

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 Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chun
8 Trial Hearing - Courtroom 1
9 Thursday, 14 July 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:42] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:02] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:07] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:22] Thank you.
21 Ms Struyven for the appearance of the Prosecutor.
22 MS STRUYVEN: [9:32:25] 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: [9:32:33] Thank you.

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1 Ms Rabesandratana.

2 MS RABESANDRATANA: [9:32:38](Interpretation) Good morning, Mr President.

3 Good morning, your Honours. Good morning, everybody.

4 For the representatives of the victims today, we have Enrique Carnero, Evelyne

5 Ombeni and Elisabeth Rabesandratana.

6 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you.

7 Ms Lau.

8 MS LAU: [9:33:01] Good morning, Mr President, your Honours. Good morning,

9 everyone in the courtroom.

10 Today the former child soldiers are represented by myself, Fiona Lau, associate legal

11 officer, Office of Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.

13 And Ms Guissé for the Defence of Mr Yekatom.

14 MS GUISSÉ: [9:33:19](Interpretation) Good morning, Mr President, your Honours.

15 Good morning, everybody.

16 [...] Yekatom is present in the room, and he's assisted today by Victor-Louis Lapointe

17 Saint-Pierre and myself, Anta Guissé.

18 PRESIDING JUDGE SCHMITT: [9:33:32] And Mr Knoops.

19 MR KNOOPS: [9:33:35] Yes, good morning, Mr President. Good morning, dear

20 members of the Chamber. Everyone in the courtroom, good morning.

21 The Defence team of Mr Ngaïssona appears today for the Chamber in the same

22 composition as yesterday, that's to say, Ms Barbara Szmatala, Mr Michael Rowse and

23 Mr Ali Alabdali. And Mr Ngaïssona himself is in the courtroom.

24 PRESIDING JUDGE SCHMITT: [9:34:01] Thank you.

25 And we also welcome and good morning to our witness.

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- 1 Good morning, Mr Witness.
- 2 And also to counsel for the witness, Mr Emile Aoun.
- 3 MR AOUN: [9:34:08] Good morning, your Honours.
- 4 PRESIDING JUDGE SCHMITT: [9:34:11] Thank you.
- 5 We continue with the examination by Mr Knoops.
- 6 MR KNOOPS: [9:34:18] Thank you, Mr President. I intend to conclude my
- 7 examination today of course, maybe, in the last session. I'll do my best to finish it
- 8 before the -- probably in the last session, I will strive to finish.
- 9 PRESIDING JUDGE SCHMITT: [9:34:31] Perhaps you are even quicker.
- 10 MR KNOOPS: [9:34:33] Yes, yes. I will do my best, Mr President.
- 11 PRESIDING JUDGE SCHMITT: [9:34:35] Yeah, yeah. Please.
- 12 MR KNOOPS: [9:34:36] Just before I start, Mr President, for the Chamber and the
- 13 participants, because we had many discussions yesterday on the CDR, the
- 14 Prosecution suggested yesterday to the Chamber that the calls, which are not
- 15 registered in the CDRs, could be made by WhatsApp. One of our technical experts,
- 16 Mr Michael Rowse of our team, did some inquiries and it's, I think, important for the
- 17 Chamber to know that only in March 2015, the android module was created to make
- 18 WhatsApp voice messages. And we can submit this technical document to the
- 19 Chamber.
- 20 PRESIDING JUDGE SCHMITT: [9:35:26] Why not. Why not, of course.
- 21 MR KNOOPS: [9:35:28] And it will have CAR-D30-0006-0044 and -- to say that in
- 22 March 2015, android users finally can make use of voice calls on WhatsApp, thanks to
- 23 a quiet, but major update; so that's to say that in 2013, there was no technical
- 24 possibility to have WhatsApp calls. I think this is an important information for the
- 25 Court.

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- 1 PRESIDING JUDGE SCHMITT: [9:35:58] Ms Struyven, we don't discuss this now.
- 2 You can -- you can submit something to the contrary. You can have other ideas, but
- 3 we don't -- we don't discuss the evidence here in the courtroom.
- 4 Mr Knoops, please continue with the examination.
- 5 MR KNOOPS: [9:36:12] Yes, thank you, Mr President.
- 6 WITNESS: CAR-OTP-P-1719 (On former oath)
- 7 (The witness speaks Sango)
- 8 QUESTIONED BY MR KNOOPS: (Continuing)
- 9 Q. [9:36:17] Good morning, Mr Witness. I can address my next topic in open
- 10 session. It still has to do with the sources of your information, and the topic I will
- 11 delve into with you this morning will be in relation to Mr Kpefio, Kevin Kpefio, you
- 12 introduced him in your evidence already on 29 June, saying that {ICR: (Redacted)}
- 13 (Redacted)}. English real-time transcript 48, line 16.
- 14 Still you told the Court on 12 July, transcript page 11, line 2, {ICR: (Redacted)}
- 15 (Redacted)} Mr Kevin Kpefio.
- 16 So can you explain first to the Court, how {ICR: (Redacted)}
- 17 (Redacted)
- 18 (Redacted)}.
- 19 A. [9:37:53] Thank you. Mr President, your -- Mr Defence, good morning.
- 20 To order your -- to answer your question, sir, in my statement, in my previous
- 21 statement, I said that Kevin Kpefio was the president of the youth group of the KNK.
- 22 And it was a public name. {ICR: (Redacted)}, just
- 23 like the other compatriots.
- 24 When these authorities were in the -- Cameroon, he, too, was there. I can't
- 25 remember whether {ICR: (Redacted)}

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- 1 (Redacted)
- 2 (Redacted)}. He had come from Yaounde, and {ICR: (Redacted)} at the border.
- 3 Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:39:45] Mr Knoops, I don't want to interrupt, but
- 5 the ERN of the document that you provided us with is -- was transcribed wrongly.
- 6 Could you please repeat it. It was not your fault.
- 7 MR KNOOPS: [9:39:56] Yes. You mean on the WhatsApp document?
- 8 PRESIDING JUDGE SCHMITT: [9:40:02] Yes, yes.
- 9 MR KNOOPS: [9:40:03] It's -- it will be introduced, Mr President, with
- 10 CAR-D30-0006-0044.
- 11 PRESIDING JUDGE SCHMITT: [9:40:16] Thank you.
- 12 MR KNOOPS: [9:40:18] Article, 31 March 2016. It's not yet disclosed, but it will be
- 13 disclosed by the Defence.
- 14 PRESIDING JUDGE SCHMITT: [9:40:26] Yeah, no problem.
- 15 MR KNOOPS: [9:40:29]
- 16 Q. [9:40:30] Mr Witness, my question was: {ICR: (Redacted)}
- 17 (Redacted)
- 18 (Redacted)}
- 19 A. [9:41:07] Thank you. To answer your question, I'm going to repeat myself by
- 20 saying that Kevin Kpefio {ICR: (Redacted)} in the country,
- 21 before the coup d'état.
- 22 As regards {ICR: (Redacted)} during the conflict, I cannot remember. I cannot
- 23 remember. I don't remember having had any exchanges with him of whatever
- 24 nature. It might have been that {ICR: (Redacted)}
- 25 (Redacted)}.

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1 You can ask me questions about {ICR: (Redacted)} at the border, and it might jog my
2 memory, and then I'll give you further explanation.

3 Q. [9:42:28] Thank you for the suggestion, but my question now is, Mr Witness,
4 did -- you had, at that time before you went to the border, had {ICR: (Redacted)} of
5 Mr Kpefio?

6 A. [9:43:10] Thank you. I can't remember. That's the answer I can give you. I
7 don't remember.

8 Q. [9:43:36] You provided the investigators on 27 October 2020 -- actually, it
9 was -- the report is from 27 October 2020, investigation report.

10 But during your interview in July 2017, can you recall that you gave {ICR: (Redacted)}
11 to the investigators of Mr Kevin Kpefio?

12 A. [9:44:29] Thank you. To answer your question, I would say that it was at the
13 border, {ICR: (Redacted)} and
14 from that moment onwards, {ICR: (Redacted)}.

15 That is what I told the OTP investigators. Thank you.

16 Q. [9:45:11] Thank you, sir.

17 Could the court officer please be so kind to pull up the investigation report of 27
18 October 2020, which is in the OTP binder, tab 48. It's CAR-OTP-2130-0046, and
19 particularly page 0047.

20 You see, sir, that under number 25, a phone number is registered there of Mr Kevin
21 Kpefio, and according to this investigation report, {ICR: (Redacted)}
22 (Redacted)}.

23 Now, my question to you, sir: Was this {ICR: (Redacted)}
24 (Redacted)}

25 A. [9:47:28] Thank you. Could you please repeat -- or, rather, could you submit

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1 the document in French because the document as displayed on my screen is in
2 English.

3 PRESIDING JUDGE SCHMITT: [9:48:01] Well, I think the document is in English,
4 but it's simply about, Mr Witness, about number 25, and there is only a name and a
5 number. So it's not necessary to know the -- any language, to have any language
6 skills here. But the question is if you recall this number, and if this is the number, if
7 you see it, that you exchanged with Mr Kpefio.
8 I think that was the question, Mr Knoops.

9 MR KNOOPS: [9:48:38] Correct, Mr President. Thank you.

10 THE WITNESS: [9:48:52](Interpretation) Thank you. Thank you, Mr President. I
11 will answer your question.

12 At the border, {ICR: (Redacted)}.

13 I can confirm that.

14 MR KNOOPS: [9:49:17]

15 Q. [9:49:17] Thank you, sir.

16 Mr Witness, if I say to you that this information we have received and which is also in
17 the Court documents -- by the way, not in our binder yet -- that the number, which is
18 written down here and submitted {ICR: (Redacted)}

19 (Redacted)} Mr Kpefio in 2013, is a phone number he received after 2013. As a
20 matter of fact, there is information that in 2015, Mr Kpefio exchanges Facebook
21 messages with {ICR: (Redacted)} saying that this number, 75801500, is his new
22 number, which he puts in a Facebook message on 6 October 2015.

23 So I'm putting it to you, sir, that {ICR: (Redacted)}
24 (Redacted)}.

25 PRESIDING JUDGE SCHMITT: [9:51:04] In 2013.

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1 MR KNOOPS: [9:51:06]

2 Q. [9:51:07] In 2013. I put to you that {ICR: (Redacted)} with him.

3 I can give the Court the CAR number of the Facebook information where

4 Mr Kpefio -- it's not in our binder, but it's CAR-OTP-2102 at 95 -- sorry, 9529, at page

5 9546, entry 6 October 2015, time code 19:18, where Mr Kpefio writes that his new

6 number is the number mentioned here in this report. So ...

7 PRESIDING JUDGE SCHMITT: [9:52:04] Mr Witness, you have heard it. Was this

8 {ICR: (Redacted)}?

9 THE WITNESS: [9:52:42](Interpretation) Thank you. Mr President, to answer your

10 question, if I remember correctly, when the OTP investigators took my statement, because

11 in the meantime I've changed my telephone number, {ICR: (Redacted)} was the one

12 which I gave them in 2017. That's what I had on my list. But I don't remember exactly the

13 number which {ICR: (Redacted)}.

14 You know, at that time we were in a war-like situation, and I lost my telephone on at

15 least two occasions. And in Berberati, I had to buy a new telephone. {ICR:

16 (Redacted)

17 (Redacted)}. So this question was put to me by the OTP investigators. I then

18 subsequently looked at {ICR: (Redacted)}

19 (Redacted)}. Thank you.

20 PRESIDING JUDGE SCHMITT: [9:54:23] Thank you for that clarification. So

21 that -- yeah, indeed, was important to inquire this.

22 MR KNOOPS: [9:54:31]

23 Q. [9:54:32] Mr Witness, do you agree with me that this number {ICR: (Redacted)}

24 (Redacted)} was the --

25 was a CAR number, it was not a Cameroon number?

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1 Can you confirm that?

2 A. [9:55:08] Thank you. Yes, I can confirm that. It is a number of the Central
3 African Republic.

4 Q. [9:55:18] Sir --

5 PRESIDING JUDGE SCHMITT: [9:55:18] We have quite some issues with redaction
6 requests. It might, perhaps, be wiser to go to private session. Yeah, we go to
7 private session.

8 And in the meantime, Mr Knoops, unfortunately, the CAR-D number was a press
9 article, but if we have understood it correctly, there is also a technical document
10 concerning WhatsApp you mentioned. Do you have a --

11 MR KNOOPS: [9:55:57] Apologies. No, it's an article in a technical journal.

12 PRESIDING JUDGE SCHMITT: [9:56:02] In a technical journal. So I -- I got it
13 wrong. So fine.

14 MR KNOOPS: [9:56:06] Maybe I was not clear.

15 PRESIDING JUDGE SCHMITT: [9:56:08] No, no, no. It was my fault. It's okay.

16 (Private session at 9.56 a.m.)

17 THE COURT OFFICER: [9:56:25] We are in private session, Mr President.

18 PRESIDING JUDGE SCHMITT: [9:56:26] I thought that Mr Rowse perhaps had
19 discovered, also, the technical document behind it. So that was my
20 misunderstanding.

21 MR KNOOPS: [9:56:37] Mr Rowse, you have now the assignment from the President
22 of the Court to delve deeper into the technical issue of WhatsApp.

23 PRESIDING JUDGE SCHMITT: [9:56:45] Please continue, Mr Knoops.

24 MR KNOOPS: [9:56:52]

25 Q. [9:56:53] Mr Witness, when you got the number of Mr Ngaïssona from

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1 (Redacted), as you told us yesterday, his phone number, did you write the number of
2 Mr Ngaïssona somewhere down? Because you just told the Court that you
3 (Redacted) in 2017 during your interview.

4 So my question is: Can you recall whether you wrote down the number of
5 Mr Ngaïssona somewhere when you got it in, as you say, 2013, from (Redacted)?

6 A. [9:57:51] Thank you. To answer your question, sir, I didn't register the number
7 of Mr Ngaïssona in a notebook or on a piece of paper. I put it into my telephone
8 with the Cameroon SIM. And when I arrived in CAR, I didn't use that Cameroonian
9 SIM, but I used the SIM from CAR.

10 You know, at that time, we were in a period of armed fighting. I lost the SIM card
11 from Cameroon, which I had, and I think this question was put to me by the OTP
12 investigators regarding this number. I could not provide the number. And it is me,
13 personally, who suggested to the OTP that I would have told them, if only they could,
14 based on the number I have of the Cameroon, they could perhaps find the source.
15 That's how things happened.

16 I have nothing further to add as regards this question.

17 PRESIDING JUDGE SCHMITT: [9:59:24] And unfortunately, we have to come back
18 to the CAR-D number, which does not show what you -- what it was supposed to
19 show. It's an article, yes, but it's about -- there are several people we know already
20 from -- but it's not -- if I see it correctly, it's not about WhatsApp.

21 Perhaps --

22 MR KNOOPS: [9:59:55] (Microphone not activated)

23 PRESIDING JUDGE SCHMITT: [9:59:55] Well, perhaps, Vanessa, you can -- you can
24 simply send what you sent me to Mr Knoop and where the misunderstanding might
25 be. So I have something completely different here. So you obviously have the right

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1 article, but I am told that we are -- that this is something which does not deal with
2 WhatsApp, so it would be a pity if you had made all the effort and we don't have it
3 on the record.

4 Yeah, Vanessa, can you send it to Mr Knoops? Thank you.

5 So -- and now we leave that and you continue with your examination. We can also
6 deal with this during the break.

7 MR KNOOPS: [10:00:38]

8 Q. [10:00:39] Sir, if you know, could you tell us where at that point in
9 time - (Redacted) - where Mr Kpefio lived?

10 You told us already on 29 June that he was living in Yaounde, transcript page 48, line
11 15, in the real-time transcript, but can you be more specific where in Yaounde he lived,
12 with whom, if anyone else, et cetera?

13 A. [10:01:40] Thank you. To answer your question, I knew that Kpefio was in
14 Yaounde, but unfortunately, I cannot tell you where exactly were his whereabouts. I
15 know that he was with * Hubert Kombo and Levy Yakete. They were all together in
16 Yaounde with other people, but I cannot tell you where exactly they were living.
17 The Central African people -- in fact, I don't know where he was living. The only
18 dwelling I can tell you about is the Golf Hotel. Hotel du Golf.

19 THE INTERPRETER: [10:02:58] The interpreter corrects himself. It's the Golf Villa.

20 MR KNOOPS: [10:03:11]

21 Q. [10:03:11] Do you know, Mr Witness, whether Mr Kpefio lived on his own or
22 with somebody else?

23 A. [10:03:36] Thank you. Counsel, I just told you that I had never seen where he
24 was living, but I knew he was in Yaounde. I cannot tell you with whom he was
25 living. I don't know if there were two or three in the dwelling. I can't give you any

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1 further specifications on this. Thank you.

2 Q. [10:04:11] Can you recall, Mr Witness, what you told the investigators in 2017 on
3 this subject, speaking about who was living with whom in Yaounde, in specific with
4 Mr Kpefio?

5 PRESIDING JUDGE SCHMITT: [10:04:41] Well, the witness, I think, Mr Knoops,
6 you can -- we can spare time if you go directly to the paragraph. We know when the
7 witness is in the courtroom and you ask him something and the answer does not
8 capture fully what has been said before, you can go directly to the statement. So I
9 think we can spare time.

10 MR KNOOPS: [10:05:02] Thank you, Mr President.

11 Then I ask the court officer to be so kind to -- tab 41 is the French version of the
12 statement of the witness, paragraph 32 of the statement. The first two sentences.
13 And maybe it's possible to show the French version to the witness.

14 Q. [10:05:48] So, sir, here you see your statement in 2017. If you look at the first
15 two sentences, you gave some information about individuals living together in
16 Yaounde. You say that Francis Bozizé lived with Ngaïssona and Yakete, and Kevin
17 Kpefio was also with them.

18 So my question to you, sir, is, how can you reconcile this with your evidence today
19 and that of yesterday saying that Mr Ngaïssona and Bernard Mokom were living
20 together, which is not in your statement of 2017?

21 A. [10:07:03] Thank you. To answer your question, in light of the questions asked
22 to me during my witness statement in 2017, I gave a very general answer. And
23 yesterday in my answer, I told you that all the figures who left Central African
24 Republic, most of them met in Yaounde. You had the former president, Bozizé,
25 Francis Bozizé, Levy Yakete and other people as well.

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1 A few moments ago, you asked me a question on where Kevin Kpefio was living, in
2 which house, and with whom, and that's precisely why I said that I do not know if
3 they were living together or in two or three. And at that point of time, I just gave an
4 answer to the question which was asked to me by the investigators. And this is
5 precisely why I spoke about Kevin Kpefio, Levy Yakete, Kombo. They were all
6 together, but I cannot provide any specifications on the house or their residence. I
7 can confirm that -- in fact, when the question was asked, I just said that they were
8 together. That was a general answer.

9 Thank you, counsel.

10 Q. [10:09:13] So it's your evidence that this paragraph 32 does not reflect what you
11 were saying -- tried to say to the investigators?

12 PRESIDING JUDGE SCHMITT: [10:09:33] He has tried to explain it. If you are
13 satisfied with the answer or not, is something you should not argue with the witness.
14 He said it -- I think he has said how he thought it would be understood.
15 Please continue.

16 MR KNOOPS: [10:09:49]

17 Q. [10:09:49] So if you had no knowledge, Mr Witness, about the whereabouts of
18 Mr Kpefio, as you just explained to the Chamber, how could you say in 2017 that
19 Mr Kpefio was with them?

20 PRESIDING JUDGE SCHMITT: [10:10:04] Ms Struyven.

21 MS STRUYVEN: [10:10:06] The witness has explained that he doesn't know exactly
22 where in Yaounde he was residing, but that he was in Yaounde. So it's not about the
23 exact whereabouts, but it's about a location where he was.

24 PRESIDING JUDGE SCHMITT: [10:10:17] Yeah. I think we should not go around
25 this too much and delve too much into that.

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1 One last question on that which makes it clear, perhaps. Mr Witness, if you look at
2 this paragraph 32 - and this is what Mr Knoops is referring to, I think - when you say
3 Kevin Kpéfio was also with them, and, in the first sentence, you say that Francis
4 Bozizé lived with Ngaïssona and Yakete, this could be interpreted as if you wanted to
5 say Kevin Kpéfio lived with them at the same place.

6 I think that is the background of what Mr Knoops is rightfully asking, and perhaps
7 we can clarify.

8 Did you want to say that? Is this your recollection?

9 THE WITNESS: [10:11:22](Interpretation) Thank you. Your Honour, to answer
10 your question, in French, it says: Il logeait avec Ngaïssona et Yakite, which means, I
11 was -- he was living with Ngaïssona and Yakete. I said that in a general way,
12 meaning that everyone was in Yaounde, but did not give any specifications on their
13 address, on their residence. I don't know how they were living at that point of time.
14 The only dwelling I know is the Golf Cité, Cité du Golf.
15 Thank you.

16 PRESIDING JUDGE SCHMITT: [10:12:17] Mr Witness, apologies for that, but, you
17 know, sometimes when something is written down, it can be interpreted in different
18 ways, and you are here as a live witness to clarify that. Thank you for that.
19 Mr Knoops, please continue.

20 MR KNOOPS: [10:12:31]

21 Q. [10:12:32] It was your evidence on 12 July, yesterday, that you never saw
22 Mr Rod Larry Martial Gallaut in the time frame you were in Cameroon (Redacted).
23 You say, we never knew -- got to meet each other. "I never saw him", speaking
24 about Rod Larry Martial Gallaut. It's at transcript page 10 of the real-time English
25 version, transcript 7 -- 12 July, page 10, line 4 till 7.

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1 Now, did you know where Mr Rod Martial Gallaut was living? Did you had
2 information where he stayed in Cameroon?

3 A. [10:14:15] Your Honour, Defence counsel, I do not know where he was living,
4 Mr Gallaut. If I could recollect correctly, (Redacted)
5 (Redacted). I know that Martial Gallaut is a member of the KNK, but I really do not
6 recollect (Redacted).

7 If you have an example to give me, that might jog my memory. I do not know where
8 he was living exactly. Thank you.

9 Q. [10:15:18] Mr Witness, did Mr Kpefio, (Redacted)
10 (Redacted)
11 (Redacted)

12 A. [10:15:54] Thank you. Yes, I can confirm that.

13 Q. [10:15:55] (Redacted) his whereabouts in Cameroon
14 before he went to the border, in particular, with whom he stayed in Cameroon, with
15 his family, friends, whatever?

16 A. [10:16:38] Thank you. To answer your question, counsel, (Redacted)
17 (Redacted), and, at that point of time, there was the war. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 And this is all I can remember.

2 Q. [10:18:38] So, how, Mr Witness, can you say then to the Court that Mr Kpefio
3 was in direct contact with Mr Ngaïssona, as you told the Court on 29 June, English
4 real-time transcript, page 48, line 19?

5 PRESIDING JUDGE SCHMITT: [10:20:18] Perhaps I think -- Mr Witness, did you
6 hear the question?

7 Otherwise, I can perhaps rephrase it a little bit. (Redacted)

8 (Redacted)

9 (Redacted)

10 To put it in a general way, I think this is what Mr Knoops wants to know.

11 MR KNOOPS: [10:20:51] That's a very important question as well.

12 PRESIDING JUDGE SCHMITT: [10:20:54] Yeah, because of that, I wanted to trigger
13 an answer.

14 MR KNOOPS: [10:20:59] Yeah.

15 THE WITNESS: [10:21:14](Interpretation) Thank you. Your Honour, in the
16 circumstances that prevailed at that point of (Redacted)

17 (Redacted), he was with Levy Yakete and Hubert Kombo, as well as some other
18 figures who sought refuge in Yaounde.

19 Now, all the figures who were in Yaounde were in touch with each other. I
20 personally don't have proof, but they were in touch with each -- they were in touch
21 with each other. Let me give you an example.

22 At that point of time, most of these figures were members of the KNK. They would
23 talk to each other. And after having fled the country, you see, even us who were in
24 (Redacted), in spite of us being simple citizens, we were in touch with each other, but
25 these figures who lost their power, they had all the more reason to be in contact. Of

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1 course, I don't have any tangible evidence, but to the best of my knowledge, they
2 were in touch with each other and they were communicating with each other.
3 There's no doubt with regard to this fact.

4 PRESIDING JUDGE SCHMITT: [10:23:15] And now, specifically, Mr Witness, with
5 regard to Mr Kpefio, you said that he was in contact with Mr Ngaïssona. And how
6 did you come to know that? So that -- (Redacted)

7 Did you hear others speak about that? Or, for example, was there an assembly
8 where it was spoken about?

9 This is what Mr Knoops wants to know and what is of importance, if you could
10 provide us with this information.

11 THE WITNESS: [10:23:58](Interpretation) Thank you. Thank you, your Honour. I
12 will answer your question.

13 As I told you, (Redacted)

14 (Redacted). And he had Mr Ngaïssona's number since Yaounde. He was coming
15 out with ideas. He had a vision. He had this idea on discipline. (Redacted)
16 (Redacted)

17 Now, I do not understand legal terms - and this is precisely why I'm speaking in
18 Sango, because the word "contact" could be interpreted in various ways - but I'm
19 sorry, but this is the reality I experienced and I'm just narrating this reality to you.

20 PRESIDING JUDGE SCHMITT: [10:25:39] Mr Witness, I can assure you that the
21 term "contact" can also interpret it in different ways in different languages. It's a
22 very general term. So you're absolutely right, this is understandable. And so
23 perhaps one additional question on that. (Redacted)

24 (Redacted)

25 (Redacted) Perhaps this could -- this

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1 will be my question in that regard, if you can clarify that.

2 THE WITNESS: [10:26:28](Interpretation) Thank you, your Honour. To answer

3 your question, (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [10:27:11] Okay. Thank you.

7 Mr Knoops, excuse me for -- yeah, taking over a little bit, but -- yeah. Please

8 continue.

9 MR KNOOPS: [10:27:20] No problem, Mr President.

10 Q. [10:27:22] Mr Witness, the -- the staff you mentioned, who created this staff?

11 How did it come into existence, this staff? Was it your idea or somebody else's idea?

12 You spoke on the first day of your testimony here that (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:28:29] Thank you, counsel. To answer your question, I think on (Redacted)

17 there was a first attack that was carried out, (Redacted)

18 (Redacted). Two or

19 three days afterwards, perhaps two days afterwards, you had * all the "baobabs" --

20 Steve Yambete, Lieutenant * Levi Zaparo, Seregaza and (Redacted). There were so

21 many people. It's Steve Yambete who (Redacted), and it's on this day that the chief

22 of staff was set up and Yambete was the coordinator. He was an officer with the

23 highest rank in the group. And the chief of staff was Fylai Hervé. The deputy chief

24 of staff was Kombo, Hubert. The operational chief of staff was Ouillibona Aron.

25 The deputy operation chief of staff was Seregaza, Steve. The treasurer was the

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1 younger brother of Maxime Mokom, Rocca Mokom.

2 (Redacted).

3 At that point of time, (Redacted). This is what happened. (Redacted)

4 (Redacted)

5 And that is exactly what happened.

6 Q. [10:31:23] Thank you, sir.

7 And is my understanding correct that Mr Kpefio was part of this (Redacted)

8 (Redacted)

9 A. [10:32:03] Thank you. (Redacted)

10 (Redacted)

11 If I remember correctly, (Redacted)

12 (Redacted)

13 (Redacted). It is at that moment that they came to (Redacted). Thank you.

14 Q. [10:32:50] Today on transcript page 20, lines 13 till 15, you said that Mr Kpefio

15 (Redacted) and, according to what you say,

16 (Redacted).

17 Can you, if you can recall, give us a time frame, approximately when Mr Kpefio

18 (Redacted)? Was it directly at the day (Redacted)

19 (Redacted)? Was it a few days afterwards?

20 A. [10:34:01] Thank you. I will answer your question. If I remember correctly, I

21 believe I said to you it was after the fighting of (Redacted) -- no. I'm sorry. It was

22 after the fighting of (Redacted). I remember on that day, there was the Congolese

23 contingent of MISCA (Redacted).

24 PRESIDING JUDGE SCHMITT: [10:34:53] We are in private session, Mr --

25 THE WITNESS: [10:34:55] Could we go perhaps into private session, please.

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1 PRESIDING JUDGE SCHMITT: [10:35:00] We are -- we are in private session,

2 Mr Witness. No problem. Please continue.

3 THE WITNESS: [10:35:10](Interpretation) Yes, I remember that day. The captain of

4 the Congolese contingent of MISCA at that time came and (Redacted). On the

5 second day, when they returned, Kevin Kpefio was there as well. At that day,

6 (Redacted). He was not armed. It was (Redacted), he was not armed. When

7 (Redacted), it was after the fighting of the (Redacted) of -- and then (Redacted)

8 (Redacted)

9 (Redacted)

10 I think that's the way in which I can answer your question. Thank you.

11 Q. [10:36:46] In your evidence given on 29 June in the English real-time transcript,

12 page 74, you did say that, in your exchanges with Mr Yakete, you provided him with

13 some information and (Redacted).

14 (Redacted). So when

15 you say that in your exchanges with Mr Yakete, also on Facebook, (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:38:01] And I assume you are referring to

19 Facebook entries which were in 2013. So this is the background of your question, I

20 assume.

21 MR KNOOPS: [10:38:09] Yes, Mr President.

22 THE WITNESS: [10:38:42](Interpretation) Thank you.

23 Counsel, I will answer your question. According to the interpretation I received of

24 your question, you asked me to (Redacted)

25 (Redacted)

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1 (Redacted). It could be that I can't remember that, but do understand that events
2 lasted.

3 If you have particular examples, that might jog my memory. Thank you.

4 PRESIDING JUDGE SCHMITT: [10:39:43] Yeah, perhaps you can -- you can give us
5 the references or give the witness the references.

6 MR KNOOPS: [10:39:51] It's, by the way, I mentioned transcript page 74, but it's
7 actually 73, lines 19 till 23, on 29 June, is the transcript page.

8 Q. [10:40:13] But my question, really, is, Mr Witness, and I'm sorry if I formulated it
9 maybe too difficult for you: Is it true that you made Yakete believe that (Redacted)
10 (Redacted), to gain his trust?

11 That you were suggesting to Yakete (Redacted)
12 (Redacted), in order to get trust from Yakete? Because Yakete,
13 as you told this Court before, didn't trust you, because also of (Redacted)
14 (Redacted).

15 A. [10:41:25] Thank you, Counsel. To answer your question, I can only repeat by
16 saying, we knew -- (Redacted)
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 When I was in (Redacted), I did have a telephone number. (Redacted)
21 (Redacted)

22 Q. [10:42:28] Is it true, Mr Witness, that you indeed tried to gain the trust of Yakete
23 to become part of the movement?

24 A. [10:43:01] Thank you. To answer your question, I'm going to tell you what
25 happened at that time. (Redacted)

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1 I have relations and relatives, which we left behind before leaving. And when I left,
2 people were looking for me. This means that my relatives were also being looked for.
3 I couldn't accept that something of harm would happen to my relatives, so I looked
4 everywhere for means to protect my relatives, as well as the other compatriots in CAR.
5 But to say that I was trying to gain the trust of Levy, was it he who paid me? I
6 approached him for a just cause, because people were dying, people were losing their
7 lives. Remember, this was a question of life and death. I didn't approach him to be
8 hired or recruited.
9 That's all I have to say.

10 Q. [10:45:03] Thank you, sir.

11 In your evidence you gave on 29 June, in the English real-time transcript, page 45,
12 lines 17 till 24, you speak about the fact that you heard some meetings were organised,
13 being organised in Yaounde.

14 And I think, Mr President, it can be dealt with in open session.

15 PRESIDING JUDGE SCHMITT: [10:45:35] I had the same idea at the moment.

16 Open session.

17 (Open session at 10.45 a.m.)

18 THE COURT OFFICER: [10:45:52] We are in open session, Mr President.

19 MR KNOOPS: [10:45:57]

20 Q. [10:45:57] You told us, Mr Witness, on 29 June, in your evidence, that you heard
21 about secret meetings in Yaounde being organised, and you learned about the names
22 of individuals who attended those meetings.

23 When exactly did you learn about those meetings? At what point in time you heard
24 about those meetings?

25 A. [10:46:43] Thank you. To answer your question, you know, when we were in

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1 Douala in Cameroon, all of us compatriots who were in the town of Douala, we knew
2 that the resigned president was in Yaounde. All the people who fled with him were
3 in Yaounde. And in Yaounde, meetings were being held, meetings were held.
4 That's what I heard being said.
5 We heard that there was a leadership struggle between Levy Yakete, Ngaïssona, and
6 there were also problems with ethnic origins. But I don't have more details, but
7 that's what I heard being said. I do not remember with certainty the day, the date, or
8 even the hour. Thank you.

9 Q. [10:48:30] Was this information received by you before or after you were at the
10 border?

11 A. [10:49:00] Thank you. To answer your question, these are things that we heard
12 being said in Douala. It was firstly in Douala. It was rumours who were -- that
13 were circulating in Douala before we departed for the border. Thank you.

14 PRESIDING JUDGE SCHMITT: [10:49:30] I think you can move on, Mr Knoops.
15 You know, it was rumours, things that were being heard to be said and so on and so
16 forth.

17 MR KNOOPS: [10:49:41]

18 Q. [10:49:42] Mr Witness, I have to confront you with a very important statement of
19 a person close to Mr Kpefio.

20 That's - for the Court - witness statement 1996.

21 I have to say that this statement is not signed by the individual, but the -- the
22 statement was read out to him.

23 PRESIDING JUDGE SCHMITT: [10:50:12] Which -- do we have it in the binder?

24 MR KNOOPS: [10:50:15] Yeah, it's tab 51.

25 PRESIDING JUDGE SCHMITT: [10:50:18] Thank you.

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1 MR KNOOPS: [10:50:19] CAR-OTP-2094-0146-R01 at 0159, paragraphs 78, 81 and 82,
2 not to be displayed to the witness, *s'il vous plaît*, and 87. And you can see,
3 Mr President, the members of the Chamber, that on the last page of the statement of
4 the individual, he explained why he didn't sign the statement, but ...

5 PRESIDING JUDGE SCHMITT: [10:50:59] We don't -- I don't have it in the binder.
6 I only have it until paragraph 71.

7 MR KNOOPS: [10:51:06] Just in case the Prosecution would correctly remind me to
8 this fact, I anticipate this point. So it is a statement by this witness, not signed, but in
9 paragraph 165, you find the explanation that the witness says, this statement "[...]
10 accurately reflects what I told the investigators." But "I prefer [...] not" to sign it
11 "until I have had [the] opportunity to read the [...] French" version.

12 PRESIDING JUDGE SCHMITT: [10:51:35] Perhaps -- perhaps, then, read the portion
13 that you want to refer specifically to, to the witness and we can --

14 MR KNOOPS: [10:51:41] I will paraphrase because the statement is not to be
15 disclosed to the witness.

16 Q. [10:51:48] This, Mr Witness, is a statement of an individual who gave a
17 statement to the Office of the Prosecution about the whereabouts of Mr Kpefio, and he
18 informed the investigators of the Office of the Prosecution that Mr Kpefio never had
19 any meeting in Cameroon, not even informal meetings - this is paragraph 82 - and
20 that he never sat at a table with Mr Ngaïssona to talk and discuss anything. That's
21 paragraph 87 of the particular statement. And that individual also told the
22 investigators that at that time, there was not a possibility to have meetings in
23 Cameroon, in a foreign country, not even informal meetings.

24 PRESIDING JUDGE SCHMITT: [10:52:53] So, Mr Witness, what is your -- your
25 comment on that? What do you say to that? You can say, "Okay, I maintain what I

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1 said." You know -- you know that already. So what is your comment on that?

2 Ms Struyven.

3 MS STRUYVEN: [10:53:17] I apologise, your Honours, but if you look at the
4 paragraph 82 of the said statement, it refers specifically --

5 PRESIDING JUDGE SCHMITT: [10:53:23] Unfortunately, I have in the binder only
6 until 71, but please read it out completely.

7 MS STRUYVEN: [10:53:30] He specifically refers to KNK meetings. So it was
8 about --

9 "The KNK did not meet together in CAMEROON to discuss matters, we could not
10 have a political meeting on foreign land."

11 So it's about KNK political meetings.

12 PRESIDING JUDGE SCHMITT: [10:53:44](Overlapping speakers) Then we have to
13 put it -- then we have to put it, really, exactly word by word to the witness. I would
14 agree on that. And that's the last thing.

15 Perhaps read the two sentences, read them like Ms Struyven did. So for the witness,
16 and this is -- and then afterwards we have a break.

17 Mr Witness, now Mr Knoops is reading to you two sentences from this -- yeah. It
18 was not a signed statement by a witness, but a witness statement. And, please, if
19 you want to add something or to comment on it, you can do so afterwards, yeah.

20 Okay. Please, Mr Knoops.

21 MR KNOOPS: [10:54:22] Yeah, Mr President. And to be completely complete, I
22 also confronted the witness with -- apart from - that's correct what Ms Struyven
23 says - KNK, in the statement, the witness said that Mr Kpefio never sat at a table in
24 Cameroon, in Yaounde, with Ngaïssona.

25 PRESIDING JUDGE SCHMITT: [10:54:48] I understand. This is additionally.

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1 MR KNOOPS: [10:54:51]

2 Q. [10:54:51] So, Mr Witness, what do you say to this witness statement? What is
3 your comment?

4 A. [10:55:16] Thank you. In order to answer your question, whatever that witness
5 stated is his point of view, his version. I think I have told you my version. I have
6 nothing further to add.

7 PRESIDING JUDGE SCHMITT: [10:55:45] Thank you.

8 And we have to correct the ERN again. It's CAR-OTP-2094-0146.

9 Since we -- I think we would have some sort of natural break here, Mr Knoops, then
10 we --

11 MR KNOOPS: [10:56:02] Indeed. I go to a next subject after the break.

12 PRESIDING JUDGE SCHMITT: [10:56:05] Yeah, okay. I thought so.

13 Then at 11.30 we reconvene. Thank you. For the moment --

14 THE COURT USHER: [10:56:13] All rise.

15 (Recess taken at 10.56 a.m.)

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

17 THE COURT USHER: [11:33:36] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:33:58] Mr Knoops, you still have the floor.

20 MR KNOOPS: [11:34:02] Yes, Mr President, thank you very much.

21 For the transcript and -- the reference we would like to put on the record, the new
22 CAR number - now it's hopefully clarified about the article we mentioned this
23 morning - it's -- the correct CAR-D number is CAR-D30-0006-0060.

24 PRESIDING JUDGE SCHMITT: [11:34:33] Thank you, Mr Knoops.

25 MR KNOOPS: [11:34:36] ... welcome.

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1 Q. [11:34:39] Mr Witness, this morning, we went into one of your {ICR: (Redacted)
2 (Redacted)}, Mr Kpefio. Now I would like to use the next session to go with you
3 through {ICR: (Redacted)} you allegedly said that you did have it. It's the
4 information you received through Facebook from the president of FROCCA, Mr Levy
5 Yakete.

6 Now, in your evidence you gave on 29 June, transcript page 58, English real-time
7 transcript, lines 13 till 15, you say that one of your information sources were friends
8 on Facebook, among which, the president of the FROCCA, Levy Yakete, and you got
9 information that way, speaking about the information on the alleged meetings in
10 Yaounde.

11 My first question to you, sir, is: Are you referring here to his personal Facebook or
12 to -- and/or to the Facebook page of the APCS FROCCA? Sorry, ACPS FROCCA.

13 A. [11:36:48] Thank you. To answer your question, Counsel, I would say the
14 following: I think the sources of information were rather varied. I am not in a
15 position to make a distinction amongst the various sources of information. In
16 Douala, there were rumours and information that were floating about. And I'm
17 going to stop right here.

18 Q. [11:37:43] My question, sir, is: Is it your evidence that you also, as you can
19 recall, received information through the Facebook page, ACPS FROCCA?

20 A. [11:38:11] Thank you. To answer your question, counsel, there was a plethora
21 of information floating about. There were so many publications. I really cannot
22 recall the exact source of the information.

23 As I said, even in Douala, there was a lot of information and rumours floating about.
24 And with regard to the FROCCA president's publication, he has several statuses on
25 social networks, and I really cannot remember the status through which I received

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1 this information. Thank you.

2 Q. [11:39:18] What is the foundation of your information that Mr Yakete was the
3 president of FROCCA?

4 A. [11:39:44] Thank you. To answer your question, Mr Levy Yakete was the youth
5 president. He was a public figure in the Central African Republic. If there were,
6 let's say, 1,000 people in the Central African Republic, 999 would know him.

7 Everyone knew that he was the president of FROCCA. He was also working as the
8 coordinator of FROCCA.

9 I sent him a friendship request. He accepted me, and I was on his friends list in -- on
10 Facebook. Thank you.

11 Q. [11:40:52] Thank you, sir.

12 Now, in the evidence you gave on 29 June, transcript page 79, English real-time, line 3
13 till 4, you did say that the ACPS FROCCA page was an account managed by Levy
14 Yakete. He was the coordinator of the account.

15 My question to you, sir: How did you know that he was the coordinator of this
16 Facebook account?

17 A. [11:41:43] Thank you. The answer: On Facebook, let me give you an example,
18 publications of people on Facebook, for instance, if I'm a friend of Kpefio on Facebook
19 and Kpefio is a friend of Levy Yakete, then all information published by Levy Yakete
20 would be received by Kpefio. {ICR: (Redacted)}. So information would actually
21 transit through everywhere, and the person interested in a subject would get the
22 information. Like a person interested -- a person accepted me as a friend, and it's
23 during discussions over the Messenger that I discussed that I was -- I discovered that
24 I was communicating with Levy Yakete because the FROCCA discussions revolve
25 around youth and resistance. It was easy to be accepted as a friend on -- of the

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1 FROCCA just to discuss.

2 Thank you so much, Counsel.

3 Q. [11:43:40] Did Mr Yakete ever tell you himself or wrote to you or called you to
4 say, "I'm the coordinator of this Facebook page, of this account"?

5 A. [11:44:13] Thank you. Answer: He never called me to say that he was
6 managing the FROCCA Facebook account, but according to what was said, what
7 was -- according to the rumours, it was him managing the FROCCA account.

8 Q. [11:44:52] So we have now rumours. Can we please call up tab 33 of the
9 Prosecution binder, CAR-OTP-2101-6428, at page 6444. It's a conversation between
10 the witness, you, sir, and Mr Yakete about this subject. And I ask you kindly to read
11 the entries 23 November -- {ICR: (Redacted)} - at time code 15:13 and the three entries
12 thereafter.

13 They are not too long, so you can read it in a few seconds.

14 So, Mr Witness, you start reading at the entry 23 November at time code 15:13, where
15 you say:

16 (Interpretation) "Hello there."

17 (Speaks English) It's one entry above the -- what you now see is the entry of

18 Mr Yakete -- yes, that's the one.

19 So, Mr Witness, start reading, please, at this entry, it's you saying something to Yakete.

20 And then read the three entries below.

21 PRESIDING JUDGE SCHMITT: [11:47:53] Can you scroll down now a little bit.

22 Thank you.

23 MR KNOOPS: [11:47:59]

24 Q. [11:47:59] You've seen it, sir?

25 A. [11:48:07] (No interpretation)

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1 Q. [11:48:08] Am I correct by saying that you are saying to Mr Yakete that you are
2 in contact with the coordinator of the APCS?

3 A. [11:48:38] Thank you. Yes, that's exactly what I wrote.

4 Q. [11:48:46] And it's right -- and it's right, isn't it, Mr Witness, that it wasn't
5 Mr Yakete? Because how would you otherwise speak to him about the coordinator
6 of somebody else, being somebody else, correct?

7 A. [11:49:29] Thank you. My answer: Could you please display the portion on
8 the top. I would like to see the first message on that page.

9 Yes, that's that.

10 I was trying to have a discussion with a view to know if he is the one managing the
11 account, because I wrote to the APCS * FROCCA administrator. Secondly, Levy's
12 private account was different. I wanted to know, and it's at that point when he
13 asked me the question, "what figure, what authority?" I said the ACPS FROCCA
14 coordinator.

15 If you scroll down a bit, if you scroll down on that page - thank you - he replied, "Ah,
16 yes". And * he told me that he hadn't spoken to him as yet.

17 When he was in Yaounde and he -- and -- even from the country, he was the youth
18 president. He should have had staff around him. He would have an administrator
19 as well. And I wanted to know if the coordinator had already spoken. Everyone
20 knew that Levy Yakete was in -- was in charge of ACPS FROCCA.

21 I think I will stop here.

22 Q. [11:51:55] So we agree that Mr Yakete was not managing this account, because
23 he's also speaking about a third person, yes?

24 A. [11:52:28] Counsel, I do not have anything else to say. We all know that ACPS
25 FROCCA was led by Mr Levy Yakete.

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1 Q. [11:52:45] Are you familiar with a person with the name Vidal Max Ngaïssio
2 with the nickname Sana? Ever heard of this guy?

3 A. [11:53:22] Thank you. Yes, the name does ring a bell, but I do not remember
4 the person specifically. If you could give me some information about the person, it
5 might refresh my memory. Many years have -- many years have passed, and I can't
6 remember all the details.

7 Q. [11:53:52] He was, Mr Witness, he was the creator of the APCS FROCCA, wasn't
8 it? According to his own information, he presented himself to Yakete as the creator
9 of this page to cover the so-called media war.
10 Does that recall anything in your memory?

11 PRESIDING JUDGE SCHMITT: [11:54:16] Ms Struyven.

12 MS STRUYVEN: [11:54:18] Thank you, Mr President. I don't think that this witness
13 can comment or know anything about how two other individuals presented
14 themselves to each other.

15 PRESIDING JUDGE SCHMITT: [11: 54:28] Yeah, but he can put to the witness if he
16 has ever heard that this guy was in fact the one who was the creator.
17 Perhaps you reformulate it a little bit, Mr Knoops, and then I think we move on
18 because we don't get any further here, I have the impression.

19 MR KNOOPS: [11:54:45] I agree.

20 Q. [11:54:47] So, Mr Witness, to conclude this topic, did you hear that this
21 individual I just mentioned - Vidal Max Ngaïssio, with the nickname, Sana - was
22 behind the creation of this Facebook page?

23 A. [11:55:22] Thank you. The name Vidal you just mentioned rings a bell. I have
24 heard such a name, but I don't remember the circumstances under which I heard the
25 name. But what I know is that Levy was at the basis of this account. You could

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1 actually sift through my friends list to see if you get any further information. I think
2 I come across such a name, but many years have passed, and I really can't remember
3 everything very precisely. Thank you.

4 Q. [11:56:27] Well, we stop this (Overlapping speakers) --

5 PRESIDING JUDGE SCHMITT: [11:56:29] Yeah, I think we -- please move on,
6 Mr Knoops.

7 MR KNOOPS: [11:56:35] Just for the Court, there is a document in which this
8 individual presents himself to Mr Yakete as a creator of the ACPS FROCCA. That's
9 CAR-OTP -- I put it on the record, CAR-OTP-2100-8499, which is a Facebook
10 conversation between these two individuals and leave it at that.

11 Q. [11:56:55] Mr Witness, my next subject relates to another {ICR: (Redacted)
12 (Redacted)} regarding the alleged meetings in Yaounde and the aftermath. In your
13 evidence given on 29 June, transcript page 42, lines 20, you have introduced to us the
14 name of an individual, the name of Mr Anatole Ngaya, Commander Anatole Ngaya,
15 with the rank of lieutenant.

16 If I understood your evidence correctly, you were -- you went to the border and there
17 you was supposed -- {ICR: (Redacted)
18 (Redacted)}. And that's also to be found in the Facebook pages we have already at
19 length discussed yesterday with you.

20 My first question is: Did Mr Ngaya take part in the operations {ICR: (Redacted)
21 (Redacted)}?

22 A. [11:58:37] Thank you. And here's the answer, Counsel: Ngaya, Anatole, was
23 an army officer. He was part of the president's security. When {ICR: (Redacted)}
24 sought refuge in Douala, {ICR(Redacted)} -- in fact, at that point of time, he was a
25 captain. Did -- I don't remember exactly if he had already become a commander.

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1 There was also the Lieutenant Sylvain Orofei, and he had just come out of an external
2 training programme. So when he came back to the country from outside, he directly
3 went to Douala and found a house and settled.

4 So these were the officers {ICR: (Redacted)}.

5 Q. [12:00:25] (Overlapping speakers) I don't have much time today. I just have
6 one session and a half left, so please answer the question. My question was
7 simply -- no problem, sir

8 -- if you know whether Mr Ngaya took part in the operation {ICR: (Redacted)}
9 (Redacted)} after having arrived at the border?

10 It's a simple question. Yes or no?

11 A. [12:01:07] Thank you. Thank you.

12 Mr Ngaya -- in any case, what I can say, clearly, that he did not take part in the
13 operations which unfolded at the border.

14 Q. [12:01:33] So please then explain to the Court why {ICR: (Redacted)}
15 (Redacted)} when he was not taking part in any operation? What had to be
16 coordinated?

17 A. [12:02:03] I haven't really understood your question, counsel.

18 Q. [12:02:08] What needed to be coordinated with him?

19 A. [12:02:31] Thank you. What I said during my testimony -- in any case, I never
20 say Ngaya coordinated something. I don't know under which context I talked about
21 that.

22 MR KNOOPS: [12:02:54] Please pull up, court officer, tab 33 of the Prosecution
23 binder, CAR-OTP-2101-6428, at 6448. It's a Facebook conversation of 29 November
24 2013, a few days {ICR: (Redacted)} to the border.

25 Q. [12:03:25] And sir, you find -- I believe it's already displayed -- yesterday, in

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1 another context, but for today, as you have no recollection to this coordination, you
2 find in this Facebook page, on the entry time code 12:46, a message {ICR: (Redacted)
3 (Redacted)}.

4 I guess we're speaking about here Anatole Ngaya or another guy?

5 PRESIDING JUDGE SCHMITT: [12:04:13] Ms Struyven.

6 MS STRUYVEN: [12:04:16] Maybe just as a clarification, what is mentioned here is
7 that Yakete can "[...] cordoné avk [...] ngaya [...]"

8 PRESIDING JUDGE SCHMITT: [12:04:27] Yeah, but nevertheless -- nevertheless,
9 there is a coordination mentioned with regard to the person Ngaya, and the witness
10 can explain and answer to the question what had to be coordinated, if he knows
11 something about it.

12 THE WITNESS: [12:04:58](Interpretation) Thank you. I think that the message in
13 front of me was written by myself. What I said to Levy Yakete was that he could
14 help us financially. We could become mobilised, and, in the place where I found
15 myself, I could go to the consul and for that I needed a taxi. {ICR: (Redacted)
16 (Redacted)}. He could pass on and give us the money, and then I could continue
17 with what I was doing.

18 So that's what I was saying in this message. It wasn't really to coordinate an
19 operation of whatever notion. It was just my way of expressing myself. It was a
20 question that {ICR: (Redacted)}.

21 It's not a coordination of any particular activity. That's what I can say about this.

22 MR KNOOPS: [12:06:15]

23 Q. [12:06:17] So we have to understand this was about a taxi drive, yes? Thank
24 you.

25 Well, {ICR: (Redacted)}

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1 (Redacted)} apparently, what you

2 say now, a taxi drive. So I take it {ICR: (Redacted)},

3 on 29 November; is that correct?

4 A. [12:07:11] Thank you. To answer, counsel, bear in mind, {ICR: (Redacted)}

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)}. Thank you.

9 MR KNOOPS: [12:08:00] If the court officer could scroll the page before of this

10 Facebook, so it's then I think the entry 6447, time code 07:34. A little bit down please.

11 A little bit down.

12 Q. [12:08:33] Yeah, you see here, Mr Witness, starting from time code 07:28, {ICR:

13 (Redacted)}.

14 And then at the entry -- two entries below, at 07:34, you refer to the {ICR :

15 (Redacted)} -- at Bertoua for the combat.

16 So I don't see any taxi drive in this Facebook message, but I might be mistaken.

17 A. [12:09:45] Thank you, counsel. I think that's what I was trying to say to Levy.

18 I think we already discussed this yesterday. Well, my approach was peaceful. All

19 that I was asking for was to support us so that we could undertake peaceful action.

20 It was a peaceful movement that we wanted to set up to draw the attention of the

21 international community on what was happening in CAR and it is in this way that I

22 was discussing. We had other ways of expressing ourselves. Well, you know,

23 French is very difficult and, during this period, any activity, even if it was a peaceful

24 activity, was considered as a fight.

25 If the authorities of the locality were not in favour of what you did, they could stop

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1 you. Counsel, it was a genuine fight. This is what I can tell you.

2 That is my answer to your question.

3 PRESIDING JUDGE SCHMITT: [12:11:26] Mr Knoops, if you want to further dwell
4 into the Facebook, because otherwise we will have to go to private session.

5 MR KNOOPS: [12:11:34] No. This was fine, Mr President.

6 PRESIDING JUDGE SCHMITT: [12:11:37] (Overlapping speakers) Good. Fine.

7 And, again, if it comes to your mind, okay, we are on the safe side, we go to private
8 session then. Please let us know.

9 MR KNOOPS: [12:11:45]

10 Q. [12:11:45] Mr Witness, you just told us that you had on several occasions, before
11 you went to the border for a -- peaceful actions, activities, {ICR : (Redacted)}

12 (Redacted)

13 (Redacted)

14 (Redacted)}

15 A. [12:12:48] Thank you, counsel. I will answer.

16 My exchanges with Levy were to implement a peaceful activity. I talked about
17 Bertoua because I knew -- I knew that there were many Central Africans over there.

18 We could do something as regards the embassy, for example. These were only
19 proposals, proposals for peaceful actions. That was the initial aim. But the facts
20 completely changed when I met Ngaïssona in Yaounde. My exchanges with Levy
21 Yakete was for peaceful actions. It was for legal and peaceful actions.

22 Levy Yakete was known as president of the youth. Levy Yakete was known to be
23 able to mobilise the youth. Therefore, I approached him.

24 Q. [12:14:31] Mr Witness, my -- to save time, my question was: The {ICR:
25 (Redacted)} before you went to the border --

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- 1 A. [12:14:44] (No interpretation)
- 2 Q. [12:14:44] -- {ICR: (Redacted)}
- 3 (Redacted)}
- 4 A. [12:14:59] (No Interpretation)
- 5 Q. [12:14:59] Do you understand my question now, sir?
- 6 A. [12:15:12] Thank you. {ICR: (Redacted)}
- 7 (Redacted)
- 8 (Redacted)}. Thank you.
- 9 Q. [12:15:41] Thank you. {ICR: (Redacted)}
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)}.
- 14 A. [12:16:36] {ICR: (Redacted)}
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)}.
- 18 Q. [12:17:14] And we're speaking here about 2013; right?
- 19 A. [12:17:30] Thank you. Yes, 2013.
- 20 MR KNOOPS: [12:17:37] Just for the Court's information, we would like to introduce
- 21 on the record of our Defence binder tab 33, row 8422 of the CDR. {ICR: (Redacted)}
- 22 (Redacted)
- 23 (Redacted)}, as being attributed by the evidence, is starting only on 11 April 2014.
- 24 That's CAR-OTP-2025-0650, the CDR Excel spreadsheets at row 4822.
- 25 Q. [12:18:30] Now, my next topic --

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1 PRESIDING JUDGE SCHMITT: [12:18:33] Ms Struyven.

2 MS STRUYVEN: [12:18:36] Mr President, this is, again, a negative CDR conclusion.

3 We have at least two numbers for this witness.

4 And then we have a third number --

5 PRESIDING JUDGE SCHMITT: [12:18:44] Yeah, but haven't I, several times,

6 explained the stance of this Chamber on that. So you can -- you can also -- you can

7 put this -- if you have also a tab number, a CAR-OTP number, out of fairness, I would

8 allow you to put this on the record, but we have everything. What is to be, let's say,

9 cleared with the witness has been done so. So everything else, what Mr Knoops is

10 doing -- what you are doing is assessing the evidence and trying to convince us in

11 some closing statements or whatsoever, or midterm or third-term closing statements,

12 of your point, yeah. You understand what I mean by that.

13 We have a witness and we want -- and the witness answers our question, then

14 Mr Knoops gives the evidence that supports his version, and you have obviously, or

15 not obviously, have also evidence that would support your version, and you can put

16 this also on the record in some filing or whatsoever. And we will really -- and I can

17 only assure you and everyone here in the courtroom that we look into all of the

18 evidence that is presented to us.

19 Mr Knoops, long speech, please continue.

20 MR KNOOPS: [12:20:02] That's why I was also evading to confront the witness with

21 the specific information.

22 Q. [12:20:11] Anyway, Mr Witness, I'm going to another -- and this is the last

23 source I would like to discuss with you during this session, the source of information

24 you said to have had, the information which came from Rocca Mokom. That's my

25 next --

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1 PRESIDING JUDGE SCHMITT: [12:20:28] I think we go -- I think I'm told that there
2 are so many redaction requests that we should go to private session. So it's ...
3 I appreciate it that -- that we try everything to be in open session. I said that from
4 day one. But I think it's now going too far.

5 (Private session at 12.21 p.m.)

6 THE COURT OFFICER: [12:21:05] We are in private session, Mr President.

7 PRESIDING JUDGE SCHMITT: [12:21:07] Thank you.

8 And also, OTP here on the right side can relax a little bit more on that matter.

9 Mr Mostfa, I think, I don't know who is -- who is doing that but ...

10 Mr Knoops, please continue.

11 MR KNOOPS: [12:21:23] Thank you, Mr President.

12 Q. [12:21:25] Mr Witness, the next source of information you supposedly would
13 have had was Mr Rocca Mokom. In your evidence given on 12 July before this
14 Chamber, transcript page 60, six-zero, of the real-time English version, line 5 and line
15 20-21, on both occasions in this examination, you confirmed -- asked by the
16 Prosecution service, you confirmed that Mr Rocca Mokom was in, I quote:
17 "... constant touch with Yaounde and Bangui, because at that time he was one of the
18 key elements of the restricted team, (Redacted)."

19 And you say in the same page:

20 "I know that Rocca Mokom was constantly in touch with Yaounde ..."

21 Now, my question is, first, to you, sir: When you say Mr Mokom Rocca was in touch
22 with Yaounde, what was the time frame we are speaking here about?

23 A. [12:23:12] Thank you. I'm going to answer your question, counsel.

24 When I (Redacted) that

25 Rocca was in -- was in constant contact with Yaounde. He was in permanent contact

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1 with Yaounde, because Rocca was part of the restricted clan.

2 THE INTERPRETER: [12:24:05] The witness says in French.

3 THE WITNESS: [12:24:09](Interpretation) It is when (Redacted) and

4 during the (Redacted), it was at that moment that I knew he

5 was in constant touch and regular contact with Yaounde.

6 However, I cannot tell you when it started, when he started to have regular contact

7 with Yaounde. Thank you, counsel.

8 MR KNOOPS: [12:24:40]

9 Q. [12:24:40] And, Mr Witness, who told you -- who told you in those meetings you
10 just referred to that Mr Rocca Mokom, as you say, was in constant touch with

11 Yaounde? Because I do believe that there were around 200 people at that time at the
12 border, if I'm not mistaken, is your evidence.

13 So, please tell us who told you, who told you that Rocca was constantly in touch with
14 Yaounde in those meetings? Who were the persons?

15 A. [12:25:26] Thank you. In answering your question, counsel, I'm going to say
16 the following: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 exchanges with his father in Yaounde. He chatted and talked regularly with those in
21 Yaounde.

22 (Redacted), but I don't have his telephone list. Thank you, counsel.

23 Q. [12:26:37] And these contents -- contacts with his father, (Redacted)

24 (Redacted)

25 A. [12:27:12] Thank you, counsel. You know, I've just told you that he was part of

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1 the restricted team. If there was something that (Redacted)

2 (Redacted)

3 (Redacted)

4 Ah, there, Yaounde has given this instruction or that instruction. That was it.

5 Q. [12:28:16] Until what time these contacts between Rocca and his father ensued in
6 your recollection? Because at a certain point in time, the meetings were over there.

7 In other words, did you learn after the meetings were over that Rocca was still in
8 touch with Yaounde?

9 A. [12:29:24] Thank you, Counsel. I have no further information on this specific
10 point. If he decided to phone Yaounde from his room, how could I know about it?
11 I have no information to give you on this specific point, counsel.

12 Q. [12:29:46] Thank you. Mr Witness, in your evidence given on 12 July, you did
13 say on page real-time transcript 66, line 2, (Redacted)

14 (Redacted)

15 (Redacted)

16 Can you explain, if you know, what this tension resulted in, in terms of the
17 relationship between the group of Rocca and the group of Seregaza, if you know.

18 A. [12:31:07] Counsel, this is my answer: I'm just going to give you some details
19 of what I just told you and -- (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 The * staff HQ was still in Garam-Boulai. Rocca left for Garam-Boulai. And

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1 (Redacted) that Seregaza and Rocca were talking. They considered Seregaza to be a
2 traitor. And then he took several elements with him, and he left for Berberati.
3 Once he reached Berberati -- in fact, they actually entered the city secretly. It was at
4 night. They went through the airport, (Redacted)
5 (Redacted).

6 And he arrived, and he had -- he had many elements with him and he -- and that
7 created a lot of tension. Rocca asked for the vehicle and Seregaza was furious.
8 After the dispute, he refused to give the vehicle back, and he said that he was not
9 supposed to confiscate the vehicle. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 I'm going to stop here for the moment.

17 Q. [12:35:03] Mr Witness, do I understand your evidence correctly, if you say that
18 the tension between Rocca Mokom and Seregaza at that time created a conflict
19 between those two groups?

20 A. [12:35:43] Thank you. Yes, I can confirm that. This is what I said.

21 Q. [12:35:53] And can you confirm that there was no cooperation between those
22 two groups at that point in time?

23 A. [12:36:18] Thank you. It was not a problem about the group. Seregaza and
24 Rocca Mokom had a dispute, but it was just between the two of them and not the
25 whole group. (Redacted)

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1 (Redacted). It's not the whole group

2 that disagreed with him. They considered Seregaza to be a traitor. According to

3 them, (Redacted)

4 (Redacted)

5 (Redacted). Thank you so much.

6 Q. [12:37:39] What happened with the group of Rocca after he died in combat?

7 A. [12:38:06] Thank you. In fact, this is where the problem started. MISCA

8 arrived in a day to their base and opened fire. Some elements fled. I think during

9 this operation, two elements fell.

10 You see, it was a big city. There was also the civilian population. And when Rocca

11 asked -- the vehicle from Seregaza, he refused. (Redacted)

12 (Redacted). And it was important that he left the

13 city, because the MISCA wanted to arrest them.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:39:45] Mr Witness, just for the timeline to be sure, if I understand your

18 evidence correctly, this tension you just described between Rocca and Seregaza and

19 the conflict which arose at that time, was it before or after (Redacted)? So the

20 attack on Beloko.

21 A. [12:40:27] Thank you. It was after (Redacted), if I'm not mistaken. It was

22 during March 2014.

23 Q. [12:40:48] Thank you. And my second question regarding the timeline, you

24 just spoke about the creation of the *l'état-major* after the -- was this after the first attack

25 on (Redacted), the creation of the *l'état-major* and the headquarters you have

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1 described in your evidence on 29 June, at transcript page 62, line 24?

2 A. [12:41:48] Thank you. Answer: Let me say the following: The *l'état-major*
3 was set up two days after (Redacted). Perhaps even (Redacted).

4 Q. [12:42:16] Thank you. And is it your evidence that the -- that at that time,
5 Mr Rocca Mokom was still in touch with Yaounde and that he received information
6 from Yaounde to set up that headquarters?

7 A. [12:43:07] Thank you. I think it's just what I said.

8 Q. [12:43:21] My question is, sir: Did you receive information that the setting up
9 of this *l'état-major* two or three days after (Redacted) was based on contacts
10 between Rocca Mokom and Yaounde? That's the question.

11 A. [12:44:06] Thank you. I do not want to be specific on the individual, but I knew
12 at that time -- at that point of time, Steve Yambete was there. He -- they had received
13 the instruction (Redacted). I do not know if it was Rocca who was
14 called or someone else, but I know that the inner circle received the instruction from
15 Yaounde before (Redacted).

16 And I'm going to stop there.

17 Q. [12:45:05] But is it -- is it your evidence that the instructions to set up this
18 headquarters, apart from the individual, came from Yaounde?

19 A. [12:45:37] Affirmative.

20 Q. [12:45:39] Thank you.

21 MR KNOOPS: [12:45:41] I'm moving now to a next subject, Mr President. I have
22 three topics left. I can continue till one o'clock, no problem. I think I will finish in
23 this third session for sure.

24 PRESIDING JUDGE SCHMITT: [12:45:51] Yeah. Yeah, okay.

25 MR KNOOPS: [12:45:52] But I'm happy to continue till one o'clock.

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1 PRESIDING JUDGE SCHMITT: [12:45:55] Yeah, but we can also -- if you have a new
2 topic, we can also have perhaps only a lunch break until two o'clock now. So I
3 assume that you will not finish this topic until one o'clock. So perhaps this would be
4 a suggestion.

5 Ms Guissé, I don't assume that you will have many questions, to put it mildly.

6 MS GUISSÉ: [12:46:20](Interpretation) Your Honour, I do not have any questions for
7 the moment, but I could have something extraordinary that comes up during this
8 session. But for the moment, none at all.

9 PRESIDING JUDGE SCHMITT: [12:46:35] A very conservative answer, but I
10 understand it, of course.

11 I also don't think that -- I don't want to put anything into your mouth, Ms Struyven.

12 MS STRUYVEN: [12:46:46] No, indeed, Mr President. Thank you for asking. But
13 so far, we have no redirect.

14 PRESIDING JUDGE SCHMITT: [12:46:51] So perhaps, then, because we had this talk,
15 we have then a little bit of a shortened lunch break, until two o'clock. And we finish
16 in the afternoon, Mr Knoops. Thank you, for the moment.

17 THE COURT USHER: [12:47:05] All rise.

18 (Recess taken at 12.47 p.m.)

19 (Upon resuming in private session at 2.02 p.m.)

20 THE COURT USHER: [14:02:34] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [14:02:54] We are in open session. But perhaps a
23 short question -- or we are not in open session?

24 We are in private session. You want to continue in private session, Mr Knoops?

25 MR KNOOPS: [14:03:09] Maybe just for the first topic now and then --

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1 PRESIDING JUDGE SCHMITT: [14:03:11] Then perhaps I can inquire whether we
2 can start tomorrow with the next witness or not? Which would be, I think, P-2556.

3 Mr Vanderpuye (Overlapping speakers)

4 MR VANDERPUYE: [14:03:22] I'm actually inquiring as we speak so hopefully we'll
5 have an answer at some point during the session.

6 PRESIDING JUDGE SCHMITT: [14:03:26] So we have to be flexible in that regard.
7 No problem.

8 MR VANDERPUYE: Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [14:03:29] And even it turns out later in the
10 afternoon, then we will communicate via email like we normally do, but we
11 appreciate the effort. Thank you.

12 Mr Knoops, please.

13 MR KNOOPS: [14:03:39] Thank you, Mr President.

14 Q. [14:03:41] Mr Witness, I would like now to take you to the time frame of July
15 2014. And my first question relates to your evidence given - given yesterday and
16 also this morning - on the suggested meeting at the compound of Mr Ngaïssona. It's
17 my understanding from your evidence given this morning, at transcript page 48 of
18 the English real-time transcript, line 2 till 3, that asked when this meeting was, you
19 say:

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 My first question to you, sir, is: Can you approximately give us a time frame when
24 you speak about (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [14:05:40] Thank you, counsel. I will answer your question. I no longer
3 remember the date of the meeting, as you have asked me about it.

4 Q. [14:06:07] But you maintain your evidence, it was after Brazzaville, this meeting
5 at the compound of Mr Ngaïssona?

6 A. [14:06:33] Thank you, counsel. Yes.

7 Q. [14:06:39] Was this the (Redacted) at his compound
8 in 2014?

9 A. [14:07:05] Thank you. To answer your question, I can tell you that (Redacted)
10 several meetings, several meetings at the residence of Mr Ngaïssona. That is the
11 answer that I can give you.

12 Q. [14:07:36] You say, Mr Witness, in your evidence given on 12 July, English
13 real-time transcript, page 74, line 12 till 14, you say that during the meeting in his
14 compound, things were not taken seriously. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) End quote.

19 In the French version it is translated as "*barrer la route*".

20 Now, my question is, Mr Witness: (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [14:09:33] Thank you. To answer your question, counsel, after the Brazzaville
24 forum, (Redacted)

25 (Redacted). They came back with an agreement on which I saw the names of all the

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1 signatories, that is, the Brazzaville accords. (Redacted)

2 (Redacted)

3 The authority himself was one of the signatories of that agreement. I think it is a

4 ceasefire agreement. I am a little bit educated, so I read the contents of that accord or

5 agreement and I somewhat understood the substance.

6 But compared to what was going on on the ground, it was -- there was a lot of

7 disparity in relation to what had been signed in Brazzaville, the agreement signed in

8 Brazzaville. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted). Thank you, counsel.

12 Q. [14:11:54] Can you explain what you meant with this observation (Redacted)

13 (Redacted)

14 A. [14:12:27] Thank you. Let me answer your question, since you have put it to

15 me. You know, Mr Ngaïssona, he is the one who auto-proclaimed himself as the

16 national coordinator before the international community and throughout the entire

17 national territory of the CAR. However, in his own neighbourhood where he was

18 living - and let me take the example of Boy-Rabe, which is the name of the

19 neighbourhood in which he lived - even though the most indisciplined members of

20 the group were living in that arrondissement, that is, the Boy-Rabe sector,

21 there -- there were thefts of bikes from civilians. And if -- for the Muslims, if it was

22 only from the Muslims, one would have been able to understand. But there were

23 also Christians, also Christian civil servants. So I was not in agreement with this

24 manner of doing things. And for me, I can say that my initiative was rather positive

25 and that those activities had to be stopped.

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1 We heard and people heard that when they came back from Bangui, people received
2 him, people welcomed him and there were women ululating as well as young people.
3 The population came out and he was received like a hero. But at one point, it was
4 the same children -- the same young men who came out and committed crimes
5 against the population, the same people who had received Mr Ngaïssona. And then
6 the civilian population, therefore, started losing their sympathy towards the
7 Anti-Balaka. So I told myself that this was not a good thing.
8 Let me give you another example. The vehicle of MIVA, that is, the Vatican mission,
9 it is his -- these children who seized that vehicle from the priests. If the leader had
10 been aware or knew that that vehicle had to be returned, because it was not a good
11 thing to steal that vehicle, it would have been a good thing, but it was completely the
12 contrary. What I heard was that Mr Ngaïssona, who is here present, paid those
13 elements. He actually gave money to those children.
14 (Redacted). I no longer remember the
15 date. Bishop Nzapalainga (Redacted) for a courtesy visit, and I really do not know
16 for which purpose. The archbishop (Redacted) the compound, and then he realised
17 that, in fact, the vehicle standing there was a MIVA vehicle, because the MIVA logo
18 was engraved on the vehicle, M-I-V-A.
19 In fact, they had removed the logo, but the traces were still there and it was still
20 possible to know that it was a MIVA vehicle.
21 So Bishop Nzapalainga said, "But this is our vehicle." It was a shame. And I do not
22 know what explanation he gave Archbishop Nzapalainga. I do not know. He's the
23 only one who can explain that.
24 So from my point of view, he facilitated or encouraged the acts that these children
25 under him were perpetrating.

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1 PRESIDING JUDGE SCHMITT: [14:18:16] Mr Knoops, may I shortly. Can we go to
2 open session, what do you think?

3 MR KNOOPS: [14:18:20] Yes.

4 PRESIDING JUDGE SCHMITT: [14:18:21] Okay.

5 Open session.

6 And then you can continue, please.

7 (Open session at 2.18 p.m.)

8 THE COURT OFFICER: [14:18:39] We are in open session, Mr President.

9 MR KNOOPS: [14:18:43]

10 Q. [14:18:43] Sir, you arrived {ICR: (Redacted)} before the Brazzaville forum in
11 Bangui; is that correct?

12 A. [14:19:16] I thank you. Counsel, in answer to your question, I really do not
13 have any precise idea about the date of their return. All that I know is that after their
14 return from that forum, a meeting was held at the residence of Mr Ngaïssona. That
15 is what I know.

16 Q. [14:19:50] But I guess you still have a recollection when you returned to Bangui,
17 isn't it? Because that's what you told investigators in 2017. You arrived {ICR:
18 (Redacted)} before the Brazzaville forum in Bangui. Or are you now changing your
19 evidence? I'm not interested in the {ICR: (Redacted)}, exactly, but is it true that you
20 shortly - before the Brazzaville forum - arrived in Bangui? And please answer with
21 yes or no. No speeches.

22 A. [14:20:44] Thank you. Yes, I do confirm that I arrived well before the
23 delegation left for Brazzaville.

24 Q. [14:20:58] So, Mr Witness, you had no knowledge of what the national
25 coordination or any coordination was doing or had done prior to your arrival in

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1 Bangui; correct?

2 A. [14:21:38] Thank you. Mr President, counsel for the Defence, let me repeat by
3 saying this: I knew that there was a coordination in Bangui. Before Ngaïssona
4 arrived Bangui, there was a coordination. There was already a bureau set up in
5 Bangui and before he left for Brazzaville. That is what I know. Thank you.

6 Q. [14:22:25] The incidents you just mentioned, is it your evidence that they took
7 place after you arrived in Bangui and that is why you said you know them? Such as
8 the incidents with the cars, et cetera.

9 A. [14:23:17] Thank you. When I listen to you speak, I can say that this happened
10 after the Brazzaville agreement, and that is because I arrived Bangui {ICR: (Redacted)}
11 before that, and then they took a flight to Brazzaville. During that time, I was still in
12 Bangui, and I spent a lot of time there. They returned while I was still in Bangui.
13 And I received information, according to which Anti-Balaka ComZones had been
14 convened to Mr Ngaïssona's residence in relation to the matter of restitution, so when
15 they returned, they convened meetings in order to carry out the restitution.
16 At the end of that meeting, there was a report that was drafted. {ICR: (Redacted)
17 (Redacted)}, or the report, and I was able to read the substance or contents of that
18 agreement. And in it, they had agreed to work towards peace and for the cessation
19 of hostilities.

20 Shortly afterwards, on the ground, we realised that what was happening on the
21 ground was the exact contrary of the provisions of the Brazzaville agreement. We
22 are at least educated and able to read and understand. So what I did was only to
23 give out advice. I had some ideas of my own and I had proposed those ideas {ICR:
24 (Redacted)}. They themselves had gone to sign that cessation of hostilities
25 agreement. So they had the duty to have that agreement implemented.

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1 Unfortunately, on the ground, that was not the case. It was completely the contrary.

2 There were thefts of vehicles --

3 Q. [14:26:10] Yes, you told us --

4 PRESIDING JUDGE SCHMITT: [14:26:11] Mr Knoops, it's okay, I think, that you
5 intervened in that regard.

6 MR KNOOPS: [14:26:15]

7 Q. [14:26:16] Yes, because in light of the time, Mr Witness, I --

8 PRESIDING JUDGE SCHMITT: [14:26:18] No, it's -- it's okay. Please continue. It's
9 fine.

10 MR KNOOPS: [14:26:20]

11 Q. [14:26:20] So, Mr Witness, to be clear for the record, it's your evidence today that
12 the examples you described of the so-called "black sheep" all happened after the
13 Brazzaville accords, isn't it? That's your evidence today? After your return to
14 Bangui and after the Brazzaville accords?

15 A. [14:27:10] Thank you. I have understood your question well. What had
16 happened before had happened in my absence. I was not present. One thing that I
17 know is that there were acts of violence or criminality prior to my arrival in Bangui.
18 But when I arrived Bangui, I was able to observe myself what was happening. And
19 it was after that that I tried to give out some advice. It was after the Brazzaville
20 accord that I personally observed the excesses that were being committed on the
21 ground.

22 Q. [14:28:06] Okay. Thank you.

23 Now, you did speak, sir, in your evidence on 12 July of this year, in the transcript
24 page, English real-time, 75, 76, about a transformation of the movement into a
25 political party. And that's in line 12 till 16. And that you were not in agreement

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1 with this initiative and withdrew from the movement.

2 My first question to you is: Can you, for us, situate this discussion in time. Was it
3 before, was it after Brazzaville?

4 A. [14:29:25] I thank you. And I will give you an answer to your question. The
5 meetings that were taking place, as I have already told you, {ICR: (Redacted)}

6 (Redacted)}. A first meeting took place at the residence of Dieudonné Ndomate after
7 the Brazzaville accord, a short while later. {ICR: (Redacted)}, Maxime Mokom was

8 present, Lieutenant Konate was there, Basile Bong (phon) was there, Dieudonné

9 Ndomate himself was there -- Basile -- Bohong was there, and there were others from

10 Boeing whose names I no longer remember. Lebene, also known as "12 Puissances",

11 was also there.

12 Now, Mr Ndomate {ICR: (Redacted)} that the authority wanted {ICR: (Redacted)} to

13 transform the movement into a political party. When I heard about -- I thought it

14 was a joke. But Mr Ndomate was quite serious when he told us that.

15 So I told myself, our struggle had been in the interest of restoring peace. We did not

16 have any political manifesto. If the coordination had won, then I would wash my

17 hands and then leave the movement. I thought the Anti-Balaka movement was

18 supposed to be a group of heroes that would make a mark in the history of the

19 country. Unfortunately, that movement was misdirected, which is why I distanced

20 myself from it.

21 Up to this date, I told myself that the decisions that had been taken during that

22 meeting, Dieudonné Ndomate must have informed the authority and other decisions

23 were going to be taken. {ICR: (Redacted)}, "In this movement, when you arrived,

24 you were welcomed as a hero, as a king. But shortly afterwards, the conduct of the

25 children * that you were supporting was very bad and so the population turned

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1 against the Anti-Balaka."

2 It was too early to transform the movement into a political party, {ICR: (Redacted)

3 (Redacted)

4 (Redacted)}.

5 PRESIDING JUDGE SCHMITT: [14:33:24] Mr -- let me give it a try, Mr Knoops. I

6 think we don't have a clear answer on your question.

7 Mr Witness, it is perfectly clear that after all those years, you do not remember a date.

8 Nobody would in this courtroom. But can you try to picture yourself back in time

9 and -- was it a couple of weeks, a couple of months after Brazzaville when this

10 meeting you spoke of occurred? Can you -- you see what I mean? Can you try to

11 be a little bit more precise. Shortly after a couple of months, half a year after? You

12 see what I mean?

13 THE WITNESS: [14:34:28](Interpretation) Thank you. Your Honour, to answer

14 your question, I would say that the meeting that was held at Mr Dieudonné

15 Ndomate's residence, I think this meeting was held about one or two months after,

16 but I can't really tell you exactly. Thank you so much, your Honour.

17 PRESIDING JUDGE SCHMITT: [14:35:00] Thank you, Mr Witness. Nobody, as I

18 said, nobody expects that, but this is at least -- we have at least a reference, could be

19 one or two months. We don't hold you -- if it was two and a half months later or

20 four weeks, five weeks later, not a problem, but we have at least an idea.

21 Mr Knoops, please continue.

22 MR KNOOPS: [14:35:21] Thank you, Mr President.

23 Q. [14:35:23] Sir, do I understand your evidence today that this meeting where this

24 transformation was discussed, was it at Ndomate's compound?

25 PRESIDING JUDGE SCHMITT: [14:36:00] No. It -- it -- he said it was at

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- 1 Mr Ndomate's compound, I think.
- 2 MR KNOOPS: [14:36:07] Sorry, I didn't receive the translation, Mr President.
- 3 PRESIDING JUDGE SCHMITT: [14:36:09] But I -- yeah, I know, but I think he has
- 4 said it twice.
- 5 MR KNOOPS: [14:36:09] Right, okay.
- 6 PRESIDING JUDGE SCHMITT: [14:36:11] And then you have paragraph 118, and
- 7 please read it, first sentence, please read it out to the witness and we can pull it also
- 8 up, tab 31.
- 9 MR KNOOPS: Yes.
- 10 PRESIDING JUDGE SCHMITT: [14:36:25] Paragraph 118.
- 11 MR KNOOPS: [14:36:30]
- 12 Q. [14:36:32] Mr Witness, speaking about the location, could you please have a look
- 13 at your statement in paragraph 118.
- 14 PRESIDING JUDGE SCHMITT: [14:37:06] Do we have the exact CAR number so it's
- 15 easier -- it's easier --
- 16 MR KNOOPS: [14:37:10] Yes.
- 17 PRESIDING JUDGE SCHMITT: [14:37:11] -- it's easier then for the court usher.
- 18 MR KNOOPS: [14:37:14] I have just the English one, Mr President.
- 19 PRESIDING JUDGE SCHMITT: [14:37:17] Yeah, me either. So this does not help so
- 20 much.
- 21 MS STRUYVEN: [14:37:20] I have it, it's page 1627.
- 22 PRESIDING JUDGE SCHMITT: [14:37:24] I think we have it now on the screen.
- 23 MR KNOOPS: [14:37:26] Yeah.
- 24 PRESIDING JUDGE SCHMITT: [14:37:26] So, Mr Witness, please read the first
- 25 sentence of paragraph 118.

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1 And this -- since this can be made quick, I can -- I can already perhaps --
2 Mr Knoops, since I'm speaking --
3 -- I can ask you.
4 So this -- you say here that the meeting where this was announced was called by
5 Mr Ngaïssona. And it appears from the wording that it was -- that Mr Ngaïssona
6 was present. And I think you told us that Mr Dieudonné Ndomate {ICR: (Redacted)}
7 of Mr Ngaïssona, if I recall your evidence correctly.
8 So, again, the question is: What -- {ICR: (Redacted)}
9 (Redacted)}
10 THE WITNESS: [14:38:46](Interpretation) Thank you. Counsel, let me answer your
11 question. I think the person who took the initiative to transform the movement into
12 a political party is the general coordinator. I'm sorry, but I've forgot the -- it's
13 through Dieudonné Ndomate. Dieudonné Ndomate called the leaders even before
14 going to a higher level meeting. {ICR: (Redacted)}
15 (Redacted)
16 (Redacted)} another meeting at the authority's
17 home. So in my understanding, {ICR: (Redacted)} in the background is -- could
18 actually change this idea. But it did not change the idea. {ICR: (Redacted)}
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)}. And at that point of time, the person in
25 charge did not {ICR: (Redacted)}, but he sent a representative who confirmed, who

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1 said that the authority, the responsible person, had taken the decision to transform
2 the movement into a political party. There were three meetings, as I said, and in the
3 three meetings -- in fact, Mr Ngaïssona participated only in the second meeting.

4 Thank you.

5 MR KNOOPS: [14:41:36] Thank you.

6 Q. [14:41:37] Mr Witness, in the same paragraph, it's read in the third
7 sentence - and I thank the Chamber for introducing this paragraph as well - that {ICR:
8 (Redacted)} objective was to chase away the Seleka, and we needed to wait for the
9 constitutional order to be established."

10 Mr Witness, was this the reason why you were opposing the transformation of the
11 Anti-Balaka into a political movement?

12 MR KNOOPS: [14:42:58] Mr President, there is no translation.

13 PRESIDING JUDGE SCHMITT: [14:42:59] We have no translation at the moment.

14 THE WITNESS: [14:43:00] (Interpretation) It had to be a national patriotic
15 movement.

16 THE INTERPRETER: [14:43:08] I'm just going to repeat the entire translation: "Yes,
17 that's it, counsel. It's my viewpoint and that's my take on the situation, because we
18 did not have a societal project and it was supposed to be a national patriotic
19 movement."

20 PRESIDING JUDGE SCHMITT: [14:43:26] Shortly, Mr Witness, to explain what
21 happened, there was a delay in the interpretation. That was the reason. So
22 everything was interpreted now properly.

23 Mr Knoops, please continue.

24 MR KNOOPS: [14:43:39]

25 Q. [14:43:39] And sir, what do you mean with the return of the -- or waiting for the

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1 constitutional order to be established? What is your -- what was your view on this?

2 A. [14:44:19] Thank you. Counsel, to answer your question, I think I have already
3 answered this question. For me, the movement did not have a societal project. Our
4 objective was to go back home and drive away the oppressors. And after going back
5 home, we had to wait for the constitutional order to be established and the movement
6 to be recognised for what was -- for the act. Because we should have been heroes.
7 We should have been valiant men for the people. But taking the decision of turning
8 the movement into a political party meant that there was a prior societal project that
9 existed either before, during the movement. And this is precisely {ICR: (Redacted)}
10 that I could not accept this initiative of turning this movement into a political party.
11 And this is my answer to your question, counsel.

12 PRESIDING JUDGE SCHMITT: [14:45:52] Mr Knoops, I think you wanted to know
13 what he meant by constitutional order.

14 MR KNOOPS: [14:45:56] That's my next question (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [14:45:57] Yeah, yeah. But perhaps I give it a try.
16 Mr Witness, what -- what concept of constitutional order was in your mind? Was it
17 related to certain persons getting into power or coming back to power, for example?

18 THE WITNESS: [14:46:34](Interpretation) Thank you, your Honour. Let me
19 answer your question.

20 During those times, we were in a transitional period. There was a transition
21 government whose president was Mrs Samba-Panza. She had limited
22 decision-making power. So our objective was to organise elections and appoint a
23 new government that was more legitimate. And it was this regime that could
24 uphold the rights and give us our status as national heroes, as I already explained
25 here.

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1 PRESIDING JUDGE SCHMITT: [14:47:48] Thank you. I think we have an answer
2 here, but if you have following questions --

3 MR KNOOPS: [14:47:53] I can -- I can be maybe more direct.

4 Q. [14:47:57] Mr Witness, did it -- your perception meant the return of Mr Bozizé in
5 order to have the constitutional order established or re-established?

6 A. [14:48:28] Thank you. Counsel, to answer your question, in my answer I have
7 not mentioned any names. The example is that we have a democratically elected
8 person, a democratically elected president. He was legitimately elected. His name
9 is Faustin-Archange. And when I answered your question shortly, I did not mention
10 any names. I only mentioned the name of Catherine Samba-Panza, no other -- who
11 was the transitional president. I did not mention Bozizé's name.

12 Q. [14:49:22] No, my question is, I realise that you didn't mention any names,
13 except for the name of Ms Samba-Panza, but my question is whether in your road
14 map, so to speak, of the re-establishment of the constitutional order in the Central
15 African Republic, in this road map was there a position, in your mind, for Mr Bozizé
16 as the president of the country? And you think he would have honoured the status
17 of Anti-Balaka as heroes, as you say they were.

18 A. [14:50:29] Thank you so much. Counsel, to answer your question, I can say
19 "yes", I can say "no". But in my vision, and I'm here before you in front of -- before
20 the Court, I wanted the constitutional order to return. And we did not know who
21 was going to come. If that -- if the person is legitimately elected, he will uphold our
22 rights. But I did not quote any names in my answer. Thank you.

23 PRESIDING JUDGE SCHMITT: [14:51:30] I think we've -- I think we have exhausted
24 that.

25 MR KNOOPS: [14:51:35] Yeah.

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1 Q. [14:51:36] Mr Witness --

2 PRESIDING JUDGE SCHMITT: [14:51:37] Whereas I -- frankly, you can also, I think
3 perhaps one thing that comes to my mind.

4 Mr Witness, you know, political parties also contribute in a democracy, at least in a
5 functioning democracy, to establish and to maintain constitutional order. So, yeah,
6 but this is just remarks. But you were -- you have already explained it and we don't
7 have to repeat that. You were completely against transforming the movement into a
8 political party. We have understood that.

9 Mr Knoops, please.

10 MR KNOOPS: [14:52:16]

11 Q. [14:52:16] Sir, in the evidence you gave us on 12 July in the English real-time
12 transcript, page 75, line 17 and 18, till 20, you say that the reason for your -- you
13 opposing the transformation of the movement into a political party was that it should
14 be only a movement of national resistance and --

15 "[...] according to me, making it a political party would open the doors to all sorts of
16 problems [...]"

17 Now my first question is, what type of problems you are referring to here? If there
18 would be a political party in, as you say, a constitutional order, you had in mind?

19 A. [14:53:35] Thank you. I'm going to answer your question as follows: What I
20 wanted to say was -- you see, in politics I'm not an expert, obviously, but the way I
21 see things from the knowledge I possess, if this movement were transformed into a
22 political party and the militants started killing and plundering the population, what
23 will the civilian population say? We must be clear on this point.

24 A political party, in order to win the trust of the civilian population, must be popular.
25 They must have a degree of popularity and the civilians must trust this political party.

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1 For instance, when the elections were organised under Samba-Panza's regime,
2 Mr Ngaïssona wanted to run for presidency, but unfortunately, it -- we -- blocked his
3 path because there were problems in justice and this was why he did not run for the
4 elections. But if he had understood me and if he had accepted my proposal, and if
5 he had tried to win the trust of the public, we wouldn't have got here. And that's it,
6 counsel.

7 PRESIDING JUDGE SCHMITT: [14:55:41] I think we should leave the political
8 explanations and whatsoever. I think, really, you should move to another point,
9 please.

10 MR KNOOPS: [14:55:50] Yeah. Of course, yeah. But now that the constitutional
11 order is part of the Prosecution case --

12 PRESIDING JUDGE SCHMITT: [14:55:57] Yeah, we are -- we are -- of course we are
13 aware what this -- yeah.

14 MR KNOOPS: [14:56:00]

15 Q. [14:56:00] Now I have a question to you, sir: If you say that -- in the time frame
16 you just indicated, you say it was one or two months after Brazzaville that this -- these
17 three meetings took place, the second one in the presence of Mr Ngaïssona, and that
18 {ICR: (Redacted)} -- continue the movement as being one of national resistance, tell us
19 what was there to resist in the time frame of two months after Brazzaville? Were
20 there still Seleka?

21 A. [14:57:03] Thank you. I shall answer your question. In what I just said shortly
22 before, I said that the movement must be considered as a national patriotic movement,
23 and if this movement had remained a national patriotic movement, we should have
24 earned the trust of the population. The population would have respected the
25 movement. I did not say anything else, counsel.

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1 Q. [14:58:04] But I take it that you -- I take it that you are not able to give an
2 example? What type of resistance was needed at that time, yes? You cannot give
3 us an example, what type of resistance was actually there for the population to be
4 effectuated, correct?

5 A. [14:58:51] Thank you. And this is my answer: When I was in Bangui, the
6 Seleka were contained -- sorry, the Seleka were billeted. Some of the Seleka were
7 billeted at the RDOT camp, others were billeted elsewhere. And others were sent to
8 Kaga-Bandoro and Bambari. There were no longer any Seleka elements present in
9 the district. Kilometre 5 and the other places I listed, there were no more Seleka
10 elements. At Kilometre 5, at that point of time, there were self-defence elements. In
11 fact, these were Seleka elements that basically changed into self-defence elements in
12 order to protect their district and their locality.

13 There were no Seleka elements when I was in Bangui. When I was in Bangui, you
14 see, three o'clock felt like midnight. And our excellency was in Boy-Rabe, he lived in
15 that district. And the Christian population in the zone was not free in terms of their
16 movements as of three or four in the afternoon, as early as that. It felt like it was
17 midnight. And the population was scared to go out, to move. The Christian
18 population, above all.

19 I cannot talk about all that now. And in light of everything that's happened, I said,
20 no, transforming it, this political movement into a political party was not a good idea.
21 And this is precisely why I decided to oppose this.

22 Q. [15:01:44] Mr Witness, when, if you know, was this political party established?

23 A. [15:02:08] Thank you. Yes, counsel, I confirm. The political party was
24 established, and it was called PCUD. That was the name of the party. He wanted
25 to stand for elections, but he was prevented from doing that. Thank you.

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1 Q. [15:02:45] My question was, sir: Do you know when this PCUD was
2 established, in which time frame?

3 A. [15:03:12] Thank you. I do not remember the date of the creation of that party,
4 given that I had distanced myself from them. So I did not really pay attention or
5 have any strong interest in what they were doing.

6 Q. [15:03:47] Can you give an estimate. Was it briefly after the Brazzaville or
7 longer? How much time between Brazzaville and this party came into light passed,
8 if any idea?

9 A. [15:04:24] Thank you, counsel. He maintained the idea of transforming the
10 movement into a political party. So it was some time after the meetings that we
11 heard that the party had been created. I do not have the dates in mind. These can
12 be found in the documents. But, really, I do not remember them.

13 Q. [15:05:03] Sir, you {ICR: (Redacted)} with Mr Maxime Mokom the establishment
14 of the PCUD, wasn't it? {ICR: (Redacted)} the transformation of the movement into a
15 political party, yes?

16 A. [15:05:41] Yes. Thank you. I confirm.

17 PRESIDING JUDGE SCHMITT: [15:05:44] Mr Knoops, I think you have the
18 document.

19 MR KNOOPS: [15:05:47] Yes, I have the document here.

20 PRESIDING JUDGE SCHMITT: [15:05:50] Perhaps for the record at least.

21 MR KNOOPS: [15:05:52] It's annex 8, given by the witness to the investigators. It's
22 CAR-OTP-2059-0026.

23 PRESIDING JUDGE SCHMITT: [15:06:07] And for the -- for the analogue persons,
24 which tab is it?

25 MR KNOOPS: [15:06:12] It's the Prosecution tab -- sorry.

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- 1 PRESIDING JUDGE SCHMITT: [15:06:25] I think we have seen the document
2 already in another context, but not with regard to this witness.
- 3 MR KNOOPS: [15:06:33] That's correct, Mr President. We --
- 4 PRESIDING JUDGE SCHMITT: [15:06:36] I recall this document, but nevertheless.
5 Perhaps Ms Struyven is even quicker. No, she doesn't even try. No, I'm joking.
6 I'm not --
- 7 MS STRUYVEN: [15:06:46] The issue is that there are two documents with two
8 different dates, because I think it took a while before it was fully established. The
9 first document is CAR-OTP-2136-1405.
- 10 PRESIDING JUDGE SCHMITT: [15:07:04] Mr Vanderpuye does not know it. He is
11 of no help in that regard.
- 12 MR KNOOPS: [15:07:10] Mr President, it's tab 7 of the Prosecution binder.
- 13 PRESIDING JUDGE SCHMITT: [15:07:12] Thank you very much.
- 14 MR KNOOPS: [15:07:14] And if the Court allows me, I would just like to show one
15 sentence from this document.
- 16 PRESIDING JUDGE SCHMITT: [15:07:19] Of course. Of course.
- 17 MR KNOOPS: [15:07:21] So maybe the court officer could be so kind to pull up this
18 annex 7 of the Prosecution binder, CAR-OTP-2059-0026.
- 19 Q. [15:07:38] And, Mr Witness, I -- in order to spare time, I just have 50 minutes left
20 for my examination.
- 21 I just put it to you that the document reflects {ICR: (Redacted)}.
- 22 The fact that you presented yourself this document, I take it that {ICR: (Redacted)}
23 (Redacted)); is that true? {ICR: (Redacted)} Mokom and Mr Kokaté and other
24 individuals on this document, which was issued on 25 April 2015, a few months after
25 the PCUD came in existence.

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1 And, yeah, can you confirm this? You recognise this document?

2 I would like to ask your attention to the page -- to the sentence starting with

3 "*Considérant*".

4 It's a little bit down, *s'il vous plaît*: "*Considérant que le groupe d'auto-défense Anti-Balaka*
5 *s'inscrivant dans le champ juridique et normatif des instruments juridiques internationaux*
6 *précités, reste et demeure intrinsèquement apolitique.*"

7 PRESIDING JUDGE SCHMITT: [15:09:27] Well, I think it's enough if the witness
8 answers.

9 If you know this document, Mr Witness, and {ICR: (Redacted)}. And it seems what
10 Mr Vanderpuye -- excuse me, what Mr Knoops has read out to you seems to conform
11 with what you -- what you said a couple of minutes ago.

12 So can you confirm that you know this document?

13 THE WITNESS: [15:10:01](Interpretation) Thank you. Mr President, I recognise
14 this document and I'm the one who handed it over to the OTP. So I know this
15 document very well. Thank you.

16 PRESIDING JUDGE SCHMITT: [15:10:25] Thank you, Mr Witness.

17 MR KNOOPS: [15:10:27] Yes. Thank you.

18 Q. [15:10:28] Sir, did {ICR: (Redacted)}
19 (Redacted)}

20 A. [15:11:02] Yes.

21 Q. [15:11:04] And it's -- I take it it's your view, sir, that the phenomenon of the
22 Anti-Balaka as a self-defence group, in your view, finds support in international law,
23 specifically the instruments you mentioned here in this first page of the document.
24 That legally, in other words, legally, it's your view that the Anti-Balaka as a
25 self-defence group is legitimate; correct?

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1 A. [15:12:02] Thank you. I think that if you scroll down to the very bottom of the
2 page {ICR: (Redacted)}
3 (Redacted)}.

4 THE INTERPRETER: [15:12:35] Says the Sango interpreter.

5 PRESIDING JUDGE SCHMITT: [15:12:47] I think we have the wording in front of us,
6 Mr Knoops, {ICR: (Redacted)}
7 (Redacted)
8 (Redacted)
9 (Redacted)}. I think nobody, also not Prosecution, would not contradict that or

10 object to that. Yeah.

11 MR KNOOPS: [15:13:21] Thank you. Otherwise, I think the witness would have
12 given an answer. But your answer is clear.

13 PRESIDING JUDGE SCHMITT: [15:13:28] I think it's clear. And we have -- we
14 have an intelligent witness here. {ICR: (Redacted)}
15 (Redacted)}.

16 MR KNOOPS: [15:13:38] Yeah.

17 Q. [15:13:39] And, Mr Witness, {ICR: (Redacted)}
18 (Redacted)

19 (Redacted)} ever involved in political activities to resist the government in the CAR?
20 So after 2015.

21 PRESIDING JUDGE SCHMITT: [15:14:12] Ms Struyven, what -- what issue do you
22 have?

23 MS STRUYVEN: [15:14:16] Just a question of public session. We're still in open
24 session, and I think if we're going to go into his --

25 PRESIDING JUDGE SCHMITT: [15:14:23] Well-- well -- well, that is correct, of

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1 course. Yeah. Indeed. Yeah, well in the heat of -- of the session, this really
2 happens. Thank you for reminding us.

3 We go to private session.

4 (Private session at 3.14 p.m.)

5 THE COURT OFFICER: [15:14:52] We are in private session, Mr President.

6 MR KNOOPS: [15:14:55]

7 Q. [15:14:55] So, sir, my question is: (Redacted)

8 (Redacted) resistance to the government in the Central African Republic in order to
9 achieve your constitutional goals?

10 A. [15:15:38] Thank you. To answer your question, counsel, during that period I
11 was not involved in political activities. I was not associated with politics in any way,
12 and, at that time when the (Redacted)

13 (Redacted). And that is because my objective, my vision was peace, and it is for that
14 reason that I (Redacted)

15 (Redacted)

16 (Redacted). But I do

17 not involve myself in political parties or movements.

18 Q. [15:17:20] Okay. Can we please show the witness tab 12 of the Defence binder,
19 which is CAR-D30-0005-0016.

20 Sir, what's now being displayed to you is a page -- it's not appearing.

21 Sir, what's now appearing on the screen is a page from your Facebook account -- or I
22 should ask you, is this your Facebook account with the name on top of the message
23 here? I guess it is. There's no discussion. It's your Facebook, correct?

24 A. [15:19:07] Thank you. Counsel, this is my answer to your question: I
25 recognise and acknowledge that it is my account. I gave these alongside with my

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1 telephone in good faith to the investigators of the OTP. The account was opened
2 and there were publications on it. Even up to this very moment, the account is still
3 open. The date here is 12 June. This means that publications still appeared on that
4 account.

5 So I do not have any further thing to say about it.

6 PRESIDING JUDGE SCHMITT: [15:20:31] Do you know which year it is? I
7 can't -- do you know, Mr --

8 MR KNOOPS: [15:20:36] This year. This year.

9 PRESIDING JUDGE SCHMITT: [15:20:37] This year. Okay. Thank you.

10 MR KNOOPS: [15:20:39]

11 Q. [15:20:40] So you tell us first, who is Mr, if you know, (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [15:21:09] Thank you, counsel. I'll give you an answer to your question. No,
15 that is not (Redacted) is not a soldier. And the person that I'm
16 seeing on that photograph is a soldier. Thank you.

17 Q. [15:21:34] And why were you posting this photo? Let me be more specific. In
18 the hashtag you see there, the very right (Redacted). Now, tell us, sir, tell this
19 Chamber what the (Redacted) is.

20 A. [15:22:22] Thank you. In answer to your question, counsel, the (Redacted) is
21 (Redacted)

22 (Redacted). All Central Africans, whether

23 inside the country or abroad, they are able to understand the meaning of the
24 (Redacted). It is known -- it is known to everyone. Thank you, counsel.

25 Q. [15:23:32] And can you confirm, sir, that the (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 That's to be found in tab 1 of our binder. It's a report of the United Nations, where
5 the panel of the UN in paragraph (Redacted).

6 So can you confirm that this was indeed the purpose of the (Redacted)? Which is, by
7 the way, with the political leader (Redacted).

8 Is the UN giving a correct reflection of the purpose of the (Redacted)? That is the
9 question to you. Yes or no?

10 A. [15:25:27] Thank you. In answer to your question, the United Nations's
11 document that you have referred to is not known to me. I do not know the context.
12 But let me repeat by saying that all Central Africans, be they inside or outside of the
13 country, all of them understood that the (Redacted) actually existed and that the
14 (Redacted). But if you're asking me
15 any further questions relating to that movement, I really do not know what else to tell
16 you.

17 Q. [15:26:18] Is it correct, sir, that you were -- are (Redacted)
18 (Redacted) in your Facebook account?

19 PRESIDING JUDGE SCHMITT: [15:26:34] Ms Struyven.

20 MS STRUYVEN: [15:26:35] Sorry to interrupt, your Honours, and I'm not sure how
21 well everyone in the courtroom is familiar with the use of Facebook, but there is
22 difference in Facebook use between posting something yourself or liking --

23 PRESIDING JUDGE SCHMITT: [15:26:45] No, no, no, no, no, no, please. I have to
24 stop you here. The question -- even I know how this works. But you can post
25 yourself, you can share with others, but nevertheless, the question that Mr Knoops

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1 has asked is absolutely okay. And now I take it over.

2 Do you identify with the objectives of the (Redacted)?

3 I think we can put it in a nutshell, Mr Knoops.

4 Do you identify, Mr Witness, with the objectives of the (Redacted)?

5 THE WITNESS: [15:27:37](Interpretation) Thank you. Mr President, I will answer

6 your question. I can tell you "yes", just like I can tell you "no". As you know, I was

7 not on the ground, so I could not know what was going on there. The decisions that

8 they were taking there during their meetings, I was not with them.

9 However, when you look at that publication, if you can zoom in so that I can identify

10 it -- my account is not yet closed. So I gave part of that to the OTP. So I have my

11 friends on Facebook. So it is possible that they can post things that find themselves

12 on my account.

13 PRESIDING JUDGE SCHMITT: [15:29:03] Yeah, Ms Struyven.

14 MS STRUYVEN: [15:29:04] I think it would only be fair that he sees the whole page,

15 at least what I can see is only the photo and not what is under the photo. And again,

16 the Defence has --

17 PRESIDING JUDGE SCHMITT: Of course, of course.

18 MS STRUYVEN: [15:29:13] -- put twice that he posted this and hashtagged it, which

19 is an active thing to do.

20 PRESIDING JUDGE SCHMITT: [15:29:19] Yeah, yeah, I understand -- I understand

21 that, of course. But the question I think is legitimate, does he identify with

22 the -- with the -- I'm always in favour of drawing some questions out of documents,

23 but perhaps we can indeed show the witness the whole page, so to speak, so that you

24 can see how this came to be on your Facebook account, so to speak.

25 And now perhaps the second part, enlarge it, please, a little bit, the lower part.

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1 Please scroll down a little bit. Yeah.

2 So just for your information, Mr Witness, so you -- so you see it completely. Do you
3 want to -- want to make a comment now that you have the full picture?

4 THE WITNESS: [15:30:35](Interpretation) Thank you, Mr President. I wanted to
5 see the entire page because I can see the title of the post, and perhaps the person who
6 posted this picture, then maybe I'll be able to give details.

7 PRESIDING JUDGE SCHMITT: [15:31:04] I think, Mr Knoops, if you have further
8 questions; otherwise, we would let it stand like that, I think.

9 MR KNOOPS: [15:31:12]

10 Q. [15:31:12] Mr Witness, you just repeated twice that you gave the -- your
11 Facebook account to the investigators of the OTP. Do you know whether you gave
12 the members of the OTP also access to your account, such as access to documents like
13 this?

14 A. [15:31:51] Thank you. Counsel, I can confirm that when I was in Bangui, the
15 protection division asked me if I could give them my telephone. They asked me if
16 I've been using the phone for a very long time, and I did give them my telephone. I
17 also gave them the password. They put that in a bag which was sealed. And after
18 two or four days, they drove me to another section. Perhaps I forgot which one.

19 Q. [15:32:45] (Overlapping speakers)

20 A. [15:32:45] And they were the ones who met me.

21 Q. [15:32:53] The answer is yes. Sorry, I stop you. I have just --

22 PRESIDING JUDGE SCHMITT: [15:32:55] Please, Mr --

23 MR KNOOPS: [15:32:55] -- twenty-nine minutes left.

24 PRESIDING JUDGE SCHMITT: [15:32:56] Overlap. Please start again, Mr Knoops.

25 And indeed I got the information now that we can start with P-2556 on Monday.

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- 1 That seems to be ...
- 2 You have other information?
- 3 MR VANDERPUYE: [15:33:09] Well, you're faster than I am. I'm glad to know that.
- 4 PRESIDING JUDGE SCHMITT: [15:33:12] Yeah, so --
- 5 MR VANDERPUYE: [15:33:12] Thank you.
- 6 PRESIDING JUDGE SCHMITT: [15:33:13] -- we have -- from VWS, we have the
- 7 information. So it would -- I think everybody in the courtroom will appreciate it,
- 8 Mr Knoops, if we can finish the questioning of this witness today and don't need to
- 9 reconvene tomorrow for half an hour or so.
- 10 So please continue.
- 11 MR KNOOPS: [15:33:38] Just for the record, Mr President, we didn't receive these
- 12 disclosures from the OTP. This is our own fact finding with respect --
- 13 PRESIDING JUDGE SCHMITT: [15:33:50] Mr Vanderpuye.
- 14 MR VANDERPUYE: [15:33:52] Yeah, sorry to interrupt. But I'm just -- I'm unclear
- 15 on what Mr Knoops is referring to exactly.
- 16 PRESIDING JUDGE SCHMITT: [15:33:59] Well, he's referring to the last information
- 17 that -- I assume that the witness gave.
- 18 MR VANDERPUYE: [15:34:05] Access to his account, doesn't seem --
- 19 PRESIDING JUDGE SCHMITT: [15:34:06] Yeah, but what --
- 20 MR VANDERPUYE: [15:34:06] -- to me to equate to tangible --
- 21 PRESIDING JUDGE SCHMITT: [15:34:06] Yeah.
- 22 MR VANDERPUYE: [15:34:07] -- items for disclosure purposes. But I don't know if
- 23 Mr Knoops has some information that ...
- 24 PRESIDING JUDGE SCHMITT: [15:34:15] Well, but there is, anyway, I think we
- 25 should not construct here some tension, which I don't sense here, actually. No

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1 problem.

2 Please, Mr Knoops.

3 MR KNOOPS: [15:34:25] No, because we just received always tonnes of Facebook
4 messages from the OTP, but not this one, but anyway.

5 Q. [15:34:33] Mr Witness, in order to speed up my examination, are you familiar
6 with the Facebook accounts with the name, (Redacted)
7 (Redacted)

8 A. [15:35:10] Thank you. I know of (Redacted). I don't know the
9 administrator or the manager of the Anti-Balaka account.

10 Q. [15:35:39] (Overlapping speakers) Well, we put it to you that we have
11 information -- we have information that (Redacted)
12 (Redacted)

13 What do you say to this?

14 A. [15:36:17] Thank you, counsel. Your Honour --

15 PRESIDING JUDGE SCHMITT: [15:36:25] Are we in private session? Yeah. We
16 are in private session, Mr Witness, you can continue.

17 THE WITNESS: [15:36:39](Interpretation) Thank you, your Honour.
18 (Redacted)

19 (Redacted),and I'm going to
20 share them with you.

21 MR KNOOPS: [15:37:12] (Overlapping speakers)

22 Q. [15:37:12] No, Mr Witness, that's not my question. And I just have 20 minutes
23 left. I just wanted to know -- thank you for your answer, (Redacted).

24 Now, let me then show you tab number 6 of our Defence binder, in combination with
25 tab 7, but first tab 6, which is a message of this account, (Redacted)

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1 CAR-D30-0005-0010, and directly afterwards, it's tab 7, D30-0005-0011. It's an

2 overview of some of the friends of this account, (Redacted), and I

3 currently ask you, sir, to have a look first at tab 6.

4 So can you identify this is indeed the Facebook accounts of (Redacted)

5 (Redacted). This is the one, I think; correct?

6 A. [15:38:44] Thank you, counsel. You asked me a question, and you gave me two

7 names, (Redacted). And I'm not hiding

8 anything from you. I said that (Redacted)

9 (Redacted).

10 Q. [15:39:15] Thank you. Now have a look at this tab 6, the account of

11 (Redacted), the friends, *amis*, you see in tab 6, in the right -- left corner, the name

12 (Redacted).

13 And my question to you, is, can you confirm that (Redacted) was the -- is the

14 (Redacted) and he's one of the friends of your Facebook

15 account, (Redacted) (Redacted).

16 And for the Court, tab 1 indicates it's the UN report on page (Redacted)

17 (Redacted).

18 PRESIDING JUDGE SCHMITT: [15:40:28] (Redacted).

19 MR KNOOPS: [15:40:29] Sorry.

20 PRESIDING JUDGE SCHMITT: [15:40:30] (Redacted).

21 MR KNOOPS: [15:40:31] Yes.

22 Q. [15:40:32] Can you confirm that one of your friends of this Facebook, (Redacted)

23 (Redacted)?

24 PRESIDING JUDGE SCHMITT: [15:40:36] Ms Struyven.

25 MS STRUYVEN: [15:40:39] I apologise again. And I'm not specialised in Facebook,

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1 but there is this little button next to the names, which says *ajouter*, which, as far as I
2 know, it's when you get an invitation and you click on that, you can add a friend to
3 your account. But it doesn't necessarily mean that it's already a friend in your
4 account. I don't know the technical details and I'm not so familiar with Facebook,
5 but again, I think it's important that the Defence (overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [15:41:06] But the witness is familiar with Facebook,
7 so the witness can explain it.

8 So, Mr Witness, it seems to be that this person, (Redacted), is the (Redacted)
9 (Redacted) and -- yeah, and he appears here, so I put it in a very general way,
10 for Ms Struyven, he appears here on this page. So what can you tell us? Is it a
11 friend of yours? Was he shared with someone? Mr Rowse is laughing, rightfully
12 so.

13 So can you explain why this person appears here, and actually it's not -- nothing
14 indecent or so, but can you explain it, why the person is on this page?

15 THE WITNESS: [15:42:17](Interpretation) Thank you. To answer your question,
16 your Honour, (Redacted) was a public figure. He is well known. The (Redacted)
17 account -- and (Redacted)

18 that led me to do so. And, you know in Facebook, I explained
19 in a certain context that when I am friends -- with Counsel Knoop on Facebook, for
20 instance, what Counsel Knoop publishes, I receive it. If he publishes
21 something -- in fact, I received his publications on my page and this is how we
22 actually make friends. And we can -- I add friends who delete friends. But
23 personally (Redacted) and myself did not have any direct contact.

24 MR KNOOPS: [15:43:55]

25 Q. [15:43:55] Mr Witness --

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1 PRESIDING JUDGE SCHMITT: [15:43:56] Yeah, so I have understood it now --

2 MR KNOOPS: [15:43:57] Yeah.

3 PRESIDING JUDGE SCHMITT: [15:43:57] -- and I think it's clear. So there is some
4 sort, let me put it also in a very generic way, there is a connection via Facebook. We
5 take it at this, Mr Knoops, please continue from there.

6 MR KNOOPS: [15:44:12] Yeah, yeah. By the way, the right column, *ajouter*, is not
7 applying to Mr (Redacted). I'm also not a Facebook expert, but I --

8 PRESIDING JUDGE SCHMITT: [15:44:23] But you have been informed in the
9 meantime.

10 MR KNOOPS: [15:44:24] I have -- I'm in good company.

11 PRESIDING JUDGE SCHMITT: [15:44:25] Yeah, yeah, I have seen that. It did not
12 escape my attention that you had help in that regard.

13 MR KNOOPS: [15:44:31]

14 Q. [15:44:31] So, Mr Witness, you were directly friends with -- in Facebook terms,
15 speaking with Mr (Redacted) and he did not himself add his name to it; correct? He
16 was already part of your friends when you started the Facebook account; correct?

17 A. [15:45:23] Counsel, to answer your question, (Redacted)
18 (Redacted)

19 (Redacted). Facebook will come up with proposals and people of the same origin
20 can mutually add each other as friends.

21 And I'll stop here.

22 PRESIDING JUDGE SCHMITT: [15:46:13] I don't -- even if we go far, it means, but I
23 have to say it, because after a long day, obviously, the term "friend" has -- and the
24 meaning of the term "friend" seems to have significantly changed in the past decades,
25 from my understanding, so I take it from these remarks and these documents that we

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1 have.

2 Mr Knoops, please -- I know this was forensically not very important, what I said
3 now.

4 MR KNOOPS: [15:46:47] Thank you, Mr President.

5 Q. [15:46:50] Mr Witness, if you go -- if we go to tab 7 our Defence binder, which is
6 a page from the same Facebook account, (Redacted),
7 CAR-D30-0005-0011, if you -- yes, it's already there. You see at your -- in Facebook
8 terms, "friends", and the left side, the name (Redacted).
9 (Redacted), pardon.

10 Well, it happened to be that also this gentleman is mentioned in the UN report, tab 1,
11 page (Redacted). So we just saw (Redacted)
12 (Redacted).

13 Can you confirm that you yourself consider him a friend in Facebook terms?

14 A. [15:48:25] Thank you. (Redacted) is a Central African Republican person.
15 He's also a public figure, well known, might I add. He's very well known. And I
16 know that he is the (Redacted). I know that. But he's from the Central African
17 Republic.

18 The reason why I accepted him as a friend is because he publishes on his page, and I
19 would like to have information on what he publishes on the country. And I had my
20 reasons, and, if you ask me, I can tell you what those reasons are.

21 I know (Redacted). Thank you, counsel.

22 Q. [15:49:32] My final question, sir, on this Facebook exercise is the following: Is it
23 true that you created this Facebook account, (Redacted) after -- to be very precise,
24 after (Redacted), when this (Redacted)
25 (Redacted), comprising the most

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1 (Redacted) in the country?

2 Is that correct, sir, that you created this Facebook account after the (Redacted) was
3 established?

4 A. [15:50:54] Thank you, counsel. I did not create this account for the (Redacted).
5 There's a reason behind its creation, and I think I spoke about it with the OTP in the
6 past. I told them that I created a Facebook account, and I shared the reasons why.
7 And for some time, I wasn't actually going to that account. I wasn't using this
8 account, but the account remained active and this is why you can see all the news,
9 and this is what I can say to give you an answer.

10 Q. [15:51:47] Sir, can you -- can you then explain why there is no trace whatsoever
11 of this information in your statement of 2017, nor in the additions you gave the -- two
12 years after you tried to provide us with more documents to support your statement?

13 PRESIDING JUDGE SCHMITT: [15:52:09] When did you create this account?
14 Because I understood it that it was only recent, relatively recently. This was my
15 understanding, Mr Witness. So -- and then, of course, if it was created after 2017, it
16 cannot appear in the statement of 2017. That seems to be logical.

17 MR KNOOPS: [15:52:30] Yeah, the witness just said that he informed the
18 investigators about this --

19 PRESIDING JUDGE SCHMITT: [15:52:33] When?

20 MR KNOOPS: [15:52:34] -- Facebook, yeah, but it's never -- it's nowhere --

21 PRESIDING JUDGE SCHMITT: [15:52:40] Okay, it's not documented -- it's not
22 documented, yes.

23 Yeah, so Mr Witness, when did you create this Facebook account here? If you recall
24 it. Which year, perhaps?

25 THE WITNESS: [15:53:10](Interpretation) Thank you. Your Honour, it's impossible

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1 for me to remember the date. I know that this account was created after September
2 2017. You can actually check that in the parameters. In the settings, you can get to
3 know the date of creation of the account. But I cannot exactly remember the date
4 and -- thank you.

5 PRESIDING JUDGE SCHMITT: [15:53:45] Absolutely understandable, and then that
6 also would mean that it was after the statement was taken, as I assumed already.

7 So, Mr Knoops, whatever.

8 MR KNOOPS: [15:53:57] Yeah.

9 PRESIDING JUDGE SCHMITT: [15:53:58] So it must have -- so information
10 given to the Office of the Prosecutor must have been afterwards he had given the
11 statements.

12 MR KNOOPS: [15:54:04] Yes.

13 Q. [15:54:04] When, Mr Witness, did you give that information? After 2017?
14 Because you were able to provide - even until this year - documents to the OTP,
15 which we received. So tell us when did you inform the Prosecution about these
16 (Redacted).

17 A. [15:54:44] Thank you. The date of the meeting is mentioned in my diary.
18 After I left the country, it occurred to me to write about all the events that occurred,
19 but I can't give you a date for the moment. Thank you.

20 Q. [15:55:20] Mr Witness, in light of the time, I have two questions on two specific
21 documents. Actually, three. First of all, the attendance sheet you commented on
22 at -- in your evidence to this Court regarding tab 23 of the OTP binder, (Redacted)
23 (Redacted). It was your evidence given to the Chamber on
24 the 20 -- I think it was the 29 -- yes, 29 June, transcript page 83, lines 15 till 20, that you
25 (Redacted)

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1 (Redacted). That was your evidence you gave to the Court.

2 Now, please explain to the Chamber why the handwritings are very different in this

3 (Redacted), if you say that the (Redacted)

4 (Redacted).

5 I think it's not necessary, Mr President, to display again the document, but the Court

6 can recall that this tab, 33, contains several different handwritings.

7 So my question to you is, how can you explain this to the Court, while you say there,

8 it was (Redacted)?

9 PRESIDING JUDGE SCHMITT: [15:57:19] Ms Struyven.

10 MS STRUYVEN: [15:57:21] I think it would be, first of all, fair to show the document

11 to the witness so that (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [15:57:25] I think we have to do that, indeed. We

13 have to do it. And I'm not an expert in handwritings, we had instances where it was

14 clearer; that it was a different handwriting, to put it this way.

15 MS STRUYVEN: [15:57:37] And I think this one even contains signatures, so I hope

16 the signatures were not all drafted by the same individual.

17 PRESIDING JUDGE SCHMITT: [15:57:44] Yeah, well, I think what we are now

18 going to do is, it's - please, pull up, for the witness - CAR-OTP-2062-0088, and then

19 when it is on the screen for you, Mr Witness, please enlarge it.

20 Actually, I had a hunch when you questioned -- brought it up, that we should look at

21 it, actually a couple of days ago, so -- but I'd forgotten to intervene, to make it sure.

22 So now we scroll down, please.

23 And Mr Witness, simply look if you -- and you know it's about now, if it was drafted

24 by different people. That's the question, you understand that, yeah? So we scroll

25 down, there seems to be, yeah, the same handwriting.

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- 1 MR KNOOPS: [15:58:37] Yeah.
- 2 PRESIDING JUDGE SCHMITT: [15:58:38] Then we go to 0089, please. Still seems
- 3 to me, but really - I'm really careful and cautious here, I'm not an expert - it seems to
- 4 me to be the same handwriting.
- 5 MR KNOOPS: [15:59:03] Well, Mr President, with all due respect, if you look at
- 6 entry 9 and 8 of the first page you just --
- 7 PRESIDING JUDGE SCHMITT: [15:59:09] Yeah, yeah, so, yeah, even better, you're
- 8 right, Mr Knoops, number 10, for example.
- 9 MR KNOOPS: [15:59:16] With all due respect, I think nobody can dispute here --
- 10 PRESIDING JUDGE SCHMITT: [15:59:19] No, no, you're right.
- 11 MR KNOOPS: [15:59:20] -- that it is different handwriting.
- 12 PRESIDING JUDGE SCHMITT: [15:59:22] You're right. You're right. I agree with
- 13 you.
- 14 So perhaps again, then we can make it easier.
- 15 MR KNOOPS: [15:59:28] Yeah.
- 16 PRESIDING JUDGE SCHMITT: [15:59:29] Then we go back to the first page, 0088.
- 17 Let me do it, Mr Knoops, so perhaps for ...
- 18 So look, Mr Witness, it seems to be clear now - and Mr Knoops rightfully reminded
- 19 me of that - that, for example, entries numbered 1 to 6 compared with entry number
- 20 10 seem to be a completely different handwriting. So -- and it would be good if you
- 21 could perhaps clarify, if perhaps different persons have drafted that document, or
- 22 better to say, written this information down.
- 23 THE WITNESS: [16:00:22](Interpretation) Thank you. Your Honour, to answer
- 24 your question, (Redacted)
- 25 (Redacted)

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1 (Redacted), and people who could write their names, would
2 write down their names. But people who could not write down their names, would
3 give the paper to someone else who would write down the name. And this is how
4 (Redacted).
5 I've finished.

6 PRESIDING JUDGE SCHMITT: [16:01:15] Thank you for that clarification. But you
7 see it yourself, that this question can come up if it were different persons. So the
8 answer is, yes, they are different handwritings and some people wrote it down
9 themselves; others let somebody write for them.

10 Mr Knoops.

11 MR KNOOPS: [16:01:37] Yes.

12 Q. [16:01:38] I asked for this, Mr Witness, without -- not without reason because
13 there is evidence and information we have that you were not in (Redacted), but that's
14 something I just put to you and, for the rest, it's for the arguments of the parties.
15 My second question is the -- regards also to a document, which is not before the Court
16 here today, but it (Redacted). It's a notebook which was handed over by a
17 Prosecution witness some time ago, it was (Redacted), and in that notebook, you are
18 mentioned as the (Redacted).

19 And for the Court, that's (Redacted)

20 (Redacted).

21 My first question is, were you ever (Redacted)?

22 Can you recall.

23 PRESIDING JUDGE SCHMITT: [16:02:53] Ms Struyven.

24 MR VANDERPUYE: [16:02:54] There is a region in the Central African Republic that
25 is called (Redacted). I'm not sure if he's referring to the French version of this

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- 1 location or if he's (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [16:03:05] Yeah, I can also not follow at the moment,
- 3 I have to admit that.
- 4 MS STRUYVEN: [16:03:07] It's not on the list, I think, this document is not on the list
- 5 (Overlapping speakers)
- 6 PRESIDING JUDGE SCHMITT: [16:03:11] Yes, but we can, nevertheless, we are
- 7 close to the end here, we can give it a try.
- 8 So, (Redacted) sounds a little bit strange, actually, I have to say.
- 9 You don't have the document, Mr Knoops? You have the document.
- 10 MR KNOOPS: [16:03:28] Yes, yes, it was also introduced in court and it's not my
- 11 invention.
- 12 PRESIDING JUDGE SCHMITT: [16:03:33] No, no, we (Overlapping speakers)
- 13 MR KNOOPS: [16:03:35] But it does say ...
- 14 PRESIDING JUDGE SCHMITT: [16:03:41] So it cannot be displayed?
- 15 MR KNOOPS: [16:03:43] Well ...
- 16 PRESIDING JUDGE SCHMITT: [16:03:45] For us, at least?
- 17 MR KNOOPS: [16:03:47] It's CAR-OTP- --
- 18 PRESIDING JUDGE SCHMITT: [16:03:48] Please (Overlapping speakers)
- 19 MR KNOOPS: [16:03:48] -- the document starts with (Redacted) and it's at page
- 20 (Redacted). As the Court might recall, although I will not mention the name to the
- 21 witness -- in the witness's presence, but it was handed over by a Prosecution witness
- 22 saying that he got this notebook from an individual in -- et cetera.
- 23 PRESIDING JUDGE SCHMITT: [16:04:16] I recall that, yes.
- 24 MR KNOOPS: [16:04:17] Yeah, and you see on this page (Redacted), somewhere
- 25 below the middle, the name (Redacted). Indeed, what Ms Struyven correctly said,

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1 (Redacted).

2 PRESIDING JUDGE SCHMITT: [16:04:34] Okay. Then we have (Redacted).

3 MR KNOOPS: [16:04:36] (Redacted).

4 PRESIDING JUDGE SCHMITT: [16:04:37] So, Mr Witness, now, you see, we have
5 our difficulties to properly read. So it is -- there is a notebook where (Redacted)

6 (Redacted). Does that ring any bell with you?

7 THE WITNESS: [16:05:27](Interpretation) Thank you, Mr President. I would like to
8 ask your Court to show me that document that you're referring to. I'll be in a
9 position to confirm it to you after seeing it. Thank you.

10 PRESIDING JUDGE SCHMITT: [16:05:43] So then, is it not possible to pull it up.

11 So ...

12 MR KNOOPS: [16:05:53] Mr President, it's -- maybe just to save time, the question is,
13 whether the witness can remember when.

14 PRESIDING JUDGE SCHMITT: [16:06:02] No, no, your first question is --

15 MR KNOOPS: [16:06:04] Yeah, of course, if he was --

16 PRESIDING JUDGE SCHMITT: [16:06:05] If he can, if he has any idea what this
17 might mean and then, when, if it -- when if --

18 MR KNOOPS: [16:06:13] Correct.

19 PRESIDING JUDGE SCHMITT: [16:06:17] -- yeah. So can we please have again
20 the -- please repeat slowly the ERN number.

21 MR KNOOPS: [16:06:27] (Redacted),

22 and it's just below the middle.

23 (Counsel confers)

24 (Pause in proceedings)

25 PRESIDING JUDGE SCHMITT: [16:08:18] So it cannot be found.

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1 So I give it a last try.

2 Mr Witness --

3 Please, Mr Knoops, read out what the position he is -- allegedly has obtained at the
4 time.

5 And, Mr Witness, just answer us if it rings a bell -- a bell with you and then we finish
6 that.

7 MR KNOOPS: [16:08:41] Yeah.

8 Q. [16:08:41] Mr Witness, can you recall that you ever held a position as a (Redacted)
9 (Redacted)

10 A. [16:09:07] Thank you. Counsel, I'll give you an answer to your question. I
11 think that (Redacted), I am not in the (Redacted)
12 (Redacted).

13 That is the answer that I can give you.

14 MR KNOOPS: [16:09:40] Mr President, with the leave of the Court, I just need five
15 minutes, if that's possible.

16 PRESIDING JUDGE SCHMITT: [16:09:45] I would like to ask because it's over two
17 hours now. If anybody wants or needs a short break, I would accept that. No?
18 Then we finish.

19 Then please, we finish.

20 MR KNOOPS: [16:09:57] It's one document left, Mr President, I would like to --

21 PRESIDING JUDGE SCHMITT: [16:10:00] Also perhaps private session or open
22 session?

23 MR KNOOPS: [16:10:06] This can be -- in my perception, it can be in open.

24 PRESIDING JUDGE SCHMITT: [16:10:13] Then we give it a try in open session.

25 MR KNOOPS: [16:10:16] It concerns the OTP document 44, which is

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- 1 CAR-OTP-2117-0486, which was discussed by the OTP on the (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [16:10:31] Open session, first, then, yeah? Please.
- 3 MR KNOOPS: [16:10:34] Yes.
- 4 (Open session at 4.10 p.m.)
- 5 THE COURT OFFICER: [16:10:47] We are in open session, Mr President.
- 6 PRESIDING JUDGE SCHMITT: [16:10:49] Yes, I see what you mean, yeah.
- 7 MR KNOOPS: [16:10:53] Yeah.
- 8 Q. [16:10:53] Mr Witness, the document - which will be displayed to you in any
- 9 moment, I see it here - was discussed already with the Office of the Prosecution on 12
- 10 July, transcript page 84, line 22 and following, up to page 85, lines 2 till 10.
- 11 My first question: You told the Court on 12 July that this document {ICR: (Redacted)}
- 12 at the residence of His Excellency, Mr Ngaïssona, and {ICR: (Redacted)} and provided
- 13 the authorisation to Dieudonné Ngaibona to patrol.
- 14 First question, which time frame are you speaking here about? Which meeting at the
- 15 residence of Mr Ngaïssona? I take it it was directly after Brazzaville, the second
- 16 meeting you mentioned earlier at his place, out of the three you mentioned or was
- 17 there another meeting where this document was produced?
- 18 A. [16:12:21] Thank you. The document that you have talked about, you have not
- 19 presented it to me. If you present it to me, then I will give you an answer to your
- 20 question.
- 21 PRESIDING JUDGE SCHMITT: [16:12:40] Is it not on your screen, Mr Witness,
- 22 evidence 1?
- 23 Perhaps we can help the witness.
- 24 Now you have it. So it's this document we are speaking about. And the question,
- 25 Mr Witness, is, do you recall when it was circulated?

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1 THE WITNESS: [16:13:26](Interpretation) Thank you. Mr President, I will give you
2 an answer to your question.

3 This *note circulaire* or circular note {ICR: (Redacted)}
4 (Redacted)} and it was the secretary-general of the movement of the {ICR: (Redacted)}.
5 He said that the leader or *responsable* had given instructions for Ngaibona, Dieudonné,
6 to be responsible for the military police, so as to track down bandits and rogues and
7 all indisciplined people who were perpetrating crimes in the country.

8 Based on what I know --

9 PRESIDING JUDGE SCHMITT: [16:14:39] Mr Witness, first question, when
10 you -- just for the record, when you speak of the "secretary-general", {ICR: (Redacted)}
11 (Redacted)}

12 THE WITNESS: [16:15:09](Interpretation) Thank you. Mr President, I can't quite
13 remember the name. It has escaped my memory, but I know that the OTP knows
14 that name. I'm sure that the Office of the Prosecution can be able to give you that
15 name. Thank you.

16 PRESIDING JUDGE SCHMITT: [16:15:35] And still, Mr Witness, you won't, of
17 course, recall the exact date, but do you recall the month or the time of year? We
18 assume it was 2014, but can you narrow it a little bit down, the time, {ICR: (Redacted)}
19 (Redacted)}

20 THE WITNESS: [16:16:19](Interpretation) Thank you, Mr President. No, I cannot
21 tell you the precise date. I no longer remember. Because during that period, there
22 were many documents in circulation.

23 MR KNOOPS: [16:16:35] May I have one try, Mr President.

24 Q. [16:16:37] Was it, Mr Witness, shortly after Brazzaville or before Brazzaville
25 {ICR: (Redacted)}?

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- 1 PRESIDING JUDGE SCHMITT: [16:16:49] I think he has given it a try, but
2 Ms Struyven, what do you have?
- 3 MS STRUYVEN: [16:16:53] There is a reference to the fact that Mr Ngaïssona signs
4 as the president of the PCUD, which gives the time frame.
- 5 PRESIDING JUDGE SCHMITT: [16:17:01] Yes, so I think we leave it at that,
6 Mr Knoops.
- 7 MR KNOOPS: [16:17:04] But that was exactly the reason of the questions.
- 8 PRESIDING JUDGE SCHMITT: [16:17:07] Yeah, yeah, but we have, of course, a lot
9 of evidence on --
- 10 MR KNOOPS: [16:17:16] Okay.
- 11 PRESIDING JUDGE SCHMITT: [16:17:17] -- when the PCUD was created; so --
- 12 MR KNOOPS: [16:17:18] Yeah.
- 13 PRESIDING JUDGE SCHMITT: [16:17:19] -- and actually, from a certain point of
14 logic, even after more than two hours --
- 15 MR KNOOPS: [16:17:21] Okay -- okay --
- 16 PRESIDING JUDGE SCHMITT: [16:17:22] -- of the session, we can conclude that it
17 cannot have been before then, the PCUD was created.
- 18 MR KNOOPS: [16:17:32] Then, yeah --
- 19 Q. [16:17:32] Then the question is, did you remember {ICR: (Redacted)}
20 (Redacted)} Mr Ngaïssona in November 2014? Was there a meeting in November
21 2014 {ICR: (Redacted)}? Yes or no? Or were all the meetings before November 2014
22 in his residence or wherever it was in Bangui?
- 23 A. [16:18:18] Thank you. Counsel, in your question, you have talked about one
24 month, but what I can tell you is that when it comes to time periods, dates, and so on,
25 I really do not remember precisely. But if you have documents to present, you could

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1 possibly present them to me and I will be able to give you answers to the questions
2 you're putting to me.

3 Q. [16:19:00] Interesting. Now you know when you exactly went to the border,
4 but {ICR: (Redacted)}.

5 Anyway, Mr Witness, finally, the name Dieudonné Ngaïbona, can you tell us if this
6 person had a other name than Dieudonné Ngaïbona or had a nickname under which
7 name you knew him, this individual?

8 A. [16:19:56] Thank you. In answer to your question, the nickname that was being
9 used, as you know, we have talked so much about it that the name is escaping my
10 memory. He had his nickname, which is escaping me. Andjilo, I think. Yes, his
11 nickname was Andjilo.

12 Q. [16:20:36] I put to you, sir, that this is a fake document because the name of
13 Mr Andjilo was Rodrigue Ngaïbona, and I put to you that this document was
14 fabricated long before Mr Ngaïssona ever became president of the PCUD. And I put
15 to you, finally, that you presented this document only on 26 September 2019, two
16 years after your statement, to come here to this Court to incriminate Mr Ngaïssona
17 and you were full well aware this is a fake document, and, still, you're willing to
18 provide this to the Office of the Prosecution.

19 Now what is your answer to this?

20 A. [16:21:40] (No interpretation)

21 Q. [16:21:41] And Dieudonné is, by the way, the brother --

22 PRESIDING JUDGE SCHMITT: [16:21:43] Yeah, let the witness answer first.

23 So, Witness, what -- you know, you have heard what Mr Knoops said. What is your
24 answer to that? How -- what do you -- how do you comment on this?

25 THE WITNESS: [16:22:04](Interpretation) Thank you. Mr President, I think that all

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1 the documents relating to the movement and -- which were in my possession, I
2 handed them over to the justice system. {ICR: (Redacted)
3 (Redacted)} of Mr Ngaïssona. I believe that in one of my statements, I told you that
4 there was no organisation as such. So why would be the reason for me to forge a
5 document or to draft a false document? The SG of the coordination, I believe he is
6 currently living in Europe. So he is best placed to give any information concerning
7 this circular.

8 Thank you, Mr President.

9 MR KNOOPS: [16:23:48] Mr President, this is the end of our examination. I just
10 want to alert the Chamber to the tabs 35 and 37 of our binder to compare also the
11 header of that document, because we suggest that this is a fake document as
12 mentioned, and the Court can itself compare with our materials. And there's no time
13 to confront the witness with those documents that this indeed is not a document on
14 the letterhead of the PCUD. Thank you.

15 PRESIDING JUDGE SCHMITT: [16:24:17] Thank you, Mr Knoops.

16 And I have to thank, I think, everyone in the courtroom today. I think we have
17 never had a longer session, and I have to thank especially the interpreters. I think
18 today we can speak of perseverance even of everyone, but we get a reward, so to
19 speak, which is double-sided. It has a positive and a negative side. As I already
20 mentioned, the witness for Monday will be fully fit to testify on Monday and not
21 tomorrow, all ready, Mr Vanderpuye, Ms Struyven. So we will have to adjourn until
22 Monday.

23 But, first of all, we are in private session or open session? Open session.

24 So, first of all, I would like to address, Mr Witness.

25 This concludes your testimony, Mr Witness. On behalf of the Chamber, I would like

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1 to thank you, that you made yourself available as a witness in these proceedings to
2 assist the Chamber to establish the truth.

3 On behalf of the Chamber, I wish you a safe trip back home.

4 THE WITNESS: [16:25:50](Interpretation) I thank you, Mr President.

5 (The witness is excused)

6 PRESIDING JUDGE SCHMITT: [16:25:59] And, as I already said, and also thank you
7 to Mr Aoun, also, a safe trip back home. I don't know where it is, but it's probably
8 not so far away than for the witness.

9 So we then conclude for today and meet again with -- and we start with P-2556 on
10 Monday, 9.30.

11 THE COURT USHER: [16:26:24] All rise.

12 (The hearing ends in open session at 4.26 p.m.)