

Trial Hearing
WITNESS: CAR-D30-P-4756

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 22 February 2024
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:20] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:40] I first had to install myself here. Good
15 morning, everyone.
16 Court officer, please call the case.
17 THE COURT OFFICER: [9:32:10] Good morning, Mr President, your Honours.
18 Situation in the Central African Republic II, in the case of The Prosecutor versus
19 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 For the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:32:26] Thank you very much.
22 I call for the appearance of the parties.
23 Ms Prathaban for the Prosecution.
24 MS PRATHABAN: [9:32:32] Good morning, Mr President, your Honours, and
25 everyone in the courtroom. The Prosecution is represented by Mr Kweku

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1 Vanderpuye, Mr Louis Rugambage, and myself, Manochitra Prathaban.

2 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.

3 Mr Narantsetseg next.

4 MR NARANTSETSEG: [9:32:46] Good morning, Mr President, your Honours. The
5 victims of other crimes are represented by Ms Evelyne Ombeni and myself, Orchlon
6 Narantsetseg. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [9:32:56] Good morning, Mr President, your Honours. The former
10 child soldiers are represented by myself, Dmytro Suprun. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:33:02] I turn to the Defence. Ms Bafadhel,
12 please.

13 MS BAFADHEL: [9:33:03] Good morning, Mr President, your Honours, everyone in
14 and around the courtroom. Mr Yekatom is today represented by Charlotte Floquet,
15 Lionel Messi Tikpa, and myself, Sarah Bafadhel. And Mr Yekatom is present with us
16 in the courtroom.

17 PRESIDING JUDGE SCHMITT: [9:33:16] Thank you.

18 And Mr Knoops.

19 MR KNOOPS: [9:33:18] A very good morning, Mr President, your Honours.

20 Everyone in the courtroom, good morning. The team of Mr Ngaïssona is in the same
21 composition as yesterday. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:33:26] Thank you.

23 And a warm welcome to our witness. Good morning, Madam Witness.

24 I hope you had a good rest and are fit today to continue and, I hope, also to finish the
25 examination.

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1 WITNESS: CAR-D30-P-4756 (On former oath)

2 (The witness speaks Sango)

3 QUESTIONED BY MS PROULX: (Continuing) (Interpretation)

4 Q. [9:34:12] Good morning, Madam Witness. We will resume our questioning this
5 morning. I won't spend a lot of time, I think we'll stop before lunch break, even
6 perhaps before the coffee break.

7 Firstly, I'd like to go back to an aspect which we didn't talk yesterday when we talked
8 about the Seleka.

9 MS PROULX: [9:34:42](Interpretation) And to do that, your Honour, I would like to
10 go into private session.

11 PRESIDING JUDGE SCHMITT: [9:34:50] Can you already tell us how long, for the
12 audience, that they know that? Roughly, of course, only.

13 MS PROULX: [9:35:04] I think it will be about five to 10 minutes.

14 PRESIDING JUDGE SCHMITT: [9:35:06] Then we go for a certain period of time,
15 which will be, hopefully, not too long, to private session.

16 (Private session at 9.35 a.m.)

17 THE COURT OFFICER: [9:35:28] We are in private session, Mr President.

18 MS PROULX: [9:35:36](Interpretation)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [9:36:53] Could you narrate what you know what happened about the killing of
4 that *chef* from the 4th arrondissement?

5 A. [9:37:07] I was still in Douala when the chief of the neighbourhood was killed.

6 The humanitarian NGOs came to help the population and asked the *chef* to give a list
7 of the population so that -- so that the list could be handed over to the Camp Beal.

8 They took the -- that to -- when he was -- and, then, that is when Bekabanga, he was

9 the chief of Ouham-Pende 1, and they threw his body into a hole. We looked for it

10 for several days and when they found his body, his body was already decomposing.

11 Q. [9:38:06] Thank you, madam. I'm now moving on to another topic. I'm going
12 to take you where we were yesterday -- yesterday afternoon just before we stopped.

13 Yesterday you explained - this is page 60 in the French transcript - that after the death
14 of the sister of Mr Ngaïssona, which was in the beginning of September,

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:39:18] At a certain point in September/October 2013, did you stay or live
20 anywhere (Redacted)

21 * A. [9:39:29] When we were at the place of the wake of the sister of Mr Ngaïssona
22 when (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [9:40:27] Was there (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [9:41:35] I'll show a photo. It's at CAR-D30-0005-0020, tab 2. Have you
10 already seen this house, madam?

11 A. [9:41:59] It's the house where the Ngaïssona family lived, in Deïdo.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [9:43:36] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 There was also an orphan who had no father or mother. You know, Ngaïssona
5 usually tried to help orphans. The child didn't know where to go. His name was
6 (Redacted) and he went to Ngaïssona and he also lived in that house and was looked
7 after.

8 Q. [9:45:06] I understand that Mr Ngaïssona did not himself live in that house; is
9 that correct?

10 A. [9:45:21] No, he didn't live in that house. It is only (Redacted) who
11 lived there. You know, there was about 30 people in the house -- (Redacted) and
12 other members of the family. I think roughly there were about 30. The house
13 couldn't hold any more people, so he took another house where he lived.

14 Q. [9:45:51] During this period (Redacted)
15 (Redacted)

16 A. [9:46:12] He was the one who was responsible for all the houses. Even when I
17 was there, he was the one who was responsible for all the expenses. He bought
18 everything that was necessary for the funeral. He was there regularly.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:48:22] (Redacted)

7 (Redacted). Did you have another opportunity to see Mr Ngaïssona face to face in

8 November, December or January?

9 A. [9:48:44] After the shock he had, he fell ill. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [9:49:40] Do you remember when that happened?

14 A. [9:49:46] I don't remember the month anymore.

15 Q. [9:49:52] During this period from September onwards - from September 2013

16 (Redacted)- did you hear it being said that Mr Ngaïssona was going to travel to

17 Yaounde?

18 A. [9:50:26] Are you talking about trips? I never heard something about that.

19 When I was in Douala, (Redacted)

20 (Redacted)

21 (Redacted)

22 I asked about news about his health and I was told that he was much better, but I

23 didn't learn anything about him -- trips to the place that you've just mentioned.

24 Q. [9:51:17] I can guess your answer, but I am nevertheless going to put to you the

25 question. At the same time, did you hear it said that Mr Ngaïssona made trips to the

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1 frontier, the border?

2 A. [9:51:39] I didn't hear anything about trips to the border. You know, a large
3 part of his family lived in France. I learnt that he travelled to France, but I did not
4 hear at all that he made trips to the border.

5 Q. [9:52:11] Thank you, madam.

6 MS PROULX: [9:52:19] Mr President, we can go into open session.

7 PRESIDING JUDGE SCHMITT: [9:52:21] Open session.

8 (Open session at 9.52 a.m.)

9 THE COURT OFFICER: [9:52:36] We are in open session, Mr President.

10 MS PROULX: [9:52:45](Interpretation)

11 Q. [9:52:48] Madam Witness, we are now again in open session. This means that
12 people outside the Court can hear what you are saying, so I too will be careful when I
13 put questions to you so that they are neutral and don't identify you in any way, and I
14 would ask you to do the same, and keep your answers vague. If you must give
15 away -- you mustn't give away any identifying information, otherwise you can ask us
16 and we can go back into private session.

17 * During the period when you were in Cameroon, did you ever hear Mr Ngaïssona
18 talk about the Anti-Balaka?

19 A. [9:53:39] When I was living in Cameroon, I didn't hear anything about a link
20 between Ngaïssona and Anti-Balaka. In fact, I didn't hear any mention of
21 Anti-Balaka.

22 Q. [9:54:10] Thank you, Madam Witness. You've answered three questions I had
23 with one single answer, so I'll move along.

24 As far as you know, why did Mr Ngaïssona decide to return to Bangui in
25 January 2014?

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1 A. [9:54:41] It was after -- after Djotodia, who was the president of the Central
2 African Republic -- it was after he left power. Immediately after that, all the Central
3 African Republic people who were in Douala who had difficulties decided to return
4 to Bangui, and the body of his brother who was in Douala, he decided that this body
5 be moved to Bangui.

6 THE INTERPRETER: [9:55:41] This is the body of his sister. Correction from the
7 Sango booth: It was the body of the sister that was then transferred back to Bangui.

8 MS PROULX: [9:55:50](Interpretation)

9 Q. [9:55:52] Just to make sure I understand fully, what Mr Ngaïssona wanted to do
10 when he went to Bangui was to repatriate the body of his sister; is that correct?

11 A. [9:56:17] He wanted to repatriate the body of his sister, it's true. But he wanted
12 to return to country. You know, he was a prominent figure.

13 Q. [9:56:35] You told us that Mr Ngaïssona financially assisted the Central African
14 exiles in Cameroon whilst he was in exile himself. Do you know what his financial
15 situation was at that time?

16 A. [9:56:54] I don't know anything about his financial circumstances. Ngaïssona
17 was a businessman. He was used to financially support and help people. He
18 helped a lot of individuals. And when he was over there, many of our compatriots
19 came to him to ask for some sort of support.

20 Q. [9:57:53] Have you heard it said that Mr Ngaïssona was facing financial
21 difficulties in Cameroon?

22 PRESIDING JUDGE SCHMITT: [9:58:03] Ms Prathaban.

23 Please wait a second, Madam Witness.

24 MS PRATHABAN: [9:58:07] Objection. Leading question.

25 PRESIDING JUDGE SCHMITT: [9:58:09] Oh --

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1 MS PROULX: [9:58:14] Mr President, I put a foundation. I'm following --

2 PRESIDING JUDGE SCHMITT: [9:58:16] I think -- I think we should not be -- you
3 know, this is -- it might be borderline, but, Madam Witness, you can answer the
4 question. So have you ever heard of financial difficulties at the time we are speaking
5 about in 2013?

6 THE WITNESS: [9:58:31](Interpretation) Yes. He also faced financial difficulties,
7 because in Bangui when somebody needed help, they approached him and he tried to
8 assist them. But over here -- over there, when I went to him, to his hotel, he told me
9 that he himself had financial problems, and even the money he gave me was so little
10 that it wasn't what he normally gave to people and that made me understand that he,
11 too, was facing financial problems.

12 PRESIDING JUDGE SCHMITT: [9:59:39] Please continue.

13 MS PROULX: [9:59:48](Interpretation)

14 Q. [9:59:51] Madam, do you recall having met Mr Ngaïssona on 1 January 2014, or
15 around 1 January 2014?

16 A. [10:00:06] Did I meet him on 1 January 2014? Yes, I think -- no, no, no, I don't
17 think so, because we went over there after the departure of Mr Djotodia. In any case,
18 I can't remember the exact time when I could meet him.

19 PRESIDING JUDGE SCHMITT: [10:00:42] Madam Witness, thank you very much
20 that you -- we recognise that you really try to recollect and, if not, it's absolutely
21 appreciated that you then say, "Well, I'm not sure" or "I don't know" or "It's simply
22 not correct", like that. That's absolutely okay. Thank you.

23 MS PROULX: [10:01:09](Interpretation)

24 Q. [10:01:12] Sorry, I don't think my question was accurate enough, Madam
25 Witness. Do you remember having spent New Year's Eve festivities at Douala with

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1 Mr Ngaïssona?

2 A. [10:01:27] Yes, 1 January. Faustin, his brother, had called to tell me that there
3 was going to be a small meal given by Mr Ngaïssona and that I could come and join
4 them and enjoy the meal. So that's why I went to Douala, to spend those festivities
5 with him. But you asked me whether I'd met him and I said no, I hadn't met him
6 personally. That was really the thrust of my answer.

7 Q. [10:02:21] Now, I'm just opening a brief parenthesis now, madam, to talk about
8 5 December 2013. I think it's pretty clear but, nevertheless, for the record, can you
9 tell us where you were at the time of the 5 December 2013 attack?

10 A. [10:02:52] 5 December 2013, I was still at Douala.

11 THE INTERPRETER: [10:03:06] Request from the interpreters for the President's mic,
12 please.

13 MS PROULX: [10:03:10] Mr President, out of an abundance of caution, I would like
14 to go very briefly into private session to show two documents.

15 PRESIDING JUDGE SCHMITT: [10:03:15] Yes, private session.

16 (Private session at 10.03 a.m.)

17 THE COURT OFFICER: [10:03:35] We are in private session, Mr President.

18 MS PROULX: [10:03:41](Interpretation)

19 Q. [10:03:44] Now, I'd like to have displayed for you, Madam Witness, this
20 document. It's tab 11 of our list of materials, CAR-OTP-2032-0796. Do you
21 recognise that document, madam?

22 A. [10:04:07] Yes. Yes.

23 Q. [10:04:21] Can you tell us how it was that this document came into your hands?
24 How did you obtain this document, madam?

25 A. [10:04:31] (Redacted)

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1 (Redacted)

2 (Redacted)

3 when things calmed down somewhat, the father of the victim started trying to

4 disseminate information, and (Redacted)

5 So he came up to me, he came to meet me, and I showed him the grave, (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [10:07:31] I don't know. (Redacted), the family, who would be better placed to
21 answer that question.

22 Q. [10:07:50] Now, I'm going to show you a second document. We find this at
23 tab 21 in my list, CAR-D30-0028-0003. It's a bit tricky to read, but we've managed to
24 decipher it, and here mention is made of an attack, a Seleka attack, in Boy-Rabe on
25 5 December 2013; is that right, Madam Witness?

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1 A. [10:08:34] What we see here is a document that relates to the man who was
2 killed.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:09:32] And tell me, did you hear about other Seleka crimes occurring on
7 5 December 2013?

8 A. [10:09:57] 5 December? I was still at Douala. On 5 December, (Redacted)
9 brother had been killed (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:10:44] Who did that, madam?

13 A. [10:10:49] It was the Seleka. The Seleka killed him. They killed him
14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:11:52] I do apologise. I know this is very hard. I'm going to move on to
21 another area now, madam; but, of course, if you do need a break, this can be asked of
22 the Presiding Judge. Are you ready to continue or would you prefer to take a break,
23 madam?

24 PRESIDING JUDGE SCHMITT: [10:12:22] I think we can try to continue.

25 And, Madam Witness, also from the side of the Presiding Judge and the Chamber, if

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- 1 you want a break and need a break, please raise your hand and let us know. We will
2 give you the time.
- 3 MS PROULX: [10:12:57] Mr President, she made a sign with her hand.
- 4 PRESIDING JUDGE SCHMITT: [10:13:00] Then let's have a break and let us -- please
5 let the Chamber know when we can continue. Yes.
- 6 Do you know already how much it will take? Oh well, no problem.
- 7 THE COURT OFFICER: [10:13:16] All rise.
- 8 (Recess taken at 10.13 a.m.)
- 9 (Upon resuming in private session at 10.22 a.m.)
- 10 THE COURT USHER: [10:22:08] All rise.
- 11 Please be seated.
- 12 PRESIDING JUDGE SCHMITT: [10:22:23] We are in private session.
- 13 Please continue, Ms Proulx.
- 14 MS PROULX: [10:22:36](Interpretation)
- 15 Q. [10:22:39] So I'm going to move on to an area -- a different area now, Madam
16 Witness. I'd like to talk about your return to Bangui and I'm going to be putting one
17 question to you in private session and then I'll be requesting that we revert back into
18 open session.
- 19 First, do you recall at what date you returned to Bangui?
- 20 A. [10:23:05] I returned to Bangui (Redacted)
- 21 Q. [10:23:35] Thank you.
- 22 Now we can move back into open session.
- 23 PRESIDING JUDGE SCHMITT: [10:23:42] Yes, open session.
- 24 (Open session at 10.23 a.m.)
- 25 THE COURT OFFICER: [10:23:59] We are in open session, Mr President.

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1 MS PROULX: [10:24:11](Interpretation)

2 Q. [10:24:13] So, Madam Witness, without naming the particular district, can you
3 tell me, when you returned to Bangui, did you move back to the same district that
4 you occupied previously?

5 A. [10:24:31] Yes, I did. I went back to that particular district.

6 Q. [10:24:41] And can you tell us what was the prevailing safety and security
7 situation in that district upon your return?

8 A. [10:25:00] I returned and the security and safety circumstances were gradually
9 improving.

10 * Q. [10:25:34] Were the MISCA and SANGARIS forces able to provide
11 security?

12 A. [10:25:57] So, I returned to see that the situation was just as difficult as before.
13 When the Sangaris arrived, many people had been killed, and at the time that the
14 Sangaris were deployed across the country, the Sangaris were trying to restore peace,
15 and other individuals, other people, were trying to wreak havoc in the country and
16 the Sangaris were opening fire and many people had been struck by stray bullets.

17 Q. [10:26:54] And the gendarmerie and the police, were they operating normally?

18 A. [10:27:06] No, it was difficult. It was difficult. There was no police, there was
19 no gendarmerie to speak of.

20 Q. [10:27:29] And when you returned to that district, did you come into contact,
21 did you see any Anti-Balaka?

22 A. [10:27:46] Yes, I saw them.

23 Q. [10:28:03] And, to the best of your knowledge -- I mean, if you don't know,
24 simply say you don't know, but to the best of your knowledge, did the Anti-Balaka
25 have a structured hierarchy?

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1 A. [10:28:18] It's difficult to say. When I returned, they had a commander, but
2 that commander called Mazimbele behaved as they did.

3 THE INTERPRETER: [10:29:00] Correction from the interpreter: They behaved in
4 the same way with that commander.

5 MS PROULX: [10:29:14](Interpretation)

6 Q. [10:29:15] Did you hear talk of the Anti-Balaka's ComZones?

7 A. [10:29:29] It was Mazimbele who was the ComZone in our particular sector.

8 Q. [10:29:46] Do you know who appointed the ComZones?

9 A. [10:29:52] When I returned, I think the Anti-Balaka were already on the ground
10 in the city, but I didn't hear talk about somebody who appointed the ComZones.

11 The ComZones were already under way, operating in conjunction with elements.

12 Q. [10:30:33] When did you learn that Mr Ngaïssona became the general
13 coordinator of the Anti-Balaka?

14 A. [10:30:42] He didn't become the coordinator of the Anti-Balaka. Why? I
15 returned, the Anti-Balaka were behaving extremely badly. They were committing a
16 lot of bad actions. {ICR: (Redacted)}, and what did he say on that
17 particular day --

18 MS PROULX: [10:31:33](Interpretation) Your Honour, may we go into private
19 session, please, with your leave.

20 PRESIDING JUDGE SCHMITT: [10:31:38] Yes, okay. Yes, private session.
21 (Private session at 10.31 a.m.)

22 THE COURT OFFICER: [10:31:55] We are in private session, Mr President.

23 MS PROULX: [10:32:01](Interpretation)

24 Q. [10:32:03] I do apologise for interrupting you, but please do continue now.

25 A. [10:32:18] So, as I was saying, (Redacted)

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1 (Redacted)

2 * He said they had come to see him to talk about their suffering. He also said that the
3 government was taking very good care of the SELEKA at KM 5. And it's for that
4 reason that they came to see him, in order to ask him for help at all levels, particularly
5 as regards food, and to do it in such a way that all exactions would cease.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:34:02] Thank you. I'll come back to certain aspects of your answer. Firstly,
11 you talk about a meeting where Mr Ngaïssona called upon all the *chefs* of the
12 neighbourhood. When did that take place, approximately?

13 A. [10:34:17] I can't remember the date any more. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:34:51] And where did this meeting take place?

17 A. [10:34:57] It was in his residence.

18 Q. [10:35:21] You said that the transitional government was seeing what the Seleka
19 were up to. So did the transitional government take measures to help or arm the
20 Anti-Balaka, to feed the Anti-Balaka, or disarm --

21 THE INTERPRETER: [10:35:42] Correction.

22 MS PROULX: [10:35:51](Interpretation)

23 Q. [10:35:52] Disarm the Anti-Balaka.

24 A. [10:35:53] No, that wasn't done.

25 PRESIDING JUDGE SCHMITT: [10:35:54] Now we could at least consider to go

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1 back to open session - the last question, for example - but I don't know what you have
2 on your list.

3 MS PROULX: [10:36:08] Yes, I think we can go back into open session, thank you.

4 PRESIDING JUDGE SCHMITT: [10:36:12] Open session.

5 (Open session at 10.36 a.m.)

6 THE COURT OFFICER: [10:36:30] We are in open session, Mr President.

7 MS PROULX: [10:36:40](Interpretation)

8 Q. [10:36:42] Madam, you said that Mr Ngaïssona on that occasion we just
9 mentioned suggested that the Anti-Balaka would be advised to stop these exactions.

10 Was there any other objectives? Did he want to do anything else with the
11 Anti-Balaka?

12 A. [10:37:07] This is what he said: If they give up all their exactions, he would see
13 to what extent he could help them financially so that they could work with their own
14 hands and have some sort of life. That's what he told us on that particular day, and
15 that's why we agreed, so that he could help them and give them some form of advice.

16 Q. [10:37:59] And did you notice that those around Mr Ngaïssona -- did it have a
17 positive impact on everybody? Were there less exactions after that?

18 A. [10:38:16] After he started to give them some food, they began to stop carrying
19 out acts of violence.

20 Q. [10:38:50] Do you know why the Anti-Balaka went to see Mr Ngaïssona? Why
21 did they go and see him and not someone else?

22 A. [10:39:02] I've told you that that man helped many people and was of good
23 standing. There were people who came to see him with their medical prescriptions
24 and he gave money. For example, one day he went to the treasury to get his salary,
25 but, unfortunately -- sorry, correction, his pension -- but unfortunately he died. And

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1 it is Ngaïssona who dealt with all the elements surrounding the death. And he also
2 gave money to people who had retired, and after they received their pensions they
3 came to him and reimbursed that. In any case, he was a very generous person.

4 That's why the Anti-Balaka went towards him to ask him for some form of support.

5 Q. [10:40:17] You just said that despite everything, there were Anti-Balaka who
6 took some of the possessions of Mr Ngaïssona. Can you tell us what you know
7 about that?

8 A. [10:40:30] Those were ungrateful individuals. You can do good to someone,
9 but sometimes they can, nevertheless, turn against you. One day he learnt that those
10 individuals committed a bad act. He called them to tell them and at that day they
11 nearly killed him. So those were elements who had bad intentions and who behaved
12 in a very bad way.

13 Q. [10:41:24] Did you see whether Mr Ngaïssona was able to control them, control
14 their behaviour?

15 A. [10:41:36] I think what he wanted is -- that they wanted to get some financial
16 assistance from him. He himself, he didn't have any authority and could not control
17 them.

18 MS PRATHABAN: [10:42:08] Just a clarification. Could we just establish a source
19 of knowledge for all this?

20 PRESIDING JUDGE SCHMITT: [10:42:12] Yes, we can do that.

21 Perhaps you try it. I think you would have asked anyway, probably.

22 MS PROULX: [10:42:30](Interpretation)

23 Q. [10:42:32] How do you know that, madam? How can you say that
24 Mr Ngaïssona couldn't control them?

25 A. [10:42:44] I said it because, you know, if somebody comes to you and

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1 somebody's behaving badly and comes to you, to see you, you can help them, and
2 they came to ask him for advice and also for some sort of -- form of support, but they
3 turned against him. Everything he was doing vis-à-vis him, we were all aware of
4 what was going on.

5 Q. [10:43:34] Mr Ngaïssona, did he have any way of punishing the Anti-Balaka
6 who were carrying out these bad deeds.

7 PRESIDING JUDGE SCHMITT: [10:43:44] Let me reformulate the question.

8 Madam Witness, did you ever see something or heard about that Mr Ngaïssona
9 punished elements of the Anti-Balaka -- for example, those who turned against him?

10 THE WITNESS: [10:44:01](Interpretation) The majority of Anti-Balaka were armed
11 with the makeshift guns. Ngaïssona wasn't armed. How could he punish them?
12 How can you punish someone who's armed? He didn't have any power.

13 MS PROULX: [10:44:51](Interpretation)

14 Q. [10:44:51] Madam, have you heard of an Anti-Balaka who was called Andjilo?

15 A. [10:45:08] I heard a lot of talk about him.

16 * Q. [10:45:17] Did you hear it said that Andjilo tried to shoot had apparently fired
17 bullets at the house of Mr Ngaïssona?

18 * A. [10:45:28] Yes, I was aware of all of that - the entire population knew that
19 Andjilo tried to shoot Mr Ngaïssona.

20 Q. [10:45:51] And do you happen to know why Andjilo tried to shoot at the house
21 of Mr Ngaïssona?

22 A. [10:46:05] He shot -- or when he shot the house of Ngaïssona, it was well known.
23 Everybody knew that, but they didn't tell us why, why did he shoot the house of
24 Ngaïssona.

25 Q. [10:46:33] Do you know whether Mr Ngaïssona was in a position to control the

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1 actions of Andjilo?

2 PRESIDING JUDGE SCHMITT: [10:46:48] Madam Witness, did you ever recognise,
3 see and hear something that Mr Ngaïssona had, you know, dealings with Mr Andjilo
4 and how he dealt with him, and if he was able to punish him, or whatsoever?

5 A. [10:47:13] After Andjilo shot at the house of Mr Ngaïssona, he left the
6 neighbourhood. He went to another neighbourhood and he took by force the house
7 of a priest, where he lived with all his elements. He fled from the neighbourhood
8 and no longer had any contact with Mr Ngaïssona. At a certain point, it was when
9 the Sangaris tried to arrest Mr Andjilo that he shot and several individuals were hit
10 by stray bullets.

11 PRESIDING JUDGE SCHMITT: [10:48:27] I think you can move on, Ms Proulx.

12 MS PROULX: [10:48:40](Interpretation)

13 Q. [10:48:40] Do you know that Mr Ngaïssona returned confiscated goods to their
14 original owners?

15 PRESIDING JUDGE SCHMITT: [10:48:56] What is the problem with this question?

16 MS PRATHABAN: [10:48:58] She's leading. She's not laid the foundation for it.

17 PRESIDING JUDGE SCHMITT: [10:49:01] Well -- well, give it a try, but I think it's
18 really not -- Madam Witness, have you -- we are -- well, let me put it this way. We
19 are since let's say - I don't know, I have not counted the minutes - anyway, in the
20 realm of hearsay, yes? Largely, yes. Okay.

21 So did, at any point in time, Madam Witness, come something to your attention that
22 Mr Ngaïssona returned goods to anybody? Did you hear anything about that or do
23 you know anything that you -- do you have any information in that regard that you
24 could provide us with?

25 THE WITNESS: [10:49:49](Interpretation) When the elements looted the goods of

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1 others, they put them in Andjilo's house. When Ngaïssona found out about this, the
2 youth in my area said Ngaïssona was extremely angry with the Anti-Balaka who had
3 done that and he got all the possessions that had been looted and he spread the
4 message that the owners could come and retrieve their possessions. Some
5 Anti-Balaka rose up against them saying he hadn't got the right to give back
6 something which they regarded as their booty, and they therefore mobilised
7 themselves to try and shoot him.

8 PRESIDING JUDGE SCHMITT: [10:51:08] Madam Witness, like always, may I ask
9 you how do you come to know that?

10 THE WITNESS: [10:51:26](Interpretation) Well, you know, when an event happened
11 in my area, those who lived through that event {PFR: (Redacted)}, {ICR: (Redacted)}
12 (Redacted)}

13 PRESIDING JUDGE SCHMITT: [10:51:51] Yes, please continue, Ms Proulx.

14 MS PROULX: [10:51:59](Interpretation)

15 Q. [10:51:59] Madam Witness, do you know how the Anti-Balaka got their
16 weapons?

17 A. [10:52:06] I don't know how or where the Anti-Balaka got their weapons.

18 PRESIDING JUDGE SCHMITT: [10:52:25] Well, and this should answer any other
19 questions you want to ask in that regard. I know in this environment here that you
20 always want to make things 100 or 120 per cent clear, but -- so this is
21 obviously -- what I mean by that is this is obviously an area where the witness does
22 not have any knowledge.

23 MS PROULX: [10:53:04] Mr President, could we go back into private session for a
24 little bit, please.

25 PRESIDING JUDGE SCHMITT: [10:53:08] Okay, private session.

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1 (Private session at 10.53 a.m.)

2 THE COURT OFFICER: [10:53:26] We are in private session, Mr President.

3 MS PROULX: [10:53:44](Interpretation)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [10:54:12] It was one fine morning, the wife -- or, rather, the women who were

8 buying bananas in order to sell them passed three Anti-Balaka. One of them was

9 armed. They had come to rob those women and take everything that they had on

10 them as money. These women started to cry out. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:56:38] I would like to look at CAR-D30-0028-0001, if we could display that,
2 please.

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 MS PROULX: [10:59:46] Mr President, I see the time. I probably still have 15 to
23 20 minutes, so --

24 PRESIDING JUDGE SCHMITT: [10:59:52] Yes, well, then let's have now the coffee
25 break.

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1 I suggest that once you have finished your next session, you start immediately. Yes.

2 (Recess taken at 11.00 a.m.)

3 (Upon resuming in open session at 11.32 a.m.)

4 THE COURT USHER: [11:32:32] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [11:32:54] I think we are in open session, Ms Proulx,
7 and we have an audience. Perhaps we can stay in open session, we will see, but you
8 have still the floor, obviously.

9 MS PROULX: [11:33:06](Microphone not activated)

10 THE INTERPRETER: [11:33:08] Mic, please.

11 MS PROULX: [11:33:11] I'm glad to say that we can stay in open session for a little
12 bit.

13 PRESIDING JUDGE SCHMITT: [11:33:15] Yeah.

14 MS PROULX: [11:33:20](Interpretation)

15 Q. [11:33:23] Hello again, Madam Witness. Rest assured I don't have very much
16 longer in my questioning.

17 So, to resume, in 2014, after your return to Bangui, did you see any crimes committed
18 by people who were not Anti-Balaka?

19 A. [11:34:16] In 2014, when I returned to Bangui and when the armed forces started
20 working again, started operating again, before that the Sangaris had arrived and
21 before that the Central African soldiers had started operating again. I think
22 the crimes and the abuses were committed more at PK5. Men, women were killed at
23 PK5, which was a source of concern, people from frightened to go to PK5.

24 Q. [11:35:22] All right, but I'd like to stay with the matter of Boy-Rabe more
25 generally. Were there crimes committed at Boy-Rabe by non-Anti-Balaka people?

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1 A. [11:35:46] So, I returned and I told you that I returned at the time when
2 the Sangaris were operating. There was -- there was collateral damage through stray
3 bullets and I remember that there was an exchange of fire between Anti-Balaka and
4 the Central African Armed Forces. And, after that, safety and security was restored.

5 Q. [11:36:33] Madam Witness, did you see or hear about civilians committing
6 crimes?

7 A. [11:36:53] At that time, I remember telling you that the situation was both
8 difficult and confusing. Even before the Anti-Balaka arrived, even then, there were
9 authorities, there were even former soldiers that condemned crimes that were being
10 committed.

11 Q. [11:37:40] Now, I don't know whether you actually understood my question,
12 perhaps I'll rephrase it.

13 In fact, what I wanted to know is whether you had any knowledge, or what you saw
14 with your own eyes or whether you heard about the fact that civilians, in other words,
15 those people who weren't part of the armed groups, whether they may have
16 committed themselves acts of violence and abuse?

17 A. [11:38:17] Regarding crimes, this was when the Muslims were to leave, when
18 they were to leave the city. Civilians attacked the Muslim convoys, the trucks that
19 were transporting the Muslims.

20 Q. [11:38:50] And how did you know that it was civilians who attacked
21 the convoys?

22 A. [11:39:07] Well, we were at home and we could hear people shouting, shouting
23 that the Muslims were running away and we could see youngsters, adults running,
24 you know, going out to attack the -- the Muslims as they were being taken out, as they
25 were being escorted out. And that's how I received the information.

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1 Q. [11:39:39] And when the Muslims left, what actually happened with their homes
2 or their shops?

3 PRESIDING JUDGE SCHMITT: [11:39:57] No, I allow the question.
4 Please continue.

5 THE WITNESS: [11:39:59](Interpretation) Their mosque -- their mosque -- their
6 mosques, in the plural, were destroyed, as well as their shops.

7 PRESIDING JUDGE SCHMITT: [11:40:14] By whom were they destroyed?

8 THE WITNESS: [11:40:27](Interpretation) Partially it was the civilian population. It
9 was they who attacked the Muslims.

10 PRESIDING JUDGE SCHMITT: [11:40:47] Please move on, Ms Proulx.

11 MS PROULX: [11:40:56](Interpretation)

12 Q. [11:40:58] At the time in 2014, Madam, do you know how the distinction could
13 be made, you know, when we were looking at them, a distinction could be made
14 between an Anti-Balaka element and a civilian?

15 A. [11:41:25] The Anti-Balaka wore distinctive marks. They had bracelets, they
16 had rings. Others would have horns. These were distinctive features that enabled
17 you to recognise them.

18 Q. [11:41:55] And did every single Anti-Balaka wear these distinctive marks or
19 signs?

20 A. [11:42:04] No, not everyone.

21 Q. [11:42:13] Thank you.

22 I'll move on to another area, and very quickly I'd like to talk about Mr Ngaïssona's
23 political party, the NUCD, if you had conversations with him or did you have any
24 reason -- do you know the reasons why -- are you aware of the reasons why
25 Mr Ngaïssona established a political party?

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1 THE INTERPRETER: [11:42:50] The PCUD.

2 THE WITNESS: [11:42:54](Interpretation) I wasn't involved in any shape or form in
3 the establishment of his political party. I can only tell you what I saw or what I
4 heard on 5 December 2017, when you lead -- * when you go off to my farm, which is
5 located in Lobaye, in Bimbo, on 5 December was held the ceremony,
6 the -- a procession in the Ombella-M'Poko. My children and myself we went to that
7 field, and what I saw frightened me. We could see people wearing white T-shirts
8 and these people were moving to join the procession. And when I tried to read what
9 was marked on their T-shirt, what I saw was that it was Mr Ngaïssona's political
10 party. So I asked somebody, one of the people who was wearing these T-shirts, and
11 I asked whether this was only the people from Bimbo who were members of
12 Ngaïssona's political party. And the person got angry and I -- and I said "I'm sorry"
13 and I left. And I think this was the setting up of his political party. There wasn't
14 a small number. I think all the arrondissements in the city of Bangui, in
15 Ombella-M'Poko, Bimbo, there was a sizeable number of people in his party. And
16 when I went back home, I said to my children that Mr Ngaïssona had established
17 a political party and I had seen a significant number of activists, which led me to
18 understand that he had indeed established a political party.

19 PRESIDING JUDGE SCHMITT: [11:45:17] Just a remark, Ms Proulx, this, with
20 regard to what you perhaps want to elicit from the witness, this seems not to be very
21 promising, that, obviously, Madam Witness is not very knowledgeable with regard to
22 the foundation of the PCUD.

23 MS PROULX: [11:45:50](Interpretation)

24 Q. [11:45:51] Madam Witness, have you ever heard that Mr Ngaïssona, through his
25 political party, encouraged violence or acts of vengeance against the Muslims?

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1 A. [11:46:13] I never heard such a thing.

2 Q. [11:46:30] Now, being careful not to reveal your identity, madam, I'd like to
3 know what was the response of the people in your district, in the vicinity, when it
4 was learned that Mr Ngaïssona had been arrested and in -- in view of his ultimate
5 surrender to the ICC?

6 A. [11:47:08] The people in my district didn't know why, they didn't know why he
7 had been arrested and transferred to The Hague. And I can tell you that the local
8 population was traumatised. Nobody, in actual fact, was seeking any vengeance.

9 MS PROULX: [11:47:48] Mr President, I only have a few questions to conclude, but I
10 would need to ask them in private session.

11 PRESIDING JUDGE SCHMITT: [11:47:53] Private session.

12 (Private session at 11.48 a.m.)

13 THE COURT OFFICER: [11:48:09] We are in private session, Mr President.

14 MS PROULX: [11:48:18](Interpretation)

15 Q. [11:48:19] Now, I'd like to show you a final document, which is in tab 1 in my
16 list of materials, CAR-D30-0001-0098.

17 Do you recognise this document, madam?

18 A. [11:48:53] Yes, I do.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 A. [11:51:32] (Redacted), when he returned you need to appreciate he was
14 a member of parliament and he was offering support to many people during all these
15 events. He returned -- he had gone and then he came back, and these delinquents
16 asked him to be the adviser and we realised that he did a huge amount to try to bring
17 back the stolen goods and he stood up against many things that these delinquents
18 were doing. And so these chiefs who were behaving very badly, these commanders
19 who were behaving badly and continuing in their acts and abuses and continuing to
20 confiscate belongings, he himself, he was trying to bring back peace. He picked up
21 the pieces, really, if I can put it that way. (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 Q. [11:53:29] A final question, madam.

2 Can you tell the Chamber why you accepted to offer evidence this week before
3 the International Criminal Court?

4 A. [11:53:57] Thank you for your question.

5 I accepted to come and testify for the simple reason the International Criminal Court
6 is a major court designed to seek truth. This Court takes decisions basing itself on
7 truth. The Court doesn't ground itself on lies. And me myself, I'm not alone in -- in
8 thinking that, in saying that. Pretty much everybody in Bangui realised that
9 Ngaïssona had absolutely nothing to do with all this business, and that's why I took
10 the decision to come and provide evidence.

11 Q. [11:54:59] My thanks, Madam Witness. Thank you very much indeed. I have
12 finished for the time being with my questions and I'll hand over to
13 the Presiding Judging?

14 PRESIDING JUDGE SCHMITT: [11:55:09] Thank you very much, Ms Proulx.
15 I don't think that Ms Bafadhel -- yeah.

16 MS BAFADHEL: [11:55:14] For the record, Mr President, no questions.

17 PRESIDING JUDGE SCHMITT: [11:55:17] Yeah.

18 I also don't think that the victims representatives have any questions, so I give
19 the floor to Ms Prathaban for the Prosecution. Question, can we go to open session?

20 MS PRATHABAN: [11:55:28] Could I just have two minutes to set up?

21 PRESIDING JUDGE SCHMITT: [11:55:30] Of course.

22 MS PRATHABAN: [11:55:32] And just for information, Mr President, I would
23 streamline my plan, so I think I would just need one session.

24 (Pause in proceedings)

25 PRESIDING JUDGE SCHMITT: [11:56:25] Still the question is if we have to stay in

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- 1 private session or if we can go to open.
- 2 MS PRATHABAN: [11:56:31] We can start at open.
- 3 PRESIDING JUDGE SCHMITT: [11:56:32] Then we go to open session.
- 4 (Open session at 11.56 a.m.)
- 5 THE COURT OFFICER: [11:56:47] We're in open session, Mr President.
- 6 QUESTIONED BY MS PRATHABAN:
- 7 Q. [11:56:53] Good morning, Madam Witness. We didn't have the opportunity to
- 8 meet at the courtesy meeting, so let me introduce myself. I am
- 9 Manochitra Prathaban and I'll be asking you questions today on behalf of
- 10 the Prosecution.
- 11 As a reminder, both my questions and your answers are being interpreted, so it's very
- 12 important that we speak slowly and we pause after each of us have asked a question
- 13 and an answer so that the interpreters can do their job.
- 14 And I understand that for the last days that you had a few moments of facing
- 15 difficulty recounting your story to us, so if any questions I ask you make you feel
- 16 upset and you need a break, please let us know and I'll request the Presiding Judging
- 17 for a break.
- 18 And, finally, if any of the questions I ask are unclear or you do not understand, please
- 19 let me know and I'll rephrase.
- 20 Is it clear?
- 21 A. [11:58:06] Yes, it's clear.
- 22 Q. [11:58:09] Thank you.
- 23 So I'll start off just asking some clarifications about your testimony from yesterday
- 24 and today. So we'll begin.
- 25 Now, you testified this morning that Mr Ngaïssona didn't become the Anti-Balaka

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1 coordinator. And I just want to confirm that is that right, is that what you meant?

2 A. [11:58:58] Yes, that's what I wanted to say. That's correct.

3 Q. [11:59:03] Thank you for the clarification.

4 Could we go to private session very briefly.

5 PRESIDING JUDGE SCHMITT: [11:59:09] Private session.

6 (Private session at 11.59 a.m.)

7 THE COURT OFFICER: [11:59:25] We are in private session, Mr President.

8 MS PRATHABAN: [11:59:28] Thank you.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [11:59:50] That is correct.

13 (Redacted)

14 (Redacted)

15 MS PROULX: [12:00:15] Sorry, maybe we could specify the time frame, the period

16 that we're talking about.

17 PRESIDING JUDGE SCHMITT: [12:00:19] Yes, I think we're talking about -- but,

18 (Redacted)

19 what the witness said, so perhaps you can clarify it.

20 MS PRATHABAN: [12:00:30] Indeed, Mr President.

21 PRESIDING JUDGE SCHMITT: [12:00:32] This is the time frame we're talking about.

22 MS PRATHABAN: [12:00:36] Exactly.

23 Q. [12:00:36] So the period I'm referring to is between (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:01:21] Thank you.

3 Is it right that he never travelled in this period, (Redacted)

4 (Redacted)

5 MS PROULX: [12:01:32] I'm sorry, this morning he did talk about

6 travelling -- the witness talked about potential trips to Paris, so I think the question is

7 misleading.

8 PRESIDING JUDGE SCHMITT: [12:01:43] No, no, I -- well, you also have to give

9 the Prosecution the chance to put questions to the witness, and I have perfectly in

10 mind what the witness said and I don't see a problem with this question.

11 Please repeat it.

12 MS PRATHABAN: [12:01:56] Thank you, Mr President.

13 Q. [12:02:00] Is it right that Mr Ngaïssona never travelled in the period of

14 September until the end of October 2013?

15 A. [12:02:30] I believe I said that he did not travel during that period. (Redacted)

16 (Redacted)

17 Q. [12:02:44] Thank you, Madam Witness.

18 And are you aware that Mr Ngaïssona had actually travelled for FIFA activities,

19 because he was the president of FIFA, in September and in October? And we have

20 emails, an itinerary, that shows that he had travelled. Are you aware of it?

21 A. [12:03:30] I think that he would have informed me of a trip within FIFA. If he

22 would have told me, I would have been aware of that. But, personally, I can't really

23 say that I was aware of that.

24 Q. [12:03:52] Thank you for the clarification.

25 And for the record, we refer to CAR-OTP-2124-0825 at 0828.

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1 I'll move to another topic.

2 You described today in -- that you had -- that the transitional government had not
3 helped with any disarmament of the Anti-Balaka; is that right?

4 A. [12:04:37] During this period, there was no disarmament activities regarding
5 the Anti-Balaka.

6 PRESIDING JUDGE SCHMITT: [12:04:51] Perhaps again to be -- to be certain, we
7 are speaking -- you are referring, Ms Prathaban, to which time frame now? 2014, no?

8 MS PRATHABAN: [12:05:02] Indeed.

9 PRESIDING JUDGE SCHMITT: [12:05:03] So, Madam Witness, we are speaking
10 about 2014, you also speak about 2014; is that correct?

11 I don't know what was translated. Please continue.

12 THE WITNESS: [12:05:35](No interpretation)

13 PRESIDING JUDGE SCHMITT: [12:05:36] Please continue.

14 MS PRATHABAN: [12:05:39]

15 Q. [12:05:42] Madam Witness, were you aware that there were efforts to disarm in
16 the 4th arrondissement?

17 A. [12:06:16] At that time I think that the United Nations forces proceeded with
18 disarmament activities.

19 Q. [12:06:36] Thank you.

20 Were you aware that Prime Minister Nzapayéké himself had undertaken efforts for
21 the disarmament campaigns in the 4th arrondissement?

22 A. [12:07:10] There was a radio broadcast which he held.

23 Q. [12:07:23] Thank you.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [12:08:02] I think it's -- I don't know why we don't
4 have interpretation. Or the witness has obviously not said anything, but I think we
5 have a very -- we have an intelligent witness who had a certain role. She has
6 understood throughout her testimony when she was asked not to mention anything
7 that could identify her in open session. I think we can take it at that.

8 So we go to open session, I understand.

9 (Open session at 12.08 p.m.)

10 THE COURT OFFICER: [12:08:48] We're in open session, Mr President.

11 MS PRATHABAN: [12:08:53] Thank you.

12 Q. [12:08:56] Now, I will be showing you a video, and I have a few questions
13 relating to that.

14 So this is at tab 4 of the Prosecution binder, CAR-OTP-2023-2114, and its transcript is
15 at CAR-OTP-2107-1508. And I'll be playing from minute 02:10 to minute 03:11, but
16 we'll be first pausing at minute 02:13.

17 (Pause in proceedings)

18 PRESIDING JUDGE SCHMITT: [12:10:13] Well, Mr Vanderpuye, you know, these
19 technical matters, perhaps. You know, I didn't -- I didn't word anything, so, but ...
20 Obviously there is a technical problem. The technician is coming. Perhaps do we
21 have other questions before showing. You know, we don't, we don't have to wait for
22 the technician. When he comes, it's fine. Perhaps you continue with another
23 question.

24 MS PRATHABAN: [12:10:55] Thank you, Mr President.

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1 Q. [12:11:09] As you heard, Madam Witness, we will be playing the video a bit
2 later, so I'm going to move on to another topic now.

3 You had testified yesterday that when the Seleka entered the 4th arrondissement
4 the men had fled. Now these men included members of the FACA; is that right?

5 A. [12:11:55] What I'm saying is at that time all the FACA were confined. Given
6 that they didn't have any weapons, those who came shot and civilians fled.

7 Q. [12:12:35] Thank you, Madam Witness.

8 You mentioned that the FACA were confined. Do you recall where this was?

9 A. [12:13:10] They had different billeting quarters.

10 Q. [12:13:20] Thank you.

11 And you mentioned that the civilians who fled in particular were men. Are you
12 aware that they had fled to the hill behind Boy-Rabe, which is called the Bazoubangui
13 hill?

14 A. [12:14:05] This was a period of conflict. They couldn't flee and regroup
15 themselves on the hill. Not all of them had regrouped on the hill.

16 PRESIDING JUDGE SCHMITT: [12:14:34] Mr Vanderpuye, I would give
17 my -- my -- I would give myself completely into the hands of the expert with
18 regard -- no, I'm joking, I'm just saying.

19 MS PRATHABAN: [12:14:48] Mr President, is it possible to break now for an early
20 lunch?

21 PRESIDING JUDGE SCHMITT: [12:14:52] Of course, it is possible.

22 MS PRATHABAN: [12:14:54] So that we can fix --

23 PRESIDING JUDGE SCHMITT: [12:14:56] What about having a lunch

24 75 -- lunchtime 75 minutes until half past 1. Is that okay with everyone? Yeah?

25 MS PRATHABAN: [12:15:31] Yeah, that works. We have maximum half an hour,

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1 max.

2 PRESIDING JUDGE SCHMITT: [12:15:31] You have afterwards, then?

3 Well, if he could have fixed it now it would have -- but if it is a problem, then we have
4 the -- okay, then we make now -- we have now the lunch break until half past 1.

5 And perhaps presumably, hopefully, are finished at 2. Thank you.

6 THE COURT USHER: [12:15:38] All rise.

7 (Recess taken at 12.15 p.m.)

8 (Upon resuming in open session at 1.31 p.m.)

9 THE COURT USHER: [13:31:17] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [13:31:40] Good afternoon. We are in open session.

12 I give Ms Prathaban the floor.

13 MS PRATHABAN: [13:31:50] Thank you, Mr President.

14 Q. [13:31:53] Good afternoon, Madam Witness. I'll be asking you questions about
15 the video that I had planned to show you earlier, but first I just have a clarification.

16 You testified that when you returned to Bangui in March 2014, you had returned back
17 to your position; is that right?

18 A. [13:32:24] Yes, that's right.

19 Q. [13:32:28] Thank you. And in that time period in March 2014 onwards, the
20 Seleka weren't present there in Bangui; is that right?

21 A. [13:32:59] When I went back, the Seleka were still there, but they weren't in our
22 arrondissement. They were at Kilometre 5.

23 Q. [13:33:17] Thank you for the specification. It's very helpful.

24 I'll be now showing you a video and I have a few questions relating to that. And
25 again, this is tab 4, CAR-OTP-2023-2114 and I'll be playing from time stamp 2:10 to

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1 3:11.

2 And the transcript for the interpreters is at CAR-OTP-2107-1508.

3 THE INTERPRETER: [13:34:02] Message from the interpreters: Which page and
4 line number, if you don't mind, so we can be ready for the sight translation.

5 MS PRATHABAN: [13:34:12] Sure. It's from line 34 to 59.

6 THE INTERPRETER: [13:34:25] Many thanks.

7 MS PRATHABAN:

8 Q. [13:34:31] Before we play the video, Madam Witness, do you recognise this
9 place that's at 2:10?

10 A. [13:35:06] This is the town hall of the 4th arrondissement.

11 Q. [13:35:13] Thank you.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [13:35:19] (Interpretation of the video excerpt)

14 "Reporter: The Prime Minister who was with a number of government members
15 realised that the high-profile people, the neighbourhood leaders were not present in
16 the hall. There were a number of soldiers and FACA elements... The atmosphere
17 was electric and at one point, since the Prime Minister was asking why the FACA was
18 present ..."

19 PRESIDING JUDGE SCHMITT: [13:36:01] Well, was the sight translation intended
20 to interrupt so briskly?

21 THE INTERPRETER: [13:36:10] The sight translation continues:

22 "They're supposed to be in the barracks, he specified, and he asked the defence
23 minister, Théophile Thom [phon.] TIMANGO. As best he could, the Prime
24 Minister tried to explain to --"

25 PRESIDING JUDGE SCHMITT: [13:36:31] No, stop. Now it's enough, I think.

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1 Well, please continue, Ms Prathaban.

2 MS PRATHABAN: [13:36:39] Sorry for the interpreters. Is it possible to just play it
3 again, starting from 2:20 -- or 20:10, I think, we stopped. Yeah. Thank you.

4 PRESIDING JUDGE SCHMITT: [13:36:51] Okay. So we start it again. But it's not
5 a problem. We are not in a rush. Please take your time.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [13:36:59] (Interpretation of the video excerpt)

8 "Reporter: The Prime Minister who was with a number of government members
9 realised that the high-profile people, the neighbourhood leaders were not in the hall.
10 Everyone there was made up of soldiers and FACA members... The atmosphere was
11 electric at one point, because the Prime Minister was wondering why the FACA was
12 present. They're supposed to be in the barracks, he specified, asking the defence
13 minister, Théophile Thom [phon.] TIMANGO. As best he could, the Prime
14 Minister tried to explain to them the critical situation of the country. He asked them
15 to bring back the military items and the weapons of war that they were holding.
16 That was the message of the Prime Minister when questioned by the press."

17 End of sight translation.

18 PRESIDING JUDGE SCHMITT: [13:38:01] Thank you.

19 MS PRATHABAN: [13:38:07] Thank you.

20 Q. [13:38:08] And now I'll be showing you certain parts of the footage and I'll be
21 asking you specific questions on that. So if we could start with time stamp 2:13.

22 Madam Witness, do you recognise this location?

23 A. [13:38:50] I told you, that is the town hall of the 4th arrondissement.

24 Q. [13:38:54] Thank you. And can we bring the video to time stamp 2:20.

25 Thank you.

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1 Madam Witness, do you recognise the person in the striped shirt who is in the
2 middle?

3 A. [13:39:32] I think that's Andjilo.

4 Q. [13:40:08] Thank you. Does the name Judicael Orofe ring a bell?

5 A. [13:40:30] I don't know that person.

6 Q. [13:40:33] That's all right. Thank you.

7 And we're going to continue the video and stop at 2:46:14.

8 PRESIDING JUDGE SCHMITT: [13:40:57] I think that's as close as it gets.

9 MS PRATHABAN: [13:41:01] Thank you.

10 Q. [13:41:03] And Madam Witness, the same question, do you recognise the person
11 in the centre who has his arms folded?

12 A. [13:41:17] I don't know that person.

13 Q. [13:41:22] Thank you.

14 Does the name Maxime Mokom ring a bell?

15 A. [13:41:46] Maxime Mokom, I didn't know him before. When he was arrested
16 and transferred to the Court, there were some signs, posters on the main roads in
17 Bangui; so everyone saw the photograph of Maxime Mokom on these posters. They
18 saw and they read the information.

19 Q. [13:42:33] Thank you, Madam Witness.

20 And if we could continue -- sorry, before I continue.

21 Do you recognise the person on the right who is leaning forward?

22 A. [13:43:06] I don't know that person.

23 Q. [13:43:13] Thank you.

24 Does the name Sylvestre Yagouzou ring a bell?

25 A. [13:43:37] That's a person who does not live in my neighbourhood.

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1 Q. [13:43:46] Does it mean that you know this person?

2 A. [13:44:03] I just told you, I don't know him.

3 Q. [13:44:12] Thank you for the clarification.

4 You testified today and yesterday that because of your position, your specific role,
5 you were aware of everything that was happening in the 4th arrondissement; is that
6 right?

7 A. [13:44:49] The information -- if I were informed of things, the information going
8 around the neighbourhood, yes, I would know about those things and I could tell you
9 about them.

10 Q. [13:45:06] Thank you. So are you aware of the fact that Maxime Mokom told
11 Prime Minister Nzapayeke in a meeting that was held in the 4th arrondissement that
12 PK5 had to be razed to the ground?

13 PRESIDING JUDGE SCHMITT: [13:45:27] Before you answer, Madam Witness, we
14 hear Ms Proulx.

15 MS PROULX: [13:45:31] Can we have the foundation of this information? I mean,
16 it's presented as a fact and I have no idea where this is coming from.

17 PRESIDING JUDGE SCHMITT: [13:45:35] Well, yes, yes. Perhaps you can help us
18 out.

19 Thank you, Ms Proulx.

20 Ms Prathaban.

21 MS PRATHABAN: [13:45:40] So the reference is CAR-OTP-2094-0228, at 0250, para
22 125.

23 PRESIDING JUDGE SCHMITT: [13:45:51] I think you would have to repeat the
24 question then.

25 MS PRATHABAN: [13:45:55]

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1 Q. [13:45:56] Madam Witness, you explained to us that because of your position
2 people shared information with you. So are you aware of the fact that
3 Maxime Mokom told Prime Minister Nzapayeke in a meeting held in the
4 4th arrondissement that PK5 had to be razed to the ground?

5 A. [13:47:00] Well, these images in front of me, you see, these are soldiers. The
6 other people, you can clearly see that {ICR: (Redacted)}.
7 I was not present at that meeting, that meeting during which this gentleman said that.
8 {ICR: (Redacted)}
9 so I was not present.

10 Q. [13:47:37] Thank you for the clarification.

11 So I understand that you were not present, but did you hear about it afterwards?

12 A. [13:48:00] I never heard any talk about that.

13 Q. [13:48:06] Thank you, Madam Witness.

14 I'll be now moving to my final topic and I would like to show you a document, tab 11,
15 CAR-OTP-2124-0899.

16 MS PROULX: [13:48:26] Mr President.

17 PRESIDING JUDGE SCHMITT: [13:48:28] Yes.

18 MS PROULX: [13:48:29] I will object to the use of that tab, Mr President. There is
19 no foundation to show the witness a document which is an email in which she was
20 not a party. She didn't send the email, she didn't receive the email, the subject
21 matter has nothing to do with her and I frankly do not see that there is any
22 foundation for this.

23 PRESIDING JUDGE SCHMITT: [13:48:51] Ms Prathaban, I tend to agree with
24 Ms Proulx in that regard. We have seen this email several times and have discussed
25 it with other persons who might have immediate knowledge about it, so I agree with

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1 Ms Proulx, actually. You can -- you can draw something out, some information out
2 of it, like always, but not show it to the witness, yes?

3 MS PRATHABAN: [13:49:18] Thank you, Mr President. My intention here is just
4 that she was present in October 2013 with Mr Ngaïssona, which fits the time frame in
5 the email.

6 PRESIDING JUDGE SCHMITT: [13:49:28] Yes, but this is like -- this is like I always
7 say, we have the totality of the evidence and we have to -- in the end, the
8 Chamber -- when I say "we", the Chamber, the judges have to assess that and put it to
9 perspective, and this is already evidence in evidence. And not only that, not only as
10 a document, but also we have discussed it with other witnesses, so there is no need to
11 discuss this with this witness.

12 When assessing the totality of the evidence, as I said, we will obviously also assess
13 this email and the information entailed in it, together with all the other witnesses we
14 have discussed it with, with their testimony.

15 MS PRATHABAN: [13:50:16] Thank you, Mr President. If I could just add one
16 point to that. I agree, but it's simply because the Defence counsel had showed a final
17 document to her, which I do not want to get into because we are in open session, and
18 we have an objective for putting this document because it goes towards character
19 evidence.

20 PRESIDING JUDGE SCHMITT: [13:50:35] But that is something completely -- that's
21 something different, if I may say so. So we leave now this email that you want to
22 show, we don't show it; I agree with Ms Proulx. And it's also absolutely -- let's say,
23 it's not objectionable that the Defence showed this -- this document, this letter to the
24 witness. And, again, whatever character evidence is worth, that we have to decide
25 in the end as the judges.

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1 You know, this Chamber is not a friend of inadmissibility from the outset, you know
2 that, and we have established that for a long time I think.

3 MS PRATHABAN: [13:51:21] Thank you, Mr President. I'll continue.

4 Q. [13:51:25] Madam Witness, when you signed the document, the letter in
5 October 2020, you did not know that Mr Ngaïssona had been arrested for the
6 evidence underlying it, did you?

7 A. [13:52:02] I'd like to know what document you're talking about. Which
8 document was drawn up in 2014, because several documents were drawn up at that
9 time?

10 PRESIDING JUDGE SCHMITT: [13:52:20] Look, I understand why you put this
11 question to the witness. And you -- and you and everybody else in the courtroom
12 knows the answer. Of course, Madam Witness could not know the evidence, the
13 arrest warrant or whatsoever was based on with regard to Mr Ngaïssona. So she
14 wrote this on account of her experience, be whatsoever, with Mr Ngaïssona. That's it.
15 That is always with character evidence, yeah. You put it: I know the person, and I
16 say something about it. But this does not mean, of course, and it's absolutely clear
17 that Madam Witness did not know the evidence that was brought forward.
18 I think we can leave it at that. So this is highly suggestive this question, to put it this
19 way.

20 Are you fine with that, Ms Proulx?

21 MS PRATHABAN: [13:53:28] Thank you, Mr President.

22 Q. [13:53:30] Madam Witness, thank you for your testimony. I have no further
23 questions.

24 Thank you also to the interpreters and the Chamber.

25 PRESIDING JUDGE SCHMITT: [13:53:36] Thank you very much, Ms Prathaban. I

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- 1 assume there are no further questions by the Defence.
- 2 This concludes your testimony, Madam Witness. On behalf of the Chamber, I would
- 3 like to thank you that you have made yourself available as a witness in these
- 4 proceedings. As a Court and as a Chamber, as the judges, we need witnesses who
- 5 come forward and provide us with the information that they can give us truthfully.
- 6 We thank you for that, we appreciate it and we wish you a safe trip back home.
- 7 THE WITNESS: [13:54:23](Interpretation) Thank you.
- 8 (The witness is excused)
- 9 PRESIDING JUDGE SCHMITT: [13:54:28] So this concludes also the hearing today.
- 10 We continue, I think, on Tuesday, I assume, and it's Defence witness/expert 4864, if I
- 11 understand it correctly. And I think we should make it next week somehow,
- 12 although let's say the time for questioning is quite extensive, but I think we will
- 13 manage.
- 14 So hearing concluded for today. Court is adjourned.
- 15 THE COURT USHER: [13:54:58] All rise.
- 16 (The hearing ends in open session at 1.55 p.m.)