

Trial Hearing
WITNESS: CAR-D30-P-4504

(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 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 Friday, 17 May 2024
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:57] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:09] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:21] 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: [9:32:36] Thank you.
21 I ask for the appearances of the parties.
22 Mr Belbenoit-Avich, please.
23 MR BELBENOIT-AVICH: [9:32:45](Interpretation) Good morning, your Honour.
24 Good morning, your Honours. Today, the Prosecution is represented by Mr Kweku
25 Vanderpuye, Mr Lucio Garcia, Madam Berdennikova, Yassin Mostfa, and myself.

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- 1 PRESIDING JUDGE SCHMITT: [9:32:57] It's Ms Berdennikova, I think. It was -- in
2 the translation it was a bit ...
3 Ms Rabesandratana, next, for the victims.
- 4 MS RABESANDRATANA: [9:33:08](Interpretation) Good morning, your Honour,
5 your Honours. The legal representatives of victim 2 are represented by Mr Lariviere
6 and by myself.
- 7 PRESIDING JUDGE SCHMITT: [9:33:18] Mr Suprun.
- 8 MR SUPRUN: [9:33:21] Good morning, Mr President, your Honours. The former
9 child soldiers are represented by myself, Dmytro Suprun. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:33:31] And we turn to the Defence.
11 Ms Bafadhel.
- 12 MS BAFADHEL: [9:33:34] Good morning. Mr Yekatom is present in the courtroom
13 and he is represented today by Ms Anne Veillette and myself, Sarah Bafadhel.
- 14 PRESIDING JUDGE SCHMITT: [9:33:46] Mr Knoops, finally.
- 15 MR KNOOPS: [9:33:47] Yes. Good morning, Mr President, your Honours. Good
16 morning everyone in the courtroom. Good morning, Mr Witness.
- 17 Our team, on behalf of Mr Ngaïssona, is here today before the Chamber with
18 Mr Alexandre Desevedavy, Ms Melissa Beaulieu, Marie-Hélène Proulx, Mr Mathias
19 Goffe, and Justine Crête. *Merci*.
- 20 PRESIDING JUDGE SCHMITT: [9:34:01] Thank you.
21 And we continue with the examination of the witness.
- 22 Good morning, Mr Witness, do you hear and understand me well?
- 23 WITNESS: CAR-D30-P-4504 (On former oath)
24 (The witness speaks Sango)
25 (The witness gives evidence via video link)

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1 THE WITNESS: [9:34:18](Interpretation) I can hear you very well.

2 PRESIDING JUDGE SCHMITT: [9:34:21] Mr Witness, you have, I think -- I'm sure
3 counsel will have explained to you that it is not correct, so to speak, to disappear and
4 not be available to finish the testimony. You are here now. We won't make, at the
5 moment, a big fuss out of it. So it is your duty, obligation to finish the examination
6 and it's fine that you're here.

7 And with that -- and the priority is that we simply give the Prosecution, which is our
8 system, and this has to be like that, the opportunity to question you too, and you have
9 to simply go through that and answer the questions like you did with the questions of
10 the Defence.

11 We give the floor now to the Prosecution.

12 QUESTIONED BY MR BELBENOIT-AVICH: (Interpretation)

13 Q. [9:35:08] Good morning, Witness. My name is Pierre Belbenoit-Avich. I am
14 the senior trial lawyer. You will remember that I met you just before the start of
15 your testimony and I'm the one who is going to put questions to you today.

16 Before starting, if any of my questions are not clear, or if you would like me to repeat
17 or clarify a question, please do not hesitate to let me know and I will repeat it.

18 As the Presiding Judge has indicated to you last week, it's very important for the
19 work of the interpreters that we speak slowly, and it's also very important that we
20 allow a break before we start to speak. So please, wait a few seconds after my
21 questions before answering them.

22 So, today, I'm going to put questions to you about several different points with
23 regards to the evidence you gave to the Defence and which you signed, and also with
24 regard to your testimony of 6 May, in answer to the questions which my colleague,
25 Mr Knoops, put to you.

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1 And before that, your Honour, I would like us to go into private session for a few
2 questions, please.

3 PRESIDING JUDGE SCHMITT: [9:36:22] Yes, private session.

4 (Private session at 9.36 a.m.)

5 MR BELBENOIT-AVICH: [9:36:24](Interpretation)

6 Q. [9:36:24] So, Witness, at the end of the hearing on --

7 THE COURT OFFICER: [9:36:28] Counsel, just a second.

8 MR BELBENOIT-AVICH: [9:36:30](Interpretation)

9 Q. [9:36:31] -- Wednesday, 6 May --

10 THE COURT OFFICER: [9:36:42] Thank you.

11 We are in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:36:44] Well, Mr Belbenoit, we appreciate it a lot
13 that you want to expedite, you know what I mean, so, yes. Thank you.

14 Please take your time, and now you are ready, you can continue.

15 MR BELBENOIT-AVICH: [9:36:56](Interpretation)

16 Q. [9:36:57] So, Witness, at the end of the hearing on Wednesday, 6 May, the
17 Presiding Judge clearly indicated to you that --

18 (Speaks English) "[...] tomorrow we continue, so please be there tomorrow, like all of
19 us, at [...] 9.30."

20 (Interpretation) Is that not the case?

21 A. [9:37:23] Very well, I'm waiting for the follow-up.

22 Q. [9:37:30] And you know that the people who are present in this courtroom, the
23 Judges, the Defence teams, the legal representative of victims, the interpreters, that
24 they will be there to await your testimony.

25 A. [9:37:57] I understand, I understand everything that you say. I'm awaiting

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1 your questions.

2 Q. [9:38:12] So, Witness, we have received information about the attempts that the
3 Victims and Witnesses Unit made in order to enter into contact with you to continue
4 with your examination. It is the case, is it not, that on 7 May, a member of staff of
5 the unit contacted you and that you answered that you could not present yourself
6 because you had a meeting at the bank, did you not?

7 A. [9:38:47] That's correct. The second day, that was the second day. I thought
8 that it wasn't going to take a lot of time because I had already planned a lot of
9 activities on the Friday. Not the entire day, I wasn't able to take the money out, and
10 I thought that I was going to take the advantage of an hour's break to get the money.
11 And on the Monday, I thought that I would have taken the money out, it was sent for
12 a case of illness, and that is the reason why I didn't come to answer the questions.
13 But I didn't do it deliberately.

14 Q. [9:39:37] Witness, still on the same day, when the unit contacted you and it let
15 you know of the Chamber's instructions for you to present yourself, subject to
16 possible sanctions, you answered that, Even if the police come to get me -- whatever
17 the case, you are not going to come. Is that correct?

18 A. [9:40:08] No. I wrote a message, I said that I was working with at least four or
19 five lawyers and if, at the start, I didn't have the intention of testifying, I would say so.
20 I received a message, and I answered the message saying that I hadn't been forced -- it
21 wasn't the police that had forced me to meet the lawyers. I did so from my own will.
22 I met four or five lawyers with whom I had discussions.

23 Q. [9:40:59] Very well, Witness, but I have an email from the unit, so I will just read
24 the passage for the record:

25 (Speaks English) "The witness stated that being a witness is voluntary and that he will

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1 refuse to testify even if the police visited him."

2 (Interpretation) And so, Witness, that's not what happened on your

3 testimony -- according to your testimony?

4 A. [9:41:37] I think where it concerns testifying, one has to say the truth.

5 Whatever one does, one does it in a voluntary basis. There is no need to have the
6 police to force me to come and testify.

7 Q. [9:42:04] Very well, Witness.

8 *And just for the references, this is an email from 14 May 2024 at 16:19.

9 And afterwards, Witness, the unit tried to get hold of you on the phone for several
10 days and I understand that there was information that was communicated to you that
11 either you hadn't answered the phone -- or, in certain cases, you rejected the calls.
12 So that's the information that I was communicated. Is that correct?

13 A. [9:42:41] I was contacted. You know that we have problems with electricity, it
14 could be the case that my telephone was charging. When there were the missed calls,
15 I called back the numbers and it said missed call. So three or four days, there was no
16 electricity, so I had to go to the kiosks. And when my phone ran, then I called the
17 number in order to have more information with regards to the phone calls.

18 Q. [9:43:30] So, Witness, I understand that the unit sent messages to you via
19 WhatsApp, and on 10 May, you indicated that you were not subject to threats. There
20 was no threats against you; that's correct, is it not?

21 A. [9:43:52] That's correct, I have not been threatened.

22 Q. [9:43:56] So, Witness, it's just 14 May that the unit were able to get hold of you
23 on the phone and organise with you a discussion with the Defence so that you could
24 testify today.

25 A. [9:44:13] That's correct.

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1 Q. [9:44:20] Just to be clear with you, Witness, the fact that you refused to present
2 yourself on 7 May, that you didn't come, while you knew that you would be
3 questioned by the Prosecution, and the resistance that you showed with regard to the
4 order of the Judge requiring your appearance, that is something that puts question
5 marks to us. And I would recall that on 6 May, you swore an oath before starting
6 with your testimony to tell the truth, the whole truth and nothing but the truth. And
7 I would also remind you that false testimony before the Judges is punishable under
8 the Rome Statute; namely, under Article 71.

9 So with regards to 7 May, because your testimony -- the reason you did not
10 come -- was the reason that you did not come because your testimony was not the
11 truth on 7 May? That you didn't come on 7 May was because your testimony was
12 not the truth?

13 A. [9:45:31] No. I said the truth with regards to what I saw and what I heard.

14 PRESIDING JUDGE SCHMITT: [9:45:39] Mr Belbenoit-Avich, it's absolutely okay
15 that you -- we have it now on the record, the whole unfolding, developments, so to
16 speak, since last week. I think you can now go over to your examination on the
17 content of the witness's testimony last week.

18 MR BELBENOIT-AVICH: [9:46:04](Interpretation) Indeed, your Honour, that's
19 exactly what I was going to do.

20 Q. [9:46:09] Witness, first of all, I would like to put questions to you with regards to
21 the context that you had with the Defence team. So firstly, Witness, who approached
22 you the first time so that you would become a Defence witness for Mr Ngaïssona's
23 Defence team?

24 A. [9:46:31] There was a lawyer from the Defence team of Mr Ngaïssona
25 whose -- had -- she was at the Omnisport. He called me so that I would come and

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1 testify in the Ngaïssona case.

2 Q. [9:47:03] Could you give us the name of this lawyer, please?

3 A. [9:47:09] Mr Samson Ngaïbona. Samson Ngaïssona. That was the -- well,
4 with regards to the lawyer, I don't remember the name. Samson -- Samson
5 Ngaïssona. Samson Ngaïbona --

6 THE INTERPRETER: [9:47:59] The interpreter corrects.

7 PRESIDING JUDGE SCHMITT: [9:48:02] Ngaïbona. Ngaïbona.

8 MR BELBENOIT-AVICH: [9:48:07](Interpretation)

9 Q. [9:48:08] You also spoke about a lawyer, could it be Mr Landry? Could it be
10 Mr Landry Omissé-Namkeamäi?

11 A. [9:48:26] Yes. His cabinet is within the Omnisport area. He's a lawyer. He is
12 black, not light skinned. And they came to find me. When Melissa arrived, they
13 came to get me and on that occasion I was able to discuss matters with them.

14 Q. [9:48:53] Thank you very much, Witness.

15 Do you already know Mr Ngaïbona previously? Did you already know
16 Mr Ngaïbona previously?

17 A. [9:49:05] No, I didn't know him previously. He called me on the phone that he
18 needed me and I came to meet him within the Omnisport building. He was there
19 with the lawyer and this white lady. There were two white ladies and we were able
20 to speak to them.

21 Q. [9:49:35] Thank you, Witness.

22 Now the first contacts that you had -- the very first contacts that you had with
23 Mr Ngaïbona, what date was that?

24 A. [9:49:51] I don't remember. But to tell the truth, we met four times.

25 PRESIDING JUDGE SCHMITT: [9:50:08] Well, I think it's absolutely normal that the

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1 witness does not recall a concrete date, so ...

2 MR BELBENOIT-AVICH: [9:50:19](Interpretation)

3 * Q. [9:50:20] Very well, Witness, we're now going to go in the order of meetings
4 that you had with the Defence. I put it to you that the first meeting that you had
5 with Mr Ngaïbona and Mr Landry Omissé-Namkeamaï when your testimony was
6 taken was on 3 July 2022 ?

7 A. [9:50:50] Yes, that's correct, I remember.

8 Q. [9:50:54] Could you tell us what the subject was of this first meeting?

9 A. [9:50:58] The subject of this first meeting was to speak to them about my stay in
10 Douala, what happened in Douala. They put questions to me about that.

11 Q. [9:51:15] Very well. Did they take notes during this meeting?

12 A. [9:51:20] They put questions to me, they asked me if I would agree to being
13 recorded and I said, very well, I was in agreement and we spoke.

14 Q. [9:51:44] Very well. And when you said that they asked you if you would
15 agree to being recorded, what should I understand from that?

16 A. [9:51:55] They asked my name and they asked me if I would agree to testify and
17 I told them that I agreed. And they asked me if I would agree to being recorded, and
18 I said, "Very well" and Melissa, the lady who was there, a white lady, she recorded me.
19 And afterwards, they thanked me. I thanked them -- I thanked them for having put
20 these questions to me.

21 Q. [9:52:40] Very well, Witness.

22 I put it to you that before meeting Madam Melissa Beaulieu, first of all, you had two
23 meetings that are mentioned in your statement just with Mr Ngaïbona and Mr Landry
24 Omissé-Namkeamaï. So, on the 3 July 2022, and the next one was in September 2023.
25 So the first meeting, it was just with Mr Ngaïbona and Mr Landry?

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1 A. [9:53:13] Yes. They were there; that is true.

2 Q. [9:53:24] And so during the second meeting - that of 18 September 2023 - what
3 happened during that second meeting?

4 A. [9:53:38] Well, we spoke about everything that had happened concerning in
5 Ngaïssona staying in Douala, and they put questions to me and I answered them. I
6 told them what I had seen.

7 Q. [9:54:06] And so during these meetings, they discussed the fact with you
8 becoming a witness for Mr Ngaïssona; is that correct?

9 A. [9:54:13] They put questions to me about Mr Ngaïssona, about what I'd seen,
10 and I told them that I was going to tell them what I had seen, and, what I hadn't seen,
11 I couldn't speak to them about.

12 Q. [9:54:35] And did one of them speak -- did they speak about the case against
13 Mr Ngaïssona? Did one of them speak to you about that case?

14 A. [9:54:51] Well, they said that there will be white people who'd come to put
15 questions to me, and they explained that -- well, they explained what was going to
16 happen. They gave me dates. That's what happened.

17 Q. [9:55:21] Now, you mentioned a moment ago that they put questions to you
18 with regards to your stay in Douala. Did they tell you why they were asking these
19 questions about your stay in Cameroon, in Douala; why they were putting questions
20 to you about Yaoundé?

21 A. [9:55:43] No. They gave me no explanations at that time. I was in Douala,
22 and they asked me questions with regards to the stay in Douala and I answered them.

23 Q. [9:56:02] Did they explain to you concretely, why Mr Ngaïssona was being
24 prosecuted?

25 A. [9:56:14] They told me that Mr Ngaïssona was the leader of the Anti-Balaka, and

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1 I let them know that Mr Ngaïssona was the president of the football federation in the
2 Central African Republic. I knew him as president of the federation. Where it
3 concerns the Anti-Balaka, I had no idea about that.

4 Q. [9:56:51] But did they also tell you that Mr Ngaïssona was being prosecuted for
5 meetings that he had with President Bozizé in Yaoundé and other information?

6 A. [9:57:09] No. No, they didn't tell me anything about that.

7 Q. [9:57:21] And so, witness, after approximately two months, after this meeting of
8 18 September 2023, on 4 November you had another meeting and this one was in the
9 presence of Maître Proulx and Maître Beaulieu-Lussier; is that correct?

10 A. [9:57:45] Yes, that's correct.

11 Q. [9:57:49] And during this meeting they took notes with regards to what you
12 were saying?

13 A. [9:57:56] Yes, they took notes. Everything that I said, they would take note of.

14 Q. [9:58:12] And so, Witness, there was a last meeting on 13 December 2023, and
15 this time in the presence of Mr Ngaïbona, Maître Omissé-Namkeamaï and with
16 Madam Beaulieu-Lussier, who was on the phone, and, it was during this last meeting
17 that you signed your statement. * So the meeting was in the presence of
18 Mr Ngaïbona and Mr Omissé-Namkeamaï and Madam Beaulieu?

19 A. [9:58:48] This lady who came to take my statement, at the end, they gave me
20 a document and I signed it myself. I signed it myself.

21 Q. [9:59:03] Thank you very much, Witness. So a moment ago, you indicated to
22 us that you didn't know Mr Ngaïbona before. Did you know Maître
23 Landry -- Namkeamaï?

24 A. [9:59:18] No, I didn't. I didn't.

25 Q. [9:59:27] Witness, did you discuss with Mr Ngaïbona your testimony other than

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1 dates and hours or the testimony taken by the Defence?

2 A. [9:59:40] No. No. When we met, it was in the presence of the lawyer and that
3 was it. I didn't meet him privately.

4 Q. [10:00:09] Witness, did you discuss your testimony with anyone else? I'm not
5 talking about Mr Ngaibona or Mr Landry. Did you discuss your testimony with
6 anyone else at all?

7 * A. [10:00:25] No, I didn't speak to anybody about it. With my wife, my spouse,
8 yes, of course, we talked about it, but with no one else.

9 Q. [10:00:45] Mr Witness, you, no doubt, are aware -- Mr Witness, you know that
10 Mr Ngaibona is the secretary general of the PCUD -- the party where Ngaïssona is
11 president?

12 THE INTERPRETER: [10:01:21] There's, sorry, nothing coming from the Sango
13 booth.

14 THE WITNESS: [10:01:25](Interpretation) Oh, I only know that now. I didn't
15 realise that he was the secretary.

16 MR BELBENOIT-AVICH: [10:01:31](Interpretation)

17 Q. [10:01:32] You are saying now to us that you didn't know that -- you didn't
18 know that Ngaïssona was part of the PCUD?

19 A. [10:01:41] Yes, it's only after that I learnt about that.

20 Q. [10:01:51] Mr Witness, do you read the press or do you listen to the radio?

21 A. [10:02:06] Of course I do. I follow the news.

22 Q. [10:02:16] So you never ever heard that Mr Ngaibona, whom you met, was part
23 of the PCUD, and that he was the general secretary or the secretary general?

24 A. [10:02:30] No, not at all. He called me so that I could tell him what I knew
25 about Mr Ngaïssona, so I met him with the lawyer and I told him what I knew. I

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1 didn't really look into his private life.

2 Q. [10:02:57] So, Mr Witness, am I the first person that tells you that Mr Ngaïbona
3 was the secretary general of the PCUD?

4 PRESIDING JUDGE SCHMITT: [10:03:09] Mr Belbenoit-Avich, the witness has
5 answered. You can try it -- you have tried it two times. He has two times clearly
6 answered he didn't know that, and you and everybody else in the courtroom has to
7 take this answer. Please, move on.

8 MR BELBENOIT-AVICH: [10:03:27](Interpretation) Thank you, your Honour.

9 Q. [10:03:34] Mr Witness, you explained to us that you listen to the radio, you
10 looked at the media.

11 Could the court officer show you the document -- the audio document, which is in the
12 tab 27 of the Prosecution binder. This is a speech which Ngaïbona did in December
13 2023.

14 PRESIDING JUDGE SCHMITT: [10:04:01] Mr Knoops.

15 MR KNOOPS: [10:04:03] Mr President, we are aware that the Court already ruled on
16 the use of this document, but we have an objection on the substance.

17 It's apparently a public statement of Ngaïbona in his role as secretary general of the
18 PCUD, and, in our submission, there is no bearing with the testimony of this witness.

19 It's a public statement of a person who apparently represented at that time the view of
20 the PCUD. Everyone in this courtroom has an idea on the guilt or non-guilt of

21 Mr Ngaïssona, even Mr Ngaïbona, and we don't see how this witness can answer on
22 a public statement of a person he never met in private. So it's (Overlapping
23 speakers)

24 PRESIDING JUDGE SCHMITT: [10:04:49] I have more the suspicion, so to speak,
25 that this is another try to -- to let's say, motivate the witness to say, "Well, of course, I

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1 have known the role of Mr Ngaïbona." I actually don't see any – or, let me word it
2 this way, I think we have -- or you have covered sufficiently the genesis of the
3 statement for what its worth, and I think it would be good to really now switch over
4 to your examination on the content of the witness's testimony of last week.

5 You can -- this, for example, it does not mean that this statement by Mr Ngaïbona
6 might be introduced into this case via the avenues that we have for that, but I actually
7 don't see a reason why we discuss this further with this witness. This is my point.

8 And once you can, Mr Belbenoit, once you see a chance to go over to open session, we
9 would appreciate it, but it might be difficult, I understand that.

10 MR BELBENOIT-AVICH: [10:06:37](Interpretation) Yes. I just want the witness to
11 be at ease when answering these questions.

12 PRESIDING JUDGE SCHMITT: [10:06:46] That's absolutely okay. Thank you.

13 MR BELBENOIT-AVICH: [10:06:48](Interpretation)

14 * Q. [10:06:49] Mr Witness, I'm going to go to the content of your statement.

15 Just one final point : on 25 April 2024, you were questioned by my colleague from the
16 Prosecution, Mrs Wakchom, before giving testimony in the court, and Marie
17 Berdennikova, who is present today, was also present then.

18 A. [10:07:22] Yes, I do remember.

19 Q. [10:07:28] Mrs Wakchom, who's present today, explained to me that just before
20 the start of the meeting, Mr Ngaïbona accompanied you and that he was asked to
21 leave. Can you confirm that?

22 A. [10:07:52] Yes, I can confirm that. On that day, he left me alone with the people
23 who were running the interview.

24 Q. [10:08:12] And did you arrive at that meeting place with Mr Ngaïbona?

25 A. [10:08:20] No. I came alone on my motorbike.

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1 PRESIDING JUDGE SCHMITT: [10:08:34] Mr -- if I may.

2 Mr Witness, you said you came alone, but did you expect Mr Ngaïbona to be there?

3 Was it -- you know, was it announced beforehand that he would also be there?

4 THE WITNESS: [10:08:49](Interpretation) No, I don't know. It's the lawyer of

5 Mr Ngaïssona who called me to tell me that foreigners came to have a meeting with

6 me. And when those individuals arrived, he called me and I went to meet them for

7 that meeting.

8 PRESIDING JUDGE SCHMITT: [10:09:24] Thank you.

9 I think perhaps you would have also asked that but, nevertheless, please continue.

10 MR KNOOPS: [10:09:33] Mr President.

11 PRESIDING JUDGE SCHMITT: [10:09:34] Well, there is nothing -- I don't see

12 anything --

13 MR KNOOPS: [10:09:36] No, but --

14 PRESIDING JUDGE SCHMITT: -- you know, irregular or -- in it.

15 MR KNOOPS: [10:09:39] No, but -- no, that's not -- that's not the point, Mr President.

16 The suggestion is clear from the Prosecution side.

17 We have to inform the Chamber that the field office of the Court in Bangui asked our

18 team that somebody of our team brings the witness. That that was the reason why --

19 PRESIDING JUDGE SCHMITT: [10:09:56] I don't see -- I don't see a problem with

20 that.

21 MR KNOOPS: [10:09:59] No, that's why (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [10:10:00] I would have -- no, no, I'm -- I would

23 have made it an issue if I saw one.

24 MR KNOOPS: [10:10:07] Okay. Thank you.

25 PRESIDING JUDGE SCHMITT: [10:10:09] Please, Mr Belbenoit-Avich.

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1 MR BELBENOIT-AVICH: [10:10:12](Interpretation)

2 Q. [10:10:17] Mr Witness, when you met and discussed with Mrs Wakchom, you
3 obviously told the truth during that meeting?

4 A. [10:10:31] Everything I said was truthful.

5 Q. [10:10:38] Fine, Mr Witness. So I don't think it's necessary to confront you with
6 all the aspects of your testimony. I'm going to restrict myself to some key issues, we
7 are still in private session, but only for a few questions.

8 Mr Witness, during the meeting you had with Mrs Wakchom on 22 April, you said
9 that in 2013, you used the Central African number (Redacted), and that you still use it;
10 is that correct?

11 A. [10:11:20] Yes, that's correct.

12 Q. [10:11:30] You've got that number for at least 20 years; is that correct?

13 A. [10:11:36] Yes. I think I've used this number for many, many years. But when
14 I went abroad, and when I came back to the country, I continued to use that number.

15 Q. [10:12:04] And you said you didn't use that number when you were in
16 Cameroon in 2013, 2014; is that correct?

17 A. [10:12:15] That is correct. It is only after my return that I started to use it again.

18 Q. [10:12:28] Fine, Mr Witness. And during your questioning with Mr Knoops
19 you said nobody else used that number when the time -- when you were in Cameroon.
20 That is written in your testimony, line 18 to 20?

21 PRESIDING JUDGE SCHMITT: For the interpreter, please --

22 THE WITNESS: [10:12:57](Interpretation) That's correct.

23 PRESIDING JUDGE SCHMITT: [10:12:58] Yes, well, he has the answer now, he has
24 given the answer. But when it's part of his testimony last week, we don't have to ask
25 the witness if he confirms because he has said that, simply. That would be

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1 a repetition. You can simply -- you can simply see this as a precondition for your
2 question that it has been said like that in the -- when it was in the courtroom,
3 obviously. Yes.

4 MR BELBENOIT-AVICH: [10:13:26](Interpretation) Thank you, your Honour.

5 * Q. [10:13:35] My last question about the telephone.

6 When you discussed with Mrs Wakchom, my colleague, you said you also used an
7 Orange Central African number, (Redacted); is that right ?

8 A. [10:13:55] Yes, that's right.

9 Q. [10:13:58] Thank you, your Honour.

10 We can now go into open session.

11 PRESIDING JUDGE SCHMITT: [10:14:04] Open session.

12 (Open session at 10.14 a.m.)

13 THE COURT OFFICER: [10:14:18] We are in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:14:20] Thank you very much.

15 I would just like to explain to the audience why we switch from private session to
16 open session. The reason is, we have a protected witness and when issues are
17 discussed with the witness where the answers of the witness could reveal the identity,
18 we have to do that, obviously, so that you can't listen. The Prosecutor has told us
19 that he might now put questions to the witness where this is not the case, so you can
20 listen, but I don't know for how long.

21 So, Mr Belbenoit-Avich, you have the floor.

22 MR KNOOPS: [10:14:56] Mr President, I'm very sorry to interrupt --

23 PRESIDING JUDGE SCHMITT: [10:14:57] Yes.

24 MR KNOOPS: [10:14:58] -- but there is no protection for the witness granted by the
25 Chamber. This is not a protected witness. The Court refused the protection --

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1 PRESIDING JUDGE SCHMITT: [10:15:06] Yes, okay.

2 MR KNOOPS: [10:15:07] -- the protective measures.

3 PRESIDING JUDGE SCHMITT: [10:15:08] But we -- we did it -- yeah, so.

4 The reason why we were in private session were some procedural issues that should
5 not come to the attention of the public, so I have to correct myself.

6 Thank you very much, Mr Knoops. You are right.

7 MR BELBENOIT-AVICH: [10:15:25](Interpretation)

8 Q. [10:15:32] Mr Witness, the first point which I'm going to ask you about is your
9 testimony as regards your return to the Central African Republic from Cameroon.

10 So when my colleague said you returned to the Central African after the death of your
11 father in July 2014, this is in your testimony and it's also the information that you
12 gave in your written statement in paragraph 16.

13 The problem is, Mr Witness, that the OTP collected telephone information which
14 shows that your Central African number, Telecel, received phone calls when it was in
15 Bangui in 2014, and, Mr Witness, this data shows that on 18 August 2014, at 10:14,
16 you made a call, whereas you were on the telephone relay of Gobongo zone in Bangui.
17 How can you explain that?

18 A. [10:17:01] In 2014, I returned to Bangui because of the death of my father in 2014
19 and 2015, I think. I still have the death certificate of my father, but it was around
20 that time.

21 Q. [10:17:24] For the Chamber, the data record ends 250650, line 13 to 25.

22 Mr Witness, you said on two occasions in your statement signed 23, and 6 May, when
23 answering the questions of Mr Knoops, that you returned in 2015 and you were very
24 categorical about that.

25 A. [10:18:00] Yes. Between 2014 and 2015, because I returned because of the death

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1 of my father, so it was in the period of 2014, 2015. Perhaps -- I can't remember
2 exactly the date, but this was the period -- this was the key period.

3 Q. [10:18:35] So am I to understand, Mr Witness, that you entered or returned in
4 2014?

5 A. [10:18:42] Yes. Between 2014 and 2015, because he died in 2014. If I look at
6 the death certificate, it will jog my memory of the date when I returned.

7 Q. [10:19:05] Fine, Mr Witness.

8 For the record, for your information, we also have data of calls that you made who
9 showed that 18 and 19, 26, 5 September, 20 September and in October, you got or
10 received calls when you were in a relay near the Bangui airport; that was the relay of
11 those calls.

12 *So for the Court, this data is found in document CAR-OTP-2025-0650, lines 13318,
13 13374, 13626, 14141, 14948 and 16077.

14 Mr Witness -- Mr Witness, did you forget to mention the other important dates in
15 your statement as regards the information you've already given us concerning dates?

16 A. [10:20:38] I forgot some dates, but when you talk about these calls around the
17 airport zone, {ICR: (Redacted)} So it goes without saying that the calls would be
18 connected to that relay station.

19 Q. [10:21:17] Thank you for that clarification, Mr Witness.

20 Mr Witness, do you know an individual called Samy Urbain Bawa?

21 A. [10:21:38] I don't know him.

22 Q. [10:21:39] So, Mr Witness, you obviously don't know that Mr Bawa was with
23 Maxime Mokom in 2013 and he participated in the 5 December 2013 attack?

24 A. [10:21:55] No, no, I did not know that.

25 Q. [10:22:01] And you never learnt that he was a chief of Anti-Balaka in the Bangui

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1 neighbourhood in 2014?

2 A. [10:22:17] I don't know that. I've heard talk about him, that's it. Nothing
3 more.

4 Q. [10:22:25] So you never -- were never in telephone contact with Mr Bawa; is that
5 correct?

6 A. [10:22:34] Never.

7 Q. [10:22:38] Mr Witness, do you know Perrieur Dongombe?

8 A. [10:22:50] Perrieur Dongombe worked at the football federation.

9 Q. [10:23:11] What was his relation with Mr Ngaïssona in 2013 and 2014 as far as
10 you know?

11 A. [10:23:22] I think, if I'm not mistaken, he was deputy secretary of the football
12 federation, if I'm not mistaken. At that time, Ngaïssona was the president and no
13 doubt they worked together for the federation, the football federation.

14 Q. [10:23:50] So Mr Witness, you didn't know that Mr Dongombe sent to Ngaïssona
15 in October 2013 an email in order to ask for weapons?

16 A. [10:24:11] I know absolutely nothing about that. Information regarding
17 football is what I know about, but I know nothing about weapons. You're asking me
18 questions about football, then I can give you answers.

19 But on this particular topic, frankly speaking, I can't give you an answer.

20 PRESIDING JUDGE SCHMITT: [10:24:33] Well, if we restricted ourselves to
21 questions to football, that might be of interest to some of us in the room, but it would
22 not be - let me put it this way - directly related to the subject matter of this case.

23 Just a remark by the Presiding Judge.

24 Please continue.

25 MR BELBENOIT-AVICH: [10:24:52](Interpretation)

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1 Q. [10:25:04] Mr Witness, were you in telephone contact with Mr Dongombe in
2 2013 and 2014?

3 THE INTERPRETER: [10:25:19] Mr Dongombe.

4 THE WITNESS: [10:25:24](Interpretation) He was -- he was part of the club of the
5 5th, and he also worked in the office of the federation. It could be that I had some
6 contact with him relating to football matters.

7 MR BELBENOIT-AVICH: [10:25:52](Interpretation)

8 Q. [10:25:55] Thank you, Mr Witness.

9 Do you know Eusebe Emtenou?

10 A. [10:26:03] I don't know him.

11 Q. [10:26:07] So you didn't know that Emtenou was -- a relationship of the former
12 president, Bozizé?

13 A. [10:26:19] No, I didn't know.

14 Q. [10:26:29] Mr Witness, according to Prosecution, Emtenou was in FACA in 2013,
15 and, according to the information which we have collected, he was in Zongo in 2013
16 with Mokom.

17 Are you aware of that?

18 A. [10:26:46] No, I'm not aware of this. I'm telling you that I have seen him, but I
19 can't tell you more than that. I can't tell you what I don't know. In any case, I don't
20 know these people.

21 Q. [10:27:06] So you never had any telephone contact with him?

22 A. [10:27:16] I never had telephone contact with him.

23 Q. [10:27:24] Fine. And Aubin Yanoue, who was also called "Chocolat", is that
24 somebody you know?

25 A. [10:27:35] I don't know him.

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1 Q. [10:27:38] So you are not aware that Yanoue participated in the 5 December
2 attack?

3 A. [10:27:51] I know absolutely nothing about it. During this period, I was in
4 Douala. I -- on 5 December I was not in Bangui, I was in Douala and, like everyone
5 else, I listened to the news about what was happening.

6 Q. [10:28:10] And Mr Witness, I'm talking about 2013, but in 2014, did you know
7 that Mr Yanoue was a ComZone in a neighbourhood in Bangui?

8 A. [10:28:25] I did not know that.

9 Q. [10:28:31] So I presume you never had any contact with him?

10 A. [10:28:40] That's correct.

11 Q. [10:28:46] In your statement, your written statement - and also when you were
12 questioned by my colleagues - you talked about Machin Machin. Machin Machin is
13 somebody who knew when you were in Cameroon in exile in 2013-2014; is that
14 correct?

15 A. [10:29:06] That's correct. I had a driver, he took goods from Douala to Bangui.
16 I know him.

17 Q. [10:29:22] Was it a friend of yours?

18 A. [10:29:28] No, we didn't really -- we weren't really friends. It was an
19 acquaintance. Sometimes he came to Total and we chatted about football, but I don't
20 really regard him as my friend.

21 Q. [10:29:56] So Machin Machin was somebody who you saw quite often at the
22 time?

23 A. [10:30:03] No, I didn't see him that often. Sometimes he would come to the
24 Total station in the evening, he would come, he would discuss football and then
25 everybody would go to his house. But I didn't see him in a regular way.

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1 Q. [10:30:32] Did Machin Machin ever inform you that he was a member of the
2 Anti-Balaka?

3 A. [10:30:39] I didn't try to find out what he did. He would come into the group.
4 He spoke Sango. I know he's a compatriot, I didn't try to find out what he was doing
5 by way of activity. I knew he was a driver, a transporter, and when he came into the
6 group, we would discuss football. I didn't try to know anymore about him.

7 Q. [10:31:14] Witness, during your interview on 25th of April with my colleague,
8 you indicated that you've never spoken on the phone. Can you confirm that? On
9 25 April, interview with my colleague, Madam Wakchom?

10 A. [10:31:32] Yes, I confirm that.

11 Q. [10:31:37] So I'm going to ask the court officer to show a document at tab 4 of the
12 OTP binder, which has the ERN CAR-OTP-00036 -- CAR-OTP-00036362, and it's
13 a confidential document.

14 So, Witness, the Office of the Prosecutor obtained from the telephone company in the
15 Central African Republic telephone communications data for people of interest in this
16 case, and, it has come out therefrom that your telephone number - the one you
17 confirmed a moment ago - was in communication with a lot of these different persons
18 in 2013, 2014, and 2015, and 2021, contrary to what you've stated.

19 So we are now going to review this data; that will make it possible to give you the
20 opportunity to explain these communications.

21 So I'd like us to start with line 6, 8 and 12 to 23 of this document. So could we go to
22 line 6, please, first, court officer and highlight line 6.

23 So Witness, under the column E, do you recognise your Telecel telephone number?

24 Well, I put it to you it's the same number as the number you gave a moment ago.

25 Now, could the court officer highlight line 25 of the document. So under the column

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1 E, you have the Orange number that you gave a moment ago, you will no doubt
2 recognise it.

3 So, for all the lines that I've indicated -- so, 6 to 8, 10, and 12 to 23 and 25 of the
4 document, the number that is referenced in the C column, according to the evidence
5 that we've shown before this Chamber, belonged to Mr Mahamat Hissene Zokoue,
6 alias Machin Machin.

7 Mr Mahamat Hissene Zokoue, alias Machin Machin.

8 PRESIDING JUDGE SCHMITT: [10:35:01] We obviously have a connection problem.
9 Perhaps we can find out if this is a short-term issue; or, perhaps let's wait a minute or
10 so until we have clarity, otherwise we will have our break then.

11 And again, Mr Belbenoit-Avich, you have asked the witness if he again confirms that
12 this is his phone number, then you can simply continue and say: Well, we have here
13 your telephone number, did you have this contact, can you explain why, and
14 whatsoever that you want to ask.

15 (Discussion between the Chamber and the court officer)

16 PRESIDING JUDGE SCHMITT: [10:36:00] So the information is, now we have lost
17 connection entirely; that does not sound good, which means let's have the coffee
18 break earlier than normally, quarter past 11 perhaps.

19 If I may ask you, do you have an idea of how long it will take, your examination?

20 MR BELBENOIT-AVICH: [10:36:24](Interpretation) Perhaps half an hour at most.

21 PRESIDING JUDGE SCHMITT: [10:36:34] Okay. Then we very much hope that we
22 re-establish the connection and meet again here at quarter past 11.

23 Thank you.

24 THE COURT USHER: [10:36:42] All rise.

25 (Recess taken at 10.36 a.m.)

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1 (Upon resuming in open session at 11.16 a.m.)

2 THE COURT USHER: [11:16:27] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [11:16:42] Thank you for whoever is responsible for
5 reconnecting us.

6 We continue with the cross-examination by the Prosecution, Mr Belbenoit-Avich, you
7 have the floor.

8 MR BELBENOIT-AVICH: [11:17:05](Interpretation) Thank you, your Honour.

9 Q. [11:17:07] Hello again, Mr Witness.

10 Could the court officer display CAR-OTP-00036 -- of our binder.

11 THE INTERPRETER: [11:17:28] The interpreter didn't get the number. It's
12 OTP-00036362, tab 4 of the OTP binder.

13 MR BELBENOIT-AVICH: [11:17:50](Interpretation) Thank you, court officer.

14 Q. [11:17:50] Mr Witness, as I've just explained to you, the OTP collected data as
15 regards telephone calls, which is in the document you see before you, and this
16 indicates that in 2014, contrary to what you have said, you were in contact on 17
17 occasions with Mr Mahamat Hissene Zokoue, also known as Machin Machin. You
18 can see this 6 to 8 of the document, 10 and 12 to 23, as well as line 25. So there are
19 two calls on 30 June, one on 1 July, one on 10 July and then communication on 17, 18,
20 19, 20, 21, and then a communication at 11 November.

21 You said that you were never in contact with Machin Machin by phone. Do you
22 continue to state that, that you never had any telephone contact with Machin Machin?

23 MR KNOOPS: [11:19:05] Mr President ...

24 (Overlapping speakers)

25 THE WITNESS: [11:19:11](Interpretation) Well, in fact, I did make these calls in

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1 Bangui, but I can't really remember. You know, many people had the number and
2 could call me in order to express their condolences. It could also be that he phoned
3 because he had some other issues. I can't remember everything.

4 PRESIDING JUDGE SCHMITT: [11:19:40] That's understandable, frankly speaking.
5 Mr Knoops?

6 MR KNOOPS: [11:19:44] Mr President, I think the question is not properly put to the
7 witness. It's not that these calls establish that Mr Mohi was in contact with Mr
8 Zokoue, but with a number attributed to Mr Mohi. That's quite a difference.

9 PRESIDING JUDGE SCHMITT: [11:20:07] Indeed. We will have to -- actually, we
10 had also the CDR expert here in the courtroom for several days and I recall that
11 vividly, although for this assessment we would not need a CDR expert. Obviously a
12 CDR only shows us that two numbers were in contact. However, the witness said
13 nobody else used his number, so I let it pass, Mr Knoops, in that instance. So that's a
14 little bit of a difference. And the witness has answered and he has no recollection,
15 which is after 10 years not surprising, frankly speaking.

16 Please continue, Mr Belbenoit-Avich.

17 MR BELBENOIT-AVICH: [11:20:58](Interpretation) Thank you, your Honour.

18 Q. [11:20:59] It's nevertheless 17 calls, which is quite a lot over that period.

19 I'm going to give you the reference for the Court. The contacts of June 2014 is
20 CAR-OTP-2054-1482, line 19 and 26.

21 PRESIDING JUDGE SCHMITT: [11:21:25] That's too cumbersome. If we do it -- no,
22 that's too cumbersome. If we have the whole sheet, and this must have a number, I
23 think that should be okay. Otherwise, you entertain a reading lesson here for five
24 minutes. That's not necessary.

25 Please continue.

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1 MR BELBENOIT-AVICH: [11:21:50](Interpretation) Very well, your Honour. We
2 will provide the references later.

3 PRESIDING JUDGE SCHMITT: [11:21:56] Well, isn't it -- isn't it
4 CAR-OTP-00036362-0001? That's on your tab, actually. Well, I have it -- I have it
5 from your binder, so it should be correct.

6 MR BELBENOIT-AVICH: [11:22:19](Interpretation) Very well. I just want to give
7 you the reference. But, fine, that's fine by me.

8 PRESIDING JUDGE SCHMITT: [11:22:26] Thank you.

9 MR BELBENOIT-AVICH: [11:22:30](Interpretation)

10 Q. [11:22:32] So, Mr Witness, could you look at line 3 and 4 of the document.

11 PRESIDING JUDGE SCHMITT: We have to (Overlapping speakers)

12 MR BELBENOIT-AVICH: [11:22:39] (Interpretation) If the court officer would be so
13 kind as to display this.

14 Q. [11:23:02] Well, Mr Witness, these two lines, this data shows that on the 12th
15 of -- and 20 February 2013, you were in contact with Urbain Samy, also known as
16 Bawa, someone who you claimed you didn't know. Could you offer us an
17 explanation?

18 A. [11:23:33] I've told you that I don't know him. I also told you I am a footballer,
19 well known, and many people had my number, so anyone could call me.

20 Q. [11:24:02] Yes. Just to be more precise, one of these calls is a call that you made
21 and the other call that Mr Urbain Samy made to you. So you also called Mr Bawa
22 according to this, you called him once yourself?

23 MR KNOOPS: [11:24:23] Mr President, also here the question is not correctly put.
24 It's a number attributed to Mr Urbain.

25 PRESIDING JUDGE SCHMITT: [11:24:30] So it appears, Mr Witness, it appears that

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1 from your phone number that you said you used exclusively, there was made at least
2 one call to this person. Do you have an explanation for that? Not that you were
3 called, but from your number there was made a call to this person.

4 THE WITNESS: [11:25:02](Interpretation) I have told you that when I came to
5 Bangui, many people called me. And even if I was next to the phone, I could call the
6 person back, but I repeat, I received many, many calls. When I wasn't there, when
7 there were calls and then when I returned, I returned the calls. I phoned the person
8 back.

9 PRESIDING JUDGE SCHMITT: [11:25:35] I think -- I assume you will go also
10 through two other names. However, I, myself, assume that the answer will be the
11 same, but -- well, give it a try, but we can make this quick, I think.

12 MR BELBENOIT-AVICH: [11:25:55](Interpretation) Yes, your Honour, of course.
13 But it's important that the witness answers.

14 PRESIDING JUDGE SCHMITT: [11:26:01] It's okay. It's okay.

15 MR BELBENOIT-AVICH: [11:26:03](Interpretation)

16 Q. [11:26:03] Mr Witness, now I go to line 9 and 26.

17 If you could highlight that, court officer, please.

18 And there we see communication -- we see two calls, in fact, between your number
19 and a number, according to the information we have, attributed to Mr Eusebe
20 Emtenou, this took place on 4 July 2014 and 11 November 2014. Can you comment
21 about these calls?

22 A. [11:26:52] I can only repeat: I was a footballer. I was famous as a footballer.
23 Many people had my phone number and anyone could call me, and when I saw an
24 unknown number, I could return that call. I repeat for the third time: I was an
25 international, well-known footballer. Many people could call me. I couldn't refuse

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1 calls.

2 PRESIDING JUDGE SCHMITT: [11:27:35] Well, to perhaps shorten this a little bit,
3 perhaps we could highlight only row 11.

4 Do you see, Mr Witness, the same thing, there seems to have been a connection
5 between your number and the number attributed to a certain Perrieur Dongombe.

6 Any explanation for that, or the same what you already told us?

7 THE WITNESS: [11:28:07](Interpretation) Dongombe, well, I don't know him at all.

8 Was he part of the sports field or scenario? I don't know. I must tell you, I had lots
9 of calls from sports people. I repeat: I was a footballer, well known; anyone could
10 call me. You talk about Dongombe, but I don't know him in particular. Perhaps he
11 worked for the federation.

12 PRESIDING JUDGE SCHMITT: [11:28:49] Okay. Thank you. I think,
13 Mr Belbenoit-Avich, we don't have to go further with that.

14 MR BELBENOIT-AVICH: [11:28:56](Interpretation) Yes. Very briefly, your
15 Honour, I won't take up much time.

16 Q. [11:29:07] I would like to show 25 and 27, which is with Mr Ngaïssona on
17 11 November 2014 and 5 June 2015.

18 In your written statement, in paragraph 14, you said you didn't have any contact with
19 Mr Ngaïssona before returning to Bangui.

20 Could you perhaps explain that you had some form of communication with
21 Mr Ngaïssona in 2014 and 2015?

22 A. [11:29:36] Well, if indeed I called him, if I phoned him, it's normal. He was the
23 president of the federation. I probably phoned him to discuss some problems with
24 football. Mr Ngaïssona had a strong attachment to footballers, so it was normal that
25 we contacted each other. Almost all the players highly regarded him and tried to

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- 1 phone him, so it's quite logical and normal that I should try and phone him.
- 2 MR KNOOPS: [11:30:34] Mr President, sorry.
- 3 PRESIDING JUDGE SCHMITT: [11:30:38] Yes.
- 4 MR KNOOPS: [11:30:39] I think the Prosecution refers to line 24, because 25 is not a
- 5 contact -- alleged contact between the witness and Mr Ngaïssona.
- 6 PRESIDING JUDGE SCHMITT: [11:30:52] Well, again, you're right.
- 7 MR KNOOPS: [11:30:53] And 24 is an SMS message which didn't come through.
- 8 PRESIDING JUDGE SCHMITT: [11:30:57] Yes, indeed.
- 9 MR KNOOPS: [11:30:58] So there was only one, according to this sheet, contact --
- 10 PRESIDING JUDGE SCHMITT: [11:31:03] Absolutely.
- 11 MR KNOOPS: [11:31:04] -- late 2015, way outside the charges.
- 12 PRESIDING JUDGE SCHMITT: [11:31:10] You're right, simply. Thank you.
- 13 MR BELBENOIT-AVICH: [11:31:23](Interpretation) Thank you, your Honour.
- 14 Q. [11:31:28] Mr Witness, when you said to the Defence, which appears in your
- 15 statement, that you never had contact with Mr Ngaïssona after you returned to
- 16 Bangui, that wasn't completely correct?
- 17 A. [11:31:41] That's correct.
- 18 Q. [11:31:49] So the reference, the final one, is line 28 of the document -- if the court
- 19 officer could display that, please. And it's a call which was made by the telephone
- 20 number of Mr Aubin Yanoue - at least the number attributed to that person - which
- 21 was done to your telephone on 17/09/2021. But you say you didn't have any contact
- 22 with him. Does this perhaps jog your memory?
- 23 A. [11:32:38] I think I've told you that I don't know him. I'm extremely popular.
- 24 I get lots of calls from friends, from acquaintances, from family, because I'm really
- 25 well known in the town of Bangui. I receive many calls. There are people who I do

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1 not know who phone me. Some I do know, and they call me because I'm an
2 international footballer and they want to have contact with me just for fun, to have a
3 chat. They want to chat with somebody who's famous.

4 Q. [11:33:19] And the name "Chocolat", does that mean anything to you,
5 Mr Witness?

6 A. [11:33:27] It doesn't mean anything to me. I don't know him.

7 Q. [11:33:35] So, Mr Witness, if we say all these people who were part of the
8 Anti-Balaka called you or in one way another were in communication with you
9 simply because you were a well-known footballer, is that what your testimony is?

10 MR KNOOPS: [11:33:50] Mr President.

11 PRESIDING JUDGE SCHMITT: [11:33:53] Mr Knoops.

12 MR KNOOPS: [11:33:54] I think the way the question is put, without foundation,
13 that these people were members of the Anti-Balaka, that's an assumption of the
14 Prosecution and it's not correct, not fair to the witness to put it this way.

15 PRESIDING JUDGE SCHMITT: [11:34:05] Yes, I tend to agree with you.

16 And the witness -- well, this is more a conclusion that you are drawing from
17 the -- from what you put to the witness and the answers of the witness, and the
18 conclusions always are in the end a part of the assessment that the Chamber is doing,
19 so please move on. It's not necessary, this question.

20 MR BELBENOIT-AVICH: [11:34:38](Interpretation) Fine.

21 Q. [11:34:39] In any case, Mr Witness, we have evidence, according to which, that
22 these people made part of the Anti-Balaka group.

23 Now, as regards the 17/09/2021 -- that's the telephone number of Yanoue -- I would
24 like to refer to an email which we addressed, on 22nd -- 17/09/2021 at 8 o'clock, and
25 the OTP can provide you with further information if required.

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1 So, Mr Witness, I want to touch upon my final point. In your written statement, in
2 paragraph 18, you said that when you saw Mr Ngaïssona in Yaounde, he was, and I
3 quote, "he had lost weight and mentally weakened".

4 And my colleague who interviewed you in May, you answered that Mr Ngaïssona,
5 and I quote the term that you used, was "very thin", "almost like a skeleton".

6 And this is on page 28 and 29. You said Mr Ngaïssona didn't have any money.

7 So I'd like the court officer to show us this document, which is tab 20 of the OTP
8 binder; namely, CAR-OTP-2103-0007.

9 MR KNOOPS: [11:36:10] Mr President.

10 PRESIDING JUDGE SCHMITT: [11:36:14] Mr Knoops.

11 MR KNOOPS: [11:36:16] Sorry, again, but I think this is, again, a very fundamental
12 point of objection. This is, as the Court might see - I hope it isn't displayed.

13 PRESIDING JUDGE SCHMITT: [11:36:27] I see -- I see it now.

14 MR KNOOPS: [11:36:29] Yes. It's a bank sheet, which covers half a year of alleged
15 payments, which we don't know whether it was drawn by the defendant himself or
16 family members, which has nothing to do with any knowledge of the witness.

17 How can a witness possibly comment on a bank account, a bank sheet?

18 PRESIDING JUDGE SCHMITT: [11:36:46] I agree. I agree with you. You're right,
19 yes.

20 And, like I always add in these instances, a document, if, let's say, its authenticity is
21 proven, speaks for itself. And you obviously do not claim that the witness had
22 anything to do in producing this document. So we have had this several times,
23 indeed.

24 So you may inform the Chamber where you obtained it, you know, and these things,
25 and then we -- and you will obviously put it in some -- you will put it on the record as

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1 documentary evidence, but no need to discuss this with the witness.

2 MR BELBENOIT-AVICH: [11:37:46](Interpretation)

3 Q. [11:37:47] Mr Witness, when you were in Douala, did Mr Ngaïssona speak to
4 you about his financial means? Did he say he didn't have any financial means?

5 A. [11:38:07] At that time, when we were in Douala, what I noticed as regards his
6 family meant, when I saw them, that it was very easy for me to understand their
7 financial situation. When he was a financial operator and when he was in Bangui,
8 we really knew and felt that he was financially comfortable. When he was in Douala,
9 he didn't have any activities and he didn't have any money. Back home, we would
10 have understood, but abroad, no. Everything he had, all his possessions, had been
11 looted or destroyed. He was in exile abroad, so how could he have the means to live
12 properly?

13 Q. [11:39:10] I understand, Mr Witness. So Mr Ngaïssona wasn't the one who told
14 you that he didn't have enough money at that time?

15 A. [11:39:21] Absolutely. He never said anything like that to me. He never said
16 that to me personally.

17 Q. [11:39:43] Were you aware that Mr Ngaïssona had a bank account or bank
18 accounts?

19 A. [11:39:53] No. I wasn't in a position to know that, but I assume that a president
20 of a federation must have a bank account.

21 PRESIDING JUDGE SCHMITT: [11:40:13] Well, that's a fair assumption, Mr Witness,
22 I have to say. But I understand why you put the question to him. I understand that,
23 Mr Belbenoit-Avich.

24 MR KNOOPS: [11:40:38] The document is still before the witness and, of course,
25 he --

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1 PRESIDING JUDGE SCHMITT: [11:40:40] It can be withdrawn, obviously, yes.

2 MR KNOOPS: [11:40:42] That may be of importance for the last question, when he
3 knows if Mr Ngaïssona had a bank account.

4 PRESIDING JUDGE SCHMITT: [11:40:49] Well -- well, you know, this is one of
5 those questions. What can a witness say? Well, a witness can say, "Well, I knew the
6 person as somebody who was, you know, was in economic somehow -- he was
7 president of the football federation." It would be -- let me put it this way. It would
8 be surprising even for the witness, obviously, if he hadn't a bank account. So he's
9 assuming, and perfectly understandable, this assumption.

10 (Discussion between the Chamber and the court officer)

11 PRESIDING JUDGE SCHMITT: [11:41:14] I'm just informed it was not shown at all
12 to the witness, so no harm done.

13 Mr Belbenoit-Avich, please.

14 MR BELBENOIT-AVICH: [11:41:32](Interpretation)

15 Q. [11:41:33] Mr Witness, in your statement on 6 May, you said that as far as you
16 knew, a part -- a match -- Mr Ngaïssona was not in Douala, he was in Yaounde; is that
17 correct?

18 A. [11:41:59] He went to Yaounde when there was a match against South Africa,
19 but he lived in Douala, in -- mainly in Deido. I know that he went to Yaounde when
20 there was a match against South Africa, but when there was no match in Yaounde, he
21 lived in Yaounde.

22 Q. [11:42:38] So I want to show you this document. The top of the document --

23 THE INTERPRETER: [11:42:42] Interpreter corrects that he lived in -- Ngaïssona
24 lived in Douala.

25 MR BELBENOIT-AVICH: [11:42:47](Interpretation) The document,

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1 CAR-OTP-2103-0007, number 20 in our binder. So it's document

2 CAR-OTP-2103-0007.

3 MR KNOOPS: [11:43:11] Tab 20 is the bank --

4 PRESIDING JUDGE SCHMITT: [11:43:12] That's the same that we had already, so it
5 must be another -- or do you want to show the same document?

6 MR BELBENOIT-AVICH: [11:43:18](Interpretation) Yes, that's correct, your Honour.
7 Yes. On the top there's --

8 PRESIDING JUDGE SCHMITT: [11:43:32] But haven't we -- haven't we ruled
9 already - interpreter, please, the microphone - haven't we ruled already that we can't
10 discuss this with the witness. You can draw some information out of it - perhaps if
11 you do that - where you might think this is of relevance and you can ask -- you cannot
12 ask the witness to comment on this document, but please draw the information that
13 you want to draw of it out of the document and put it to the witness if you think that
14 is necessary.

15 MR BELBENOIT-AVICH: [11:44:05](Interpretation) Your Honour, it was another
16 information that I wanted to show this document. It's because bank information, but
17 now I specifically want to look at the address. That's something completely different
18 and I would like to talk about the address.

19 PRESIDING JUDGE SCHMITT: [11:44:22] Then -- then why -- why not simply say
20 does a certain address tell the witness something. And then -- and we have here that,
21 at least on this piece of paper, there is a certain address. Put this address to the
22 witness and ask the witness if this rings a bell or if he knows something about it, or
23 whatsoever.

24 MR BELBENOIT-AVICH: [11:44:50](Interpretation) Very well, your Honour.

25 Q. [11:44:51] So in this document there's a reference to an address for Ngaïssona

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1 Patrice on 28 June 2013, and this is a reference PB 396 S/C ambassador of the RCA in
2 Yaounde.

3 Have you got anything to say about the location and the fact that Mr Ngaïssona was
4 in Yaounde at that time?

5 PRESIDING JUDGE SCHMITT: If -- do you know --

6 THE WITNESS: [11:45:24](Interpretation) I have no comment on that.

7 PRESIDING JUDGE SCHMITT: You have no comment. Okay. No comment,
8 Mr --

9 MR KNOOPS: [11:45:28] Yeah. But also this question is misleading because this is
10 not a document that proves that he was in Yaounde; this is the address of the embassy
11 of RCA.

12 PRESIDING JUDGE SCHMITT: [11:45:36] Yes, it's okay.

13 MR KNOOPS: [11:45:38] It has something to do with the domicile of Mr Ngaïssona.

14 PRESIDING JUDGE SCHMITT: [11:45:45] Yes, but the question was -- the question
15 was if the witness knows anything about this address, and if he knows if, perhaps in
16 June 2013 if I understand correctly, he has knowledge that Mr Ngaïssona was in
17 Yaounde. Yeah. That's it.

18 So, Mr Witness, you have heard it from the Presiding Judge. Any knowledge about
19 June 2013, the whereabouts of Mr Ngaïssona, if perhaps he was in Yaounde?

20 And the second thing was this -- this location which is mentioned in the document,
21 *ambassade* of the Central African Republic in Yaounde, does that ring a bell with you
22 in any way?

23 THE WITNESS: [11:46:41](Interpretation) The address of the embassy, that doesn't
24 mean anything to me. I know where the consulate is in Douala. But I haven't spent
25 a lot of time in Yaounde, I don't know the address of the embassy in Yaounde.

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1 PRESIDING JUDGE SCHMITT: [11:47:04] Again, Mr Belbenoit-Avich, the document
2 shows this. We will obviously have to say something, how to assess this and put
3 this into perspective, and Mr Knoops and his team will also have something to say
4 about this, how this is to assess or not. And, yes, we will do that.

5 MR KNOOPS: [11:47:22] Maybe it's best to shortcut, then we save a lot of court time,
6 if the Court would take in account tab 21 of the Prosecution binder. You see at the
7 last column, the functioning of Mr Ngaïssona is engineer, and you see employer,
8 embassy RCA. That was the reason why the bank account was established through
9 the embassy.

10 PRESIDING JUDGE SCHMITT: [11:47:47] Well, I don't have a problem that you
11 mention it, but, however, I always say we are not discussing the evidence, or parts of
12 the totality of the evidence in the courtroom, but this might indeed perhaps assist us.
13 More questions to the witness?

14 MR BELBENOIT-AVICH: [11:48:14](Interpretation) We submit this document.
15 So, Witness, I'd like to thank you for your answers, for having answered the questions
16 during this cross-examination and I wish you a good return home.

17 PRESIDING JUDGE SCHMITT: [11:48:24] Thank you very much.

18 There are no questions by the representatives of the victims, I assume.

19 There is also no need for questioning by Mr Knoops, further questioning, and --

20 MR KNOOPS: [11:48:35] Well -- well, Mr President, if I may, I have two short
21 questions in rebuttal, very briefly.

22 PRESIDING JUDGE SCHMITT: [11:48:41] Yeah, of course. And, you know, when
23 you -- when you start with short questions --

24 MR KNOOPS: [11:48:44] No, they are really short.

25 PRESIDING JUDGE SCHMITT: [11:48:46] Then we are absolutely fine with it.

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1 MR KNOOPS: [11:48:49] Thank you, Mr President.

2 QUESTIONED BY MR KNOOPS:

3 Q. [11:48:55] Mr Mohi, good morning, sir.

4 My first question to you: during all these calls you received, as you mentioned during
5 the examination by my learned friend of the Prosecution, did you ever -- can you
6 recall that you ever heard the voice of Mr Machin Machin during one of these calls?

7 PRESIDING JUDGE SCHMITT: [11:49:56] The witness obviously tries to remember
8 after all these years.

9 Mr Witness, can you in good conscience say anything in that regard, or is it simply
10 that you do not recall? Which would be, if I may say so, would be understandable.

11 Well, your answer -- your question was really short, Mr Knoops. But, however.

12 Mr Witness, can you tell us anything with regard to this question by Mr Knoops?

13 Do you have any recollection having heard the voice of Mr Machin Machin
14 on -- during these contacts that are alleged?

15 May I ask the interpreters if it is interpreted, or what's the reason why we don't get an
16 answer by the witness? Because this is perfectly normal and, actually, no question
17 where I would assume that the witness suddenly vanishes, so to speak, intellectually.

18 I ask the interpreters if it was interpreted, and I think it was. Is this correct?

19 THE INTERPRETER: [11:51:56] Yes. The question was well interpreted.

20 PRESIDING JUDGE SCHMITT: [11:52:00] Mr Witness, please, we are very shortly
21 before the end of your examination. So any recollection on the voice of

22 Mr Machin Machin during these telephone calls that were addressed by the
23 Prosecution? You simply can say yes or no.

24 Well, is the witness saying something, or not?

25 THE INTERPRETER: [11:52:47] Your Honour, the witness has not made a statement.

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1 The question has been interpreted well, however.

2 PRESIDING JUDGE SCHMITT: [11:52:57] So, Mr Witness, your answer has not
3 come through, or you have not answered yet. So we would please ask you to
4 answer the question. Strange.

5 Mr Belbenoit-Avich.

6 MR BELBENOIT-AVICH: [11:53:17](Interpretation) Can the witness hear us?

7 PRESIDING JUDGE SCHMITT: [11:53:23] Well, I assume that he can hear us. Well,
8 I ask him.

9 Mr Witness, can you hear me?

10 Obviously not. Then we make a short -- a short break. And also I would like to
11 know what's going on here, because it's -- it's strange that suddenly the connection
12 should be interrupted. So we -- a very short break and, please, nobody leave the
13 room. And immediately when we can continue, and this is figured out, let us know
14 and we continue.

15 THE COURT USHER: [11:54:02] All rise.

16 (Recess taken at 11.54 a.m.)

17 (Upon resuming in open session at 12.07 p.m.)

18 THE COURT USHER: [12:07:11] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [12:07:26] So, Mr Witness, back in the extended
21 courtroom and ready to answer the last two questions by Defence counsel. And I
22 repeat the last question before the break.

23 Did these contacts that were had between your phone number and the phone number
24 of Machin Machin, do you have any recollection if you heard the voice of
25 Machin Machin? There are three potential answers that you can give -- "yes", "no" or,

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1 "I don't know anymore, I don't recall anymore". What is your answer, shortly,
2 please?

3 THE WITNESS: [12:08:26](Interpretation) No. I didn't hear his voice. I didn't hear
4 his voice.

5 PRESIDING JUDGE SCHMITT: [12:08:30] Mr Knoops, last question.

6 MR KNOOPS: [12:08:32] This was our last question. We have no further questions,
7 Mr President. Thank you.

8 PRESIDING JUDGE SCHMITT: [12:08:35] Thank you very much.

9 So this concludes your testimony, Mr Witness, which was not without obstacles, to
10 say it mildly. However, like with all witnesses, we appreciate it that you made
11 yourself available as a witness in these proceedings and we wish you a safe trip back
12 home.

13 THE WITNESS: [12:09:02](Interpretation) Thank you very much. Thank you very
14 much. May God bless you.

15 PRESIDING JUDGE SCHMITT: [12:09:08] Thank you very much for that. And this
16 concludes also the hearing of today, obviously. The court is adjourned.

17 (The witness is excused)

18 THE COURT USHER: [12:09:17] All rise.

19 (The hearing ends in open session at 12.09 p.m.)