

Trial Hearing
WITNESS: CAR-OTP-P-0974

(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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 29 August 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:25] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:59] Good morning, everyone.
15 Good morning, specifically, of course, Mr Witness. I hope you had a good rest
16 yesterday and I think it will -- we will have questions for you the whole day today,
17 perhaps not more, we will see.
18 First of all, please, I would -- court officer, please call the case before we continue.
19 THE COURT OFFICER: [9:32:23] Good morning, Mr President, your Honours.
20 This is the situation in the Central African Republic II, in the case of The Prosecutor
21 versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
22 ICC-01/14-01/18.
23 And for the record, we are in open session.
24 PRESIDING JUDGE SCHMITT: [9:32:39] Thank you.
25 I ask for the appearances of the parties. I think you are unchanged, your team, not?

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

- 1 MS STRUYVEN: [9:32:46] Do you want me still to name the --
- 2 PRESIDING JUDGE SCHMITT: [9:32:49] No, no, you don't have to.
- 3 MS STRUYVEN: [9:32:51] Okay. So it's the same composition as yesterday.
- 4 PRESIDING JUDGE SCHMITT: [9:32:53] Same composition as yesterday.
- 5 Ms Massidda, you are less people, so, okay, please.
- 6 MS MASSIDDA: [9:32:59] Yes, I'm missing someone, your Honour, good morning.
- 7 Good morning, everybody in the courtroom. For the victims of the other crimes
- 8 appearing today Ms Gabriella dos Santos -- Batista dos Santos and myself,
- 9 Paolina Massidda.
- 10 PRESIDING JUDGE SCHMITT: [9:33:09] Mr Suprun, please allow me to say you are
- 11 unchanged with your composition.
- 12 MR SUPRUN: [9:33:13] Good morning, Mr President, your Honours.
- 13 The composition of our team is the same as yesterday. Thank you.
- 14 PRESIDING JUDGE SCHMITT: [9:33:18] With the Defence, it's a bit difficult so you
- 15 have to tell us, Ms Dimitri, please.
- 16 MS DIMITRI: [9:33:21] Good morning, Mr President. Good morning,
- 17 your Honours. Unchanged, but as you noticed yesterday, a few minutes after we
- 18 started, Mr Tikpa, our Sango linguistic assistant, joined us and he is still with us
- 19 today.
- 20 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
- 21 Good morning, Mr Tikpa.
- 22 Mr Knoops, then.
- 23 MR KNOOPS: [9:33:41] Good morning, Mr President, your Honours. We are in
- 24 the same composition as yesterday. Thank you.
- 25 PRESIDING JUDGE SCHMITT: [9:33:45] Okay. Then we continue with

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 the examination by Ms Dimitri.

2 I wondered, Ms Dimitri, if we can do some of this exercise in open session.

3 MS DIMITRI: [9:33:56] We can do all in open session.

4 PRESIDING JUDGE SCHMITT: [9:33:58] That is great so that's very good, yeah.

5 We appreciate it. Thank you.

6 WITNESS: CAR-OTP-P-0974 (On former oath)

7 (The witness speaks Sango)

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

9 Q. [9:34:15] Good morning again.

10 A. [9:34:16] Good morning.

11 Q. [09:34:17] As you just heard, I'm going to continue with my questions. We're
12 going to do it in open session. I urge you to be cautious so that you don't identify
13 yourself in your answers. But I assure you that my questions are questions of
14 clarification and you can say "yes", "no", or "I don't recall", "I don't know". So it's
15 very specific, the answers I need.

16 I'm going to show you a video. I'm going to ask you to listen very carefully to what
17 Léopold Narcisse Bara is saying in this video.

18 Just to locate it, it is from 15 May 2014 when Léopold Narcisse Bara is minister within
19 the Samba-Panza government, and also the moment when you left the movement.

20 So that's for you to have a bit of a framework so that you can understand what in
21 the video is taking place. I'm going to show you the video and then I have
22 a question of clarification.

23 Do you follow what I'm saying?

24 A. [9:35:42] I understand what you're saying.

25 Q. [9:35:44] So it is at tab -- tab 12 of the Defence binder, CAR-OTP-2084-1319, from

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 0 minutes to 59 seconds.

2 The transcript is tab 13. For the interpreters, you should have a binder with tab 13
3 and it's line 1 to 10. And I'm going to wait for a sign from the interpreters' booth so
4 we can go ahead.

5 Mr Witness, can you see an image on your screen so that we can go ahead?

6 A. [9:36:50] Yes, I see it.

7 Q. [9:36:55] I'm asking you to listen to the speech of Mr Bara and then I have some
8 questions I'd like to put to you.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [9:37:11](Interpretation of the video excerpt)

11 "Thank you, organisers. I am Léopold Narcisse Bara, the so-called coordinator at
12 that time that was called Anti-Balaka of the south, and today is about to disappear.
13 It is with emotion and joy that I speak to you today before everybody. In any case,
14 I'd like to give my sincere thanks to the international community who had never
15 skimped on the means to accompany us. I'm not going to tell you about the birth of
16 the Anti-Balaka, but only I'm going to talk a lot about what led to the split, to this
17 division. Today, we talk about the Anti-Balaka of the north and Anti-Balaka of
18 the south with the peaceful tendency, and the extremist tendency."

19 MS DIMITRI: [9:38:15](Interpretation)

20 Q. [9:38:15] You heard Léopold Narcisse Bara speak of the split between
21 the Anti-Balaka of the north and Anti-Balaka south.

22 My question is very specific, Mr Witness. In paragraph 82 of your statement you
23 state, and I quote: "In return, Bara became minister of youth and we had someone
24 who represented us in the government. As for the two parties, we disagreed and
25 nothing could be done about it." End of quote.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 Those -- that is your testimony. So my specific question, Mr Witness: When you
2 say -- when -- "as regards the two parties, we disagreed," do you agree with me that
3 you are now referring to the north and to the south; is that correct?

4 A. [9:39:26] Could you please repeat your question.

5 Q. [9:39:29] No problem. In paragraph 82 you stated, and I'm going to quote you.
6 This is -- these are your very words: "In return, Bara became or was appointed
7 minister of youth and we had someone who represented us in the government. As
8 for the two parties, the two parties, we disagreed and nothing could be done about it."
9 End of quote. End of your statement.

10 My question: When you state, "as for the two parties that were in disagreement", am
11 I correct, yes or no, that you are referring to the north and the south?

12 A. [9:40:34] I think there was a split between the two groups. There was
13 a misunderstanding before the split. There was the coordination of the north and
14 that of the south, as you say.

15 Mrs Samba-Panza and the media started negotiations and we were united in
16 the coordination and we tried to find a compromise. It was to try and unify us so
17 that we would have one single coordination, and that was before the inauguration of
18 Samba-Panza as president.

19 Q. [9:41:38] I'm going to ask you a question because my question is more specific.
20 In paragraph 82, when you say, "for the two parties disagreed," the two parties, are
21 you talking about the north group and the south group; is that correct?

22 A. [9:41:59] That is correct.

23 Q. [9:42:00] That was my final question. Thank you very much.

24 PRESIDING JUDGE SCHMITT: [9:42:03] Thank you, Ms Dimitri.

25 I think, Mr Knoops, I can give you immediately the floor. You are prepared.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [09:42:13] Yes, Mr President, I'm prepared.

2 PRESIDING JUDGE SCHMITT: [9:42:15] Of course, I'm -- you know.

3 QUESTIONED BY MR KNOOPS:

4 Q. [9:42:47] A very good morning, Mr Witness.

5 My -- thank you.

6 A. [9:42:59] Good morning, sir.

7 Q. [9:43:00] My name is Alexander Knoops. I'm one of the counsel for

8 Mr Ngaïssona in this case and I have several questions for you, sir.

9 The first topic can be dealt with, Mr President, in open session.

10 It relates, Mr Witness, to the advance of the resistance movement in 2013. In your
11 statement, sir, you referred to your contacts with several other people in the various
12 areas. Since we are in open session, I will not go into details. And yesterday in
13 your evidence you informed the Court that there was several groups, you said "...
14 several small Anti-Balaka groups in Boy-Rabe and Boeing."

15 That's the English real-time transcript, page 29, lines 14 till 15 and 24 till 25.

16 My first question to you, Mr Witness: Do you agree with me that the resistance
17 movement, which, as you say, started spontaneously and spread over the country,
18 did not only consist of Anti-Balaka groups, but also consisted of different other
19 groups, apart from Anti-Balaka?

20 A. [9:45:16] I didn't understand your question.

21 Q. [9:45:18] Okay. During the crisis in 2013, were there many other armed groups
22 active in the country, in the provinces, apart from Anti-Balaka?

23 A. [9:45:54] I think in my statement I didn't mention an armed group. I only
24 spoke about those that affected me and that was the Anti-Balaka group. Of course,
25 there were many armed groups in Central Africa, but I can't tell you exactly all

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 the information about the other armed groups that emerged. I'm talking about
2 the movement in which I participated and not other groups.

3 Q. [9:46:21] Did you hear about those other groups yourself?

4 A. [9:46:42] No, we didn't hear about other groups. There were rebel groups in
5 the Central African Republic even before, and they existed when Bozizé was still
6 president. There were many groups, many rebel groups who acted in a coalition.
7 After that, they took power. After taking power, we were faced with the main group,
8 which was the Seleka. After that, the Anti-Balaka group emerged.

9 In addition to this Anti-Balaka group, I can mention another group which existed in
10 Bozoum. I don't remember the name anymore. Oh, yes, I remember, the name is
11 *Révolution Justice*. That was near Bozoum, but I can't tell you more than that as
12 regards that particular group.

13 (No interpretation) (Overlapping speakers)

14 Q. [9:47:55] Thank you, sir. I would like to show you -- I would like to show you
15 a document.

16 It's tab 2 in our Defence binder, it's CAR-OTP-2001-3405 at page 3410.

17 Mr Witness, this is a page from the agreement in Brazzaville in July 2014. And you
18 see in this page, in the fourth line, the group you mentioned there, (Interpretation)
19 "For Revolution and Justice".

20 THE INTERPRETER: "*Pour Révolution et Justice*".

21 MR KNOOPS:

22 Q. [09:48:51] RJ, right?

23 A. [9:48:55] (Overlapping speakers)

24 Q. [9:48:56] Could you do us a favour, Mr Witness, have a look, please, at the other
25 seven groups which are mentioned here and tell us whether you recognise any of

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 the names of groups who were, according to your information, active in 2013 in
2 the provinces.

3 A. [9:49:53] As regards this document signed in Brazzaville, those were
4 the different groups who were identified in 2013 who signed this document. That
5 was the moment when the meeting was organised in Brazzaville. At that moment I
6 wasn't part of Anti-Balaka, but I did know that these groups existed.

7 Q. [9:50:21] Thank you.

8 Do you have any information for us, Mr Witness, how these groups were established
9 in 2013 or earlier?

10 A. [9:50:50] I've just told you that there were several groups. I don't know when
11 these different groups were set up. I cannot speak on their behalf.

12 Q. [9:51:04] You told us in your statement that you were yourself in contact with
13 several other groups. I take it that you were, in 2013, not in touch with any of these
14 groups, right?

15 A. [9:51:35] No, I was not in contact with this or that group. I spoke to you about
16 small Anti-Balaka groups that existed in Boeing, Boy-Rabe, and the group of
17 Captain Kamezolaï. Those are groups that I was talking about. These were
18 Anti-Balaka groups.

19 Q. [9:52:05] So, Mr Witness, I take it that these groups, as far as your information
20 goes, operated as armed groups independently from the Anti-Balaka in 2013, correct?
21 There was no coordination between those groups and the Anti-Balaka, right?

22 A. [9:52:45] At that time, when I was still part of the Anti-Balaka until I left that
23 group, we did not work together with other groups. We worked amongst each other,
24 only the Anti-Balaka. I cannot speak to you about other groups.

25 Q. [9:53:03] Thank you, sir.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 Now, my next topic relates to the organisation of the Anti-Balaka and the FACA. In
2 your statement in paragraph 43 you say that the FACA at a certain point in time
3 started to join the Anti-Balaka movement. Can you give us a time frame when this
4 started to happen?

5 * A. [9:53:56] When there still were disturbances in the country, the FACA barely
6 existed anymore. The soldiers of FACA who had nothing to do, who were at home
7 and who were in hiding, met together and decided to join the Anti-Balaka movement
8 to defend their cause. At that point in time I said that some of the FACA started to
9 join the Anti-Balaka group.

10 Q. [9:54:50] Mr Witness, were you aware of any orders or instructions to those
11 FACA members who chose to join the movement? In other words, was there any
12 coordination to have those FACA members joining the movement?

13 A. [9:55:41] As far as I know, no one gave us any orders. Personally speaking, I'm
14 a soldier and I joined the group through my own motivation. I didn't receive any
15 orders from anybody telling me to join that group.

16 Q. [9:56:03] Now, it is your evidence that at a certain point in time the FACA set up
17 sections to divide people into sections, just like in the military. And we read this in
18 your statement in paragraph 49.

19 My question to you is how was this decision made, and by whom, to organise
20 the people into sections, just like in the army?

21 A. [9:57:05] I remember my statement, sir. When I joined the Anti-Balaka
22 movement, I saw a group where there
23 were civilians and soldiers.

24 {ICR: (Redacted)}.

25 Q. [9:58:00] Thank you, sir.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 Mr President, my next question is maybe better to be asked in private session.

2 PRESIDING JUDGE SCHMITT: [9:58:07] Then we trust you in this assessment.

3 We go to private session.

4 (Private session at 9.58 a.m.)

5 THE COURT OFFICER: [9:58:31] We're in private session, Mr President.

6 MR KNOOPS: [9:58:36] Thank you.

7 Q. [9:58:38] Sir, in your -- in your statement, given in 2017, you spoke about

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [9:59:28] As I said a moment ago, I joined the Anti-Balaka movement (Redacted)

12 and it was after the attack, after their withdrawal that I joined them.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

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12 (Redacted)
13 (Redacted)
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15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)

20 A. [10:05:20] Counsel, I think that the question as put, it's not up to me, but I will
21 answer you anyway. The Anti-Balaka movement was a resistance, a rebellion. When
22 you're in a rebellion or a resistance, you don't await instructions from an authority. *
23 When you're in a rebellion or a resistance movement, you organise yourselves to
24 attack or to defend. You do not await instructions from a superior authority to carry
25 out operations in the field. We rose up to fight against the regime that was in place,

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 and we didn't await instructions from the regime in order to carry out operations.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:09:25] I think this is an answer, Mr Knoops.

19 MR KNOOPS: [10:09:26] Yes. Thank you very much.

20 PRESIDING JUDGE SCHMITT: [10:09:28] You may move on.

21 MR KNOOPS: [10:09:31]

22 Q. [10:09:33] My last question on this topic, sir, is, in your statement you gave in

23 2017 you say in paragraph 65 that (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:11:45] Did you ever hear that Mr Ngaïssona was involved in any of these
11 strategies?

12 A. [10:12:07] Well, I think that I said in my statement that I never knew Ngaïssona.
13 When it concerned military operations, Ngaïssona never fought until Djotodia's
14 resignation. In no case did I receive instructions coming from Ngaïssona.

15 Q. [10:12:35] Thank you.

16 Mr President, next topic could be dealt with in open session.

17 PRESIDING JUDGE SCHMITT: [10:12:39] Then we go to open session.

18 (Open session at 10.12 a.m.)

19 THE COURT OFFICER: [10:12:58] We're back in open session, Mr President.

20 MR KNOOPS: [10:13:03]

21 Q. [10:13:04] Sir, my next topic deals with the structure of -- of ComZones. In
22 your statement you gave in 2017 you say in paragraph 62 that all the ComZones
23 managed their zones and there was no one who oversaw the ComZones or gave
24 instructions.

25 My first question to you is, Mr Witness, are you relating here to the time frame from

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 5 December till April 2014, the time when you switched position? I will keep it
2 general, not to go into your background, but are we speaking here of the time frame
3 5 December 2013-April 2014?

4 A. [10:14:19] Please could you repeat your question.

5 Q. [10:14:21] Of course.

6 In your statement, sir, paragraph 62, you say that all the ComZones managed their
7 own zones, there was no one who oversaw the ComZones or gave instructions. And
8 my question to you is: When you speak about how the ComZones operated in
9 paragraph 62, do you refer to the time frame of 5 December 2013 till April 2014?

10 A. [10:15:12] At the time when we were fighting to ensure Djotodia's departure
11 from power, it was during that period. At one time we set up the coordination.
12 After the resignation of Djotodia, we put in place the coordination which gave
13 the guidelines or the -- the major line -- major points.

14 Q. [10:16:01] Let me put it differently, Mr Witness.

15 You -- you say in your statement, also in paragraph 61, "Whatever happened in other
16 zones, was their problem."

17 Do I take it that the ComZones in the time frame 5 December 2013 till April 2014
18 operated independently from each other?

19 A. [10:16:52] If you speak about the month of April, but I don't think so. It wasn't
20 in that way that we operated. I just told you that each ComZone supervised its own
21 group, and after Djotodia's resignation we set up a coordination. So, in order to
22 carry out activities, before carrying out any activity, we would receive orders from
23 the coordination body.

24 Q. [10:17:41] And who would be this coordination body? And what type of
25 instructions?

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 A. [10:18:19] So, before meeting, there were two coordinations, one from the north
2 and the south. Now, where it concerns the southern coordination, we were under
3 the orders or under the command of Kamezolaï. And where it concerned
4 the northern coordination, they received orders from their boss or leader. So I
5 couldn't know what was happening on the other side and they on the other side could
6 not know the information that we would receive, the instructions that we would
7 receive. And it was in this way that we worked until we were able to set up
8 common coordination.

9 Q. [10:19:16] But you would agree with me, sir, that in -- you just said the decisions
10 you made on military operations was something you decided yourself, correct?

11 A. [10:20:02] Would you like to speak about the functioning of my group in
12 particular or Anti-Balaka groups in general? I don't understand the question.

13 Q. [10:20:11] You just said that in your group you were the one, with a colleague,
14 who were making decisions, right?
15 So any instructions you might have received --

16 A. [10:20:34] (No interpretation)

17 Q. [10:20:36] -- had nothing to do with the military operations, correct?

18 * A. [10:20:58] In fact, from 2005 until the resignation... following Djotodia's
19 resignation, the Anti-Balaka, the different groups, were all doing their own thing, but
20 they came under each ComZone. And that's the reason why at that time the decisions
21 came from the staff of the command. Those who were under my orders came under
22 me, but we didn't receive orders from anyone ourselves. We would decide on what
23 we had to do. Us, as the leaders, we would meet to take decisions where it concerned
24 the different operations. But it was only after the implementation of the coordination
25 that we started to consult each other in order to work together.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 Q. [10:22:12] Sir, in your statement in 2017, paragraph 73, you did say that --

2 And maybe this is better, Mr President, in private session.

3 PRESIDING JUDGE SCHMITT: [10:22:26] Yeah, I assume you're right.

4 We go to private session.

5 (Private session at 10.22 a.m.)

6 THE COURT OFFICER: [10:22:46] We are in private session, Mr President.

7 MR KNOOPS: [10:22:50]

8 Q. [10:22:51] Sir, in your evidence given in 2017, in the statement, 73, you say that

9 Mr Kamezolaï "was our Chief, but he didn't order us to do anything."

10 So what is your comment in light of the information you just gave us, that there were
11 directives from the coordination?

12 A. [10:23:42] I don't think I was well understood. I think there must be some
13 confusion. After the implementation of the coordination, it is true that Kamezolaï
14 was our leader and we received the most important orders. For example, for
15 meetings, if it was necessary to meet MISCA and the mediator, or the mediators,
16 the Congolese contingent -- or Congo-Brazza was carrying out the mediation. And
17 where it concerned going to this meeting, the coordination, we would be informed.
18 That's what I meant.

19 Q. [10:24:33] So, you agree that these instructions or orders from the coordination
20 were non-military related, right?

21 A. [10:25:04] In my opinion, it was rather political, it was more political, because
22 those who were carrying out the mediation, for example, were the authorities who
23 called us to meetings. During these meetings political decisions would be taken.
24 But where it concerned the military operations, I did not have orders from Kamezolaï.
25 What I just said to you only concerns my group. I never had an instruction from

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 anyone.

2 Q. [10:25:55] My final question, Mr Witness, on this topic, is the following.

3 In your statement of 2017, still on the same subject, in paragraph 56, you say that

4 (Redacted)

5 My question to you is, (Redacted)

6 (Redacted)

7 And we are speaking about the time frame of beginning 2014.

8 A. [10:27:07] Could you repeat the question, please.

9 Q. [10:27:13] Sir, you say in your statement in paragraph 56 that (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [10:27:51] When I spoke about reinforcements, that's got nothing to do with

14 the government or donations of fuel. We didn't have vehicles, in fact, in order to

15 have additional supplies of fuel. We moved around on foot. We didn't need fuel.

16 When it came to weapons, how could we have them?

17 When I spoke about reinforcements, it was when a group did not have enough people,

18 then they would call upon a ComZone to send elements, troops, so that they could

19 defend themselves. This is what I mean when I speak about reinforcements.

20 Q. [10:28:46] Thank you, sir.

21 (Redacted)

22 Could you, in your role -- I believe we're still in private session?

23 PRESIDING JUDGE SCHMITT: [10:29:12] We are, yes.

24 MR KNOOPS: [10:29:14] Thank you.

25 Q. [10:29:16] Excuse me.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

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Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:34:56] Let me put the question differently. Was there a system in place at
6 that time amongst the ComZone commanders that in case of a person to be expelled
7 from the Anti-Balaka unit, could not join another Anti-Balaka unit in another zone,
8 was there anything akin to such a system?

9 A. [10:35:41] At that time with the Anti-Balaka, when I joined the movement I
10 never heard any mention of such an order, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [10:37:25] Mr Knoops, I think this is clear now.

22 MR KNOOPS: [10:37:33] Yeah. Yeah, thank you. A very last question on this
23 topic and then I move to a new topic, which -- well, it could maybe be concluded
24 before the break.

25 Q. [10:37:44] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [10:38:24] I don't really understand what you're trying to say. (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:38:44] Mr Witness, perhaps I -- as I understand

6 Mr Knoops, he wants to know -- it's a little bit hypothetical, (Redacted)

7 I think it is okay that Mr Knoops asks the question.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 I just rephrase it a little bit, I think, but that's the gist of what you want to know,

13 Mr Knoops.

14 THE WITNESS: [10:39:49](Interpretation) (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:40:26] Thank you, Mr Witness.

20 I think that that makes it clear.

21 MR KNOOPS: [10:40:28] Yeah.

22 PRESIDING JUDGE SCHMITT: [10:40:29] And here he even said "invitation", that

23 already tells something. That's something -- of course, that is not a summons. And

24 I think it's clear now, Mr Knoops.

25 MR KNOOPS: [10:40:39] Well, the background of the question --

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:40:41] Is also clear.

2 MR KNOOPS: [10:40:44] -- is paragraph 75.

3 PRESIDING JUDGE SCHMITT: [10:40:47] Yeah, yeah, is also clear. You may move
4 on.

5 MR KNOOPS: [10:40:49] Mr President, I am hesitant. The next topic will be much
6 longer than the 17 minutes which we have before the break, and then I would have to
7 cut this topic in between. But I can estimate that I can finish around 1 o'clock,
8 I believe, 1.15.

9 PRESIDING JUDGE SCHMITT: [10:41:11] Okay. Then even if -- if we extend
10 the coffee break until 11.30?

11 Yeah, then let's have a coffee break until 11.30.

12 THE COURT USHER: [10:41:21] All rise.

13 (Recess taken at 10.41 a.m.)

14 (Upon resuming in private session at 11.31 a.m.)

15 THE COURT USHER: [11:31:28] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [11:31:51] Mr Knoops, we are in private session.

18 It's okay with you?

19 MR KNOOPS: Yes.

20 PRESIDING JUDGE SCHMITT: [11:31:54] Then we continue there.

21 MR KNOOPS: [11:31:56] Thank you, Mr President.

22 Q. [11:32:04] Mr Witness, the next subject matter I would like to raise with you is
23 the -- your experience (Redacted)

24 (Redacted) which was discussed already yesterday.

25 First of all, my question to you is can you confirm that (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [11:33:19] Could you repeat your question, please.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [11:35:54] I don't remember. No, I don't remember. More than six years have

21 passed since then, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 A. [11:37:10] I don't remember. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) Six years have already passed since then and I've certainly forgotten some
7 things.

8 PRESIDING JUDGE SCHMITT: [11:38:01] Mr Witness, but it's clear that you make
9 an effort here and that some recollection comes back. We appreciate that a lot.

10 Also as the judges, we appreciate your efforts.

11 And a remark by me, Mr Knoops, if not directly with the words that you perhaps
12 expected, but some of your answer -- some of your questions have been answered by
13 this.

14 Thank you, Mr Witness.

15 MR KNOOPS: [11:38:25] Yes, thank you, Mr President.

16 Q. [11:38:26] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [11:39:10] I don't remember.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [11:40:57] I think perhaps that you didn't understand me well.

5 The coordinator is the person who has to manage the entire Anti-Balaka movement.

6 The entire movement.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [11:44:27] Ms -- Ms Struyven.

4 MS STRUYVEN: [11:44:31] If I'm not mistaken, Mr President, I think that he clearly
5 said that (Redacted)

6 (Redacted)

7 So I think that the question how it is being asked right now is misleading to
8 the witness.

9 PRESIDING JUDGE SCHMITT: [11:44:51] Well, and it is -- I don't know if we can
10 make this fine distinction between single coordination and general coordinator, but
11 let me give it a try again.

12 Mr Witness, looking at -- if you look back (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: [11:45:56](Interpretation) (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 THE INTERPRETER: [11:46:39] Corrects the interpreter.

24 THE WITNESS: [11:46:41](Interpretation) And Mr Ngaïssona was appointed as
25 the single coordinator.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:46:48] Do we understand you correctly,
2 Mr Witness, (Redacted)
3 (Redacted)
4 (Redacted)
5 THE WITNESS: [11:47:37](No interpretation)
6 PRESIDING JUDGE SCHMITT: [11:47:38] Excuse me, Mr Witness, this is -- I really
7 have to apologise (Overlapping speakers)
8 THE WITNESS: [11:47:43](Interpretation) When we met --
9 PRESIDING JUDGE SCHMITT: [11:47:45] No, first I have to explain to the witness
10 why I interrupted him.
11 We did not get an interpretation, so it's a fault here of us, so to speak, so I apologise
12 for that.
13 Do we have -- do we have at least everything that the witness said until now or does
14 he have to repeat it?
15 THE INTERPRETER: [11:48:10] It would be preferable if the question is put again
16 such that he can take up his answer again.
17 PRESIDING JUDGE SCHMITT: [11:48:18] Mr Witness, unfortunately, you have to
18 repeat your answer and perhaps I also repeat the question.
19 You have talked about -- (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 THE WITNESS: [11:49:07](Interpretation) It wasn't like that. There were two
25 coordinations: The south coordination, led by Mr Kamezolai, and the northern

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 coordination led by Mr Ngaïssona. He was the coordinator.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [11:50:04] Well, I think we have -- we have now
7 the answer and it -- well, it might be open a little bit to interpretation when exactly,
8 but I think it's -- it's quite -- it's quite clear now, Mr Knoops.

9 MR KNOOPS: [11:50:22] Allow me, Mr President.

10 PRESIDING JUDGE SCHMITT: [11:50:24] Of course, of course, yeah, yeah, yeah,
11 yeah, I do.

12 MR KNOOPS: [11:50:28]

13 Q. [11:50:31] Mr Witness, in your evidence you gave on page 28 of the English
14 real-time transcript, line 21, you say: "We never spoke about the fact of having one
15 sole coordinator. That's something we never spoke about."

16 PRESIDING JUDGE SCHMITT: [11:50:54] I also have that in mind.

17 So, so could you perhaps explain this, Mr Witness, because this sounds as if
18 the question of a -- a sole person appointed as a coordinator (Redacted)
19 (Redacted)

20 THE WITNESS: [11:51:29](Interpretation) I'm not sure I've understood your
21 question well. If you look at my words, my statement -- if I refer to my statement,
22 I don't know, you gave a reference, it was 28 something, I don't know.

23 PRESIDING JUDGE SCHMITT: [11:51:59] No, no, no. There is a misunderstanding,
24 Mr Witness. It was what you said a couple of minutes ago. This is
25 the page reference to the transcript of today, so there is a misunderstanding, not your

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

- 1 fault obviously. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 PRESIDING JUDGE SCHMITT: [11:54:18] Yeah.
- 18 Mr Knoops.
- 19 MR KNOOPS: [11:54:24]
- 20 Q. [11:54:24] Sir, we have information, and also there were Prosecution witnesses
- 21 before this Court (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 I can, for the Court's benefit, give the references, but the Court is aware of
- 25 the testimonies of (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:55:09] Wait a second before you continue.

2 Ms Struyven.

3 MS STRUYVEN: [11:55:15] Again, here I think this could be misleading in the sense
4 that there's a difference between individuals not having been asked the questions,
5 individuals not remembering the details (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [11:55:31] Well, that is -- when Mr Knoops brings
8 this up, I assume that he does not want to taint the evidence that he presents. That
9 he obviously speaks about witnesses who, in your opinion at least, Mr Knoops, speak
10 about (Redacted).

11 So why not draw the suggestions out of this and put it to the witness, to our witness
12 here, yeah.

13 MR KNOOPS: [11:56:02] That's why I used the word (Redacted)
14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [11:56:09] Simply tell him other witnesses said
16 (Redacted) and then ask him, "Do you recall that now?" or "Do you maintain it?" or
17 whatsoever.

18 MR KNOOPS: [11:56:17]

19 Q. [11:56:18] There was one Prosecution witness (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [11:58:49] So perhaps we can now stop, because it's
- 13 a lot to absorb.
- 14 And, Mr Witness, I wrap it up a little bit for you.
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted) Because of that, and we have you
- 23 here in the courtroom, we are asking you.
- 24 THE WITNESS: [11:59:59](Interpretation) Thank you.
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 PRESIDING JUDGE SCHMITT: [12:02:02] Well, you have put it now to the witness
- 14 and I think you can move on.
- 15 MR KNOOPS: [12:02:06] Yeah.
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 PRESIDING JUDGE SCHMITT: [12:03:19] At? At?
- 25 MR KNOOPS: [12:03:20] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [12:04:01] Well, okay. So this is -- actually, I don't
5 see it.

6 Ms Vander -- Ms Vanderpuye. Ms Struyven.

7 MS STRUYVEN: [12:04:13] My question -- my objection is more related to what are
8 we expecting from the witness? So we're now citing a situation where this person
9 would have said, "I don't remember" --

10 PRESIDING JUDGE SCHMITT: [12:04:18] You're right, of course. Yeah, you're
11 right.

12 MS STRUYVEN: [12:04:24] And we're asking this witness --

13 PRESIDING JUDGE SCHMITT: [12:04:26] Yeah, you're right. You're right -- right.
14 Yeah, yeah, I agree.

15 Mr Knoops, another witness did not have recollection of that, does not recall it.

16 Yeah. What can the witness -- the witness has said now twice or three times that he
17 recalls that (Redacted) and, well, that is his evidence.

18 MR KNOOPS: [12:04:47] It's, Mr President, to us not a very trivial topic, and
19 the question to the witness would be --

20 PRESIDING JUDGE SCHMITT: [12:04:59] You can only ask if he -- in light of that, if
21 he maintains what he said, but anything else I think would not lead further. It is, of
22 course, on the record what other witnesses have said.

23 MR KNOOPS: [12:05:09] Right.

24 PRESIDING JUDGE SCHMITT: [12:05:10] But, still, it is -- it is difficult for a witness
25 to comment on other witnesses who have not recalled something, no. It's ...

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

- 1 MR KNOOPS: [12:05:26] Yeah.
- 2 Q. [12:05:26] Mr Witness, do you recall that (Redacted)
- 3 (Redacted)
- 4 A. [12:05:53] I don't remember. *(Redacted)
- 5 (Redacted)
- 6 (Redacted) I don't know.
- 7 Q. [12:06:18] Mr Witness, I put to you that (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 A. [12:07:40] I haven't got a lot to say regarding this question. I remember quite
- 18 clearly (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [12:09:01] But --

4 PRESIDING JUDGE SCHMITT: [12:09:02] Not but, we don't discuss with

5 the witness. The answer is now clear, I think you can move on.

6 And we have also -- all the other evidence we have on the record and this is then

7 something we will have to put together in the end, but we cannot discuss now with

8 the witness. I let it actually quite, quite -- for a long time I let it pass because I know

9 this is an intriguing point, an interesting point for you, but the witness has now

10 clearly answered.

11 MR KNOOPS: [12:09:36] Yeah.

12 Q. [12:09:36] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [12:10:43] I don't remember. At the moment that I am speaking to you, I don't

20 know who came here as a witness and who said something different from what I'm

21 saying at that moment.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 (Redacted) I don't know who came here to say

2 something different, something other than what I am telling you now.

3 PRESIDING JUDGE SCHMITT: [12:11:52] Mr Witness, we don't -- we don't discuss
4 that.

5 And, frankly speaking, if we look at what (Redacted) that was mentioned, one could
6 also come to the conclusion that there is no huge contradiction here.

7 And this is also the reason why we don't discuss this with the witness further. This
8 has to be analysed by the parties and, ultimately, by the judges.

9 Please, Mr Knoops, move on.

10 MR KNOOPS: [12:12:21] Yeah.

11 Q. [12:12:21] (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [12:12:48] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [12:13:40] (Redacted)

21 (Redacted)

22 (Redacted)

23 So this is answered. In -- in the sense that you expected, or --

24 MR KNOOPS: [12:13:57] Yes.

25 Q. [12:13:58] Mr Witness, you remember that in 2016, in June, some months ago,

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 months before your statement in 2017, you had an encounter with the investigators of
2 the Prosecution, a face-to-face screening, a face-to-face meeting of two hours from
3 3 o'clock in the afternoon till 5.

4 And for the Court's benefit, that's tab number 5, CAR-OTP-2031-1153. Specifically
5 the pages 4 and 5 of this note and specifically at the bottom of page 4, till page 5 at the
6 top, where, you, sir, speak about Mr Ngaïssona's attempt to organise ComZones and
7 you don't have further details.

8 Now, reading this screening note, you didn't speak during these two hours interview
9 or screening with the investigators about (Redacted)

10 (Redacted)

11 (Redacted)

12 And my question to you, sir, is why didn't you mention this in 2016, way before your
13 statement --

14 PRESIDING JUDGE SCHMITT: [12:15:59] Well, Ms Struyven first.

15 MS STRUYVEN: [12:16:02] Again, I think this is fundamentally unfair to the witness.

16 This is a screening, it's a two-hour screening, or however long it took, where certain
17 key issues are --

18 PRESIDING JUDGE SCHMITT: [12:16:10] I agree --

19 MS STRUYVEN: [12:16:10] -- screened (Overlapping speakers).

20 PRESIDING JUDGE SCHMITT: [12:16:14] I agree with you.

21 MS STRUYVEN: [12:16:15] The witness is being --

22 PRESIDING JUDGE SCHMITT: [12:16:16] Well, yeah, we cannot -- from a screening
23 note we cannot infer that something was not addressed. Perhaps that something
24 was addressed if it is done faithfully, but not if something was not addressed. I
25 agree with you. So ...

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

- 1 MR KNOOPS: [12:16:26] May I put the question, Mr President, different?
- 2 PRESIDING JUDGE SCHMITT: [12:16:29] You can -- you can give it a different try,
- 3 but you understand we have here five pages screening notes --
- 4 MR KNOOPS: [12:16:33] I know.
- 5 PRESIDING JUDGE SCHMITT: [12:16:33] -- during two hours, much more might,
- 6 might, might have been discussed.
- 7 MR KNOOPS: [12:16:38](Overlapping speakers)
- 8 PRESIDING JUDGE SCHMITT: [12:16:38] We don't know. Yeah --
- 9 MR KNOOPS: [12:16:39] Of course, I agree.
- 10 PRESIDING JUDGE SCHMITT: [12:16:40] That's true of course.
- 11 MR KNOOPS: [12:16:42] I agree. I agree. But the Court is aware that we were
- 12 able to use screening notes before with other witnesses.
- 13 PRESIDING JUDGE SCHMITT: [12:16:49] Yeah, but it depends. But that depends
- 14 on a case-by-case assessment.
- 15 MR KNOOPS: [12:16:52] Of course. Okay --
- 16 PRESIDING JUDGE SCHMITT: [12:16:53] And these were -- and I recall it, and we
- 17 always allowed it, but this is a different situation because I think we never addressed
- 18 something that has not been addressed, yeah.
- 19 Always difficult, a double -- double negation. But, yeah.
- 20 MR KNOOPS: [12:17:11] Indeed.
- 21 PRESIDING JUDGE SCHMITT: [12:17:11] Perhaps you give it another try.
- 22 MR KNOOPS: [12:17:14] Yes.
- 23 Q. [12:17:14] Mr Witness, can you recall whether you in 2016 mentioned
- 24 (Redacted)
- 25 A. [12:17:38] I haven't understood the question you're putting to me. Please could

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 you rephrase it so that I can understand it better.

2 PRESIDING JUDGE SCHMITT: [12:17:53] Please allow me, Mr Knoops.

3 Mr Witness, you have given a statement in 2017, and you have understood that this is
4 part of your evidence. Before you gave this statement you have met a member of
5 the Office of the Prosecution who tried to figure out if you could contribute somehow.

6 Do you recall that? That must have been in 2016, a year before you gave your
7 statement.

8 THE WITNESS: [12:18:42](Interpretation) I don't fully understand the question.
9 I'm a bit confused about the question.

10 PRESIDING JUDGE SCHMITT: [12:18:49] No, I -- we understand that, that's -- but
11 there -- this screening note, this means that the member of the Office of the Prosecutor
12 has met with you before you gave your statement in detail later on. And
13 the question is, simply, do you recall that before you gave your statement, written
14 statement, that you met with someone from the Office of the Prosecutor and you
15 talked about -- round about two hours.

16 Simply, first of all, do you recall such -- such a meeting with a member of
17 the Prosecution?

18 THE WITNESS: [12:19:43](Interpretation) I think that I did have such a meeting.

19 PRESIDING JUDGE SCHMITT: [12:19:48] And do you -- do you roughly, or even in
20 detail, but it would, yeah -- and do you recall what you talked about with this person
21 of the Prosecution? Do you have any recollection on that meeting?

22 THE WITNESS: [12:20:17](Interpretation) Oh, that's difficult. It's very difficult for
23 me. Because during the first meeting we had an interview which was brief, roughly
24 two hours, and they suggested that I come back. And after that they left.

25 When they came back for the second time, we had a long lengthy interview

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

1 when -- which I talked about this document. I introduced some elements relating to
2 my explanations, particularly regarding those that I had given in 2017.

3 So during the first meeting I told them about some things and during the second
4 meeting I introduced some clarification and withdrew some information.

5 PRESIDING JUDGE SCHMITT: [12:21:24] Okay. Thank you.

6 So it's exactly -- it's exactly like this. So you recall it now and it's absolutely
7 understandable that some of the recollection is -- is blurred and, yeah, it's a long time
8 ago. It was a long time ago.

9 And then the question of Mr Knoops was, during already this first, first meeting, very
10 first meeting - to word it this way - do you happen to recall if you mentioned already

11 (Redacted) Do you have

12 any recollection? And that is the only question.

13 THE WITNESS: [12:22:14](Interpretation) I told you that when we met we had an
14 interview roughly two hours in length and then they left. I made some statements at
15 that stage.

16 I think it might be also a problem of interpretation, because we don't -- don't fully
17 understand what I'm being asked about.

18 I repeat, during the second meeting, when they came back, they came back to some
19 questions which they had already asked me. And this allowed me to make some
20 corrections, to make some changes on what I had said initially which hadn't been
21 correctly interpreted. Because afterwards, I understood there was a concern
22 regarding the actual interpretation of what I had said.

23 PRESIDING JUDGE SCHMITT: [12:23:22] Thank you, Mr Witness.

24 I think this exhausts the subject, I would say.

25 MR KNOOPS: [12:23:27] Next subject, Mr President, can be dealt with in open

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 session, because this relates to the role of Mr Ngaïssona and the transitional
2 government.

3 PRESIDING JUDGE SCHMITT: [12:23:38] Open, open session then.
4 (Open session at 12.24 p.m.)

5 THE COURT OFFICER: [12:24:01] We're back in open session, Mr President.

6 MR KNOOPS: [12:24:04]

7 Q. [12:24:04] Mr Witness, I would like to ask you some questions about
8 the -- the role of Mr Ngaïssona after the meeting with {ICR: (Redacted)} and also
9 the transitional government.

10 Do you have any information on his role after the meeting {ICR: (Redacted)}
11 (Redacted)}?

12 A. [12:24:51] I can't remember really of what he did for the country. I only know
13 that he was the president of the federation of football. That was his main activity.
14 Under the government of Madam Samba-Panza, I don't know.

15 {ICR: (Redacted)}
16 (Redacted)} Shortly thereafter, I think it was around February or March maybe,
17 during that period I was no longer active in the Anti-Balaka movement. {ICR:
18 (Redacted)}
19 (Redacted)}.

20 Q. [12:26:07] In your statement on page -- paragraph 76, you did say that
21 the Boy-Rabe group was not in favour of mediation.

22 Did you mean with the Boy-Rabe group the coordination north?

23 A. [12:26:51] Could you repeat the question, please.

24 Q. [12:26:55] In paragraph 76 you refer to the Boy-Rabe group that was not in
25 favour of mediation.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 What do you mean here in this paragraph specifically with "the Boy-Rabe group"?

2 A. [12:27:23] If I talked about the Boy-Rabe group, I think that I was talking about
3 the coordination of the north, and the coordination of the north had all the Boy-Rabe
4 elements. I don't know. I didn't talk about a specific individual. I'm talking about
5 all the elements who were part of the Boy-Rabe group.

6 Q. [12:27:55] And what do you mean with "mediation" in this context, saying that
7 group was not in favour of mediation?

8 A. [12:28:17] Well, I mentioned mediation and I did this with a reason. During
9 our battles it was to obtain a certain objective. The mediation team, the Congolese
10 team, carried out investigations in order to understand our different working
11 conditions. After that, they approached MISCA in order -- they also approached us
12 to understand our requests and demands.

13 * After the split, there was longer agreement with the other group. This group no
14 longer needed mediation, and did not want the work to resume in perfect cohesion.
15 That is why I talked about mediation.

16 Q. [12:29:38] In -- in February 2014 you were still part of the Anti-Balaka. Were
17 you aware that Mr Ngaïssona made a proposal to the transitional -- transitional
18 government to billet the Anti-Balaka?

19 A. [12:30:17] As regards the billeting of the Anti-Balaka, I can tell you that this was
20 a considerable concern for both coordinations, both from the north and the south.
21 All of us, our aim was that all our fighters be billeted and disarmed so that the peace
22 process could unfold. We were all interested in this billeting process. You know, at
23 that time we, the soldiers, we were prepared to return to our ranks and we were also
24 concerned about civilians who had carried weapons and we were thinking about
25 what future they might have. Within the coordination, we were in favour of

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 disarmament.

2 Q. [12:31:30] Do you have any information, sir, on what happened with the ideas of
3 the north and south coordination as far as billeting concerns, in specific, the response
4 of the transitional government towards these proposals or ideas?

5 A. [12:32:28] The information concerning billeting is something that was contained
6 in the note to the president on the billeting. There was the organisation of a meeting
7 in Brazzaville before that with a view to discussing matters with all leaders of
8 the groups in the Central African Republic. And we had to envisage disarmament.
9 And it was during this period that we were -- {ICR: (Redacted)}.

10 To the best of my knowledge, after that, the government implemented
11 the disarmament process. {ICR: (Redacted)}.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 MR KNOOPS: [12:34:07] We are in open session.

18 PRESIDING JUDGE SCHMITT: [12:34:07] Yeah, well, yeah, yeah. I think further
19 questions should be discussed in private session.

20 So we can go back to private -- we go to private session, first.

21 MR KNOOPS: [12:34:18] Mr President, just I would like to show a document which
22 is a public document to the witness.

23 PRESIDING JUDGE SCHMITT: [12:34:25] Well, we can do that in open session,
24 indeed, yeah.

25 MR KNOOPS: [12:34:30]

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 Q. [12:34:30] I would like to show you, Mr Witness, a document, tab 3 of
2 the Defence binder -- but I mean we can show it in public -- CAR-OTP-2025-0362.

3 I just would like to show you the first page, and my question is simply whether you
4 have a recollection to this document, if you have ever seen it? It's from
5 February 2014.

6 It should not be displayed to the public, but it's a document the witness can see on
7 the screen.

8 PRESIDING JUDGE SCHMITT: [12:35:13] Why can it not be displaced to the public?
9 I don't see a reason.

10 MR KNOOPS: [12:35:19] It's listed as confidential.

11 PRESIDING JUDGE SCHMITT: [12:35:21] Oh, well, is it?

12 MR KNOOPS: [12:35:22] To me it's not a problem if we show it public.

13 PRESIDING JUDGE SCHMITT: [12:35:25] No.

14 Any problems, Ms Struyven?

15 MS STRUYVEN: [12:35:28] The only thing would be the signature or the *paraphe*,
16 paragraph on the -- on the front page which is repeated on the other pages. But if we
17 can show it in a way that the witness's *paraphe* is not shown to the public, then there is
18 no issue.

19 PRESIDING JUDGE SCHMITT: [12:35:45] Then please continue, Mr Knoops.
20 Because it's only the first page, I think we should not make an issue out of this.

21 MR KNOOPS: [12:35:51] Yeah.

22 Q. [12:35:51] Mr Witness, we just spoke about the DDR programme later in 2013.
23 But this is a document of February 2014. Did you ever see this document before?

24 A. [12:36:14] I told you that from the end of {ICR: (Redacted)} I wasn't
25 fully involved in the Anti-Balaka movement, because after the call of the {ICR:

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 (Redacted)}.

2 PRESIDING JUDGE SCHMITT: Okay, thank you.

3 THE WITNESS: [12:36:49](Interpretation) I could not know or have information
4 about this document.

5 PRESIDING JUDGE SCHMITT: [12:36:52] Okay, so the answer is no.

6 Mr Knoops, for the further questions, do you think we have to go to private session or
7 we can stay?

8 MR KNOOPS: [12:37:03] No, two questions on this topic can be in --

9 PRESIDING JUDGE SCHMITT: [12:37:06] And how long -- how long will your
10 examination last?

11 MR KNOOPS: [12:37:13] At 1, 1 o'clock I finish.

12 PRESIDING JUDGE SCHMITT: [12:37:17] Then please continue that we can finish.

13 MR KNOOPS: [12:37:20] Yeah.

14 Q. [12:37:21] Second question, Mr Witness, do you know that the coordination of
15 the north at that time was in favour of the return of the Anti-Balaka to the provinces
16 where they could rejoin their villages and resume their original work?

17 A. [12:38:04] I know something about that. I had received information concerning
18 that but I had not participated in the project.

19 Q. [12:38:24] Mr Witness, in your statement you talked about an individual with
20 the name of Andjilo and you did say that he didn't respect the military leaders in
21 the paragraphs 98 and 100. And my question to you is how did you know that
22 Mr Andjilo didn't respect the military leaders? Because I think you -- you portray
23 him as part of the coordination of the north, isn't it?

24 PRESIDING JUDGE SCHMITT: [12:39:19] Well, Mr Witness, you said that
25 Mr Andjilo did not respect the military authorities. What kind of information did

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 you have on that? Can you be more specific, if you recall it.

2 THE WITNESS: [12:39:53](Interpretation) What led to make these remarks is that I
3 had received information according to which the soldiers were not being respected by
4 Andjilo. He gave them no value, he saw them as having no value.

5 Andjilo, well, it was the soldiers who drove him out from Boy-Rabe so that he would
6 return to his village. And it was our colleague soldiers who joined the ranks, who
7 had passed on the information to us. It was they who explained what happened in
8 Boy-Rabe.

9 PRESIDING JUDGE SCHMITT: [12:40:50] Thank you.

10 There we have it, Mr Knoops.

11 MR KNOOPS: [12:40:53] Thank you.

12 Q. [12:40:57] Did you also receive information, Mr Witness, or not, that Mr Andjilo
13 or his brother attempted to attack Mr Ngaïssona's house several times in
14 the beginning of 2014 because Mr Ngaïssona was working towards disarmament and
15 a ceasefire while Andjilo was apparently not accepting this? Do you have any
16 information from your sources that this happened?

17 A. [12:41:39] No, I wasn't aware of that. I don't know.

18 After I {ICR: (Redacted)}, I didn't know more about what was happening in
19 the Anti-Balaka movement. Perhaps it happened after I {ICR: (Redacted)}.

20 Q. [12:42:05] In the same context, in paragraph 76 of your statement you refer to
21 the Boy-Rabe group threatening Mr Kamezolaï. Is it correct that you refer here to
22 Mr Andjilo?

23 A. [12:42:38] No, I didn't want to speak about him. What I said was that
24 the people involved in coordination in Boy-Rabe threatened Kamezolaï. It was
25 the soldiers, the soldiers who were in the Boy-Rabe coordination. It was soldiers

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 who were in the coordination of Boy-Rabe who threatened Kamezolaï. It wasn't
2 Andjilo. They were the ones who threatened him and Kamezolaï {ICR: (Redacted)}
3 that the Boy-Rabe soldiers were threatening him, and we said not to be afraid,
4 because we were all soldiers.

5 Q. [12:43:33] Still speaking of the role of Mr Ngaïssona after the meeting with
6 Ms Samba-Panza, you say in paragraph 77 of your statement that Mr Ngaïssona gave
7 2 million CFA to the northern group but nothing to the southern group. First
8 question to you, sir, is what is the basis of your knowledge that Mr Ngaïssona would
9 have given 2 million CFA to the northern group?

10 A. [12:44:35] At the time when there was the split between the groups, as I already
11 highlighted, when Ngaïssona arrived we started to get certain information according
12 to which Ngaïssona was preparing to become the general coordinator of
13 the Anti-Balaka. It was the Anti-Balaka {ICR: (Redacted)} who gave us
14 the information. Now, after -- afterwards Ngaïssona organised a meeting at the school
15 Kpangaba and a few days after he organised another meeting in Boy-Rabe after
16 the meeting at the school Kpangaba.

17 Now, this meeting that he had organised in Boy-Rabe, the Boeing elements went to
18 this meeting and when they returned he informed us what was said during this
19 Boy-Rabe meeting. *I was not the only person informed. There were many of us to
20 get this information. I'm inventing nothing.

21 And we were informed that after the meeting Mr Ngaïssona had been chosen as
22 the coordinator of the Anti-Balaka and he gave the sum of 2 million CFA francs to
23 the Anti-Balaka of Boy-Rabe.

24 Q. [12:46:15] You were not at the meeting, correct? You were not at this meeting?
25 Can you give us the name of the individual who told you -- who gave this

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 information?

2 A. [12:46:38] No, I don't remember. But the information came from several
3 people.

4 Q. [12:46:51] The information you received, as you say, did it also indicate for what
5 reason this amount was allegedly distributed or given by Mr Ngaïssona to
6 the northern group?

7 A. [12:47:26] Not at all.

8 Q. [12:47:27] In your statement, paragraph 34, you say in the third line that:
9 "The government supported the villagers with sugar and coffee and they were
10 successful in stopping much of the banditry."

11 My question to you, sir, is you refer to the transitional government here and in what
12 time frame we are referring -- you are referring to? It's paragraph 34 of your
13 statement, in the fourth line.

14 PRESIDING JUDGE SCHMITT: [12:48:13] Is it really 35?

15 MR KNOOPS: [12:48:16] Thirty-four. Thirty-four, fourth sentence:
16 "The government supported the villagers with sugar and coffee and they were
17 successful in stopping much of the banditry."

18 PRESIDING JUDGE SCHMITT: [12:48:31] But this seems to -- seems to refer to
19 another time -- period of time.

20 MR KNOOPS: [12:48:35] That that was my question.

21 PRESIDING JUDGE SCHMITT: [12:48:38] That is your question? Yeah, yeah.

22 Perhaps you can have -- I think we can allow it here.

23 Look at 34, please, Mr Witness. Take your time. Don't hurry.

24 So look at it, and Mr Knoops is referring to the sentence: "The government supported
25 the villagers with sugar and coffee and they were successful in stopping much of

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 the banditry."

2 And it appears from the context that you are speaking of the situation before
3 the Seleka arrived; is that correct?

4 MR KNOOPS: [12:49:19] Well, if you look at the heading, Mr President, of
5 the -- before, above paragraph 34, it's about the formation of the Anti-Balaka.

6 PRESIDING JUDGE SCHMITT: [12:49:28](Microphone not activated) So to which
7 period in time do you refer to?

8 MS STRUYVEN: [12:49:48] Excuse me.

9 PRESIDING JUDGE SCHMITT: [12:49:49] Can we display it perhaps to the witness?
10 It seems to be easier.

11 Please display paragraph 34.

12 Mr Witness, we display it on the screen, it's easier, so you don't have to -- you don't
13 have to exercise here. We don't want that. Take your time, Mr Witness, it's not an
14 issue.

15 So please display it, paragraph 34 of the witness ...

16 And the French version, obviously, yeah. Thank you.

17 We are here already and we are -- Mr Knoops is referring to the sentence starting with
18 (Interpretation) "They received sugar".

19 (Speaks English) And if you have a look at it, Mr Witness, the question is to what
20 point in time are you referring here to?

21 THE WITNESS: [12:50:58](Interpretation) I think that it was before I entered
22 the movement. * Bohong is 70 kilometres from Bouar, and that's where the first
23 resistance to the Anti-Balaka emerged. And the elements who organised this
24 resistance were elements called Anti-Zaraguina.

25 Now, the government provided them with coffee and sugar to make it possible for

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 them to fight against the Zaraguina. They were people who were cutting off
2 the roads. And these Zaraguina were killing travellers. They were even killing
3 cattle breeders when they were carrying out the pasturing, and they took their cows.
4 * And this group was called the anti-zaraguina. Under President Bozize, the
5 government provided them with resources to fight the Zaraguina. That's what I
6 wanted to say when it comes to this passage.

7 MR KNOOPS: [12:52:28] Yeah.

8 Q. [12:52:31] The background of my question, sir, is do you have information that
9 after the meeting with Ms Samba-Panza money was given by people of either
10 the government or the coordination to feed the population and to prevent people
11 from stealing on the streets and committing crimes, that this was the purpose why
12 sometimes money was distributed?

13 A. [12:53:25] I have no information in that regard.

14 Q. [12:53:32] I have one final question in the last five minutes, Mr President. It has
15 to do with a different topic. It can be dealt with in open session.

16 In your evidence -- or your statement given in 2017, paragraph 53, you did say that
17 you knew that the Seleka got information from the telephone companies like Azur
18 and Telecel, but not Orange.

19 My first question to you is how did you become aware that the Seleka could receive
20 information from those telecom providers?

21 A. [12:54:44] That was information that we received and which we shared. *

22 When {ICR: (Redacted)}, we would exchange such
23 information, and it was during these exchanges that some of our colleagues told us
24 that Telecel and Azur had been wiretapped, but not the Orange network. And for
25 that reason, we had to communicate only on the Orange network, but not on the Azur

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 or Telecel networks, which were being listened into.

2 Q. [12:55:33] Did this information also entail that the Seleka had access to the data
3 from Azur and Telecel?

4 A. [12:56:03] The Seleka were an entity, they were the ones who were in power. It
5 was the -- Djotodia's regime, his government, they were placed in power. Djotodia
6 was placed in power by the Seleka. They had the power to follow everything that
7 was happening in the country.

8 Q. [12:56:33] Do you have information that this access to the telecom providers you
9 mentioned in your statement, Azur and Telecel, also extended to the company
10 Moov - M-O-O-V - telecom provider Moov?

11 A. [12:57:14] What I told you only concerns two telephone operators, Azur and
12 Telecel. We found out that these two companies were being listened into, but not
13 Orange, and we didn't have any information concerning the company Moov.

14 Q. [12:57:40] Did you have any information why the Seleka were not listening into
15 the system of Orange? Why Azur and Telecel? Was there a specific reason to it?

16 A. [12:58:08] I don't know. I don't know. I just know that Orange is a French
17 company and, for that reason, France had control over that company. I think that
18 the French would not accept that their clients being put under telephone surveillance,
19 that would disturb them.

20 Q. [12:58:48] Final question to you, Mr Witness.

21 {ICR: (Redacted)}

22 PRESIDING JUDGE SCHMITT: [12:58:57] Open session still?

23 MR KNOOPS: [12:59:00] Private, yeah.

24 PRESIDING JUDGE SCHMITT: [12:59:02] Private session, please.

25 (Private session at 12.59 p.m.)

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Private Session)

ICC-01/14-01/18

- 1 THE COURT OFFICER: [12:59:23] We're in private session, Mr President.
- 2 MR KNOOPS: [12:59:30] Well, actually, it was just the start of my question which
- 3 could have been done in private session, but the question which follows is actually for
- 4 open session. I'm sorry.
- 5 PRESIDING JUDGE SCHMITT: [12:59:38] Then, no -- now we go back to open
- 6 session. That -- that happens.
- 7 MR KNOOPS: [12:59:42] Apologies, Mr President.
- 8 PRESIDING JUDGE SCHMITT: [12:59:43] You frightened me, you know.
- 9 MR KNOOPS: [12:59:45] Yeah, well --
- 10 PRESIDING JUDGE SCHMITT: [12:59:46] -- with the start of this question.
- 11 MR KNOOPS: [12:59:49] Yeah, I understand.
- 12 (Open session at 1.00 p.m.)
- 13 THE COURT OFFICER: [13:00:04] We're back in open session, Mr President.
- 14 MR KNOOPS: [13:00:09]
- 15 Q. [13:00:09] Mr Witness, at a certain point in time the -- there was a call upon
- 16 the FACA, the former FACA soldiers, or FACA soldiers to return to the ranks in 2014.
- 17 My question to you is, were you aware, did you have information that Mr Ngaïssona
- 18 was not in favour of the Anti-Balaka joining the ranks of the FACA, but rather to
- 19 return them to the provinces?
- 20 A. [13:01:02] No, I don't know. I didn't receive any information of that type.
- 21 When Samba-Panza asked soldiers to return to the ranks, those who were in
- 22 agreement returned to the ranks. {ICR: (Redacted)}. I didn't have any
- 23 information about what somebody {ICR: (Redacted)} said, {ICR: (Redacted)}.
- 24 MR KNOOPS: [13:01:32] Thank you, Mr President. That concludes my
- 25 examination. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0974

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [13:01:36] Thank you.

2 That also concludes the examination in total, so to speak, of you, Mr Witness. So we,
3 on behalf of the Chamber, I would like to thank you that you have come to this Court
4 to provide this evidence, to answer patiently for two days the questions. We need
5 witnesses coming forward and testifying and helping us, assisting us to establish
6 the truth. We appreciate that. And we wish you a safe trip back home, Mr Witness.

7 THE WITNESS: [13:02:21](Interpretation) I would like to thank you.

8 (The witness is excused)

9 PRESIDING JUDGE SCHMITT: [13:02:30] So this concludes the hearing also for
10 today.

11 Is there any declaration to make by anybody in the room?

12 MR VANDERPUYE: [13:02:37] Yes, Mr President.

13 For the record, the Prosecution has concluded the presentation of its evidence-in-chief
14 in the case and we plan to submit a filing on it next week once we've assessed
15 the totality of the evidence and things like that. But for the record, we rest at this
16 point.

17 PRESIDING JUDGE SCHMITT: [13:03:00] Thank you very much. This is well
18 noted.

19 And the Court is adjourned.

20 THE COURT USHER: [13:03:03] All rise.

21 (The hearing ends in open session at 1.03 p.m.)