

Trial Hearing
WITNESS: CAR-OTP-P-2625

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 24 January 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:34] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:00] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:05] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:21] Thank you.
21 The appearance of the parties seems quite the same for the Prosecution.
22 MR VANDERPUYE: [9:32:26] It is, indeed.
23 Good morning, Mr President. Good morning, your Honours.
24 Good morning, everyone.
25 Good morning, Mr Poussou.

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- 1 We're in the same configuration as yesterday, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [9:32:36] Yeah.
- 3 Ms Massidda.
- 4 MS MASSIDDA: [9:32:38] Good morning, Mr President, your Honours. The team
- 5 representing victims of the other crimes is also the same composition as yesterday.
- 6 PRESIDING JUDGE SCHMITT: [9:32:47] And Mr Suprun is also in the same
- 7 composition.
- 8 MR SUPRUN: [9:32:50] Good morning, Mr President, your Honours. No changes,
- 9 indeed. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:32:54] Ms Dimitri, you are together with
- 11 Ms Casiez?
- 12 MS DIMITRI: [9:33:01] Indeed, Mr President, same composition.
- 13 PRESIDING JUDGE SCHMITT: [9:33:02] And Mr Knoops. There -- I think that's
- 14 not one and one -- one-on-one the same.
- 15 MR KNOOPS: [9:33:06] No, Mr President. We have just one change,
- 16 Ms Chiara Giudici, is joining us today instead of Ms Sara Pedroso. For the rest, we
- 17 are in the same composition as yesterday.
- 18 Good morning, everyone.
- 19 Good morning, Mr Poussou.
- 20 PRESIDING JUDGE SCHMITT: [9:33:20] Thank you.
- 21 And, of course, good morning, Mr Poussou. I hope very much, on behalf of
- 22 the Chamber, that you had a good time to rest.
- 23 WITNESS: CAR-OTP-P-2625 (On former oath)
- 24 (The witness speaks French)
- 25 THE WITNESS: *Bonjour, Mr Président.*

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1 PRESIDING JUDGE SCHMITT: [9:33:23] And you know that, with all probability,
2 this will be your last day in this courtroom, which you would, I think, appreciate.
3 And I also have heard that you brought -- or you found a newspaper article that we
4 were talking about.

5 Mr Vanderpuye, Mr Knoops, how do we handle that sensibly?

6 MR VANDERPUYE: [9:33:50] I think, Mr President, it's enough that he produces it
7 in the court. The Registry can mark it with a Registry registration number. And
8 then if Mr Knoops examines on it or (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [9:34:02] Well, and to give Mr Knoops the chance
10 to -- I think we will have a break later on, so if you want to have a look at it more
11 closely, and if questions from that derive so that you have the opportunity,
12 Mr Knoops. I think that that's fine. Yeah?

13 MR KNOOPS: [9:34:20] Thank you, Mr President. Good morning. Yes.

14 PRESIDING JUDGE SCHMITT: [9:34:26] So I understand that it becomes an ERN
15 number, yeah? And so that -- that we have it on the record and we put it on
16 the record. And I think it's not necessary that we now look at it, that would be
17 my -- my opinion, unless Mr Knoops thinks later on in his examination you would
18 want to refer to it or you want to put questions with regard to it. Yeah.

19 So I give Mr Knoops the floor for the continuation of his examination.

20 MR KNOOPS: [9:34:55] Thank you very much, Mr President.

21 QUESTIONED BY MR KNOOPS: (Continuing)

22 Q. [9:35:00] Good morning, Mr Poussou. We're --

23 A. [9:35:02] Good morning, Counsel.

24 Q. [9:35:07] Good morning. We're still in France, in October, August-October 2013,
25 of course, fictitiously speaking.

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1 Now, after the second meeting you had in hotel -- in a hotel close to
2 the Champs-Élysées in August 2013, you did say that you went to a cafe in Paris
3 where you met or where you spoke further with Mr Ngaïssona and Mr Yvon Songuet.
4 And it was in the English real-time transcript of 17 January, page 45, line 10 till 15.
5 At that moment - that was your evidence on 17 January - Mr Ngaïssona would have
6 said that he was responsible for the upkeep of the children. You can, of course,
7 recall this evidence.
8 However, we looked again at your statement of 2019, paragraph 98 - and perhaps that
9 can be displayed for the witness. It's Prosecution tab 45 - where you address in 2019
10 the meeting in a cafe in Paris close to the Champs-Élysées.
11 Maybe you can, Mr Poussou, have a look at that paragraph which is what is said, 98.
12 And you will see that you spoke in 2019 of this encounter there.
13 You refer also to Mr Ngaïssona saying that the -- things progressed well on the
14 ground, but that when he, Ngaïssona, would return to Cameroon, he would probably
15 receive more details. That was your statement in 2019.
16 Well, we can see from this statement that you, at that time, did not assert that
17 Mr Ngaïssona, during that conversation in that cafe, said that he was responsible for
18 the upkeep. And also here you did not amend your statement on 13 January of this
19 year, three days before your testimony.
20 Why did you not say this in 2019, or in the reviewing of your statement on 13 January?
21 That's my question.
22 A. [9:38:56] Thank you, Counsel.
23 I see that you're translating my statements freely and you're giving them your own
24 meaning. I believe that what I said in front of this Court on 17 or 16 January is
25 directly aligned with what I said in 2019. There were no modifications. It is exactly

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1 what I've already said. There can be some small variations, but it's a difference in
2 wording. The meaning is the same. So I don't know what I should answer you.

3 PRESIDING JUDGE SCHMITT: [9:39:55] The question, Mr Poussou, I think, directs
4 that you did not specifically provide this detail at the time. This can have a lot of
5 reasons. This is -- this is what Mr -- what Mr Knoops has said.

6 MR KNOOPS: [9:40:16] Well, we all can see, Mr Poussou, what's in the statement, 98,
7 paragraph 98.

8 PRESIDING JUDGE SCHMITT: [9:40:22] Yeah. So -- but -- yeah. But I have
9 another question.

10 When you say in this paragraph 98, Mr Poussou, that Mr Ngaïssona said the things
11 well progressed on the ground, that's a free translation by me. And we have here
12 "*sous-entendu militaires*". How did you come to conclude that? It seems to be
13 a conclusion and not what you -- what you heard specifically, or what has been told.
14 How did you come to this conclusion?

15 THE WITNESS: [9:41:02](Interpretation) Thank you, Mr President.

16 I reached this conclusion because, as I've already said, Mr Ngaïssona had let it be
17 understood that he had been speaking with Maxime Mokom; Maxime Mokom, who
18 turned out to be an Anti-Balaka leader. And after having spoken to him, he told us
19 that things were moving forward smoothly. So the conclusion I drew from this was
20 that this was about military matters, about military preparations which were
21 progressing well. Otherwise, there would have been no reason to say that things
22 were progressing smoothly.

23 PRESIDING JUDGE SCHMITT: [9:41:50] Mr Knoops.

24 MR KNOOPS: [9:41:52]

25 Q. [9:41:52] I believe, Mr Poussou, you testified earlier yesterday that you did not

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1 meet Mr Maxime Mokom. How did you know that he was leading an Anti-Balaka
2 faction at that time?

3 A. [9:42:28] Counsel, all of the Central African Republic - let me stress this - all of
4 the Central African Republic knew who the Anti-Balaka leaders were on the ground,
5 and Maxime Mokom was one of them. I didn't need to meet him personally to know
6 him or to know who he was. And so I knew at that time, since this was public
7 knowledge at the time, this is information that was part of the public debate, I knew
8 who Maxime Mokom was.

9 And when the person he was speaking to finished talking to him and stated that he'd
10 been on the phone with Maxime Mokom, well, I knew at the time who
11 Maxime Mokom was, that he was an Anti-Balaka leader.

12 Q. [9:43:23] You were, in this same connection, asked by the Prosecution if anyone
13 else was involved in providing money, and the question was asked on page 47 on
14 17 January, lines 15 till -- 14 till 15.

15 And your answer was: "Yvon Songuet also said he was putting a lot of money into
16 that project, Bozizé's project for power."

17 And you also said he showed you receipts of money transfers from Western Union.
18 Transcript page 48, lines 2 till 5 of the English real-time transcript.

19 Now my first question to you, Mr Poussou, was this all happening in this cafe in Paris
20 where, what you say, Yvon Songuet showed you those receipts in that cafe?

21 A. [9:44:42] That's indeed the case.

22 Q. [9:44:47] So it's your evidence that he just took those receipts out of his pocket to
23 show you that he was putting money in this project. That that's the way it
24 happened?

25 A. [9:45:04] Counsel, I'd like to say the following: Yvon Songuet, may he rest in

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1 peace, was a friend of mine, a great friend of mine. And it's difficult for me to talk
2 about him, to sully his memory by continuing to speak of him in front of this court.
3 I can confirm that when we were in that cafe, Yvon Songuet did not pull out these
4 Western Union receipts from his own pocket, but from a briefcase that he had with
5 him at all times.

6 Q. [9:45:58] And it's your evidence that you saw those Western Union transfers.
7 And please tell us what did they reflect, if you can remember.

8 A. [9:46:23] I do not understand what you mean by this question.

9 PRESIDING JUDGE SCHMITT: [9:46:27] Mr Knoops.

10 Mr Poussou, we have not been there. We have now understood that in this cafe, out
11 of a briefcase Mr Songuet took out these Western Union receipts. The question is did
12 you have a look at it? Did you have a closer look so that you could recognise some
13 details that you today would remember what -- that that is the question.

14 THE WITNESS: [9:47:02](Interpretation) Thank you, Mr President.

15 When he took out these Western Union receipts, I didn't say that he gave me them,
16 I didn't say I had touched them. But what I could see was that they were Western
17 Union receipts, they bore the Western Union logo. So, as far as I was concerned,
18 these were Western Union receipts. I did not see who had sent them or who they
19 were sent to. Nevertheless, these were Western Union receipts and he was saying
20 that "I am putting a lot of money into this case."

21 PRESIDING JUDGE SCHMITT: [9:47:53] Thank you, Mr Poussou. I think now
22 the situation is clear. Thank you.

23 MR KNOOPS: [9:47:59]

24 Q. [9:48:02] Were you able to see any of the -- perhaps the amounts? Can you
25 recall any of the amounts which were receipts? It's a long time ago, I understand.

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1 But maybe you can tell us a little bit more about some of the amounts which you
2 might recall.

3 A. [9:48:26] I've already answered this question, Counsel.

4 PRESIDING JUDGE SCHMITT: [9:48:29] So this -- this does mean no, I think,

5 Mr Poussou. You haven't looked at the details.

6 Mr Knoops.

7 MR KNOOPS: [9:48:39]

8 Q. [9:48:39] Can you recall, Mr Poussou, how many of those --

9 A. [9:48:43] Not in that cafe. Not in that cafe. I did not see the amounts in that
10 cafe.

11 PRESIDING JUDGE SCHMITT: [9:48:50] Well, when you -- excuse me, Mr Knoops,
12 if you allow me.

13 When you point out that "not in that cafe", the following question is -- is relatively
14 clear: Did you come to know later on who were the recipients, who was the sender.
15 And more details also, perhaps, with regard to the amount of money, later on? Did
16 you have a chance to -- to get this information?

17 THE WITNESS: [9:49:26](Interpretation) When I was in Bangui, when I was working
18 for the government before my interview for RFI, President Djotodia showed me
19 a series of Western Union receipts on which * you could see amounts ranging from
20 800,000, from one million. They varied. And some of these amounts of money
21 were sent to Olivier Koudemon - I recognised his name - to people like that. This is
22 something that happened 10 years ago. So, of course, there are other names that
23 I don't remember. And that's why I said publicly on RFI that we knew that Bozizé
24 and people close to him were sending money to accomplices on the ground. This is
25 what I said and that was the official position of the government, which I stand by.

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1 PRESIDING JUDGE SCHMITT: [9:50:23] Mr Poussou, you are perfectly right when
2 you say this was 10 years ago. And it's amazing how witnesses, including you,
3 remember so many details. But, you know, as a court of law, we have to try to
4 determine the truth and we're always trying to get more and more details so. And
5 sometimes with a flow, so to speak, of a testimony, more details appear. Yeah.
6 Sometimes not, but we have at least to give it a try.

7 Mr Knoops, please continue.

8 MR KNOOPS: [9:50:56]

9 Q. [9:50:57] Mr Poussou, still in the cafe nearby the Champs-Élysées where you
10 portray that the meeting was to be continued, did Mr Songuet hand over those
11 Western Union receipts to you? I mean physically.

12 A. [9:51:30] I have already answered this question, Counsel. Less than a minute
13 ago.

14 PRESIDING JUDGE SCHMITT: [9:51:37] So, Mr Poussou, it's -- sometimes counsel,
15 and also sometimes judges, repeat questions. And that's not, let's say, that's not
16 disrespectful. You can simply say still no, for example, in that regard.

17 So, yeah, please, Mr Knoops.

18 THE WITNESS: [9:51:59](Interpretation) No, he did not hand them over to me. No.
19 Not in that cafe.

20 MR KNOOPS: [9:52:07]

21 Q. [9:52:07] Did he at any moment in time later give you copies of Western Union
22 receipts? I speak about Mr Songuet.

23 A. [9:52:26] Yes, later on when we were colleagues at the government, he put to my
24 disposal a certain number of receipts that he'd sent in this situation and he
25 showed -- he said that this Anti-Balaka issue had ruined him. And so he -- so these

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1 receipts were in the file that I'd made and which I no longer have.

2 So there has to be a distinction made between what happened in that cafe then and
3 what happened afterwards, because the situation is dynamic, it's not static. Thank
4 you.

5 Q. [9:53:08] And the Western Union receipts you were handed by Mr Songuet
6 when you were with him in the government, were these Western Union receipts
7 amongst the files you kept in a house in Paris, in France, where you told about --

8 A. [9:53:31] That is what I just said. That is what I just said. That's what I said at
9 this very moment.

10 Q. [9:53:38] And these are also the Western Union receipts which you asked to be
11 get rid of or destroyed after the search in your house, I understand, correct?

12 A. [9:54:04] I asked this person who had the files to get rid of them. So whether
13 they were destroyed or not, in any case the person did get rid of all of this.

14 Q. [9:54:26] Mr Songuet, as you just describe, was a great friend of you. You
15 describe on 17 January before the Court in transcript page 47, line 19, that you were
16 quite, quite close with him. So is it correct that he would entrust you a lot of what
17 happened in his life, or in his career?

18 A. [9:55:15] He didn't need to speak to me of his life or his career. But
19 nevertheless he remained a great friend and remains so today.

20 Q. [9:55:29] You wouldn't describe him as a person who fabricated things, like
21 Mr Kokate you mentioned yesterday in this court, speaking about Mr Songuet?

22 A. [9:55:49] He is a perfectly respectable and trustworthy person, a serious person.

23 Q. [9:55:58] Okay. Well, it happens to be, Mr Poussou, that in the materials before
24 this Court there is a document in which Mr Songuet is reacting to the statement you
25 gave.

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1 And that's a document of 21 August 2020, several months after your statement of 2019,
2 in which he actually denies that he met Mr Bozizé in France in 2013, that he doesn't
3 know Mr Ngaïssona on a personal level.

4 PRESIDING JUDGE SCHMITT: [9:56:51] We have the tab number, I think, that we
5 have -- can follow (Overlapping speakers)

6 MR KNOOPS: [9:56:55] It's tab 50, 5-0. CAR-OTP-2122-6455 at page 6457. It's
7 actually a -- not to be displayed to the witness, a document from the materials we
8 were provided with. And you see on page 04 -- 6455, the name and date of
9 the person who was giving this information. And on page 6457, you find what I just
10 summarised. And even Mr Songuet in this document says: I don't know FROCCA
11 and I did not lend financial support to Bozizé.

12 So your -- your friend, respectable friend, in this document does not support this
13 statement you gave.

14 PRESIDING JUDGE SCHMITT: [9:58:17] So they -- the -- so, Mr Poussou,
15 the citation is correct by Knoops.

16 However, it is not a witness testimony, it is a screening note by the Prosecution, if I
17 understand correctly, Mr Vanderpuye. Meaning that it reflects what an investigator
18 of the Office of the Prosecutor has -- well, talked with -- talked with. So and I think
19 we have to -- I would not display it here, because it's a screening note, but I can read it
20 so that we are clear.

21 I can read it, Mr Knoops. So what we have here is a report by an investigator, by
22 Prosecutor, and he spoke with Mr Songuet. And because of that the indirect
23 language, so that you understand:

24 "Asked whether -- whether he" - Mr Songuet - "could tell us a bit about FROCCA, [he]
25 says he never heard of such a thing.

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1 Asked what he can tell us about Mr Poussou, [he] answer[ed] that Mr Poussou is
2 a long standing friend. Asked whether they have met in France, [he] answers that
3 this was the case, he saw Mr Poussou in Paris. Asked whether this happened in 2013,
4 [he] says he cannot recall the date.
5 Probed whether he [in private ever] lent financial services to Mr Bozizé, [he] [refuses]
6 this possibility."
7 So this -- this is what we are talking about.
8 And, well, normally we don't ask witnesses to -- to comment on that, but if you have
9 an idea how these, let's say, declarations could be explained. But you don't have to,
10 it's not your testimony, obviously.
11 So what I want to say about that is when we -- when we put the testimony of other
12 witnesses -- not even testimony, screening notes of other witnesses, well, it's not -- it's
13 not there, it's not what they have said. So if you want to comment on that, or do you
14 have an explanation, fine. If not, it's simply you have your testimony, other people
15 said different things. Yeah.
16 THE WITNESS: [10:00:55](Interpretation) Thank you, Mr President. The only thing
17 that I retained from this document and that overjoys me is that Mr Yvon Songuet
18 acknowledges that we have known each other for a very long time and that I am his
19 friend. That is the only thing that caught my attention in that statement.
20 It would seem to me that, as he told me so, that he did not want to collaborate with
21 the investigation of the Prosecutor or to testify before the ICC. It did not interest him.
22 So if he claims that he did not know FROCCA and that he did not know Bozizé, it
23 might mean -- or -- it might mean that he did not want to say anything further or take
24 part in this investigation like I accepted to.
25 But as I have said before this very Chamber, Mr President, facts are stubborn, you

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1 can't twist them. It has been established that we were together with Yvon Songuet in
2 Paris and that in Paris a decision was taken to conduct a mission in New York. That
3 I went with him to New York. That we met people, some of whom are still alive, we
4 met them in New York.

5 So these are facts. Nothing is invented here. Facts are stubborn, I hear. So that's
6 all that I can say.

7 PRESIDING JUDGE SCHMITT: [10:03:10] Mr Knoops.

8 MR KNOOPS: [10:03:13]

9 Q. [10:03:14] Mr Poussou, did Mr Songuet ever tell you that these -- or this financial
10 support which you say he -- he gave was to buy weapons?

11 A. [10:03:37] He financed and he told me that he had put a lot of money into that
12 project.

13 Now, as to that contributed to buying weapons or something else, those to whom he
14 sent the money would be in a position to know such a thing.

15 Q. [10:03:57] So the answer is no, he never told you that it was for weapons,
16 correct?

17 A. [10:04:13] That is the conclusion that you have drawn, Counsel.

18 Q. [10:04:18] Well, it's not only my conclusion.

19 If you look at your statement --

20 PRESIDING JUDGE SCHMITT: [10:04:24] Yeah, we draw our own, Mr Knoops.

21 MR KNOOPS: [10:04:27] It's not necessary, Mr President, to draw a conclusion,
22 because the witness (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:04:31] Is clear, the answer is clear.

24 MR KNOOPS: [10:04:34] But with all due respect, the witness is putting actually
25 the ball back in my corner, so to speak, speaking about football, Mr Witness. But in

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1 your amendments you made on 13 January, that's CAR-OTP-0000808-00002, you
2 made an amendment to paragraph 96 and you did say: "I can therefore not say to
3 the Office of the Prosecution that the expenses effectuated by Mr Songuet was to buy
4 weapons." So it's not my conclusion, it's your conclusion.

5 PRESIDING JUDGE SCHMITT: [10:05:30] Yes, but please move on. Really,
6 the answer -- the amendments and the answer today given by the witness are clear.

7 MR KNOOPS: [10:05:36] Yeah.

8 Q. [10:05:37] My next question, the Western Union transfers you received from
9 Mr Songuet when you were with him in the government, how many of those Western
10 Union transfers you received from him, approximately?

11 A. [10:06:09] I no longer recall the number.

12 Q. [10:06:13] I'm not asking the exact number, but was it one, five, 10, 15?

13 A. [10:06:22] I do not remember the number.

14 Q. [10:06:25] And what -- what did you do with them? You got them when you
15 were in the government in November, you received from Mr Songuet some Western
16 Union transfers, and where -- where did you keep them? What did you do with
17 them?

18 A. [10:06:54] Counsel, you are drawing conclusions, you are making statements.
19 It was not in the month of November that Mr Songuet handed those invoices over to
20 me. We met at the government with Mr Songuet from the month of August 2015
21 onwards. He was at the *cabinet* of the president, I was in the prime minister's cabinet.
22 So we're talking about 2015 here. You're drawing conclusions saying that it was
23 November 2013.

24 Well, whatever the case, I said, and I shall repeat, that he placed at my disposal
25 a number of Western Union invoices that were in my files that I do not have for

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1 the time being.

2 You are putting the question to me 20 times and I will be providing you with
3 the same answer 20 times, so we're going round in circles.

4 Q. [10:08:00] When was the time that Mr Songuet gave those transfers to you?
5 Which year?

6 A. [10:08:11] When we met as colleagues within the transition government. I can't
7 tell you which month, what date, what period, at what time of the day. He is my
8 close friend. We were today -- together practically on a daily basis.

9 Q. [10:08:36] But can you say which year was it, was it 2013, 2014, 2015?

10 A. [10:08:45] Counsel, may I repeat to you that Yvon Songuet and myself worked
11 together in the transitional government from the month of August 2015, and we were
12 together practically on a daily basis from August 2014 -- oh, my mistake, July 2014
13 until the date that I left.

14 PRESIDING JUDGE SCHMITT: [10:09:15] And I think he has, a couple of minutes
15 ago, I heard something 2015. So it must have been during that period.

16 MR KNOOPS: [10:09:24] Okay. Okay.

17 PRESIDING JUDGE SCHMITT: [10:09:25] But later, later than November 2013.
18 Much later.

19 MR KNOOPS: [10:09:33]

20 Q. [10:09:34] Mr Poussou, did you go with those Western Union transfers to
21 anyone, or you just kept them for yourself?

22 A. [10:09:52] Who would I have addressed them to, in your opinion?

23 Q. [10:09:57] I don't know (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [10:09:58] Mr Poussou, please. Mr Poussou,
25 Mr Poussou, please listen. We are coming with every minute closer to the end of

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1 your testimony. Don't put questions to counsel. Simply answer them. And if you
2 think it's repetitive, answer them in the same way. It could -- imagine if you
3 were -- if you were counsel. Yeah? Well.

4 So you're saying you got them from Mr Songuet. It is not far-fetched that counsel
5 asks you did you show them to someone? For example, it could have been "look at
6 that". You see what I mean? If this happens, tell us. If not, simply say no.

7 THE WITNESS: [10:10:53](Interpretation) No, because it was not handed to me for
8 me to show to somebody. It was for my personal information.

9 PRESIDING JUDGE SCHMITT: [10:11:04] Well, I think, yeah.

10 MR KNOOPS: [10:11:07] Yes. I was waiting for you, Mr President. Thank you.

11 Q. [10:11:10] Mr Poussou, next question.

12 With respect to specifically Mr Ngaïssona, you were asked on 17 January how it is
13 that he transferred money for the purpose of the elements.

14 And it was on the transcript page 48, line 6 till 8. And on line 9 to 11 we find your
15 answer. You say: "I learned - I do not remember from whom - that he also, when he
16 was in France, he would send money via Western Union out in the field."

17 My first question here, Mr Poussou, is whether you saw yourself those Western
18 Union transfers you refer to in your evidence on 17 January? Did you see yourself
19 those Western Union transfers which you connect to Mr Ngaïssona?

20 A. [10:12:15] I said before this Chamber, and I shall repeat to you, that amongst
21 the money transfers that President Djotodia showed to me the day before my RFI
22 interview, my interview with the RFI, he showed me a number of money transfers
23 when speaking about those close to Bozizé who were sending money to Bangui.
24 And he gave a number of names, including the name of Mr Ngaïssona, as being one
25 of those people who was sending money to their accomplices in Bangui. I've said

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1 this publicly and I stand by what I said.

2 Q. [10:13:11] My question is, well, apart from what Mr Djotodia told you, did you
3 see yourself those transfers?

4 Because in your evidence you gave on the --

5 A. [10:13:32] (Overlapping speakers)

6 Q. [10:13:33] Excuse me, sorry. Go ahead.

7 A. [10:13:34] No, please go ahead.

8 Q. [10:13:36] I asked this question, Mr Poussou, because you also testified on
9 17 January that you became aware of some of the receipts when you were in
10 the government.

11 Now, when Mr Djotodia told you this when you were in the government, did you
12 verify that information, in terms of looking at them, checking whether these were not
13 a fake transfer?

14 A. [10:14:20] You would need to put that question to President Djotodia, counsel.
15 He was the head of state. I had no reason to doubt what he was saying. And that
16 was what the government was saying. That was their word.

17 Q. [10:14:39] So to be clear for the record, you were told by Mr Djotodia about
18 those receipts but you didn't see them yourself? Is that a fair summary of your
19 recollection to those days?

20 A. [10:15:01] It is not faithful, as such. Because he just -- not only did he show me
21 about the money orders, he showed me Western Union receipts. So in addition to
22 speaking to me about it, he showed them to me.

23 Now, if your question is attempting to ascertain whether I saw the name of
24 Mr Ngaïssona on one of those money transfers, of course the answer is no. *And I
25 said before this Chamber, and specified in my statements, that it is not necessary for

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1 Mr Ngaïssona to himself go to a Western Union office in order to send money,
2 because even when I was in New York on a FROCCA mission with Yvon Songuet and
3 President Bozizé had to send money to me, it was not President Bozizé himself who
4 went to a bank in order to send money to me. Neither was it one of his sons. He
5 would send somebody else.

6 So I've already said all of this and I repeat it, Counsel.

7 PRESIDING JUDGE SCHMITT: [10:16:13] Thank you, Mr Poussou, for providing
8 these details.

9 I think it's indeed what the witness said on direct examination by the Prosecution.

10 And I think it's clear for the record now, Mr Knoops. I think you can move on.

11 MR KNOOPS: [10:16:28] Yeah.

12 Q. [10:16:26] Just one question before -- this topic will arise in my last part of
13 the examination, but just to be clear for the preparation of this, Mr Poussou.

14 The receipts you got from Mr Songuet you kept for yourself, as you said, and those
15 were receipts under the documents -- amongst the documents you asked relatives to
16 get rid of.

17 Can you tell us how much time after the search in your house you -- you asked for or
18 you conveyed this request. Was it a few days after the search, or maybe weeks or
19 months, whatever?

20 A. [10:17:31] Counsel, I asked that the person who had them in their keeping get
21 rid of them.

22 Now, I do not see why I would tell you whether it was the next day or today, or
23 the day after that. I don't see the point of that and I won't answer that question.

24 PRESIDING JUDGE SCHMITT: [10:17:54] Mr Poussou, if you know, if you know if
25 it was a day after if you did it, for example. I think you said yesterday, Mr Poussou,

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1 that it upset you, this search, and so it could have been - I'm just presenting some
2 possibilities - it could have been that out of the moment, out of a rush you said, "Well,
3 get rid of them." Or you waited a couple of days. If you know. If not, it's also not
4 a problem.

5 THE WITNESS: [10:18:28](Interpretation) Mr President, let me repeat that this
6 search, not only did it upset me, but it made me angry. For me, the trust was broken.
7 And after that, I can't tell you whether it was the same day, the next day, a month
8 later, but subsequent to that I asked for all that to be got rid of.

9 PRESIDING JUDGE SCHMITT: [10:18:50] Yeah, I think we have to simply take this
10 answer, Mr Knoops. Really, I always try it so, but, yeah, please move on.

11 MR KNOOPS: [10:18:57] I understand.

12 Q. [10:19:01] Mr Poussou, I have one final question on this topic.

13 Now, you were -- you can remember that you were asked by the Prosecution if
14 you -- let me have a look.

15 No, I put a question quite simply. What makes you believe that the name of
16 Mr Ngaïssona, which you didn't see yourself, as you said, was associated with those
17 Western Union transfers?

18 A. [10:20:23] I said only two minutes ago that amongst the names that
19 President Djotodia told me when showing me the Western Union receipts, there was
20 the name of Mr Ngaïssona. I told you that but two minutes ago and I shall repeat it
21 to you.

22 PRESIDING JUDGE SCHMITT: [10:20:43] So we -- Mr Knoops, I think we take it
23 from the witness testimony that Mr Djotodia, the then president, showed him
24 Western Union receipts and told him amongst them are those who -- have to be
25 attributed to Mr Ngaïssona, and that's it. The witness did not see the name of

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1 Mr Ngaïssona on and did not verify this further. I think we have, really -- I think
2 this summarises it fairly -- fairly.

3 MR KNOOPS: [10:21:18]

4 Q. [10:21:19] Apart from the word of Mr Djotodia --

5 PRESIDING JUDGE SCHMITT: [10:21:23] Mr Knoops, he has answered. There is
6 not more, I think. And I think the witness said -- well, that's it.

7 MR KNOOPS: [10:21:32] Yeah, but that was not my question, Mr President. Sorry.

8 Q. [10:21:35] The Prosecution asked you, Mr Poussou, if you had at that time any
9 other information independent from the word of Mr Djotodia and whether what he
10 was telling you was a fantasy.

11 You recall that Mr Vanderpuye asked you this question on 17 January, in transcript
12 page 51, lines 17 till 19. And you gave a very interesting answer.

13 You said two things. First: I saw them. And you said: Measures were taken in
14 terms of proceedings against accomplices of Bozizé's movement.

15 And that's to be found in the English real-time transcript page 51, lines 20 till 25.

16 Can you tell the Chamber what type of measures you refer to from which you
17 conclude that those -- that the words of Mr Djotodia were correct.

18 A. [10:22:56] I stated during my interview with RFI on 3 January 2014 that
19 measures had been taken and that in the days to come we would hear about it. It so
20 happens that those stubs of Western Union receipts had been handed over to
21 the minister of justice and that it was up to him to seize the prosecutor to institute
22 proceedings against those close to President Bozizé, of whom indeed Mr Ngaïssona.
23 Unfortunately, on 20 January, that is to say two weeks later, President Djotodia
24 resigned and a new regime, that of Madam Samba Panza, was installed in power. So
25 the public proceedings did not go further.

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1 * Otherwise, proceedings were to be instituted against Bozizé and his galaxy.

2 Q. [10:24:21] Are you aware, Mr Poussou, that after Mr Djotodia resigned on
3 20 January and you continued your work as a journalist, have you any information
4 whether those Western Union transfers, as you say were in possession of Mr Djotodia
5 and handed over to the minister of justice, ever surfaced in any court proceedings in
6 the Central African Republic?

7 A. [10:25:03] As I was not part of any judicial proceedings, I would not be in
8 a position to answer that question, counsel.

9 Q. [10:25:12] No, but I'm asking you this as an independent journalist, if you
10 received any information as a journalist that those Western Union receipts existed, in
11 terms of that they surfaced in any newspaper, any other document you saw, in your
12 profession as journalist at that time?

13 A. [10:25:49] Not to my knowledge. Even if I don't really understand what you
14 mean by that question.

15 PRESIDING JUDGE SCHMITT: [10:25:57] Mr Knoops, may I?

16 Mr Poussou, it is -- it is -- I think you fully understand that it is an important question,
17 these Western Union receipts, for -- for the Defence. You understand that.

18 And we have now heard that -- that they have been shown to you by Mr Djotodia.

19 Mr Djotodia resigned on 20 January. And the question simply is: Did you later on
20 hear from any of your sources, that you have as a journalist, did you hear from any of
21 your sources of the whereabouts, so to speak, of these receipts? And if no, then
22 simply say no.

23 THE WITNESS: [10:26:42](Interpretation) Mr President, I have answered
24 the question put to me by counsel, Defence counsel.

25 Once Djotodia had resigned and we had been driven out of the government, well,

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1 then we didn't hear speak about that any further and public action with this regard
2 led nowhere. I've already given an answer, Mr President.

3 PRESIDING JUDGE SCHMITT: [10:27:09] I simply ask for your understanding that
4 the position of counsel is a different one than of prosecutor, and things that are
5 absolutely clear for you, they simply have to enquire.

6 So, Mr Knoops, please continue. And I think now this is really -- this is really clear
7 what happened to them.

8 MR KNOOPS: Yes.

9 PRESIDING JUDGE SCHMITT: [10:27:25] No, it's not clear what happened to them,
10 we simply don't know.

11 MR KNOOPS: [10:27:33] No, but I will move on to the next topic, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:27:38] Absolutely. I would ask you to do that.
13 Thank you.

14 MR KNOOPS: [10:27:40] Thank you.

15 Q. [10:27:40] Mr Poussou, we're still speaking of the time frame
16 August-October 2013 before you left FROCCA.

17 Yesterday you testified before this Court that at the time that you were talking
18 about - referring to me - that I was talking about: "I was -- I was more a member of
19 FROCCA than a journalist". That was one of your remarks to me as counsel.
20 Transcript page 85, lines 17 till 19.

21 Now my question is did --

22 A. [10:28:18] I never said that.

23 Q. [10:28:23] What did you never say?

24 A. [10:28:26] I never said that. I said that I was not testifying before this Court as
25 a journalist, but as somebody who was part of the activities within FROCCA. That's

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1 precisely what I said, Counsel.

2 Q. [10:28:46] That's true.

3 A. [10:28:48] But that's not what you just said.

4 Q. [10:28:51] "... at the time that you are talking about, I was more a member of
5 the FROCCA than a journalist". That's (Overlapping speakers)

6 A. [10:29:02] I did not say that. I said that I was testifying before this tribunal, not
7 as a journalist, but as somebody who was part or a member of the FROCCA.

8 PRESIDING JUDGE SCHMITT: [10:29:16] Well, then, then simply -- well, this
9 is -- this is sort of semantics. Please put your question to the witness.

10 MR KNOOPS: [10:29:27]

11 Q. [10:29:29] Mr Poussou, did you ever hear or read yourself that Mr Ngaïssona
12 was in agreement with any statement given by FROCCA, in specific Mr Banoukepa,
13 since you were a member of FROCCA?

14 A. [10:29:57] Could you please rephrase your question. I did not understand,
15 Counsel.

16 Q. [10:30:03] You were a member of FROCCA, you (Overlapping speakers)

17 A. [10:30:15] Indeed, that's true.

18 THE INTERPRETER: [10:30:22] Said the witness.

19 PRESIDING JUDGE SCHMITT: [10:30:24] Exactly. We had a short problem with
20 the change of the two interpreters, but I think now everything is fine. So excuse me
21 for the interruption, Mr Knoops. So I try to reformulate it in a -- I think it's simply
22 his knowledge about Mr Ngaïssona in connection to FROCCA.

23 MR KNOOPS: [10:30:44] Yeah.

24 Q. [10:30:44] I speak about the statements given by FROCCA and you say:

25 "I was testifying -- I'm testifying here as a member of FROCCA."

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1 Now, my question is simply did you, Mr Poussou, member of FROCCA in those days,
2 ever hear or read or see that Mr Ngaïssona was in agreement with any statement
3 given by FROCCA? And I mean a statement given by FROCCA, i.e., Mr Banoukepa.
4 Very simply, did you ever hear him saying, "I'm fully agreeing with what
5 Mr Banoukepa said", to you personally?

6 A. [10:31:47] He didn't tell me.

7 Q. [10:31:52] Did you ever see Mr Ngaïssona reading any of the releases of
8 Mr Banoukepa, or the one you prepared, the first one, prior to its publication?

9 A. [10:32:20] Not to my knowledge.

10 Q. [10:32:24] Did you, Mr Poussou, offer the *communiqué* number 1, which you
11 prepared for FROCCA, which we spoke about last Thursday, as you recall, which
12 speaks about the invasion, did you give this *communiqué* to Mr Ngaïssona for his
13 approval before you published it?

14 A. [10:32:57] Everyone who was at the meeting that established FROCCA had in
15 their hands the draft of this *communiqué*. They read it, they approved it before it was
16 published. So Mr Ngaïssona was there at this meeting establishing FROCCA and so
17 he read -- he had the *communiqué* in his hands, he read it and he had no objections for
18 it to be published.

19 Q. [10:33:26] Are you sure about that?

20 I guess you're sure, otherwise you wouldn't have told us, the Court.

21 Now, can you recall in your evidence given in 2019, paragraph 105 - and that's
22 Prosecution tab 45 - the last sentence.

23 Could you read the sentence, please, for us.

24 PRESIDING JUDGE SCHMITT: [10:34:19] Well, I think we can, we can read it for
25 the record, here.

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1 And Mr -- Mr Poussou, you are not here to read for -- for the Court. But it is in your
2 statement here, this last sentence on paragraph 105: (Interpretation) "Ngaïssona
3 agreed with the contents of these *communiqués* but would not reread the texts."
4 (Speaks English) So -- Mr Vanderpuye.

5 MR VANDERPUYE: [10:34:53] I understand the Court's question, I understand
6 Mr Knoops's question. I think that the question or the paragraph takes out of
7 context what the witness just said. What the witness said was specifically related to
8 *communiqué* number 1, which he drafted. What the last sentence refers to was more
9 than *communiqué* number 1, but *communiqués* in plural, and therefore (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [10:35:19](Overlapping speakers) Well, but the
12 witness -- the witness can say that himself. He's a very intelligent person and he
13 can -- you don't, well, I'm not so happy with that.

14 Mr Poussou, it is clear what Mr Knoops is heading at. Here it says that
15 Mr Ngaïssona knew the content of the *communiqués* but he didn't reread the texts.
16 So, actually, I don't see a real contradiction, but it's, let's say, it's more specification.
17 But that's -- that's my first impression. Yeah, you can explain, if you want, or simply
18 say, "I stand by what I said."

19 THE WITNESS: [10:36:02](Interpretation) I stand with what I said, Mr President.

20 MR KNOOPS: [10:36:08]

21 Q. [10:36:08] Mr Poussou, you said that everyone was in agreement with
22 *communiqué* number 1, the one you drafted.

23 Now, the question is, do you have information, did you see yourself, that
24 Mr Ngaïssona, with the other *communiqués* which you didn't draft - I believe it was
25 from number 2 onwards - was in agreement beforehand, or reading them

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1 beforehand?

2 A. [10:36:54] Counsel, there's a saying that states that if you don't raise any
3 objections, you agree.

4 I explained here the pathways that the FROCCA *communiqués* took. I explained how
5 things happened from *communiqué* number 2 and so on. I said there was a list of
6 emails. There was a mailing list. Banoukepa would write the draft of
7 the *communiqués* and would send it to this mailing list, of which Mr Ngaïssona's email
8 was -- Mr Ngaïssona's email was a part of.

9 And I would automatically react to criticise the content by saying what was
10 inappropriate. I did that and I did that as well to show that those who did
11 not -- were not in agreement with the *communiqué* could do the same as -- as what I
12 did.

13 They didn't object. And so my conclusion, the conclusion I drew, was that the close
14 circle of Mr Bozizé agreed with the draft of Mr Banoukepa, with what he'd written.

15 Q. [10:38:41] What is your reason to say that there was no objection? Simply
16 because you didn't see an email from Mr Ngaïssona, was that the reason why you
17 concluded that he was in agreement? So he was not responding to the emails,
18 correct?

19 A. [10:39:01] If you don't object, you agree. So yes, that's indeed the case. You
20 understood me.

21 Q. [10:39:11] Do you know how frequently Mr Ngaïssona and Mr Banoukepa saw
22 each other or spoke to each other, either by phone or by other media outlets, social
23 media outlets? Can you tell us a little bit about the contacts between him and
24 Mr Ngaïssona and Mr Banoukepa in those days, speaking about
25 August-October 2013.

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1 * A. [10:39:59] As far as I know, although I can't be everywhere at once, so I
2 couldn't be at home and at Mr Banouképa's house and Mr Ngaïssona's house all at
3 once, so I don't know how frequently they would interact or communicate. What I do
4 know is that these people were close, the clan around Mr Bozizé was tightly knit.

5 Q. [10:40:29] Thank you very much for this answer.

6 Now I move to the next topic, Mr President, Mr Poussou.

7 I would like to go to the time frame of your trip to New York and after your return
8 from New York.

9 You were questioned by the Prosecution on 18 January. On transcript page 19,
10 lines 8 till 16, you find the question of the Prosecution to you "What happened after
11 your trip to New York?"

12 But before we go into that episode, I would like to ask you the following: You did
13 say that this trip was meant to do some public relations work and work concerning
14 influence with Mr Songuet for Mr Bozizé. So it's correct, isn't it, that Mr Bozizé at
15 that time still wanted to have a diplomatic solution and that's why he asked you to go
16 to New York to speak to various stakeholders. Was that the case before you went to
17 New York?

18 A. [10:42:06] I said it and I'll say it again. President Bozizé did not believe in these
19 diplomatic initiatives and was not counting on them in order to regain power.

20 Q. [10:42:29] But why did he then send you with Mr Songuet to New York for
21 public relations work and influence?

22 A. [10:42:41] Why don't you ask him the question? My name is not
23 François Bozizé, as far as I know, Counsel. My name is Georges Poussou.

24 PRESIDING JUDGE SCHMITT: [10:42:55] May I try an angle here, Mr Knoops.

25 So, Mr Poussou, we understand that you said that Mr Bozizé did not believe in

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1 a diplomatic solution. However, he sent you and Mr Songuet to New York. Wasn't
2 that an uncomfortable situation for you, so to entertain a mission which, in your
3 mindset, already was deemed to fail?

4 THE WITNESS: [10:43:34](Interpretation) Thank you, Mr President. If we were
5 chosen to go to New York on this public relations mission, it was because it's
6 something that was being talked about. It's -- we were convinced that the solution
7 could only be a diplomatic one. We were sure of this and we spoke about this. So
8 in order to satisfy us and to maybe get rid of us as well, we were sent to New York.
9 And the proof of this is that, when we came back from New York, no one met with us
10 for us to be able to report on what we'd done there, which means that no one who
11 sent us to New York believed in our mission there.

12 PRESIDING JUDGE SCHMITT: [10:44:36] Mr Knoops.

13 MR KNOOPS: [10:44:37] Thank you, Mr President.

14 Q. [10:44:40] Mr Poussou, it was Mr Bozizé who asked you to go with Mr Songuet
15 and who paid for the trip to New York; is that true?

16 A. [10:44:50] Absolutely.

17 Q. [10:44:54] And isn't it correct that he also asked you to go to specific individuals
18 of the international community in New York to speak about these events in CAR and
19 find support for a diplomatic solution? He provided you with names of people you
20 should see on his behalf; is that correct?

21 A. [10:45:35] Not as far as I know. In any case, I don't remember.

22 Q. [10:45:45] With whom did you speak in New York, in terms of endorsing public
23 relations work and influence?

24 A. [10:46:08] I have stated in my statements of 2019, as well as in front of this Court,
25 that we spoke with Madam Voch, who was working in the UN secretary-general's

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1 cabinet. We submitted a memorandum to practically all the delegations that were
2 taking part in the general assembly. And we had a certain number of meetings, but
3 I don't remember with whom or what the contents of the meeting was.

4 Q. [10:46:50] And, Mr Poussou, what message did you convey on behalf of
5 Mr Bozizé in New York? I believe you were there a week, could that be correct? I
6 think you were a week in New York, maybe two weeks. But anyway, irrespective of
7 the time you spent there, can you tell the Court what message you conveyed to these
8 people you met of the various delegations.

9 A. [10:47:29] The messages that we transmitted were not in the name of Bozizé,
10 they weren't in his name. Even though he financed the mission, the message that we
11 put to people there was not in his name. We were speaking in our own name as
12 Central African citizens, as political players. And the message was clear, we were
13 the first to ask the United Nations to deploy an interposition mission between
14 the different warring parties. We were the first to do this. This was the content of
15 the memorandum. We asked the international community to come and save us and
16 we denounced Seleka's violence.

17 Q. [10:48:30] Mr Poussou, just for my information, at that time you went to
18 New York, you were a member of FROCCA, a full member of FROCCA, isn't it?

19 A. [10:48:45] Yes, I was a member of FROCCA.

20 Q. [10:48:49] So it's correct, isn't it, that you went there as a member of FROCCA
21 representing FROCCA in New York, presenting a memorandum which was also
22 discussed with Mr Bozizé, on a trip paid by him; is that --

23 A. [10:49:11] Not at all.

24 Q. [10:49:16] So what -- what "not at all"? What is not correct?

25 A. [10:49:21] Not at all. You're drawing conclusions. No memorandum was

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1 the object of any discussion with Bozizé. We told Bozizé that it was important to go
2 to New York in order to meet a certain number of people, to speak with these people
3 about the situation in the country. And Bozizé financed this trip. We were not
4 there as representatives of FROCCA. We were not there for FROCCA. We were
5 not representing FROCCA. Even though, once again, it was Bozizé who financed
6 the trip.

7 Q. [10:50:06] Did you discuss the trip with Mr Bozizé before you went to New York
8 with Mr Songuet?

9 A. [10:50:22] If we hadn't talked to him about the trip, I don't know how he would
10 have been able to finance it. It's because we had told him about the need to go to
11 New York because the whole world was going to meet at the General Assembly of
12 the United Nations. That's why he financed the trip.

13 Q. [10:50:43] And he knew about the cause you were about to defend there on
14 behalf of the Central African citizens, he knew what was your plan, your initiative,
15 your thoughts at that time, correct? He was well aware of your views at that time,
16 yes?

17 A. [10:51:05] He knew my point of view.

18 Q. [10:51:10] And he financed the trip and let you go and let you speak there,
19 without restrictions, to speak to the international community, correct?

20 A. [10:51:31] I don't know how to answer you. What sort of restrictions could he
21 have put on me? I'm a free man, I'm independent, who is acting in line with my
22 conscience. I do not receive orders from anyone. I don't see what restrictions I
23 could have there that would have been imposed on me by President Bozizé. I don't
24 know. I don't -- I don't know.

25 Q. [10:51:56] So -- so we -- we are in agreement that Mr Bozizé --

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1 A. [10:51:59] I have neither God nor master. Just me.

2 PRESIDING JUDGE SCHMITT: [10:52:05] It's an answer, Mr Knoops. It's an
3 answer. Please continue.

4 MR KNOOPS: [10:52:08] Yes.

5 Q. [10:52:13] Did you from your trip in New York make notes, recordings, any
6 other form of documentation of your encounters with the international community?

7 A. [10:52:38] Yes.

8 Q. [10:52:38] And you still have them?

9 A. [10:52:54] I think so.

10 Q. [10:52:55] And please tell us where you think are these notes of your trip to
11 New York.

12 A. [10:53:07] They're surely in Bangui.

13 Q. [10:53:12] Did you ever share those notes with the Prosecution, or
14 the investigators of the Prosecution?

15 A. [10:53:27] The Prosecutor's representatives met me in Montreal, where I had just
16 moved in exile, and I did not have these documents with me.

17 Q. [10:53:44] Did you share those documents with anyone when you returned from
18 New York? I mean, with the authorities in Bangui when you returned.

19 I'm not speaking about your assertion that you couldn't get in touch with Mr Bozizé,
20 that's another question I come about in a few minutes. But the documents you say
21 you took from the meetings in New York, did you share them with anyone? Did
22 you publish them? Did you hand them over to someone in Bangui of
23 the government?

24 A. [10:54:37] They weren't meant to be shared with anyone.

25 Q. [10:54:41] But, Mr Poussou, if your cause was that peace should return in

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1 the Central African Republic, and this was the call of your mission which was so
2 important for you, why didn't you share your results of the meetings with the people
3 in Central African Republic?

4 A. [10:55:11] What do you mean?

5 Q. [10:55:15] Simply, what was the reason why you didn't share those -- that
6 information you retained from New York with anyone when you came back?

7 PRESIDING JUDGE SCHMITT: [10:55:24] There -- I think there is a difference
8 between -- I understood it, please correct me, Mr Poussou, what you -- what you
9 produced, so to speak, in New York were personal notes for your recollection, what
10 you had been talked about with the people; is my understanding correct here?

11 THE WITNESS: [10:55:45](Interpretation) That is indeed the case, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:55:48] Normally you -- you would not share
13 your personal notes, which is your personal memory, so to speak, with anybody else.
14 But then the question Mr Knoops is interested, the content of it, of your different
15 encounters with people in New York, did you share this information with anybody
16 when you came back? I think we understood that Mr Bozizé was not interested, but
17 still I would be interested if you talk with him about it - I think Mr Knoops will ask
18 you - but did you talk with anybody about the content of these encounters when you
19 came back? Did you share this? Not, of course, not -- you did not copy your
20 personal notes, obviously, and distributed them.

21 THE WITNESS: [10:56:45](Interpretation) Obviously, when we came back to -- from
22 New York, we talked to -- if only to Bozizé's inner circle, we talked about the -- our
23 impressions of what people have told us there. That's obvious.
24 Now if I'm asked whether I shared my notes with the government and so on, then
25 I don't -- I don't know. My notes were personal.

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1 MR KNOOPS: [10:57:22]

2 Q. [10:57:23] Mr Poussou, just -- just a question. A few minutes ago you said to
3 the Court that you didn't go there to New York as a representative of FROCCA. You
4 were a member, but you said, "I was not in New York as a representative of
5 FROCCA."

6 Did you wonder why Mr Bozizé, if you went in your own private capacity to
7 New York, why he would finance your trip to New York?

8 A. [10:58:00] No. I was hoping you'd tell me.

9 Q. [10:58:10] And is it true that Mr Bozizé also was aware that you were visiting
10 the United Nations representatives in New York?

11 A. [10:58:31] Yes, he knew this. I've already told you. Someone who finances
12 a trip and doesn't know, well, unless we're living on Mars, counsel.

13 MR KNOOPS: [10:58:45] I just have one question, Mr President, before the break on
14 this topic and then I can finish the New York trip.

15 PRESIDING JUDGE SCHMITT: [10:58:51] Yes.

16 MR KNOOPS: [10:58:53]

17 Q. [10:58:54] Mr Poussou, you said that upon your return it was for you impossible
18 to get in touch with Mr Bozizé. And you drew your conclusion that he was not
19 interested in what you had done in New York and that he did not believe that
20 diplomatic action or solution could contribute to the solution in the country -- in
21 the country's crisis and that was the reason why you distanced yourself from
22 FROCCA.

23 That was your evidence on 18 January of this year before this Court.

24 To be clear for the record, you did have no communications whatsoever anymore
25 after you came from New York with Mr Bozizé?

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1 A. [10:59:59] Not to my knowledge. Not as far as I remember.

2 Q. [11:00:02] Okay. Can you recall that in paragraph 109 and 110 of your
3 statement of 2019 - we can show it to the witness, it's Prosecution tab 45 - you said
4 something quite different than your testimony yesterday and today. If you would
5 be so kind to look at those paragraphs.

6 PRESIDING JUDGE SCHMITT: [11:00:46] I think it's about, namely about the first
7 two sentences of paragraph 109.

8 MR KNOOPS: [11:00:53] Yeah, correct.

9 PRESIDING JUDGE SCHMITT: [11:00:54] And it says here, Mr Poussou:
10 (Interpretation) "I was still in contact with the members, the founding members of
11 FROCCA, meaning Banoukepa, Ngaïssona, Bozizé, Yakete."
12 (Speaks English) So it appears from this, Mr Poussou, that at least afterwards you still
13 had some contact with them, but perhaps you can explain it more in detail how this
14 contact was.

15 THE WITNESS: [11:01:32](Interpretation) Mr President, there are in fact several
16 Bozizés, there's Socrate Bozizé, Francis Bozizé, who was also a member, a founding
17 member of FROCCA. So if there's no first names here, I was probably referring to
18 Francis Bozizé and not François Bozizé. And this is an important distinction.

19 PRESIDING JUDGE SCHMITT: [11:01:54] Thank you.

20 I think we can have now the break until 11 -- not yet. Okay. Please.

21 MR KNOOPS: [11:02:01] One final question.

22 PRESIDING JUDGE SCHMITT: [11:02:02] No, no, Of course. We have to -- we
23 have to -- we want to finish this issue. No problem.

24 MR KNOOPS: [11:02:06] Could, finally on this topic, paragraph 90 of the statement
25 of the witness also be displayed, 90, 9-0. It's CAR-OTP-2123-0392.

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1 Q. [11:02:18] And that's really my final question, Mr Poussou, on this topic.

2 Please be so kind to look into this paragraph 90. And my question is whether you
3 still stand by what you said in 2019?

4 A. [11:02:53] I still stand by my word.

5 PRESIDING JUDGE SCHMITT: [11:03:02] Okay. Mr Vanderpuye does not stand
6 by -- does also stand by his words, but stands at least.

7 MR VANDERPUYE: [11:03:08] Yes. Yes. The only reason why I'm standing, and
8 I don't want to belabour the point, is as we're showing the witness portions of his
9 statement and questioning about it -- questioning him about it and he's responding to
10 it, I've noticed that the content of what is in the statement, is being displayed to him,
11 isn't in the record of the case.

12 So my question is whether counsel, or the Chamber, will determine what to do about
13 it (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [11:03:34] That is relatively (Overlapping speakers)

15 MR VANDERPUYE: [11:03:35](Overlapping speakers) -- portions of his statement
16 (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [11:03:36] That's relatively clear --

18 MR VANDERPUYE: [11:03:37] Okay. Okay.

19 PRESIDING JUDGE SCHMITT: [11:03:40] -- to me.

20 Well, it's -- of course, first point, it's not a Rule 68(3) statement. That is the starting
21 point for you.

22 Secondly, indeed I -- the Chamber has to trust also Prosecution, that if something
23 is -- the context is needed, that you tell us that and that it is also put into that context
24 for the witness.

25 Thirdly, what is on the record and what is evidence is what the witness says to that.

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1 And also when it is quoted, also this, for example, when he has said now

2 paragraph 90, 109, "I stand by that", that is on the record.

3 Yeah. But when you fear, as Prosecution, when you fear that something, because of
4 the context, is not -- not correctly, we would have to trust you that you tell us. But I
5 have also the impression that most of the witnesses, and the pure live witnesses - like
6 we have one here, Mr Poussou - he himself understands the problem and has several
7 times said, okay, but this meant something else. So but we are here at another time
8 and so on and so forth. Yeah.

9 MR VANDERPUYE: [11:04:58] Sorry, the problem is, for example --

10 PRESIDING JUDGE SCHMITT: [11:05:00] No problem, we're discussing that, we
11 take our time.

12 MR VANDERPUYE: [11:05:03] For example, here, where he says "I stand by that."
13 If you just look at the transcript, it's not clear what he -- it's not clear what he stands
14 by. So the question is whether --

15 PRESIDING JUDGE SCHMITT: [11:05:16] Well, in that instance, you have a little
16 bit -- you are right. No, this is the reason why I normally, perhaps you have
17 recognised it, read one or the other phrase into the record. So perhaps we can do
18 that here too. No, I agree, this is indeed a point that you have. I agree with you.
19 And Mr Knoops also --

20 MR KNOOPS: [11:05:33] I understood --

21 PRESIDING JUDGE SCHMITT: [11:05:35] The reference is not -- if it is not
22 Rule 68(3), the reference is clear.

23 MR KNOOPS: [11:05:40] I totally understand the intervention of Mr Vanderpuye. I
24 agree that it might be helpful for the Court to read into the record the full paragraph
25 (Overlapping speakers)

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- 1 PRESIDING JUDGE SCHMITT: [11:05:44](Overlapping speakers) Yeah, yeah.
2 Well, let me do it then quickly and then we have ...
3 MR KNOOPS: [11:05:48] Yes. Thank you, Mr President.
4 PRESIDING JUDGE SCHMITT: [11:05:49] It's paragraph 90, 0392, I read from
5 the French original statement: (Interpretation)
6 "During this meeting the decision was taken to send a delegation to New York to take
7 part in the United Nations General Assembly. It was decided that I should go to
8 New York with Songuet. During the meeting, Bozizé said that he had moved
9 forward quite well with his contacts, and that it was very important to continue
10 the lobbying work on the ground and at international level. That's why he
11 suggested that Songuet and myself go to New York to carry out this lobbying work."
12 (Speaks English) And we understand, Mr Poussou, that this is what you stand by,
13 what I have read out now.
14 THE WITNESS: [11:07:15](Interpretation) Indeed, Mr President.
15 PRESIDING JUDGE SCHMITT: [11:07:16] And also thank you for Mr Vanderpuye
16 that you raised the point. Indeed we have to distinguish here if we have a live
17 witness or a -- or a witness with Rule 68(3).
18 Now it's -- well, let's say, a quarter to 12, to make it not too odd. Yeah.
19 THE COURT USHER: [11:07:34] All rise.
20 (Recess taken at 11.07 a.m.)
21 (Upon resuming in open session at 11.46 a.m.)
22 THE COURT USHER: [11:46:53] All rise.
23 Please be seated.
24 PRESIDING JUDGE SCHMITT: [11:47:18] Mr Knoops.
25 MR KNOOPS: [11:47:33]

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1 Q. [11:47:33] Again good morning, Mr Poussou. Welcome to the courtroom.
2 Before I go to the time frame after 30 November 2013, I have just one additional
3 question, which came up in the break, which might be relevant for the determination
4 of your trip to New York.

5 And I would like to go back to what you said on the English real-time transcript,
6 page 21, lines 18 till 25, of today.

7 You did say: "And I said before the Chamber, and I claimed in my statements, that it
8 is necessary for Mr Ngaïssona to himself to go to a Western Union office in order to
9 send money ..."

10 And then you say: "... because even when I was in New York on a FROCCA mission
11 with Yvon Songuet ... President Bozizé had to send me -- to me, it was not President
12 Bozizé himself who was -- who went to the bank in order to send me money." End
13 quote.

14 This was said by you this morning, Mr Poussou, to the Court, that you were on
15 a FROCCA mission with Songuet.

16 But the question I have for today is: Why did Mr Bozizé send you, apart from
17 financing the trip, send you money in New York while you were there? What was
18 the purpose of this additional funding of your trip?

19 A. [11:49:43] I said, and I repeat it, that it was President Bozizé who had financed
20 this trip. So if he sends me money in New York, it was because it was he who was
21 financing the trip.

22 Q. [11:50:05] But if you, as you said in your second portion of the testimony, was
23 not there in New York as a representative of FROCCA, why would he send you
24 additional money? Did you ask yourself why? It was on your request, I believe.
25 You asked for money from Mr Bozizé in New York. You needed more money,

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1 correct?

2 PRESIDING JUDGE SCHMITT: [11:50:34] Mr Vanderpuye.

3 MR VANDERPUYE: [11:50:37] Mr President, I think the witness already answered
4 this question. He's already said that Bozizé was aware of the trip and funded it. It
5 doesn't -- irrespective of whether it was at his instance or Bozizé's, it seems clear that
6 that was the purpose of the funding.

7 PRESIDING JUDGE SCHMITT: [11:50:57] Well, I also -- I also -- I also think that this
8 is not so important.

9 Funding means, normally, you know, so prefunding and there might have been
10 a funding, an additional funding during the trip, Mr Poussou. Perhaps we can really
11 shorten that.

12 So was it -- was it necessary that Mr Bozizé sent you more money so that you
13 could -- you and Mr Songuet could sustain themselves during the trip in New York,
14 during the stay?

15 THE WITNESS: [11:51:36](Interpretation) Yes, indeed, Mr President, the money that
16 was sent to us was used to pay Yvon Songuet's hotel.

17 PRESIDING JUDGE SCHMITT: [11:51:44] Please continue, Mr Knoops.

18 MR KNOOPS: [11:51:48] But really my question was, Mr President, with all due
19 respect, whether it was on request of Mr Songuet or Mr Poussou.

20 PRESIDING JUDGE SCHMITT: [11:51:56] I don't -- I don't see what is so important
21 there, if they needed.

22 But, Mr Poussou, did Mr Songuet or you ask Mr Bozizé to send additional money so
23 that you could sustain yourselves during your stay in New York?

24 THE WITNESS: [11:52:20](Interpretation) We were on a mission and we had run out
25 of money, so we asked for money from Paris.

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1 PRESIDING JUDGE SCHMITT: [11:52:26] Well, please, now we continue. This is
2 really not of such a relevance, I would say.

3 MR KNOOPS: [11:52:32] Well, Mr President, all due respect, I think the importance
4 of potential questions and answers is not today to be determined.

5 PRESIDING JUDGE SCHMITT: [11:52:43] Well -- but you may allow
6 the Presiding Judge that every once in a while we indicate what we think might be of
7 real significance, and what not. And there is -- there's nothing what the witness is
8 hiding. He said it was funded and there was additional funding. And that's it. So
9 please continue.

10 MR KNOOPS: [11:53:04]

11 Q. [11:53:05] Mr Poussou, the time frame after 30 November 2013, you accepted to
12 be minister in the government at that time.

13 You told the Court on 18 January, in the English real-time transcript, page 21, lines 4
14 till 5, that Mr Djotodia told you that it would be better to come to the government and
15 contribute to improve things. And that was your motivation, to become a minister
16 in Djotodia's government.

17 My first question: What made you believe Mr Djotodia? And I ask this question in
18 the context of what we established last Thursday, that he himself was involved in a
19 unconstitutional regime change by force, apart from his actions in 2006, which we
20 discussed Thursday. I will not go again into those details, but that that is the context
21 of my question.

22 A. [11:54:32] I did not hear the question.

23 Did you put one? I didn't hear it. I only heard your comment.

24 PRESIDING JUDGE SCHMITT: [11:54:42] The question is: What made you believe
25 Mr Djotodia, since he seems also to have been involved in a -- well, in a *coup d'état*,

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1 that is what the wording sort of -- sort of -- of Mr Knoops. I think that that's what
2 you're heading at, Mr Knoops.

3 What was the reason that you thought Mr Djotodia told you the truth in that
4 moment?

5 THE WITNESS: [11:55:20](Interpretation) I said before this Chamber, and I shall
6 repeat, that during my stay in Bangui I noted that around President Djotodia there
7 were people who were incompetent in terms of managing state affairs. And
8 President Djotodia is right in saying that it's all well, too well to be outside of
9 the country and criticise your country; it's easier to do that, but it's more difficult to
10 come and contribute and make things evolve. Because I was very critical towards
11 that regime.
12 And it goes without saying that *Afrique Nouvelle* and the *Indépendant* both had
13 hard-line positions against the Seleka government, or power, so they were recalling
14 facts that spoke for themselves and what they were saying was true. There we have
15 it.

16 MR KNOOPS:

17 Q. [11:56:55] Mr Poussou, you mentioned this morning that Mr Djotodia had to
18 resign on 20 January. Can you confirm that there was pressure of the international
19 community asking him to step down? And this was 17 days after
20 your -- the interview on 3 January with Radio France. Was this the reason why he
21 had to step down?

22 A. [11:57:43] One should recall the context at the time. After the attack upon
23 Bangui by the Anti-Balaka on 5 December 2013, many people were killed. And
24 according to the numbers provided by the NGOs, more than 1,000 people lost their
25 lives.

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1 After the attack -- after that attack, here and there in the country massacres took place,
2 there were clashes between Christians and Muslims, and this really placed
3 the foundations of the republic in peril. The international community, namely
4 the CEAC, was of the mind that one of the solutions in order to preserve what
5 remained of the national cohesion would be the departure of President Djotodia.
6 Nothing, absolutely nothing could compel him to resign. He accepted to do so
7 because he did not put his personal interests above those of the country.

8 Q. [11:59:53] Thank you, Mr Poussou.

9 I mentioned 20 January because you mentioned the date. But in my information it
10 was 10 January 2014 when he resigned. Could that be right?

11 A. [12:00:18] I can't remember the dates, but he did resign in January.

12 PRESIDING JUDGE SCHMITT: [12:00:22] Well, that's common knowledge.

13 MR KNOOPS: [12:00:25] Of course.

14 PRESIDING JUDGE SCHMITT: [12:00:26] So we can continue.

15 MR KNOOPS: [12:00:27]

16 Q. [12:00:27] Mr Poussou, speaking about 30 November 2013, when you became
17 part of the government, you did say on 18 January that the third person who --

18 A. [12:00:45] It was 30 November, not the 20th. The dates are important.

19 Q. [12:00:52] Okay, I believe I said the 30th, but --

20 PRESIDING JUDGE SCHMITT: [12:00:55] I said the 30th, but it was not translated
21 correctly. It's not your fault, Mr Knoops.

22 MR KNOOPS: [12:01:00] Yes.

23 Q. [12:01:02] Mr Poussou, you say that the third person who called you after being
24 appointed as minister was Mr Ngaïssona.

25 A. [12:01:19] I can confirm that.

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1 Q. [12:01:20] Yeah. On which number did he call you?

2 A. [12:01:27] What do you mean? I don't understand the meaning of your
3 question.

4 Q. [12:01:31] The -- which -- which telephone number, as you can recall, did
5 Mr Ngaïssona call you? You gave the Office of the Prosecution --

6 A. [12:01:43] On my French number. I was in France. If that's my number that
7 you're talking about.

8 Q. [12:01:51] Would that be 0033647687577?

9 A. [12:02:06] Well, listen, I can't remember the number that I used, but I did use
10 a French number beginning with 06.

11 Q. [12:02:19] In your statement in paragraph 118 you did say that Mr Ngaïssona
12 contacted you on the number I just read out. So I take it that this was at that time
13 the correct number, ending with 7577?

14 PRESIDING JUDGE SCHMITT: [12:02:52] Well, let's put it on the record:

15 (Interpretation) "The third person who contacted me by telephone is Ngaïssona. He
16 called me on the number ..." (Speaks English) And we have already had this, it's the
17 same number that Mr Knoops cited: (Interpretation) "... that I used in Paris - if I
18 remember correctly his number was withheld."

19 THE WITNESS: [12:03:30](Interpretation) If I said that, then that was the number
20 that I was using.

21 MR KNOOPS: [12:03:37]

22 Q. [12:03:38] In that time frame, how many times did you speak to Mr Ngaïssona
23 on the phone on this French number?

24 A. [12:03:55] I can't recall.

25 Q. [12:03:58] Were there any other conversations, except for the one on

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1 30 November, or shortly afterwards, when Mr Ngaïssona called you as the third
2 person to speak about your appointment?

3 A. [12:04:25] After 30 November I went to Bangui, so I was no longer using that
4 number.

5 Q. [12:04:35] The question was, Mr Poussou, not whether you changed numbers.
6 The question was, simply, did you after 30 November, after this particular call, had
7 any other phone exchanges with either one of your numbers, wherever you were,
8 with Mr Ngaïssona?

9 A. [12:05:04] Absolutely. I can confirm that when I was in -- at the government,
10 after my interview with the RFI, Mr Ngaïssona called me suggesting that
11 President Djotodia and Bozizé be put in contact in order to talk.
12 If the question is clear, I can provide a clear answer.

13 Q. [12:05:31] And I think you refer now to this call on 3 January 2014, which you
14 mentioned in your evidence on 18 January. Is this the call you just referred to,
15 Mr Poussou?

16 A. [12:05:59] Yes, that's correct.

17 Q. [12:06:05] And can you recall on what number Mr Ngaïssona called you on
18 3 November -- sorry, 3 January 2014? That must be your Bangui number, I guess.

19 A. [12:06:27] Yes, that was the number that I was using in Bangui.

20 Q. [12:06:31] Could that have been the number 23672664046?
21 Maybe you can recall the last four digits, 4046.

22 A. [12:06:54] If it was I who gave that number, that means it was the number that
23 I was using in Bangui.

24 Q. [12:07:03] Apart from these two calls, the one on 3 November and the one on
25 3 January 2014, did you have any other phone call exchanges with Mr Ngaïssona in

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1 the end of 2013 or throughout 2014?

2 A. [12:07:30] Well, when I was within the FROCCA, Mr Ngaïssona was in the habit
3 of calling me.

4 Q. [12:07:39] Okay. That is an interesting answer. That relates to the time frame
5 before 3 November, that's to say, if I'm correct, the time frame of August till
6 October 2013; could that be right?

7 A. [12:08:02] Counsel, I said, and I shall repeat, that I had dealings with the close
8 members, those close to Bozizé and Ngaïssona.

9 Now, 10 years later, I can't tell you whether it was such-and-such a period or another,
10 but I do know that I interacted with those individuals who would send me emails and
11 they would call me.

12 Q. [12:08:29] How many calls can you recall, approximately, in that time frame you
13 were a member of FROCCA, from Mr Ngaïssona? Was it one, two, whatever?

14 A. [12:08:44] None. None.

15 Q. [12:08:50] After 3 January 2014 ...

16 (Counsel confers)

17 MR KNOOPS: [12:09:14] We're just checking the transcript, Mr President. I think
18 there was an error in the French transcript in the question in paragraph -- page 52,
19 line 14 to 15. The question was not well reflected.

20 PRESIDING JUDGE SCHMITT: [12:09:38] Asked for the number that he used in
21 Bangui and not Mr Ngaïssona used.

22 MR KNOOPS: [12:09:44] Yeah. Exactly, yeah.

23 PRESIDING JUDGE SCHMITT: [12:09:46] So does this mean, Mr Poussou, during
24 the time you were in FROCCA, you don't recall that you spoke with Mr Ngaïssona on
25 the telephone? Because you ...

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1 THE WITNESS: [12:10:04](Interpretation) Mr President, I have told -- I said that I
2 had dealings or interacted with those close to Mr Bozizé, including Mr Ngaïssona.
3 I was -- he was asking that -- Defence counsel asked me in which period. I do not
4 recall. We talked regularly. That's the answer that I can give.

5 PRESIDING JUDGE SCHMITT: [12:10:27] Okay. Also on telephone then, I
6 assume?

7 THE WITNESS: [12:10:34](Interpretation) Including by telephone.

8 PRESIDING JUDGE SCHMITT: [12:10:36] And it's -- it's -- we understand that.
9 Actually, I -- it's extremely complicated even to know conversations a couple of
10 months or a year ago, but 10 years ago it's really difficult.
11 Please continue, Mr Knoops.

12 MR KNOOPS: [12:10:51] No, we fully understand this, Mr President. That's why
13 I'm asking this, if the witness recalls.

14 Q. [12:10:57] Because the background, Mr Poussou, of my question is that
15 the information, the CDR information, that is to say the so-called call data records,
16 the phone records of you and Mr Ngaïssona have been reviewed by our team on
17 the various numbers you have used - given to the Prosecution four numbers - and
18 the numbers attributed to Mr Ngaïssona in the year 2013-2014. But those records do
19 not show a single phone contact between the numbers you gave in 2019 to
20 the Office of the Prosecutor and the phone numbers which are attributed by
21 the Prosecution to Mr Ngaïssona.

22 PRESIDING JUDGE SCHMITT: [12:11:46] That's -- I think it's good that you do it
23 this way, because you will anyway --

24 MR KNOOPS: [12:11:52] Yes.

25 PRESIDING JUDGE SCHMITT: [12:11:53] -- present this as documentary evidence.

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1 And -- and we -- and only -- so this is -- you put this to the witness and the witness
2 cannot -- the witness has said he had these telephone contacts, so, yeah.

3 MR KNOOPS: [12:12:05] I think out of fairness to Mr Poussou, I give him a chance
4 to -- to respond so that (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [12:12:12] Yeah -- no, no, I'm fine with that, but I'm
6 also fine with it that you do not put any call data records and show them to
7 the witness.

8 Mr Vanderpuye.

9 MR VANDERPUYE: [12:12:20] Thank you, Mr President.

10 I'm not fine with it. And the reason why I'm not is because, in a previous answer
11 the witness gave -- actually, Mr Knoops read into the record a conversation that
12 Mr Ngaïssona had with the witness was from a masked telephone number. And
13 the assumption is that the number that we have, or we have provided, or we were
14 made aware of it, includes, for example, that masked telephone number.

15 PRESIDING JUDGE SCHMITT: [12:12:44] Well, that is assessment of evidence,
16 Mr Vanderpuye.

17 MR VANDERPUYE: [12:12:46] It's a question of the fairness of the question to
18 the witness.

19 PRESIDING JUDGE SCHMITT: [12:12:50] Well, it's -- well, we have put to
20 the record what you said.

21 It is also, let me put it this way, you might, you might tell the Court that perhaps you
22 don't have every telephone number that Mr Ngaïssona used. So this is a possibility.
23 But I also understand, when the Defence undertook that, because you
24 ascribed -- "you" I mean, of course, the Office of the Prosecution - you ascribed to
25 Mr Ngaïssona certain telephone numbers. And if the call data records with regard

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1 to these telephone numbers does not show that, it's perfectly fine with Mr Knoops to
2 put that on the record.

3 I -- I don't know. Actually, I would not even ask for an answer by the witness. So
4 we -- so we have it on the record.

5 You can continue, Mr Knoops.

6 I think that was your point. Okay.

7 MR KNOOPS: [12:13:51] Yeah. Thank you, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:13:55] We all have to look -- not "we all",
9 the Chamber will have to look carefully to that.

10 Mr Knoops, please continue.

11 MR KNOOPS: [12:14:04] Yeah. And, by the way, it is just one example of the calls
12 the witness mentioned, this so-called masked phone number.

13 Anyway, it's indeed for the Chamber to assess.

14 Q. [12:14:17] Let me now go to the content of the phone call.

15 You said that during this call, and you're speaking about the call of 30 November,
16 shortly after your appointment as minister, the word "attack" was not used.

17 However, you say that everything Mr Ngaïssona was saying insinuated that there
18 would be an attack.

19 And it is in the transcript, page 22 of 18 January, lines 17 till 18, to be found.

20 Asked about what informed your conclusion by the Prosecution, you refer to also
21 information that was of public knowledge.

22 Transcript page 24, line 1 till 4.

23 Would you agree with me, Mr Poussou, that this was in particular public knowledge,
24 because the government, under the auspices of Mr Djotodia, cancelled on

25 1 December 2013 the festivities around the Independence Day, which ought to be

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1 celebrated that day, but because of the information of an upcoming attack, those
2 festivities were cancelled?

3 PRESIDING JUDGE SCHMITT: [12:16:14] I think -- no, the question of Mr Knoops
4 was if it was, so to speak, already common knowledge that an attack was imminent.
5 If I recall it correctly, you said that you informed Mr Djotodia about the telephone
6 conversation with Mr Ngaïssona. If I'm wrong, please correct me.

7 THE WITNESS: [12:16:41](Interpretation) That's -- it's exactly what you said,
8 Mr President. These festivities, the 1 December festivities, were only cancelled
9 because we knew that there was going to be an attack. Information that was given
10 by people close to Bozizé. Among them there was the phone call that I received
11 from Mr Ngaïssona.

12 I'd like to say the following: Unless Mr Ngaïssona's defence can provide the list of
13 calls that I received at that time, and one has to know that I even myself had two
14 phones at the time and Mr Ngaïssona also had several phones.
15 I've finished, Mr President.

16 PRESIDING JUDGE SCHMITT: [12:17:45] Mr Poussou, that's a thing the Chamber
17 will have to figure out. So that's no problem.
18 So when you -- may I come back to that.

19 When you informed Mr Djotodia, how did he perceive this information? Did he
20 seem surprised or did he already know what was going on? What was your
21 impression when you provided him with this information?

22 THE WITNESS: [12:18:17](Interpretation) I did not directly inform
23 President Djotodia. I informed the state minister, the minister for *équipements*,
24 Crepin Mboli-Goumba, and he informed President Djotodia.
25 As I stated in my statements, this is -- this incident is told in his book, *La nation*

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1 *centrafricaine et les récifs*, which is published by Harmattan.

2 PRESIDING JUDGE SCHMITT: [12:18:56] So that was my mistake. Excuse me.

3 So, what -- then -- then -- but then let's come back. When you informed the minister,
4 how did he react? Did he seem surprised? The same question, but not with regard
5 to Mr Djotodia, but with regard to the minister.

6 THE WITNESS: [12:19:21](Interpretation) He didn't seem surprised, not really, since
7 he stated that the intelligence service also had this type of information. So my call
8 just comforted him in his belief that this could be true.

9 PRESIDING JUDGE SCHMITT: [12:19:44] I think you can move on, Mr Knoops.

10 MR KNOOPS: [12:19:47]

11 Q. [12:19:47] Mr Poussou, I would like to show you a document which is
12 a paragraph of a statement of a Prosecution witness. It's Prosecution -- it's tab 82 of
13 our binder. CAR-OTP-2130-1538. I believe it was Witness 1847, or a statement
14 from that individual.

15 And I would like to draw your attention to page 1545, paragraph 30.

16 In light of the instructions of the Court this morning, I would like to read the first
17 sentence of this paragraph 30. 3-0: (Interpretation) "The 1 December is national day
18 in the Central African Republic, and in 2013, I took part in organising this celebration.
19 We had heard of possible attacks against Bangui starting on 29 and 30 November 2013,
20 a decision was thus taken to cancel the festivities that year. There was a sort of
21 feverish atmosphere in the air before the attack - the Seleka were everywhere, waiting
22 for something to happen. On 4 December, towards 7 p.m., I received a call from
23 a gendarme friend who had been following the Anti-Balaka movements."

24 (Speaks English) End of quotation.

25 PRESIDING JUDGE SCHMITT: [12:21:59] I think that's enough, Mr Knoops, for

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1 your purposes, I would assume.

2 MR KNOOPS: [12:22:04] Yeah, exactly.

3 Q. [12:22:05] So, Mr Poussou, was this also your experience in those -- in those days,
4 that it was not only known to the intelligence services but it circulated amongst
5 the population in general and it led to the cancellation of festivities in Bangui?

6 A. [12:22:38] Counsel, it seems to me that you're asking the wrong person. You
7 should ask this question to the person who made this statement. I was not with him
8 and I was not in Bangui at the time, so I am not the right person.

9 PRESIDING JUDGE SCHMITT: [12:22:54] Mr Vanderpuye, the witness has already
10 answered, so ...

11 MR VANDERPUYE: [12:22:58] I understand, Mr President.

12 My concern was, I don't see any indication in here that this was something that was
13 publicly known, and the way the question was put seemed to suggest that. And
14 I was just checking with my colleague here if my understanding is correct.

15 PRESIDING JUDGE SCHMITT: [12:23:16] Again -- again -- again, this -- we will
16 figure that out. That's clear.

17 So, Mr Knoops, please continue.

18 But it's not a problem that it's on the record, as such, so ...

19 MR KNOOPS: [12:23:28] Yeah.

20 Q. [12:23:29] Mr Poussou, can you confirm that also the French authorities in
21 Bangui were aware of the upcoming attack on 5 December?

22 A. [12:23:52] Unless you can prove the opposite, I don't work for the French
23 authorities and I was not with them in Bangui, as far as I know.

24 PRESIDING JUDGE SCHMITT: [12:24:01] Well, this is -- this is again an instance,
25 Mr Knoops, where the Chamber would not have any problems if you simply flag it,

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1 because indeed the witness cannot -- cannot -- it would be -- or it's not impossible, it
2 would be surprising. So you have obviously a document. Can you put this simply
3 on the record.

4 MR KNOOPS: [12:24:19] Well, we also refer to Witness P-2328.

5 PRESIDING JUDGE SCHMITT: [12:24:24] Okay, yeah. I recall, yeah.

6 MR KNOOPS: [12:24:26] I don't have the transcript here, but it was a live witness, it
7 was -- ah, as always, the support staff is brilliant. T-047, English
8 real-time -- English version, which is on page 55 till 57.

9 PRESIDING JUDGE SCHMITT: [12:24:49] Okay, please move on.

10 MR KNOOPS: Yes.

11 Q. [12:24:56] Mr Poussou, were you aware at that point in time - so we are
12 speaking about the beginning of December 2013 - where Mr Ngaïssona was residing
13 at that moment? So around the attack of 5 December.

14 A. [12:25:23] I do not know.

15 Q. [12:25:26] I believe it was your testimony that you were well acquainted with
16 the world of football. And if I put to you that we have information that
17 Mr Ngaïssona was, on 5 December, in Douala, and left on 7 December to Paris, while
18 leaving on 9 November -- December, sorry, to Morocco for a FIFA mission.

19 And for this we refer the Court (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [12:26:01] We know. Yeah, I recall that.

21 MR KNOOPS: [12:26:02] The Court finds this also in tab 30, 3-0, with the passport,
22 stamps and (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [12:26:09] What can the witness -- what can
24 the witness say about that?

25 MR KNOOPS:

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1 Q. [12:26:13] If you cannot say anything --

2 A. [12:26:16] What business is this of mine?

3 PRESIDING JUDGE SCHMITT: [12:26:18] The question is -- no, Mr Knoops,
4 we -- and we recall that. And this has been discussed also already and I think it's on
5 the record, the respective documents. Also the flight documents I recall very well.

6 MR KNOOPS: [12:26:36] Yeah.

7 Q. [12:26:36] But my point is simply, Mr Poussou, what is it of concern for you?

8 Probably nothing. But for us it's of concern, and we dictate the questions here, not
9 you. And despite you have not a master above you, but in this courtroom we are
10 posing the questions, okay? And I'm asking you: You were not aware of this
11 information, yes or no? You didn't enquire where Mr Ngaïssona was in December,
12 while you're implicating him in the attacks?

13 PRESIDING JUDGE SCHMITT: [12:27:07] Mr Knoops, this is --

14 THE WITNESS: [12:27:14](Interpretation) I don't have to answer you with a yes or
15 no. I'm not Mr Ngaïssona's wife, to know where he is, and it is not something that
16 is -- that I'm interested in. Thank you.

17 PRESIDING JUDGE SCHMITT: [12:27:25] So before -- before Mr Vanderpuye
18 speaks, we take it from there that he did not know the whereabouts of Mr Ngaïssona.
19 Mr Vanderpuye.

20 MR VANDERPUYE: [12:27:34] Thank you, Mr President.

21 First of all, I think he's already answered that.

22 The second thing is - and I understand, I've been on Mr Knoops' side before - but
23 I think the questions are argumentative. And to that extent, obviously the witness is
24 agitated as a result of it.

25 PRESIDING JUDGE SCHMITT: [12:27:55] Well, argumentative was the last part of it,

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1 not the whole question. And I already said that I'm not comfortable with it. We
2 don't have to discuss this further.

3 Mr Knoops.

4 MR KNOOPS: [12:28:04] Mr President, all due respect, if we look back at the
5 examination by the Prosecution, were just opinions, assumptions asked by the
6 witness. I'm not arguing with the witness, I'm just putting the question whether he
7 has knowledge, yes or no. It's the witness who starts arguing with the Defence.

8 PRESIDING JUDGE SCHMITT: [12:28:24] No, you have -- you have -- you have
9 rightfully asked if he knows that, and he says he doesn't know that. And
10 argumentative is the part when you say and, you know, you say you don't know that,
11 while you are implicating him in something. That is not necessary. This is exactly
12 what I'm saying. And we can stop that here, or finish that. And please continue.

13 MR KNOOPS: [12:28:49]

14 Q. [12:28:49] Now, Mr Poussou, I'd like to take you to the alleged relation between
15 FROCCA, i.e. Mr Ngaïssona in specific, and the 5 December attack.

16 You were asked about this purported relationship by the Prosecution on
17 18 January - in the transcript, page 25, lines 17 till 18 - and you were asked about this
18 purported relationship between FROCCA and the Anti-Balaka at that time. And
19 then your answer was that you were convinced at that time that the Anti-Balaka,
20 because there were a number of Anti-Balaka factions, there were those that were
21 acting on behalf of President Bozizé and his clan.

22 Now, my first question is, since you were not long a part of FROCCA since
23 October 2013, and you say that you didn't have any contact anymore with Mr Bozizé,
24 how can you say the Court that you were convinced that all these Anti-Balaka
25 factions out there were acting on behalf of President Bozizé?

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1 A. [12:30:25] I never said that all of the Anti-Balaka factions were working in
2 the name of Bozizé. I've never said this.

3 Q. [12:30:39] "... a number of Anti-Balaka factions ... were acting on behalf of
4 Mr Bozizé and his clan."

5 Now, the question is: What is the foundation of -- of this conviction of you that this
6 was the case?

7 A. [12:31:04] So now we've gone from all the Anti-Balaka factions to a certain
8 number of Anti-Balaka factions. So what I can answer to this question is
9 the following: There were former members of the presidential guard and of
10 the Central African Armed Forces who were considered as being close to Bozizé and
11 they led these Anti-Balaka factions. And everyone knew this, the government said
12 this. They knew that the person who was instrumentalising the Anti-Balaka,
13 a faction anyway, was Bozizé.

14 Q. [12:31:54] You say that everyone knew this. My question is how do you know
15 that everyone knew this?

16 What is -- Mr Poussou, what is actually the concrete evidence for this assertion? Is
17 there any proof in your statement to show the Court that you were right? You didn't
18 speak to Bozizé anymore, you didn't speak to anyone, you say. What made you
19 concretely say and accuse Mr Bozizé that a number of Anti-Balaka factions were
20 acting on his behalf? That is the question. Apart from "everyone knew". Well, we
21 all know that there is a war in Ukraine, but that does not say who's actually involved
22 in specific.

23 So my question to you, and I think that's a fair question, in my submission: Can you
24 tell the Chamber, give the Chamber any fact, not speculation, assumption, deduction,
25 allusion, whatever, give any fact to say this is why I know that those number of

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1 Anti-Balaka factions were acting for Mr Bozizé? And name us these factions and
2 how you came to this knowledge.

3 That is what we are here for as Defence counsel, and hopefully also the Prosecution,
4 to get this information.

5 PRESIDING JUDGE SCHMITT: [12:33:33] No, Mr Knoops, this is absolutely, an
6 absolutely valid question, but at some point in time you have to let the witness
7 answer.

8 THE WITNESS: [12:33:50](Interpretation) You've spoken for five minutes. I'm
9 completely drowning in your comments and your questions.

10 Counsel, when the 5 December attack took place, there was a *communiqué* from

11 FROCCA signed by Mr Banoukepa, which stated clearly that FROCCA was

12 the political entity of those who had attacked. This *communiqué* exists.

13 If this is not proof of President Bozizé's involvement in the attacks that took place on

14 5 December, then you have to find something else. And I state that there were

15 people close to President Bozizé leading Anti-Balaka factions, there were official

16 *communiqués* from the government which involved Bozizé and the people close to him.

17 There was information in the press, in the Central African press, which named Bozizé

18 as being responsible, or at least the beneficiary of these attacks.

19 Q. [12:35:28] You're speaking now about this *communiqué* of Mr Banoukepa. Did
20 you recall whether he mentioned any Anti-Balaka factions in this *communiqué*? And,
21 if so, which one?

22 A. [12:35:47] Counsel, you have to reread the *communiqué*.

23 Q. [12:35:51] And which factions, in your evidence, were acting on behalf of

24 Mr Bozizé at that time? Please give us the names.

25 A. [12:36:07] There were Anti-Balaka whose leaders were identified as being close

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1 to President Bozizé. For example, Mr Ngaïssona was the coordinator of one of
2 the Anti-Balaka factions that stood by President Bozizé.

3 Q. [12:36:30] You were asked by the Prosecution on the same day, 18 January:
4 "How did you know that Mr Ngaïssona" - these were the words of the Prosecution
5 question - "did ... fit in the picture in regard to the relationship FROCCA [and the]
6 Anti-Balaka?"

7 That's transcript page 26, lines 5 till 7 of 18 January.

8 And your answer was, here, simply reference to the meeting in the cafe in Paris in
9 August 2013 with Mr Songuet as reason for your conclusion.

10 Transcript page 26, real-time English version, lines 15 till 18.

11 And then you say: "So, clearly it logically followed that he was [Ngaïssona] part of
12 the armed struggle."

13 So, Mr Poussou, my question is: Is this -- you're telling the Court that this meeting in
14 the cafe in Paris in August 2013 was indeed the reason for you to believe that
15 Mr Ngaïssona did fit into the picture of the relationship FROCCA/Anti-Balaka in
16 December 2013?

17 I believe I didn't use five minutes for this question.

18 PRESIDING JUDGE SCHMITT: [12:38:15] But it's a repetition, sort of, because I
19 think the witness has -- no, you have read what the -- no, no, now I think I am --

20 MR KNOOPS: [12:38:24] Mr President --

21 PRESIDING JUDGE SCHMITT: [12:38:25] You have -- you have read out what the
22 witness has said, and then you say "Is this your explanation?"

23 MR KNOOPS: [12:38:28] So --

24 PRESIDING JUDGE SCHMITT: [12:38:29] No, no, I don't see now the extra benefit
25 of the question.

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1 MR KNOOPS: [12:38:32] Okay. I will simplify it then even more.

2 Q. [12:38:35] Mr Poussou, the meeting in Paris in August 2013 was the reason why
3 you said Ngaïssona has -- was involved in the attack of 5 December, correct?

4 A. [12:38:52] There were several meetings that took place in Paris near
5 the Champs-Élysées. And during one of these meetings Mr Ngaïssona wanted to
6 report on his contacts with his children on the ground who were motivated and
7 Mr Francis Bozizé stopped him. I already stated this and I say it again, Counsel.

8 Q. [12:39:17] This is -- this is not an answer to my question. My question, simply,
9 is this meeting --

10 A. [12:39:25] But this is my answer. You cannot force me to answer something.
11 This is my answer.

12 Q. (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [12:39:33] No, we stop here.

14 So, Mr Witness, please, we are really shortly before the end of your testimony.

15 Please stay calm until the end of your testimony.

16 And, Mr Knoops, you still --

17 THE WITNESS: [12:39:47](Interpretation) I am calm.

18 PRESIDING JUDGE SCHMITT: [12:39:48] You simply have to -- to -- you simply
19 have to take the answer.

20 MR KNOOPS: [12:39:52] Mr President, I try, but the witness is not answering
21 the questions. And I don't understand why the Court allows that the witness is not
22 respecting my questions.

23 I -- I have, in my course of my examination, paid patience and respect for this witness,
24 and the witness is not answering any question. The question was simply if
25 the meeting in the cafe in Paris was the reason for the witness to say Ngaïssona is

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1 involved in the 5 December. That is a simple question, yes or no.

2 PRESIDING JUDGE SCHMITT: [12:40:24] Mr Vanderpuye.

3 MR VANDERPUYE: [12:40:26] I under -- you know, for once, I'm probably one of
4 the calmest people in the court.

5 But the point is that the witness has answered the -- he's answered already this
6 question, in terms of Mr Ngaïssona's relationship to the Anti-Balaka, on the basis of
7 his contacts, as he described already a couple of times, the meeting, the post-meeting
8 already. So I --

9 PRESIDING JUDGE SCHMITT: [12:40:50] I tend to -- I tend to agree with
10 Mr Vanderpuye. I think the witness has answered that. And you -- you
11 want -- you want to know from him if this specific -- this specific meeting in Paris was
12 the only reason why he implicated, or whatsoever, Mr Ngaïssona. And the witness
13 then answers and provides another information. So you will not get the witness to
14 tell you yes or no in that regard, because there are -- obviously he might have
15 different reasons in mind.

16 Mr Knoops, may I in the meantime ask, I don't assume that you finish until 1 o'clock,
17 or ...

18 MR KNOOPS: [12:41:51] No, Mr President, not under these circumstances. Sorry.

19 PRESIDING JUDGE SCHMITT: [12:41:54] And how long would you continue after
20 1 o'clock, or how much longer?

21 MR KNOOPS: [12:42:00] I try to finish today, but I cannot assure --

22 PRESIDING JUDGE SCHMITT: [12:42:02] Okay. Good. Please continue.

23 MR KNOOPS: [12:42:03] -- that is ...

24 Q. [12:42:32] So, Mr Poussou, after having yourself logically concluded that

25 Mr Ngaïssona was part of the armed struggle, did you speak to him again in the time

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1 frame of August 2013-30 November '13. You already said you were not in contact
2 with him by phone, I believe, if that's your evidence still. But apart from phone
3 contacts, yes or no, did you meet him after August 2013? And I'm speaking here --

4 A. [12:43:25] Not as far as I remember. Not as far as I remember.

5 Q. [12:43:31] The meeting in the cafe in Paris, was this the only meeting you had
6 with Mr Ngaïssona, as you say, where he purportedly said something about
7 the upkeep of elements in the field? A statement, by the way, which you didn't gave
8 in 2019, but that's something different.

9 But I'm interested to know whether he used the word "upkeep" only in this meeting
10 in Paris cafe, or at other occasions?

11 A. [12:44:12] I'd like to specify something. I never said that I was in a meeting in
12 a cafe with Mr Ngaïssona. I said that after one of the meetings, one of the FROCCA
13 meetings after -- so an official meeting that was chaired by President Bozizé, I said
14 that we met with Mr Ngaïssona, Mr Yvon Songuet in a cafe and we were speaking
15 about everything and nothing. It wasn't a meeting, as such.

16 So I'd like to repeat again that during the meetings, during one of the meetings that
17 was chaired by Mr Bozizé, Mr Ngaïssona wanted to report on his -- about his contacts
18 on the ground and Mr Francis Bozizé stopped him. And I said it then and I'll say it
19 again, when we met with Mr Ngaïssona, Yvon Songuet in this Parisian cafe near
20 the Champs-Élysées, Mr Ngaïssona spoke on the phone with someone and then told
21 us that it was someone called Mokom and that he would have more details when he'd
22 go to Yaoundé but that things were going well on the ground.

23 I hope I have been sufficiently clear.

24 Q. [12:45:36] Speaking about repetition, this is the fourth, fifth time I hear this story.

25 But the question is, Mr Poussou, simply, apart from this encounter in this cafe, did

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1 you speak with Mr Ngaïssona at any other occasion later this year where he used
2 the word "upkeep"?

3 A. [12:46:08] I've already answered that question, Counsel, on a number of
4 occasions.

5 MR KNOOPS: [12:46:15] Mr President, the witness didn't answer the question. I
6 ask the Chamber, really, to intervene.

7 PRESIDING JUDGE SCHMITT: [12:46:20] Yeah, yeah, I intervene now.

8 Mr Poussou, even if you think, and perhaps you have answered the question, why
9 not simply repeat it: I did later on, I did have contacts, I did meet him personally or
10 I did phone with him and he said something in that -- in that direction, or no.

11 Then we can continue. The quicker we can finish then.

12 THE WITNESS: [12:46:48](Interpretation) Not that I recall, Mr President.

13 PRESIDING JUDGE SCHMITT: [12:46:49] I think this has been -- Mr Knoops, this
14 has been said, but okay.

15 MR KNOOPS: [12:46:53] Okay.

16 Q. [12:46:54] Mr Poussou, another topic relates to the alleged role of Mr Ngaïssona
17 and his relationship with the Anti-Balaka after the return of him to Bangui. Also
18 here you were asked about this by the Prosecution on 18 January. Specifically his
19 relationship, as you said, with the Anti-Balaka after return to Bangui.

20 And to be perfectly safe, I will check for you the transcript, to avoid any discussion,
21 which is, I think it was the 17th. One second.

22 PRESIDING JUDGE SCHMITT: [12:48:03] Well, if you have -- if you have it.

23 MR KNOOPS: [12:48:05] Well, I had the citation with --

24 PRESIDING JUDGE SCHMITT: [12:48:09] Well, then please continue.

25 MR KNOOPS: [12:48:09]

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1 Q. [12:48:10] You did say in your evidence that Mr Ngaïssona acted in the name of
2 this faction that was close to the pro-Bozizé movement.

3 Transcript page 36, line 18. But I'm not sure whether it's the transcript 17 or
4 18 January.

5 But it was said by Mr Poussou, you said so.

6 My question to you is, were at that time more Anti-Balaka factions of movements in
7 place? And we're speaking about the return -- after the return of Mr Ngaïssona to
8 Bangui.

9 A. [12:49:11] There were several of them.

10 Q. [12:49:23] How many, to your recollection, were there operating?

11 A. [12:49:35] There were several of them, but as I wasn't a member of
12 the Anti-Balaka I wouldn't be able to know the number, precise number of factions
13 that were in existence. But there were several of them.

14 Q. [12:49:51] And can you then give a description of what you mean to understand
15 the so-called "pro-Bozizé movement". Was this, in your evidence, related to a certain
16 Anti-Balaka faction? And, if so, where were they located in 2014?

17 A. [12:50:22] Could you please rephrase your question, because I do not
18 understand.

19 PRESIDING JUDGE SCHMITT: [12:50:26] Do you allow -- do you allow me,
20 Mr Knoops, that I think -- I think what you're heading at is the following.

21 Mr Poussou, you said there were several factions of the Anti-Balaka. One of
22 the -- one of them were related to Mr Bozizé. To which faction are you referring to?
23 And if you know the faction, where were, let's say, where were they deployed, if we
24 were to word it this way?

25 THE WITNESS: [12:50:57](Interpretation) The Anti-Balaka who were aligned with

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1 Bozizé were in the northern neighbourhoods of Bangui, so that's the 4th and the 8th
2 arrondissement. They were also in Bossangoa and in the native regions of
3 President Bozizé.

4 PRESIDING JUDGE SCHMITT: [12:51:18] Thank you very much.

5 Mr Knoops.

6 MR KNOOPS: [12:51:19] Thank you, Mr President.

7 Q. [12:51:21] Mr Poussou, how did you know that, first of all, this movement was
8 active in the locations as you mentioned? What was the source of information which
9 brought you to this statement?

10 A. [12:51:47] Those movements were in control of those regions. They were
11 the boss out -- or the forces in charge out in the field. They were the ones who
12 controlled those men.

13 Q. [12:52:01] How did you know this?

14 A. [12:52:08] How do I know? Well, they were out in the field. I know -- I don't
15 understand the meaning of your question. If you can be more specific so that I can
16 understand what you're getting at. How do I know? How do I know?

17 PRESIDING JUDGE SCHMITT: [12:52:25] Mr Poussou, Mr Poussou, you say that in
18 the 4th and 8th arrondissement the faction aligned to Mr Bozizé was deployed and
19 they are also -- were also operating in Bossangoa. And the question is: Where did
20 you get the information from? Did you speak with people from the Anti-Balaka, or
21 whatsoever? Or with other journalists, or whatsoever? This is the question.

22 THE WITNESS: [12:53:00](Interpretation) Mr President, I will say again that I don't
23 understand the meaning of the question. It was a known fact that he was controlling.
24 I was the advisor of the prime minister. I couldn't go to those areas, however. But
25 those people who were in control of the 4th and 8th arrondissement, if they would go

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1 out of a church, well, we would know that they were there. They were there.

2 As to what channel gave me that information, I can't tell you specifically which one.

3 People knew that they were there. They were in those areas and they were

4 controlling those areas.

5 PRESIDING JUDGE SCHMITT: [12:53:41] Mr Poussou, that's also an answer. It

6 was known, whatsoever.

7 Mr Knoops, whatever we -- we deduce or whatever we make out of this. So please

8 continue.

9 MR KNOOPS: [12:53:51]

10 Q. [12:53:51] My next question, Mr Poussou, is if there were many Anti-Balaka

11 groups, do you know whether they at that time, so the beginning of 2014, were in any

12 way coordinated? Or were they operating on themselves?

13 A. [12:54:19] I was not part of that organisation, so I am not in a position to know

14 how they acted. But there were people in charge who made public statements

15 saying that they were aligned with such-and-such a movement, saying that they were

16 a coordinator, that they were a person in charge. So those are the people that you

17 should be putting the question to as to how they were organised.

18 MR KNOOPS: [12:54:47] Mr President, I believe for the sake of efficiency of the trial,

19 I can go into more details with the witness, but I think it's not useful considering his

20 posture towards the Defence.

21 PRESIDING JUDGE SCHMITT: [12:55:06] Well, but obviously with regard also if

22 you -- Mr Knoops, you have prepared yourself very well, everyone. I have -- I have

23 read also his former statement. In 2014 it's not so -- let me -- just my impression, it's

24 not so specific anymore. So it's up to you if -- if you entertain that.

25 MR KNOOPS: [12:55:29] Yeah.

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1 PRESIDING JUDGE SCHMITT: [12:55:30] So I -- it could be that the witness has no
2 specific information about the coordination of the Anti-Balaka in 2014.

3 MR KNOOPS: [12:55:38] Right.

4 Q. [12:55:40] The final question, Mr Poussou, before the break.

5 And that brings me also to the end of this topic, Mr President.

6 PRESIDING JUDGE SCHMITT: [12:55:50] I thought so.

7 MR KNOOPS: [12:55:51]

8 Q. [12:55:52] Mr Poussou, you mentioned in this context on 18 January - and that

9 was indeed the transcript I was referring to just a minute ago - you mentioned

10 the example, as an example, the encounter with Mr Kamoun. You use this in

11 the context of the question whether there was a relationship between Ngaïssona,

12 Mr Ngaïssona and the Anti-Balaka at that time. You gave the example of

13 a discussion between Mr Ngaïssona and the prime minister at that time, Mr Kamoun,

14 at his home, his residence in Bangui.

15 And it was during that discussion between Mr Ngaïssona and Mr Kamoun that you

16 say that Mr Kamoun said that Mr Ngaïssona should put a stop to attacks and he

17 should act to bring return to peace.

18 That's transcript page 36, line 20 till 25.

19 And then you say on transcript page 37, lines 4 till 10, that in exchange for these

20 actions he could be appointed president to the SOCAPS. And you followed up with

21 a draft.

22 First question, Mr Poussou: Which time frame are we speaking here, this discussion

23 with the Prime Minister Kamoun at that time?

24 A. [12:57:42] Prime Minister Kamoun was appointed towards the end of July 2014.

25 I was appointed to his cabinet in August. And it was a few weeks after my

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1 appointment that this discussion was held at the residence of Prime Minister

2 Kamoun.

3 Q. [12:58:12] Thank you.

4 Did you ever hear mention being made that Mr Ngaïssona himself gave orders to
5 attack?

6 PRESIDING JUDGE SCHMITT: [12:58:51] Mr Poussou, simply, if no, then simply
7 say no. And ...

8 THE WITNESS: [12:58:58](Interpretation) No.

9 PRESIDING JUDGE SCHMITT: [12:58:59] I think that was also clear from -- but no
10 problem that you want to have it on the record, but it was clear that he did not have
11 such information.

12 MR KNOOPS: [12:59:11]

13 Q. [12:59:12] My second question was, Mr Poussou: Were you aware that the then
14 president of the transitional government, Ms Catherine Samba-Panza, asked herself,
15 directly or indirectly through the prime minister, a list of Anti-Balaka members who
16 were potentially eligible to be part of the government and their wishes to have
17 a certain position in the government, since she was not well informed about who
18 the Anti-Balaka were at that time? Can you recall?

19 PRESIDING JUDGE SCHMITT: [13:00:01] So do you have that knowledge,
20 Mr Poussou? You can also say yes or no, if you have it or not.

21 THE WITNESS: [13:00:11](Interpretation) No, Mr President. No.

22 PRESIDING JUDGE SCHMITT: [13:00:15] Okay.
23 The break?

24 MR KNOOPS: [13:00:16] Thank you very much.

25 PRESIDING JUDGE SCHMITT: [13:00:18] Break for everyone very much needed,

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- 1 Mr Knoops, me. Mr Vanderpuye is calm.
- 2 But also, Mr Poussou, I think we need a break until 2.30 and then we will finish
- 3 the testimony of this witness.
- 4 THE COURT USHER: [13:00:38] All rise.
- 5 (Recess taken at 1.00 p.m.)
- 6 (Upon resuming in open session at 2.31 p.m.)
- 7 THE COURT USHER: [14:31:27] All rise.
- 8 Please be seated.
- 9 PRESIDING JUDGE SCHMITT: [14:31:52] Mr Knoops, you obviously still have
- 10 the floor.
- 11 MR KNOOPS: [14:31:59] Thank you, Mr President. Good afternoon.
- 12 Q. [14:32:02] Good afternoon, Mr Poussou, again.
- 13 I just install my lectern. Sorry.
- 14 Mr Poussou, this afternoon I would first like to delve into your contacts with
- 15 Mr Tiangaye in the time frame after you became minister, 30 November. Did you
- 16 interacted a lot with him when you were in the government?
- 17 A. [14:33:02] Not at all.
- 18 Q. [14:33:07] Were you aware of what -- what he sometimes reported to
- 19 Mr Djotodia what happened in Bangui in the streets and the situation in general in
- 20 Bangui? Were you privy to any information he gave to President Djotodia what
- 21 happened in the streets?
- 22 A. [14:33:43] Your question is too general. What was being said by people?
- 23 Q. [14:33:51] Then I put to you Mr Tiangaye was heard before this Court --
- 24 PRESIDING JUDGE SCHMITT: [14:33:56] You can, indeed, be more direct, I think.
- 25 MR KNOOPS: [14:33:59] Yeah.

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1 Q. [14:33:59] In -- in July 2021. In this courtroom he -- there are two portions I
2 would like to confront you with.

3 First of all, Mr Tiangaye the then prime minister, testified before this Court, which is
4 the English transcript T-051, 12 July 2021, page 14, where he was asked about what
5 happened with machetes which were allegedly given to militia. And he said
6 the following:

7 "And I would say, again, there was nothing carried out with these machetes and they
8 were also given, I would say, for agricultural purposes intended for farmers. So they
9 were not given to the militia and, as far as I know, they were not used to commit any
10 unlawful acts." End quote.

11 My question: Was this information shared by you in those days when you were
12 a minister in this government of which Mr Tiangaye was prime minister?

13 A. [14:35:34] I don't remember anything along those lines.

14 Q. [14:35:38] The former prime minister also testified at another day before this
15 Court.

16 It was 14 July, transcript 053, English real-time -- English transcript, that's page 15.

17 Sorry, this was the same day, 14 July. Same day.

18 He was asked by the Prosecution about the intelligence reports you mentioned and
19 you based yourself on, as you said during testimony, for percentages of

20 the composition of the Anti-Balaka, majority of what you say pro-Bozizé. But

21 Mr Tiangaye, that's more important for today, said the following about those reports.

22 The question of the Prosecution was: "To your knowledge, was there a major problem
23 of inaccurate reports in 2013?"

24 And it was, by the way, a Defence question.

25 Anyway, the answer of Mr Tiangaye was the following, Mr Poussou, citation:

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1 "Not only in 2013 ..." - was there a major problem - "... even today people falsify
2 reports so as to settle personal scores or to benefit from funds that are allocated, so
3 they have to submit these reports or notes to prove that they have done the work.
4 And many of them, the vast majority, are [in]accurate."
5 And then Mr Tiangaye goes on with explanations about the benefits allocated to
6 investigators, given money. And that, at the time of 2013, the services of these
7 intelligence services "were not completely operational". That's line 19.
8 Now, hearing this evidence given by your former prime minister Mr Tiangaye, does it
9 ring a bell? Was this shared with you, his view on the accuracy of intelligence
10 reports?

11 A. [14:38:07] That's his point of view, I wouldn't want to comment on that. It
12 really doesn't ring a bell with me at all. Not at all.

13 PRESIDING JUDGE SCHMITT: [14:38:17] If I may.

14 Mr Poussou, you said, and it's completely understandable, this is his point of view.
15 What is your point of view, if you have one at all, with regard to these intelligence
16 reports? Going back to the time when you were a minister.

17 THE WITNESS: [14:38:52](Interpretation) To the best of my knowledge, and really, I
18 must say that there are some black sheep, scapegoats, and so there's always been
19 a tendency in our country for intelligence officers that we refer to as *fichistes* in French.
20 They make up stories and pass along lies so as to settle scores. I wouldn't say that
21 the entire intelligence service works in that manner.

22 So that's my point of view, your Honour.

23 PRESIDING JUDGE SCHMITT: [14:39:43] Well, that's interesting.

24 Yeah.

25 Mr Knoops, please continue.

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1 MR KNOOPS: [14:39:54] Yes. Mr President, the transcript reflects an error. It says,
2 "the vast majority, are accurate." But it should be "inaccurate", of course. That was
3 in the statement of Mr Tiangaye.

4 PRESIDING JUDGE SCHMITT: [14:40:09] Well, thank you.

5 MR KNOOPS: [14:40:11] You're welcome.

6 Q. [14:40:13] Mr Poussou, in your evidence on 18 January you were refreshed with
7 your statement of 2019, paragraph 143, and you say, "Mr Ngaïssona personally
8 confirmed to me that he financed the purchase of arms."

9 And this, in response to this statement you did say, "Two or three months before he
10 was arrested, I had a discussion with him in the office of the CAF."

11 Now my first question to you, Mr Poussou, is: Was this the first time you say you
12 heard this from Mr Ngaïssona?

13 A. [14:41:16] To the best of my recollection, that wasn't the first time.

14 Q. [14:41:26] So you -- it is your evidence that he said so on different occasions to
15 you, the same -- same sentence?

16 A. [14:41:38] That's not what I said. To the best of my recollection, that wasn't
17 the first time that I heard that from him. So that's my answer.

18 Q. [14:41:48] And enlighten us, when was the other occasion or occasions that you
19 heard this from him?

20 A. [14:42:01] To the best of my recollection, it wasn't the first time. The other
21 times I don't remember.

22 Q. [14:42:08] You said in this regard it -- this discussion took place in the office of
23 the CAF, the Central African Football Federation. Could you describe for us
24 the office of Mr Ngaïssona within the building of the CAF.

25 A. [14:42:32] I can't describe it, because these are details of lesser importance from

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1 my point of view.

2 Q. [14:42:45] This happened, Mr Poussou, in your evidence given two or three
3 months before Mr Ngaïssona was arrested, so that must have been somewhere in
4 the autumn of 2018. So that's nearly four years, around four years ago. Are you
5 telling the Court you cannot describe the office of Mr Ngaïssona in the building of
6 CAF after four years?

7 A. [14:43:19] That's a detail, a detail of less importance to me. When I go into an
8 office I don't try to determine where a particular piece of furniture is or what colour it
9 is.

10 Q. [14:43:36] Can you at least tell the Chamber was it the ground floor, first floor,
11 third floor, fourth floor, whatever. Any information.

12 A. [14:43:53] Mr Ngaïssona's office at the *football federation of the Central African
13 Republic is upstairs. I don't know if it's on the first floor, second floor, third floor,
14 but it's upstairs.

15 Q. [14:44:07] And can you say how many people were working there at that time?
16 How many people were in the -- in the building?

17 PRESIDING JUDGE SCHMITT: [14:44:18] Well, how -- do you -- why -- how can he
18 know that? I think that's -- I'm absolutely fine with the details, yes, yes, but he was
19 not an employee there.

20 MR KNOOPS: [14:44:32] No, I mean when he visited Mr Ngaïssona.

21 PRESIDING JUDGE SCHMITT: [14:44:34] Okay. Did you see -- but then, with all
22 due respect, Mr Knoops, you have to reword it a little bit. He might not have known
23 who was sitting with doors closed in his or her office.

24 So, Mr Poussou, do you recall if other people, when you went there, if there were a lot
25 of other people? Or even -- even if other people were there when you talked with

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1 Mr Ngaïssona, that would be interesting, of course. If you weren't alone with him.

2 THE WITNESS: [14:45:05](Interpretation) Thank you, your Honour. At the Central
3 African federation of football there are always many people. When you
4 always -- when you go to see the president, his assistant is the one you speak to first,
5 and then she announces you. And then, if the president is going to receive you, she
6 ushers you into his office. So there were -- there were two of us with Mr Ngaïssona
7 in his office.

8 PRESIDING JUDGE SCHMITT: [14:45:44] So thank you very much.

9 MR KNOOPS: [14:45:45] Yeah.

10 Q. [14:45:46] Mr Poussou, I -- I put to you that you don't remember any, what you
11 mention, details of the office of Mr Ngaïssona because you never visited him. You
12 never were with him in his own private office, otherwise you would have known that
13 his office had some particular elements. And I will not disclose them today, but it
14 will be submitted by the Defence in our own investigation. But his office has certain
15 specific characteristics, it was not a normal office, and you don't remember it because
16 you were not there. You totally made this up, right?

17 A. [14:46:45] That's your statement. That's your conclusion. I would like to
18 remind you that I am not a party in this case and that my point of view is neutral. I
19 have no interest in coming before this Chamber and no interest in making anything
20 up whatsoever.

21 I'd like to add that during the week, or the days before the arrest of your client, he
22 was at my radio station and he was on the air for more than two hours - it was
23 a sports programme - more than two hours with Koungou Bakou (phon), a journalist.
24 I went by and I stuck my head into the room and said hello, and then I left.
25 Just the day before his arrest I was with your client at the Bangui-M'Poko airport.

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1 I was the very last person that he spoke to before he got on to the plane. And that
2 day he gave me 50,000 CFA francs, so I have no interest in making anything up about
3 your client. I have absolutely no interest in making anything up or harming him or
4 anything along those lines.

5 PRESIDING JUDGE SCHMITT: [14:48:11] Well, to explain it to the -- to Mr Poussou,
6 this is also something that belongs to the rules in such a procedure where we have
7 two parties, that one party, in that case the Defence, puts some affirmations to you,
8 some suppositions, and you can simply deny them. So, if you -- if you think they are
9 wrong. So this is -- this is not nothing, let's say, what is meant to be disrespectful.
10 It's something that happens.

11 I understand that, sitting in your position there, that this is -- that you feel irritated, to
12 say the least, but this is something simply accepted as the rules of the game, so to
13 speak, since we were speaking of football also.

14 Mr Knoops, please continue.

15 MR KNOOPS: [14:49:05]

16 Q. [14:49:05] Mr Poussou, my next series of questions relates to various documents
17 we received from the Office of the Prosecution and which reflect the exchanges you
18 had on your motivation to cooperate with the Prosecution in your testimony and how
19 this unfolded. Be aware that the documents I'm going to confront you with are
20 documents we, in most part, received from the Office of the Prosecution.

21 Now, first of all, you can recall that you announced to provide the Office of
22 the Prosecution with the minutes and documents of the alleged contacts, meetings
23 and Western Union transfers that's already discussed.

24 But I would like to first show you a document that's tab 66 of our Defence binder. It
25 is an email - pardon - it's CAR-OTP-2123-0599, and further.

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1 It's an email exchange between you and the OTP investigators. You will see in this
2 document here now on the screen that you transfer an email from your lawyer asking
3 for written confirmation of your engagement with the Court which would help you to
4 obtain an earlier date for the hearing at an immigration board in November 2019.

5 And then you write, on 29 November, that's on page 0600, that you informed your
6 lawyer at that time of your intention to put the secret archives at the disposal of
7 the Prosecution. Which is acknowledged on 17 December.

8 PRESIDING JUDGE SCHMITT: [14:51:41] And the question is?

9 MR KNOOPS: [14:51:44]

10 Q. [14:51:44] And the question is: You did use that acknowledgment, didn't you,
11 to get an earlier date indeed for the hearing at the immigration board in early
12 January 2020? Is that true?

13 PRESIDING JUDGE SCHMITT: [14:52:04] Mr Vanderpuye.

14 MR VANDERPUYE: [14:52:07] I don't know what the basis of that assertion is.

15 There is clearly an exchange. There's been no indication whatsoever that that has
16 happened, or it was used in that way.

17 PRESIDING JUDGE SCHMITT: [14:52:18] But it is -- it is mentioned. Why not ask
18 the witness if he -- I think -- no, really, really, I don't -- don't see why this should
19 not -- could not be asked to the witness and answered by the witness.

20 So, Mr Poussou, after this exchange, I -- you do not contest it and there's
21 nothing -- there's nothing, let's say, negative in this exchange, so -- but did you get an
22 earlier date for the immigration hearing later on, or no?

23 And if you did, it's not a problem. Why not? But you may have the information.

24 THE WITNESS: [14:53:03](Interpretation) Thank you, your Honour.

25 Well, first of all I didn't have a lawyer. I didn't have a lawyer. That's the first thing.

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1 Secondly, I'm not the one who sets the hearing dates. And in the Canadian system
2 it's actually impossible to have any influence on federal officers in any way, shape or
3 form. So my answer is I never used anything to move forward a hearing date.
4 When I say that I had no lawyer, I had no lawyer when I was questioned by the OTP
5 investigators. I want to be clear about that. Often there are different interpretations
6 of this. But as part of the request concerning the proceedings before the Federal
7 Canadian services, I did have an immigration lawyer, I did have a lawyer for that.

8 PRESIDING JUDGE SCHMITT: [14:54:19] That was -- was this
9 Mr Jacques Beauchemin?

10 THE WITNESS: [14:54:23](Interpretation) Yes, exactly.

11 PRESIDING JUDGE SCHMITT: [14:54:25] Mr Knoops.

12 MR KNOOPS: [14:54:28]

13 Q. [14:54:28] On page 0599 of this document you see that on 17 December 2019,
14 the investigators confirm that they will make the necessary steps in cooperation with
15 the Canadian government authorities and will keep you updated.

16 Now, that's the first document in which, by the way, you did say that you had
17 a lawyer, but that aside.

18 Tab 51 of the Defence binder. And I have a certain reason why I put these
19 documents in this order.

20 Tab 51, CAR-OTP-2122-7139, reflects an email exchange between, again, you and
21 the Prosecution investigators of July 2020. And you see that on 7 July you inform
22 the investigators that your friend who had been keeping these secret archives in Paris
23 just died of COVID, and you again stress that it's absolutely necessary to appear
24 immediately before the immigration or refugee board so you can obtain your passport,
25 et cetera, to go to Paris.

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1 Then the response is then, on the very same day, that you've been assured by
2 the Prosecution that they will engage in every way to accelerate your refugee
3 procedure so you can travel to France.

4 So, Mr Witness, my question is, the exchanges you engaged at that time, you were
5 profiting of this contact with the Prosecution investigators and using your incentive
6 to cooperate with the Court to get a refugee status in Canada, which, by the way, was
7 refused or withdrawn in France.

8 PRESIDING JUDGE SCHMITT: [14:56:47] Mr Vanderpuye.

9 MR VANDERPUYE: [14:56:49] Again, one, it's argumentative. I don't know what
10 this has to do with his refugee status in France.

11 Two, it doesn't reflect what the document he's putting to the witness actually say.

12 And so I don't think it's an appropriate, I don't think it's a fair line of examination,
13 particularly in public, with respect to the immigration status of a former minister.

14 I don't think this would be happening in any other circumstance. And I object to
15 Mr Knoops' manner and direction of examination at this point.

16 PRESIDING JUDGE SCHMITT: [14:57:19] Shall we -- shall we discuss that in private
17 session?

18 Yes, private session.

19 MR KNOOPS: [14:57:23] Mr President, I -- okay.

20 (Private session at 2.57 p.m.)

21 THE COURT OFFICER: [14:57:42] We are in private session, Mr President.

22 PRESIDING JUDGE SCHMITT: [14:57:45] We are in private session.

23 (Redacted)

24 (Redacted)

25 MR KNOOPS: [14:57:58] Amongst others --

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1 PRESIDING JUDGE SCHMITT: Amongst others, so --

2 MR KNOOPS: [14:57:55] We have more documents also about the background of
3 the witness.

4 PRESIDING JUDGE SCHMITT: [14:58:02] So, yeah.

5 At the moment we are -- we are -- at that, so.

6 MR KNOOPS: [14:58:05] Indeed, yeah.

7 PRESIDING JUDGE SCHMITT: [14:58:06] And it appears that in this email exchange
8 somehow it played a role.

9 So, Mr Witness, you know better than anybody else in this courtroom what has
10 happened. And again, even if you said is there something to be done to accelerate
11 this procedure, well, it might also be understandable, to put it -- to put it this way.
12 Can you say something on that? Otherwise I would simply say we have
13 the documents here and draw our own conclusions from that. If you want -- if you
14 want to say something or to comment on that.

15 THE WITNESS: [14:58:51](Interpretation) Of course, your Honour. I can't let such
16 insinuations go by without providing a response. I absolutely did not use these
17 proceedings to gain status or to have my application accepted. The first thing is that
18 I needed access to my files. It was not that I was -- I wasn't going to totally hand
19 over my files to the Prosecution. I was willing to provide some of my files to
20 the OTP. I needed those files, those archives. So these interactions were merely to
21 inform them that I had just lost my friend, may he rest in peace, and he was the one
22 who had the materials. That's the first thing.

23 Secondly, I heard Mr Knoops say here that because I used these proceedings,
24 apparently I was refused refugee status in France. I would remind him that, once I
25 agreed to go to my country in November 2013, I no longer had any right to refugee

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1 status in France. And I wrote to the French government and I renounced any claim.

2 You can't be a minister in the Central African Republic and a refugee in France.

3 So when I got to Canada, and I was obliged to stay there, I no longer had refugee

4 status in France.

5 PRESIDING JUDGE SCHMITT: [15:01:07] Thank you, Mr Witness.

6 Please continue. Please move to another point, Mr Knoops.

7 MR KNOOPS: [15:01:13] Well, Mr President, we have more documents to show.

8 PRESIDING JUDGE SCHMITT: [15:01:19] Yeah, of course, other document, yes.

9 Yeah, a good question by court officer. When we can -- can we go back to open

10 session? Let's hear what, or let's see what documents you are putting to the witness.

11 And --

12 MR KNOOPS: [15:01:34] They are still -- this topic is still about his (Overlapping

13 speakers)

14 PRESIDING JUDGE SCHMITT: [15:01:38] Okay. Then we continue in private

15 session.

16 MR KNOOPS: [15:01:40] Yeah. Yeah.

17 Q. [15:01:43] In -- well, still the same tab, 51, I refer to page 7143. It's the last

18 sentence.

19 You see that the investigators write that your testimony will be very crucial for

20 the authentication of the archives.

21 My question to you, Mr Poussou, you were aware that your testimony would be very

22 important, and also the fact whether you were able to sustain that with the archives.

23 You were well aware of this, that without these archives your testimony would be just

24 your word and nothing but your word.

25 PRESIDING JUDGE SCHMITT: [15:02:53] Mr -- this is -- well, you produce

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1 a document and -- and the wording is clear, we are able to read and we can draw our
2 conclusions from it. So -- and the witness has, at length, explained why the archives
3 don't exist anymore. Whatever this means in the end for the assessment of
4 the evidence. And I think the ones in the room who would be the most happy if
5 the archives still existed sit on the right side, from my point of view.

6 MR KNOOPS: [15:03:24] Yeah. But, Mr President, all due respect -- if (Overlapping
7 speakers)

8 PRESIDING JUDGE SCHMITT: [15:03:31](Microphone not activated)

9 THE INTERPRETER: [15:03:34] Microphone.

10 PRESIDING JUDGE SCHMITT: [15:03:39] My point is only what shall
11 the witness -- you know, the witness has said he has received that, he has not denied
12 that. And then you asked them: So you were aware? Yeah, of course he was
13 aware, of course. It's not necessary. This conclusion is so apparent that he knew
14 that, that we don't need to spend time on that.

15 MR KNOOPS: [15:03:59] Mr President, I would appreciate it if the Chamber would
16 allow me to put our version on the record, because there is a certain purpose to it.
17 And I have full respect for the Chamber, but I have really the impression that
18 the Chamber is, at this moment, answering for the witness. And even
19 Mr Vanderpuye in his interventions is feeding the witness.
20 I put simply a question whether Mr Poussou was well aware that without
21 the archives his statement would be less crucial, important, as the investigators
22 suggested.

23 PRESIDING JUDGE SCHMITT: [15:04:36] Well --

24 MR KNOOPS: [15:04:37] Simply, yes or no.

25 PRESIDING JUDGE SCHMITT: [15:04:43] Mr Vanderpuye.

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1 MR KNOOPS: [15:04:44] Mr President --

2 MR VANDERPUYE: [15:04:44] I completely understand the question. And it's an
3 appropriate question in my view, except as it -- it interprets what's on the screen,
4 because that's not what the investigator says. The investigators says it's important to
5 the authentication of the documents, which is a different proposition than what
6 you're putting to the witness. That's the nature of my objection.

7 But if you want to pose the question whether that was his understanding or that's
8 what was conveyed to him, aside from what is represented on the document in front
9 of us, there's no problem with that, from my point of view.

10 PRESIDING JUDGE SCHMITT: [15:05:19] Well, okay, then the obvious -- well, there
11 is also something, I have to say now -- now let me really be open here. Sometimes
12 things -- I don't know if this is the environment here or this has something to do with
13 a two-partite proceeding. Well, we have a very intelligent witness here who had a
14 lot of -- was a journalist for a long time, who was in a position of a minister, that for
15 this witness it makes a difference if he has his archives and the documents, or not.
16 It's so obvious that I really, really ask myself why we have to question this
17 15 minutes.

18 We can -- I already tell you -- I already tell you that I -- I as a person, as
19 Presiding Judging, think that the witness was aware that it is a difference if he still is
20 in possession of these documents or not. That is so obvious, so I don't know why we
21 have objections back and forth and discuss this. Really, sometimes I really ask
22 myself.

23 MR KNOOPS: [15:06:22] Well, Mr President, I am not making objections. I simply
24 refer to the fact that the letter says exactly, "*être un élément catalyseur concret dans le*
25 *suivi de votre dossier.*"

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1 PRESIDING JUDGE SCHMITT: [15:06:33] But what is -- Mr Knoops, really, if
2 you -- if you receive such -- such a message and you're in the position, how do you
3 interpret it? And we can also assume for the witness. So, but now to conclude that.
4 Mr Witness, from me as Presiding Judging, were you aware that having these
5 documents would be very important for your testimony? And that without these
6 documents it would be more difficult, because then it would, let's say, boil down to
7 what you are saying here in the courtroom. So you don't have -- you don't have
8 the papers anymore. Were you aware of that?

9 THE WITNESS: [15:07:25](Interpretation) Your Honour, to answer your question,
10 you really have to be a bit more specific. It is not the OTP that asked me for
11 the documents, it's not the investigators who asked for my archives. And, of course,
12 I really did not need to turn in my archives. I spontaneously offered and I said that I
13 have information that could be of interest to this enquiry, to this investigation, and I
14 would make this available to you. I took the initiative of offering this information so
15 the OTP investigators could completely -- would -- they could be satisfied with my
16 statements and completely do away with the archives when we met at Montreal.

17 PRESIDING JUDGE SCHMITT: [15:08:27] Thank you.
18 Mr Knoops.

19 MR KNOOPS: [15:08:29] Mr President, maybe could the witness take off his
20 earphones, because I think I cannot finish under these conditions.

21 PRESIDING JUDGE SCHMITT: [15:08:41] Well, what is the problem? Please
22 continue with your examination, simply. I think we have now, we have now
23 the answer by the witness and we really try to finish that and we --

24 MR KNOOPS: [15:08:53] But, you know, I have the impression that the Chamber is
25 really not aware of the line of questioning and why we are asking this.

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1 PRESIDING JUDGE SCHMITT: [15:09:00] If -- if you want, please -- please -- please
2 tell us exactly and please make the -- the -- let's say, the assumptions that you want to
3 draw out of it and put them to the witness. Or simply, also, if you want, put on
4 the record the different, the parts of the documents that you -- that you find important
5 for your view. And then it is on the record. I think that is perhaps a good way
6 forward.

7 And the question is always for everyone, please keep in mind when we can go back to
8 open session.

9 MR KNOOPS: [15:09:40] Then I will first read out two documents.

10 PRESIDING JUDGE SCHMITT: [15:09:43] Yes.

11 MR KNOOPS: [15:09:44] And I will not --

12 PRESIDING JUDGE SCHMITT: [15:09:45] Please only the parts that are essential for
13 you.

14 MR KNOOPS: [15:09:48] I will not discuss this with the witness, because that makes
15 no sense anymore today. And then I will -- I will put the question to the witness. It
16 will give me some time to enumerate the documents without any interruptions.

17 First of all, after tab 51, we have tab 79, in our Defence binder. It's

18 CAR-OTP-2120-4444. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [15:10:50] Can you please tell us exactly so
23 that -- and read -- and read it perhaps out then and tell us which page exactly.

24 MR KNOOPS: [15:11:04] Tab 79.

25 (Counsel confers)

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1 PRESIDING JUDGE SCHMITT: [15:11:44] I'm saying that because it's a couple of
2 pages, so it's -- it's not self-explanatory.

3 MR KNOOPS: [15:11:51] Yeah, it's actually directly at the top of 4444.

4 PRESIDING JUDGE SCHMITT: [15:11:55] Okay.

5 MR KNOOPS: [15:11:57] That portion. And then you see that the witness says that
6 his friend has hidden the package in a secure location in the house and, unless
7 the house has been destroyed, he would still be there and find it in two minutes.
8 And that's the portion --

9 PRESIDING JUDGE SCHMITT: [15:12:27] And it's also important, I think we are
10 speaking now of -- the timeline might be of importance or significance, Friday,
11 16 October; is this correct?

12 MR KNOOPS: [15:12:37] Yes. Yeah.

13 PRESIDING JUDGE SCHMITT: [15:12:38] Okay.

14 MR KNOOPS: [15:12:46] That's the first document.

15 And interesting, (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [15:13:44] Can you please --

19 MR KNOOPS: [15:13:45] -- the risks of --

20 PRESIDING JUDGE SCHMITT: [15:13:47] Yeah, please read it out, and exactly,
21 because now we are heading at something that the Chamber is interested in.

22 (Counsel confers)

23 PRESIDING JUDGE SCHMITT: [15:14:27] I think -- I think you're referring to -- to
24 448, 449; is this possible?

25 MR KNOOPS: [15:14:42] It's -- sorry for the interruption, Mr President. It's 4449.

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- 1 There are so many underlinings here.
- 2 It's the first paragraph: (Interpretation) (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 PRESIDING JUDGE SCHMITT: [15:16:47] And I think, Mr Knoops, this is a good,
- 18 let's say, time to -- to ask the witness what he meant by that.
- 19 MR KNOOPS: [15:16:54] Of course, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [15:16:55] If I may.
- 21 MR KNOOPS: [15:16:57] Yeah, Of course.
- 22 PRESIDING JUDGE SCHMITT: [15:16:58] Mr Poussou, now you -- it's a bit
- 23 cumbersome, but we have to have this on the record, these different documents.
- 24 Here the investigator, obviously - excuse me, Mr Poussou - we -- it's a bit
- 25 cumbersome, we have to put this, all this on the record, the Defence. And here we

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1 have the last document is a document which is by -- produced by the office of
2 the Prosecutor, by an investigator, who reports (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 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 PRESIDING JUDGE SCHMITT: [15:20:54] Mr Knoops, please continue.
24 MR KNOOPS: [15:20:57] Yes, then we have tab 14, 1-4, of the Defence binder. It's
25 CAR-OTP-00000422-000001.

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1 First of all, that's -- the importance for the Chamber is to see this is an investigator
2 report of 21 October 2022 and it reflects a contact with the witness on 28 April 2021,
3 just six weeks before the search. The search took place on 10 June 2021.

4 And I ask the attention of the Court for page 000003, the third paragraph. It says, I
5 will quote:

6 "When asked how he sees obtaining the 'elements' in practice" - referring to
7 the files - "the witness envisioned flying to Paris and going to the house where his
8 friend used to live. [The witness] envisioned knocking at the door ... explaining to
9 the new inhabitants or the managing body that there is still something belonging to
10 him in the house and that he only needs two minutes inside to retrieve [them]. If
11 they refuse to let him, or the apartment is empty, he would go to the housing
12 management company or local police ... to let him in."

13 And the question to you, Mr Poussou, is: Was it correct that it would take you only
14 two minutes to find the materials? Was this indeed told by you to the investigators?

15 A. [15:23:15] That's it, yes.

16 PRESIDING JUDGE SCHMITT: [15:23:18] And, Mr Knoops, you see, it's perfectly
17 okay this way. So -- and I -- you know, if we would go through all these documents
18 without specifically pointing out the parts that you're interested in, so that's -- I think
19 this way, how we are -- how you are conducting this now, we are making progress.

20 And again, when can we go back to open session, I ask myself? Because some of it
21 has -- because the witness -- what do you think, Mr Vanderpuye, you were the one
22 who indicated that -- but it was more (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Here, I don't really see that much of an issue with it, although I'm not -- I don't see
3 much of an issue with it (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [15:24:25] Mr Knoops, Mr Knoops, will you -- I
5 think (Redacted), we have gone through this, so I think we can go back to
6 open session, I would suggest. Yeah, go back to open session.

7 (Open session at 3.24 p.m.)

8 THE COURT OFFICER: [15:24:59] We are back in open session, Mr President.

9 PRESIDING JUDGE SCHMITT: [15:25:02] Thank you.

10 Mr Knoops, you have further documents.

11 MR KNOOPS: [15:25:05] No.

12 PRESIDING JUDGE SCHMITT: [15:25:06] Not further (Overlapping speakers)

13 MR KNOOPS: [15:25:07] Not on this topic.

14 Q. [15:25:10] Mr Poussou, on 16 January you -- you said - transcript T-188,
15 line -- page 17, line 9 till 11 - that you did not know where these documents were.

16 And six days later, 21 March -- 23 January, you say that you did ask somebody to get
17 rid of them. And that was the first time we heard this in any of those (Overlapping
18 speakers)

19 PRESIDING JUDGE SCHMITT: [15:25:53] Can you, if I may ask you, the two
20 references of the transcript, please.

21 MR KNOOPS: [15:25:55] Yeah, the first one is 16 January, transcript, page -- English
22 real-time page 17, line 9 till 11.

23 And then six days later Mr Poussou told the Court -- so on the 16th he says, "I don't
24 remember where they are." Six days later he says, "I have to say that I asked
25 someone to get rid of them." That was the page 37 till 38 of English real-time

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1 transcript 23 January.

2 Q. [15:26:37] I put it to you, Mr Poussou, that this was the first time ever -- and
3 even if we look at the documents we just put to you, but also on 16 January didn't say
4 this, why didn't you say in any of those contexts with the Prosecution or the VWU, or
5 on 16 January in this court, why didn't you say that you asked that those documents
6 be destroyed? So within six days' time you changed your statement on this very
7 important point.

8 PRESIDING JUDGE SCHMITT: [15:27:22] Well, it's -- let me -- I understand,
9 Mr Vanderpuye.

10 Let me -- Mr Poussou, so, I -- I also ask myself, so, the following: On the 16th you
11 say you don't know where they are. It's -- when you say on the --

12 THE WITNESS: [15:27:38] *Absolument*.

13 PRESIDING JUDGE SCHMITT: [15:27:38] -- when you say on the 21st you -- you
14 told somebody to get rid of them, it is -- we cannot say that what you said on the 16th,
15 that you don't know where they are, is false. That is -- would be supposition, that
16 would be not great.

17 However, one could ask yourself, and myself, and everybody else, you -- why haven't
18 you said on the 16th already: Okay, I told somebody to get rid of it.

19 I think, Mr Knoops, that's fair enough to put it this way. Why didn't you say that
20 already on the 16th? We don't -- we don't say that you did -- that you did say
21 something wrong on the -- on the 16th, but still this is -- on the 21st you provided us
22 with an additional information that is a detail that could be of interest, of course. So
23 what would you say to that?

24 THE WITNESS: [15:28:41](Interpretation) Your Honour, on the 16th, it was the start
25 of my deposition before this Chamber, and I asked -- I replied to the question that was

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1 asked to me.

2 On the 16th I did not know -- from the 16th to the 21st I did not know where these
3 documents were. Even though I asked someone to get rid of the documents,
4 the person did not tell me how was that done, so I did not know where these
5 documents were.

6 So I really did not change any version, even though I did not provide any details on
7 the 16th. It's the same thing I said.

8 PRESIDING JUDGE SCHMITT: [15:29:25] Okay. Thank you.

9 Mr Knoops.

10 MR KNOOPS: [15:29:30]

11 Q. [15:29:31] But you did use the word "destroy".

12 So you could have said the 16th I asked them to be destroyed. Is it -- in my
13 submission (Overlapping speakers)

14 A. [15:29:46] I did not use the word destroy, I said "get rid of". "Destroy" and "get
15 rid of" are two different things.

16 THE INTERPRETER: [15:29:51] The word in French was *débarrassé*.

17 MR KNOOPS: [15:30:00] Mr President, I refer to the transcript in order to avoid
18 discussion with the witness. That's the English real-time transcript, page 37, at the
19 bottom, running into 38.

20 PRESIDING JUDGE SCHMITT: [15:30:13] There will also -- I think it will also
21 be -- the French transcript will also be -- have to be looked at.

22 And Mr -- it's essentially what I -- what I said, Mr Knoops, so I think you --

23 MR KNOOPS: [15:30:27] Yeah.

24 Q. [15:30:27] So, Mr Poussou, you say to this Court that during the search of
25 your -- or the house in question, on 10 June 2021, the archives, the documents, were

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1 still in the building. Yes? That -- that --

2 A. [15:30:56] I never said that. Never.

3 Q. [15:31:03] It was your evidence on the --

4 A. [15:31:04] I never said that. I never said that. Never. Not here nor anywhere
5 else.

6 Q. [15:31:11] It was your evidence that after the search you became angry and you
7 then asked someone to get rid of them.

8 PRESIDING JUDGE SCHMITT: [15:31:21] But that does not mean that where they
9 have (Overlapping speakers)

10 THE WITNESS: [15:31:25](Interpretation) I did not say -- not in the house that was
11 searched. That's not what I said.

12 PRESIDING JUDGE SCHMITT: [15:31:32] So then we take it the witness says it was
13 not there, it was at another location.

14 Mr Knoops.

15 MR KNOOPS: [15:31:43]

16 Q. [15:31:44] You were aware, Mr Poussou, that during the search in your house
17 nothing was found which indicates to an existence of documents in connection with
18 Cameroon or France. That's tab 93.

19 A. [15:32:11] I remind you it was no longer my residence, I was no longer living
20 there. It was my ex-wife with my children who was in that house. I had not been
21 living in that house since 2018, so -- so it was difficult to find something there that
22 belonged to me.

23 PRESIDING JUDGE SCHMITT: [15:32:33] So, we take it as a fact nothing was there
24 anymore. And the witness has said it specifically that documents that we are taking
25 so extensively about, that they were at another location.

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1 Mr Knoops.

2 MR KNOOPS: [15:32:48]

3 Q. [15:32:48] It's true, Mr Poussou, that even after this search and you became
4 angry, you were still willing to testify? It didn't change your mind to testify, didn't it?
5 Even if you were upset by this search, you indicated that you were still ready to come
6 to The Hague to testify here. And if that's the case --

7 A. [15:33:20] I never said that. After that search, I said I didn't want to have
8 anything more to do with the International Criminal Court. No further interactions
9 with the ICC.

10 Q. [15:33:33] But you're here, you're testifying. Knowing that you were to
11 testify --

12 A. [15:33:40] Yes.

13 Q. [15:33:42] Knowing that you were to testify, why were you still willing to give
14 the request to get rid of the documents? Knowing that you had to testify, knowing
15 that these documents might be of relevance for the truth in this Court, and to show
16 that what you are telling the Court finds support in documents?

17 A. [15:34:19] Counsel, I thank you. And I particularly appreciate your capacity to
18 cross-check. I am before this Chamber because a decision was made by a Canadian
19 court to oblige me to come. Otherwise I would not be here, because I was quite
20 consistent in my refusal to come and appear and testify here. It was only once
21 a Canadian ruling was handed down and because my counsel contributed. So to say
22 that I knew that I had to testify and that my document, you are lumping different
23 things into the same category and you are jumping to conclusions.

24 PRESIDING JUDGE SCHMITT: [15:35:11] And let me put it this way, it is -- while
25 it's absolutely understandable, Mr Knoops, that you go into, let's say, the evolution

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1 of -- of this process, it -- we don't -- we don't reproach any witness because he is
2 sitting here and testifying for six weeks. So it is -- it's perfectly clear that this is no
3 easy task for anybody, for any witness. And -- well, so, but I understand also that
4 you are interested in the evolution. And if you have further, if you have further
5 documents, for example, you can present them to us.

6 And, of course, we are also aware of the discussions before the witness came in.

7 I recall that the witness appeared via video link and, if I recall it correctly, and took an
8 oath a couple of months ago already.

9 Yeah, Mr Knoops, please continue.

10 MR KNOOPS:

11 Q. [15:36:33] I would like to show you, Mr Poussou, another document.

12 To me it can be displayed in open session, but it has a bearing on the refugee status,
13 but from a different perspective.

14 PRESIDING JUDGE SCHMITT: [15:36:45] Then let's -- let's -- let's see it.

15 MR KNOOPS: [15:36:48] It's tab 87.

16 PRESIDING JUDGE SCHMITT: [15:36:49] Or let me have first -- let us first have
17 a look at it and then -- then we decide.

18 MR KNOOPS: [15:36:54] It's tab 87 of the Defence binder.

19 PRESIDING JUDGE SCHMITT: [15:36:59] No, I already see it's better to go to -- to
20 private session for this question.

21 Yeah, private session.

22 (Private session at 3.37 p.m.)

23 THE COURT OFFICER: [15:37:23] We are in private session, Mr President.

24 MR KNOOPS: [15:37:29]

25 (Redacted)

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10 PRESIDING JUDGE SCHMITT: [15:42:15] Yeah, I understand.

11 MR KNOOPS: [15:42:17](Overlapping speakers) why we have asked the questions

12 and we're constantly interrupted by anyone in this court.

13 PRESIDING JUDGE SCHMITT: [15:42:23] No, but -- no, Mr Knoops, please.

14 THE WITNESS: [15:42:24](Interpretation) Not at all.

15 PRESIDING JUDGE SCHMITT: [15:42:27] So the assumption or the proposition that

16 you put to the witness is, I put it to -- I wrap it up, I think, I think that's good for

17 the record, is -- and interrupt me or correct me if I'm wrong.

18 The proposition is, (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) So, what do you say?

22 So I wrapped it up what counsel is saying. What do you say to that Mr -- I think,

23 Mr Vanderpuye, this way how I put it we can put it to the witness.

24 MR VANDERPUYE: [15:43:23] I completely agree. But, again, it's predicated on

25 the use of the document in a manner which is not consistent with its terms. I think

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1 the question in the abstract is fine, but not predicated on the document which doesn't
2 support what counsel is saying.

3 PRESIDING JUDGE SCHMITT: [15:43:39] Well, yeah.

4 Well, I'm not fully in agreement here. The counsel has to somewhat show that -- no,
5 if what I was -- I said was right, yeah, and nobody contests this, obviously, when I
6 wrapped it up correctly, then Mr Knoops has to show that (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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14 (Redacted)

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1 no link, no nexus.

2 PRESIDING JUDGE SCHMITT: [15:46:49] So, but apart from that, what the Defence,
3 if I may, Mr Knoops, what the Defence alleges is that these archives, these documents
4 never existed. That you invented them. That that is -- that is what is behind
5 the questioning of Mr Knoops.

6 THE WITNESS: [15:47:14](Interpretation) That is an incorrect conclusion. I
7 constituted my archives not for the ICC, not to testify before this Chamber. I drew
8 up or I prepared my archives so I could draft my memoirs or a book about the events
9 that I was part of. So my archives had nothing to do with these proceedings. I
10 compiled these archives. I didn't even know that there would be proceedings
11 against Mr Ngaïssona. So I don't see what the linkage is. The archives did exist
12 and they did not just contain materials that might be of interest to this Chamber.

13 PRESIDING JUDGE SCHMITT: [15:48:08] Could we go back to open session,
14 Mr Knoops? What do you think?

15 MR KNOOPS: [15:48:13] Yeah, Mr President, I think the document which is still on
16 the screen speaks for itself when it says the cause of --

17 PRESIDING JUDGE SCHMITT: [15:48:21] Yeah, yeah, we have -- we have read it.
18 What do you think, open session, or what do you --

19 MR KNOOPS: [15:48:29] Yeah. I think the two -- the four remaining documents I
20 would like to show to the witness (Redacted)

21 PRESIDING JUDGE SCHMITT: [15:48:38] Then let's give it a try and we can go back
22 to private.

23 (Open session at 3.49 p.m.)

24 THE COURT OFFICER: [15:49:04] We are back in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [15:49:06] And perhaps we can also take a minute to

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1 look forward. I would suggest, if we could finish today, let's say, if we continue
2 beyond 4 o'clock and it's not too, not too long, I would suggest that. Otherwise we
3 finish at 4 o'clock and continue tomorrow at 9.30 with the witness.

4 So I'm -- it's a little bit you -- Ms Dimitri is not in agreement?

5 MS DIMITRI: [15:49:31] No, I am. I just want to -- I mean, Mr Vanderpuye can
6 correct me if I'm wrong, but I believe we have ample time for the next witness. We
7 have Wednesday, Thursday, Friday and Monday. We're never going to take four
8 days. So if --

9 PRESIDING JUDGE SCHMITT: [15:49:46] Well, I also -- actually, I always dare say
10 that, but I also wondered why we have four days for the next witness. But that's, we
11 will see.

12 But, still, Mr Knoops specifically, Mr Knoops, still, if we could finish today would of
13 course better for everyone, but I would not put you under any pressure in that regard.
14 Yeah.

15 MR KNOOPS: [15:50:10] I think I would need still some documents to go, so it
16 would mean that I have probably half an hour, 40 minutes maximum, but half an
17 hour.

18 I could -- I have no objection to going into tomorrow.

19 PRESIDING JUDGE SCHMITT: [15:50:31] This is exactly borderline information if
20 we look at it. So, but continue and we decide at 4 o'clock, I would say.

21 MR KNOOPS: [15:50:41] Yeah. Well, the question of course is also for me if -- if
22 the Prosecution wants to --

23 PRESIDING JUDGE SCHMITT: [15:50:45] Of course, of course.

24 MR KNOOPS: [15:50:46] -- benefit from any re-examination. Then I think, if I
25 would now accelerate and the Prosecution tomorrow has time to examine, then I

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1 prefer to. But I'm ready to continue to finish today and then the witness is not --

2 PRESIDING JUDGE SCHMITT: [15:51:05] Relieved.

3 Ah, I haven't -- I haven't seen Mr Poussou raise his hands.

4 You may speak, Mr Poussou.

5 THE WITNESS: [15:51:15](Interpretation) Thank you, your Honour. I would like to

6 draw your attention to the fact that I have my return flight tomorrow at 1500 hours

7 and I've already lost more than 10 days before this Chamber. And that's important.

8 I would prefer to have my throat slit than coming back tomorrow.

9 In any event, I'm going back home tomorrow to Canada to get back to my activities

10 and then we'll see about --

11 PRESIDING JUDGE SCHMITT: [15:52:00] Yes, yes, so I think simply we continue,

12 Mr Knoops. We give it a try. Perhaps we can really finish today.

13 MR KNOOPS: [15:52:06] Yes, I will do my best.

14 PRESIDING JUDGE SCHMITT: [15:52:08] I would actually appreciate it a lot.

15 And if we can have, perhaps, in a couple -- maybe we can have five minutes. Yeah,

16 the interpreters appreciate that.

17 So, Mr Knoops, please, next document.

18 MR KNOOPS: [15:52:24]

19 Q. [15:52:26] Apart from the issue of the refugee status, which according to these

20 documents give rise to a certain qualification from the French authorities, did you

21 have any contacts with the justice, did you have any prior contacts with justice in

22 terms of convictions in regard to, specifically, fraud?

23 A. [15:53:04] I am not giving testimony about my personal life here, so I will not

24 answer that question.

25 PRESIDING JUDGE SCHMITT: [15:53:16] If you have a document, Mr Knoops,

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1 simply put it on the record.

2 MR KNOOPS: [15:53:28] We have two documents.

3 First of all, document 92. It's CAR-OTP-2134-0300. It's a bulletin number 2 from
4 the ministry *de la justice*, also received by the Office of the Prosecution, showing that
5 an Appeals Chamber rendered a judgment on 14 March 2013 confirming the first
6 instant judgment of 22 June 2011 by the *Tribunal Correctionnel de Nantes*, where you
7 were convicted to two months conditional jail sentence for three offences: Taking
8 public transportation without a ticket. Not so relevant I think for this case. But,
9 interestingly, the second and third charge, giving a false address or identity, and
10 forgery in an administration document: (Interpretation) "Use of forgery in an
11 administrative document."

12 PRESIDING JUDGE SCHMITT: [15:54:48] I think you can simply move on,
13 Mr Knoops. It's on the record now.

14 MR KNOOPS: [15:54:52] It's on the record.

15 Q. [15:54:53] Secondly, at tab 84, CAR-OTP-2134-01 -- sorry, it's 85, excuse me.

16 Apologies. 85, CAR-OTP-2134-0218. *Procès-verbal d'investigations de la Gendarmerie*
17 *Nationale* de 7 June 2021. From the same department of the gendarmerie as we
18 showed before with the other document. Provides information about your status,
19 confirming again that it was revoked in 2018. But that, for today, is already
20 discussed. Saying that you were convicted twice for domestic abuse in 2014, 2016.
21 That's the second document which I would like to put on the record.

22 If you want to say something to it, you're of course free to say, Mr Poussou, otherwise
23 we move on.

24 PRESIDING JUDGE SCHMITT: [15:56:01] Yeah, indeed. I think we can do it this
25 way, exactly.

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1 THE WITNESS: [15:56:06](Interpretation) I have absolutely nothing to say.

2 MR KNOOPS: [15:56:16] Okay.

3 Q. [15:56:16] Then, finally, tab 9. Actually, I have two documents left.

4 Tab 9, which is a -- it's CAR-D30-0006-0081. Article in the online blog Taka Parler,

5 19 July 2015, saying that -- that's tab 9 of the Defence binder, saying that you were

6 destituted from your position, from the primature, and in order to avoid an arrest for,

7 I quote in French: (Interpretation) "... use of false documents, falsification of -- use of

8 false documents, usurpation and falsification of the signature of the prime minister,

9 with fraudulent use of public funds."

10 (Speaks English) Yeah, and the article accuses you of using government funds to pay

11 certain business expenses for personal gain "*contre ristournes*". Accusing your person

12 as somebody who misused the position *as Conseiller Spécial*.

13 And the article further mentions that, once you heard about this fact that you could be

14 arrested, you fled to Yaoundé on 16 July. And here it specifically refers to

15 falsification of the signature of Mr Kamoun.

16 Can you recall any such event, Mr Poussou?

17 A. [15:58:21] Absolutely. This article - well, I wouldn't call it an article - was

18 written by a supporter of President Bozizé. What I told this Chamber was that once

19 I was appointed minister, *they considered me to be a man who had to be taken out.

20 So the minister is still alive and there's no truth to any of this. There are no

21 proceedings against me in any court in the Central African Republic.

22 And on 15 July I was dismissed, I was in my country. I set up my radio station. So

23 this is just - how should I put this? - this is just *gossip, it's just a hatchet job by some

24 political supporter.

25 PRESIDING JUDGE SCHMITT: [15:59:52] I think we -- we have now a very short

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1 break, I would suggest. And please -- for the benefit of the interpreters. Please
2 don't go far away, stay close, and we indicate when we can continue. Maximum five
3 minutes, I would say. Yeah.

4 THE COURT USHER: [16:00:10] All rise.

5 (Recess taken at 4.00 p.m.)

6 (Upon resuming in open session at 4.06 p.m.)

7 THE COURT USHER: [16:06:58] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [16:07:19] Mr Knoops, please continue.

10 MR KNOOPS: [16:07:23]

11 Q. [16:07:23] Mr Poussou, in order to save your life today, that you're not cutting
12 your throat in this courtroom, I will try to finish in 10 minutes. Is that okay with
13 you?

14 Yeah. Right.

15 A. (Overlapping speakers)

16 Q. [16:07:40] Now, you just said about this document which was shown to you
17 before we broke, tab 9, it was authored by a pro -- well, you say
18 pro-Bozizén -- pro-Bozizé individual. Yet the article does not reflect the -- any name
19 of the -- of the author. It's a blog. So how did you know that this is indeed
20 somebody who was pro-Bozizé?

21 A. [16:08:33] I know who runs this blog, it's Taka Parler. And when this article
22 was published, I *wrote a denial, a rebuttal, which he also put on this blog. So
23 people know who runs that blog.

24 Q. [16:08:53] The next -- the next document is tab 8 of the Defence binder. It's
25 an article -- actually, it's an open letter from a Central African citizen to Mr Mahamat

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1 Kamoun one month after your appointment. It's CAR-D30-0006-0076. It's the first
2 page.

3 And that individual, a CAR citizen, says that he or she finds it unacceptable that
4 somebody like you with morality which is very doubtful, with illegal practices,
5 plagiarism, et cetera, has become a *conseiller* in the government.

6 And that's not all. That individual who wrote this open letter to Mr Kamoun
7 in September 2014. At the last page, 0080 of that document, it says, I quote:
8 (Interpretation)

9 "We also request you, Mr Prime Minister, to provide the Central African people
10 arguments, solid arguments that justify maintaining Adrien Poussou in the service of
11 the transitional government in spite of the crimes, plagiarism, that has been proved
12 and his doubtful morality, and to remove him from administering the nation."

13 PRESIDING JUDGE SCHMITT: [16:11:17] So I think we have -- the witness, you
14 give him the chance to -- and I understand, Mr Knoops, is correct that this was by
15 a -- or was it -- this Danielle Mbari, was the author of this?

16 So, Mr Poussou, simply, I think -- I think you also understand that it's important that
17 you give your views on that. That you have the chance to give your views on that.
18 Because it's in the open, these things are in the open and I think this is a good place,
19 an open court, to -- for you also to address it, if you want.

20 THE WITNESS: [16:12:06](Interpretation) Thank you, your Honour.

21 Counsel Knoops said that this document was published in September 2014. From
22 September 2014 to July 2015, I presume that the prime minister whom I was serving
23 had had the time to read. And if Counsel Knoops had done a little bit of research, he
24 could have produced my answer to this open letter.

25 It so happens that I published an article in the press, and online, and

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1 the online version of this article did not include the reference notes, in spite of the
2 specifications.

3 So this lady, this citizen, rushed to write this letter, but I had actually explained that
4 in the online version there was the proper use of reference and notes and that was
5 used to draft my letter, my article, so I could not have been accused of plagiarism.
6 Now, if this note has been produced, you should also produce the explanations that I
7 gave as the right of response.

8 PRESIDING JUDGE SCHMITT: [16:14:31] Mr Poussou, you are now in -- in this
9 courtroom and we are in open session, so the Chamber and the parties and
10 participants would be interested is there any -- any truth in this, in these allegations?
11 Because we don't -- we don't have your answer, we don't have your written answer.
12 So the question is: Is there any truth in it? Or what would you say?

13 THE WITNESS: [16:15:06](Interpretation) There is not an iota of truth in this. I had
14 actually replied to this in the *son temps*. The -- and this was in the month of
15 September and the prime minister actually would have relieved me of my functions
16 and if there was any truth in this article I would be out in the week that followed. In
17 a minute, in fact. But this was not the case and I was still there a year later.

18 PRESIDING JUDGE SCHMITT: [16:15:39] Mr Knoops.

19 MR KNOOPS: [16:15:41]

20 Q. [16:15:42] Finally, Mr Poussou, is it correct that you were also sentenced for
21 fraud in the context of your divorce in terms that you omitted to disclose your
22 professional activities to the extent of the height of your income? Can you recall?

23 PRESIDING JUDGE SCHMITT: [16:16:06] Mr Vanderpuye.

24 MR VANDERPUYE: [16:16:08] I said before that I was calm, I'm still calm.

25 THE WITNESS: [16:16:12](Interpretation) You're actually telling me about this.

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1 MR VANDERPUYE: [16:16:16] But I think that the nature of the question,
2 the characterisation that is attributed by Mr Knoops, is not found in the document.

3 It's an extrapolation. If he wants to put the question, he can put the question.

4 PRESIDING JUDGE SCHMITT: [16:16:27] Well, I -- I agree with you. Now I
5 agree -- I agree with you. Where is the document? And then we put this, exactly
6 what is in the document, we put this to the witness. And I think that we can
7 conclude there.

8 Tab -- which tab is it, Mr Knoops, so that we can have a look at it?

9 MR KNOOPS: [16:16:44] It's to be found -- it's I think not in our table of materials,
10 but it was mentioned with the reference in our Rule 68(3) response, paragraph 20.

11 PRESIDING JUDGE SCHMITT: [16:16:55] Can you read it out, perhaps.

12 Or, Mr Knoops -- Mr Vanderpuye, do you have it?

13 MR VANDERPUYE: [16:17:01] I don't have it handy, which is one of the reasons
14 why I asked for it.

15 The second thing is, we're in open session and he's asking about the terms and
16 circumstances of his divorce. Now, it may be a matter of public interest, but I don't
17 really think it is all that appropriate in the circumstances.

18 PRESIDING JUDGE SCHMITT: [16:17:12] Well, you're right. You're right. We go
19 to private session to discuss this, indeed. You're right.

20 MR KNOOPS: [16:17:24] It's, by the way, Mr President, the minutes of an
21 investigation completed by the French gendarmerie, 7 June 2021, which show this
22 document. It's tab 85, 8-5.

23 PRESIDING JUDGE SCHMITT: [16:17:38] Wait a second. Wait a second. Wait
24 a second, please.

25 (Private session at 4.17 p.m.)

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- 1 THE COURT OFFICER: [16:17:58] We are in private session. Mr President.
- 2 PRESIDING JUDGE SCHMITT: [16:18:03] Yes.
- 3 So, Mr Knoops, again, please.
- 4 Perhaps we can -- Mr Poussou, I can try to -- to figure it out between us, so to speak.
- 5 So there obviously -- (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
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- 24 (Redacted)
- 25 PRESIDING JUDGE SCHMITT: [16:19:44] No, no, no, no. No, Mr Knoops, not

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1 such generalisation. We are not here to -- to discuss any character issues of a witness.
2 Specifically with regard -- you had this document, you said. Could you please
3 provide us directly with a reference and what is written in this document, and who
4 has produced it, so that we -- that we -- that we can -- that the witness also knows
5 what we are talking about.

6 MR KNOOPS: [16:20:08] The last reference, Mr President, is tab 84 of our
7 Defence binder. That is the investigation report of (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [16:21:01] Now I understand also the objection
14 better of -- of Mr Vanderpuye.
15 Well, yeah, I understand now.

16 So do you want to comment on that, or simply not, Mr Poussou?

17 THE WITNESS: [16:21:17](Interpretation) To the best of my knowledge, (Redacted)
18 (Redacted)

19 Now, in a context where everything is connected, (Redacted)
20 (Redacted). So this is the counsel's conclusion.

21 PRESIDING JUDGE SCHMITT: [16:21:34] Yeah. Mr Knoops.

22 MR KNOOPS: [16:21:37] Okay. The document speaks for itself.
23 Last question, Mr Poussou.

24 PRESIDING JUDGE SCHMITT: [16:21:41] Open session, or what you do you think?

25 MR KNOOPS: [16:21:47] Yes. Yes.

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1 PRESIDING JUDGE SCHMITT: [16:21:50] Open session.

2 (Open session at 4.21 p.m.)

3 THE COURT OFFICER: [16:22:03] We are back in open session, Mr President.

4 MR KNOOPS: [16:22:09]

5 Q. [16:22:10] Mr Poussou, it's true, isn't it, that you weren't asked, when Djotodia
6 had to resign on 10 January 2014, you weren't asked by anyone to become a minister
7 in a new government; is that true?

8 A. [16:22:51] The government resigned?

9 PRESIDING JUDGE SCHMITT: [16:22:58] Do you -- Mr Vander -- now it's getting
10 late indeed.

11 Mr Knoops, do you mean the transitional government of Ms Samba-Panza?

12 MR KNOOPS: [16:23:02] Yes.

13 PRESIDING JUDGE SCHMITT: [16:23:03] Yeah.

14 Then perhaps directly. Mr Poussou, were you asked to be a member of
15 the transitional government of Madam Samba-Panza?

16 THE WITNESS: [16:23:17](Interpretation) Not to my recollections.

17 MR KNOOPS: [16:23:21]

18 Q. [16:23:21] And I put to you, sir, Mr Poussou, that you were not asked by this
19 transitional government, exactly because of this background we just described, and
20 that you blame the Anti-Balaka movement that your career as a minister in
21 the government could not continue. And this is your motivation to testify against
22 Mr Ngaïssona.

23 What is your response to this?

24 A. [16:24:11] This has absolutely nothing to do with my deposition before this
25 Chamber. May I specify that I'm not deposing against Mr Ngaïssona. I have got

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1 absolutely no interest in doing so. There were crimes that were committed in my
2 country. And I told the investigators of the OTP the first day when we met, my wish
3 is that the perpetrators of *these crimes be punished. That's my only motivation.
4 I do not have any animosity or a bone to pick with the Anti-Balaka. I always said,
5 just like Charles de Gaulle, is the only certitude that we have when we enter
6 the government is that we will leave it. It's public mission and it can actually
7 take -- come to an end at any point in time.

8 PRESIDING JUDGE SCHMITT: [16:25:32] Mr Knoops.

9 MR KNOOPS: [16:25:33] These were our questions, Mr President. Thank you.

10 PRESIDING JUDGE SCHMITT: [16:25:35] Thank you, Mr Knoops.

11 I assume no redirect?

12 MR VANDERPUYE: [16:25:39] No, Mr President, no.

13 PRESIDING JUDGE SCHMITT: [16:25:41] Thank you.

14 So, Mr Poussou, may I address you on behalf of the Chamber. Nobody will be more
15 relieved, and perhaps even happy, of what I am saying now than you. This means
16 this concludes your testimony. This -- we have finished your testimony. On behalf
17 of the Chamber I would like to thank you that you have taken it upon you to come to
18 this Court to answer, I think now for six or seven courtroom days, patiently, all
19 the questions. Not always patiently, I have to say, but let's say in general patiently
20 and you try to answer all the questions and to help by this the Court to establish
21 the truth.

22 And behalf of the Chamber, we wish you a safe trip back home tomorrow.

23 THE WITNESS: [16:26:38](Interpretation) Thank you, your Honour.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: [16:26:42] Well, this concludes the hearing for

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- 1 today.
- 2 We continue tomorrow with what was it, P-1647; is this correct? I think so, yeah.
- 3 And perhaps we can encourage everyone that we perhaps finish on Friday with
- 4 the witness. Well, there are good indicia for that.
- 5 So this concludes it for today. Thank you. We see each other tomorrow.
- 6 THE COURT USHER: [16:27:07] All rise.
- 7 (The hearing ends in open session at 4.27 p.m.)