

Trial Hearing
WITNESS: CAR-OTP-P-1719

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Wednesday, 13 July 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:29] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:42] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:55] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II in the case of the Prosecutor versus Alfred
17 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:10] Thank you.
20 The appearances of the parties.
21 For the Prosecution, Ms Struyven, first.
22 MS STRUYVEN: [9:32:18] Good morning, Mr President, your Honours.
23 For the Prosecution today, we have Orla Cronin, Yassin Mostfa, Kweku Vanderpuye
24 and myself, Olivia Struyven.
25 PRESIDING JUDGE SCHMITT: [9:32:27] We turn now to the representatives of the

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1 victims.

2 MS RABESANDRATANA: [9:32:33](Interpretation) Good morning, Mr President.

3 Good morning, your Honours. Good morning, everyone. For LRV 2, today, there

4 is Mr Enrique Carnero, Ms Evelyne Ombeni and myself, Elisabeth Rabesandratana.

5 PRESIDING JUDGE SCHMITT: [9:32:46] Thank you.

6 MS LAU: [9:32:49] Good morning, Mr President, your Honours. Good morning,

7 everyone in the courtroom. Today, the former child soldiers are represented by

8 myself, Fiona Lau, associate legal officer, Office of the Public Counsel for Victims.

9 Thank you.

10 PRESIDING JUDGE SCHMITT: [9:33:08] Thank you.

11 I turn to Ms Guissé.

12 MS GUISSÉ: [9:33:09](Interpretation) Good morning, Mr President. Good morning,

13 everyone in the Chamber. Mr Yekatom is present in the courtroom, and he's assisted

14 by Mr Victor-Louis Lapointe Saint-Pierre and myself, Anta Guissé.

15 PRESIDING JUDGE SCHMITT: [9:33:22] Thank you.

16 Mr Knoops.

17 MR KNOOPS: [9:33:24] Good morning, Mr President. Good morning, Your

18 Honours. Good morning, everyone in the courtroom. Our team consists of the

19 same members as yesterday, that is to say, Ms Barbara Szmatala, Mr Michael Rowse

20 and Mr Ali Alabdali, and the defendant is in the courtroom. Thank you.

21 PRESIDING JUDGE SCHMITT: [9:33:44] Thank you very much.

22 And, of course, very importantly, good morning, Mr Witness. I hope you are in

23 good shape today.

24 WITNESS: CAR-OTP-P-1719 (On former oath)

25 (The witness speaks Sango)

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- 1 THE WITNESS: [9:33:58](Interpretation) Good morning to everyone.
- 2 PRESIDING JUDGE SCHMITT: [9:34:03] Thank you.
- 3 And also counsel for the witness is here, Mr Emile Aoun.
- 4 And I give the floor to Ms Elisabeth Rabesandratana. You had a couple of questions
- 5 you announced yesterday.
- 6 MS RABESANDRATANA: [9:34:21] (Microphone not activated)
- 7 PRESIDING JUDGE SCHMITT: [9:34:25] Microphone, please.
- 8 MS RABESANDRATANA: [9:34:21] *Voilà ! Merci, Monsieur le Président.*
- 9 QUESTIONED BY MS RABESANDRATANA: (Interpretation)
- 10 Q. [9:34:29] Good morning, Mr Witness. Let me introduce myself. I am Maître
- 11 Rabesandratana, based in France, and I am in this trial as the legal representative of
- 12 victims. So my questioning -- my discussion with you today shall relate to the
- 13 condition of the victims, mainly the Muslim victims during the crisis and in the three
- 14 localities that you mentioned, Berberati -- well, let me begin with Beloko, Berberati
- 15 and Bangui.
- 16 Are we okay with that?
- 17 A. [9:35:37] Thank you. I can hear you loud and clear.
- 18 Q. [9:35:42] Very well. Now concerning the attack at Beloko, yesterday you told
- 19 us that {ICR: (Redacted)} Beloko around 20 January 2014 and that all the Seleka
- 20 elements left Beloko on 21 January.
- 21 Now my question to you is as follows, Muslim civilians, what happened to them?
- 22 Did they remain in Beloko in January 2014?
- 23 A. [9:36:35] Thank you. To answer your question, this is what I have to say. On
- 24 20 January, there were no longer any Muslims civilians in Beloko because ever since
- 25 10 January, all the Muslim civilians had left. Only the Seleka had remained. And

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1 on the 20th and the 21st, the other members of the group of the Seleka who had
2 stayed in Beloko left. Let me stop here for now.

3 Q. [9:37:35] Very well, Mr Witness. Now my next question is this, {ICR:
4 (Redacted)} in Beloko, these civilians, where -- who had fled, did they start coming
5 back? Did those inhabitants start to return?

6 A. [9:38:10] Thank you. In answer to your question, let me tell you this. From 10
7 January, that is the date of the first attack, everyone fled. No one came back {ICR:
8 (Redacted)}. Let me stop there for now.

9 Q. [9:38:52] Did the Christians return?

10 A. [9:39:19] Thank you. The Christians who had crossed the border to seek refuge
11 in Cameroon were civil servants. The Christian civilians did not flee. They stayed
12 in their homes. Only the civil servants had fled. Afterwards, {ICR: (Redacted)}
13 government workers to return home and resume service -- the gendarmerie, the
14 police and the customs officers, {ICR: (Redacted)} to return to their homes and resume
15 service.

16 Q. [9:40:13] Thank you. Those government workers or civil servants, were they
17 Christians or did they include Muslim civil servants?

18 A. [9:40:31] Thank you. Amongst the civil servants and government employees
19 who crossed the border, there were no Muslims. All of them were Christian
20 civilians.

21 Q. [9:40:56] Thank you for that information.

22 Now today, still relating to Beloko, do you know whether the Muslims who had fled
23 during that time have now returned?

24 A. [9:41:30] Thank you. Amongst the Muslims who had fled, no one came back to
25 their homes. During that period, that is, the period of the events, no one came back.

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1 Q. [9:42:01] And what about today? As far as you know, what is the situation?

2 A. [9:42:14] Thank you. In answer to your question, this is what I have to say.

3 Following the political changes and the precarious calm, which was restored, some of
4 them returned to their homes, some Muslims returned home, but others -- many
5 others stayed in refugee camps in Cameroon. That is what I know.

6 Q. [9:42:58] Do you have any idea about the percentage of Muslims who have
7 returned? Would you say 1 per cent, 2 per cent?

8 A. [9:43:25] Thank you. I do not know how to answer your question. I really do
9 not know how to give you a precise percentage because the events took place a long
10 time ago {ICR: (Redacted)}. All I know is that some Muslims returned home, while
11 others have remained in the refugee camps. I do not have any precise percentages to
12 give you.

13 Q. [9:44:06] Very well. Let us now move on to Berberati. In relation to that, I
14 will ask you questions relating to the property of Muslims.

15 You stated that it was a situation of chaos in the town after the departure of the Seleka.
16 You said that there was pillaging and that buildings had been abandoned. You also
17 explained that the roofs of the mosques had flown away, but my concern is what
18 happened to the diamond dealerships in Berberati.

19 The houses or companies that were dealing with diamonds, to whom did those
20 houses belong to begin with?

21 A. [9:45:33] Thank you. In answer to your question, this is what I have to say. In
22 Berberati, the Muslim neighbourhood is located at Poto-Poto. I know the town of
23 Berberati when everything was in order, and I'm telling you that after the events, {ICR:
24 (Redacted)}. All the houses inhabited
25 by the Muslims in the Poto-Poto neighbourhood had been destroyed. You had

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1 mosques, municipal buildings, diamond dealership houses, private residences.

2 Everything was destroyed. Even some houses belonging to certain Christians

3 around Samba -- Sambado (phon) and so on. Some people took over those houses

4 and settled in them. These are the houses that the proprietors were able to come

5 back to.

6 The houses that the Christians had built in the Christian neighbourhoods were not

7 destroyed, even though they were pillaged. But in the Muslim neighbourhoods, I

8 can tell you that everything was razed to the ground. It is as if a bomb had been

9 thrown into that neighbourhood. I do not know how to explain the situation to you.

10 I believe that some people here have photographs of the situation. All property

11 belonging to Muslims were destroyed. Private homes, shops, sales houses.

12 Everything was destroyed.

13 As you know, Muslims -- certain Muslims were members of Christian families and

14 they also found themselves threatened, just like in my case. Some of them were even

15 killed. I cannot give you all the information. I cannot tell you everything that

16 happened in Berberati here and now. It was deplorable.

17 Q. [9:48:56] Thank you, Mr Witness. And what was done with those diamonds

18 that the Anti-Balaka grabbed or seized?

19 PRESIDING JUDGE SCHMITT: [9:49:22] Wait a second.

20 Ms Guissé, I know your objection, but please speak out.

21 MS GUISSÉ: [9:49:30](Interpretation) In the phrasing of the question, there is an

22 indication that this does not come from the witness's statement. It should be

23 rephrased.

24 PRESIDING JUDGE SCHMITT: [9:49:41] I agree. I agree. That's clear.

25 So, Mr Witness --

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1 Mr Knoops?

2 MR KNOOPS: [9:49:49] Yes. Mr President, the exercise we're going through today
3 is outside the charges as well.

4 PRESIDING JUDGE SCHMITT: [9:49:55] Yeah, well, we have -- I will give a little bit
5 of leeway here. Ms Rabesandratana knows. I think also the witness is an
6 eyewitness of the situation that has been in Berberati. I think we should -- indeed,
7 it's part of the contextual elements probably, possibly, potentially. So I give here, a
8 little bit of leeway.

9 But I agree with Ms Guissé.

10 So Mr Witness, do you have any information what happened to diamonds that might
11 have been stored there in Berberati? Do you have any information on that?

12 THE WITNESS: [9:50:35](Interpretation) Thank you. Mr President, counsel, in
13 answer to your questions, I have this to say. When the pillaging took place in
14 Berberati, {ICR: (Redacted)}

15 (Redacted)}. And as you know, people could not be exhibiting or showing off what
16 they had stolen or pillaged. As you are aware, very expensive diamonds were
17 pillaged and they sold them secretly to some individuals.

18 I would like to seize the opportunity to digress here a little bit in order to assist you.

19 A brother -- a Christian brother, a Lebanese brother who was a diamond merchant,
20 those were the people who had stayed in the town {ICR: (Redacted)}.

21 MS RABESANDRATANA: [9:52:47](Interpretation) The witness apparently is
22 asking for private session.

23 PRESIDING JUDGE SCHMITT: [9:52:50] Yes, we go to private session.

24 And Ms Rabesandratana, you move on quickly then afterwards, please.

25 (Private session at 9.53 a.m.)

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- 1 THE COURT OFFICER: [9:53:00] We are in private session, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [9:53:13] Thank you.
- 3 Mr Witness, please continue.
- 4 THE WITNESS: [9:53:18](Interpretation) Thank you. As I have told you, when the
- 5 pillaging took place, (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 At that time, these precious stones were exported through Cameroon and so for this
- 19 person, if that had continued, (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted). That is what I know.
- 23 There were houses destroyed, the purchasing house in Badica as well as other sales
- 24 offices, they were pillaged, but I do not know how those goods were taken away to be
- 25 sold.

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1 That is what I can say for the time being, Mr President.

2 (Overlapping speakers)

3 Q. [9:57:02] *Merci, Monsieur le témoin --*

4 PRESIDING JUDGE SCHMITT: [9:57:05] We are -- one moment, please, not so quick.

5 There's overlapping speakers.

6 I think we can go back to open session. No further questions on diamonds. I said

7 some leeway but not without any limits.

8 (Open session at 9.57 a.m.)

9 THE COURT OFFICER: [9:57:26] We are back in open session, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:57:42] Thank you.

11 Please continue.

12 MS RABESANDRATANA: [9:57:47](Interpretation)

13 Q. [9:57:48] Mr Witness, we are going to conclude with the situation in Bangui in

14 the Gobongo neighbourhood. In fact you stated that all the Muslims had fled the

15 neighbourhood and that only those who had been converted remained.

16 My question is two pronged. To begin with, do you know the reasons why they had

17 converted themselves? That is the first part of the question. And my last -- my

18 second question, which will conclude my questioning --

19 PRESIDING JUDGE SCHMITT: [9:58:55] No, no. One question -- one question, one

20 answer. Next question, next answer.

21 THE WITNESS: [9:59:17](Interpretation) Thank you.

22 THE INTERPRETER: [9:59:23] Says the witness.

23 THE WITNESS: [9:59:26](Interpretation) Mr President, counsel, in answer to your

24 question, that is the question relating to Islamization, that is a personal question that

25 derives from an individual situation. It is a question of personal religious conviction

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1 depending on the destiny of the individual. The arrival of Islam in the CAR did not
2 have any other hidden agenda. In the Central African Republic, the Christians,
3 generally speaking, had respect for the Islamic religion. They respected all those
4 who were practitioners of that religion, and, as an example, during that period, the
5 non-Muslims saved their money with the Muslims. You know there is a Muslim
6 belief which prevents them from spending other people's money, so if you gave
7 a Muslim your money to keep it, to save it, he will do it faithfully and loyally.
8 So this respect of Islam disappeared with the arrival of the Seleka. That is what I can
9 say.

10 PRESIDING JUDGE SCHMITT: [10:01:15] Mr Witness, I think the question was
11 meant the other way around a little bit. Do you know why some Muslims converted
12 to Christianity? If I have understood the question correctly. Do you have an
13 explanation for that or do you have information on that?

14 THE WITNESS: [10:01:40](Interpretation) Thank you. Your Honour, to answer this
15 question, may I say the following. I do not know the reasons of each person, but I'm
16 going to give you an illustration. {ICR: (Redacted)
17 (Redacted)}.

18 And I'm going to stop right here.

19 PRESIDING JUDGE SCHMITT: [10:02:36] Okay, that -- that made sense and -- so
20 that makes sense, I think.

21 Your last question, Ms Rabesandratana (Overlapping speakers)

22 MS RABESANDRATANA: [10:02:44](Interpretation) My last question, but the
23 witness has already answered it in a way.

24 PRESIDING JUDGE SCHMITT: [10:02:59] Then you don't have to put it to the
25 witness. If he has already answered it, you don't have to --

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1 MS RABESANDRATANA: [10:03:03] *Voilà* ! --

2 PRESIDING JUDGE SCHMITT: [10:03:03] -- ask the question.

3 MS RABESANDRATANA: [10:03:05](Interpretation) *Voilà* ! That's exactly it. It's
4 the question on converts and I'm going to stop right there after this and ...

5 In fact, I'm stopping right here.

6 Thank you so much, Witness.

7 PRESIDING JUDGE SCHMITT: [10:03:25] Thank you very much,

8 Ms Rabesandratana.

9 And I give now the floor to Mr Knoops, I assume. Yes.

10 QUESTIONED BY MR KNOOPS:

11 Q. [10:04:08] Good morning, sir. My name is Alexander Knoops, I'm an attorney
12 at law in the Netherlands and one of the counsel of Mr Ngaïssona. And today - and
13 most likely tomorrow - I will have several questions for you which I try to deal with
14 in, as much as possible, open session, at least the first part we can start with in open
15 session.

16 Mr Witness, in your evidence you gave during the last couple of days, it's my
17 understanding that in 2013, you did see Mr Ngaïssona only once at a balcony at
18 Yaoundé in approximately, as you said, the end of November 2013.

19 Can you confirm that it was the only moment you saw Mr Ngaïssona in 2013?

20 A. [10:05:44] Thank you so much. Your Honour, counsel, to answer your question,
21 I can confirm that I saw Mr Ngaïssona just once at the golf cité in Yaoundé, and I did
22 not see him until I got to Bangui. And I'm going to stop right here.

23 Q. [10:06:26] And it is true, isn't it, that when you say you saw him on this balcony
24 in Yaoundé, he never spoke one word with you?

25 A. [10:07:01] Thank you. He never spoke a word to me. He just made a sign

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1 with his hand. I'll stop here.

2 Q. [10:07:17] And it is true, Mr Witness, isn't it, that you never saw

3 Mr Ngaïssona - at that moment you say you saw him in Yaoundé, saw him giving
4 money to Bernard Mokom, right?

5 A. [10:08:08] Thank you. I did not see him give money to Mr Bernard Mokom.

6 The only thing I noticed -- that I spoke to him over the telephone, he was the one who
7 gave me information on where the cité in Yaoundé was located, everything that
8 happened over the telephone. When I came to the golf cité, we did not speak from
9 the balcony. He just made a sign with his hand, but it's Bernard Mokom who spoke
10 to us. He came -- he went up to him, and I do not know what was said. I don't
11 know if the money that Bernard Mokom gave us was his own money or was it money
12 that Mr Ngaïssona could have given him, I do not know that.

13 Q. [10:09:15] Mr Witness, it's true, isn't it, that you never saw Mr Ngaïssona giving
14 money to anyone in 2013 elsewhere?

15 A. [10:09:37] Thank you. The person who gave me money in Yaoundé was
16 Bernard Mokom. But I did not see Mr Ngaïssona take money from his pocket to give
17 him.

18 I'm going to repeat myself. In the tel- -- over the telephone, I did not speak to
19 Mr Ngaïssona. I called Mr Ngaïssona, you can actually check this out. You can
20 check * the register at that point, you can see, and this is what I said. And when I got
21 to * Cité Golf, it was Mr Bernard who welcomed us.

22 What I know is that Mr Bernard Mokom and Mr Ngaïssona lived in the same house.

23 One question: how could Bernard Mokom know that I -- that we were on our way?

24 But how? Because I spoke to Ngaïssona, but how would Bernard Mokom know that

25 I was on my way to meet Ngaïssona? And it's Bernard Mokom who welcomed us

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1 and who gave us the money.

2 I'm going to stop right here.

3 PRESIDING JUDGE SCHMITT: [10:11:45] Ms Struyven, what's the matter?

4 MS STRUYVEN: [10:11:49] Just a small remark. I think there's a discrepancy

5 between the English and the French transcript, mainly on the point that he

6 spoke -- that he -- he confirmed that he spoke to Mr Ngaïssona; whereas, in the

7 transcript, he says, "I didn't speak to Mr Ngaïssona."

8 It's corrected later on, but it's an important --

9 PRESIDING JUDGE SCHMITT: [10:11:59] So, Mr Witness, you did not speak

10 personally with Mr Ngaïssona? I think we have established that.

11 MS STRUYVEN: [10:12:04] No. I think on the phone he said that he spoke with

12 Mr Ngaïssona.

13 PRESIDING JUDGE SCHMITT: [10:12:07] I have heard it, but I want -- since there

14 seems to be some doubts, I want to clarify it.

15 So -- but you did speak on the telephone with Mr Ngaïssona, is that correct, Mr

16 Witness?

17 THE WITNESS: [10:12:21](Interpretation) Thank you. I confirm that, your Honour.

18 PRESIDING JUDGE SCHMITT: [10:12:39] Thank you.

19 Mr Knoops, please continue.

20 MR KNOOPS: [10:12:42]

21 Q. [10:12:43] Sir, could you explain to the Chamber what the foundation is of your

22 assertion that Mr Bernard Mokom and Mr Ngaïssona were living together.

23 A. [10:13:20] Thank you. What led me to think and believe this is that, since

24 Douala, the person I spoke to over the phone was Mr Ngaïssona. It was

25 Mr Ngaïssona, Edouard, who set up the appointment. I never spoke over the phone

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1 to Mr Mokom. Not at all.

2 Now, one question: Who told Mr Bernard Mokom that I was on my way so that he
3 could come and welcome us?

4 And I'm going to stop right here.

5 PRESIDING JUDGE SCHMITT: [10:14:12] Well, that's a conclusion by the witness.

6 So we have your question answered I think.

7 MR KNOOPS: [10:14:20]

8 Q. [10:14:23] Mr Witness, in your evidence you gave yesterday, you did say
9 that -- apart from your statement that they were living together, that the individuals
10 who preceded you in Yaoundé, as you asserted, all received their transportation
11 money from Mr Ngaïssona and Mr Bernard Mokom, and this was also the case for the
12 individuals who arrived after you.

13 And that's the English realtime transcript, page 24, lines 17 till 21.

14 Now, would you please, so kind -- be so kind, Mr Witness, to explain here the
15 foundation of your assertion that all those individuals did receive transportation
16 money from Mr Ngaïssona and Mr Mokom.

17 A. [10:15:52] Thank you. Counsel, to answer your question, I'm going to tell you
18 this. What led me to confirm or bear out certain things is that during the briefing
19 session conducted by Mr -- Mr Mokom with us, he said that, "Some of your brothers
20 have already arrived before you." And he just wanted to say that {ICR: (Redacted)
21 (Redacted)
22 (Redacted)}, people continued arriving from Yaoundé, and these brothers said that
23 they came from Douala.

24 Q. [10:17:11] So, Mr Witness, if you say yesterday in your evidence that all those
25 who preceded us had received money, you referred only to {ICR: (Redacted)} which

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1 Mr Mokom did mention to you, is that correct?

2 A. [10:17:50] Thank you. I can confirm that again, that according to what Bernard
3 Mokom told us, some of the brothers who came before received the same amount of
4 money that we received and he reassured us and gave us this information so that we
5 accepted the amount he gave us.

6 And I'm going to stop right here.

7 Q. [10:18:38] Did Mr Mokom inform you about the time frame of the {ICR:
8 (Redacted)} which allegedly came to Yaoundé and, as you say, received the equal
9 reimbursement for transportation?

10 Which time frame we're speaking here of, if you know?

11 A. [10:19:11] Thank you. I'll answer your question this way. He did not give us
12 a date, a specific date. He only said that, "Some of your brothers have already
13 arrived before. They've come to the border." He did not give us any specific date.

14 Q. [10:19:52] And, Mr Witness, it was your evidence, wasn't it, that this other group
15 or groups, which arrived at the border, came from Yaoundé and Douala. This is still
16 your evidence today?

17 A. [10:20:18] Thank you. Counsel, to answer your question, let me say this.
18 Many people left Douala and Yaoundé to come to the borders -- more specifically, to
19 Garam-Boulai, and this is what I know.

20 Q. [10:21:25] Yesterday you told the Chamber that the majority of those who were
21 at the border came from Douala, Yaoundé and Bertoua, and that you did not hear
22 from other names.

23 That's the English realtime transcript of yesterday, page 23, line 5 till 9.

24 Can you recall what you told the investigators in 2017 in your interview about these
25 other groups and where they hailed from?

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1 A. [10:22:44] Thank you so much. I remember in my witness statement provided
2 during the investigation - and I repeated this yesterday as well, and I can maintain
3 that even today. And I'm going to stop here for the moment.

4 PRESIDING JUDGE SCHMITT: [10:23:18] You can put the paragraph to the witness
5 if you want. I assume 37.

6 MR KNOOPS: [10:23:24] Indeed, Mr President. Thank you. 37, tab 15 of the OTP
7 binder. It's CAR-OTP-2062-0039, at page 0045, paragraph 37.

8 And, please, could the witness be so kind to read what he told the investigators in
9 2017 on this subject.

10 THE WITNESS: [10:24:23](Interpretation) Thank you. Could you please remind
11 me the paragraph.

12 MR KNOOPS: [10:24:33]

13 Q. [10:24:33] It's paragraph 37.

14 PRESIDING JUDGE SCHMITT: [10:24:59] I think you have it on the screen, Mr
15 Witness. It should be on the screen. But we have now page 1, but we need, of
16 course, the French version for the witness I would assume.

17 MR KNOOPS: [10:25:16] Tab 41, Mr President.

18 PRESIDING JUDGE SCHMITT: [10:25:20] Tab 41, yeah.

19 MR KNOOPS: [10:25:25] Yes, OTP binder, of course, yeah.

20 PRESIDING JUDGE SCHMITT: [10:25:30] So to make life a little bit easier for the
21 witness, I think we can show it on the screen.

22 Well, is it possible to display it or not? Otherwise, we would have to find another
23 way. We can't sit here for five minutes for ...

24 So Mr Witness, you can read this now and, here, you say:

25 (Interpretation) "People came from all corners, some from YALoke, BABOUA,

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1 BELOKO, and other regions."

2 (Speaks English) So this looks like as if they did not come mainly from Doula and
3 Yaoundé or wherever, but from all parts of -- or as you -- and what is your
4 recollection today?

5 THE WITNESS: [10:27:49](Interpretation) Thank you.

6 Your Honour, to answer your question, let me say this. The Defence counsel asked
7 me questions on the people who came from the Cameroon side - Douala, Yaoundé
8 and Bertoua - but in my witness statement, I said that there were also people who
9 came from small villages to come and be part of the group. But I was mainly
10 referring to people who fled the country and who sought refuge in Cameroon and it's
11 these people who came from Douala, Yaoundé and Bertoua and -- gathered in the
12 borders.

13 But they were not the only people in the group. You also had people who came
14 from small villages from the borders to become part of the group, and I think I was
15 clear enough.

16 PRESIDING JUDGE SCHMITT: [10:29:22] Thank you.

17 I think you can move on, Mr Knoops.

18 MR KNOOPS: [10:29:26] Yes. By the way, I didn't make a differentiation of
19 Cameroon, but that's the interpretation of the witness.

20 Q. [10:29:33] Sir, you never saw Mr Ngaïssona at the border, is that correct?

21 A. [10:30:07] Yes, {ICR: (Redacted)} never saw him at the border. He never came
22 to Beloko. And I will stop here.

23 Q. [10:30:19] {ICR: (Redacted)} never received instructions from Mr Ngaïssona in
24 2013, in the beginning of 2014, {ICR: (Redacted)} various villages,
25 is that correct?

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1 A. [10:30:42] Thank you. To answer your question, I think I've stated it several
2 times before that it was the restricted team that was working. It was a close small
3 circle that was close to the coordination, the general coordination, and it was this
4 closed inner circle that received instructions. They received direct instructions and
5 {ICR: (Redacted)} would pass it on.

6 And that's what I said and that is what I know. I'm stopping here.

7 Q. [10:31:55] You're not answering my question, sir. My question was clearly,
8 {ICR: (Redacted)} attacking villages, receive at that time instructions from
9 Mr Ngaïssona?

10 I'm not speaking about any other teams or inner circles - whatever you say.

11 The question is clear. {ICR: (Redacted)}
12 (Redacted)}, receive direct instructions from Mr Ngaïssona which led {ICR:
13 (Redacted)} to attack the villages? That is the question, sir, and you shouldn't make
14 any other thing of it. Okay?

15 A. [10:33:00] Thank you very much, counsel. I will give you an answer. {ICR:
16 (Redacted)} never received any instructions from Ngaïssona {ICR: (Redacted)}. The
17 person who was receiving instructions was Elisée Sabe. It was generally Elisée Sabe
18 generally Elisée Sabe who received those instructions and shared them with {ICR:
19 (Redacted)}. Sometimes he received instructions directly from the authority,
20 Ngaïssona, in Yaoundé. Fylai was there. Sabe was there. Rocca Mokom,
21 Ouilibona, Aron, also. These were the various people who were close to the
22 authority, Ngaïssona. These were the people who received instructions directly and
23 handed them down {ICR: (Redacted)} should be able to take action. That is all.

24 Q. [10:34:35] Again, this was not the answer. The first part of your response was
25 the answer.

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1 PRESIDING JUDGE SCHMITT: [10:34:41] Well, he has answered now that {ICR:
2 (Redacted)} has never received any instructions from Mr Ngaïssona. He has said
3 that. I think you can move on.

4 MR KNOOPS: [10:34:51]

5 Q. [10:34:51] So, Mr Witness, the decisions to attack villages {ICR: (Redacted)
6 (Redacted)
7 (Redacted)}.

8 A. [10:35:28] Thank you. Counsel, I will give you an answer. {ICR: (Redacted)}.
9 Never.

10 The instructions came from Yaoundé. The decisions came from Yaoundé. {ICR:
11 (Redacted)} circulated those decisions amongst the groups for implementation.
12 I will stop there, counsel.

13 Q. [10:36:06] Then, sir, explain to this Court why it is that in 2017, you never ever
14 spoke about instructions from Yaoundé, and this is the very first time you introduced
15 Yaoundé as the centre of the universe, where all the operations were allegedly
16 determined.

17 I can give you several examples from your statement. I will not do so because of the
18 time, but I can refer the Chamber to paragraph 37 and at 47 and other parts where the
19 witness is not speaking about instructions from Yaoundé.

20 So my question to you, is, first of all, you agree that you never mentioned this in your
21 statement in 2017? You had a chance - the full of last week, we had no hearing - to
22 read your statement again. Did you notice in your statement anywhere, anywhere
23 in your statement where you mentioned Yaoundé as the centre from which the
24 instructions came? And please indicate the paragraph in your statement if you can
25 find it.

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1 A. [10:37:59] Thank you. In answer to your question, counsel, as I said a short
2 while ago, I have already answered the question you put to me. I did not go outside
3 the scope of your question. Maybe you can tell me what I said that is not consistent
4 with the question that you asked me and then I will be able to answer you.

5 Thank you.

6 PRESIDING JUDGE SCHMITT: [10:38:44] Mr Knoops, but we -- it doesn't make
7 sense that -- that you enter discussion with the witness what he has said or not said.
8 We know what he has said in 2017, it's on the record, and we can -- you can proceed
9 from there.

10 MR KNOOPS: [10:39:00] Right. Then I would like to show the witness paragraph
11 38 of his statement of 2017, tab 41, the French version.

12 PRESIDING JUDGE SCHMITT: [10:39:09] Exactly, French version, please, yes.
13 You can be directly -- direct, Mr Knoops (Overlapping speakers)

14 MR KNOOPS: [10:39:47] Yeah, it's 38.

15 PRESIDING JUDGE SCHMITT: [10:39:49] 38, I think a little bit down the middle,
16 you want --

17 MR KNOOPS: [10:39:48] Yeah.

18 PRESIDING JUDGE SCHMITT: [10:39:49] -- to put it to the witness. Yes.

19 MR KNOOPS: [10:39:53]

20 Q. [10:39:53] So Mr Witness, if you look at your statement of 2017 in paragraph 38
21 in the second sentence, you say that you choose Mr Fylai as your chief of staff:

22 "[...] YAMBETE started organising the group, giving instructions, and we made a plan
23 to dislodge the Seleka from BABOUA. Maxime MOKOM was in [...] contact with
24 YAMBÉTÉ and Rocca MOKOM. I'm not aware if any directions or orders were
25 being given to them. Maxime MOKOM was coordinating the Anti-Balaka in

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1 BANGUI from ZONGO."

2 So no word, Mr Witness, about Yaoundé and any instruction from that city, correct?

3 A. [10:41:09] I thank you. Counsel, the paragraph you are talking about has not
4 yet been displayed on my screen.

5 PRESIDING JUDGE SCHMITT: [10:41:22] I think now it should, should work.

6 Please have a look, Mr Witness. And take your time.

7 Not yet? Not yet? Then please help the witness.

8 THE WITNESS: [10:41:38](Interpretation) No.

9 Counsel, can you please kindly repeat your question.

10 PRESIDING JUDGE SCHMITT: [10:42:30] May I, to shorten the process a little bit.

11 Mr Witness, this paragraph 38, I think until where it says, let me have a look here --

12 *"J'ignore si des consignes ou des ordres leur avaient été donnés."*

13 Until then, if you read that. There is no mention of Yaoundé. There is no mention
14 of any instructions given from that part of Cameroon. And the question of
15 Mr Knoops was, how does it come that you mentioned Yaoundé in your testimony
16 here in the court so often?

17 So this is, I think, Mr Knoops, fairly summarised.

18 THE WITNESS: [10:43:25](Interpretation) Mr President, dear counsel, I think that

19 your question is clear. What I know is that many years have gone by, but I know

20 what really happened. What prompted me to tell you before this Court that the

21 decisions were coming from Yaoundé is the fact that the personalities, who were part

22 of the general staff that we have mentioned, were in permanent coordination with

23 Yaoundé.

24 That is it what prompted me to make that statement. If the members of that general

25 staff never mentioned the name Yaoundé or the name of the authority, I would never

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1 have made such a statement. It is true that I did not receive any instructions directly
2 from the authority. No. The decisions came from the members of the general staff
3 that we had set up. That is what prompted me to make that statement before your
4 Court here.

5 MR KNOOPS: [10:45:10]

6 Q. [10:45:10] But, sir, the question is really when you say that you know everything,
7 why didn't you tell in 2017 this whole exposé of Yaoundé?

8 PRESIDING JUDGE SCHMITT: [10:45:27] Ms Struyven.

9 MS STRUYVEN: [10:45:30] I think this is now going a little bit too far. He does
10 mention multiple times in his statement the fact that there is Ngaïssona himself and
11 other people in --

12 PRESIDING JUDGE SCHMITT: Yes.

13 MS STRUYVEN: [10:45:36] -- Yaoundé are sending people to the border, that they
14 are going to -- that they have this plan, that they are the brain behind the movement
15 et cetera, et cetera. It's not as if there's no reference to the Yaoundé group in his
16 statement.

17 PRESIDING JUDGE SCHMITT: [10:45:53] Nevertheless, it's clear that Mr Knoops
18 has to address that. But I simply think we have what the witness has said on the
19 table and we have gone through paragraph 37 and 38 of the statement, and I think it
20 is answered. You can move on, Mr Knoops.

21 MR KNOOPS: [10:46:13] Yes. Finally, to close this part of the statement of the
22 witness.

23 Q. [10:46:18] You mentioned several times, sir, that there was a so-called inner
24 circle and that the individuals in Yaoundé you identify there, allegedly belonged to
25 this circle.

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1 Now can you recall what you told the investigators in 2017 about this inner circle?

2 Who were part of it?

3 A. [10:46:44] Thank you. Counsel, in answer to your question, I think it will be
4 necessary for you to be specific in your questions. When you talk of the select group
5 or select team, do you want to talk about the one which was in Yaoundé or the one
6 that made up the general staff group in Garam-Boulai?

7 Q. [10:47:41] No. My question is simply, Mr Witness, whether you know what
8 you told in 2017 - and specifically, whether you mentioned in 2017 - that the
9 individuals in Yaoundé belonged to this inner circle? Because you say there was an
10 inner circle, and this team you mentioned had contact with this inner circle. My
11 question is simply -- you know, I'm very curious whether you still recall what you
12 told in 2017 about this inner circle.

13 PRESIDING JUDGE SCHMITT: [10:48:26] In Yaoundé or Garam-Boulai? You
14 mean Yaoundé of course.

15 MR KNOOPS: [10:48:29] Yaoundé.

16 PRESIDING JUDGE SCHMITT: Of course. Of course Yaoundé.

17 MR KNOOPS: Yeah.

18 THE WITNESS: [10:48:54](Interpretation) Thank you. Counsel, I will give you an
19 answer. I believe that in my statement I said that there were many personalities in
20 Yaoundé. There were several personalities in Yaoundé. I believe that I mentioned
21 their names in my statement. These personalities who were in Yaoundé -- okay,
22 very well, these various personalities who were in Yaoundé were mentioned in my
23 statement. I never said that I had any direct contacts with those personalities. The
24 person that I consider as the leading personality, the captain of the ship, was
25 Mr Ngaïssona and Mr Bernard Mokom. Those were the people that I met in

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1 Yaoundé and who gave me money for my transportation costs to the border.
2 Apart from those two individuals, {ICR: (Redacted)} did not have any allegiance
3 towards any other person and {ICR: (Redacted)} were not answerable to other people
4 regarding what was happening on the field, apart from those two authorities.
5 If you have any further questions for clarification, I will be ready to answer you.
6 Thank you.

7 Q. [10:50:59] And what do you mean with the "inner circle"? Who were part of
8 this "inner circle"?

9 A. [10:51:13] Thank you. In answer to your question, I have this to say. The
10 people who were in Yaoundé were compatriots from the Central African Republic.
11 Those were Central African authorities.

12 Do you want me to talk to you about the Central Africans who were in Yaoundé or
13 about what had been happening precisely? Please try to be more specific so that I
14 can answer you.

15 Q. [10:52:18] No. No, no. This is not the question, sir. The question is, can you
16 give us the names of the individuals who, in your submission, were part of the inner
17 circle. A simple question. And if you give the names, how do you know that these
18 individuals are part of the inner circle? That's the second question -- that I will
19 follow the instructions of the President.

20 First question, who were part of the inner circle? Give us the names.

21 A. [10:53:09] Thank you. Now I understand your question. In my testimony I
22 stated that before my meeting with Ngaïssona, the Central Africans who were based
23 in Yaoundé did not share the information that they had just in any manner. The
24 people who were in Yaoundé were not yet talking about the Anti-Balaka. You had
25 Levy Yakete, who was in Yaoundé, Hubert Kombo, Kevin Sostome (phon)

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1 Kpefio - and even Francis Bozize was in Yaoundé - Mr Ngaïssona, Bernard Mokom
2 and so on and so forth.

3 At that time the Anti-Balaka group had not yet been established and when the
4 Anti-Balaka movement was created, I know that it was only Ngaïssona and Bernard
5 Mokom who were at the head of that Anti-Balaka movement. And the inner circle
6 that I referred to was at Garam-Boulai and not in Yaoundé.

7 That is all I have to say.

8 Q. [10:55:24] And please tell the Court what is the basis of this information you just
9 provided us.

10 A. [10:56:03] Thank you. In answer to your question, dear counsel, I would like to
11 ask you to kindly rephrase your question because I really sometimes do not
12 understand. Because sometimes you ask one, two or three questions in the single
13 question and I don't understand.

14 So please put a specific question to me and I will answer.

15 PRESIDING JUDGE SCHMITT: [10:56:46] Mr Knoops, I'll make a suggestion.

16 Since I think here we are talking about several names, and this will take some time to
17 enquire the source and -- we pick this up after the break and I rephrase it then, yeah?
18 If I may.

19 So we have now the break until 11.30.

20 THE COURT USHER: [10:57:14] All rise.

21 (Recess taken at 10.57 a.m.)

22 (Upon resuming in open session at 11.31 a.m.)

23 THE COURT USHER: [11:31:45] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:31:49] So as promised, Mr Knoops, I give it a try.

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1 Mr Witness, before the break, you mentioned several names from Yaoundé on the
2 question of Mr Knoops. I recall that you mentioned Mr Kevin Kpefio, a certain Levy
3 Yakete, Bernard Mokom, Hubert Kombo and I also think Mr Ngaïssona and Francis
4 Bozize I think you mentioned.

5 And the question is, how did you come to know that these people played, let me
6 word it this way, an important role in Yaoundé? What is your source of information,
7 so to speak?

8 And if you have to -- if there is a problem with the answer that might identify you,
9 you can answer this in closed session. So I'm not sure, but it could be problematic,
10 but you are aware of the problem, so you can address me and the Chamber and we
11 can go then to private session if you wish to do so.

12 THE WITNESS: [11:33:37](Interpretation) Thank you, your Honour.

13 I have a concern and a small question, if you will allow me. I would like the
14 questions to be specific so that I can provide appropriate and precise answers. And
15 that's my first concern.

16 Secondly, with respect to the question you just asked, the answer is in my witness
17 statement. It's when I was in Douala that I learnt that -- in fact, I was in Douala and I
18 knew them, and after having left Douala, I had -- did not have any contact with the
19 others, except Levy Yakete, I was sharing information with him and I was in touch.
20 When the counsel asked me the question a short while ago, it was a bit confusing and
21 this is precisely why I could not answer his question. And this is the concern I have
22 and this would be my answer to your question, your Honour.

23 PRESIDING JUDGE SCHMITT: [11:35:33] Mr Witness, there is no -- no reproach at
24 all in it. It's perfectly clear then you are -- when you are asked several names, that
25 there might be a different source that gave you the information, and it is in paragraph

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1 25, indeed, of your statement already.

2 And I think, Mr Knoops, he also said there, in this 25, I read it out, "I wasn't present at

3 any of those meetings." And {ICR: (Redacted)}

4 (Redacted)} also wasn't present either.

5 So I think we have to leave it at that, Mr Knoops. We simply continue from there.

6 Thank you, Mr Witness. And again, when there is any issue with private session,

7 please let us know.

8 MR KNOOPS: [11:36:26] Thank you, Mr President, for your assistance. Thank you.

9 Q. [11:36:30] Mr Witness, just a specific question on this topic. Before the break
10 you mentioned amongst the individuals you considered to be within the leadership in
11 Yaoundé also the name of Francis Bozize.

12 According to your knowledge, in which time frame he was in Yaoundé?

13 A. [11:37:31] Thank you. To the best of my knowledge, he was there since March
14 2013 after the coup. They all were there in Yaoundé. The authorities of the country
15 were in Yaoundé.

16 I'm done for now.

17 Q. [11:38:14] When you speak about March onwards, does this include in your
18 evidence the whole time span from March till December 2013?

19 A. [11:38:51] Thank you. To answer your question, I don't know when they -- at
20 what precise moment they arrived in Yaoundé. All the figures that I mentioned, I
21 don't know how long they spent in Yaoundé. That's all.

22 Q. [11:39:32] But sir, is your -- is it your suggestion that Mr Francis Bozize was in
23 November, December 2013, in Yaoundé when, as you say, Mr Ngaïssona was there?

24 A. [11:40:08] Thank you. To answer your question, counsel, I think I have told
25 you before that I don't know for how long Francis spent in Yaoundé. To the best of

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1 my knowledge, since March 2013, just after the coup, the figures I mentioned were in
2 Yaoundé, but I do not know how long they spent in that city.

3 Q. [11:40:56] Were you aware that there's evidence before this Court that
4 Mr Francis Bozize was from June 2013, never any more in Yaoundé and left for Congo?
5 Were you aware of this information? Is this new for you?

6 I refer the Chamber to tab 17 of the binder, Defence binder.

7 PRESIDING JUDGE SCHMITT: [11:41:37] Mr Witness, you can simply say yes or no.

8 The witness has already said that he doesn't know how long he has -- how much time
9 he has spent in Yaoundé and he --

10 Mr Witness, you can answer this shortly with a yes or no, if you knew this or not.

11 Ms Struyven is of a different opinion.

12 MS STRUYVEN: [11:42:00] Excuse me, Mr President, but I'm not sure if we're
13 talking about Francis Bozize or François Bozize.

14 PRESIDING JUDGE SCHMITT: [11:42:09] We are talking about Francis Bozize.

15 MS STRUYVEN: [11:42:14] Because tab 17 of the Defence, the article that is referred
16 in tab 17, I think refers to François Bozize.

17 PRESIDING JUDGE SCHMITT: [11:42:19] Yes, I have seen that. I have seen that.

18 You are correct. But nevertheless, I think the witness has clearly said that he -- and
19 which is not surprising, if I may comment on that, that he does not know how long
20 each of these persons stayed in Yaoundé in 2013. I think we can take -- we can
21 simply take this as the answer. The witness has made this clear.

22 MR KNOOPS: [11:42:40] Thank you.

23 Q. [11:42:41] Mr Witness, would you agree with me if I say to you that {ICR:
24 (Redacted)} already planning military operations and attacks in order to have the
25 constitutional order returned in the Central African Republic before

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1 you went to Yaoundé in the end of November 2013?

2 A. [11:43:36] Thank you. Counsel, I do not understand your question. What do
3 you mean, counsel?

4 PRESIDING JUDGE SCHMITT: [11:43:59] May I give it a try.

5 Mr Witness, Mr Knoops wants to know if {ICR: (Redacted)} did not have -- without
6 any instructions by anybody - already with {ICR: (Redacted)} -- with the people {ICR:
7 (Redacted)} were together - had planned carrying out military operations? I think
8 that is the question that he wants to put to you.

9 It's correct, I think, Mr Knoops.

10 THE WITNESS: [11:44:32](Interpretation) Thank you. Your Honour, I did not
11 know anything. We had absolutely no intention of doing anything you just said. I
12 was unaware completely. Thank you so much.

13 MR KNOOPS: [11:45:15] Could the court officer be so kind to pull up tab 33 of the
14 Prosecution binder. The Facebook conversation, CAR-OTP-2101-6428, at page 6434
15 and specifically the fourth message on 4 November 2013 at 13:17 hours by the witness
16 to Mr Yakete.

17 And maybe this could be done in private session.

18 PRESIDING JUDGE SCHMITT: [11:45:58] It has to be done in private session,
19 indeed. Thank you, Mr Knoops.

20 (Private session at 11.46 a.m.)

21 THE COURT OFFICER: [11:46:08] We are in private session, Mr President.

22 PRESIDING JUDGE SCHMITT: [11:46:26] Thank you.

23 MR KNOOPS: [11:46:28]

24 Q. [11:46:29] So, sir, please have a look at the entry -- Facebook entry 4 November
25 at 13:17 hours from you to Mr Yakete --

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1 PRESIDING JUDGE SCHMITT: [11:46:45] Stop here, please. Thank you.

2 And I think you can put it directly to the witness and ask him what this might mean
3 or not.

4 MR KNOOPS: [11:46:57] Yes.

5 Q. [11:46:58] So, sir, is it correct to say (Redacted)

6 (Redacted)

7 (Redacted)?

8 Is it what you proposed to Mr Yakete?

9 A. [11:47:47] Thank you. Counsel, to answer your question, conversations such as
10 these that you've just read out have absolutely nothing to do with what really
11 happened. The security forces also had the intention of seeking refuge outside the
12 country. So I don't see the link or the importance of what you're saying here. These
13 were conversations, but at that stage, at that point of time, there was no intention or
14 no bearing with what we are talking about today. And why am I saying this? It's
15 because there was no group set up to reconquer the country and that is what I can say
16 for now.

17 Q. [11:49:25] Please have a look at entry -- the same tab 33, page 6439, the third
18 entry, 17 November at time code 20:22. It's still (Redacted) alleged
19 encounter with (Redacted) in Yaoundé, and on 17 November (Redacted) the following
20 to Mr Yakete. You see here that (Redacted)
21 (Redacted)? So it was still (Redacted)
22 (Redacted) your alleged meeting with (Redacted) in Yaoundé. You agree with me
23 that you, on several occasions, (Redacted)
24 (Redacted) before you say (Redacted) in Yaoundé? Is that true?

25 A. [11:51:25] Thank you, counsel. I'm going to answer your question and I think

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1 that the question that was asked -- in fact, I have already given the answer to the
2 question that was asked during the previous days. And in my witness statement, I
3 never mentioned an armed fight. I talked to -- I spoke to Levy Yakete because he is
4 the youth president of the Central African Republic and there was a way to peacefully
5 carry out the fight, as he would do so -- as he was used to doing so in the country, in
6 the city of Bangui, and it is with this intention that I spoke to Levy Yakete.

7 And I had no reference made to an armed conflict in my witness statement.

8 Q. [11:52:45] So sir, you're telling this Court that we should understand the word
9 "defending" your country (Redacted), as defending this by

10 peaceful marches in the middle of a war? Is that your evidence today?

11 A. [11:53:30] Thank you. Yes, indeed. This is what I wanted to say -- and this is
12 what I wanted to express.

13 PRESIDING JUDGE SCHMITT: [11:54:01] And I think -- Mr Knoops, we also -- we
14 have it also on the screen here now at -- the conversation at 12:33 minutes. We also
15 see:

16 (Interpretation) (Redacted)

17 MR KNOOPS: [11:54:23] Just, Mr President, one final question on these entries.

18 Q. [11:54:27] There is, Mr Witness, an entry just two entries below, the same page,
19 6439, also on 17 November, at time code 12:33, where you say that (Redacted)

20 (Redacted)

21 (Redacted)

22 So, again, I give you a chance to respond to this because this is (Redacted)

23 the alleged meeting (Redacted) in Yaoundé, which, you say, was the (Redacted),

24 and the (Redacted), you still maintain your evidence

25 that this related to peaceful marches?

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1 A. [11:55:47] Thank you. Yes, I maintain this statement. This is exactly what I
2 wanted to say. When we were in Cameroon, we rallied. And * if only we had
3 mobilised in front of the embassy, it would have attracted international attention on
4 what was happening in the Central African Republic.
5 (Redacted).

6 Q. [11:56:37] So Mr Witness, it's true, isn't it, that already long before you had this
7 so-called meeting (Redacted) in Yaoundé, (Redacted)
8 (Redacted)?

9 A. [11:57:05] Thank you. I know that in Bertoua, Yaoundé and Douala, there are
10 many Central African people, and this is precisely (Redacted)
11 (Redacted) have a demonstration. (Redacted)
12 (Redacted)
13 (Redacted). And I've done -- I'm done for the
14 moment.

15 Q. [11:58:21] So, Mr Witness, actually, you didn't need to go to an encounter with
16 Mr Ngaïssona or Mr Bernard Mokom in Yaoundé to find out how to go to the border,
17 correct? You were already well aware before the (Redacted) how to get there, how
18 to deal there. And you even asked Yakete for money for transportation way before
19 the end of November, correct?

20 A. [11:58:58] Thank you. Counsel, your question does not relate to what I have in
21 my mind. Why would I ask for the money? (Redacted). I never had
22 this idea, this thought in my head. Thank you.

23 Q. [12:00:06] Please, sir, have a look at entry at page 6448 of the same tab 33 of the
24 Prosecution binder, the third entry, 29 November, time code 12:46, and please read
25 what you asked Mr Yakete to do.

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1 A. [12:00:51] Thank you.

2 Q. [12:00:52] Now, my question –

3 Sorry.

4 PRESIDING JUDGE SCHMITT: [12:01:03] The question is, I think, clear from when
5 you look at the entry.

6 So, Mr Witness, please proceed. So it seems that you are asking here for money for
7 transport.

8 THE WITNESS: [12:01:20](Interpretation) Thank you. It is true, I acknowledge that
9 I was the one who wrote that, but if we were asking for money, it was not for the
10 purpose of going to fight in the country. It was quite simply because we had a few
11 issues, a few problems while we were still in Cameroon.

12 As you know, we had difficulties travelling around the country, and if it was
13 (Redacted), then we needed money for transportation.

14 It is for that reason that I was requesting some funding.

15 MR KNOOPS: [12:02:34]

16 Q. [12:02:36] The last question on these entries, sir. It's true, isn't it, that it was not
17 Mr Mokom who asked you to go to the border? It was Mr Yakete himself who
18 suggested that you should go to the border.

19 A. [12:03:14] Thank you. Counsel, in answer to your question, I will tell you that
20 that was not the case. It is a lie.

21 PRESIDING JUDGE SCHMITT: [12:03:37] Can we go back to open session? You
22 have it on your radar, so to speak, Mr Knoops.

23 MR KNOOPS: [12:03:48] Yes, yes. It's -- I think these entries cannot reveal the identity.

24 PRESIDING JUDGE SCHMITT: [12:03:52] I also thought so.

25 So back to open session.

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1 (Open session at 12.03 p.m.)

2 THE COURT OFFICER: [12:03:57] We are in open session, Mr President.

3 MR KNOOPS: [12:04:10]

4 Q. [12:04:10] Sir, would you please be so kind to look at the entry on page 6447, the
5 same Prosecution tab 33. It's the second entry from above, the message from
6 Mr Yakete at 29 November, time code 07:23, to you. And please, sir, have a look at
7 what Mr Yakete suggests to you here.

8 So my question, I put to you that it was Mr Yakete who asked you to move to the
9 border and there was no need to visit anyone else in Yaoundé to receive that
10 information. And this was two days before you say in your entries that you received
11 allegedly the money which, in your entry, attribute to Mr Ngaïssona.

12 So this whole transportation money was just to enrich yourself because your plan
13 was - from the beginning - to move to the border. These entries show that you, from
14 the end of October, beginning of November, were very clear in your plans, and I give
15 you an opportunity to reconsider your evidence today under oath.

16 A. [12:06:45] Thank you. Counsel, to answer your question, as you know, when
17 you look at what Levy Yakete wrote here, you can see that he put question marks
18 there. He said, "One should move towards the border." And he puts question
19 marks there, which means that he was wondering about it.

20 I asked him the question: "Who should we refer this to?"

21 And then he asked me the question: "Was Steve Yambeté at the border?" And
22 there are still some question marks there.

23 So this means that when we were exchanging, we did not have a plan to go to the
24 border area. There was no plan at all to carry out that objective.

25 That is the answer that I can give you.

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1 PRESIDING JUDGE SCHMITT: [12:08:05] Mr Knoops, we have to take the answer
2 as it is. And if we continue with the entries I think we have a little bit of a problem
3 with the -- to stay in the open session because it's clear that from the answer, that we
4 are coming to areas which could be problematic.

5 MR KNOOPS: [12:08:24] Yes. Just one brief entry which, in my view, cannot --

6 PRESIDING JUDGE SCHMITT: [12:08:30] Okay. We trust you on that. Okay.
7 Yeah, yeah, please --

8 MR KNOOPS: [12:08:33] Just for the Chamber, that's of course I know -- I realise it
9 might be a submission from the bench -- sorry, from the bar table, the --

10 PRESIDING JUDGE SCHMITT: [12:08:42] Well, we can also talk about --

11 MR KNOOPS: [12:08:45] -- the sign the witness is referring to, is, in our submission,
12 not a question mark but it's an emoji. I have to speed up with my modern language.

13 PRESIDING JUDGE SCHMITT: [12:09:02] So -- and now since we too are not -- yeah,
14 not the only ones who have also lived through analogue areas -- eras, better to say,
15 analogue times. So what is it then, in your submission?

16 Perhaps Ms Szmatula can explain it, what it is.

17 MR KNOOPS: [12:09:28] Perhaps Ms Szmatula can take the floor.

18 PRESIDING JUDGE SCHMITT: [12:09:29] Or what she thinks it is, what she thinks it
19 is.

20 MS SZMATULA: [12:09:32] Good morning. I have my -- also, assistant. So it's an
21 emoji. So it could be a smiley, or anything that cannot be transcribed by the
22 computer, like the encoding has it wrong. So actually, we don't know what it is, but
23 it's not a question mark put by the --

24 PRESIDING JUDGE SCHMITT: [12:09:48] But actually --

25 MS SZMATULA: [12:09:49] -- thank you.

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- 1 PRESIDING JUDGE SCHMITT: [12:09:49] -- even for people, as I said, who come
2 from analogue times, it looks like a question mark, at least. So we take it as it is, but
3 we also know from another case that Mr Rowse is the technical expert, so, yeah.
- 4 MR KNOOPS: [12:10:05] Yeah.
- 5 Q. [12:10:06] Mr Witness --
- 6 MR KNOOPS: [12:10:07] Finally, Mr President, to conclude the entries --
- 7 PRESIDING JUDGE SCHMITT: [12:09:08] Yeah, please.
- 8 MR KNOOPS: [12:10:09]
- 9 Q. [12:10:07] -- if you, Mr Witness, say that all those entries dealing here with
10 specific ideas to set up marches, whatever, how could you then explain the last entry I
11 would like to confront you with, which is on page 6439, the sixth entry from above,
12 time code 17 November, 12:33, again, several weeks before the alleged meeting in
13 Yaoundé, where the words you'll find there, uttered by you, all are, in our view,
14 self-explanatory, "dead or alive". Has that anything to do with the specific march?
15 "Dead or alive"?
- 16 A. [12:11:41] I thank you. Yes. Based on what I can see, all those messages are
17 from me. I was responding to Mr Levy Yakete.
- 18 You may wish to know that in Cameroon, when we were there, people were being
19 randomly arrested. It is therefore possible that during our meeting we might have
20 been arrested. So it was because of that, that I was speaking in this manner, but this
21 has absolutely nothing to do with any plan whatsoever. We did not have any
22 intention of going to the border area in order to fight. That is what I can tell you,
23 counsel.
- 24 Q. [12:12:52] Thank you. Well, then the question finally remains why Mr Yakete
25 addresses you with "*salut brave combattant*", brave combatant, in the same page 6439,

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1 the fourth entry, while you also address in those entries some other of your colleagues
2 as combatants. In my dictionary, the word "combatant" does not stand for
3 a participant in a specific march, but you might have a different dictionary.
4 So how can you explain that Mr Yakete in several entries, such as this one, addresses
5 you - mind you, 17 November, way before the meeting in Yaoundé - as a "brave
6 soldier", while you say today, and, you want us to believe, that this has all to do with
7 specific marches?

8 A. [12:14:25] I thank you. I'll give you an answer to your question as follows.

9 The word "combatant" was just a jargon, a word of jargon that we used. We called
10 each other combatants. And if we wanted, for example, to meet or to mobilise for
11 the country, it was simply an act of patriotism. We wanted to mobilise ourselves to
12 defend the country because that country belongs to us and we were using that jargon,
13 "combatant", in order to describe ourselves.

14 Q. [12:15:23] Thank you. I'll now move to the next subject, sir.

15 I think, Mr President, we can still try to maintain an open session as much as possible.
16 This has to do with certain events you have described for us in Yaoundé. The
17 time frame I will ask you in a few minutes.

18 My first question to you, sir, is that in your evidence given yesterday, 12 July, at the
19 English realtime transcript 24, lines 17 and further, you suggest that Mr Mokom,
20 Bernard, and Mr Ngaïssona, were organising their projects together. And I'm very
21 interested to hear from you which projects you're referring to.

22 A. [12:16:55] Thank you. To answer your question, counsel, in my statements, I
23 mentioned the word "projects" and that is because I had no idea what was being
24 discussed amongst themselves, and since they gave us the means or the resources to
25 go to the border, that means they had a plan or a project. That's all.

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1 Q. [12:17:49] So we have to understand the word "projects" as the event you
2 described giving money to go to the border. That was the only project you attribute
3 to Mr Mokom and Ngaïssona, correct?

4 A. [12:18:28] Thank you. Yes, indeed.

5 Q. [12:18:41] Now, you did tell us yesterday, sir --

6 I think it could still be in open session.

7 You mentioned the person Elisée Sabe, and you asserted yesterday that he was in
8 contact with the -- at this moment in time, the terminology "Yaoundé". He was in
9 contact with Yaoundé.

10 It's in the English realtime transcript, page 32, line 8 till 9.

11 Now my first question to you is, what do you mean with the word "Yaoundé"? Who
12 in Yaoundé he was in contact with, if you know?

13 A. [12:19:49] Thank you. Elisée Sabe was in contact with Edouard Ngaïssona and
14 Bernard Mokom.

15 Q. [12:20:34] And which time frame are we speaking here? In 2013 or 2014?

16 Who knows.

17 A. [12:21:00] Thank you. To the best of my knowledge, it was when I arrived
18 Yaoundé that {ICR: (Redacted)} Elisée Sabe as
19 well as that of Mr Azou Mandji, who, during that period -- or, in fact, it was during
20 that period that I got to know that Elisée Sabe was in contact with Edouard Ngaïssona
21 and Bernard Mokom.

22 Q. [12:22:01] So it's your evidence that by the end of November 2013, when you
23 had this meeting in Yaoundé, this encounter, Mr Sabe was in contact with
24 Mr Ngaïssona? Is that your evidence today?

25 A. [12:22:18] Thank you. Yes, that is what I'm saying.

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1 Q. [12:22:38] Can you be more specific? Was this after or before you, as you say,
2 received the money for transportation to go to the border at Yaoundé that you learnt
3 that Mr Sabe was in contact with Mr Ngaïssona in Yaoundé?

4 A. [12:23:24] Thank you. In answer to your question, counsel, I would like to
5 repeat. It was upon my arrival in Yaoundé when {ICR: (Redacted)} of Elisée Sabe
6 and Azou Mandji. {ICR: (Redacted)}, and that those two people were the ones who
7 were supposed to receive {ICR: (Redacted)} in Yaoundé. So as from that day, I
8 understood that Mr Sabe was in contact with Bernard Mokom and Edouard
9 Ngaïssona. That is what I can say.

10 PRESIDING JUDGE SCHMITT: [12:24:31] I think it's a little bit critical now with
11 open session, I would say -- would suggest. Although I don't know how you are
12 intending to continue, so ...

13 MR KNOOPS: [12:24:43] On the several personalities who allegedly were in contact
14 with Yaoundé.

15 PRESIDING JUDGE SCHMITT: [12:24:50] I think it's better to go to private session.
16 I think where -- the combination, it would be possible to ... It would be critical.
17 We go to private session.

18 (Private session at 12.25 p.m.)

19 THE COURT OFFICER: [12:25:05] We are in private session, Mr President.

20 MR KNOOPS: [12:25:18]

21 Q. [12:25:20] Mr Witness, I take it that the contact you just mentioned between
22 (Redacted)?

23 A. [12:25:50] Thank you. Yes, that is correct.

24 Q. [12:25:56] Are you able to recollect (Redacted)
25 (Redacted)?

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1 A. [12:26:29] Thank you. To answer your question, I think that in my statements I
2 provided several phone numbers. The numbers that I could remember, I disclosed
3 them. Thank you.

4 MR KNOOPS: [12:27:02] Well, Mr President, it happens to be that the number of
5 (Redacted) is not mentioned in the statement, but there is an extraction report with
6 the number. And just for the record, I give the reference.

7 PRESIDING JUDGE SCHMITT: [12:27:20] Yes, please.

8 MR KNOOPS: [12:27:21] (Redacted)
9 (Redacted), no phone

10 contacts were established between that number and the Cameroonian numbers of
11 Mr Ngaïssona. It's just for the Court to know.

12 PRESIDING JUDGE SCHMITT: [12:27:53] Ms Struyven?

13 MS STRUYVEN: [12:27:55] I apologise, but I think, first of all, it would be nice to
14 have the clarification of those telephone numbers of Mr Ngaïssona in Cameroon, and
15 also to know on what basis that this assertion is made, whether the Defence has the
16 CDRs of the Cameroonian numbers and et cetera.

17 PRESIDING JUDGE SCHMITT: [12:28:14] Yes, but now we are not -- we have a live
18 witness here, and the witness has correctly pointed out that the numbers that he
19 recalls or recalled has been given to the Office of the Prosecutor via different means, I
20 think we have it in the transcripts of the former statements, and we have an
21 investigator's report. We have -- you been going through that I think yesterday.
22 What Mr Knoops now mentions -- and I don't have anything against it, to point us to
23 certain evidence, but what this evidence is worth, that is something that has to be
24 assessed at the end. And, of course, what you're saying, you might have a point, but
25 we don't entertain these discussions when we have a witness here.

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1 Please continue, Mr Knoops.

2 MR KNOOPS: [12:29:04]

3 Q. [12:29:04] Mr Witness, there's a second individual mentioned by you yesterday,
4 Mr Amadou Ndale, if I pronounce it correctly. You say he was the chief of the
5 Anti-Balaka at Bouar. And you mention him in the English transcripts, realtime
6 transcript, page 36, line 3.

7 Is it still your evidence that Mr Amadou Ndale had contacts with - what you
8 mentioned - the authorities in Yaoundé? Which you say in transcript, page 36, lines
9 9 till 11, you say:

10 Question by the Prosecution: "At that time, have you heard of contact between
11 Ndale and the authorities in Yaoundé?"

12 You say: "Thank you. What might enable me to confirm this in front of the
13 Court ...", et cetera.

14 So you did confirm yesterday that there were contacts between, in your view,
15 between Ndale and the so-called authorities in Yaoundé.

16 Now my question to you, sir, which time frame are we speaking here about in the
17 context of these alleged contacts?

18 A. [12:30:43] Thank you. In answer to your question, counsel, (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Furthermore, he was a member of Mr Ngaïssona's party. He's the only one who can
23 give you details and more precise information. Thank you very much.

24 Q. [12:32:08] But, sir, what made you say then yesterday before this Court that
25 Ndale had contacts at that time with the authorities in Yaoundé? What was the basis

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1 of this suggestion by you?

2 A. [12:32:54] Thank you. To answer your (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted). And that's all. I'm done.

6 Q. [12:33:47] Are you saying that he was with Mr Ngaïssona in Yaoundé? In

7 November, December 2013?

8 A. [12:34:18] Thank you, counsel. That's not what I wanted to say. (Redacted)

9 (Redacted)

10 (Redacted). That's what I want to say.

11 Q. [12:34:43] (Redacted)

12 (Redacted)?

13 A. [12:35:11] Thank you. I do not remember the date. Thank you.

14 Q. [12:35:18] Was it in 2014? And if so, before or after Brazzaville?

15 A. [12:35:51] Thank you. If I can recall correctly, (Redacted)

16 (Redacted)

17 (Redacted). Thank you.

18 Q. [12:36:26] Do you know, Mr Witness, till what time Mr Ngaïssona was in

19 Yaoundé in 2013?

20 A. [12:37:07] Thank you. If I can recall correctly, (Redacted)

21 (Redacted), and he had already left for Bangui. That's all.

22 Q. [12:37:40] And can you be more specific. Which month of the year did

23 Mr Ngaïssona leave to Bangui?

24 A. [12:38:10] Thank you. Counsel, I cannot give you a precise date or month, but

25 (Redacted) when he left for Bangui on a plane. We got

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1 this information. Thank you.

2 Q. [12:38:46] And it's your evidence that Mr Ngaïssona was, in the time frame you
3 were there, in Yaoundé, end of November, beginning of December 2013, in Yaoundé,
4 living with Bernard Mokom and supporting the activities financially -- as you
5 testified yesterday in the English realtime transcript, page 29, lines 2 to 4 and page 30,
6 line 9.

7 So it's within that time frame that you say he supported -- he was supporting at
8 a financial level the so-called activities, isn't it?

9 A. [12:40:05] Thank you.

10 PRESIDING JUDGE SCHMITT: [12:40:17] Do you want to go -- to answer this in
11 private session, Mr Witness? I think we are in private session, so then -- so my
12 apologies, Mr Witness.

13 THE WITNESS: [12:40:32](Interpretation) I feel that there is some delay in
14 interpreting. This is the local language, but there are overlapping questions and the
15 local language interpreter has not understood certain questions because of
16 overlapping.

17 PRESIDING JUDGE SCHMITT: [12:40:58] Okay, then perhaps -- I think the last
18 question of Mr Knoops was if -- when you are speaking about financial contributions
19 of Mr Ngaïssona, that you are referring to the time, end of November, beginning of
20 December 2013? If this is a correct understanding of your testimony.

21 THE WITNESS: [12:41:24](Interpretation) Thank you. Yes, I can confirm that.
22 Affirmative.

23 THE INTERPRETER: [12:41:43] Says the witness.

24 THE WITNESS: [12:41:46](Interpretation) The funding did not stop at Yaoundé,
25 funding also extended to Bangui.

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1 MR KNOOPS: [12:41:57]

2 Q. [12:41:57] I will address this at a later stage, Mr Witness. For now, it's my
3 understanding that it's your evidence Ngaïssona was end of November, beginning
4 December, in Yaoundé, supporting the activities financially.

5 Now, you also in the timeline presented yesterday spoke about the so-called
6 instructions the authority, as you mention, Mr Ngaïssona had given the -- had given
7 to recapture Beloko on a specific day. And then you say -- and it's English realtime
8 transcript page 40, line 19, when you are asked to clarify that sentence, you say:

9 "Thank you. I was talking about the leadership which was in Yaoundé. I was
10 referring to Ngaïssona and Bernard Mokom who were in Yaoundé. They were the
11 ones who issued the instructions. And Elisée Sabe conveyed those instructions to
12 the troops on the ground for the purposes of implementation. (Redacted)

13 (Redacted)

14 My first question is, when did (Redacted)?

15 A. [12:43:48] Thank you. I would say that it was 10 January 2024, during the day
16 when Djotodia resigned.

17 And I've -- I'm through.

18 PRESIDING JUDGE SCHMITT: [12:44:33] We take it that "2014" is meant. I think
19 we don't have to discuss this further.

20 MR KNOOPS: [12:44:41]

21 Q. [12:44:43] Mr Witness, when you are speaking about the instructions issued by
22 the leadership, which was in Yaoundé, (Redacted)
23 (Redacted) time frame we're speaking about? In which time frame these instructions
24 were given by the leadership in Yaoundé as you've suggested?

25 A. [12:45:29] Thank you. The orders issued by the chief of staff or the received

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1 instructions from Sabe around the 10th -- between the 10th and the 20 January,
2 (Redacted).

3 Q. [12:46:27] It's your evidence that Mr Ngaïssona was, as being part of the
4 leadership in Yaoundé, issuing instructions?

5 PRESIDING JUDGE SCHMITT: [12:46:40] Ms Struyven.

6 MS STRUYVEN: [12:46:42] I think we are going into a misleading area again.

7 We're -- we're conflating who gave the instructions and the location where that
8 person was when giving the instructions. And I think we're -- it's unfair to the
9 witness to try to, yeah, as I said, mislead or conflate the two different issues.

10 PRESIDING JUDGE SCHMITT: [12:47:04] Well, I don't think it's conflating here.

11 The question was and the witness -- I think the witness has answered several times
12 that instructions by whomever (Redacted)

13 (Redacted). And we have now a time frame in January, let's say, 2014.

14 And I think your last question was, Mr Knoops?

15 MR KNOOPS: [12:47:39] Very simply it's not conflating, it's just a logical conclusion.

16 Q. [12:47:40] If it's true, Mr Witness, that -- because you say the instructions came
17 from the leadership in Yaoundé - with the leadership I mean Mokom and
18 Ngaïssona - is it correct to say that if you say the instructions came between the 10th
19 and 20 January 2014, do you mean that Ngaïssona was at that time in Yaoundé, in
20 your evidence?

21 PRESIDING JUDGE SCHMITT: Well, that --

22 MR KNOOPS: [12:48:15] The one -- one thing follows from the other. It's not
23 conflating.

24 PRESIDING JUDGE SCHMITT: [12:48:21] Yeah, yeah, yeah, you have separated it.

25 So, yeah, I don't know how -- yeah.

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1 Please, Mr Witness.

2 THE WITNESS: [12:48:30](Interpretation) Thank you. My answer, counsel, I told
3 you that I do not remember the date. But I can recall that at that point of time, he
4 was at the Beloko border when Mr Ngaïssona arrived in Bangui. But I do not
5 remember the exact date.

6 PRESIDING JUDGE SCHMITT: [12:49:22] Please move on Mr -- please move on.

7 MR KNOOPS: [12:49:23] Yeah.

8 PRESIDING JUDGE SCHMITT: [12:49:24] Please move on, Mr Knoops, of course.

9 MR KNOOPS: [12:49:25] Yeah.

10 Q. [12:49:28] Still trying to make sense of your statement in terms of the time. In
11 your evidence yesterday, transcript page 46, line 20, the English realtime transcript,
12 you say that the second attack on 20 January, you say:

13 "But what I know is that within the select team, the inner circle, someone must have
14 been responsible for informing Yaoundé."

15 And then the next sentence, you say: "So before taking any decision, before taking
16 any action, they would necessarily inform the general coordination." Unquote.

17 Now, my question to you, sir, is we're speaking of 20 January 2014, so you are
18 suggesting here that there was still at that time contact with Yaoundé to get
19 instructions, correct? Or at least to provide Yaoundé information on the attacks
20 (Redacted)?

21 A. [12:50:56] Thank you. That is true. I confirm that. It was exactly that.

22 Q. [12:51:22] And whom in your recollection was at that time in Yaoundé who had
23 to be informed about the attack of 22 January 2014, the second attack?

24 A. [12:52:13] Thank you. I'm going to answer your question, counsel. I'm saying
25 it again once more, (Redacted)

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1 (Redacted), the instructions came from

2 Yaoundé. Because you know at that point of time, there were codes and when

3 (Redacted) spoke about Yaoundé, (Redacted) would use the word *sommet*, which

4 means a peak. And I've finished.

5 Q. [12:53:12] And can you tell us if you know who were the ones -- the individuals

6 in Yaoundé who had to be informed about the second attack? If you know who

7 were there at that time?

8 A. [12:53:27] Thank you. (Redacted),

9 the instructions came from Mr Ngaïssona.

10 MR KNOOPS: [12:54:16] Mr President, I -- Mr President, I think we can go to open

11 session.

12 PRESIDING JUDGE SCHMITT: [12:54:19] Then we do that, yeah.

13 Open session.

14 MR KNOOPS: [12:54:40] I just have two questions before the break, Mr President.

15 PRESIDING JUDGE SCHMITT: [12:54:43] Very good, very well. That's -- because I

16 would have asked if you entertained a larger portion of your questioning.

17 Okay, please.

18 (Open session at 12.54 p.m.)

19 THE COURT OFFICER: [12:54:46] We are in open session, Mr President.

20 MR KNOOPS: [12:54:49]

21 Q. [12:54:49] Sir, with the reference in your evidence yesterday, which I just quoted

22 from the English realtime transcript page 46, line 23, you say "they would necessarily

23 inform the general coordination." Is it your evidence that in your view, the general

24 coordination was on 20 January 2014 in Yaoundé?

25 A. [12:55:45] Thank you. To answer your question, counsel, I do not know where

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1 the coordination was specifically. Were they in Yaoundé or in Bangui at that point of
2 time? I do not know. What I know is that the instructions were issued by the general
3 coordination and they were conveyed {ICR: (Redacted)} by Sabe, according to him.

4 Q. [12:56:42] And did Sabe tell you that these instructions came from Yaoundé?

5 PRESIDING JUDGE SCHMITT: [12:56:54] What is objectionable to this question?

6 MS STRUYVEN: [12:56:57] I think we've asked these questions already many times
7 and I think at the end of the day, as I said at the beginning, we're trying to conflate --

8 PRESIDING JUDGE SCHMITT: [12:57:04] No, we will let the witness answer the
9 question. And this is the last answer before the break. I want to hear it.

10 So what did Mr Sabe -- to bring it to the point, what did Mr Sabe tell you, if he told
11 you anything about that, where these instructions came from?

12 THE WITNESS: [12:57:26](Interpretation) Thank you. Your Honour, I was not
13 there on the 20th when Sabe discussed things over the telephone. After this call,
14 {ICR: (Redacted)} he said that he had just spoken to *le sommet*, but he did not give
15 a name. And we knew -- all of us knew at that point of time that when he would
16 refer to "*le sommet*", it was Ngaïssona. So he conveyed the instructions and the
17 attack took place as instructed. Thank you.

18 PRESIDING JUDGE SCHMITT: [12:58:52] Okay. Then we have the lunch break
19 until 20.30.

20 THE COURT USHER: [12:58:57] All rise.

21 (Recess taken at 12.58 p.m.)

22 (Upon resuming in open session at 2.30 p.m.)

23 THE COURT USHER: [14:30:44] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [14:31:07] Good afternoon.

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1 Mr Knoops, you still have the floor. We are, I think, in open session, and you have
2 that in mind, of course, Mr Knoops.

3 MR KNOOPS: [14:31:18] Yes. Thank you very much, Mr President. I think we
4 can continue in open session for now.

5 Q. [14:31:27] Mr Witness, I just have one final question on the time frame we are
6 trying to reconstruct before I go into several documents. Yesterday, in the -- no,
7 sorry. It was 29 June, the first day you testified before the Court, in the English
8 realtime, transcript -- 62, line 4, you spoke about Mr Sabe, and you mentioned that
9 {ICR: (Redacted)}

10 (Redacted)

11 (Redacted)

12 (Redacted)} could get weapons to defend {ICR: (Redacted)}. Sabe said to me that we
13 had to be patient and wait because there had been a promise about weapons."

14 Now my question to you, sir, is, when you asked Mr Sabe to get weapons to defend
15 {ICR: (Redacted)}, of which time frame we're speaking here? What was the
16 approximate time {ICR: (Redacted)}?

17 A. [14:33:05] Thank you. In order to answer your question, counsel, I'm going to
18 say the following. I think it was when I arrived at the border. That was part of the
19 briefing with those who were ready at the border, including particularly Sabe told us,
20 and {ICR: (Redacted)}

21 (Redacted)}, it is the day after where a briefing took place, and during that briefing,
22 {ICR: (Redacted)}. That's my answer.

23 Q. [14:34:23] Thank you. And what was {ICR: (Redacted)} motivation to ask for weapons
24 to defend {ICR: (Redacted)}? What was the purpose of asking for those weapons?

25 A. [14:34:56] Thank you. I'm going to answer your question, sir. It's because

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1 since Yaoundé, Mr Mokom told us that military materiel was available to carry out
2 war at the border. That is what Mokom told us, and that is what pushed me to ask
3 the question. {ICR: (Redacted)} the person who had sent me there to find out.

4 Q. [14:35:51] But it is true, Mr Witness, isn't it, that you yourself, you endeavoured
5 to have a weapon yourself at that moment? Because you say that {ICR: (Redacted)}
6 Mr Sabe to get weapons to defend {ICR: (Redacted)}. So I guess that there was an
7 incentive also on your behalf to receive weapons, to fight or to defend {ICR:
8 (Redacted)}. That's a matter of semantics.

9 It's true, isn't it, that you desired to have a weapon yourself at that time?

10 A. [14:37:02] Thank you. In response to your question, sir, I will say the following,
11 and I repeat that it is from the town Yaoundé onwards that I received orders to go to
12 the border, and a mention was made that we would receive military materiel. When
13 they sent us to the border, it was to fight. And according to the instructions we
14 received from Yaoundé, I was compelled to find out about the instructions I'd
15 received. I'm a human being. I put the question so that I could act properly.
16 What would happen? Where is the materiel? That is the information that I
17 received in Yaoundé, and that is why I put the question to Mr Sabe.

18 Q. [14:38:37] Why then, sir, explain to the Chamber, if your incentive was, as you
19 testified before the break, to have specific marches and you spoke with Mr Yakete
20 about specific marches, as you say, why then did you go to the border to fight?

21 A. [14:39:07] Thank you, counsel. Your Honour, Defence counsel, I think you
22 have to differentiate in the two cases. My exchanges with Levy was a simple
23 reflection to see what we could do on a peaceful level. But once I arrived at Yaoundé,
24 the facts had changed. I received other instructions when I was in Yaoundé, the
25 facts -- the information had completely changed. So you have to distinguish

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1 between these exchanges with Levy and the instructions I received in Yaoundé.

2 Q. [14:40:28] Thank you. Well, now that we have tried to establish a time frame of
3 the events you described in Yaoundé from November, December, January, I would
4 like to introduce to you certain information based upon our own investigation,
5 starting with the following evidence you gave, first,
6 in the transcript of 12 July. Yesterday, page 40, English realtime version, line 10 till
7 13, you say that:

8 "On 10 January [2014], this is when we received the information via France 24. However,
9 it was Sabe Eliséé who gave {ICR: (Redacted)} the information from Yaoundé, issuing
10 instructions that {ICR: (Redacted)} should carry out the attack." End quote.

11 Now, you did say during the evidence you gave yesterday and today that part of the
12 leadership in Yaoundé was Mr Ngaïssona. Based upon the investigation we were
13 able to conduct and the information also available before the Court, I put to you that
14 Mr Ngaïssona was, on 10 January 2014, not in Yaoundé.

15 And I refer the Court, without the necessity to display the documents --

16 PRESIDING JUDGE SCHMITT: [14:42:44] You don't have to. We have this so
17 many times. It's simply on the record.

18 Perhaps to shorten it a little bit -- Mr Witness, we heard evidence before this Court
19 that Mr Ngaïssona on -- in January, on 10 January, I think, 2014, came to Bangui via
20 aeroplane. So was not in Yaoundé. So this is the background of what Mr Knoops is
21 asking you.

22 THE WITNESS: [14:43:29](Interpretation) Thank you. Mr President, I have heard
23 your question clearly, and by way of answer, I'm going to say the following. In one
24 of my statements, which I made here, I said that I was still at the border in
25 Garam-Boulai when I learnt that the authorities had gone to Bangui, but I do not

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1 remember the date.

2 Even if he was no longer in Yaoundé, even if he was elsewhere, he communicated per
3 telephone. From wherever he was, he could contact anybody by phone. I have no
4 specification or clarity on the date when he went to Bangui. All I said was that I
5 received instructions, which were echoed by Sabe. And I confirm, I was not the only
6 one who received those instructions.

7 That is all I wish to say, Mr President.

8 MR KNOOPS: [14:44:58] Mr President, I have to make an amendment to your
9 remark, Mr President, because it's even more than once.

10 Q. [14:45:11] Mr Witness, from 5 to 10 January 2014, Mr Ngaïssona was in Côte
11 d'Ivoire, and on the 10 or the 12th, he flew back to Douala, and he only arrived in
12 Bangui on 15 January.

13 PRESIDING JUDGE SCHMITT: [14:45:34] Well, yes, I think I also had that in mind,
14 but the witness has answered that. He has no information about the whereabouts of
15 Mr Ngaïssona; so he has answered the question. Please move on.

16 MR KNOOPS: [14:45:48] Yes.

17 Q. [14:45:49] Are you aware, Mr Witness, that from Douala, there is a direct flight
18 to Bangui but not from Yaoundé? Are you aware of this information?

19 PRESIDING JUDGE SCHMITT: [14:46:04] But, you know, the witness -- I think we
20 should not ask the witness about any scheduling matters between different airports.
21 Please put another question to the witness.

22 MR KNOOPS: [14:46:16] Yes. I would like to refer the Court to tab 79 and tab 83 of
23 the binder, where the Court finds the itinerary for Abidjan and the return flight.

24 PRESIDING JUDGE SCHMITT: [14:46:33] We talked about that before. If you refer
25 to such document, it's okay, but not -- we are not confusing the witness with such

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1 questions.

2 MR KNOOPS: [14:46:43] No. It's just for the Court.

3 PRESIDING JUDGE SCHMITT: [14:46:46] Yeah, okay. Fine. But it's not -- not as
4 a question to the witness. He, as well as others here in the courtroom, will not know
5 the scheduling from different airports.

6 MR KNOOPS: [14:46:56] No, but it might be relevant to put to the witness --

7 PRESIDING JUDGE SCHMITT: [14:47:01] Yeah, he has answered that. I think he
8 has said several times now that he does not know the whereabouts -- did not know
9 the whereabouts at the time of Mr Ngaïssona.

10 MR KNOOPS: [14:47:09]

11 Q. [14:47:09] Mr Witness, if I say to you that Mr Ngaïssona was from 7 till 26
12 December not in Cameroon nor Central African Republic, what is your answer to
13 your allegation that he provided instructions from Yaoundé?

14 It's -- for the Court, tab 82 of the binder.

15 PRESIDING JUDGE SCHMITT: [14:47:38] We also have that. Let it go, I think,
16 simply.

17 Mr Witness, did you know when -- where Mr Ngaïssona was during this time frame
18 that Mr Knoop now mentions? I think this is 7 December, you said, until the 23rd.

19 MR KNOOPS: [14:47:53] 7 till 26 December.

20 PRESIDING JUDGE SCHMITT: [14:47:57] 7 till 26. And we know where he was at
21 the time. I vividly recall the evidence on that.

22 Do you know of something about the whereabouts of Mr Ngaïssona in
23 December 2013?

24 THE WITNESS: [14:48:23](Interpretation) Thank you.

25 Mr President, to answer your question, I would say I have no idea because I didn't

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1 have any direct contact with him anymore. That is my answer.

2 MR KNOOPS: [14:48:44]

3 Q. [14:48:44] So, Mr Witness, I put to you that Mr Ngaïssona was from 7 December
4 onwards, except for a short break with Christmas in Douala, outside Cameroon and
5 the CAR and therefore could not have been giving instructions from Yaoundé.

6 And I put to you that your evidence today is not correct, and you have told us
7 repeatedly that you received instructions from Yaoundé in that time frame, including
8 from Mr Ngaïssona.

9 PRESIDING JUDGE SCHMITT: [14:49:28] Ms Struyven?

10 MS STRUYVEN: [14:49:30] Thank you, Mr President.

11 The witness has clarified multiple times by now that the instructions were given by
12 phone and that he did not know exactly where Mr Ngaïssona was.

13 PRESIDING JUDGE SCHMITT: [14:49:42] Yes, but he can answer that himself. I
14 think he can answer that himself.

15 MR KNOOPS: [14:49:46] The witness said from Yaoundé.

16 PRESIDING JUDGE SCHMITT: [14:49:48] Yeah, yeah, yeah, yeah. We give it -- but
17 this is the last time I think that we address this issue, but we will let the witness
18 answer the question.

19 I understand that the Defence tries this from different angles. That's understandable.

20 So, Mr Witness, you have heard the question by Mr Knoops, and it's about -- that
21 if - and we have evidence in that regard - Mr Ngaïssona was not in Yaoundé, he could
22 not have given from Yaoundé instructions. So I have understood that you did not
23 receive instructions directly from him, but you may perhaps elaborate on it again.
24 You have already answered a little bit in that regard, but if you want, you elaborate
25 further on that. How this functioned, that you received the instructions via another

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1 person.

2 THE WITNESS: [14:50:41](Interpretation) Thank you. Mr President, I think I've
3 already said and repeated on several occasions in this Court that when I arrived at the
4 border, one or two days later, I called Mr Ngaïssona on two occasions. I saw the
5 way in which he answered me on the phone. It was as if I was disturbing him, and
6 therefore I distanced myself from him. From that moment onwards, that particular
7 moment I had no further direct contact with him.

8 According to the instructions which Sabe gave {ICR: (Redacted)}, I, in my head, in my
9 spirit, I thought that it's the authority, Ngaïssona, who was providing the instructions
10 because the instructions always did come from Yaoundé. But what I do know is that
11 the instructions came from a person or persons that I met in Yaoundé, but I do not
12 have any additional information on the other details. That's my answer.

13 Thank you.

14 MR KNOOPS: [14:52:56]

15 Q. [14:52:58] Thank you, Mr Witness.

16 Can you tell us, if you know, how Mr Ngaïssona lived in Yaoundé? You already
17 suggested to the Court that he lived together with Mr Mokom. Well, can you tell us
18 something about how they were living in this place you mentioned. Was it with
19 their families, or were they on their selves, on their own?

20 A. [14:53:53] Thank you. In order to answer, sir, I can only repeat what I've said,
21 and then I will end.

22 In Douala, I called the number of Ngaïssona twice. He asked me to come quickly,
23 otherwise I would no longer find him in Yaoundé. That's what I remember. And
24 so the next day, we left. But when we left, we didn't know their house or where they
25 were living. They were telling us where they were.

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1 So once we had arrived in Yaoundé, we went to the Cité du Golf. It was deserted.
2 There was no one there. There were no women, nor children. The person who
3 welcomed us was Mr Mokom, and then we saw Mr Ngaïssona at the balcony and we
4 gestured to him to say hello, and then he went back inside the house.
5 That's all I have to say.

6 Q. [14:55:34] Are you able to describe this house, apart from that it had a balcony,
7 and where exactly was this house located in Yaoundé? Which district?

8 A. [14:56:11] Thank you. In response to your question, let me say that I know
9 Yaoundé a bit. The Cité du Golf is behind Febe. You have to go before the *palais de*
10 *renaissance* of Cameroon, we had to pass Febe, and it is the *cité* -- that is called Cité du
11 Golf. That's all I'm going to say.

12 Q. [14:57:07] Were you aware, Mr Witness, that Mr Ngaïssona was from 28
13 May 2013 living in Douala, having rented two houses there? And I ask you this
14 because you yourself indicated that you lived for four or five months in Douala.
15 It's -- for the Chamber, tab 3 of the binder, Defence binder.

16 So actually he wasn't living in Yaoundé on his own. He was with his full family in
17 Douala since 28 May 2013. So why would Mr Ngaïssona ask you to come to
18 Yaoundé while he was living in Douala where you also were living, as you say?

19 A. [14:58:33] Thank you. To answer your question, sir, I'm going to repeat myself.
20 The day of my arrival in Yaoundé, it was during the month of November, and, at that
21 moment, Ngaïssona was indeed in Yaoundé. I can confirm that. I didn't receive
22 any information as regards his residence there.

23 Q. [14:59:33] Mr Witness, were you aware that Mr Ngaïssona only was in Yaoundé
24 between 28 and 30 April to find there a temporary location for his family but returned,
25 ultimately, because of illness of two of his young sisters and, that, only on 30 May, he

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1 returned there for a few days for the preparation of the football match between
2 South Africa and the national team of the Republic of Central Africa, which took place
3 on 8 June?

4 PRESIDING JUDGE SCHMITT: [15:00:21] Mr Knoops, the witness has answered
5 that he -- you know, it's -- it's clear what you are trying to establish, but nevertheless,
6 the witness has answered and stands by that he -- I don't -- I think you can't say met
7 Mr Ngaïssona, but that he saw Mr Ngaïssona once on the balcony - gesturing to
8 him - in Yaoundé at a certain point in time and he stands by that. And I think he has
9 repeated that three or four times now and we are going around in circles here.

10 You can present this evidence to the Chamber, and, you're doing so, but it doesn't
11 make sense to ask the witness about April, May, June, something like that. The
12 witness stands by his observation that he once saw Mr Ngaïssona, only once, and he
13 has also said several times "only once" he saw Mr Ngaïssona.

14 MR KNOOPS: [15:01:32]

15 Q. [15:01:33] Right. Let me then address the topic {ICR: (Redacted)
16 (Redacted)
17 (Redacted)}.

18 First of all, Mr Witness, can you tell us how Mr Mohi was earning his living in
19 Cameroon or elsewhere?

20 A. [15:02:27] Thank you. I will give you an answer, counsel. In Douala, I cannot
21 tell you how he managed to feed himself, but he was in contact with the president of
22 the federation -- in fact, his president of the federation. You know, this was a very
23 good footballer and a player of the national team. {ICR: (Redacted)
24 (Redacted)}
25 in order to enable him to make ends meet.

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1 So in Douala, it is not possible for me to know what he was doing for a living. All
2 that I know is that he did not have a paying job as far as I know, but he was always in
3 permanent contact with the authority, Ngaïssona. {ICR: (Redacted)}
4 (Redacted)} the authority, Mr Ngaïssona.

5 Q. [15:04:27] Did you know where Mr Mohi was living at that time?

6 A. [15:04:55] Thank you. Mohi, in fact, I really do not know where he was living
7 in Douala, {ICR: (Redacted)}. There was a location
8 where people came to rest, so many people met at that location. It is there that {ICR:
9 (Redacted)} Central Africans met regularly in order to discuss {ICR: (Redacted)}.

10 Q. [15:05:45] {ICR: (Redacted)} Mr Mohi in Yaoundé?

11 A. [15:05:56] Thank you. {ICR: (Redacted)}
12 (Redacted)}. Thank you.

13 Q. [15:06:33] Do you know when Mr Mohi went back to the Central African
14 Republic? The time frame, if you can recall.

15 A. [15:07:05] Thank you. I do not know the date on which Mr Mohi returned to Bangui. In
16 fact, {ICR: (Redacted)}. If I remember correctly, it was much later because it was later in
17 2014, when I had already arrived Bangui, and that is {ICR: (Redacted)}. So I do not know
18 the date on which he had returned to Bangui.

19 Q. [15:07:58] Do you know by any chance for what reason he went back to Bangui?

20 A. [15:08:16] Thank you. No.

21 However, some people were compelled to return home. Many people returned
22 home. Why not him? I'm not the one who could take the decision in his place.
23 Thank you.

24 Q. [15:08:49] Did you hear at that time or later that Mr Mohi went back in only June
25 2014 for the passing away of his father and that he stayed all that time in Douala?

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1 Did that information reach you or not?

2 A. [15:09:31] Thank you. It is possible, but I no longer remember.

3 Q. [15:09:42] Mr Witness, can you recall with {ICR: (Redacted)}

4 (Redacted)} with Mr Mohi at the moment {ICR: (Redacted)}

5 (Redacted)

6 (Redacted) }

7 You testified on 29 June, it was {ICR: (Redacted)}

8 (Redacted) } Is that still your evidence?

9 A. [15:10:58] Thank you. I did not quite understand your question. Can you
10 kindly rephrase it, counsel.

11 Q. [15:11:17] I understood that at that time you had two telephone numbers,
12 Cameroonian phone numbers, right?

13 A. [15:11:40] Thank you. Yes, I confirm I have two numbers, one number from the
14 Orange network and another number from the MTN network.

15 Q. [15:12:03] So which -- {ICR: (Redacted) } Was that
16 the number of the Orange network or the other one?

17 A. [15:12:37] Thank you, counsel. I'm telling you that I no longer remember.
18 During that period, I was using my two numbers. So today, I am not capable of
19 telling you {ICR: (Redacted) } on the Orange number on the MTN number.
20 Both of my two numbers were operational.

21 Q. [15:13:10] Doesn't matter because the CDR information, which was provided by
22 the Prosecution in tab 33 - just for the Chamber, CAR-OTP-2101-6428, at
23 6434 - indicates that with the Cameroonian number ending {ICR: (Redacted)}, there
24 was no contact established between that number and {ICR: (Redacted) }, and the
25 second Cameroonian number you used at that time, ending {ICR: (Redacted) },

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1 doesn't even come up in the CDR.

2 So Mr Witness, the evidence you have given today and the last couple of days about

3 {ICR: (Redacted)}

4 (Redacted)}, is not supported by the available CDRs at the moment. In other words,

5 what you just told the Court does not find reflection in the telephone records. And I

6 believe you said this morning that everything we can find is in your phone records, so

7 we tried to dig in, but there's no contact established between {ICR: (Redacted)}.

8 As a matter of fact, it's only in November 2014 that the records reflect the contact

9 between --

10 PRESIDING JUDGE SCHMITT: [15:14:56] Call data records, yes. Okay. But, you

11 know, people might use all sorts of telephones. And it's some sort of indication,

12 but -- so the question that you can put to the witness is, Do you stand {ICR: (Redacted)}

13 (Redacted)} with the content you

14 have been speaking about?

15 MS STRUYVEN: [15:15:22] Excuse me, Mr President, but I also think it would be fair,

16 now that we live in a world where you also have WhatsApp and you also have online

17 communications that are not necessarily reflected in CDRs, that we also ask the

18 witness to specify if it could have been --

19 PRESIDING JUDGE SCHMITT: [15:15:37] No, no, no, no. He has said it was

20 a telephone call. So we have to --

21 MS STRUYVEN: [15:15:42] But a telephone -- WhatsApp can be on a telephone.

22 PRESIDING JUDGE SCHMITT: [15:15:45] Yes, okay, it can be on a telephone, but

23 we don't have to put something into the mouth of the witness here now.

24 But let me put it this way, it's -- in general to prove something with -- only with CDR

25 records is -- or to establish something is not easy to put it this way. I don't want to

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1 elaborate further on that, but it's perfectly clear that the Defence has to put this to
2 with the witness. So Mr Witness, you heard there is these call data records and they
3 do not reflect such a contact, but the question is still, {ICR: (Redacted)}
4 (Redacted)}?

5 So do you maintain your evidence in that regard?

6 THE WITNESS: [15:16:35](Interpretation) Thank you.

7 Mr President, I will answer the question. I do confirm and I say that it is true. It is
8 actually what happened.

9 PRESIDING JUDGE SCHMITT: [15:17:16] Please move on, Mr Knoops.

10 MR KNOOPS: [15:17:18]

11 Q. [15:17:19] Now, Mr Witness, it's your evidence that Mr Ngaïssona called
12 you -- sorry -- you called Mr Ngaïssona, you said twice. It's on 29 June. You gave
13 that statement in transcript -- page 70, line 24, and you also informed the Chamber
14 that you received a call from him -- sorry -- that you -- when you were {ICR:
15 (Redacted)}, you also received a call from Mr Ngaïssona.

16 So my first question is, what's the total amount of phone calls you made with
17 Mr Ngaïssona? Was it two or three? {ICR: (Redacted)} including the two calls you
18 mentioned in your evidence on the 26th -- 29th? Sorry.

19 A. [15:19:18] Thank you. When I receive the interpretation -- or after receiving the
20 interpretation, I would like to say that I'm the one who called Mr Ngaïssona. I called
21 Mr Ngaïssona on one day, and I called him again the following day, and it was on
22 that same day that I made the second call that I left Douala to go to Yaoundé.

23 THE INTERPRETER: [15:20:07] And then the witness has given a number that the
24 Sango booth says they did not capture.

25 THE WITNESS: [15:20:17] (Interpretation) These two numbers were functional and I

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1 was using both of them. I called him on one day and then I called him the following
2 day. And it was on the day of the second call that I left Douala to go to Yaoundé.
3 At the border, when I arrived at the border, I called him to tell him about the
4 difficulties we were facing on the ground, problems with feeding, with food, with
5 medicines, treatments. I tried to approach him in that way, but his answer was not
6 satisfactory to me. I realised that I seemed to be disturbing him and therefore I
7 stopped making calls to him.
8 That is it what I can say on that point, counsel.

9 MR KNOOPS: [15:21:27]

10 Q. [15:21:28] So the answer is you made in total three calls to him, two on the same
11 day you mentioned and one when you were calling him for assistance for food, so
12 three calls.

13 Now, the time frame of the call you made when he allegedly told you that you were
14 a nuisance, {ICR: (Redacted)}, what was the time frame of that call?

15 A. [15:22:34] After I arrived {ICR: (Redacted)}, I made the call a few days later. It
16 did not last long. After my meeting with the other elements, including Elisée
17 Sabe -- and as {ICR: (Redacted)}, I tried to assess the situation on the ground and I
18 determined what we needed to do to be able to leave. There were difficulties on the
19 ground and it was for that reason that I made that call to him. If I'm not mistaken, I
20 placed two calls to him whilst at the border. Let me stop there.

21 Q. [15:23:31] So that makes it in total four calls now, correct? Two on the same
22 day when you were in Yaoundé and two at the border. Is that -- is that correct, sir,
23 four calls?

24 A. [15:23:52] Thank you for that question of clarification. In Douala, I called him
25 on two occasions. When I arrived Yaoundé, I called him on several occasions

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1 because he had to tell us precisely how to find him. We had arrived Yaoundé at
2 night at around 9 p.m., so I called him several times during that night in order to be
3 able to locate his residence. If I remember correctly, he also gave me the number of
4 his younger brother or sister. I called that number and the person was in a certain
5 nightclub and I was simply hearing a lot of noise.

6 We continued on our way and we arrived at the gate. And while at the gate, I called
7 him again. He told me that it was late at night and he suggested that we come back
8 the following morning. And so it was only the following morning that we were able
9 to meet him.

10 That is the clarification that I wanted to make. I don't believe that I gave those
11 details before in my statement.

12 Q. [15:25:41] No. Indeed. Indeed. Why? Why didn't you give those details
13 before? Because now I lost count, sir, apologies, two times from Douala, in Yaoundé,
14 in the -- when he was in the nightclub and then two times at the border, so that it's
15 already five or six times. So why are you changing now your statement in terms of
16 the amount of calls?

17 PRESIDING JUDGE SCHMITT: [15:26:07] No, the witness has said it does now
18 come to his mind, so it's simply -- and you have asked for the number of phone calls,
19 so he is now sitting here, he's remembering other things, more things perhaps, and he
20 has explained that I think.

21 Please move on.

22 MR KNOOPS: [15:26:28] Yes. Well, it's -- that's clear that he remembers now a lot
23 of things which are not in his statement.

24 Q. [15:26:29] That's why I'm asking you --

25 PRESIDING JUDGE SCHMITT: [15:26:35] Yeah, but this is also -- we have read the

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1 statement, and so you can continue.

2 MR KNOOPS: [15:26:39]

3 Q. [15:26:40] So was -- the number you used to call Mr Ngaïssona, was this
4 a Cameroonian number?

5 A. [15:27:06] Thank you. I have just told you that I called Ngaïssona with
6 Cameroonian numbers. That's it.

7 Q. [15:27:21] No. My question is the number on which you called Mr Ngaïssona,
8 was his number a Cameroonian number? You used your Cameroonian number, or
9 one of the two, but the number you received from, you say, {ICR: (Redacted)}
10 (Redacted)}, was that a Cameroonian number?

11 A. [15:28:06] Thank you. The number that {ICR: (Redacted)} me was
12 a Cameroonian number.

13 Q. [15:28:18] Right, and it's true, sir, that the calls you say you made to
14 Mr Ngaïssona at the border were made in January 2014, around the stay {ICR:
15 (Redacted)}, is that true?

16 A. [15:28:49] Thank you. In answer to your question, counsel, I said that I no
17 longer remember the precise dates. I can only confirm to you that I placed calls to
18 him.

19 Q. [15:29:14] Sir, I put to you - and in this regard, we are in the respectful company
20 of the ruling of the Pre-Trial Chamber in paragraph 228 - that according to the records
21 we received on your telephone calls, there were no calls registered between the
22 available numbers of Mr Ngaïssona, the Cameroonian numbers, and your both
23 Cameroonian numbers. And it's only in September 2014, that, according to these call
24 data records, the contact was, according to this information, established. And that's
25 the Decision on the Confirmation of Charges of the Pre-Trial Chamber, paragraph 228,

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1 page 98. And for the CDRs, it's tab 39 and 33 of the Defence binder,
2 CAR-OTP-2046-0701, at rows responsive to 23675436262 and CAR-OTP-2025-0650 at
3 tab 2675081616, one of the numbers of the witness.

4 So, Mr Witness, I put to you --

5 PRESIDING JUDGE SCHMITT: [15:31:07] Ms Struyven, what's the problem here?

6 MS STRUYVEN: [15:31:12] It's the same objection, your Honours. We don't have
7 all the telephone numbers of Mr Ngaïssona. We certainly don't have all the CDRs of
8 his telephone numbers, especially not the Cameroonian ones. So the objection -- or
9 what is being put to the witness is, at least from our side, based on information that
10 we don't have and we would like the Defence, if they have this information, at least,
11 provide the basis of it.

12 PRESIDING JUDGE SCHMITT: [15:31:34] Well -- well, Mr Knoops has cited, and I
13 assume correctly, the decision by the Pre-Trial Chamber, which surprises me a little
14 bit because, let me put it this way, I think I said something already about call data
15 records and the probative value of them. It's very hard, to put it mildly, to establish
16 that a call has not been placed, like always with negative things, so -- but of course
17 the -- Mr Knoops, if he has this in a decision of a Chamber of this Court, he can put it
18 to the witness.

19 But I would prefer it now, because you tell us that this -- I was also aware of that, that
20 this is in the decision by the Pre-Trial Chamber.

21 But Mr Witness, simply you -- you stand by what you said? Or do you not stand by
22 what you said? That you placed these calls from the border to Mr Ngaïssona, that
23 you -- that you spoke with him? Do you stand by that or do you -- do you
24 now -- hearing that there is this information, do you say, "Okay, if I give it a second
25 thought, this is not correct."

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1 THE WITNESS: [15:32:56](Interpretation) Thank you. Mr President, I haven't got
2 anything further to add. You asked me to tell you the truth and nothing but the
3 truth. And this is the truth. This is what I'm telling you now. That is all.

4 PRESIDING JUDGE SCHMITT: [15:33:34] Yes.

5 MR KNOOPS: [15:33:34]

6 Q. [15:33:34] And even further, sir, I put to you that around the time frame 10
7 January around the Beloko attacks, Mr Ngaïssona was in Ivory Coast and not
8 reachable on his Cameroonian numbers. And also here, I give you again a chance to
9 reconsider your evidence.

10 PRESIDING JUDGE SCHMITT: [15:34:02] No, Mr Knoops, the witness has
11 answered that. It's -- it's -- simply what you are presenting us is assumptions,
12 allegations, evidence, if you will, that we have to assess. The witness -- I have clearly
13 asked the witness if he stands by having placed all these and had these conversations
14 with Mr Ngaïssona and the witness has clearly said that he stands by that.
15 So you have to move on from there.

16 MR KNOOPS: [15:34:27]

17 Q. [15:34:27] My final question on the alleged contacts with Mr Ngaïssona is the
18 following. Sir, there's a Facebook conversation, it's in the OTP binder tab 33,
19 CAR-OTP-2101-6428 and it's at page 6467.
20 And maybe the court officer could pull up this document.

21 PRESIDING JUDGE SCHMITT: [15:35:27] Do we go to private session, Mr Knoops?

22 MR KNOOPS: [15:35:34] Well, it's about individual which he's already -- who's
23 already mentioned in open session. But if --

24 PRESIDING JUDGE SCHMITT: [15:35:44] Ms Struyven, any -- any opinion on that?

25 MR KNOOPS: [15:35:50] Maybe first have a look at the entry and then the Court

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1 can --

2 PRESIDING JUDGE SCHMITT: [15:35:54] Yes. Perhaps tell us which part of the
3 conversations on that page. They are not -- they are not displayed anywhere, of
4 course, to the public, but --

5 MR KNOOPS: [15:36:05] Yeah.

6 (Counsel confers)

7 MR KNOOPS: [15:36:23] Yes, Mr President, it's the third one from above, the entry
8 on --

9 PRESIDING JUDGE SCHMITT: [15:36:29] With the capital letters?

10 MR KNOOPS: [15:36:31] Yes, 17:49.

11 PRESIDING JUDGE SCHMITT: [15:36:33] I think we have to discuss this in -- or not?
12 Ms Struyven.

13 MS STRUYVEN: [15:36:41] Depends on the questions. It really depends on what
14 the questions are going to be.

15 PRESIDING JUDGE SCHMITT: [15:36:46] Well, Mr Knoops, please simply start, put
16 your question to the witness and then we decide.

17 MR KNOOPS: [15:36:54]

18 Q. [15:36:54] So, sir, you see here in Facebook conversations you entertained with
19 Mr Yakete again, where you inform the -- Mr Yakete of the loss of a -- what you call,
20 a *frère au combat* at the front. And my first question is to which person do you refer
21 in this Facebook conversation?

22 A. [15:37:30] Thank you. In answering your question, counsel, what I want to say
23 to Levy here, was to give him information relating to the death of Elisée Sabe, who
24 was the commander of the brigade of Koundé at the time. It was only he alone who
25 was killed at the front on that particular day.

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1 That's all I want to say.

2 Q. [15:38:34] Did you inform the individuals in Yaoundé about this?

3 A. [15:39:05] Thank you. This is my answer, counsel. The select group who was
4 instructing those on the ground knew who they should give the information to about
5 what was happening on the ground. Our chief of staff passed on the information to
6 the individuals concerned. And in Levy's response, we * can understand his fears
7 because he knew that the majority of fighters were civilians, not military soldiers, and
8 they were therefore not used to fighting. According to him, as Sabe was a soldier
9 and as he was killed, * the outcome for civilians would be carnage. That is certainly
10 why he was scared and that's why he thought we should stop fighting. I'm sure, I
11 repeat, that he was frightened.

12 I think that's all I'm going to say. Thank you.

13 Q. [15:40:35] Maybe scroll down, please, Madam Court Officer, to ...

14 Mr Witness, what do you mean by the entry 21 January at 21:14, (Interpretation) "And
15 why my old friend?"

16 A. [15:41:38] Thank you. Counsel, I'll answer you. After the death of Sabe, at
17 that moment {ICR: (Redacted)}

18 (Redacted)}. In what he said a little bit higher above, he asked {ICR: (Redacted)}

19 (Redacted)

20 (Redacted))? Already at that moment the Seleka had left the place and we

21 were already on the territory of our country. We couldn't return to Cameroon.

22 And that's the reason why I put the question to him again, but unfortunately, he
23 didn't answer that question.

24 That's what I said at that point in time.

25 Q. [15:42:58] And tell us, sir, why were you addressing him, Mr Yakete, about the

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1 death of Sabe and the question whether to continue {ICR: (Redacted)} or not and not
2 somebody else?

3 A. [15:43:44] Thank you. Counsel, I will answer. The question you've just put to
4 me, in any case, I'd like to say the following. I informed Yakete from time to time
5 about what was happening on the ground. If -- if I had not sent him the message, I
6 wouldn't be here today in this court. If I had not sent this message, you would not
7 have received that message today. When I was asked to provide my telephone
8 number, I did it in good faith because I didn't have any worries. But today it helps
9 you, it helps me, so that you can see the reality of what really happened.

10 To go back to your question, counsel, I spoke about the death of Sabe to Yakete. It
11 was not only to him that I sent this message. I told several other compatriots as well.
12 I think you have my telephone number, so I passed on the information to several
13 individuals.

14 I think that I have nothing further to add to what I've already said.

15 Q. [15:45:41] So it was at that time Mr Yakete who was deciding whether to
16 continue the fight or not, yes? It was Yakete who decided this?

17 A. [15:46:10] Thank you. I will answer you, counsel. Yakete never gave any
18 orders. In fact, if you look at the line of the conversation, you will see there is no
19 instructions given by Yakete. I've just told you that there was a select group as
20 regards Beloko and that group included Sabe, and that team received the instructions
21 from Yaoundé, in particular, also from Mr Ngaïssona. But Levy Yakete did not give
22 {ICR: (Redacted)} any instructions. Thank you.

23 Q. [15:47:05] Again, can you give us a time frame about these instructions? So
24 you're saying that after the death of Mr Sabe, instructions came from Yaoundé to
25 continue the fight, is that your evidence today? So on 21 January you reported to

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1 Yakete that Mr Sabe died in combat, {ICR: (Redacted)}
2 (Redacted)} got information from Yaoundé to continue to
3 fight. Is that your evidence today?

4 A. [15:48:00] Thank you. Counsel, the question you have just asked me, I have
5 a document in front of me. I talked about the death of Sabe to Yakete. I informed
6 him about the situation. Suddenly he got frightened and he asked {ICR: (Redacted)}
7 to stop fighting. Of course, according to him, the fighting was continuing at that
8 moment. And I asked him {ICR: (Redacted)} to stop fighting. Look, from the 21st
9 to the 27, he didn't give me an answer. And when he did answer, it was already the
10 27th. I've already told you that all the orders that {ICR: (Redacted)} received came
11 from the national coordination. I will avoid the word "Yaoundé" if you prefer.

12 Q. [15:49:25] No, no, no. It's your evidence that it's from Yaoundé.

13 PRESIDING JUDGE SCHMITT: [15:49:30] We have -- we have discussed this really
14 extensively what Yaoundé means, if it is a location or whatsoever, and the witness has
15 answered that. Please continue, Mr Knoops.

16 MR KNOOPS: [15:49:44]

17 Q. [15:49:45] Can you recall, sir, that in 2017 you introduced in your statement the
18 words "provisional coordination."

19 PRESIDING JUDGE SCHMITT: [15:49:57] Which paragraph, please Mr Knoops? If
20 you can help us?

21 MR KNOOPS: [15:50:01] 133 in coordination with 138.

22 PRESIDING JUDGE SCHMITT: [15:50:13] Thank you.

23 MR KNOOPS: [15:50:15]

24 Q. [15:50:15] Mr Witness, I put to you that in 2017, you gave a totally different
25 account of the composition of the coordination. You did say that before

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1 Mr Ngaïssona came to Bangui, there was a provisional coordination. You
2 mentioned several individuals, not being Mr Ngaïssona, and you say that this
3 coordination in Bangui was encouraging self-defence groups. So what is your
4 evidence today? What should we believe?

5 PRESIDING JUDGE SCHMITT: [15:50:58] Perhaps we can pull this up, I think it was
6 tab 41 and it's paragraph 133.

7 So Mr Witness, here, you see what Mr Knoops mentions in this paragraph 133. You
8 are mentioning a provisional coordination and several names come afterwards and
9 Mr Ngaïssona is not part of this sequence of names.

10 MR KNOOPS: [15:52:06] Nor the name "Yaoundé".

11 PRESIDING JUDGE SCHMITT: [15:52:08] Yes, nor the name Yaoundé, yes. So
12 with which groups, with which persons was -- or where did the instructions come
13 from, if you look at this paragraph here?

14 THE WITNESS: [15:52:42](Interpretation) Thank you. Mr President, paragraph 133,
15 which is displayed here on my screen is in English. I cannot understand it. If you
16 could do it in French, that would assist me.

17 PRESIDING JUDGE SCHMITT: [15:53:09] Of course we can do that, I apologise for
18 that and perhaps I was wrong when I said tab 41, but I don't think so actually.

19 MR KNOOPS: [15:53:17] No, it's correct, Mr President, it's 41, yeah.

20 PRESIDING JUDGE SCHMITT: [15:53:19] It's 41, so but still --

21 MR KNOOPS: [15:53:21] The French.

22 PRESIDING JUDGE SCHMITT: [15:53:21] -- really apologies, Mr Witness, that
23 should not happen.

24 I think now it's displayed in French and you can read it. We are speaking about
25 paragraph 133, Mr Witness.

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1 THE WITNESS: [15:53:51](Interpretation) Thank you. When I made the statement,
2 Mr President, I knew * that before the arrival of Mr Ngaïssona in Bangui, there was
3 already a provisional office that had been set up. What I can say is that in each
4 village, in each prefecture, there was already coordination -- local coordination that
5 was operational.
6 Sébastien Wenezoui, I had heard people talk about him within this group. At that
7 point in time, Yagouzou, * may his soul rest in peace, Lieutenant Kamezolari and
8 Maxime Mokom were all in Bangui. Those individuals were in Bangui. I don't
9 know what happened. All I said, that according to rumours, there was
10 a misunderstanding or disagreement between Wenezoui and Ngaïssona when he
11 arrived. I heard it said that there was an argument and a struggle for the position.
12 I only received this information through rumours that were circulating. I do know
13 that the national coordinator is Mr X.
14 Mr President, I'm going to stop now.
15 PRESIDING JUDGE SCHMITT: [15:56:29] Mr Knoops, we have a judges' meeting
16 shortly after four o'clock.
17 MR KNOOPS: [15:56:35] Yes.
18 PRESIDING JUDGE SCHMITT: [15:56:36] If you have a short question which is
19 related, then -- but please don't start something completely new.
20 MR KNOOPS: [15:56:42] No.
21 PRESIDING JUDGE SCHMITT: [15:56:43] Yes, okay.
22 MR KNOOPS: [15:56:44]
23 Q. [15:56:43] Mr Witness, in your statement, which was just provided to you in
24 terms of paragraph 133, you also say in 138 that the provisional coordination in
25 Bangui was calling the self-defence groups to encourage them.

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1 So you agree with me that in 2017, you said to the investigators that the coordination
2 was not in Yaoundé or anyone from Yaoundé and didn't include Ngaïssona?

3 PRESIDING JUDGE SCHMITT: [15:57:26] And we have to -- it's at the bottom of the
4 page unfortunately, so we have to scroll down a little bit for the witness. That is
5 unfortunate because we don't get two pages.

6 So Mr Witness, look at the very bottom of this page, paragraph 138, it starts:

7 (Interpretation) "Provisional coordination in Bangui..."

8 And if we then could scroll down a little bit to the next page, we can read further, and
9 you see:

10 (Interpretation) "... called upon the self-defence groups in order to encourage them."

11 So -- and the question of Mr Knoops is that at the time - looking at this, at your
12 testimony in 2017 - this was the provisional coordination that gave instructions,
13 which included not Mr Ngaïssona, according to your statement at the time.

14 So what would you say to that?

15 THE WITNESS: [15:58:45](Interpretation) Thank you, Mr President. In answering
16 this question I will say the following. I answered the questions put by the OTP.

17 You know, you asked me questions and I answered and they were written down.

18 For example, they asked me questions on the self-determination groups at Kilometer
19 5. Yes, I said there was a group of self-defence in the Kilometer 5 district, and I also
20 said I didn't know who was supporting them. In the province, sometimes when
21 difficulties came up, they called Bangui, but I don't know exactly who they contacted
22 in Bangui.

23 They asked for money for food, money to buy fuel, and also asked for ammunition.

24 That's what happened at that moment. And I think in 2014, His Excellency had

25 already returned to Bangui. His Excellency was already in Bangui and the national

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1 coordination saw the day.

2 Perhaps I got a bit confused in the precise dates. If I've given you information here

3 in and in my statement, then it's what happened on the ground at that moment.

4 I'm going to stop now, Mr President.

5 PRESIDING JUDGE SCHMITT: [16:01:48] Thank you. We thank you, Mr Witness,

6 for answering patiently the questions today. We continue tomorrow. We stop for

7 now and we continue at 9.30. Thank you.

8 THE COURT USHER: [16:02:03] All rise.

9 (The hearing ends in open session at 4.02 p.m.)