

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács, Judge Chang-ho Chung and
7 Judge Beti Hohler
8 Trial Hearing - Courtroom 1
9 Wednesday, 21 August 2024
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:57] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:20] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:25] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:42] Thank you.
21 I ask for the appearance of the parties. I think, Mr Garcia, your team is unchanged.
22 MR GARCIA: [9:32:48] Yes. Good morning, Mr President, your Honours.
23 The Prosecution team is unchanged. Thank you.
24 PRESIDING JUDGE SCHMITT: [9:32:52] Thank you.
25 Ms Rabesandratana, the same? Together with Mr Narantsetseg?

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

- 1 MS RABESANDRATANA: [9:33:01](Interpretation) Yes, that's exactly correct,
- 2 Mr President. Good morning, Mr President. Good morning, your Honours.
- 3 PRESIDING JUDGE SCHMITT: [9:33:06] Mr Suprun.
- 4 MR SUPRUN: [9:33:10] Good morning, Mr President. Good morning,
- 5 your Honours. No changes on my side. Thank you.
- 6 PRESIDING JUDGE SCHMITT: [9:33:16] Ms Bafadhel, I think it's the same.
- 7 MS BAFADHEL: Good morning, Mr President, your Honours. We are the same
- 8 composition and Mr Yekatom is in the courtroom with us.
- 9 PRESIDING JUDGE SCHMITT: [9:33:21] Mr Knoops, it's not so easy to tell, because
- 10 there are more.
- 11 MR KNOOPS: [9:33:26] Mr President, good morning.
- 12 Your Honours, good morning. Everyone, good morning.
- 13 Good morning, Mr Witness.
- 14 We are actually in the same composition. Thank you.
- 15 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you very much.
- 16 And also a warm welcome to Mr Abato, duty counsel for the witness.
- 17 MR ABATO: [9:33:40] Thank you, Mr President.
- 18 PRESIDING JUDGE SCHMITT: [9:33:42] And, of course, welcome, Mr Witness. I
- 19 hope you had a good rest and are motivated and full of energy to continue with your
- 20 examination -- evidence today.
- 21 WITNESS: CAR-D30-P-4914 (On former oath)
- 22 (The witness speaks French)
- 23 THE WITNESS: [9:34:00](Interpretation) Thank you, your Honour. I am doing
- 24 extremely well and I'm very ready to continue to testify.
- 25 PRESIDING JUDGE SCHMITT: [9:34:06] That's very good to hear. And then

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 without further ado, Mr Knoops, you still have the floor.

2 MR KNOOPS: [9:34:13] Good morning, Mr Witness.

3 Mr President, I think we should continue in private session. There is one topic I will
4 delve into in open session. For the Court's information, that will be in the second
5 session of today. But I think the first session of this morning I prefer to go into
6 private session.

7 PRESIDING JUDGE SCHMITT: [9:34:30] Then, for the audience, this means that
8 we -- when we go to private session, this means that you can't hear what is being said.
9 That's unfortunate for you, but we have a protected witness and you surely
10 understand that when issues are discussed that could reveal the identity of
11 a protected witness, that we cannot do that while you are listening.

12 So we go to private session.

13 (Private session at 9.35 a.m.)

14 THE COURT OFFICER: [9:35:07] We are in private session, Mr President.

15 PRESIDING JUDGE SCHMITT: [9:35:09] Thank you.

16 Mr Knoops.

17 QUESTIONED BY MR KNOOPS: (Continuing)

18 Q. [9:35:15] Good morning, (Redacted), welcome back to the courtroom.

19 Yesterday we went into the inception of the movement, the purpose, the goal of

20 (Redacted). This morning, I would like to speak with you about

21 (Redacted)

22 (Redacted). That will be part of the first session of this morning.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 * A. [9:36:44] Thank you. As I said yesterday, there was no reorganization of the
4 group beforehand. There was no reorganization, nor preparatory meetings or
5 anything whatsoever before the up surge in public anger and outrage. What I am
6 saying is that so there was no preparation, there was no involvement or planning by
7 any group, no.

8 It was a sudden upsurge of movement of an angry population, an entirely angry
9 population which rose up. (Redacted)

10 (Redacted)

11 This is what happened at that time. There was no prior planning.

12 Q. [9:38:00] So, (Redacted), if someone would say to you that the -- (Redacted) and
13 the Anti-Balaka in general who operated at the border at that time, were an organised
14 fighting force in the time frame of June till September 2013, what would be your
15 response to that allegation?

16 MR GARCIA: [9:38:41] Your Honour.

17 PRESIDING JUDGE SCHMITT: [9:38:42] Only when I give you the floor. So now,
18 please. Yes.

19 MR GARCIA: [9:38:47] Just an objection here because, from what I understand of
20 the witness's testimony, it's the month of (Redacted) when the witness was present.

21 The question that's being asked is a question relating to a time frame before then,
22 before (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [9:39:06] Well, but -- but -- but --

24 MR GARCIA: [9:39:07] -- from June till September 2013.

25 PRESIDING JUDGE SCHMITT: [9:39:08] -- but I think we should allow the Defence

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 counsel to put the questions as he sees them fit and you can put the questions to -- to
2 the witness as you see them fit. So we are now and the witness has understood that
3 we are speaking about an earlier time frame. So, during that time. And, of course,
4 we would prefer it if you, let's say, would not say there is a witness who has said that,
5 an allegation. If you could simply put to the witness: Well, was the Anti-Balaka,
6 according to your observation in that time frame, an organised force? So just like
7 that. Actually we would prefer it to do it, to do it this way.

8 So, Mr Knoops, you were speaking from June to September, or what was it?

9 MR KNOOPS: [9:39:54] Yes, June till September 2013.

10 PRESIDING JUDGE SCHMITT: [9:39:57] Yeah.

11 So June until September 2013, Mr Witness, was the Anti-Balaka, according to your
12 observation at the time, then an organised force?

13 THE WITNESS: [9:40:21](Interpretation) Thank you, your Honour. In June,
14 the Anti-Balaka did not exist. The Anti-Balaka did not exist. However, (Redacted)
15 (Redacted)

16 (Redacted). Otherwise this
17 would have been known and seen by everybody.

18 In fact, (Redacted), the Anti-Balaka did not exist. It
19 is later on, (Redacted), that the population leashed -- or lashed out in anger or in
20 dissatisfaction. So, before I got to the border, there was no organised entity of any
21 group whatsoever which could have attacked anything. No, that didn't exist before.

22 PRESIDING JUDGE SCHMITT: [9:41:34] And I assume, Mr Knoops, that was what
23 you wanted to know from the witness, yeah, which is, of course, your line of question
24 and your, let's say, it's your decision. So, and, of course, we can -- we can then -- we
25 could discuss that the witness said he was only (Redacted), but he was in

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 contact and he has completely answered the whole question also with regard to

2 (Redacted) So it's -- it's absolutely not objectionable, Mr Knoops.

3 Please continue.

4 MR KNOOPS: [9:42:07] The relevance of this question, for the Court's information, is
5 the paragraphs 91-93 of the Prosecution trial brief.

6 PRESIDING JUDGE SCHMITT: [9:42:19] Yeah.

7 MR KNOOPS: [9:42:19] Thank you.

8 Q. [9:42:20] (Redacted) in those

9 days that, (Redacted), there was a failed attack on Bouar which allegedly would
10 have been prepared by Mr Ngaïssona and Mr Bernard Mokom? Were you aware of
11 any of this type of information, and, if so, tell us?

12 A. [9:43:07] (Redacted), the entire
13 zone was under Seleka control in what I would call a more militarised context. So,
14 when I arrived, Seleka was already in a much stronger position in their positioning
15 and I never heard of any attempts to attack under the leadership or having been
16 prepared by Mr Ngaïssona. I never heard any such thing.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 Q. [9:45:37] Thank you.
- 3 I refer, for the Court's convenience, to a Facebook conversation between (Redacted)
- 4 (Redacted) CAR-OTP-2101-8599 at 8719 till 8721 where this
- 5 allegation is made against Mr Ngaïssona and Mr Mokom.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [9:50:14] For the Court's information, that's paragraph 253 and 257 of
5 the Prosecution trial brief.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [9:51:01] Yes, indeed. Had it been true, (Redacted)

12 (Redacted) As soon as the population became angry against the Seleka, automatically
13 on the Cameroonian side, the border was closed. At the very same time as
14 the population came out into the street, the Cameroonians would automatically close
15 their border. So, at what moment in time could Mr Edouard Ngaïssona organise
16 things from Cameroon for Yaoundé, Douala border transport to be facilitated by
17 the Cameroonians? Well, it's just not real, is it?

18 Q. [9:51:51] (Redacted)

19 (Redacted), I would like to read out an excerpt of

20 a Prosecution witness statement which came before this Court who testified
21 the following, and I ask your response to this, because this -- this relates to
22 the question (Redacted)

23 That witness -- and it's for the Court's record, P-1719, transcript T-142, English version,
24 page 33, lines 11 till 22.

25 The question, (Redacted), to this Prosecution witness was the following:

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted). And the transcript is
12 the same, T-142, page 37, lines 6 till 25. (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 What would you say about the structure of the group which was described by
18 the Prosecution witness? Is this a correct description how the people were operating
19 in this group?
20 PRESIDING JUDGE SCHMITT: [9:55:05] Is this -- what is the problem, Mr --
21 MR GARCIA: [9:55:09] Your Honour, it's exactly what has just been stated by my
22 colleague in putting the question to the witness. There are certain things that are
23 permissible, obviously, speaking about what another witness has stated, but certainly
24 details, obviously, and I'll not get into it, can be identifying. That's where the danger
25 lies.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:55:31] Well, but -- no. Now the --
- 2 MR GARCIA: [9:55:32] And -- and --
- 3 PRESIDING JUDGE SCHMITT: [9:55:33] Let me put it -- let me put it this way.
- 4 So let me ask the question: So you have heard what this Prosecution witness has
- 5 said before this Court. Does this accord with your recollection of the facts of
- 6 the time?
- 7 THE WITNESS: [9:56:04](Interpretation) Thank you, your Honour. According to
- 8 this witness, even the presence of this witness, I know this witness. I can give you
- 9 his name. He is a Prosecution witness. And what he says is not at all true. He is
- 10 a Prosecution witness. I say it and I know why.
- 11 This witness was not present when the population start to show their discontent with
- 12 regard to the Seleka mercenaries. (Redacted)
- 13 (Redacted). They were not present.
- 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: [9:58:29] Thank you.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Mr Knoops, please continue.

2 MR KNOOPS: [9:58:31] Thank you, Mr President. If I can continue, then I wrap up
3 also this --

4 PRESIDING JUDGE SCHMITT: [9:58:35] Of course, yeah.

5 MR KNOOPS: [9:58:36] -- topic on (Redacted), which was in my examination
6 a separate topic but now this name is -- has arisen.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 Q. [10:01:45] For the Court's reference, that statement of P-300,

3 CAR-OTP-2055-2511-R01, paragraph 102, where this allegation about (Redacted) is

4 made.

5 Now, (Redacted) there's another ... yes, I've found it. There's another Prosecution

6 witness, that's P-2673.

7 For the Court, that is the witness who testified here in transcript T-041, English

8 version, pages 44-45 at time code 12:24:16.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Q. [10:19:56] (Redacted), did you ever hear or observe that (Redacted)
2 (Redacted), any person was participating or enlisted (Redacted)
3 (Redacted) which belonged to the so-called FROCCA group? Have you
4 ever heard about this name?

5 A. [10:20:40] FROCCA in 2015 in Bangui, that's when I heard people talking about
6 FROCCA. The RFI was talking about FROCCA. At the end of 2013-2014, we never
7 heard speak of FROCCA. I knew -- I didn't know who FROCCA was. Not -- I did
8 not have that information.

9 Q. [10:21:04] There is a Prosecution witness who gave a statement that there was
10 a link between this so-called FROCCA group of which you heard in 2015 and the --
11 the Anti-Balaka, among which the Anti-Balaka, (Redacted), that
12 these people were partially from the so-called FROCCA group. Does this ring any
13 bell with you?

14 A. [10:21:59] I'm not aware of that. I am not aware of the FROCCA being side by
15 side with the Anti-Balaka. No, what happened was just the Anti-Balaka, a popular
16 movement, throughout -- throughout the territory. Well, they were all up in arms
17 against the position of the Seleka mercenaries. There was no other group or any
18 other divergencies or other associates. That did not exist, it never existed.
19 In Bangui, in the prisons, everywhere, throughout the prisons of the Central African
20 Republic were not aware of the FROCCA, no.

21 MR KNOOPS: [10:23:00] It's, for the Prosecution reference, P-2673,
22 CAR-OTP-2101-6897 at 6900-6901. It's a conversation to be found, I think it's
23 a Facebook message. I'm not sure. It's in our Defence binder, tab 19.
24 (Counsel confers)

25 MR KNOOPS: [10:23:45] Yeah, it's a Facebook conversation, I apologise. It's at 6 --

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 yeah, it's at 6900-6901, the time code 12:57:49, a conversation between (Redacted)

2 (Redacted). Yeah, the Court can find it in tab 19 of our Defence binder.

3 Q. [10:24:17] Now, Mr (Redacted), did you ever hear, speaking about (Redacted)

4 (Redacted) about a group called the archers of Bouar?

5 A. [10:24:45] The archers of Bouar? That was the Ndale family at the time. They
6 were associated with legal livestock raisers who would -- and this was put in place in
7 an official manner in Bouar at the time. I don't know which year we're talking about.
8 And they were also protecting the livestock herders who were moving their cattle at
9 the time. The *archers de Bouar*, the Bouar archers, indeed.

10 Q. [10:25:25] Did you ever hear that Mr Ngaïssona met these individuals at the
11 border with Cameroon? (Redacted) that Mr Ngaïssona met these
12 people there?

13 A. [10:25:56] I never heard mention of any such meeting.

14 Q. [10:26:04] Thank you, (Redacted)
15 Now I'm going to conduct a small exercise with you, with your permission. I'm
16 going to mention several names, and per name I will ask you whether that individual
17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:26:31] And I think we can -- the witness, I would
19 assume, can simply answer with "yes" or "no".

20 MR KNOOPS: [10:26:38] Indeed, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:26:40] Okay, please, yeah. There are some, no,
22 but because of that, we would appreciate it if we could shorten the answers as much
23 as possible.

24 MR KNOOPS: [10:26:48] Of course, Mr President.

25 Q. [10:26:54] These, by the way, are individuals, which, as asserted in this trial,

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 came from Cameroon, for your information.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 MR GARCIA: [10:28:17] Just before --
- 12 PRESIDING JUDGE SCHMITT: [10:28:19] Yes, Mr Garcia.
- 13 MR GARCIA: [10:28:21] We have the indication 26 or 27, can we know of what
- 14 month exactly?
- 15 MR KNOOPS: [10:28:34] I have no problem asking this, Mr President.
- 16 PRESIDING JUDGE SCHMITT: [10:28:36] Yes, please ask it.
- 17 MR KNOOPS:
- 18 Q. [10:28:39] (Redacted), you heard the question of my colleague, Mr Garcia. Do
- 19 you have any month in your memory for (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. [10:29:25] That's fine for the Prosecution?
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 counteroffensive (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:30:54] It has been suggested before this Court that Yambete had the military
12 rank of lieutenant. Did this correspond with your information, Mr (Redacted), in
13 2013-2014, I mean?

14 A. [10:31:17] Steve Yambete was not a soldier. He was involved in political
15 activities. He wasn't really a true soldier. And, as such, well, I heard that he was
16 a second lieutenant in the army, but he never was active in a military role.

17 Q. [10:31:42] Third name is Mr Mahamat Zokoue, also known as Machin Machin,
18 also known as Grand Machin, (Redacted)
19 (Redacted)

20 * A. [10:32:13] Machin Machin (Redacted)
21 (Redacted). He was a driver, lorry driver, and (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted) Because he is a Central African, (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 Q. [10:33:45] (Redacted)
- 9 (Redacted)
- 10 The fourth name, Mr (Redacted), is Kevin Kpefio. (Redacted)
- 11 (Redacted)
- 12 A. [10:34:29] Kevin Kpefio was a civilian. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted) I'm referring to Kevin Kpefio.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Q. [10:36:21] Thank you.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:38:15] Rocca Mokom, (Redacted) in

14 any way involved (Redacted)

15 A. [10:38:39] Yes, that is true. Rocca Mokom was a junior, a young man, he was

16 a civilian, he was not a soldier and he was indeed (Redacted) at the beginning. He

17 used to live at the border. He used to live at the border.

18 Q. [10:39:01] What was his role in (Redacted) if you know?

19 A. [10:39:14] He was someone who could motivate people, who could sensitise

20 them, (Redacted). He -- he was somewhat of a -- what

21 should I say?

22 THE INTERPRETER: [10:39:35] Interpreter didn't understand what the witness said.

23 Correction: (Redacted)

24 MR KNOOPS: [10:39:49]

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:41:52] The next person, Joachim Kokate, (Redacted)

15 (Redacted) in any way involved in the (Redacted)?

16 A. [10:42:13] No, I never knew Joachim Kokate. Not even from the time I was in

17 Bangui when the previous regime was overthrown. I never knew Kokate.

18 (Redacted)

19 (Redacted)

20 (Redacted) He never

21 participated in any of these things that happened (Redacted)

22 Q. [10:42:51] Did you ever receive any information, (Redacted)

23 (Redacted), that Joachim Kokate gave any instructions to the Anti-Balaka

24 (Redacted)

25 A. [10:43:25] (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted) But what I know of him, as I have already told you, is that it is

3 (Redacted)

4 (Redacted)

5 Q. [10:44:02] Now, apart from your testimony that Mr Ngaïssona and Mr Bernard

6 Mokom were not involved in this (Redacted), did you have

7 information, (Redacted) at that time that Maxime Mokom, Maxime Mokom,

8 the brother of Bernard, was in any way involved in this operation by providing

9 money, ammunition, any type of reinforcement? Sorry, the son, yes, right. Maxime

10 being the son of Bernard. Excuse me.

11 A. [10:44:54] Maxime Mokom was nothing. (Redacted)

12 who was (Redacted). It was (Redacted). From time to time it was

13 the (Redacted) who would (Redacted)

14 (Redacted). So

15 Maxime Mokom was someone in exile, he was doing nothing at the time when

16 the government fell. He actually went into exile in the DRC and things didn't work

17 out there. That's why he had to return to Bangui. He had nothing. Where was he

18 going to find the resources to provide any subsidies or subventions to (Redacted)

19 especially when people had nothing to eat in Bangui? So, Maxime Mokom was

20 nothing. In fact, intellectually speaking, he would, from time to time, (Redacted)

21 (Redacted). But, quite logically, he was nothing in relation to what was

22 happening.

23 Q. [10:46:15] There is a Prosecution witness who gave a statement saying that

24 Maxime Mokom was in contact with his father to coordinate the actions of

25 the Anti-Balaka at the border and to fuel the ammunitions.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 That's the Prosecution Witness P-1847, CAR-OTP-2061-1534 at 1549.

2 What would you say, (Redacted), to that statement of a Prosecution witness?

3 MR GARCIA: [10:47:08] Your Honour, I object. This calls for speculation on

4 the part of the witness as to what he would have known and how he could possibly

5 know the answer.

6 PRESIDING JUDGE SCHMITT: [10:47:14] No, it does not -- no, no, I have another

7 issue. It does not call for speculation.

8 It -- Mr Knoops, well, it's -- we do not have so many witnesses left. But can't we ask

9 the witnesses, when we are referring to statements of other witnesses and put them to

10 the witness: Does this accord with your recollection of the events?

11 That's -- and then there will be no -- there will be no objections and we can simply

12 continue. Yeah.

13 Perhaps, Mr Witness, in that regard, you have heard what Mr Knoops has read out as

14 the statement of another witness before this Court. Does this accord with your

15 recollection of the facts of the events at the time?

16 THE WITNESS: [10:48:01](Interpretation) Thank you, your Honour.

17 This statement is different to what we lived at the time. I don't see myself reflected

18 in this statement.

19 PRESIDING JUDGE SCHMITT: [10:48:18] Thank you.

20 Mr Knoops, please continue.

21 MR KNOOPS: [10:48:30]

22 Q. [10:48:34] The final name, Mr Witness, (Redacted) -- sorry, to

23 pronounce the word --

24 PRESIDING JUDGE SCHMITT: [10:48:50] It is indeed a difficult name.

25 MR KNOOPS: [10:48:54] (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:49:00] I think (Redacted)

2 MR KNOOPS: [10:49:02] After some rehearsals, it -- I'll manage, Mr President. I
3 apologise.

4 PRESIDING JUDGE SCHMITT: [10:49:08] Mr Witness, does it ring a bell, with our
5 difficult attempts to spell it correctly, (Redacted)

6 THE WITNESS: [10:49:25](Interpretation) Thank you, your Honour.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MR KNOOPS: [10:51:20]

22 Q. [10:51:20] Now, Mr Witness, my next exercise before the break, still nine
23 minutes, is to put to you some activities which are attributed to those persons we just
24 mentioned in a row and which activities were --

25 PRESIDING JUDGE SCHMITT: [10:51:43] Are you able to finish that -- no, not

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 before the break, I don't -- don't assume it?
- 2 MR KNOOPS: [10:51:54] You might be right, Mr President.
- 3 PRESIDING JUDGE SCHMITT: [10:51:56] Because then that would be
- 4 perhaps -- well, would be a little bit a longer coffee break. And do you need the full
- 5 second session?
- 6 MR KNOOPS: [10:52:05] Yes, Mr President, I will. Yeah.
- 7 PRESIDING JUDGE SCHMITT: [10:52:05] Mr Garcia, I will ask you, then, after
- 8 the second session, what your suggestion would be. Do you -- can you already
- 9 provide us with some insight, some prospect, so to speak.
- 10 MR GARCIA: [10:52:18] Well, before this morning's session, your Honour, I was
- 11 thinking somewhere along the lines of a session and a half, maybe two, depending on
- 12 the next questions of Defence counsel. So then I will be able to be more precise,
- 13 obviously, once the second session has been completed by Defence counsel.
- 14 PRESIDING JUDGE SCHMITT: [10:52:35] Yeah. And we can then also discuss if
- 15 we really need the full second session and you are sure that you cannot finish today.
- 16 Well, we were always a little bit, you know, to -- we understand as a Chamber
- 17 the difficulties of counsel and perhaps you can -- that you perhaps have time to look
- 18 over it and so -- so I will ask you then what would be in your interest, so to speak.
- 19 MR GARCIA: [10:53:00] Thank you, your Honour.
- 20 PRESIDING JUDGE SCHMITT: [10:53:01] Then let's have the break until 11.30.
- 21 THE COURT USHER: [10:53:10] All rise.
- 22 (Recess taken at 10.53 a.m.)
- 23 (Upon resuming in private session at 11.33 a.m.)
- 24 THE COURT USHER: [11:33:55] All rise.
- 25 Please be seated.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:34:18] Mr Knoops.

2 MR KNOOPS: [11:34:19] Yes.

3 PRESIDING JUDGE SCHMITT: [11:34:20] Please move on. We are in private
4 session.

5 MR KNOOPS: [11:34:23] Yes, correct, correct.

6 PRESIDING JUDGE SCHMITT: [11:34:25] I assume. Okay, good.

7 MR KNOOPS: [11:34:30] Mr President, just for the Court's information, also for the
8 witness, my plan is for this session, I have five remaining sessions on the topic on the
9 so-called (Redacted). And then I have two remaining topics, the first
10 one, the return of the witness to Bangui, that can be dealt with, in my view, in open
11 session, and the last topic is (Redacted)
12 (Redacted)

13 Q. [11:35:00] So, Mr Witness, I hope that I can finish this at 1, if the Court would
14 allow me to maybe a few minutes go after 1 to finish. I do what I can to finish it
15 before 1.

16 PRESIDING JUDGE SCHMITT: [11:35:14] Absolutely. Absolutely.

17 MR KNOOPS: [11:35:16]

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MR KNOOPS: [11:39:21] For the Court's information, that is a Facebook

19 conversation at CAR-OTP-2101-8342 at 8369 at 8370, the conversation between

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 MR KNOOPS: [11:42:12] For the Court's -- for the Court's information, the record,

14 it's P-1847, transcript T-023, English version, page 42, lines 13 till 24 of the particular

15 transcript.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR KNOOPS: [11:44:08] For the Court reference, P-1847, CAR-OTP-2122-8251-R01

25 at 8255, paragraph 69 of the statement of this Prosecution witness.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [11:45:46] Thank you. Yesterday you were examined by my colleague,
10 Ms Vandeler, about the matter of munitions, weapons. I have one follow-up
11 question which deals with a different perspective. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [11:47:10] I never heard mention of such a promise. May I also add that if such
18 a promise were to have been made, then it would be fallacious. How can you
19 transfer weapons from a country like Cameroon. That would have been impossible
20 for me to endorse any such practice in any event.

21 Q. [11:47:40] I have the same question, (Redacted), for the matter. If you heard,
22 received any information at that time, that the promise was made (Redacted)
23 (Redacted)

24 (Redacted)

25 A. [11:48:21] Not at all, I never received any such promise.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 MR KNOOPS: [11:48:29] Now I'm going to the topic which, in my view, could be
2 dealt with in open session.

3 PRESIDING JUDGE SCHMITT: [11:48:34] Yes.

4 MR KNOOPS: [11:48:35]

5 Q. [11:48:35] That is your arrival in Bangui.

6 PRESIDING JUDGE SCHMITT: [11:48:37] Yes, we can do that.

7 Mr Knoops, just a cautious reminder. You have addressed the witness with his real
8 name. That's absolutely okay. But sometimes, you know, we tend then to forget
9 that we are now in open session.

10 Perhaps you keep that in mind.

11 Open session.

12 (Open session at 11.49 a.m.)

13 THE COURT OFFICER: [11:49:08] We are in open session, Mr President.

14 MR KNOOPS: [11:49:12] Thank you.

15 Q. [11:49:13] Mr Witness, we are now in open session. I'm going to ask you some
16 questions about your return to Bangui, and the role of Mr Ngaïssona, which you
17 already described in your statement. If there's any question on my part which you
18 would like to address in private session, please indicate it to me.

19 But these are more general questions about what you experienced upon your return
20 in Bangui.

21 Now, my starting point is what you testified about yesterday, and that's in the
22 transcript, English, real-time version, page 100, line 24-25, running to 101, page 101,
23 lines 1 till 6.

24 You did say, Mr Witness, that thanks to Bozizé - that was corrected into the name of
25 Mr Ngaïssona - thanks to his return and calling out, and calling people, calling both

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 parties, saying that the hostilities should end, late 2013-2014, that is when the tensions
2 lessened, neither the Sangaris nor the MISCA responded to this call.

3 My question to you is, sir: Could you explain to the Court how, as you experienced
4 in those days, Mr Ngaïssona was able to lessen the tensions? What did he do and
5 how did you as a person perceive those actions?

6 A. [11:51:11] Thank you.

7 The question here deals with personality. It relates to personality.

8 Mr Patrice-Edouard Ngaïssona was an emblematic figure in the Central African
9 Republic. He was loved across the board because he was a major sports promoter in
10 the Central African Republic. He was well known throughout the republic. Even
11 I speaking to you today, I was surprised to hear that Mr Patrice-Edouard Ngaïssona is
12 in Bangui and that his peers had made of him the coordinator of the Anti-Balaka.

13 And this is when I was still at the border. And I said, "Ah, finally, we have a
14 courageous elder who truly wants to be on our side." And this is what I said to my
15 god.

16 We had not, or we never had any consultations, nor information. But the youth in
17 Bangui who were on the ground decided that if he wanted to be on our side, this
18 might appease the situation. And that is how I said that thanks to his generosity, his
19 courage to come towards us and to assist us morally -- that is why I said because of
20 his return, things changed.

21 You see, that's what I heard. He called on all those who were still on the ground
22 fighting to stop everything and to wait for government to say something so that
23 Patrice-Edouard Ngaïssona would come back and explain to the people the ideology
24 of the government in order to cause peace to return to the Central African Republic.
25 So, mindful of the extremist threats of the Sangaris, I decided to travel by road back to

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 Bangui. So, outside of that, there are no other clouds over Mr Patrice Ngaïssona.

2 He did not act with any hidden agenda. I can say this clearly. His courage was

3 welcomed by everybody. He was a major sports promoter and he was loved by the

4 people of the Central African Republic. It is in that context that I said what I said.

5 Q. [11:54:27] Would you, Mr Witness, be in a position to mention any concrete

6 examples, apart from how you, in general, experienced his role after his return to

7 Bangui, any specific initiatives or actions he undertook to restore peace and security

8 in Bangui and the region?

9 A. [11:55:17] As soon as he became the general coordinator he worked closely with

10 the government in place at the time. He worked with the government. He worked

11 with the Sangaris chief of staff, the MISCA chief of staff, and he was -- how can I say

12 this? It was a coordination of an international dimension because he was in contact

13 with all strata of society which were desirous of causing -- of having peace return to

14 the Central African Republic. That's the first thing that I observed about him.

15 Secondly, whenever the government issued a directive, he would automatically call

16 on everybody publicly, publicly, to convey what had been said during meetings at the

17 presidency or at the MINUSCA or even at the Sangaris general staff and so on and so

18 forth. From time to time he would plead with those organisations for appropriate

19 resources to be deployed towards the belligerent forces in order to restore social

20 cohesion.

21 So Mr Patrice-Edouard Ngaïssona had taken on a very huge struggle, even at the risk

22 of his life, even at the risk to his life. You see, even the Anti-Balaka, from time to

23 time, would challenge him. They would insult him. They would treat him, or call

24 him all names, all sorts of names. And I'm talking here about the Anti-Balaka. But

25 in spite of all that, he endured and continued to undertake his patriotic activities

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 within the movement and even reaching out to the Muslims.

2 You see, from time to time, there were meetings between himself and the imams in

3 Bangui through which he tried to create camaraderie or friendships between the

4 belligerent forces at the time. Those were the works of the man which I saw with my

5 own eyes and which I can testify about today in this court.

6 Q. [11:57:55] Mr Witness, what was the view of Mr Ngaïssona as far as you know

7 at that time on the -- what would have happened, what should have happened in his

8 view with the Anti-Balaka?

9 PRESIDING JUDGE SCHMITT: [11:58:18] Mr Garcia.

10 MR GARCIA: [11:58:20] I'm not sure. I'm not sure. I think that was the end of the

11 question, but I object because it is calling for the witness to speculate on --

12 PRESIDING JUDGE SCHMITT: [11:58:27] There is some (Overlapping speakers)

13 MR GARCIA: [11:58:29] Or rephrase the question --

14 PRESIDING JUDGE SCHMITT: [11:58:30] Yes, there's some truth --

15 MR GARCIA: [11:58:31] -- in a way that's more specific and to, you know, calling to

16 what the witness would know actually, if anything.

17 PRESIDING JUDGE SCHMITT: [11:58:35] Mr Knoops has started, "as far as you

18 know", so this is --

19 MR KNOOPS: [11:58:42] Well, Mr President, I didn't want to lead the witness.

20 I can be very specific. I can ask him what -- if he knows whether Mr Ngaïssona

21 wanted to have the Anti-Balaka integrated into the army, whether he knew whether

22 the Anti-Balaka had returned to the provinces.

23 PRESIDING JUDGE SCHMITT: [11:58:58] Yes, okay. Fine with that. Yes.

24 MR KNOOPS: [11:59:04] That might be leading for the Prosecution.

25 MR GARCIA: [11:59:05] We could simply ask the witness, your Honour, general

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 questions regarding, you know, what, if anything, he knew about Mr Ngaïssona's
2 views in this regard.

3 PRESIDING JUDGE SCHMITT: [11:59:10] Mister -- Mr Knoops has --

4 MR GARCIA: [11:59:11] It wouldn't be leading.

5 PRESIDING JUDGE SCHMITT: [11:59:12] Mr Knoops has tried to put this
6 generalised question to the witness and you objected because he started, I'm quite
7 sure that he said, "as far as you know." So then the easiest way to solve this is
8 always let the Presiding Judge ask the question.

9 So, Mr Witness, do you have information, any information about what was the
10 objective of Mr Ngaïssona with regard to the, let's say, the fate of the Anti-Balaka once
11 order was established, for example? Do you know what in his view, in
12 Mr Ngaïssona's view -- do you know that, do you have information about that, what
13 he thought about this?

14 THE WITNESS: [12:00:03](Interpretation) Thank you, your Honour.

15 Mr Patrice-Edouard Ngaïssona was working symbiotically with the transitional
16 government at the time. So, at his level he was not in a position to be able to impose
17 any idea upon the government. He was the -- he wanted peace, a road to peace.
18 But the rest was the government that had to be the guarantor and provide directives,
19 guidelines. But he also went to get the impressions from the Anti-Balaka base. His
20 role was limited to providing a bridge between the Anti-Balaka and the transitional
21 government at the time. He did not have any other decisions to take.

22 Otherwise, it would have been contrary to the logic of the republic.

23 PRESIDING JUDGE SCHMITT: [12:01:10] Mr Knoops, please move on.

24 MR KNOOPS: [12:01:15]

25 Q. [12:01:17] Mr Witness, you, as I assume, when you returned to Bangui, you

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 resumed -- I will not mention your profession -- you resumed your activities, your
2 professional activities, right?

3 A. [12:01:45] No, I did not go back to my professional activities because from 2013
4 to 2016, end of 2016, at {PFR: (Redacted)}, everything was made up of pro-Seleka. So
5 it was difficult for me to go back and work at the {PFR: (Redacted)}. It was after the
6 elections, the election of the current president that I went back to work at the
7 {PFR: (Redacted)} because during that time I was declared a *persona non grata*. From 2013
8 until the end of 2015, I was not able to resume my activities.

9 Q. [12:02:52] What -- what did you know at that time about Mr Ngaïssona's
10 intentions with the role of the FACA? Was he, as far as you know, in favour that the
11 Anti-Balaka became integrated in the FACA as a way of reintegration or social
12 cohesion, or was he against this idea, as far as you know?

13 A. [12:03:32] Before Mr Patrice-Edouard Ngaïssona became general coordinator, I,
14 before you, {ICR: (Redacted)}
15 (Redacted)
16 (Redacted)
17 (Redacted)}, that all of these people need to integrate - the national
18 army, the gendarmerie, the police - in order to serve their country. That's what I said
19 before Mr Patrice-Edouard Ngaïssona became our general coordinator, that is. So,
20 even those -- the youth whom I was with, we were together, and I said to them, you
21 know, that you need to be the ones to protect the republic.

22 And there {ICR: (Redacted)}
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

1 (Redacted)}

2 So I am not in the head of this wise man who became our general coordinator. We
3 never shared such an idea, but we already had this idea in our heads; namely, that
4 everybody should in all loyalty be ready to protect the republic. That was it.

5 Q. [12:05:42] Mr Witness, please be --

6 PRESIDING JUDGE SCHMITT: [12:05:43] It's okay, Mr Knoops. Everything is
7 okay. Please continue.

8 MR KNOOPS: [12:05:49]

9 Q. [12:05:49] Next question. Mr Witness, in your statement --

10 PRESIDING JUDGE SCHMITT: [12:05:51] Everything will be fixed.

11 MR KNOOPS: [12:05:55] I understand.

12 Q. [12:05:56] -- lines 685 till 690, you speak about the political reality at the time,
13 that Mr Ngaïssona's initiatives, despite their intentions actually were hindered by
14 the -- the change of, you say, the terrain and the politics. Can you explain to us what
15 you meant by this? Specifically, can you give examples how his plans, his initiatives
16 were hindered by the situation at that time or the political situation in general?

17 A. [12:06:47] Yes. Mr Patrice-Edouard Ngaïssona supported President Touadera.
18 During the elections in 2016, he supported him. But, curiously, many things were
19 discussed. Many things were brewing. And why was that? Because the
20 Anti-Balaka movement was a popular movement and Mr Patrice-Edouard Ngaïssona
21 at the head of that movement and setting up -- in setting up his political party, that
22 was when the geopolitical situation changed and alibis started to become into being
23 willy-nilly in order to try and stop the emergence of the ideology. He was an
24 ordinary citizen, he had the right to do whatever he wanted to do, Mr Ngaïssona.
25 And if he was starting to have alibis here and there, then this means

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 that politics is already starting to create tension, to discredit and creating situations
2 that are not pro-Bozizist. And that is when he was being fought in a number of
3 manners, on a number of levels, until he found himself where he is today and where
4 he has been for the last -- or over the last six years.

5 So this is a situation that is known by the Central African people. You know, it is all
6 about politics. No one could talk about it, and all the names that you have given
7 here, the witnesses who have come to testify, these are people who are
8 prepared -- and I'm surprised to hear all these names. All these names that have
9 been given here are working under the state currently in Bangui, back home. And,
10 really, with all the names that I have heard here, I share the same ideology with them
11 and I would then also have been part of the country's daily business. So, African
12 politics is a very complicated thing, and I would admit to you that I -- I really have no
13 words to say what I mean here.

14 Q. [12:10:04] That -- that brings us, Mr Witness, indeed to the last topic.

15 PRESIDING JUDGE SCHMITT: [12:10:10] In private session, I think.

16 MR KNOOPS: [12:10:14] Yes.

17 Q. [12:10:14] Because it might reveal your identity.

18 PRESIDING JUDGE SCHMITT: [12:10:17] Yes, then let's go to private session.

19 (Private session at 12.10 p.m.)

20 THE COURT OFFICER: [12:10:32] We are in private session, Mr President.

21 PRESIDING JUDGE SCHMITT: [12:10:35] Thank you.

22 MR KNOOPS: [12:10:44]

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Page redacted

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [12:22:41] Well, Mr Knoops, that might -- might be

8 surprising for you, but I think this enables you to strike out some of the questions you

9 planned, I would assume.

10 MR KNOOPS: [12:22:54] Yes. Yes, Mr President.

11 Q. [12:22:53] Although the key question is still to you, (Redacted), that that's quite

12 an allegation you make here before this Court. What information do you have

13 concretely that these people (Redacted)

14 (Redacted)? What, apart from the description of these persons also in your

15 statement, is the information, if any? (Redacted)

16 (Redacted) et cetera? Do you

17 have any information or (Redacted) to enlighten us on this point?

18 A. [12:23:58] No, it was only in relation to the few ideas that you mentioned a short

19 while ago relating to those persons, those various persons.

20 Now, when you say, or when you ask whether I knew such-and-such a person,

21 such-and-such a person, it is based on those questions that I understood that indeed

22 what had transpired in the country was real, because I was an eyewitness to

23 everything that happened in country. So it is in relation to what you said a short

24 while ago when you raised a few questions with me and mentioned a few names and

25 so on and so forth. And that is how it came to my mind that I could understand that

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 what we understood to be happening on the ground is also something that is reflected
2 here but we need to clarify everything about what happened in the country.
3 PRESIDING JUDGE SCHMITT: [12:25:06] I think you have to move on, Mr Knoops.
4 MR KNOOPS: [12:25:10]
5 (Redacted)
6 (Redacted)
7 PRESIDING JUDGE SCHMITT: [12:25:33] This question --
8 MR GARCIA: [12:25:30] I object.
9 PRESIDING JUDGE SCHMITT: [12:25:30] No, this question is okay. (Redacted)
10 (Redacted). And then we ask if -- if --
11 MR GARCIA: [12:25:39] Well, it's extremely leading, your Honour. We're already
12 placing the -- the allegation --
13 PRESIDING JUDGE SCHMITT: Yeah, okay. But --
14 MR GARCIA: -- before the witness, with him just (Overlapping speakers)
15 PRESIDING JUDGE SCHMITT: [12:25:44] No, no, the witness can say "yes" or "no".
16 MR GARCIA: -- say "yes" or "no".
17 PRESIDING JUDGE SCHMITT: The witness can say "yes" or "no".
18 MR GARCIA: [12:25:47] Which is a leading question. But that's my objection.
19 PRESIDING JUDGE SCHMITT: [12:25:50] Well, but -- but -- yeah.
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted). That is true.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:26:42] And where do you have this information
2 from?

3 THE WITNESS: [12:26:54](Interpretation) Thank you, your Honour. (Redacted)
4 (Redacted)
5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [12:27:20] Please move on -- move on, Mr Knoops.

7 MR KNOOPS: [12:27:25] Yes.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR GARCIA: [12:30:37] I object.

5 PRESIDING JUDGE SCHMITT: [12:30:38] Yes?

6 MR GARCIA: [12:30:39] Once again, this is extremely leading, your Honour. Why

7 don't we just simply, given the nature of the subject matter, ask general questions to

8 the witness, not put words in his mouth?

9 PRESIDING JUDGE SCHMITT: [12:30:46] Mr Witness, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [12:31:56] Please move on.

19 MR KNOOPS: [12:31:58]

20 (Redacted)

21 (Redacted)

22 MR GARCIA: [12:32:14] I object. I object. Your Honour --

23 PRESIDING JUDGE SCHMITT: [12:32:16] How did -- Mr Witness -- really we have

24 to come to an end here.

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 THE WITNESS: [12:32:37](Interpretation) Yes, I can confirm that that word was
4 used.

5 PRESIDING JUDGE SCHMITT: [12:32:43] So following from that, when you heard
6 (Redacted), how did you perceive that word?

7 THE WITNESS: [12:32:58](Interpretation) Thank you, your Honour. (Redacted)
8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted).

12 That was my understanding, your Honour.

13 PRESIDING JUDGE SCHMITT: [12:33:39] And that was what you derived, what
14 you, let's say, interpreted from the word (Redacted) is that a correct
15 understanding of what you say?

16 THE WITNESS: [12:33:58](Interpretation) Yes, that is correct, your Honour.

17 PRESIDING JUDGE SCHMITT: [12:34:00] Continue, please, Mr Knoops.

18 MR KNOOPS: [12:34:02]

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 MR GARCIA: [12:37:20] I'm sorry, objection, your Honour. It's -- that's not exactly
- 17 what -- I understand Defence counsel's paraphrasing, but that's not exactly what's
- 18 stated in lines 1035 and -- to 1037. Maybe he should just read it in French and ask
- 19 the witness what he meant by that. But there was nothing regarding -- and I think
- 20 what Defence counsel are saying (Redacted), unless
- 21 I heard the interpretation wrong, but that's what I heard from the witness. Here it's
- 22 different at 1035.
- 23 PRESIDING JUDGE SCHMITT: [12:37:55] Well, I read it. This is what you said at
- 24 the time and please let us know what you meant by it: (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Speaks English) What did you mean by that, and was this said like that exactly?

3 THE WITNESS: [12:38:38](Interpretation) Yes, your Honour. It's clear. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) That's what I said.

9 PRESIDING JUDGE SCHMITT: [12:39:21] Mr Knoops, but all of that is already in
10 the statement, which is already part of the evidence according to Rule 68(3).

11 MR KNOOPS: [12:39:31] Yes.

12 Q. [12:39:31] (Redacted)

13 (Redacted)

14 (Redacted) That's line 382 till 388.

15 I would like to show you two documents, which are in our Defence binder at tabs 7
16 and 8.

17 (Redacted)

18 (Redacted), that's CAR-OTP-21 -- 2001-3376.

19 PRESIDING JUDGE SCHMITT: [12:40:44] It's a press communique.

20 MR KNOOPS: [12:40:48] Yeah.

21 Q. [12:40:49] My first question, Mr Witness. Is it your understanding of this
22 article, this press communique (Redacted)

23 A. [12:41:26] Thank you very much.

24 Now, thanks to the Court, I am now being clarified on everything that has been
25 cooked up. I'm seeing this release for the first time here. Now and here, it's now

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 that I can see -- that I see this press release.

2 Q. [12:42:12] (Redacted)

3 (Redacted), do you

4 see it there?

5 PRESIDING JUDGE SCHMITT: [12:43:14] We have to scroll down, of course, to the
6 next -- to the next page.

7 Still the question is, Mr Witness, because we have here a (Redacted)

8 (Redacted), are they speaking about, let me put it this way,

9 (Redacted)

10 THE WITNESS: [12:44:10](Interpretation) Thank you, your Honour. I don't know.

11 Maybe they had another group, (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:44:32] I think, Mr Knoops, this also would apply
14 to the next document that you -- or you can simply put it on the record, I would say.

15 That's CAR-OTP-2001-3378.

16 The second one. It's a press communique from 21 January 2014. And numbered
17 press communique number 6 -- number 5 and the other one was number 4, what we
18 had.

19 MR KNOOPS: [12:45:10]

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [12:49:44] And the additional question to what the
24 witness has already stated --

25 MR KNOOPS: [12:49:49] Yeah.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [12:49:50] -- is?
- 2 MR KNOOPS: [12:49:51]
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 MR KNOOPS: [12:54:01] Further correction, I mentioned just a few seconds ago
- 4 (Redacted)
- 5 PRESIDING JUDGE SCHMITT: [12:54:08] We understand that.
- 6 MR KNOOPS: [12:54:12]
- 7 Q. [12:54:13] (Redacted)
- 8 (Redacted)
- 9 (Redacted). And in our Defence binder at tab 1 --
- 10 MR KNOOPS: [12:54:34] I will not show it to the witness, the Court can find the --
- 11 MR GARCIA: [12:54:36] I object.
- 12 PRESIDING JUDGE SCHMITT: [12:54:37] Mr Garcia, you cannot simply step up
- 13 and shout in. You don't have the floor at the moment.
- 14 So, first of all, Mr Knoops, you -- you continue with your question. So what is in
- 15 tab 1?
- 16 MR KNOOPS: [12:54:54] Tab 1 was just a confirmation about the promotion.
- 17 PRESIDING JUDGE SCHMITT: [12:54:57] And you don't have to -- to put that on
- 18 the record.
- 19 MR KNOOPS: [12:55:00] No.
- 20 PRESIDING JUDGE SCHMITT: [12:55:01] So your question would be, what?
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [12:55:29] So then we ask the question: (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 PRESIDING JUDGE SCHMITT: [12:57:17] Mr Knoops, I assume you have -- shortly
- 15 before 1 o'clock, you will need another --
- 16 MR KNOOPS: [12:57:22] No.
- 17 PRESIDING JUDGE SCHMITT: [12:57:23] Not more?
- 18 MR KNOOPS: [12:57:24] I can finish before 1.
- 19 PRESIDING JUDGE SCHMITT: [12:57:26] Okay then.
- 20 MR KNOOPS: [12:57:27] For the Court's information, (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [12:57:42] Last question, Mr Witness, my final question to you. It's been now
- 24 almost seven hours, our examination, so we exceeded it with one hour. Apologies
- 25 for the Court.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 My final question, (Redacted): What motivated you to accept the invitation of our
- 2 Defence team to testify before the Court?
- 3 PRESIDING JUDGE SCHMITT: [12:58:15] That's okay. Let him answer, the
- 4 witness. No further explanations.
- 5 THE WITNESS: [12:58:28](Interpretation) Thank you, your Honour. Quite
- 6 honestly I would say to you that for me, it was a matter of intellectual honesty.
- 7 PRESIDING JUDGE SCHMITT: [12:58:41] Okay. That's -- that's an answer.
- 8 These were your questions?
- 9 MR KNOOPS: [12:58:47] Thank you, Mr President. Those were my questions.
- 10 Q. [12:58:50] Thank you, Mr Witness.
- 11 PRESIDING JUDGE SCHMITT: [12:58:53] Mr Garcia, I already indicated before the
- 12 break, I assume you will not be able to finish in the last session and I would also put
- 13 pressure on you I assume, unnecessary timely pressure.
- 14 MR GARCIA: [12:59:08] Your Honour, I would need, I would say, a session and
- 15 a little bit more than a session.
- 16 PRESIDING JUDGE SCHMITT: [12:59:12] Well, then, then -- when we hear a little
- 17 bit more, then perhaps let's shorten the lunch break.
- 18 MR GARCIA: [12:59:19] I think that would be (Overlapping speakers)
- 19 PRESIDING JUDGE SCHMITT: [12:59:20] If that would be okay with you, then let's
- 20 do it this way.
- 21 MR GARCIA: [12:59:25](Overlapping speakers)
- 22 PRESIDING JUDGE SCHMITT: [12:59:26] No, no. I'm -- I'm -- we appreciate that.
- 23 Then let's say a break until 2 o'clock and then we finish today.
- 24 MR GARCIA: [12:59:23] Thank you, your Honour.
- 25 PRESIDING JUDGE SCHMITT: [12:59:25] Thank you.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 THE COURT USHER: [12:59:33] All rise.
- 2 (Recess taken at 12.59 p.m.)
- 3 (Upon resuming in private session at 2.02 p.m.)
- 4 THE COURT USHER: [14:02:53] All rise.
- 5 Please be seated.
- 6 PRESIDING JUDGE SCHMITT: [14:03:13] Good afternoon, everyone.
- 7 Mr Garcia for the Prosecution, you have the floor.
- 8 We are in private session. Should we stay in private session, according to your
- 9 assessment?
- 10 MR GARCIA: [14:03:28] Yes, your Honours. Good afternoon, Mr President, your
- 11 Honours. Most, if not almost all, of my questions will deal with matters that we will
- 12 have to treat --
- 13 PRESIDING JUDGE SCHMITT: [14:03:36] Understandably.
- 14 MR GARCIA: [14:03:38] -- given the Rule 74, and whatnot.
- 15 PRESIDING JUDGE SCHMITT: [14:03:41] Yes. Absolutely. Please start.
- 16 QUESTIONED BY MR GARCIA: (Interpretation)
- 17 Q. [14:03:53] Good morning -- rather, good afternoon, Mr Witness.
- 18 A. [14:03:55] Good afternoon.
- 19 Q. [14:03:57] We had an opportunity to meet one another briefly at the beginning of
- 20 the week, and just to say that I'll be asking some questions to you on behalf of the
- 21 Prosecution and I don't think I'll be keeping you here for a very long time, okay?
- 22 A. [14:04:17] Okay.
- 23 Q. [14:04:19] First of all, Mr Witness, if I've understood correctly - and this is in
- 24 your statement that you signed - the first time you met someone from the Defence
- 25 team, (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 correct?

2 A. [14:04:50] Yes, that is correct, Mr Prosecutor.

3 Q. [14:04:54] I'd just like to ask you this: Did you already know either one of these
4 people before you met with them? Had you met them in the past? Did you know
5 each other directly or indirectly, perhaps through a third person? Was it the first
6 meeting you ever had with them?

7 A. [14:05:18] Thank you, Mr Prosecutor. It was a surprise for me to get this phone
8 call from a person -- I didn't even know the telephone number. I had a call from
9 (Redacted) and he was in Bangui. I don't really know how he got my
10 contact information. I was in (Redacted), so after this phone call, Mr (Redacted)
11 introduced himself to me and he said that he was part of Mr Ngaïssona's Defence
12 team and he said that a team wanted to speak to me. So it really was a surprise to
13 learn about all of this. We did not know one another.

14 Q. [14:06:16] Now, just one detail. The phone number that he called you on, was
15 that the same number you had used in 2013 and 2014? Was it the same telephone
16 number as back then?

17 A. [14:06:38] No, Mr Prosecutor. The phone number that I used in 2013 and 2014
18 did not exist anymore. It was a new number that I was using. I've been using that
19 new number since 2017, I believe.

20 Q. [14:07:01] Now, since we're on this question, if you don't mind, I'll ask you
21 about the old telephone number that you used in 2013 and 2014. Do you remember
22 that number at the time?

23 A. [14:07:23] The number I used (Redacted), and even Bangui, was an RTel number
24 from the Cameroonian side. I used the RTel SIM cards from the Cameroonian side.

25 Q. [14:07:45] If I understand correctly, if I've understood your testimony, you said

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 in your statement, and you said in the courtroom, that you never crossed over to
2 Cameroon, but you're saying that you used a Cameroonian telephone line; is that
3 your testimony?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [14:08:28] Do you remember that telephone number that you used back then in
8 2013, when you were (Redacted)

9 A. [14:08:35] I don't remember the number. The Sangaris forces took everything
10 away from me. I don't remember that number anymore.

11 Q. [14:08:48] And when was that? Which year?

12 A. [14:08:56] Late -- 2014. 2014, when the Sangaris arrived at the border.
13 Everything was taken then. That was in 2014, before I could go back to Bangui.

14 Q. [14:09:14] One specific point, Mr Witness. (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [14:09:37] Yes, that's the usual name. (Redacted)

18 (Redacted)

19 Q. (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:09:54] Mr Garcia, just please slow down a bit,
21 yeah. You both speak French and that's -- I'm going to say it's a problem. It's, of
22 course, also a good thing, but you tend then to -- to immediately start when the
23 witness has finished, and the interpreters cannot catch up. Thank you.

24 MR GARCIA: [14:10:14] Thank you, Mr President, for that reminder.

25 Q. [14:10:19](Interpretation) I've been rapped on the knuckles, so to speak,

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Mr Witness.

2 Now, we're both speaking French and we have to remember to pause for a few
3 moments so that the interpreters can do their work, and I, too, will try to follow the
4 same rule, okay?

5 Now, I just wanted to clear up one point. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [14:11:59] I'll come back to that point in a few moments and then I'll move on to
17 something else. But just to hark back to this first meeting with the Defence team,
18 were you given any questions or any documents?

19 A. [14:12:25] I never received any documents whatsoever from the first people, the
20 first part of the Defence team.

21 Q. [14:12:36] How long did your meeting with them last, if you remember?

22 A. [14:12:41] (Redacted), unless I'm mistaken, it would have been a day and a half.
23 We started at 9, and then we finished. And the next day we began again, and then
24 we finished. There were two sessions.

25 Q. [14:13:05] Just to make sure we've understood. Now, the first time, did you

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 make a statement? Did you answer questions about 2013 and 2014, and so on and so
2 forth? What did you do during this day and a half?

3 A. [14:13:36] Some questions were put to me about how the events had unfolded in
4 2013, how things occurred, and then a few details from me were elicited. So that's
5 how we -- that's how our discussions unfolded.

6 Q. [14:14:03] Did you sign a statement regarding the content of what you told the
7 Defence team?

8 A. [14:14:17] Yes, I signed a statement.

9 THE INTERPRETER: Correction: Statements, in the plural.

10 MR GARCIA: (Interpretation)

11 Q. [14:14:28] How many?

12 A. [14:14:30] No, no, not in the plural, but I signed. There was also a few
13 signatures for travel costs. That's what I was referring to. I signed two or three
14 things.

15 Q. [14:14:52] Well, here I have a statement from you. This is a 30-page document,
16 14 December 2013. This is what I read here. And this statement that you signed the
17 first time, how long was it? How many pages?

18 A. [14:15:17] I didn't sign every page. Yes. No, I didn't strike -- I didn't erase
19 anything. I didn't count how many pages.

20 Q. [14:15:34] If I've understood correctly, the first time you signed a statement, and
21 this document here, 14 December 2023, you signed another document, 30 pages.
22 You read it over recently, correct?

23 A. [14:15:54] Yes, that's right, Mr Prosecutor.

24 Q. [14:15:58] Now, after this first meeting with the members of the Defence team,
25 before they left, did they tell you what questions or what topics that they were

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 interested in for future interviews, upcoming interviews with you?

2 A. [14:16:45] Indeed. They told me this: Indeed, there would be a series of
3 conversations with the other members of the team and they told me that there would
4 be a series of discussions or talks about the details, (Redacted)
5 That's what they told me.

6 Q. [14:17:09] Mr Witness, did they tell you about allegations that had been made
7 regarding Mr Ngaïssona, by witnesses?

8 A. [14:17:23] Myself, I did ask a few questions. I asked about the allegations, but
9 they kept them to themselves, they didn't tell me.

10 Q. [14:17:34] Yes, indeed, Mr Witness, I just wanted to -- let me hark back to
11 something you said this morning. Just a moment. I'm sure it's still fresh in your
12 mind, but this morning Mr Knoops from the Defence asked you some questions about
13 lines 884 to 889 from the statement that you signed in December 2023, the
14 30-page document.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) That is what you said this morning. What were you
20 talking about exactly?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:22:50] I understand, I think. (Redacted)

22 (Redacted). You just told us something that happened quite recently,

23 correct?

24 (Redacted)

25 Q. [14:23:17] Maybe I wasn't clear enough, but when Mr Knoops was asking you

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 questions, he was asking you about some allegations that you made at lines 884 and

2 onwards. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted). But logically,

12 Mr Prosecutor, I'm telling you, these are facts, these are things that I, myself, know

13 about. That's why I say that.

14 Q. [14:25:09] Very well, Mr Witness. But if I've understood your response, you're

15 saying -- well, this is the -- this is conjecture you didn't mention, and I'm asking you a

16 question. You haven't mentioned anything specific or concrete. These are serious

17 allegations that you've made in your statement at line 884 and onwards. You

18 mention people, (Redacted). What specific proof do you

19 have other than some anecdotes that you gave this morning and some conjecture and

20 opinion? What do you actually have on them?

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [14:26:05] Mr Garcia, you have to move on. We

24 have to take the answers of the witness as they are.

25 MR GARCIA: [14:26:12] Mr President, with the time I have and the answer that's

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 been given, I can assure you that that was my intent.

2 PRESIDING JUDGE SCHMITT: [14:26:18] I understand. Okay, please continue.

3 MR GARCIA: [14:26:21](Interpretation)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [14:27:29] Now, let's talk about what actually happened, and this is why you're
14 here. First of all, you've told us, judging by the documents that we have, (Redacted)
15 (Redacted)
16 correct?

17 A. [14:28:01] That's not how the question was put to me earlier.

18 Q. [14:28:06] I can ask you the question. Do you agree with me that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted), correct?

22 A. [14:28:32] Mr Prosecutor, that's what I was trying to explain. If the question
23 had been put to me as you're putting it to me, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [14:29:38] Mr Witness, this is not a -- this was

6 obviously not a reproach; this was only for clarification purposes. So there is

7 nothing to reproach you in any way in that regard. You have clarified it and

8 Mr Prosecutor continues with the examination. So don't be worried about that.

9 MR GARCIA: [14:30:02](Interpretation)

10 Q. [14:30:03] That indeed, Mr Witness, is what I sought, namely, to clarify this

11 point, and I'm happy you have clarified it. But on this topic still, at the time you

12 were still a (Redacted)

13 (Redacted) ; is that correct?

14 A. [14:30:21] Yes, Mr Prosecutor, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [14:31:00] (Redacted)

20 (Redacted); is that correct?

21 A. [14:31:12] Yes, that is correct.

22 Q. [14:31:16] Before you arrived (Redacted), you were aware, I believe, of what was

23 happening there, what groups were functioning there, what was not happening,

24 whether there was an Anti-Balaka or not. So you probably didn't have much

25 information about what was happening on the ground before you (Redacted); is

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 that correct?

2 A. [14:31:47] Well, before (Redacted), there was no group on the Central
3 African territory other than the Seleka.

4 Q. [14:32:02] Mr Witness, since you were not on the ground before (Redacted)
5 that's what I'm referring to, how then were you able to find out or know what was or
6 was not going on on the ground at the time?

7 A. [14:32:18] Mr Prosecutor, what reassured me is that by the time I arrived, I had
8 some information that there had been some boots on the ground, that there had been
9 some people in the neighbourhoods, and so on and so forth. But if I did not receive
10 any such information, that would have -- that is what led me -- since I did not receive
11 any such information, that's what led me to say what I just said.

12 PRESIDING JUDGE SCHMITT: [14:32:49] Mr Garcia, you are falling back in the old
13 habit, so to speak. It's not a problem. Mr Garcia, we all have been there, so don't
14 worry.

15 MR GARCIA: [14:33:02](Interpretation)

16 Q. [14:33:05] Now, Mr Witness, (Redacted)
17 (Redacted)
18 (Redacted); is that
19 correct?

20 A. [14:33:21] That is exactly what I have been saying.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [14:34:38] Very well, Mr Witness.

8 We will talk about the mercenaries later, but for now I still have some more questions
9 for you.

10 During your testimony, you also said, if I understood you well, that you, yourself,
11 were (Redacted)
12 some point?

13 A. [14:35:07] (Redacted) No. As I said right from the beginning of my
14 testimony, this was a popular movement, and being (Redacted), there
15 was no one there. The army was absent, so I was (Redacted)
16 (Redacted) and it is in this context that I said I needed to do something in order to
17 channel things.

18 And so when you talk about (Redacted), then I think that is contrary to what the
19 rules would be for an established state. Now, if the state was effectively present and
20 (Redacted), that would be sort of illegal, because the
21 state did not even exist at the time.

22 Q. [14:36:07] Mr Witness, but I understood you said that you were the (Redacted)
23 (Redacted), so –
24 but the state was present, isn't it?

25 A. [14:36:22] That was a nickname, a nickname that I was given (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 simply.

2 Q. [14:36:34] So, if I understand your testimony well, the (Redacted), generally
3 speaking, fortuitously gave you the nickname (Redacted); is that your
4 testimony?

5 A. [14:36:51] Yes, Mr Prosecutor.

6 Q. [14:36:58] I would imagine that they also gave you the nickname (Redacted)
7 (Redacted)

8 A. [14:37:13] There is no name such as (Redacted) or (Redacted)
9 (Redacted) throughout the time and in the area where these things happened.

10 Q. [14:37:26] When you say (Redacted), are you referring to all the people in
11 (Redacted) or just a small fraction of (Redacted)? Who are you
12 talking about specifically?

13 A. [14:37:39] I'm talking about (Redacted), Mr Prosecutor -- (Redacted)
14 (Redacted)

15 Q. [14:37:45] Would that include Muslims, if I understand you properly, at the
16 time?

17 A. [14:37:58] At the time, in any event, with all the tension, it was extremely
18 difficult under such tension for the Muslims to be involved in the activities of the
19 natives of the region. It was extremely difficult for that to happen at that time.

20 Q. [14:38:23] I just want to understand your answer. Is it a "no"?

21 A. [14:38:31] That's correct. That's correct.

22 Q. [14:38:36] In your statement, you also -- and again you talked about it, that
23 (Redacted) elements, if not more, that's what you said, and from your statement I
24 understand that some of these people were from the presidential guard, from the
25 police, from the gendarmerie, and civilians as well. That's what you say in your

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 statement.

2 Now, of these (Redacted) people, that's quite a lot of people. Were there any FACA
3 members on your side? And remember that you were a (Redacted)
4 (Redacted)

5 A. [14:39:19] There was no officer, no high-ranking soldier in our ranks, no. There
6 were none.

7 Q. [14:39:30] From your testimony, am I to understand that all those people,
8 including the civilians, the presidential guards, important people, that all those
9 people (Redacted) at some point, at some point in time?

10 A. [14:39:49] It was a mass movement. Now, if they were to be (Redacted), they
11 would have been (Redacted), but this was a mass movement
12 bringing together everybody, and when it was over, it was over. So I cannot say that
13 anyone had become (Redacted)

14 Q. [14:40:14] Mr Witness, I put the question to you because in your statement you
15 keep referring to (Redacted)
16 (Redacted); is that not correct? When you say (Redacted)
17 (Redacted), you are referring to a hierarchy, aren't you?

18 A. [14:40:33] Yes, but at the time of the popular uprising, yes, that's what I said. I
19 said that at the time of the popular uprising, (Redacted)
20 (Redacted). That is why I can say that, yes, in that context, they
21 were (Redacted) within the context of the popular uprising.

22 Q. [14:41:00] If I understand your testimony properly, just like the population,
23 these (Redacted) and more (Redacted) just (Redacted)
24 you being (Redacted) at the time?

25 A. [14:41:19] Mr Prosecutor, I am saying this to you under oath: This kind of

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 emanation, you cannot understand, it is something that came from high above. So I
2 want to reassure you that what I was listening to was above those people.

3 Q. [14:41:38] When you say emanation from high above, what are you referring to?
4 Are you talking about the white bird that you mentioned in your testimony?

5 A. [14:41:47] Yes, that is what I'm referring to, because (Redacted) to try
6 to save an entire people who were in trouble. That's what I'm talking about.

7 Q. [14:42:00] So, Mr Witness, you are not certain that when you talk about the
8 white bird and this divine aspect of things, that you are talking about Mr Maxime
9 Mokom and Bozizé? Those are the people, those are the ones (Redacted)
10 (Redacted). Otherwise, no one would have (Redacted), since you
11 were a (Redacted)

12 A. [14:42:39] Mr Prosecutor, if (Redacted) by the former president
13 François Bozizé, or by Mr Patrice-Edouard Ngaïssona, or by Mr Maxime Mokom,
14 there should have been (Redacted) from (Redacted)
15 (Redacted); things would have happened differently.

16 Q. [14:43:04] Well, maybe I should have done this before. Thank you for your
17 answer, Mr Witness, but, you see, the date at which (Redacted)
18 (Redacted), if I understand your testimony very well - and
19 please correct me if I'm mistaken - this was at the time of the attack or the -- attack on
20 (Redacted); is that your testimony? I need us to clarify this on the record.

21 A. [14:43:32] Exactly. It was (Redacted)
22 (Redacted)

23 Q. [14:43:48] Before that date, or the date of the (Redacted), if I understand,
24 you are still (Redacted)
25 (Redacted). Was that your function even before then?

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 A. [14:44:18] That is why (Redacted)

2 (Redacted), even before the (Redacted) events I was a simple

3 (Redacted)

4 Q. [14:44:33] So, if I understand you well, before the date in (Redacted), before the

5 attack (Redacted), you did not have any contact or communication with the leaders of

6 the Anti-Balaka or people linked to the Anti-Balaka, simply because you were a

7 (Redacted)

8 A. [14:44:52] I answer under oath, I had never had any contact with them. You

9 know, I am a (Redacted), I am a Central African, I lived in the (Redacted)

10 where there are (Redacted), and what have you, many

11 people knew me. So, when I got (Redacted) all those who knew me well, would see

12 me, we would talk, and they were in exile, but we never came together to say, "Oh,

13 this is what we are going to do, this is what is going to happen", no.

14 Q. [14:45:26] Mr Witness, in your statement, you also say that you were a

15 well-equipped (Redacted). That's at line 437. So I would like to ask you, before the

16 attack on (Redacted), the offensive on (Redacted), you had no fighting experience, if I

17 understand properly, (Redacted)

18 A. [14:45:57] I also explained this to the Court yesterday. Before I became a

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [14:46:34] If I understand your answer, you did not have any experience in

23 military combat. That was my specific question. (Redacted)

24 (Redacted), but you had not been in a combat situation; is that correct?

25 A. [14:46:51] Effectively, Mr Prosecutor, I have never been in a combat situation.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Q. [14:46:58] So, contrary to what you say in your statement, you were not (Redacted)
2 or a well-prepared (Redacted); that is incorrect?

3 A. [14:47:14] When I talk about being prepared, I am referring here to my skill set,
4 my assets. You see, when something happens to me in this (Redacted) situation, I know
5 exactly what to do. When it comes to (Redacted), I know exactly what to do or
6 what to say. And this is what I am saying, that I am equipped for this. I was
7 (Redacted), and so on and so forth.
8 That's why I feel that I am equipped for this.

9 PRESIDING JUDGE SCHMITT: [14:47:47] Mr Knoops, now, please.

10 MR KNOOPS: [14:47:45] Mr --

11 PRESIDING JUDGE SCHMITT: [14:47:45] I did not want to interrupt the witness
12 during the answer.

13 MR KNOOPS: [14:47:51] No, I think the answer was clear. We object to the
14 suggestion that the witness gave wrong information in the statement about being
15 well-equipped.

16 PRESIDING JUDGE SCHMITT: [14:47:59] Yes. Since this is, like often it is the case,
17 an assessment, we would also prefer not to say that it is wrong, that you simply put
18 your questions, which were absolutely okay, no objection to that. But Mr Knoops
19 has a point, has a point here, I think. Yeah. It is not -- you know, it's a
20 self-assessment if -- are we equipped here, to sit here, you see? We, of course, say
21 yes, we are, obviously. So that is a normal reaction. But it's what I want to say
22 about that. This is an assessment where we would prefer not -- if you have -- if you
23 want to question it, not to label it as wrong. That's simply my point. Thank you.

24 MR GARCIA: [14:48:46] Thank you, Mr President, for your guidance. The reason
25 why I put it that way, just for the record, is because the context in which is -- it was

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 stated.

2 PRESIDING JUDGE SCHMITT: [14:48:54] Yeah, I understand -- I understand that,
3 but still -- but still, also (Overlapping speakers)

4 MR GARCIA: [14:48:57] That's the reason. It wasn't without any --

5 PRESIDING JUDGE SCHMITT: [14:48:59] -- out of -- out of respect to the witness,
6 too.

7 MR GARCIA: [14:49:02] Yes, indeed.

8 Q. [14:49:09](Interpretation) Mr Witness, I will proceed with other questions and
9 you may answer them.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [14:54:14] Please correct me if I'm mistaken, but you said that Mr Maxime
4 Mokom had your phone number; is that correct?

5 A. [14:54:20] Yes. Through (Redacted). Maxime Mokom
6 called me once when (Redacted), when he was (Redacted)

7 (Redacted)

8 Q. [14:54:42] He called you only once, Mr Witness, or did he call you several times?

9 A. [14:54:47] No, maybe one or two times, if I'm not mistaken. Not several times.

10 Q. [14:54:56] So twice, as far as you recall today?

11 A. [14:55:00] Yes.

12 Q. [14:55:04] I also understand that Mr Bernard Mokom also had your phone
13 number in 2013-2014; is that correct?

14 A. [14:55:12] That is correct. Yes. The father, the papa, yes, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [14:57:09] You said that Mr Maxime Mokom called you once or twice. Are you
7 able to tell us where he was calling you from? Where was he when he called you?

8 A. [14:57:29] The first time he called me was (Redacted), after he had gone in exile to
9 the DRC. After that exile he called me once. Not directly on my telephone. He
10 called -- talked with (Redacted) for a long time, got news from him and then
11 (Redacted) came to me and said, "Oh, (Redacted) has just called me and he's
12 asking how you are doing." So, I said, "Yes, I'm doing -- thank you, say thank you to
13 him and that I'm doing very well." Apart from that, we didn't have any further
14 discussions.

15 Q. [14:58:09] I just wanted to ask you something -- this is something I've been
16 wondering about.

17 Now, you stated in the courtroom that there was a chain of command. It's from
18 yesterday's transcript, page 84, lines 15 onward. You said that there was a chain of
19 command, tasks were given to "soldiers I knew", and you also said that each soldier
20 played a particular role. But when I look - and maybe you can clear this up to me
21 but if you look at paragraph 534 of your statement you said there was no structure
22 and that you couldn't really say there was a chain of command.

23 Paragraph 534--you were asked--and 524, you mention (Redacted), you talked about
24 yourself. This is from your statement, 534.

25 Next paragraph, you said, line 534, quote: "There was no structure to say that there

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 was a chain of command." But in the courtroom you said there was a chain of
2 command. Was there a chain of command or wasn't there?

3 A. [15:00:05] Well, what was that chain of command I was talking about? It was
4 to make -- I was trying to make it clear that there was an external, an external chain of
5 command. There wasn't one. There was a chain of command from Bangui, from
6 France, from Yaoundé for events to occur. And then I said no, there was no chain of
7 command. But inside, in the field, there was that mechanism. (Redacted)
8 (Redacted)
9 (Redacted) There wasn't an external chain of command.

10 Q. [15:00:51] I understand. But when you were asked about the chain of
11 command, you said, line 531 -- you said that it was a popular movement and, in that
12 context you said, line 531, you said there was no chain of command. You didn't say
13 anything about an external chain of command, am I correct?

14 A. [15:01:19] Indeed, you are correct, but I'm saying that it was to dispel any other
15 understandings that might be out there about a chain of command, exterior, outside,
16 in (Redacted)

17 Q. [15:01:44] You also mentioned the offensive or the attack (Redacted) I think you
18 said offensive - and I do have some questions about that. You said -- well, what I've
19 understood is that you said people rose up in rebellion, but am I correct in saying that
20 at that time, you already had (Redacted) or more, at the time of that attack?

21 * A. [15:02:20] No, Mr Prosecutor. It wasn't at moment T that I had that
22 (Redacted). I was referring to a chain of command in the field. At first, no one had
23 time, (Redacted). It was later on that (Redacted)
24 (Redacted) to determine who does what and who is who. At first, (Redacted)
25 didn't have such a thing at hand.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Q. [15:03:03] Well, I'm asking you this question because when you read your
2 statement, what comes out there is that it was a military operation on (Redacted). I
3 quote: "We began" -- quote -- you make mention of a meeting that was organised by
4 (Redacted) and apparently -- well, you see, when you use the word "operation", that's
5 a military kind of thing. We are not talking about a --

6 A. [15:03:52] Yes, yes. I would say that it was a -- an operation, a movement that
7 was -- an operation that was a movement. So I used a military term, an operation,
8 against the Seleka mercenaries. But the way you put it, from a military point of view,
9 when you talk about an operation, that's when there's a clash between two
10 antagonists with heavy weaponry, with sophisticated means of combat to neutralise
11 the enemy. That's what is meant by "operation". But in that -- from that standpoint,
12 you are right, yes, but all the same, it was a popular movement and it was at all the
13 different positions. So that is what I was talking about. That is why I used the
14 word "operation".

15 Q. [15:05:04] Witness, I put it to you that you were talking about an operation, and
16 you were quite specific. You explained to the Chamber several times that you had
17 (Redacted), and you were talking about military operations; isn't that so?

18 A. [15:05:22] A military operation, that's what I've been telling you about, the fact
19 that you try to repel the Seleka by force to oblige them to leave the area they were
20 occupying. So it was a matter of forces engaging in combat. That's what I'm --

21 Q. [15:05:46] Am I correct to say that there was this -- well, actually, wasn't it
22 (Redacted) and then at the time -- and at
23 the same time there was an attack?

24 A. [15:06:09] The strategic position of the Seleka was that they were in the middle.
25 (Redacted) behind, and where were they? They had one corps (Redacted) with

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted) and also, after (Redacted), they had another corps or concentration, so
2 they were strategically positioned.

3 Q. [15:06:38] Mr Witness, so, to drive out the Seleka who were soldiers, (Redacted) needed
4 soldiers, didn't you, not just a crowd of people? You're talking about -- you've been
5 talking about a crowd squaring off against armed soldiers like the Seleka, who were
6 armed to the tooth? (Redacted) must have needed former soldiers, members of the FACA
7 et cetera, police officers?

8 A. [15:07:10] Let me be specific. This is the third time I've come to this point.
9 That event was completely out of the ordinary.

10 Q. [15:07:24] In (Redacted) who had
11 left before the Anti-Balaka came in, before you came in; isn't that so?

12 A. [15:07:38] Yes, that's right.

13 Q. [15:07:40] You told us that you met this person - correct me if I'm wrong - that
14 you just ran into him by accident (Redacted), and by a stroke of
15 good fortune, he just happened to have (Redacted)? Is
16 that what happened?

17 *A. [15:08:03] When I got to (Redacted), I was living in (Redacted)
18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [15:08:36] Yes, I've understood that. We don't have a lot of time. My question
22 is specific. Let me ask you this: When you just ran into this (Redacted)
23 (Redacted), was that before the (Redacted) attack?

24 A. [15:08:53] Indeed. Before the attack, (Redacted)

25 (Redacted). He would come from time to time and I think he had some items in

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 some shops and then his younger brother was also there, and we met with him in the
2 compound. We talked about the rent.

3 Q. [15:09:19] If I understand --

4 PRESIDING JUDGE SCHMITT: [15:09:21] Please slow down. It's very difficult for
5 the interpreter.

6 Thank you, Mr Garcia.

7 MR GARCIA: [15:09:28](Interpretation)

8 Q. [15:09:30] I understand your testimony. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [15:10:14] Mr Knoops.

17 MR KNOOPS: [15:10:16] Mr President, I object. The testimony of the witness is
18 really put out of context, because the witness did say that not only civilians were part
19 of his group, but also soldiers, and you can also find it in his statement in line 394 --

20 MR GARCIA: [15:10:33] Sorry, your Honour --

21 PRESIDING JUDGE SCHMITT: [15:10:35] Yes, well, but that is something that we
22 will --

23 MR GARCIA: [15:10:39] That's a pleading.

24 PRESIDING JUDGE SCHMITT: [15:10:41] -- have to assess. No, we -- also,

25 Mr Knoops, you can really say during questioning you sometimes in a mild manner

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 did not agree with the objections of Mr Garcia when he stepped up, but you have also
2 to give Mr Garcia the possibility to conduct a meaningful examination. These
3 questions are, let's say, not objectionable and we have a clever witness, an intelligent
4 witness, he can answer according to his recollection.

5 You can continue, Mr Garcia.

6 MR GARCIA: [15:11:15](Interpretation)

7 Q. [15:11:16] If I've understood correctly, Mr Witness, Mr (Redacted) was also
8 living in a compound that belonged to some Muslim people who had fled and taken
9 refuge before the attack upon (Redacted); isn't that so?

10 A. [15:11:37] Yes, Mr Prosecutor. I'm giving my opinion. Yes, after the
11 attack -- well, there was no one left in the compound. If the compound was going to
12 be left like that, left empty, some thugs would break in and steal. So, you see, that
13 place had been abandoned by the Muslims.

14 Q. [15:12:07] And they were -- so these places were occupied by you and
15 (Redacted) The Muslims had left, and so you occupied their houses, their compounds,
16 you used their cars; isn't that right?

17 A. [15:12:25] That's not exactly the case, not exactly the case, Mr Prosecutor.

18 Q. [15:12:35] Mr Witness, you mentioned these Muslim people who left
19 before -- before the Anti-Balaka arrived. Now, if I've understood your statement and
20 what you've said, these Muslims were afraid of the Anti-Balaka. They were -- they
21 feared, they were afraid of their -- about their security?

22 A. [15:13:03] Well, he himself -- he told me, actually, (Redacted) told me that
23 actually he was being extorted by the -- by the Seleka. We talked about that. Each
24 time the Seleka would contact him, they would ask for money to support their men.
25 That's why he left his house and took shelter on the other side of (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted). The Anti-Balaka, that was something that -- well, all of that came out
2 later on, as of (Redacted) in that place. Before that time, it was the Seleka, they were
3 running the show.

4 Q. [15:13:54] Am I correct in saying that the Seleka did not take the houses, it was
5 actually the Anti-Balaka people who took over the houses and the compounds that
6 were owned by the Muslims, right?

7 A. [15:14:09] That's not exactly what happened. Sometimes there was an
8 agreement. Those Muslims were on the other side and they would say, "Be careful,
9 an Anti-Balaka -- I know you, I know your family, take care of my house". So there
10 was -- it's not as simple as what you make it out to be.

11 Q. [15:14:34] Yes, there are a lot of considerations, but I think it would be a bit
12 difficult, really, to talk about a consensus when a Muslim flees, fearing for his very
13 life, this person's in danger, and then at the same time he enters into -- well, at the
14 same time you enter into a contract with such a person?

15 A. [15:15:02] That wasn't always the case. There were some cases in which a
16 gentleman from a particular faith was very familiar with some other people, with
17 Christians, and, you know, if there were five or six people who would -- might come
18 in, a single friend can't protect or ward off the attackers. Let's say that -- well, there
19 were some Muslims who were friends with Christians, and so the Muslim would say,
20 "I'm leaving, you take care of my house." And that happened throughout the
21 territory, (Redacted), all throughout the territory.

22 Q. [15:15:55] Mr Witness, you're talking about what you saw throughout the
23 entire -- you talk about -- but you didn't see everything that happened, everything
24 throughout the entire territory, that's obvious?

25 A. [15:16:09] It's a republic. We know what is going on throughout the territory.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 It's our country.

2 Q. [15:16:26] Mr Witness, I'd like us to turn to -- I'm mindful of the time, your

3 Honour, Mr President.

4 (Redacted)

5 (Redacted)

6 (Redacted)? Maybe -- just a moment. Just a moment. Let me look at this.

7 But at one point - and I'll tell you what I'm driving at - this is very awkward on my

8 part. (Redacted), Mr Witness, okay.

9 We agree that -- now, if I've understood correctly, (Redacted)

10 (Redacted)

11 (Redacted); is that correct?

12 A. [15:18:05] Yes. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [15:19:21] Now, let's not mix apples and oranges.

23 (Redacted) Do you remember

24 that?

25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 * A. [15:20:17] (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted) – I was not there
- 15 and I didn't know about that, Mr Prosecutor.
- 16 PRESIDING JUDGE SCHMITT: [15:21:24] Mr witness, a follow-up question. Do
- 17 you recall where you were on the day of the attack of Berberati? Were you -- have
- 18 you been in Bangui or have you been at the border?
- 19 THE WITNESS: [15:21:40](Interpretation) I was in Bangui, your Honour.
- 20 PRESIDING JUDGE SCHMITT: [15:21:42] Thank you. Please, Mr Garcia, move on.
- 21 MR GARCIA: [15:21:48](Interpretation)
- 22 Q. [15:21:51] How long had you been in Bangui for? Now, going by the
- 23 information that we have here, all of this happened in the middle of the month of
- 24 February, 18 February 2014. So now you're saying that you were in Bangui? How
- 25 long had you been there for?

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [15:22:44] I think you can move on. It's -- we know
5 the -- we have an idea when the witness -- or we have not an idea. That was not
6 completely correct. The witness has told us some dates or months where he has
7 coinciding with some incidents, Berberati in that case, where he has been and where
8 he has not been, and from there we can continue our questioning, or your
9 questioning.

10 MR GARCIA: [15:23:29](Interpretation)

11 Q. [15:23:31] Now, your answer is clear in some ways, but when I read your
12 statement - and I'm talking about line -- I'm talking about line 593. (Redacted)
13 (Redacted)

14 (Redacted)

15 (Redacted) Am I correct or not? Does that refresh your memory? I know
16 we are talking about events that occurred a long time ago. I'm not criticising you.

17 A. [15:24:18] Yes, Mr Prosecutor, I believe that -- well, just to have my opinion, if
18 yes or no, (Redacted). That's why I said no.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [15:25:05] Could we call up a document for the witness. Tab 5. This is a press
23 article that has to do with Berberati, actually.

24 I'm sorry, Mr Witness, this article reports on what happened in Berberati. It's in

25 English. I will read it out in English and the relevant parts will be translated for you

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 and then I'll ask you some questions, just to see if you remember.

2 Page 2001-4257, and this is an article dated 18 February 2014:

3 (Speaks English) "In Berberati, the anti-balaka came first from the north and then the
4 east. There were several hundred of them." said Father Thomas Isaie, the priest of
5 the Saint Basile church situated in the town's main Muslim district, Loumi.

6 'On the Monday, they started to search the homes of the Muslims. I prevented them
7 from getting hold of the mosque. I said "No, this is sacred." During the day,
8 another wave arrived, armed, more threatening and more vindictive and they began
9 systematic destruction,' the priest said.

10 Isaie added that about 10 Muslims were killed, while other residents spoke of 15
11 dead.

12 'What happened here was planned,' the mayor declared. Among the militiamen,
13 there were many renegade soldiers of the Central African Armed Forces (FACA), who
14 had been beaten last year by the Seleka, according to witnesses."

15 (Interpretation) So I have read out a passage from this press article that tells us about
16 what happened in Berberati.

17 Does that refresh your memory? Do you remember goods and items being
18 destroyed that belonged to Muslim people during that attack? Does that ring a bell?

19 A. [15:27:45] Yes, Mr Prosecutor. While the attack was going on, I didn't have that
20 information. When Rocca Mokom died and his body was transferred to Bangui, that
21 is when I heard of that information to the effect that apparently he did go there with
22 some groups who had come from all kinds of places. I don't know what regions
23 they came from to commit those crimes. I was aware of that.

24 Q. [15:28:21] Did you ever hear about Chiki Chiki, Chrysostome? Does that name
25 ring a bell?

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 A. [15:28:33] I don't know that person, Chiki Chiki.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [15:30:26] We'll get back to that point in a few moments, but just if we could

15 hark back to Bouar. Could we call up document -- tab 6, CAR-OTP-2001-4399.

16 Tab 6, 2001-4399.

17 Just -- I'll give you a few moments, Mr Witness, but this actually is an article that

18 makes mention of the Sangaris mission, and their going to Bouar and the events that

19 occurred on 16 February and following dates.

20 Here we read that soldiers from the Sangaris force undertook the first operations to

21 look for weapons in the town of Bouar, and I would like to draw your attention to the

22 last paragraph, page 4399. Here we read:

23 "Bouar is at the end of the track that goes from Baoro. In that location, 8,200

24 Muslims are currently living at the central mosque taking refuge there, and in the

25 primary school, they have fled the looting, the violence and the extortion by the

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 Anti-Balaka. For them, the arrival of the French soldiers means a better future for
2 them".

3 Now, at the time, did you know, Mr Witness, that there were 8,000, or, well, let's say,
4 a large number of Muslim people who had taken shelter at the major central mosque
5 because they were afraid for their very lives, for their safety? Is that something that
6 you heard about (Redacted)

7 A. [15:32:45] Yes, Mr Prosecutor, you know, the inhabitants of Bouar are mostly
8 Muslim. The natives in that area or, should I say, about half of the population of
9 Bouar is Muslim. They were the ones who did everything there. That is true. But
10 what I know, personally, is that I was not aware that some 8,200 Muslims were living
11 in a refugee camp in Bouar. I didn't hear that. 8,200 is a lot.

12 Q. [15:33:40] Just to be clear, and to avoid any misunderstanding, I just want to
13 understand from you, speaking under oath, now, you talked about (Redacted)
14 available to you at the time. So now, I'm asking you at the time, did you know in
15 February that there was a large number of Muslims who were refugees at that
16 mosque, because they were afraid of the Anti-Balaka and the violence, they feared for
17 their lives?
18 (Redacted)? You've talked a lot
19 about that.

20 A. [15:34:21] No, I didn't get that, Mr Prosecutor. No, I didn't.
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 MR GARCIA: [15:38:05](Interpretation) Mr President, one moment, please.

25 PRESIDING JUDGE SCHMITT: [15:38:07] Of course, yes.

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 MR GARCIA: [15:38:20](Interpretation) Mr President, that's it, those are my
2 questions.

3 Mr Witness, I have no further questions for you.

4 PRESIDING JUDGE SCHMITT: [15:38:29] Thank you, Mr Garcia.

5 I assume nothing has turned up for you, Mr Knoops?

6 MR KNOOPS: [15:38:34] Just two questions, Mr President.

7 PRESIDING JUDGE SCHMITT: [15:38:37] I'm always trying. You know that,

8 Mr Knoops. We know each other for such a long time. Well, of course, your two
9 questions.

10 MR KNOOPS: [15:38:44] Yes. And these are the final, final questions of this case, I
11 guess, unless Ms Vandeler has a question? No.

12 The first question, Mr President.

13 QUESTIONED BY MR KNOOPS:

14 Q. [15:38:54] Mr Witness, in paragraph -- sorry, in transcript page 88, line 10 of this
15 afternoon's hearing, Mr Garcia, the Prosecution, asked you about your (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [15:39:57] Mr Knoops, Mr Garcia -- it's very, very
23 loosely connected to the examination by Mr Garcia, I have to say, but --

24 MR GARCIA: [15:40:11] Your Honour, there is nothing new there at all. I mean, it
25 has to come out of my cross-examination. It has to be something new that could

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

- 1 have been foreseen by Mr Knoops (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [15:40:18] Yes. I --
- 3 MR GARCIA: [15:40:19] -- in any way, I don't see how this --
- 4 PRESIDING JUDGE SCHMITT: [15:40:22] I agree --
- 5 MR GARCIA: [15:40:23](Overlapping speakers)
- 6 PRESIDING JUDGE SCHMITT: [15:40:24] Yes, please.
- 7 I agree, Mr Knoops, because this has -- (Redacted) has
- 8 nothing to do with what Mr Garcia addressed. So, please, the last question, then.
- 9 MR KNOOPS: [15:40:35] Well, there is an implication, of course. But I respect the
- 10 decision of course.
- 11 PRESIDING JUDGE SCHMITT: [15:40:39] Yes.
- 12 MR KNOOPS: [15:40:40] Second question.
- 13 PRESIDING JUDGE SCHMITT: [15:40:41] I know the implication, but still, that does
- 14 not result from the examination by Mr Garcia.
- 15 MR KNOOPS: [15:40:48]
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MR KNOOPS: [15:43:18] Thank you. These were my additional questions.

8 Mr President, thank you.

9 PRESIDING JUDGE SCHMITT: [15:43:21] Thank you, Mr Knoops. Thank you,

10 Mr Garcia, everyone. A special thank you, Mr Witness.

11 I think we can go to open session.

12 MR KNOOPS: [15:43:35] Mr President, in the meantime, I would convey the request
13 of the witness and also of the defendant that after the hearing, the Court gives --

14 PRESIDING JUDGE SCHMITT: [15:43:45] Like always. When the hearing is
15 finished, we have no problems with it.

16 MR KNOOPS: [15:43:49] Thank you, Mr President.

17 (Open session at 3.43 p.m.)

18 THE COURT OFFICER: [15:43:56] We are in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:44:07] Thank you very much. Mr Witness, this
20 concludes your testimony. On behalf of the Chamber, I would like to thank you that
21 you have taken it upon you to come into this courtroom to testify for two days and to
22 answer patiently all the questions, and therefore to help us to establish the truth. We
23 wish you a safe trip back home.

24 THE WITNESS: [15:44:35](Interpretation) Thank you, your Honour.

25 (The witness is excused)

Trial Hearing
WITNESS: CAR-D30-P-4914

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [15:44:37] This also concludes, of course, the hearing
- 2 of today and we will -- the Court is adjourned and we will reconvene I think next
- 3 Tuesday, 9.30. Thank you.
- 4 THE COURT USHER: [15:44:45] All rise.
- 5 (The hearing ends in open session at 3.44 p.m.)