

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 27 February 2023
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:45] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:08] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:14] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:30] Thank you.
21 The appearances of the parties.
22 You have changed a bit, not you, but your team, Mr Vanderpuye.
23 MR VANDERPUYE: [9:33:37] I have as well, Mr President.
24 Good morning, Mr President. Good morning, your Honours. Good morning,
25 everyone. Good morning, Mr Witness.

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- 1 Today the Prosecution is represented by Pierre Belbenoit-Avich, Yassin Mostfa and
2 myself, Kweku Vanderpuye. Good morning.
- 3 PRESIDING JUDGE SCHMITT: [9:33:49] Thank you.
- 4 I turn to the representatives of the victims.
- 5 MR DANGABO MOUSSA: [9:33:52](Interpretation) Good morning, your Honour.
6 Good morning, the Bench. Good morning, everybody. And good morning,
7 Witness.
- 8 The victims of other crimes are represented here by Mrs Gabriella dos Santos,
9 Mrs Evelyne Ombeni and Mr Dangabo, myself. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.
- 11 MS LAU: [9:34:14] Good morning, Mr President, your Honours. Good morning,
12 everyone. Today the former child soldiers are represented by myself, Fiona Lau,
13 Office of Public Counsel for Victims. Thank you.
- 14 PRESIDING JUDGE SCHMITT: [9:34:22] Thank you.
- 15 Since we are on the right side, we are glad to see Ms Dignité Bwiza back as Rule 74
16 counsel. Nice to see you.
- 17 We turn to the Defence. Why not start with Ms Dimitri?
- 18 MS DIMITRI: [9:34:38] Good morning, Mr President. Good morning,
19 your Honours. Good morning, everyone.
- 20 Mr Yekatom is present in the courtroom and he's represented today by
21 Ms Anta Guissé, Ms Fiona Houdin, Ms Laurence Hortas-Laberge and myself,
22 Mylène Dimitri.
- 23 PRESIDING JUDGE SCHMITT: [9:34:52] Thank you.
- 24 Mr Knoops.
- 25 MR KNOOPS: [9:34:55] A very good morning, Mr President, your Honours. Good

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1 morning, everyone in the courtroom.

2 Good morning, Mr Witness.

3 On behalf of Mr Ngaïssona, who's present behind me, well, on the left side. I am

4 assisted today by Ms Chiara Giudici. On the second row, Ms Brianna Dyer,

5 Mathias Goffe and Mr Michael Rowse. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:35:21] Thank you.

7 And most importantly, good morning, Mr Witness. I hope you had a good weekend

8 and could relax a little bit.

9 WITNESS: CAR-OTP-P-0487 (On former oath)

10 (The witness speaks French)

11 THE WITNESS: [9:35:38](Interpretation) Good morning. I was relaxed this

12 weekend. I did some sports in the sports club.

13 PRESIDING JUDGE SCHMITT: [9:35:45] Well, that's good to hear. That is -- that

14 does not help normally the physical health, but also, let's say, the mental health.

15 It's now the time for the examination of Mr Knoops. And you will tell us if we can

16 stay in open session or if we have to go in private session.

17 MR KNOOPS: [9:36:08] Thank you, Mr President. Of course, I will timely indicate

18 the nature of the sessions.

19 QUESTIONED BY MR KNOOPS:

20 Q. [9:36:16] Good morning, Mr Witness. I'm happy that you were able to spend

21 some time in the sports arena. I was working on the preparation of the questions

22 today for you, sir.

23 My name is Alexander Knoops, I'm an attorney at law in Amsterdam,

24 the Netherlands, and I'm asking today several questions on behalf of the Defence

25 team of Mr Ngaïssona.

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1 My plan is to hopefully finish by the end of the day, maybe the first session tomorrow,
2 depending on the speed of the questions and the conciseness of your answers.

3 Mr Witness, the first topic I would like to go with you into private session, because
4 that relates to the return of the constitutional order.

5 PRESIDING JUDGE SCHMITT: [9:37:15] I understand.

6 And for the audience, you recognise that this is a protected witness, and counsel is
7 going to address issues which might reveal the identity of the witness, and this is
8 the reason why we have to go in private session.

9 Please, we go to private session.

10 (Private session at 9.37 a.m.)

11 THE COURT OFFICER: [9:37:50] We are in private session, Mr President.

12 MR KNOOPS: [9:37:55] Thank you, Madam Court Officer.

13 Q. [9:38:00] Mr Witness, I -- I would like to address this morning the topic on
14 the return of the constitutional order in various aspects, various layers I prepared.
15 The first part, and that's actually introduction to the discussion I would like to have
16 with you on the constitutional order, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [9:43:17] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Now, it's also the Prosecution case before this Court that you yourself were involved

8 in the 5 December attack. Prosecution also suggest that you were involved in

9 the 5 December attack. (Redacted)

10 (Redacted)

11 So, I put to you that your evidence under oath before this Court last week that your

12 goal was (Redacted)

13 (Redacted) does not comport with (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [9:44:46] So, Mr Witness, what do you say to that?

16 THE WITNESS: [9:44:57](Interpretation) I have given the details. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [9:46:15] (Redacted)

10 (Redacted)

11 you mention locations where weapons were potentially stored. So how could you
12 know this if you were not there, as you say?

13 A. [9:46:54] I do not know anything about weapons. I showed where Yekatom
14 would actually get his supply of weapons. But the statement on the weapons is
15 rather vague, that was not applied.

16 Q. [9:47:18] So, Mr Witness, to conclude this excerpt of (Redacted)
17 (Redacted), would it be fair to say that during this (Redacted) you didn't tell the truth
18 to (Redacted) about your involvement; is that your evidence? That this (Redacted)
19 (Redacted) false information?

20 A. [9:48:03] Yes, this (Redacted) is not clear. I did not apply this.

21 Q. [9:48:10] My question is do you -- my question is, sir, do you agree that you,
22 during this (Redacted)
23 you gave actually a statement which was not truthful, correct?

24 A. [9:48:32] That's not the truth.

25 Q. [9:48:37] And is the explanation for the fact that you didn't tell the truth

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1 (Redacted) again that you did so because of the mentioned (Redacted)

2 which you told us about last week?

3 A. [9:49:27] Could you please repeat the question.

4 Q. [9:49:32] Of course. The reason why you didn't told the truth during this

5 (Redacted), was the reason for not telling the truth at that moment the

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Is that the underlying reason why you gave a false (Redacted)

11 A. [9:50:52] Well, yes, mainly I was not part of them. I wasn't part of

12 the Anti-Balaka. I couldn't know what was happening in the field. And here before

13 the ICC I am -- I am *not in a position to testify on that because there was so much of

14 influence in the field. People were too powerful. And when you actually introduce

15 yourself clearly, you just don't get through or make it. So I was saying that my

16 position was mainly (Redacted) and not a fighter's position. So to be exact, I not fire

17 a bullet, (Redacted), I hadn't. I never did it.

18 Q. [9:51:51] Let me, Mr Witness, put the question differently.

19 Did you want the outside world to believe (Redacted)

20 (Redacted)

21 A. [9:52:14] Yes, that's the only reason.

22 Q. [9:52:18] And do you agree, Mr Witness, that you kept this (Redacted)

23 you just described to yourself, and only to yourself, not to endanger you and your

24 family? It was actually your secret, right?

25 A. [9:52:52] No, not just my family. The Central Africans, all of them, including

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1 my family as well.

2 Q. [9:53:07] My question to you is: You didn't reveal this (Redacted) to anyone at
3 the time you gave that (Redacted) or before, right? You kept that (Redacted)
4 to yourself, right?

5 A. [9:53:35] Yes.

6 Q. [9:53:42] So there was nobody else at that time knew about your (Redacted)
7 Maybe your (Redacted), I don't know. But there was nobody else who could have
8 known this (Redacted), except for yourself, right?

9 A. [9:54:12] I knew my position. Now, if (Redacted) knew it, I couldn't have
10 stayed alive in the beginning if they actually knew it. I couldn't have stayed alive.
11 They would have done everything to kill me.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [9:56:22] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). It doesn't make sense, sir. Can you please comment on this.

4 A. [9:57:40] I said that I was there to -- to see what was happening and what's not
5 right, like the murders, for instance, and immediately report on that.

6 PRESIDING JUDGE SCHMITT: [9:57:59] You have tried, Mr Knoops.

7 MR KNOOPS: [9:58:01] Yes.

8 Q. [9:58:02] Sir, did you ever speak to Mr Ngaïssona personally about this subject,
9 the return of the constitutional order, and what exactly his views were in
10 January 2014 or later on? Did you ever ask him, "Mr Ngaïssona, is it true that you
11 are in favour of the return of constitutional order?" Did you ever have such
12 a dialogue with him?

13 A. [9:58:48] I did not meet Mr Ngaïssona. (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [9:59:06] Yes. Did you ever, Mr Witness, hear Mr Ngaïssona speaking on
17 the radio elsewhere, while you were not present, about his view as to the return or
18 non-return of the constitutional order? Did you ever see a document or hear an
19 interview where you got confirmation that he indeed, as you assert, was in favour of
20 the return of the constitutional order?

21 A. [10:00:02] He could not have spoken over the radio. It was a matter of secret
22 for him. And this is why he would call for meetings, he would organise meetings,
23 and in Boeing-Bercail, in the Kpangaba school, *and at his residence, and there were
24 several meetings. He couldn't have spoken about this in the radio.

25 Q. [10:00:29] And why is that? Why do you say this? How do you know this,

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1 that he couldn't speak about it?

2 A. [10:00:46] I'm not in a position to know that. I can't put myself in his shoes.

3 When you are going to carry out a mission, you begin by betraying the mission? Is

4 the mission going to be successful? The mission will not be successful.

5 Q. [10:01:16] Sir, speaking about these meetings you refer to, would you agree with

6 me, if you know, that those meetings were largely meetings open to the public,

7 the meetings Mr Ngaïssona organised, I mean?

8 A. [10:01:42] Could you repeat the question.

9 Q. [10:01:46] No problem, sir. Can you confirm -- I don't know if you know, but if

10 you know, whether those meetings you referred to just a minute ago Mr Ngaïssona

11 organised were largely meetings open to the public?

12 A. [10:02:09] I'm not in a position to know that because I never was present at any

13 of them, so I'm not in a position to know that.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [10:03:04] I can confirm that. I said when you want to carry out a mission, you

20 can't betray it before you carry it out. If you betray the mission, you set a trap and

21 then you fall into it. He could not declare in front of the *President that he

22 wanted a return to the constitutional order because that would have been used

23 against him.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:04:37] At that occasion when you met Mr Ngaïssona, didn't you approach

7 him to ask him (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [10:05:28] I did not meet with him. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:05:51] Thank you, sir.

14 Mr President, the next topic, I could try to do it in public, because this still relates on

15 the return of the constitutional order, but this relates to several actions and statements

16 of Mr Ngaïssona --

17 PRESIDING JUDGE SCHMITT: [10:06:07] Okay, I understand.

18 MR KNOOPS: [10:06:08] -- which I would like to confront the witness with.

19 PRESIDING JUDGE SCHMITT: [10:06:12] Yeah, yeah. But we can --

20 Mr Witness, when we go now to open session, please be mindful that you don't reveal

21 via your answers your identity. And if you think you want to answer in a way that

22 this could happen, please let us know and we will then go to private session.

23 But we try it in open session now.

24 (Open session at 10.06 a.m.)

25 THE COURT OFFICER: [10:06:48] We are in open session, Mr President.

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1 MR KNOOPS: [10:07:01]

2 Q. [10:07:01] Mr Witness, the next few questions, still on the same topic, relate on

3 certain documents and actions performed by Mr Ngaïssona. And I will each time

4 put a document or transcript to you and come afterwards with several questions.

5 The first topic is a radio interview, and I ask you to first listen to a radio interview.

6 This time it's an interview of Mr Ngaïssona himself around April 2014.

7 And the audio is to be found in the Prosecution tab 74, CAR-OTP-2076-0815. And

8 the transcript to be displayed by the court officer is CAR-D29-0006-0721. That's

9 the Prosecution binder, tab 2 - it's OTP material - at 0726. I would like to play

10 the lines 10 till 28 of this radio excerpt.

11 PRESIDING JUDGE SCHMITT: [10:08:33] And please let us know, interpreters,

12 when you're ready.

13 I think we can play it now.

14 (Playing of the audio excerpt)

15 THE INTERPRETER: [10:08:46](Interpretation of the audio excerpt)

16 "Unidentified reporter: It's difficult to know for sure, but we can see within this

17 radical fringe group that there are several former dignitaries of the Bozizé regime.

18 This is the case of Patrice-Edouard Ngaïssona who introduces himself as

19 the coordinator of the Anti-Balaka movements. He was a minister of François Bozizé.

20 And many people are accusing him of working in an underhanded fashion for his

21 former mentor, which he denies vigorously.

22 Mr Edouard-Patrice Ngaïssona: This is a serious huge error. A government is

23 a government, one government has gone, we have to move on and then move

24 forward.

25 I have come back to my country, because I was asked by these young people to speak

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1 on their behalf. And I'm a businessman, I lost a lot of things during the time of
2 the Seleka.

3 My fight is that I have to return to the country and bring back my family, and live in
4 this country. So, those who ...

5 Unidentified reporter: You're not fighting for François Bozizé?

6 Mr Edouard-Patrice Ngaïssona: No, no, no, no, no. No, people shouldn't imagine
7 things. Before Bozizé, I was going about my business, I was living well. During
8 the Bozizé regime, I continued my business. And other than that, leave Bozizé alone,
9 leave Ngaïssona alone (inaudible)."

10 End of sight translation.

11 MR KNOOPS: [10:10:34]

12 Q. [10:10:35] Sir, were you aware that Mr Ngaïssona gave this interview in
13 April 2014 on the radio in Bangui?

14 A. [10:10:54] Yes, he granted the *interview, but I didn't hear it. This is the first
15 time I've heard it.

16 Q. [10:11:02] And we hear, sir, Mr Ngaïssona saying that the assumption that he
17 was in favour of the return of Mr Bozizé as president of the Central African Republic
18 would be a grave error and one should not imagine things which are not part of his
19 position.

20 My question to you, sir: Do you agree that, listening to this interview, Mr Ngaïssona
21 distanced himself from Mr Bozizé and refutes the idea that he was in favour of
22 the return of Mr Bozizé, right?

23 A. [10:12:01] As I said earlier, before you go out to carry out a mission, if you
24 betray the mission, then someone is going to lay a trap. And if you fall into the trap,
25 you are not going to get out. The people could not know. The government could

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1 not know. But we, those of us who were in the field, the people who were asked to
2 provide contributions, we were the ones who were in a position to know,{ICR:
3 (Redacted)}. I couldn't know that. I don't even know. But this return to
4 the constitutional order, I didn't know the meaning. I even {ICR: (Redacted)} and I
5 said what that's all about. And he said this and that. And then I realised he could
6 not betray himself. He wanted to carry out this mission but behind the scenes,
7 otherwise it could be used against him.

8 No more than that.

9 PRESIDING JUDGE SCHMITT: [10:13:14] Mr Knoops, may I make a suggestion. I
10 know you have further documents to present. The position and the answer of
11 the witness is clear. Would it be acceptable to simply put them on the record?
12 Because it's clear that we have now heard Mr Ngaïssona himself speak, so -- and
13 the witness has clearly answered. I think -- I think that's a fair thing to do. Because
14 we won't get another answer by the witness. Yeah. Thank you very much.

15 MR KNOOPS: [10:13:44] Mr President, I agree but if you allow me just to briefly
16 introduce the documents.

17 PRESIDING JUDGE SCHMITT: [10:13:49] Yeah. Yeah, yeah, I understand, course.

18 MR KNOOPS: [10:13:45] But I will keep it -- I keep it concise.

19 PRESIDING JUDGE SCHMITT: [10:13:47] Yeah, yeah, but it's just a suggestion,
20 because I really think that that would shorten the proceeding.

21 MR KNOOPS: [10:13:58] Yeah. I just have, Mr President, I have to address
22 Mr Witness of course.

23 Q. [10:14:00] One question: If you say your suggestion to the Court today after
24 listening to this interview is that -- that Mr Ngaïssona otherwise would have betrayed
25 his cause and that's why he gave this interview and said something different, what is

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1 actually the foundation for this allegation, apart from the repeating argument you
2 have alluded to several times on the alleged {ICR: (Redacted)}, what is
3 actually your foundation to say that this interview Mr Ngaïssona gave in April, where
4 he clearly said, no, no, no, no, this is a grave mistake, that this interview was
5 actually -- that is what you suggest, a fake interview he gave, that is what you're
6 telling the Court?

7 PRESIDING JUDGE SCHMITT: [10:14:56] That's indeed a good question. Yeah. I
8 think, yeah.

9 MR KNOOPS: [10:14:58]

10 Q. [10:14:58] And my question to you is, sir, why? What is the foundation to say
11 that Mr Ngaïssona was not genuine in his interview in April?

12 PRESIDING JUDGE SCHMITT: [10:15:09] Yeah, okay. Yeah, let him try to answer,
13 please, Mr Knoops. Thank you.

14 THE WITNESS: [10:15:24](Interpretation) I confirm this like that, because {ICR:
15 (Redacted)

16 (Redacted)}. And I just repeated this, before carrying out a mission, before carrying
17 out a mission, if you betray this mission, you're not going to get out of it. He was
18 discreet, it was a discreet matter. He was behaving in a -- discreetly about this
19 mission.

20 MR KNOOPS: [10:16:03] You are right, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:16:04] I understand your attempt, but -- but I
22 think I'm right, yes.

23 MR KNOOPS: [10:16:09] Attempt made.

24 Q. [10:16:13] A second question, Mr Witness, in this regard: Were you aware of
25 Mr Ngaïssona's position towards the transitional government at that time after his

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1 return to Bangui on 14 January, in particular his position in regard to
2 Ms Samba-Panza, the then president? Do you have any information on his position,
3 if you know?

4 A. [10:17:02] His position was that -- was that, you see, he had sent {ICR:
5 (Redacted)}. That was his only position, just that.

6 Q. [10:17:11] Okay. Were you aware, Mr Witness, that Mr Ngaïssona on
7 21 January 2014, just seven days after his return from exile, he returned 14 January,
8 that he sent a letter with congratulations to Ms Samba-Panza on behalf of
9 the Anti-Balaka on her appointment and expressed in this letter his engagement to
10 further cooperate with her for the return of peace?

11 And that's, for the record, tab 6. Don't have to, I think, show it to the witness.

12 PRESIDING JUDGE SCHMITT: [10:18:09] We -- we have already seen it in other
13 context. Yeah.

14 MR KNOOPS: [10:18:13] Yeah. It's CAR-OTP-2084-0146.

15 PRESIDING JUDGE SCHMITT: [10:18:19] I think that's a good, as I said, that would
16 have been my suggestion, that you -- that you put these also on the record, meaning
17 we have them already on the record. But in this context it's also good, it's easier to
18 work with then later.

19 MR KNOOPS: [10:18:33] Yeah.

20 Q. [10:18:36] If you would like to see the letter, of course I can show it, but I
21 summarise --

22 PRESIDING JUDGE SCHMITT: [10:18:41] I think we can move on.

23 MR KNOOPS: [10:18:43] We can move on.

24 PRESIDING JUDGE SCHMITT: [10:18:44] As I said, please put it on the record.

25 And the witness has made his position clear and it will not change.

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1 MR KNOOPS: [10:18:51] Yeah.

2 Q. [10:18:51] My only question to you, sir: Were you aware of such a letter sent by
3 Mr Ngaïssona? It's a simple yes or no question.

4 A. [10:19:14] I wasn't interested of -- in any of that. He made his position known
5 and I kept my thoughts to myself. I have nothing else to report.

6 Q. [10:19:36] Mr Witness, while we are still in public session, and I'm asking you
7 some comments on certain documents, please refrain from mentioning the name of
8 the individual you just mentioned. Of course, Mr Ngaïssona is not a problem, but
9 other names.

10 PRESIDING JUDGE SCHMITT: [10:19:56] No, we can handle that, I think.

11 MR KNOOPS: [10:19:59] Okay. All right.

12 PRESIDING JUDGE SCHMITT: [10:20:00] And since you -- since you agreed to put
13 simply the --

14 MR KNOOPS: [10:20:07] Document on the record.

15 PRESIDING JUDGE SCHMITT: [10:20:07] -- other documents simply on the record,
16 there is no problem at all. Let me put it this way.

17 MR KNOOPS: [10:20:12] Okay. Thank you, Mr President.

18 Q. [10:20:13] Mr Witness, secondly, were you aware that Mr Ngaïssona, three
19 weeks after the letter of congratulations we just mentioned, wrote a letter on
20 18 February 2014 to Samba-Panza in which he said that the objectives of
21 the Anti-Balaka were achieved, had been reached, which implies that there was no
22 need to continue with the fighting of the Anti-Balaka, that Mr Ngaïssona was
23 therefore against the continuation of any fight of the Anti-Balaka? That's contrary to
24 your evidence last week. Were you aware of such a letter, Mr Witness?
25 And that's, for the Court, tab 7, CAR-OTP-2101-3225. And in particular, also,

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1 page 3226, the first and the third paragraph of the letter where you find the position
2 of Mr Ngaïssona.

3 Now, Mr Witness, were you aware of that position of Mr Ngaïssona just four/five
4 weeks after his return from Cameroon, yes or no?

5 A. [10:21:40] His point of view is that {ICR: (Redacted)
6 (Redacted)}. That was just his position. That's all I knew. I think we're just
7 beating around the bush. That was his position, nothing more than that. We're
8 going in circles.

9 Q. [10:22:10] Yeah, the question is who in this Court is going around in circles,
10 but --

11 PRESIDING JUDGE SCHMITT: [10:22:14] Don't we -- we don't discuss with
12 the witness, please. And you don't, I think, really, we don't have to ask the witness if
13 he was aware of a letter or so.

14 I really would appreciate it if -- because this is documentary evidence what you are
15 presenting, so this is evidence, as such, and it is not only evidence because the witness
16 says something, it is, as I said, documentary evidence is evidence also, however to be
17 interpreted, but this is also clear for everybody in the courtroom.

18 MR KNOOPS: [10:22:45]

19 Q. [10:22:45] Mr Witness, are you familiar with a person named Mr Konate,
20 Lieutenant Konate? You ever heard of such an individual?

21 A. [10:23:08] Yes, I know him.

22 Q. [10:23:09] Do you agree that he, at the time of the conflict, was a member of
23 the presidential guard?

24 A. [10:23:21] Yes.

25 Q. [10:23:22] Did he fought for the Anti-Balaka?

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- 1 A. [10:23:29] Yes.
- 2 Q. [10:23:32] You know why, why he fought for the Anti-Balaka as a military?
- 3 A. [10:23:50] The Anti-Balaka were fighting for the liberation of the people.
- 4 The people were in difficulty.
- 5 Q. [10:23:59] Are you familiar with article 16 of the constitution of the Central
- 6 African Republic, since you were versed in international law?
- 7 A. [10:24:21] I'm not familiar with that.
- 8 Q. [10:24:24] Where would you position Mr Konate? Which group of
- 9 the Anti-Balaka?
- 10 A. [10:24:40] As far as I know, Konate must have been staying in Boy-Rabe.
- 11 Q. [10:24:51] You have information had he any relationship with Mr Ngaïssona?
- 12 A. [10:25:04] I'm not in a position to know that. I never went to the home of
- 13 Mr Ngaïssona or to Boy-Rabe.
- 14 Q. [10:25:16] Would you say that Mr Konate was a member of the Anti-Balaka
- 15 south or north, if you know?
- 16 A. [10:25:30] I was saying that Konate was staying in the same neighbourhood as
- 17 Mr Ngaïssona.
- 18 Q. [10:25:44] Were you aware, Mr Witness, that Mr Konate {PFR: (Redacted)}
- 19 (Redacted)}
- 20 You have any information on this? {ICR: (Redacted)}
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)}
- 25 PRESIDING JUDGE SCHMITT: [10:26:36] Mr Vanderpuye.

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1 MR VANDERPUYE: [10:26:39] Same difference.

2 Mr President, I'd like to invite counsel to go into private session if we could,

3 Mr President.

4 PRESIDING JUDGE SCHMITT: [10:26:49] Yeah, then we go to private session.

5 (Private session at 10.27 a.m.)

6 THE COURT OFFICER: [10:27:10] We are in private session, Mr President.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:28:35] I put on the record, Mr President, tab 8 of the Defence binder, that's

20 CAR-OTP-2002-0723, which is a photocopy of a letter written, according to this

21 document, by Mr Lieutenant Konate, one of the leaders of the Anti-Balaka, (Redacted)

22 (Redacted), where it says: (Interpretation)

23 "The Anti-Balaka are ready to put down weapons, return to the ranks to defend

24 the country."

25 (Speaks English) It mentions *reconciliation*, *cantonnement* (Interpretation) reconciliation,

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1 billeting of the Anti-Balaka, representation of the Anti-Balaka in the CNT.

2 (Speaks English) (Redacted). But I put to you, Mr Witness, that this letter written by
3 a FACA officer who supposedly was part of Mr Ngaïssona's circle also intimated that
4 the fighting should stop and the ranks -- the FACA should reintegrate in the ranks,
5 already in January, already in January/February 2014. So there was no matter of
6 return to the constitutional order.

7 That's what I put to you, this evidence. So contrary to what you are saying.

8 Mr President, I know the answer of the witness, so I move on, but that's why I put it
9 on the record.

10 PRESIDING JUDGE SCHMITT: [10:30:41] Yeah. Yeah, and it's okay. Put it on
11 the record. But I think, really, you could -- because, as I said, it's documentary
12 evidence and it will -- will be -- it has been discussed with other witnesses. And it
13 can also be, of course, introduced via the procedure that we have in place for that.

14 MR KNOOPS: [10:30:55]

15 Q. [10:30:55] Mr Witness, Mr Witness, were you aware that Mr Ngaïssona indeed,
16 after his return to Bangui, wanted to stop the fighting, was not in favour of
17 prolonging any fighting, contrary to your evidence, but also contrary to other
18 individuals in the Anti-Balaka, even the Anti-Balaka north, such as Maxime Mokom?
19 That within the Anti-Balaka north there was also a division on this point and
20 Ngaïssona was, contrary to Mokom, in favour of a non-return of François Bozizé,
21 while Mokom was in favour of the continuation of fighting.

22 A. [10:31:59] I think it's the same thing. Mr Ngaïssona could not betray before he
23 finished his mission, never. (Redacted)

24 (Redacted)

25 (Redacted). The people during that period suffered a lot. They really suffered a lot.

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1 So one shouldn't accept this return to constitutional order, otherwise it would have
2 been the worst of everything.

3 Q. [10:33:00] My question to you, sir: Were you aware, did you have information
4 that indeed Maxime Mokom was in favour of continuation of fighting?

5 A. [10:33:24] I couldn't have known that. I cannot know that because I never go to
6 (Redacted)

7 (Redacted)

8 Q. [10:33:46] Lastly, Mr Witness, I put to you that several Prosecution witnesses
9 testified before this Court, several.

10 I mention P-0889, for the Court's record, P-1193 and P-0888.

11 And these Prosecution witnesses who were part of the Anti-Balaka confirmed that it
12 was Mokom's group that was not in agreement with Mr Ngaïssona, who was against
13 the return of the constitutional order, Mokom wasn't. So I put to you that your
14 information, (Redacted)

15 (Redacted), is not -- it does not comport with the evidence which was given before
16 this Court.

17 PRESIDING JUDGE SCHMITT: [10:34:57] Mr Vanderpuye.

18 MR VANDERPUYE: [10:34:59] Mr President, I object. I don't think that's a fair
19 question or a fair assessment of the evidence before this Court, which comprises more
20 than three witnesses.

21 PRESIDING JUDGE SCHMITT: [10:35:07] Yeah, well, but -- and I think -- I think we
22 have the position of the witness. We, really ...

23 MR KNOOPS: [10:35:14] Okay, then I will conclude this topic with one final
24 question.

25 PRESIDING JUDGE SCHMITT: [10:35:18] In the end, you have -- you have

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1 discussed, nevertheless, to put it this way, all these documents with the witness. So
2 it's -- it's fine. It's okay.

3 MR KNOOPS: [10:35:32]

4 Q. [10:35:32] Mr Witness, before I move to the other actions performed by

5 Mr Ngaïssona, I ask you, sir, (Redacted)

6 (Redacted), you never heard from Mr Ngaïssona, or anyone else, that he was in

7 favour of the return of the constitutional order, right?

8 (Redacted)

9 (Redacted)

10 A. [10:36:46] No. What I said is true. The return to constitutional order is

11 something that I did -- had never heard of. But I did hear of this (Redacted)

12 (Redacted)

13 (Redacted)

14 MR KNOOPS: [10:37:19] Okay, Mr President, I was about to say the same thing like

15 you last week, I give up.

16 PRESIDING JUDGE SCHMITT: [10:37:24] Yeah. Okay.

17 MR KNOOPS: [10:37:26] But, anyway, I think the answer speaks for itself.

18 Actually, there is no answer.

19 PRESIDING JUDGE SCHMITT: [10:37:36] Well, but, Mr -- okay.

20 MR KNOOPS: [10:37:41]

21 Q. [10:37:42] I try one last. Mr Witness, you say Mr Ngaïssona was in favour of

22 the return of the constitutional order, okay? Now my only question is: The fact

23 that you say this was based on (Redacted)?

24 That is the basis of your statement?

25 (Redacted).

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1 Q. [10:38:21] Thank you. That's -- that's an answer.

2 The next topic, Mr President, I try to address in public. This is again on the role of
3 Mr Ngaïssona, in specific, in the spectrum of his actions after January 2014, after his
4 return, (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:38:48] Okay, then we give it a try.

6 Open session.

7 (Open session at 10.39 a.m.)

8 THE COURT OFFICER: [10:39:10] We are in open session, Mr President.

9 MR KNOOPS: [10:39:25]

10 Q. [10:39:30] Sir, I know that you -- that your evidence is that you didn't meet
11 Mr Ngaïssona after his return. But, still, you might have been aware otherwise of his
12 actions or activities in January-July 2014, up to the Brazzaville conference in July 2014.
13 Did you have any information what his activities were, in specific on behalf of
14 the Anti-Balaka?

15 A. [10:40:26] His activities on behalf of the Anti-Balaka, I -- the head -- the warlords
16 and the leaders, they were called to the Brazzaville conference. If we could have
17 the list, it could be really useful, because the leaders were all there. Ngaïssona,
18 Rombhot, Ngremangou and Mbomon, they left. I did not leave. It's this list that
19 can really tell you the -- who the major leaders of the Balaka. I listened to that. I
20 listened to that. They were high leaders, people of big responsibility who left. But I
21 did not go to Brazza.

22 Q. [10:41:30] Thank you. My question to you, sir: You have any information on
23 what Mr Ngaïssona did for the Anti-Balaka before he went to Brazzaville?

24 A. [10:41:59] I did not meet Ngaïssona so that he could provide details. When I
25 said I was on -- I was a different party, I was not for the war, I was for the safety of

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1 the people. When something was wrong, I had to report it so that it doesn't occur, it
2 doesn't happen. I did not actually meet Mr Ngaïssona to know his opinion. I don't
3 know what he did and I wasn't interested.

4 When he would call me and when he tried to give me money, I would refuse, I would
5 say I do not want it. It was actually a way to fool me.

6 Q. [10:42:52] So you did meet him?

7 A. [10:42:58] No, I did not meet him, not even once, {ICR: (Redacted)
8 (Redacted)

9 (Redacted)} Only that.

10 Q. [10:43:21] Well, you just introduced something quite new, that Mr Ngaïssona
11 tried to give you money. How come?

12 A. [10:43:39] I said he wanted to give me money and he would have actually -- and
13 I did not want the money. He would have taken this opportunity to hurt me. And
14 I never met him. Ever since the beginning, even when he returned from Cameroon, I
15 did not meet him.

16 Q. [10:44:08] But when -- when was it that he tried to or wanted to give you
17 money?

18 A. [10:44:22] I do not know the date. He did not give me money. He did not
19 give me money. I never met him.

20 Q. [10:44:35] Mr Witness, did you know that in February 2014 Mr Ngaïssona
21 published two documents on behalf of the Anti-Balaka in which he endeavoured
22 the return of the Anti-Balaka elements back to the villages to resume their normal
23 activities?

24 A. [10:45:18] I do not know that. I never sat with him face to face to talk to him.
25 Never. Until today, until today.

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1 MR KNOOPS: [10:45:36] Mr President, I just want to put on the record Defence
2 tab 14, that's CAR-OTP-2025-0362. In particular page 0365, where you can find
3 the foundation of my question. And tab 15, a similar document, although slightly
4 different, of February 2014. CAR-OTP-2025-0372. In specific, for your Honours,
5 page 0375, where you can find also in the section II the objectives of Mr Ngaïssona's
6 plan, so to speak.

7 Q. [10:46:35] Mr Witness, if I was to say to you that Mr Ngaïssona was in favour of
8 the return of the Anti-Balaka elements in February 2014 to their respective villages to
9 resume their normal activities, would you agree with me that this does not comport
10 with the continuation of fighting? You would agree with me with this proposition?

11 A. [10:47:17] Now this is the first time that I'm listening to all this. I was never
12 privy to everything that was said right now. Never was I aware, because I was
13 really not interested in what he was doing. I wasn't interested. I knew his objective.
14 I already knew what his objective was. {ICR: (Redacted)} would have -- I would not
15 have known the objective. He betrayed himself.

16 Q. [10:47:57] Thank you, Mr Witness, for your answer.

17 Mr Witness, were you aware that after the Brazzaville conference in July 2014,
18 Mr Ngaïssona endeavoured and was instrumental in dismantling the roadblocks set
19 up by Seleka and Anti-Balaka?

20 A. [10:48:47] I don't know that. I don't know what would happen on his end.
21 I don't know.

22 Q. [10:48:59] My last question, Mr Witness, before the potential coffee break, on
23 this topic at the least: Did you know, did you have any information that
24 Mr Ngaïssona, because of his position to support the transitional government of
25 Ms Catherine Samba-Panza and the peace process endeavouring the return of

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1 the elements to the villages already in February, was himself several times threatened
2 by elements which were supposedly affiliated with the Anti-Balaka north, and even
3 Bozizé supporters, in March/April 2014 because he was against a return of
4 François Bozizé? That's why he was even threatened himself?

5 PRESIDING JUDGE SCHMITT: [10:50:06] Mr Vanderpuye.

6 MR VANDERPUYE: [10:50:07] This is testimony, Mr President, and not a question.

7 PRESIDING JUDGE SCHMITT: [10:50:12] Please rephrase it, question-wise.

8 MR KNOOPS: [10:50:17]

9 Q. [10:50:17] Mr Witness, were you aware of the fact that Mr Ngaïssona was
10 threatened by his own people, Anti-Balaka, because of his position against the return
11 of Bozizé?

12 A. [10:50:47] The -- this is the Defence argument. I said several times that when
13 Ngaïssona returned from Cameroon I wasn't aware of his position. {ICR: (Redacted)},
14 I wouldn't have got to know his position. It's only {ICR: (Redacted)} that I knew what
15 his real position was and I stuck to my position. That's it.

16 MR KNOOPS: [10:51:21] Okay. Mr President, I can -- I have five questions before
17 the break. If the Court allows me, I could finish before 11 with that topic, and then --

18 PRESIDING JUDGE SCHMITT: [10:51:31] If you think you can make it before 11.

19 MR KNOOPS: [10:51:34] -- I go to a totally new topic.

20 PRESIDING JUDGE SCHMITT: [10:51:33] Yes, please. Please.

21 MR KNOOPS: [10:51:38] Sir -- I think we can do this in open session, by the way. I
22 prefer it also.

23 PRESIDING JUDGE SCHMITT: [10:51:42] We are in open session.

24 MR KNOOPS: [10:51:44] Okay.

25 Q. [10:51:44] Sir, did you know -- I think you even mentioned the location, that

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1 after Mr Ngaïssona's return to Bangui on 14 January 2014, he visited Boeing to
2 appraise the situation there where he spoke to several groups, right? Is that
3 the meeting you referred to this morning?

4 A. [10:52:22] Yes. I testified that when Ngaïssona came, he had a meeting in
5 Boeing-Bercail. The second meeting took place in Boeing at the Kpangaba school.

6 Q. [10:52:45] Can you confirm that during this meeting in Boeing where
7 Mr Ngaïssona appeared, he called upon the elements not to prolong fighting while
8 saying that the objective of the Anti-Balaka was achieved?

9 A. [10:53:30] Yes. I said before the Chamber here that when a mission order is
10 signed for you, you're not going to stay here and tell the -- and call the enemy and say
11 that, wait, I'm coming there. The enemy would change his position to strike at you,
12 so ...

13 Q. [10:54:05] My -- sorry, Mr Witness, I just have five minutes. You're repeating
14 again the same answer. My question is simply: Can you confirm, yes or no,
15 whether Mr Ngaïssona, during the meeting in Boeing, after his return from exile,
16 called upon the elements to not prolong the fighting, saying that the objective was
17 achieved, namely the ousting of the Seleka? Yes or no.

18 A. [10:54:50] No, I wasn't there. I never attended his meeting to know what he
19 said.

20 Q. [10:55:02] Well, you could have heard this.

21 PRESIDING JUDGE SCHMITT: [10:55:05] He has answered. Mr Knoops, he has
22 answered. Please.

23 MR KNOOPS:

24 Q. [10:55:09] Then I put on the record a Prosecution witness statement, Mr Witness,
25 P-1521, who appeared in December 2021 before this Court.

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1 That is the T-082, English ET transcript, page 11, lines 10 till 25.

2 And in short, Mr Witness, the --

3 PRESIDING JUDGE SCHMITT: [10:55:46] You don't -- the witness has answered

4 and you have put what -- and the other witness also has answered quite a while ago.

5 MR KNOOPS: [10:56:08]

6 Q. [10:56:08] Mr Witness, if you hear a Prosecution witness saying before this Court

7 that Mr Ngaïssona, during this meeting in Boeing, was saying that "we need to unify.

8 I congratulate everyone because our goal has been achieved and we should stop

9 fighting", would you agree with me that this is not a call for the return of

10 the constitutional order? Simple yes or no.

11 PRESIDING JUDGE SCHMITT: [10:56:49] Well, this, I don't accept -- I don't.

12 The witness has said he was not there, he has not heard it. And we have heard

13 the other evidence and we have to put it into perspective. We cannot ask the witness

14 to comment on what -- what another witness said. Please move on.

15 MR KNOOPS: [10:57:06]

16 Q. [10:57:06] Were you aware of a meeting Mr Ngaïssona had after his return from

17 exile in Boy-Rabe at the Chinese school? You heard about this? In which he

18 expressed exactly the same thing as he said in Boeing, as I just mentioned to you,

19 based on a Prosecution witness who was there?

20 First of all, were you aware of a meeting in the Chinese school in Boy-Rabe after

21 the return of Mr Ngaïssona?

22 A. [10:57:45] There were several meetings, but I did not attend them. I never came

23 to these meetings. And I was never interested in what he was saying, because I

24 knew what his position was {ICR: (Redacted)}

25 So I was really not interested.

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- 1 PRESIDING JUDGE SCHMITT: [10:58:10] Mr Knoops, the witness has said he did
2 not attend any meeting. We cannot ask him about what happened during meetings
3 which he did not attend. And to ask him what other people have said about
4 a meeting that he did not attend also makes no sense, if I may be so frank.
- 5 MR KNOOPS: [10:58:31] I agree, Mr Witness - Mr Witness - Mr President.
- 6 PRESIDING JUDGE SCHMITT: [10:58:34] No problem. Well, aren't we all
7 witnesses (Overlapping speakers)
- 8 MR KNOOPS: [10:58:37](Overlapping speakers) I would not equate (Overlapping
9 speakers)
- 10 PRESIDING JUDGE SCHMITT: [10:58:40] No, no, it's fine, it's fine.
- 11 MR KNOOPS: [10:58:43]
- 12 Q. [10:58:43] Lastly, Mr Witness, were you aware or did you hear that
13 Mr Ngaïssona accepted his position as national coordinator when he came back from
14 exile, on the condition that all the abuses committed by whomever would stop?
15 And this is also told by a Prosecution witness in this Court. I'm not asking you to
16 comment on the --
- 17 PRESIDING JUDGE SCHMITT: [10:59:17] But were you aware of that? Were you
18 aware of that, Mr Witness? Simply, you can say yes or no.
- 19 THE WITNESS: [10:59:33](Interpretation) I don't know that.
- 20 MR KNOOPS: [10:59:35] And for the record, Mr President, it's the same statement of
21 P-1521, lines --
- 22 PRESIDING JUDGE SCHMITT: [10:59:41] Yeah. I know. I know.
- 23 MR KNOOPS: [10:59:42] I know.
- 24 PRESIDING JUDGE SCHMITT: [10:59:43] Break until 11.30.
- 25 MR KNOOPS: [10:59:45] Mr President, just one final question on this topic, if I may.

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- 1 PRESIDING JUDGE SCHMITT: [10:59:50] Yeah, of course.
- 2 MR KNOOPS: [10:59:51] I just have one minute before 11 I see.
- 3 PRESIDING JUDGE SCHMITT: [10:59:54] Yes, still not 11, so.
- 4 MR KNOOPS: [10:59:56]
- 5 Q. [10:59:56] So, Mr Witness, my final question is: When you were asked by
- 6 the Prosecution on 20 February, last week - transcript page 19, lines 4 till 20 - about
- 7 what the coordination of Ngaïssona would entail, you would agree with me you had
- 8 no -- you were not privy to all this information I just presented to you, correct? This
- 9 is all new for you, right?
- 10 A. [11:00:35] I cannot know anything about this coordination. I just heard that as
- 11 when he returned he became the coordinator. That's it. {PFR: (Redacted)}
- 12 (Redacted)}
- 13 Q. Thank you very much.
- 14 PRESIDING JUDGE SCHMITT: [11:01:00] Break until 11.30.
- 15 THE INTERPRETER: [11:01:02] Correction: {PFR: (Redacted)}
- 16 THE COURT USHER: [11:01:07] All rise.
- 17 (Recess taken at 11.01 a.m.)
- 18 (Upon resuming in open session at 11.31 a.m.)
- 19 THE COURT USHER: [11:31:24] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE SCHMITT: [11:31:48] We are in open session, Mr Knoops.
- 22 MR KNOOPS: [11:31:51] Thank you, Mr President. Good afternoon. Good
- 23 morning.
- 24 Q. [11:31:55] Good morning, Mr Witness.
- 25 My topic for the second session, which can be dealt with partially in public session,

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1 relates to the return of the Anti-Balaka and the rejoining of the ranks by the FACA
2 soldiers who participated in the movement.

3 The first part of my examination can be in public, which relates to a radio broadcast of
4 22 February 2014 on Radio Centrafrique, which is to be found in our Defence binder,
5 tab 31, the transcript, CAR-OTP-2107-1489, while the audio, tab 32 in the
6 Defence binder, CAR-OTP-2042-2467, from the minutes 00:25 till 00:28. These are
7 the lines 22 till 36, lines 22 till 36. If the audio could be played.

8 And, Mr Witness, after the audio I have some questions to you.

9 This is, by the way, an interview with Mr Ngaïssona.

10 (Playing of the audio excerpt)

11 THE INTERPRETER: [11:33:42](Interpretation of the audio excerpt)

12 "Journalist: According to the coordinator of the Anti-Balaka movement,
13 Mr Ngaïssona, the main goal of the revolution is not to incorporate his elements into
14 the ranks of the Central African Republic armed forces. This is what he told Ruben
15 Mongoulou-Ngoya.

16 Mr Ngaïssona: I've always said the goal of the Anti-Balaka is not to come and join
17 the armed forces of the Central African Republic. The Anti-Balaka forces, this a form
18 of a popular uprising, we can't bring the entire population and include them in
19 the forces of defence and security. These are people who have their various
20 activities, people who have their fields, their farms, whose farms have been destroyed,
21 their cattle taken away, their houses torched, who have been subjected to abuses,
22 violence, violations, their families, they have mobilised and as a single man to come
23 drive out just the demons that have invaded our country, with their leader Djotodia,
24 and that's all. Today, the objective has been reached, now the other side that they
25 expect from the government perhaps is to perhaps, yes, wink at them, so to speak, so

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1 that their children can have the material means that they need to resume agriculture,
2 at least the seeds, because there's very little time to waste, in March or April, the rainy
3 season will begin, and these children need to go out and try to take care of their -- and
4 do their agricultural work."

5 MR KNOOPS: [11:35:55]

6 Q. [11:35:55] Mr Witness, is this the first time that you hear this interview of
7 Mr Ngaïssona broadcasted just about four weeks after his return from exile?

8 A. [11:36:19] This is the first time I have heard this. I told you I really wasn't
9 taking any interest in the various things that he was doing. I wasn't taking any, or
10 paying any interest to that. What I remembered initially -- well, that's all. I'm
11 staying -- I kept to my position. I didn't want to meet with him. I didn't want
12 anything.

13 Q. [11:36:44] Okay. You would agree with me, Mr Witness, that you didn't hear
14 Mr Ngaïssona speaking about prolonging any fighting, right?

15 A. [11:37:06] Earlier I said that he was being strategic because of his mission. He
16 could not betray his mission before carrying it out.

17 Q. [11:37:17] Are you not even willing, Mr Witness, to concede that Mr Ngaïssona
18 on this radio interview did not speak about prolonging fighting?

19 PRESIDING JUDGE SCHMITT: [11:37:29] No, no, he -- he has not to admit
20 what -- what Mr Ngaïssona has said. I think that that is -- he has given his answer
21 and it's his answer throughout his testimony and we are -- well, I would maintain my
22 suggestion that I made earlier on this day, actually.

23 MR KNOOPS:

24 Q. [11:37:53] Were you aware of the position of Mr Ngaïssona that he was against
25 the incorporation of the Anti-Balaka elements, to be differentiated from the FACA

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1 elements, into the army?

2 A. [11:38:19] I just said that this is the first time I've heard this statement. Other
3 than that, I was not interested in what he was saying. He might have -- he could say
4 that behind the scenes. But what I heard about the return to the constitutional order,
5 that was his hidden agenda.

6 Q. [11:38:44] Then, Mr Witness, tell the Court how Mr Ngaïssona was, in your view,
7 to achieve this goal, return of the constitutional order, while at the same time asking
8 the Anti-Balaka elements to return to the provinces, already in February 2014?

9 A. [11:39:18] I'm not in a position to know that.

10 Q. [11:39:21] Okay. It's your evidence before this Court that on {PFR:
11 (Redacted)} -- and maybe this could be better dealt with in private session,
12 Mr President, in hindsight. Sorry.

13 PRESIDING JUDGE SCHMITT: [11:39:34] I -- I think so.

14 Let's go to private session.

15 (Private session at 11.39 a.m.)

16 THE COURT OFFICER: [11:39:54] We're in private session, Mr President.

17 MR KNOOPS: [11:40:01]

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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20 (Redacted)
21 (Redacted)

22 Q. [11:44:21] Sir, I put to you that this is different than you gave, your evidence you
23 gave to the Court on 24 February, where you said that the (Redacted)
24 (Redacted)
25 And that's in the English real-time transcript, page 75 up to 76. So this is not your

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1 evidence you gave last week.

2 PRESIDING JUDGE SCHMITT: [11:45:03] Mr Vanderpuye.

3 MR VANDERPUYE: [11:45:07] First of all, I don't think that's an accurate

4 characterisation of the evidence. The witness responded to the Chamber's question

5 (Redacted)

6 (Redacted). And I think the witness testified quite clearly that (Redacted)

7 (Redacted)

8 And he's just answered now, in respect to Mr Knoops' question as to when (Redacted)

9 (Redacted)

10 So I don't think it's contrary to his evidence at all.

11 PRESIDING JUDGE SCHMITT: [11:45:41] Well, it's not contrary. Yeah, perhaps if

12 you don't characterise it as such, Mr Knoops, but you want to further, yeah, enquire

13 what it means (Redacted)

14 MR KNOOPS: [11:45:49] Yeah.

15 PRESIDING JUDGE SCHMITT: [11:45:50] So I think that that -- okay, perhaps you

16 do it this way.

17 MR KNOOPS:

18 Q. [11:45:53] Mr Witness, you're now saying that (Redacted), which is not in your

19 evidence given last Friday, 24 February. You agree that you didn't say this last

20 Friday? That's my first question.

21 A. [11:46:21] (Redacted). But the problem is I didn't take note of the dates, so

22 I can't make reference to the dates. I have a memory problem.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [11:48:24] So am I right to say that now you are confronted with the fact that

18 (Redacted)

19 (Redacted). Am I right? You reconcile this inconsistency with saying now that

20 (Redacted), correct?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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11 (Redacted)

12 (Redacted)

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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [11:51:37] Please, I'm not in a position to know that. I'm not in a position to
20 know the date.

21 PRESIDING JUDGE SCHMITT: [11:51:43] Please move on, Mr Knoops.

22 MR KNOOPS: [11:51:46] Well, Mr President, I'm willing to move on, but no answers
23 given by the witness.

24 (Redacted)

25 (Redacted)

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16 (Redacted)
17 A. [11:54:47] (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted). I cannot tell a lie or get something wrong, because today Ngaïssona is in
24 a position like that. I cannot lie on his behalf. And even today, the testimony that
25 I'm giving here, I don't know what awaits me back home. I'm saying that openly,

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1 right in front of everyone. I don't know what awaits me back home. I may get
2 a surprise one day.

3 Q. [11:56:13] Mr Witness, (Redacted) gave statements to the bureau of the Office of
4 the Prosecution regarding the return of the FACA and also the role of Mr Ngaïssona
5 in this return of the FACA. (Redacted)

6 (Redacted)

7 (Redacted)

8 Tab 28. And I will, for the record, I attach, Mr President, quite some value that
9 this -- this document is put in the -- in the record. It's two paragraphs of a FACA
10 officer statement given to the Prosecution. It's a withdrawn witness, unfortunately,
11 but it's P-0958, a FACA officer who was there when Mr Ngaïssona spoke at the school
12 in Boeing, so at the beginning of his return after exile. It's CAR-OTP-2101-0013 at
13 0030. In particular, paragraphs 107 and 108. And I will read them into the record.
14 Mr Witness, please listen to me, and afterwards you get some questions on this topic
15 from me.

16 Paragraph 107 of the statement (Redacted)

17 "Ngaïssona did call upon all the chiefs. He called me, and everyone, and he spoke
18 officially to us. He told us as of this day, that it was time for the elements that came
19 down from the provinces to go back to where they came and that we will try to
20 achieve peace now. When DDR managed to come all the way to the provinces, he
21 asked that the FACA soldiers go back to their bases and work. We obeyed him, and
22 that's it.

23 I met Ngaïssona first at the Boeing school. I cannot remember the dates but many
24 people from the population came to hear him talk. They were interested in peace.

25 It was after Djotodia's resignation, but I don't remember exactly when. I gradually

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1 stopped with Anti-Balaka matters and went back to work in FACA. After Ngaïssona
2 gave his speech, many went back home and it was not immediately. Many stayed
3 back too. Little by little, elements gradually moved back home until the base was
4 empty."

5 End of quotation.

6 So, Mr Witness, I --

7 PRESIDING JUDGE SCHMITT: [11:59:36] And do we know what time he is
8 speaking? The middle of 2014, I would say, yeah?

9 MR KNOOPS: [11:59:45] Yeah. He is speaking about the meeting at Boeing after
10 Djotodia's resignation.

11 PRESIDING JUDGE SCHMITT: [11:59:55] So we have to be -- not to be too specific,
12 that means first half of 2014. Okay. However.

13 MR KNOOPS: [12:00:02] Exactly. Yeah.

14 Q. [12:00:03] So, Mr Witness, after listening to this excerpt from (Redacted)
15 (Redacted) who gave his statement to the Office of the Prosecution, I put to you that
16 already in the first half of 2014, Mr Ngaïssona, at least at the Boeing meeting which
17 described here, called upon the FACA officers to return to their bases. And this led,
18 indeed, to a return of the FACA into the ranks. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:01:06] Mr Vanderpuye.

23 MR VANDERPUYE: [12:01:07] Mr President, first, I don't see how the witness can
24 comment on it. It is a statement of someone who's not even a witness in this case.

25 The second thing is that the proposition that Mr Knoops has put to the witness

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1 presumes that this witness is talking about the same meeting at Boeing that the -- that
2 this witness has talked about. And that's not at all clear from the excerpt.

3 PRESIDING JUDGE SCHMITT: [12:01:28] No, we can -- I agree with you.

4 Mr Knoops, let me.

5 Mr Witness, you have heard that another -- another person has given such

6 a statement. (Redacted)

7 (Redacted)

8 Do you have any information on that?

9 THE WITNESS: [12:02:14](Interpretation) I'm privy to this right now. And even

10 though he did it, he's actually doing it strategically to protect himself. (Redacted)

11 (Redacted). They were FACA who remained in their position because they were

12 earning money. There was death and he would -- they would actually recover

13 money from the pockets of the dead bodies. They would arrest people on the rivers,

14 they would kill them and recover 500 cartons --

15 THE INTERPRETER: Of something that was inaudible.

16 THE WITNESS: [12:03:03](Interpretation) They would actually take the women of

17 the others and they would take them home and they would kill their husbands

18 cruelly. And the FACA refused because of money, because they were in positions

19 that cost money. And you really had to make efforts. And the problem of this

20 constitutional return is that they were already sensitive to what was happening in

21 the backstage and also because of the money. This is what happened in the field.

22 There was no combat during those periods before 10 January and there was no more

23 fighting, there was nothing. Each person wanted to fill in their pockets and become

24 rich. That's what happened, Mr -- your Honour.

25 We have children today who really cannot find their -- their way. They can't go to

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1 school, they can't find their fathers. Didn't -- it's even hard for them to treat
2 themselves. They really are subject to an eternal sufferance. This is what's not right.
3 And the children can't even go to school. It's -- they're suffering, and that's really
4 hard.

5 MR KNOOPS: [12:04:45]

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [12:05:49] Don't -- don't argue, Mr Knoops. Ask
15 a question. Don't argue with the witness.

16 MR KNOOPS: [12:05:54] Yeah.

17 Q. [12:05:54] So my question is why did you -- (Redacted)

18 (Redacted)

19 A. [12:06:22] The situation was extremely difficult during that period. When I
20 spoke to you I repeated several times that Mr Ngaïssona here, and Mr Yekatom, they
21 were demigods in the -- yesterday. I'm really telling the truth. And even if today
22 you go to Bangui and you ask information everywhere, people will tell you the same
23 thing what I'm telling you right here. This is going to be borne out. A person who
24 gets up to go elsewhere has at least 40 to 50 aides-de-camp. And if this person meets
25 you and you're all alone, you'd have absolutely no strength to defend yourself.

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1 The heads of villages have refused to provide testimony, why? It's for -- it's because
2 of reasons for their safety. (Redacted)

3 (Redacted)

4 How can they fight 30 or 40 or 50 or a hundred soldiers? It is impossible.

5 (Redacted)

6 Q. [12:08:01] I stop you here, Mr Witness, because we heard this story over and
7 over. Sorry.

8 Now, you make these accusations against Mr Ngaïssona and Mr Yekatom as being
9 demigods. Tell us, what is your evidence, what is your evidence to make these wild
10 accusations?

11 PRESIDING JUDGE SCHMITT: [12:08:20] Please tone down.

12 MR KNOOPS: [12:08:22]

13 Q. [12:08:22] What is the evidence?

14 PRESIDING JUDGE SCHMITT: [12:08:23] Mr Knoops, tone down. What is
15 the source of -- and demigods is clearly an assessment and not -- not a fact. Yeah,
16 this is what the witness has in his mind.

17 So do you have examples why you think, Mr -- Mr Witness, that Mr Ngaïssona - we
18 are now talking about Mr Ngaïssona - was a demigod, as you said? Why would you
19 say that? If you can elaborate a little bit on that.

20 THE WITNESS: [12:09:06](Interpretation) I said that because when the person is
21 asked to do something, it's in his best interest to obey. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MR KNOOPS: [12:11:46]

17 Q. [12:11:46] Mr Witness, was there anyone who told you, before you came to this

18 Court, to answer all my questions in the same way as you did now? Were you

19 coached? Did you get advice from somebody to tell this Court this repeating story

20 (Redacted)

21 Before you came to this Court, with whom did you speak about your testimony?

22 (Redacted) Any other persons who had a bias against Mr Ngaïssona?

23 A. [12:12:33] I never worked with (Redacted) until today. I don't even know

24 where he stays or sleeps.

25 (Redacted)

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7 Q. [12:13:42] So you did speak to people about your upcoming testimony, right?

8 You went to people for support for your testimony (Redacted)

9 (Redacted). You approached people to support your story in order to incriminate

10 Ngaïssona here, correct?

11 A. [12:14:24] I'm praying to God, from my heart and my soul. I cannot lie on

12 behalf of Ngaïssona. What I'm telling you today before this Chamber is what I

13 experienced, what I lived through, is what I lived through. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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4 A. [12:17:12] No one asked me to lie on behalf of Ngaïssona. What I am telling
5 you here is the truth. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted). I haven't actually come here to lie against Mr Ngaïssona, that's not
9 advised. I'm actually, I'm under oath. You will see that this oath that you can see
10 here, I am taking that into account. That's an oath. They were soldiers who have
11 taken an oath while holding the Bible. Before starting the movement they did not
12 respect this oath. And where are they today? They are dead. There are four of
13 them. Three have died and there's one soldier who remains. They've all taken an
14 oath that they won't steal, they won't kill.

15 And they killed, they robbed motorbikes, they were doing everything and anything
16 under the sun that was illegal. And where I am already sworn and what is coming
17 out of my mouth is the truth.

18 Q. [12:19:03] Mr Witness, it's totally unclear to whom you're talking about here.
19 First of all, can you identify these people? You're making all these accusations.

20 A. [12:19:31] I am talking about Gaga, Gaga, Habib, Ouandjio. All of the -- all
21 these three died. They took an oath and they did not respect it. They did not
22 respect the oath they'd taken. They actually swore on the Bible. Each person swore
23 and they did not respect it. They killed, they stole, and they're dead.

24 Q. [12:20:06] But how do you know? You were not part of the movement. How
25 can you make these wild accusations about people who died? Where is your

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1 evidence to say that somebody steal or killed? You weren't there. It is your own
2 evidence. (Redacted)

3 A. [12:20:46] Information flows. (Redacted)
4 (Redacted)
5 (Redacted)

6 Q. [12:21:07] Mr Witness, it's your evidence that Mr Ngaïssona always incited
7 soldiers to continue with the fight and wiping them up.

8 And that was your evidence on 20 February. The real-time English transcript,
9 page 22, lines 3 till 5.

10 The Presiding Judging asked you at that time if you could give one concrete example,
11 and your answer was: "Well, information was circling in Bangui. It was going
12 around." That was your answer.

13 My question to you is: What was this information you told about which was circling
14 around that Mr Ngaïssona was always inciting soldiers to continue the fight? What
15 was this information?

16 A. [12:22:17] (Redacted)

17 Even Yekatom joined Ngaïssona, they were together. Why were they together?
18 Why did he rally all these people? It's basically to try and apply the return to
19 constitutional order. (Redacted)

20 (Redacted)
21 (Redacted)

22 Q. [12:23:00] My question, Mr Witness is: What is the information that you
23 received, as you said, that --

24 PRESIDING JUDGE SCHMITT: [12:23:10] Perhaps better the sources. Perhaps.
25 Isn't it better to ask the witness?

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12 Q. [12:28:16] Mr Witness, I show you now a document.

13 And I think this, Mr President, could be done in public.

14 PRESIDING JUDGE SCHMITT: [12:28:26] Well, then we give it a try.

15 Public session.

16 (Open session at 12.28 p.m.)

17 THE COURT OFFICER: [12:28:54] We are in open session, Mr President.

18 MR KNOOPS: [12:29:04]

19 Q. [12:29:04] Mr Witness, did you follow the trial of the Anti-Balaka in Bangui

20 the last few months or years?

21 A. [12:29:35] I followed a small part of the trial, not the entire trial. So now it's

22 about retiring and striving to get some money.

23 Q. [12:29:53] Are you familiar with an individual with the name Tchakpa Blaise or

24 Blaise Tchakpa, one of the accused persons in that trial? Supposedly also a former

25 FACA soldier, or at least a member of the movement. Does that ring a bell to you,

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1 this name?

2 A. [12:30:33] I don't know that person.

3 Q. [12:30:38] I put to you that this individual in this trial, and that's based on our
4 own investigation and also published in the Bangui press and radio, said in this court
5 case that during the reunion in Hotel Azimut with Mr Ngaïssona, or at least one of
6 the meetings in Hotel Azimut, Mr Ngaïssona again asked the military to rejoin
7 the ranks --

8 PRESIDING JUDGE SCHMITT: [12:31:22] Well, what can the witness say? Really,
9 what can the witness comment on that? You can present -- if the witness was
10 obviously not during -- present during this meeting, he doesn't -- he doesn't know
11 that person, he cannot comment on what a person he does not know has said about
12 a meeting where he did not attend, Mr Ngaïssona --

13 MR KNOOPS: [12:31:42] Mr President --

14 PRESIDING JUDGE SCHMITT: [12:31:43] -- or Mr Knoops.

15 MR KNOOPS: [12:31:43] No. Mr President, this in itself is already worthwhile for
16 the transcript. And I will --

17 PRESIDING JUDGE SCHMITT: [12:31:50] If you think so, then okay.

18 MR KNOOPS: [12:31:52] There is, of course, a purpose why I'm asking this. And
19 even if the witness cannot answer, I think it's important that it be put on the transcript
20 that the witness has no knowledge about this information and --

21 PRESIDING JUDGE SCHMITT: [12:32:02] Obviously not, he does not know
22 Mr Tchakpa --

23 MR KNOOPS: [12:32:03] No. Okay.

24 PRESIDING JUDGE SCHMITT: [12:32:03] -- and he never said that he attended
25 a meeting. So I think we have that already.

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1 MR KNOOPS: [12:32:11] Yeah. But most importantly, for the record, the witness
2 does not confirm that he is aware of such a meeting and that Mr Ngaïssona during
3 that meeting made this call.

4 Q. [12:32:22] Right? You have no knowledge about this?

5 PRESIDING JUDGE SCHMITT: [12:32:28] Mr Vanderpuye.

6 MR VANDERPUYE: [12:32:29] Mr President, I think also the witness's answer is
7 clear. But, more importantly, the fact that somebody said it during a course of some
8 trial that is not before this Chamber is not an established fact. So the fact that the
9 witness doesn't know it --

10 PRESIDING JUDGE SCHMITT: [12:32:45] Of course not --

11 MR VANDERPUYE: [12:32:46] -- may very well be because it isn't true.

12 PRESIDING JUDGE SCHMITT: [12:32:49] Yeah, of course not, yeah. Yeah, but this
13 is assessment of evidence. We are -- really, we are spending so much time
14 sometimes here in this courtroom needlessly.

15 MR KNOOPS: [12:33:01] But, Mr President --

16 PRESIDING JUDGE SCHMITT: [12:33:02] If -- if -- please no discussions,

17 Mr -- excuse me, Mr Knoops, please no discussions. Let -- let's continue.

18 The witness does not know the person, the witness does not follow obviously the trial
19 of the person, otherwise he would have known of the person and so on and so forth.
20 So please continue.

21 MR KNOOPS: [12:33:22]

22 Q. [12:33:22] Mr Witness, I will show you now a document.

23 That's tab 30 of the Defence binder. It's a document of 24 May 2015. Or at least
24 May '15. It's CAR-OTP-2008-0599. I first would like to draw your attention to
25 the first, the cover page.

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1 This is an agreement between the government of Central African Republic and some
2 of the armed groups in the context of the DDR. Is this a document for you known or
3 is it the first time that you see it?

4 PRESIDING JUDGE SCHMITT: [12:34:28] I think you would have to enlarge it
5 a little bit. It's -- yeah, thank you.

6 And it's from 2015, Mr Witness. I think I have read May 2015.

7 MR KNOOPS: [12:34:38] Yeah.

8 PRESIDING JUDGE SCHMITT: [12:35:33] So, Mr Witness, have you ever seen or do
9 you know -- do you know about this document between the government of
10 the transition? Have you ever seen this document?

11 THE WITNESS: [12:35:53](Interpretation) This is the first time I've seen it,
12 your Honour. I've never seen it before.

13 MR KNOOPS: [12:36:01] Then for the record, Mr President, at page 0604, if that can
14 be displayed to the --

15 Q. [12:36:13] You see it, Mr Witness, in the left column, penultimate column, you
16 see the name of Mr Ngaïssona, of -- on behalf of the ex-combatants Anti-Balaka, apart
17 from other signatories.

18 And then page 0603, Article 7, you see reference that the integration of the army is in
19 progression, "*et progressive*".

20 Have you any information, that's my question, as to how complex or not complex
21 the reintegration was of the army, the FACA soldiers into the army back? Was it an
22 easy operation? Was it difficult? How much time it took?

23 A. [12:37:43] The ministry of defence already had issued a release saying that all
24 soldiers who had joined the Anti-Balaka could rejoin. That information or that call
25 had already been sent out. As soon as calm was restored, the army did issue

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1 a release. The elements did not want to rejoin because they had their loot here and
2 there. They had some money for, at that time, for future consumption. And so it
3 was somewhat difficult.

4 Q. [12:38:39] Can you recall when the army made that call, which time frame we're
5 speaking about?

6 A. [12:38:52] I can't remember. When it comes to dates, I have trouble, I didn't
7 take note or write it down.

8 Q. [12:39:09] Could it be in February 2014, when also Mr Ngaïssona made this call?

9 A. [12:39:24] I don't know. I never met Ngaïssona to have a chat with him, never
10 ever.

11 Q. [12:39:35] Can you recall, Mr Witness, that Ms Samba-Panza, in April 2014, two
12 months after Mr Ngaïssona called upon the Anti-Balaka civilians to return to
13 the provinces and not to integrate in the army, there was a meeting at the Enam base
14 in Bangui, E-N-A-M, which was attended by the FACA, who assembled there at these
15 bases? Can you recall any such meeting?

16 A. [12:40:29] I don't remember anything. I never attended any meeting having to
17 do with Ngaïssona.

18 Q. [12:40:38] No, I'm not saying that it was a meeting which was attended by
19 Mr Ngaïssona.

20 There is a Prosecution witness who came before this Court -- actually, it's a statement
21 from a Prosecution witness, P-2232, saying that after the order of Ms Samba-Panza of
22 April 2014 to rejoin the ranks, it's also way before your supposed call, there was a
23 meeting in Bangui at the Enam military base. About 12,000 FACA officers attended
24 that meeting. Sorry, out of the 12,000, 8,000 answered the call and were present.
25 And, in total, 5,500 responded to her call, of Samba-Panza, to return to the ranks.

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1 You say that you're not familiar with these events, while being interested in return of
2 the ranks? You didn't know this? You were not there?

3 A. [12:42:20] No, I wasn't there.

4 Q. [12:42:24] So you see, Mr Witness, based upon this information, that call did
5 lead to numerous FACA officers returning to the ranks, while Mr Ngaïssona was in
6 full agreement with this operation because he made himself this call in the same time
7 frame?

8 PRESIDING JUDGE SCHMITT: [12:42:55] The witness has answered the question.

9 He doesn't know. And, well, we have the documents on the record. He hasn't
10 heard of that.

11 MR KNOOPS: [12:43:05] Finally, Mr President, I would also put on the record
12 another document, which I just wanted to show the witness, first page, that's --

13 PRESIDING JUDGE SCHMITT: [12:43:16] Do we have to? Show it to the witness, I
14 mean.

15 MR KNOOPS: [12:43:20] I know what you mean, Mr President.

16 PRESIDING JUDGE SCHMITT: [12:43:22] Yeah. But, no, really, because --

17 MR KNOOPS: [12:43:25] No, I think it's important to -- to have it on the record that
18 the witness does know or doesn't know this report, which concerns the same subject.

19 PRESIDING JUDGE SCHMITT: [12:43:33] Okay. That's okay, if you ask him if he
20 knows -- yeah, if it's -- yeah.

21 MR KNOOPS: [12:43:36] It's -- which tab is it? I think it's tab 29 of the Defence
22 binder, sorry. Tab 29 of the Defence binder. CAR-OTP-2123-0258, that's the cover
23 page.

24 Q. [12:43:55] And the question to the witness is this: Does he know the existence
25 of this report?

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1 It is a Report of the Joint Security Sector Reform Assessment (SSR) Mission to
2 the Central African Republic, which was, by the way, also distributed amongst
3 the FACA officers. It relates to opportunities for the army.

4 And you see that this report, Mr Witness, was drafted in May 2014, just after the call
5 of Mr Ngaïssona to rejoin the ranks, the call of Ms Samba-Panza, {ICR: (Redacted)}

6 And you see in paragraph 87 of this report --

7 PRESIDING JUDGE SCHMITT: [12:44:40] I don't see anything, actually, at the
8 moment. Ah, here it is, okay.

9 MR KNOOPS: [12:44:47] Yeah.

10 PRESIDING JUDGE SCHMITT: [12:44:47] So...

11 First question, because we have a witness here and we ask the witness questions, so
12 first thing.

13 Mr Witness, you see, it's called Report of the Joint Security Sector Reform (SSR)
14 Assessment Mission to the Central African Republic. Have you ever seen this report
15 or do you know something about it?

16 THE WITNESS: [12:45:20](Interpretation) I'm not familiar with this report.

17 MR KNOOPS: [12:45:22]

18 Q. [12:45:23] How can you explain this, sir, {PFR: (Redacted)}

19 (Redacted)} This report was drafted for the FACA.

20 It relates to the problem you describe. How come you didn't know this? Not
21 interested in reading it?

22 If you go to paragraph 87, sir, that's on page 0316, you see how it is described that
23 the issue of transforming the army was a contentious issue, was rather difficult. It
24 was sensitive, also politically. And the reason I'm showing this to you, sir, is that this
25 issue could not be resolved by

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1 {ICR: (Redacted)}.

2 You agree with it, it was far too complicated?

3 A. [12:47:03] I have not seen this document before. It's just now that I'm seeing it.

4 Q. [12:47:09] Okay. So I will conclude this topic, return to the FACA, by putting

5 you the following, Mr Witness: You would agree with me, sir, that based on

6 the evidence we shared with you this morning, Mr Ngaïssona, here in this courtroom,

7 {ICR: (Redacted)}

8 (Redacted)}

9 PRESIDING JUDGE SCHMITT: [12:47:51] Mr Vanderpuye.

10 MR KNOOPS: [12:47:52] -- the conflict or threaten you in this regard.

11 PRESIDING JUDGE SCHMITT: [12:47:55] Mr Vanderpuye.

12 MR VANDERPUYE: [12:47:58] Mr President, I have an objection to make, but I

13 prefer to make it in private session.

14 PRESIDING JUDGE SCHMITT: [12:48:01] Yes.

15 (Private session at 12.48 p.m.)

16 THE COURT OFFICER: [12:48:19] We're in private session, Mr President.

17 PRESIDING JUDGE SCHMITT: [12:48:21] Thank you.

18 Mr Vanderpuye.

19 MR VANDERPUYE: [12:48:24] (Redacted)

20 (Redacted)

21 (Redacted), the nature of the objection is the witness has testified -- Mr Knoops is

22 perfectly entitled to put his case to the witness, I don't object to that, but I think in

23 doing so it has to be a fair summary, at least of the witness's evidence, which I don't

24 think it is at this stage. So that's the nature -- that's the nature of the objection that I

25 have.

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1 The other thing is that this report is in English. I don't know whether or not there's
2 a French version of it, off the top of my head, but it is unlikely that the witness would
3 have received a copy of an English report even in -- even in the context of his -- his
4 testimony and position.

5 PRESIDING JUDGE SCHMITT: [12:49:04] Yeah. No, the most important thing is
6 like always, when we have a document which is -- I repeat myself, I don't know how
7 many times I have said that, that the witness has not produced himself, he does not
8 appear in it, the witness has said he never saw it, he doesn't -- doesn't know anything
9 about it, so -- so anything about -- to ask him anything about the content does
10 not -- does not make -- make a lot of sense, so to speak.

11 And with regard to the specific question that Mr Knoops has put to the witness, I
12 think the witness has already answered it. He -- the witness has said, if I recall it
13 correctly, in the first session, that he -- that he thinks that the position of
14 Mr Ngaïssona was strategic, whatever this means.

15 MR KNOOPS: [12:49:52] Yeah.

16 PRESIDING JUDGE SCHMITT: [12:49:53] Yeah.

17 MR KNOOPS: [12:49:53] Mr President, I -- I wasn't summarising the witness's
18 evidence, but the evidence the Defence put to the witness.

19 PRESIDING JUDGE SCHMITT: [12:50:00] Yeah. Yeah.

20 MR KNOOPS: [12:50:01] And my question --

21 PRESIDING JUDGE SCHMITT: [12:50:02] What you can do, I think is --

22 MR KNOOPS: [12:50:04] Maybe I can change the question.

23 PRESIDING JUDGE SCHMITT: [12:50:05] I think -- I think what we can ask
24 the witness -- let me give it a try, Mr Knoops.

25 Counsel has shown you some documents, also interviews with Mr Ngaïssona, which

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1 appear to support the view of the counsel that Mr Ngaïssona (Redacted)

2 (Redacted)

3 What do you say to that?

4 THE WITNESS: [12:50:45](Interpretation) Earlier I answered this question. I said
5 that that position was a strategic one. What remains in the shadows is his return to
6 the constitutional order, which he cannot disclose. He wanted to do that behind
7 the scenes. That's what I can tell you, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:51:13] But I understand, Mr Knoops, that you
9 wanted to wrap it up and not only ask -- let me put it, wrap it up mean that you ask
10 the question in a generic manner or with regard to other evidence that you have put
11 to the witness, but I think this answers it. Yeah.

12 MR KNOOPS: [12:51:30] Yes, Mr President. Thank you very much.

13 Q. [12:51:33] Mr Witness, and members of the Chamber, before the lunch break in
14 10 minutes, I have one topic I could deal with that will be in private session.

15 I'm not sure if we're in private. Yeah, we are in private session --

16 PRESIDING JUDGE SCHMITT: [12:51:47] We are in private session.

17 Let me -- let me ask this shortly, because you obviously move to another point.

18 MR KNOOPS: [12:51:53] Yeah.

19 PRESIDING JUDGE SCHMITT: [12:51:55] Can you finish today?

20 MR KNOOPS: [12:51:58] Will be tight. I'm --

21 PRESIDING JUDGE SCHMITT: [12:52:03] What about shortening the lunch break?

22 MR KNOOPS: [12:52:08] Yeah, I'm not sure whether the witness is still able to be
23 fully concentrated.

24 PRESIDING JUDGE SCHMITT: [12:52:16] No, no, I ask you, I ask you, not
25 the witness. The witness -- the witness will be concentrated.

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1 MR KNOOPS: [12:52:22] I think it's a little bit optimistic. I could, I think, finish in
2 the first half of the session tomorrow. I do my best, Mr President, but I'm halfway.

3 PRESIDING JUDGE SCHMITT: [12:52:31] Okay. So then -- then -- okay. Okay.
4 Yeah, yeah, yeah, I see. That halfway is actually, when we only have one and a half
5 hour left. Yeah.

6 And then we have the next witness is 2354 and then we would have 2082.

7 The Chamber would appreciate it a lot if we could have both witnesses during this
8 block, I have to say.

9 With regard to 2354, we have only the estimated duration of questioning by the OTP,
10 which is two hours. Could -- could perhaps be one session? Yeah, you said so
11 already. You said so already.

12 MR VANDERPUYE: [12:53:10] Perhaps I've already tied my hands. I think that's
13 right, Mr President, I think about an hour or so.

14 PRESIDING JUDGE SCHMITT: [12:53:15] So about an hour. And actually, I've also
15 looked into it. I think this witness could really be dealt with in one day, frankly
16 speaking.

17 Ms Dimitri.

18 MS DIMITRI: [12:53:27] Mr President, we have to bear in mind that for the next
19 witness every 45 minutes we need to take a 15-minute break.

20 PRESIDING JUDGE SCHMITT: [12:53:35] Okay. I was not aware of that.

21 But -- but nevertheless, do you have already, because I don't have estimates of
22 the Defence teams yet for this witness?

23 MS DIMITRI: [12:53:46] It all depends on what's going to come out in addition to
24 the statement, but I believe the estimate is probably the same as the previous
25 witnesses you've heard on -- on Mbaïki.

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1 PRESIDING JUDGE SCHMITT: [12:54:04] So -- and then -- so then we have 2082.

2 Again, Mr Vanderpuye, two hours for the Prosecution or one session, do you have an
3 idea already?

4 MR VANDERPUYE: [12:54:16] My colleague is taking that witness and he's
5 indicated that that's about right, so it may be a little bit more, a little bit less.

6 PRESIDING JUDGE SCHMITT: [12:54:25] No, No. But then -- then I have to say I
7 think this witness, yeah, two -- two and a half days. So let's then do the following:
8 We have -- let's have now the lunch break because we talked -- I talked so much, I
9 have to say. Then finish the witness, this witness tomorrow in the first session and
10 start in the second session with 2354. And then look how far we get. Yeah, is this
11 possible?

12 MR VANDERPUYE: [12:54:56] Everything's possible, Mr President.

13 But I -- it depends on the scope of the cross-examination, but I may have to come back
14 to this witness. We'll see. But ...

15 PRESIDING JUDGE SCHMITT: [12:55:12] Like always, we are open to everything
16 and --

17 MR VANDERPUYE: [12:55:16] But I still think we'll -- we'll be okay.

18 PRESIDING JUDGE SCHMITT: [12:55:19] Yeah. Yeah.

19 And also with regard to the witness we have in the courtroom, I understand that
20 counsel puts documents, videos, radio recordings to the witness that do not concord
21 with what the witness said. But the witness has made his point absolutely clear and
22 I really think we could shorten that. That is -- that is my firm conviction, so to speak.

23 MR KNOOPS: [12:55:48] Mr President, I have ended my series of documents for
24 the witness, so from now on it will be just other questions on other subjects.

25 PRESIDING JUDGE SCHMITT: [12:55:56] So then until 2.30 we have the lunch

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1 break.

2 THE COURT USHER: [12:55:59] All rise.

3 (Recess taken at 12.56 p.m.)

4 (Upon resuming in private session at 2.30 p.m.)

5 THE COURT USHER: [14:30:31] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [14:30:55] We are in private session, Mr Knoops.

8 You have, of course, the floor.

9 MR KNOOPS: [14:31:04] Mr President, I have one topic for private session on
10 the role of Mr Ngaïssona.

11 Q. [14:31:11] It's my final topic, Mr Witness, on the position of Mr Ngaïssona before
12 I go to the position of Mr Ngremangou and Mr Ngaïssona in the so-called coalition.
13 Now, were you aware that at the Brazzaville conference in July 2014, the Seleka
14 wanted that Ms Samba-Panza resigned as president of the transitional government
15 and that Mr Ngaïssona, with the Anti-Balaka coalition, suggested that Prime Minister
16 André Nzapayeke should resign and instead Mr Kamoun should be appointed as
17 prime minister, being a Muslim?

18 Were you aware of this proposal of Mr Ngaïssona in Brazzaville? Did you learn
19 from it in any way?

20 A. [14:32:46] I didn't know that because I had not been to Brazzaville.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [14:33:53] The Court, the Prosecution and the Defence, Mr Witness, are in
5 possession of information from Ms Samba-Panza herself which confirms that, shortly
6 after Brazzaville, in September 2014, she indeed fired Mr André Nzapayeke and
7 appointed Mr Kamoun as her new prime minister, based upon the recommendation
8 of Mr Ngaïssona, while Mr Ngaïssona was against the leave of Ms Samba-Panza.

9 And for the Court, that's CAR-OTP-2107-1070 at 1087, lines 536 till 571 and line 596 of
10 P-952.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [14:35:54] Is it correct, Mr Witness, that you later on learned (Redacted)
16 (Redacted), André Nzapayeke had to resign as prime minister because of
17 the intervention of Mr Ngaïssona in Brazzaville, which led to his resignation
18 in September 2014? (Redacted)

19 A. [14:36:45] I said earlier that this is the first time I hear what happened in
20 Brazzaville. I did not know anything about that.

21 Q. [14:36:56] Did you know at all that Mr André Nzapayeke, (Redacted)
22 (Redacted), was switched as prime minister by Mr Kamoun? Were you aware of this
23 information? Or is this something you hear today for the first time from me?

24 A. [14:37:30] It is something that I hear today for the first time, how Nzapayeke
25 was -- was appointed. I hear about it now for the first time.

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1 Q. [14:37:43] So it is your evidence, Mr Witness, that Mr André Nzapayeke,

2 (Redacted)

3 you were not aware that he was replaced by Mr Kamoun as prime minister, is that

4 what you're telling this Court today?

5 A. [14:38:20] I just said that it's the first time I hear about the circumstances about

6 how Nzapayeke was replaced. (Redacted)

7 (Redacted)

8 I did not know this. It is the first time that I hear about it now today.

9 Q. [14:38:45] Mr Witness, this is about eight years ago. (Redacted)

10 (Redacted). But you're saying that in all those eight years you never heard about this

11 replacement and you hear it (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:39:02] No, he has said he has heard about the --

13 MR KNOOPS: Right.

14 PRESIDING JUDGE SCHMITT: -- not about the circumstances and he has answered

15 the question. Please move on. That's a difference, circumstances or the fact, as

16 such.

17 MR KNOOPS: [14:39:15]

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MR KNOOPS: [14:40:25] All right. I move now, Mr President, to the next topic.

2 Which can, as far as we can oversee now, dealt with in public session.

3 PRESIDING JUDGE SCHMITT: [14:40:35] Okay, that's fine.

4 MR KNOOPS: [14:40:39] It relates -- maybe also for the Prosecution and the Court to
5 understand why, it relates to the relationship between the transitional government
6 and Mr Ngremangou and Mr Ngaïssona in terms of the accusation that the entire
7 coalition was under the orders of Ngaïssona and Ngremangou. And I have some
8 questions and I -- I think that can be dealt with in public.

9 PRESIDING JUDGE SCHMITT: [14:41:03] Let's see how -- how it works, and if there
10 are doubts we go back to private session, yeah.

11 Let's try it in open session.

12 (Open session at 2.41 p.m.)

13 THE COURT OFFICER: [14:41:37] We are in open session, Mr President.

14 MR KNOOPS: [14:41:40] Thank you.

15 Q. [14:41:41] Sir, you are or were aware, are aware, that Captain Ngremangou,
16 the late Captain Ngremangou, he passed away, I believe, in November, is that -- you
17 know -- are you familiar with this, he passed away?

18 A. [14:42:03] Yes, I am familiar with this.

19 Q. [14:42:08] You were aware that Mr Ngremangou became, in February 2014, just
20 two weeks after the arrival of Mr Ngaïssona from exile, he became the director of
21 the cabinet of the minister of defence appointed by Ms Samba-Panza, right?

22 A. [14:42:37] Yes.

23 Q. [14:42:40] You know why, why -- why he was appointed as director cabinet of
24 the ministry of defence?

25 A. [14:42:57] It was to reward him for his responsibility. And it starts by being

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1 chief of the coalition. Those are rewards. He was the chief of the coalition. And
2 then to be appointed director of cabinet of the minister of defence, that's what he was.

3 Q. [14:43:25] So you're suggesting that he was awarded because of his role before
4 February 2014?

5 A. [14:43:42] Yes, this is exactly what I just say -- said. It's -- it's a reward.

6 Q. [14:43:50] And it's your evidence that this reward expanded his role in 2013?

7 PRESIDING JUDGE SCHMITT: [14:44:03] What do you mean by the question
8 "expanded the role"?

9 MR KNOOPS: [14:44:08] Well, if --

10 Q. [14:44:12] On which time frame you're speaking about? Which time frame let,
11 as you said --

12 PRESIDING JUDGE SCHMITT: [14:44:19] Okay, now I understand. Yeah, yeah.
13 Yeah.

14 MR KNOOPS: [14:44:22]

15 Q. [14:44:22] So was it for his role in January 2014? Was it for his role
16 in December 2013? November?

17 A. [14:44:38] I don't quite understand your question. Could you please specify
18 your question.

19 Q. [14:44:44] Okay. I put it different.

20 PRESIDING JUDGE SCHMITT: [14:44:45] Do you allow me, Mr Knoops.

21 MR KNOOPS: [14:44:47] Yeah, of course, Mr President.

22 PRESIDING JUDGE SCHMITT: [14:44:48] Mr Witness, you said that this position
23 was a reward for Mr Ngremangou. Do you know when he became the leader of
24 the coalition, the time when he became that and how long he -- he was acting as such?
25 If you know. If you recall.

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1 THE WITNESS: [14:45:15](Interpretation) I don't know which period it was. I don't
2 know as of when. {ICR: (Redacted)}, he was already the chief of coalition at that
3 point. He basically led the manoeuvre after 5 December with the entire coalition.
4 He led the manoeuvre. And up until the events of Ali Babolo, he was still chief of
5 coalition. And up until the end of the events, he was the chief of the coalition.

6 PRESIDING JUDGE SCHMITT: [14:45:59] Well, so we have at least, I think, as far as
7 we can get here.

8 MR KNOOPS: [14:46:05]

9 Q. [14:46:05] Sir, when you say that this appointment by Samba-Panza in February
10 of 2014 was a reward for his role in the conflict, on what basis do you say it was
11 a reward? How do you know this was a reward? For instance, did you speak
12 about this with Ms Samba-Panza?

13 A. [14:46:50] I was not going to Ms Samba-Panza's every day, she is not my friend,
14 she is responsible for the entire country. What she could have been interested in is if
15 something is contrary to the functioning of the country, I can call her to tell her that.
16 But to be with her every day, that's absolutely impossible. She was a very important
17 person. And even for Ngremangou. But, you know, when you work so that
18 the people live well, there are always rewards. And this is it, Ngremangou was very
19 satisfied with respect to this.

20 Q. [14:47:47] My question to you is, sir, how do you know that this was a reward?
21 You simply assume or you have any facts to present to the Court to say that this was
22 indeed a reward?

23 A. [14:48:19] You know, when you accomplish a mission, let's say the army send
24 you to do a mission, and then you accomplish a good mission, you can successful in
25 that mission, the army rewards you. You can get ranks. Yeah, you can get ranks.

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1 And Ngremangou was rewarded, which was to be the director chief of the cabinet,
2 and at the same time, he also got a higher rank, he was no longer a captain. So those
3 are rewards.

4 PRESIDING JUDGE SCHMITT: [14:49:03] So I think this is a conclusion, I think we
5 can move on from here, yeah?

6 MR KNOOPS: [14:49:10] Yeah, yeah.

7 Q. [14:49:11] But are you saying, Mr Witness, that Ngremangou was sent by
8 the army to lead the movement? Is that what you're saying?

9 A. [14:49:31] He had not been sent by the army, no. The Balaka and Seleka
10 mission has nothing to do with the army. No, it has nothing to do with the army.
11 There were Balaka chiefs, there are people in charge of the Balaka.

12 Q. [14:49:59] Let me put it different, Mr Witness. It's your evidence that
13 Mr Ngremangou, in February 2014, as of February 2014, actually had two positions,
14 director cabinet of the ministry of defence and, at the same time, as you say, head of
15 the coalition, Anti-Balaka coalition.

16 So, Ms Samba-Panza appointed Mr Ngremangou in this important governmental
17 position while she knew at that time that Mr Ngremangou was leading
18 the Anti-Balaka coalition; is that your evidence?

19 A. [14:51:01] I already answered many times to this question. Even at the
20 beginning when I was put -- when I was asked, I was saying that he was chief of
21 the coalition, so if he's appointed director chief of a cabinet, it is due to what? It's
22 a promotion. And once again, exceptionally he *is given a higher rank. Well, that's
23 all -- those are rewards.

24 PRESIDING JUDGE SCHMITT: [14:51:38] Mr Knoops, again, we have -- you know
25 we have the answers of the witnesses and it is clear that the witness concludes or

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1 deduces, whatever, and I think you can move on.

2 MR KNOOPS: [14:51:52] Yeah.

3 Q. [14:51:54] Mr Witness, it's your evidence that Mr Ngremangou, with

4 Mr Ngaïssona were for the return of the constitutional order and were inciting
5 soldiers, elements, to continue to fight.

6 Now, why would Ms Samba-Panza, knowing this, knowing that he was head of
7 the coalition, the coalition in which you say Ngremangou cooperated with
8 Mr Ngaïssona to destabilise the government, why would she appoint somebody like
9 Ngremangou as director cabinet? You want us to believe this?

10 PRESIDING JUDGE SCHMITT: [14:52:46] Mr Vanderpuye.

11 MR VANDERPUYE: [14:52:48] Mr President, I think the answer -- or the question,
12 rather, calls for speculation.

13 Secondly, the evidence in the case is that Mr Ngremangou is not the only member of
14 the Anti-Balaka that was appointed by the president.

15 PRESIDING JUDGE SCHMITT: [14:53:03] Yeah, but, but, Mr Knoops is now
16 speaking about Mr Ngremangou and he must be allowed to do so.

17 Although the questions are very long, Mr Knoops.

18 Mr -- Mr witness, Mr Ngremangou got this position in the government and you say it
19 was a reward. At the same time, you say that he and Mr Ngaïssona were in favour
20 of the return to the constitutional order. Why would Madam Samba-Panza reward
21 Mr Ngremangou knowing the position that he had and knowing that he was the chief
22 of the Anti-Balaka, that -- do you have an explanation for that, or what would you
23 want to say to that?

24 It's not a speculation, Mr Vanderpuye, if I have an opinion on that, if you have an idea
25 why --

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1 why that would be.

2 THE WITNESS: [14:54:08](Interpretation) I said that Ngaïssona's position was
3 strategic. And before going on a mission, before accomplishing a mission, one
4 cannot go against the mission. Samba-Panza did not know that. And this is what
5 I've stated earlier. I already answered that question. Before you accomplish
6 a mission, you cannot betray your position. Now you go to the mission even where
7 the enemy is, the enemy can change his position, he can go forward or backwards and
8 then you fall in a trap and you can't get out of it, in an ambush. So I stated very
9 clearly that his position was closed, Ngaïssona's position was closed.

10 PRESIDING JUDGE SCHMITT: [14:54:56] And in your opinion this also applies to
11 Mr Ngremangou?

12 THE WITNESS: [14:55:08](Interpretation) Yes, he was a chief of the coalition. He
13 was perfectly aware. As soon as Ngaïssona arrived in Bangui, his first plan was to
14 go to Boeing-Bercail. So he went. They met together there.

15 PRESIDING JUDGE SCHMITT: [14:55:25] Thank you.

16 Mr Knoops --

17 MR KNOOPS: [14:55:28] Yeah.

18 PRESIDING JUDGE SCHMITT: [14:55:28] -- I suggest that you move on.

19 MR KNOOPS: [14:55:30] Yeah.

20 PRESIDING JUDGE SCHMITT: [14:55:30] You know, this is --

21 MR KNOOPS: [14:55:32] I know, Mr President.

22 PRESIDING JUDGE SCHMITT: [14:55:35] -- this is like something I'm putting on
23 record.

24 MR KNOOPS: [14:55:38]

25 Q. [14:55:38] Then I just have one question for you, Mr Witness. Do you confirm

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1 that Ms Samba-Panza was aware, as you say, that Ngremangou performed
2 the function of head of the coalition?

3 A. [14:55:59] He knew. He knew, but she was not aware of the problem triggered
4 by the return to the constitutional order. I knew about it because {ICR: (Redacted)
5 (Redacted)}

6 Q. [14:56:31] You say -- you say that the entire coalition was under the orders of
7 Mr Ngremangou and Mr Ngaïssona. You testified about this on 20 February,
8 transcript 203, page 6, line 18 till 19.

9 My first question to you is: How did you know that the entire coalition was under
10 their orders? And you also said it, that this started directly after the return of
11 Mr Ngaïssona from Cameroon, not an unimportant addition you gave. So tell us
12 what is the basis of this assertion?

13 A. [14:57:34] I am saying the following: The events of 5 December were
14 coordinated by Ngremangou. And Ngremangou continued up until the Ali Babolo
15 affair, and after that situation, there were no longer -- there were no any -- there were
16 no fights anymore. Before the 10th, there were no longer any fights. There was no
17 combat. Ngaïssona came back from Cameroon and he started his first meeting at
18 Boeing-Bercail. The second meeting was at the Kpangaba school. So everybody
19 knows that in Bangui, the entire Bangui knows about it. It was not hidden, it was
20 not a hidden thing. And then he continued to hold meetings and then at Boy-Rabe
21 as well. And everybody in Bangui knows about it.

22 Q. [14:58:48] This is something you told us several times before, sir. But my
23 question is: Apart from what you just answered, what is the basis of your
24 knowledge that, as you assert, the entire coalition was under orders of Ngremangou
25 and Ngaïssona as of the return of Mr Ngaïssona from Cameroon? Or was just

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1 the information you gave that there were meetings, was that the basis of
2 the assertion?

3 A. [14:59:35] The information came from myself because I was present. As of
4 the moment I had arrived, I was present, I was there. And this is why I can't say that
5 I heard it from somebody.

6 Q. [14:59:54] Where were you present? You just said you were never at any
7 meeting. What do you mean "I was present"? Present where?

8 A. [15:00:08] I was {ICR: (Redacted)} when he came back from Cameroon. I was
9 still {ICR: (Redacted)}

10 Q. [15:00:17] Yes, but you testified several times that you {ICR: (Redacted)}
11 {ICR: (Redacted)}

12 So how -- how can you say that the entire coalition was under the orders of
13 Ngremangou and Ngaïssona only on the basis that {ICR: (Redacted)} Do you have
14 any other facts to present to this Court for this allegation, apart from
15 {ICR: (Redacted)}

16 A. [15:01:03] As soon as he came back from Cameroon, the meeting that took place
17 in Boeing-Bercail and the meeting at the Kpangaba school, {ICR: (Redacted)}. Maybe
18 it's a problem of dates because since the very beginning I told you I have a problem
19 when it comes to dates. The date {ICR: (Redacted)}, I don't know it with -- with
20 precision. I don't know. But I told you that when he became back,{ICR: (Redacted)}
21 The first meeting that he held at Boeing-Bercail {ICR: (Redacted)} and the second
22 meeting was at the school Kpangaba and
23 {ICR: (Redacted)}

24 PRESIDING JUDGE SCHMITT: [15:01:54] Mr Knoops, please move on. Even if we
25 don't think the answer is sufficient, we simply have to accept it at one point in time.

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1 If -- the witness has answered and we have to make out of this answer what we can
2 do, but we cannot insist indefinitely, please.

3 MR KNOOPS: [15:02:11] Yes.

4 Q. [15:02:12] Then, sir, I would like to recall what you said on 17 February under
5 oath before this Court.

6 It's in the English real-time transcript, page 23, line 12 till 15.

7 PRESIDING JUDGE SCHMITT: [15:02:37] Mr Vanderpuye, I think it's an issue with
8 open -- private session. Yeah, yeah, okay.

9 MR VANDERPUYE: [15:02:44](Microphone not activated) I don't know what
10 Mr Knoops is going to ask, but I suspect that it may have to do with (Overlapping
11 speakers)

12 PRESIDING JUDGE SCHMITT: [15:02:50] Mr Knoops, can you already -- we fear
13 a little bit that you might reveal information, or the witness with the answer.

14 MR KNOOPS: [15:03:01] The answer of the witness in this transcript relates to
15 the relationship between Ngaïssona and Ngremangou.

16 PRESIDING JUDGE SCHMITT: [15:03:07] Then we can give it a try in open session.
17 Yeah, yeah.

18 MR KNOOPS: [15:03:10] So, again, it's transcript of 17 February, T-202, English
19 real-time version page 23, line 12 till 15.

20 Q. [15:03:25] And, Mr Witness, it was your evidence on 17 February in regard to
21 the following question: "To your understanding what was the relationship between
22 Ngaïssona and Ngremangou?"

23 Answer: "I did not know the relation. What is sure is that they were very close."
24 End quote.

25 So, how can you reconcile this answer you were not aware of their relationship with

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1 the assertion that the entire coalition was under their orders and they cooperated
2 together, Ngremangou and Ngaïssona? While you also said that you were not privy
3 to the contents of any meeting.

4 So if you don't know the relationship, if you don't know the content of the meetings,
5 and {PFR: (Redacted)}

6 what can you tell the Court about your knowledge?

7 PRESIDING JUDGE SCHMITT: [15:04:39] Mr Knoops, the witness was already
8 about to answer.

9 MR KNOOPS: [15:04:42] Really?

10 PRESIDING JUDGE SCHMITT: [15:04:43] Yeah, yeah.

11 MR KNOOPS: [15:04:44] I am surprised.

12 PRESIDING JUDGE SCHMITT: [15:04:45] No, no, I have seen him trying to speak.
13 Yes.

14 MR KNOOPS: [15:04:48] Then I hope it will be this time a real answer.

15 THE WITNESS: [15:05:00](Interpretation) Could you please repeat the question.

16 PRESIDING JUDGE SCHMITT: [15:05:02] Mr Knoops, this is -- this is what I'm
17 heading at. You had a very concise question, after let's say, 10 seconds. And when
18 you elaborate on that, two things happen. First of all -- or two things could happen.
19 First of all, the witness could then choose what he wants to answer, which is not in
20 your -- what you intend. Or the witness simply, as he has now stated, simply
21 doesn't know what you really want to know from him.

22 So, please, the first part of the question and then stop, and if you have follow-up
23 questions, then we continue from there.

24 MR KNOOPS: [15:05:36]

25 Q. [15:05:37] Mr Witness, on 17 February before this Court, you did say to

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1 the judges, when you were asked about your understanding of the relationship
2 between Mr Ngaïssona and Ngremangou, that you didn't know the relation between
3 them. The only thing you said, "they were very close". That's one thing. Now it's
4 my question, how -- if you don't know the relationship, how could you say they were
5 working closely together with the entire coalition? You understand my question,
6 sir?

7 A. [15:06:33] Ngremangou and Ngaïssona had meetings together. Meetings.
8 Why did Ngaïssona come back from Cameroon and then he directly started the first
9 meeting and that was *at Ngremangou's? That already shows that they have a link.
10 That shows it. That proves it already. They had two meetings. Boeing-Bercail is
11 not very far from the Kpangaba school. So they had already that. Boeing-Bercail is
12 not far away from the Kpangaba school, might be 2, 3 kilometres or even 1.5
13 kilometres. So you can even see this with your naked eye.

14 Q. [15:07:34] Apart from this geographical argument, Mr Witness, would you agree
15 with me the fact that they had meetings, supposedly had meetings, that doesn't say
16 the meetings were about the return of the constitutional order, right? They could
17 have spoken about, as we saw this morning, a ceasefire, a peace process, billeting,
18 whatever. My question to you is: Do you know whether these meetings were
19 about a return of the constitutional order, or you don't know?

20 A. [15:08:24] I was never present at a meeting, never. But since

21 {ICR: (Redacted)}

22 (Redacted)}

23 I don't know what they talked about in the meeting about the return of
24 the constitutional order. I wasn't there, so I couldn't know.

25 Q. Okay. Now --

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- 1 PRESIDING JUDGE SCHMITT: [15:08:57] Mr Knoops, it's really --
- 2 MR KNOOPS: [15:09:00] I move on, Mr President. I move on.
- 3 PRESIDING JUDGE SCHMITT: [15:09:03] Yeah, indeed. Indeed, please.
- 4 MR KNOOPS: [15:09:04] This was an answer, by the way. This was an answer.
- 5 PRESIDING JUDGE SCHMITT: [15:09:08] Obviously this was an answer.
- 6 MR KNOOPS: [15:09:10] After all these efforts, I got an answer.
- 7 PRESIDING JUDGE SCHMITT: [15:09:12] But actually we had this answer already,
- 8 actually, to two different questions.
- 9 MR KNOOPS: [15:09:18] I know. But at least it's now on the record that the witness
- 10 has no knowledge of the content of the meeting in regard to the return or non-return
- 11 of the constitutional order.
- 12 Q. [15:09:29] Anyway, it's your evidence, sir, that the director cabinet of
- 13 the minister of defence, Mr Ngremangou, made a plan to -- and maybe this could be
- 14 dealt with in private session, I realise now.
- 15 PRESIDING JUDGE SCHMITT: [15:09:43] Okay, for the audience, since this is
- 16 a protected witness, we can only stay in open session if issues are discussed which do
- 17 not reveal the identity of the witness, and if this is not the case, so if we discuss
- 18 questions and matters that could reveal his identity, we have to go to private session.
- 19 Is there a chance we go back to open session later?
- 20 MR KNOOPS: [15:10:13] (Microphone not activated)
- 21 PRESIDING JUDGE SCHMITT: [15:10:14] Yes, indeed. So let's go for a couple of
- 22 questions into private session.
- 23 MR KNOOPS: [15:10:19] Yeah.
- 24 (Private session at 3.10 p.m.)
- 25 THE COURT OFFICER: [15:10:31] We are in private session, Mr President.

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- 1 MR KNOOPS: [15:10:34] Thank you, Madam Court Officer.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
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8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [15:15:29] Mr Witness, can you recall that in 2016, when you gave your first

13 statement to the Office of the Prosecution, and you spoke about this (Redacted)

14 (Redacted)

15 you did not mention the name of Mr Ngaïssona at all? You can recall that?

16 A. [15:16:02] I think I said, when I was giving my testimony I forgot many things.

17 It's only after reading it through, my testimony, I noticed that there were many things

18 I had forgotten. And, therefore, I tried to add them later. It's not my fault. What I

19 did say, however, I took an oath before I spoke. I cannot lie. This is what I

20 experienced.

21 Q. [15:16:39] Sir, in -- I can understand that you might have forgotten things, but

22 you would agree with me that it's quite an important accusation if you say that

23 (Redacted). And I put to you that in your additions, your *recomplètement*, which you

24 prepared at home very thoroughly in two days, as you said, you didn't mention

25 Mr Ngaïssona either as being in agreement with such a plan. And the first time you

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1 ever mention this was on 24 February in this court. It was the very first time. So
2 explain to the Chamber why you were willing to add this to your statement here in
3 court while -- sorry.

4 PRESIDING JUDGE SCHMITT: [15:17:48] That's a -- really, that's an important thing
5 to address.

6 Mr Witness, so please answer the question.

7 THE WITNESS: [15:18:06](Interpretation) I did say clearly that I forgot that. After
8 having read through my statement, I remembered, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [15:19:05] Mr Witness, Mr Witness, you have -- so

16 the -- that Mr Ngaïssona, as you say, was also involved in that, not only

17 Mr Ngremangou. This, and I agree with Mr Knoops, important detail, you recalled
18 this when you were here in the courtroom, or when did you recall this first? When
19 did this first come back to your mind, so to speak, in your recollection?

20 THE WITNESS: [15:19:39](Interpretation) It was when I was reading through my
21 statement when I came here.

22 PRESIDING JUDGE SCHMITT: [15:19:46] So was this in December already when
23 you came here and read through your statement? Or was it now in, let's say, two
24 weeks ago or something like that?

25 THE WITNESS: [15:20:05](Interpretation) The first time, when I can't remember

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1 the date, when I came here. I can't remember the date and I read it during one week,

2 my statement. And you asked me to leave and then you called me.

3 PRESIDING JUDGE SCHMITT: [15:20:23] So that would have been December.

4 So -- and you -- but you have made this *recomplètement* and I think that you have

5 made a couple of weeks ago. Have you thought about including this information

6 into this *recomplètement*?

7 THE WITNESS: [15:20:47](Interpretation) Yes. I forgot.

8 PRESIDING JUDGE SCHMITT: [15:20:50] Mr Knoops.

9 And I think we have covered the subject, I would say.

10 MR KNOOPS: [15:20:57] Well, the Court can look at the *recomplètement*, but it's not

11 there. Yeah. Right.

12 PRESIDING JUDGE SCHMITT: [15:21:02] Yeah, because of the question I have

13 asked, obviously.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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1 Q. [15:22:54] So, you deduce from the fact that (Redacted)
2 (Redacted) that Mr Ngaïssona was in agreement with the plan, is that what you say,
3 this answer? Or you have any other information why you say that Ngaïssona was
4 behind the plan or in agreement with the plan?

5 A. [15:23:28] I cannot know. I don't know how to answer. It's a problem.

6 PRESIDING JUDGE SCHMITT: [15:23:39] Mr -- Mr Witness, but you understand,
7 because this is of course a serious accusation, you understand that counsel wants to
8 know what the basis, the source of information was that implied Mr Ngaïssona.
9 This is what of course necessarily counsel is interested in.

10 (Redacted)

11 (Redacted). Or do you have any other -- any other -- did you receive any other
12 information that Mr Ngaïssona was involved in the whole thing? This is -- this is
13 what also, of course, the Court is interested in.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [15:25:52] Thank you, Mr Witness.

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1 Mr Knoops, we cannot talk the witness into telling us something else. Or more. Or
2 more.

3 MR KNOOPS: [15:26:00] Yeah. But I think, Mr President, your question was, I
4 think, quite clear whether in the context the name of Mr Ngaïssona was mentioned
5 by --

6 PRESIDING JUDGE SCHMITT: [15:26:10] Yeah. Yeah. Yeah. And we
7 have -- we have the answer and the answer is an answer, if we also look at the
8 evidence that the witness has provided us with in the past days, we -- he gave that
9 already, to say. So please move on, Mr Knoops.
10 And when we can go back to open session, it's also fine.

11 MR KNOOPS: [15:26:30] But is it now yes or no, the answer? I'm curious.

12 PRESIDING JUDGE SCHMITT: [15:26:34] It's not a yes or no answer. I asked for
13 the basis of the information why Mr Ngaïssona was implied, and he gave an answer,
14 and in this answer Mr Ngaïssona did not appear. The name of Mr Ngaïssona.

15 MR KNOOPS: [15:26:46] Okay.

16 PRESIDING JUDGE SCHMITT: [15:26:47] If I understood it correctly.

17 MR KNOOPS: [15:26:49] It shouldn't be so difficult for the witness to say the name
18 was mentioned, yes or no, I would say.

19 PRESIDING JUDGE SCHMITT: [15:26:55] That is -- that is fine with me. If you say
20 was at any time, in this regard, was the name of Mr Ngaïssona mentioned by
21 anybody. That that is -- that is a good question, yes.

22 MR KNOOPS: [15:27:08] So, Mr Witness --

23 PRESIDING JUDGE SCHMITT: [15:27:10] I have asked it. I have asked it.

24 MR KNOOPS: Oh, sorry. Okay.

25 PRESIDING JUDGE SCHMITT: [15:27:09] Was at any time in this process - you

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- 1 enumerated a couple of, let's say, indicia we would say in our judicial context
- 2 here - that made you conclude that (Redacted)
- 3 In all this process, was the name of Mr Ngaïssona mentioned by anybody?
- 4 THE WITNESS: [15:27:39](Interpretation) His name was not mentioned. But I
- 5 know that there was an arrangement or discussion with Ngremangou for this* plan.
- 6 Because the two were the leaders under the personalities who you know very well,
- 7 your Honour.
- 8 The major leaders of the Balaka were under their command or orders.
- 9 PRESIDING JUDGE SCHMITT: [15:28:17] Ms Dimitri has an objection.
- 10 MS DIMITRI: [15:28:20] Not at all.
- 11 PRESIDING JUDGE SCHMITT: No. Ms Dimitri.
- 12 MS DIMITRI: [15:28:17] But while, while Mr Knoops continues, if I could have
- 13 the assistance of a technician because my Transcend keeps going on and off. We
- 14 don't need to delay anything, it's just while, while we're continuing.
- 15 PRESIDING JUDGE SCHMITT: [15:28:36] You're not the only one. But, yeah, yeah,
- 16 but we can --
- 17 MS DIMITRI: [15:28:37] I thought it was only me.
- 18 PRESIDING JUDGE SCHMITT: [15:28:39] No, no, it also goes on and off, but since it
- 19 a couple of seconds appears again, I did not make an issue out of it, and you know I
- 20 always want to move on.
- 21 Mr Knoops, but I think this covers it, however and whatever. Please continue,
- 22 Mr Knoops.
- 23 MR KNOOPS: [15:28:58] Yeah. I think the next topic is something for --
- 24 PRESIDING JUDGE SCHMITT: [15:29:04] Open session?
- 25 (Redacted)

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Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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15 A. [15:52:15] I don't know what pushed Ngaïssona to do that. I can only tell you
16 what I experienced, and that's what I'm telling the Court about. I'm not inventing
17 anything. I experienced this myself. Why am I going to tell lies on his behalf?
18 Why? I have taken an oath so that I can speak here. I am speaking here and I'm in
19 front of God. God is listening to me. What would I win or get? What award
20 would I have if I lie? I will pay the price if I tell a lie? I am not lying. What I
21 experienced is what I am telling you, sir.

22 Q. [15:53:09] I will -- I will confront you tomorrow with what you could gain from
23 your testimony here, Mr Witness. So don't worry, that question will be asked by me
24 to you.

25 I think, Mr President, I -- I have now a new topic --

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- 1 PRESIDING JUDGE SCHMITT: [15:53:25] We can, yeah. I was also just thinking
2 about it.
- 3 Well, well, I should never say that, but it looks difficult to squeeze both witnesses in.
4 Also taking into account that Mr Vanderpuye, which is not a problem, which I also
5 somehow can understand, plans to have some questions to this witness too or will
6 probably have some. We can decide that tomorrow then, but we -- as I said, we have
7 now seven minutes left. If you have a new topic, I also would prefer, it's an
8 exhausting day, that we call it a day for today and meet together tomorrow at 9.30.
- 9 Thank you very much, Mr Witness. But tomorrow I can assure you definitely will be
10 the last day for you in this courtroom.
- 11 THE COURT USHER: [15:54:15] All rise.
- 12 (The hearing ends in private session at 3.54 p.m.)