

Trial Hearing
WITNESS: CAR-OTP-P-0801

(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 Friday, 28 May 2021
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:32] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:59] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:34:04] 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 For the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:34:19] Thank you.
21 The appearances of the parties. Prosecution first, please.
22 MR VANDERPUYE: [9:34:24] Good morning, Mr President, your Honours.
23 Good morning, everyone. The Prosecution is configured in the same way it was
24 yesterday.
25 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you.

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1 Mr Narantsetseg.

2 MR NARANTSETSEG: [9:34:32] Good morning, Mr President, your Honours. For
3 the common legal representative of other crimes appearing today, Mr Dangabo
4 Moussa Abdou, Ms Evelyne Ombeni, and myself Orchlon Narantsetseg. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:34:45] Thank you.

6 Mr Suprun.

7 MR SUPRUN: [9:34:47] Good morning, Mr President, your Honours. The former
8 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of
9 Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:57] Thank you.

11 And now we turn to the Defence, Ms Dimitri first.

12 MS DIMITRI: [9:35:02] Good morning, Mr President, good morning your Honours.
13 Mr Yekatom, who's present in the courtroom this morning, is represented by
14 Ms Sabine Bayssat, Ms Wilhelmina Wittingham, Mr Thomas Hannis. We also have
15 in the public gallery or legal intern Yousra Lamqaddam, and myself Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:35:19] Thank you.

17 And Mr Knoops.

18 MR KNOOPS: [9:35:21] Good morning, Mr President, your Honours. The Defence
19 team of Mr Ngaïssona is today composed of Ms Chiara Giudici, she is case manager,
20 and Ms Despoina Eleftheriou, she is also case manager. And of course the defendant
21 is present in the courtroom.

22 PRESIDING JUDGE SCHMITT: [9:35:40] Thank you very much.

23 For a procedural matter we go shortly into private session before we continue with
24 the examination of the witness.

25 (Private session at 9.36 a.m.)

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- 1 THE COURT OFFICER: [9:36:05] We are in private session, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [9:36:08] (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
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- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Open session at 9.38 a.m.)
- 25 THE COURT OFFICER: [9:38:12] We are back in open session, Mr President.

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1 PRESIDING JUDGE SCHMITT: [9:38:15] Thank you.

2 And I think we can bring the witness in now so that we can start.

3 You're standing up. Ms Dimitri was a little bit premature, perhaps.

4 MS DIMITRI: [9:39:33] I'll remain standing, Mr President. I have -- I have old
5 habits. That's why I also like paper copies.

6 PRESIDING JUDGE SCHMITT: [9:39:42] I would not say "still standing". I would
7 not word it this way, but it's okay.

8 He's coming in, so it will not last long.

9 (The witness enters the video-link location)

10 PRESIDING JUDGE SCHMITT: [9:40:05] Good morning, Mr Kokaté. Do you hear
11 me well?

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13 (The witness speaks French)

14 (The witness gives evidence via video link)

15 THE WITNESS: [9:40:11](Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [9:40:13] Is Mr Bangaguere also present?

17 MR BANGAGUERE: [9:40:24](Interpretation) Yes, Mr President.

18 PRESIDING JUDGE SCHMITT: [9:40:31] And I also see you. So we can continue
19 with the questioning by the Defence of Mr Yekatom.

20 Ms Dimitri, you have the floor.

21 MS DIMITRI: [9:40:38] Thank you, Mr President.

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

23 Q. [9:40:43] Good morning once again, Mr Kokaté. Are you doing fine?

24 A. [9:40:48] Yes, Counsel. Good morning.

25 Q. [9:40:51] Let me repeat the golden rule because we are both speaking French. I

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1 will make an effort on my part, so please observe three seconds before answering
2 the question; is that okay?

3 A. [9:41:06] Very well, Counsel.

4 Q. [9:41:10] Mr Kokaté, I would like to talk about the members of the Central
5 African government in 2014. Mr Léopold Narcisse Bara was a minister in your
6 government; is that correct?

7 A. [9:41:27] That is correct.

8 Q. [9:41:32] I will show you a document because I wanted to confirm certain dates
9 with you. It is tab 17, CAR-OTP-2094-0295, on page 0297.

10 Mr Kokaté, it is a decree appointing the transitional government members.

11 Can you see the document on the screen?

12 A. [9:42:41] Yes, I can see the document.

13 Q. [9:42:45] I would like to ask the court officer to scroll down so that we can see
14 the date. Thank you. *Well then, is it correct, Mr Kokaté,

15 that Léopold Narcisse Bara was appointed by decree of 27 January 2014 as a member
16 of the transitional government of Ms Samba-Panza?

17 A. [9:43:17] Yes, that is correct.

18 Q. [9:43:20] To your knowledge, was there a period when there was a changeover
19 of power between the former ministers and new ministers, that is the handover
20 between Mr Bara and his predecessor?

21 A. [9:43:51] Counsel, I don't remember very well, but I know that every time a new
22 government is formed, there is a general inspector of the state whose task is to be
23 responsible for the handing over of power between those going out and those coming
24 in. That is what I know.

25 Q. [9:44:24] Thank you, Mr Kokaté. And this inspection period, as far as you

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1 know and in light of your experience, approximately how long does it take?

2 A. [9:44:43] Well, it depends. It depends on the programme of the state
3 inspectorate general, and that is the answer I can give you.

4 Q. [9:45:15] But it takes a certain number of days, at least?

5 A. [9:45:17] Yes, two or three days. It depends.

6 Q. [9:45:23] Thank you, Mr Kokaté. As far as you know and in light of your
7 experience, how many days went by before Mr Bara assumed his duties and
8 appointed his collaborators?

9 A. [9:45:41] I cannot answer that question because I was not a member of the
10 government. It is up to Mr Bara to tell you how long he took to assume his duty and
11 appoint his collaborators.

12 Q. [9:46:01] Let us look at another document, tab 21, CAR-OTP-2004-1180. And
13 we are going to begin by looking at page 1217.

14 For your information, Mr Kokaté, it is the official gazette of the Central African
15 Republic of February 2014. Let me draw your attention to the middle of the page,
16 further down, please.

17 Again. Scroll a little bit further down. Thank you.

18 You were appointed on 27 February 2014 as special advisor in charge of disarmament,
19 demobilisation and reinsertion; is that correct?

20 A. [9:47:30] Yes.

21 Q. [9:47:31] Mr Kokaté, let us go to page 1185 of that document, as well as
22 page 1186.

23 Does that correspond to your memory? Is it correct to say that Mr Jean-Jacques
24 Demafouth was appointed on 3 February 2014? We see 3 February. And on
25 the next page, he was appointed minister *and security advisor responsible for

1 relations with MISCA and Sangaris.

2 Further down, please. To the left, Mr Kokaté.

3 A. [9:48:59] Yes.

4 Q. [9:49:05] And according to what you remember and based on your experience,
5 how much time elapsed between the appointment of Jean-Jacques Demafouth and his
6 official assumption of service?

7 A. [9:49:24] I don't have information about that, about when he took over.

8 Q. [9:49:31] But you were also appointed advisor to another position. And when
9 an advisor is appointed, you spend a few days before assuming your duties.

10 A. [9:49:54] My case was totally different, because as soon as I was appointed
11 special advisor responsible for DDR, that position did not exist. So as soon as
12 I was -- I was appointed, I went to the prime minister's office and I introduced myself
13 to the prime minister head of government and the director of cabinet.
14 After that, you have a service that was responsible for settling us in, into our offices.
15 So I was not replacing anyone.

16 Q. [9:50:56] Thank you, Mr Kokaté.

17 *If I understand you, in your case, it was different, in the sense that it was faster
18 because there was no handover of power. Is that correct?

19 A. [9:51:05] That is correct.

20 Q. [9:51:07] It was faster than in the case of the assumption of duties by other
21 advisers whose posts were already in existence?

22 A. [9:51:17] Yes, I think so, but I'm speaking about my case.

23 Q. [9:51:22] Let me put you -- to you a few questions, Mr Kokaté, on Mr Kamezolaï.
24 And we talked about him yesterday. *Regarding Mr Kamezolaï, who was briefly
25 discussed yesterday, I... I read a few articles and I heard from several people. - in fact

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1 you should know about this better than me since you were very close to Prime
2 Minister Nzapayéké - now, these people told me that Mr Kamezolaï was the brother
3 of Prime Minister Nzapayéké. Is that correct?

4 A. [9:52:10] I cannot answer that. But they are from the same region and the same
5 prefecture, possibly. And even the same subprefecture, but I'm not sure about being
6 a brother.

7 Q. [9:52:28] And based on your personal knowledge, since you were close to them,
8 they were very close. You noted that yourself, didn't you?

9 A. [9:52:43] Prime Minister Nzapayéké, when he called Mr Kamezolaï, he would
10 come and see -- he would come and see him in his office. I was working in the office
11 of the prime minister. Sometimes I was aware that Mr Kamezolaï had passed by,
12 *and it was not my duty to ask the prime minister why he had received
13 such-and-such a person, and all the rest. That is what I can say. *Kamezolaï used to
14 come to the Prime Minister's office to see him. That is what I can tell you.

15 Q. [9:53:31] Mr Kokaté, did you ever hear directly or indirectly that the two of them
16 had a close relationship or a family relationship?

17 A. [9:53:50] I do not remember very well, but I've told you that they were
18 practically from the same village.

19 Q. [9:54:07] And to your knowledge -- I know that you were in France during that
20 period, Mr Kokaté. But as you said yesterday, you were following the news of your
21 country.

22 *To your knowledge, did Mr Kamezolaï participate in the attack of 5 December,
23 whether you heard it directly or indirectly?

24 A. [9:54:35] Counsel, I told you that each time there were meetings at the prime
25 minister's office, at the MISCA, or at the presidency, I would see Mr Kamezolaï in

1 Mr Yekatom's delegation.

2 Q. [9:54:57] Mr Kokaté, you did not answer my question. My question was:

3 Based on what you heard during that period, even though you were outside of the
4 country on 5 December, according to the information that you received, directly or
5 indirectly, from your close ones or through social media, did you ever hear that
6 Mr Kamezolaï took part, directly or indirectly, in the attack of 5 December 2013?

7 A. [9:55:40] Counsel, what I can tell you is that on the day that I went to meet
8 Mr Rombhot with the director general of the national gendarmerie, I saw Mr Yekatom
9 accompanied by Kamezolaï. Mr Yekatom was talking about his men and Kamezolaï
10 was by his side.

11 Q. [9:56:15] Mr Kokaté, I will try one last time. Thank you for your answer, but
12 I'm not talking about 2014 or about your meeting with Mr Kamezolaï and
13 Mr Yekatom. What I want to know is: When you were outside of the country in
14 December 2013, during that period or shortly afterwards, did you receive any
15 information indicating that Mr Kamezolaï took part, directly or indirectly, in
16 the attack of 5 December 2013?

17 A. [9:57:01] I did not have that information because we were not in contact.

18 Q. [9:57:15] Now, regarding Prime Minister André Nzapayéké - my questions are
19 limited to the prime minister - would I be correct to say that the prime minister lost
20 international and national support and, after that, President Sassou Nguesso refused
21 to receive him in Brazzaville?

22 A. [9:58:03] I cannot answer that question, because we went to Brazzaville as part
23 of negotiations for the restoration of peace, and the talks were initiated by
24 President Denis Sassou Nguesso. To my knowledge, the prime minister travelled
25 there and the transitional president also.

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1 Now, to say that President Sassou Nguesso met with the prime minister or not,

2 I cannot answer such a question. I'm not in a position to do so.

3 Q. [9:58:49] I will show you a document, Mr Kokaté, tab 52, CAR-OTP-2001-3811,
4 on page 3816, a newspaper article from March 2014.

5 (Speaks English) Can we go a bit down. No. Stay on the left and then down again.

6 Yeah. Thank you.

7 (Interpretation) Can you see the document on the screen, Mr Kokaté?

8 A. [9:59:52] Yes, it is in English.

9 Q. [9:59:53] Yes, I will read it out to you and it will be interpreted:

10 (Speaks English) "Prime Minister André Nzapayéké, a former banker at the regional
11 *Banque de développement des états de l'Afrique centrale*, has lost much support both
12 locally and internationally. Congolese President Denis Sassou-Nguesso refused to
13 meet him in Brazzaville and French officials in Bangui do not seem unhappy with
14 the idea of his leaving."

15 (Interpretation) Mr Kokaté, at that time you were advisor to Prime Minister
16 Nzapayéké. The information that I have just read, is that something you observed or
17 heard about as part of your duties or even outside of your duties?

18 A. [10:01:11] All I know is that, after we returned from Brazzaville, the transitional
19 president started consultations to appoint a new prime minister.

20 Now, concerning the real reasons for his departure, I'm not in a position to tell you.

21 The prime minister had been my boss so I have a duty of reserve.

22 This document that was written, I was not aware of it. This is something that
23 happened at the very summit of the state relating to President Samba-Panza who
24 initiated the appointment of a new prime minister, so I am not in a position to explain
25 this to you.

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1 Q. [10:02:36] Have you already noticed, during the months when you were in your
2 role in the prime minister's office, that there was misunderstanding between ministers
3 and Nzapayéké.

4 A. [10:03:06] All the administration, sometimes there are misunderstandings and
5 tensions, and they can speak about it together in a calm manner.

6 Q. [10:03:25] Thank you, Mr Kokaté, but my question was more precise. *Did you
7 notice that he had relationship problems?

8 A. [10:03:42] Frankly, I prefer not to speak on this.

9 Q. [10:03:51] You prefer that -- you prefer not to answer my question? Have I
10 understood you correctly?

11 A. [10:03:57] I will remain silent as regards this question.

12 PRESIDING JUDGE SCHMITT: [10:04:04] Well, Mr Kokaté, I don't see at the
13 moment that this is an issue that could incriminate you, so you would have to answer
14 that question. That would be my, my first reaction, frankly speaking. It's nothing,
15 where I see at the moment, at least, see the potential that the answer, the truthful
16 answer, could incriminate you. Now you understand what I mean. So we have
17 given you the chance. Of course it's clear that's the right of every witness in every
18 proceedings under the rule of law that you don't have to incriminate yourself, but
19 actually this question does not have the potential to do that. So I would ask you to
20 answer it.

21 THE WITNESS: [10:05:01](Interpretation) Mr President, I think I had given an
22 answer. I said that in all administrations it could happen that there are strained
23 relations. There could be differences in attitudes and then they work things out.
24 That was what I was trying to explain to counsel. I don't know if I've answered your
25 question when I said that in all administrations there is sometimes strained relations,

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1 misunderstandings, and then afterwards people try and work it out. I think that's
2 the answer.

3 PRESIDING JUDGE SCHMITT: [10:05:45] And the question of course would be if
4 this was also the case with the relationship that concretely Madam Counsel
5 mentioned. If you can say something about. I think it's not such an issue that we
6 should blow it up. Yeah, I think it's not such an important issue.
7 Will you answer it? Can you be more specific, frankly speaking.

8 THE WITNESS: [10:06:16](Interpretation) Mr President, Mr President, I was trying
9 to say this. In all administrations there can be misunderstandings between
10 colleagues. There can be misunderstandings between colleagues and people can get
11 cross. And afterwards they'll get together to try and sort out their differences.
12 They speak the same language.

13 PRESIDING JUDGE SCHMITT: [10:06:47] I think we leave it at that. This is an
14 answer. In fact very often in courtrooms you don't get the answer exactly that you
15 want to hear. So I think -- Mr Vanderpuye.

16 MR VANDERPUYE: [10:07:00] Mr President, just very briefly. And the reason why
17 I remain standing on my feet is, in light of the discussion that we had this morning, I
18 think it's important for the Chamber to consider that in terms of the manner of the
19 process with respect to this particular witness, and I think counsel is aware of the
20 same concerns. There are means, I think, at the Chamber's disposal in order to -- in
21 order to, in order to accommodate the circumstances and get the witness to answer
22 perhaps more frankly (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:07:32] I think --

24 MR VANDERPUYE: [10:07:34] (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [10:07:35] I think we have -- we have an answer

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1 that -- well, as I said, that might not be exactly what was sought to achieve, so to
2 speak. But the matter we discussed this morning, we resolved. As we said this
3 morning, there will be the submissions, and then we will discuss it again.
4 I think we will -- the Chamber will come back, I don't know, not with a written
5 decision, but after we have your submissions we will perhaps discuss it simply in the
6 courtroom.

7 We will see. We have to discuss this amongst ourselves. But we should leave it at
8 that, and I -- or, the Chamber does not have the impression that the witness in any
9 way has changed his comportment with regard to the days before, actually, at the
10 moment. He consistently has, let's say, displayed the same attitude, not in a negative
11 way, but the same attitude towards questions and answering.

12 So we simply continue, Ms Dimitri.

13 MS DIMITRI: [10:08:42] Thank you, Mr President.

14 Q. [10:08:44](Interpretation) Following on from that, is it correct - and if I'm not
15 mistaken, you mentioned this when you talked to the OTP in 2018 - is it correct that
16 *Mr Nzapayéké was forced to resign and in Brazzaville he understood that his job
17 was in danger and he was looking around for support so that he could remain in his
18 position; is that correct?

19 A. [10:09:16] Yes, Counsel. I do remember that I did say that. Because even
20 before going to Brazzaville, all the parties, all the parties knew there was a problem
21 which had to be resolved in Brazzaville. This was information which came from
22 various sources. Firstly, the aim of going to Brazzaville was to talk between
23 the Anti-Balaka and the Séléka and also to try and find an agreement to arrange
24 a ceasefire and to end hostilities.

25 Now, once in Brazzaville, once in Brazzaville, it's at that moment, it was at that

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1 moment that contact was made. There were contacts. Contacts came. *There were
2 people I knew who came... there were colleagues who came to see me and who told
3 me that Prime Minister Nzapayéké wanted to have the support of the Anti-Balaka in
4 order to remain in his position; and that Prime Minister Nzapayéké equally wanted
5 the support of... well, the Anti-Balaka and the Séléka in order to keep his position,
6 because his position was under threat.

7 Q. [10:11:16] Thank you, Mr Kokaté, for your answer.

8 Am I correct in saying that in the Brazzaville forum, the aim of the forum was not to
9 have a censure motion for the prime minister. But despite that, he did receive a very
10 negative assessment.

11 Does that correspond to the way you see things, Mr Kokaté?

12 A. [10:11:51] When we returned from Brazzaville, the transition president started
13 to carry out some consultations to look for a new prime minister. What I want to say,
14 and in answering your question, as we, I was only a special advisor. *But the decision
15 between -- between President Sassou-Nguesso and the transitional Head of State,
16 Catherine Samba-Panza.... we were not present there. This means that they carried
17 out an assessment of that period.... from the appointment of the prime minister up
18 until... up to the day on which we traveled to Brazzaville.

19 And as soon as we returned, the president started consultations, so this means that
20 there was a decision taken at a pretty high level with regard to the performance of the
21 prime minister.

22 Q. [10:13:15] So what I understand from what you're saying is that the assessment
23 was negative, which led President Samba-Panza to push Prime Minister Nzapayéké
24 to resign; is that correct?

25 A. [10:13:43] I think that is correct.

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1 Q. [10:13:45] Now I would like to speak to you about someone else who you also
2 know, Mr Jean-Jacques Demafouth.

3 Do you know -- and when I -- I'm not saying you know him personally, but have you
4 heard speak that Demafouth had an aide de camp called Mombeka?

5 A. [10:14:22] *For me, as far as I know, Lieutenant Mombeka was the aide de camp
6 of the transitional Head of State, Catherine Samba-Panza.

7 Q. [10:14:36] *Was he in -- responsible for Cattin, after Samba-Panza took over
8 power, that is, to your knowledge?

9 A. [10:14:48] I don't know where he was living, but what I did know and what I
10 learnt is that Mr Mombeka was assassinated at a station, a petrol station in KM5. *I
11 believe so. I think so, but I do not really know his residence. Mombeka was really
12 close to Catherine Samba-Panza. I personally saw him with Catherine Samba-Panza.

13 Q. [10:15:23] Thank you. According to information I read, Mr Demafouth said in
14 a document that, before 5 December, you and some other military asked the elements
15 to create chaos in Bangui by putting pressure in PK5 and also around the airport.
16 Have you had any comments to say something to these allegations made against you?

17 A. [10:16:02] It's false testimony vis-à-vis me, because before the events of
18 5 December Demafouth was advice minister for Djotodia in the presidency, so I think
19 this is false information.

20 Q. [10:16:30] Thank you, Mr Kokaté. According to the information which I read,
21 Mr Demafouth alleged and said that you are one of the responsible for the -- within
22 the hierarchy of the military. Do you agree with that allegation?

23 A. [10:16:54] Counsel, I have just told you that I was never in an organisation with
24 a specific function. That is something Demafouth said and that only concerns him.
25 Mr Demafouth was an advice minister at that time under Djotodia. So what he says

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1 at the time when you were in the prime minister's office, did some of your colleagues
2 only concerns him. I was never in such an organisation. I was not even in Bangui.

3 Q. [10:17:44] *I understand, and I thank you Mr Kokaté. As far as you're aware, were
4 some of your colleagues at the time when you were in the prime minister's office, did
5 some of your colleagues warn President Samba-Panza against Jean-Jacques
6 Demafouth?

7 A. [10:18:00] I didn't understand.

8 Q. [10:18:02] I will repeat my question. Do you get to know whether some of
9 your colleagues warned President Samba-Panza against Jean-Jacques Demafouth?

10 A. [10:18:27] All I know is that at the time an event took place, I think in the area of
11 Fatima, and General Wangao, according to the information which I received, warned
12 the president against Demafouth.

13 Q. [10:19:11] Have you got a bit more details about this warning that was issued?

14 A. [10:19:20] It was the minister of the interior of public security before going to
15 speak with the head of state, so I suppose that that minister of the interior had
16 additional information so that he could talk about this, especially since Mr Wangao
17 and Mr Demafouth are close. They are family of Catherine Samba-Panza.

18 Q. [10:20:11] This leads to my next question. I'm going to show you 29-0002-0023.
19 This is a press article of July 2014. If you don't mind, we'll look at it together.

20 PRESIDING JUDGE SCHMITT: The tab is?

21 MS DIMITRI: Fifty-five.

22 Q. [10:20:49](Interpretation) Can you see the article on the screen, Mr Kokaté?

23 A. [10:20:56] Yes, I do see it.

24 Q. [10:21:07] If we can stay first at the top, please. Thank you.

25 (Interpretation) So that this confirms what you said, that Catherine Samba-Panza and

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1 Jean-Jacques Demafouth are relations, in fact cousins.

2 A. [10:21:19] Yes, that's a confirmation which I have, that they are part of the family
3 of Catherine Samba-Panza.

4 Q. [10:21:29] If we can go down a bit to see the rest of the page.

5 Could you perhaps quickly read through it and I will ask you some questions after
6 that.

7 If we can scroll down three lines so he can read the last paragraph. Thank you.

8 So this article, Mr Kokaté, confirms the family link between Demafouth and

9 Samba-Panza. This article talks the Machiavellian behaviour of Demafouth. Could
10 you comment on this according to what you know. What did you hear at the time
11 when you were working there? What are your views on this article relating to
12 Mr Demafouth?

13 A. [10:24:00] This is an article, Madam, a press article. I don't remember exactly.
14 I and Demafouth, we didn't have a very good relationship. So I don't really want to
15 talk about that. It's the impression that everyone has, of their own impression of him,
16 of Demafouth. I think that he was very close. I know that he was everywhere and
17 that he was everywhere where Catherine Samba-Panza was. That's all that I know.

18 PRESIDING JUDGE SCHMITT: [10:24:48] I did let the question pass, because
19 commenting on such an article as a newspaper article could always be critical. Yet,
20 the witness has worked there, so he might. And I think he has answered that.
21 We cannot expect more from here. Yeah.

22 MS DIMITRI: [10:25:05] May I ask one more question but on his personal
23 experience?

24 PRESIDING JUDGE SCHMITT: [10:25:08] Depends on the question, of course. But
25 you understand my point. That's also because I think this will happen with future

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1 witnesses, also from OTP, perhaps. So we have the -- of course, if a witness is
2 mentioned directly in an article, yes. If he is allegedly -- he allegedly has spoken, of
3 course.

4 When he doesn't appear at all, we have a little bit of a discretion here, so because of
5 that, but he -- as I say, we cannot expect more than this answer from the witness. He
6 does not have to align to the opinion of the writer, so to speak. But pose your next
7 question.

8 MS DIMITRI: [10:25:49] Thank you, Mr President.

9 Q. [10:25:54](Interpretation) Mr Kokaté, without commenting on the article, in this
10 article it is written that Demafouth was a liar, that he manipulated the president. I'm
11 not asking you to comment on the article, but I'm asking you if this is something that
12 you have experienced or have you seen that happen when you were in your position,
13 that Demafouth lied to the president or manipulated the president with giving
14 incorrect information?

15 A. [10:26:32] Counsel, I will tell you something, during our meeting with
16 the president, the traditional president, there was a delegation which I headed.
17 Before meeting the president we received clear instructions, and that instruction on
18 the part of Mr Ngaissona, and as soon as we entered the office of Catherine
19 Samba-Panza I spoke. I asked the transitional president to ask Mr Demafouth to
20 leave, and also his political advisor from his office, before we could start any
21 discussions.
22 Mrs Samba-Panza asked me the question why? I told her that, for us, he is
23 a manipulator and that we would like to exchange views with you without him being
24 present.

25 And the transitional president accepted this and asked Demafouth to leave his office,

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1 and also his political advisor at the time. And then we started our discussion.

2 PRESIDING JUDGE SCHMITT: I think you can move on from here.

3 MS DIMITRI: (Interpretation)

4 Q. [10:28:31] I read, Mr Kokaté, in the interview you had with OTP in -- that you
5 knew Stéphane Sapo, the son of Samba-Panza. *If I understood correctly, Stéphane's
6 father and your father knew each other very well; and both of you are from the
7 Yakoma ethnic group. Is that correct?

8 A. [10:28:54] That's correct.

9 Q. [10:29:02] So you had a good relationship with Stéphane Sapo?

10 A. [10:29:09] Correct.

11 Q. [10:29:12] Is it correct that Stéphane had sufficient trust in you to ask you advice
12 to help his mother?

13 A. [10:29:24] Enough trust? I don't know. But Mr Demafouth, as
14 Mr Demafouth -- I know Mr Demafouth didn't speak well of me to his mother. That
15 I do know. And as Stéphane Sapo came to see me, and he said he had contact at the
16 request of his mother with Mr Thierry Lebene. And so I called Thierry Lebene and I
17 put them in telephone contact. They spoke to each other and I think they had
18 a -- arranged a meeting.

19 *And when he gave me a sum of money, the amount was 300,000 CFA francs, if I am
20 not mistaken. I decided to call Thierry Lébéné, and I told him: "I am speaking to you
21 in the presence of Stéphane who has given me 300,000 CFA francs". And then I gave
22 the phone to Stéphane so that they could confirm it. And after that, Thierry Lebene
23 sent somebody to pick up the money. After that, I put them directly in contact with
24 each other and they started to exchange views, and I also learnt that Lebene was
25 amongst those people which the transitional president saw as well.

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1 Q. [10:31:30] Thank you, Mr Kokaté. Is Thierry Lebene, just for the records, is he
2 the person we call 12 Puissances?

3 A. [10:31:38] That is correct.

4 Q. [10:31:39] Now I move on to my next topic. I am going to pick out things from
5 what you said. Stéphane Sapo contacted you regularly and asked you for your help
6 to help his mother. Is that correct what I understand there?

7 A. [10:32:05] Yes.

8 Q. [10:32:11] During all the conversations which you had with Stéphane Sapo, did
9 Stéphane Sapo indicate to you at any point that he had suggested to his mother to
10 separate from Demafouth because of his manipulation?

11 A. [10:32:44] This was a reality. Those who were close to Catherine Samba-Panza
12 started being irritated. *There was the case of General Wangao, for example, who was
13 the minister of public security, who asked directly for the arrest of Jean-Jacques
14 Demafouth and it was Catherine Samba-Panza who refused.

15 Q. [10:33:15] Do you know why he asked for the arrest of Jean-Jacques Demafouth
16 and which period, 2014?

17 A. [10:33:27] Yes, it was in 2014. It was a turbulent period. I think it was the
18 Fatima church incident. That was during that period.

19 Q. [10:33:52] If I understand you correctly, because of the Fatima church incident
20 and the involvement of Demafouth in that incident, the minister asked for his arrest,
21 that is Minister Wangao?

22 A. [10:34:17] That is the information I received. I think it can be verified by
23 the public prosecutor in Bangui. That is the information we had.

24 Q. [10:34:34] Would you agree with me, Mr Kokaté - and I'm not talking about you
25 personally there, please be reassured - some members of the government had an

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1 interest in prolonging the transitional period. Are you in agreement with that
2 suggestion?

3 A. [10:35:01] I totally agree with you, because the timeframe for the transition had
4 been largely exceeded. And if I'm not mistaken, *President Déby had declared that
5 he wanted to have a short-lived transition, and I think that had shocked the
6 transitional authorities. So an election had to be organised by all means.

7 Q. [10:35:49] Once again, I am not talking about you personally, but am I to
8 understand that some ill-intentioned ministers or advisors wanted to prolong
9 the disturbances so as to keep their positions longer?

10 A. [10:36:09] Well, this was information that was circulating here and there in
11 the town, but I think that if President Déby asked that the transitional period be
12 brought to an end *and organise the elections, regardless of whether they had been
13 well prepared or not, it means that the reality was there that people wanted to
14 prolong the transitional period. Because the statement from President Déby shocked
15 those who were in the transitional authority. They did not want it to end.

16 Q. [10:37:01] Thank you. Tab 52, CAR-OTP-2001-3811, page 3115 (sic).
17 That's another document I want to show you. I think it's the same article, 3816. I
18 will start with 3815 and then I will ask you questions. Are we in agreement?

19 A. [10:37:38] Very well.

20 Q. [10:37:49] It is at the bottom of the page, right. (Speaks English) "Their military
21 success has revived other armed groups that had previously disbanded or were
22 dormant, such as the *Armée populaire pour la restauration de la démocratie* led by
23 Jean-Jacques Demafouth Mafoutapa. ... It remains to be seen whether the APRD is
24 pursuing a political strategy or if it is just another instance of the spread of
25 vigilantism in the west."

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1 (Interpretation) Mr Kokaté, my question is as follows: We are going to talk about
2 the APRD a little bit later. According to the information that you had at the time,
3 the information that was circulating, was Jean-Jacques Demafouth one of those who
4 wanted to destabilise the transition for their own personal interests, such as the issue
5 on the re-emergence of the APRD? Did you hear that at the time?

6 A. [10:39:37] This was information that we heard. The proof is that, during that
7 transitional period, Demafouth himself was a minister, advisor, at the presidency.

8 *The minister of the interior and public security, Mr Wangao, had sufficient
9 information which led him to believe that Mr Jean-Jacques Demafouth was plotting to
10 destabilise the transition, and that is why he requested the arrest of Mr Demafouth.

11 Q. [10:40:11] Thank you, Mr Kokaté. In the direct examination you talked about
12 the Bangui forum. *On the day... in the days leading up to the Bangui Forum, would
13 you agree with me that Jean-Jacques Demafouth had initially been designated as the
14 general coordinator of the technical organising committee of the Bangui Forum?

15 A. [10:40:45] Yes, initially he was appointed general coordinator, but this
16 appointment was collectively rejected by the participants.

17 Q. [10:40:58] Tab 68, CAR-D29-0002-0013, that is to show that you have a good
18 memory.

19 (Speaks English) I'm told that I misspelt. It's tab 62.

20 (Interpretation) Tab 62. It is an article talking about the Bangui forum.

21 PRESIDING JUDGE SCHMITT: [10:41:31] It had already been displayed I think in
22 another instant. I have seen it, at least, before. I recall it.

23 MS DIMITRI: [10:41:39](Interpretation)

24 Q. [10:41:42] And that is the page on the screen, Mr Kokaté.

25 The paragraph immediately under the photograph on that page, that is 0014, it is

1 written Dr -- "The minister of public health, Dr Marguerite Samba-Maliavo, was
2 designated by consensus on Wednesday 15 April as the general coordinator of the
3 technical organisation committee of the Bangui forum in place of Jean-Jacques
4 Demafouth, who was very much contested by the entire population, a few days after
5 his appointment."

6 Do you remember that, Mr Kokaté?

7 A. [10:42:50] Yes, I remember that very well. His appointment was collectively
8 rejected by all the participants.

9 Q. [10:43:05] I stand to be corrected here, but the general population challenged his
10 appointment. Not just the participants, but the Central African population.

11 A. [10:43:24] I can confirm that everyone was in disagreement.

12 Q. [10:43:31] Now, can you explain, as far as you can remember, why people
13 challenged the appointment of Demafouth to the Bangui forum.

14 A. [10:43:40] All I know is that Jean-Jacques Demafouth is someone who is
15 a specialist in setting up people against each other, manipulating people. Amongst
16 the population people know all about it, and they know him as the person that he is.

17 Q. [10:44:04] And is it correct that in the final analysis the popular opinion was so
18 strong that Madam Samba had to appoint someone else to coordinate the Bangui
19 forum?

20 A. [10:44:25] Yes.

21 Q. [10:44:25] Thank you, Mr Kokaté. I will move to another subject.

22 During the direct examination with the Prosecutor a few days ago, you talked about
23 your presence in the Libreville talks in -- when you represented the non-combatant
24 armed groups in N'Djamena.

25 A. [10:44:56] It was January 2013 in Brazzaville.

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1 MS DIMITRI: [10:45:02](No interpretation) (Speaks English) If I may have one
2 minute, Mr President, please.

3 PRESIDING JUDGE SCHMITT: [10:45:03] There was an overlap, so ...

4 MS DIMITRI: [10:45:05] I'm saying if I can have just one minute, please.

5 PRESIDING JUDGE SCHMITT: [10:45:11] Of course.

6 MS DIMITRI: [10:45:12] Thank you.

7 PRESIDING JUDGE SCHMITT: [10:45:12] In the meantime, if you're interested,
8 indeed this last document or article was already displayed on 11 May with another
9 witness, so I was not wrong.

10 MS DIMITRI: [10:45:21] Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [10:45:22] In another context of course, but ...

12 MS DIMITRI: [10:45:55](Interpretation)

13 Q. [10:45:56] I would like to clarify, Mr Kokaté. I am a bit confused. When you
14 represented the non-combatant armed groups in 2013, was it in Libreville?

15 A. [10:46:11] Yes, it was in Libreville.

16 Q. [10:46:15] And you remember that amongst those non-combatant armed groups
17 there was the *Armée populaire pour la restauration de la démocratie* which was
18 represented by Mr Demafouth?

19 A. [10:46:29] That is correct.

20 Q. [10:46:33] And it is also correct to say that the non-combatant armed groups
21 present were already enrolled in the DDR process?

22 A. [10:46:43] That is correct.

23 Q. [10:46:49] Mr Kokaté, I am going to talk to you about the APRD at that time.

24 To your knowledge, during the registration in the DDR process, is it correct that

25 Jean-Jacques Demafouth had inflated the numbers of his group so as to have money

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1 for the DDR programme?

2 A. [10:47:19] Counsel, I was in France. I think it was in 2007 or 2008. I was in
3 France, so I really do not know how to answer that question. I was not in contact
4 with him within the context of this situation.

5 Q. [10:47:41] But subsequently you were an advisor at the prime minister's office in
6 charge of DDR. Did you receive that information that the numbers of the APRD
7 numbers were inflated to extort DDR money?

8 A. [10:48:04] Well, as you know, when people draw up their figures, even today
9 what we are realising amongst the armed groups, people can give certain figures.
10 But in order to know whether indeed the figures provided by the leaders of those
11 armed groups, there are procedures that we follow. We ask the armed groups, we
12 tell them that you have given us figures of people on the ground. We assume that all
13 these people are armed. So now you have to hand over the weapons. So it is at the
14 moment that weapons are being handed over that we realised that the number of
15 weapons is far, far lower than the numbers earlier provided by the leaders of
16 the armed groups.

17 Q. [10:49:14] Thank you, Mr Kokaté. It is very clear. So what I understand is
18 that when the weapons are handed over, it is realised that the numbers do not
19 correspond at all with those provided by the armed groups.

20 A. [10:49:33] That is correct, Counsel. That is correct.

21 Q. [10:49:38] And the armed groups have an interest in inflating the figures. With
22 all due respect, CAR was a poor country in crisis, so people wanted to do anything
23 possible to benefit from the DDR; is that correct?

24 A. [10:50:02] Yes, this is a general situation. The Central Africans on several
25 occasions have been very disappointed for many years, ever since the DDR was put in

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1 place. They feel that there is no progress and that people go there just to look for
2 money. That is a general opinion in the CAR.

3 Q. [10:50:38] So what you are telling us is that those lists are not necessarily reliable,
4 especially when compared to the number of weapons handed over.

5 A. [10:50:55] Counsel, I agree with you. Ever since the DDR was set up under
6 Bozizé, right up to the present moment, we have realised that people have many men
7 under them. They provide high figures. But when weapons are handed over,
8 the arms are very few.

9 We carried out a pilot project. And when weapons are handed over by individuals,
10 they are either integrated into the FACA or they are reintegrated into the population,
11 *so in the case of those who turn in their weapons, it is understood that they have
12 already disarmed; that is the assumption. I hope I have answered your
13 question.

14 Q. (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:52:07] May I, Ms Dimitri.

16 And perhaps I'm interested, the Chamber is interested in this DDR process. First of
17 all, a very basic question, and the answer might be obvious: Where does the money
18 for the DDR come from?

19 THE WITNESS: [10:52:33](Interpretation) I did not understand your question,
20 Mr President.

21 PRESIDING JUDGE SCHMITT: [10:52:36] I repeat it.

22 As I said, it might be very basic, and perhaps the answer suggests itself. The DDR
23 process costs money, costs the state money. Where does this money come from?

24 THE WITNESS: [10:52:58](Interpretation) The money comes from international
25 institutions, from friendly countries, so that process is supported by the friends of the

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1 Central African Republic, Mr President. And I think also that the Central African
2 government equally participates, but they have financial problems, of course.

3 PRESIDING JUDGE SCHMITT: [10:53:48] Thank you for this answer. So this
4 is -- the answer was not so obvious, as I have perhaps thought. So there is a mixed
5 picture, potentially.

6 And now what are the conditions that you receive money from this DDR process? Is
7 it the figures you say you have under your control? Or is it the weapons that are in
8 the end handed down?

9 THE WITNESS: [10:54:27](Interpretation) Now, for example, what is currently
10 happening, we rely more on the number of weapons returned, because Central
11 Africans have realised that there was a lot of money injected into the DDR process, so
12 you really need close monitoring of the process by the government.

13 So for the time being, I am a resource person. I'm currently a resource person within
14 the DDR, so there is work being done by the government and MINUSCA in
15 collaboration with the institutions supporting us. So contrary to what happened in
16 the past, people no longer have access to money like they did before. We work with
17 the people who have decided to hand over their weapons, and then we are the ones
18 who organised their reintegration.

19 There is a fixed amount, depending on the calibres of the weapons. So when you
20 hand over those weapons, a small amount is given to you in exchange. And then,
21 after that, these individuals are sensitised and advised not to return to those armed
22 groups to which they belonged before, or similar armed groups, and that they should
23 return to legality. So, today we have former combatants that have been admitted
24 into the FACA and who no longer have any contacts with the former armed groups.
25 I do not know whether I have answered your question, Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:57:00] No, that was very interesting, and it
2 clarified a lot, because I think it will not be the last time that we hear from this DDR
3 process.

4 This process of monitoring that you describe, when was it introduced? Since when
5 is it monitored like that, like you describe it?

6 THE WITNESS: [10:57:32](Interpretation) Regarding that mechanism that I have just
7 described, it was set up after the inauguration of President Touadéra in 2016. But I
8 really do not have any detailed information of what was happening before that.
9 Even when I was at the prime minister's office, we were not working in the manner
10 that we are working now.

11 PRESIDING JUDGE SCHMITT: [10:58:09] Perhaps the next question suggests itself:
12 We are interested in 2013, 2014. Can you tell us how the situation was at that time.
13 Was there, as you -- as far as you know, as far as you have information, was there an
14 abuse of this process? Meaning that people took money out of the process that was
15 not correct, for example, by inflating the numbers, as we have said before or talked
16 about before.

17 THE WITNESS: [10:58:51](Interpretation) Mr President, in light of the information
18 that I have in my possession, Central Africans were very dissatisfied with the DDR
19 process. And if I am not mistaken, that DDR process was put in place ever since
20 2007. And if the DDR process had been functioning correctly, I don't think that we
21 would have experienced those unfortunate events up to 24 March 2013, because there
22 was a lot of money injected into the coffers of the DDR at that time, but the process
23 was not reliable at all. That is why all the politicians and even members of
24 the population in general were totally dissatisfied with the DDR process.
25 Currently, we hear very few complaints because there is a strict monitoring system in

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1 place between the ministry in charge of the DDR, MINUSCA, and the friends of the
2 CAR. So there is a control system and we are progressing gradually in order to
3 achieve the results expected by Central Africans.

4 PRESIDING JUDGE SCHMITT: [11:00:49] I think we can, can follow these
5 explanations very well.

6 Perhaps one final question before the break.

7 Was at the time we are speaking of, 2013, for example, was there any attestation or
8 certificate given to the people who have been disarmed, so to speak, after they have
9 given up their weapons? Any attestation or certificate that could prove this, for
10 example?

11 THE WITNESS: [11:01:24](Interpretation) Mr President, in principle, when people
12 take part in this process, there should be an attestation of training. I'm speaking
13 particularly about myself. I came back in 2012, so I am really not familiar with that
14 mechanism.

15 PRESIDING JUDGE SCHMITT: [11:01:59] Thank you very much.

16 I think we have now the break and reconvene 11.30.

17 THE COURT USHER: [11:02:05] All rise.

18 (Recess taken at 11.02 a.m.)

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

20 THE COURT USHER: [11:31:10] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:31:34] Ms Dimitri assumes correctly that she has
23 still the floor.

24 So please proceed.

25 MS DIMITRI: [11:31:44] Thank you, Mr President.

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1 Q. [11:31:47](Interpretation) Mr Kokaté, can you hear me?

2 Mr Kokaté, can you hear me?

3 A. [11:32:02] Yes, I do hear you, Counsel.

4 Q. [11:32:07] There's a -- we've both been reproached for speaking too quick, so
5 count three seconds before answering a question.

6 A. [11:32:19] That's fine, Counsel.

7 Q. [11:32:23] Before I continue on the subject which we were talking about before
8 the break, some clarification. You mentioned Demafouth in the events, in the Fatima
9 events.

10 Mr Kokaté, is it correct that we are talking about the incident that happened in
11 the church of Fatima when Samba-Panza was in power where she called it or
12 qualified it as an act of terrorism; is that correct?

13 A. [11:32:58] Yes, Counsel. During that incident, the minister of the interior at
14 that time decided to arrest Mr Demafouth.

15 PRESIDING JUDGE SCHMITT: [11:33:11] Perhaps, because not everybody might be
16 aware at the moment what we are talking about, what is your knowledge of what
17 happened at this incident? Can you tell us, briefly. Or what has been brought to
18 your attention what has happened?

19 THE WITNESS: [11:33:42](Interpretation) Mr President, what I heard was that
20 people were in the church -- it was in the church. There was a priest who was giving
21 a sermon inside the church. There was some people who arrived and opened fire on
22 the Christians. There were some deaths. It was an incident which everyone
23 regretted and deplored. After that incident, the minister of the interior at that time,
24 particularly with the information that was given to him, decided to arrest
25 Jean-Jacques Demafouth, and the transitional head was against the arrest. So that, in

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1 short, is my understanding of that incident.

2 PRESIDING JUDGE SCHMITT: [11:35:13] Thank you for this information.

3 Ms Dimitri, please proceed.

4 MS DIMITRI: [11:35:20] Thank you, Mr President.

5 Q. [11:35:23](Interpretation) Mr Kokaté, I would like to show you a document, once
6 again a report. Tab 24, CAR-2300-003 -- 2023-0032, page 0061. It is the same report
7 we talked about yesterday, namely an expert group from the United Nations in 2014
8 who went to CAR and made some statements and observations. I'll read you
9 a paragraph and then I'll ask you some comments as regards your personal
10 understanding of events.

11 A. [11:36:19] That's fine.

12 Q. [11:36:21] Page 0061, paragraph 140, if you don't mind.

13 (Speaks English) "All the revolution and justice military commanders interviewed by
14 the Panel, who were members of the *Armée populaire pour la restauration de la démocratie*
15 (APRD) of Jean-Jacques Demafouth, a close advisor of the Central African
16 Transitional Head of State, confirmed that they were under the command and control
17 of, and receiving continuous financial support from, the leader of *Révolution et justice*
18 in Bangui, the Central African Minister of Youth and Sports Armel Bedaya Sayo."

19 (Interpretation) Mr Kokaté, I'm going to ask you some questions on what I've just
20 read out.

21 According to your understanding and the information that you received, is it correct
22 that the combatants of APRD of Jean-Jacques Demafouth, after the disarmament they
23 formed a new group called Revolution and Justice?

24 A. [11:38:11] Counsel, what I can tell you, when there was disarmament with
25 Demafouth, I was outside the country.

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1 As I said before, I told you something of the process of disarmament, you
2 dis -- you -- you disarmed and then the procedure is one that we have to identify
3 the combatants.

4 All I can tell you, I think that Demafouth is very close to the minister -- to
5 the -- Sambo -- Sayo and they are very close.

6 The armed groups in CAR --

7 THE INTERPRETER: [11:39:29] Sorry, Inaudible.

8 THE WITNESS: [11:39:33](Interpretation) *These elements of the armed groups in
9 this country, in the Central African Republic, given that they were not being
10 controlled, they could leave one group on one day and join another group. This is the
11 information that we sometimes received. And that was because it was practically the
12 same individuals who had belonged to one group, and who then found themselves in
13 a different group the next day. This means that today what's happening in the DDR is
14 to identify all the ex-combatants who have surrendered their arms in order to avoid
15 them joining another armed group. The question you've put to me has a reason for
16 being asked, but I cannot tell you for certain that these incidents, these elements went
17 there and they are the same elements of the APRD with Sayo.
18 I don't know if I've answered your question.

19 MS DIMITRI: [11:40:45](Interpretation)

20 Q. [11:40:45] Thank you, Kokaté. Now I understand partially your answer that
21 you weren't there at that time. But the present, when you were there, and I
22 understood that you were responsible for the disarmament of all combatants, be they
23 Séléka or Anti-Balaka or other groups. So in 2014, as far as you're aware, is it correct
24 that there was an armed group on the ground called Revolution and Justice?

25 A. [11:41:21] Yes, in 2014, when going to the forum in Brazzaville, we learnt that

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1 the head of Revolution and Justice, Sayo, was -- or, rather, he left his bases and went
2 with his men to Bangui.

3 And I think there was a meeting between Mr Sayo and Demafouth, also with other
4 organisations, for example, MISCA and MINUSCA. *And then a decision was taken,
5 at that point, to include Sayo's name on the list of participants in the Brazzaville
6 Forum, and so he traveled to Brazzaville.

7 Q. [11:42:36] According to the information which you had, the (unclear), be it in
8 the forum of Brazzaville or other circumstances, Revolution and Justice was an active
9 armed group in 2013, 2014?

10 A. [11:42:54] Information which I received said that it was an armed group which
11 was active, *...given that they themselves were making statements on social media.
12 That's my answer, Counsel.

13 Q. [11:43:22] Thank you, Mr Kokaté. And then you explained Sayo, close to
14 Demafouth, became the head of R&J, according to the information you received. Is it
15 correct that Sayo became minister under Samba-Panza?

16 A. [11:43:43] Yes, after the Bangui forum he became minister under Samba-Panza.

17 Q. [11:44:00] Thank you.

18 (Speaks English) Mr President, I don't know if it's me, but I'm having a hard time
19 hearing the witness. There is a lot of interruption. The connection is not good or
20 it's my, my earphones, but it's very difficult to concentrate on his answers.

21 PRESIDING JUDGE SCHMITT: [11:44:17] Well, we can try to improve. Yeah, yeah,
22 we are in the process, so ...

23 MS DIMITRI: [11:44:23] Thank you. I'll continue in the meantime, but ...

24 PRESIDING JUDGE SCHMITT: [11:44:27] Yeah, please do that.

25 MS DIMITRI: [11:44:38](Interpretation)

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1 Q. [11:44:39] Is it correct, Mr Kokaté, that when Armel Sayo became minister
2 Demafouth was still advisor of Samba-Panza?

3 A. [11:44:56] That's correct, Counsel. He was advisor from the beginning to
4 the end of the transition, Mr Demafouth.

5 Q. [11:45:05] As far as you are aware, and I am asking you for an answer, that is
6 information which came to you or documents you received or conversations you had,
7 as far as you are aware, is it correct to say that Jean-Jacques Demafouth used some
8 R&J combatants to create trouble and cause disruption in the transitional
9 government?

10 A. [11:45:48] This is a very tricky question. It's difficult because I wasn't really in
11 contact with Sayo. I don't know how his movement worked. All I know is that he
12 had good relationships with Mr Demafouth, although personally I didn't have good
13 relationships with Mr Demafouth.

14 Q. [11:46:29] Do you recollect or name -- or a combatant called Jean-Jacques
15 Larmassou?

16 A. [11:46:54] *I think that I've heard that name *Larmassou. He was one of the
17 commanders of the APRD. This is because I think he was making many statements on
18 behalf of the APRD.

19 THE INTERPRETER: [11:47:16] Inaudible.

20 MS DIMITRI: (Interpretation)

21 Q. [11:47:20] You've got a *good memory, Mr Kokaté. Concerning Jean-Jacques
22 Larmassou, I will try to refresh your memory a little bit more. Tell me if I'm correct or
23 not. Larmassou, indeed, under APRD was sentenced to life imprisonment, but he
24 was released in 2013 and 2014; is that something you recollect?

25 A. [11:47:45] I think so, yes. I think, yes.

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1 Q. [11:47:58] Do you recollect that in 2013, 2014 he launched grenades in refugee
2 population in the area of Gobongo?

3 A. [11:48:12] I don't really remember, but all I can tell you is that there were
4 troubles. That I can confirm. There were trouble during that period. There were
5 grenades thrown onto the civilian population, which we deplored. There was a lot
6 of trouble. The people who had the grenades, who came and went, and they were
7 sought by the police, the gendarmerie and MINUSCA.

8 Q. [11:49:11] Can you recall, you talked about 12 Puissances. Do you remember
9 that Jean-Jacques Larmassou was stopped by the Colonel 12 Puissances?

10 A. [11:49:28] I don't know, because at that time I wasn't in Bangui. During that
11 period I don't really know what happened. I was in Nairobi. I really don't know,
12 frankly speaking. I know at that time there were many abuses. You always had to
13 talk to the ex-combatants to stop doing that.

14 Q. [11:50:03] Thank you. My question is more specific. If you don't know, just
15 tell me that you don't know. But did you hear it said that Jean-Jacques Larmassou in
16 2014 -- I'm not asking you for the date or the period, but only want you -- to know,
17 did you know whether Jean-Jacques Larmassou was stopped by Colonel
18 12 Puissances?

19 A. [11:50:32] I haven't got that information. I don't have that information.

20 Q. [11:50:50] Nevertheless, do you have information, or did information reach you,
21 that Jean-Jacques Larmassou in 2014 was funded or supported by Demafouth to carry
22 out abuses?

23 A. [11:51:03] All that I know is that he was trusted by Demafouth and he was very
24 close to Mr Demafouth.

25 Q. [11:51:25] Amongst the information that you have available to you, be it

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1 information you received directly or indirectly, are you aware that members of R&J in
2 2014, or even December 2013 launched attacks on refugees?

3 I'll be more specific. Sorry. Just one moment, Mr Kokaté.

4 The members of R&J or the group of Larmassou launched attacks on to civilians and
5 demanded information or did this on behalf of Anti-Balaka. Do you know anything
6 about that?

7 A. [11:52:26] I think -- I think that I did get that type of information. I think so.

8 Because at a point in time the situation was very confused. There were elements that
9 behaved very negatively and we had to tell the Anti-Balaka. I remember, roughly,
10 this period where we denounced the behaviour of those people. If I'm not mistaken,
11 we did talk about that and I heard people speak about this.

12 Q. [11:53:29] Just to confirm, when people denounced Larmassou's behaviour, if I
13 understand your answer correctly, they attributed Larmassou incorrectly as
14 belonging to the Anti-Balaka?

15 A. [11:53:48] I think this subject was dealt with, and there was a question of
16 shedding light on the behaviour of people who were carrying out abuses in the name
17 of Anti-Balaka.

18 Q. [11:54:12] Thank you. And if we go back to the Minister Sayo, if my
19 information is correct, Minister Sayo was kidnapped when you were in the -- in
20 Nairobi in the forum; is that correct?

21 A. [11:54:32] Yes, that's correct.

22 Q. [11:54:39] If am correct, you yourself received telephone calls to try and
23 intervene and liberate Minister Sayo; is that correct?

24 A. [11:54:55] That's correct. Let me give you an explanation.

25 Q. [11:55:03] Just wait for my question. Just wait for my question first.

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1 A. [11:55:08] Okay.

2 Q. [11:55:10] Thank you. You can give your explanation later. Am I correct in
3 saying - and perhaps you didn't know that at that moment but learnt it later - that his
4 kidnapping was orchestrated?

5 A. [11:55:33] As I was absent and I wasn't in Bangui, all that I learnt *is that he was
6 stopped and abducted in front of a church. I think it was in front of the church
7 either as he went in or he left the church. That's all I know. But I wasn't in Bangui,
8 Counsel. That's all I can tell you. I was in Nairobi.

9 Q. [11:56:03] I understand that, Mr Kokaté. I'm not asking you what you saw, but
10 I understood that you had a role to play in trying to release him and put an end to his
11 kidnapping. So we -- they called you and you probably also made some phone calls
12 and carried out some enquiries. So what I'm asking you today, with the passage of
13 time, with everything you've learnt about the kidnapping of Minister Sayo, is it
14 correct to say that his kidnapping was orchestrated, and perhaps even with
15 the participation, directly or indirectly, of Mr Jean-Jacques Demafouth?

16 A. [11:56:52] I learnt that his kidnapping was organised, orchestrated. So when I
17 returned to Bangui, that's what I learnt. I didn't really look any further than that.
18 And in the circles in Bangui it was said that it was organised, that it was orchestrated.

19 Q. [11:57:29] Did you learn that Demafouth was in one way or another involved?

20 A. [11:57:36] As regards Mr Demafouth, it's true I didn't have very good
21 relationships with him. But his name was -- came up, so his name came up. But
22 since personally I didn't have any very good relationships with him, I didn't really
23 look into it any further, and I didn't try and find out more.

24 Q. [11:58:17] Thank you. A final question on that subject. When you say his
25 name came up, the name came up, how did it come up?

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1 A. [11:58:31] People said, even with the arrest of Sayo, you have to be careful,
2 because Demafouth is everywhere, Demafouth is everywhere. That's what people
3 said. I learnt that. And also he was very powerful. So I didn't really want to find
4 out more because he was very powerful.

5 Q. [11:59:01] Thank you, Mr Kokaté. You, who followed Central African politics
6 for a long time, can you recall that in 2012 - I know you were outside the country - do
7 you remember that in 2012 Demafouth was suspected of organising a coup d'état
8 against Bozizé and he was detained for a certain period?

9 A. [11:59:27] I don't really know, but I do know that 2012, because I came back in
10 the second semester of 2012, I know Demafouth and Bozizé were friends going back
11 a long time. They knew each other well. I also know there were some suspicions as
12 regards Demafouth. *But when I saw him was when I returned to Bangui, but I don't
13 remember whether he had been briefly arrested and then released. But when I arrived
14 in Bangui I saw him, and he was in a vehicle of BINUCA, or something like that or the
15 United Nations. I think also he had a position over there. I don't really know. That's
16 it. I don't really know if I've answered your question, but I know that he had
17 a stressful relationship with Bozizé.

18 Q. [12:00:46] Thank you, you've answered partially. Now I want more specific
19 information.

20 In 2014 did you hear it said, because I read in some documents provided by
21 the Prosecution, that in 2014 did you hear it being said that Demafouth, with or
22 without the help of Larmassou, tried a coup d'état vis-à-vis Madam Samba-Panza?

23 A. [12:01:19] Yes, I heard of that. People who were close to Samba-Panza were
24 talking about it. If General Wangao, the minister of interior of that time, tried to
25 arrest him, even though he was of the president's family, it means that the minister of

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1 interior had very specific information in order for him to try to arrest a minister who
2 was an advisor at the presidency.

3 Q. [12:01:57] Thank you, Mr Kokaté. Can you kindly elaborate in relation to what
4 you heard about the attempted *coup d'état* by Demafouth against
5 President Samba-Panza.

6 A. [12:02:17] Those of us who know Jean-Jacques Demafouth, we know that he had
7 one ambition, and his ambition was to become head of state by all means possible.
8 So all the manipulations that he carried out at the time was to achieve his objective.
9 I also heard that he was entering into contact with Anti-Balaka and the Séléka to
10 create chaos in the town. I think that when the transitional president travelled out of
11 the country at one point, after her return there was unrest in the town. And all this
12 was attributed to Jean-Jacques Demafouth.

13 Q. [12:03:38] Thank you, Mr Kokaté.
14 We are going to move to something else. We spoke earlier about the DDR process.
15 You gave us some very useful information.
16 Now, one last question: In 2014, when the leaders were handing in the lists of their
17 fighters or combatants to take part in the DDR, would I be correct to say that an
18 individual on the list could eventually receive benefits from the DDR which are not
19 limited to monetary benefits?

20 A. [12:04:51] Your question is correct, but I would like to clarify. The manner in
21 which the DDR process had been set up during the transitional period is or was
22 totally different from what is happening today.
23 At that time, not only was it not possible to have enough resources to carry out
24 the process, but it was very difficult to identify the men themselves. People
25 submitted lists, but you actually needed to see the people. Contrary to what is being

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1 done today, we have to actually identify the individuals.

2 Q. [12:06:01] Thank you, Mr Kokaté. One last question.

3 Now, during that period, as far as you know, since you were the advisor responsible
4 for the DDR, is it true that many civilians, members of the families of combatants, for
5 example, would insist to have their names on the lists because they also wanted to
6 profit from the benefits of the DDR.

7 PRESIDING JUDGE SCHMITT: [12:06:37] Before you answer, Mr Vanderpuye is
8 rising.

9 MR VANDERPUYE: [12:06:42] Yes, Mr President. The question calls for what I
10 would describe as nothing more than speculation. She hasn't identified any
11 particular family, particular person, particular region. In addition to the references
12 to *les Centrafricains* and *aux populations*, that just is -- just calls for rife speculation here.
13 If she can -- if she can refine the question, I don't think there's a problem though.

14 PRESIDING JUDGE SCHMITT: [12:07:04] Yeah, I think you -- I think you can do
15 that. You can simply -- with refining, what I think Mr Vanderpuye means is if he
16 has concrete information about concrete people. He has a point here, because it's
17 really very broad, what you ask the witness.

18 MS DIMITRI: [12:07:24] I'll do so, Mr President.

19 Q. [12:07:30](Interpretation) Mr Kokaté, did you receive any concrete information
20 indicating that there were people included in the DDR list whereas they had never
21 been combatants?

22 A. [12:07:52] We had such information that we received.

23 Now, in order to answer your question precisely, I can say that the lists were received
24 and sometimes you would have a very long list. But when the time came for
25 practical decisions, you would realise that the actual numbers were very few. So I

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1 think that people added names to the lists.

2 But I can speak more about the current DDR process in which I have a responsibility
3 as a resource person and I have concrete information. Because what was done from
4 2008 to 2014, I don't have information about that. Even in 2014, when I was an
5 advisor responsible for DDR, there was not -- we did not have a structure like the one
6 we have today.

7 I don't whether I have answered your question.

8 PRESIDING JUDGE SCHMITT: [12:09:30] I think, Ms Dimitri, you can move to
9 another subject.

10 MS DIMITRI: [12:09:34] I was about to do so, Mr President. Thank you.

11 Q. [12:09:37](Interpretation) Mr Kokaté, thank you for your answer.

12 I have a few questions relating to 5 December. I know that you were outside of the
13 country, but as you said yesterday, you have that country at heart. You received
14 information from colleagues, family members, friends.

15 Now, amongst the things that you heard in 2013, and even in 2014 when you returned
16 to the country, did you hear that the -- that Chadian soldiers colluded with Séléka in
17 reprisal attacks?

18 A. [12:10:34] All I know is that there was a very strong anti-Chadian feeling in our
19 country. Central Africans were saying that Chadian soldiers were actively
20 participating in the skirmishes or fighting between the Séléka and the Anti-Balaka
21 and that the Chadians provided military support to the Séléka. This was general
22 information circulating amongst Central Africans. I think that had a direct
23 consequence on the transition. Chadian troops were compelled to pack their bags
24 and return to Chad because it was difficult to have cooperation with them.

25 Q. [12:11:38] Thank you, Mr Kokaté. Did you hear that Chadian FOMAC soldiers

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1 distributed weapons and armbands to Séléka fighters?

2 A. [12:11:59] Practically all Central Africans were talking about that. I think this is
3 part of what caused the anti-Chadian feeling that later led to the withdrawal of the
4 Chadian *contingent from MIN military from the FOMAC or MISCA contingent.

5 Q. [12:12:23] You have talked about the discontent of the Central African
6 population. I would like us to talk about the Central African population and
7 Christians.

8 Do you remember a statement by Abakar Sabone in December 2013 when you were in
9 France? He said *nothing was being done by MISCA to protect the Muslim -- rather
10 "if nothing is done by MISCA to protect the Muslim population against the Christians,
11 all Muslims will retreat in a week.

12 A. [12:13:14] Counsel, I heard that statement. And in answer to your question by
13 the president, I said that when Abakar Sabone made that statement, I myself, I called
14 him and I reminded him that we were a secular country and that his statement was
15 unwelcome and he should not seek to divide the country between Muslims in
16 the north -- north, and Christians in the south. He gave me an answer and I think I
17 relayed that answer to you.

18 Q. [12:14:00] Thank you, Mr Kokaté. Now let us focus on the anger of the Central
19 African Christian population in light of everything that happened. We talked about
20 the partiality of the FOMAC soldiers, the conduct of certain fighters.

21 Do you remember that in January 2014 some Muslims left PK5 and went to
22 neighbouring countries, Chad or Cameroon, because of the anger of the Christians?

23 A. [12:14:55] What I remember is that when I was working for the prime minister
24 in his office, the prime minister convened us to a meeting, including Minister
25 Djono Ahaba who was present. He told us clearly that the Muslims of PK5 had

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1 expressed the wish to leave the town to relocate to the north of the country,
2 specifically at Bambari. That was a wish that the Muslims expressed.
3 A meeting was organised at the prime minister's office. The OIM was invited, so
4 they were present in that meeting. They were the ones that organised the convoys of
5 those Muslims who had requested to leave Bangui to go to PK5.
6 It is true that some members of the government did not agree with this relocation.
7 Some colleagues told me that it was not a good strategy, and I think they were not
8 wrong. But that is something that I know as concrete information.

9 Q. (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

11 MR VANDERPUYE: [12:16:56] I'm sorry, and I don't mean to interrupt. There's
12 two -- two issues. One is with respect to the speech that was given or the talk that
13 was given by Abakar Sabone, which does not appear to be reflected in the transcript
14 as you described it.

15 The second thing is in relation to the witness's answer just now, which is reflected as
16 Muslims leaving in convoys Bangui to go to PK5. So I'm not sure if that is correct or
17 not, but it struck me as odd, I thought I would bring it up immediately.

18 PRESIDING JUDGE SCHMITT: [12:17:30] I think that's not a classical objection, so
19 to speak. But of course I also wondered a little bit what -- that is, what relevance I
20 am concerned about. But what is always good if we have the same information here
21 on the bench too. So what exactly Mr Sabone said would of course be of interest
22 then so that we can also put into perspective the answer of the witness much better.
23 So, in the future, or perhaps we carry -- you have it somewhere, or we can at least put
24 it on the record.

25 MS DIMITRI: [12:18:05] Yes, Mr President. If I can come back with the ERN after

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1 the break, would that be okay?

2 PRESIDING JUDGE SCHMITT: [12:18:10] That -- we have done this with
3 Mr Vanderpuye several times. Which is not -- it's absolutely okay. We have to say
4 these questionings are very well prepared by the parties and with the documents, and
5 it is inevitable that you don't have everything always available, so it's fine.

6 MS DIMITRI: [12:18:28] But I think, if I'm not mistaken, you are raising a translation
7 issue.

8 MR VANDERPUYE: [12:18:36] It's a translation issue. I think -- I think counsel
9 spoke perfectly. And it's just not reflected in the transcript.

10 PRESIDING JUDGE SCHMITT: [12:18:39] But I have an issue.

11 MR VANDERPUYE: Yes. Yes. Of course. Of course. Yeah.

12 PRESIDING JUDGE SCHMITT: So I don't say that you are wrong, but I picked it up,
13 and I have an issue here. And not a big one, nothing to -- as I said, nothing to get
14 excited about or whatsoever, or even agitated. But if you give the ERN number after
15 the break.

16 MS DIMITRI: [12:19:03] Thank you, Mr President.

17 Q. [12:19:11](Interpretation) Mr Kokaté, thank you for your answer. Let me focus
18 on one aspect, the Christian civilian population. There are videos in which Christian
19 civilian populations are attacking Muslims and mosques. My question is very
20 specific.

21 Now, to your knowledge, the convoys of Muslims leaving to go to PK5 or who left
22 PK5 to go to the north of the country or outside of the country, do you agree with me
23 that the Muslims were leaving because the Christian civilian population had become
24 very angry and uncontrollable?

25 THE WITNESS: [12:20:21](Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [12:20:18] (Overlapping speakers) Wait a second
2 with your answer. Excuse me to interrupt you. We just have an -- I don't know if it
3 is an objection. We will hear.

4 MR VANDERPUYE: [12:20:29] Objection, and the objection is that it calls for
5 a completely speculative answer. To ask a witness to explain why a population acts
6 in a particular manner I think can only, can only elicit (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [12:20:44] Yeah. You know the -- the limits and
8 the frontier, so to speak, between speculation and asking for speculation and asking
9 for information are -- are not clear. Yeah. So it would be pure speculation if we did
10 not -- cannot assume that the witness cannot have any knowledge about it.

11 But the witness we have here, Mr Kokaté, is an experienced, high-ranking politician
12 for a long time. He might have information. And he is also -- he has shown in
13 the past days that he understands every subtones of the questions also. And when
14 he doesn't -- cannot say something out of his own knowledge, he will tell us. So I
15 would simply say we let it pass like that.

16 And, Mr Kokaté, you have heard me. If you have information that could help here,
17 you can provide us with. If you say, okay, that's -- that's too much away from what I
18 clearly know, you also tell us.

19 THE WITNESS: [12:22:04](Interpretation) Mr President, I will give you an example.
20 In the 7th arrondissement of Bangui town, specifically in the Ngaraba neighbourhood,
21 we heard that the inhabitants of Ngaraba neighbourhood went and destroyed
22 the mosque. They destroyed a mosque. That was during the events.

23 Mr President, I would like to confirm, confirm that people were nervous. People
24 were irritated, angry. Maybe I didn't quite understand counsel's questions relating
25 to Sabone's statement. But there was a lot of information being received that

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1 the Christian population was reacting against the Muslims. There was friction
2 between the Christians and the Muslims. This was a general situation that was well
3 known.

4 In my first statement that I gave in N'Djamena, Mr President, I asked Central African
5 Christians to not attack Muslims. To stop attacking them. To provide them help, to
6 give them food and water. That they are brothers. We are in a secular country and
7 we should not attack Muslims.

8 I believe that I made that statement from N'Djamena in January 2014. And if I
9 such a statement, Mr President, it is indeed because such a situation existed. I
10 discussed with General Mokoko, who was there and who provided information to me.
11 *So we had to do everything to avoid feelings of hatred and rejection between
12 Muslims and Christians. I indeed had received such information Mr President and I
13 can confirm to counsel that there was indeed a feeling of anger. But I returned to the
14 country in January 2014. I don't know if I have answered counsel's question.

15 PRESIDING JUDGE SCHMITT: [12:24:59] I think we could move to the next
16 question, I would say. I would suggest it, to say it this way.

17 MS DIMITRI: [12:25:06] Thank you, Mr President.

18 Q. [12:25:09](Interpretation) Thank you, Mr Kokaté.

19 I will go on to another subject. Since you were in charge of all combatants, Séléka,
20 Anti-Balaka, Revolution and Justice, and other groups as advisor in the PM's office, I
21 would talk about Boeing. Tab 51, *CAR-OTP-2024-0447. I want you to identify an
22 individual.

23 Can you see the photograph, Mr Kokaté?

24 A. [12:26:23] Yes, I can see the photo, counsel.

25 Q. [12:26:29] Thank you. The article states that this individual had a base in

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1 Boeing in January 2014.

2 Can you confirm that this is Sébastien Wenezoui, the individual who is seated there?

3 A. [12:26:52] Yes, it is Sébastien Wenezoui.

4 Q. [12:26:56] According to the information you received, did Sébastien Wenezoui
5 have a base in Boeing in January 2014?

6 A. [12:27:09] Yes, Counsel. In January 2014 I had information that he had a base,
7 that I think he talked about it in my office, at the prime minister's office, and
8 the transitional authorities were also informed. There was direct contact between
9 him, the prime minister, the president and even MISCA authorities.

10 Q. [12:27:43] Thank you, Mr Kokaté.

11 (Speaks English) I'm too fast. Sorry.

12 PRESIDING JUDGE SCHMITT: [12:27:46] Again, you also should allow yourself
13 two or three seconds, because really I -- I said yesterday already, I admire
14 the interpreters. They are really trying to catch up. But I think simply wait just one
15 or two seconds because it is clear you are listening to the original, so that that's
16 the difference.

17 But the -- our interpreters are really brilliant. But really, that they have -- that they
18 have in real time, meaning really real time, I think that's -- that will not be possible.

19 MS DIMITRI: [12:28:22] Thank you, Mr President.

20 I apologise to the interpreters and I'll ask my team to continue to give me yellow
21 cards so I can slow down.

22 PRESIDING JUDGE SCHMITT: [12:28:30] No red cards, but yellow cards will be
23 enough I think.

24 MS DIMITRI: [12:28:37]

25 Q. [12:28:39](Interpretation) Mr Kokaté, I have another document to show you.

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1 It is tab 48, CAR-OTP-2039-0031. And we will start on page 0038. I don't expect
2 you to know that document. It is a document containing a list of Anti-Balaka with
3 different bases. And on that page that you see on the screen, there is "Base Boeing 2",
4 and the chief there is "Kota Oko Jean Richard". Boeing 2 is part of Boeing; is that
5 correct?

6 A. [12:29:48] Yes, I know there is Boeing 1 and Boeing 2. But I have never been to
7 that base, even a single time.

8 Q. [12:30:03](Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [12:30:04] If you can help us, Mrs Dimitri --

10 THE WITNESS: [12:30:05](Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [12:30:05] Excuse me --

12 THE WITNESS: [12:30:08](Interpretation) It is a list that I have just seen.

13 PRESIDING JUDGE SCHMITT: [12:30:13] So the witness has something in common,
14 of course, with the bench here.

15 Can you provide us with information what kind of -- of course, we see what the list is,
16 Anti-Balaka, Bangui, yeah, we understand that. But do you know when it was
17 fabricated, for example, for the background of this list? So that we can -- so that we
18 know what -- especially what time we are speaking about. And who has fabricated,
19 if you know, the list.

20 MS DIMITRI: [12:30:48] I think it's going to come up, Mr President, with a witness
21 that's coming -- if my memory serves me well, with a witness that's coming up quite
22 soon. He has more information on when it was fabricated. But I could provide you
23 with the information when I come back after the break.

24 PRESIDING JUDGE SCHMITT: [12:31:06] That would be good --

25 MS DIMITRI: [12:31:07] Yes.

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1 PRESIDING JUDGE SCHMITT: [12:31:07] -- because then we have it now.

2 Perhaps even Mr Vanderpuye might know it immediately. No, no. Okay, I would
3 not say this was an idle hope, but no. Yeah, so you have two informations to
4 provide us with when we come back.

5 MS DIMITRI: [12:31:30] Yes.

6 Q. [12:31:33](Interpretation) Mr Kokaté, on this list, if I understand correctly, there
7 is Boeing 1 and Boeing 2. Now I will take you to Boeing 1.

8 But for the attention of the judges, page 0042, there is a list on Boeing 1.

9 But I want to ask you a question on this document, page 0045. Towards the bottom
10 of the page, please. You can see there "Base Aeroport" and the name of a leader and
11 his elements.

12 My question is very simple, Mr Kokaté. Aeroport, that's the airport, it is also in
13 the Boeing sector; is that correct?

14 A. [12:32:37] Yes, as far as I know.

15 Q. [12:32:40] I'm going to show you a small video now, tab 42. And just for your
16 information, I don't expect you have seen the video. I just want to ask you to help us
17 help the Court to pinpoint the location where this takes place.

18 So could you confirm the place of the video?

19 A. [12:33:17] Yes, I understand what you're saying.

20 Q. [12:33:20] Thank you. So it's 42, CAR-OTP-2066-5310, and we are looking 1:08
21 to 1:35 or 37.

22 For the interpreters, the transcript is tab 43, CAR-OTP-2127-4501. And you also have
23 a translation in tab 44, CAR-OTP-2127-4590 -- 89.

24 And if you could go onto the French channel, that would be very helpful.

25 (Viewing of the video excerpt)

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1 MS DIMITRI: [12:36:30](No interpretation)

2 (Viewing of the video excerpt)

3 MS DIMITRI: [12:38:10](Interpretation)

4 Q. [12:38:10] *You have seen the video, Mr Kokaté in which there is a certain
5 individual in charge, Amadou Moussa, and his elements. My question is very simple,
6 this is the Boeing sector that we see there?

7 A. [12:38:22] Yes, that is the Boeing sector.

8 Q. [12:38:29] I don't know whether you were able to see. Are we close to
9 the airport, if I am correct?

10 A. [12:38:37] Yes, it's not very far from Boeing. The airport's not very far from
11 Boeing.

12 Q. [12:38:44] So we are in Boeing, southwest of the airport; is that correct?

13 A. [12:38:59] I think so. I think it's in that sector there.

14 Q. [12:39:04] Thank you, Mr Kokaté.

15 We can now remove the video.

16 We'll now move on to my final subject, Mr Kokaté.

17 I would like to talk about Boda. You gave a lot of details yesterday, so don't repeat
18 things that you've already mentioned. All I'd like to do with you is some further
19 clarifications. I also would like us to understand what happened, because we didn't
20 hear that yesterday.

21 *So I want to understand what happened in Boda before the prime minister zapayeke
22 sent you on mission. So I'm going to have a few questions, more specific questions on
23 that. I've almost finished, so you're going to see that my questions will only require
24 "yes" or "no". If you want to give details, that's fine, but don't repeat what you said
25 yesterday, so that we can finish before lunch, if possible.

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1 Is that all right?

2 A. [12:40:22] Fine, Counsel.

3 Q. [12:40:32] Twice yesterday you said at the end of the mission, because it's
4 the prime minister who mandated you on this official mission, that you reported back
5 to him. So if I understand correctly, Mr Nzapayéké followed closely what was
6 happening on the mission.

7 So my question is, *he knew that Mr Ngremangou had not come, and he knew that
8 the two other individuals whom he himself appointed, namely Mr Yekatom and
9 Kamezolaï, were present with you on the mission to Boda?

10 A. [12:41:19] That's correct, Counsel.

11 Q. [12:41:22] I'm going to have you listen to audio *where you are heard talking to
12 journalists, giving a report of your official mission to Boda. But before that, I have
13 some questions I'd like to put to you.

14 Yesterday we saw a mission order. For the records, CAR-OTP-2100-1699, tab 63 of
15 the OTP binder.

16 My question is very simple, during yesterday's -- we saw the signature of Nzapayéké
17 which we saw on that; is that correct?

18 A. [12:42:14] Yes, that is the signature of Nzapayéké.

19 Q. [12:42:24] *And it is he himself who handed you the mission order that he had
20 asked to be prepared?

21 A. [12:42:31] * Yes. I was the leader of the mission. He received me and handed me the
22 mission order ... a copy of the mission order and I went back to him after the end of
23 the mission

24 Q. [12:42:43] My questions are very simple, all you need to say is "yes" or "no".

25 In the office of the prime minister, before you left for the mission, you explained that

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1 there was a meeting between the prime minister, you, Mr Kamezolai and Yekatom?

2 A. [12:43:07] Yes.

3 Q. [12:43:08] Is it correct that on that day during that meeting, it was the first time
4 that the prime minister met Mr Yekatom, because he even commented that he is
5 surprised at the physical appearance of Mr Yekatom; is that correct?

6 A. [12:43:28] I think so. I think so. I think so, that's possible.

7 Q. [12:43:36] Thank you, Mr Kokaté.

8 In the office of the prime minister, I understand that you were present when there
9 was a discussion on the aims of the mission, and you were discussing the mission,
10 and the prime minister expressed his willingness of the Boda mission. He spoke to
11 you, Kamezolai, Yekatom.

12 Is it correct that all the discussion related to the mission in Boda and the aim of social
13 cohesion and peace between Muslims and Christians; is that correct?

14 A. [12:44:17] Yes, that's correct.

15 Q. [12:44:31] Can you remember, Mr Kokaté, in 2019 you met my two colleagues,
16 Mrs Wittingham, Maître Tiangaye in the presence of the OTP, and the recording was
17 made of the interview?

18 A. [12:44:43] Yes, I remember there was a recording that was made.

19 Q. [12:44:52] Can you confirm that, at the time when the recording was made, you
20 said that -- and it's not proof, so that's why I would like you to say "yes" or "no". Is it
21 correct that you indicated that *Mr Yekatom effectively cooperated so that there
22 would be peace in Boda and that he accompanied you on that mission in March 2014,
23 is that correct?

24 A. [12:45:17] Yes, that's correct.

25 Q. [12:45:25] Mr Kokaté, is it correct to say that Bara was never part of this?

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1 A. [12:45:38] Yes, that's correct. Because he was not included in the order of the
2 mission.

3 Q. [12:45:52] If I understand you correctly, when the transitional president
4 Catherine Samba came to power, the situation in Boda was calm. There was no
5 problems between the Christians and Muslims. There were no Anti-Balaka. Boda
6 was calm, 23, 24, 25 January; is that correct?

7 A. [12:46:18] Yes, that is correct. *Boda was calm when Catherine Samba-Panza
8 was sworn in on 24 January.

9 THE INTERPRETER: [12:46:33] Sorry, 23 January.

10 MS DIMITRI: [12:46:38](Interpretation)

11 Q. [12:46:39] Mr Kokaté, I read some pages and listened to radio communications
12 of the efforts you made for pacification and to try and calm down the situation in
13 Boda. Have I understood correctly that the Boda crisis started with the departure of
14 the Séléka *on 28 January 2014, do you agree with that?

15 A. [12:47:07] Yes, I agree with that.

16 Q. [12:47:13] I'm now going to let you hear your statements on the radio. You
17 talked about your Boda mission, but you didn't say anything about what happened
18 before. So I'd like you to listen to this, when you had your conference with
19 the journalists.

20 So we're going to listen to your radio message. It's page 32, OTP-2042-3864. We're
21 going to listen to it in its entirety. For the interpreters, the transcript is on 33 and it's
22 D29-0006-0053.

23 Mr Kokaté, can you listen carefully, because afterwards I'm going to ask you
24 questions because I want to have an understanding of the situation.

25 PRESIDING JUDGE SCHMITT: Well, until now we don't receive ...

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1 THE INTERPRETER: [12:48:51] (Interpretation of the video excerpt) The Christians,
2 who had the time to explain to us why they no longer wanted to cooperate with
3 the Muslims, initially they said they are locals from Boda and they are prepared to
4 receive the Muslims.

5 The Christians don't understand why it is only 28 January when events changed in
6 Boda and ask why this happened, why houses were burnt, why are there deaths, and
7 they are not prepared to reconcile as long as the Muslims don't offer them clear
8 explanations. Until that time, they won't have any negotiations.

9 They'll go even further, I won't hide this from you, it was very difficult.

10 They accepted the Muslims. The Muslims came, they did everything they could.

11 *They became rich, and they even said so themselves. Children were born with
12 Muslims. Even when they arrived in Boda, the Séléka were well received by the
13 Muslims. The locals also received help from the Séléka coalition and they lived
14 in perfect harmony and there were no troops in Boda. And then to the big surprise,
15 28 January, after the departure of the Séléka coalition, some hours after that,
16 the Muslims took arms to attack and burnt their houses. And that's why they had to
17 defend themselves. And some days after the Anti-Balaka were forced to re-group in
18 order to defend themselves.

19 MS DIMITRI: [12:50:53](Interpretation)

20 Q. [12:50:53] Is that your voice on the radio?

21 A. [12:50:56] Yes, it's me.

22 Q. [12:51:03] Is it correct that this was done after your mission, immediately after
23 your mission, to Boda?

24 A. [12:51:11] Correct. I think when I was answering, I said that the discussion in
25 Boda was extremely difficult as regards the Christian, and they weren't ready for any

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1 form of reconciliation. That's correct.

2 Q. [12:51:36] So this audio reflects -- this audio reflects the situation of Boda at that
3 time, as far as you can remember?

4 A. [12:51:46] Yes, Counsel. I tried to discuss with different communities. My
5 intention was -- my objective was to try and bring peace amongst the Christians and
6 the Muslims, but I couldn't do that because the Christians weren't prepared to discuss
7 with the Muslims. It was difficult. The Muslims were prepared for cooperation,
8 but it was difficult.

9 *I'll go even further, and that's how I reported back to the prime minister by phone.
10 And that is how the strategy to talk with the Anti-Balaka came about. And it was at
11 that time that the instructions given to Yekatom by the prime minister had to be
12 implemented. I don't know if I've answered your question, counsel.

13 Q. [12:52:53] Yes, thank you, Mr Kokaté.

14 Now I'm going to ask you some specific questions.

15 Do you agree with me that it's the Muslim civilians who took up arms to attack
16 the Christian population in Boda on 28 January 2014? That's what I understood with
17 the radio interview you had.

18 THE INTERPRETER: [12:53:24] Wait three seconds before answering.

19 THE WITNESS: [12:53:27](Interpretation) Yes, Counsel. Each camp defended itself.
20 When I spoke to the Muslims, for them, they said they were attacked by
21 the Christians. *And when I talked to the Christians, they said it was the Muslims
22 who attacked them when the Séléka left the town. I made my
23 report of my discussions with the Muslim and Christian communities.

24 MS DIMITRI: [12:54:08](Interpretation)

25 Q. [12:54:08] Mr Kokaté, according to the Christians, in your report is it correct to

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1 say that from the beginning *they said to you that it was as soon as the Séléka left on
2 28 January 2014, that their houses were burnt by the Muslims, and Christians were
3 killed by Muslims? Is that what they told you?

4 A. [12:54:34] That is what they said. They took me and showed me their houses,
5 the remnants of their houses, in the presence of the head of the detachment of the
6 Sangaris forces, in the presence of the detachment of MINUSCA who accompanied
7 us.

8 So that was within the framework of the negotiations. I was forced to go and see
9 them so that I could personally observe that and then pass on that information to
10 the prime minister.

11 Q. [12:55:19] In 2018, when you met the OTP, during your interview -- your
12 recorded interview, you said - and you can confirm this - *you indicated in your
13 statement to the Prosecutor that the non-Muslim population had lost everything, their
14 homes, their goods and possessions and that people were killed. And consequently,
15 the non-Muslim population of Boda wanted all the Muslims to leave; is that correct?

16 A. [12:55:49] Yes, Counsel, that's correct. Because I tried in vain to find some form
17 of reconciliation. It was a constant concern. And I passed that information on to
18 the office of the prime minister. Everybody was aware of that. It was a concern.

19 Q. [12:56:17] If I understand correctly, Mr Kokaté, when you were observing
20 the situation, the two communities, Muslims and non-Muslims, who always used to
21 live together, both carried out abuses. And a line, a red line, was traced in order to
22 separate the two communities; is that correct?

23 A. [12:56:43] Yes, a red line was drawn up, and the Muslims were protected by
24 the French elements and the Sangaris forces.

25 Q. [12:57:02] And after that confrontation between the two communities, that

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1 the Muslims found themselves, unfortunately, in an enclave in Boda; is that correct?

2 A. [12:57:15] That's correct.

3 Q. [12:57:29] During your questioning, you -- or, your interview, you mentioned on
4 several occasions that, unfortunately, you don't remember the name of the person
5 who signed the document, the head of the person who signed the document. You
6 said that the document had been signed; you, Sangaris, MISCA, and a representative
7 of the Muslim community and the leader of the Anti-Balaka of Boda.

8 Do you remember that?

9 A. [12:57:59] Yes, I remember. And I put a copy of that document to the prime
10 minister and I think also the other institutions. I think they probably have
11 the document as well.

12 Q. [12:58:18] I'll try and refresh your memory, Mr Kokaté. I will show you an
13 article, 56, OTP-2060-0799.

14 If you could zoom into the middle of the page where it starts "Dans la ville".

15 Mr Kokaté, I think this article confirms what you said. It is written in the town of
16 Boda, despite the commitment of nonaggression include -- concluded between
17 the Anti-Balaka militia, Aimé Jérémie Kotte, and the Captain Benoît of the Sangaris
18 forces.

19 Are you talking about this in what you said yesterday?

20 A. [12:59:40] The French military I think was a commander. My aim, as I
21 explained yesterday, was to try and find a document which would lead to a cessation
22 of hostilities. It might be this document, because I took a copy of that document to
23 the prime minister's office and the prime minister also reported back to the president.

24 PRESIDING JUDGE SCHMITT: [13:00:17] Mr Kokaté, but does the name Aimé
25 Jérémie Kotte ring a bell with you?

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1 THE WITNESS: [13:00:27](Interpretation) Sorry?

2 PRESIDING JUDGE SCHMITT: [13:00:27] Does the name -- does the name
3 mentioned in the article, Aimé Jérémie Kotte, ring a bell? Is that the person
4 you -- which name (Overlapping speakers)

5 THE WITNESS: [13:00:43](Interpretation) Mr President, Mr President, it's possible
6 that it's this document. It's possible that he signed. Because I only saw him once,
7 Mr President. And I came back with the document. It's possible, Mr President.

8 PRESIDING JUDGE SCHMITT: [13:00:57] I think we cannot expect more from
9 the witness.

10 MS DIMITRI: [13:01:01] Maybe -- maybe just one last question, if I may.

11 PRESIDING JUDGE SCHMITT: [13:01:04] of course. Of course, yes.

12 MS DIMITRI: [13:01:05] Thanks.

13 Q. [13:01:09](Interpretation) Mr Kokaté, the article is dated 19 March 2014, so it was
14 *the next day or two days after your mission. It is written "Despite
15 the commitment of nonaggression concluded". *In your opinion, would you say that
16 only a single agreement, nonaggression agreement, was signed around that date of 19
17 March 2014? Therefore, the article would be referring to the document you signed
18 with the Sangaris, MISCA, representatives of the Muslim community and the chief of
19 the Anti-Balaka militia? Does that correspond to that?

20 A. [13:02:01] Yes, it corresponds to that, because it was during that period that
21 I was on mission there.

22 MS DIMITRI: [13:02:27] Mr President, I'm in your hands.

23 PRESIDING JUDGE SCHMITT: [13:02:32] Obviously you have not finished yet.

24 MS DIMITRI: [13:02:35] No, I was hoping to ask you for perhaps five, 10 minutes,
25 but it might take me a bit longer, so it might be safer for the lunch break for everyone.

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1 PRESIDING JUDGE SCHMITT: [13:02:46] I think then we will have the lunch break,
2 and you come also back with these two informations and take your time, and
3 then -- but I think we definitely will start with the examination by Mr Knoops, I
4 assume, also in the afternoon.

5 Break until 2.30.

6 THE COURT USHER: [13:03:02] All rise.

7 (Recess taken at 1.03 p.m.)

8 (Upon resuming in open session at 2.30 p.m.)

9 THE COURT USHER: [14:30:26] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [14:30:50] Good afternoon, Ms Dimitri.

12 Two information, ERN and the list. And then you can continue with your
13 examination.

14 MS DIMITRI: [14:31:02] Thank you, Mr President.

15 So the ERN regarding what Mr Abakar Sabone said is CAR-OTP-2084-1222 and it's at
16 page 1224.

17 And for ease of reference for the Chamber, this was in tab 55 of the OTP binder.

18 And then the list, unfortunately I wasn't very successful, so the list will be discussed
19 at length with upcoming witnesses. I rechecked their statements, and there is no
20 date, but it's something that we're going to obviously ask those witnesses.

21 PRESIDING JUDGE SCHMITT: [14:31:48] Okay, then we will find out later. No
22 problem. You can proceed with your examination.

23 MS DIMITRI: [14:32:05](Interpretation)

24 Q. [14:32:06] Good afternoon once more, Mr Kokaté. I have one or two more
25 questions for you.

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1 A. [14:32:14] Good afternoon, Counsel.

2 Q. [14:32:15] You spoke at length on the various communications that you had at
3 the time. Do you remember your Central African telephone numbers, the phone
4 numbers that you used in 2014?

5 A. [14:32:33] Yes, I do remember my numbers.

6 Q. [14:32:36] Would it be correct to say that the numbers you used in 2014 are
7 the ones that appear on your business card which you gave to my colleagues when
8 they you met in 2019?

9 A. [14:33:00] I think so. Except I'm mistaken, but I think so.

10 Q. [14:33:06] I'll show you that card, Mr Kokaté.
11 It's at tab 50, and I would like the court officer to show it, but not disclose it to
12 the public.

13 PRESIDING JUDGE SCHMITT: [14:33:19] Not publicly, now that's clear.

14 MS DIMITRI: [14:33:22](Interpretation) CAR-D29-0011-0001.

15 Q. [14:33:33] And, Mr Kokaté, I invite you to look at the business card. It will not
16 be published to the public. And then please reassure me that this is indeed your
17 business card and your telephone numbers.

18 A. [14:33:59] Yes, that's correct, Counsel, those are my details.

19 Q. [14:34:06] Thank you, Mr Kokaté. Thank you for having answered my
20 questions. I have come to the end of my examination and I'll leave the floor to
21 someone else.

22 (Speaks English) Mr President, this is the end of the cross-examination for
23 the Yekatom team, and with your leave we're just going to, the teams are going to
24 swap, because of the configuration, and one team member is going to -- one Yekatom
25 team member is going to leave the courtroom, so if we could just have five minutes of

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1 reorganisation.

2 PRESIDING JUDGE SCHMITT: [14:34:35] Absolutely, no problem. Do you think
3 we could stay in the room? Perhaps it's even quicker. So please, of course, no
4 problem with that. And I also prefer that Mr Knoops is not in the back here so far
5 away from the bench.

6 MR KNOOPS: [14:34:55] Mr President, we may need five to 10 minutes to
7 (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [14:35:01] Okay, then perhaps it's better we go to
9 the deliberation room and you let us know --

10 MR KNOOPS: (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: -- or court officer lets us know. Okay. Fine.

12 MR KNOOPS: [14:35:05] Thank you for inviting me to the first bench.

13 THE COURT USHER: [14:35:09] All rise.

14 (Recess taken at 2.35 p.m.)

15 (Upon resuming in open session at 2.43 p.m.)

16 THE COURT USHER: [14:43:19] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [14:43:39] So I see -- I see that you have arranged
19 yourself, so, Mr Knoops, I give you the floor.

20 MR KNOOPS: [14:43:48] Thank you very much, Mr President, your Honours.

21 QUESTIONED BY MR KNOOPS:

22 Q. [14:43:53] Good afternoon, sir. My name is -- my name is Alexander Knoops.
23 I'm one of the counsel of Mr Ngaïssona. And I am grateful that you take the time to
24 answer questions on our behalf.

25 My first question will relate to tab 99 of our binder, which is ...

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1 Yes, if the court officer could --

2 PRESIDING JUDGE SCHMITT: [14:45:19] Yeah, it's CAR-OTP-2069-3549 and I think
3 at -- yeah, I think that's it.

4 MR KNOOPS: [14:45:28] Just one page, it's an annex 5 to the statement of the -- of
5 the witness, yes.

6 Q. [14:45:36] Mr Witness, do you have the document before you?

7 PRESIDING JUDGE SCHMITT: [14:45:44] Not yet, but I think it will appear soon.

8 MR KNOOPS: [14:46:14]

9 Q. [14:46:14] Yes, Mr Witness, you recognise this document, sir?

10 A. [14:46:26] The document, Counsel, is a little blurry.

11 Q. [14:46:32] Yeah. I -- I ask the attention of the bottom of this document, if
12 the court officer could scroll down, please.

13 You recall, Mr Witness, that this document was shown to you when you were
14 interviewed by the investigators of (Overlapping speakers)

15 A. [14:46:58] Yes, it is a document of the 14th. Yes, I do remember, Counsel.

16 Q. [14:47:06] Can the officer scroll down a little bit more, *s'il vous plaît*.

17 No, down some. Yes, a little -- down further, yeah.

18 You see the date, Mr Witness, at the right bottom of the document, 10 February 2018.

19 You see the date?

20 A. [14:47:37] Yes, I can see the date. It's correct.

21 Q. [14:47:39] And what do you see under the date?

22 A. [14:47:50] My signature.

23 Q. [14:47:51] Thank you. Now could we go to document 28. That's of the OTP
24 list. This document was already shown during the examination by the Prosecutor.

25 It's discussed in the hearing of 27 May, transcript page 63 of the English transcript,

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1 where the witness was shown this document 28 within a different context,

2 Mr President.

3 This is, Mr Witness, the document which was shown to you by the Prosecution
4 during the examination of 27 May, again transcript page 73 of the English real-time
5 transcript. If the court officer could scroll down, please, to the bottom of this
6 document where we find the date of signature.

7 Again, you see, Mr Witness, 10 --

8 PRESIDING JUDGE SCHMITT: [14:49:13] I think you can be more direct. Simply
9 ask him is this your signature (Overlapping speakers)

10 MR KNOOPS:

11 Q. [14:49:24] Is this your signature, Mr Witness?

12 A. [14:49:26] That is correct, Counsel.

13 PRESIDING JUDGE SCHMITT: [14:49:29] And for the record, it's
14 CAR-OTP-2039-0019.

15 MR KNOOPS:

16 Q. [14:49:37] And then please call up document in our binder tab 55. That's
17 CAR-OTP-2084-1222 at 1227. It's of the OTP list of material, sorry.

18 This document, Mr Witness, we were -- you were questioned about this document
19 during the hearing of 26 May, transcript page 34 of the English real-time transcript,
20 lines 9 till 10, and you stated there that this signature under this document of the
21 MRPRC was a forgery. Now, I (Overlapping speakers)

22 A. [14:50:56] That is correct, Counsel.

23 Q. [14:51:01] Now, I ask (Overlapping speakers)

24 A. [14:51:02] Yes, I -- yes, I said that it was a forged document.

25 Q. [14:51:12] Now, we (Overlapping speakers)

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1 A. [14:51:14] That my signature had been (inaudible) --

2 Q. [14:51:23] That was well understood.

3 Now we did ask the court officer - I hope that this exercise did work - to make a table
4 where we find tab 99 and tab 55 in terms of the signature on one screen for the Court,
5 for the Chamber to verify the signature of both documents.

6 If the court officer could be so kind to enlarge the signature on the left side of the table
7 and the right side, and we focus now just on the two signatures of the witness, or at
8 least he says one of -- one is forged, one is the correct one.

9 So, Mr Witness, we are to understand that the signature on the right side of the screen
10 is a forgery, and the one on the left side is the original -- it's the authentic signature; is
11 that -- is this your statement, Mr Witness?

12 A. [14:53:10] Yes, Counsel, that's my testimony.

13 Q. [14:53:17] Do you have any idea who's capable of copying your signature in
14 the way it's being visualised here?

15 A. [14:53:38] Well, to begin with, I have no idea who the person was who forged
16 my signature, but if you look on the surface of things, Mr Counsel, if you see where it
17 is written "military coordinator", there is a dot on the first dash from left to right, so
18 for me that's a forged signature.

19 Q. [14:54:17] So the difference is the dot? Okay. I'll leave it for the Court's
20 impression and I -- I suggest the Chamber, we are all not forensic experts. I realise
21 this, Mr President, but the Chamber has to its possession all abilities to engage
22 a forensic expert to verify if this is indeed the same signature, which it's our
23 submissions it's the same signature and it's our submission that the witness lied to
24 this Court to say that he didn't sign the document which is on the right side of the
25 table.

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1 And I -- I give the witness again the opportunity to reconsider his statement because,
2 again, we submit that the witness lied before this Court.

3 PRESIDING JUDGE SCHMITT: [14:55:07] Mr Vanderpuye.

4 MR VANDERPUYE: [14:55:09] Mr President, I think Mr Knoops' observation are
5 inappropriate. There's two reasons for that. One is that the witness's testimony is
6 already a matter of record in the case. Second is he's already answered the question.
7 And third, he has counsel at his disposal. If that's the charge that Mr Knoops seeks
8 to levy against this witness, he has the right to consult his counsel in order to
9 formulate a response.

10 PRESIDING JUDGE SCHMITT: [14:55:36] Yes, to begin with the last, that's of course
11 true. I would have also intervened now.

12 But, I think, Mr Knoops, the witness has answered several times. I think he has said
13 this -- was it the 27th? I'm not sure. He has said he thinks it's a forged document
14 and he has repeated it today. So any -- any further question, I think,
15 doesn't -- doesn't make sense here.

16 MR KNOOPS: [14:56:03] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [14:56:04] We could -- we could, if you want to
18 consult with your counsel, Mr Kokaté, as Mr Vanderpuye, Prosecutor, has suggested,
19 and you want to reconsider, it's also fine. But it's -- it's up to you, yeah.

20 Mr Kokaté?

21 THE WITNESS: [14:56:27](Interpretation) Mr President, yes, I would like to confer
22 with my counsel.

23 PRESIDING JUDGE SCHMITT: [14:56:31] Then please do that.

24 (Pause in proceedings)

25 PRESIDING JUDGE SCHMITT: [14:57:39] Mr Kokaté, do you want to add anything?

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1 It doesn't come through at the moment, so we have to fix the connection.

2 We didn't -- we didn't hear you, Mr Kokaté. Apologies. Can you repeat, if you
3 want to add anything. You don't have to, but (Overlapping speakers)

4 THE WITNESS: [14:58:24](Interpretation) Thank you, Mr President.

5 I don't have anything else to say. I confirm that my signature was usurped, forged.

6 PRESIDING JUDGE SCHMITT: [14:58:40] Thank you.

7 And, Mr Knoops, I did not intervene. It's okay to -- to point this out, but of course
8 it's close -- what you are doing is what has been close to simply a submission. We
9 understand -- you know, we have enough experience to understand, when you
10 present the evidence and when you ask a witness, to make our own conclusions. So
11 everything -- you see what I mean, so (Overlapping speakers)

12 MR KNOOPS: [14:59:15](Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [14:59:16] You can really -- you can really trust that
14 we understand your point, to put it -- to word it this way.

15 MR KNOOPS: [14:59:22] Thank you, Mr President.

16 Q. [14:59:26] On the same topic, Mr Witness, during the examination on 26 May,
17 that's French transcript, live real-time, page 6, lines 26 and further. You were
18 confronted with another document, Mr Witness, that was in the Prosecution list of
19 materials tab 56, CAR-OTP-2084-1229.

20 It was a document addressed to the CEEAC heads of state dated 9 January 2014.

21 And you will recall, Mr Witness, this document, and you will recall that you testified
22 before this Chamber under oath that you've never seen this document before, and you
23 testified that it was a fake document and your submission was that it was proven by
24 the fact that you, on 9 January 2014, you were in N'Djamena and not in Paris. And
25 you ask the Chamber to look at the date of the signature - we can scroll down, *s'il vous*

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1 *plâit* - which says, "Paris, 9 January 2014".

2 If the court officer could be so kind to scroll down to the end of this document where
3 you find the date of the document which was not signed, if I recall.

4 PRESIDING JUDGE SCHMITT: [15:01:41] It seems not to be complete here,
5 electronically at least.

6 MR KNOOPS: [15:01:45] Okay. Anyway, the Chamber will recall the -- the
7 document. Now --

8 PRESIDING JUDGE SCHMITT: [15:01:50] We recall it indeed.

9 MR KNOOPS: [15:01:53] Exactly. Yeah, for the fairness to the witness, again, I --

10 PRESIDING JUDGE SCHMITT: [15:01:57] Here we have it.

11 MR KNOOPS:

12 Q. [15:01:58] -- show you the -- Mr Witness, this was shown to you on 26 May, and
13 you stated this was a fake document because you were, at that time of 9 January, you
14 were not in Paris. You stand by this statement, Mr Witness?

15 A. [15:02:25] On 9 January 2014 I was in N'Djamena. I was not in Paris. I have
16 no knowledge of this document.

17 Q. [15:02:38] Then I ask the court officer to show up -- to pull up documents on our
18 list of materials tab 45. It's CAR-OTP-2084-1219-R01.

19 It's an electronic ticket of the gentleman testifying today. His travel to N'Djamena.
20 And we'll wait for the document. I ask the court officer to go to the bottom of this
21 document where we find the return date of the witness at terminal 2A at the airport of
22 Charles de Gaulle, 9 January, in the early morning of 05.45. That's a quarter to 6 in
23 the morning, which means that Mr Witness was, on 9 January, in Paris.

24 PRESIDING JUDGE SCHMITT: [15:04:18] Well, if it -- if it means that is another
25 question. It's a document that shows that at least something was booked like that, so

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1 we have to ask the witness what do you say to this document, if you see this, and then
2 we talk our conclusions.

3 Mr Kokaté, you see it. It seems to suggest that you, perhaps, had an itinerary, at
4 least, where you were supposed to be back in Paris on 9 January. What do you say
5 to that?

6 THE WITNESS: [15:04:54](Interpretation) Mr President, this ticket has been changed,
7 was amended. This ticket was amended. I came with Ethiopian Airlines and then I
8 returned. I spent two or three days in N'Djamena. I came to Paris with Air France.
9 You can check that. You have the means to do so. During that period, I spent two or
10 three days in N'Djamena and I came back to Paris with Air France.

11 *It was the Chadian intelligence service that changed the ticket for me.

12 PRESIDING JUDGE SCHMITT: [15:05:49] Do you happen to have this document at
13 your disposal? You don't have to, you know, it's six or seven years, was six or seven
14 years ago, but do you happen to have it somewhere?

15 THE WITNESS: [15:06:04](Interpretation) Mr President, I don't really recollect, but
16 perhaps you have a way of checking my journey. *I did in fact arrive with Ethiopian,
17 and I returned to France by a changed flight, an Air France flight which had been
18 changed by the Chadian intelligence services., and it was a return flight with
19 Air France. That I can confirm. After two or three days, I returned to N'Djamena.

20 PRESIDING JUDGE SCHMITT: [15:06:41] We have to leave it at that at the moment.
21 Please proceed, Mr Knoops.

22 MR KNOOPS: [15:06:46] Thank you.

23 Q. [15:06:49] Mr Witness, my second topic will relate to your live testimony in
24 conjunction with the statements you gave to the Office of the Prosecution 2018. You
25 gave various accounts of alleged events which - and I will go through them in a few

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1 seconds - which we submit contradicts with your statement you gave during the live
2 testimony. And my first question is, you testified, when we started this evidence of
3 you on a question by the Prosecution, that in 2018 when you spoke with
4 the investigators of the Office of the Prosecutor, you spoke the truth.

5 Do you stand by that statement?

6 A. [15:08:00] I haven't understood your question, sir.

7 Q. [15:08:04] In 2018 you spoke the truth to the Prosecution investigators; is that
8 true? Is that correct?

9 A. [15:08:15] Yes, I spoke the truth to the inspectors of the OTP. My itinerary, you
10 can check it yourself with Air France and also with the Chadian Intelligence Services.

11 Q. [15:08:32] Okay. I go with you through 10 of your events you described before
12 this Court during the course of the last days, and I will refer at the same time what
13 you said about those same events in 2018. First topic is: You stated here before this
14 Court on 25 May, live real-time transcript page 5, lines 16, 18 and 21, 22, that when we
15 speak about the meeting in the Hilton hotel where you came to see Mr Bozizé, you
16 came out, you came out of the hotel, and outside the hotel Mr Ngaïssona was there.
17 That's the testimony you gave on 24 May -- sorry, it was 24 May, page 9, lines 18-20.
18 And, again, you stated on 25 May before this Court that you were received by
19 Mr Bozizé, and after the meeting, when you came down, you saw Mr Patrice
20 Ngaïssona in the Hilton.

21 The day after, 25 of (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [15:10:21] Yeah, you can speak, Mr Kokaté.

23 THE WITNESS: [15:10:24](Interpretation) Counsel, I think what I said was that
24 when I was received by President Bozizé, and after when I left his suite, I saw
25 Mr Ngaïssona and many other people in the bar of the hotel on the ground floor. I

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1 wasn't talking about the outside of the hotel. I was talking about the bar on
2 the ground floor of the hotel. That's what I said some days ago.

3 PRESIDING JUDGE SCHMITT: [15:11:10](Overlapping speakers)

4 MR KNOOPS:

5 Q. [15:11:12] Yes, but the 25th you stated that you thought that Mr Ngaïssona was
6 also in the room of Mr Bozizé. So my question is: You say first he was outside, in
7 the hotel at the bar, and the day later you testified that he was in the suite of
8 Mr Bozizé?

9 A. [15:11:36] I did not say that he was outside. I said that they were in the same
10 hotel and after, when I went down, I saw him in the bar, in the ground floor. There
11 was a lot of people there. Many people who had fled were there. I think that's
12 what I said some days ago.

13 Q. [15:12:02] I leave it at that.

14 PRESIDING JUDGE SCHMITT: [15:12:03] Yeah, I think we have to leave it at that.
15 He has clarified it and it's not a -- perhaps not the most important issue.

16 MR KNOOPS: [15:12:12] Maybe not for the moment, Mr President, but the totality --

17 PRESIDING JUDGE SCHMITT: [15:12:16] I understand. I did not say that it's
18 irrelevant or something like that, but at the moment the witness has now clearly
19 stated he thinks it was in the bar outside of the room, but inside of the hotel.

20 MR KNOOPS:

21 Q. [15:12:30] The second example, Mr Witness, in your statement, that's OTP tab 43,
22 CAR-OTP-2074-2580-R01 at 2581, 2582, lines 15 till 32 and 57 till 62. You asserted
23 that you met Mr Mokom during the second meeting in Yaoundé at the CAR embassy,
24 but he wasn't there during the first meeting at the Hilton. Yet you testified under
25 oath on 25 May before this Chamber, page 5, lines 21, 23, that after the meeting at the

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1 Hilton when you came down, Mr Patrice-Edouard Ngaïssona was there and
2 Mr Bernard Mokom.

3 So what is your answer to this difference in your statement? I'll try to put it neutral.

4 A. [15:13:54] I haven't understood your question fully, sir. Could you put it to me
5 again in a different way?

6 Q. [15:14:00] Certainly, sir.

7 Your statement in 2018 to the investigators you said that Mr Mokom wasn't there
8 during the first meeting at the Hilton, yet under oath before this chamber on 25 May
9 you said Bernard Mokom was, when you came back down from the suite of
10 Mr Bozizé, he was in the Hilton.

11 PRESIDING JUDGE SCHMITT: [15:14:24] We would like to follow, I think, as a
12 Chamber. Where are we exactly? In the former statement. So I have here on
13 the transcript 43, but then the 2740-2580 seems to be 49, tab 49, so -- and exactly where
14 do you derive it from?

15 MR KNOOPS: [15:14:51] It's 49 (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [15:14:52] 49 not 43 (Overlapping speakers)

17 MR KNOOPS: [15:14:54] Yeah, 49. I'm sorry.

18 PRESIDING JUDGE SCHMITT: [15:14:55] And the lines are correct, 32 to 57?

19 MR KNOOPS: [15:14:58] No, it's at 2581 till 2582, lines 15, 1-5, till 32 and lines 57 till
20 62.

21 PRESIDING JUDGE SCHMITT: [15:15:13] So -- and I think out of -- yeah, so that we
22 are on the same page, so what we find here is that the witness is asked, or has been
23 asked by the Prosecution, about Mokom's father and he said that, "My first time to see
24 him was in Yaoundé." Yeah, is this what you mean? Yeah. "The second meeting
25 of Douala, I saw him". This is it. And from there, where is the contradiction to

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1 the live testimony of the witness then, if we take this?

2 MR KNOOPS: [15:15:52] That's transcript page 20, 25 May, Bernard Mokom was
3 there during the meeting in the Hilton when the witness came down to meet or to see
4 there Mr Ngaïssona.

5 PRESIDING JUDGE SCHMITT: [15:16:27] Excuse me, I don't see -- I don't see in
6 the former statement at 2581, 2582.

7 MR KNOOPS: [15:16:33] He said he saw him for the first time in the embassy, that's
8 the point.

9 PRESIDING JUDGE SCHMITT: [15:16:37] In Yaoundé, that you mean, okay now I
10 can follow. Okay, thank you.

11 MR KNOOPS: [15:16:44] Yeah. So I just give the witness a chance to respond to it.

12 Q. [15:16:53] Mr Witness, would you have an explanation to the Chamber about
13 this difference in your statement?

14 A. [15:17:11] I think there's no difference in my statement. I said to
15 the President that when I came down from the suite where there was Mr Bozizé in
16 the hall, *in the lobby of the hotel, there is the restaurant in the bar area. At that same
17 moment, I saw Mr Ngaïssona and a good number of other compatriots.. I think I
18 mentioned people who I knew, I mentioned those names previously. The question
19 was asked if I saw Bernard Mokom and I said I think he was there. But it's the first
20 time I physically saw Bernard Mokom. So, for me, I'm not contradicting myself.

21 MR KNOOPS: [15:18:09] Okay, we leave it at that Mr President.

22 PRESIDING JUDGE SCHMITT: [15:18:12] Yeah, and like always in the end we will
23 have to --

24 MR KNOOPS: [15:18:15] Of course.

25 PRESIDING JUDGE SCHMITT: [15:18:16] -- compare everything and the lines.

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1 Because of that I asked you specifically, so that it makes our life later on easier a little
2 bit, and we will figure it out.

3 MR KNOOPS: [15:18:26] Of course.

4 Q. Another and perhaps even more striking point is, Mr Witness, you testified on
5 25 May of this year, English real-time transcript page 29, lines 7 till 12, that you
6 participated in another meeting in Yaoundé and that this meeting took place in one of
7 the residences of Mr Ngaïssona. And during that meeting Mr Bozizé came to this
8 residence of Mr Ngaïssona whilst you were there, and you mentioned that this was
9 a villa in Yaoundé. You did say to the Court that you didn't know the area.
10 So we are quite interested to know from you, Mr Witness, can you please give us
11 a description of this villa?

12 A. [15:19:36] Sir, it was a villa, that's it. It was my first time that I arrived at that house
13 The -- I knew the layout of either a map to get to the villa and I went there. It was
14 a house. * It is a large house....mm.... And we were received in a sitting room. I did
15 specify that it was one of the villas, we were received there, President Bozizé was
16 there, accompanied by his bodyguard Wapounaba, who was there. And there were
17 a lot of other people there. That's it. I said I didn't know Yaoundé well, I said that
18 quite clearly. I know Doula better. I think that is what I answered to the president.

19 Q. [15:20:50] So it's your evidence that Mr Ngaïssona had several villas in Yaoundé,
20 is that what you're saying to this Court?

21 A. [15:21:02] I said one of his villas. I was never in another villa, but I -- I know
22 that he lived there. He said himself that it is one of his villas, one of his homes.
23 *And so I don't why I... that is, if someone invites me to his home, why would I be
24 asking him how many houses he owns, Counsel ?

25 Q. [15:21:41] We took note, Mr Witness, of your observation just a few seconds ago

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1 that you said it was a big house, *une grande maison*, I believe it was the French
2 transcript indicating this. But you told this Chamber on 25 May, a few days ago,
3 page 31, lines 9 till 10, that it was a small house. So today you're telling us that this
4 was a big house and (Overlapping speakers)

5 A. [15:22:19] We were in a big house, but in a small living area, living room. It
6 was a small living room. He was receiving the former president at his place, sir.

7 Q. [15:22:40] But you do agree, Mr Witness, you testified under oath a few days ago
8 that it was a small house. You didn't say it was a small living room. And how
9 you're saying it was a big house with a small living room. So what was it, r Witness?

10 A. [15:22:58] Sir, I think these are details. For me, I was at his place, he gave me
11 the address of this house, we arrived there. If it's a house or a villa, it's the same
12 thing. *It was none other than a head of state... a former head of state, that he was
13 receiving in that house. And I have told you that the address had been given to us...
14 We had gone into a large compound. General Bozizé's vehicle had gone into an
15 enclosure. If you wish, I can describe it to you. It was a fenced compound, and the
16 car... his car did not stay outside. It had arrived and entered into a fenced compound,
17 Counsel.

18 Q. [15:23:55] Mr Witness, if I put it to you that you never in your statement in 2018
19 did mention a meeting with Mr Ngaïssona, or any other person, in a villa or a small or
20 a big house in Yaoundé, allegedly belonging to Mr Ngaïssona, after the meeting in
21 the CAR embassy, what is your response to that?

22 A. [15:24:39] I'm talking about what I know. I'm talking about what I saw. If
23 you want details, I'll give you details. Because after that meeting there was
24 Commander Bangouma, who was outside and talked to President Bozizé to tell him
25 that he needed money, and President Bozizé gave him some money and he wasn't

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1 pleased with the amount. Gave him 30,000 francs. I'm just giving you to show you
2 the details that I have.

3 PRESIDING JUDGE SCHMITT: [15:25:22] I think we can move on, he has given his
4 answer.

5 MR KNOOPS: [15:25:25] Yes. Mr President, the witness is -- is not supposed to
6 lecture the Defence.

7 Q. If we speak about details, Mr Witness, we expect from you details and not from
8 us. And I'm asking you, you have this map where you were supposed to go to,
9 where the house of Mr Ngaïssona was located. Because that's (Overlapping
10 speakers)

11 THE INTERPRETER: [15:25:57] Sorry, overlapping. Sorry, the interpreter didn't
12 get that.

13 PRESIDING JUDGE SCHMITT: Can you please repeat.

14 MR KNOOPS: [15:26:03]

15 Q. [15:26:04] You want -- you speak about details, you said these are just details.
16 So we speak about details, give the Court the location where this villa was,
17 Mr Witness. Where exactly was it, tell us? And not just come up with some
18 general descriptions of a house. We're speaking about a person who's put on trial
19 based on your statement, Mr Witness, so don't come to me with the question that I'm
20 asking details.

21 PRESIDING JUDGE SCHMITT: [15:26:34] Mr Vanderpuye.

22 MR VANDERPUYE: [15:26:36] Mr President, I think this is unnecessarily
23 argumentative.

24 THE WITNESS: [15:26:42](Overlapping speakers)

25 MR VANDERPUYE: [15:26:43] If Mr Knoops wants the answer to this question then

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1 he should just put the question and the witness will answer it. But I don't think

2 (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [15:26:50](Overlapping speakers) I agree, I agree

4 with Mr Vanderpuye, it's -- I think it's indeed unnecessarily argumentative.

5 The witness has said he provides some details, you ask for more details. But we can

6 do this in a manner we -- also, in -- I think also in a tone that is not, yeah, as

7 Mr Vanderpuye has worded it, not argumentative.

8 So, Mr Witness, if you have information -- or do you recall, perhaps better to say,

9 where this villa or this house was, you can provide us with it. Or if you have any

10 more details that you can provide us with, you can do that.

11 THE WITNESS: [15:27:40](Interpretation) Thank you. I think I said in my

12 testimony yesterday or before yesterday, I said I didn't know the town of Yaoundé

13 very well and that the map of this house was done by Mr Ngaïssona. *I went there

14 only once, and then I left. Mr President, I have told you that I knew the town of

15 Douala better than Yaoundé. And there was a house... Counsel is putting the question

16 to me... I only went there once. The explanation which I gave, I said President Bozizé

17 came in a car, he came into a place for the car and he parked in the enclosure after

18 the gate. And I think I've answered the question put to me. I don't know if I've

19 answered satisfactorily.

20 PRESIDING JUDGE SCHMITT: [15:28:42] No, that is --

21 MR KNOOPS: [15:28:43] Well --

22 PRESIDING JUDGE SCHMITT: [15:28:44] That is up to other people to, to assess

23 that.

24 Mr Knoops, please continue.

25 MR KNOOPS: [15:28:50] One question, Mr President, on this topic.

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1 Q. [15:28:52] You didn't give, at least in my submission satisfactorily, why did you
2 speak about a villa or house in your statement in 2018? Why did you come up with
3 this assertion only at this trial? If your recollection was so good in 2018 you spoke
4 the truth, why didn't you say this meeting, about this meeting 2018?

5 PRESIDING JUDGE SCHMITT: [15:29:20] Mr Vanderpuye.

6 MR VANDERPUYE: [15:29:22] Mr President, I think we just had up on the screen an
7 excerpt -- or, rather, a transcript of his -- of the witness's statement. I don't
8 remember the ERN number because it has now disappeared. But I think on that
9 screen you can see very clearly he does talk about a meeting that occurred at a villa.
10 So I'm not sure exactly what Mr Knoops is referring to, but we can put that back on
11 the screen and he can have a look at it and maybe it will refresh his recollection.

12 PRESIDING JUDGE SCHMITT: [15:29:50] Yeah, I would also feel more
13 comfortable -- you know, it's always difficult when -- in this case it's difficult - and I
14 think everybody, every counsel here understands this - and that we have hundreds of
15 pages of former statements. And when there is put to a witness "you haven't said
16 that at the time," it's difficult, of course, to -- to verify a negative. We all know that.
17 So we can -- I think the best what we can do here is I will put a question to witness,
18 Mr Knoops, if you allow me, and in the end we will have to compare it, simply.
19 Yeah, in the end we will have to go through it. We cannot do it at the moment.
20 So, Mr Witness, do you recall if you have mentioned this meeting we are talking
21 about already in your 2018 statement? Do you have any recollection to that effect?
22 THE WITNESS: [15:30:54](Interpretation) Mr President, I think I said so. And
23 I believe that the OTP has just jogged my memory. So I do not see where
24 the contradiction counsel is seeking to point out lies. I am here to speak the truth
25 and nothing but the truth.

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1 PRESIDING JUDGE SCHMITT: [15:31:20] I think, as I said, we have to figure this
2 out. And we have here two, two very compound binders where this could be
3 hidden somewhere, so we have to simply compare it later on.

4 Mr Knoops, please continue.

5 MR KNOOPS: [15:31:34] Yes.

6 Q. [15:31:35] Next topic is the lunch you spoke about, Mr Witness, of the so-called
7 FROCCA lunch where Mr Bozizé would have said in Paris that he would use all
8 means to return to power. And you did say that you thought that this related to
9 the use of force to return to power. Transcript 25 May of the real-time, English
10 version, page 37, lines 4 till 15.

11 Now, if we go to your statement, and this is the tab 34 of the Prosecution list,
12 CAR-OTP-2074-2065 at 2074, 2075.

13 You did say that in order to achieve the return to constitutional order, speaking about
14 the same meeting, one should make a lot of noise in the media, and Mr Bozizé
15 decided at that time to send Mr Poussou and Songuet to the United Nations,
16 New York, and he paid for setting up a website.

17 Now my question is, Mr Witness, your reflection that you thought that Mr Bozizé was
18 about to use force to return power was not something you mentioned in 2018.

19 Would you agree with this observation?

20 A. [15:34:05] Counsel, all I can say is that in 2018, in my statement to the OTP,
21 I clearly talked about that lunch in Paris. I mentioned the lunch in Paris. During
22 that lunch, former President Bozizé stated that he would set up a structure called
23 FROCCA and that Mr Lin Banoukepa would be the head of that structure. He went
24 on to say that the bureau of the structure will be disclosed subsequently. I think that
25 I mentioned this clearly in my 2018 statement.

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1 Q. [15:35:07] Thank you, Mr Witness. You did. My question is: Are you with
2 me when I say to you that your thought, your reflection, that Mr Bozizé was thinking
3 about use of force was something you didn't mention in 2018 in your statement?

4 A. [15:35:43] That question was put to me recently. And I answered that question.
5 In the statements that you must have and you must be aware of, FROCCA made
6 a number of statements. And those statements were binding on FROCCA. I am
7 sure you are aware of the FROCCA statements.

8 PRESIDING JUDGE SCHMITT: [15:36:20] Just I think what the witness at least
9 mentioned -- I can stumble over it because it's a couple of pages later, 2077 at lines 385
10 and 403. He mentioned that there is a political wing, and -- there was a political
11 wing and a military wing of the FROCCA.

12 MR KNOOPS: [15:36:52] I think the witness made clear that he was asked about it
13 only during this ...

14 PRESIDING JUDGE SCHMITT: [15:37:00] We have, we have -- of course, yeah, we
15 have recognised that.

16 MR KNOOPS: [15:37:03]

17 Q. [15:37:03] Mr Witness, another question on this same topic, your statement of
18 2018 versus your testimony during this trial, relates to what you told the Court on
19 25 May of this year. That's the English real-time transcript, lines 13 till 16, and 19 till
20 25, where you say that Mr Ngaïssona was determined to see that Mr Bozizé came to
21 power and he told you, Mr Ngaïssona, that he organised and coordinated military
22 actions in the field. And you confirm that this was what he told you, as well as that
23 in Bangui he told you that he spent a lot of -- a lot of -- on the Anti-Balaka which he
24 helped finance. That was the statement you gave before the Court on 25 May.
25 Now, I will read out the portion of your statement you gave in 2018, which is

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1 the Prosecution tab 34. It's CAR-OTP-2074-28 -- 2082 till 2883. Sorry, it's 2083.

2 And this was about the so-called military wing.

3 First about the financing, in your statement - again this is the page 2074-2082, lines

4 576 till 589 - the investigators ask you was there "any discussion how to finance

5 the military wing?" Your answer was, line 585 till 586: "Yeah, I'm not in a position to

6 tell if ... anything about the military wing because I never attended any meeting with

7 them."

8 Lines 588 till 589: "Second, I don't know how the military wing was financed but what

9 I can tell you is that the military wing was based in Cameroon with President Bozizé."

10 PRESIDING JUDGE SCHMITT: [15:40:47] Well, also to make it complete, because

11 this is -- this is the problem when we have, as I said before, hundreds and hundreds

12 of pages of interview that, in themselves, they are not congruent always. So if we

13 look a page further, 2083, at lines 616 and 622, this seems to contradict what you read,

14 Mr Knoops, because there the -- the witness is -- has said: Mr Ngaïssona told me on

15 several occasions over the phone that they are meeting there. He is able to tell you

16 about the military wing, the financing of this wing and everything. I think he is

17 the man -- or this is the man.

18 But this is of course a contradiction to what you read, what just the lines before. It's

19 difficult to -- to -- to figure really out what the content of such many, many statements

20 over hours and hours is, and compare it with what has been said in the courtroom.

21 MR KNOOPS: [15:41:54] Well, Mr President, with all due respect for your

22 observation, it is a contradiction, because --

23 PRESIDING JUDGE SCHMITT: [15:42:00] I said that it is a contradiction.

24 MR KNOOPS: [15:42:02] Yeah, yeah, because --

25 PRESIDING JUDGE SCHMITT: [15:42:04] So what would suggest itself, I think, is to

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1 ask Mr Kokaté which --

2 MR KNOOPS: [15:42:08] Yes.

3 PRESIDING JUDGE SCHMITT: [15:42:09] Okay. Then please do that.

4 MR KNOOPS: [15:42:10] Yeah.

5 Q. [15:42:11] So, Mr Witness, you agree with me that what you told the Court on

6 25 May, even with the addition of the Presiding Judge, this is a different statement

7 you gave before the Court than what you told the investigators in 2018, because in

8 2018 you said, "I don't know how it was financed. But you have to ask

9 Mr Ngaïssona. He can tell you about the financing." But you didn't say in 2018 that
10 he financed.

11 So the question is: Why did you change your statement when you came before this
12 Court this week on this point?

13 A. [15:43:03] Counsel, thank you. I did not change my statement. I believe that I
14 said that I had had some telephone conversations with Mr Ngaïssona during which
15 he told me that he was financing the movement. But then I gave a concrete example,
16 two or three days ago, of what the various Anti-Balaka leaders were saying to
17 the transitional head of state when we met at the presidency of the republic. They
18 said to Madam Catherine Samba-Panza that it was Mr Ngaïssona who took care of
19 them, who funded them, and who organised them. So he was the only person with
20 authority to be our interlocutor. This is what they said to President Catherine
21 Samba-Panza in the presence of members of her cabinet.

22 Therefore, as far as I'm concerned, my thinking does not harbour any contradictions.

23 MR KNOOPS: [15:44:24] Mr President, I realise it's not the time to go into discussion
24 with the witness, but I ...

25 PRESIDING JUDGE SCHMITT: [15:44:31] No, you know, this is --

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1 MR KNOOPS: [15:44:32] Yeah, I understand (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [15:44:33] As I said, what counsel, what counsel,
3 what counsel can do is point out the points that you want to make. And, as I said,
4 it's quite, quite complex in a case like this one where we have such a -- such an
5 amount of material of former statements of the witness, and we have now the witness
6 in the courtroom the whole week. So we -- and I told you before, I will even go so
7 far to say nothing will escape our attention.

8 MR KNOOPS: [15:45:08] But also, Mr President, thank you very much (Overlapping
9 speakers)

10 PRESIDING JUDGE SCHMITT: [15:45:10] Of course this does not say how we assess
11 it in the end, but, you know, if you want to make a point, the Chamber
12 oftentimes - this also applies, may I say, sometimes when the Prosecution is
13 questioning - we grasp the intent perhaps earlier as you think.

14 MR KNOOPS: [15:45:29] Yeah. It's very interesting, Mr President, that the witness
15 just touches upon the answer to the question. He answers the question by referring
16 to the meeting with Ms Samba-Panza in her residence. It's an interesting answer.

17 Q. But coming to that point, Mr Witness, you describe this meeting with
18 Ms Samba-Panza in her residence in your statement 2018. It's Prosecution tab 37,
19 CAR-OTP-2075-2159, page 2170, lines 367, to page 2172, line 415.
20 You didn't mention there the fact, the allegation, that the Anti-Balaka individuals
21 there at that time said that Mr Ngaïssona had funded the movement or the attack of
22 5 December, which you did say, by the way, before this Court on 25 May, transcript
23 page 56 till 57, where you said that at that cabinet meeting, or in a meeting in that
24 cabinet, that Mr Ngaïssona stated that he gave funds to the Anti-Balaka to organise
25 the events on 5 December.

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1 So my question here is why didn't you say this in 2018?

2 MR VANDERPUYE: [15:47:26] Mr President.

3 PRESIDING JUDGE SCHMITT: [15:47:27] Yes, Mr Vanderpuye.

4 MR VANDERPUYE: [15:47:30] I think that if Mr Knoops wants to impeach
5 the witness by an omission, effectively something he didn't say, I think he needs to
6 direct the witness to specifically what he's referring to and also identify to
7 the -- identify whether the witness was asked a specific question and failed to give
8 that answer. Because otherwise I don't see how it establishes that there is any
9 inconsistency at all.

10 PRESIDING JUDGE SCHMITT: [15:47:58] And that is -- perhaps you make it even
11 a little bit clearer that I wanted to do twice now before. This is the problem when
12 we -- you know, it is easier to put to a witness, "You have said 2018 A, and now
13 you are saying B."

14 Yeah. So we understand that.

15 But to put to a witness, "You have said today B, but you haven't mentioned B in 10 or
16 20 days of questioning by the Prosecution in 2018." It is quite difficult to figure this
17 out. So it's -- it's -- and at least I think it would even say it's impossible to figure this
18 out now at this moment and with the situation with the witness here.

19 So I understand, of course. Perhaps this is really something more for -- for
20 a submission then.

21 MR KNOOPS: [15:48:53] Yeah --

22 PRESIDING JUDGE SCHMITT: [15:48:53] I would say. You understand my point.

23 MR KNOOPS: [15:48:56] Yeah.

24 PRESIDING JUDGE SCHMITT: [15:48:57] It could -- could be hidden somewhere,
25 and we can't, we can't really follow it.

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1 MR KNOOPS: [15:49:01] I fully agree with you and also with Mr Vanderpuye.

2 But my point is, Mr President, first of all, I think the witness should have given
3 a chance to respond to such a question, such an apparent discrepancy or
4 inconsistency.

5 But secondly, such a detail as funding an attack of 5 December, which is not
6 mentioned in the statement of the witness and was mentioned during his oral
7 testimony, is something which can be subjected to a question. Even of course
8 you cannot prove the negative. But the point is, of course, that these elements go not
9 just to details, in our submission, and that that's why we want to put them to
10 the witness.

11 And in the same vein, if the Court would take notice of the -- the notes which were
12 taken of that meeting by Ms Samba-Panza, the Court will observe there is no
13 mentioning of Mr Ngaïssona announcing that he financed the Anti-Balaka, let alone
14 the 5 December attack.

15 And this can be found, this annex 4. It's CAR-OTP-2087-9087 for the Chamber. It's,
16 by the way, not on our list. But I will not go into detail because this relates to
17 another witness. But if the Chamber takes note of those notes taken of the meeting
18 by the assistant of the prime minister, you don't see this discussion there. And that's
19 why I think the witness can fairly be put this question.

20 PRESIDING JUDGE SCHMITT: [15:50:58] Okay, I -- actually now with this -- no,
21 Mr Vanderpuye, but a last word on that.

22 MR VANDERPUYE: [15:51:04] (Microphone not activated)

23 PRESIDING JUDGE SCHMITT: [15:51:05] Microphone.

24 MR VANDERPUYE: [15:51:06] I think I can explain this in just a minute. I don't
25 think there's any problem with the question as such. The question here, though, is if

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1 Mr Knoops wants to establish the witness did not say something during the course of
2 the interview, it's only fair that he establish that the witness was put the question or
3 had the opportunity to do so.

4 And what I mean by that is, if the issue here is that he's saying something now that
5 Ngaïssona said during the course of that meeting, which he didn't say during his
6 interview, Mr Knoops should show the witness at least where he was put

7 the question, what did Mr Ngaïssona say during the course of that interview? Or
8 something to that effect. And then establish the omission. But here it's abstract.

9 And then we have to dig through several hundred pages to figure out whether it was
10 said or wasn't.

11 PRESIDING JUDGE SCHMITT: [15:51:58] In principle, I agree with you, but

12 Mr Knoops has a point when he says that financing the specific attacks -- attack on
13 5 December 2013 is of course really something, a very special and detailed
14 information, so ...

15 MR KNOOPS: [15:52:13] And it's not mentioned in those notes and, you
16 know -- (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [15:52:17] Yeah, but this is then -- this is then
18 something that we are -- as I said, this will of course not escape our attention.

19 So -- but perhaps we can give it simply a try. The witness is sitting here at the
20 video-link location and is following, perhaps a little bit astonished, what all these
21 counsel are discussing on a late Friday afternoon, so to speak.

22 Mr Witness, you have of course followed what we were discussing.

23 Do you -- let me simply give it a go.

24 Do you recall that you have been asked about financing issues with regard to

25 Mr Ngaïssona during your 2018 interviews with the Prosecution?

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1 THE WITNESS: [15:53:08](Interpretation) I think that I might have a recollection of
2 that. I also believe that I answered. And maybe during the examination-in-chief I
3 was a little more specific in my answers, because I had to provide details as to how
4 Mr Ngaïssona was financing the Anti-Balaka.

5 And the Anti-Balaka, Mr President, themselves made that statement to
6 the transitional president in the presence of her cabinet. So, as far as I am concerned,
7 that is what I have said and that is it. That's it, Mr President.

8 PRESIDING JUDGE SCHMITT: [15:54:04] By the way, do we have from -- from this
9 meeting -- the parties might have a better overview. Do we have other witnesses
10 who have been present that we could ask? Perhaps we keep that in mind.
11 And I take note that in the summary of the Prosecution with regard to the 5 December
12 attack, this financing issue does not appear.

13 MR KNOOPS: [15:54:28] Exactly, yeah.

14 PRESIDING JUDGE SCHMITT: [15:54:28] Does not appear.

15 MR KNOOPS: [15:54:30] Yeah.

16 PRESIDING JUDGE SCHMITT: [15:54:30] So I prefer normally to have the specifics,
17 but of course, yeah, there might perhaps be an assumption that it would have been
18 mentioned, if it had been mentioned. Yet, what follows out of that, I think we
19 have -- we have to leave this to the Chamber. But I think we can -- we
20 can -- you cannot go further here.

21 MR KNOOPS: [15:54:52] I understand, Mr President. Thank you very much.
22 Just to, Mr Vanderpuye asked for more concrete examples, just before the break. I
23 see I have just five minutes.

24 PRESIDING JUDGE SCHMITT: [15:55:05] No. It's okay. I think we should solve
25 this -- not solve this, but whatever we can do to clarify this we should do now.

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1 MR KNOOPS: [15:55:10] I have two -- two examples on this topic, the difference
2 between the statement 2018 versus the oral testimony.

3 Q. [15:55:15] First one, Mr Witness, relates to the 5 December attack. You will
4 recall that in your oral testimony on the 25 May, this week - that's the pages 60 till 63
5 of the real-time English version - you testified that before the 5 December attack - and
6 that was towards the end of November 2013 - you saw Mr Éric Danboy,
7 Franklin Bozizé, Bernard Mokom, and Mr Ngaïssona in Yaoundé, and that at that
8 moment Mr Ngaïssona took the floor and told everyone that it was not long before his
9 troops attacked the Séléka coalition.

10 The next day, 26 May, the witness repeated this narrative, namely that at the end of
11 November he met Bernard Mokom, Francis Bozizé, and others in Yaoundé, where
12 Mr Ngaïssona told him allegedly that the attack was imminent. That was your
13 testimony this week, Mr Witness.

14 Now, now we have something of the negative, because in your statement in 2018,
15 Mr Witness, when you were interviewed by the Office of the Prosecution, you said
16 that during your visits, multiple, in Cameroon, you were not in contact with
17 the Central African military personnel, except for private reasons in a social context,
18 namely when they went to restaurants and cafes.

19 PRESIDING JUDGE SCHMITT: [15:57:14] Reference, please, Mr Knoops.

20 MR KNOOPS: [15:57:16] Yes, that's tab 43 of the Prosecution list.

21 CAR-OTP-2074-2580-R01 at 2585, lines 147 till 153, lines 154 till 174, to page 2586, next
22 page, that's then lines 175 till 198.

23 PRESIDING JUDGE SCHMITT: [15:57:50] It's 49, so it's the same slip like the last
24 time.

25 MR KNOOPS: [15:57:56] Yeah. Exactly.

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1 PRESIDING JUDGE SCHMITT: [15:57:57] Not a problem. It's okay.

2 MR KNOOPS: [15:57:58] But here the Chamber might agree, and also
3 the Prosecution, that the witness does not mention a discussion of this sort at the end
4 of November 2013 in Yaoundé where Mr Ngaïssona told that his troops would attack.
5 To the contrary, when he was pressed, the witness, by the investigators on the matter,
6 he insisted that he did not meet any soldiers in Cameroon because he was a minister
7 and everyone's actions were monitored. The only person he agreed to meet was
8 Colonel Dobigué, who told him that there were plenty of military in Cameroon so he
9 should be careful.

10 Q. So, here, Mr Witness, you observe that you did say something quite different in
11 2018 than during your testimony this week in this Court.

12 Now the question is: What made you change your statement?

13 A. [15:59:17] Counsel, I thank you. I did not change my statement. I said clearly
14 that I had met soldiers and civilians in exile in Cameroon. I saw them. And I made
15 this clear in my statement. I have not changed that. But I have never said that I
16 had a meeting with soldiers.

17 Let me further specify, Counsel, that when we met with Mr Ngaïssona in Yaoundé
18 towards end of the month of November, I said clearly that Mr Ngaïssona had
19 indicated that the attack was imminent.

20 So I really do not see the contradiction in -- in what I may have said. I said that in
21 Douala we went out to the same places, so we met each other, we met with each other.
22 We had drinks together. And we shared meals together. I did not contradict
23 myself, Counsel.

24 But to say that we had a meeting with soldiers, no, I didn't say that. I talked about
25 my meeting with Ngaïssona and I remember that it took place end of November 2013.

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1 So, to my mind, there is no inconsistency.

2 PRESIDING JUDGE SCHMITT: [16:00:51] And as -- and again, in the end, we have
3 to compare everything and have to put it together and have to assess.

4 MR KNOOPS: [16:00:58] Yes. And also here I don't believe it's in the summary of
5 the OTP --

6 PRESIDING JUDGE SCHMITT: [16:01:01] As I said.

7 MR KNOOPS: [16:01:02] Yeah. Last point, Mr President.

8 Q. [16:01:06] Mr Witness, is the example we extracted from your statement which
9 relates to Bouar.

10 In your interview with the Office of the Prosecution 2018 - and that's tab 38 of the

11 Prosecution material - you mention Bouar with respect to the security situation,

12 stating that the prime minister asked you to call Sylvain Ndale, Ndale's family and

13 ask them to be careful and stop committing abuses against the Peulh. That's

14 CAR-OTP-2074-2095 at 2215, lines 689 till 690, to page 2216, lines 691, 713.

15 In that statement you gave in 2018, you did not mention the allegation of the attack on

16 Bouar, nor the alleged involvement of Mr Ngaïssona on this point.

17 Yet on 25 May, a few days ago, transcript page 66 till 67 of the English real-time

18 version, you allege that Mr Ngaïssona told you on the phone what they had done

19 during the attack on Bouar because they were colleagues -- you were colleagues with

20 him in the government. And that phone call conversation, Mr Ngaïssona told you

21 that he had organised the attack on Bouar, but there was a logistics problem that came

22 up and things were not completely in place and that the Séléka fighters took back

23 Bouar.

24 Now my question to you is: Why didn't you mention this whole phone call

25 conversation, which is, in my submission, not quite a detail, to the investigators in

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1 2018?

2 A. [16:03:50] Counsel, I was invited by the OTP to tell them what I knew. And I
3 was answering to the question that the Prosecutor put to me, questions that were put
4 to me.

5 Now, if during the trial there are new elements that come to mind, why shouldn't I
6 talk about them?

7 I have come here to help in the quest for the truth about what happened in our
8 country so that, together, people can desist from having that -- the kind of conduct
9 they had before. You see, for example, I'm here with you now. You are putting
10 questions to me, and I can answer. You have talked about inconsistencies, but I
11 know that I am not inconsistent.

12 Thank you.

13 Q. [16:04:55] Thank you, Mr President -- Mr Witness, for the answer.

14 I think, Mr President, this concludes this topic for --

15 PRESIDING JUDGE SCHMITT: [16:05:01] Okay. Yeah. I think that's a good point
16 to go into the weekend, so to speak, after really a long week.

17 So this concludes the hearing for today. Thank you, Mr Witness.

18 We reconvene on Monday, 9.30.

19 THE COURT USHER: [16:05:19] All rise.

20 (The hearing ends in open session at 4.05 p.m.)