

Trial Hearing
WITNESS: CAR-D30-P-4914

(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,
7 Judge Chang-ho Chung and Judge Beti Hohler
8 Trial Hearing - Courtroom 1
9 Tuesday, 20 August 2024
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:35] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:46] 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: [9:34:02] Thank you.
21 I ask for the appearances of the parties.
22 MR GARCIA: [9:34:08] Good morning, Mr President, your Honours, Lucio Garcia
23 for the Prosecution. I'm here with Mr Pierre Belbenoit, Mr Kweku Vanderpuye, and
24 Mr Yassin Mostfa.
25 Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:34:18] Thank you.

2 Ms Rabesandratana.

3 MS RABESANDRATANA: [9:34:22](Interpretation) Good morning, Mr President,
4 your Honours. Today for the victims we -- of the other crimes we have Orchlon
5 Narantsetseg and myself, Ms Elisabeth Rabesandratana.

6 PRESIDING JUDGE SCHMITT: [9:34:39] Mr Narantsetseg, always a very difficult
7 name to spell.

8 Mr Suprun.

9 MR SUPRUN: [9:34:47] Good morning, Mr President. Good morning, your
10 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
11 Thank you.

12 PRESIDING JUDGE SCHMITT: [9:34:53] Thank you.

13 I turn to the Defence, Ms Bafadhel.

14 MS BAFADHEL: [9:34:56] Good morning, Mr President, your Honours, everyone in
15 the courtroom and outside the courtroom. Mr Yekatom today is present in the
16 courtroom and he is represented by Amaury Mandosse and myself, Sarah Bafadhel.

17 PRESIDING JUDGE SCHMITT: [9:35:06] Thank you very much.

18 Mr Knoops next.

19 MR KNOOPS: [9:35:09] A very good morning, Mr President, your Honours. Good
20 morning, everyone in the courtroom. Good morning, Mr Witness. Good morning,
21 duty counsel.

22 Mr President, our team representing Mr Ngaïssona today comprises of Ms Beaulieu,
23 the first row, and Lauriane Vandeler. In the second row, Despoina Eleftheriou,
24 Mathias Goffe, and Lehna Guidou. Thank you.

25 PRESIDING JUDGE SCHMITT: [9:35:39] Thank you very much.

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1 And we have a new face and a new person in the courtroom. Mr Abato, good
2 morning.

3 MR ABATO: [9:35:45] Good morning, Mr President. Good morning, your Honours.
4 My name is Anthony Abato. I'm acting as duty counsel for the witness today.

5 PRESIDING JUDGE SCHMITT: [9:35:56] Indeed. Duty counsel, Rule 74 counsel,
6 we will soon come to that.

7 And, of course, most importantly, we have a new witness in the courtroom.

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9 (The witness speaks French)

10 PRESIDING JUDGE SCHMITT: [9:36:02] Good morning, Mr Witness.

11 I would like to welcome you to the courtroom. You are here to assist this Chamber
12 in the case of the Prosecutor against Mr Ngaïssona and Mr Yekatom.

13 Mr Abato, you have requested Rule 74 assurances for the witness. Can you shortly
14 elaborate on that, please.

15 MR ABATO: [9:36:26] Yes, thank you, Mr President. I apologise, it was a late filing.

16 PRESIDING JUDGE SCHMITT: [9:36:34] Actually, in these instances, this is nearly
17 normal procedure, I would say.

18 MR ABATO: [9:36:39] The concerns are -- I think we are in public session at the
19 moment.

20 PRESIDING JUDGE SCHMITT: [9:36:44] Yes. Then we go -- of course, we have to
21 go then to private session. Indeed. Thank you.

22 (Private session at 9.37 a.m.)

23 THE COURT OFFICER: [9:37:05] We are in private session, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:37:06] Thank you.

25 MR ABATO: [9:37:07] Thank you. Just briefly, the concerns, as I outlined in the

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1 filing, are only that the witness (Redacted)

2 (Redacted) during the relevant period, and (Redacted)

3 (Redacted) and that's -- he would like to have

4 assurances in relation to any testimony related to (Redacted).

5 PRESIDING JUDGE SCHMITT: [9:37:35] Thank you very much.

6 Any views by the Prosecution on that?

7 MR GARCIA: [9:37:40] Your Honours, we leave that to the Court's discretion. It is

8 obvious that if in the course of my cross-examination, I intend on going into themes

9 that might elicit Rule 74, then I will make a note of that to the Chamber and we can go

10 into closed or private hearing.

11 PRESIDING JUDGE SCHMITT: [9:38:00] Thank you very much.

12 (Trial Chamber confers)

13 PRESIDING JUDGE SCHMITT: [9:38:07] So, taking into account the submissions by

14 duty counsel, the Chamber grants the witness Rule 74 assurances in regard to any

15 questions where the answers might incriminate the witness.

16 Mr Abato, that means that the Chamber assures you that the evidence you provide in

17 response to the questions put to you will be kept confidential, will not be disclosed to

18 the public or any State, it will not be used either directly or indirectly against you in

19 any subsequent prosecution by the Court, except under Article 70 and 71.

20 I think your counsel will then inform you what this means.

21 We go back to open session.

22 (Open session at 9.39 a.m.)

23 THE COURT OFFICER: [9:39:13] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:39:15] Thank you.

25 Mr Abato, you are also aware that we have put protective measures in place for you.

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1 You are using a pseudonym, that's the reason why I do not address you with your
2 real name but, rather, as Mr Witness. We have voice distortion and face distortion so
3 nobody can hear or see you from the outside.

4 And this was -- the VWU was a little bit of another opinion, but the submissions by
5 the Defence have changed our view of things, to put it this way.

6 Mr Abato, there should be a card in front of you with a solemn undertaking to tell the
7 truth. Please read this card out aloud.

8 THE WITNESS: [9:40:09](Interpretation) Solemn commitment: I solemnly declare
9 that I shall tell the truth, the whole truth and nothing but the truth.

10 PRESIDING JUDGE SCHMITT: [9:40:17] Thank you very much.

11 Mr Abato, you are obviously aware what this means, you have to tell us the truth.

12 Everything you know and the Rule 74 assurances do not change anything in that
13 regard, you have to answer all the questions truthfully.

14 There are a few practical things here in the courtroom that we have to follow and you
15 also, during your questioning, during the evidence, everything we say here is written
16 down and interpreted into various languages, so you have to be careful that you don't
17 speak too quickly, and you should only start answering when the person that puts a
18 question to you has finished the question.

19 I think we can give now the floor to Mr Knoops.

20 MR KNOOPS: [9:41:17] Again, good morning, Mr President, your Honours. Good
21 morning. The examination by counsel for Mr Ngaïssona is divided in two parts.

22 Ms Vandeler will take the first part, most likely the first and part of the second session,
23 and then I will take over and the examination will be, we estimate, tomorrow, maybe
24 the beginning of the second session, we'll try to finish.

25 There is one request of our Defence team to the Court. In the examination which

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1 Ms Vandeler will conduct this morning, she might refer to a document which the OTP
2 filed last Friday, and yesterday we filed to the Court an argument to oppose that
3 document.

4 I'm not sure if the Chamber took notice of our submission. We would appreciate if
5 the Court could give a ruling before Ms Vandeler will start because that document
6 might also have an effect on her examination in the first part.

7 PRESIDING JUDGE SCHMITT: [9:42:30] So when you start with her,
8 when you start with her, then I think we will have to decide on that beforehand.

9 MR KNOOPS: [9:42:39] That would be much appreciated, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:42:42] Yes. Perhaps you can give us a hint what
11 it's about. If we have to do that in private session, it's also fine.

12 (Counsel confers)

13 PRESIDING JUDGE SCHMITT: [9:42:49] Then let's go to private session.

14 (Private session at 9.43 a.m.)

15 THE COURT OFFICER: [9:43:02] We are in private session, Mr President.

16 PRESIDING JUDGE SCHMITT: [9:43:08] Thank you.

17 Mr Knoops.

18 MR KNOOPS: [9:43:10] Mr President, the document relates to a (Redacted), which
19 the Prosecution filed Friday, around 6 in the evening, (Redacted) and it's
20 CAR-OTP-2034-4467. And our objection would be that the document is already for
21 many years in the possession of the OTP. I think in our email we refer to 2016, so
22 that's almost eight years ago.

23 So we were not in a position to speak with the witness about this document. We
24 were not able to conduct further investigation to the document and because this
25 document is already for such a long time in the possession of the Prosecution, and it's

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1 not on the list of evidence, and that's the main reason why we object to the use of this
2 document, in short.

3 And you will find further arguments in the email we sent, Ms Beaulieu sent yesterday,
4 I think, at 2 o'clock, this argument in writing. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:44:37] Okay. Thank you very much.

6 Prosecution, any views?

7 MR GARCIA: [9:44:41] Well, your Honour, just to rehearse the arguments we made
8 yesterday in an email, it is a document that's been disclosed to the Defence per the
9 conduct of proceedings and the practice before this Chamber, before the witness has
10 testified. There is no obligation upon the Prosecution to have that on the list of
11 evidence. Cross-examination is basically a reactionary practice and then it's obvious
12 that many of the documents that we will use, or some of them, are not on the list of
13 evidence and it depends what the witness or who the witness is.

14 This is a one-page document, your Honour, it's not a complex document. It's a
15 document which emanates from (Redacted) and its relevance is quite
16 precise, but quite important as well.

17 When the witness is testifying - and I refer to lines 167 and 169, to 169, it is a
18 30-page statement, obviously, quite voluminous. This is one matter that we looked
19 into, and it's the question of the time frame which becomes quite important when
20 listening to this witness and understanding his testimony. Because he does have a
21 lot to say, obviously. And it's -- in 167, the witness states that he would have
22 been -- well, I don't want to go into this in public session, but he's explaining the
23 circumstances in which he went to a particular place and the time frame. We have
24 here with this document from (Redacted) a precise date, and that's -- that's
25 the third paragraph, basically, which indicates (Redacted) and it says

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1 obviously the witness's name and we have that in the month of (Redacted).

2 So it's quite relevant for that precise point.

3 PRESIDING JUDGE SCHMITT: [9:46:29] Yes, okay.

4 MR GARCIA: [9:46:30] And his functions as well.

5 PRESIDING JUDGE SCHMITT: [9:46:32] Yes, shortly -- I think we would have to
6 shortly deliberate on that, but please nobody leave the room too far; so let's say five
7 minutes and we will deliberate on that and then we come with a decision.

8 Mr Knoops, you don't agree?

9 MR KNOOPS: [9:46:43] I fully agree, Mr President. Just for the Court's information,
10 on 31 August 2023, we asked the OTP under Rule 77 to disclose the material also
11 pertaining to Defence witnesses, and that's the reason why, despite the Prosecution
12 has a point that they can use arguments and documents in cross-examination, even
13 outside the list of evidence, but when it concerns Rule 77 material, which was already
14 asked for on 31 August last year, that's now a year ago, and this document was only
15 filed last Friday evening. That, in our view, is the disclosure violation.

16 PRESIDING JUDGE SCHMITT: [9:47:31] Thank you. But still allow us five
17 minutes of contemplation, so to speak.

18 THE COURT USHER: [9:47:36] All rise.

19 (Recess taken at 9.47 a.m.)

20 (Upon resuming in open session at 9.52 a.m.)

21 THE COURT USHER: [9:53:02] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [9:53:08] the Chamber takes note of the -- we will
24 wait until the witness can hear us.

25 So the following -- we do it as a Chamber decision, because we have deliberated on

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1 that.

2 The Chamber takes note of Ngaïssona's Defence's objection to use -- to the use of item
3 CAR-OTP-2034-4467 by the Prosecution, during D30-4914's testimony, as well as the
4 Prosecution's response thereto.

5 The single judge and the Chamber note that the Prosecution has been in possession of
6 the item since July 2016 and has been aware of Ngaïssona's Defence's intention to call
7 D30-4914 as a witness since August 2023.

8 Noting that item CAR-OTP-2034-4467 is still not formally disclosed, the Chamber
9 considers that it would not be appropriate for the Prosecution to use the item during
10 D30-4914's testimony.

11 So this ends the decision and we can start now with the examination by the Defence.

12 MS VANDELER: [9:54:48](Interpretation) Thank you, your Honour, judges.

13 QUESTIONED BY MS VANDELER: (Interpretation)

14 Q. [9:54:53] Good morning, Mr Witness.

15 A. [9:54:55] Good morning.

16 Q. [9:54:56] We are very pleased to have you with us today.

17 A. [9:55:00] Thank you.

18 Q. [9:55:01] We know one another. We have met already. I am

19 Lauriane Vandeler and I am representing the Defence team of Mr Patrice-Edouard
20 Ngaïssona.

21 Now, we will be examining you today, and it will continue into tomorrow, and in
22 relation to this, I will be asking you some basic questions about your identity. Then
23 I'll be putting some questions to you about your statement. These are merely
24 procedural matters so that your statement can be used as evidence in the case, and
25 you can merely say "yes" or "no" in reply.

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1 After that, I will be asking you to give some clarifications regarding a few points in
2 your statement, which is fortunately quite complete already and we may ask you to
3 provide some comments in relation to a number of documents. Mr Knoops will take
4 over with some additional questions in the course of the day.

5 Is everything clear so far?

6 A. [9:56:11] Everything is clear, ma'am.

7 Q. [9:56:13] As you know, you have been granted protective measures. Your
8 voice has been distorted, the image will be distorted as well, and we will be very
9 careful not to mention anything that might identify you during examination. If at
10 any point you think you need to refer to something that might identify you, please tell
11 us so and we will go into private session. That means that only people in the
12 courtroom will hear your answers. For example, I might be asking you about your
13 identity in a few moments and, of course, I will be doing that in private session, so the
14 public will not hear your answer. And each time it's necessary, we will go into
15 private session in order to protect your identity. All right?

16 A. [9:57:12] All right.

17 Q. [9:57:13] Now, one more thing. Both of us are speaking French and we
18 understand one another very well, but everything that we say is being interpreted
19 into Sango and into English, so just -- as the Presiding Judge reminded you a few
20 moments ago, it's important to speak slowly and to pause for five seconds between
21 question and answer so that the interpreters have time to do their work.
22 And, just a hint, if you count to five in your mind after each question, that might be
23 helpful. So if you could count to five in your mind before answering, and I, too, will
24 try to follow this rule.

25 Now, finally, if our questions are not clear, please tell us so and we'd be delighted to

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1 find another way to put the question to you. All right?

2 A. [9:58:10] All right.

3 Q. [9:58:11] Now, it's important for you to perfectly understand the question before
4 you answer it.

5 Now, I'd like us to briefly go into private session, please.

6 PRESIDING JUDGE SCHMITT: [9:58:28] We go to private session.

7 (Private session at 9.58 a.m.)

8 THE COURT OFFICER: [9:58:44] We are in private session, Mr President.

9 MS VANDELER: [9:58:49](Interpretation)

10 Q. [9:58:50] Mr Witness, we are in private session so you can answer our questions
11 calmly, with a calm mind.

12 Could you tell us your name, please?

13 A. [9:59:04] My name is (Redacted).

14 Q. [9:59:13] And you were born on (Redacted); correct?

15 A. [9:59:19] Yes, that's right.

16 Q. [9:59:24] What is your ethnicity and what is your religion, please?

17 A. [9:59:30] I'm from the (Redacted)

18 (Redacted)

19 Q. [9:59:42] Could you quickly explain to us what your professional path has been.

20 (Redacted)

21 A. [10:00:05] Indeed. (Redacted)

22 (Redacted) during which I did brilliantly*, and then professional training,

23 and I learned about (Redacted).

24 Q. [10:00:30] And what is your current profession?

25 A. [10:00:37] I am (Redacted). I don't

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1 have a particular position or any particular duties.

2 Q. [10:01:11] And in the year (Redacted) you were part of (Redacted)
3 (Redacted); is that not so?

4 A. [10:01:21] Indeed. (Redacted)
5 (Redacted)

6 (Redacted). I worked there for three years and then I left.

7 Q. [10:01:48] What were your specific duties in (Redacted)?

8 A. [10:01:58] I was a (Redacted) at the time - (Redacted) - and I was
9 (Redacted)

10 Q. [10:02:18] After (Redacted), what happened?

11 A. [10:02:25] After (Redacted)
12 (Redacted) and we worked together
13 until 2012, before the Seleka entered Bangui.

14 Q. [10:02:55] Once again, during your time (Redacted)
15 (Redacted) what were your specific functions or duties?

16 A. [10:03:08] (Redacted) trusted
17 me so much so that I did everything for him. I was his (Redacted). I was from time
18 to time (Redacted) and sometimes when he was to travel abroad (Redacted)
19 (Redacted) So I did everything for (Redacted)
20 (Redacted)

21 Q. [10:03:48] During (Redacted) and while you were (Redacted), did
22 you acquire any knowledge or experience in (Redacted)?

23 A. [10:04:08] You know, these are secrets, but I can say that (Redacted)
24 (Redacted)

25 (Redacted) and what have you. So

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1 any (Redacted) must have that minimum

2 set skill.

3 Q. [10:04:48] What was (Redacted) just before the

4 Seleka came in, in Bangui?

5 A. [10:05:02] I was (Redacted) before the arrival of the Seleka.

6 Q. [10:05:22] Very well. Thank you, Mr Witness.

7 MS VANDELER: [10:05:24] I would like for us to go back to open session, please,

8 Mr President.

9 PRESIDING JUDGE SCHMITT: [10:05:29] Before we do that, a matter of clarification
10 for the transcript. When I explained the consequences of Rule 74 assurances, I

11 erroneously mentioned duty counsel and not the witness, and to make it clear and to

12 clarify that, of course, it is meant that the Rule 74 assurances are concerning the

13 evidence of Witness D30-4914 and they are granted to this witness, obviously. But

14 just to make the transcript completely clear and correct.

15 We go back to open session.

16 (Open session at 10.06 a.m.)

17 THE COURT OFFICER: [10:06:11] We are back in open session, Mr President.

18 MS VANDELER: [10:06:19](Interpretation)

19 Q. [10:06:20] Now, Mr Witness, I'll be putting to you some questions, procedural
20 questions relating to your statement.

21 Do you recall having had an interview {ICR: (Redacted)} with two representatives of
22 Mr Ngaïssona's Defence team in June 2023?

23 A. [10:06:41] Yes, indeed. That team met with me {(PFR: (Redacted))}.

24 Q. [10:06:51] Thank you. Is it correct that you had a second meeting with other
25 members of the Defence team in November 2023 in Bangui?

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1 A. [10:07:03] I met that second team in Bangui.

2 Q. [10:07:16] Thank you.

3 Do you, finally, recall having had a follow-up meeting by telephone in
4 December 2023?

5 A. [10:07:29] That's true. I remember that phone call.

6 Q. [10:07:38] Did you voluntarily take part in those conversations?

7 A. [10:07:52] It was very voluntarily for me to take that decision.

8 Q. [10:08:02] I also want to ask you whether you remember that I read your
9 statement back to you by telephone on 14 December 2023, because we were unable to
10 meet at that time in order to sign the statement?

11 A. [10:08:21] Did you say 2003 or 2023?

12 Q. [10:08:27] 2023.

13 A. [10:08:32] Yes, I do remember that you read back my statement to me.

14 Q. [10:08:41] When your statement was being read back to you by telephone, do
15 you recall having confirmed that it was correct and exact?

16 A. [10:08:52] Yes, I confirmed it. Yes.

17 Q. [10:08:57] For the record, I'm referring to document CAR-D30-0024-0001 at tab 4
18 on our list of materials.

19 Now, Mr Witness, do you also recall reading your statement last week in the presence
20 of persons from the Court?

21 A. [10:09:28] I remember that we did that.

22 Q. [10:09:36] Is it correct to say that you made some minor changes to your
23 statement?

24 A. [10:09:46] Yes, some typos -- I corrected some typos in the statement.

25 Q. [10:09:55] For the record, it's document CAR-D30-0024-0031 at tab 27 of our list

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1 of materials.

2 Could you now confirm again that your statement as corrected is sincere and correct,
3 to the best of your knowledge and memory and recollection?

4 A. [10:10:30] Yes, I can say that.

5 Q. [10:10:38] Last question on this topic.

6 Do you agree that this statement can be used as evidence in this trial?

7 A. [10:10:52] Of course. This statement should be part of the exact evidence in this
8 case.

9 Q. [10:11:08] Thank you, Mr Witness.

10 PRESIDING JUDGE SCHMITT: [10:11:10] Well, that is absolutely clear, although it
11 goes beyond what is required for Rule 68(3). But for the -- just for the record, the
12 conditions for the application Rule 68(3) with regard to the statement of the witness
13 are fulfilled, taking also in regard the small corrections made by the witness. Please
14 move on.

15 MS VANDELER: [10:11:32](Interpretation) Thank you, Mr President.

16 I would like to go back to private session, Mr President, with your leave.

17 PRESIDING JUDGE SCHMITT: [10:11:38] Just I explain to the audience that you
18 have -- you are aware that the witness is a protected witness and that means,
19 whenever issues are discussed with the witness that could reveal their identity, we
20 have to go to private session. That's unfortunate for you, but it's absolutely
21 necessary we go to private session.

22 (Private session at 10.12 a.m.)

23 THE COURT OFFICER: [10:12:14] We are in private session, Mr President.

24 MS VANDELER: [10:12:20](Interpretation)

25 Q. [10:12:20] Mr Witness, we will delve into the substance of your statement now

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1 and I will regularly refer back to your statement.

2 Now, you told us at page 4, line 122, and page 5, line 1 --

3 THE INTERPRETER: [10:12:44] Interpreter missed the reference.

4 MS VANDELER: [10:12:46](Interpretation)

5 Q. [10:12:47] -- when the Seleka arrived in Bangui, you were (Redacted)

6 (Redacted)

7 (Redacted) And you mention a number of exactions which are outlined in the

8 following pages of the statement: Page 5, line 1 -- 127-131.

9 Now, can you explain to the Court what your experience was (Redacted)

10 (Redacted) when the Seleka arrived.

11 A. [10:13:29] Thank you, Madam Prosecutor. Thank you.

12 Your Honour, your Honours, members of the Court, I am -- I am taking the floor with

13 sadness in my heart when I talk about the things that happened to my country, that is

14 the Central African Republic. When Seleka was at the doors of Bangui in 2013, we

15 were (Redacted). On Sunday the 23rd, Seleka entered the

16 city. At 9 a.m. (Redacted) and the very first team that was going to take

17 over the *Palais de la Renaissance* went by. And I was there, and that's how they went

18 and took power. These were Sudanese in Land Rover vehicles. They were all

19 white skinned, and they had bushy hair.* They had three Land Rovers. They

20 entered the city and were able to overrun the city.

21 We -- (Redacted) fled. (Redacted)

22 (Redacted) Everybody fled. (Redacted)

23 (Redacted)

24 Now, on Monday morning (Redacted) invaded by the Seleka elements, and so we

25 couldn't do anything. We couldn't live. Exactions were committed,

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1 people were being identified, this is from this village, this is from this side, this is
2 what they did. And that's how things got offhand. There were killings and
3 massacres at the time.
4 Now, the Seleka then proceeded to appoint Djotodia. The president, Djotodia,
5 appointed (Redacted). I think,
6 if I'm not mistaken, that this (Redacted) did not stay in office for long and he was
7 replaced by (Redacted)
8 (Redacted) *That was when I went back
9 (Redacted) When I was at (Redacted)
10 (Redacted)
11 (Redacted) But
12 suddenly things turned sour, things got bad*. The Central African soldiers,
13 gendarmes, and police, no longer had any right to move about in the city. They
14 were expected to do whatever they could. (Redacted)
15 (Redacted) and Seleka were the lords and the
16 masters everywhere.
17 So this (Redacted)
18 (Redacted)
19 (Redacted) He stopped, he called me over, and he asked me (Redacted). I
20 said (Redacted).
21 So that's how (Redacted). And he did his level best.
22 You see, before I was even (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 I think this is what I can say, he was a good (Redacted) who did his level best,
7 but I don't know how much more I can say.

8 So, a few days after this incident, he called (Redacted) and asked him
9 to (Redacted)

10 (Redacted)

11 So I think this is how it happened. (Redacted)

12 (Redacted)

13 So, all those who were gesticulating when the Seleka came in, this is how it all
14 unfolded. And if you ask me any further questions on this, I will be willing to
15 provide answers.

16 PRESIDING JUDGE SCHMITT: [10:20:18] Well, the witness is one of those witnesses
17 who explains, who has a narrative, which helps you perhaps strike out one or two or
18 several questions from your list.

19 MS VANDELER: [10:20:30] Exactly, Mr President.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:21:50] So, are you telling us that the Seleka were specifically targeting FACA
5 members, gendarme, members of the former regime of Francois Bozizé? Is that what
6 you're telling us?

7 A. [10:22:08] Indeed. One of the main targets was the people who were wearing
8 uniforms, because at the time the national army was actually dissolved. The French
9 technical advisers were no longer there, and in some cases the Seleka even disguised
10 themselves as gendarmes to commit acts of violence and abuse. So, you see, there
11 was really -- they didn't want anyone who wore the uniform.

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)

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1 (Redacted)

2 (Redacted)

3 A. [10:25:02] The Seleka were constantly changing colours, so to speak. You never
4 knew what to expect. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) - line 6 of your statement. Correction: page 6, lines 172 and 173.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [10:27:20] Indeed. That was -- that's right.

19 Q. [10:27:26] Now, in your statement (Redacted)

20 (Redacted) - page 6, lines 177 and 178 – (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) would that seem possible to you? Is it

25 possible that you might have made a mistake with the dates? I'm not criticising you,

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1 not at all; it's difficult to remember dates after a long time. (Redacted)

2 (Redacted) Do you remember that?

3 MR GARCIA: [10:28:58] Your Honour.

4 PRESIDING JUDGE SCHMITT: [10:29:00] Yeah.

5 MR GARCIA: [10:29:01] Just the manner -- I wasn't going to object, but just the

6 manner in which the question -- can we just put the simple question to the witness to
7 explain?

8 I understand we are using a date from a document that the Defence objected itself.

9 Now we are going in a roundabout way to having the witness -- to actually

10 confronting the witness with the date that's on the document that they objected. But,

11 if we are asking the question, I would ask that the question be just simply put and

12 ask -- let the witness choose the option that he has or his explanation, not put different
13 options to him.

14 PRESIDING JUDGE SCHMITT: [10:29:27] Yes. You offer a different way to get the
15 information out of the witness, and we might now have confused him.

16 But before I -- Mr Witness, have you understand that it's -- you have understood that
17 it's about the date.

18 What can you say today, with the recollection that you have today, about that matter?

19 What can you tell us about that? And, if you do not recall it exactly, it's not a

20 problem. After more than 10 years, we would fully understand that, and if

21 something has been mixed in your recollection, it's also -- it's also the same. So this

22 is, like Ms Vandeler has already worded it, it is never a reproach to you.

23 Now, sitting here in the courtroom, what can you tell us about that?

24 THE WITNESS: [10:30:12](Interpretation) Thank you, your Honour. Yes, indeed,

25 when I read over the document with the Defence team, this matter was raised and I

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1 told them that, yes, indeed, Seleka had arrived in Bangui and many exactions had
2 been committed. And these things happened after their arrival, and many things
3 happened after (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) after the Seleka had arrived.

8 PRESIDING JUDGE SCHMITT: [10:31:19] I think that's the right way to handle this.

9 Yes, please continue.

10 MS VANDELER: [10:31:23](Interpretation)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:32:11] Thank you, Mr Witness. Can we go back to open session, please.

17 PRESIDING JUDGE SCHMITT: [10:32:16] Yes. We are always happen when we
18 can do that. We go to open session, but you be careful.

19 (Open session at 10.32 a.m.)

20 THE COURT OFFICER: [10:32:34] We are back in open session, Mr President.

21 MS VANDELER: [10:32:38](Interpretation)

22 Q. [10:32:49] Now, at the border you say that the Seleka who were controlling the
23 area were a handful of Peuhl Muslims who were wreaking havoc. They were
24 professionals -- they were not professionals, as you can see on page 7 of your
25 statement, line 233 to 235.

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1 Now, just to clarify, where did those Peuhl Muslims come from, to clarify?

2 A. [10:33:20] Let me reassure you that Seleka was made up of people of multiple
3 ethnic backgrounds, from various horizons. No one knows where those Peuhls
4 came from. No one knows. Some came from Chad, Niger, Mali, Sudan, and you
5 cannot say where they came from. They invaded our country. It wasn't really a
6 war, as such.

7 Q. [10:34:07] What was the reality of your working conditions in an area controlled
8 by the Seleka? And I remind you that we are in open session. How did the Seleka
9 behave upon your arrival and in the months thereafter -- first of all, at your place of
10 work and in a general manner in relation to the population?

11 A. [10:34:37] Well, all those who came in from Cameroon had respect only for the
12 Seleka, because they had weapons. We, as gendarmes, we had no weapons. We
13 couldn't do anything. There was one person, known as Qadhafi, who was the
14 commander in that area. Everything was under his control. Nothing could be done
15 without him. But we, we did nothing.

16 Q. [10:35:15] A little earlier on, you talked about some Seleka making some money
17 through customs operations, if I understood you very well. Can you explain that to
18 us, please?

19 A. [10:35:39] The Seleka were in control of everything. They collected all manner
20 of revenue, whether it be from the gendarmerie, the police, the customs, the
21 weighbridge, and taxation. They are the ones who collected everything.
22 Although the state made some efforts in an attempt to restore order, all that failed. It
23 is the Seleka which collected all the revenue in that area, and they stuffed their
24 pockets with it without providing any receipts. Taxes were levied in an arbitrary
25 manner and the money collected was put in their pockets, and that's how it was.

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1 Q. [10:36:35] Can I ask you, please, to speak a little more slowly and I will attempt
2 to do the same, because the interpreters are struggling to follow us. Thank you.

3 Now, when it comes to the population, how did the Seleka behave towards the
4 population when you arrived and in the months after your arrival?

5 A. [10:37:19] Quite honestly, all the people were taken hostage. The entire
6 population was taken hostage. The population could not do anything, they could
7 not say anything. It was held hostage.

8 Q. [10:37:45] Did Seleka commit any specific offences or exactions?

9 A. [10:38:05] It is because of one of those abuses that there was unrest {ICR:
10 (Redacted)} {ICR: (Redacted)} They took a young man and used a knife to inscribe
11 some writings on his back. That young man got into town, everybody saw him and
12 everybody was angered. And I think that was one of the triggers for the
13 discontentment that forced the people to uprise.

14 Q. [10:38:55] You say at page 6, line 167 and -- 185 and 186 of your statement that
15 you couldn't do anything and you behaved as if nothing had happened.

16 A. [10:39:31] What I wanted to say here is that when I and the lady gendarme
17 arrived at the border, we couldn't do anything. We simply crossed our hands and
18 we had no force, so all we could do was sit there and do nothing. But I reported
19 once to the DG, following some abuses committed by Seleka elements. He answered
20 me by message, requesting that I send him a message describing everything that I had
21 witnessed and I will send it to the chief. So I saw this, but there was nothing I could
22 do, and that is why I said that we -- we just sat there and behaved as if nothing was
23 happening.

24 Q. [10:40:31] Just to be very clear, did you hide the fact that you, yourself, were
25 Gbaya? Were you afraid at the time because of who you were?

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1 A. [10:41:04] Well, the issue of being Gbaya arose later on. As a uniform wearer,
2 gendarme, police person, Gbaya, that's what had to be avoided. Well, the Seleka did
3 not fully understand which ethnic groups people belonged to. It was actually our
4 brothers with whom we were together, who pointed us out and told them that this
5 person is from this ethnic group, this person was such-and-such -- in such-and-such a
6 position. The Seleka themselves did not know, except for those who were wearing
7 uniforms, and we -- we were the enemy. We were the enemy. Therefore, we had to
8 be a lot more careful.

9 Q. [10:42:07] What was the scope of the area under Seleka control?

10 A. [10:42:23] {ICR: (Redacted)} not such a large area. It is -- the city is situated along
11 the road, but there's a mining area about 25 kilometres away, which they took control
12 of. But {ICR: (Redacted)} {PFR: (Redacted)}
13 {PFR: (Redacted)} But they were more interested in the cash that came off from these
14 transactions in the mineral-rich area. They were in {ICR: (Redacted)} and in those
15 areas where they were able to have control over the flow of money.

16 Q. [10:43:43] Now, Mr Witness, we are in open session and it would be useful for
17 you to abstain mentioning the names of a number of towns, if you follow me.
18 Now, let me repeat my question. That area under their control, wasn't it broader,
19 didn't it stretch all the way to Bouar and other towns further to the east?

20 A. [10:44:28] Now, if I understand your question, you're asking me to talk about
21 the zones under Seleka control. They had control over the entire republic, but at the
22 border, they were everywhere, in all the villages and in all work sites and everywhere.
23 They had control over everything.

24 Q. [10:44:59] Did they have several bases? Where were they?

25 A. [10:45:19] They were everywhere. It was as if they were turning the country

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1 into Somalia. They all had their brothers, their wives, their children. They already
2 were setting up their own almost kingdoms. It was the Central African Republic
3 being turned into Somalia. It wasn't a matter of having a base or several bases; they
4 covered the entire republic.

5 Q. [10:46:04] Now, you've also told us in your statement - page 6, 179 and 180 - that
6 when you got to this border area, you were taken to Bouar and there you spoke with
7 the Seleka general who was in charge of the area, a mercenary from Chad or the
8 Sudan.

9 Now, where was this discussion that you had with him? Exactly where was the
10 discussion?

11 A. [10:46:48] In Bouar, as we were leaving for the border with the team that was
12 responsible for road maintenance. We got to Bouar and they were controlling all the
13 roadblocks. To enter the town of Bouar, you had to stop where the logistics base
14 was that the Seleka were occupying and where that general lived. From there, they
15 took us, along with the vehicle and all the members of the team, to go meet with this
16 general. So we went and the person who was in charge of the road maintenance
17 crew showed the document with the mission order. And he took note of it and he
18 called the colonel - I mentioned the name of this colonel a few moments ago, the one
19 who controlled {PFR: (Redacted)} and the area - and he was told that these people had
20 arrived and all of that. So, heading towards {PFR: (Redacted)} ...

21 THE INTERPRETER: [10:48:16] Inaudible.

22 MS VANDELER: [10:48:27](Interpretation)

23 Q. [10:48:28] So this general was in charge of the entire area that we've been talking
24 about, Bouar and the surrounding areas?

25 A. [10:48:44] Indeed. This general from Chad or Sudan, Souley, he was the one

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1 who was running the show in the area. He was the commander of the force.

2 Q. [10:49:05] Just to clarify, now, I believe that in the statement mention was made
3 of General Oumarou (phon). Are you telling us that his name was Said Souley, is
4 that what you are telling us?

5 A. [10:49:26] Said Souley was indeed his name. He was from Chad or Sudan.
6 He was in charge of the force.

7 Q. [10:49:33] Thank you very much. This may seem to be an obvious question,
8 but how did you know that he was not from the Central African Republic, that he was
9 a foreign mercenary? When did he arrive in the Central African Republic? Do you
10 know about that?

11 A. [10:49:55] Everything -- well --

12 THE INTERPRETER: [10:49:59] Correction.

13 THE WITNESS: [10:50:00] Everyone who arrived, except for the Goula ethnicity,
14 they're from an ethnic group that belongs to the Central African Republic, from places
15 like Ndele. But, you see, most of these people were not from the Central African
16 Republic. We would mix with them, we would ask one another, "Who is that
17 person?" Sometimes there was... They would tell us their name and so on and so
18 forth. We knew. Everyone knew, all of Bangui knew, everyone knew the mercenaries*.
19 People in Bangui knew, people knew the names of all these people. He was known
20 to everyone.

21 MS VANDELER: [10:36:00](Interpretation)

22 Q. [10:50:44] So he arrived with Djotodia?

23 A. [10:51:00] Yes. He was one of his key men. He was a respectable man in the
24 eyes of the Seleka.

25 Q. [10:51:15] One last question about him. What sort of things did he say when

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1 you met with him? What was his rhetoric?

2 A. [10:51:31] When we met with the crew of workers, he spoke, I think it was, in
3 Haoussa and an interpreter worked into English, one into Arabic, difficult -- with
4 difficulty, but there was at least one interpreter. You see, he didn't speak Sango, he
5 didn't speak French, so we didn't understand anything he said. But he did
6 understand -- the one who understood a bit of French would say, "Okay, the boss has
7 said this or that".

8 So they were supposed to provide some help and then we were told that we were free
9 to go, but really we did not understand what he said.

10 Q. [10:52:31] Now, you've also told us that during this entire period of time at
11 which you were at the border, you never went to Cameroon and you stayed on the
12 Central African Republic -- page 6, line 168-169. Why did you decide -- why did you
13 not decide to go into exile like so many other people from the FACA who were being
14 persecuted?

15 A. [10:53:15] Indeed, when {ICR: (Redacted)}, the Central African Republic
16 went -- extended all the way to Cameroon, but later on there were battles between the
17 Cameroonian military and the CAR military for control of this area. The
18 Cameroonians occupied quite a bit of this area and they wanted it to be part of
19 Cameroon, but everything, supermarkets, grocery stores, all of that was on the
20 Cameroonian side. {ICR: (Redacted)} was our side.

21 On the other side, that's where you would go to get food, to get supplies. But, you
22 see, I didn't want to go into exile. I don't -- I didn't see why I would go into exile. I
23 was a Central African Republic citizen. If it was a normal government -- a normal
24 takeover of the government, that would be one thing, but I really didn't think I was
25 going to go into exile. If I was going to be killed, I might as well stay there. I

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1 stayed {ICR: (Redacted)} and that's why you see me here today before you.

2 Q. [10:55:06] But when you got there, were security arrangements already in place,
3 and sort of an operational system that would keep you from crossing over, you who
4 had arrived a bit later than others -- a bit later?

5 A. [10:55:34] One month after the Seleka took power, all the borders were closed to
6 us. It would have been very difficult to have gone to Cameroon. It wasn't a simple
7 matter. Even despite my own personal decision to stay there, it was not easy to cross
8 into Cameroon at the time. They were everywhere. They surrounded the crossing.
9 No one could really cross over. They checked day and night. No one could enter.

10 Q. [10:56:34] So, you said that there was cooperation between the Seleka and the
11 Cameroonian authorities on the other side of the border to ensure a sort of security
12 arrangement at the border?

13 A. [10:56:53] Yes. You see, the Seleka had come in, but they knew nothing. They
14 just -- they really weren't in control of anything. They just got there and they didn't
15 know what to do. Eventually, people started to fill their heads with ideas and
16 Djotodia started to issue decrees. Some people were going to flee, some people were
17 going to return. But, you see, the security system increased and it was not easy for
18 people from the Central African Republic to cross over or to move about easily.
19 Those who came back and were caught were put directly into prison on the
20 Cameroonian side*. It wasn't an easy time.

21 Q. [10:58:11] If I've understood you correctly, you're saying that there was a system,
22 sort of a filter system, security measures, at the border. It was already in place?

23 MR GARCIA: [10:58:29] The question -- I don't mind the questions being asked, but,
24 once again, can they be asked simply and not paraphrased or make conclusions for
25 the witness. It's the witness who is here to testify in this matter and he has not stated

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1 that.

2 PRESIDING JUDGE SCHMITT: [10:58:40] In that regard, I agree. You could
3 reword it. But I think what we can do is we -- anyway, it's time to have the break
4 and you can think during the break if you want to reword it or to move on.
5 Break until 11.30.

6 THE COURT USHER: [10:58:54] All rise.

7 (Recess taken at 10.58 a.m.)

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

9 THE COURT USHER: [11:31:00] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [11:31:26] Still good morning. And still

12 Ms Vandeler has the floor.

13 MS VANDELER: [11:31:35] Thank you, Mr President.

14 PRESIDING JUDGE SCHMITT: [11:31:37] Just a question, do you

15 think -- specifically I'm addressing the Defence, but also Prosecution, do you think
16 that we should shorten the lunch break to have enough time? Is it in -- is it in danger,
17 so to speak, that we finish on Thursday?

18 Otherwise, do you have -- I know it's a bit early, but we have to decide on the lunch,
19 of course, later on.

20 MR KNOOPS: [11:32:01] Mr President, if I may speak on behalf of the Defence team
21 Mr Ngaïssona. Well, in light of the fact that we actually started this morning at 10
22 with the examination, so we lost half an hour, yeah, I might go then tomorrow to
23 the second session for sure. So, to be on the safe side I -- we would not have
24 a problem to shorten the lunch break, but it depends on (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [11:32:29] Okay. Good to know.

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1 Mr Garcia, of course, can put some water in this wine or not.

2 MR GARCIA: [11:32:35] I can already tell you, your Honour, I don't think we need
3 to shorten the lunch break. My cross-examination is going to be quite concise and to
4 the point. I understand Defence counsel stated that they will only need until
5 tomorrow. So it will be four sessions in all, I understand, and a bit of the next one.
6 That should be sufficient, your Honour, if we --

7 PRESIDING JUDGE SCHMITT: [11:32:53] Then we -- then we keep the --

8 MR GARCIA: [11:32:54] I don't think we need to shorten the lunch break.

9 PRESIDING JUDGE SCHMITT: [11:32:55] Thank you very much for this
10 information. Then we simply keep the schedule as normal. You can move on.

11 MS VANDELER: [11:33:19](Interpretation)

12 Q. [11:33:21] Mr Witness, we're going back to the topic we were tackling just before
13 the break and you said the following at page 34, line 7 and 8 of the transcript. You
14 said that one month after the Seleka took power, or thereabouts, a very strict security
15 system was put up at the borders in cooperation between the Cameroonian
16 authorities and Seleka.

17 My question for you is as follows: How did you become aware of this, given that
18 you were not yet at the border at that time? As a gendarme, were you receiving
19 information on these matters?

20 A. [11:34:16] Yes, but the movement was intense. It was extremely difficult at that
21 time for any immigration movements to occur towards Zaïre, Congo-Brazzaville or
22 Chad. Chad, no one could go to Chad or to Sudan because the mercenaries were
23 coming from that side. The only way out for those seeking exile was Cameroon.
24 And that's how Djotodia and his supporters tried to increase the level of surveillance
25 at the places* where people entered or exited the country. They set up these strict

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1 measures at Garam-Boulai border*, and at the border close to Berbérati and
2 Gamboula. They created a watertight system in those* areas, not allowing people to
3 enter or exit the country*.

4 So it was extremely difficult to leave two months after the Seleka took power.

5 Q. [11:35:36] Just to clarify, you mention Gamboula and Berbérati, but would you
6 also include Beloko and Garam-Boulai?

7 A. [11:35:47] Yes. Those were the only two areas where those seeking exile could
8 exit. That is those wishing to leave the Central African Republic could only exit
9 through Beloko and Gamboula. Those are the areas through which the Central
10 Africans could exit. But, two months after they took power, it became extremely
11 complicated for Central Africans to leave the country.

12 Q. [11:36:22] Thank you, Mr Witness. And you chose or opted not to cross.
13 Now, do you understand why some FACA and presidential guards who were lucky
14 to get to the border before Djotodia put in place that security system? Do you
15 understand why these people decided to go to Cameroon?

16 MR GARCIA: [11:37:02] Objection, your Honour. The question is a bit -- a bit
17 complicated. But it also -- it's also asking the witness to -- to give his opinion, to
18 opionate on why a certain number of people, unidentified, which adds complexity
19 to the question, would have left or not at a certain time.

20 And perhaps if you just ask him what he does know.

21 PRESIDING JUDGE SCHMITT: [11:37:25] Well, yeah, you are right. I think
22 you are even more right, it's a bit complicated. I think I would break it down. And
23 I would -- we would also prefer it if you followed Mr Garcia's advice and asked
24 the witness in a more open manner.

25 MS VANDELER: [11:37:43] Okay. I'm just repeating what is in the statement,

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1 page 7, lines 212-214 (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [11:37:48] And you can ask what do you mean by
3 that and where's the information from. I think we do it this way. Yeah, that's fine.

4 MS VANDELER: [11:37:56] Okay, let me just go back to it.

5 Q. [11:38:29](Interpretation) Mr Witness, at page 7 of your statement you say that
6 those who worked with Bozizé were constrained to go into exile because they had no
7 choice if they wanted to remain alive.

8 Now my question is as follows: Based on the information available and your
9 knowledge of the area at the time, was this something that you yourself, you
10 understood, although you did not come to make the same choice.

11 A. [11:39:17] The practice to exclude those who had belonged to the group in
12 power that had been overthrown was clearly obvious because there was a witch-hunt
13 going on at the time targeting those who had belonged to the former fallen regime.
14 So families, relatives and all those who belonged to Bozizé's family were hunted
15 down and, basically, eliminated. That is what was happening at that time.

16 Q. [11:40:06] Thank you. At page 6 at 184-185, you say that there were several
17 soldiers and presidential guards in Garam -- Garoua-Boulai. Can you be more
18 specific and tell us how much time the soldiers remain in Garoua-Boulai and what
19 the context was at the time.

20 A. [11:40:39] The soldiers who crossed over to Cameroon were automatically
21 received by the HCR and the HCR needed time to organise to register the soldiers
22 and to accommodate them. And it is during that time that they spent a little bit of
23 time here.

24 But, thereafter, they moved on to Yaoundé, to Bertoua, to the Nandongue refugee
25 camp -- or should I say the Bertoua refugee camp. They were scattered all over and

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1 yet they were managed or taken care of by the HCR.

2 Q. [11:41:28] So you're telling us that this was a temporary transit location as
3 people moved on to exile in other cities in Cameroon; is that correct?

4 A. [11:41:45] Yes, that is effectively correct.

5 Q. [11:41:57] At page 7, lines 208-209 of your statement, that the Cameroonian
6 authorities provided the Central Africans with training so that they could supervise
7 their brothers who would cross the borders.

8 Can you explain to us how this Cameroon system functioned and what type of
9 information the Central Africans were providing to the Cameroonian authorities, if
10 you are aware of it.

11 A. [11:42:41] The policy of Cameroon at the time, which I experienced in Bocaranga
12 - I was in Bocaranga towards the north-west exit, that is other than {PFR: (Redacted)} - all
13 the police commissioners, unit commanders, unit chiefs, that is the Cameroonian
14 officials who were at the borders, they were Central Africans from this side who had
15 immigrated to Cameroon and who had been recruited by the Cameroonian
16 government and trained and then they became Cameroonians. And they were fully
17 aware of how we functioned in the Central African Republic and these were
18 the persons in charge of the Cameroonian border. This is something that I
19 experienced myself. So all the police commissioners, the unit commanders and what
20 have you, they were all fluent in Sango.

21 You see, the commissioner, for example, would sometimes pretend to be
22 Cameroonian, whereas they were Central African. This is something that I
23 personally experienced and I understood that to be the policy that the Cameroonian
24 president had adopted to manage the situation.

25 So it was our own brothers who were checking us, who were controlling us and who

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1 revealed to the Cameroon government, the Cameroon state what was happening on
2 our side.

3 Q. [11:44:31] If I've understood correctly, they gave them positions to do
4 the specific work. They gave positions to people from the Central African Republic,
5 positions in Cameroon?

6 A. [11:44:44] Indeed. It was people from the gendarmerie, commissioners, they
7 were on the Cameroonian side. Immigration officials, for example, and they were
8 working for the Cameroonian state.

9 Q. [11:45:10] Thank you. I have one last question about the security arrangements
10 at the border. Now, on the Central African side of the border, you said - page 6,
11 196-197 - that when -- 192. You said that it was difficult for some people, people
12 who didn't have the right profile. It was difficult for some people to cross the border
13 from Cameroon to the Central African Republic.

14 And I have a specific question for you: For example, a former member of
15 the presidential guard, or a Gbaya person, or someone else who crossed the -- tried to
16 cross the border, what did this person risk? Or a person from the CNC15?

17 A. [11:46:19] Prison. The arrangements were such that anyone from the Central
18 African Republic who tried to leave Cameroon and go back would be treated as an
19 enemy. There were many of them who ended up in prison. People from Cameroon
20 who had gone to Cameroon and then back to the Central African Republic, they were
21 put directly in prison. It was not an easy time.

22 MS VANDELER: [11:46:56](Interpretation) I'd like us to go into private session, if
23 possible.

24 PRESIDING JUDGE SCHMITT: [11:47:02] Private session.

25 (Private session at 11.47 a.m.)

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1 THE COURT OFFICER: [11:47:14] We are in private session, Mr President.

2 MS VANDELER: [11:47:20](Interpretation)

3 Q. [11:47:27] (Redacted)

4 (Redacted)

5 (Redacted) It's in your statement, page 13, lines 479-481. Before

6 mid-January 2014.

7 Now, did you see soldiers or civilians from the Central African Republic who got to

8 (Redacted)

9 A. [11:48:24] (Redacted)

10 (Redacted) None of the soldiers came from Cameroon to attack Seleka positions.

11 On the Cameroonian side, it was not easy for a former member of the presidential

12 guard or a soldier to cross freely. It was not easy to do that at that time when I was

13 there. So, to say that soldiers crossed the border to go and attack Seleka position

14 with some kind of weapon, no, I didn't see that. I was present when the anger

15 started to emerge (Redacted) and the movement began.

16 Q. [11:49:36] But before the fighting began, let us say in the fall of 2013, did such

17 movements occur without you perhaps knowing about it?

18 A. [11:50:07] I did not receive any intelligence about any such movement when

19 (Redacted). The time when I went back to Bangui I was not

20 aware of any movement rising up at the border on -- around -- (Redacted).

21 I was not aware of any such thing.

22 Q. [11:50:46] (Redacted) Might it have escaped your attention

23 that groups of soldiers arrived (Redacted) from Cameroon?

24 A. [11:51:07] I could not have not seen it. If a group of soldiers had moved from

25 Cameroon over to the Central African Republic side, as a gendarme it could not have

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1 escaped my attention. If any such movement occurred at that time or before or
2 during or after, logically I would have known about it. So I'm not aware of any such.

3 MR GARCIA: [11:51:35] Your Honour.

4 PRESIDING JUDGE SCHMITT: [11:51:37] Yes.

5 MR GARCIA: [11:51:38] Just -- just to be clear on the matter, it's just the -- the date or
6 the time on which we're questioning the witness, which is a little bit confusing,
7 because Defence counsel has already questioned the witness regarding the date at
8 (Redacted) And the questions

9 that are following are a little bit ambiguous as to what time frame are we speaking
10 about and who exactly are we speaking about would have attacked or would have
11 come into the territory.

12 PRESIDING JUDGE SCHMITT: [11:52:05] But that's -- that's obviously not an
13 objection, but (Overlapping speakers)

14 MR GARCIA: [11:52:09] No, no.

15 PRESIDING JUDGE SCHMITT: [11:52:11] Yeah, yeah. I understand.

16 MR GARCIA: [11:52:13] It's just a concern for the Court record afterwards --

17 PRESIDING JUDGE SCHMITT: [11:52:15] Yeah, yeah. No, no.

18 MR GARCIA: [11:52:17] -- because it will simplify my cross.

19 PRESIDING JUDGE SCHMITT: [11:52:15] No, no, we appreciate it.

20 Perhaps you can simply find it out with the witness in which time frame we are now
21 speaking about.

22 MS VANDELER: [11:52:27] Just to add a comment. It's obviously as from
23 the presence of the witness at the border that I'm asking these questions.

24 PRESIDING JUDGE SCHMITT: [11:52:38] (Redacted)

25 MS VANDELER: [11:52:41] Exactly.

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1 PRESIDING JUDGE SCHMITT: [11:52:44] Okay, then please continue.

2 MS VANDELER: [11:53:07](Interpretation)

3 Q. [11:53:08] Now, one again, before the fighting began (Redacted)

4 (Redacted) did you see any people from

5 the Central African Republic come over from Cameroon, soldiers or civilians, to join

6 the group (Redacted)? So, did you see people cross over and head towards (Redacted)?

7 A. [11:53:45] At the time it was not easy. A group of individuals, even two or

8 three people, to cross the border, and from the Cameroonian side let them cross over

9 freely, I'm not so sure. Even -- well, the Seleka had complete control over the town

10 (Redacted). The entrance, the exit points, these periphery, it was all controlled by

11 the Seleka. General Souley said that a group from Cameroon and -- to cross over

12 and go to (Redacted) and join up with another group, no, that wouldn't have been easy.

13 Q. [11:54:41] Was there a checkpoint (Redacted) that would allow Seleka elements to

14 know exactly who was coming in?

15 A. [11:55:00] (Redacted)

16 (Redacted) The Seleka -- well, the Seleka had their -- their area.

17 The *douane*-- the customs office, well, they controlled everything, so no one could

18 have access. The Seleka was filtering people, doing triage, so to speak. It was

19 impossible at that time.

20 Q. [11:56:08] Amongst the exiles who were heading to the Central African Republic,

21 whom you saw later, after the fighting had begun - and several of these people were

22 mentioned in your statement - amongst these few exiles did any receive money from

23 Yaoundé or elsewhere in Cameroon to go all the way to the border?

24 A. [11:56:51] Other than the population (Redacted) a few

25 exiles were able to cross. But not by way of the main road. It was not easy to cross

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1 over. A few exiles -- exiled people were able to get to the border, but they had
2 nothing. They had absolutely nothing to eat, nothing. They were hungry, they
3 were just trying to get over to the Central African Republic side. That's all. So, to
4 say that someone would have come from Cameroon, that they had received money,
5 I don't think so. That didn't happen.

6 Q. [11:58:04] Did these people come to fight or were they merely civilians who just
7 wanted to find some way to cross and then continue on their way within the Central
8 African Republic?

9 A. [11:58:19] Fighting is something different. You need equipment for that.
10 People on the Cameroonian side were starving. They were trying to get back home.
11 They had no weapons. They had no form of -- nothing to protect themselves with.
12 What would they fight with?

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 MR GARCIA: [12:00:20] I'm sorry, your Honour.

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1 PRESIDING JUDGE SCHMITT: [12:00:21] Yes.

2 MR GARCIA: [12:00:23] Maybe we're skipping a point here, but I don't think we
3 even asked the question of whether the witness actually spoke with -- with -- with
4 (Redacted) Or -- and we -- we've skipped from we saw him at one point and
5 (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:00:37] Well, but that is -- that is -- that is up to
7 counsel.

8 The question, as such, was not -- is not objectionable. Perhaps you can repeat it, if
9 you want. You can pick up, but you don't have to, what Mr Garcia said. And
10 perhaps you repeat the question because this is confusing for the witness.

11 The witness has -- the question, as such, is not objectionable.

12 MS VANDELER: [12:01:01](Interpretation)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:02:38] Thank you, Mr Witness. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 MR GARCIA: [12:03:45](Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [12:03:47] That is a bit -- a bit too leading.

5 Mr Garcia is right.

6 MR GARCIA: [12:03:51] And, indeed. And we've just broached, from what I fear,
7 one person, and then we're just suggesting this answer to the witness. So I suggest
8 that anything that he replies at this point, I am not sure about the probative value.

9 PRESIDING JUDGE SCHMITT: [12:04:03] Well, that is -- well, that's mainly
10 the concern of Defence, and also of the Chamber.

11 But this question -- this question was leading. You have to reword it.

12 MS VANDELER: [12:04:13](Interpretation) Mr President, the witness has already
13 confirmed that he never heard anyone say that they had received money from
14 Cameroon, so I am just trying to clarify the point.

15 PRESIDING JUDGE SCHMITT: [12:04:27] Well, if the witness has already clearly
16 stated that, we don't need to clarify further. Please move on.

17 MS VANDELER: [12:04:52](Interpretation)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MS VANDELER: [12:05:24](Interpretation) For the record, I was referring to
23 the allegations of P-1847* in statement CAR-OTP-2061-1534* at page 1552* at
24 paragraph 116.

25 (Redacted)

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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 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MR GARCIA: [12:08:53] Your Honour, I object. Just for the clarity of the Court

20 record afterwards, so there's no problem afterwards in my cross-examination, could

21 we actually try and fix a date. We're speaking about the (Redacted). I'm

22 not sure exactly what we're speaking -- I'm not sure if the witness understands what

23 (Redacted) we are speaking. I mean, I've read through their evidence, there has been

24 different (Redacted). Could we at least try and be a little bit more precise so that

25 afterwards in my cross-examination I can try and pick out exactly if I need to go back

26 on this or not and it will be clear for the Court record. It's an important point.

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1 PRESIDING JUDGE SCHMITT: [12:09:28] Well -- yeah, well, the question was if he
2 has -- indeed, it's a little -- it's a little bit generic. If he can -- if he can precise it -- or if
3 you mean any combat.

4 MS VANDELER: [12:09:41](Interpretation) Mr President, earlier in my examination I
5 had specified that we were talking about (Redacted) and I
6 referenced the witness's statement on this point. So that's clear.
7 So I could state it all over whenever I talk about (Redacted) but I am speaking here about
8 (Redacted) rather --

9 PRESIDING JUDGE SCHMITT: [12:40:51] Okay. Thank you.

10 MS VANDELER: [11:40:52](Interpretation) -- at the time Mr Djotodia resigned.

11 PRESIDING JUDGE SCHMITT: [12:10:20] Well, that's fine. That's absolutely clear.
12 And now the question with regard to the two persons, and then the --

13 MS VANDELER: [12:10:27](Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [12:10:28] -- and the knowledge of the witness or
15 not.

16 MS VANDELER: [12:10:30](Interpretation) I'll repeat the question.

17 Q. [12:10:36] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 MR GARCIA: [12:13:00] I object.

10 PRESIDING JUDGE SCHMITT: [12:13:05] That -- that, Mr Garcia, you are right.

11 I don't know what you want to say, but I assume you are right.

12 MR GARCIA: [12:13:13] It's highly speculative.

13 PRESIDING JUDGE SCHMITT: [12:13:14] Yeah. This, already the starting, "could

14 it have", "could it have been possible", you understand yourself that this asks for

15 speculation. Yeah? The witness has answered that he has -- obviously, that has not

16 seen, has not heard, and that must be enough information for you. But to speculate

17 if he could have been going or somewhere else, I would not allow the question.

18 I think that would have been your objection, Mr Garcia, I assume.

19 MR GARCIA: [12:13:42] Yes, your Honour. I felt that it was speculation.

20 PRESIDING JUDGE SCHMITT: [12:13:46] "Possible", if something is possible or not,

21 that's always, let's say, a red flag when it comes to questions.

22 What is clear, the witness can only say, "At the time and the place where I have been, I

23 have not seen, I have not heard of at the time." And more -- the witness cannot

24 provide more facts in that regard. That is the point here.

25 MS VANDELER: [12:14:42](Interpretation)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [12:15:15] (Redacted)

5 (Redacted) Is that your question? Could you please clarify

6 your question.

7 Q. [12:15:30] Thank you, Mr Witness. I am still looking at the time frame before

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:16:42] Is that something you heard about?

16 A. [12:16:50] (Redacted) If it had been

17 so, I myself would have known about it personally. I -- it wouldn't have been

18 through an intermediary, no. I didn't experience that.

19 MS VANDELER: [12:17:21](Interpretation) And for the record, I'm referring to

20 allegations made by witness P-1847 in statement CAR-OTP-2122-8251, paragraphs 24,

21 25, 31*. This is CAR-OTP-2122-8251, paragraph 24, 25, 31. Paragraph 84, 85, 104

22 and 110. I'm quoting from CAR-OTP-2061-1534. Paragraphs 84, 85, 109 and 110.

23 I believe we can go back.

24 PRESIDING JUDGE SCHMITT: [12:18:23] To open session.

25 Yeah, open session then.

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1 (Open session at 12.18 p.m.)

2 THE COURT OFFICER: [12:18:37] We are in open session, Mr President.

3 MS VANDELER: [12:18:50](Interpretation)

4 Q. [12:18:50] In your statement you mentioned a self-defence group, part of
5 the Ndale family in Bouar. Page 14. 538 I believe is -- 538 to 541.

6 Now, I'd like to ask you, did you know about or did you hear talk of the hostilities in
7 Beloko and Mr Ngaïssona and Mr Mokom together or separately coming to visit
8 the Ndale group in Bouar?

9 A. [12:19:55] The Ndale group, I did have some idea about what they were all
10 about before {PFR: (Redacted)}. Now, once the Seleka arrived, the Ndale
11 group was so hostile to the presence of the Seleka in Bouar, it was a group of people
12 and they were quite determined, ever since the time that the Seleka got to Bouar.
13 Bouar is a large place and quite popular. So the Ndale group was very resistant.
14 They led fighting even two or three months after the Seleka arrived. Some of this
15 group attacked the Seleka when I was still in Bangui, Even before {ICR: (Redacted)}
16 {ICR: (Redacted)} they did conduct fighting. But {ICR: (Redacted)}, the Seleka
17 had set up a system of superiority to ward off this group.

18 So to say that Mr Ngaïssona and Mr Bernard Mokom left someplace, I don't know
19 where, to go to some other place and then to get to Bouar amongst the Seleka and to
20 make a connection with the Ndale group, even {ICR: (Redacted)} they didn't have
21 access. You mentioned Bouar, but this all seems very strange to me. I don't believe
22 this.

23 Q. [12:21:57] And what would the risk be if they had done that, if they had gone all
24 way to Bouar at that time in the fall of 2013?

25 A. [12:22:09] It was impossible for them to cross over because of -- they just could

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1 not pass over. The Seleka were everywhere at the time.

2 Q. [12:22:50] Did you hear any talk about Adamou Ndale going to Yaoundé before
3 hostilities broke out in Beloko? Did you hear any rumours about that?

4 A. [12:23:16] Honestly, I didn't hear any such thing. I did not hear about that.

5 MS VANDELER: [12:23:26](Interpretation) Now, for the record, I'm referring to
6 Witness 1147, in his statement. Paragraph 105, 106, 156 in his statement. And
7 allegations from another witness, CAR-OTP-2126 --

8 THE INTERPRETER: [12:23:53] Reference numbers read out at great speed.

9 PRESIDING JUDGE SCHMITT: [12:23:59] The references were quite quick for
10 the interpreters. Could you perhaps try to repeat them a little bit more slowly,
11 because this is obviously specifically difficult to follow for the interpreters.

12 MS VANDELER: [12:24:12] My apologies to the interpreters. (Interpretation) I was
13 referring to the allegations of P-1847*,
14 in his statement CAR-OTP-2061-1534*,
15 paragraphs 105, 106, 156.

16 And also to the allegations of P-2673, CAR-OTP-2127-6435*, paragraph 134.

17 Was that properly transcribed ? *

18 PRESIDING JUDGE SCHMITT: [12:25:18] I think so, because I heard -- I heard -- I
19 heard the interpreter. So please continue.

20 MS VANDELER: [12:25:23](Interpretation) Thank you very much, Mr President.

21 Q. [12:25:29] Now, Mr Witness, you told us that you knew Achille Godonam to see
22 him, but you had never really spoken with him or manoeuvred with him.

23 Page 27 of your statement, lines 199 to -- and you also showed on a photograph, and
24 this is CAR-D30-0020-0001, page 0003. Page 27, lines 1092 to 1095.

25 Did you ever see Achille Godonam {ICR: (Redacted)}? Did you see Achille Godonam

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1 {ICR: (Redacted)}?

2 A. [12:26:46] I never met {ICR: (Redacted)}.

3 Q. [12:27:00] Did you have any information at the time according to which he was
4 living on the Central African Republic side? Did you have any information to that
5 effect?

6 A. [12:27:18] I did not receive any information about him living on the Central
7 African Republic side.

8 Q. [12:27:27] And once again for the record, I'm referring to allegations of P-1847 in
9 his statement CAR-OTP-2122-8251, paragraphs -- paragraph 25.

10 P-1847, CAR-OTP-2122-8251, paragraph 25.

11 Now, did Mr Ngaïssona or Mr Bernard Mokom send weapons or ammunition to
12 the border, either themselves or sending them by way of other people, according to
13 information you may have?

14 PRESIDING JUDGE SCHMITT: [12:28:37] Yes, please.

15 Actually, otherwise I would have said it: According to the information you have, do
16 you have any information in that regard?

17 That is a correct question. Yes.

18 THE WITNESS: [12:28:58](Interpretation) Thank you, your Honour. I never
19 received any information to that effect.

20 MS VANDELER: [12:29:03](Interpretation)

21 Q. [12:29:07] Now, in your statement you told us that you never heard any talk
22 about ammunition that allegedly was sent by Mr Ngaïssona in Maggi cube boxes,
23 page 13. Maggi cube boxes, lines 474 and 476.

24 Now, on the basis of your knowledge, would it be possible to hide ammunitions in
25 boxes of (Overlapping speakers)

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1 MR GARCIA: [12:29:49] I object, your Honour. There's so many possible variables
2 to this question (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [12:29:50] Yeah. Yeah, yeah, yeah, you are right --

4 MR GARCIA: [12:29:51] -- that it's going to lead the witness to speculate.

5 PRESIDING JUDGE SCHMITT: [12:29:56] -- unfortunately, not unfortunately, but,
6 you are right, in my opinion.

7 Do you have any information about that weapons have been hidden in cubes, in such
8 cubes?

9 THE WITNESS: [12:30:17](Interpretation) Thank you, your Honour.

10 With the system of checks that had been set up on the Cameroonian side, I don't
11 believe so. Several offices were set up all the way along, from Yaoundé, from
12 Douala. It would be almost impossible for ammunition to be -- to be found. I mean,
13 with the lasers they had and all that. I never heard any talk of such a thing. It
14 would have been impossible.

15 PRESIDING JUDGE SCHMITT: [12:31:00] Please move on.

16 MS VANDELER: [12:31:05](Interpretation) I would like to rephrase the question,
17 with your leave?

18 PRESIDING JUDGE SCHMITT: [12:31:10] We hear it first, and then -- yeah, okay.

19 MS VANDELER: [12:31:13] Yeah, of course.

20 Q. [12:31:18](Interpretation) Now, based on your professional knowledge, are you
21 aware of the sizes of the ammunition and would it have been compatible for
22 ammunition --

23 MR GARCIA: Once again I object. The question --

24 THE INTERPRETER: [12:31:30] -- of any size to be placed in Maggi cube boxes?

25 PRESIDING JUDGE SCHMITT: [12:31:40] No, no, no. Please.

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1 So, please, Mr Garcia, only when you have the floor.

2 So, what are we -- Mr Witness, are -- Defence counsel, what kind of cubes? How big
3 are they that we are speaking of? What do you -- what do you want to put to
4 the witness? Which size it should have? What should the witness speculate?

5 MS VANDELER: [12:32:09](Interpretation) I would first of all want to ask of
6 the witness what the size of an ammunition would be. Maybe the witness can give
7 us an idea what the size of an ammunition would be.

8 PRESIDING JUDGE SCHMITT: [12:32:22] No, a box that would be needed -- would
9 be needed for ammunition, perhaps you can -- you can do it with your -- with your
10 hands so that we have an -- have an impression what size we are speaking of.

11 THE WITNESS: [12:32:47](Interpretation) Thank you, your Honour.

12 A 7.62 millimetre ammunition for an AK-47 weapon is about this size, this 6 -- 7.62.
13 For an automatic rifle, MAC, the ammunition would be about half the size of what
14 I'm holding in my hand.

15 So, if we have heard that ammunition was packed into Maggi cube boxes, a Maggi
16 cube box would be about this size, if I'm not mistaken. So how much ammunition
17 can you put in this kind of box and what calibre would the ammunition be? So one
18 doesn't know.

19 You see, most weapons, or all the weapons that were available at the border were
20 mostly AK-47s, which would take 7.62 millimetre ammunitions. So that's all I can
21 say on that point. I do not think that ammunition can be packed into a Maggi box.

22 PRESIDING JUDGE SCHMITT: [12:34:03] But we are -- of course, we are here in
23 the realm of speculation, there might be different sizes of Maggi boxes, but I think
24 we -- we should not discuss this further.

25 Could you perhaps show again what - you showed us with some tools - so I can put it

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1 on the record. Please show it again for us, please be so kind, what you wanted to
2 say.

3 THE WITNESS: [12:34:28](Interpretation) A 7.62 millimetre ammunition for
4 the AK-47 would be this.

5 PRESIDING JUDGE SCHMITT: [12:34:37] Thank you very much. It's very good to
6 clarify this for the record. Otherwise it's lost, the information. Please move on
7 now.

8 MR GARCIA: [12:34:45] Your Honour, just -- just so there's no confusion, but we -- I
9 think it would be useful to, unless the Court wants to look at the information, it's
10 probably widely available, because he has indicated I don't know how many
11 centimetres and then he has indicated a smaller bullet as well. So he has just
12 indicated with his finger, I think it was 3 centimetres, I'm not sure. Maybe the
13 witness can just give us (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [12:35:04] I think we have also an idea what
15 (Overlapping speakers)

16 MR GARCIA: That's the reason why (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: (Overlapping speakers) Please, please, please
18 (Overlapping speakers)

19 MR GARCIA: (Overlapping speakers) is that there are so many variables.

20 PRESIDING JUDGE SCHMITT: [12:35:10] Yeah, yeah, there are -- yes, there are so
21 many variables. And in the end we will have to assess that. So that we are here
22 highly in the realm of speculation is -- everybody is aware of that.

23 But, still, the witness might have, from his background, might have information that
24 enables him to show us what he thinks on that matter. That is, without any
25 assessment of the probative value of this information. Please move on.

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1 MS VANDELER: [12:35:44] And if I may, I think the witness mentioned that most of
2 the weapons were AK-47, which corresponds to the 7.6 millimetre ammunition.

3 PRESIDING JUDGE SCHMITT: [12:35:57] Yeah, yeah. Yes. Now we don't --

4 MS VANDELER: That --

5 PRESIDING JUDGE SCHMITT: [12:35:54] No, please, we don't discuss the evidence
6 here. We know that we are -- that we are speaking, at least partially, about AK-47,
7 we know that. Please move on.

8 MS VANDELER: [12:36:24](Interpretation)

9 Q. [12:36:25] Mr Witness, while you were in the town living in the border area, did
10 you ever hear or receive any information that Francis Bozizé had negotiated with
11 the Cameroonian authorities an organisation for weapons and equipment to be
12 channelled through the border?

13 A. [12:37:00] All the weapons that were returned by the members of
14 the presidential guard when they went to Cameroon, all the weapons remained at the
15 presidential guard.

16 Vehicles, several weapons, heavy weapons. These were in Cameroon and they are
17 the ones who kept those weapons.

18 Now, to transfer weapons from one country to another, it doesn't happen that way.

19 In military terms, it is the heads of state who decide how the weapons can be
20 transferred. This is not by -- not done by an individual or a minister of the republic
21 requesting or authorising the transfer of weapons. No, it is practically impossible.

22 They did not have that option.

23 Q. [12:38:00] For the record, I'm referring to the Facebook conversation
24 CAR-OTP-2101-9451, page 9503.

25 I'll continue, Mr Witness, and I thank you for your patience.

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1 Did you have information whereby Mr Ngaïssona and/or Bernard Mokom would
2 have sent medication to the border, either dropping it off themselves or sending
3 the same through others?

4 A. [12:38:54] What type of medication? For whom? Sent to where? To Beloko
5 or to Bouar? No, I never heard any such thing about transferring medication.

6 Q. [12:39:12] Thank you.

7 And going by information available to you, did Mr Ngaïssona or Bernard Mokom
8 send Thurayas to the border, either dropping it off themselves or sending the same
9 through others?

10 PRESIDING JUDGE SCHMITT: [12:39:35] Mr Garcia.

11 MR GARCIA: [12:39:36] Yes, just a general objection and remark on this type of
12 line of questioning. The Defence has yet to establish -- of course, we're asking
13 questions on the knowledge of the witness. The time frame of exactly when this
14 would have happened is not clearly established. Who the witness was in
15 communication with. Where is the foundation, the factual foundation for
16 the assertions of the witness that he never heard anything, never came to attention?
17 It's not on the record yet who he was speaking with, what his position was at the time,
18 whether it was within the Anti-Balaka or whether we're speaking simply as him when
19 he was a {PFR: (Redacted)}. So I'm just wondering how is it that -- I mean, the factual
20 foundation is not there --

21 PRESIDING JUDGE SCHMITT: Well, that is --

22 MR GARCIA: [12:40:11] And I keep on waiting for it but it's not there.

23 PRESIDING JUDGE SCHMITT: [12:40:17] No, but -- but, actually, you have your
24 turn, you can ask him that. And otherwise a -- when somebody has not heard
25 anything, it is up to us to assess what probative value that has. And if we don't have

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1 this information that you mention, this is also part of the assessment of the probative
2 value of the answers. You understand? Yeah.

3 Please move on.

4 MS VANDELER: [12:40:49](Interpretation)

5 Q. [12:40:50] Would you like me to repeat my question, Mr Witness?

6 THE INTERPRETER: [12:40:56] The witness nods.

7 THE WITNESS: (Interpretation) Yes.

8 PRESIDING JUDGE SCHMITT: [12:40:58] He has answered, I think.

9 No, he has not answered. No, I'm -- no, of all these objections, I'm getting confused.

10 MS VANDELER: Me too.

11 PRESIDING JUDGE SCHMITT: [12:41:04] With regard to the Thurayas he has not
12 answered. Excuse me. My fault.

13 MS VANDELER: [12:41:13]

14 Q. [12:41:12](Interpretation) So I'll repeat my question.

15 Going by information available to you while you were at the border, did you have
16 information whereby Mr Ngaïssona or Bernard Mokom would have sent Thurayas to
17 the Central African Republic, dropping them off themselves or sending them through
18 other parties?

19 A. [12:41:44] {ICR: (Redacted)}. And I

20 myself, I did not have a Thuraya. So I don't know where the Thurayas would
21 have -- no, no, I didn't hear about Thurayas. {ICR: (Redacted)}

22 {ICR: (Redacted)} I did not have a Thuraya and I did not receive any Thuraya from
23 anybody. Q. [12:42:15] If we look at the period before the onset of the hostilities,

24 that is before you became the leader of this group at the border, I take it that

25 the answer would be the same, but I would like to just confirm that for the Prosecutor.

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1 A. [12:42:36] Yes, the answer would be the same. Before the unrest broke out
2 between the population and the Seleka, we never heard any mention of Thurayas
3 being transferred.

4 Q. [12:42:59] For the record, I'm referring to the allegations of P-2673 on Thurayas
5 in his testimony, English version of transcript 41, page 39, line 21, to page 41, line 7.
6 In your statement at page 15, line 564 to line 568, you say that the group in Bouar
7 gathered around the Ndale family and had fighting in Bouar and in neighbouring
8 villages and were able to knock out the Seleka, so to speak. And you say that
9 the fighting in Bouar was intense because there was a Seleka based there under
10 the command of the general whom we have talked about, and that it was a logistics
11 base where Seleka was holding its weapons.

12 Now, going by the information available at the time, namely the period before
13 the onset of the hostilities in January 2014, did you know or did you hear that
14 Mr Ngaïssona and Bernard Mokom were involved in the preparation and
15 coordination of an attack against the Anti-Balaka allegedly taking place in Bouar
16 towards the end of October 2013?

17 A. [12:45:08] There was no coordination in place before the Anti-Balaka rose up
18 against the Seleka. There was no coordination in place. No one coordinated
19 anybody whosoever. You see, the Anti-Balaka phenomenon, well, maybe we are not
20 there yet and I would be willing to describe to you how this phenomenon was born.
21 Mr Ngaïssona and Mr Bernard Mokom were in Cameroon. I don't know exactly
22 where they were. Were they in Yaoundé or in Douala? I don't know. I don't
23 know where they were.

24 Now, to say that they are the ones who coordinated things from wherever they were,
25 and using whatever means I don't know, in order to cause an attack to occur in Bouar,

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1 you see, quite sincerely I can say that this is absolutely wrong. But I am waiting for
2 the question from you relating to how the Anti-Balaka was created, where
3 the inspiration came from. At that time I will answer your question. But it is
4 absolutely incorrect to say that Bernard Mokom and Ngaïssona were -- these were not
5 soldiers, by the way, they were senior officials of the presidential guard who were in
6 Cameroon. Those -- how is it that those people did not coordinate anything? How
7 is it that it would be only civilians, Ngaïssona and Mokom, who would organise
8 military operations? That is completely something else.

9 Q. [12:47:32] I'm sorry, I was just sorting through my questions and I believe I've
10 concluded. Thank you so much, Mr Witness.

11 I don't know whether we'll have a break now or we should --

12 PRESIDING JUDGE SCHMITT: [12:47:46] I think -- I think it makes sense to have
13 the break now.

14 And let me just suggest, if Mr Knoops is also fine with it, until 2 o'clock. Yeah?

15 Lunch break until 2 o'clock.

16 THE COURT USHER: [12:47:59] All rise.

17 (Recess taken at 12.48 p.m.)

18 (Upon resuming in open session at 2.01 p.m.)

19 THE COURT USHER: [14:01:25] All rise.

20 Please be seated.

21 PRESIDING JUDGE SCHMITT: [14:01:44] Good afternoon.

22 Given what has been said by Defence and Prosecution before the break, I think it's
23 enough when we have a one and a half hour session now and we finish at half past 3.

24 With that, I think I give the floor to Mr Knoops.

25 We are in open session.

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1 MR KNOOPS: [14:02:06] Yes, thank you, Mr President.

2 Mr President, before we start, my colleagues, Ms Vandeler and Ms Beaulieu, alerted

3 us to a transcript error on page 58 of the English real-time transcript, lines 16 till 19.

4 The two references to the allegations of P-1847 and P-2673 are the following: For

5 1847, his declaration, CAR-OTP-2061-1534, paragraphs 105 to 106 and 156; for P-2673,

6 it's CAR-OTP-2127-6435, page 6456, paragraph 134.

7 PRESIDING JUDGE SCHMITT: [14:03:15] Thank you very much. That is helpful.

8 So you have the floor, Mr Knoops.

9 MR KNOOPS: [14:03:20] Thank you.

10 QUESTIONED BY MR KNOOPS:

11 Q. [14:03:24] Mr Witness, my name is Alexander Knoops, I am one of the counsel

12 for Mr Patrice Ngaïssona. I'm an attorney at law and I'm also a military officer, and

13 from this position I thank you for your cooperation to come to the Court and share

14 your information with the judges from your perspective as a military officer and

15 sharing your knowledge with us.

16 In the session today - and most likely, the two sessions tomorrow morning - I would

17 like to discuss with you, Mr Witness, actually six topics and maybe already now, if I

18 go into the topics, that might reveal something about your identity.

19 So I think on the safe side is to go to private session, Mr President.

20 PRESIDING JUDGE SCHMITT: [14:04:34] Then we go to private session.

21 (Private session at 2.04 p.m.)

22 THE COURT OFFICER: [14:04:47] We are in private session, Mr President.

23 MR KNOOPS: [14:04:50]

24 Q. [14:04:51] So, Mr Witness, the first topic for this afternoon will be the inception

25 of the Anti-Balaka as a potential organisation at the border, and its operations - you

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1 mentioned hostilities - in specific (Redacted).
2 My second topic will be delving into the purpose of these operations.
3 Thirdly, the people who participated in those actions (Redacted). The
4 fourth topic will be the alleged role of Mr Ngaïssona and other people around the
5 border, vis-à-vis these operations.
6 Then my fifth topic will be the various allegations made against Mr Ngaïssona in
7 terms of organising these type of operations.
8 And my last topic will be (Redacted). You mentioned in your
9 statement about people, individuals, whose names we put to you in your statement.
10 So this is my overview, that's my plan of examination, and I hope that in the first
11 session of today we will continue and finish the first topic, that is the inception of the
12 organisation, as such, and its military actions.
13 Now, I start with your statement in the Defence binder, tab 4.
14 It's, for the judges, line 432.
15 In this statement, Mr Witness, you say that the uprising of militaries and civilians
16 were not prepared, not organised; there was no organisation at the border.
17 And then you say that you (Redacted) you mention the word
18 "*canalisé*" the people there to maintain order.
19 My question to you is: Can you explain to the judges what you meant with the
20 *canalisation* of the people who came to the border; how you performed this *canalisation*;
21 and then, automatically, I think you touched upon the question, yourself, before the
22 break, at page 68, line 11 -- 10 and 11 of the English transcript, you say: If I'm invited
23 to speak about how the Anti-Balaka was created, and from which it took inspiration.
24 And that's why I invite you to answer that question, but mainly from --
25 PRESIDING JUDGE SCHMITT: [14:08:46] Well, that is a bit -- a lot of things.

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1 First of all, Mr Witness, when you speak here of *canalisation*, what do you mean by
2 that?

3 THE WITNESS: [14:09:03](Interpretation) Thank you, your Honour. Well, when I
4 talked about channelling, I'm talking about an entire people who became angry
5 against a band of people who invaded the country - mercenaries - and the people had
6 no weapons. Admittedly -- well, they were armed, but I don't mean automatic
7 weapons, I'm talking about stones, sticks. And they squared off against the
8 mercenaries who had invaded our country. They had cudgels, as well.

9 So, when I talk about channelling, you see, (Redacted)

10 (Redacted)

11 (Redacted) And, given the context,

12 our country had been invaded. There was no longer any army. The international
13 forces were submerged. No third world country would come and assist the civilians;
14 they were cast aside. And then when these people decided to say no -- to say no to
15 these mercenaries, as a gendarme, I said to myself, "I have to be with them, stand
16 alongside these people, and even if the very last drop of my blood might be shed".

17 (Redacted)

18 (Redacted) and I

19 had to warn them, watch out. You have to know who your targets are. Do not
20 steal. Do not kill civilians. Do not engage in any form of barbaric acts. So this is
21 what I was telling people each and every time I could. So that is what I mean by
22 channelling.

23 PRESIDING JUDGE SCHMITT: [14:11:58] And Mr Knoops already mentioned it,
24 and I think it sort of naturally leads to this question, what has this channelling, or this
25 process that you observed and you were then involved, could you describe what this

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1 has to do with the upcoming of the group called Anti-Balaka?

2 THE WITNESS: [14:12:20](Interpretation) Thank you, your Honour. As far as I'm

3 concerned, personally, I am telling you - and I swore an oath before I began to testify

4 today - it was divine inspiration. The birth of the Anti-Balaka movement was based

5 on divine inspiration, and today, before this Court, the question has been put to me.

6 No administrative or political authority in the Central African Republic ever asked

7 me how the Anti-Balaka came to come into existence, ever since the time of the events

8 that I've told you about, your Honour, and I thank you for everything that you're

9 doing for my country. I reiterate, it was based on divine inspiration.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 One afternoon, Mr President, I was tired, exhausted, hungry. I was sleeping in my

19 room and, I tell you, the good lord heard me. A white bird appeared before me in

20 the room and the bird spoke to me. Thank you. Thank you. I feel as if I -- as if I

21 need to cry.

22 PRESIDING JUDGE SCHMITT: [14:15:16] Mr Witness, when you think you need a

23 short break, please raise your hand and let us know. Otherwise, can we continue

24 with the questioning?

25 I think it's good to let the witness have a couple of minutes and then we continue.

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1 And, Mr Knoops, you have heard the answer. I think that the two that were in your
2 question are already addressed. Okay.

3 Let's have five minutes.

4 THE COURT USHER: [14:15:51] All rise.

5 (Recess taken at 2.15 p.m.)

6 (Upon resuming in private session at 2.24 p.m.)

7 THE COURT USHER: [14:24:44] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [14:25:08] Mr Witness, I hope these couple of
10 minutes of break where you could be with yourself helped a bit.

11 THE WITNESS: [14:25:32](Interpretation) Thank you, your Honour. It helped me a
12 great deal.

13 PRESIDING JUDGE SCHMITT: [14:25:37] We are happy to hear that.

14 Now, a follow-up question: when you have spoken before the break about how the

15 Anti-Balaka came to pass, are we still -- at what time are we speaking, do you recall

16 that? (Redacted) Are we still during that time frame?

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [14:26:29] Thank you for that clarification.

20 Excuse me, Mr Knoops, but I think you would have asked it perhaps anyway, or

21 Mr Garcia would have been standing up and would have demanded to ask it.

22 Please, Mr Knoops.

23 MR KNOOPS: [14:26:43]

24 Q. [14:26:50] Mr Witness, we have read in your statement, in lines 392 till 399, that

25 (Redacted)

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1 (Redacted)

2 Could you enlighten us on the question, how did this process evolve from civilians
3 coming to the border in the context of the uprising towards (Redacted)

4 (Redacted)

5 A. [14:27:52] The movement at the border was a popular movement. As soon as
6 hostilities commenced, many Central Africans who had *sought refuge on the
7 Cameroonian side slowly started * to come to the border in order to go over into the
8 Central African Republic.

9 And so, this flow of people came from all directions. This flow came from all
10 directions. Other Central Africans went out into the bush. Some came via the main
11 roads. So to tell you that the Central Africans came from everywhere and the
12 Central Africans who were on the Cameroonian side sought refuge in the bush,
13 (Redacted), they mobilised in order to go to the border and try and push those
14 Seleka mercenaries out of the country.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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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 A. [14:32:12] (Redacted) Now, when Djotodia

14 stepped down in N'Djamena, immediately the people began hostilities. So it was

15 known, this date you mentioned, that would be, I would say, within that time frame,

16 within a few days of that the people became angry and rose up and decided to get the

17 country back on --

18 MR GARCIA: [14:32:45] Your Honour?

19 PRESIDING JUDGE SCHMITT: [14:32:52] Yes, please move on, Mr Knoops.

20 Mr Garcia?

21 MR GARCIA: [14:32:58] Just to avoid any issues afterwards, because I've noticed

22 that two issues have now become intertwined in the questioning which could

23 cause -- in my opinion, could cause confusion.

24 The question that Mr -- Defence counsel has been putting is when (Redacted)

25 (Redacted) and there's also the secondary question that

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1 the witness seems to be responding to as to when the uprising occurred. The
2 question --

3 PRESIDING JUDGE SCHMITT: [14:33:23] No, but you don't have to interpret that.

4 The witness -- the witness is, what is understandable, after more than 10 years, not
5 absolutely sure about dates and we have asked him about the uprising and I have
6 asked him actually, and he said not -- I suggested (Redacted) and he said it was later.
7 And he also answered now to the formation of his group after the -- after Mr Djotodia,
8 and we don't have to clarify further.

9 MR GARCIA: [14:33:53] That's just what I wanted to raise with the Chamber.

10 When I look at the questions and the answers, it seems like there is a certain degree
11 of --

12 PRESIDING JUDGE SCHMITT: [14:34:02] Like always with transcripts and what
13 witnesses say specifically, we will have to analyse and it and we will have to try to
14 find out what the witness has said.

15 Mr Knoops.

16 MR KNOOPS: [14:34:20]

17 Q. [14:34:20] Mr Witness, can you explain to us in your recollection (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [14:36:00] Did you ever hear or learn that these people in this group who came
4 to the border were instructed by some kind of authority to go there?

5 A. [14:36:34] I never learned of any such thing. I was there. Even the ones who
6 had come, none of them told me that they had received an order from such and such a
7 person to come*.

8 PRESIDING JUDGE SCHMITT: [14:36:50] That was the question, Mr Witness. Do
9 you have any information that these people did come on the orders of anybody?
10 Did you have any information in that regard?

11 THE WITNESS: [14:37:06](Interpretation) I don't have any information along those
12 lines. But those people who came, what I know about them is that, well, we
13 shared -- well, listened through them, I heard that they were tired of being over in
14 Cameroon. They were trying to get back to their country, to the Central African
15 Republic. They were tired of living over there. That's what most of them were
16 saying.

17 PRESIDING JUDGE SCHMITT: [14:37:39] Thank you.

18 Mr Knoops, I think you can move on.

19 MR KNOOPS: [14:37:42] Yes.

20 Q. [14:37:45] In your statement, Mr Witness, lines 353 and 354, you say, and I quote,
21 that only a few people came from Cameroon.

22 Now, if you would make an estimation (Redacted)

23 (Redacted)

24 (Redacted) Would you say it was the minority or it was
25 the majority?

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1 A. [14:39:05] It was a minority that had come from the Central African Republic.
2 Most of those people were just trying to get back to Bangui. Most of those people
3 were just trying to get back to Bangui.

4 Q. [14:39:19] I have to make a correction for the transcript of the hearing.

5 It's line 408 till 409, where you say, Mr Witness, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Speaks English) Mr Witness, this morning when you were examined by my

9 colleague Ms Vandeler, you said in your evidence - it's the English real-time

10 transcript T-44, line 24 till 25, none of the soldiers came from Cameroon to attack the

11 Seleka positions, and you said: "I didn't see soldiers crossing the border to go and

12 attack the Seleka".

13 (Redacted)

14 Now, my question so you is: Mr Witness, did you at that time (Redacted)

15 that the military on the CAR side were in connection with the military on the

16 Cameroon side, in terms of coordinating the hostilities or the military operations?

17 A. [14:41:09] At that time, the Central African Republic army did not exist. The

18 army did not exist. The FACA did not exist. The Seleka were the lords and

19 masters.

20 Q. [14:41:33] Let me put the question differently then. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [14:41:56] (Redacted)

25 (Redacted)

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1 (Redacted) I'm not aware of
2 that. I was not informed of that.
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
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1 (Redacted)

2 Q. [14:45:59] Mr Witness, could you do us a favour. In our Defence binder we
3 have tab 12. It's -- maybe it can be displayed to the witness. It is --

4 PRESIDING JUDGE SCHMITT: [14:46:12] It is CAR-OTP-2046-0633.

5 MR KNOOPS: [14:46:17] Exactly.

6 PRESIDING JUDGE SCHMITT: [14:46:19] And it's a map of at least parts of the CAR.
7 And you can then ask the witness.

8 MR GARCIA: [14:46:31] Yes, I understand. Just -- there is a signature at the bottom
9 with a date as well. I'm not sure that should appear.

10 PRESIDING JUDGE SCHMITT: [14:46:41] Well, it is -- it's not displayed anyway,
11 publicly, I think.

12 MR GARCIA: [14:46:45] I'm speaking for the witness, your Honour.

13 PRESIDING JUDGE SCHMITT: [14:46:47] Well, let me put it this way: This seems
14 to be an official card of the CAR, so I don't see why this should be a problem
15 but -- unless the Prosecution does not say it's perhaps fabricated, the map, which I
16 don't assume.

17 MR GARCIA: [14:47:13] It's just -- it's just the question, your Honour, of identifying
18 who would have provided that. And that's the issue, and it is the issue with
19 other -- there's another one as well that has a signature, so --

20 PRESIDING JUDGE SCHMITT: [14:47:22] If you -- if you --

21 MR GARCIA: [14:47:24] Just in case.

22 PRESIDING JUDGE SCHMITT: [14:47:25] Then -- then let's --

23 MR GARCIA: [14:47:26] That's the reason why I'm rising.

24 PRESIDING JUDGE SCHMITT: [14:47:28] Yes. We play it then without the
25 signature -- display without the signature.

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1 MR KNOOPS: [14:47:38] Mr President, the witness can also be shown the upper part
2 of the territory, because the question will be if he can --

3 PRESIDING JUDGE SCHMITT: [14:47:45] We have it now on the screen, and you
4 can ask the witness or -- that he can -- that he can perhaps --

5 MR KNOOPS: [14:47:53] Yes.

6 Q. [14:47:55] Mr Witness, could you -- Mr Witness, could you please annotate on
7 this card (Redacted).

8 Maybe the court officer can zoom the card in. A little bit lower, please. Much
9 lower, *s'il vous plaît*.

10 A little bit lower, because we look --

11 A. [14:48:49] There we are.

12 PRESIDING JUDGE SCHMITT: [14:48:51] And perhaps you describe where
13 you -- (Redacted). Tell us
14 perhaps the towns so that we can have an idea.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [14:49:59] That's very clear. Thank you very much,
22 Mr Witness. And we don't need to mark something here because it is clear from the
23 names of the villages that the witness mentions.

24 You can continue, Mr Knoops.

25 MR KNOOPS: [14:50:21]

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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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: [14:52:18] Mr Knoops.

18 MR KNOOPS: [14:52:19]

19 Q. [14:52:20] And would you say, Mr Witness, if a person with the profile of

20 Mr Ngaïssona would have visited the border (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [14:52:37] An individual such as Mr Ngaïssona, wherever he would go (Redacted)

24 (Redacted)

25 (Redacted) who might have, from far or close, looked like Mr Ngaïssona.

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1 Q. [14:53:24] Now, Mr Witness, I move now to a second topic, still about the
2 inception of the group. (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)
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20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25

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12 Page redacted

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:01:56] It's for the record, Mr President, P-2673, transcript T-041, English

10 version, pages 44 till 45.

11 (Redacted)

12 (Redacted)

13 A. [15:01:56] (Redacted)

14 (Redacted) I did not know them. I don't know them.

15 Q. [15:03:15] Just for the Court's reference again, P-2673, transcript T-041, English

16 version, page 20. And the other reference is P-1719, transcript T-143, English version,

17 page 18. That's the second reference.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:05:31] Mr Witness, I would like to show you two documents and ask your

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1 comment after having you review these documents.

2 The first one is in our Defence binder, tab 5, CAR-OTP-0080-0821. I ask you to read
3 the last paragraph of this page and, if you have read it, I will ask you to read the
4 second portion of the document.

5 PRESIDING JUDGE SCHMITT: [15:07:15] Mr Witness, were you able to read the
6 passage on your screen?

7 THE WITNESS: [15:07:23](Interpretation) Yes, your Honour. I have read it.

8 PRESIDING JUDGE SCHMITT: [15:07:26] Mr Knoops, immediately a question or do
9 you want to prepare it with another portion of the document?

10 MR KNOOPS: [15:07:32] No, I think it's --

11 PRESIDING JUDGE SCHMITT: [15:07:33] Please then -- please then put the question
12 to the witness.

13 MR KNOOPS: [15:07:36] Yes.

14 Q. [15:07:36] (Redacted)

15 (Redacted) What do you

16 say about the information contained in this last paragraph about Mr Bozizé and
17 Ngaïssona financing from a distance the events?

18 PRESIDING JUDGE SCHMITT: [15:08:10] Do you have any information that would
19 point to the correctness of this passage here? Do you have any information in that
20 regard?

21 THE WITNESS: [15:08:22](Interpretation) Thank you, your Honour.

22 These are suppositions. What they have written here never took place. Never will
23 you see here about the ideals and the insecurity in the country. This just never
24 actually took place, not a single example of this.

25 Where did those people finance it? What about the traceability of the money?

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1 Where did it take place?

2 You know, it's all superstitions. People... special intelligence reports, just so that they
3 could win the trust of the ministers and get positions. This kind of thing happens
4 constantly in our country. Everything that was written here never happened.* None
5 of it ever happened. (Redacted)

6 (Redacted)

7 (Redacted) So there you are, your Honour. These are just superstitions. It
8 never took place.

9 PRESIDING JUDGE SCHMITT: [15:09:50] Thank you. Mr Knoops.

10 MR KNOOPS: [15:09:51]

11 Q. [15:09:52] Mr Witness, could you please look at the next page, 0822, and then
12 the -- just the title of that section in this document, and the last sentence which starts
13 with:

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [15:10:50] Well, I think it's not on the screen for the
22 witness. We have to go to the bottom of the screen.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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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 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [15:12:57] Yes, that's very clear, I think.

16 Mr Garcia?

17 MR GARCIA: [15:13:03] Your Honour, just so there's not any confusion here, but I'm
18 not sure if the witness has had a chance to --

19 PRESIDING JUDGE SCHMITT: [15:13:07] That's not important. No, no, we don't
20 interfere. The witness has clearly -- the question was, and counsel of the Defence is
21 conducting the interrogation -- the question was if what he says to the information
22 that he is mentioned, and on the bottom of this page under 1.2, as part of the faction
23 of pro-Bozizé. And this -- this the witness has answered. So we continue,
24 Mr Knoops.

25 MR KNOOPS: [15:13:32]

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1 Q. [15:13:34] The second document -- but in order to save time, I will just refer --

2 PRESIDING JUDGE SCHMITT: [15:13:41] I think if the document refers to the same
3 question that you want to put to the witness, then, please, we can spare the time and
4 you simply put it on the record, please.

5 MR KNOOPS: [15:13:51] Yes. It's Defence tab 6, Mr President, CAR-OTP-0080-0840.
6 And it's at page 0844, at the top, where it's again an intelligence note to -- or from the
7 minister of public security. It's intelligence note number 002. And it says at 0844, at
8 the top (Redacted)
9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [15:14:36] Okay. Fine. Please move on.

11 MR KNOOPS: [15:14:39]

12 Q. [15:14:39] And my question to you on this document, Mr Witness, is only:
13 (Redacted)

14 A. [15:14:52] (Redacted) I've never seen him. We
15 never talked to each other. I do not know who he is.

16 Q. [15:15:14] Thank you. Now I move to the next topic: (Redacted)
17 (Redacted)

18 I've noticed, Mr Witness - and it's not that I would enter with you in a legal discussion,
19 but I noticed that in your statement, lines 423-430, you refer to Article 51 of the UN
20 charter, the right to self-defence.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [15:16:43] (Redacted)
2 (Redacted) even though when
3 the Seleka had entered Bangui, everything Muslim was Seleka. They openly, publicly,
4 shared and they even demanded 50 years of reign throughout the entire city. They
5 demanded to reign for 50 years throughout the entire Central African Republic. But,
6 you see, the Muslims of the Central African Republic were naïve and so they accepted,
7 because it was religion. They accepted their fellow Muslims who had come. But the
8 goal of our movement was merely to drive out these mercenaries who had invaded us
9 from outside our country, to drive them out of the country*.
10 It was not a war. It was not a matter of revenge against the Muslims of the Central
11 African Republic; it was the mercenaries who had invaded our country.
12 The objective of the movement was to drive out all of these mercenaries who had
13 come into our country, to Bangui, who had killed, who had looted, who had raped
14 our sisters and our mothers. Our movement was never against -- it was never
15 opposed to Muslim civilians. No, that was not the case.
16 Admittedly, the UN charter that you have is clear: When a people is attacked, that
17 people is entitled to organise and defend themselves. There was no longer any army.
18 There was no government in place. No one from the international community was
19 coming to the assistance of the civilian population, so that is why we committed to
20 organising ourselves and defending our country. But it was not to kill Muslims.
21 We were solid -- we were with them. (Redacted)
22 (Redacted)
23 My -- the movement was made out to be some sort of demon, but I can tell you the
24 people came -- you see, they tried to discredit the movement. But this was a
25 movement of patriots, of revolutionaries, who said no to these mercenaries. If we

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1 allow them to reign free, that will be the end of it, but we never fought Muslim
2 civilians. We never made -- we did never -- we never took revenge against Muslim
3 civilians. All of that are lies.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [15:22:16] Mr Witness, before we break at 3.30 (Redacted)

15 (Redacted) I would like to show you a

16 document which we retrieved. It's tab 17 in our Defence binder, 1-7 -- actually, it's a
17 cover letter of the prime minister of 5 March 2014, CAR-OTP-2100-1680.

18 If we could show this first to the witness. It refers to multiple exactions committed
19 by the ex-rebels of the Seleka in various locations, among which Bouar, Baboua --

20 (Counsel confers)

21 PRESIDING JUDGE SCHMITT: [15:23:32] Can you perhaps tell us, Mr Witness - you
22 are a quick reader, I recognise it - can you perhaps tell us if you have specific
23 information on these exactions regarding to the sector where you were at the time and
24 had knowledge of?

25 THE WITNESS: [15:23:48](Interpretation) The exactions were not just in those places,

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1 it was throughout the entire territory. As you saw, it was nationals of these places,
2 inhabitants, who informed the prime minister. But it was everywhere, even in
3 Bangui -- even in Bangui.

4 So, indeed, in 2014, that was the situation. There were some little groups of Seleka
5 elements who had managed to set themselves up in the outskirts of various towns,
6 heavily armed and they continued their operations in those areas.

7 So, yes, yes, I was aware of these exactions.

8 MR KNOOPS: [15:24:51]

9 Q. [15:24:52] Would you be so kind, Mr Witness, to look at the pages following this
10 letter of the prime minister, at 1681. You see in the first, it's a report by the
11 inhabitants of the sous-préfecture de Ngaoundaye and they, in the first paragraph
12 and second paragraph, refer to all the municipalities within which those exactions
13 were reported by the Seleka, among which, in the second paragraph (Redacted)
14 (Redacted)

15 I believe it's on your screen.

16 My question to you, sir, is, do you see here that the inhabitants of that sous-préfecture
17 refer to exactions on 20 November -- (Redacted)
18 (Redacted)

19 We will speak about that tomorrow, but in terms of the timing of the events, would
20 you agree that the reference to (Redacted) where the exactions of Seleka were
21 reported by these inhabitants (Redacted)
22 (Redacted) Is that the correct timing?

23 A. [15:27:00] No. It was clear in the document here, they were Chadians -- Selekas
24 from Chad who had come in and they realised that the situation was no longer in
25 their favour and they tried to go back home. And, as they were heading back, that is

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1 when they committed these exactions.

2 We are talking about areas on the border with Chad. They had totally lost. They
3 had come, they tried to do what they did, then they withdrew. They -- that is when
4 they committed those exactions. It wasn't a matter of reprisals.

5 On their way back, as they met people along the way, they committed exactions. It
6 was on their way back. It wasn't reprisals. They were driven back and on their
7 way back, even as they were leaving, they were doing the same things as they went
8 back.

9 Q. [15:28:09] The exactions which are mentioned here in this report of the
10 inhabitants of the sous-préfecture, according to your information, took also place
11 (Redacted)

12 A. [15:28:40] Everything began (Redacted) not before. Everything began. In the
13 document, it says that everything started (Redacted) when the first wave of Seleka
14 elements (Redacted) and so on and so forth. But then
15 they went back.

16 So, you see this document shows that everything started on (Redacted) not before
17 that time.

18 Q. [15:29:17] My last question before the break, Mr Witness, is relating to page 1682,
19 it's the third and fourth paragraphs. The third paragraph is referring to a situation
20 which is catastrophic for the population, and the fourth paragraph refers to the
21 representatives of the sous-préfecture regret that the population is without protection.

22 An appeal is made to the transitional authorities.

23 My question to you is this report of the representatives of the sous-préfecture de
24 Ngaoundaye reflects your experience at that time, the way they described the
25 situation?

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1 A. [15:30:39] Indeed. That's what actually happened. The Seleka, once they
2 realised that Djotodia had packed up and that the entire population had risen up and
3 were asking for mercenaries to leave the territory, they began to do many things,
4 many things, that is true.

5 And it was everywhere throughout the entire territory. The population were left to
6 their own fate. Even with the arrival on 20 March of 2013, the people were
7 abandoned after the nine months of Djotodia being in power. After that, the people
8 were just left, abandoned. There was more and more discontent and perhaps
9 Ngaoundaye's representative did not realise that ever since the Seleka took power in
10 Bangui, ever since that time, the entire population throughout the entire country was
11 just abandoned, left to their own devices*. There was no MISCA, there was no
12 international community, nothing for the civilian population.

13 Q. [15:32:09] The last sentence, Mr Witness, of this document, this appeal on the
14 commanders of the French army, the Sangaris and MISCA to actually make an end of
15 these exactions, what is your experience with the potential intervention of these forces
16 to protect the population?

17 A. [15:32:33] That never happened. That never happened. In 2014, when the
18 Sangaris troops were there, they were just in Bangui. They were insignificant. A
19 few experts were travelling about to various towns, but until the end of 2014 -- well,
20 then things began to improve, thanks to Bozizé returning and calling out, and calling
21 people, calling both parties saying that the hostilities should end.

22 Late 2013-2014, that is when the tensions lessened. Neither the Sangaris nor the
23 MISCA responded to this call.

24 THE INTERPRETER: [15:33:41] Interpreter correction: The person mentioned in
25 the witness's response was Mr Ngaïssona, when Mr Ngaïssona returned quickly to

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- 1 Bangui.
- 2 MR KNOOPS: [15:33:57] On that matter, we might continue tomorrow, Mr President.
- 3 PRESIDING JUDGE SCHMITT: [15:34:01] Yes, okay. That's a natural break, so to
- 4 speak. This concludes the hearing for today. Everyone -- Mr Witness, we thank
- 5 you for your patience but it's not over yet. We reconvene tomorrow at 9.30.
- 6 THE COURT USHER: [15:34:13] All rise.
- 7 (The hearing ends in private session at 3.34 p.m.)