

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 14 July 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:23] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:30:52] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:30:59] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:15] Thank you.
21 I ask for the appearances of the parties. Mr Leddy for the Prosecution.
22 MR LEDDY: [9:31:19] Good morning, Mr President, your Honours. I'm Nick
23 Leddy with the Office of the Prosecutor. Today with me are Kweku Vanderpuye,
24 Pierre Belbenoit-Avich and Yassin Mostfa.
25 PRESIDING JUDGE SCHMITT: [9:31:29] Thank you.

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- 1 And for the Legal Representatives of the Victims.
- 2 MS RABESANDRATANA: [9:31:33](Interpretation) Good morning, Mr President.
- 3 Good morning to all. For the representatives of victims of other crimes,
- 4 Paolina Massidda, Evelyne Ombeni and Elizabeth Rabesandratana.
- 5 MR SUPRUN: [9:31:50] Good morning, Mr President, your Honours. The former
- 6 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 7 Public Counsel for Victims. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:32:00] Thank you.
- 9 And now to the Defence. Ms Dimitri first.
- 10 MS DIMITRI: [9:32:04] Good morning, Mr President, good morning your Honours.
- 11 Good morning, everyone. Mr Yekatom, who is present in the courtroom, is
- 12 represented today by Mr Thomas Hannis, Ms Léa Benoit, Mr Florent Pages-Granier,
- 13 and myself, Mylène Dimitri.
- 14 PRESIDING JUDGE SCHMITT: [9:32:17] Thank you.
- 15 Mr Knoops.
- 16 MR KNOOPS: [9:32:19] Good morning, Mr President, dear members of the Chamber,
- 17 everyone in the courtroom. The Defence team of Mr Ngaïssona appears today
- 18 before you with Ms Marie-Hélène Proulx, Ms Sara Pedroso and our new intern
- 19 Ms Eva Kalb. Thank you.
- 20 PRESIDING JUDGE SCHMITT: [9:32:34] And, of course, also a welcome to our
- 21 witness, Mr Tiangaye. Good morning.
- 22 WITNESS: CAR-OTP-P-0291 (On former oath)
- 23 (The witness speaks French)
- 24 (The witness gives evidence via video link)
- 25 PRESIDING JUDGE SCHMITT: [9:32:48] I give the floor now to Ms Proulx, I assume,

1 for her questioning. Although, we should only start if we have a picture in front of
2 us. We have -- I have the witness on my screen, but if this is enough for you, we
3 could start. But I think it's not -- it's not the best possible.

4 MS PROULX: [9:33:10] Good morning, Mr President. I agree it is not ideal, but if
5 the problem cannot be easily solved, I can still start, depending on your preference.

6 PRESIDING JUDGE SCHMITT: [9:33:21] Actually, it is good that you say "easily
7 solved". This means, let's say, that we can stay sitting here and not have to leave
8 the courtroom, but I would also appreciate it if we had -- now we have him on the big
9 screen.

10 Again, good morning, Mr Tiangaye, we see you now much better. We had you only
11 on our small screen and now we have you on the big screen in the courtroom.

12 Ms Proulx will conduct the examination today. You have the floor.

13 THE WITNESS: [9:33:51](Interpretation) Good morning. I am not on the large
14 screen. I am only appearing on the small screen.

15 PRESIDING JUDGE SCHMITT: [9:33:58] No, but now -- (Overlapping speakers)
16 now it has been -- Mr Tiangaye, now the problem has been solved. Here in the
17 courtroom you are on a large screen, so we can see you very well. Thank you.

18 THE WITNESS: [9:34:17](Interpretation) But at my end the big screen doesn't seem
19 to work. It's not showing. But I can see you clearly, although only on the small
20 screen.

21 PRESIDING JUDGE SCHMITT: [9:34:30] Okay. Okay. Thank you very much. I
22 think that will do for the moment. And please, Ms Proulx, you can start.

23 QUESTIONED BY MS PROULX: (Interpretation)

24 Q. [9:34:40] Good morning, again, Mr Tiangaye.

25 A. [9:34:43] Good morning.

1 Q. [9:34:46] My name is Marie-Hélène Proulx, one of the lawyers representing
2 Mr Patrice Ngaïssona. Mr Tiangaye, unfortunately I am the third person having to
3 question you this week and this means that you have already covered a lot of ground
4 with my colleagues from the OTP and Mr Yekatom's Defence team. I am therefore
5 going to try to not have to ask you to repeat what you have already said, but if I were
6 to ask questions that appear to be repetitive to you, please, I crave your indulgence
7 and I apologise for that in advance. Is that okay?

8 A. [9:35:27] Very well.

9 Q. [9:35:31] Thank you. Mr Tiangaye, this week you already talked about
10 the living conditions of the civilian population under the Séléka regime. You talked
11 about excesses committed by Séléka on civilians and, among other things, you talked
12 about massacres, pillaging, destruction of property, rape and other types of excesses.
13 My question is as follows: Would it be correct to say that President Djotodia had no
14 control over the situation, namely he was unable to stop his elements from
15 committing these acts of violence on civilians?

16 A. [9:36:21] My answer will be yes. I believe that the head of state of the
17 transitional government, Mr Djotodia, was overwhelmed. I had already indicated
18 that he was heading up a coalition of several armed groups. Some of the elements of
19 those groups did not obey Djotodia, but rather obeyed their own leaders. *So it can
20 be said that Djotodia did not have full control over all the elements that made up
21 Séléka. So at some point the situation ran out of control
22 and that is why the summit of the economic committee of Central African states was
23 convened in N'Djamena to call for the resignation of Djotodia and his government in
24 January 2014.

25 Q. [9:37:41] Mr Tiangaye, you granted an interview to the United Nations

1 commission of enquiry.

2 And, for the record, it's document 22 at the OTP binder, reference

3 CAR-OTP-2045-0696.

4 And I'm referring specifically to page 0697. In that interview, which you granted
5 on 29 September 2014, at that time you said that Djotodia did not only not have
6 control over the Séléka, but that he himself participated in the excesses; is that correct?

7 A. [9:38:40] When I talked about those excesses, which he could not have been
8 unaware of, let me point out specifically here the case of my security elements, some
9 of whom had been killed and some of whom were taken to *Camp de Roux* where
10 Djotodia was located. Some crimes were committed at *Camp de Roux* and, therefore,
11 one cannot say that Djotodia was unaware of what was happening at *Camp de Roux*.
12 One of my bodyguards who was struck by a machete on his head but who survived
13 because I successfully exfiltrated him for treatment in Cameroon, that is a case in
14 point which indicates that. The events that took place on 5 December 2013, namely
15 the Anti-Balaka offensive, in that -- in those circumstances people were executed
16 summarily in *Camp de Roux* where Djotodia was located, so it would be difficult to
17 imagine that he was not aware of those abuses or killings that occurred or took place
18 in *Camp de Roux* where he was at the time.

19 Q. [9:40:06] Still in the same interview with the UN Commission of Inquiry, you
20 said that as prime minister at the time you had no power to stop the Séléka excesses;
21 is that correct?

22 A. [9:40:24] Yes, it is correct. The Séléka were not under my orders. The army
23 was completely defeated. There was no defence and security force in place which
24 would be available to the prime minister to deal with the situation. That is why in
25 order to try to alleviate the situation I called on the international community to send

1 troops not only to disarm Séléka, but to ensure that the republican order is respected
2 in my country. I did so on 15 May 2013 at the United Nations Security Council and
3 on 26 September at the United Nations general assembly.

4 Q. [9:41:26] You attempted to discuss the situation with President Djotodia; is that
5 correct?

6 A. [9:41:33] Yes, of course.

7 Q. [9:41:44] In your statement you mention that you did not meet Djotodia often
8 because he was preoccupied by security issues. But at the end of March 2013, were
9 you able to meet with President Djotodia at Ledger Hotel?

10 A. [9:42:09] That could have been possible, because in March 2013 he was resident
11 at the Ledger Hotel and he was -- if I am not mistaken, he was in the -- *on the ground
12 floor in his suite. And because it was not far away from the Independence Avenue,
13 for security reasons General Akaga, who was the commander of the multinational
14 forces for Central Africa, recommended that he should leave the Ledger Hotel
15 because they couldn't guarantee his security there. That is why he went to
16 *Camp de Roux*, which was under better protection. It is possible that I would have
17 met him there because I was prime minister at the time you refer to.

18 Q. [9:43:10] Let me briefly hop back to something you touched on in my previous
19 question. You talked about your speeches to the United Nations in which you called
20 for disarmament of the Séléka. Is it correct to say that there was no response to these
21 requests? Even though Séléka was dismantled in 2013 they were not disarmed; is
22 that correct?

23 A. [9:43:45] Séléka was not dismantled. When the Sangaris French forces arrived
24 the Séléka elements left with bag and baggage, with weapons and baggage, so there
25 was no disarmament as we had called for.

1 Q. [9:44:11] You provided the Office of the Prosecutor the text of an interview
2 which you conducted. It's document number 16 in the OTP binder, reference
3 CAR-OTP-2024-0094. I want to refer specifically to page 0097. In that interview
4 you said, and I quote you: "The country had neither an army nor the gendarmerie nor
5 the police to provide protection to our population by was being massacred, martyred,
6 looted and humiliated." End of quote.

7 Am I to understand then that the crimes committed by Séléka went entirely
8 unpunished because state authorities were no longer functional?

9 A. [9:45:23] I can confirm that. Yes, that is indeed what I said.

10 Q. [9:45:36] You also explained that President Djotodia did not respect
11 the constitutional charter for the transitional government, that he did not respect
12 the rules pertaining to the appointment and dismissal of ministers, that he knew that
13 crimes were being committed by Séléka but did not act and that he was not
14 recognised by the international community. Now, in those circumstances and
15 according to you, did the Séléka regime, under the presidency of Djotodia, would
16 they have had control or even an interest in correcting or rectifying the situation in
17 the country?

18 A. [9:46:26] When you say rectify the situation, it would mean or imply that
19 Djotodia had control over his elements. If he had any control over any elements who
20 were under his orders, well, he could have done so for the others. But I told you that
21 some elements paid allegiance rather to the leaders of their respective groups, so he
22 had no control and he could not punish them. These are people who were operating
23 in an environment where there was no justice as such, where there was no power as
24 such, where there were no resources to punish any perpetrators of these heinous acts.

25 Q. [9:47:24] Let me hop back again briefly to document number 22 which we just

1 talked about, that is your interview with the United Nations Commission of Inquiry.
2 In that interview you stated that Djotodia and Nouredine had only one objective,
3 namely to keep power, but not to proceed to a transitional arrangement. In that
4 context and given everything that we have talked about pertaining to the prevailing
5 general situation in the Central African Republic at the time, would you think that
6 returning to order and security in the country could have happened peacefully while
7 Séléka was in power?

8 A. [9:48:09] That would not have been possible. It would have been surrealistic.

9 *They came to power through the force of arms, they had no democratic culture, they
10 could not accept that institutions function normally because the only language they
11 knew was the language of force. It would therefore have been an illusion to think
12 that there could be a return to republican democracy peacefully under those
13 circumstances. That is why I came to the conclusion that their replacement will be
14 by force or not and historically I was proven right.

15 The idea that Christians had been in power for a long time was widespread and that
16 Muslims had now taken power and would therefore be in power for half a century.

17 So that was not something that was unknown and the Séléka were not willing to leave
18 power as such and this in a context where a transition was being considered. That is
19 why one can say that on the -- on a practical level and objectively speaking, people
20 were not prepared, they were not prepared to leave power because it benefited them.

21 Q. [9:50:02] Now, that leads me to the question on the creation of the Anti-Balaka.
22 Have you had opportunity to discuss with any or many of the Anti-Balaka elements,
23 Mr Tiangaye?

24 A. [9:50:20] No, not at all.

25 Q. [9:50:22] I raise that question with you because I don't know whether you have

1 followed this trial, but a few weeks ago a former Anti-Balaka element testified in this
2 court, someone who was in the bush through summer and -- of 2013 up until
3 the attack on Bangui.

4 For the record, I'm referring to *Defence document 30 -- transcript T-43 in English,
5 page 22, and Defence document 31, transcript 44, from page 28, lines 11 to
6 page 29, line 2.

7 Now, Mr Tiangaye, this former Anti-Balaka who came here explained to the Court
8 that the situation was so unsupportable in 2013 that Séléka was committing so many
9 crimes against civilians that many people felt that they had no other choice but to try
10 to chase out Séléka using their own resources, and that is how gradually
11 the Anti-Balaka were formed or created.

12 Mr Tiangaye, this is very close to what you explained to us this week; is this correct?

13 A. [9:51:51] I agree. And I want to add that this is a historical fact which occurs
14 regularly. When a people is oppressed, manhandled, martyred, the -- there is birth
15 within those people a genus of resistance to put an end to oppression. So this is
16 what happened. The population, therefore, could not continue to remain passive
17 indefinitely in the face of the crimes that were being committed by Séléka. Children
18 saw their fathers assassinated, their mothers raped, their houses destroyed, so they
19 had no other choice but to resist by all means possible this situation, and I can confirm
20 that.

21 Q. [9:52:56] The same witness repeated to this court several times that according to
22 him the Anti-Balaka did not receive financial aid from President Bozizé. He
23 described the truly miserable conditions in which the Anti-Balaka were operating in
24 the bush. Then he added -- and I quote, for the record, document 31 of the Defence
25 binder, T-44. We have the English version, page 36, lines 9 to 16.

1 I will read it out to you in French:

2 "The former Anti-Balaka said, regarding the number of elements and Bozizé's support
3 or help from government, if we had received that type of help would we have
4 suffered that much in the bush?

5 My second question then is as follows: In this video, did you hear any Balaka say
6 that such-and-such a person was supporting us and we were doing well in the bush
7 and that we were living under good conditions?

8 I have told you already that in the bush we lived under difficult circumstances, and if
9 you have the resources to investigate, if you find any elements who can prove that
10 while in the bush we received weapons and food and lived in good conditions, please
11 tell me, please tell me, let me know. That's my question." End of quote.

12 Mr Tiangaye, what do you think of this excerpt from the -- this witness's testimony?

13 A. [9:54:50] I cannot say anything about the testimony as such. It must be
14 a reflection of that particular witness's experience or reality as far as the -- it concerns
15 the Anti-Balaka. If I go by the Anti-Balaka offensive of 5 December, although I was
16 not in Bangui, the information I received was that they did not have modern weapons.
17 They had a few traditional weapons which they produced or manufactured
18 themselves, hunting guns and bows and arrows and what have you. So they did not
19 have military logistic support in the face of the Séléka war machine.

20 Q. [9:55:59] Mr Tiangaye, during previous testimonies before this court, it has
21 emerged that because of the crisis obtaining in the Central African Republic in 2013
22 and also maybe because of some panic within the population at the time, there were
23 many rumours and unverified information or even false information going around
24 amongst the people either by telephone or by social media. Did you yourself
25 observe this phenomenon?

1 A. [9:56:35] What type of information are you referring to, please?

2 Q. [9:56:41] Information on imminent attacks, on weapons, on individuals who
3 may have participated in the attacks. Some previous witnesses, when challenged or
4 confronted with some information that was circulating on social media, said that this
5 information ended up being found to be false. Are you aware of any such
6 information that was circulating at the time?

7 A. [9:57:14] No, I do not have any recollection of that type of information.

8 Q. [9:57:30] On Monday you mentioned in English real-time transcript, page 81,
9 that President Djotodia had attempted to shift responsibility to the Anti-Balaka in
10 relation to the attack on your residence. As far as you know, were there any other
11 occasions on which Séléka attempted to blame the Anti-Balaka for its own acts of
12 violence?

13 A. [9:58:05] I don't know. I really don't know. But when it comes to my case, my
14 residence was not attacked by the Anti-Balaka. It was the presidential guard,
15 the close guard of President Djotodia that attacked my residence, pillaged it and
16 carried out summary executions. And I clearly pointed out my disappointment and
17 disapproval to Djotodia when he wanted to place it on the Anti-Balaka and I
18 forcefully impressed it on him that it was not the Anti-Balaka, it was the Séléka. You
19 see, I was in disagreement with Mr Djotodia because he thought that I was one of the
20 Anti-Balaka leaders because of my Christian identity so -- but we had differences in
21 how to manage the crisis the country was facing, the crimes and everything that was
22 being meted out on our population. So this was common knowledge and we had
23 disagreement over those issues.

24 Q. [9:59:18] Mr Tiangaye, this week you touched on the issue of billeting Séléka
25 elements which started in December 2013, I believe. Can you explain to the Court

1 what the objective of this billeting exercise of the Séléka elements was?

2 A. [9:59:43] This billeting exercise was not being conducted with a view to
3 disarmament. The purpose, if you say billeting, that might be a wrong word. It
4 was simply positioning people in a camp. Camp Béal had elements from
5 Anti-Balaka -- no, I'm sorry -- from Séléka and I think towards the north DOT there
6 was also a location there, *Camp de Roux* as well. So there was not really strictly
7 speaking a billeting exercise with a view to disarm the Anti-Balaka -- no, I'm sorry,
8 the Séléka.

9 Q. [10:00:34] If the objective was not to disarm them, what was the objective for
10 their billeting?

11 A. [10:00:45] Well, in a crisis period people from the provinces have to regroup in
12 the same location. Many of those Séléka elements did not have houses in Bangui, so
13 they had to be placed in a certain position. But talking about cantonment, I think
14 this is not possible.

15 Q. [10:01:14] One can argue that the same circumstances applied to the Anti-Balaka
16 because they came to Bangui from the provinces. Now, while you were the prime
17 minister, did you discuss the cantonment of the Anti-Balaka for the same reasons?

18 A. [10:01:41] Well, you cannot talk about the billeting of the Anti-Balaka. Many of
19 them came from the provinces and they were scattered all over the place. Many of
20 them were also in their villages. Who could have billeted the Anti-Balaka?
21 Certainly not the Séléka, because they were their military adversaries.

22 Q. [10:02:19] Samba-Panza's transitional government could have billeted them; is
23 that correct?

24 A. [10:02:28] Samba-Panza's government could not barrack them because that
25 government did not have autonomous resources, that is in the area of human

resources. The army was already disorganised. She did not really have the logistical and human resources in order to carry out this type of cantonment.

Q. [10:03:17] Now, let me move on to something else, Mr Tiangaye, and I will come back briefly to two documents that you viewed with the OTP on Monday. The first document is number 30 in the OTP list and the reference is CAR-OTP-2075-0906.

And I would like that document to be -- to be displaced on the screen for you, please. I would like the last paragraph to be shown to you, and you can see "after Ngaïssona". Now, do you agree with me that after reading this document the word "Ngaïssona" is used strictly as a geographical point of reference?

A. [10:05:38] Yes, I confirm that it refers to a geographical location.

Q. [09:05:40] Thank you.

PRESIDING JUDGE SCHMITT: [10:05:44] Actually, when this was shown on Monday I also asked myself -- my French is not so good, but I thought it looks strange a little bit. What is "*après*", "*après Ngaïssona*", what this means, this. But I couldn't imagine that a -- that there is a location that is also called Ngaïssona. Is -- is -- just, for my interest, there is a geographic location that is called like that?

MS PROULX: [10:06:15] I don't have an answer for you.

PRESIDING JUDGE SCHMITT: [10:06:17] Okay. But I understand from the poor language and the witness has given an answer. I understand.

MS PROULX: [10:06:30]

Q. [10:06:30] I would like to move on to the second document, document 32 on the OTP list. It is CAR-OTP-2075-1001. And I'm referring to page 1003. If this could be displayed on the screen. The middle of the page, please.

Very well.

Mr Witness, you remember that you discussed this excerpt with the OTP and it talks

1 about a march that is supposed to have been the initiative of Mr Ngaïssona. Would
2 you agree with me that when you talk about a march it is a civil event, there is no
3 suggestion that this is criminal behaviour?

4 A. [10:07:46] Please allow me some time to read the document.

5 Well, I have read the excerpt.

6 Q. [10:08:18] Would you like me to repeat my question?

7 A. [10:08:25] Yes, please.

8 Q. [10:08:26] Now, the document talks about a march of the young people. Do
9 you agree with me that the march is a civil event and there is no suggestion of
10 criminal conduct?

11 A. [10:08:49] I am surprised to hear about a march during that time. Could there
12 have been marches? Séléka had control of the situation, so all marches would have
13 been repressed. You can only talk about a march in a situation where
14 the institutions are functioning normally. But in a situation where the country is in
15 the hands of the Séléka, what would the march be about? Against whom? And
16 what are the grievances?

17 I would like to draw your attention to these notes, and they do it sometimes to benefit
18 from money and sometimes it is not consistent with reality. People who are
19 recruited are paid according to the notes that they hand in, so sometimes they submit
20 incorrect notes to the authorities. And these are not even usually prepared by
21 intelligence professionals, people who have not been trained. Some of them are
22 targeting personal enemies and does not reflect reality. So this was mentioned
23 several times and many incorrect notes caused a lot of harm to Central Africans.

24 Q. [10:10:44] Thank you very much for that clarification. It was very useful and
25 interesting.

1 To your knowledge, was there a major problem of inaccurate reports in 2013?

2 A. [10:11:01] Not only in 2013, even today people falsify reports so as *to settle
3 personal scores or to benefit from funds that are allocated, so they have to submit
4 these reports or notes to prove that they have done the work. And many of them,
5 the vast majority, are inaccurate.

6 Q. [10:11:32] If I understand you correctly, these fake documents or notes are
7 distributed and circulated to other people so as to distort the reality?

8 A. [10:11:52] Quite frequently to have the benefits allocated to the investigators.
9 You will understand that when you are given money to go and provide intelligence,
10 sometimes you have to bring back those reports all the time to benefit from that
11 money and many of them are inaccurate.

12 Q. [10:12:18] Just one other question. Around 2013 how could you distinguish
13 a real report which talked about real information from a fake report.

14 A. [10:12:37] You had to cross-check. *It was a very specific situation. There were
15 many intelligence units, the gendarmerie, the military and police intelligence services,
16 so you need to have a service that will cross-check all these reports in order to
17 determine which is fake information and which is true information so as to provide
18 that information to the public authorities.

19 Q. [10:13:13] But at the time in 2013 these services were not completely operational;
20 is that correct?

21 A. [10:13:22] Yes, that is correct.

22 Q. [10:13:26] Thank you very much. I will move on to something else, clarification
23 of Monday. It is transcript T-51 real-time English version, page 50.

24 On Monday, in answer to a question to the OTP, you specifically mentioned the date
25 of 30 October 2013. After that answer, the Prosecution asked you, and I will quote in

1 English: (Speaks English) "And what information do you have about Ngaïssona's
2 role at that time in that regard?

3 (Interpretation) And your answer was, and I will quote again in English.

4 (Speaks English) "I believe that at that time once he declared himself to be a member
5 of the Anti-Balaka movement it was pointed out that he was the general coordinator
6 of the Anti-Balaka movement."

7 (Interpretation) I have a clarification question for you. If I understand you correctly,
8 you were not suggesting that Mr Ngaïssona had already become the general
9 coordinator of the Anti-Balaka as early as October 2013, but he did so in January 2014;
10 is that correct?

11 A. [10:15:23] I did not quite understand your question.

12 Q. [10:15:30] Let me rephrase. In the excerpt that I read to you, it is possible to
13 interpret that in that answer you suggested that Mr Ngaïssona was already
14 the general coordinator of the Anti-Balaka on 30 October 2013. I just wanted to be
15 certain if you agree with me that Mr Ngaïssona became the general coordinator of
16 the Anti-Balaka in January 2014 not 2013?

17 A. [10:16:07] Now, who said he was the coordinator in October 2013?

18 Q. [10:16:12] Well, the answer that you gave was a bit ambiguous. I just wanted
19 to clarify, and you have agreed with me.

20 A. [10:16:22] He was a coordinator. He himself declared that he was the general
21 coordinator of the Anti-Balaka, but with regard to the date, I cannot tell you
22 the specific date. But I believe that it was slightly later that he became the general
23 coordinator.

24 Q. [10:16:57] Thank you. That is clearer.

25 A. [10:17:02] But I do not have any precise date. He came a little bit later, but

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1 I don't think it was at the very beginning, because the attack of the Anti-Balaka on
2 Bangui was in early December and I think that he did not become coordinator before
3 that, if I remember correctly, but I cannot give you guarantees on the precise date.

4 Q. [10:17:35] Thank you. I will move on to something else.

5 Mr Tiangaye, do you know anyone by the name of Adrien Poussou?

6 A. [10:17:48] I know him. *He was the minister of communication in the government.

7 Q. [10:18:03] And since when have you known him?

8 A. [10:18:09] Well, I knew him when he was in the government, but -- because his
9 name was proposed to become a member of government. He was a journalist in
10 France, but after that his name was proposed to become a member of the government
11 and I accepted.

12 Q. [10:18:36] Did you already know him in March 2013?

13 A. [10:18:50] I no longer remember, but in any case I know him because he was in
14 the government.

15 Q. [10:19:03] Do you remember spending some time with him at the Ledger Hotel
16 in March 2013?

17 A. [10:19:15] I don't remember the meetings that I had with people all the time. *If
18 he was in the government, well, it is possible that we could have met, since in March
19 2013 Djotodia was at the Ledger Hotel and many of the meetings were in the Ledger
20 Hotel, so it's definitely possible.

21 Q. (Overlapping speakers)

22 A. And that was possible.

23 THE INTERPRETER: That was what the witness answered.

24 MS PROULX: (Interpretation)

25 Q. [10:20:02] *But Mister Tiangaye, Adrien Poussou became Minister at the end of

1 November 2013, If my memory serves me correctly, do you agree?

2 A. [10:20:05] I no longer remember*, but what I do know is that he was Minister
3 during the transition. I don't know whether it was in March or in October. I no
4 longer remember.

5 THE INTERPRETER: [10:20:11] There was a bit of overlapping there.

6 MS PROULX: [10:20:16](Interpretation)

7 Q. [10:20:17] Are you aware of a recording that Mr Poussou made in secret in this
8 period in 2013?

9 A. [10:20:26] No, not at all.

10 Q. [10:20:38] Do you remember the circumstances that led to the appointment of
11 Mr Poussou as prime minister? *How did it come about? Were there discussions
12 between Mr Djotodia and Mr Poussou? Had Mr Poussou accepted to become Minister
13 before his appointment?

14 A. [10:21:01] That is possible.

15 Q. [10:21:12] But you were not involved in the discussions prior to that
16 appointment; is that correct?

17 A. [10:21:19] His name was proposed, I believe, by his friends who were already in
18 the government. I had no interest in opposing that because the former
19 communications minister had some problems at the time and he had to be replaced
20 and that is how come Poussou's name was proposed.

21 Q. [10:21:51] Did you see Mr Poussou again while prime minister later on in 2013?

22 A. [10:22:00] I no longer remember. After 2013, yes, I believe I met him and then
23 later on he set up a radio station. I was -- he was abroad, but I met many people, so
24 I can no longer remember specifically the people I met with and under what precise
25 conditions.

1 Q. [10:22:47] Do you remember having seen him in Paris in December 2013?

2 A. [10:23:02] In December 2013 I was in Paris, in the conference. Maybe he was in
3 the delegation that I was leading. These were the heads of states and government on
4 security in Africa. It's -- it's possible.

5 Q. [10:23:31] Now, let me move on to something else again, documents that you
6 gave to the OTP and annexed to your statement. You have already discussed them
7 with the OTP and I will try not to have you repeat, but I have a few questions for each
8 of the annexes. These questions may sound repetitive to you, but once again I ask
9 for your indulgence because there is an objective to all of that.

10 Annex 1 is number 10 in the OTP list of evidence. It is CAR-OTP-2024-0060. If it
11 can be displayed on the screen, please.

12 Do you remember when, that is which of your meetings with the Office of the
13 Prosecutor, during which of those meetings did you give them this document?

14 A. [10:25:14] I beg your pardon?

15 Q. [10:25:17] You met with the Prosecutor on several occasions to give your
16 statement, March 2015, June 2015, and then in March 2016. Now, I am asking you
17 whether you remember on which of those meetings you handed that document to
18 the OTP?

19 A. [10:25:46] I no longer remember. I did not note the dates. I met with them
20 and I don't know whether I gave the document after the first, second or third
21 meetings. But what is certain is that I'm the one that gave this document, which has
22 the identity of the person that handed the document to me.

23 Q. [10:26:13] Thank you. I was asking the question quite simply because in
24 the metadata that is accessible to us it is 29 March 2016, which is 11 days after your
25 last meeting, but you are saying that you gave the documents during your meetings

1 with the investigators?

2 A. [10:26:42] I do not remember the dates. I cannot remember that on such
3 and such a date I gave a document. It was up to the investigators to note them in
4 their reports that on this date we were given this document and so on and so forth. I
5 cannot keep archives indicating which documents I gave to which people. That was
6 the work of the team of the Prosecutor's investigators.

7 Q. [10:27:19] On Monday you explained to us that the document in question was
8 given to us by its author. You gave the name and we need not repeat it today.
9 Now, do you remember when this document was given to you? When did you
10 obtain it?

11 A. [10:27:44] I have told you that it is not up to me to keep archives indicating that I
12 received documents on such-and-such a date. It was important to say whether I
13 received documents or not and if I was the one who gave the documents to the team
14 of investigators of the OTP. But I do not have a diary or archives including such
15 minor details. It is not feasible.

16 PRESIDING JUDGE SCHMITT: [10:28:22] I think it's -- it's not surprising, so I think
17 we can move on.

18 MS PROULX: [10:28:27](Interpretation)

19 Q. [10:28:32] In paragraph 123 of your statement, you say that the alleged victim of
20 the document here, you say he came from Bouca and that he was killed by Andjilo.
21 *Did you glean this information only from the complaint itself, from the document
22 itself, or from another source?

23 A. [10:29:05] It is indeed this document.

24 MS PROULX: [10:29:16] Court officer, can you scroll down that document. Yes,
25 that is correct.

1 Q. [10:29:24] Mr Witness, maybe I should allow you a minute or two so that you
2 should read the paragraph starting with "on the date of February 2014" and then I will
3 put a question to you afterwards.

4 Mr Tiangaye, have you read the paragraph?

5 A. [10:30:23] I can see it. Oh, no it's -- now it's here.

6 Q. [10:30:30] The paragraph beginning with -- on 4 February 2014.

7 A. [10:30:37] Could you enlarge a little bit? I am looking at this on a small screen.
8 That's fine. Thank you.

9 Yes, I have read it.

10 Q. [10:31:33] Would you agree with me that when one reads this
11 paragraph the author of the document seems to infer that he himself was not
12 a witness of the abduction of the *alleged victim and, therefore, the information
13 must have come from another source which is not identified?

14 A. [10:32:02] Well, I cannot say anything about the validity of this document. It's
15 for the Prosecutor and their investigation team to do that.

16 Q. [10:32:16] I was not asking you to say anything about the validity of the
17 document. What I'm trying to elicit is whether you agree with me that this
18 paragraph appears to contain secondhand information and that the information does
19 not come from what the author himself saw. Do you agree with this assessment?

20 A. [10:32:43] You have put to me questions requiring me to agree or not agree with
21 you but that's -- that's not for me to say. I have just handed over the documents to
22 the investigators of the OTP and they can use it in whichever way they choose to. So
23 the Prosecutor would look at it and maybe see some strengths in it, the Defence
24 would look at it and see some weaknesses, but you can't ask me whether I agree or
25 not with you.

1 PRESIDING JUDGE SCHMITT: [10:33:17] Ms Proulx, I agree with the witness,
2 actually. What you are asking him is to interpret the wording of this document and
3 this is, in the end, if it is relevant at all, is up to the judges, what we read in it, what
4 we see in it or not see it in it. So I would agree with the witness here, so perhaps you
5 can move on.

6 MS PROULX: [10:33:40] Thank you, Mr President.

7 Q. [10:33:43](Interpretation) Mr Witness, in your statement you refer very, very
8 little -- you don't remember to this document much. You simply say it was
9 a complaint against Andjilo and then you provide some information on the victim. I
10 would like to know whether you had more elaborate discussions on this document
11 during your conversations with the investigators of the OTP. Did they ask you more
12 questions on this document?

13 A. [10:34:15] If investigators had put any questions to me it should be in their notes.
14 But what I added in the testimony is that Mr Andjilo was arrested, he was convicted
15 and sentenced to 20 years of imprisonment under hard labour. So there is a lot of
16 material on Andjilo that can be used by all parties, whether it is the OTP or
17 the Defence. And then you can also try to locate the judgment of the appeals court
18 in Bangui so that you can then know on what grounds you are proceeding in
19 assessing this material.

20 Q. [10:35:01] I will go to now -- now to annex 2, document number 11 in
21 the Prosecutor's binder, CAR-OTP-2024-0062.

22 I am not going to put any words into your mouth, but I think I can say that you don't
23 remember at what point in your discussions you handed this document over to
24 the investigators; is that correct?

25 A. [10:35:47] Yes, that is correct.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/18

1 Q. [10:35:50] Now, on Monday you testified that you do not remember the identity
2 of the individual who gave you the report and that you do not remember when
3 the report was handed to you. Now, do you know whether the person who gave
4 you the document was the author of the document or whether this document came
5 from another source?

6 A. [10:36:15] I no longer recall.

7 PRESIDING JUDGE SCHMITT: [10:36:19] Next document, I would say. No, really.
8 The witness has not produced it, it was handed over to him, he does not recall who
9 has produced -- who has handed it over to him. Of course, if you have a completely
10 new angle you would put on it with regard to potential sources I would allow it, but
11 it was simply a suggestion.

12 And also with regard to the next annexes, the witness does not know when he has
13 given them to the Prosecution, I would say.

14 MS PROULX: [10:36:58] I'd like a minute to confer, please.

15 PRESIDING JUDGE SCHMITT: [10:37:02] Please do that.

16 (Counsel confer)

17 MS PROULX: [10:38:35](Interpretation)

18 Q. [10:38:38] I would now like to show you the document at tab 6 in the OTP
19 binder, CAR-OTP-2009-3472.

20 This is a handwritten document. The document you handed to the OTP, was it an
21 original or a photo -- or a copy?

22 A. [10:39:40] It must have been a copy.

23 Q. [10:39:52] On Monday you stated that you didn't ascribe much importance to
24 this document, transcript T-51, page 67 in the English version.

25 Mr Witness, am I to understand then that you felt that the content of this document

1 was not credible?

2 A. [10:40:16] When the Office of the Prosecutor met with me, the team of
3 investigators asked me if I had any documents which I thought would be related to
4 what happened in the country at that time, so I gave them those documents.
5 I am a politician and in Africa, when you are a politician, you can expect anything,
6 including assassination, so you might have some information. So I really wasn't
7 concerned about my own person. I was concerned about the situation in the country,
8 the suffering, the fires, the pillaging, the rape, mass killings and what have you.
9 Those are the things that were important for me. It's not people's names and it's not
10 because my name appeared on this document that I should pay more attention to it
11 than to the situation that was prevailing in Central African Republic, namely violation
12 of human rights, war crimes and crimes against humanity.

13 Q. [10:41:35] Mr Tiangaye, this document is not mentioned in your statement and it
14 is not annexed to your statement. So when you handed this document to
15 the investigators of the OTP, did you have any discussions on this document with
16 them? Did they ask you any questions on this document?

17 A. [10:41:59] I think the reports of the investigators would contain the discussions
18 that I had with them. So if I had had such a discussion it would appear in their notes.
19 If I hadn't, it wouldn't appear in their notes.

20 Q. [10:42:23] You mentioned a short while ago about fake or false information
21 forms that may be in circulation. Would you agree with me that these handwritten
22 documents, which I didn't show you all of, I would have loved to, but would you
23 agree with me that some of these documents would have been false information
24 forms?

25 A. [10:42:59] Now, whether these are fake or false information forms, that question

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(Open Session)

ICC-01/14-01/18

1 does not appear to me to -- hello, hello, can you hear me?

2 PRESIDING JUDGE SCHMITT: [10:43:08] Yeah, it's fine. Please answer. I think
3 afterwards there will be no reason for an objection.

4 Please answer.

5 THE WITNESS: [10:43:23](Interpretation) What I was saying is that I received some
6 documents. The team of investigators from the OTP tried to contact me because I
7 had held high office in the country at that time. They asked me if I had any
8 documents. I handed over the documents to them. It is for the OTP then to delve
9 deeper into those investigations and gather evidence that can support its case. So if
10 there are any weaknesses in the documents, the Defence will use the weaknesses that
11 appear in the document. But I, in my position, cannot be the judge of the relevance
12 or the -- or validity of documents that I handed to the Prosecutor in good faith.

13 PRESIDING JUDGE SCHMITT: [10:44:17] This is the reason why I said there is no
14 reason for an objection, I would assume, because the witness has made it several
15 times clear. So perhaps -- I don't know what you intend to ask him in the remaining
16 time, but I think any questions with regard to interpreting some of the documents,
17 putting to the witness, I would not see as appropriate anymore.

18 Yeah, Mr Leddy, please.

19 MR LEDDY: [10:44:43] Thank you, Mr President. Just a small point.
20 The objection was about calling for speculation on behalf of the witness. But
21 a second point, if we're going to show the witness documents we'd request that
22 the full document be shown to him over the internet so that he can refresh his
23 recollection properly. Thank you.

24 PRESIDING JUDGE SCHMITT: [10:45:03] Yeah, but, you know, I think I was not so
25 wrong when I said I assume that there would be no need for an objection because

1 the witness did simply not speculate. So he may have been asked for speculation, but
2 since he did not speculate in his answer, I think -- and this is the reason, Ms Proulx,
3 why perhaps we can move forward. And there's also -- under these concrete
4 circumstances, there's also no need to display, this time, the whole document to him.
5 Please continue.

6 MS PROULX: [10:45:30] Thank you, Mr President.

7 Q. [10:45:31](Interpretation) I will now move to my last topic, Mr Tiangaye.

8 Mr Tiangaye, you became François Bozizé's lawyer again in 2019 and you pleaded on
9 his behalf for him to return to the Central African Republic; is that correct?

10 A. [10:45:52] Yes, that is correct.

11 Q. [10:46:06] In 2020 you went into an alliance with François Bozizé and other
12 political parties under COD-2020, a group of opposition parties opposed to
13 President Touadéra; is that correct?

14 A. [10:46:24] I am not allied to Bozizé. What we know is that there was a platform
15 of opposition political parties. The members of that coalition are not physical
16 individuals, it is political parties. Bozizé's party, which is KNK, and my party, CRPS,
17 are members of that democratic coalition. Therefore, I believe that it is not judicious
18 to try and shift the debate to a personal level and indicate that I am aligned to Bozizé.
19 We are dealing here with political parties that are members of a coalition that was
20 created known as COD-2020. When this was created Bozizé himself was not in
21 Bangui. It is others who let up his party who were there, and it was with them that
22 we created this coalition of democratic parties. So I think we should not mix things
23 up when it comes to this issue.

24 Q. [10:47:30] Can I ask the court officer, please, to display document number 6 of
25 the Defence binder. Reference CAR-D30-0007-0679 at page 0680. At the top of the

1 page, please.

2 I'm sorry that the text is not -- it's kind of blurry, but this is an article, a press release
3 or an article from RFI which identifies you as the spokesperson of the
4 2020 -- COD-2020 platform. And at the paragraph below it is said François Bozizé is
5 the leader of COD 2020 and the article is dated last November; is this correct?

6 A. [10:48:48] I cannot just answer your question directly the way you have put it.
7 I must explain to you how COD-2020 operates. And as I said before, COD-2020 is
8 a coalition of various political parties. I think at the time and at that date there were
9 14 political parties that were members of the COD-2020. The Presidency of the
10 coalition was rotating. One political party will occupy the Presidency for three
11 months and another political party will take over for the next three months.
12 *The first presidency was under a party by the name of URCA, which was headed up
13 by Mr Anicet Georges Dologuélé. After Dologuélé, who became unavailable,
14 Ferdinand Nguendet sat in as the interim and then it was followed by KNK, which
15 then took the presidency at the time. And at that time Bozizé had already returned
16 to Bangui when it was the turn for his party to lead up the coalition and that is how
17 he became the president of the COD-2020 for three months.

18 And then when he left Bangui and went to the bush, so to speak, I became interim for
19 a few weeks because I was the spokesperson. I occupied the duties of spokesperson,
20 which was a permanent function on that platform. And I am still the spokesperson
21 of that platform. So when Bozizé was absent I took over the presidency for a short
22 while. After that I convened a meeting for the designation of a prime -- of a
23 president. *Then another party, BTK, took over the Presidency, of which Mahamat
24 Kamoun (the former Prime Minister) is now the President. I am still the current
25 spokesperson. So I am just explaining that this organisation has a rotating

1 presidency.

2 PRESIDING JUDGE SCHMITT: [10:51:15] I think that clarifies it enough, because
3 there are many details.

4 Mr Tiangaye, in this article it's also suggested that François Bozizé could become
5 the leader of the opposition. Would you like to comment on that? (Interpretation)
6 "Seems to stand out as the leader of the opposition, or wants to stand out as the leader
7 of the position."

8 THE WITNESS: [10:51:45](Interpretation) No, it's not enough to say that somebody
9 is imposing himself, so to speak, as the leader of the opposition. I have told you that
10 we are a platform of political parties and these political parties are equal partners
11 within the coalition, so there is no political party that is more important than
12 the others in this rotating presidency principle. So at that time it is Bozizé who was
13 president who on behalf of his party was heading up our coalition and after him
14 someone else came. So we cannot say up front that there is someone who would
15 stand out as the leader of the opposition. How can you -- on what criterion or
16 criteria would you determine that some of us would be leaders of the opposition and
17 others will not be, whereas all the parties in the COD-2020 coalition are equal in
18 standing?

19 So now journalists can make their country -- commentaries here and there and they
20 can say, they can allege that Bozizé was -- would be the opposition leader, but that's
21 not necessarily true. And if you look at the statistics in the National Assembly at the
22 time, it was not his party that had most members of parliament in parliament. It was
23 Dologuélé's party that had a higher number of members of parliament. He was
24 second in the presidential elections, so we cannot conclude that because he was
25 a former head of state that he would necessarily be the leader of the opposition.

1 PRESIDING JUDGE SCHMITT: [10:53:19] I think that exhaust this is point, I would
2 say.

3 MS PROULX: [10:53:24](Interpretation)

4 Q. [10:53:26] Mr Witness, I have two more questions and that will be it.

5 A. [10:53:31] Okay. Thank you.

6 Q. [10:53:35] And then we will almost be done.

7 I have one last thing to talk about on this article before I ask you the question. In this
8 article you are quoted as saying that we, that is the opposition parties, we are of the
9 view that President Touadéra has failed.

10 Do you still maintain this assessment of President Touadéra that he has failed as
11 president?

12 A. [10:54:09] I don't see the link between my political perception of things and this
13 trial. How does this relate to the trial at which I am testifying? As an opposition
14 party member I can say freely that President Touadéra has failed. Now, how does
15 this relate to the trial before this court?

16 PRESIDING JUDGE SCHMITT: [10:54:29] (Overlapping speakers) I think the
17 witness has a point here. So I also don't see at the moment the relevance.

18 MS PROULX: [10:54:37](Interpretation)

19 Q. [10:54:38] And that brings me to my last question.

20 Now, Mr Tiangaye, during this trial Mr Ngaïssona's defence intends to call evidence
21 that would tend to demonstrate that the arrest and release or handing over of
22 Mr Ngaïssona to the ICC were encouraged and facilitated by President Touadéra who
23 was attempting to get rid of some political adversaries. Would this surprise you or
24 is this something you have already heard?

25 A. [10:55:15] Yes, I have heard information of that nature, but let me specify that

1 his party PCUD is a member of the democratic coalition of parties and he's a member
2 of that coalition. So in various rallies and in press conferences, the position has
3 always been that -- it has always been said that Mr Touadéra is more or less
4 responsible for the arrest of Mr Ngaïssona.

5 Q. [10:55:59] Thank you, Mr Tiangaye. That brings me to the end of our
6 examination on behalf of the Ngaïssona team.

7 A. [10:56:07] Thank you. Thank you very much.

8 PRESIDING JUDGE SCHMITT: [10:56:09] Mr Leddy.

9 MR LEDDY: [10:56:10] Yes, your Honour. I do anticipate having about 10 minutes
10 or so of redirect. I'd ask for your Honour's permission to discuss the matter during
11 the coffee break with my team.

12 PRESIDING JUDGE SCHMITT: [10:56:22] Yes, okay. Why not.

13 Okay. But it's up to you. So we have now the coffee break until 11.30 and then we
14 reconvene. Thank you.

15 THE COURT USHER: [10:56:31] All rise.

16 (Recess taken at 10.56 a.m.)

17 (Upon resuming in open session at 11.30 a.m.)

18 THE COURT USHER: [11:30:26] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [11:30:53] Mr Leddy, are there any further
21 questions?

22 MR LEDDY: [11:30:56] Yes, your Honour. Just a few.

23 PRESIDING JUDGE SCHMITT: [11:30:58] You have the floor.

24 MR LEDDY: [11:30:59] Thank you.

25 QUESTIONED BY MR LEDDY:

1 Q. [11:31:03] Good morning, Mr Witness.

2 Now, just before the break --

3 A. [11:31:11] Good morning.

4 Q. [11:31:14] -- we discussed the topic of the arrest of Mr Ngaïssona. Now, I'd like
5 to ask you a couple of questions about that.

6 You're aware that Mr Ngaïssona was arrested in France and not the Central African
7 Republic, correct?

8 A. [11:31:35] That is correct.

9 Q. [11:31:38] And were you -- are you also aware that the Central African
10 government was not officially notified of the arrest of Mr Ngaïssona until after
11 the arrest?

12 A. [11:32:01] That I cannot say. I am not in the government to know about it.

13 Q. [11:32:09] I'd like to move to a second topic.

14 During examination by counsel for Mr Yekatom you were shown several videos.

15 And for the record, I'm referring to tabs 2, 4, 13, 15 and 17 in the Yekatom Defence
16 materials.

17 Now, in the videos that you were shown there was only one video that you appeared
18 in yourself personally. I'd like to put that video aside for the moment and ask you
19 about the other videos.

20 You weren't physically present for any of those additional videos, were you? For
21 example, the one showing the events of 5 December or the ones from the PK9 bridge?

22 A. [11:33:23] You want to know whether I was there when the video was recorded?

23 THE INTERPRETER: [11:33:32] If the interpreter heard correctly.

24 PRESIDING JUDGE SCHMITT: [11:33:35] Yeah, I think that's the question, but I
25 think the answer is clear.

1 But, Mr Witness, you may answer. But I think from your testimony it was clear that
2 you were not present when these videos were taken.

3 THE WITNESS: [11:33:54](Interpretation) I was at not the PK9, because I pointed out
4 that I heard about it. I saw it, like everyone else, when it was broadcast over
5 the French television channel, France 24. So I was not present on location.

6 MR LEDDY: [11:34:18]

7 Q. [11:34:20] Thank you. So that's to say that you were providing your opinion on
8 those videos based off what you saw and what you heard during the proceedings
9 (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [11:34:31] Mr Leddy, that is the same what -- what
11 we had before -- before the break.

12 The witness has said he was not there. I think it's similar to ask him to -- about how
13 to interpret the -- the content of a document that he has not himself fabricated. So I
14 think the answer -- I would not want to allow such questions on redirect.

15 MR LEDDY: [11:34:59] I'm happy to move on, your Honour. Thank you.

16 Q. [11:35:04] Mr Witness, the next topic. You mentioned during questioning by
17 counsel for Mr Yekatom - I'm referring to pages 42 and 43 of the English real-time
18 transcript - that victims of the Séléka attacks responded with an outpouring of
19 violence against Muslims and that they thought the Muslim civilian population had
20 to pay.

21 Now, with respect to Christian civilian attacks on Muslim civilians, it is fair to say
22 that the Anti-Balaka were at a minimum complicit in these attacks?

23 MS DIMITRI: [11:35:41] Mr President, I don't know what's the rule for
24 re-examination, but my objection first is in my opinion the question shouldn't be
25 leading. Whether my learned friend is in examination-in-chief or re-examination it

1 shouldn't be leading.

2 Second, I don't see what is there to clarify. This witness was here brought by
3 the Prosecution to discuss matters of the Anti-Balaka because we have two gentleman
4 on trial. This could have been covered in examination-in-chief. In my opinion,
5 there's nothing to clarify.

6 PRESIDING JUDGE SCHMITT: [11:36:16] First of all, since the Prosecution called
7 the witness, I agree with you that the questions should be put in a manner that are
8 normally put to witnesses on direct examination. I always dare say that because I'm
9 coming from civil law and I don't like this direct and cross-examination. But I agree
10 with you in principle so -- but if you reword it, and I think that that should do it, then
11 the witness may answer that and then we finish that, I would say.

12 MR LEDDY: [11:36:47] I'm happy to reword it, your Honour.

13 Q. Mr Witness, my question was about your testimony earlier. I'm referring to
14 pages 42 and 43 of the English real-time transcript, that victims of the Séléka attacks
15 responded with an outpouring of violence against Muslims and that they thought
16 the Muslim civilian population had to pay.

17 Now, with respect to the Christian civilian attacks on Muslim civilians, what did you
18 understand the Anti-Balaka position to be on those attacks at the time in 2013
19 and 2014?

20 A. [11:37:43] I did not quite understand the meaning of your question.

21 Q. [11:37:49] Sorry, I'll try again. So with respect to the civilian attacks by
22 Christians against Muslim civilians, what is your understanding of the Anti-Balaka's
23 attitudes towards those attacks at the time of the events of 2013 and 2014?

24 A. [11:38:23] The attitude of the Anti-Balaka, well, there were Christian civilians
25 who were committing violence against Muslim civilians. Was that your question?

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1 PRESIDING JUDGE SCHMITT: [11:38:39] I think we simply leave it at that. We
2 don't get further here. So you ...

3 MR LEDDY: [11:38:53] One moment, your Honour.
4 (Counsel confer)

5 MR LEDDY: [11:40:30]

6 Q. [11:40:33] Mr Witness, on cross-examination it's our understanding that you
7 indicated that the Anti-Balaka's actions were motivated in part by Séléka crimes; is
8 that correct?

9 A. [11:40:54] Yes, that's correct.

10 Q. [11:41:01] Are you aware of any other motivations for the attacks by
11 the Anti-Balaka committed in 2013 and 2014?

12 MS DIMITRI: [11:41:09] Mr President, I object again to the question. We're in
13 re-examination. In my opinion, I don't see what is there to clarify. The entire
14 reason why this witness was brought was to talk about alleged crimes by
15 the Anti-Balaka in examination-in-chief. I don't think re-examination is appropriate
16 in that regard.

17 PRESIDING JUDGE SCHMITT: [11:41:30] Actually, I want to hear the answer.
18 So -- and -- but we should come to an end then. But we are disconnected, obviously,
19 to the witness.

20 I want to hear the answer because it is indeed something new, but we would of
21 course appreciate it if the examination by the calling party - I say not
22 examination-in-chief, deliberately avoiding this expression - is complete indeed.

23 Mr Witness, you may answer the question. We are now reconnected and we see you
24 again very well.

25 THE WITNESS: [11:42:20](Interpretation) Yes, my answer was yes.

1 PRESIDING JUDGE SCHMITT: [11:42:25] I think, Mr -- Mr Leddy, we leave it at
2 that.

3 MR LEDDY: [11:42:30] If I could just put one document to the -- to the witness.

4 PRESIDING JUDGE SCHMITT: [11:42:34] Which document now? But we don't
5 want to start anew now with the examination by the Prosecution.

6 MR LEDDY: [11:42:40] It's a follow up to the same question, your Honour. It's a
7 document from the Defence list of materials for --

8 PRESIDING JUDGE SCHMITT: [11:42:45] Okay. That's different. Okay. Then
9 you can show it, yeah.

10 MR LEDDY: [11:42:50] Okay. Thank you, your Honour.

11 So this is item number 2 on the Ngaïssona list of materials and that's

12 CAR-OTP- -- I'm sorry, CAR-D30-0007-0177. And I'm referring to page 0184.

13 Now, this is a speech given by Mr Ngaïssona in May 2015 and I'll direct your
14 attention to the first paragraph of the page and I'll quote the French here:

15 (Interpretation)

16 "The Anti-Balaka patriots are viscerally attached to the principle of secularity which
17 characterises the Central African society because it is a value that liberates and
18 protects. That is how their courage, their strong courage rejected energetically
19 Islamic fundamentalism and the plan to partition which erupted in our country."

20 PRESIDING JUDGE SCHMITT: [11:44:05] And the question is?

21 MR LEDDY: [11:44:06]

22 Q. [11:44:07] The question, Mr Witness, is: Is it your understanding at the time of
23 the events in 2013 and early 2014 that the Anti-Balaka were also motivated in part to
24 fight fundamentalist Islam?

25 MS DIMITRI: [11:44:21] Mr President, I'm sorry for constantly interrupting, but this

1 document -- I mean, unless I'm wrong it was not shown to the witness in
2 cross-examination by my learned friend, so I do not see what is there to clarify in
3 re-examination if a document wasn't used in cross-examination. And second of all,
4 I believe the question is quite leading, again.

5 PRESIDING JUDGE SCHMITT: [11:44:42] So the -- this -- Mr Witness, you have
6 seen -- you have seen this portion here. Do you -- do you have any thoughts of you
7 that you would want to share with us without any concrete question?

8 THE WITNESS: [11:45:12](Interpretation) I have read the excerpt. I really do not
9 have any opinion to give there. That is Mr Ngaïssona's point of view. It is his
10 political assessment of the situation. I don't want to bring a judgment of value on
11 this assertion of a political nature.

12 PRESIDING JUDGE SCHMITT: [11:45:34] We leave it at that. No further questions
13 on that matter.

14 MR LEDDY: [11:45:40] We've no further questions, your Honour. Thank you.

15 PRESIDING JUDGE SCHMITT: [11:45:42] Thank you very much.

16 Mr Tiangaye, this concludes your testimony. On behalf of the Chamber, I would like
17 to thank you for giving testimony before this court. By testifying and doing so in
18 public you, as a highest ranking politician of your country, have taken responsibility
19 and have helped -- have helped the Court to establish the truth about the events of
20 the past for the benefit of the people in the CAR. Thank you very much again on
21 behalf of the Chamber and we wish you a safe trip back home. It's not -- should not
22 be so far away from where you are now.

23 THE WITNESS: [11:46:46](Interpretation) Thank you very much, Mr President, and
24 the other judges of the Court. I am only doing my duty to give my contribution to
25 the ascertainment of the truth so that the Court should be able to hand down a fair

1 verdict. Thank you.

2 PRESIDING JUDGE SCHMITT: [11:47:07] Thank you.

3 This concludes the hearing for today. We reconvene tomorrow morning at 9.30 with
4 witness of the Prosecution 0884.

5 THE COURT USHER: [11:47:17] All rise.

6 (The hearing ends in open session at 11.47 a.m.)

7 CORRECTIONS REPORT

8 The following corrections, marked with an asterisk and included in the audio-visual
9 recording of the hearing, are brought into the transcript.

10 Page 15 line 13

11 "The situation had just ended." Is corrected to "It was a very specific situation."

12 Page 17 line 5

13 "He was minister of government communication." Is corrected to "He was the
14 minister of communication in the government.

15 Page 17 lines 16-19

16 "If he was in the government, well, it is possible -- it is not possible. Djotodia was in
17 the Ledger Hotel and many of the meetings were in the Ledger Hotel." Is corrected to
18 "If he was in the government, well, it is possible that we could have met, since in
19 March 2013 Djotodia was at the Ledger Hotel and many of the meetings were in the
20 Ledger Hotel, so it's definitely possible."

21 SECOND CORRECTIONS REPORT

22 The following corrections, marked with an asterisk and not included in the
23 audio-visual recording of the hearing, are brought into the transcript.

24 Page 4 lines 19-21

25 "So it can't be said that -- it can't be said that Djotodia did not have full control over

1 all the elements that made up Séléka." Is corrected to "So it can be said that Djotodia
2 did not have full control over all the elements that made up Séléka."

3 Page 6 lines 11-12

4 "on the ground floor in his suite far away from the Independence Avenue. And for
5 security reasons..." Is corrected to "on the ground floor in his suite. And because it
6 was not far away from the Independence Avenue, for security reasons..."

7 Page 8 line 9

8 "They had weapons, they were in power" Is corrected to "They came to power
9 through the force of arms"

10 Page 9 lines 4-5

11 "the first document 30 -- transcript T-43 in English, page 22, and D -- the first
12 document D31, transcription 44, front" Is corrected to "Defence document 30 --
13 transcript T-43 in English, page 22, and Defence document 31, transcript 44, from"

14 Page 15 lines 2-3

15 "to benefit from funds that are allocated" Is corrected to "to settle personal scores or
16 to benefit from funds that are allocated"

17 Page 17 line 25 to Page 18 line 1

18 "When was he specifically minister?" Is corrected to "But Mister Tiangaye, Adrien
19 Poussou became Minister at the end of November 2013, If my memory serves me
20 correctly, do you agree?"

21 Page 18 lines 2-3

22 ",but what I do know is that he was Minister during the transition." Is translated and
23 added.

24 Page 18 lines 11-13

25 "Were there discussions with him and Mr Djotodia before Mr Poussou accepted to

1 become a minister of communication?" Is corrected to "How did it come about? Were
2 there discussions between Mr Djotodia and Mr Poussou? Had Mr Poussou accepted
3 to become Minister before his appointment?"

4 Page 20 lines 21-22

5 "When you -- when you -- when you heard -- when you received that document,
6 what was your source?" Is corrected to "Did you glean this information only from the
7 complaint itself, from the document itself, or from another source?"

8 Page 21 line 12

9 "assumed witness" Is corrected to "alleged victim"

10 Page 27 lines 12-13

11 "The first president or presidency was to the RCA, which was headed up by Mr
12 Georges Dologuélé." Is corrected to "The first presidency was under a party by the
13 name of URCA, which was headed up by Mr Anicet Georges Dologuélé."

14 Page 27 lines 23-25

15 "Then another party, UDEKA (phon), became president and right now it's
16 Mahamat Kamoun who is the current president and I am still the current
17 Spokesperson." Is corrected to "Then another party, BTK, took over the Presidency, of
18 which Mahamat Kamoun (the former Prime Minister) is now the President. I am still
19 the current spokesperson."