13 talking about the Seleka again; is that correct?

14 A. [10:48:47] Yes. They need to defend themselves because the Anti-Balaka
15 started defending people. And that's when I talk about the adage that when people
16 want peace, they prepare for war. Because at that moment in time, there was no
17 peace. People could not sleep. We were sleeping out in the forests and there were
18 the risks of snakes and wild animals out there. So those who want peace, prepare for
19 war. And as the Anti-Balaka had already started, I was encouraging them to defend
20 the people.

21 Q. [10:49:36] Thank you, Mr Witness.

22 And the last conversation I'd like to take you to is at tab 54, CAR-OTP number
23 2132-7764, at page 7770, please, Madam Court Officer.

24 PRESIDING JUDGE SCHMITT: [10:49:54] I think it's tab 55, I assume.

25 MR SUZUKI: [10:49:59] Thank you, Mr President. That's correct.

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1 And if you could zoom in to -- to the second and third messages please. Thank you.

2 Q. [10:50:38] If you could tell us when you have finished reading those,

3 Mr Witness.

4 A. [10:51:02] Yes, I have finished reading them.

5 Q. [10:51:07] And a similar question, Mr Witness, could you -- could you provide a
6 bit of context to these messages for the Court, please.

7 A. [10:51:29] I don't remember how the beginning of the conversation started, but I
8 can see somebody writing to me saying that we need to kill these Muslims because
9 they've killed a lot of us. And if he had been there, he himself would also have
10 killed them.

11 And once again, when we talk about Muslims here, we are talking about the Seleka
12 coalition, because it was the Seleka at that time who were killing Central Africans.

13 Everyone was very glad about the Anti-Balaka defence at that moment in time. The
14 entire population was rejoicing at that.

15 So you see, that even with the Muslim brother -- earlier on I was talking about that.

16 I'm a Christian, but we were talking about this because this coalition was making life
17 hell in the Central African Republic. That coalition was really looting our entire

18 country. Everything that they looted would go to Chad, to Sudan, even the
19 mattresses. They would travel by car and they would take everything away. They
20 would go by road with everything out of the country, elsewhere.

21 So *B2 who could hear you talking about the Seleka, well, you could be killed. And
22 even sometimes in our language, Seleka means alliance. Those who got married, in
23 our language, for example, today I might say that --

24 THE INTERPRETER: [10:53:17] Unclear what the witness says.

25 THE WITNESS: [10:53:20](Interpretation) Seleka -- you could not say -- you could

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1 not say the word Seleka at a given moment in time in the Central African Republic.

2 Even a journalist has had enough of using the Seleka word. The marriage --

3 THE INTERPRETER: [10:53:36] Unclear. Could the witness please repeat.

4 THE WITNESS: [10:53:38](Interpretation) So the word Seleka could no longer be

5 used and that is why they were called Muslims at that moment in time. You could

6 not use that word Seleka, and that is why you see in these messages the word Muslim

7 used.

8 PRESIDING JUDGE SCHMITT: [10:53:55] I think we need not repeat this. I think

9 it's clear the point that the witness wants to make.

10 Please continue.

11 MR SUZUKI: [10:54:02] Thank you, Mr President. Those are my questions,

12 actually.

13 Thank you, Mr Witness, for your patience and for your answers.

14 Thank you, Mr President.

15 PRESIDING JUDGE SCHMITT: [10:54:11] Thank you, Mr Suzuki.

16 And I think we have now a coffee break and we continue with the questions by the

17 Prosecution at 11.30.

18 THE COURT USHER: [10:54:21] All rise.

19 (Recess taken at 10.54 a.m.)

20 (Upon resuming in open session at 11.30 a.m.)

21 THE COURT USHER: [11:30:16] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:30:39] So welcome back.

24 Ms Struyven, you have the floor.

25 MR KNOOPS: [11:30:46] Mr President, sorry.

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1 PRESIDING JUDGE SCHMITT: [11:30:47] Yes.

2 MR KNOOPS: [11:30:48] Before the Prosecution takes the floor, I would like to ask

3 leave from the Chamber to briefly address the Court on the issue of re-examination in

4 this specific instance. Just give me one minute, and I explain to you why our

5 submission would be --

6 PRESIDING JUDGE SCHMITT: [11:31:06] Please.

7 MR KNOOPS: [11:31:07] Thank you.

8 Mr President, the submission I'm going to make might serve in this situation,

9 specifically judicial economy. As your Honours are aware, on 24 February, in the

10 context of P-446, the English real-time transcript, page 77, lines 12 till 16, and page 79,

11 line 6, the Chamber outlined the scope of re-examination. Briefly, your Honour have

12 set out three parametres. The cross-examination should have obscured the evidence.

13 Secondly, the cross-examination should have triggered new facts. And, thirdly, in

14 the transcript, page 79, of 24 February, the witness should have tracked back or

15 dramatically changed his statement in court.

16 It is our submission, Mr President, that none of these parametres are met for the

17 re-examination in its entirety for this witness. In other words, there is no legal, no

18 factual foundation for any type of re-examination.

19 I have five brief points. First, the 68(3) statement of this witness comprises 900 pages.

20 The Prosecution well thought out to apply to the Chamber an application under 68(3).

21 It well thought out the timeline of two hours. It used, by the way, 25 per cent of

22 these two hours to go through the notebook of the witness, and the Chamber

23 questioned at that time the relevance of the questioning, page 48 of the transcript in

24 the instant case.

25 The examination conducted by my colleague, Ms Proulx, simply touched upon and

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1 solely touched upon topics were -- which were within the 900 pages of the 68(3)
2 statement. The witness didn't deviate from that statement, he didn't obscure the
3 evidence, and the Defence did not raise any new element which was not in the
4 statement of 68(3).

5 So based on also the evidence of this morning by the team of my learned friends from
6 the Defence of Mr Yekatom, no new elements were raised. In other words, in our
7 submission, the Court can really make a ruling right now to say: "Prosecution, there
8 is no basis for any type of re-examination." Because there were parameters of the
9 ruling of your Honours of 24 February, in the context of P-446, are not met. And
10 that's why I say, it will serve judicial economy because otherwise we have, every time
11 make an objection, and we are over one hour further in this case. While at -- in our
12 submission, it can be determined by the Chamber right now. There is no basis for
13 any type of re-examination.

14 Thank you.

15 PRESIDING JUDGE SCHMITT: [11:34:44] Thank you. You roughly outlined it
16 correctly, I think, what the guidance by the Chamber was. I would like to add
17 perhaps one thing, that there is, of course, always discretion that we are not talking
18 about mathematical equations, like always, when it comes to the law and such
19 procedural matters and that, of course, also the determination of the truth might also
20 play a role.

21 The Chamber is quite sympathetic to your position, but yet I think we would regard it
22 as premature to completely discard from the outset already any examination by the
23 Prosecution.

24 But, Ms Struyven, frankly speaking, Mr Knoops has a point. We have indeed 900
25 pages, and this is a Rule 68(3). And, actually, we also do not see a lot where we

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1 would say the witness has deviated, if -- if any.

2 But, as I said, this is, Mr Knoops, sympathetic, but yet premature to rule it out from
3 the outset. So please start, and please limit yourself as far as possible.

4 MS STRUYVEN: [11:36:09] Thank you, Mr President, for that guidance.

5 QUESTIONED BY MS STRUYVEN: (Interpretation)

6 Q. [11:36:16] Mr Witness, I would like to pick up the document which we talked
7 about before the break and which was shown to you by Mr Yekatom's Defence. That
8 would be a conversation that you had at the end of December 2013.

9 Yesterday you explained -- or, rather, you explained to the Chamber, in relation to the
10 use of the word "Muslims", that the word "Seleka" was no longer used, and that that is
11 why Muslims were being referred to at the time as Muslims instead of using the word
12 "Seleka". I need clarification on that point.

13 When you were with the individual with whom you were and who explained to you
14 about conversations with the Anti-Balaka commander at the time in the provinces
15 and in Bangui, am I to understand that he too was using the word "Muslim" instead
16 of the word "Seleka"?

17 A. [11:37:40] The answer I can provide to your question is that he used it
18 sometimes and sometimes he wouldn't. He was not in Bangui in order to protect
19 those who were in Bangui. That is why it was not possible to use that word in
20 Bangui, because there were too many b2s.

21 If somebody needed money and they didn't like you and heard you use the word
22 "Seleka", he may try to get money from Seleka by reporting that such-and-such an
23 individual was speaking ill of Seleka. So that was the term that was being used often
24 in reference to the Seleka as Muslim.

25 PRESIDING JUDGE SCHMITT: [11:38:26] Ms Struyven, shortly, this, of course, was

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1 a question which absolutely correctly can be put to the witness on redirect. Please
2 continue.

3 MS STRUYVEN: [11:38:39] Thank you, Mr President.

4 Q. [11:38:41](Interpretation) Witness, I also want to hop back to the conversation
5 that you were shown just before, and that would be tab 54 of the OTP binder,
6 CAR-OTP-2132-7226, at page 7228. And I would like to read out the conversation to
7 you, the entire conversation, come to think of it. And at the top, you are the one
8 speaking, on 10 August 2013, and you say: "Because Bozizé spoke saying that he
9 will return either through the constitutional order or through arms, I am getting
10 ready to fight to chase out these bloody Chadians from our territory."

11 Answer: "Let it be so", from the person who answered you.

12 And then goes on to say: "But I no longer want the blood of the Central Africans to
13 be spilled. We have suffered too much. We -- this must be done through another
14 means."

15 And then you answer: "If you seek peace, you must prepare for war. Would
16 everybody go out chasing Muslims? Henceforth, we no longer want any Muslims
17 here."

18 And then the other person answers: "Eh, eh, yes, indeed, you are preparing for
19 vengeance, I believe."

20 And then you answer: "Yes, but yet we are suffering. I can tell you that it is no
21 longer a coup d'état, but we have been taken hostage."

22 So, Mr Witness, you explained this conversation saying that you had to defend
23 yourselves against the Seleka, but would you agree with me that vengeance would be
24 different from self-defence?

25 A. [11:41:31] (Overlapping speakers).

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1 PRESIDING JUDGE SCHMITT: [11:41:31] Mr Knoops, no, no, no. Mr Knoops, this
2 is -- when we draw out a longer conversation, certain parts, I think it's legitimate to
3 put this to the witness. I know the answer already. I think we can really let him
4 answer that.

5 And we also take note that, at the beginning of this conversation, what was read out
6 by Ms Struyven, there is mention of Chadians. So we see everything, Mr Knoops.
7 You can believe me.

8 MR KNOOPS: [11:42:02] My point was, Mr President, with all due respect, that was
9 not my objection. My objection is that --

10 PRESIDING JUDGE SCHMITT: [11:42:06] I was -- I was too quick. Excuse me,
11 Mr Knoops.

12 MR KNOOPS: [11:42:09] No problem. No problem.

13 The objection would be, in our submission, that the Prosecution is -- is putting an
14 argument, is arguing with the witness about interpretation of the scope of vengeance
15 versus self-defence. I think this is something which the Court has to determine how
16 to interpret. And it's not -- the witness has answered the question already in his
17 statement the Prosecution cites, and now the Prosecution is not happy with the
18 answer and tries to argue with the witness, whether he might have seen this
19 differently now. That's my point.

20 PRESIDING JUDGE SCHMITT: [11:42:46] I -- I often agree with you. On that point,
21 I don't agree because we have not put the word "vengeance" to the witness. And, of
22 course, the proper wording for a question, and I do it now.

23 Mr Witness, would be, what do you mean by "vengeance" in that context?

24 THE WITNESS: [11:43:18](Interpretation) Mr President, before I answer that
25 question, I think that I can now remember, and I can answer the question on the word

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1 "Muslim" first.

2 I think that these foreigners, we did not refer to them as Muslims. Maybe it's the
3 interpreter or the transcriber who used the word "Muslim". The word that we used
4 to refer to the Seleka was *A'arabo*, *A'arabo* (phon). That is the word we used to
5 describe the Seleka, but it has been transcribed from "*A'arabo*" to "Muslim". So I ask
6 you to take that into account, Mr President.

7 Now, turning to your question, my answer would be that there is no vengeance. At
8 the time when Seleka took power, it was a majority of foreigners that were part of it.
9 The Gula and the Runga, our brothers, were part of them, but they were mostly
10 foreigners in their majority. They had no pity for anything. They had no pity for
11 Central Africans.

12 So the word "Seleka", when you mentioned that, you might end up having to deal
13 with the b2. And so there was no talk of vengeance as such. What I was referring
14 to here is defence, to defend oneself against someone who was already clearly
15 attacking. And so I was talking there about defence and not about vengeance.

16 PRESIDING JUDGE SCHMITT: [11:45:04] Thank you. And like always, whenever
17 something is said here in the courtroom which relies, for example, to such a Facebook
18 communication or email, and so on and so forth, the Chamber will have to assess this
19 and will have to put this together.

20 So, I think, Ms Struyven, you can move on from there.

21 MS STRUYVEN: [11:45:29] Thank you, Mr President. I just have one clarification.

22 Q. [11:45:35](Interpretation) Witness, you say - and this is not a transcript. It is
23 your own writing - "We no longer want Muslims here."

24 My question is as follows: We saw in the case file that there was a subsequent
25 massive movement or displacement of Muslims from the Central African Republic

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1 territory, and I believe you are aware of that. Was this the general idea on the part of
2 the Anti-Balaka, that they did not want any Muslims -- they no longer wanted
3 Muslims in the Central African territory?

4 PRESIDING JUDGE SCHMITT: [11:46:19] This has been answered, I think, by him
5 in different ways, which is then again up to the Judges to interpret. So, before the
6 break, on questioning by Mr Suzuki, he explained what he meant by "*musulman*".
7 Now he said something different, but he extensively answered the question of
8 Mr Suzuki, what he meant in that context. So please move on. Because then we
9 really start arguing with the witness, which is, of course -- it's a Prosecution witness.
10 We should not -- and you cannot be absolutely surprised with regard to the content of
11 the Rule 68(3) statements, what witness has testified. This cannot come as -- to you
12 as a great surprise. So please restrict yourself, and we have to take the evidence of
13 the witness as it is.

14 MS STRUYVEN: [11:47:28](Interpretation)

15 Q. [11:47:29] Mr Witness, yesterday you testified that Mr Ngaïssona and
16 yourself -- I believe you even said that, at the end, you were the only ones fighting for
17 peace and that you did not stop fighting for peace. When I look at the messages here,
18 you -- you are actually saying the contrary here; namely, that you are ready to fight
19 using weapons and arms. Is that not the case?

20 A. [11:48:11] Well, counsel, Ms Struyven, if you want my answer, what I can say is
21 that there comes a time -- I am a human being, and I have blood in my veins. I
22 suffered as much as all other Central Africans when Seleka took power. And so as
23 Central Africans, we didn't think that it was a taking of power. It was a hostage
24 taking, a hostage taking.

25 So when you have experienced these types of things, these truly difficult experiences,

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1 as a human being, there must be a time -- there must come a time when, maybe out of
2 anger, you release those things and say some things that you might be -- you might
3 not be able to do.

4 I can say, "Well, I will join the Anti-Balaka and pick up weapons and go and fight."
5 That's what I said out of anger, but it's not what I would do. And this is because of
6 the very difficult circumstances we were going through. And in those context, one
7 can say the things that out of anger one would say but would be unable to do
8 ultimately.

9 So this very me speaking to you, at the end, I went. I went. And you can
10 *crosscheck. {PFR: (Redacted)}

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)}.

15 You see, there are -- there are still Central African Muslims living in Bangui. {PFR:

16 (Redacted)

17 (Redacted)}.

18 You can crosscheck this.

19 You see - and I tell you the truth - most of the NGOs and international organisations
20 that were there did not do everything that they claimed to have done at the end,
21 taking victory for it; whereas, it was done by other persons.

22 So this speaks to my efforts for peace in the Central African Republic as opposed to
23 what one might say on Facebook out of anger. That's the answer I can provide to
24 your question.

25 MR KNOOPS: [11:51:10] Mr President, I let it go, but I think out of fairness to the

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1 witness, if the Prosecution puts in --

2 PRESIDING JUDGE SCHMITT: [11:51:16] I know what you were going to say.

3 MR KNOOPS: [11:51:18] The time frames are totally different here.

4 PRESIDING JUDGE SCHMITT: [11:51:21] Yeah. Mr Knoops, this was exactly what
5 I would have want to say. The Chamber is also aware that we have a conversation
6 from August 2013 and that the witness speaks about context with Mr Ngaïssona in
7 2014.

8 MR KNOOPS: [11:51:42] Exactly.

9 PRESIDING JUDGE SCHMITT: [11:51:43] Probably from February on, I don't want
10 to be -- so we all see that and know that.

11 MR KNOOPS: [11:51:48] My point is --

12 PRESIDING JUDGE SCHMITT: [11:51:49] How many times do I have to repeat that,
13 Mr Knoops?

14 MR KNOOPS: [11:51:52] Not to me. But my point was, we as Defence, we often get
15 the accusation that we mislead a witness. And I think, if you put an alleged
16 contradiction, the Prosecution should out of fairness also put the time frame.
17 Because they would have done the same when we would have asked that question.
18 That's my point.

19 PRESIDING JUDGE SCHMITT: [11:52:15] Nobody accuses anybody here. I don't
20 like -- at least the judges wouldn't accuse any party or participant of anything. And I
21 would have also clarified the time frame here.

22 Ms Struyven, my impression is that any questions -- the witness seems to be very firm
23 in his testimony. So I'm not sure if a so-called redirect will lead to a lot of additional
24 information, to put it in a more -- in a most neutral way, yeah.

25 MS STRUYVEN: [11:52:57] I agree, Mr President.

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1 On the last point, though, the conversation that we saw before this one was dated the
2 end of December, and the witness also used the word "to fight". So I could also
3 show him that conversation again, but then I don't want to do that necessarily.
4 PRESIDING JUDGE SCHMITT: [11:53:18] Ms Struyven, we have -- and I assume
5 there will be bar table motions on all the Facebook conversations, and the Chamber
6 will take note of the different dates. But it is, of course, clear that, at the moment you
7 spoke about August, and this is far away from 2014, you could argue end of
8 December is closer to it, but yet it is, so to speak, you know, my wording that I like in
9 such a context, it is on the table, and it will -- everything will be considered by this
10 Chamber. So we need not argue about that here in the courtroom now.
11 MS STRUYVEN: [11:54:06](Interpretation)
12 Q. [11:54:07] Mr Witness, let me turn to something else.
13 Yesterday you said that Ngaïssona did not have any control over the Anti-Balaka, and
14 you mentioned the example of Andjilo who was not under Ngaïssona's authority.
15 Do you remember that?
16 A. [11:54:32] Yes, I remember.
17 Q. [11:54:35] Now I would like to go back to a statement which you -- we already
18 talked about on the first day of your testimony. I will not give you the context in
19 which you made the statement, but I would like to read a few paragraphs for you
20 from tab 29, CAR-OTP-2127-0655. And I'm referring specifically to page 0670. It is
21 a paragraph that is more or less at the centre of the page. I can read it.
22 The question to you was: "Did Ngaïssona's wing have ComZones?" And then you
23 answer: "Yes."
24 And then the question was: "Which ones?"
25 And then you say: Ngaibona Rodrigue, Andjilo, Dieudonné Ndomate, Mbomon

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1 Basile, Benjamin Ouapoutou, Gustave Yandjoungou, Thierry Lebene, alias
2 12 Puissances, and then you repeat Andjilo, Yekatom Alfred Rombhot, Abib Beina,
3 Rodrigue Momokama, and so on and so forth. And so you mentioned several other
4 names, Denamganai Abel included; Dieudonné Ngaibona, Andjilo's brother, and
5 others.

6 And then two pages further on -- rather, three pages, at page 06 --

7 PRESIDING JUDGE SCHMITT: [11:56:41] Is it not better to -- is it not better to put
8 the question now to the witness? You know, this is one paragraph. It's -- let's say,
9 you can grasp it because it's about names, and the content is also clear from the face of
10 it.

11 MS STRUYVEN: [11:56:56] Yes, Mr President, but he says something more about
12 that paragraph.

13 PRESIDING JUDGE SCHMITT: [11:57:00] Okay. Then let's give it a try. But this
14 is, of course -- this is a point that needs clarification with regard to what the witness
15 said in the courtroom. Yes.

16 Mr Knoops.

17 MR KNOOPS: [11:57:09] My point, but you already ruled on it, it's a topic which the
18 Prosecution could have raised in their examination.

19 PRESIDING JUDGE SCHMITT: [11:57:18] No, I don't agree here. It's, of course, a
20 topic that could have been raised. And let me put it in a procedural exact manner,
21 since it is a Rule 68(3) statement, the topic is already on the table, so to speak, and the
22 Prosecution asserts that the witness said something that deviated a little bit from that,
23 and that needs clarification.

24 So please continue, Ms Struyven.

25 MS STRUYVEN: [11:57:49](Interpretation)

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1 Q. [11:57:52] So three pages further, at page 0673, you are asked: "All these men
2 who have been mentioned, did they obey orders from Ngaïssona?"

3 And then you say: "Not entirely. Some of them did stupid things. Andjilo was
4 under the orders of Ngaïssona but committed slippages, and Andjilo's brother also.
5 And when Ngaïssona objected to that, he was threatened. So they didn't obey the
6 orders."

7 And then you were asked: "Apart from the Andjilo brothers, did the other men obey
8 his orders?"

9 And then your answer is: "Yes."

10 So my question is: Yesterday you explained to the Chamber that, in fact, Ngaïssona
11 had no control over the ComZones; whereas, here you appear to be saying that these
12 ComZones were under Ngaïssona's orders. Were you lying at the time of your
13 statement? That is, the statement that we are looking at.

14 A. [11:59:22] Thank you, Ms Struyven.

15 Looking at what you have just shown me on the ComZones, there are
16 questions -- many questions were put to me throughout the day, up until the end of
17 the day, and at some point, my -- my head will be overheated, and at some point I
18 might understand questions in a particular way and I provide an answer. As a
19 human being, it might be possible to make a mistake or provide an answer about
20 something that I don't fully understand. So, please, you also need to bear that in
21 mind.

22 But I specified that -- and in reference to Ngaïssona's ComZones, I was talking about
23 the ComZones who accepted Ngaïssona's political ideals. But I want to point out
24 here that Andjilo and his brother never participated in the PCUD political meetings.
25 I need to point that out.

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- 1 So those ComZones whom I have said were Ngaïssona's ComZones were Anti-Balaka.
2 And Ngaïssona also worked for the PCUD party, but some rejected his ideas and
3 others accepted his political ideas. And those are the ones I referred to as
4 Ngaïssona's ComZones.
5 So when you asked me that question, I specified that it was not easy to control
6 Andjilo and his brother. Not at all. Not even for Ngaïssona's to control them.
7 That is what I said in the statement, and I need to clarify it so that you can understand
8 that the ComZones were not people who would totally listen to Ngaïssona. They
9 would be ComZones, but those who accepted Ngaïssona's political ideals would be
10 Ngaïssona's ComZones.
11 You know, so they would say -- today they might say, "Okay, I agree," but then
12 tomorrow they do something else, and they would align with Mokom, for example.
13 So where would -- on which side would you find that Andjilo and his brother
14 belonged?
15 You see, even at the DDR meetings, Andjilo and his brother were never present.
16 You would never see them there.
17 Q. [12:01:51] But we would agree that ComZones were military persons, not
18 politicians.
19 A. [12:02:01] In the political context, we would say that ComZones were the
20 Anti-Balaka leaders, and I'm talking about politics here. Because, you see, after the
21 Brazzaville agreement calling for a transformation of these political and military
22 groups, then it is at that time that Ngaïssona increased his efforts to set up the PCUD
23 party. So the ComZones were trained soldiers, that's true. Abel Denamganai is a
24 trained soldier, but even if he cannot engage in politics, he can vote for a president.
25 So the idea was to reach out to them, sensitise the Anti-Balaka ComZones to accept

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1 the political idea and vote for Ngaïssona on the day of the presidential elections.

2 That was the idea.

3 PRESIDING JUDGE SCHMITT: [12:02:58] The witness has answered the question.

4 Please move on.

5 MR KNOOPS: [12:03:02] But, Mr President, there's something else going on here.

6 The Prosecution is citing from a document which {ICR: (Redacted)

7 (Redacted)}. I understand this document is shown to the witness.

8 If the Court looks at the statement of this witness of 2020, CAR-OTP-2122-7919, at

9 7949 till 7951, the witness has exactly says in that statement, the 2020 statement, what

10 he testified in court. So the Prosecution is putting the witness in a position,

11 suggesting that he has lied, while in his 68(3) statement, he said exactly the same as he

12 said in court.

13 PRESIDING JUDGE SCHMITT: [12:03:58] Actually, thank you very much for

14 this -- to give us the notice of that. And what would confirm what you are saying is

15 that, in the summary of the Prosecution of the Rule 68(3) statements, paragraph 182 is

16 dealing with that, the summary of the anticipated testimony, it's the same.

17 So insofar I would -- it escaped my attention. The wording "lied" is absolutely

18 unfortunate. We take note of that. Thank you very much.

19 Ms Struyven, please move on or best finish, I would say.

20 MS STRUYVEN: [12:04:40] Mr President, first of all, I think that these issues should

21 not be discussed while the witness is listening to the conversation.

22 PRESIDING JUDGE SCHMITT: [12:04:49] But you had put -- you have put to a

23 witness of yourself, so to speak, if I may use the word, if he has lied. So I think

24 it's -- the witness can hear. And if we always, when we discuss procedural matters,

25 ask the witness to take off his earphones, we cannot do that. So sometimes this

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1 happens, and we have a very intelligent witness here who grasps every undertone
2 anyway. So please continue.

3 MS STRUYVEN: [12:05:24] Thank you, Mr President.

4 Q. [12:05:34](Interpretation) Mr Witness, yesterday I believe you spoke about the
5 efforts made by Mr Ngaïssona to restore peace, and I believe that you said on several
6 occasions, and you belaboured the point, that Mr Ngaïssona wanted a return to peace.
7 I just wanted to seek specifics with regard to the date. I think the Chamber is
8 interested to know precisely when these efforts began or when the PCUD started to
9 operate officially.

10 I would like to show to you an article that --

11 PRESIDING JUDGE SCHMITT: [12:06:26] No, no article. No, no. You put the
12 question to the witness, and that's it. This is extensively covered in the Rule 68(3)
13 statement. We don't put any newspaper articles whatsoever to the witness. Ask
14 him a question, and you have already asked the question, so to speak.

15 So when did these efforts to bring peace to the country start, that is the question,
16 Mr Witness, if you know?

17 THE WITNESS: [12:07:09](Interpretation) Thank you, counsel. Thank you,
18 Mr President.

19 Counsel for the Ngaïssona's Defence asked me that question -- a question yesterday,
20 and I asked that -- answered that question yesterday, and I shall answer it again
21 before continuing. This involves Ngaïssona.

22 What I wanted to say is that my testimony is to assist the Court in establishing the
23 truth and bringing justice. I have come to testify with regard to what I have seen or
24 heard, and I am here to contribute in this quest for the truth and justice. I have not
25 come to say what I have not seen, but I would repeat once again that efforts were

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1 made for peace to be restored. And I would say that {ICR: (Redacted)}
2 (Redacted)}, that gentleman spoke to me and had me
3 understood -- had me understand that before -- even before Brazzaville, he was
4 talking about his political ideals. And before that, peace has to come. People have
5 to be sensitised before elections can take place. He is asking for awareness to be
6 raised in order for peace to be restored in the Central African Republic. And that is
7 why I also can make a choice.
8 {ICR: (Redacted)}
9 (Redacted)
10 (Redacted)}. But if I choose to work with Ngaïssona, of course, it is because of this
11 idea of restoring peace. {PFR: (Redacted)}
12 (Redacted)}, because I
13 can see two very different ideals here.
14 The restoration of constitutional order by all means or raising awareness with a view
15 to restoring peace; I worked towards peace. And I believe that this is the answer
16 that I can provide you in response to that question.
17 PRESIDING JUDGE SCHMITT: [12:10:05] So please move on.
18 MS STRUYVEN: [12:10:09](Interpretation)
19 Q. [12:10:12] Thank you, Mr Witness.
20 Now, just a point of clarification. So Ngaïssona wanted Ngaïssona as president and
21 Mokom wanted Bozizé as president, and you went on to add that he wanted to do it
22 by all means possible, including non-peaceful means.
23 So how, according to you, was he going to bring Bozizé back to power via this
24 non-peaceful means?
25 A. [12:10:42] (Overlapping speakers).

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1 PRESIDING JUDGE SCHMITT: [12:10:46] No, no, no. We -- this is all covered in
2 his statements and we have discussed that, so we don't -- we don't start this anew.
3 The witness, over pages and pages, speaks in his statements, which are already part
4 of his evidence here in this court, which he has agreed to, speaks extensively about
5 the political agenda of Mr Ngaïssona, about the other potential agendas of Mr Mokom,
6 and so on and so forth. Please move on. We don't entertain this here now at the
7 moment.

8 MR KNOOPS: [12:11:19] Mr President, the time frame --

9 PRESIDING JUDGE SCHMITT: [12:11:21] Please, Mr Knoops, also only speak when
10 I give you the floor. Otherwise, we have this problem with the transcript that we
11 talked about.

12 So, Ms Struyven, please continue or finish.

13 MS STRUYVEN: [12:11:36] Thank you, Mr President.

14 With all due respect, I'm now talking about the period of the end of 2014, the
15 beginning of 2015, and I don't believe that that was covered. It was raised by the
16 Defence who showed this witness a document of Mokom from the end of December
17 2014 in which Mokom made a complaint to Ngaïssona, and I can even give you the
18 reference.

19 PRESIDING JUDGE SCHMITT: [12:11:56] I recall that.

20 MS STRUYVEN: [12:11:59] So it's a different time period. We have -- so my
21 question to the witness is to clarify basically what the intentions were to get Bozizé
22 back to power in that later, much later time period, at the end of 2014, in the
23 beginning of 2015. Because he alleges that that would have been done by force, one
24 would assume.

25 PRESIDING JUDGE SCHMITT: [12:12:19] So I take it that we are talking now about

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1 the agenda of Mr Mokom.

2 MS STRUYVEN: [12:12:25] It was presented to this witness by the Defence yesterday
3 during cross-examination.

4 PRESIDING JUDGE SCHMITT: [12:12:30] So, please, a short answer, Mr Witness.

5 We are talking now end of 2014. What was the agenda, if you know? Because, as
6 we have understood it, at the time, you were not so close anymore to Mr Mokom, but
7 what was the agenda, or how would Mr Mokom have tried to get Mr Bozizé back to
8 power, in your understanding? If you please provide us with a short answer.

9 THE WITNESS: [12:13:18](Interpretation) Thank you, Mr President.

10 The answer I shall provide to the question you just put to me, well, it's to come back

11 somewhat to what I said in my statements with regard to Mr Mokom, and I will also

12 add what just happened after that. But you will agree with me that after the

13 presidential elections, Touadéra is the President of the Republic; he was elected.

14 Ngaïssona traveled with a view to raising an awareness amongst the population and

15 campaigned for Mr Touadéra who won those elections. But that was not the case for

16 Mr Mokom.

17 Mokom was part of Touadéra's government. And as a minister, he did not abandon

18 his ideals. This was no longer a transmissional government. This is a president

19 who is democratically elected. But he took up weapons against, and he used those

20 same Anti-Balaka to form a coalition with a Seleka to be a CPC with Bozizé. Why?

21 To bring Bozizé back to power. It was to bring Bozizé back to power on behalf of the

22 CPC. He would use those Anti-Balaka and former coalition with Seleka in order to

23 take overpower. I believe that that is the response I can furnish to that question.

24 PRESIDING JUDGE SCHMITT: [12:15:04] Thank you very much. And we are

25 not -- actually, this is not a case against another person. So we won't entertain this

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1 further. This case would have to be built by somebody else and before another
2 Chamber, potentially.

3 MS STRUYVEN: [12:15:28](Interpretation)

4 Q. [12:15:29] Thank you, Mr Witness.

5 You also spoke about comments made by Mr Mokom with regard to a possible arrest
6 of Mr Ngaïssona yesterday during your testimony. Were you aware of a press
7 release that was issued by Mokom on the occasion of the effective arrest of
8 Mr Ngaïssona?

9 A. [12:16:03] No, I am not aware of that.

10 PRESIDING JUDGE SCHMITT: [12:16:10] This seems to be new. So if there is the
11 content of this press release, if you want to put it to the witness, then you can do it.
12 Perhaps -- is it on the list of material?

13 MS STRUYVEN: [12:16:25] No, because it's in reaction to -- to what he said
14 yesterday in cross-examination.

15 PRESIDING JUDGE SCHMITT: [12:16:30] Then -- then we don't put the document
16 to the witness.

17 Mr Knoops, not -- we are not now discussing back and forth. We want to come to an
18 end here with the examination of this witness.

19 So, read perhaps one or two sentences, if you think you want to or have to, read it out
20 to the witness and put your question to him, and then we stop this.

21 MS STRUYVEN: [12:16:58] Just --

22 Q. [12:17:02](Interpretation) And, for the record, but we're not going to be showing
23 the document to you, it's CAR-OTP-2099-0485. It is a press release that I find a little
24 difficult to read because it's very small.

25 It says: "The coordination -- National Coordination of the Anti-Balaka has noted a

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1 witch hunt of which some of its members have become victim, such as MP Yekatom,
2 who has been transferred to the ICC and the arrest on -- of -- in France of
3 Mr Ngaïssona subsequent to a warrant of arrest issued by the ICC and decides the
4 withdrawal of his representatives within the government from the DDR process.
5 This withdrawal from the peace process in the Central African Republic."

6 So it would seem that Mokom was not really very happy or in agreement with the
7 arrest of Mr Ngaïssona because -- is that what you heard?

8 A. [12:18:27] Ms Struyven, quite honestly, I don't really know how to pick up on
9 that question or answer it, in fact.

10 Mokom speaking out. Well, I'd like to put the question to you: Is he not worried
11 about himself, or is he worrying about Ngaïssona, truly, in this press release? As
12 were -- as a saying back in our country says, "Well, this is very fresh wood here."

13 Maybe this is what Mokom is reacting to. He has seen that Ngaïssona has been
14 arrested, and he's wondering whether it's going to be his turn tomorrow.

15 "Yekatom is arrested. Ngaïssona is arrested. Maybe tomorrow it's my turn," he's
16 thinking. Maybe this is what he's pushing Mokom to issue that press release. He's
17 thinking about himself, and he's using the examples of the others who have already
18 been arrested to publish this.

19 But, as to worrying about Ngaïssona, I do not believe so.

20 PRESIDING JUDGE SCHMITT: [12:19:40] So you have an answer here, and we are
21 not interpreting and speculating with the witness about what Mr Mokom might have
22 thought or not thought.

23 MS STRUYVEN: [12:19:53](Interpretation)

24 Q. [12:19:54] I have a completely different subject to broach with you.

25 This is a

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1 comment that you made with regard to a specific individual.

2 I believe that we will have to go into private session.

3 PRESIDING JUDGE SCHMITT: [12:20:11] Private session.

4 (Private session at 12.20 p.m.)

5 THE COURT OFFICER: [12:20:25] We are in private session, Mr President.

6 MS STRUYVEN: [12:20:33](Interpretation)

7 Q. [12:20:35] On Monday, you said -- we were talking about (Redacted),

8 and you said that in the months or weeks following your return to Bangui, this person

9 no longer worked with Mokom and that he did not have any role within the

10 coordination of the Anti-Balaka.

11 Now, I have a video, Mr President, that I would like to show to the witness. Only a

12 few seconds long. Unless, Mr President, you would rather that I describe the

13 individual contained in the video. But I would rather that the witness have a look at

14 the small excerpt to see who we are talking about.

15 PRESIDING JUDGE SCHMITT: [12:21:26] If it is a couple of seconds and if we know

16 exactly when the video was taken, then, yes, only under these two conditions; short

17 and we know when it was taken.

18 MS STRUYVEN: [12:21:41](Interpretation)

19 Q. [12:21:43] So, Mr Witness, I'm going to place this in context for you. This is a

20 TV Centrafrique programme on *21 March 2014. It is a meeting between Antoinette

21 Montaigne Moussa, the minister, with a number of Anti-Balaka representatives,

22 including Sebastien Wenezoui, Emotion, Sylvestre Yagouzou. I believe that in the

23 pictures, Alfred Ngaya is also there, et cetera, et cetera.

24 I would like to show to you minute 00:19:07 up to 19 -- 00:19:13, and I would like for

25 you to have a good look at the person with (Redacted), if

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1 I'm not mistaken.

2 (Viewing of the video except)

3 PRESIDING JUDGE SCHMITT: [12:22:49] That was indeed short.

4 MS STRUYVEN: [12:22:54] I'm really trying, Mr President, to be as short as I
5 possibly can.

6 Q. [12:23:1](Interpretation) Mr Witness, do you recognise the individual (Redacted)
7 (Redacted)? Not the person we see here, but the person who just appeared on the
8 screen (Redacted).

9 A. [12:23:14] Yes, I do recognise. This is (Redacted). I do recognise the
10 individual.

11 Q. [12:23:24] So you would agree with me that he still had a role within the
12 Anti-Balaka?

13 PRESIDING JUDGE SCHMITT: [12:23:33] Before your answer...
14 Shortly, Mr Knoops.

15 MR KNOOPS: [12:23:38] This -- this video cannot be put to the witness to suggest
16 that (Redacted) -- by the way, that person was already being part of several witness
17 statement. The Prosecution could have foreseen this point. But the mere fact that
18 this video is shown to the witness to suggest that he was still part of the Anti-Balaka
19 is a misleading question because it was a public gathering, apparently, and anyone
20 could have been there. So this video doesn't suggest anything about (Redacted)
21 alleged membership of whatever organisation as such.

22 PRESIDING JUDGE SCHMITT: [12:24:13] So I tend to agree with you. But,
23 nevertheless, I actually want to hear the answer of the witness. And I think I know it
24 already. But I would like to hear the answer.

25 Mr Witness, this was taken in March 2014. You said yourself, (Redacted)

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- 1 appears on the video. And what is your take on that?
- 2 THE WITNESS: [12:24:54](Interpretation) Mr President, (Redacted)
- 3 (Redacted)
- 4 (Redacted), like Maxime Mokom. And he was
- 5 also suspicious of him on occasion. I would like to repeat that once again.
- 6 (Redacted), seeing him in this video, well, I can say that, with regard to the
- 7 coordinating committee of the Anti-Balaka, I've never seen him. Once he separated
- 8 from Maxime Mokom, but he might have come back at any moment it time to
- 9 Maxime Mokom, but he wasn't with Ngaïssona. (Redacted), was
- 10 with Mr Wenezoui.
- 11 If I were to see Wenezoui in that video, I might say that that was when Gervil worked
- 12 with Wenezoui. So -- because this is somebody you might see today, and tomorrow
- 13 you might see him on the other side.
- 14 So I really don't know what the exact position of (Redacted) is. All I can say is what
- 15 I've heard about him with regard to him being with Maxime Mokom.
- 16 PRESIDING JUDGE SCHMITT: [12:26:21] Can we go back to open session?
- 17 Open session.
- 18 (Open session at 12.26 p.m.)
- 19 THE COURT OFFICER: [12:26:36] We are back in open session, Mr President.
- 20 MS STRUYVEN: [12:26:55](Interpretation)
- 21 Q. [12:26:56] Maybe one more point with you before we go back into open session.
- 22 Yesterday --
- 23 PRESIDING JUDGE SCHMITT: [12:27:04] We are in open session.
- 24 MS STRUYVEN: [12:27:10](Interpretation)
- 25 Q. [12:27:11] So this is my last point before wrapping up, but I believe that that

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1 point - well, I do wrap up - will have to be done in private session.

2 Yesterday, the Defence, at page 50, showed a document at tab 1. That's the first tab
3 in the Defence's binder. This is *CAR-D30-0006-0049, and it's a document dated
4 April 2016 with regard to the profiling operation 1,500 ex-Anti-Balaka, and suggested
5 to you that between December 2013 and May 2015, the Anti-Balaka were left to their
6 own devices and suggested to you as well that, in fact, Mr Ngaïssona had already, in
7 2014, started to issue badges and come to the assistance of the Anti-Balaka and find
8 occupations for them.

9 They also showed another document at tab 19 --

10 PRESIDING JUDGE SCHMITT: [12:28:52] The question, please. We would -- we
11 would be very happy to receive a question at some point in time.

12 Excuse me to the interpreter. It's difficult, but if I don't intervene here, I think we get
13 a reading lesson for ten minutes, and then the witness gets confused what he's
14 supposed to answer to.

15 MS STRUYVEN: [12:29:19](Interpretation)

16 Q. [12:29:21] Would it not be correct to say that the quartering project of Ngaïssona
17 at this time did not have a bearing on 1,500 Anti-Balaka but on 50,000 Anti-Balaka?

18 MR KNOOPS: [12:29:38] Mr President --

19 PRESIDING JUDGE SCHMITT: [12:29:41] No.

20 Wait a second, Mr Witness.

21 MR KNOOPS: [12:29:44] Mr President, I -- of course, I cannot speak for the witness,
22 but I would say that the witness is not in a position to --

23 PRESIDING JUDGE SCHMITT: [12:29:51] No. The witness, no, we stop you. You
24 don't influence the witness here. The witness -- if the witness is not in a
25 position - we have gotten to know him for a couple days - he will tell us.

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1 So, Mr Witness, you have heard the question. Would it be, like it is suggested to you
2 by the Prosecution, not be the case, or would it be the case that we are talking, in fact,
3 about 50,000 people? I think that was the question. What can you -- and if you
4 don't know, if you can't say anything about it, then you will tell us.

5 THE WITNESS: [12:30:40](Interpretation) Let me answer that I don't know whether
6 the figure is 50,000 or not. But I can answer the question.

7 Mr President, the question from Ms Struyven is seeking to find out whether it was
8 1,500 or 50,000 or more or less Anti-Balaka. My answer is this: *It was Ngaïssona's
9 idea, and at the time the Anti-Balaka were everywhere. They were not quartered.
10 They were not billeted. They were free. They were everywhere. So they began to
11 inflict suffering on the population too. At some point, they started stealing
12 telephones and what have you. And that is how the idea of billeting them was born.
13 And that -- you see, with the Seleka, even if there were more than 50,000, they were
14 billeted, and they were being monitored in order to avoid any abuses. And
15 Ngaïssona asked for the same --

16 PRESIDING JUDGE SCHMITT: [12:31:43] We have -- Mr Witness, we have heard
17 that. And normally, I never interrupted you, but you have said that, and you don't
18 have to repeat that.

19 So I take it that -- or can you provide us with a figure that you were aware of about
20 the number of the Anti-Balaka? And if not, then we simply continue and put the last
21 question to you in private session.

22 THE WITNESS: [12:32:12](Interpretation) I am not able to give you a figure for the
23 Anti-Balaka.

24 PRESIDING JUDGE SCHMITT: [12:32:17] Thank you, Mr Witness.

25 Ms Struyven, private session?

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1 MS STRUYVEN: [12:32:26] If I may, Mr President, I would like to clarify one more
2 thing with the witness that he said yesterday on a different topic, but I can do it in
3 public session.

4 PRESIDING JUDGE SCHMITT: [12:32:35] But we wrap it up now.

5 MS STRUYVEN: [12:32:44](Interpretation)

6 Q. [12:32:46] Mr Witness, yesterday the Defence showed you a letter of
7 congratulation to Madam Catherine Panza Samba on 21 January 2014. Do you
8 remember that?

9 A. [12:33:02] Yes, I remember.

10 Q. [12:33:08] And you confirmed that, in doing everything for peace, he also
11 wanted to cooperate with the transitional government, is that the case?

12 A. [12:33:21] Yes, that is correct.

13 Q. [12:33:23] Now, at Defence tab -- we also find a document at tab 30, another
14 document from you. We will not display the document to the public. I simply
15 would like to receive your opinion on this document. It's document

16 CAR-OTP-2030-0250 of 14 February 2014. This is two weeks after.

17 In that statement, the Anti-Balaka say that the popular resistance and self-defence
18 group give specific notice to Madam Samba-Panza and madam -- and Mr Demafouth
19 notice to resign from their duties.

20 Do you remember this statement?

21 A. [12:34:36] I clearly remember it.

22 PRESIDING JUDGE SCHMITT: [12:34:41] The question suggests itself. Please put
23 it to him.

24 MR KNOOPS: [12:34:44] Mr President, sorry. This document has already for
25 months on the table in this case.

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1 PRESIDING JUDGE SCHMITT: [12:34:49] Yes, but, you know, she uses the
2 document to ask the witness if there -- because we are close to what he said yesterday
3 about the relationship between Anti-Balaka and Samba-Panza, and now I take over,
4 and this is the last question that I allow.

5 Mr Witness, you see, this is obviously only two weeks later. So has the relationship
6 between the Anti-Balaka and Madam Samba-Panza soured so quickly? And if, why
7 so?

8 THE WITNESS: [12:35:31](Interpretation) The answer is no. The relation between
9 the Anti-Balaka and Catherine Samba-Panza did not deteriorate three weeks after.
10 What I have seen is a flyer, a handbill, which was issued by Magistrate Dede and
11 Mokom Bernard, Mokom the father, working with Maxime Mokom. It's a pamphlet
12 or a flyer which was published.

13 And, again, let me say that this was an idea from Maxime, Magistrate Dede and
14 Bernard. They had different views from Mr Ngaïssona, and that is why I told you
15 that Maxime and those other ones published handbills frequently. And so this is one
16 of those handbills that was written by Dede.

17 PRESIDING JUDGE SCHMITT: [12:36:26] Thank you.

18 Ms Struyven.

19 MS STRUYVEN: [12:36:31] So for the next few questions, we would have to be in
20 private session.

21 PRESIDING JUDGE SCHMITT: [12:36:37] Then we have a short break, and I will
22 discuss with my colleagues how far we can go here.

23 (Recess taken at 12.36 p.m.)

24 (Upon resuming in open session at 12.43 p.m.)

25 THE COURT USHER: [12:43:23] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [12:43:51] So private session.

3 (Private session at 12.44 p.m.)

4 THE COURT OFFICER: [12:44:05] We are in private session, Mr President.

5 MS STRUYVEN: [12:44:17](Interpretation)

6 Q. [12:44:17] Mr Witness, I have just a few more questions for you. Yesterday you
7 mentioned at page 93, that while in Bangui you heard that one Jean-Jacques
8 Demafouth was going to testify before this Court against Ngaïssona.

9 Now, I would like to ask you, first of all, who did you hear this from?

10 A. [12:44:50] It is Mr Edouard Patrice Ngaïssona's brother (Redacted).

11 THE INTERPRETER: [12:45:01] Witness appears to have mentioned a name which
12 the interpreters didn't get, Mr President.

13 PRESIDING JUDGE SCHMITT: [12:45:06] Mr Witness, could you please repeat all
14 the names that you have said, or if it was ... We got one name that you mentioned.

15 The interpreters suggest that it may have been perhaps more. If so, please repeat it.

16 I apologise. We probably did not get it completely.

17 THE WITNESS: [12:45:31](Interpretation) (Redacted).

18 MS STRUYVEN: [12:45:41](Interpretation)

19 Q. [12:45:43] Do you remember when it was that Freddy Ngaïssona (Redacted) that
20 Demafouth was coming to testify against Ngaïssona?

21 A. [12:45:55] I don't remember the exact date.

22 Q. [12:46:08] (Redacted) Freddy or any other person mention the names of any
23 other witnesses in this case?

24 A. [12:46:21] No, except for Demafouth.

25 Q. [12:46:32] (Redacted) in relation to Demafouth's

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1 testimony?

2 A. [12:46:43] (Redacted) that Demafouth, who is a politician and who was

3 not a beloved politician in the Central African Republic, (Redacted)

4 (Redacted)

5 (Redacted) That is the topic which Freddy Ngaïssona

6 (Redacted)

7 Q. [12:47:20] (Redacted) Freddy Ngaïssona (Redacted) how he became

8 aware that Demafouth was going to testify at this Court?

9 A. [12:47:33] I don't know. But for me, he was a public figure, and so the people

10 like Demafouth might do things that many people are aware of. So I do not know

11 how he became aware that Demafouth was going to testify. (Redacted)

12 (Redacted)

13 Q. [12:48:00] In that regard, do you remember (Redacted)

14 Freddy Ngaïssona?

15 A. [12:48:15] Well, Freddy Ngaïssona (Redacted). Even

16 Edouard Patrice Ngaïssona. (Redacted), *even

17 without the crisis the country has known. So (Redacted).

18 And you ask about the last time. I don't remember. But, by the way, he is not

19 frequently present on the Internet. And sometimes he might have access to the

20 Internet, (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:49:06] Was it after Mr Ngaïssona was arrested?

24 A. [12:49:11] Yes. After Mr Ngaïssona was arrested, (Redacted)

25 (Redacted)

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1 Q. [12:49:23] Do you remember (Redacted) now? In fact, (Redacted)

2 (Redacted) Mr Ngaïssona being arrested?

3 A. [12:49:36] If I recollect well, (Redacted) about Demafouth, and then (Redacted)

4 Alfred Yekatom and said that, according to Yekatom's lawyers, that there were

5 rumours in Bangui that Yekatom was only a pawn to be able to arrest *Ngaïssona.

6 And so that's -- those are the two things that I can remember (Redacted)

7 (Redacted) with Freddy Ngaïssona.

8 PRESIDING JUDGE SCHMITT: [12:50:30] Well, "*pour arrêter* Ngaïssona," not

9 Yekatom. It was translated in English, but I think -- I take it that this will be

10 corrected. The witness said something different in French than it is the transcript,

11 which, of course, changes the sense of everything.

12 MS STRUYVEN: [12:50:55](Interpretation)

13 Q. [12:50:58] You mentioned Yekatom's lawyers, and I did not quite understand

14 what you wanted to say about his lawyers. Can you explain that, please.

15 A. [12:51:11] As I said, (Redacted) Yekatom's lawyers,

16 saying that, in Bangui, everybody was saying that Yekatom's lawyers were shifting

17 the onus to Ngaïssona, and that it's -- Ngaïssona is Ngaïssona.

18 Then I answered: "But, Yekatom, we are all here together in Bangui." But he,

19 Yekatom, there is not only Ngaïssona, because he too has his own coordination. He

20 had his own coordination before joining Ngaïssona's coordination. So to say that

21 everything was Ngaïssona, well, this is the type of thing that (Redacted).

22 Q. [12:52:09] Do you know which lawyer he was talking about?

23 A. [12:52:15] No. (Redacted) there were

24 rumours that "the lawyers", the lawyers. (Redacted) people

25 were saying in Bangui those types of things in that connection.

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1 PRESIDING JUDGE SCHMITT: [12:52:32] Ms Struyven, rumours, people were
2 saying, so I think we can continue from there.

3 MS STRUYVEN: [12:52:38](Interpretation)

4 Q. [12:52:40] One other question in relation to (Redacted). Do
5 you remember (Redacted)

6 (Redacted)

7 (Redacted), do you remember that?

8 A. [12:53:06] I remember (Redacted)

9 (Redacted), and I think I already mentioned it in my testimony and also in my
10 statement. So I've already answered that question.

11 But there were times when (Redacted)

12 (Redacted)

13 Let me add that it has also been a while since I heard from her. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:54:03] And then -- now, you talked at length of one -- of the PCUD, rather,
17 and if I understand that well, (Redacted)?

18 A. [12:54:18] (Redacted). And I have

19 already talked about this with you in relation to my message that you have. I am
20 discouraged by the current leader of the PCUD. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:55:11] If I understand well, (Redacted)

25 (Redacted); is that correct?

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1 A. [12:55:23] Yes. (Redacted)

2 PRESIDING JUDGE SCHMITT: [12:55:32] So no further questions on --

3 I agree with you, Mr Knoops.

4 No, I really want to shorten that here. So please move on. And I already told you,
5 for reason that the Chamber went outside into the deliberation room, definitely we
6 finish at 1 o'clock. Definitely.

7 MS STRUYVEN: [12:56:04] I only have one question left.

8 Q. [12:56:11](Interpretation) Mr Witness, did you discuss your testimony here
9 today, before coming to testify this week here, have you discussed the content of your
10 testimony with any members of the PCUD before?

11 A. [12:56:35] I have not talked about my testimony here with any member of the
12 PCUD in the past. I -- I don't recall that I would have done so, that I would have
13 talked to a member of the PCUD about my testimony.

14 What I can say is that, following (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:57:31] Did you discuss the content of your testimony (Redacted)?

21 A. [12:57:39] The content of my testimony? I said, no. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 good situation to be in, and then mindful of what had happened to me in Bangui, I
2 was also thinking about my future. So I was thinking about all of those things when
3 I was contacted.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [12:59:25] And perhaps now from us a last question
15 here. We are speaking about (Redacted), about the PCUD, but just to clarify for the
16 record, have you spoken to anybody else about the content of your testimony? And
17 you can simply say yes or no.

18 THE WITNESS: [12:59:48](Interpretation) No.

19 MS STRUYVEN: [12:59:52](Interpretation) Thank you very much, Mr Witness. I
20 have no further questions for you.

21 PRESIDING JUDGE SCHMITT: [12:59:58] Mr Knoops.

22 MR KNOOPS: [13:00:01] Not an objection anymore, Mr President. No worries.

23 PRESIDING JUDGE SCHMITT: [13:00:04] I'm not. You know, it's 1 o'clock, exactly,
24 by the way. It couldn't be more exactly 1 o'clock.

25 MR KNOOPS: [13:00:11] Just for the record, could the Prosecution be so kind to give

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1 the ERN number of the alleged coordination video meeting.

2 PRESIDING JUDGE SCHMITT: [13:00:17] Yes. That would be kind, of course, and

3 I think that --

4 MR KNOOPS: [13:00:20] For the record.

5 PRESIDING JUDGE SCHMITT: [13:00:21] Yeah. Thank you very much.

6 I'm not fearing the objections, but I wanted to keep the promise 1 o'clock, of course.

7 MS STRUYVEN: [13:00:32] I have it. It's --

8 PRESIDING JUDGE SCHMITT: [13:00:37] We can go back to open session in the

9 meantime, I think. And then you can put it on the record in open session.

10 (Open session at 1.00 p.m.)

11 THE COURT OFFICER: [13:00:52] We are in open session, Mr President.

12 MS STRUYVEN: [13:01:00] Yes. So for the reference of the meeting between

13 Antoinette Montaigne and the Anti-Balaka is CAR-OTP-2023-1812, and we played the

14 minutes 00:19:07 to 00:19:13.

15 PRESIDING JUDGE SCHMITT: [13:01:34] Thank you very much Ms Struyven.

16 Mr Witness, you have heard it, this concludes your testimony. On behalf of the

17 Chamber, I would like to thank you, that you have patiently answered questions over

18 so many days. Thank you very much for that. We wish you all the best for your

19 future.

20 And we reconvene on Monday - I don't know the date - the 28th, I think, 28 March,

21 9.30, with P-0954.

22 THE COURT USHER: [13:02:05] All rise.

23 (The hearing ends in open session at 1.02 p.m.)