

Trial Hearing  
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 International Criminal Court  
2 Trial Chamber V  
3 Situation: Central African Republic II  
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard  
5 Ngaïssona - ICC-01/14-01/18  
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
7 Judge Chang-ho Chung  
8 Trial Hearing - Courtroom 1  
9 Friday, 4 June 2021  
10 (The hearing starts in open session at 9.31 a.m.)  
11 THE COURT USHER: [9:31:27] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:31:52] Good morning, everyone.  
15 Could the court officer please call the case.  
16 THE COURT OFFICER: [9:31:59] 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: [9:32:18] Thank you.  
21 The appearances of the parties. Prosecution first.  
22 MS STRUYVEN: [9:32:18] Good morning, Mr President, your Honours.  
23 For the Prosecution today, we have Maria Berdennikova, Kweku Vanderpuye and  
24 Olivia Struyven. Thank you.  
25 PRESIDING JUDGE SCHMITT: [9:32:25] And then the representatives of the victims,

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- 1 Mr Narantsetseg.
- 2 MR NARANTSETSEG: [9:32:30] Good morning, Mr President, your Honours.
- 3 For the Legal Representative of Victims of other crimes, Mr Dangabo Moussa Abdou
- 4 and myself, Orchlon Narantsetseg. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:32:37] Mr Suprun.
- 6 MR SUPRUN: [9:32:38] Good morning Mr President, your Honours. The former
- 7 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 8 Public Counsel for Victims. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:32:48] I turn to the Defence.
- 10 Ms Dimitri.
- 11 MS DIMITRI: [9:32:50] Good morning, Mr President, good morning, your Honours.
- 12 Good morning everyone. This morning Mr Yekatom, who's present in the
- 13 courtroom, is represented by our associate counsel, Mr Thomas Hannis; our linguistic
- 14 assistant, Mr Jean Michel Kola; and myself, Mylène Dimitri.
- 15 PRESIDING JUDGE SCHMITT: [9:33:05] Linguistic assistant. Interesting.
- 16 Mr Knoops, morning.
- 17 MR KNOOPS: [9:33:10] Morning, Mr President, your Honours. Everyone in the
- 18 courtroom, good morning. Mr Ngaïssona is today represented by Ms Phoebe Oyugi,
- 19 legal assistant; Ms Barbara Szmatala, case manager; and myself. Thank you.
- 20 PRESIDING JUDGE SCHMITT: [9:33:25] And we have of course also the witness at
- 21 the video-link location.
- 22 Good morning, Mr Witness.
- 23 There seems not to be a connection at the moment. It should be fine.
- 24 I ask you again, Mr Witness, good morning. Do you hear me and understand me
- 25 well?

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1 WITNESS: CAR-OTP-P-2673 (On former oath)  
2 (The witness speaks Sango)  
3 (The witness gives evidence via video link)  
4 THE WITNESS: [9:34:01](Interpretation) Yes, I could hear you loud and clear.  
5 PRESIDING JUDGE SCHMITT: [9:34:04] Okay. Thank you. Before we continue  
6 with the examination, we had these issues with the transcript, several times. So  
7 what we can do from our side - and I do not normally mean the bench, I mean  
8 everyone in the courtroom - is that we strictly adhere to the rule to wait a little bit till  
9 we ask the next question and to speak as slowly as possible so to make -- to facilitate  
10 the work of the interpreters.  
11 This is the most obvious and most immediate measure that we can take. So if I  
12 perhaps interfere a little bit more than normal in this regard, please bear with me, this  
13 is the reason for that.  
14 Mr Knoops, I understand that you start with the questioning. And then it is you.  
15 You have the floor.  
16 MR KNOOPS: [9:34:54] Thank you, Mr President. I thank the Chamber for its  
17 patience and the allowance yesterday to have the afternoon session off to prepare the  
18 cross-examination. Thank you very much.  
19 PRESIDING JUDGE SCHMITT: [9:35:05] Understandable. You see, I see for all  
20 parties that this continuous flow of witnesses, first of all, for the calling party - I've  
21 said that already, which is, at the moment, the Prosecution - it's really hard to get  
22 witnesses one after the other either to The Hague or to the video-link location, that's  
23 difficult enough.  
24 And when we have, for example, like I think it was Monday, two witnesses on the  
25 same day, and this also puts an enormous strain on the parties for preparing. And

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1 this extends, of course. We are not the first day here in the courtroom, and we have  
2 enough imagination to see what this means.

3 So please start, Mr Knoops.

4 QUESTIONED BY MR KNOOPS:

5 Q. [09:35:55] Good morning, sir. My name is Alexander Knoops, I am counsel for  
6 Mr Patrice Ngaïssona. And thank you very much for joining us this morning.

7 Mr Witness, my questions will be all asked in public. I have no documents to  
8 display or questions to be asked which, in my submission, will put your identity at  
9 risk.

10 My first question and topic of questions relates to some of the time frames you  
11 provided us yesterday.

12 My first question is the meeting you talked about yesterday, transcript page 13 of the  
13 real-time English transcript, lines 6 till 7, you spoke of a meeting of Mr Achille in  
14 Yaoundé with Mr Ngaïssona.

15 Could you, sir, provide us with an approximate time frame of this meeting?

16 A. [9:38:14] I no longer remember the date. You know that it was a long time ago,  
17 so I can no longer remember the date.

18 Q. [9:38:29] Can you remember the month of the meeting? And I refer to the  
19 meeting when you accompanied or you said you accompanied Achille to the entrance  
20 of the Golf residence in Yaoundé?

21 A. [9:39:12] Well, I have told you that it was a long time ago. It's really difficult  
22 for me to remember. But if I'm not mistaken, it was probably in October.

23 Q. [9:39:30] Was it before the fighting you refer to in your evidence yesterday in  
24 Gaga, Bouca, and Bossangoa? Transcript page 20, lines 8 and 9.

25 Could it have been before the fighting - as you said yesterday - started in those

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1 villages?

2 A. [9:40:18] No, the meeting in question did not take place before that.

3 Q. [9:40:31] If you say October 2013, I guess, what is the reason you mentioned this  
4 month? What is your reference?

5 A. [9:41:03] Well, you asked me about the month when Achille went to \*Yaoundé  
6 to meet with Ngaïssona. That is why I told you that, if I am not mistaken, then it  
7 was probably in October. It is for that reason that I mentioned that month.

8 Q. [9:41:27] The meeting you refer to yesterday - and that's transcript page 58,  
9 lines 4 till 7 of the real-time English transcript - Mr Witness, it's the meeting you refer  
10 to yesterday, saying that a gentleman with the name Sabe, \*a gendarme, went to  
11 Yaoundé to attend a meeting with Mr Ngaïssona.

12 Could you, sir, give us a reference of the time frame of this meeting?

13 A. [9:42:41] In order to give you a clear answer, I would like to point out that  
14 Achille's arrival was not related to that meeting. \*Mokom came for something else.  
15 When Sabe arrived, Achille had left. Achille had already left.

16 Q. [9:43:10] In your evidence yesterday, you stated Sabe, a gendarmerie there  
17 whom you know, and he left to Yaoundé to attend a meeting with Ngaïssona.  
18 When did this, in your assertion, happen? Which time we are speaking of here?

19 A. [9:43:58] I have told you that Sabe arrived in the month of November.

20 Q. [9:44:11] What about Mr Ngaikosset, in which context you testified yesterday in  
21 the real-time English transcript, page 10, lines 14 till 22. You did say yesterday,  
22 Mr Witness, after the events, referring to some of the events you described before,  
23 Eugène Ngaikosset arrived, and I heard he arrived in Yaoundé and that he went to  
24 Mr Ngaïssona's residence and met with Ngaïssona and Mokom.

25 Which is the time frame we're speaking here, Mr Witness?

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1 A. [9:45:37] The meeting took place in October, if I remember correctly.

2 MR KNOOPS: [9:45:48] Mr Witness -- sorry, Mr President, for the transcript, I just  
3 was alerted by Ms Dimitri and Mr Hannis, that in the first example, and that's the  
4 example with Achille, that the translation in Sango of Yaoundé was incorrectly  
5 translated into the city of Douala, line 17. And that's I think page 5, page 5, 17,  
6 the month when Achille went to Douala to meet Ngaïssona. It has to be Yaoundé.

7 PRESIDING JUDGE SCHMITT: [9:46:41] This is, of course, potentially a thing that  
8 could damage the transcript, so we really have to try to -- I -- at the moment, I don't  
9 see here that it had something to do with slow or fast speaking, so -- but, you know,  
10 the best that I can say now here from this position is, as long as the parties are vigilant,  
11 well, it's okay. But still, of course, this should not happen because it's not a minor  
12 issue. It can of course always be figured out correctly in the end, but it puts an  
13 additional, additional burden on the parties to -- to try to correct the transcript  
14 afterwards.

15 But thank you, Ms Dimitri.

16 And, Mr Knoops, please continue.

17 MR KNOOPS: [9:47:43]

18 Q. [9:47:48] Mr Witness, you testified yesterday, that's transcript page 24 of the  
19 English real-time transcript, lines 8 till 10. No, before I go into this subject,  
20 Mr Witness, we just touched upon three examples of meetings you testified about.  
21 I asked you about the time frames. Do you -- is it your evidence that there were  
22 meetings with Mr Ngaïssona in Yaoundé before the month October 2013?

23 PRESIDING JUDGE SCHMITT: [9:49:56] Mr Witness, have you heard the question  
24 of counsel?

25 THE WITNESS: [9:50:12](Interpretation) I didn't understand the question.

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- 1 PRESIDING JUDGE SCHMITT: [9:50:16] The question was if, according to your  
2 recollection, there were meetings with Mr Ngaïssona before October 2013.
- 3 MR KNOOPS: [9:50:30] In Yaoundé.
- 4 PRESIDING JUDGE SCHMITT: [9:50:32] In Yaoundé. Thank you.
- 5 THE WITNESS: [9:50:39](Interpretation) Yes, he held meetings in Yaoundé with all  
6 the soldiers. And in my statement I said he brought everyone together, but I was not  
7 present there. Because the people that I met with, well, he brought everyone  
8 together and then distributed money. And the people who received the money, at  
9 least {ICR: (Redacted)  
10 (Redacted)  
11 (Redacted)}}. So they held a meeting and money was distributed. All the soldiers in  
12 Cameroon received money and when they returned they told me about it.
- 13 Q. [9:51:44] And, Mr Witness, the meetings before October 2013 in Yaoundé with  
14 the soldiers, with your friends or contacts, when, according to your information,  
15 when did these meetings start? Which month of 2013? When was, in your view,  
16 the first one of those meetings?
- 17 A. [9:52:43] In my statement, I said what happened and what I know. Regarding  
18 the month, the events were in 2013, so I cannot remember all the months. I know  
19 that Ngaïssona brought the soldiers together because {(ICR: (Redacted)  
20 (Redacted))}, he told me that he encouraged them to keep the faith and to  
21 be determined, that they should not be discouraged, that they should be mobilised.  
22 So everything that they told -- that he told them in that meeting, they told me about it.
- 23 THE INTERPRETER: [9:53:43] Message from the Sango booth: Could the witness  
24 be reminded to speak slowly, please.
- 25 PRESIDING JUDGE SCHMITT: [9:53:50] Mr Witness, I'm reminded by the

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1 interpreters that you -- that I should ask you to speak a little bit slower, please, so that  
2 they can follow. That would be very kind. Thank you.

3 MR KNOOPS: [9:54:07]

4 Q. [9:54:08] My question now more specifically is, Mr Witness, did those  
5 individuals who told you this told you when they, before October 2013, did meet Mr  
6 Ngaïssona?

7 MS STRUYVEN: [9:54:32] Excuse me, Mr President. I think this is becoming very  
8 confusing about the dates. The witness has said multiple times that he didn't  
9 remember the dates. In evidence, he has said that he thought the meetings with  
10 Achille were in October and that the other meetings were in November. So he  
11 actually never said that there was meetings in September.

12 Now we're moving to trying to push the witness, or trying to deduct that the witness  
13 would have said that there were meetings in September, whereas I think the last  
14 answer he gave were just about meetings in general, so I think this becomes quite  
15 misleading towards the witness.

16 MR KNOOPS: [9:55:09] First of all, Mr President, I never said September. The  
17 witness testified itself -- himself that there were meetings before October 2013. And  
18 my question is can he indicate the time frame how much time before October 2013.

19 PRESIDING JUDGE SCHMITT: [9:55:26] I think I'm -- since the -- this is not that the  
20 transcript is wrong here, but since the sequence of questions and answers is not  
21 completely clear, I think it makes sense to try to make it clearer. So let me ask two  
22 questions so that we perhaps can proceed from there.

23 Mr Witness, you hear that the question when these meetings that you speak of,  
24 Mr Ngaïssona, when they did happen in 2013, do we understand you correctly  
25 that -- or did we understand you correctly that there were also meetings before

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1 October 2013 or can't you -- or can you simply don't say it?

2 THE WITNESS: [9:56:43](Interpretation) Before October 2013 there were meetings.

3 Ngaïssona assembled or brought together the soldiers, all the soldiers. It was not in

4 the month of October. I no longer remember the month, but it was -- because it was

5 many years ago. He brought together all the soldiers so as to mobilise them and

6 encourage them when he was in Yaoundé. So, in order to boost their morale, he

7 distributed a small amount of money to everyone. Everyone returned home. But I

8 was not in that meeting, I did not receive that money, but those who took part in that

9 meeting told me about it. They told me about what they saw and what they did

10 during that meeting.

11 PRESIDING JUDGE SCHMITT: [9:57:43] I think --

12 MR KNOOPS: [9:57:43] Answer is clear.

13 PRESIDING JUDGE SCHMITT: [9:57:44] The answer is clear.

14 MR KNOOPS: Thank you very much.

15 PRESIDING JUDGE SCHMITT: [09:57:45] And if you want to continue from there,

16 but I think -- I think we won't get it more constrained, so to speak, the time frame.

17 MR KNOOPS: [9:57:54] Of course.

18 Q. [9:57:55] Thank you, Mr Witness, for your answer.

19 Since when was Mr Ngaïssona, in your view, living together with Mr Mokom in the

20 Golf residence in Yaoundé?

21 A. [9:58:36] If I remember correctly, the date when Mokom joined Ngaïssona, it

22 was in the month of October. It was in the month of October. Mokom and

23 Ngaïssona lived at the Golf, so Mokom joined him at the same location, that is at the

24 same residence.

25 Q. [9:59:14] And it's your evidence, Mr Witness, isn't it, that they lived together in

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1 the Golf residence, Yaoundé, till the end of 2013; is that correct?

2 A. [9:59:50] They shared the same house at the Golf until \*Ngaïssona, Mokom  
3 father and Ngaïssona's aide-de-camp - who is a fellow believer in the army - Foumou  
4 David, the younger brother of Colonel Wapounaba, former aide-de-camp who was  
5 promoted to the rank of lieutenant-colonel; all these people lived together before  
6 taking the plane from Douala to Bangui.. My soldier friend said that it was on the day  
7 Djotodia resigned, they went to arrive on the same day, that is Ngaïssona, Mokom  
8 father, and my batch colleague, Davy.

9 THE INTERPRETER: [10:00:44] The Sango interpreter said he did not catch the last  
10 name.

11 PRESIDING JUDGE SCHMITT: [10:00:51] Mr Witness, what was the last name that  
12 you mentioned? Would you please be so kind to repeat it.

13 THE WITNESS: [10:01:17] I was talking about Fono Davy. {ICR: (Redacted)  
14 (Redacted)}

15 PRESIDING JUDGE SCHMITT: [10:01:28] Thank you.

16 MR KNOOPS: [10:01:28]

17 Q. [10:01:29] Mr Witness, isn't it correct that you never saw yourself Mr Ngaïssona  
18 in the Golf residence, Yaoundé?

19 A. [10:02:01] No, it's true. What you've said is correct, I didn't see him with my  
20 own eyes.

21 Q. [10:02:11] Mr Witness, considering your profession -- and I will not, of  
22 course - we are in open session - go into your profession.

23 In light of your profession, did you, now that you suggested in your statement to  
24 have an interest in the truth, did you check the whereabouts of Mr Ngaïssona in the  
25 time frame April-December 2013?

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1 MS STRUYVEN: [10:02:58] Excuse me, Mr President. I do not see -- are we  
2 suggesting that this --

3 PRESIDING JUDGE SCHMITT: [10:03:04] No, you are right here.

4 So I think, Mr Knoops, I think it suggests itself that you simply -- you have already  
5 established that he has not seen him there. Why not ask him where he has the  
6 information from. We can imagine it, but -- and then we see what kind of  
7 information this is, I put it in a neutral way, and we have to assess this.

8 MR KNOOPS: [10:03:30] Mr President, every question has a purpose in this trial.

9 PRESIDING JUDGE SCHMITT: [10:03:33] Of course, yeah.

10 MR KNOOPS: [10:03:34] And sometimes the questions are not quite in terms, of its  
11 rationale, clear for the participants and the parties and the Chamber, but I can assure  
12 you that this question had a reason. But I'm in agreement to ask the witness first,  
13 now that he admits never have seen Mr Ngaïssona in the Golf residence in Yaoundé,  
14 where the information came from.

15 PRESIDING JUDGE SCHMITT: [10:04:01] Yeah. For example, if you -- if we get an  
16 answer from the witness to this question, it might well be that it might make sense to  
17 follow up and ask if there has been a checkup, yeah. Perhaps ask. But the first  
18 question is really where he has his information from.

19 MR KNOOPS: [10:04:23]

20 Q. [10:04:23] Mr Witness, in your evidence - the example I gave you is the  
21 transcript, page 24 of the real-time English transcript of yesterday, lines 8 and 9 - you  
22 state very specifically and explicitly that Mr Mokom and Mr Ngaïssona shared the  
23 same residence, the Golf residence, Yaoundé.

24 Could you tell the Chamber the foundation of this assertion.

25 A. [10:05:24] Before your Court, I'm going to say that when Achille arrived from

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1 Bertoua, he arrived very early in the morning, about 4 o'clock. {ICR: (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 THE INTERPRETER: [10:08:27] Sango booth requests that the witness repeats the  
22 last sentence.

23 PRESIDING JUDGE SCHMITT: [10:08:32] Mr Witness, the interpreters did not get  
24 your last sentence. Would you be so kind to repeat it.

25 THE WITNESS: [10:09:13](Interpretation) The last sentence is this: They lived

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1 together in the same place. They even took the flight together to return to Bangui.

2 When Djotodia resigned, Mokom father, \*Ngaïssona and my fellow colleague were

3 together to return to Bangui in the plane. They were together. They took the plane

4 together. That's what I want to tell you.

5 MR KNOOPS: [10:09:52]

6 Q. [10:09:52] From your evidence just a few seconds ago, we can see that {ICR:

7 (Redacted)}, only told you that Ngaïssona had arrived and that

8 Mokom is going to join him, and that {ICR: (Redacted)} never told you that Ngaïssona

9 lived together with Mokom; is that

10 correct?

11 A. [10:10:45] That's not true.

12 Q. [10:10:47] Well, it is what you just said before the Court.

13 A. [10:10:49] I'm saying --

14 PRESIDING JUDGE SCHMITT: [10:10:55] This is the -- Mr Knoops, this is the -- an

15 instance where there is an overlap.

16 MR KNOOPS: Yes.

17 PRESIDING JUDGE SCHMITT: So here the witness says it's not true. And you - I

18 would also do it, perhaps - you refer him that -- but give it another try, if you want.

19 MR KNOOPS: [10:11:18]

20 Q. [10:11:18] Mr Witness, these are not my words, these are the words you just

21 stipulated to the Court. {ICR: (Redacted)} never told you that Mr Ngaïssona lived

22 together with Mokom. He just said Ngaïssona arrived, Mokom is going to join him,

23 right? Which is quite different from living together.

24 You would agree with me? As a matter of fact it's your own deduction, from a flight

25 back to Bangui, it's your own conclusion that they lived together.

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1 A. [10:12:25] If I remember correctly, in my statement I spoke about what  
2 happened when they arrived in Bangui. They remained together. After that, there  
3 was a problem between them, Maxime Mokom and Ngaïssona didn't get on anymore.  
4 And that's why Mokom father left Ngaïssona to join his son who lived in the Kaka  
5 area.

6 But the question which you've just put to me is different. I'd like you to ask me  
7 questions on what happened in Yaoundé. Did they sleep together? I will provide  
8 you with information. But when they returned to Bangui, they lived together. And  
9 {ICR: (Redacted)}

10 (Redacted)}. It is Mokom father who came out to greet me.

11 PRESIDING JUDGE SCHMITT: [10:13:42] May I, please, Mr Knoops.

12 Mr Witness, it's not your role that you suggest to counsel what he has to ask.

13 There might be a misunderstanding. The question is - Mr Knoops, correct me if I'm  
14 wrong - what is the source for your statement that Mokom and Ngaïssona lived  
15 together in Yaoundé, if I understand it correctly.

16 What is the source for this? How do you know this? Because you said you have  
17 not been to the residence, you have not seen them there.

18 THE WITNESS: [10:14:43](Interpretation) I got the information from {ICR: (Redacted)}  
19 (Redacted)

20 (Redacted)}. There are many people who said this, that they were living together.

21 When Ngaïssona arrived, he lived where he was living to join Ngaïssona. Many  
22 people told me this. \*{ICR: (Redacted)}, for example, also told me. {ICR: (Redacted)}  
23 told me that. {ICR: (Redacted)} also told me that. But I prefer to talk and give you  
24 information which was given {ICR: (Redacted)},. That's why I mentioned him in  
25 particular.

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1 PRESIDING JUDGE SCHMITT: [10:15:48] We could have had this earlier perhaps,  
2 but this sometimes happens. Please continue Mr Knoops.

3 MR KNOOPS: [10:15:54] Yeah. Mr President, your Honours, and Mr Witness, in  
4 order to shortcut this discussion with the witness, I would like to show the Chamber  
5 two exhibits. That's tab 4 and 5 of our additional list of materials. And we're  
6 grateful for the authorisation of the Chamber to submit them yesterday, in addition to  
7 the existing table. That's CAR-D30-0005-0005, and similar document with page 006.  
8 Confidential, not to be displayed to the public. But the witness, of course, can see  
9 the document.

10 These are two rental contracts - the first is 15 May 2013, the second is 28 May 2013 - of  
11 two houses rented by Mr Ngaïssona for one year from May onwards 2013, May 2014,  
12 with the price, et cetera. These, just for the context of the Chamber and the witness,  
13 these houses were rented by Mr Ngaïssona in Douala. One house in the area Deido,  
14 that's the rental contract of 15 May, for his family. And the second one, also small  
15 house with two chambers, a *salon* and a *douche* and a *cuisine*, situated derrière \**Bel Air*  
16 *Ndokoti*.

17 Q. [10:18:09] First of all, Mr Witness, considering your professional background  
18 and your assertion that you were able to check everything, were you aware of these  
19 two rental contracts which indicate that Mr Ngaïssona, as of May was living there?

20 PRESIDING JUDGE SCHMITT: [10:18:27] Mr Knoops, this seems to be far-fetched,  
21 really, to ask the witness if he knew a private contract that -- I'm -- I think we -- I think  
22 this is -- this is an issue like we had it before. These are documents the Chamber is  
23 fine that you submit them, and we will take notice of them and we put them into  
24 perspective.

25 MR KNOOPS: [10:18:56] Okay.

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1 PRESIDING JUDGE SCHMITT: [10:18:56] But I think it doesn't make so much sense  
2 to ask the witness if he knew the specific (Overlapping speakers)  
3 MR KNOOPS: [10:19:03] Well, wasn't it the witness himself, he said that he knows  
4 everything in his statement.  
5 PRESIDING JUDGE SCHMITT: [10:19:07] No. He doesn't. He hasn't said he  
6 knows everything.  
7 MR KNOOPS: [10:19:11] He did -- he did say this, Mr President.  
8 PRESIDING JUDGE SCHMITT: [10:19:13] Yeah, he knows, but to take this literally, I  
9 think we all -- we all can put this into perspective. So I really think it -- this goes a  
10 little bit far.  
11 MR KNOOPS: [10:19:26]  
12 Q. [10:19:27] Mr Witness, I put it to you that Mr Ngaïssona never lived in Yaoundé  
13 in the Golf residence and he lived with his family, when he was in Cameroon, in  
14 Douala. There was for him no reason to live in Yaoundé when he had two houses  
15 rented for his family in Douala. So I put it to you that your statement is incorrect  
16 which you gave to the Court. Your sources are incorrect. And I give you a chance  
17 to reconsider your statement.  
18 MR KNOOPS: [10:20:28] It is by the way, Mr President, paragraph 121 where the  
19 witness said "I know everything". Last sentence, "I know this because I know  
20 everything".  
21 PRESIDING JUDGE SCHMITT: [10:20:45] Yes, Yes. But --  
22 MR KNOOPS: Okay.  
23 PRESIDING JUDGE SCHMITT: [10:20:46] Yeah. You understand it literally, of  
24 course. And with knowing everything, you understand it in a way that he knows  
25 every document related.

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1 MR KNOOPS: [10:20:56] I hope so.

2 PRESIDING JUDGE SCHMITT: [10:20:58] No, no. I understand.

3 But, Mr Witness, please, please answer. Counsel puts it to you that Mr Ngaïssona  
4 never lived at the Golf residence as you have stated. What do you say to that?

5 MR KNOOPS: [10:21:15] And there is evidence before this Court to be submitted  
6 which will support this.

7 Q. [10:21:22] So I put it to you, Mr Witness, your sources were incorrect, and you  
8 were not able to verify this. Correct?

9 MS STRUYVEN: [10:21:29] Your Honours, I'm going to object to this, for a couple of  
10 reasons. First of all, is it the position of the Defence - because this comes close to an  
11 alibi Defence - is it the position of the Defence that Mr Ngaïssona was never in  
12 Yaoundé between May and January 2013, 2014? That's the first question.

13 The second question is that of course, again, the fact that there is a rental agreement in  
14 one city does not mean that some person can also not live in another city.

15 But I'm also not clear what we're asking this witness to confirm. It's again a negative  
16 confirmation that I don't believe this witness can -- can provide. But more  
17 important --

18 PRESIDING JUDGE SCHMITT: [10:22:09] But what -- of course, what counsel can  
19 do is he can put this to the witness, that -- what counsel did. The connection with  
20 the other evidence that you -- that you have, of course, this is something we  
21 addressed that before. That is something I would -- I would prefer, actually, if  
22 counsel - also later on when it's the Defence case, Prosecution also - would not do it,  
23 because we don't know what this evidence might be. And if this evidence is  
24 presented to the court - I repeated it several times, and I do it again - then we will take  
25 notice of it and we will make an overall assessment of the thing. Because otherwise,

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1 you have said now these two contracts, yes, but there might be other evidence. I  
2 simply assume that you might present other evidence. But simply put -- putting this  
3 to the witness, there is evidence to suggest the contrary, is too obscure at the moment.  
4 So why not -- why not -- you have prepared it. We have asked him now three times,  
5 and it costs a little bit of time.

6 MR KNOOPS: Yeah.

7 PRESIDING JUDGE SCHMITT: We have asked him. You put it to him perhaps the  
8 last time because it might have been now forgotten.

9 MR KNOOPS: (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:23:20] Put it to him, and then an answer. And  
11 then -- then we continue.

12 MR KNOOPS: [10:23:25] Yeah. To briefly respond to the question of the  
13 Prosecution, it's the reason why we submitting this document to the witness is that's  
14 our submission, Ngaïssona had never had a meeting in the Golf hotel, Yaoundé, and  
15 he didn't live there. That that's the thing.

16 And secondly, the question to the witness, to be very specific.

17 Q. Are you with me, Mr Witness, that did -- you did not verify yourself the sources  
18 on which you came to the conclusion that Mr Ngaïssona lived in the Golf hotel with  
19 Mokom, the sources you just mentioned in your statement in page 17, lines 6 till 10,  
20 where you mention some of your colleagues, former colleagues, who told you this.  
21 So you agree you didn't verify this source -- these sources; is that correct?

22 A. [10:24:55] I am before the Court and I am telling you the truth. That is what I  
23 was told, that he was at his home in Douala. When he was in Yaoundé, he lived in  
24 the residence of the former president had resided in Yaoundé. Ngaïssona, when he  
25 came, he went there. That's true, because that's what I was told. It's not a lie. It's

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1 a truth. I never said that he had some rooms in the hotel. The house that was given  
2 to him was at the Golf, where the former president from CAR went. And when he  
3 went to Uganda -- \*and when Ngaïssona left Douala to go to Yaoundé, he lived in  
4 that residence. I never said he went to a hotel. So that's clearly what I said.

5 PRESIDING JUDGE SCHMITT: [10:25:59] Mr Knoops, I think -- and also from the  
6 statement we also can deduce, if we read it carefully, what he has - let me how to put  
7 it - where he has -- might have immediate knowledge and where things have been  
8 told him.

9 MR KNOOPS: Of course.

10 PRESIDING JUDGE SCHMITT: "I have heard", and this is repeatedly. So I think  
11 we can move on.

12 MR KNOOPS: [10:26:19] Yeah.

13 Q. [10:26:21] Mr Witness, still speaking about the private, the family situation of  
14 Mr Ngaïssona in those days, it struck me that yesterday you were speaking,  
15 confronted with a conversation on 9 September 2013. That's the English transcript,  
16 real-time, page 16, lines 12 till 13, running through page 17, real-time, lines 14 till 20,  
17 where the Prosecution confronted you with your statement, paragraph 153, saying  
18 that Ngaïssona was in contact with Anti-Balaka who were stationed in Bouar,  
19 Bossangoa, and Bouca, and that these people worked together with him.

20 Can you tell the Court whether, when you speak about this alleged situation, whether  
21 this contact with Anti-Balaka who were stationed in Bouar, Bossangoa, and Bouca  
22 happened around the time frame of 9 September 2013, so the date of the Facebook  
23 conversation you were confronted with.

24 You're speaking about the same time frame; is that correct?

25 A. [10:28:28] I don't understand what you're saying. I know one thing is, even if I

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1 don't remember the date, I know that Ngaïssona was in contact with all those Balaka,  
2 Anti-Balaka. Ngaïssona had contact with the Anti-Balaka of Bouar, Bossangoa, and  
3 Bouca. He had contact with all those groups. When he arrived in Bangui, they  
4 were together. They were in contact with each other.

5 BY MR KNOOPS: [10:29:03] I see note that the client of Mrs Dimitri wants to use the  
6 bathroom.

7 PRESIDING JUDGE SCHMITT: [10:29:10] Yeah. Of course.

8 MS DIMITRI: [10:29:11] I didn't want to interrupt the flow, but if he can step out for  
9 a minute.

10 PRESIDING JUDGE SCHMITT: [10:29:17] No. No. It's fine. Can we also have  
11 a -- can we have perhaps a short break for a couple minutes. We go outside.

12 THE COURT USHER: [10:29:23] All rise.

13 (Recess taken at 10.29 a.m.)

14 (Upon resuming in open session at 10.36 a.m.)

15 THE COURT USHER: [10:36:20] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [10:36:43] Mr Knoops, you have the floor.

18 MR KNOOPS: [10:36:55]

19 Q. [10:36:56] Mr Witness, the 9 September 2013, it was the time when you  
20 apparently just learnt that Bouar was taken and there was a question about Bossangoa.  
21 So we're here in the time frame of September, 9 September 2013, that's transcript  
22 page 16, real-time transcript, lines 13 till 19. That was your evidence yesterday.  
23 And you told the Court that Mr Ngaïssona was in contact with the Anti-Balaka who  
24 was stationed in Bouar and Bossangoa.

25 Now, let us look at a document, which is Defence tab 3, CAR-OTP-2124-1029, again

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1 confidential; so not to display to the public.

2 What I'm showing you here, Mr Witness, is an email correspondence between

3 Mr Ngaïssona and a gentleman with the name, Celestin Yanindji, associate with the

4 Ecobank. There are two emails. The first is 7 September 2013 at 1556, where

5 Mr Ngaïssona addresses Mr Yanindji, Celestin, about the fact that he lost his younger

6 sister yesterday in hospital at 5 o'clock in the morning and that he's in a very difficult

7 situation, as we all can imagine. His younger sister, Angèle.

8 He asked the president of the bank for financial assistance. I'll come to this

9 matter -- topic later during my examination.

10 For now, the relevance of this document is that the 7 September, Mr Ngaïssona is

11 outside Cameroon. He hears about the news -- actually, he's in Paris, he hears about

12 the news of the death of his younger sister, his *cadette*, Angèle, and he arrives the

13 9 September in Cameroon. That's the other email, 9 September 2013.

14 (Interpretation) "Good morning, President, I have come for the health of the younger

15 sister which was deteriorating. There is God. And God has decided, I am in

16 Cameroon."

17 (Speaks English) So Mr Witness, I put it to you that the information you allegedly

18 received that Mr Ngaïssona was in September 2013 in contact with Anti-Balaka

19 stationed in Bouar, Bossangoa, Bouca, at the time Bouca fell, that that information is

20 incorrect.

21 And my question to you is, how did you --

22 PRESIDING JUDGE SCHMITT: [10:42:27] Ms Struyven, please.

23 MR KNOOPS: [10:42:31] I didn't even finish my question.

24 PRESIDING JUDGE SCHMITT: [10:42:40] Ms Struyven, what is your objection?

25 MS STRUYVEN: [10:42:42] There is an email, that as we all know, the Defence is

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- 1   trying to suggest to the witness that because he sends an email -- well, first of  
2   all -- anyway, about the whereabouts of Ngaïssona, we just heard from the Defence  
3   that he was actually in Paris and not in Douala as he suggested earlier. But that  
4   aside, he's suggesting here to the witness that because he sent an email to a person on  
5   a particular date, that that would show that he cannot also be in contact over a large  
6   period of time with people in different locations.  
7   I find this to be extremely far-fetched, to say the least.  
8   PRESIDING JUDGE SCHMITT: [10:43:20] The main point is, I don't see, really, the  
9   witness does not appear in this communication. What can he say to that, really?  
10   He has -- really what (Overlapping speakers)  
11   MR KNOOPS: [10:43:32] No, Mr President (Overlapping speakers)  
12   PRESIDING JUDGE SCHMITT: [10:43:34] No. What we can achieve in this  
13   courtroom is, when we have a witness here, we can ask the witness what he knows  
14   and when he knows -- claims to know something, we can ask him where does he  
15   know it from. And then we can have a different opinion on that and we can  
16   (Overlapping speakers)  
17   MR KNOOPS: [10:43:54] Mr President, that was exactly my purpose.  
18   PRESIDING JUDGE SCHMITT: [10:43:54] Yes, but to put this to the witness  
19   (Overlapping speakers)  
20   MR KNOOPS: [10:43:55] Mr President (Overlapping speakers)  
21   PRESIDING JUDGE SCHMITT: [10:43:56] I try to imagine if I -- if somebody -- if I  
22   would be on the witness stand and somebody would put this to me, what would I  
23   answer. I'm not part of this, yeah?  
24   MR KNOOPS: [10:44:07] Mr President --  
25   PRESIDING JUDGE SCHMITT: [10:44:08] This is a document.

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1 MR KNOOPS: [10:44:09] Yes.

2 PRESIDING JUDGE SCHMITT: [10:44:09] Whatever -- whatever it's worth, yeah?

3 MR KNOOPS: [10:44:12] Mr President, what did the Prosecution do yesterday with

4 the Facebook? They -- they put conclusions based on the reading of their Facebook

5 communication to the witness saying: Can I take it that there was a link between A

6 and B? And I'm not putting even the link.

7 I just -- my question to this witness is, did he verify the source which he alleges to

8 have to say that Mr Ngaïssona was in touch. And the foundation for this question is

9 the fact that there is an indication at the least that Mr Ngaïssona was not occupied

10 with the Anti-Balaka. He was surviving for his family. He just lost his younger

11 sister in September. So how on earth could he have been involved in planning

12 attacks in Bouar or whatever.

13 So my question is, simply, to the witness: Mr Witness, you say in your statement

14 under oath that Ngaïssona was in contact with Anti-Balaka, stationed in Bouar,

15 Bossangoa - and whatever my question is simply - how did you verify this?

16 PRESIDING JUDGE SCHMITT: [10:45:19] But that is -- that is a difference,

17 Mr Knoops. Yesterday, we had -- indeed, we had this one instance, and, I recall it

18 very well, where the name appeared, seemed to appear, but it was not the person.

19 And Ms Struyven said, okay -- immediately that was not okay.

20 But when we put documents to a witness where he does not appear in or where he is

21 not taken part in allegedly, I find it not problematic to put the documents on the table,

22 so to speak. But to -- what we can do here is only ask him if, like you now did, "Did

23 you verify this?" And then you submit these documents and we look into them, and

24 what you are doing in your question is, you draw your conclusions that you want to

25 have, yeah?

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1 That of course sometimes happens with everybody here in the courtroom. But I  
2 think especially when we look at this -- at this email exchange, I simply -- we have  
3 taken note of it, and we have taken note that there is speak of the whereabouts in  
4 Cameroon, and I again say this does not escape our attention. But there is no  
5 connection to the witness visible. The only connection is, which is how you put  
6 lastly now your question, is, "Did you verify your information?" And that is fine.  
7 That is fine. You can ask him this now.

8 MR KNOOPS: [10:46:58] That was the purpose of the whole --

9 PRESIDING JUDGE SCHMITT: [10:46:58] Yes, yes.

10 MR KNOOPS: [10:46:58] -- exercise, Mr President.

11 And maybe for the benefit of efficiency, we could have saved this whole discussion if  
12 the Prosecution simply waits for the question first before objecting.

13 Q. [10:47:16] Now Mr Witness, my question to you is, how were you able to verify  
14 your information you gave the Court in your statement yesterday? I just cite -- I'm  
15 not going to do it again. I did it already three times.

16 PRESIDING JUDGE SCHMITT: [10:48:10] Unfortunately, I don't hear the  
17 interpretation.

18 Do we have a connection?

19 THE INTERPRETER: [10:48:21] The Sango interpreters indicate that they could not  
20 hear the witness.

21 PRESIDING JUDGE SCHMITT: [10:48:28] So Mr Witness, it's really not -- I have to  
22 apologise on behalf the Chamber and the Court. It's not your fault. The  
23 interpretation did not come through, so unfortunately, I have to ask you to repeat  
24 your answer.

25 THE WITNESS: [10:49:05](Interpretation) I think what I stated before this Court is

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1 because I came here to tell the truth, if a question is put to me about what I know, I  
2 will tell you that {ICR: (Redacted)}  
3 (Redacted)}, because, as I say in my  
4 statement, I did not want the war. I did not want to fight the war. I was suffering.  
5 I was suffering in a foreign country and I wanted a little money to survive, and then  
6 subsequently go back to my home.  
7 I was in the group. {ICR: (Redacted)}  
8 (Redacted)}. I was in the group and I have told you what I knew. Even though I  
9 was not directly with -- directly in connection with Ngaïssona, there were others that  
10 gave me information, and I'm talking about my colleagues and my comrades with  
11 whom I was.

12 PRESIDING JUDGE SCHMITT: [10:50:27] Mr Knoops, please.

13 MR KNOOPS: [10:50:29] Yes, we will not get any other answer from this witness.

14 Q. [10:50:33] So Mr Witness, did you see yourself, Mr Ngaïssona speaking to  
15 Anti-Balaka individuals who were stationed in Bouar, Bossangoa, and Bouca?

16 PRESIDING JUDGE SCHMITT: [10:50:45] That's fine, Mr Knoops. Exactly like that,  
17 yeah.

18 THE WITNESS: [10:51:12](Interpretation) No, no. I did not personally see him do  
19 that. I'm saying -- and I'm saying that before this Court, he was in contact with those  
20 groups.

21 MR KNOOPS: [10:51:29]

22 Q. [10:51:30] Did you ever see him personally giving money to these type of  
23 individuals who were stationed in Bouar, Bossangoa, Bouca or other places, giving  
24 money to Anti-Balaka individuals?

25 A. [10:52:06] Counsel {ICR: (Redacted)}. Mokom father

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1 said it was Ngaïssona who gave that money to make it possible {ICR: (Redacted)},  
2 those who were in Bouar, Bouca, they said it  
3 was Ngaïssona who sent the money. They were in contact with him.  
4 So if he was not in contact with those groups, how would he have become the  
5 coordinator of the Anti-Balaka? It is because he was in contact with them. That is  
6 what prompted them to appoint him as coordinator. That is what I can say about  
7 this issue.  
8 {ICR: (Redacted)}. After that, he  
9 said that -- it had been said that it was Ngaïssona who had given that money.  
10 I, myself, I was in the group. I took part in that, but I did not personally see  
11 Ngaïssona. Ngaïssona did not personally give me any money, and I cannot accuse  
12 him of doing that. But he gave money to Mokom. I received the information, {ICR:  
13 (Redacted)}  
14 Q. [10:53:39] When you say that the money was sent to Anti-Balaka, you said it in  
15 page 30, line 8, "they said it was Ngaïssona who sent the money."  
16 Can you tell the Court how the money was sent?  
17 A. [10:54:29] In my statement, I said it. I said that Achille told me. Achille  
18 himself also received some of that money. All those people received the money.  
19 Achille told me that there was someone to whom Ngaïssona gave money or to whom  
20 they gave hunting ammunition, there were cartons of Maggi cubes. These things  
21 were bought in Cameroon and they were transported across the border. And also  
22 Thurayas, for example, they were taken right to Bouca.  
23 This is information that was given to me. We are soldiers and if you have to act,  
24 there is a hierarchy. There are leaders, so you can only implement the orders given  
25 by your boss, so I cannot go beyond my own hierarchy in the army. You can

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1 have -- you cannot have a general and not obey the orders of the general, so you obey  
2 the superiors of the -- the army, so everyone will know that it is the general that gave  
3 the orders. That is the explanation that I can give to this Court.

4 Q. [10:56:09] Did Achille tell you that he received the money out of the hands of  
5 Mr Ngaïssona himself?

6 A. [10:56:40] In my statement, which I gave to you, this is what I said. \*I  
7 accompanied Achille to the Golf, where former President Bozizé resided, so that he  
8 could meet with Ngaïssona. At the end of the meeting he was to report back to me on  
9 the outcome. But some people at the gate saw me with Achille and told those inside  
10 the compound. Achille was then reprimanded for having been seen with me. After  
11 that, Achille did not tell me anything about the criticism he received and chose to go  
12 back to Bertoua. It was only after his return to Bertoua that we spoke on the phone  
13 and I asked him why he had not been in touch with me after the meeting, as agreed.  
14 And he told me, "Look, brother, people saw us together and criticized me. That's why  
15 I left without calling you." After he told me that I did not ask if Ngaïssona had given  
16 him any money or not. In my statement I said that after hearing what he said I did not  
17 ask him any further questions. I said in my statement that I did not ask any further  
18 questions.

19 THE INTERPRETER: [10:58:11] And the Sango interpreter says, if he understood the  
20 last sentence correctly.

21 MR KNOOPS: [10:58:17]

22 Q. [10:58:18] Mr Witness, just before the break I have a final question on this topic.  
23 Is it correct in order to avoid any confusion, to say that you yourself, you never  
24 received money from Ngaïssona? That's what your evidence is saying, correct?  
25 Once - you said - I got money from Mokom, and he told me that that money was

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1 given by Ngaïssona.

2 Apart from that alleged incident you described, you never received money from  
3 Ngaïssona; is that correct?

4 A. [10:59:13] That is correct. Ngaïssona did not personally give me any money.

5 Q. [10:59:20] Then how -- how can we -- and have to -- understand your evidence  
6 yesterday before this Court, among which others, transcript page 45 of the real-time  
7 English transcripts, lines 10 till 12, where you say that, "When we got to Garam-Boulai,  
8 after we received money from Ngaïssona," and --

9 PRESIDING JUDGE SCHMITT: [11:00:09] I think we can make this short. I  
10 really -- I really -- I think it's quite clear now that he did not receive personally --

11 MR KNOOPS: No.

12 PRESIDING JUDGE SCHMITT: -- money from Mr Ngaïssona. He has received via  
13 Mr Mokom and deduces from that that it has been coming, for whatever reason,  
14 coming from Mr Ngaïssona. I think that seems to be the evidence. I think we don't  
15 have to go further.

16 And, Mr Knoops, just a remark to our discussion during this session. It is of course  
17 always important to find out, first of all, the source of an alleged knowledge by a  
18 witness. And secondly, if this is something that he -- for example, he immediately  
19 has experience or if this is hearsay or whatsoever, because this is determinative for the  
20 probative value. We know that, all. And that's fine to do it this way, to ask the  
21 witness -- to ask the witness, you said this and that, how you come to know that?

22 MR KNOOPS: [11:01:17] Of course.

23 PRESIDING JUDGE SCHMITT: [11:01:18] Yeah.

24 MR KNOOPS: Yeah. I agree.

25 PRESIDING JUDGE SCHMITT: And also -- so this is important. With these

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1 documents, I'm -- I'm saying this not only because we had this issue now, but because  
2 I assume this will be a recurring issue. With these documents to put to the  
3 witness -- to a witness - let's put it this way - it is indeed I think we should  
4 in -- with -- generally stick to that. It's not a rule, it's more a rule that we can  
5 establish here.

6 If the witness is named in a Facebook conversation, in an email, or if he is purportedly  
7 part of the conversation, it's fine to put it to him. Otherwise, I think it's -- it doesn't  
8 make so much sense.

9 MR KNOOPS: No.

10 PRESIDING JUDGE SCHMITT: [11:02:04] And also it confuses the witness. Also,  
11 too, this would be then on a case-by-case basis something where parties could simply  
12 alert the Chamber, okay, we have this document. But -- but not, you know, don't  
13 wrap it in a question to the witness. We have this document. Please don't forget it,  
14 yeah, and we think this might show this and that.

15 MR KNOOPS: Mr President --

16 PRESIDING JUDGE SCHMITT: This is just to explain a little bit what the encounter,  
17 the exchange, during this session was.

18 MR KNOOPS: [11:02:34] Yeah. Thank you for assisting. But may I also, from my  
19 humble perspective, try to explain that I think there is a difference between your  
20 instruction. I agree that that was also my objection at the beginning of the trial. If  
21 we ask a witness to comment on a document and his name is not there, fully agree.  
22 This document was an email not to use to have a comment on the witness on the  
23 veracity of the document, but simply to lay the foundation for the question. So  
24 that's -- that's a difference.

25 PRESIDING JUDGE SCHMITT: [11:03:08] No, no. I understand the difference, and

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1 you are right.

2 MR KNOOPS: Yeah.

3 PRESIDING JUDGE SCHMITT: But, as I said - I think this was the last part what I  
4 said - perhaps we don't wrap such documents --

5 MR KNOOPS: Yeah, I agree.

6 PRESIDING JUDGE SCHMITT: [11:03:20] We don't incorporate them into the  
7 question to the witness so he thinks he or she has to comment on it.

8 MR KNOOPS: [11:03:26] Maybe just show it to the Chamber and the Prosecution  
9 and not to the witness. (Overlapping speakers)

10 Last question, Mr President. You said correctly we know what's in the statement,  
11 but my question for the witness was: Why did he on two occasions in the evidence  
12 he gave yesterday, because he repeated this on page 23 when he said, "when we  
13 returned to Yaoundé we had 50,000 per soldier." So twice in his evidence he refers to  
14 "we" while he acknowledged that he never got money from Ngaïssona. So my  
15 question to him was why did he use the term "we" in his evidence.

16 PRESIDING JUDGE SCHMITT: [11:04:11] Yeah, why not ask him. Yes.

17 MR KNOOPS: That was the question.

18 PRESIDING JUDGE SCHMITT: (Overlapping speakers) This is absolutely a  
19 question that is of interest. So if you want to put it to him now, and I think  
20 we -- because it is closely connected to your questioning line at the moment, I think  
21 we should do it before the break.

22 MR KNOOPS: [11:04:34]

23 Q. [11:04:34] Mr Witness, the final question before the coffee break, sir. Thank  
24 you for your patience.

25 You just said you never received money personally from Ngaïssona. But yesterday

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1 in your evidence before the Court - and that's transcript page 45, lines 10 till 11 - you  
2 told the Court, "When we got to Garam-Boulaï after we received money from  
3 Ngaïssona."

4 PRESIDING JUDGE SCHMITT: [11:05:18] What do you mean by this "we"?

5 MR KNOOPS:

6 Q. [11:05:20] What do you mean by this "we", indeed?

7 A. [11:05:43] We, the soldiers who were in Yaoundé. To be clearer, I told you that  
8 soldiers follow a hierarchy (Overlapping speakers)

9 MR KNOOPS: It's not necessary, Mr President, to -- Mr Witness, to repeat this again.  
10 My question was simply, you --

11 PRESIDING JUDGE SCHMITT: [11:06:11] First of all -- microphone, Mr Knoops.

12 This is the problem.

13 I think it might be best to have a break now. It seems to be a good idea. And let's  
14 allow 30 minutes. Okay. It's always difficult when we say from -- at 25 to 12, but  
15 let's try. It's a little bit difficult because it's not the usual full hour or half-hour, but  
16 let's have 30 minutes.

17 THE COURT USHER: [11:06:38] All rise.

18 (Recess taken at 11.06 a.m.)

19 (Upon resuming in open session at 11.36 a.m.)

20 THE COURT USHER: [11:36:24] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:36:49] The Chamber has been alerted that there  
23 have been quite some redaction requests before the break. So perhaps you would  
24 think about if we go more often into private session. We have to be aware of that.

25 Mr Knoops, you still have the floor.

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1 MR KNOOPS: [11:37:09] Mr President, I intend to finish my cross-examination  
2 within this session.

3 PRESIDING JUDGE SCHMITT: [11:37:17] Yes.

4 MR KNOOPS: [11:37:17]

5 Q. [11:37:17] Mr Witness, to finish the subject we touched upon before the break, I  
6 just would like to go into your statement in paragraph 181. It's Prosecution tab 9,  
7 CAR-OTP-20- -- \*2127-6435 at 6462.

8 In this statement, Mr Witness, you describe the alleged delivery of four Thurayas  
9 by -- taken by Mr Grimari. {ICR: (Redacted)}. I ask the attention to the last  
10 sentence:

11 "Mokom *père* distributed the rest of the money to the FACA elements, saying it came  
12 from Ngaïssona although it had come from Sayo."

13 And my question to you is, sir: Can you confirm that this was the information you  
14 had and you still stand by it?

15 A. [11:39:32] That is the information I received. And in my statement before the  
16 Court, I gave details. I gave the details. It is not -- not when I met the investigators.  
17 But when I was asked questions on {ICR: (Redacted)}, then I  
18 gave details. I provided details. I said that {ICR: (Redacted)}. He was  
19 accompanied with white persons coming from Israel. But according to me, they  
20 were not Israelis. They were going to Europe, I think to Belgium, where they  
21 purchased them and then brought the phones back to us and so that they could use  
22 them in the armed group.

23 \*{ICR: (Redacted)}

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)} the civilian had already left by

3 that time. And it's Grimari who phoned Mokom father {ICR: (Redacted)}

4 (Redacted)} the meeting

5 between Armel Sayo and passed that information on to Mokom. He called Mokom

6 father to say that the Thuraya, that there were five of them and not four. He said that

7 he received money of about 2 million. He said that before me. That's what he said

8 {ICR: (Redacted)}

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)}

15 PRESIDING JUDGE SCHMITT: [11:43:26] Shortly, for the --

16 MR KNOOPS: Thank you.

17 PRESIDING JUDGE SCHMITT: -- for the transcript, Mr Knoops. It indicates the

18 ERN in tab 9 is something with 2120, but this is wrong. It is CAR-OTP-2127-6435 at

19 6462, just that (Overlapping speakers)

20 MR KNOOPS: [11:43:44] You're right.

21 PRESIDING JUDGE SCHMITT: [11:43:46] -- we don't -- don't have -- also you don't

22 have to figure this out later on.

23 MR KNOOPS: [11:43:48] Yes.

24 PRESIDING JUDGE SCHMITT: [11:43:50] Please move on.

25 MS STRUYVEN: [11:43:51] Excuse me, Mr President. But I think we need to be in

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1 closed session for these discussions because there's far too many revealing elements  
2 here.

3 PRESIDING JUDGE SCHMITT: [11:44:01] Yeah, if you say so. If everyone is  
4 protected, so to speak, then it might -- might be so.

5 Mr Knoops, what's your opinion with -- do you know the next question that you are  
6 going to ask?

7 MR KNOOPS: [11:44:14] I don't see any reason why we should go into private  
8 session. How can it reveal the identity of the witness by asking questions about the  
9 distribution of Thurayas?

10 PRESIDING JUDGE SCHMITT: [11:44:26] I also have, at the moment -- I would also  
11 say at the moment, we simply continue in open session. I agree with you.

12 MS STRUYVEN: [11:44:31] Excuse me, Mr President, but if he refers to direct  
13 conversations with individuals and locations, and very specific information about  
14 where he was and who he talked to, at least the persons he talked to would be able to  
15 know who this individual is. And if you compile all of these elements together, it  
16 becomes quite easy to identify him. I don't think that there was hundreds of people  
17 {ICR: (Redacted)} of Thurayas.

18 MR KNOOPS: [11:44:59] Well, I don't know whether that's true. It was even also  
19 broadcasted, so --

20 PRESIDING JUDGE SCHMITT: [11:45:10] Let's hear -- let's hear your next  
21 question --

22 MR KNOOPS: Well, the question --

23 PRESIDING JUDGE SCHMITT: [11:45:11] to give -- to try to give this a little bit of a  
24 flow here.

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

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1 Q. [11:45:19] The question -- thank you, Mr Witness, for your answer.

2 My question to you is: How do you know that Mr Mokom told -- or how did you  
3 become to know that Mokom said that this money came from Ngaïssona while it  
4 came from Sayo?

5 What -- what is the source of your information? Did Mokom this -- say this to  
6 yourself? You did hear this from Grimari?

7 A. [11:46:10] To tell the truth before the Court, I said that it was at the end of my  
8 statement before the judges. That was the moment. Then I was asked how  
9 Ngaïssona had the Thuraya telephones. It is when they asked me the question that I  
10 answered truthfully. I said that these Thurayas came from Sayo when there was a  
11 meeting held there. He wanted to set up a rebel group as well. {ICR: (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)}

19 PRESIDING JUDGE SCHMITT: It's fine. I think -- I think -- I think I stop you here.  
20 I think we have enough on that subject, on the subject of the Thurayas. Thank you.

21 MR KNOOPS: [11:47:57] Yeah. Well, indeed, Mr President. Thank you very  
22 much.

23 Q. Mr Witness, the question simply: Was it -- is it your understanding that  
24 Mr Mokom on this point did give false information about Ngaïssona?

25 A. [11:48:32] No, he didn't give false information.

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1 Q. [11:48:41] Well, you do say in your statement that Mokom told that the money  
2 came from Ngaïssona, although in reality it came from Sayo. That is in your  
3 statement, Mr Witness. So it's fair to say that, on this point, the information Mokom  
4 provided as to the origin of the money was not correct. Yes or no?

5 A. [11:49:23] I said before the Court that {ICR: (Redacted)} money and the Thurayas,  
6 I told you how Ngaïssona and Mokom had them. {ICR: (Redacted)} money and the  
7 Thurayas, it's Christian Grimari who received them and gave them to Mokom. It's  
8 only afterwards that they organised and said we should go to the border. They  
9 received the money well before that. And afterwards, {ICR: (Redacted)}  
10 (Redacted)  
11 (Redacted)}

12 So for the others, they distributed a certain sum. Ngaïssona himself, Ngaïssona gave  
13 a different amount of money. And as regards Sayo, that's a different matter.

14 PRESIDING JUDGE SCHMITT: [11:50:40] I think we have to move to a different  
15 subject.

16 MR KNOOPS: [11:50:43] Yeah.

17 PRESIDING JUDGE SCHMITT: [11:50:44] I think with different, or nearly similar  
18 words, we had this three times now.

19 MR KNOOPS: [11:50:49] And still no answer.

20 PRESIDING JUDGE SCHMITT: [11:50:51] Yes, but sometimes you don't get an  
21 answer, or at least not the answer that you expect or want to hear whatsoever.

22 MR KNOOPS: [11:50:57] Can I just then ask the witness.

23 Q. [11:51:00] What I just read in your statement is correct, yes or no, this sentence?  
24 Can you please answer with yes or no. What I just read out in your statement, is that  
25 a correct statement, yes or no?

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- 1 A. [11:51:27] It is an affirmation that it is correct.
- 2 Q. [11:51:30] Thank you.
- 3 Second last question on this topic, and I think that should be dealt with in private
- 4 session because --
- 5 PRESIDING JUDGE SCHMITT: [11:51:36] Private session.
- 6 MR KNOOPS: [11:51:37] -- that relates to a name.
- 7 (Private session at 11.51 a.m.)
- 8 THE COURT OFFICER: [11:51:59] We are in private session, Mr President.
- 9 MR KNOOPS: [11:52:03]
- 10 Q. [11:52:05] Mr Witness, yesterday, speaking about the origin of the source's
- 11 money, you were asked by the Prosecution, page 20, real-time transcript, English
- 12 version, lines 19 till 20, about a (Redacted)
- 13 (Redacted). And you were asked about the 20,000
- 14 CFA mentioned there. And also, with the intervention of the Presiding Judge, you
- 15 explained and precised (Redacted) who said
- 16 that they had given him the 20,000 CFA, (Redacted).
- 17 And you referred to the person mentioned, *le grand*, as (Redacted) - well, it's
- 18 phonetic - (Redacted).
- 19 You said in lines 19 till 21, asked by the Presiding Judge, page 21, real-time English
- 20 transcript, the *le grand* is (Redacted), and that individual had given the 20,000 to
- 21 (Redacted)
- 22 You stand by this statement, Mr Witness? That's your statement?
- 23 A. [11:54:16] I was clear yesterday in front of the Court.
- 24 Q. Thank you.
- 25 A. [11:54:23] \*(Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:55:18] Mr Witness, in your statement - this is paragraph 55, tab number 9 of  
7 the Prosecution material. That's CAR-OTP-2127-6444 - you did say that (Redacted)  
8 (Redacted) provided Ngaïssona with this money to provide to the military men."

9 Do we have to understand your evidence, (Redacted)

10 (Redacted) received the money from this gentleman?

11 PRESIDING JUDGE SCHMITT: [11:56:50] So I don't hear an answer.

12 Mr Witness, do you hear me?

13 THE WITNESS: [11:57:05](Interpretation) I hear you now.

14 PRESIDING JUDGE SCHMITT: [11:57:08] Okay.

15 Mr Knoops, perhaps in a nutshell, in a summary, could you repeat your question,  
16 please.

17 MR KNOOPS: [11:57:16]

18 Q. [11:57:18] Mr Witness, yesterday you told us that the amount of money of 20,000  
19 was given to (Redacted) by this Mr (Redacted). Yet in your statement, paragraph 55,  
20 you say that (Redacted) provided Ngaïssona with money to provide to the military  
21 men.

22 PRESIDING JUDGE SCHMITT: [11:57:51] Yes, Ms Struyven.

23 MS STRUYVEN: [11:57:52] Mr President, one does not exclude the other here. I  
24 don't know why we're trying to put these types of proposition to the witness. It  
25 doesn't mean that -- if you give money to one person, it doesn't mean that you cannot

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1 also give money to another person.

2 MR KNOOPS: [11:58:03] Mr President (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [11:58:03] Yeah, but the witness can say that

4 himself --

5 MR KNOOPS: Mr President, this is of course --

6 PRESIDING JUDGE SCHMITT: The witness can answer that himself, I think.

7 MR KNOOPS: [11:58:10] Yeah, but now the Prosecution gives the answer to the

8 witness. Thank you very much. This is not a way to object. It's leading the

9 witness to a certain answer. Thank you very much.

10 PRESIDING JUDGE SCHMITT: [11:58:20] No, but I think I want to hear the answer

11 from the witness nevertheless. Or perhaps -- perhaps I want to know something

12 else.

13 Counsel has read to you that -- and I read it word by word what you said in your

14 statement, "Many wealthy Gbaya such as (Redacted) provided Ngaïssona with this

15 money".

16 What is the source of this information for you? Where do you get it? Where did

17 you get it from?

18 THE WITNESS: [11:59:12](Interpretation) Thank you for that question. Let me be

19 clear on this subject. (Redacted)

20 (Redacted)

21 (Redacted). As regards (Redacted), Gbaya who was from

22 the same group, gave money to Ngaïssona to give it to the soldiers. That's something

23 different. Everything that happened there, we were aware of it. They -- all the

24 high-ranking people of Gbaya who helped Ngaïssona, for example, Kpefio, he too

25 sent his contribution. Feiganazoui also sent contributions to Ngaïssona to support the

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1 military who were in Garam-Boulai. So the high-ranking and rich sent money to  
2 Ngaïssona so he could support the military. That is what I learned, and I'm telling  
3 you so that you can better understand what happened.

4 PRESIDING JUDGE SCHMITT: [12:00:48] But, Mr Witness, the question was: How  
5 did you come to know it?

6 THE WITNESS: [12:01:10](Interpretation) It goes back a long time, this information.  
7 It's a long time ago. (Redacted)

8 (Redacted) sent his contributions to Ngaïssona. I  
9 learned it from three people, and that goes back a long time. I don't remember  
10 exactly the person who told me this. But amongst those three, one of them gave me  
11 this information.

12 PRESIDING JUDGE SCHMITT: [12:01:51] Mr Knoops.

13 MR KNOOPS: (Microphone not activated)

14 PRESIDING JUDGE SCHMITT: Microphone please.

15 MR KNOOPS: [12:01:58] Sorry.

16 Q. [12:01:58] Mr Witness, can you confirm that you never saw yourself that  
17 Mr Ngaïssona distributed any weapon, ammunition, or a Thuraya to anyone?

18 A. [12:02:37] I know -- I never saw that. I heard about it, but I know that the  
19 information I received was true.

20 PRESIDING JUDGE SCHMITT: [12:02:49] Could we go back to open session?  
21 What do you think, Mr Knoops?

22 MR KNOOPS: [12:02:53] I'm sorry. Yes.

23 PRESIDING JUDGE SCHMITT: [12:02:55] No, not sorry. It's -- you know, it's  
24 nearly impossible, I would even say, it's nearly impossible to always aware of the next  
25 question might implicate an information that should be elicited in private session.

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1 But we go back to open session and give it another try.

2 MR KNOOPS:

3 Q. [12:03:13] Maybe for open session, Witness, you just confirmed that --

4 PRESIDING JUDGE SCHMITT: [12:03:18] No, no. We are not yet there.

5 (Open session at 12.03 p.m.)

6 THE COURT OFFICER: [12:03:37] We are back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [12:03:40] And a short remark, some days are like  
8 that. It's -- it happens. Mr Knoops.

9 MR KNOOPS: [12:03:45] Thank you. Apologies.

10 Q. [12:03:47] Mr Witness, you just confirmed that you never saw yourself that

11 Mr Ngaïssona distributed any weapon, ammunition, or Thuraya to anyone.

12 Now, one of the alleged sources for your allegation that you heard about it is the  
13 gentleman we mentioned before, Achille. Yet, in your written statement, you  
14 acknowledge that this gentleman was not in the field, he was not engaged in the  
15 fighting.

16 PRESIDING JUDGE SCHMITT: [12:04:42] can you tell us the paragraph, please,  
17 Mr Knoops.

18 MR KNOOPS: [12:04:44] 125, 126 of the --

19 PRESIDING JUDGE SCHMITT: Thank you.

20 MR KNOOPS: -- statement of tab number 9 of the Prosecution material.

21 PRESIDING JUDGE SCHMITT: [12:04:51] I think we have -- this we have. I think  
22 we should not repeat, but the paragraph would be nice so that we can follow.

23 MR KNOOPS: [12:04:59] And the -- it is the last sentence of 125 and 126. It's the  
24 fourth line: "Achille lied to his people, saying that he was on the ground with his  
25 elements, but he was not there, he was in Bertoua."

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1 And the paragraph 125, last sentence, is: "Achille did not go to the field to fight."

2 Q. So my question to the witness, sir, is: How -- how can you say to the Court,  
3 like yesterday, transcript page 29, line 18, that Achille told you that he didn't have  
4 sufficient ammunition when he was not in the field, when he was not fighting?

5 A. [12:06:19] I did not quite understand your question. Can you kindly repeat,  
6 please.

7 Q. [12:06:29] How can you say to the Court that Achille needed ammunition while  
8 he was not in the field fighting?

9 A. [12:06:55] Yesterday, I was shown an internet document, and yesterday, I said  
10 that Achille had said that he had hidden his weapons and ammunition on the Central  
11 African site. Benande (phon) -- or, rather, Ndale called Achille who was in Bertoua,  
12 and he said they had an ammunition problem. Achille told Ndale that he had to  
13 directly contact Ngaïssona to raise the issue so that Ngaïssona should provide those  
14 materials to him. That is what Achille told Ndale, {ICR: (Redacted)}  
15 Yesterday, I did not say that Achille did not have a lot of ammunition. I said {ICR:  
16 (Redacted)}, he had hidden the ammunition in  
17 the bushes on the Central African site. So when you talk of ammunition, I said that  
18 it was Ndale who called Achille to talk to him about it. And Achille told him to  
19 conduct -- to contact Ngaïssona directly. That is the detail that I can give you about  
20 what I said yesterday.

21 Q. [12:08:40] Your statement yesterday in court was that Achille needed, that he  
22 did not have enough ammunition. So it was Achille you said who needed  
23 ammunition.

24 And again, why, Mr Witness, would he need ammunition when he's not in the field?

25 I suggest to you that Achille never, never, told you this.

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1 So what is your response?

2 A. [12:09:33] I do not know whether you understood me correctly. I said it was

3 Ndale, in Bouar, who called Achille who was in Bertoua, so Ndale called Achille.

4 That is what I said yesterday. Please, look at what I said yesterday, listen to it again.

5 I said it was Ndale who called Achille to tell him that he had ammunitions problem.

6 So that is how come Achille told Ndale to contact Ngaïssona directly. I did not say

7 that it was Achille who had problems of ammunition. Please reread my testimony of

8 yesterday well.

9 MR KNOOPS: [12:10:24] Mr President, I think this is --

10 PRESIDING JUDGE SCHMITT: Yeah. I think we can move on.

11 MR KNOOPS: -- very clear. And the transcript is speaking for itself.

12 Q. [12:10:29] Next question, Mr Witness: Were you aware that in 2013,

13 President Djotodia on the radio issued information and releases to the extent that

14 ammunition would allegedly have been passed by Mokom and others from

15 Cameroon, in other words, that the government of Djotodia was distributing this

16 information to the public audience.

17 And for the benefit of the Chamber, it -- there is a Prosecution witness, 0884, who

18 spoke specifically about this, \*CAR-OTP-2072-1715 slash 1729.

19 So, Mr Witness, you agree with me that the information that ammunition was

20 allegedly distributed from Mokom and others in Cameroon was a matter of public

21 information? You agree with me?

22 A. [12:12:22] I'm not aware of anything like that. It is just now that I am learning

23 about it.

24 Q. [12:12:32] Thank you. Next question, Mr Witness, speaking about your

25 so-called sources, you would agree with me that one of your sources was {ICR:

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- 1 (Redacted)} and the other sources you alleged to have had {ICR: (Redacted)}. Can
- 2 you confirm that --
- 3 PRESIDING JUDGE SCHMITT: [12:13:04] Private session?
- 4 MS STRUYVEN: Yes.
- 5 PRESIDING JUDGE SCHMITT: Yes.
- 6 Private session.
- 7 MS STRUYVEN: [12:13:05] This information is extremely identifying. I'm sorry.
- 8 PRESIDING JUDGE SCHMITT: [12:13:11] No. I think -- I think you're right,
- 9 Ms Struyven.
- 10 Private session.
- 11 (Private session at 12.13 p.m.)
- 12 THE COURT OFFICER: We are in private session, Mr President.
- 13 MR KNOOPS: [12:13:27] I repeat it again? Yeah.
- 14 Q. [12:13:30] Mr Witness, what -- two of your sources you alleged to have had was
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [12:16:40] The information that (Redacted) provided, I cross-checked it. And

7 this is information that I could have received. And in my statement to the Court, I

8 said that most of the information was not verified or truthful and they would say that

9 they have captured Bossangoa or such and such a locality. (Redacted)

10 (Redacted). But after cross-checking, \*some of this information was not

11 truthful.

12 Q. [12:17:26] You would agree with me, Mr Witness, that (Redacted) never

13 participated in any meeting with Mr Ngaïssona, allegedly, and Mokom (Redacted)

14 (Redacted). Can you confirm this?

15 A. (Overlapping speakers)

16 MS STRUYVEN: [12:17:52] Mr President.

17 PRESIDING JUDGE SCHMITT: [12:17:53] Let him answer now, please.

18 What did -- what did the witness say? I think I heard the witness say something, at

19 least I heard something. So then let me put the question again.

20 Mr Witness, do you have information that (Redacted) ever participated in a meeting

21 with Mr Ngaïssona?

22 THE WITNESS: [12:18:44](Interpretation) No, I have no information about that.

23 PRESIDING JUDGE SCHMITT: [12:18:48] Okay. And also not any meeting with

24 Mr Ngaïssona and Mokom or only with Mr Mokom? Do you have any information

25 about that?

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1 THE WITNESS: [12:19:13](Interpretation) Please kindly repeat your question. I did  
2 not quite understand it.

3 PRESIDING JUDGE SCHMITT: [12:19:17] I think I withdraw the question because  
4 the main thing was Mr Ngaïssona, of course, I think.  
5 Please continue, Mr Knoops.

6 MR KNOOPS: [12:19:25]

7 Q. [12:19:25] Another source you mentioned in your evidence was (Redacted)  
8 (Redacted)  
9 (Redacted)

10 A. [12:20:07] (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)

15 Q. [12:20:56] Thank you very much. But my question was: Can you agree with  
16 me that (Redacted ) did not give you information about Mr Ngaïssona?

17 A. [12:21:26] I did not understand the question.

18 Q. [12:21:35] (Redacted ) did not give you information about Ngaïssona. That's  
19 correct? Yes or no.

20 A. [12:21:56] (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)

25 Q. [12:22:41] So the answer to the question is he never gave you information of

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1 Ngaïssona? Is it --  
2 PRESIDING JUDGE SCHMITT: [12:23:08] I think we have to -- again, we have to  
3 take the answer as it is.  
4 MR KNOOPS: [12:23:15] How -- how possibly difficult can it be for a witness to  
5 simply say yes or no? I don't understand.  
6 PRESIDING JUDGE SCHMITT: [12:23:24] Even ask him more directly or give -- or  
7 perhaps I give it another try.  
8 Mr Witness, this person we are talking about, when you received information from  
9 him, did he ever claim to have gotten this information from Mr Ngaïssona? Or did  
10 he ever know -- claim to know Mr Ngaïssona personally or have met him?  
11 THE WITNESS: [12:24:08](Interpretation) No, he did not tell me. He did not tell  
12 me that he had met with Ngaïssona. He didn't tell me that.  
13 PRESIDING JUDGE SCHMITT: Mr Knoops.  
14 MR KNOOPS: [12:24:19] Okay. I just have four final questions, Mr President --  
15 PRESIDING JUDGE SCHMITT: It's fine.  
16 MR KNOOPS: -- before the break.  
17 PRESIDING JUDGE SCHMITT: [12:24:26] As I said (Overlapping speakers)  
18 MR KNOOPS: Yeah, it's clear.  
19 PRESIDING JUDGE SCHMITT: -- sometimes (Overlapping speakers)  
20 MR KNOOPS: It's -- to us it's at least clear.  
21 Q. [12:24:28] First question, Mr Witness: In your evidence yesterday - and that is  
22 the transcript 33, real-time English, line 16, and a similar proposition is given by the  
23 witness yesterday at transcript page 57, line 1 - it was your evidence, Mr Witness, that  
24 you -- when allegedly money was given to the soldiers, you told this Chamber that  
25 (Redacted). You were against it because you said, "We are going

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- 1 to kill, and we do not know what a bullet might strike. It can hit a civilian." Right?
- 2 This is -- this was repeated twice by you before this Chamber.
- 3 My question to you, sir: Can you recall what you said about this subject in your
- 4 statement in 2020?
- 5 [12:26:41] Yes, I remember it very well. This is what I stated to your Court, and
- 6 please listen carefully to what I have to say.
- 7 I said that (Redacted)
- 8 (Redacted), and I was telling them war is not a good
- 9 thing, so you should not just give in to it. (Redacted)
- 10 (Redacted), and look at all those who were not even involved were killed. That
- 11 is why I took all my time to give them advice so that those soldiers should not go to
- 12 fight in the war. I was against the war. So, please, I am kindly asking you to
- 13 carefully reread what I stated.
- 14 In your statement, Mr Witness, in 2020, you did not say this at all --
- 15 PRESIDING JUDGE SCHMITT: [12:28:02] Paragraph, paragraph, please.
- 16 MR KNOOPS:
- 17 Q. [12:28:03] 136, tab 9, CAR-OTP-2127-6456, where you're speaking about this
- 18 subject about the fear that innocent civilians would be killed in the fighting, people
- 19 saying "I must go to Bangui. I must kill Muslims."
- 20 You said literally, I heard -- I heard from -- "I heard both FACA soldiers and civilians
- 21 saying this. I did not discuss this with (Redacted)
- 22 So I put to you, Mr Witness, you didn't at all give advice or intervene. What you
- 23 told us yesterday is not in your statement of 2020.
- 24 A. [12:29:44] Can you kindly repeat that question, please.
- 25 Q. [12:29:50] Mr Witness, in your evidence of 2020, you didn't discuss at all with

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1 the (Redacted), what you told us yesterday twice under oath,

2 and today, that you gave them advice not to accept money for the fighting?

3 A. [12:30:33] To be clear before the Court, I will kindly ask you to please reread my  
4 statement. \*(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 MS STRUYVEN: [12:32:21] Mr President, if I may assist, it's paragraph 142 of the

18 statement, where the witness says, "I told him that he should not go to fight, he would

19 die in vain. I told him this because that is what can happen when you go to war."

20 It's paragraph 152 (sic) of the witness's statement.

21 PRESIDING JUDGE SCHMITT: [12:32:41] Yes.

22 MR KNOOPS: [12:32:42] Mr President, we can all read and the Prosecution is not

23 able to assist the witness.

24 PRESIDING JUDGE SCHMITT: [12:32:45] Yes, I agree. I think that -- and we have

25 read it and we have an answer now, and perhaps you move on.

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1 MR KNOOPS: [12:32:56] Yes.

2 Q. [12:32:56] Mr Witness, yesterday you asserted before this Court about the  
3 5 December attack - and that's transcript page 60, line 7, exactly line 7 - about the  
4 so-called preparation of that attack. That Bozize called to Ngaïssona and asked  
5 Ngaïssona to talk to Konate to wait a bit, and that's why they took action  
6 on 5 December.

7 That was your evidence yesterday before this Court. You have asked us repeatedly  
8 this morning to reread your statement carefully, which we all did. Do you know,  
9 Mr Witness, what you told the investigators in 2020 about this event?

10 A. [12:34:25] Yes, I do remember well. Thank you. In my statement, I said the  
11 following: (Redacted)

12 (Redacted)

13 (Redacted). He said that -- that Ngaïssona was aware of what is going on.

14 (Redacted)

15 (Redacted)

16 Q. [12:35:27] In your statement in 2020, paragraph 173, you said the following,  
17 Mr Witness, in the second sentence:

18 (Redacted)

19 (Redacted)

20 So what you told the Court yesterday was something quite different. You said  
21 under oath yesterday, in line 7, that Bozize called Ngaïssona and asked Ngaïssona to  
22 talk to Konate to wait a bit.

23 Now, would you agree with me that this is quite a different statement you gave  
24 yesterday from the one you gave in 2020?

25 A. [12:36:54] What I said in 2020 is the same thing I said yesterday. (Redacted)

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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 MR KNOOPS: [12:39:10] Mr President, for the last two questions we can go to open  
15 session.  
16 PRESIDING JUDGE SCHMITT: [12:39:14] Yeah, we go to open session.  
17 (Open session at 12.39 p.m.)  
18 THE COURT OFFICER: [12:39:30] We are in open session, Mr President.  
19 MR KNOOPS: [12:39:33]  
20 Q. [12:39:34] Mr Witness, you have informed us yesterday about your view on the  
21 alleged link between the FROCCA and the Anti-Balaka, that's transcript page 32 of  
22 the real-time English transcript, lines 4 till 19, especially line 5, you said:  
23 "To be clear, there is a link between FROCCA and the Anti-Balaka. And even  
24 Ngaïssona, who is before your Court knows it. All of Bozize's entourage knew that  
25 there was a link, a clear link ...

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1 And you were asked by the Presiding Judge what you mean by "link".  
2 You give an explanation, but the question also here is, what is the source of  
3 information you rely on now that you were not present as you stated in 2020 at any of  
4 the FROCCA meetings?

5 A. [12:41:13] Thank you for your question. Thank you for the opportunity, which  
6 is being provided to me to answer. I said when I left in exile, all Bozize's elements  
7 saw me as a traitor. I did say that in my statement. Who doesn't know FROCCA.  
8 I know that good God knows that I'm not a traitor. Everybody knew what FROCCA  
9 was. Levy Yakete was FROCCA and that's why he made a statement on RFI.  
10 Everybody heard it. I, too, I was a supporter of FROCCA on Facebook. That's how  
11 I presented myself. Just to explain the situation, everybody was aware of what  
12 FROCCA was. Everybody followed what was happening on FROCCA on RFI.  
13 We saw the former head of state accuse Chad of his impeachment. I was aware, like  
14 everybody else.  
15 So I'm not telling you untruths here.

16 Q. [12:42:42] So please tell us, Mr Witness, why did you say in 2020 that you knew  
17 nothing about FROCCA? And now you're capable, apparently, to give us a full  
18 analysis of the alleged link between FROCCA and the Anti-Balaka?  
19 While questioned extensively in 2020, you clearly said to the investigators of the OTP,  
20 you had nothing to say about FROCCA because you knew nothing about it.  
21 And for the Court, it is paragraph 50.

22 PRESIDING JUDGE SCHMITT: [12:43:17] Thank you.

23 MR KNOOPS: [12:43:17] And even 51, where the witness said, "I do not know a lot  
24 about FROCCA."

25 But 50, he says in the second sentence, "I was asked what I can tell the investigators

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1 about FROCCA. I replied that I do not know anything about it."  
2 It's not just something, but "anything".  
3 MS STRUYVEN: [12:43:40] Mr President --  
4 MR KNOOPS: [12:43:40]  
5 Q. So why --  
6 MS STRUYVEN: [12:43:40] -- if I may just may clarify, there's other paragraphs in  
7 the statement that talk about FROCCA.  
8 MR KNOOPS: [12:43:45] Of course, but (Overlapping speakers)  
9 MS STRUYVEN: [12:43:46] And more specifically, paragraph (Overlapping  
10 speakers)  
11 PRESIDING JUDGE SCHMITT: [12:43:50](Overlapping speakers)  
12 MR KNOOPS: [12:43:50](Overlapping speakers) Not -- not assisting (Overlapping  
13 speakers)  
14 PRESIDING JUDGE SCHMITT: [12:43:50] No, no (Overlapping speakers)  
15 MR KNOOPS: [12:43:50] -- assisting the witness.  
16 PRESIDING JUDGE SCHMITT: [12:43:51] No, no. I agree with Mr Knoops, here.  
17 This is at least two paragraphs and it is -- these are clearly cited and the witness can  
18 answer to them, if he --  
19 MS STRUYVEN: [12:44:03] If I may clarify, Mr President. The statement was taken  
20 by video link, and they chronologically recorded the answers as the witness was  
21 giving them. So he clarified certain areas later in his statement and these two  
22 paragraphs are contradictory to the ones that Mr Knoops is citing, and, therefore I  
23 think --  
24 PRESIDING JUDGE SCHMITT: [12:44:22] No, no, but let the witness answer. He  
25 can clarify it and he can also now -- and we can read this. I said this, and I really, in

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1 former times, I would have said, let a disc play that we -- that this will not escape our  
2 attention and we will put that together.

3 So Mr Witness, you have heard that at least in two paragraphs of your statement, you  
4 have said you know -- you don't know anything, I think is the wording, you don't  
5 know anything about FROCCA.

6 And this is the question by counsel, that you yesterday provided us with information  
7 about FROCCA, and also today, and the question is, why did you at least in these  
8 paragraphs, it appears to be that you have said to the investigators that you don't  
9 know anything about FROCCA?

10 This is the question.

11 THE WITNESS: [12:45:33](Interpretation) I have understood your question. In  
12 2020 -- please check my statement of 2020. The investigators asked me questions, I  
13 said I didn't have a lot of information on FROCCA. When at a certain point in time,  
14 they started to show me messages on Facebook with Levy Yakete and asked me the  
15 question, I said that I was a friend or friendly towards FROCCA. That's what I said.  
16 That I was friendly towards FROCCA and then they asked -- then they didn't ask me  
17 many more questions about that, so they didn't -- so I didn't go into details. If they  
18 asked me -- if they had asked me for details, I would have provided them with  
19 details.

20 PRESIDING JUDGE SCHMITT: [12:46:31] Okay, I think we move on.

21 MR KNOOPS: [12:46:35] Yeah.

22 Q. [12:46:36] Mr Witness, speaking about -- still about your sources, you told the  
23 investigators in 2020, in paragraph 31 of your statement, CAR-OTP-2120-6440 (sic),  
24 that you were getting information about what was happening back in Cameroon.  
25 And you heard information regarding the Seleka atrocities in Bangui, also about the

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1 killing of a magistrate in Bria.

2 Now, the question we have, could you provide us, if you can, with the name of this  
3 magistrate who was killed in Bria, according to the information you received?

4 A. [12:47:50] Bria is the person who was killed. He was killed at the junction of  
5 Benzaville Seka (phon). It's the person who's called Bria. And that person wasn't  
6 killed at Bria. Bria was the name of the magistrate.

7 Q. [12:48:16] And which was the source of information for this?

8 A. [12:48:36] I provided the name of that in my statement. We were together {ICR:  
9 (Redacted)}. We shared information between us. I even gave the name of the  
10 {ICR: (Redacted)}. I gave the  
11 name {ICR: (Redacted)} in my statement; I gave the names there. When people  
12 called us to give us information -- perhaps they also informed Gbadora, but since I  
13 was often together with {ICR: (Redacted)} gave me information. And when I went to  
14 {ICR: (Redacted)}, he continued to exchange information with me on internet.

15 Q. [12:49:48] The French name, in French the name of the source was given, {ICR:  
16 (Redacted)}

17 PRESIDING JUDGE SCHMITT: [12:49:59] Thank you.

18 MR KNOOPS: [12:49:59] Yes.

19 Q. [12:49:59] Mr Witness, I noticed in your statement of 2020 in paragraph 26, you  
20 say: Mr Bozize did not protect me while I was -- while I was in Cameroon, because  
21 we do not share an ethnicity."

22 Can you explain to the Court what you meant to say by this? I can guess, but I want  
23 you to say it without being leading on my behalf.

24 A. [12:50:59] Can you repeat your question, please, sir.

25 Q. [12:51:01] In 2020, you told the investigators that Mr Bozize did not protect you

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1 while you were in Cameroon because you didn't share the same ethnicity.

2 Why did you say this?

3 A. [12:51:37] When I arrived {ICR: (Redacted)}, I said in my declaration that I

4 wanted to go to {ICR: (Redacted)}. {ICR: (Redacted)}

5 (Redacted)}

6 I was very sad, and then I left. Bozize was there. And he gave everyone money to

7 get themselves installed.

8 And I said that already in my declaration. I never received anything and that's why

9 I said this. That's why I made that statement.

10 PRESIDING JUDGE SCHMITT: [12:52:31] I think we leave it at that, Mr Knoops, his

11 answer.

12 MR KNOOPS: [12:52:35] Right.

13 Q. [12:52:44] Mr Witness, you repeated in your evidence yesterday on two

14 occasions the relevance of your testimony in terms of the ethnicity, like the reference

15 to the *commissaire*. He was of the same ethnicity as Mr Ngaïssona. You are of {ICR:

16 (Redacted)} ethnicity. Can you confirm that you work -- no, maybe this is for private

17 session.

18 Sorry.

19 PRESIDING JUDGE SCHMITT: [12:53:32] No, no --

20 THE WITNESS: [12:53:32](Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [12:53:33] -- private session. Mr Witness, wait a

22 second.

23 Private session.

24 And I take it, Mr Knoops, that we are nearing the end.

25 MR KNOOPS: [12:53:46] This is the last question.

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- 1 PRESIDING JUDGE SCHMITT: [12:53:49] Yes. Thank you.
- 2 (Private session at 12.53 p.m.)
- 3 THE COURT OFFICER: [12:53:55] We are in private session, Mr President.
- 4 PRESIDING JUDGE SCHMITT: [12:53:59] Mr Witness, the question is, if you can
- 5 confirm that your ethnicity is (Redacted)
- 6 THE WITNESS: [12:54:10](No interpretation)
- 7 PRESIDING JUDGE SCHMITT: [12:54:14] I think I even have understood it,
- 8 although I did not receive interpretation.
- 9 MR KNOOPS: [12:54:21] Yes.
- 10 Q. [12:54:23] Is your --
- 11 A. [12:54:26] (Redacted)
- 12 Q. [12:54:31] Is your evidence, Mr Witness, that the ethnicity of Mr Ngaïssona plays
- 13 a role in your evidence; you agree?
- 14 A. [12:55:06] Could you repeat the question, please.
- 15 Q. [12:55:09] Would you agree with me that the ethnicity of Mr Ngaïssona does
- 16 play a role in your evidence?
- 17 PRESIDING JUDGE SCHMITT: [12:55:21] The counsel means, has influenced your
- 18 evidence? It does play a role.
- 19 I think he understands better when we bring it to the point.
- 20 THE WITNESS: [12:55:58] No, not at all. It didn't influence me at all. (Redacted)
- 21 (Redacted). I'm giving you information, which I know. I am before the Court to tell
- 22 you the truth. What I say before the Court is not something I collected here and
- 23 there. I'm telling you what I know. I am before you to tell you the truth, and,
- 24 through that truth, the Court will become credible before international public opinion.
- 25 MR KNOOPS:

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1 Q. [12:56:41] Why then, Mr Witness, you thought it was relevant to mention  
2 yesterday, twice, among which on page 52, line 15, to inform this Chamber that  
3 (Redacted) you mentioned was of the same ethnic group as Ngaïssona and Bozize?  
4 Why you thought it was relevant to mention that if you say that it didn't play a role or  
5 influence your statement?

6 A. [12:57:24] If I said it, it's because you asked me the question (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 But since you asked me the question relating to his ethnic background, I had to  
12 specify that he too was the same ethnic group as Ngaïssona.

13 MR KNOOPS: [12:58:15] I'll leave this to the Court.

14 PRESIDING JUDGE SCHMITT: [12:58:17] Okay.

15 MR KNOOPS: [12:58:17]

16 Q. [12:58:18] Last question, Mr Witness, can you confirm that (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [12:58:50] Yes, absolutely.

20 Q. [12:58:57] Did you before you (Overlapping speakers)

21 A. [12:58:59] (Redacted)

22 MR KNOOPS: [12:59:15] The last sentence I didn't --

23 PRESIDING JUDGE SCHMITT: [12:59:17] (Redacted)

24 (Redacted)

25 MR KNOOPS: [12:59:23] Yes.

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1 Q. [12:59:24] Mr Witness, did you, before you came to The Hague to give -- or not  
2 to The Hague --

3 PRESIDING JUDGE SCHMITT: [12:59:31] No, I always speak of the extended  
4 courtroom, but yeah, "Before you came to testify ..."

5 MR KNOOPS: [12:59:37]

6 Q. [12:59:37] -- you came to testify, Mr Witness, you had an encounter with  
7 (Redacted) and you spoke about your evidence (Redacted)

8 A. [13:00:07] Not at all. With (Redacted), we never exchanged information in this  
9 case. In my statement, I told you about (Redacted). You yourself showed that  
10 (Redacted)

11 So in my statement, I spoke about (Redacted), but that does not mean that we have a  
12 link.

13 PRESIDING JUDGE SCHMITT: [13:00:46] I think he has answered, Mr Knoops.

14 MR KNOOPS: [13:00:47] He's answered. Thank you.

15 PRESIDING JUDGE SCHMITT: [13:00:48] That's it? Those were your questions?

16 MR KNOOPS: [13:00:49] That were my questions, Mr President.

17 PRESIDING JUDGE SCHMITT: [13:00:52] Thank you, Mr Knoops.

18 We will have now the lunch break until 2.30.

19 Before that, I would like to give information with regard to the transcript. It  
20 should -- where is it? I think -- if I have the right -- yes, here it is. On page 50, line 2,  
21 correct would be CAR-OTP-2072-1715, so that we have it and less work for other  
22 people. See each other at 2.30.

23 THE COURT USHER: [13:01:26] All rise.

24 (Recess taken at 1.01 p.m.)

25 (Upon resuming in open session at 2.31 p.m.)

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1 THE COURT USHER: [14:31:50] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [14:32:14] Good afternoon.

4 Ms Dimitri -- or Mr Hannis has the floor.

5 MR HANNIS: [14:32:21] Thank you, your Honour.

6 QUESTIONED BY MR HANNIS:

7 Q. [14:32:24] Good afternoon, Mr Witness. My name is Tom Hannis. I represent  
8 Mr Yekatom. I hope, with your help and no help from my friend across the aisle,  
9 that we can be done in an hour or less.

10 And we can be in open session for the first few questions, your Honour.

11 Mr Witness -- and I hope that we can have a copy of his French statement available  
12 for him to look at when I ask him about specific paragraphs. I think it will go  
13 smoother for all of us.

14 PRESIDING JUDGE SCHMITT: [14:33:02] If this is possible, yes. If not, we have to  
15 read it, simply.

16 MR HANNIS: [14:33:24] Thank you. I heard a phone call. May I go now?

17 PRESIDING JUDGE SCHMITT: [14:33:28] So, yes.

18 MR HANNIS: [14:33:29] Thank you.

19 Q. [14:33:30] Mr Witness, first of all, I want to ask you about how you were first in  
20 touch with the Office of the Prosecutor.

21 Can you tell us about when and where and how you first were contacted by them.

22 A. [14:34:16] Thank you very much for giving me the floor again. I did not know  
23 them. I never knew them. I had an old phone number which I used to use, and I  
24 gave it to my junior brother. So they called him on that number, and they insisted.  
25 So I asked my junior brother to give them my number, my current number, if they

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1 called back. And that is how we got in touch.

2 They wanted to meet me. Initially I said no, but my father met with them initially at

3 {ICR: (Redacted)}. That's -- my father went there for the first time and met with

4 them. \*It's my father who went to meet them the first time. And they told my father,

5 they reassured him and told him that there would be no charges against me and that

6 they simply were seeking some information and that they had nothing against me.

7 My father came back and told me. So I told my father that I was determined to go

8 and meet with them. Then they called me themselves, and I went to meet them {ICR:

9 (Redacted)}.

10 Q. [14:35:54] Thank you, Mr Witness. Now, looking at the first page of your

11 statement, by my rough arithmetic, it seems like you spoke with them on seven

12 different days over the course of six weeks in September and October of 2020. And I

13 count for about a total of 25 hours; is that correct?

14 A. [14:36:40] Well, I don't know. I don't remember for how many hours we met,

15 but the first time we met was at {ICR: (Redacted)}

16 That's where we met. And then after that, there is {ICR: (Redacted)}

17 (Redacted)}, but I don't remember \* the {ICR: (Redacted)}

18 PRESIDING JUDGE SCHMITT: [14:37:12] I think, Mr Hannis, we can -- the

19 Prosecution will not object if you say what they themselves have written down.

20 MR HANNIS: Yes.

21 PRESIDING JUDGE SCHMITT: This is correct. That is -- yeah.

22 MR HANNIS: [14:37:24]

23 Q. [14:37:24] Sorry, Witness. You don't need to do the math by adding the hours

24 on the front page. It took me five or ten minutes to do that. So I don't want you to

25 have to do that.

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1 PRESIDING JUDGE SCHMITT: [14:37:33] Indeed. This was another way to say the  
2 same, but if you say yourself, so then.

3 MR HANNIS: [14:37:38] Okay. Now, I think I need to go into private session, your  
4 Honour. I'm going to ask some personal details of the witness.

5 PRESIDING JUDGE SCHMITT: [14:37:45] Of course, yes.

6 Private session, please.

7 (Private session at 2.38 p.m.)

8 THE COURT OFFICER: [14:38:00] We are in private session, Mr President.

9 MR HANNIS: [14:38:04] Thank you.

10 Q. [14:38:05] Witness, from your statement, I understand that you were (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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Trial Hearing  
WITNESS: CAR-OTP-P-2673

(Open Session)

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22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [14:44:36] We are in private session. Do you think  
24 we should stay in private? What you do think?

25 MR HANNIS: [14:44:41] Yes, I do, your Honour.

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- 1 PRESIDING JUDGE SCHMITT: Okay, then we (Overlapping speakers)
- 2 (Redacted)
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18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)

23 A. [14:51:13] I have not quite understood your question.

24 PRESIDING JUDGE SCHMITT: [14:51:18] But, Mr Hannis, we have 49 in front of us.

25 MR HANNIS: Okay.

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- 1 PRESIDING JUDGE SCHMITT: It's recorded. So it's ...
- 2 MR HANNIS: [14:51:24] Okay.
- 3 Q. [14:51:26] (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 A. [14:52:08] (Redacted)
- 8 Q. [14:52:18] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 A. [14:53:06] I did not say that I knew everything. Before this Court, all I am
- 14 talking about is what I know, so I cannot claim to know everything. What I know, I
- 15 tell. I told you that -- and I know what I said, what I said to you and what I said in
- 16 my statement. I never said that I know everything.
- 17 Q. [14:53:35] Okay. Well, maybe there's a matter of translation from French to
- 18 English, but the point I want to make here is that (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 A. [14:54:29] (Redacted)
- 24 Q. [14:54:32] Thank you.
- 25 MR KNOOPS: We can go into open session for a moment, your Honour.

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- 1 PRESIDING JUDGE SCHMITT: [14:54:39] Yeah, open session.
- 2 (Open session at 2.54 p.m.)
- 3 THE COURT OFFICER: [14:54:58] We are back in open session, Mr President.
- 4 MR HANNIS: [14:55:04]
- 5 Q. [14:55:04] Witness, now I want to ask you about a person named Pabandji.
- 6 Do you know who I'm talking about? Fleury Pabandji.
- 7 PRESIDING JUDGE SCHMITT: [14:55:55] Did you hear the question?
- 8 THE WITNESS: [14:56:11](Interpretation) No. I'm waiting for the question. If you
- 9 put the question, I can answer you.
- 10 MR HANNIS: [14:56:16] Okay.
- 11 PRESIDING JUDGE SCHMITT: [14:56:17] Please repeat it.
- 12 MR HANNIS: Yes.
- 13 PRESIDING JUDGE SCHMITT: It was a short question.
- 14 MR HANNIS: Yes.
- 15 PRESIDING JUDGE SCHMITT: So it should come through.
- 16 MR HANNIS: [14:56:21]
- 17 Q. [14:56:22] Witness, I am asking you if you -- well, in your statement, you talk
- 18 about a person named Junior Fleury Pabandji, in paragraphs 39 and 63 and 145
- 19 through 152.
- 20 A. [14:57:00] Yes, I know him. I know Fleury Pabandji. He was part of the group
- 21 of Dazoumi, Sani Yalo, Meckassoua, Gbangouma and others. I say so because when
- 22 {ICR: (Redacted)} the leader of
- 23 their rebellion, and he said it was Meckassoua. {ICR: (Redacted)}
- 24 (Redacted)}, and he said that indeed it was
- 25 Meckassoua who was the leader of the group at that time.

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1 Q. [14:57:50] Sorry to interrupt, I just want to know --

2 THE INTERPRETER: [14:57:55] Dazoumi Yalo is the name, from the Sango booth.

3 MR HANNIS:

4 Q. I just want to interpret and ask you very specific questions about Mr Pabandji.

5 In your statement, you mentioned that he was arrested in Cameroon. Can you tell  
6 me: When did he get arrested? If you know an approximate date.

7 A. [14:58:40] I said that Pabandji was effectively arrested, but he wasn't taken  
8 elsewhere. You can cross-check that. They did not take him anywhere. He was  
9 arrested. Policemen came and found him. \*They also found Lamkague, Gbangouma,  
10 Captain Wango, four of them. Captain Wango had two passports, and he said that  
11 he was leaving for Chad, and he was released. Pabandji also was released. Then  
12 they took Lamkague and Gbangouma to Yaoundé. As for Pabandji, no. Well, he  
13 was simply questioned and released.

14 Q. [14:59:36] Okay. My question about Mr Pabandji was, well, if you first can tell  
15 me when he was first in Cameroon, as far as you know; and secondly, can you tell me  
16 did he stay in Cameroon until after Djotodia stepped down in CAR in 2014.

17 A. [15:00:18] Yes, he remained in Cameroon until Djotodia stepped down. It is  
18 after everyone had returned that he came. He was in Garam-Bouläi in Cameroon,  
19 although he was initially in Douala. Then he came to the border at Garam-Bouläi.  
20 He stayed there until Djotodia stepped down. It is only thereafter that he came to  
21 Bangui.

22 Q. [15:00:48] All right. Thank you. One more person I want to ask you  
23 something about now in open session is Armel Sayo. And, Mr Witness, I want to  
24 read you from a document.

25 This is from tab 3 on our list, your Honours. This is CAR-OTP-2023-0032. And I

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- 1 want to go specifically to page number 0368.
- 2 And, Mr Witness, I'm going to read to you from this exhibit. This is from a report by
- 3 the United Nations panel of experts on the Central African Republic. This is from
- 4 December 2015. And if you'll be patient with me, I'll try to read slowly through this.
- 5 And I don't know if you can see it where you are, but I'm reading from the English.
- 6 This is paragraph 62 in this annex to the report. And it says: (Interpretation) "The
- 7 Popular army for democracy and the republic" (Speaks English) "(APRD) of
- 8 Demafouth signed a DDR agreement with the CAR government of Bozize on
- 9 9 May 2007 and benefited from significant international funding through UNDP for
- 10 its demobilisation. Nevertheless, the backbone of Armel Sayo's group, *Révolution et*
- 11 *Justice*, is composed of demobilised APRD military commanders. Information
- 12 obtained indicated that Sayo inflated the number of members of RJ to 14,000 - instead
- 13 of 60, as reported by the Panel in paragraph 103 of its 2014 final report - in order to
- 14 benefit from DDR the same way as Demafouth did in the past. This also contradicts
- 15 a document provided by RJ commander Belanga to MINUSCA in Paoua on
- 16 10 June 2015 mentioning only 172 elements."
- 17 Did you know about this, Mr Witness? Had you ever heard about this?
- 18 A. [15:04:28] I'm not aware of this.
- 19 Q. [15:04:34] You did know, didn't you, that in -- that before 2000 there was an
- 20 armed group called the APRD in CAR?
- 21 A. [15:04:57] Yes, indeed, there was a group by that name.
- 22 Q. [15:05:04] Okay. And were you aware that Mr Demafouth was the leader of
- 23 that group?
- 24 A. [15:05:16] I knew that.
- 25 MR HANNIS: (Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [15:05:24] Microphone.

2 MR HANNIS: [15:05:25]

3 Q. [15:05:25] Were you aware that Mr Sayo had trained some of the APRD militia?

4 A. [15:05:49] Thank you. What I do know, Armel Sayo, what I know about him is  
5 when I met him -- in my statement, when I mentioned Sayo, it was simply regarding  
6 \*the Thurayas and the meeting we had with the white people when we gave us the  
7 Thuraya, Grimari and I, to whom they gave an amount of more than 2 million. But  
8 everything Sayo did before, I don't know much about that.

9 Q. [15:06:27] Okay. Thank you for that. I'm going to come back a little later to  
10 paragraphs I think 176 to 180 in your statement about the phones.  
11 For now, I want to go next to -- let me see if this is -- yeah. I said earlier -- even  
12 before that meeting, were you aware that Mr Sayo had formed an armed group called  
13 *Révolution* and Justice, Revolution and Justice in English?

14 A. [15:07:22] I was aware of that.

15 Q. [15:07:28] And, Mr Witness, as I said before, having worked {ICR: (Redacted)  
16 (Redacted)}. And  
17 although you say once or twice in your statement that you're aware of everything, I  
18 think you have to agree with me, none of us can know everything, right?

19 MS STRUYVEN: [15:07:59] We're currently in public session, and I think we're  
20 discussing {ICR: (Redacted)}

21 PRESIDING JUDGE SCHMITT: [15:08:05] Oh, well, yes. Yes. I think we go to  
22 private session.

23 (Private session at 3.08 p.m.)

24 THE COURT OFFICER: [15:08:28] We are in private session, Mr President.

25 MR HANNIS: [15:08:34]

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1 Q. [15:08:34] Do I need to repeat that question, Mr Witness?  
2 PRESIDING JUDGE SCHMITT: [15:09:00] Mr Witness, the question was simply a  
3 suggestion by the counsel that (Redacted)  
4 THE WITNESS: [15:09:31](Interpretation) (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted). You asked me the question, I told you I was aware of that. I  
9 only can tell you what I know. (Redacted)  
10 (Redacted)  
11 (Redacted). No, I don't know everything.  
12 PRESIDING JUDGE SCHMITT: We have already assumed that.  
13 THE INTERPRETER: [15:10:19] Sango message: Can you please go slower.  
14 PRESIDING JUDGE SCHMITT: [15:10:23] Yes, Mr Hannis. Please continue. I  
15 think we -- we leave the question of knowing everything now.  
16 MR HANNIS: [15:10:29]  
17 Q. [15:10:37] Yeah. I understand, Witness. Me too. I don't know everything.  
18 I want to ask you next about -- there were a couple of -- there's three or four places in  
19 your statement where you mention that you lied to people for various reasons. One  
20 of the first sections I want to ask you about is in paragraphs 111 to 117 in your  
21 statement. And I don't recall if we're in open session now or not.  
22 PRESIDING JUDGE SCHMITT: [15:11:05] We're in private session.  
23 MR HANNIS: [15:11:06] Okay. Thank you.  
24 Q. [15:11:09] Witness, we're in private session.  
25 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [15:13:10] Well, I can only tell you -- and I'm only asking you questions based on  
19 what I'm reading from the English translation. And in your report in paragraphs 111  
20 to 116, it seems clear that you had lied about that.

21 You said in paragraph 115, quote:

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 So is that not a correct translation of what you say in your original French statement?

5 A. [15:14:36] Yes, that's what I said. That's what I said. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [15:15:17] All right. I understand.

12 Your Honours, there are other paragraphs in this statement, 118 and 141, that relate to  
13 this.

14 But I'm going to go lastly to paragraphs 176 to 180, Mr Witness, and this is a subject  
15 you've talked about a little bit before. This relates to the Thuraya phones and  
16 something -- meetings that you and Christian Grimari had with some white people  
17 who claim to be Israelis, but I think you believe they were Belgians. Do you recall  
18 that event?

19 A. [15:16:17] \*Yes, I do remember that and I am the one who said it.

20 Q. [15:16:20] Okay. (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [15:16:52] (Redacted)

24 (Redacted)

25 (Redacted)

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- 11 (Redacted)
- 12 Q. [15:18:55] (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 That's correct; isn't it?
- 21 A. [15:20:01] Yes, that's my statement. When they questioned me, that's how I
- 22 answered.
- 23 Q. [15:20:10] And finally, Mr Witness, I just want to go to one more example.
- 24 (Redacted)
- 25 (Redacted)

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12 Q. [15:22:17] Okay. Thank you, Mr Witness, for that.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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1 (Redacted)

2 (Redacted). I would tell you the truth.

3 That's why I'm telling you the truth now and that's why I lied to them.

4 Q. [15:27:29] Well, as -- as we've seen in your statement, you admitted at least six or  
5 seven times having lied. (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [15:30:00] (No interpretation)

9 PRESIDING JUDGE SCHMITT: [15:28:13] I think there was an answer.

10 MR HANNIS: [15:28:18] I heard something, but I didn't see any translation

11 (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [15:28:20] Mr Witness, what have -- what?

13 MR HANNIS: [15:28:24] I didn't hear anything.

14 PRESIDING JUDGE SCHMITT: [15:28:26] Mr Witness, could you please repeat what  
15 you said? It didn't come through.

16 THE WITNESS: [15:28:51](Interpretation) It's true. I've understood you. But I

17 would like to tell you the truth so that your Court is strong, so that you are credible.

18 That's why I'm telling you the reality that happens from my conscience, from my

19 body. This is what I'm trying to tell you. I did give an oath to say I tell you the

20 truth. You know, there are things I didn't want to say, but when I thought about it, it

21 is important that I tell you the truth before the Court. If it wasn't before your Court,

22 I would never say that. If I'm saying this, it's because I want you to be credible, that

23 everybody respects the Court. That's why I must tell you the truth.

24 MR HANNIS: [15:29:39] Thank you, Mr Witness.

25 I don't have any more questions, your Honour.

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1 PRESIDING JUDGE SCHMITT: [15:29:42] Thank you. Yeah, this concludes the  
2 testimony of this witness.

3 Mr Witness, on behalf of the Chamber -- yeah, we go to open session, of course.

4 Thank you. Thank you for reminding me. That makes sense.

5 (Open session at 3.30 p.m.)

6 THE COURT OFFICER: [15:30:14] We are back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [15:30:17] Thank you.

8 Mr Witness, as I have just said, this concludes your testimony. On behalf of the

9 Chamber and the Court, I would like to thank you that you made yourself available

10 as a witness in this case and assist and help the Court to establish the truth. We wish

11 you a safe trip back to your home.

12 THE WITNESS: [15:30:52](Interpretation) I, too, thank you. I thank you with my  
13 whole heart.

14 (The witness is excused)

15 PRESIDING JUDGE SCHMITT: [15:30:55] So this concludes, also, the hearing of

16 today and this week. It's been a long week, I have to say. If we are in the court

17 every day, this puts quite a strain on everybody, I have to say. But we resume soon

18 on Monday, 9.30, with P-2215, I think -- 51. So no matter. I think the right witness,

19 whatever his number will be, it will be at the video-link location. Thank you.

20 THE COURT USHER: [15:31:24] All rise.

21 (The hearing ends in open session at 3.31 p.m.)