

Trial Hearing
Procedural Matters

(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
7 and Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 15 December 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:08] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:30] Good morning, everyone. I think we are a
14 little bit too closed as a session, so perhaps we can open the blinds.
15 Thank you.
16 Good morning, everyone.
17 Court officer, please call the case.
18 THE COURT OFFICER: [9:32:46] Good morning, Mr President. Situation in the
19 Central African Republic II, in the case of The Prosecutor versus Alfred Yekatom and
20 Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
21 We're in open session.
22 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you.
23 The appearances of the parties. I see that the Prosecution is unchanged. The victims
24 representatives are unchanged. With Ms Dimitri I am not so sure.
25 MS DIMITRI: [9:33:10] It has been reduced.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:33:11] Okay.

2 MS DIMITRI: [9:33:12] So we have Léa-Marie Gagnon, Laurence Hortas-Laberge, and
3 myself, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:33:17] And, Mr Knoops.

5 MR KNOOPS: [9:33:18] Good morning, Mr President. Good morning, your Honours.
6 Good morning, everyone in the courtroom. Good morning, Mr Witness.

7 We are unchanged, Mr President. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:33:28] Thank you very much.

9 And a warm welcome again to our witness. Good morning.

10 WITNESS: CAR-OPT-P-1858 (On former oath)

11 (The witness speaks French)

12 THE WITNESS: [9:33:40](Interpretation) Good morning.

13 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you.

14 I give the floor to Ms Proulx.

15 QUESTIONED BY MS PROULX: (Interpretation)

16 Q. [9:33:56] Good morning, Witness.

17 A. [9:33:57] Good morning.

18 Q. [9:33:58] I would like to introduce myself. We did not have the opportunity to
19 meet. My name is Marie-Hélène Proulx. I am one of the lawyers representing

20 Mr Ngaïssona, and I will be putting questions to you today on behalf of our team.

21 Just like my colleague from the Yekatom team, I will be speaking in French to you, so
22 maybe we will have the same difficulties as yesterday. But I know that you know that

23 you have to wait until the end of my questions and just wait a few seconds before you
24 answer. So please wait to the end of my question and then pause a bit and answer.

25 And if there are some mistakes, I'm sure that we will be corrected. So I think -- I am

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Private Session)

ICC-01/14-01/18

1 sure that everything will work perfectly fine.

2 So I have a few questions for you today. I don't have a lot of questions, and I can

3 assure you that you will be able to be free to go. But if you don't understand any of my

4 questions, please ask me to repeat. Is that okay?

5 MS PROULX: [9:35:10] Mr President, I would like to briefly start in private session, if

6 possible, for just three to five questions.

7 PRESIDING JUDGE SCHMITT: [9:35:15] Yes, we go to private session.

8 (Private session at 9.35 a.m.)

9 THE COURT OFFICER: [9:35:25] We're in private session, your Honours.

10 MS PROULX: [9:35:32](Interpretation)

11 Q. [9:35:33] Witness, I would like to start by talking about the PCUD, which is the

12 political party founded by Mr Ngaïssona at the end of 2014. So you were a member of

13 PCUD; is that right?

14 A. [9:35:54] Yes.

15 Q. [9:35:54] And should I understand that you were present at the ceremony when

16 Mr Ngaïssona was elected as president during the elections, presidential election of

17 2015, and (Redacted)

18 (Redacted)

19 A. [9:36:11] Yes, that's correct.

20 Q. [9:36:12] Could you please explain to the Trial Chamber, why did you decide to

21 join the PCUD(Redacted)?

22 A. [9:36:28] Thank you, madam. As you've just stated, the Anti-Balaka entity was

23 composed of a lot of people. There was also the uncertainty. In other words, people

24 were coming from all areas. And the objective of this entity -- we didn't even know

25 what they really represented, because at the very beginning perhaps it was to take

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Private Session)

ICC-01/14-01/18

1 power. But when the transition time arrived, there was no possibility to get to power.

2 And since Mr Ngaïssona thought and created this party, it was a good initiative and we
3 decided that we should follow him.

4 This is how I joined this party.

5 Q. [9:37:34] The actions and words of Mr Ngaïssona throughout 2014 - for example,
6 his commitment to peace, security, and development in Central Africa - were those
7 factors that made you want to enter the PCUD?

8 A. [9:37:56] Yes, that is also the case. And when it comes to Mr Ngaïssona, from
9 what I knew, he was responsible and in charge of the football federation in the Central
10 African Republic. And since he was the head of the federation, the football federation,
11 I thought that in the same way he could also lead the Central African Republic very
12 well.

13 Q. [9:38:24] So if I understand correctly, you were trusting him, given his humane
14 qualities and given his political engagement, you trusted that he would bring back
15 peace and security to Central Africa?

16 A. [9:38:45] Yes.

17 MS PROULX: [9:38:51] Mr President, we can go back into open session.

18 PRESIDING JUDGE SCHMITT: [9:38:54] Open session.

19 (Open session at 9.39 a.m.)

20 THE COURT OFFICER: [9:39:05] We are back to open session, Mr President.

21 MS PROULX: [9:39:11](Interpretation)

22 Q. [9:39:12] Witness, would you agree with me to say that Mr Ngaïssona's
23 commitment for the return of peace, for development, for security, that what he was
24 saying, his commitment remained the same throughout 2014, and his main goal
25 remained the same; i.e., to bring back peace in the Central African Republic as soon as

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 the Anti-Balaka arrived in January up until the end of the year?

2 A. [9:39:50] There's nothing more to add to that. This is it, yes.

3 Q. [9:39:56] Do you remember hearing Mr Ngaïssona say that Muslims were
4 welcome in the PCUD and that the PCUD belonged to everybody, the entire
5 population of Central Africa?

6 A. [9:40:11] As its name indicates, it's a Central African Party for Unity and
7 Development. We can never set anybody aside. We can never manage a country with
8 one minority, so everybody was welcome.

9 Q. [9:40:28] But you did hear Mr Ngaïssona say that and act in that way?

10 A. [9:40:36] In his own way, the way he was talking, it showed that.

11 Q. [9:40:49] Thank you. I would like to show you a document. It's at tab 7 in the
12 Defence binder. The reference number is CAR-OTP-2030-0265.

13 MS PROULX: [9:41:13](Interpretation) Could you please put it on the screen.

14 I'm very sorry, Madam Court Officer. At the top of the page, we have the name of a
15 protected witness, so if you could just make sure not to show that portion. So the top
16 of the page.

17 THE COURT OFFICER: [9:41:54] I don't see any protected witness name at the top of
18 the first page of the item. Maybe it concerns another page? Just to be certain. Thank
19 you.

20 MS PROULX: [9:42:11](Interpretation) It is quite possible that I printed another ERN
21 number, but it's the same document. If it doesn't have a name, then that's fine. Thank
22 you.

23 THE COURT OFFICER: [9:42:24] There's a whole list of names, so I just want to make
24 sure that --

25 MS PROULX: [9:42:29] It's a list of names, yes.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

- 1 THE COURT OFFICER: [9:42:31] And this one can be displayed.
- 2 MS PROULX: [9:42:37] Absolutely. And it's a public document. Thank you.
- 3 Q. [9:42:41] (Interpretation) Witness, do you see the list before you?
- 4 A. [9:42:43] Yes.
- 5 MS PROULX: [9:42:55](Interpretation) Could you please scroll down so that we can see
- 6 all the names.
- 7 Q. [9:42:57] So, Witness, this list seems to be a list of the members of the PCUD, but
- 8 do you agree with me that there are some names on this list which, in fact, were never
- 9 members of the PCUD?
- 10 A. [9:43:11] Some people I know and I know -- some people I know in person and I
- 11 know their names. And some people, I don't know them in person but I only know
- 12 their names.
- 13 Q. [9:43:35] Do you see Mr Maxime Mokom next to number 4? Do you agree that he
- 14 was never a member of the PCUD?
- 15 A. [9:43:45] Yes.
- 16 THE INTERPRETER: [9:43:49] Please manage a pause.
- 17 PRESIDING JUDGE SCHMITT: [9:43:50] Please. Well, it's exactly -- you gave the right
- 18 speech at the beginning, but it's always the same. It's simply psychological. It's not --
- 19 but I have to remind you, because you immediately start after the witness has finished.
- 20 Even for this interpreter, who is extremely quick, it's impossible to follow.
- 21 MS PROULX: [9:44:19](Interpretation) I'm terribly sorry. I will slow down. And I
- 22 apologise to the interpreters.
- 23 Q. [9:44:25] Next to number 10, Witness, we see Sylvain Beorofei. Do you agree that
- 24 Sylvain Beorofei was never a member of the PCUD?
- 25 A. [9:44:35] That's correct.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Q. [9:44:38] Do you see at number 16 Godonam Achille. Do you also agree that he
2 was never a member of the PCUD?

3 A. [9:44:49] I don't even know this person.

4 MS PROULX: [9:44:58](Interpretation) Can we please put the next page on the screen.

5 Q. [9:45:06] Witness, number 25, you see Azounou Come. Do you agree that he was
6 never a member of the PCUD?

7 A. [9:45:19] Yes, I do agree that he was never a member of the PCUD.

8 Q. [9:45:24] Is it also the same thing for number 26, Ouranti Dieudonne?

9 A. [9:45:31] I have never seen this person.

10 Q. [9:45:40] So, Witness, we do agree that this list has some mistakes? Do you agree
11 with me?

12 A. [9:45:54] Yes.

13 Q. [9:45:54] Thank you very much.

14 MS PROULX: [9:46:09](Interpretation) You may take the document away. We're going
15 to change topic.

16 Q. [9:46:12] And I would like to discuss now something else. I would like to talk
17 about the period that followed the 5 December attack. So the weeks that followed the
18 attack, so I'm going to be talking about December and January 2014.

19 So am I right in saying, Mr Witness, that the Anti-Balaka that had come from the
20 provinces to take part in the Bangui attack, following this attack they really had trouble
21 to survive, to find food, they were left to their own devices? Do you know that?

22 A. [9:46:48] I never heard anything like that. I didn't see that. I didn't hear that.

23 Q. [9:47:04] Is it right to say that at the time, still following the weeks of 5 December
24 2013, that the Anti-Balaka became very popular within the population because they
25 were fighting against the Seleka, and so some civilians started to pretend as well that

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 they were Anti-Balaka, and those civilians sometimes got fake *gris-gris* and they took
2 advantage of this to commit crimes and to loot?

3 A. [9:47:40] Yes.

4 Q. [9:48:01] Do you know the expression fake or false Anti-Balaka?

5 A. [9:48:03] Yes.

6 Q. [9:48:04] Can you explain to the Judges what is a fake Anti-Balaka?

7 A. [9:48:17] Thank you. As you have said, all the Anti-Balaka had chiefs. They all
8 had their chiefs. And civilians who pretended to be Anti-Balaka, those were the people
9 from the neighbourhood that did not have a chief. Their chief was themselves.

10 Q. [9:48:41] Am I right to think, Witness, that for people who did not participate in
11 the movement, it was almost impossible to distinguish between a real Anti-Balaka and
12 a fake Anti-Balaka or a civilian that was pretending to be an Anti-Balaka?

13 PRESIDING JUDGE SCHMITT: [9:49:09] Before you answer, Mr Witness.

14 Ms Berdennikova.

15 MS BERDENNIKOVA: [9:49:13] Your Honours, this obviously calls for speculation on
16 the part of the witness. He can't possibly know whether it was easy or not for the
17 population to distinguish.

18 PRESIDING JUDGE SCHMITT: [9:49:22] Ms Proulx he can, of course, know if he could
19 distinguish. Yes? If you can formulate it this way. Okay.

20 You're right, of course, Ms Berdennikova.

21 But, Mr Witness, you gave us a definition of fake Anti-Balaka. Let's assume you're on
22 the street. Could you distinguish between a real Anti-Balaka and a fake Anti-Balaka?

23 THE WITNESS: [9:49:56](Interpretation) Thank you, Mr President.

24 Well, they were all civilians. If they were wearing outfits, you could distinguish. But
25 since there was not one specific outfit, it was impossible to distinguish them, as you've

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 said.

2 PRESIDING JUDGE SCHMITT: [9:50:13] Please move on.

3 MS PROULX: [9:50:21](Interpretation)

4 Q. [9:50:22] Witness, am I right to say that specifically because of that difficulty - i.e.,
5 to distinguish people - there were a lot of crimes that were unjustly attributed to Anti-
6 Balaka at the time?

7 A. [9:50:40] Yes.

8 Q. [9:50:40] I'm going to move on to another topic. Witness, in your statement at
9 paragraph 103, you said that Mr Ngaïssona came to Bangui before Djotodia resigned
10 and that very quickly he proclaimed himself coordinator of the Anti-Balaka. Do you
11 remember the date of his return?

12 A. [9:51:16] Well, I do not know the date of his return.

13 Q. [9:51:27] And if I told you that he returned on 14 January, so approximately four
14 days after Djotodia resigned, does that ring a bell? Does that refresh your memory?

15 A. [9:51:41] I have no idea. I do not know. Maybe.

16 Q. [9:51:53] No problem. So if I understand correctly your statement, it is after his
17 return to Bangui that Mr Ngaïssona started to play a role in the Anti-Balaka movement;
18 is that correct?

19 A. [9:52:08] Thank you. Yes, well, at the very beginning, since there was a problem
20 of trends with Wenezoui, after that Ngaïssona came. So we could hear the name
21 Ngaïssona. We could hear that name. And so this is why I said that.

22 Q. [9:52:40] I just want to make sure that I understood you correctly. So it's after his
23 return that you started to hear talking about him?

24 A. [9:52:48] Yes.

25 MS PROULX: [9:52:54] Mr President, I would need to go into private session for just a

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Private Session)

ICC-01/14-01/18

1 few questions.

2 PRESIDING JUDGE SCHMITT: [9:52:57] Yes, private session.

3 (Private session at 9.53 a.m.)

4 THE COURT OFFICER: [9:53:18] We're in private session, Mr President.

5 MS PROULX: [9:53:21](Interpretation)

6 Q. [9:53:22] Witness, in paragraph 53 of your statement you said that

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:54:41] On Tuesday when you were answering questions put by my learned
20 friend from the OTP - and I'm referring to the transcript T-85, real-time transcript in
21 French, page 33 in French - my colleague asked you about the fact that you were
22 talking about the division between the movement, but I understand it differently. I
23 understood that you said that the groups were not linked on 5 December, and the
24 attempt to unify the groups at the end of December was not successful.

25 Did I understand you correctly?

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Private Session)

ICC-01/14-01/18

1 A. [9:55:30] Well, there was an attempt to unify, and that was Mr Bara. Is that your
2 question?

3 Q. [9:55:45] Yes, that's correct.

4 A. [9:55:46] Yes. It was partial, we can say that.

5 PRESIDING JUDGE SCHMITT: [9:56:02] Ms Dimitri.

6 MS DIMITRI: [9:56:04] Yes, Mr President. The witness's voice is very low. He said "*ça*
7 *a échoué*," "it failed." I understand it wasn't caught by the interpreter. It's not the
8 interpreter's fault. Maybe we could direct the witness to again get closer to the
9 microphone.

10 PRESIDING JUDGE SCHMITT: [9:56:19] Of course, yes.

11 Mr Witness, you have heard it. If we could ask you that you go a little bit closer to the
12 microphone so we understand you better. Thank you very much.

13 Ms Proulx.

14 THE WITNESS: [9:56:35](Interpretation) Thank you, Mr President.

15 MS PROULX: [9:56:35] Mr President, I just need a moment. My transcript froze.

16 Q. [9:57:14] (Interpretation) Thank you. Sorry for this. Witness, you said that it was
17 partial. I'm trying to understand. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [9:57:43] And so after (Redacted) end of December, the movement is still divided.
23 There is still no coordination; is that right?

24 A. [9:57:53] I would say that the coordination that Bara was managing, not
25 everybody knew that. I can say it that way.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Private Session)

ICC-01/14-01/18

1 MS PROULX: [9:58:16] Mr President, we can go back into open session.

2 PRESIDING JUDGE SCHMITT: [9:58:18] Open session.

3 (Open session at 9.58 a.m.)

4 THE COURT OFFICER: [9:58:33] We're in open session, your Honours.

5 MS PROULX: [9:58:44](Interpretation)

6 Q. [9:58:44] Witness, do you agree that in December 2013 and January 2014 and the
7 following months, there were many people who were in competition to lead the Anti-
8 Balaka movement in the north and in the south?

9 A. [9:58:57] Absolutely.

10 Q. [9:59:08] Can you give us some names of these people who were competing to
11 become chief?

12 A. [9:59:13] When it comes to the north, I do not know anyone. But from the south, I
13 believe that it was Wenezoui and even Bara himself. He also didn't want to resign.
14 And I think it's basically those two names.

15 Q. [9:59:43] Yesterday, Maître Dimitri and you talked about the speech by Mr Bara in
16 front of the parliament in January 2014, on 15 January 2014. When Bara spoke before
17 the parliament on that day, he requested that the Anti-Balaka be represented at the
18 transition council and before the transition government; is that right?

19 A. [10:00:10] Well, this speech was clear.

20 Q. [10:00:19] We can now watch it.

21 MS PROULX: [10:00:23](Interpretation) It's document number 5 in the binder of the
22 Prosecutor, CAR-OTP-2063-0075. And I'm going to show you 0076, page 0076.

23 Q. [10:01:03] Can you see the speech, Witness?

24 A. [10:01:05] Yes, I can see it.

25 Q. [10:01:08] I'd like to draw your attention to the second paragraph, where Mr Bara

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 says:

2 "We are not yet represented in the National Transition Council on the one hand; and
3 for the other, that would be throwing oil on the fire to exclude certain compatriots from
4 the competition on the pretext of rigid criteria, whereas in the reality that would not
5 work."

6 What I would ask is that when it comes to the national transitional council and possibly
7 in the government, would you be in agreement with that what it said?

8 A. [10:01:52] It is indeed that.

9 Q. [10:01:56] Can we now show the document of the Defence number 3, CAR-OTP-
10 2001-0742, page 0743.

11 What's shown on the screen, Witness, is the Libreville agreement. I don't know if
12 you've already had the opportunity to read the agreement, but would you agree with
13 me when you read Article 2 that, indeed, it is an element of the Libreville agreement to
14 have the -- that it's to -- an agreement to have the non-combatant army represented in
15 the transition in Central African Republic?

16 A. [10:02:53] Yes.

17 PRESIDING JUDGE SCHMITT: [10:02:56] But this is one of these - I don't have a
18 problem with it - but one of these documents which might perhaps, I'm always careful
19 in my wording, speak for themselves, so we don't have to discuss them with the
20 witness in my opinion.

21 Please continue.

22 Or any -- let me put it this way: Any document that the witness has not produced
23 himself is, well, prone to interpretation, perhaps, and we are doing this. So even if the
24 witness would have said, "Well, no, not at all," this would not have meant that the
25 content, perhaps, that you want to give the document, we could not come to the same

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 conclusion. That is what I wanted to say about that.

2 MS PROULX: [10:03:44] I fully agree with you, Mr President. I was not going to
3 belabour this point. I was going to move on. But I needed to show the document to the
4 witness and discuss it with him for admission.

5 PRESIDING JUDGE SCHMITT: [10:03:54] I don't think so. I think you can simply --
6 you can also put it, just submit it simply and then it's -- it's a document still, and we can
7 interpret it.

8 I don't have a procedural problem, but it's unnecessary. This I wanted -- this is my
9 point.

10 MS PROULX: [10:04:24](Interpretation)

11 Q. [10:04:25] Witness, I'm going to change subjects, and I'm going to the meeting of
12 May 2014. So the meeting that led to the appointment of Sébastien Wenezoui as
13 coordinator of the Anti-Balaka of the south, and you discussed yesterday with my
14 colleague, Maître Dimitri, in the transcript T-186, page 45 of the real-time version, in
15 French.

16 And at the time of this meeting in May 2014, Witness, you would agree that in the
17 north, the Anti-Balaka of the north, Mr Ngaïssona was already the coordinator?

18 A. [10:05:03] Thank you for having given me the floor. To say that, in terms of the
19 north, he was already the coordinator, I didn't know that. I did not know that
20 Mr Ngaïssona was the coordinator. Perhaps those in the north left and they went to
21 see him at home so that he would become their coordinator. But in my opinion -- well,
22 I wasn't aware of any of that.

23 Q. [10:05:48] Would you nevertheless agree with me that at the time the movement
24 was still divided, and Mr Wenezoui presented himself as an opponent of
25 Mr Ngaïssona, that there was rivalry between the two? You would agree?

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 A. [10:06:05] If you put it like that, I would certainly say that is true. It's true.

2 Q. [10:06:23] I'm now going to go on to the fusion of the movement in 2014. Now, in
3 your statement -- June 2014. Now, you described the joining together of the north and
4 south branches, but would you agree that before June 2014 there was no hierarchical
5 link between Mr Ngaïssona and the Anti-Balaka of the south because the Anti-Balaka
6 of the south were coordinated and managed by Mr Wenezoui?

7 A. [10:06:53] Well, what I would say is the following. Before there was no structure,
8 and it was only afterwards when the NGO MOUDA tried to join the two tendencies
9 together. It was at that time, coming out of that meeting, that we found out that
10 Ngaïssona in future would be the person in charge, and thereafter he left to arrange the
11 different posts and the structure therein.

12 So before, before that, there was a tendency. There wasn't a structure. There was a
13 governing tendency but no structure.

14 Q. [10:07:58] So if I understand correctly, prior to the joining together of the two, the
15 south didn't have to account to Mr Ngaïssona? You would agree with that?

16 A. [10:08:08] It could be like that.

17 Q. [10:08:19] Witness, if I understood well, that it was on the occasion of this meeting
18 facilitated by the MOUDA NGO that you met Mr Ngaïssona for the first time?

19 A. [10:08:27] Indeed.

20 Q. [10:08:36] And could you explain to us how Mr Ngaïssona was chosen as the
21 general coordinator? Was there a vote? Was it by consensus?

22 A. [10:08:44] There wasn't a vote. It was by consensus given his role, and he was
23 appointed into the position. There was somebody else who was there. There was an
24 age criteria as well. And that's the way it was, that he was taken as a coordinator. And
25 Wenezoui came as his deputy. And because of the age criteria, he couldn't be the

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 deputy of Wenezoui.

2 Q. [10:09:22] Would I be right to say that at the time, and here I'm still speaking of
3 June 2014, in a general way, that the people responsible for coordination representing
4 the south and representing the north did not know each other very much? There was
5 very little interaction between them prior to the joining together?

6 A. [10:09:38] That's correct. Yes, as it was the beginning of the coordination.

7 Q. [10:09:56] Do you remember having heard Mr Ngaïssona, within the framework
8 of these negotiations, express doubts with regards to the need to include a post of
9 coordinator of operations given that no military operation was planned?

10 A. [10:10:11] Well, on this point I have no idea.

11 Q. [10:10:27] Last year, or a bit over a year, we had in the courtroom a witness that
12 you know, perhaps, called Alfred Ngaya, and he told us that between 5 December 2013
13 and the operation Ville Morte of October 2014, there was no military operation which
14 was Anti-Balaka as such, but that the Anti-Balaka was just reacting to the attacks
15 thrown against them. Would you be in agreement with that? The attacks launched
16 against them.

17 A. [10:11:02] I'm sorry, could you repeat the question?

18 Q. [10:11:05] No problem. I'll repeat it. What I was saying is that Mr Ngaya put it to
19 us or he told us that between 5 December 2013 -- so after 5 December 2013, up to the
20 Ville Morte operation in October 2014, when there were roadblocks in Bangui, between
21 these two moments, there were no Anti-Balaka operations as such, but the Anti-Balaka
22 reacted to attacks launched against them. Would you be in agreement with that?

23 A. [10:11:45] Certainly.

24 PRESIDING JUDGE SCHMITT: [10:11:47] Ms Berdennikova.

25 MS BERDENNIKOVA: [10:11:49] It's not an objection. I just wanted to ask for a

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

- 1 reference to that for the record. Thank you.
- 2 PRESIDING JUDGE SCHMITT: [10:11:55] Yes, I thought so. I would have got one.
- 3 MS PROULX: [10:12:01] No problem. It's in the written statement of Mr Ngaya,
- 4 CAR-OTP-2025-0324. And it's at paragraph 100 and 102.
- 5 PRESIDING JUDGE SCHMITT: [10:12:18] Thank you.
- 6 Please move on.
- 7 MS PROULX: [10:12:32](Interpretation)
- 8 Q. [10:12:32] Did you hear Mr Ngaïssona speak about his vision for the movement, a
- 9 unified movement of Anti-Balaka?
- 10 A. [10:12:37] Speaking about the vision? Well, I don't see -- I don't think so.
- 11 Q. [10:13:00] Perhaps I'll reformulate. Perhaps it wasn't clear. What I mean by that,
- 12 do you know, did you hear Mr Ngaïssona speak about his intentions as leader of the
- 13 movement? What did he want as -- what did he want to accomplish as general
- 14 coordinator?
- 15 A. [10:13:17] Thank you for reformulating the question. I think in terms of the vision,
- 16 if I can speak about that, that was what you saw. You saw the PCUD. That was the
- 17 vision that it had.
- 18 Q. [10:13:43] Thank you very much. I would now like to show you another
- 19 document at the moment, which is at tab 4 in the Defence binder, CAR-OTP-2025-0396.
- 20 MS PROULX: [10:13:59](Interpretation) And I would like to be shown page 04 -- well,
- 21 first of all if we could show the first page, and then we'll go on to another page.
- 22 Q. [10:14:27] So you can see the document which is being shown, Witness, which is
- 23 entitled "Contribution of the Movement of the Anti-Balaka Patriots for the Restoration
- 24 of Peace and Security in the Central African Republic," and you can see that it's dated
- 25 June 2014. Have you already seen this document or have you already heard anyone

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 speak about this document?

2 A. [10:14:44] I've never seen it.

3 Q. [10:14:56] I would now like to show you page 0406. So on this page you can read
4 that:

5 "The Anti-Balaka Patriot Movement essentially constitute of the sons and daughters of
6 Central Africa as no alternative in privileging peace and social cohesion with a view to
7 national concord, knowing that it is about conditions sine qua non for the survival and
8 of sustainable development of society.

9 And a bit further, you can read:

10 "Faithful to its line of action, the Anti-Balaka National Coordination of Patriots does
11 everything to ensure the implementation of programmes which aim at the restoration
12 of peace and security in the Central African Republic, the only mother country of
13 Central Africans."

14 So my question is as follows: In your opinion, does this excerpt describe well the
15 vision that Mr Ngaïssona had? Does it describe his action, what he did at the time?

16 A. [10:16:12] Thank you, counsel. I think that it is within this vision that I mentioned
17 in my statement the mission that Mr Ngaïssona had -- when he sent people on mission
18 into the provinces in order to restore peace. And if he listened to what was going on in
19 those towns, people would see people from Bangui going there in order to remedy the
20 problems. And so it's within this framework that I can speak. From this perspective
21 that I can speak.

22 Q. [10:17:01] Thank you very much. Now, on paragraph 74 of your statement, you
23 state that coordination was a political structure. So would you agree with me that Mr
24 Ngaïssona, as general coordinator, did hold a strictly political role?

25 A. [10:17:18] Thank you. With regards to his role in -- well, what I've just spoken

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 about. It's purely political. It's a purely political role.

2 Q. [10:17:41] I just wanted to show you another document. This is at tab 13 in the

3 Defence binder, CAR-OTP-2084-0164. You can see that it's shown on the screen. This

4 is a press release which was published on 24 June 2014, and it announces the joining

5 together of the two branches of the movement.

6 And in this press release, they speak about several different things but they say,

7 amongst others, that the Anti-Balaka wishes to find solutions to the problems of the

8 Central African people and to aid the government and the military and international

9 forces. And it speaks about restoring sustainable peace and creating the conditions for

10 national reconciliation.

11 So in terms of what's contained in this press release, according to the best of your

12 memory, is this a faithful portrayal of the discussions that were taking place at the time

13 of the joining together and the words of Mr Ngaïssona himself?

14 A. [10:18:59] Your question was so long. If you could help me.

15 THE INTERPRETER: [10:19:09] Could the document also be zoomed in on for the

16 interpreters? Thank you very much.

17 MS PROULX: [10:19:15](Interpretation)

18 Q. [10:19:16] You are right. It was too long. I'm going to try and cut it. I wanted to

19 know if the content of this press release, which you have in front of you, which talks

20 about bringing back peace, reconciliation, et cetera, whether this press release, in your

21 opinion, and according to the basis of your memory, is a faithful portrayal of the

22 discussions that took place within the movement which led to the joining together, as

23 well as the words of Mr Ngaïssona himself?

24 A. [10:19:43] It was.

25 Q. [10:19:52] Would I be right to say, Witness, that the creation of the national Anti-

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Balaka office is what made it possible for the Anti-Balaka to be represented in the
2 Brazzaville forum?

3 A. [10:20:02] Not only that, but also it helped as well the Anti-Balaka a lot to advance,
4 make progress.

5 THE INTERPRETER: [10:20:19] Inaudible.

6 MS PROULX: [10:20:23](Interpretation)

7 Q. [10:20:23] Thank you very much. I still have a few questions for you with regards
8 to the functioning of the coordination and the meetings, {PFR: (Redacted)}
9 (Redacted)
10 (Redacted)}

11 I understand well, Witness -- or perhaps we can show it first of all on the screen.

12 MS PROULX: [10:20:51](Interpretation) Document 15, CAR-OTP-2101-3611, page 3613.

13 Q. [10:21:28] So, Witness, in front of you, you have the composition of the National
14 Coordination Office, and I understand that the organigram of the single coordination
15 and the joint coordination comprised members of the Anti-Balaka of the north and
16 representatives of the Anti-Balaka of the south; is that correct?

17 A. [10:21:52] I'm sorry?

18 PRESIDING JUDGE SCHMITT: [10:21:53] Perhaps we can zoom in a little bit so that
19 we have the names a little bit bigger that the witness can see it. Thank you.

20 MS PROULX: [10:22:02](Interpretation)

21 Q. [10:22:02] So I'll repeat my question. I just wanted to check with you, and I think
22 that I've got the answer, but it would be good if you could confirm it to me, that among
23 the names that we can see, the composition of the National Coordination Office, there
24 are people who represented the Anti-Balaka of the south and others who represented
25 the Anti-Balaka of the north; is that correct?

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 A. [10:22:22] Yes.

2 Q. [10:22:24] Very well. Now, there are several witnesses who have come before you,
3 and I think, among others, Vivien Beina, but there were also protected witnesses,
4 P-0889, P-1512, Mr Ngaya as well, who told us -- P-1521, who told us about the theory
5 and reality. And what they said to us was that the coordination, in reality, was a bit to
6 say like an empty shell. That is to say that the role attributed to this organigram did
7 not correspond really with specific tasks. And what I want to say with that and what I
8 want to come back to is that there was a structure and theory, a theoretical structure on
9 paper, but that this structure, this hierarchy wasn't respected in reality. Would you
10 agree with that?

11 A. [10:23:22] I would agree with that because, yes, there was coordination. There
12 were 14 members, a list of 14 members, but in reality it was simplified. What you
13 could find, ten people -- or there were eight people who were working, and others
14 were just on paper.

15 Q. [10:23:56] Now, you spoke on Tuesday with my colleague from the Office of the
16 Prosecutor, and that's on transcript T-185, page 37, 38 in French realtime. Now, you
17 said that Mr Ngaïssona, in theory, should be in agreement with the decisions of the
18 coordinator of the operations, but I think that you referred to - and here I'd like a
19 clarification on this, whether you confirm it or not - that this was just in theory, but in
20 reality, Mr Mokom did not accept Mr Ngaïssona as his hierarchical superior. Would
21 you agree with that?

22 A. [10:24:31] That is what I repeated here on Tuesday.

23 Q. [10:24:43] So when you say in your statement, and this is in paragraph 109, you
24 say that if a ComZone was behaving badly, then the *chargé des opérations*, and that
25 Ngaïssona could take such a decision either alone or in the presence of other

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 ComZones. He had this discretionary power because he was the leader.

2 So when you state that, do I understand that it's based on theory but not on reality in
3 terms of practice of what, effectively, happened at the time?

4 A. [10:25:26] That's it. That is it.

5 Q. [10:25:41] Thank you very much. So in paragraph 76 of your statement, and also
6 on Tuesday, page 45, 46, T185, you mentioned the coordination meeting in Hotel
7 Azimut. And that might seem a bit stupid, but Hotel Azimut was a public place, and
8 so if I understand is that the meeting of the movement was public.

9 A. [10:26:06] Hotel Azimut isn't so public. If it could happen, then I could come, and
10 you go to the room, you have the discussions, you discuss the problems, and then you
11 leave. And that was at the start. That was also at the start, when we put the
12 coordination together and when the groups were joined together. That was right at the
13 start.

14 Now, when -- there was a time which came when the PCUD came into being. I forgot
15 to stress this. When the PCUD came into being, the meetings were also held at the
16 house, the Anti-Balaka movements. So there were these two movements which had
17 meetings at the Hotel Azimut. That's the clarification that I can give in this regard.

18 Q. [10:27:10] Just to be certain. In a general way, the meetings at the hotel -- the
19 meetings at the Hotel Azimut were not secret meetings?

20 A. [10:27:24] Yes, they were not secret meetings.

21 Q. [10:27:30] Now, you told us once again on Tuesday, and the excerpt is better in the
22 transcript in English, T185, page 54, you told us that the objective of the meetings of the
23 coordination was to bring back peace and that Mr Ngaïssona offered advice to
24 ComZones so that they would better control their elements and that actions could be
25 taken.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 When it comes to the taking of position of the Anti-Balaka, it was also discussed, for
2 example, in terms of press releases, content, the demands relating to the DDR, was that
3 also discussed?

4 A. [10:28:12] If there were points such as that, then he would call people together and
5 they would be discussed. That was also discussed.

6 Q. [10:28:31] It's also going to be seem a bit stupid to you, but I'm nevertheless going
7 to put the question to you: Would it be right to say, Mr Witness, that Mr Ngaïssona did
8 not discuss or did not plan military operations during these meetings?

9 A. [10:28:45] When it comes to military operations, what type of operations, I don't
10 know. I don't know. When you have a process which favoured peace. When it comes
11 to military operations in the coordination, I don't know anything about that.

12 Q. [10:29:18] So to the best of your knowledge, it didn't happen?

13 A. [10:29:21] I don't know.

14 Q. [10:29:28] At a particular time during these meetings, did you already hear
15 Mr Ngaïssona encourage or caution or voluntarily close his eyes with regards to the
16 committing of abuses on the civilian population?

17 A. [10:29:45] What I would say is that when coordination was set up, then everything
18 to do with exactions or abuses or others, as far as I'm concerned, that -- well, I didn't
19 see it. I did not see that.

20 Q. [10:30:17] A witness came before you, and, unfortunately, I do not have the
21 reference, maybe we can find it, and that witness told us that if Mr Ngaïssona would
22 hear that Anti-Balaka elements were committing crimes, he was very angry. Did you
23 ever see that? Did you ever hear about that?

24 A. [10:30:35] Yes, absolutely. Exactions, as you used, he did not want any exactions.

25 Q. [10:31:02] In your statement, you said that amongst Anti-Balaka, some obeyed

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Mr Ngaïssona and some did not; paragraph 104 of your statement. So I would like to
2 know, according to you, as a non-armed civilian, Mr Ngaïssona, faced with ComZones
3 who were armed and who had elements, according to you, did Mr Ngaïssona have
4 means to ensure that the ComZones were respecting his advice and his instructions;
5 i.e., to maintain peace?

6 A. [10:31:42] As you just stated, it was a horrible duty. It was not easy. No, it was
7 not easy for him.

8 Q. [10:32:05] Am I right to say that not only the National Coordination was not able
9 to control the ComZones, but the ComZones themselves had trouble to contain their
10 own elements. Do you know that? Do you have any knowledge of that?

11 A. [10:32:24] Yes, that's correct.

12 Q. [10:32:29] Witness, the efforts of Mr Ngaïssona to convince the Anti-Balaka to
13 respect the civilian population, he was doing that at the risk of his own personal
14 security. Do you agree with that?

15 A. [10:32:42] Yes. You know, when you take such decisions, it's not easy. It's a risk.
16 It was a risk.

17 Q. [10:33:00] I'm going to move on to another topic, and I would like to speak about
18 the relations that existed between Mr Mokom and Mr Ngaïssona. You talked about it
19 in your statement. You said that there were tensions between the two of them. When
20 did you realise that there were some tensions between them?

21 A. [10:33:18] Thank you, madam. On Tuesday I talked about it here. So after, when
22 he came back from the Brazzaville forum, after that, a few days later, Ngaïssona
23 organised a meeting, and during that meeting Mr Mokom did not take part in the
24 meeting, and we had heard that he went back to Angola. I don't remember if it was
25 Angola or another place, but he was away, and so it had already started there. And

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 then there was no agreement between the two of them.

2 THE INTERPRETER: [10:34:15] The witness said, "I don't know if he went to Angola or
3 Uganda," interpreter's note.

4 MS PROULX: [10:34:22](Interpretation)

5 Q. [10:34:23] On Tuesday, page 38 of the transcript, you've alluded to the fact that
6 Maxime Mokom wanted to become the chief of the Anti-Balaka. So I would like to
7 know, did you hear that Mokom attempted to impose himself as the Anti-Balaka
8 coordinator as of the beginning of 2014?

9 THE INTERPRETER: [10:34:49] Inaudible. Could the witness speak clearly?

10 PRESIDING JUDGE SCHMITT: [10:34:52] Mr Witness, could you repeat your answer?
11 The interpreter did not get it.

12 THE WITNESS: [10:35:03](Interpretation) Can you please repeat your question,
13 madam.

14 MS PROULX: [10:35:08](Interpretation)

15 Q. [10:35:09] My question was to know if you had heard that Maxime Mokom had
16 attempted to impose himself as the coordinator of the Anti-Balaka as of the beginning
17 of 2014?

18 A. [10:35:22] I am not aware of anything. I have never heard that.

19 Q. [10:35:35] Do you agree with me that Mr Mokom, since he had -- since he was the
20 coordinator of operations, that he had influence on ComZones? He had contact with
21 them?

22 A. [10:35:51] Yes, and the way he was acting shows that.

23 Q. [10:35:57] And to the contrary, Mr Ngaïssona did not have a lot of contact with
24 them. Do you agree with that?

25 A. [10:36:11] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Q. [10:36:17] Mr Ngaïssona did not have much contact with the ComZone. Do you
2 agree with that?

3 A. [10:36:22] Yes.

4 Q. [10:36:22] So when you say in paragraph 107 of your statement that, "Ngaïssona
5 could discipline people by replacing them as he did when he replaced Mokom with
6 Ndomate," am I to understand that you did not want to say that Mr Ngaïssona could
7 replace the ComZones because they were self-proclaimed, as you said it yourself in
8 your statement, but that his influence, the influence of Mr Ngaïssona, was only about
9 the composition of the bureau of the National Coordination?

10 A. [10:36:52] Thank you very much, Maître, for this question, but I think it's
11 important to make a difference here. The ComZone are different from the members of
12 the coordination, so they could not go replace the ComZone. If we're talking about the
13 coordination, that is his role.

14 Q. [10:37:24] But knowing that Maxime Mokom had the support of the ComZone and
15 that he had regular contacts with them, do you agree with me that he was, in reality --
16 it was almost impossible for Mr Ngaïssona to set aside Mokom before the events at the
17 very end of 2014 when Mokom went to create his own branch of the movement?

18 PRESIDING JUDGE SCHMITT: [10:37:48] Please wait with the answer.

19 Ms Berdennikova.

20 MS BERDENNIKOVA: [10:37:51] Your Honours, this calls for speculation on the part
21 of the witness as he would not be able to evaluate -- he cannot guess, I mean, what
22 possibly Ngaïssona could or could not have done.

23 MS PROULX: [10:38:11] Mr President, I disagree.

24 PRESIDING JUDGE SCHMITT: [10:38:13] Yes.

25 MS PROULX: [10:38:15] I think that the witness was there, and he had a good seat to

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 see the power struggles between the main actors of the movement.

2 PRESIDING JUDGE SCHMITT: [10:38:23] Well, we have -- I think I agree with

3 Ms Proulx. It's paragraph 107. There is a connection between, let's say, the act --

4 potential act of Mr Ngaïssona, discipline people by replacing them, and Mr Mokom.

5 And I read it to you again, Mr Witness, you said at the time, paragraph 107:

6 "Ngaïssona could discipline people by replacing them as he did when he replaced

7 Mokom with Ndomate."

8 So do you stand by this? So Mr Ngaïssona replaced Mr Mokom with Ndomate; is that

9 correct?

10 THE WITNESS: [10:39:05](Interpretation) Yes, Mr President. At a point in time,

11 Mokom was no longer there. He just existed by name in the coordination, but we did

12 not see him. And so what to do? And this is why Mr Ngaïssona replaced Mr Mokom

13 with Mr Ndomate. This is what happened.

14 PRESIDING JUDGE SCHMITT: [10:39:31] And this concerns the National

15 Coordination. Am I right to understand that this way?

16 And I think your point is a little bit different. You have a different angle, yeah? You

17 can try it.

18 Because, Ms Berdennikova, since the witness, as I said, in his statement makes a

19 connection between certain names and replacements, I think we can continue in that

20 regard.

21 But it's clear now that Mr Ndomate replaced, on order by Mr Ngaïssona, in the

22 coordination Mr Mokom, and from there we might continue.

23 Mr Knoops.

24 MR KNOOPS: [10:40:29] Sorry to interrupt, Mr President. The question you asked, 31,

25 line 19, the witness nodded but it's not recorded as a "yes."

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:40:46] Well, but I -- I think he has said that before.

2 Mr Witness, so this replacement of Mr Mokom by Mr Ndomate, that concerned the
3 National Coordination. It was not -- your answer was not reflected correctly in the
4 transcript.

5 THE WITNESS: [10:41:09](Interpretation) Thank you, Mr President. Yes, it was for the
6 coordination.

7 PRESIDING JUDGE SCHMITT: [10:41:12] Okay, thank you.

8 Ms Proulx.

9 MS PROULX: [10:41:19](Interpretation)

10 Q. [10:41:20] I'm going to put the question to you again before the objection of my
11 learned friend. So I understand that, according to you, Mr Ngaïssona replaced Mokom
12 with Ndomate. But before that, earlier in 2014, since Maxime Mokom had the support
13 of the ComZone and he was close to them, he was, in reality -- or it was, in reality,
14 almost impossible for Mr Ngaïssona to replace him before the time he did it and when
15 Mokom went to create his own wing of the movement.

16 A. [10:42:05] Thank you, Maître. I believe, as I've said it here, Mr Mokom did really
17 not exist in the coordination. He did not exist. He wasn't there when it comes to the
18 coordination. He had other activities and he was carrying out these other activities. So
19 that's it.

20 PRESIDING JUDGE SCHMITT: [10:42:30] And, well, I think we can really move on.

21 We have paragraph 105 where this matter is discussed extensively, and not only
22 extensively, but in much more detail by the witness. So I think we can really move on.

23 MS PROULX: [10:42:55](Interpretation)

24 Q. [10:42:55] A previous witness came here and said that, according to him, Maxime
25 Mokom was radical and he had a hidden agenda, and that he wanted to create disorder

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 in order to put Bozizé back to power. Do you agree with that analysis?

2 A. [10:43:11] I talked about it here, and this is what brought him to create L Mokom
3 (phon), the Anti-Balaka movement. That was that. So he already had those thoughts
4 from then that he harboured.

5 Q. [10:43:40] Would you agree with me, Mr Witness, to say that, quite to the contrary,
6 Mr Ngaïssona never wanted the return of the constitutional order?

7 A. [10:43:52] Yes, I believe that that thought was mentioned by Mr Bara, and I had
8 heard Mr Ngaïssona talk about it for the second time. And this is what brought this
9 discord between him and Mokom, those very same thoughts.

10 PRESIDING JUDGE SCHMITT: [10:44:17] Just for the sake of clarity, Mr Witness.

11 Mr Witness, do you need a pause, a break? I see you that you're a little bit -- you might
12 be a little bit tired. Do you need a break?

13 THE WITNESS: [10:44:35](Interpretation) Just a few more minutes, Mr President. It's
14 fine. We can move on.

15 PRESIDING JUDGE SCHMITT: [10:44:40] Okay. Then we continue a few more
16 minutes.

17 I have a question to you, Mr Witness, just to clarify things. You were asked about the
18 constitutional order. I think not everybody understands what "constitutional order"
19 means. So what is your understanding of the return to the constitutional order that
20 Maxime Mokom, that you said, pursued? What would that mean?

21 A. [10:45:03] Thank you, Mr President. When we talk about the return to the
22 constitutional order. Well, Mr Bozizé was elected democratically, and he was reversed,
23 overthrown by a coup d'état. So to bring him back to power. This is what we mean by
24 -- when we say "return to the constitutional order."

25 PRESIDING JUDGE SCHMITT: [10:45:44] Thank you very much. That's what I

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 thought already, it's now clear.

2 Ms Proulx.

3 MS PROULX: [10:45:50](Interpretation)

4 Q. [10:45:50] Witness, in your statement and earlier today, you talked about these
5 missions in the provinces that would be carried out by Mr Ngaïssona, but did that
6 happen after Mr Ndomate became coordinator of operations while he replaced
7 Mr Mokom in the second portion of 2014; is that right?

8 A. [10:46:14] Yes.

9 Q. [10:46:15] And do you agree with me as well that in spite of the fact that there
10 were some missions, indeed, of that nature, the coordination in Bangui did not have the
11 necessary means to control everything that was going on in the provinces?

12 A. [10:46:34] Yes.

13 Q. [10:46:45] So I am going to tackle my last topic, and I think that I will be able to
14 finish before the break. I would like to talk to you about something else. I would like
15 to talk to you about Mazimbele. In your statement, you talk about Mazimbele and you
16 stated that Mr Ngaïssona was calling him to advise him. And then you say that he also
17 gave him money. So during this trial we have heard some witnesses that told us that
18 Mr Ngaïssona was sometimes, indeed, giving money to ComZones, the elements, but
19 that was in order to enable them to eat so -- precisely so that they do not commit
20 exactions. So do you know anything about that? Does that correspond to your
21 knowledge?

22 A. [10:47:39] It is how I see it.

23 Q. [10:47:49] So you do agree with me that Mr Ngaïssona was not giving money to
24 encourage or to help the commission of crimes on civilians?

25 A. [10:47:59] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Q. [10:48:07] Do you know what was the position of Mr Ngaïssona vis-a-vis the
2 behaviour of Mazimbele? What did he think of the behaviour of Mazimbele?

3 A. [10:48:20] Maître, I really do not know what Mr Ngaïssona thought about it.

4 Q. [10:48:31] But are there some elements that make you think that Mr Ngaïssona
5 approved Mazimbele's actions?

6 A. [10:48:41] "Approved," what do you mean by that? To be in agreement with? No.

7 Q. [10:49:00] Would you agree with me, Mr Witness, that one of the problems when
8 it comes to the small crimes committed by the Anti-Balaka is because the Anti-Balaka
9 were not in a specific area. They were mixed with the population. They did not have a
10 source of income. They did not have any type of occupation. Do you agree with me?

11 A. [10:49:23] Yes.

12 Q. [10:49:24] I would like to show you, to play to you an audio recording, and I
13 would like to ask the court officer to give us the floor.

14 MS PROULX: [10:49:39](Interpretation) And so the audio is at tab 11 of the Defence
15 binder, CAR-OTP-2042-2467. And we will play it from 25:01 to 28:05. And for the
16 interpreters, the transcription in French is at tab 18, CAR-OTP-2107-1489.

17 (Speaks English) And, Mr President, I might ask for your help, because I cannot see the
18 interpreters.

19 PRESIDING JUDGE SCHMITT: [10:50:19] I'll tell you. If I see a thumbs-up, I will tell
20 you.

21 THE INTERPRETER: [10:50:25] Could it be posted, please, on the screen.

22 THE COURT OFFICER: [10:50:30] The Defence has the floor (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:50:37] We need it on the screen, court officer.

24 (Playing of the audio excerpt)

25 THE INTERPRETER: [10:50:42](Interpretation of the audio excerpt) "Journalist:

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Following the events in the capital, the responsibility would be attributed to the
2 Anti-Balaka elements, the national coordinator of the movement, Patrice-Edouard
3 Ngaïssona just launched a call for the ending of the hostilities. It is a call to be
4 restrained.

5 "PEN: Lately, I am calling on the population to -- for the situation to be calmed down
6 in the Republic of Central Africa today one more time to try to launch an appeal, a
7 vibrant appeal to all the Anti-Balaka of the Central African Republic and to stay where
8 they are in their bases, in order to enable us and to enable the international missions,
9 Sangaris and MISCA, to try to eradicate bandits, banditry, who are disguising
10 themselves as the Anti-Balaka and who are committing exactions in all the
11 neighbourhoods of Bangui. This call is launched to the -- we are asking the Anti-Balaka
12 who came to free our country from the enemies and to stay away and to see how we
13 can attempt to have a discussion with the government and try to see how we can bring
14 them back in their respective areas. For me, today, this is a call to all Anti-Balaka of the
15 Central African Republic to cease hostilities. We have brothers that are -- today at the
16 Ngaragba, in order to enable us to stop hostilities. I would also like to ask the
17 government kindly to free our brothers in order that they can go with the ranks and
18 talk to their elements so that these hostilities end in the Central African Republic.

19 "Journalist: According to the coordinator of the Anti-Balaka movement, Patrice-
20 Edouard Ngaïssona, the principal or main objective of the revolution is not to come to
21 incorporate these elements in the ranks of the Central African army.

22 "PEN: I have always said it, the goal of the Anti-Balaka is not to come and join the
23 forces of the Central African forces. The Anti-Balaka is a popular movement in order to
24 make sure that there is defence and security. Those are people who already have
25 activities. Those are people who have their fields, who see that their cattle is taken

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 away, their houses are burnt, and exactions and violations are made toward their
2 families, and this is why they mobilised as one man in order to defend our country
3 with their chief Djotodia. That is all. Today the goal is reached, and we are asking the
4 government to make sure that the children can have the material means to go back to
5 their activities, to have more crops, because the time is running, and it is very
6 important that the children go back and take care of their fields."

7 PRESIDING JUDGE SCHMITT: [10:53:51] You can continue. It was nearly on time, the
8 translation.

9 MS PROULX: [10:54:00] Kudos to the interpreter. That was fast.

10 Q. [10:54:07] (Interpretation) Witness, I have just a few questions on the excerpt that
11 we just heard.

12 First of all, do you agree with Mr Ngaïssona when he says in this excerpt that the real --
13 if the real Anti-Balaka would stay away, it would enable everybody to identify the fake
14 Anti-Balaka? Do you agree with that?

15 A. [10:54:28] Yes.

16 Q. [10:54:29] Mr Ngaïssona also said in this interview is that the goal of the
17 Anti-Balaka, non-FACA, so the civilians that joined the movement, is not to go and to
18 incorporate themselves in the military movement but to go back to the field. So do you
19 believe that he was right, the return of the Anti-Balaka who were non-soldiers, that the
20 reason was he wanted them to go back to their field and so that peace can be re-
21 established?

22 A. [10:55:07] Yes, absolutely.

23 Q. [10:55:12] And, once again, from this excerpt, Mr Ngaïssona said that the
24 Anti-Balaka mobilised themselves in order to push away the enemy and Djotodia, and
25 he says that "today the goal is reached." So according to him, the goal of the

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka movement was to chase away the Seleka from power.

2 A. [10:55:41] Yes, I have said something like that here as well.

3 Q. [10:55:49] Witness, do you agree that, quite to the contrary, the goal of those who
4 wanted to bring back Bozizé to power, that their objective was never reached; is that
5 correct?

6 A. [10:55:59] Yes.

7 Q. [10:55:59] So, Witness, in order to finish this line of questioning. From what you
8 were able to see, the commitment of Mr Ngaïssona as part of Anti-Balaka movement,
9 from what you were able to see, the efforts to also advise his elements, would you
10 agree, do you think that he had a positive impact for the establishment or re-
11 establishment of peace in the Central African Republic?

12 A. [10:56:39] To answer your question, I would say the following. Mr Ngaïssona, as
13 you have heard him in this interview, and from what I was able to tell you here, I said
14 everything that I had basically to say. I don't have anything else to add.

15 Q. [10:57:13] Am I to understand that you agree?

16 A. [10:57:16] Yes.

17 Q. [10:57:16] Thank you very much, Witness. I don't have any more questions for
18 you today. And I would like to tell that you are free to go, but with the permission of
19 the Trial Chamber, I would like to give the floor to Mr Knoops who may have one or
20 two additional questions.

21 PRESIDING JUDGE SCHMITT: [10:57:38] Before we do that, Ms Berdennikova, do you
22 have any questions from the side of the Prosecution?

23 MS BERDENNIKOVA: [10:57:55] Your Honours, I don't think so, but I'll give a
24 definitive answer once Mr Knoops --

25 PRESIDING JUDGE SCHMITT: [10:58:01] Of course.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

- 1 But, Mr Knoops, if it is indeed -- because the witness has said only a couple of minutes.
- 2 If you have really one or two questions, we will hear them.
- 3 MR KNOOPS: [10:58:12] Yes, Mr President, it is just one question.
- 4 PRESIDING JUDGE SCHMITT: [10:58:14] Okay.
- 5 MR KNOOPS: [10:58:15] I would like to take the opportunity, because I prepared {ICR:
- 6 (Redacted)}, as the Court knows from last week.
- 7 PRESIDING JUDGE SCHMITT: [10:58:24] Yeah, yeah, please.
- 8 QUESTIONED BY MR KNOOPS:
- 9 Q. [10:58:27] Mr Witness, my name is Alexander Knoops. I am also one of the
- 10 counsel of Mr Ngaïssona. Good morning.
- 11 Just one question, sir. In your statement, you spoke about several meetings for the
- 12 unification of the movement at the -- with the NGO MOUDA.
- 13 MR KNOOPS: [10:58:48] It's paragraph 72, Mr President, of the statement.
- 14 Q. [10:58:51] I take it that you were personally there during these meetings?
- 15 A. [10:58:55] Thank you, Maître. If I developed this, well, everything that I said in
- 16 my statement, it means that I was present during those meetings. I was present at the
- 17 meetings.
- 18 Q. [10:59:23] Then I have one question for you, sir. Did you ever, during one of those
- 19 meetings with the NGO MOUDA, we are speaking about the timeframe of June 2014,
- 20 ever hear that Mr Ngaïssona threatened Mr Kamezalai that he would be brought to the
- 21 shooting range to be killed because he betrayed the movement?
- 22 A. [10:59:55] At the very beginning, I said that I would say the truth and the whole
- 23 truth. I never heard anything like that.
- 24 Q. [11:00:14] Thank you, Mr Witness.
- 25 MR KNOOPS: [11:00:18] That was my question, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:00:19] I think, Ms Berdennikova, that does not --
2 oh, it does.

3 MS BERDENNIKOVA: [11:00:26] No, we don't have any redirect.

4 PRESIDING JUDGE SCHMITT: [11:00:28] Yeah, I would have been surprised, indeed.
5 So thank you very much.

6 So, Mr Witness, this concludes your testimony. On behalf of the Chamber, I would like
7 to thank you that you -- for taking upon you to come to this Court, to this far away, The
8 Hague, to testify here and answer our questions so patiently. We thank you for that.
9 We need witnesses who come forward to support the Chamber in establishing the
10 truth.

11 We wish you a safe trip back home, Mr Witness.

12 THE WITNESS: [11:01:00](Interpretation) Thank you very much, Mr President. It was
13 very important for me, too, to come here because I am a part of this movement. I came
14 to tell the truth and to give some information on what you don't know, and I wanted to
15 be helpful and I wanted your Court to be useful. Thank you.

16 PRESIDING JUDGE SCHMITT: [11:01:23] Thank you very much. We appreciate that.
17 And this is, as we all know, also the last hearing of this year. And I would, on behalf of
18 the Chamber, specifically thank the Registry. First of all, the VWU, for enabling us to
19 continue bringing the witnesses in, showing a lot of flexibility in doing that. Then
20 specifically also the court officer and the court usher, all of them here in the room, not
21 the two -- of course the two that are in the room, but also all the others who supported
22 us, because I can really say for everyone, I think, here that they enabled us to run the
23 proceedings in this courtroom smoothly, displaying very quickly the documents that
24 they were asked to display.

25 And, finally, but very importantly, the interpreters, also *pars pro toto* the two that are in

Trial Hearing
WITNESS: CAR-OTP-P-1858

(Open Session)

ICC-01/14-01/18

- 1 the room but also for all the others. This is, well, one of the most difficult tasks in these
- 2 courtrooms. We expect a lot. We expect that we speak as quickly as we normally do
- 3 and then that the interpreters follow. So let me put it this way: The interpreters very
- 4 patiently dealt with our impatience, and we thank them for that.
- 5 The Court is adjourned.
- 6 THE COURT USHER: [11:02:52] All rise.
- 7 (The hearing adjourned in open session at 11.02 a.m.)