

Trial Hearing
WITNESS: CAR-OTP-P-0349

(Open Session)

ICC-01/14-01/21

- 1 International Criminal Court
- 2 Trial Chamber VI
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
- 5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
- 6 Judge Sergio Gerardo Ugalde Godínez
- 7 Trial Hearing - Courtroom 2
- 8 Monday, 15 July 2024
- 9 (The hearing starts in open session at 9.40 a.m.)
- 10 THE COURT USHER: [9:40:49] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SAMBA: [9:41:20] Good morning, everyone.
- 14 Madam Court Officer, can you kindly mention the case.
- 15 THE COURT OFFICER: [9:41:26] Good morning, Madam President, your Honours.
- 16 The situation in the Central African Republic II, in the case the Prosecutor versus
- 17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
- 18 And we are in open session.
- 19 PRESIDING JUDGE SAMBA: [9:41:40] Thank you very much, Madam Court
- 20 Officer.
- 21 Can I ask the parties to announce their representation, starting with the Prosecution.
- 22 MS MAKWAIA: [9:41:49] Good morning, Madam President, your Honours.
- 23 For the Prosecution this morning, myself, Holo Makwaia, senior trial lawyer;
- 24 Sanyu Ndagire, Alessia Vitiello. And our legal intern, Mamadou Fofana.
- 25 Thank you.

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- 1 PRESIDING JUDGE SAMBA: [9:42:02] Thank you very much, Ms Makwaia.
2 Ms Pellet, welcome back to the courtroom. For the victims, your representation,
3 please.
4 MS PELLET: [9:42:15](Interpretation) Thank you very much, Madam President.
5 The victims are represented by Tars Van Litsenborgh, by myself, Sarah Pellet, counsel
6 at the Office of Public Counsel for Victims.
7 PRESIDING JUDGE SAMBA: [9:42:28] Ms Naouri for the Defence, please.
8 MS NAOURI: [9:42:35](Interpretation) Thank you, Madam President. Good
9 morning. To my left, Dov Jacobs, to my right Capucine Banet, and to -- and myself,
10 I'm Jennifer Naouri, lead counsel for Said Abdel Kani.
11 PRESIDING JUDGE SAMBA: [9:42:53] Thank you very much, Ms Naouri.
12 Rule 74 counsel, can you announce your representation, please.
13 MR VON BÓNÉ: [9:42:59] Good morning, your Honour. My name is
14 Julius von Bóné, I'm counsel for the witness today and tomorrow. Thank you.
15 PRESIDING JUDGE SAMBA: [9:43:06] Thank you very much, counsel.
16 And for the record, I note that Mr Said is in court with us here.
17 Good morning, Mr Said. I hope I see you well.
18 MR SAID: [9:43:20](Interpretation) Yes. Good morning, Madam President.
19 THE INTERPRETER: [9:43:25] And the third member of the Defence team was
20 Capucine Banet.
21 PRESIDING JUDGE SAMBA: [9:43:30] Thank you very much, Mr Interpreter.
22 So the Prosecution is calling P-0349 as its 41st witness.
23 The Chamber previously granted an application by the Prosecution to introduce
24 P-0349's prior recorded testimony pursuant to Rule 68(3) of the Rules of Procedure
25 and Evidence in decision numbered 571.

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1 It is the Chamber's understanding that this witness will be testifying in French via
2 video link, so I remind everyone of the importance of the need to speak slowly and to
3 observe the five-second rule between questions and answers.

4 Now, before commencing, the Chamber notes briefly that protective measures are
5 confirmed for this witness by virtue of decision numbered 481, and that the VWU
6 recommends certain special measures, in particular that questions are put in
7 a non-pressuring manner. The parties are ordered to be mindful during their
8 questioning.

9 We'll now discuss the issue of Rule 74 assurances.

10 The Chamber has taken note of Mr von Bóné's request for Rule 74 assurances, which
11 was transmitted via email over the weekend.

12 Can I ask the Prosecution to make submissions, if any, on counsel's request for
13 Rule 74 assurances.

14 And please be mindful we are in open session.

15 MS MAKWAIA: [9:45:19] We have no objection of the representation,
16 your Honours.

17 PRESIDING JUDGE SAMBA: [9:45:23] Thank you very much, Ms Makwaia.
18 Ms Naouri for the Defence, any submission, or comments?

19 MS NAOURI: [9:45:31](Interpretation) No comment, Madam President. We are in
20 your hands.

21 PRESIDING JUDGE SAMBA: [9:45:35] Thank you very much, counsel.

22 Now the Chamber will render its decision on the requested assurances in accordance
23 with Rule 74 of the Rules of Procedure and Evidence.

24 Mindful of the factors specified in Rule 74(5) of the Rules, in particular the content of
25 P-0349's anticipated testimony, the Chamber has decided to provide P-0349

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- 1 assurances pursuant to Rule 74 of the Rules in order to enable the witness to testify
2 without fear of the consequences of self-incrimination. The parties are ordered to be
3 mindful during their questioning of P-0349, and to the extent that a line of
4 questioning raises issues of self-incrimination, they are ordered to request the use of
5 private sessions, as necessary.
6 The Chamber will explain the assurances and their limits to the witness when he's
7 connected to the Chamber.
8 Now this concludes the Chamber's ruling.
9 Madam Court Officer, can we have the witness connected, please.
10 Good morning, Mr Witness.
11 Can you see me? Can you hear me?
12 WITNESS: CAR-OTP-P-0349
13 (The witness speaks French)
14 (The witness gives evidence via video link)
15 THE WITNESS: [9:47:56](Interpretation) Yes. Good morning. I can see you and
16 I can hear you.
17 PRESIDING JUDGE SAMBA: [9:48:02] Good.
18 Now, Mr Witness, you are going to testify before the International Criminal Court, so
19 on behalf of this Chamber I welcome to you the courtroom.
20 THE WITNESS: [9:48:21](Interpretation) Thank you very much.
21 PRESIDING JUDGE SAMBA: [9:48:23] You should have in front of you the solemn
22 declaration or the solemn undertaking to tell the truth that every witness who testifies
23 before the Court must agree to.
24 Can I ask that you please read that out for us, Mr Witness.
25 THE WITNESS: [9:48:54](Interpretation) Very well. I can read it out.

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- 1 PRESIDING JUDGE SAMBA: [9:49:06] Can you read it out for us, please.
- 2 THE WITNESS: [9:49:18](Interpretation) I solemnly declare that I shall speak
- 3 the truth, the whole truth and nothing but the truth.
- 4 PRESIDING JUDGE SAMBA: [9:49:27] Thank you very much, Mr Witness.
- 5 Now, do you understand and agree to what you just read out, Mr Witness?
- 6 THE WITNESS: [9:49:44](Interpretation) Yes. I understand that perfectly well.
- 7 PRESIDING JUDGE SAMBA: [9:49:46] Good. So we'll continue.
- 8 Mr Witness, let me now explain to you the protective measures that the Chamber has
- 9 put in place for your testimony.
- 10 We have in place for you voice and face distortion for the duration of your testimony.
- 11 This means that no one outside the courtroom can see your face or hear your real
- 12 voice during your testimony.
- 13 We also have in place for you the use of pseudonym. In accordance with that, we
- 14 will all refer to you only as "Mr Witness", so that the public does not know your
- 15 name.
- 16 When you answer questions that will not give away who you are, we will do so in
- 17 open session, which means that the public can hear what is being said inside
- 18 the courtroom.
- 19 When you are asked to describe anything that relates specifically to you, or you are
- 20 asked to mention facts that will reveal your identity, we will do so in private session.
- 21 Do you understand, Mr Witness?
- 22 Are you talking to somebody? Are you paying attention to what I'm saying?
- 23 Do you understand what I have said in respect of protective measures for you,
- 24 Mr Witness?
- 25 THE COURT OFFICER: [9:52:14] Court officer here, can the court officer in the field

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1 please update me through email on what is happening at the moment. We don't
2 hear the witness. He seems to interact with someone in the room. Thank you very
3 much.

4 PRESIDING JUDGE SAMBA: [9:52:51] Can you hear me, Mr Witness?

5 THE WITNESS: [9:52:59](Interpretation) No. For the last two minutes I think there
6 was a gap in the connection. It is just now that I have heard you again.

7 PRESIDING JUDGE SAMBA: [9:53:11] Okay.

8 I will go over the protective measures that we have put in place for you for
9 the duration of your testimony.

10 We have in place for you voice and face distortion. That means that no one outside
11 this courtroom can hear your real voice or see your face.

12 We also have in place for you the use of pseudonym. And, in accordance with that,
13 we shall all refer to you only as "Mr Witness", so that the public does not get to know
14 your name.

15 When you answer questions that will not give away who you are, we will do in open
16 session, which means that the public can hear what is said in the courtroom.

17 When you answer questions -- or when you are asked questions to describe anything
18 that relates specifically to you, or you are asked to mention facts that might reveal
19 your identity, we will do so in private session.

20 Do you understand that, Mr Witness?

21 THE WITNESS: [9:55:03](Interpretation) Yes. Thank you, Madam President.

22 Because what you have just said has reassured me. And I believe that your team
23 prepared me and talked to me about those protection measures, so I was reassured
24 and I feel comfortable to come and testify with those assurances and the protection
25 measures.

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1 PRESIDING JUDGE SAMBA: [9:55:32] Good.

2 So, Mr Witness, you have been assigned a lawyer to provide you with legal advice

3 about possible self-incrimination. Your lawyer has requested that the Chamber

4 grants you assurances with respect to self-incrimination and the Chamber has

5 decided to grant you such assurances. This means that the Chamber assures you

6 that if you are asked questions where your answers may incriminate you, then these

7 answers will not be used against you in any subsequent proceedings before this Court.

8 And those questions and answers will be kept confidential. Practically speaking, if

9 any question is asked that could lead to your self-incrimination, we will hear your

10 answer in private session.

11 That being said, Mr Witness, the assurances that the Chamber has granted you do not

12 mean that you are allowed to lie to the Chamber when giving your answers and you

13 may be prosecuted for giving false or incomplete testimony.

14 You are under oath now to tell the truth and nothing but the truth.

15 Do you understand that, Mr Witness?

16 THE WITNESS: [9:57:25](Interpretation) Thank you, Madam President.

17 I believe that I am here to testify with a lot of conviction about the experiences that I

18 had and what I heard, and based on my statement and on the oath that I have

19 undertaken to tell the truth and nothing but the truth.

20 PRESIDING JUDGE SAMBA: [9:57:53] Thank you very much, Mr Witness.

21 Now, lastly, I have a few practical matters you should have in mind when giving

22 your testimony.

23 Everything we say here in the courtroom is written down and interpreted. It is

24 therefore important to speak clearly and at a slow pace. Please speak into

25 the microphone that you have before you and only start speaking when the person

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1 asking you the question is finished.

2 Now, to allow the interpretation, everyone has to wait a few seconds before starting
3 to speak.

4 If you have any questions yourself, or if you need a break, raise your hand so that we
5 know that you want to say something to us.

6 Now, further, we hope that there are no issues with the video link. However, if
7 there are any issues with technology, be rest assured that we shall do our very best to
8 get things sorted out as quickly as possible.

9 Have you understood all that I have said, Mr Witness?

10 THE WITNESS: [9:59:23](Interpretation) Perfectly well.

11 PRESIDING JUDGE SAMBA: [9:59:26] Thank you very much, Mr Witness.

12 So now we are going to start with your testimony and I'm going to invite
13 the Prosecution to lead you in chief.

14 Madam Prosecutor, your witness, please.

15 QUESTIONED BY MS NDAGIRE:

16 Q. [9:59:50] Good morning, Mr Witness. My name is Sanyu Ndagire. I am
17 a lawyer on the Prosecution team and I'll be asking you some questions this morning.

18 Madam President, I request if we can go into private session for under a minute for
19 the witness to provide his identifying information for the record.

20 PRESIDING JUDGE SAMBA: [10:00:12] Madam Court Officer, can we go into
21 private session briefly, please. Thank you.

22 (Private session at 10.00 a.m.)

23 THE COURT OFFICER: [10:00:27] We are in private session, Madam President.

24 PRESIDING JUDGE SAMBA: [10:00:29] Thank you very much.

25 Madam Prosecutor, please carry on.

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1 MS NDAGIRE: [10:00:33]

2 Q. [10:00:35] Mr Witness, we are now in private session and you may speak freely

3 without fear of your identity being revealed outside of what we can currently hear.

4 Could you please tell us your name.

5 A. [10:01:02] Thank you, Madam Prosecutor. My name is (Redacted)

6 (Redacted).

7 Q. [10:01:09] And what is your nationality?

8 A. [10:01:17] I am Central African.

9 Q. [10:01:22] And where were you living between the months of April and
10 August 2013?

11 A. [10:01:37] In Bangui in the Central African Republic.

12 Q. [10:01:44] And what was your occupation during these months of April to
13 August 2013, if you recall?

14 A. [10:02:03] Thank you. From April to August 2013, I occupied a number of
15 positions, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:02:57] (Redacted)

21 (Redacted). Which president was this?

22 A. [10:03:12] The president at the time was Mr Michel Djotodia.

23 Q. [10:03:25] Thank you very much, Mr Witness.

24 Madam President, I request if we can move back to open session, please.

25 PRESIDING JUDGE SAMBA: [10:03:32] Madam Court Officer, can we go back into

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1 open session, please.

2 (Open session at 10.03 a.m.)

3 THE COURT OFFICER: [10:03:48] We are back to open session, Madam President,
4 your Honours.

5 PRESIDING JUDGE SAMBA: [10:03:53] Thank you very much.

6 Counsel, please continue.

7 MS NDAGIRE: [10:03:56] Thank you very much, your Honour.

8 Q. [10:04:00] Witness, we are now in open session, so please be careful not to
9 identify yourself.

10 My next question is, do you recall being interviewed or questioned by investigators
11 from the Office of the Prosecutor of the ICC in the year 2018?

12 A. [10:04:28] Yes, I do remember.

13 Q. [10:04:36] And during that interview in 2018, were you shown any documents
14 or videos or photographs by the investigators from the Prosecution?

15 A. [10:04:59] Yes, indeed, they did show me some videos and a few photographs.
16 I do recall.

17 Q. [10:05:11] And at the end of that interview, was a record of what you told them
18 taken down and shown to you or read back to you?

19 A. [10:05:42] Yes, Madam Prosecutor. Yes, my statement, of course.

20 Q. [10:05:51] And did you have an opportunity to look at the statement and sign it?

21 A. [10:06:09] Yes, indeed. In 2018, when I finished my interview with
22 the investigators, they did have me read through my statement. I approved it, I
23 signed it. And, more recently, another team of course presented my statement to me
24 and I confirmed to them that it was indeed my statement and nothing was modified.
25 I can confirm that.

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- 1 Q. [10:06:42] Thank you very much for that, Mr Witness.
- 2 Could the court officer please display on the witness's screen tab 1 of our binder.
- 3 The ERN, for the record, is CAR-OTP-2074-0041.
- 4 Mr Witness, do you see the document on your screen right now?
- 5 PRESIDING JUDGE SAMBA: [10:07:51] Mr Witness, can you hear me?
- 6 THE WITNESS: [10:08:00](Interpretation) Yes, Madam President, I can see
- 7 the document. It has been brought up, but it is not legible and your colleague is now
- 8 making it legible for me. There we are. So now it is well presented, I can see it.
- 9 MS NDAGIRE: [10:08:23]
- 10 Q. [10:08:24] Mr Witness, do you recognise the document on your screen?
- 11 A. [10:08:34] Yes, I do recognise the document. I am familiar with it.
- 12 Q. [10:08:42] Could the court officer please scroll down to the bottom of the page.
- 13 Thank you.
- 14 Mr Witness, do you see any names or signatures there?
- 15 A. [10:08:58] Yes, yes. Of course, yes, indeed, Madam President. I can see names
- 16 and signatures.
- 17 Q. [10:09:11] And whose names and signatures do you recognise, Mr Witness,
- 18 without telling us what the names are?
- 19 A. [10:09:34] I recognise all of the signatures.
- 20 Q. [10:09:39] And does your name or signature appear anywhere on this page,
- 21 Mr Witness?
- 22 A. [10:09:53] My name and signature does indeed appear authentic.
- 23 Q. [10:10:08] Right.
- 24 Could the court officer please turn to the last page of this document.
- 25 Mr Witness, are you able to see the page that's on your screen now?

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- 1 A. [10:10:39] Yes, I can see the page.
- 2 Q. [10:10:44] And whose signature do you see on this page?
- 3 A. [10:10:59] I can see my signature and the team that met with me.
- 4 Q. [10:11:12](Microphone not activated) that, Mr Witness.
- 5 Madam President, I request that tab 1 be formally submitted.
- 6 Now, Mr Witness, earlier on you stated that you recently met with the team and you
- 7 were able to look at your statement again. Can you confirm when this meeting was?
- 8 A. [10:11:54] Thank you, Madam. If my memory serves me correctly, I don't
- 9 remember the date precisely, but possibly the first of this month, if I'm not mistaken.
- 10 The first to the second, if I'm not mistaken with the date, of this very month that is.
- 11 Q. [10:12:15] And during that opportunity, did you have -- during that meeting,
- 12 rather, did you have an opportunity to have the statement read back to you by an
- 13 interpreter, or did you read it yourself?
- 14 A. [10:12:43] Thank you, Madam Prosecutor. Yes, I did have the opportunity to
- 15 read through the document in a hard copy version and I confirmed that it was indeed
- 16 my statement.
- 17 Q. [10:13:01] And during this same meeting did you have -- did you look at the
- 18 same photographs, videos and -- yes, photographs and videos that you had been
- 19 shown during your initial interview of 2018?
- 20 A. [10:13:29] Indeed. I saw all of the images in 2018, all of the images. If my
- 21 memory serves me correctly, these were the images I saw.
- 22 Q. [10:13:52] Thank you. And did you also provide any clarifications or
- 23 corrections to your statement that was read back to you in this recent meeting of July
- 24 this year?
- 25 A. [10:14:15] Yes, Madam Prosecutor, I believe that I did bring some minor

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1 amendments to one part of the statement. That is what the team took into account
2 and that is what made us sign once again against one amendment that I brought to
3 the document.

4 Q. [10:14:50] And those minor amendments that you said you made, were they
5 recorded down and later read back to you?

6 A. [10:15:13] Yes, of course. Once I had brought this minor amendment, I believe
7 that the team corrected the statement and they asked me to reread the statement.
8 And once that had been done, I noted my amendment and I signed it again.

9 Q. [10:15:40] Thank you for that information, Mr Witness.
10 Court officer, I kindly request that you display onto the witness's screen tab 9 of our
11 binder. And the ERN -- ERN, for the record, is CAR-OTP-00036703. And I ask that
12 we -- that the court officer please turn to the last page of the document.

13 Now, Mr Witness, while this document is in English, do you recognise the signature
14 on the page?

15 A. [10:16:53] I can confirm that this is my signature.

16 Q. [10:17:04] And do you recall whether this is the same document that you said
17 a little earlier on you signed after making the minor amendments to your statement?

18 A. [10:17:26] Yes, I can confirm that.

19 Q. [10:17:31] Thank you very much, Mr Witness.

20 I request, Madam President, that tab 10 be formally submitted as well.

21 Now, Mr Witness, for my final question --

22 THE COURT OFFICER: [10:17:45] Tab 9, for the record.

23 MS NDAGIRE: [10:17:48] Apologies. Tab 9, indeed.

24 Q. [10:17:52] Mr Witness, for my final question I would like to ask, do you consent
25 to the judges using your statement that you just looked at from 2018 and the minor

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1 amendments that you made in order to help them determine the truth in this trial?

2 A. [10:18:25] Yes, of course, Madam Prosecutor.

3 Q. [10:18:32] Thank you for that.

4 Madam President and your Honours, with that, the Prosecution submits that
5 the Rule 68(3) requirements have been met, the witness having consented for his prior
6 statement and clarifications or amendments to be used in this trial.

7 And the documents, again for the record, that the Prosecution wishes to have
8 submitted, are tabs 1, 2, 4, 5, 6, 7 and 9 of the Prosecution's binder.

9 That brings me to the conclusion of my questions for this witness at this moment.

10 PRESIDING JUDGE SAMBA: [10:19:19] Thank you very much, counsel.

11 This witness, being present before this Trial Chamber and the witness having agreed
12 to the submission of his prior recorded testimony, the corrections made thereto and
13 all associated materials, the Prosecutor having led the witness in chief, the Defence
14 and the Chamber having an opportunity to question this witness during these
15 proceedings, this witness's prior recorded testimony and all associated materials are
16 allowed into evidence.

17 Now, Mr Witness, that brings us to the end of the Prosecutor's examination-in-chief.

18 I am going to allow the Defence for Mr Said to put questions to you in
19 cross-examination.

20 Ms Naouri for the Defence, cross-examination, please.

21 MS NAOURI: [10:20:39](Interpretation) Thank you very much, Madam President.

22 QUESTIONED BY MS NAOURI: (Interpretation)

23 Q. [10:20:53] Good morning, Mr Witness.

24 A. [10:21:00] Good morning, counsel.

25 Q. [10:21:04] My name is Jennifer Naouri and I'm the one who's going to be putting

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1 questions to you today on behalf of the Defence of Mr Said.

2 We are both going to be speaking in French, and everything that we are saying is

3 being transcribed, that means that everything that we say is being written down and

4 everything that we are going to say is also being interpreted into the English language.

5 So we do have a rule here, which is called the five-second rule, and this means that,

6 before answering my question and before putting a question to you, I have to wait

7 five seconds. So let's together try to respect this rule. It's not an easy thing, believe

8 me, but I am sure we will manage.

9 Now, in the same vein the Presiding Judge explained to you that there are protective

10 measures in place. I am, of course, going to be moving into private session

11 whenever there are identifying elements and that is how we shall move forward.

12 But if you have any doubt whatsoever, please tell us.

13 For my first questions I'm going to be requesting that we move into private session

14 because there are indeed elements that might be identifying, all right.

15 Madam President, can we please move into private session.

16 PRESIDING JUDGE SAMBA: [10:22:35] Certainly.

17 Madam Court Officer, can we go into private session briefly, please. Thank you.

18 (Private session at 10.22 a.m.)

19 THE COURT OFFICER: [10:22:50] We are back to private session, Madam President.

20 PRESIDING JUDGE SAMBA: [10:22:52] Yes, thank you very much.

21 Ms Naouri, please continue.

22 MS NAOURI: [10:22:57](Interpretation) Thank you, Madam President.

23 Q. [10:23:01] So I'm going to come back on things that you stated in your prior

24 statement. And in your prior statement, I shall on occasion quote references for

25 the record so that everyone knows what I'm talking about.

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1 Now, this is tab 1 for us, this prior statement, CAR-OTP-2074-0041. And it is
2 paragraph 14 that is of interest to me, that is page 0043 and 0044, where you say that
3 you did your primary school studies in (Redacted).

4 Now, can you confirm that that is indeed the case, Mr Witness?

5 A. [10:23:59] Yes, I can indeed confirm, counsel.

6 Q. [10:24:04] Very well. Now, my question to you is, when did you go to
7 (Redacted) in order to follow your university studies? In fact, secondary and
8 university studies, if I have understood well.

9 A. [10:24:24] Yes, counsel. That was in the year 1995.

10 1995 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:25:07] Very well. Thank you very much for that point of clarification.

15 Now, your first employment, was that in (Redacted)?

16 A. [10:25:19] Yes, of course, counsel, it was in (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:25:40] Very well. Now, how long after working at the (Redacted)

20 (Redacted)

21 A. [10:25:55] I believe that I worked (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:26:45] Very well. I'm going to come back on what you just said. You said

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- 1 you were (Redacted)
- 2 (Redacted)
- 3 (Redacted), Mr Witness?
- 4 A. [10:27:08] Thank you, Madam. (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 MS NAOURI: [10:28:19](Interpretation)
- 14 Q. [10:28:19] So you can -- it's (Redacted)
- 15 (Redacted), so we can confirm this for the record; is that correct?
- 16 A. [10:28:28] Yes, that is correct.
- 17 Q. [10:28:38] Very well. You say that you worked for (Redacted). Now,
- 18 what you were doing between 2011 and 2013?
- 19 A. [10:28:52] Yes, thank you, counsel.
- 20 I believe that in the year 2011 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [10:29:39] Very well. Thank you. We're going to come back to this step by

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1 step.

2 In order to understand correctly, when you were in (Redacted), why were you there,
3 in what capacity, Mr Witness?

4 A. [10:29:59] Yes, thank you very much, counsel. (Redacted)

5 (Redacted)

6 Can I continue?

7 Q. [10:30:26] Please go ahead.

8 A. [10:30:27] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 Q. [10:32:58] Thank you for those clarifications.
- 2 Just to look at your prior statement, tab 1, CAR-OTP-2074-0041, page 0044,
- 3 paragraph 9, you -- it is written -- paragraph 19 -- it is written as follows: "I am able to
- 4 testify about the creation of the Seleka movement, (Redacted)
- 5 (Redacted), I was following keenly the events in the CAR."
- 6 Now you say you were not the -- in the CAR, (Redacted)
- 7 (Redacted), there; is that what you said, Mr Witness?
- 8 A. [10:34:14] Thank you, counsel. Maybe it was a question of details. I said that
- 9 when (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted). So that does not contradict my testimony.
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. [10:35:35] Thank you. When you were (Redacted)
- 18 (Redacted); is that correct?
- 19 A. [10:35:49] Yes, counsel. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [10:36:38] Mr Witness, I'm looking at the transcript to -- just to be sure that I
- 24 understood you correctly.
- 25 My question was, when did you move from (Redacted)

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1 A. [10:37:01] It was in the same year, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:37:43] Very well. And where were you when the Libreville agreements
6 were signed?

7 A. [10:37:56] Thank you very much. I am speaking with all conviction, I
8 am -- I was definitely in (Redacted)

9 (Redacted) -- well, I hope

10 I am -- we are in private session, because I am going to mention people's names.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:39:56] Very well. Thank you, Mr Witness. That throws some light on
22 things.

23 You talked about the movement opposed to the governance of Bozizé, movement for
24 the armed revolution for change.

25 I want to talk to you about that, if you wish. I would like to ask us to go to open

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1 session. We will speak generally about that movement, and if at any point there is a
2 danger of identification, then we can come back to private session.

3 Madam President, can I go to open session.

4 I'm sorry, Mr Witness, I had not seen your hand up. Please proceed.

5 A. [10:40:47] Yes. Madam President, with your leave, I can mention the name of
6 the movement, the name of the secretary, and that includes the other movements in
7 which (Redacted)

8 Q. [10:41:10] I will try to answer, Mr Witness, because I am asking the questions,
9 not the Presiding Judge.

10 I will ask you questions on the movements that made up the Seleka. So this is
11 information that is in the public domain. Those movements have been spoken about
12 many times. So we will talk about them in general, that is why we can talk about in
13 open session. But if you played a specific role, we would not be in open session and
14 we would go into private session. But we will talk about these movements generally
15 speaking, specifically about their leaders, and these are issues that we deal with
16 frequently with other witnesses.

17 So if the President allows, that's how we will proceed.

18 A. [10:42:16] Can I mention the names of those movements, or just the movements
19 themselves?

20 PRESIDING JUDGE SAMBA: [10:42:23] Let's do a little bit of correction here to
21 the transcript: Mr Witness, did you mention Libreville or Brazzaville? Because
22 the transcript reads "Brazzaville". Do you mean Brazzaville or Libreville?

23 MS NAOURI: [10:42:47](Interpretation) In French it's Libreville, so I can confirm
24 that it was only Libreville that we mentioned. The witness did not mention
25 Brazzaville, if that can help.

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1 THE WITNESS: [10:43:03](Interpretation) Madam President, the agreement, the first
2 agreement with the Seleka coalition on the red line was in Libreville, in Gabon. But
3 once they came to power in 2014, there were negotiations in Brazzaville. That was
4 during the time of President Samba-Panza. But counsel asked me a question about
5 Libreville agreement, and that is why I talked about Libreville, whereas that is not in
6 my statement.

7 PRESIDING JUDGE SAMBA: [10:43:47] Okay. That's noted. So, Mr Witness, we
8 are going to go into open session. So be mindful of what you say so that you do not
9 expose your identity. We're going to rely on counsel in the manner in which questions
10 are put to you. So, Madam Court Officer, can we go into open session, please.

11 (Open session at 10.44 a.m.)

12 THE COURT OFFICER: [10:44:28] We are back to open session, Madam President.

13 PRESIDING JUDGE SAMBA: [10:44:31] Ms Naouri, please continue.

14 MS NAOURI: [10:44:35](Interpretation) Thank you very much, Madam President.

15 Q. [10:44:38] As I was telling you before, the movements, their leaders, all of that is
16 in public, do not worry about that.

17 Now, before going into the details of certain movements, the region of the north of
18 the CAR was neglected by the government of President Bozizé; is that correct?

19 A. [10:45:06] Yes, indeed.

20 Q. [10:45:15] If you can tell us a little bit, what were the problems facing the general
21 population of that region under Bozizé, the people of the north?

22 A. [10:45:26] Thank you. I believe that everyone knows about those. I gave
23 a statement regarding the causes. The north of the CAR, that is starting with Birao,
24 Vakaga prefecture, Ndele, to Bria, the population is suffering, they have nothing, no
25 drinkable water, no infrastructure for water, no road infrastructure, no electricity.

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1 And that is general in the CAR. No basic education structures, no good health
2 structures.

3 And so it was not only myself who noted this, but even international organisations,
4 right up to this day, that population is suffering, they are cut off from everything and
5 they are deprived of everything.

6 Q. [10:46:48] Thank you for that clarification.

7 When you say "health", you are talking about hospitals. There are no hospitals in
8 that northern area; is that correct?

9 A. [10:47:04] Yes. Thank you, counsel. There are hospitals. It is a state, it is
10 a government that was there before, so the hospitals are there. But the infrastructure
11 is not there, the technology, the machines for testing. But the real problem is
12 effective human resources. If you are sent to the north today, it is like a punishment,
13 given the distance, the roads. And you are cut off from your family and you are left
14 to your own resources by the services that you work for, to such a point that
15 the people of those prefectures try to use, those who have their bac, they teach in
16 the localities. They are recycled and paid in the public hospitals, for example.
17 And the government is always saying the same thing, so there are many problems
18 and we were about to do our best to resolve those problems, but the social injustice
19 remains there, social exclusions.

20 Q. [10:48:51] And that social exclusion and injustice, it was the case in 2012, 2013?

21 A. [10:49:01] Yes, the social injustice is in a national framework. I am not from
22 Birao and I am not from Ndele. But I look at it from a national point of view to
23 defend a national cause. At the time of President Bozizé it was not just the north that
24 was complaining, but the entire population which was talking about poor governance.
25 The government had engaged in a lobbying or biased policy. So there were even

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1 popular uprisings, apart from the armed revolutions, and that is why at that time I
2 talked about factors that were appearing and determinant factors and that {PFR:
3 (Redacted)} created these movements, believing that they would change things.

4 Q. [10:50:11] Very well. To come back to the north in 2012 under Bozizé, there
5 were problems of poaching, banditism and so on, for example. Can you tell us a bit
6 about that, as far as you know.

7 A. [10:50:31] Yes, counsel. I believe that in 2012 the issue of the Zaraguina,
8 the Zaraguina, it was not in 2012. If I remember correctly, it was under the late
9 President Patassé. And they were not based in Birao or Bambari. But in the centre,
10 the Bambari prefecture, which is the second capital, to come to Bangui you need
11 a military escort because there are robbers. So when you go from Bambari, there is
12 400 kilometres when you go to -- when you go from Bambari, and towards Bangassou
13 and the border.

14 But Birao is different, it is a border town with Darfur, so there is a whole mixture of
15 the populations. And you have the poachers with weapons who leave Sudan to
16 come and do poaching in the CAR, kill elephants, take their tusks and ivory and so on.
17 And, of course, if I remember correctly, there was a structure for people that were set
18 up, people who were idle and natives of the Birao area were recruited by
19 the government through some NGOs, and the young people were taken there to be
20 trained to defend the forests and the fauna. I don't have details about who was
21 training them. I don't have the name of the NGO who was training them, equipping
22 them and giving them weapons.

23 It was those young natives who were defending that region against poachers, so
24 a good number of those young people joined the group named UFDR. I no longer
25 remember the precise date when the government armed those young people and

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1 trained them to defend their territory against those territories.

2 And you had Sudanese who knew those young people of the area, they knew

3 the Muslim community, so they wanted to defend that area and the animals there. I

4 think the organisation was AFRD, or something like that -- APRD, or something like

5 that. If I remember it I will tell you. So it was those young people who had

6 the privilege of creating that movement or to join the movement after it was created,

7 that is the UFDR.

8 Q. [10:54:25] Thank you, Mr Witness. We understand the origin of the movement,

9 as you have explained. We will come back to that.

10 Now, based on what you have just said, I understand that apart from those various

11 groups that emerged in the north, {PFR: (Redacted)} created a coalition, the Seleka.

12 Was there any ideology behind that coalition? They were united simply because

13 they were fighting against President Bozizé's government; is that correct?

14 A. [10:55:16] Counsel, I believe the Seleka was not made up of intellectuals.

15 Djotodia had a doctorate in economics. There were people from universities also

16 who made up the Seleka coalition. It is a question of ideology and everybody looks

17 at it depending on their perspective of looking at things. The discontent was not

18 only under Bozizé, but well before that.

19 A short while ago you asked me a question about the Zaraguina and orders and I told

20 you that there were young people recruited by the government and trained to defend

21 their regions.

22 And how can these people recruit young people to defend their regions, whereas

23 Birao is a region of the CAR and it is a prefecture and there are national defence and

24 security forces? But there was a military detachment and a gendarmerie and it was

25 their relatives that left Sudan. But during Bozizé's time, there was these -- there were

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1 problems well before Bozizé.

2 During the time of Patassé and even before, you had Seleka, you had the movement
3 of Demafouth, there was the UFDR, the CPJP, and so on and so forth. So it was
4 those movements.

5 There was national discontent, and under Bozizé the coalition initially -- was not
6 a coalition initially. There were -- there was the UFDR operating in the north, as well
7 as the CPJP defending the rights of the people of the north.

8 (Overlapping speakers)

9 Q. [10:57:56] Are you -- you are speaking a lot, so I try to give -- observe a pause for
10 five minutes for the interpreter.

11 Shortly I will come back to the creation of the UFDR, CPJP, but before the break I
12 want to come back to a document, a document by Mike Jobbins, who spoke on
13 19 November 2013.

14 I's tab 9 of our list. It is CAR-OTP-2081-0496. I wanted to show you something
15 from him. It has not been submitted. It is public. The page of interest to me is
16 page 0530. It can be shown to the witness and to the public.

17 So you can see the title on that page. So it was the testimony of Mike Jobbins.

18 The page that is of interest is 0531. Since it is in English, I will read it out in English,
19 and it was -- it will be interpreted. I will try to read slowly, the third paragraph, in
20 English.

21 So if you can scroll down a little bit, Madam Court Officer.

22 Yes, perfect.

23 So I will read in English: (Speaks English)

24 "There had always been little internal cohesion within the Seleka movement. Seleka
25 came into being as a coalition of fighters from long-running and historically-opposed

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1 rebel groups and remained fractious, with troops loyal to individual commanders
2 with only a loose hierarchy. There is no coherent agenda, ideology, or political
3 platform behind the Seleka movement, aside from at most a general sense that
4 the north of the country has been historically neglected."

5 (Interpretation) This is the part that is of interest to me.

6 Now my question to you, Mr Witness, do you have any comment to make on this
7 analysis by Mike Jobbins before the American Congress?

8 A. [11:01:32] Yes. Thank you, counsel. This is an analysis on the part of
9 the expert, which I cannot cast doubt upon, as he is an expert.

10 But, as I said to you, to my mind, and I am convinced of this, the Seleka did have
11 ideologies. That is to say, that their leaders, here he talked about defending
12 the interests of the north. The head of the Seleka is in the north. So the chief of staff
13 come from the north. So the founders of these two great movements, which are
14 these two movements from the north. And as I said to you at an earlier stage, these
15 movements came into being before the Seleka coalition. So the UFDR and the CPJP,
16 that was the aim, to defend the north.

17 The Seleka, I believe that its representatives in Europe and elsewhere, there was
18 the spokesperson of the Seleka who was speaking over RFI, over *France 24*, who
19 mobilised people on a grand scale on the basis of his ideologies. He does not hail
20 from the north.

21 * Q. [11:03:06] So, Mr Witness, I'm sorry, could we please remove this item. I have
22 finished with it. I am saying this for us to remain connected; you can see me and you
23 cannot see the document.

24 A. [11:03:17] Yes, yes, yes.

25 Q. [11:03:18](Overlapping speakers)

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1 THE INTERPRETER: [11:03:20] Overlapping speakers.

2 MS NAOURI:

3 Q. [11:03:23](Interpretation) I'm just going to stop you there. We're going to pick
4 up from here after the break. I'm going to put you in the hands of the President now.
5 It is 11 o'clock, it is the time for a break. And that is why I allowed myself to stop
6 you. We're going to resume after the break. All right?

7 Madam President -- (Overlapping speakers)

8 THE INTERPRETER: [11:03:39] Message from the English booth: could counsel
9 please be requested - and the witness - please be requested to slow down. It's very
10 fast. Thank you.

11 PRESIDING JUDGE SAMBA: [11:03:45] I am hopeful Ms Naouri heard that from
12 the interpreters, that you were very fast, but they tried their best to get what you were
13 saying to us.

14 So, Mr Witness, what we are going to do now is end here for now and take a short
15 break. We will come back at 11.30 and continue with your testimony.

16 I rise the court for 11.30, please.

17 THE COURT USHER: [11:04:18] All rise.

18 (Recess taken at 11.04 a.m.)

19 (Upon resuming in open session at 11.37 a.m.)

20 THE COURT USHER: [11:37:13] All rise.

21 Please be seated.

22 PRESIDING JUDGE SAMBA: [11:37:37] Good morning again, everyone.

23 Mr Witness, we are going to continue with your testimony.

24 Ms Naouri, please continue with your questions to this witness. Thank you.

25 MS NAOURI: [11:37:50](Interpretation) Thank you very much, Madam President.

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1 Q. [11:37:52] So, good morning again, Mr Witness. We are still in open session
2 and we shall be continuing on the general theme that we had started to broach.

3 A. [11:38:05] Yes, very well.

4 Q. [11:38:08] So just before starting, I would like to formally request the submission
5 of tab 9 that we used just before we took the break.

6 So, for the file, for the record, that would be -- so these groups that we have talked
7 about just before we took the break, you said to us that these groups were constituted
8 well before. And I'm referring here to page 32 of the French version of the transcript,
9 lines 27 to 28.

10 Now my question to you is: When or from what date were these various groups put
11 together?

12 A. [11:39:14] Thank you, counsel.

13 With regard to the CPJP and the UFDR -- well, the UFDR at the outset, the visible
14 individual was Mr Zakaria Damane, and Captain Yao. Mr Bozizé came to power in
15 the month of March of 2003, and there was a disagreement. Captain Yao was part of
16 the liberator, so he was a combatant of the liberating movement of François Bozizé,
17 and that was the movement that brought him to power, subsequent to which they
18 rebelled. They rebelled in the same year of 2003, that is between Bozizé and the
19 movement from the north. That movement was made up, as I said, and in the
20 manner that I said, and at the time Captain Yao went to Vakaga, which is the --

21 Q. [11:40:34] Mr Witness, I'm going to interrupt you here, just to ask you to breathe
22 before you broach a new idea, because it's not easy for the interpreters and the
23 transcribers to follow you when you say names. For example, when you say names,
24 here, for example, you talked about a captain and you spoke about a native region,
25 et cetera. So we're being to go over what you said step by step, all right?

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- 1 So, you said that the visible person from the UFDR - we're talking about the
2 UFDR - was Mr Zakaria Damane.
3 Can you confirm that that is written D-A-M-A-N-E? Yes or no, Mr Witness?
4 A. [11:41:31] Yes, perfect. Yes.
5 Q. [11:41:35] Very well. Then there was Captain Yao, Y-A-O; is that correct?
6 A. [11:41:45] Yes.
7 Q. [11:41:50] So what is the native region of Captain Yao?
8 A. [11:42:01] The native region of Captain Yao and Zakaria Damane is Birao.
9 Vakaga is the prefecture, and the main town is Birao.
10 Q. [11:42:18] Very well. I can see that it is well written in the transcript. We have
11 understood. And that Vakaga is the prefecture and main town.
12 I'm now going to let you go on with regard to what you were saying about the
13 creation of the UFDR.
14 A. [11:42:36] Yes. Thank you, counsel.
15 As I was saying at an earlier stage, after a certain level of discontent within François
16 Bozizé's combatants who had just come to power, Captain Yao went back to his
17 native town, Birao. Zakaria Damane was in Birao and a community leader from that
18 region, of the Goula region -- and if I can provide you with that ethnic -- that is also
19 the ethnic origin of President Djotodia. And as I was saying, there were young
20 people who were called *pisteurs*, trackers, these are people who had been used by the
21 government at the time to defend the fauna and the flora against poachers who were
22 coming from Sudan. These are natives of Vakaga, of Birao, of various ethnic origins.
23 They already have weapons in their hands. And Captain Yao, of course, who was a
24 military man and an -- exceptionally, he's a captain from the FACA. And
25 exceptionally, as it was a rebellion, he arrived in power at Bozizé -- under Bozizé.

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1 He was able to organise these young people.

2 And from afar, there was a mind, Michel Djotodia, who was also a native of this
3 region. When I say "Michel Djotodia", I'm talking about the former president, a
4 mastermind, who at the time was in Nyala. He was consul, general consul for the
5 CAR in Nyala, which is one of the biggest regions of Sudan in the south. Not south
6 Sudan, in north Sudan, but it is the southern part of north Sudan, and it is believed to
7 be the capital of Darfur. It is the capital of Darfur.

8 Now, as consul general, when --

9 Q. (Overlapping speakers)

10 PRESIDING JUDGE SAMBA: [11:45:08] Yes, Mr Witness. I want you to take it
11 slowly, so that we -- we help the interpreters to get each and every word that you say,
12 to help the transcript. So slow down your pace and pronounce names of places and
13 persons slowly so that they understand you, so we help the interpreters, okay. So
14 carry on, please.

15 THE WITNESS: [11:45:54](Interpretation) Thank you, Madam President.

16 The history behind this is somewhat lengthy, but I'm wanting to give you details here.
17 So the UFDR, the UFDR, that movement from the north, UFDR, it's written U as
18 union, F as force, D as development, and R as *rassemblement*, or renaissance. So that
19 movement had a mastermind, a mastermind in the individual of -- in the individual
20 of Mr Michel Djotodia - Michel Djotodia - the former president of the transition.
21 Michel at that moment in time was living in Sudan, in the town specifically called
22 Nyala - Nyala - N-Y-A-L. Nyala. And at the time it was the capital of Darfur, so
23 that is to say the capital of south Darfur, Nyala. The CAR had a consul general and,
24 up to that date, the consul was still in existence. He was -- had been posted there as
25 general consul - Michel, that is - and that was working for the UFDR.

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1 The soldiers of that movement at that time in the year 2003 were Captain Yao, and it
2 was Captain Yao who had left the ranks of the Central African army from Bangui in
3 order to go to the native region, his native region of Birao, with a view to organising
4 these young natives hailing from the locality, in addition of course to the *pisteur*, that
5 is to say those young natives from Vakaga who were fighting against the Sudanese
6 poachers who came to kill elephants in that region.

7 Of course, Zakaria Damane - Zakaria Damane - died. He was an undoubtable leader
8 at that time in that region, and he belonged to the Goula ethnic group, which is the
9 ethnic group of President Michel Djotodia. He was a Goula, a Goula. He has a
10 federal voice that is much adhered to, but he did not introduce himself as a rebel chief.
11 He was a consul and the -- the military -- the political wing was Damane and the
12 military wing was Captain Yao.

13 Can I continue?

14 MS NAOURI: [11:49:55](Interpretation)

15 Q. [11:49:55] There are questions. It's very interesting, everything that you're
16 saying to us, but I'm going to be guiding you somewhat. I do have a limited time in
17 which to put questions to you, so I'd like to guide you.

18 You have given us an out-view -- an overview of how things functioned in the UFDR.
19 I'm going to be reading an article to you and I would like you to comment on this
20 article in light of what you've just been saying to us.

21 This is tab 12 in our list. It's D33-0006-0421 and it is an item of evidence that has
22 already been submitted. It is public and can be shown to the public, and to the
23 witness of course.

24 And it is an article, tab 14, it is an article that was printed in the *Politique africaine*
25 journal and it is entitled "Rebellion and Limit of the Consolidation of Peace in the

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1 Central African Republic".
2 I'm going to indicate to you which passage I'm going to be reading out to you.
3 Now, my mistake, the excerpt that is of interest to me is page 0430. The second
4 paragraph. There we are.
5 I'm going to be quoting two excerpts from you. The first:
6 "The second rebel group that appeared out in the field (after the APRD)
7 were -- became known by its attacks upon rural towns. *L'Union des forces démocratiques*
8 *pour le rassemblement* (the UFDR), based in Vakaga, the northern-most prefecture of
9 the CAR, illustrates the dynamics by which men with weapons in rural zones, hailing
10 from non-centralised histories (that is to say coming from societies that are stateless
11 and who create flexible alliances which are also fluid) transformed themselves into
12 rebels. The residents of the sector were living in a situation of collaboration and
13 conflict with the other users of that space, like the nomad herders and the gangs of
14 hunters coming from Sudan who were looking for ivory and other sources of riches."
15 0431, please. Can we move on to that page.
16 Now I just wanted to be precise, the passage that is of interest to me is right at the end
17 of the page. Thank you. Oh, sorry, stop. That's before the footnotes.
18 So I'm going to be reading "*le leader*" -- we're on the next -- I'm going to read the next
19 bit on the next page, 0432, starting with "*le leader*", "the leader", at the bottom of this
20 page.
21 Can we please go to the next page.
22 So: "The leader of the Goula, Damane Zakaria, shortly made an alliance with Abakar
23 Sabone, the former liberator of the Vakaga who broke ties with Bozizé when he did
24 not recompense him to the degree that he esteemed he should be recompensed to.
25 The newly baptised UFDR launched a surprise attack upon Birao (which is the largest

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1 town in the north-east of the CAR) on 30 October 2006. When Sabone claimed
2 responsibility for the direction of the group and the attack itself, he omitted to
3 mention that he was in Contonou, in Benin, some 2000 kilometres from the theatre of
4 combat. Whilst it was adopting the form, attitudes and tactics of a rebel group that
5 these men gained visibility beyond their -- their own terrain, their previous conflicts
6 as justice seekers and anti-poachers (to whom they are --"

7 THE INTERPRETER: [11:54:51] I was not allowed to finish the sight translation.

8 MS NAOURI: [11:54:56](Interpretation)

9 Q. [11:54:56] What is the role of Abakar Sabone in the context of the UFDR?

10 THE INTERPRETER: [11:54:59] Could counsel please be requested to allow the
11 interpreter to be finish her sight translation before putting a question. Thank you.

12 PRESIDING JUDGE SAMBA: [11:55:07] Ms Naouri, the interpreters did not get all
13 of what you read, especially the last bit before you put in your question.

14 MS NAOURI: [11:55:16](Interpretation) So, of course, Madam President, I'm going
15 to go over the end. I'm going to go over the last part, which is no longer on the
16 screen. And maybe for the screen -- maybe we should put it back up on screen.
17 There we are. 0432. I'm going to go back over the last part.

18 "Even whilst adopting the form, attitudes and tactics of a rebel group these armed
19 men gained visibility beyond their home terrain, their previous conflicts as justice
20 seekers, as anti-poachers (which they, to a certain degree, pursued) were of superior
21 intensity to those that they took part with in as such as rebels." End of quote.

22 We can remove it now.

23 Q. [11:56:38] So, Mr Witness, I'm going to put the question to you once again.

24 What do you know about the role of Abakar Sabone in the context or the role of the
25 UFDR?

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1 A. [11:56:49] Thank you, counsel. This is why I was saying that, if small details
2 count in my testimony, I need to relate how these various groups, these rebel groups
3 were made. So patience is required. I will come to that.
4 You have presented a document to me with regard to this expert, and it talks about
5 the years 2005, '06, the dates of Birao, and the name of an individual, Abakar Sabone,
6 is mentioned. I'm talking about how the UFDR was set up before the offensive was
7 launched upon the town of Birao, before the airport was taken and before an offensive
8 was launched. As I said, it was the beginning of UFDR. And if that isn't important,
9 then I shall put the foundation of the UFDR to one side and I'll come back to this
10 question that you've put to me, very humbly.
11 Now, Mr Sabone took over communication and Mr Sabone is well liked by us. He is
12 a political opportunist and he chooses opportune moments in political terms.
13 Everyone knows the roles that he occupied. He was never stable in a movement.
14 But the UFDR was set up without Sabone. But as soon as the UFDR launched its
15 operations in the town of Birao, Sabone had already made a statement. And at that
16 time, Michel Djotodia was not yet consul. He had been removed from his position.
17 And it was he, he had doubts or suspicions about Djotodia, he was the founder of the
18 UFDR. He does not say he brought Sabone as an intellectual, in order to take care of
19 the press as a spokesperson for the movement. Michel and Sabone lived together in
20 Benin at the time where the attack on Birao was launched.
21 But before that, it was Captain Yao, and from the time where UFDR was set up and
22 before Michel Djotodia was removed as consul general, it was Captain Yao who was
23 speaking to the press and who showed his face with the natives of -- and I'll come
24 back to the page that you showed to me about that expert. The solidarity of the
25 young people hailing from the locality of Vakaga, they wanted to defend their locality.

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1 They wanted to make claims via weapons and those young trackers who had
2 weapons, in order to defend their locality against the poachers. This job was
3 undertaken by late Captain Damane and Captain Yao, and the mastermind was
4 Djotodia.

5 After having -- and once he was removed from his position of consul, he went to
6 Benin. He went to a certain place to make a statement. He was then removed from
7 the UFDR.

8 Q. [12:01:14] Mr Witness, I'm going to stop here. He was removed from the UFDR
9 by the base. Full stop. That is of interest to me.

10 PRESIDING JUDGE SAMBA: [12:01:23] Yes.

11 And I'm still going to ask the witness to talk slowly, please, so that the interpreters
12 can be helped. You are still talking a bit too fast. Yes, Ms Naouri.

13 And you give the lawyer an opportunity to put questions. So you pause a little bit
14 after certain information. You pause a little bit after certain information and that
15 should help all of us. Thank you.

16 Ms Naouri, please continue.

17 MS NAOURI: [12:01:59](Interpretation) Thank you very much, Madam President.

18 Q. [12:02:04] You were stopped at the point which was very clear. So there
19 seemed to be a fight for power in the UFDR between Djotodia, Sabone and Zakaria; is
20 that correct?

21 A. [12:02:27] Yes, counsel. There was an internal fight, and it continues right up
22 to this day within the Seleka coalition. Djotodia took refuge in Benin, Sabone joined
23 Djotodia in Benin and he made a declaration. And this problem, the intercommunity
24 problem - and I'm saying intercommunity problem in Birao - this was so serious, to
25 such a point that Sabone was set aside by the youths of the UFDR, even though

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1 Sabone is not from the Vakaga region, so they said he would not be accepted as
2 leader.

3 One of the causes, one of the main causes -- that was one of the main causes.

4 Subsequently, you have just shown me a document by an expert mentioning the
5 names of Mr Zakaria Damane.

6 Q. [12:04:00] Mr Witness, I would like to interrupt you, if you may, please, because
7 you commented at length on the UFDR. You answered my question. It is
8 important. And we are in fact guiding you, because we have limited time, so
9 I wanted to target my questions.

10 You answered the question about the internal fights in the UFDR. I know that you
11 have a lot of things to share, but we do not have the time to listen to everything. So
12 I will target you towards what is particularly important.

13 I want to go straight to another aspect.

14 Now, the Popular Army for the Restoration of the Republic and Democracy, APRD,
15 you mentioned it a little earlier. To your knowledge, when -- when was the APRD
16 created and by whom?

17 A. [12:05:30] Thank you, counsel.

18 The APRD of Mr Jean-Jacques Demafouth, this was the person who had been former
19 defence minister under late President Ange-Félix Patassé. As soon as Bozizé arrived,
20 or took over power, maybe one year, two years or three years later, the APRD was not
21 created. I no longer remember the specific year. I do not have a lot of information
22 in the APR -- or, about the APRD, but I know that there is a movement operating in
23 the north, that is south of Chad, headed by Jean-Jacques Demafouth. I do not have
24 any further information about him.

25 Q. [12:06:32] Very well. And what do you know about Jean-Jacques Larmassou,

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1 that is if you know anything at all?

2 A. [12:06:45] I think this is the first time that I'm hearing this name.

3 Q. [12:06:51] No problem. Just tell us what you know. And the APRD was made
4 up of former presidential guards of President Patassé; is that correct?

5 A. [12:07:11] If I tell you the former presidential guard of Ange-Félix Patassé, you
6 may think I lied because I never approached them. I never was in their base and
7 I never discussed with Jean-Jacques Demafouth, or one of the leaders, to know more
8 about that.

9 Q. [12:07:36] Very well. No problem at all.

10 Now, the APRD continued its action after the presidency of Mr Djotodia; is that
11 correct? Do you know about that?

12 A. [12:07:53] With regard to that, well the APRD -- I didn't quite understand your
13 question, counsel.

14 Q. [12:08:04] My question is to know, after Mr Michel Djotodia's government, the
15 APRD continued its action; is that the case?

16 A. [12:08:20] After the resignation of Djotodia's government, whether the APRD
17 continued its action, I think it is made up of, in majority, of the -- the Sara ethnic
18 group, and there is Commander Armel Mingatoloum Sayo, who is the leader. And
19 these people -- that person is called Armel Mingatoloum Sayo, who is considered as
20 the son-in-law of President Patassé. So the former president was married to his
21 biological mother and he was part of the presidential guard of President Patassé.
22 Armel Sayo is a French legionnaire, according to what he says himself. {ICR:
23 (Redacted)}. And he had created the movement operating in the north of the CAR,
24 specifically the town of Paoua, P-A-O-U-A, not far away from the Chadian border
25 with the south.

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1 During Djotodia's time, they did not carry out military operations -- he did not carry
2 out military operations. That is, Armel Sayo. But many are saying that
3 many -- people say that several of his people belonged to this movement known as RJ
4 Sayo, *Rassemblement et Justice*, the Sayo wing. And this movement was part --

5 Q. [12:10:51] Very well. I would like to stop you there.

6 It is very interesting, but I have received a lot of information this morning,
7 Mr Witness, and I would like to move on to another group.

8 PRESIDING JUDGE SAMBA: [12:11:11] Yes, Mr Witness, can we hear you?

9 THE WITNESS: [12:11:21](Interpretation) Counsel stopped me, but I needed just a
10 second to say that it was Sayo who was operating in the APRD region. It was the
11 Sayo wing operating in the APRD region at the time. That was the information
12 I wanted to add.

13 PRESIDING JUDGE SAMBA: [12:11:46] Okay. Thank you very much for
14 completing that information.

15 Ms Naouri, please continue.

16 MS NAOURI: [12:11:56](Interpretation) Thank you very much, Madam President.

17 Q. [12:12:00] The next group I want to talk about with you, Mr Witness, it is the
18 CPJP, Convention of Patriots for Justice and Peace.

19 And in your statement, paragraph 23, tab 1, you talked about Charles Massi. To
20 your knowledge, which -- what was Charles Massi's position under Patassé's
21 government?

22 A. [12:12:40] Counsel, regarding the CPJP, Charles Massi, if I remember correctly,
23 I did not talk about Patassé. I don't have the -- the statement here, but under Bozizé,
24 Charles Massi was a minister under Bozizé.

25 Q. [12:13:07] I did not say -- I'm talking about what you said in your statement.

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1 You talked about Charles Massi. I was simply asking whether you know whether he
2 had a role under Patassé?

3 A. [12:13:22] I do not have any information about him under Patassé. {ICR:
4 (Redacted)}, but {PFR:
5 (Redacted)} under the presidency of Bozizé.

6 Q. [12:13:36] Very well. Did you know that Charles Massi was a coordinator
7 within the UFDR before becoming a member of the CPJP?

8 A. [12:13:54] No. The UFDR, that is my first time of hearing that. But I know
9 about him and the CPJP.

10 Q. [12:14:04] Very well. And there were internal fights within the CPJP; is that
11 correct?

12 A. [12:14:18] Yes, indeed, counsel. There was a serious internal fight within the
13 CPJP.

14 Q. [12:14:30] Can you tell us how Charles Massi was killed?

15 A. [12:14:43] I do not have information about how Charles Massi was killed. It is
16 the Central African government of the time that gave clarifications about that, but
17 I do not have the authority to give -- to add to the explanation of the government at
18 the time. But the information that exists, comes from the government and from his
19 family.

20 Q. [12:15:17] Very well. Now -- now, do you know -- do you know who created
21 the CPSK, the Patriotic Convention for the Salvation of Kodro.

22 A. [12:15:41] The CPSK, I believe, was created at the time of the Libreville
23 Agreement was on going. The delegation was preparing themselves to go to
24 Libreville for possible negotiations with the Seleka coalition. One had to create the
25 movement. It was Mr Mohamed Moussa Dhaffane, CPSK, he created it when he was

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1 still in detention in Chad.

2 Q. [12:16:22] Very well. What can you tell us about the UFR, the Union of
3 Republican Forces?

4 A. [12:16:45] The UFR. I am forgetting the name.

5 Q. [12:16:53] If you allow me to say so, it is UFR, the Union of Republican Forces?

6 A. [12:17:12] I no longer remember their leader, or the zone in which they are based.
7 I really don't remember. I really know -- don't know much about the UFR.

8 Q. [12:17:29] Very well. I will read out to you an interview.

9 And it is tab 25 of our list, CAR-D33-0004-0453. It has not yet been submitted. It is
10 public and it can be shown to the witness and the public. It is an interview given by
11 Florian Ndjadder, dated 29 April '06, on the site Laleonline. It will be displayed
12 shortly.

13 A. (Overlapping speakers)

14 Q. [12:18:24] I will begin from the beginning, at the very top, and it is an exclusive
15 interview: "Interview with Lieutenant Florian Ndjadder Bedaya, [the] Secretary
16 General of the Forces for Change in Central Africa.

17 [Question]: For a few days now the public has begun starting -- started hearing about
18 the Union of Republican Forces on the net. Mr Leader of the UFR, can you introduce
19 yourself to the public? Who is Florian Ndjadder Bedaya?

20 [Answer]: In fact, I am the leader of the movement the Union of Republican Forces
21 (UFR), and I also hold the function of the Secretary General of the UFR, cumulatively
22 as the Commander of the Republican Forces (COM-FORCES Republican Forces).

23 I would like to say that the objection of the Union of the Republican Forces is to look

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1 for ways and means to finally resolve the Central African crisis, politically and
2 militarily."

3 If this document can be scrolled down. Thank you.

4 My question is: This name, Florian Ndjadder, the leader of the UDF, does that
5 mean -- does ring a bell to you, Mr Witness?

6 If that document can be taken off the screen, please, so that I should be in contact with
7 the witness.

8 A. [12:20:49] Indeed, Madam. When you mentioned the name it refreshed my
9 memory. I remembered that man. It is the son of the late General Ndjadder. {ICR:
10 (Redacted).}

11 Q. [12:21:15] Be careful, Mr Witness, do not tell us {PFR : (Redacted)
12 (Redacted)} I will ask for a redaction of what you have just said. Do not worry.
13 Do you want to give details in private session on this matter?

14 A. [12:21:33] Yes.

15 Q. [12:21:34] Very well.

16 I would like to ask the Presiding Judge to go briefly into private session.

17 PRESIDING JUDGE SAMBA: [12:21:41] Madam Court Officer, can we go briefly
18 into private session, please.

19 (Private session at 12.21 p.m.)

20 THE COURT OFFICER: [12:21:56] We are in private session, Madam President.

21 PRESIDING JUDGE SAMBA: [12:22:00] Thank you very much.

22 Mr Witness, can you go at a slow pace, please.

23 Yes, Ms Naouri, please put your questions.

24 MS NAOURI: [12:22:12](Interpretation)

25 Q. [12:22:12] We are in private session and so please explain to us (Redacted)

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1 (Redacted) as you had started doing

2 so.

3 A. [12:22:38] Thank you, counsel. It is thanks to this document that I remember

4 Lieutenant Florian Ndjadder, the son of General Ndjadder. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:24:21] Very well. Thank you, Mr Witness.

16 We will go back to public or open session and we will continue talking about general
17 matters. If necessary, we'll come back to private session.

18 So, Madam President, can we go back to open session, please.

19 PRESIDING JUDGE SAMBA: [12:24:41] Yes.

20 Madam Court Officer, can we go back to open session, please.

21 (Open session at 12.24 p.m.)

22 THE COURT OFFICER: [12:24:58] We are back to open session, Madam President.

23 PRESIDING JUDGE SAMBA: [12:25:02] Thank you very much.

24 Ms Naouri, please continue.

25 MS NAOURI: [12:25:04](Interpretation) Thank you, Madam President.

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1 And I would like to ask for the formal submission of tab 25.

2 Q. [12:25:11] I would like to talk to you about another group -- another group, the
3 FDPC, the Democratic Front of the Central African People. Do you know who is the
4 leader of that group?

5 A. [12:25:33] I do not remember those leaders.

6 Q. [12:25:37] Very well. I will show you a document.

7 It is tab 11 of our list, CAR-OTP-2094-0311.

8 It is not yet submitted. It is public, so it can be shown to the witness and to the
9 public.

10 It is an investigation report, published in November 2018, entitled "The Reign of
11 Terror in the CAR", published by Business.

12 Now I will go to the middle of the page 0351. Page 0351, please.

13 There's -- I have an extract there, and it's footnote number 35. The very last one.

14 It is written there: "Democratic Front of the Central African People (FDPC) created
15 between 2003 and 2004 by Abdoulaye Miskine, former officer of the presidential
16 guard of the former president who lost power and this was in March 2003, Ange-Félix
17 Patassé."

18 So the name Abdoulaye Miskine, does that mean anything to you?

19 A. [12:27:28] Yes. Yes, I know Mr Abdoulaye Miskine.

20 Q. [12:27:34] Very well. And to your knowledge, did this movement of
21 Abdoulaye Miskine take part in the Libreville agreement?

22 A. [12:27:49] The Libreville Agreements, no. But during the time of
23 Madam Samba-Panza, in the Brazzaville Accords, I believe, yes.

24 Q. [12:28:02] Very well.

25 I would like to ask for the submission of this document, that is tab 11 of our list of

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1 materials.

2 And the submission of tab 25, I forgot to ask for its submission -- of that element.

3 Now I would like to show you another document, Mr Witness, and you will tell us
4 what you think about it.

5 It is tab 26 of our list of materials, that is CAR-D33-0003-1878, page 1924. It is not yet
6 submitted. It is public and it can be shown to the public.

7 A report of the International Crisis Group of June 2013, titled "Central African
8 Republic: the emergencies of the transition".

9 So page 39, and scroll down a little bit, please, to the acronym FDPC.

10 Perfect. Thank you.

11 And you can see here: "FDPC Democratic Front for the Central African People. The
12 rebel group of Abdoulaye Miskine emerged in 2005 in the centre-north of the country,
13 near Kabo, in Ouham prefecture. He joined the comprehensive peace accords of
14 Libreville and signed the political agreement for the resolution of the Central African
15 crisis in 2013 as a non-combatant armed group. Certain combatants of the FDPC
16 however never deposited or put down their weapons." End of quote.

17 The document can be taken from the screen.

18 Mr Witness, just to know whether you have a comment to make on that information.

19 A. [12:30:31] Yes, counsel. It is true, I do not have a very good memory of the
20 Libreville Agreements, but for the Brazzaville Agreements I know that most -- those
21 who took part in those agreements -- well, it cast doubt on it for me in the sense that
22 I didn't think I remembered it. He was not part of the management of the Seleka at
23 the time, but there were clashes on two occasions between himself and the Seleka
24 elements under Djotodia. And that is why I thought that he had not taken part in
25 the Libreville Agreements. It's an allied movement and that escaped my memory.

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1 Q. [12:31:25] No problem, Mr Witness. That's why we are undertaking this
2 exercise together, and it's very interesting what we're -- what you're saying to us.
3 I am going to be requesting the formal submission, which is tab 29 of -- or 26 of our
4 list.
5 Now, to wrap up on this question of the matter of groups, I'm going to come back to
6 one -- come to one last point here.
7 We talked about this, the time when these various groups were set up. And I'd like
8 to read to you an excerpt of a document that we have already perused together.
9 It's tab 11 of our list, CAR-OTP-2094-0311. And it's the same report that we've just
10 seen. I'd like to go to page 0324, please.
11 So we can see the subtitle, that's "The conditions of the rising of opposition armed
12 movements in the Central African Republic".
13 And I'm going to be reading this excerpt to you:
14 "From the year 2005, in Central Africa three politico-military groups emerged, set up
15 by military leaders and political leaders of the opposition, all disappointed by the
16 regime of François Bozizé who had arrived in power two years earlier via a coup
17 d'état. The *Front démocratique du peuple centrafricain* (FDPC) initially set up in a
18 region located in the central north of the country, the Popular Army for the
19 Restoration of the Republic and Democracy (APRD) took root in the north-west,
20 whilst the (UFDR) the Union of Democratic Forces for the Assembly took hold in the
21 north-east. Even if the commerce or trade of diamonds was not the main cause for
22 the emergence of rebellion movements, it rapidly became the major source of conflict
23 and its main impetus. An armed rebellion against the central power in Bangui,
24 instability also came into play in order -- became rivals between groups in order to
25 control the sites of the diamond mines in the east of the country."

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1 I'm going to stop there.

2 So I'm just going to repeat the last sentence for the interpreters:

3 "At that time the regime reduced rebellion to banditry."

4 Now, my question to you, Mr Witness is - and the document can be removed - is what
5 can you tell us about the rivalries between the armed groups in terms of the mining
6 resources in that very region?

7 A. [12:35:49] Yes, counsel, I think I'm going to focus on the beginning. At the
8 outset, I believe the UFDR and the CPJP -- well, their claims at the time was that their
9 regions -- well, it was a matter of leadership. There was an ethnic position in their
10 region. They wanted to have a monopoly over their region.

11 And it wasn't really associated with mining resources. They weren't really thinking
12 about that.

13 At the beginning I said that there was a feeling of discontent. And if we think about
14 the matter that people were not getting on within the UFDR, this is a question of
15 decision between ethnic groups within the UFDR. If we look at the -- within the
16 CPJP and if people don't get on there, it's a question of leadership and ethnic division
17 between -- and those from Ndele who are people who want propriety of the CPJP
18 fundamentally. So this is the same issue in Birao with regard to the UFDR.

19 I don't see the matter of natural resources. It was after this, when Djotodia came
20 back to power and when they withdrew from the various groups in the hinterland
21 and in the various areas, that's when they started to occupy mining zones. They
22 started to mine and maybe they were seeking partners. There were -- there were
23 NGOs -- I'm not going to say their names. They might recognise those NGOs with
24 regard to mining and living off those activities. But at the beginning, it was a
25 question of setting up forces and imposing themselves, and imposing the leadership

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1 and increasing inter-ethnic leadership in those regions, that's the CPJP and the UFDR.
2 But for the others of Demafouth, if it wasn't the matter of anarchic barriers and
3 racketeering individuals, I believe that in that zone there was no mining going on, if
4 I'm not mistaken, in those areas.

5 Q. [12:39:12] Very well. Thank you, Mr Witness. It's very clear. I have
6 understood your answer.

7 Now, we've just talked about these power struggles within these various groups.
8 Now, those power struggles never ceased even when the coalition was set up, did
9 they?

10 A. [12:39:37] Indeed. Indeed.

11 Q. [12:39:38] Very well. And it was a known fact that there were group leaders
12 who were part of the coalition who were opposed to Djotodia; is that right?

13 A. [12:39:55] Yes, indeed. For example, the CPJP, that was the one that took that
14 name, but it was -- before that, it had another name.

15 THE INTERPRETER: [12:40:08] That the interpreter didn't catch.

16 THE WITNESS: [12:40:10] It became the UFDR and it was majority Goula, with
17 some Kara, and where the sultanate --

18 THE INTERPRETER: [12:40:22] The witness needs to slow down when he states so
19 many names and locations.

20 THE WITNESS: [12:40:28](Interpretation) And with their allies, with their Goula.
21 Ndele also had --

22 PRESIDING JUDGE SAMBA: [12:40:47] Okay.

23 THE WITNESS: [12:40:49] Ndele also had its movement in order to make claims,
24 noble claims, for the prefecture of Bamingui, Ndele, Rounga. What I know is that
25 those who -- that created a division, a division within the CPJP, and that really was

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1 the misfortune of that group at that time. And if you will allow me to talk a little bit
2 about the CPJP.

3 MS NAOURI: [12:41:09](Interpretation)

4 Q. [12:41:09] Mr Witness, I'm going to interrupt you. I could see the president, the
5 Presiding Judge -- you see, when I sit down, that means that the Presiding Judge is
6 trying to say something to you.

7 I think you're talking very fast in your answer, and I'm being told -- please try,

8 Mr Witness, to breathe at the end of your sentences so that we have an idea of what

9 you are saying. I know it's not an easy thing, but because you are in the middle of

10 your thought, you need to articulate, you need to breathe. You're not here with us at

11 the court. You're at a distance, so we don't really hear you as well as we would were

12 you testifying from the courtroom. So when you speak, after two or three sentences,

13 take a breath. Can we try it that way.

14 A. [12:41:59] Okay.

15 PRESIDING JUDGE SAMBA: [12:42:03] Thank you very much. Ms Naouri. I was
16 going to say the same thing.

17 Mr Witness, it's just so that we get, you know, all this important information that you

18 are now giving to us, and to help, particularly so, the interpreters. They are

19 struggling, so let's have it slowly from you. Thank you very much.

20 Ms Naouri, please continue.

21 MS NAOURI: [12:42:34](Interpretation) Thank you, Madam President.

22 Q. [12:42:36] So we were talking about internal struggles and you were

23 talking -- and you were providing us with additional explanations.

24 So I understand that the internal struggles were ongoing when there was a Seleka

25 coalition. I also understand that the -- those in charge, the civilian people, the

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1 political leaders had little impact upon the elements of the Seleka coalition; is that
2 correct?

3 A. [12:43:11] Yes, counsel. Indeed.

4 Q. [12:43:18] Thank you. So there is one individual who was interviewed by the
5 investigators of the Office of the Prosecutor during the investigations and who is in a
6 position of somebody in the know and who said -- and I'm quoting tab 73 of our list
7 CAR-OTP-2005-5407, that should not be shown either to the witness nor to the public
8 for reasons of confidentiality.

9 And I'm going to be reading to you paragraph 47 thereof, which is to be found at
10 page-- and I'm looking. 5413, page 5413.

11 This individual says that:

12 "In approximately August 2013, there was a State issue. There were a number of
13 parallel chains of command and there was no control. Virtually all the Seleka were
14 colonels or generals. I can describe the situation as a certain generalised
15 disobedience by an uncontrolled group."

16 THE INTERPRETER: [12:44:53] The interpreter does not have the document up on
17 the screen and cannot do a sight translation.

18 MS NAOURI: [12:45:02](Interpretation)

19 Q. [12:45:02] Do you share this analysis, Mr Witness?

20 A. [12:45:04] Yes, indeed, I do share this analysis.

21 Q. [12:45:12] Thank you.

22 What is more, if I understand correctly, the ranks that were self-attributed by the
23 various people carrying weapons and who were claiming that they were part of the
24 Seleka were often self-attributed, were they not?

25 A. [12:45:44] Indeed, counsel. The movement that gave rise to the Seleka coalition

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1 are mother or father movements, the CPJP and the UFDR. These movements before
2 the year 2012 or 2013 had their generals, their colonels, that were non-conventionals,
3 that is to say they were high-ranking officers and general officers from those two
4 movements.
5 Those very same officers, non-conventional officers, set up the Seleka coalition, and
6 they had other allies. But it is important, very important, counsel, for me to tell
7 you - I don't know whether this is important for the Court - but those two movements
8 had their allies in Darfur, in Sudan. And those allies came to join this movement,
9 each in Darfur. Within the coalition, the general is a general. Within their ranks,
10 within the Seleka, he's a colonel, as soon as he's a colonel within their ranks there.
11 But the unfortunate situation is as follows, that until they arrived in power,
12 Mr Damane, side by side with the president, {ICR: (Redacted)
13 (Redacted)} -- they had the rank of general and colonel, and they came and stood to
14 salute the president at Camp de Roux. And the president allowed himself to say,
15 "Oh, you are also a general. General, how are you?" And as soon as that happened,
16 the word of the head of state is an act in itself. There's no decree in place, but he is
17 encouraging -- he encouraged.
18 So there wasn't a chain of military command. Because I know that chain was, out in
19 the bush, there was a chief of staff, there was the deputy. But as soon as they got to
20 Bangui, the day when Bangui fell, each person can be of the rank that they wish.
21 And there are five or six elements below them with a weapon. They would allocate
22 those weapons, whether in Bangui or out in the bush. They have a pickup and they
23 have five or six elements, a 4x4, and that individual would then self-proclaim himself
24 as a colonel and general, and from the head of state they're being called that, but
25 there's no decree.

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1 There is no administrative or legal manner of saying that that person is of
2 such-and-such a rank. But those four officers are generals and two are colonels that
3 are then named by Djotodia by decree. There are, you know, non-officers being
4 elevated to different ranks.

5 PRESIDING JUDGE SAMBA: [12:49:54] Sorry, Ms Naouri, before we move on, the
6 English transcript - I mean, tab 73 that you referred to - does not contain the end of
7 the citation. Because all the witness did was confirm the agreement with its
8 contents.

9 MS NAOURI: [12:50:29](Interpretation) So, yes. (Microphone not activated)

10 THE INTERPRETER: [12:50:31] No microphone. Counsel, please, could you speak
11 with your microphone on.

12 MS NAOURI: [12:50:38](Interpretation) Would you like me to read out the excerpt
13 once again? It's very brief.

14 THE INTERPRETER: [12:50:42] Could it please be brought up on the screen for the
15 interpreter. That's why the interpreter requested it to be --

16 MS NAOURI: [12:50:47](Interpretation) So it was paragraph -- oh, you shouldn't be
17 shown. Okay, fine. Okay, fine. Sorry.

18 Thank you. For reasons of confidentiality.

19 It's paragraph 47 that says these two sentences:

20 "Around August 2013, there really was a State issue. In existence were a number of
21 parallel chains of command. There was no control. Virtually all the Seleka were
22 colonels or generals. I can describe the situation as a certain level of generalised
23 disobedience and people rushing to grab higher ranks." There we are.

24 So, the record is complete.

25 Q. [12:52:15] Now, Mr Witness, of course, you can see it's important for us to make

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- 1 sure that everything is well transcribed, well interpreted.
- 2 So I'm just waiting for people to have a breath.
- 3 So in light of what you have just told us, with regard to people self-allocating certain
- 4 ranks, I'm going to be reading an excerpt, 73, CAR-D33-0006-0390.
- 5 It's public and can be shown to the witness. It has not yet been submitted. It is an
- 6 excerpt of chapter 4 and it's a book entitled "The Central African Republic: the Seleka
- 7 parenthesis". And the chapter IV is "Refugees who have become MPs of the
- 8 Selekatere". And the page that is of interest to me is page 0393.
- 9 THE COURT OFFICER: [12:53:43] Tab 72 for the record.
- 10 MS NAOURI: [12:53:47](Interpretation) Thank you.
- 11 It's the second paragraph that is of interest to me, starting with the Seleka combatants.
- 12 THE INTERPRETER: [12:53:56] Correction: Tab 72.
- 13 MS NAOURI: [12:53:59](Interpretation) Very well.
- 14 Page -- left-hand page, perfect. It is written here:
- 15 "The Seleka combatants do not recognise any hierarchical authority and their military
- 16 in -- and their 'military culture' in -- in -- was such that they had a preference for the
- 17 ranks of captain, colonel and general that they would get hold of. And one could see
- 18 a colonel sitting in the back of a pickup, with a captain comfortably seated in the
- 19 passenger seat of the vehicle driven by a general.
- 20 The management and high management of the administration did not have any
- 21 importance -- did not grant any importance to these new masters."
- 22 Now I've finished with this item.
- 23 You were just talking to us about pickups. Now this scene that is described in this
- 24 book, does this correspond to what you were just saying to us, Mr Witness?
- 25 A. [12:55:15] Yes. Thank you, counsel. I do believe that with regard to a colonel

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1 and a general, they -- they often -- I hear people say that on one occasion, I didn't see
2 it myself, they saw a general getting hold of an AK-47, and there was a captain in
3 front of him and the general was escorting him and he was ignorant. The captain
4 had two -- three -- and that the -- one was superior to the other. They were going
5 back to the Camp de Roux where the residence of the president was located. I did
6 not see that happening but there were people who told me that this happened. But,
7 personally, I did not see it happening, that a colonel outside in a pickup and a captain
8 inside.

9 But to such a degree that officer combatants are ignorant people and from different
10 cultures, I can say that it is possible that the author experienced this scene. It is
11 possible. I didn't experience it myself, but I did hear people talk about it.

12 Q. [12:56:56] Thank you, Mr Witness.

13 I'm going to request that this be formally submitted, that is to be located at tab 72.

14 So you have just told us, Witness, that there were officers, ignorant officers who could
15 be undisciplined. Now, was that why there were attempts to, you know, contain
16 those various people who were carrying weapons when they arrived in Bangui?

17 A. [12:57:32] Thank you. I believe -- I believe I was, I believe. When I heard this
18 story, I heard this story when the town of Bambari fell into the hands of the Seleka.

19 And an officer found a vehicle and was able to get hold of that vehicle, a Prado, a
20 Prado vehicle, a 4x4, somewhat comfortable. Let's say it was a little bit -- it was for
21 President Djotodia. That was Bambari. And those closest to President Michel
22 asked that officer, that colonel, to use that vehicle for Djotodia, for his comfort. So
23 that officer refused to follow that order. He was the one who was able to get hold of
24 that vehicle forcibly and he wasn't able to give it back to the president under any
25 order whatsoever. That was the beginning of undiscipline.

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1 Q. [12:59:05] I left five seconds for the interpreters to allow them to breathe a little
2 bit, so please pause also. Secondly?

3 A. [12:59:38] Secondly, after the Seleka arrived Bangui, power was taken over and
4 almost all the elements became uncontrolled, they became rogue elements. As you
5 know, the various ethnic groups of the community of the Seleka, those ethnic groups
6 have their histories, the histories of their respective regions -- Birao. Inside the
7 region of Vakaga was -- had the largest majority groups: the Goula, Karas,
8 Haoussas -- Kara, Goulas and Haoussas. And so this internal conflict
9 arrived -- emerged well before between the ethnic groups. And these same ethnic
10 groups had problems with the ROUNGAS and Ndeles.
11 So, suddenly, history made it such that those various ethnic groups mobilised
12 themselves to change the regime with ethnic allies, either their neighbours,
13 neighbouring countries and the border regions. They had that alliance. So those
14 ethnic groups they knew themselves, they knew who was strong on the field and who
15 was not strong on the -- on the field.

16 So it is not because Djotodia was Goula that the Goulas became to the leadership of
17 the power over the other Arab ethnic groups, such as the ROUNGA, in order to submit
18 to their instructions. So you may understand more or less what that means.

19 PRESIDING JUDGE SAMBA: [13:02:04] Ms Naouri, we have to stop for today. But
20 before we go, can I, well, ask you about tab 73. Do you want it submitted? Did you
21 submit it formally somehow, that we didn't get, tab 73?

22 MS NAOURI: [13:02:20](Interpretation) The reason because I did not ask for it to be
23 submitted, it is a prior statement. It is an excerpt read in the hearing and so it is not
24 the entire statement. That's why I did not ask for it to be submitted.

25 PRESIDING JUDGE SAMBA: [13:02:40] Okay. That's fine.

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- 1 So, Mr Witness, we're going to end here for today and we'll meet tomorrow at 9.30 to
- 2 continue with your testimony. But before you go away, I'm going to ask that you do
- 3 not discuss your testimony here today with anybody when you leave your location.
- 4 And I'd wish to remind you that you'd remain on oath until we meet again tomorrow
- 5 here in the morning.
- 6 So I rise the Court for 9.30 tomorrow morning. Thank you.
- 7 THE COURT USHER: [13:03:12] All rise.
- 8 (The hearing ends in open session at 1.03 p.m.)