

Trial Hearing
WITNESS: CAR-OTP-P-0992

(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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 31 January 2022
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:30] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:35:57] Good morning, everyone.
14 Welcome back.
15 Officer, please call the case.
16 THE COURT OFFICER: [9:36:04] 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: [9:36:19] Thank you.
21 I ask for the appearances of the parties.
22 For the Prosecution, Mr Vanderpuye first.
23 MR VANDERPUYE: [9:36:25] Good morning, Mr President. Good morning,
24 your Honours. Good morning, everyone. Today the Prosecution is represented by
25 Maria Berdennikova, Yassin Mostfa, and myself, Kweku Vanderpuye. Good

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 morning.

2 PRESIDING JUDGE SCHMITT: [9:36:37] Thank you.

3 I turn the representatives of the victims.

4 Ms Massidda first.

5 MS MASSIDDA: [9:36:42] Good morning, Mr President, your Honours. For the
6 victims of the other crimes appearing today, Maître Marie-Edith Douzima-Lawson,
7 Mr Orchlon Narantsetseg, and myself, Paolina Massidda.

8 PRESIDING JUDGE SCHMITT: [9:36:55] Thank you.

9 Next is Mr Suprun.

10 MR SUPRUN: [9:36:58] Good morning, Mr President, your Honours. The former
11 child soldiers are represented today by our new colleague, Ms Fiona Lau, associate
12 legal officer, and by myself, Dmytro Suprun, counsel at the Office of Public Counsel
13 for Victims. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:37:14] Thank you. I turn to the Defence. We
15 start like always with Ms Dimitri.

16 MS DIMITRI: [9:37:17] Thank you, Mr President, good morning. Good morning,
17 your Honours. Good morning, everyone. This morning Mr Yekatom, who is
18 present in the courtroom, is represented by Mr Sabrine Bayssat,
19 Mr Victor-Louis Lapointe Saint-Pierre, Mr Gyo Suzuki and myself.

20 PRESIDING JUDGE SCHMITT: [9:37:30] Thank you.

21 And Mr Knoops.

22 MR KNOOPS: [9:37:32] Good morning, Mr President, dear members of the Bench,
23 everyone in the courtroom. Again, not too late, best wishes for the New Year,
24 everyone, and lots of health this year.

25 Our team today consists of Despoina Eleftheriou, Ms Mathilde Veronesi, and we have

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 a new intern, Mr Ali Alabdali. And Mr Landry is following the proceedings from
2 the field office, Mr President. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:38:02] It's never -- never too late for such wishes,
4 which the Chamber also warmly gives to everyone here in the courtroom.
5 We can now start with the testimony of Mr Mokpem Bionli.

6 Mr Mokpem Bionli, do you hear me?

7 WITNESS: CAR-OTP-P-0992

8 (The witness speaks French)

9 (The witness gives evidence via video link)

10 THE WITNESS: [09:38:23] (Microphone not activated)

11 PRESIDING JUDGE SCHMITT: [09:38:26] On behalf of the Chamber,
12 Mr Mokpem Bionli, I would like to welcome you to the courtroom. Thank you very
13 much for being there. You are called to testify to assist this Chamber in the case of
14 Mr Yekatom and Mr Ngaïssona.

15 Mr Mokpem Bionli, there should be a card in front of you with a solemn undertaking
16 to tell the truth. Could you please read out loud the content of this card. Thank
17 you.

18 THE WITNESS: [9:39:02](Interpretation) I solemnly declare that I will speak the
19 truth, the whole truth and nothing but the truth.

20 Please, may I also wish you - better late than never - wish you a happy New Year.

21 PRESIDING JUDGE SCHMITT: [9:39:20] Thank you very much. That is very kind.

22 And, of course, this wish also goes to you to the video-link location. Thank you.

23 You are now under oath, Mr Mokpem Bionli. You have already been informed that
24 this means and -- about the importance to speak the truth and it is an offence within
25 the jurisdiction of this Court to give false testimony. But you know that, you have

1 been informed about that by the Victims and Witnesses Unit.

2 Before we start with your testimony, there are a few practical matters regarding your
3 testimony. Everything we say here in the courtroom is written down and
4 interpreted. And to allow for the interpreters to follow us and to interpret correctly
5 so that everybody understands, we have to speak at a relatively slow pace, which as
6 I can assure you is difficult for everyone here in the courtroom. So -- but please keep
7 in mind to speak relatively slow and please only start speaking when the person who
8 has asked you a question has finished and wait perhaps one or two seconds.

9 I think that is enough for the preliminaries and I would give now the floor to the
10 Prosecution, which starts with your examination. And Mr Vanderpuye has the floor.

11 MR VANDERPUYE: [9:40:42] Thank you, Mr President. Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:40:48] Just -- I now talked to the witness to be at a
13 slow pace and only start speaking when everyone has finished. We had these issues
14 in the past months in the courtroom with all the participants, including myself,
15 actually, so I really also ask all the parties and participants, everyone who wants to
16 speak in this courtroom, please try to be as slowly and as possible and don't interrupt
17 other people because otherwise the transcript is really sometimes very difficult to
18 follow.

19 So Mr Vanderpuye, now you can start. Thank you.

20 MR VANDERPUYE: [9:41:34] Thank you, Mr President. I only rose just to request
21 to be seated during the course of the examination as per our practice.

22 PRESIDING JUDGE SCHMITT: [9:41:43] Of course. I think this is established
23 practice now.

24 MR VANDERPUYE: [09:41:45] Thank you.

25 PRESIDING JUDGE SCHMITT: [09:41:45] So please, you may be seated.

1 QUESTIONED BY MR VANDERPUYE:

2 Q. [9:41:54] Good morning, sir. We met briefly last Thursday, so let me
3 reintroduce myself. My name is Kweku Vanderpuye. And I will be asking
4 questions of you on behalf of the Office of the Prosecutor. I want to thank you for
5 making yourself available to testify today. As the Presiding Judge said, it's very
6 important. So there are a number of things that we may cover during the course of
7 your testimony and some of those things may be sensitive to you. I just want to let
8 you know that if that arises, just let us know that you have something more to say but
9 you have certain concerns and I will ask the Presiding Judge whether it might be
10 appropriate in those circumstances to proceed in private session. That just means
11 that for that limited portion of your evidence, if the Judge grants it, that that part of
12 your evidence will be conducted in a non-public way. You are testifying otherwise
13 publicly and I hope to conduct your examination as such.
14 If there's anything that I ask you that is unclear, please do not hesitate to ask me to
15 clarify or to repeat the question, as it may be necessary for us to better understand one
16 another. And that goes pretty much for anybody who asks you questions during the
17 course of your examination.

18 Are you with me so far?

19 A. [9:43:53] Yes. I can follow you very clearly.

20 Q. [9:43:57] I think Mr President has just informed you that because are -- my
21 questions and your answers are interpreted, it's important to take a pause for a few
22 seconds between the question and the answer so that the interpreters can ensure that
23 the record of the proceedings is accurate.

24 I'd like to get started, if I could, with some biographical information. So the first
25 thing is if you could state your full name for the record.

1 A. [9:44:38] Yes. My names are Mokpem Bionli. It's a composed or combined
2 name. And my first name is Jacob. I was born on 2 February '48 in Bangui in the
3 Central African Republic. I don't know if that is clear enough.

4 Q. [9:44:59] Very clear and very succinct and it's very much appreciated.
5 What is your ethnicity?

6 A. [9:45:14] I am of Gbaya ethnicity and I come from Bossangoa in the Ouham.

7 Q. [9:45:25] Are you a Christian?

8 A. [9:45:32] I am a Christian. Catholic.

9 Q. [9:45:41] In terms of your current situation, has anyone approached you
10 regarding your possible cooperation in this case or providing testimony?

11 A. [9:45:59] Since 2019, I think the Court has been very clear with me and as far as
12 I'm concerned, it's only I who am aware of what is I am doing today.

13 Q. [9:46:18] Do you mean to say then that between the time that you first met with
14 the Office of the Prosecutor in 2019 May and today you have not been contacted by
15 anyone with regard to your possible testimony in this case?

16 A. [9:46:48] Well, apart from the ICC investigators, one individual asked me a
17 question openly, saying that he had been heard or interviewed by an ICC team in
18 Bangui.

19 Q. [9:47:14] In this period, that is between May 2019 and now, have you been in
20 contact with members of, or former members of the Anti-Balaka, as well as members
21 of the PCUD, which is the political party that was founded by Mr Ngaïssona?

22 A. [9:47:49] The members of the Anti-Balaka entity, I meet often with some of them,
23 particularly those who are close to me, my neighbours, so we do generally come
24 together and exchange views. In any event, we meet frequently, quite frequently.
25 Now, when it comes to the PCUD, I am a member of the bureau. I am the

1 communications adviser of the PCUD, and quite often I meet with the general
2 secretary.

3 Q. [9:48:31] Who is the general secretary of the PCUD with whom you meet quite
4 often?

5 A. [9:48:43] (Redacted)

6 Q. [9:48:59] (Redacted)
7 (Redacted)

8 A. [9:49:20] I have not understood your question clearly.

9 Q. [9:49:23] (Redacted)
10 (Redacted)

11 A. [9:49:36] Well, I don't know what you mean by "work with". When you say
12 "work with" -- anyway, what I know is that he is the secretary -- or secretary-general
13 of the party. And when we talk about the party, these things go together. The
14 party is somewhat moribund at these times because our leader is absent.

15 Q. [9:50:06] Your absent leader is Mr Ngaïssona, is that who you're referring to?

16 A. [9:50:17] Yes, indeed. He is the president of the party.

17 Q. [9:50:23] And when you describe exchanging views often with people in the
18 Anti-Balaka who you were close to and members of the PCUD, do those exchanges
19 and views involve these proceedings, that is, this case against Mr Ngaïssona?

20 A. [9:50:53] Yes. That is what brings us together. That's what links us quite often
21 and is the purpose of our discussions. Since he is absent, people no longer have their
22 bearings, and so that's it.

23 Q. [9:51:12] All right. I'd like to ask you a few questions about some of your
24 activities in relation to your background. Just to let you know that the Chamber will
25 have, hopefully, your CV, which is an annex to your statement, before them shortly,

1 so I won't ask you many questions about your background, but there are a few that
2 I'd like to ask you about.

3 The first is how you came to join the Anti-Balaka national coordination. First of all,
4 did that happen in 2014?

5 A. [9:51:58] Yes, indeed, it happened in 2014. When the Seleka arrived, there was
6 a lot of shakeup happening and I found myself with a number of Anti-Balaka
7 elements at the Ngaragba prison where we spent 21 days.

8 It is after our stay there and after we came out *forcibly, you see, I was the one who
9 led the elements to -- who was the leader of these elements. And so we finally ended
10 up leaving the prison *after saying we had been locked up for nothing. Upon
11 leaving the prison, we went directly to Mr Ngaïssona's. And that is when I joined
12 that entity.

13 Q. [9:52:55] All right. We might come back to a bit of that.

14 Now, you were the group's communication adviser; is that right?

15 A. [9:53:10] That is correct.

16 Q. [9:53:13] Did you hold any other positions within the group in 2014?

17 A. [9:53:23] Any other position? No.

18 But in the meantime, during our meetings when we came together, I was the one who
19 served as the secretary at those meetings. I don't know if you can refer to that as a
20 position.

21 Q. [9:53:45] Now, you were also the president of the *Action Populaire pour la Defence*
22 *de la Patrie*, APDP.

23 A. [9:53:58] Yes. That is an entity which I created when Seleka arrived.

24 I used to write a lot. I used to write a lot on the wild conduct, excuse my language,
25 the wild behaviour of the Seleka elements. And it is in that regard and at that time

1 that I set up this group.

2 Q. [9:54:29] I think we have also a number of your publications which you
3 provided during the course of your interviews, and the Chamber will receive that as
4 well.

5 You were a member of the *Parti Centrafricain pour l'Unité et le Développement*, PCUD,
6 that we just discussed. Are you still a member of that -- of that group?

7 A. [9:54:56] Sorry, I did not understand your question.

8 Q. [9:55:00] Are you still a member of the PCUD?

9 A. [9:55:09] I think I already said so. I am still the communications adviser of the
10 PCUD, *Parti Centrafricain pour l'Unité et le Développement*.

11 Q. [9:55:27] You've also been a member of the government of your country as a
12 minister of arts, culture and tourism; is that right?

13 A. [9:55:39] Yes, that is correct. For a two-year period, from 2017 to 2019, arts,
14 culture and tourism.

15 Q. [9:55:55] At the time that you were in the government, were you also a member
16 of the Ngaïssona wing of the Anti-Balaka and a member of the PCUD?

17 A. [9:56:11] Well, sort of a remote member. Because when I was called into
18 government, following a decision by our party, the head of state told us that, once in
19 government as a minister of the republic, one no longer represents any specific entity,
20 and in that regard, I therefore did not participate in its activities. But, in any event,
21 I was the representative of that party within government.

22 Q. [9:56:50] You said that you held that position for about two years. Who
23 followed you in that position, if you can recall?

24 A. [9:57:03] Yes, I do recall clearly. Mr Ndomate, the operations commander of
25 the Anti-Balaka entity. Dieudonne Ndomate, who currently is in Camp de Roux,

1 I believe, because he was arrested.

2 Q. [9:57:33] All right. You mentioned that he was the operations coordinator in
3 the Anti-Balaka. Do you know who he followed in that position?

4 A. [9:57:52] Who he followed? Where?

5 Q. [9:58:00] In other words, who preceded him in that position?

6 A. [9:58:10] If memory doesn't fail me, it was Maxime Mokom. Maxime Mokom.

7 Q. [9:58:21] And just before we move to your statements, I want to ask you, is it
8 correct that you were Ngaïssona's campaign manager for his election run to represent
9 the 4th arrondissement in 2005?

10 A. [9:58:54] That would be in relation to the parliamentary elections. I was his
11 director of -- rather, no, the coordinator of his election campaign in 2005.

12 Q. [9:59:09] Let me just go on to your statements then. As mentioned, you met
13 with the Office of the Prosecutor investigators in May 2019 and again in August 2020.
14 Do you recall that?

15 A. [9:59:27] Yes, clearly.

16 Q. [9:59:33] In May you met over the course of several days, on the 7th and then the
17 10th through the 14th, and the interview took place in Bangui; is that right?

18 A. [9:59:47] Sorry, I did not -- I did not follow your question.

19 Q. [9:59:55] You met in May 2019 over several days in Bangui; is that right?

20 A. [10:00:08] Correct. One week, I believe, seven days, if I remember correctly. It
21 was (Redacted).

22 Q. [10:00:22] Okay. And the purpose of the interview in that period of time was
23 to ask you about your knowledge concerning the conflict between 2012 and 2014; is
24 that right?

25 A. [10:00:43] I beg your pardon?

1 Q. [10:00:45] You were interviewed about the conflict between 2012 and 2014.

2 A. [10:01:01] 2012 and *2014, is that correct? Is that what you're saying to me?

3 In 2012, to the best of my knowledge, there was no conflict, but in 2013, yes, there was
4 a conflict.

5 Q. [10:01:16] Okay. During the course of your interview you were asked a
6 number of questions, and you responded to them, and you told the truth; is that
7 right?

8 A. [10:01:34] Yes. I said what I said, the truth; what I saw and what I experienced.

9 Q. [10:01:45] You did the same thing in relation to your interview in August 2020;
10 is that right?

11 A. [10:01:57] Yes, indeed.

12 Q. [10:02:00] Also in August you were interviewed over a number of days. I have
13 here from the 6th, the 7th, the 10th through the 11th, 14th and 21 August. Does that
14 sound about right?

15 A. [10:02:19] That's correct. That is correct.

16 But as for the exact dates, I can't remember. I couldn't tell you. But it was many
17 days, I do remember that.

18 Q. [10:02:35] And during the course of your interview in August, you were asked
19 some of the same questions and asked to expand on some of the information you gave
20 in May of the preceding year; is that right?

21 A. [10:02:54] Yes, that's right.

22 Q. [10:02:57] And the answers you gave to the questions that were put to you were
23 truthful and complete?

24 A. [10:03:14] I've told you that I answered in light of what I saw and what I
25 experienced.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 Q. [10:03:22] Okay. Now, recently you had an opportunity to take a look at that
2 statement or those statements, rather, and you had a number of corrections you
3 wanted to make, which I have here in front of me. It's CAR-OTP-2135-1765.

4 Maybe we could display it for the witness, but while we're doing that I have just a
5 couple of questions about it.

6 Do you recall writing down on a piece of paper some corrections you wanted to make
7 to the statements that you recently read?

8 A. [10:04:10] I did make some corrections, about a half a page, about half a page. I
9 made some corrections, yes. *Not all that long ago.

10 Q. [10:04:32] Yeah. Can you see it in front of you now?

11 A. [10:04:41] Yes, yes, that's right.

12 Q. [10:04:43] All right. We can go down so you can see his signature at the bottom
13 of that page.

14 I've made a note --

15 A. [10:04:55] That's indeed my signature.

16 Q. [10:04:57] Very good. I've made a note of these corrections and the Chamber
17 will hopefully have that before them as well. But in respect of the corrections you've
18 made, I've noted about five: One in relation to page 3, paragraph 13; another one in
19 relation to page 9, paragraph 41; page 10, paragraph 44; and page 12, paragraph 59 of
20 your first statement.

21 And I'll give the ERN of the statement, just a moment (Overlapping speakers)

22 A. [10:05:43] And page 4 and page 14.

23 Q. [10:05:46] Yes, I'm coming to that.

24 So of your first statement, and that should be tab 20 and tab 62 of the binder before
25 the Chamber. And then in respect of your second statement, which is tab 63,

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 paragraph 14 -- I'm sorry, page 14, paragraph 81. And that is the extent of the
2 corrections you made.

3 And I want to ask you this: Subject to these corrections that you've made, do your
4 statements to the Office of the Prosecutor in May 2019 and August 2020 reflect
5 accurately what you told investigators?

6 A. [10:06:47] The question *escapes me. Are you talking about the corrections I
7 made to the statement?

8 Q. [10:07:00] Taking into consideration the corrections you made to the statements,
9 do they, together with the corrections, reflect accurately what you said to the
10 investigators during the course of your interviews?

11 A. [10:07:23] Without which I would not have made the corrections. I made those
12 corrections so that they should be included.

13 Q. [10:07:35] And you stand by your statements and these corrections today before
14 this Trial Chamber; is that right?

15 A. [10:07:48] I can't tell you the contrary. I stand by them.

16 Q. [10:07:59] Do you have any objection to the Chamber receiving your statements
17 in evidence in this case?

18 A. [10:08:16] I think I've already answered. I said that the corrections were made
19 so that they should be included in them.

20 Q. [10:08:26] All right. Thank you.

21 A. [10:08:33] You're welcome.

22 PRESIDING JUDGE SCHMITT: [10:08:37] So, Mr Vanderpuye, so we can state for
23 the record --

24 MR VANDERPUYE: [10:08:41] Ah, yes, Mr President, I would -- I would submit that
25 the requirements of Rule 68(3) have been met and the statements, together with their

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 associated exhibits of the witness, that is, at tab 20, 62 and 63, together with the
2 associated exhibits, should be -- should be received.

3 PRESIDING JUDGE SCHMITT: [10:08:59] Indeed. So the requirements of
4 Rule 68(3) are met, subject to the corrections the witness made, this
5 CAR-OTP-2135-1765. Okay, thank you.

6 MR VANDERPUYE: [10:09:13] Thank you, Mr President.

7 Q. [10:09:15] Mr Witness, I'd like to ask you some questions about the substance of
8 your -- of your statements.

9 You mention in your statement at paragraph -- this is the first statement at
10 paragraph 23 and 28, that you grew up in Boy-Rabe and that Boy-Rabe was known as
11 a Bozize stronghold. And that you knew Mr Ngaïssona from that neighbourhood as
12 well.

13 So my question is to you is: How long have you known Mr Ngaïssona?

14 A. [10:09:59] I have known him for a very, very long time. I was still a child when
15 I came and he had a small business at the time. He was running beer right -- he was
16 selling beer right in the middle of the town. And when I came to Bangui -- well, let's
17 say I would get my supplies from him.

18 So there you have it. So it's been a very long time. I would say since -- since 1979
19 or 1980. Ever since 1979 or 1980. He was very young at the time. He sold beer,
20 juices behind the ministry of waterways and forests. And he was really a child at
21 that time.

22 Q. [10:10:56] All right. So you know him quite well, both personally and
23 professionally; is that fair to say?

24 A. [10:11:14] That's right.

25 Q. [10:11:16] I want to ask you some questions concerning what happened after the

1 March 2013 Seleka coup. Now after the coup you remained in Boy-Rabe; is that
2 right?

3 A. [10:11:41] After the Seleka coup, I remained in Boy-Rabe until the time when I
4 was attacked by the Seleka, *given all my writings, which were not very kind towards
5 Mr *Djotodia -- well, it was around November 2013, I had to leave Boy-Rabe at that
6 time. And I went to another place, *to hide, 13 kilometres from the city of Bangui. I
7 went to PK13, around the place where the livestock market is, *at the northern exit of
8 Bangui. I went there to stay with my elder sister. And I stayed there quite a long
9 time, a very long time.

10 Q. [10:12:39] Have you ever heard of a group called the *Coordination Nationale des*
11 *Patriotes pour le Retour au Pouvoir du President Bozize*?

12 PRESIDING JUDGE SCHMITT: [10:12:49] Before you answer, Mr Witness, please
13 wait a second. We have here, I don't know -- I don't think an objection, but you have
14 something with the translation, I assume.

15 MS DIMITRI: [10:13:00] Indeed, Mr President. In the English I see that he was
16 attacked by the Seleka, but I don't see it in French. And I'm not quite sure he said it.
17 So there's a -- quite some difference there.

18 PRESIDING JUDGE SCHMITT: [10:13:13] Okay. Actually I also have not heard
19 that he has been attacked. I'm also following the French transcript. So since the
20 witness speaks in French, I would say that the French transcript is the reference at the
21 moment for us.

22 So -- but, Mr Vanderpuye, you can perhaps try to clarify it simply. So we have it
23 also then on the French transcript -- on the English transcript correctly.

24 MR VANDERPUYE: [10:13:43] Thank you, Mr President.

25 Q. [10:13:45] Mr Witness, I suppose you heard the colloquy we've just had. Did

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 you say that you were attacked by the Seleka or -- I think this was in November,
2 or -- or something else?

3 A. [10:14:02] Yes. Yes. I can explain. Can I explain?

4 PRESIDING JUDGE SCHMITT: [10:14:11] Of course.

5 THE WITNESS: [10:14:14](Interpretation) I was with two friends and we were
6 talking about the situation in the country at my home and a team of 12 people,
7 including armed people in uniform, and some five, I believe, in civilian clothing, they
8 came in and there was -- well, it was a team from Mr Nourredine. One *of them
9 stood out from the others. Later on, I realised that it was Mr Nabeza. I was not
10 physically *known to these people. He asked, "Where is the owner of this house?
11 We would like to talk to him." And that was the beginning of the attack that I was
12 mentioning. The owner of the house only had to be me.

13 And I was with two friends. We were talking about the situation in the country.

14 And once I realised what was what, I said to myself, this doesn't look good, I better
15 get out of here. And I got up and I got out of there.

16 And that day, I felt that I was in danger and I had to leave the compound and go to
17 my elder sister's house at PK13 at night. So that is what I can tell you. That is my
18 version of what happened. And I stayed there for a long time.

19 MR VANDERPUYE: [10:16:03]

20 Q. [10:16:04] Thank you for that clarification.

21 I wanted to ask you about a group by the name of *Coordination Nationale des Patriotes*
22 *pour le Retour au Pouvoir du President Bozize*?

23 A. [10:16:23] Which group is that?

24 Q. [10:16:25] Well, I'm asking you, have you heard of this group?

25 A. [10:16:35] Isn't there an abbreviation? Isn't there an acronym for this group?

1 Well, you have to give me the acronym first.

2 Q. [10:16:49] The acronym is CNP-RBOZ?

3 A. [10:17:03] I have no idea. I don't know who was in charge of that or the leader
4 was of that. No idea.

5 Q. [10:17:15] You know Alfred Ngaya very well, right?

6 A. [10:17:22] Yes, yes, yes, yes. He is the political adviser, political adviser of the
7 PCUD. But that name, I've never heard it.

8 Q. [10:17:42] Do you know if Mr Ngaya was involved in activities in Boy-Rabe after
9 the Seleka coup toward the end of bringing Bozize back to power?

10 A. [10:18:18] Well, you're telling me that. I have no idea about that, no idea.

11 Q. [10:18:23] What about you yourself, were you involved in activities in Boy-Rabe
12 towards the end of bringing Bozize back to power as the president of CAR?

13 A. [10:18:42] I wasn't fighting for that. I was fighting against the Seleka's acts of
14 violence and abuses, but working against -- for the -- rather, I never attended any
15 such meetings. I was not involved in the fight to return Bozize.

16 Q. [10:19:08] All right. I'm going to ask you, if you could, just to say your answer
17 once again because the translation that I have here seems a bit disjointed. So if you
18 don't mind, and I apologise for that, if you could repeat what you just said?

19 A. [10:19:26] Yes. I told you that -- well, a movement you -- you mentioned the
20 acronym and I don't know any such movement, never have heard of such a thing to
21 bring Bozize back to power, no, I don't know anything about such a movement.
22 At that time -- at that time, many things were going on, many things, but that,
23 personally, I have no idea.

24 Q. [10:20:08] Okay. Let me ask you about something else in your statement. In
25 paragraph 32 you mentioned that after the Seleka takeover -- I'm sorry, that's

1 paragraph 32 of the first statement, so that's tab 20 and 62 -- you noted that
2 Mr Ngaïssona eventually went to Cameroon where he met with Bozize. And you
3 say that they started organising themselves, Bozize was there with his sons Franklin,
4 an adviser, and many other people and they started organising themselves in
5 Cameroon.

6 So my question is when you say they started organising themselves in Cameroon,
7 who are you talking about in the context of your statement?

8 A. [10:21:08] They are people who are known here. I don't know whether you
9 know that Mr Ngaïssona was appointed minister responsible for youth. And I
10 remain -- I believe he remained in that position for a *month. And then the coup in
11 my country -- I think Ngaïssona was not there. He went to France because of a
12 health problem, then he went to Cameroon. And then he met up with a number of
13 people from the Central African Republic there, including Bozize, and that's when
14 they began to talk about the -- to one another about the situation in the country.
15 And he didn't come back quickly to Bangui.

16 So what do you mean? He is from the same ethnic group as Bozize and they met up
17 at -- under those conditions and so they wanted to talk and they were trying to find a
18 solution. I believe that's what happened.

19 PRESIDING JUDGE SCHMITT: [10:22:30] Microphone, please.

20 MR VANDERPUYE: [10:22:32]

21 Q. [10:22:33] I think it would be helpful to have the French translation of the
22 statement in front of the witness and that's at tab 62. I'm going to have to go
23 to -- I think it's ERN ending 0081. I'm not going to resort to it all the time, but I think
24 it might be handy to have it at the ready.

25 PRESIDING JUDGE SCHMITT: [10:23:14] Please let's show this to the witness so

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 that he can read it.

2 MR VANDERPUYE: [10:23:29]

3 Q. [10:23:30] Are -- are you able to read the document in front of you, sir?

4 A. [10:23:38] Yes, I'm reading it.

5 Q. [10:23:40] Okay.

6 A. [10:23:43] I'm at page -- well, how should I -- 32. "When Ngaïssona heard that
7 the Seleka had taken over, he came back from France and went to Cameroon and met
8 with Bozize. Bozize was in Cameroon with one of his sons, Franklin, an adviser,
9 now deceased, and many other people. They started organising themselves in
10 Cameroon."

11 But Ngaïssona from France went directly to Cameroon.

12 Q. [10:24:21] All right. Thank you, sir.

13 A. [10:24:24] So that's -- that's right.

14 Q. [10:24:28] And when you say they were organising themselves (Overlapping
15 speakers) --

16 A. [10:24:34] I finished reading it.

17 Q. [10:24:38] When you -- when you say they were organising themselves in
18 Cameroon, what do you mean?

19 A. [10:24:53] They met one another -- I wasn't there. I wasn't there to know
20 exactly what they were doing, but in the time from that -- at that time I heard bits and
21 bobs of information coming from Cameroon and I heard -- so I was getting
22 information from all kinds of sources, from all the people from Central African
23 Republic who were in Cameroon. So people were talking, talking to one another
24 and so we heard about these things, we got information. The details of the
25 organisation, I can't tell you. I wasn't there.

1 Q. [10:25:39] What about the purpose of the organisation?

2 A. [10:25:49] Let me say again, I wasn't there so I can't tell you exactly what was
3 being organised there. But when I said that they started organising themselves, well,
4 okay, fine, but the details ...

5 Q. [10:26:10] Then let me ask you what Alfred Ngaya told you about those
6 meetings. And for that we'll have to go to tab 63, which is your second statement,
7 paragraph 108, and I believe the ERN of that is 0305. 108, it's at the bottom of the
8 page.

9 Here you say that Alfred Legrand Ngaya, who had this information because he was
10 regularly in contact with Mr Ngaïssona over the phone, and you said Ngaya gave you
11 information about the meetings that were held in Cameroon between Bozize,
12 Ngaïssona, Koudemon and other people. So what I'm asking you about is what
13 Mr Ngaya told you about those meetings?

14 A. [10:27:39] Mm-hmm. When I told -- when you say that people were organising
15 themselves and that people were giving each other telephone calls, all I knew is that
16 people were organising there. That's all. What I would like to add is that with
17 Ngaya, what I was doing with him, we set up a small group that we called the -- the
18 collective of the Boy-Rabe inhabitants that were regularly attacked by the Seleka, by
19 Mr Djotodia. So we had decided, we had decided to meet and so we set up this
20 collective and we would meet in the presence of the director general of the police at
21 the time, who recently became -- Mr Wanzet-Linguissara. He recently became
22 minister of police. And there was also another person, Mr Abdel Kader Khalil.
23 And then -- and to get back to -- well, this was the collective of the Boy-Rabe
24 inhabitants and we spoke out against the terrible harassment of the Seleka -- or
25 correction, by the Seleka of the people in the neighbourhood.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 At that time, the PCUD had not yet been set up. That came later.

2 So that is -- I hope I have been clear.

3 Q. [10:29:47] Thank you, Witness. My question is really kind of -- very specific
4 and it's about what Mr Ngaya told you about meetings in Cameroon. Because that's
5 what you say in your statement. You say "he told me about the meetings in
6 Cameroon between Bozize, Ngaïssona and Koudemon".

7 So, first, Koudemon was a military officer; isn't that right? Olivier Koudemon,
8 Gbangouma?

9 A. [10:30:25] Yes, that's correct. That's correct.

10 Q. [10:30:26] He was a member of Bozize's presidential guard; is that right?

11 A. [10:30:33] Yes, that is correct. He was in the close team of the presidential
12 guard.

13 Q. [10:30:44] And he was among other militaries who also met with
14 President Bozize in Cameroon. Mr Ngaya tell you that?

15 A. [10:31:02] Ngaya told me -- well, Mr Ngaya also told me that people were
16 organising themselves over there, but as I have said and repeated, I cannot provide
17 you with any details. Mr Koudemon was among the close bodyguards of Bozize,
18 but then he was sent to Bossangoa as a commander of a barracks and then that is
19 how -- when it comes to the other person, I think he is the one who finally went to
20 Cameroon to meet up with the others at the time of the coup. I don't know if this is
21 clear enough for you.

22 Q. [10:31:48] It will have to do.

23 Let me ask you this: Were you told about meetings that happened in various
24 locations in Cameroon, such as Yaoundé, at the Hilton hotel or at the golf residence?

25 A. [10:32:10] My answer, my ordinary straightforward answer is Cameroon. Now,

1 whether it was in Yaoundé, Douala or any other location, well, I can't say. My
2 answer to you is it happened in Cameroon.

3 Q. [10:32:26] And your understanding from what Mr Ngaya told you in respect of
4 how these people were organising, you have no understanding of what the objective
5 of that organising was, is that what you mean to say?

6 A. [10:32:53] That is what I'm telling you. The information I received was that
7 people were organising themselves over there. Was it to bring down Bozize? Was
8 it for any other reason? Well, that's the question. But, in any event, people were
9 organising themselves.

10 Q. [10:33:14] And as you've known Mr Ngaïssona for, I don't know, 30 years more,
11 to this day you've never discussed with Mr Ngaïssona what he was meeting with
12 Bozize about in Cameroon? You never had that conversation with him?

13 A. [10:33:44] No, no, no, no, no, no. I didn't go into their secrets, those types of
14 conversations.

15 I got to know Ngaïssona within a political context, and God has blessed me with a
16 good pen. And within that context of politics, I was able to write a number of things.
17 But whatever was being discussed at those high levels in their secret arrangements,
18 I really don't know.

19 They were organising themselves, I don't know how. But to have any in-depth
20 discussions about what they were doing and how they were organising themselves
21 over there, no, no.

22 Q. [10:34:27] So you never spoke to Mr Ngaïssona about that even retrospectively?
23 Even, let's say, a couple of years ago, you never asked him how he got involved with
24 the Anti-Balaka or what he was doing in Cameroon when he was in exile? You
25 never had that personal conversation with him?

1 A. [10:34:50] No.

2 When it comes to the Anti-Balaka, Ngaïssona was in Cameroon. He heard and what
3 informed that the Anti-Balaka had come to Bangui and that they were committing
4 some misdeeds and that things were happening. So he needed to be in Bangui in order
5 to take control of those youths.

6 And I want to reassure you that, had he not been there, the Central African Republic
7 would have been up in flames. He used his own personal money to take care of
8 those children, because the Seleka had destroyed everything, farms, their belongings,
9 their food. They had nothing. So they organised themselves from Bozoum,
10 l'Ouham-Pende, l'Ouham, and so on and so forth, until they got to Bangui. So there
11 was need for someone to bring them to reason so that the destruction may not be
12 total.

13 Let me also add something, let me tell you something. Have you ever seen a human
14 being eat the raw meat or body of another human being? That, unfortunately,
15 happened.

16 The one who was referred to, unfortunately, as *chien méchant* is dead. That boy saw
17 his relatives die; father, mother and relatives. Well, now, what happened was that
18 in -- in total distress and distraught, he finally ate human flesh. I met that young
19 man at some point, but he is no longer alive. He was nicknamed *chien méchant*, wild
20 dog. But he acted out of anger.

21 Q. [10:36:57] Okay.

22 A. [10:36:58] And this is what the context was in which Ngaïssona then said, "Ah,
23 there is need for these youth to be guided, to be taken care of so that the country does
24 not go up in flames." And that is how he came to Bangui in two
25 thousand and -- 2014. Yeah, it's 2014, right?

1 Q. [10:37:21] Yes, that's right.

2 A. [10:37:29] So that's -- that's a little bit of what I can say.

3 Q. [10:37:34] I want to ask you, because you mentioned in your statement about
4 certain of Bozize's sons who were in Cameroon. One is the son by the name of
5 Franklin, Francis, who you refer to your second statement as *colonel* Bozize. And
6 some other people that you name in your statement: Levy Yakete, Kokate.

7 You weren't in Cameroon so you got that information from somebody. And did that
8 information come from Mr Ngaya?

9 A. [10:38:25] All those names you have mentioned -- yeah, is that what you are
10 talking about? I don't know if I understood your question. Is it in relation to all the
11 names that you have mentioned?

12 Q. [10:38:42] Yes. These are names that you mentioned in your own statement as
13 people that were in Cameroon.

14 A. [10:38:54] Well, yes. You see, when it comes to Bozize and his children, they
15 had to go somewhere, they had to be somewhere, because otherwise they would have
16 been targeted by the Seleka. So they had to go there.

17 Kokate was first in Libreville with Bozize and the others. Kokate was initially of the
18 Seleka, but then he turned his coat, and then went over there.

19 And, let me say, his other name could be Mr Turncoat, so to speak. And that's how
20 they ended up together where they were.

21 Now, Franklin, I must say, is now deceased. He is no longer alive.

22 Q. [10:39:41] You mention in your statement at paragraph 46 -- this is the first
23 statement, tab 20 -- tabs 20 and tab 62, which is the translation. You say that
24 Ngaïssona came to Cameroon from France. Bozize was there. Captain Koudemon,
25 aka Gbangouma, was there. Captain Eugene Ngaikosset. These were the people

1 behind the organisation of the resistance in Cameroon.

2 Now, what I'm telling you is what you said in your statement. Is that news to you?

3 Because a minute ago you didn't seem to recall what the organisation was about.

4 A. [10:40:35] Well, the information I had was in relation to the names or the
5 persons who were Cameroon. But if it comes to talking about the organisation and
6 purpose, such as bringing back Bozize, I don't know. Was that part of their
7 thinking?

8 So the answer I'm giving you is that I was not there with them, and I'm not in the
9 know of those details. I don't know if you understand me.

10 But most of the names that were mentioned, most of them were soldiers. Ngaikosset
11 was a soldier; he was a soldier. Gbangouma, Koudemon, he was a soldier. Bozize's
12 son, Francis, was also a soldier. Konate was a soldier -- he's a soldier. So you see.
13 Now, what about Ngaïssona? Ngaïssona is a brave civilian. And he is the one who
14 took charge of these children who came from the hinterland on foot all the way to
15 Bangui. So somewhere in my statement you will see mention that I accompanied
16 two journalists who came from France. Two journalists. I accompanied them to the
17 hill -- behind the hill to meet with the Anti-Balaka. They wanted to tell their story.
18 Those journalists wanted to tell their story.

19 You will also find in my statement that this is a version of the narrative that I
20 provided.

21 Q. [10:42:19] Do you know someone by the name of Louis Oguere Ngaikoumon?

22 A. [10:42:31] I'm sorry?

23 Q. [10:42:32] Do you know someone by the name of Louis Oguere Ngaikoumon?

24 A. [10:42:44] Yes. He's a pastor. Pastor Oguere, he's a pastor. He's a pastor. I
25 know him very well.

1 Q. [10:42:58] He was also an ambassador for the Central African Republic in
2 Cameroon in 2013. At least at the beginning of that year. Right?

3 A. [10:43:11] Yes, indeed, he was ambassador to Cameroon. I got to know Oguere
4 when he came from Chad, and we grew up in the same neighbourhood. And he was,
5 indeed, the ambassador to Cameroon.

6 He personally received me in Cameroon when I went to bring the corpse of my
7 nephew who died in Cameroon. He received me at the embassy, and that tells you
8 that I knew him quite tell.

9 Q. [10:43:50] Did you ever discuss with him the circumstances under which he was
10 stripped of his position by President Djotodia in May 2013?

11 A. [10:44:09] Well, on that point, I cannot answer because I do not know the
12 circumstances. He had been appointed by Bozize to the position of ambassador.
13 Now, as far as I'm concerned, everything lasts for a time, as far as I'm concerned.
14 Now, what the true reasons for these were, I -- I'm not in a position to tell you.

15 Q. [10:44:36] Did you hear that he was removed from his position for holding
16 meetings regarding the destabilisation of the Central African Republic from the
17 Central African Republic embassy in Cameroon, including with people such as
18 Mr Ngaïssona, Mr Bozize, and military people from the Central African Republic in
19 Cameroon in May and April 2013? You never heard that?

20 A. [10:45:14] That is information I was not aware of. This is data that I'm not
21 aware of.

22 Q. [10:45:27] In your statement -- your second statement, I should say - and this is
23 tab 63, paragraph 145 - you say -- I'll read it in French: (Interpretation) "The Bozize
24 clan took a very active part in the Anti-Balaka resistance. They participated
25 strategically and physically alongside with the Anti-Balaka."

1 (Speaks English) My question then is going to be, as you can imagine, what do you
2 mean when you say they participated strategically?

3 A. [10:46:18] Could you please repeat the question or re-read the excerpt, please.

4 Q. [10:46:23] I'll re-read it. It says: (Interpretation) "The Bozize clan took a very
5 active part in the Anti-Balaka resistance. They participated in it strategically and
6 physically alongside the Anti-Balaka."

7 A. [10:46:44] I said the Bozize clan. When I say "clan", what am I referring to?
8 I'm referring to the Gbaya people.

9 So a short while ago I told you that the Anti-Balaka were born in *three prefectures,
10 Ouham-Pende and Ouham and Nana-Grebizi. Ouham and Ouham-Pende are more
11 or less the same. And most of the people whom I refer to as the Bozize clan were
12 those who organised themselves to descend on Bangui.

13 So when I say "Anti-Balaka", Anti-Balaka is not really Anti-Balaka as it is written. It
14 is "*anti-balles aka*". So traditionally they were using fetishes and *gris-gris* that were
15 put together for use by combatants, and the bullets that would be fired at them would
16 not hurt them. And that's why they were called "anti AK bullet", "*anti-balles aka*",
17 "anti AK bullet".

18 So I don't know if I'm clear enough.

19 But when I talk about the clan, the clan here refers to the Gbaya. The Gbaya are in
20 l'Ouham-Pende and in l'Ouham and these are the people who organised themselves
21 to fight against the savagery of the Seleka. That is the explanation I can provide.

22 But when it comes to Bozize as an individual, he was not in Boeing. And that's
23 somewhat of an answer that I can provide to you. Rather, he was not in Bangui.

24 THE INTERPRETER: [10:48:42] Corrects the interpreter.

25 MR VANDERPUYE: [10:48:45]

1 Q. [10:48:45] Well, you can see what you said in front of you right now. It's on the
2 screen. Yeah, you can read it. And my question to you is --

3 A. [10:48:55] Yes, yes.

4 Q. [10:48:56] (Overlapping speakers) -- when you say that they participated
5 strategically and physically on the side of the Anti-Balaka, first, what do you mean by
6 "strategically"? What's that mean?

7 A. [10:49:12] Yes. You see, when you want to go to war, you come together, you
8 think about it and you consider what you want to do. That is what I refer to by
9 "strategy".

10 Now when I say strategically, I mean that they put in place a system, a system in
11 order to fight back against the Seleka advances. So remember on 5 December when
12 some close to 4,000 elements met behind the hills, this was not a light matter. It was
13 not a matter to be taken lightly.

14 On 4 December, I went with the journalists there and when I saw the crowd, hmm,
15 that's -- that's what it was, people got together to organise themselves. They thought
16 things out, how to conduct their riposte against the savage attacks.

17 So I think that's the explanation I can provide to the use of the word "strategy".

18 Q. [10:50:34] That's very helpful.

19 Now, let me ask you about the use of the word "physically" then, and what do you
20 mean by that in this context?

21 A. [10:50:48] Well, you will remember that on 5 December, the Anti-Balaka came
22 down from the hill and confronted Seleka. Many of them also died because Seleka
23 also fought back and that's the physical aspect of what I'm talking about. Those
24 elements who -- some carrying sticks and others bearing traditional weapons which
25 they had fabricated themselves, these are the weapons they used to attack Seleka.

1 And that is the physical side of the situation that I'm referring to.

2 Q. [10:51:35] Okay, that's helpful, that's very helpful as well.

3 Now, in terms of the weapons that they used, they, I would assume, to the extent that
4 they had anything that could fire bullets, they needed ammunition. Are you aware
5 of how they obtained ammunition?

6 A. [10:52:00] The weapons that they produced themselves, they used hunting
7 bullets, double zero, and they would melt them into one. They would melt the
8 bullets into one and then use those bullets.

9 The hunting bullets, you can buy them on the open market and you would buy them
10 easily on the open market.

11 Q. [10:52:44] (Microphone not activated)

12 PRESIDING JUDGE SCHMITT: [10:52:46] Microphone, please.

13 MR VANDERPUYE: [10:52:48]

14 Q. [10:52:49] You know about that because you bought bullets yourself for the
15 Anti-Balaka; isn't that right?

16 A. Yes, yes. Yes. Depending on the resources that I had, I would buy two or
17 three cartons -- no, no, two or three boxes. So it was a matter of self-defence,
18 legitimate self-defence. Yes, yes, I recognise, I acknowledge that from time to time
19 I would buy two or three boxes of bullets for them and give those boxes to them.

20 Q. [10:53:35] Do you know if Mr Ngaïssona was involved in providing money to
21 the Anti-Balaka in order to purchase arms or weapons or bullets or anything of that
22 nature?

23 A. [10:53:52] What I can tell you is that Ngaïssona, his mind was set on providing
24 guidance for these children to stop them from committing any misdeeds. When he
25 sent money through Mr Ngaya, it was to provide food for these children who didn't

1 have anything to eat and because of hunger, they made these types of mistakes.

2 Now the money he sent therefore provided food for these children because it was
3 difficult to find food.

4 Now when it comes to buying arms, weapons, well, I don't have information in that
5 connection. I don't know, I have never seen Ngaïssona holding a weapon. I have
6 never seen him in the presence of a weapon. I have never seen him holding a
7 weapon.

8 Q. [10:55:02] All right. I mean, it's fair to say that you don't have to hold a
9 weapon to buy one, do you?

10 Let me take you to paragraph 122 of your second statement, that is at tab 63 and it
11 should be ERN ending page -- ERN ending 0307. And here you talk about
12 Mr Ngaya -- Mr Ngaïssona sending money to Mr Ngaya while he was in Cameroon
13 and that Mr Ngaya was charged with giving that money to the Anti-Balaka, notably
14 to Andjilo.

15 And you go on to say: "To my knowledge, that was done after 5 December 2013.
16 And the reason was very simple; which is that the elements of Andjilo's Anti-Balaka
17 were very aggressive and they needed to be controlled ..."

18 And, you said: "... to feed them" (Overlapping speakers)

19 A. [10:56:12] (Overlapping speakers)

20 Q. [10:56:12] "... to feed them so that they didn't commit acts of aggression against
21 the population."

22 You have that in front of you?

23 A. [10:56:28] Yes, I can see it. If you want, I can read it out for you.

24 Q. [10:56:36] That's okay. I just want you to be familiar with what I'm talking
25 about.

1 A. [10:56:43] Okay.

2 Q. [10:56:45] (Overlapping speakers) Now, you say that --

3 A. [10:56:45] Okay.

4 Q. [10:56:46] (Overlapping speakers) Andjilo's men were very aggressive. What
5 do you mean by that?

6 A. [10:56:53] Yes, indeed they were.

7 Q. [10:56:53] (Overlapping speakers) Okay. What do you mean by that?

8 A. [10:56:58] I myself talking to you now, I was a victim of attacks by some of the
9 elements who wanted to forcibly take items from a small drinking spot that was near
10 my home. Whenever they came, well, you see, every now and then I advised them
11 and I would ask them to do this or that. And so I would tell them, "All you need to
12 do is ask, and if I have, I will give you."

13 So what was lacking at that time was there was no social provision. There was a lack
14 of food and that is how they became aggressive. I have already told you about this
15 young boy who was nicknamed "wild dog", who ate human flesh. He did so out of
16 anger. There was no control and he felt lost. So that's how he needed to act in the
17 way he acted.

18 That's what I'm trying to explain to you; that from over there, Ngaïssona acted by
19 regularly sending money to Ngaya so that he could distribute to these young people
20 and deter them from being wild and committing any mistakes.

21 So that's how it was. It was not from a bad place that he sent the money. It was not
22 designed to buy arms. It was for food for the children. It was for food for the
23 children.

24 Now, from time to time I too also shared a little bit of what I had with them. You
25 know, what we experienced at that time was real hell. That's what I can say.

1 Q. [10:58:59] Well, how much money was involved would you say, to your
2 knowledge? That was going to Ngaya, right, because that's your -- that's the source
3 of your information?

4 A. [10:59:16] Yes. Most of the time when Ngaya received money, it was about
5 200,000 francs, CFA. That's what the other would send quite frequently to support
6 these children. And that's what Ngaya would receive.

7 Q. [10:59:39] Was Ngaya the only person in Bangui that was receiving money from
8 Mr Ngaïssona for the Anti-Balaka, to your knowledge?

9 A. [10:59:51] Yes, as far as I know. Yes, as far as I know. Because he is the one
10 who informed me. Yes, as far as I know, yes. Now, Uncle, Edouard, uncle -- they
11 were very, very close. He would say, "Uncle, this is what Edouard has sent for the
12 children." And so I said, "Well, do as he has instructed, otherwise they will keep
13 committing those mistakes and doing foolish things."

14 Now whether he was sending money to anyone else, I am not aware -- I was not
15 aware of it.

16 PRESIDING JUDGE SCHMITT: [11:00:33] We'll have now a break until 11.30.

17 MR VANDERPUYE: [11:00:38] Thank you, Mr President.

18 PRESIDING JUDGE SCHMITT: [11:00:39] Thank you.

19 THE COURT USHER: [11:00:40] All rise.

20 (Recess taken at 11.00 a.m.)

21 (Upon resuming in open session at 11.32 a.m.)

22 THE COURT USHER: [11:32:40] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:33:11] Mr Vanderpuye, you still have the floor.

25 MR VANDERPUYE: [11:33:16] Thank you very much, Mr President.

1 Q. [11:33:23] Good morning, again, sir. Just before we broke, I had asked you
2 some questions, and in particular I had asked you about your making or providing
3 the Anti-Balaka with ammunition. And in your statement you say that you did that
4 after 2014. So my question is, within the context of the coordination, who was in
5 charge of providing ammunition and things of that nature to the Anti-Balaka?

6 A. [11:34:14] I told you earlier that myself, I bought two or three boxes for the
7 children. But who provided the ammunition? Each person did what they had to
8 do, just managed on their own because it was a matter of self-defence. A specific
9 person or -- no, I couldn't say that there was a specific person buying ammunition.
10 But myself, with my own means, well, we had to defend ourselves. We had to deal
11 with the savage assaults by the Seleka, their attacks, and so we needed to obtain the
12 ammunition to do that.

13 Q. [11:35:12] All right. Let me ask you --

14 PRESIDING JUDGE SCHMITT: [11:35:18] May I perhaps shortly, Mr Vanderpuye.

15 MR VANDERPUYE: [11:35:22] Yes, of course.

16 PRESIDING JUDGE SCHMITT: [11:35:24] Because I think it might avoid questions
17 on of behalf of the representatives of the victims.

18 Mr Witness, you speak of the children. I understand that you don't mean to be
19 referring to a certain age, but can you please specify if you have any knowledge if
20 children, let's say, under the age of 15 have participated, for example, in the
21 5 December attack 2013? Do you have any -- any information about that?

22 THE WITNESS: [11:36:04](Interpretation) I said children and I meant the
23 Anti-Balaka elements. Children under 15? I didn't see any. They were big boys
24 who -- who took control of the situation. Perhaps -- they were big boys, maybe
25 20 years old. But children under 15, no.

1 PRESIDING JUDGE SCHMITT: [11:36:31] Thank you.

2 Excuse me for interrupting, but you understand the background of the question.

3 Please, Mr Vanderpuye, continue.

4 MR VANDERPUYE: [11:36:40] Thank you very much, Mr President.

5 Q. [11:36:43] In your statement, you know, as I was asking you about the question
6 of ammunition, but in your statement at paragraph 90 and 91, that's your first
7 statement, you talk about buying the ammunition, as you've just testified to, and you
8 say interestingly at paragraph 91 that you sometimes bought 10 boxes but you
9 couldn't say how many boxes in total because several groups were asking for
10 ammunition. And in the context of several groups asking for ammunition, I take it
11 you're referring to groups that were under discreet ComZones and commanders in
12 the provinces and in Bangui. Is that fair to say?

13 A. [11:37:38] Exactly. Various groups. Earlier I said that they came from
14 Ouham-Pende, Nana-Grebizi. It was a mixture of people, all kinds of people. And
15 each ComZone, zone commander had his own group, so I was referring to those
16 groups.

17 Q. [11:38:09] Now, I'd like to ask you about something you said in your statement.
18 This is your second statement at paragraph 112, the ERN of the page is 0306. And
19 while that's coming up, I can read to you what it says. You say: (Speaks French)

20 THE INTERPRETER: [11:39:21] Sight translation, Paragraph 112:

21 "There was complete disorder within the Anti-Balaka movement and people (I mean
22 Ngaya, Emotion, Dieudonne Ndomate and myself) found themselves calling upon
23 Ngaïssona because he had a financial foundation and could help provide some
24 structure to these young people. This was well before the return of Ngaïssona.
25 Ngaïssona agreed to be the leader of the Anti-Balaka. He agreed to provide financial

1 resources to them to support them. What I mean by supporting the Anti-Balaka, I
2 mean organising them so that they could face the mercenaries. The Anti-Balaka
3 came in massive numbers from the provinces towards Bangui. There were about
4 4,000 of them. I personally told these young peoples that they had a saviour in the
5 person of Ngaïssona who would" (Overlapping speakers)

6 THE WITNESS: [11:40:27] (Interpretation) Yes, that's what I said. That comes from
7 me, yes. As I said earlier, yes. Okay.

8 PRESIDING JUDGE SCHMITT: [11:40:38] It was now a little bit of a problem, but
9 thank you, Mr Vanderpuye, that you waited until we had the English -- full English
10 translation. And I think the witness has said that is exactly what he has said.
11 I don't know if you have further questions with regard to this portion.

12 MR VANDERPUYE: [11:40:55] Very limited questions.

13 PRESIDING JUDGE SCHMITT: [11:40:56] Okay. Yeah, no, but then please
14 continue so that we -- so there was an overlap, of course, and I said at the beginning
15 of the first session that reading actually -- in the past weeks reading the transcripts,
16 we really have to be careful to avoid overlap because the reading and understanding
17 of the sense of what has been said, of course, is more difficult and the sense is
18 diminished.

19 Please Mr Vanderpuye, your questions.

20 MR VANDERPUYE: [11:41:26] Thank you, Mr President.

21 Q. [11:41:29] Sir, having reread that yourself, when you say that this happened well
22 before Ngaïssona returned, can you give the Chamber an approximate time frame
23 when you and Emotion and Ndomate called on Ngaïssona to assist the youth?

24 A. [11:42:05] Yes. Yes. Well, Emotion, he and quite a few others had crossed
25 when the Seleka got to Bangui. Emotion and many others, other young people had

1 crossed over to the other side, to the DRC. But as soon as they started the
2 counter-offensive, they crossed back again to the Central African Republic and then
3 they were behind the hill and that is where they met up and they said, okay, there
4 were problems, not much to eat, all kinds of other things, we have to provide support
5 to them, we have to reach out. And the person who was best -- in the best position
6 to do that, the person who was in the best position to do that was Ngaïssona, who
7 was in Cameroon. And he sent money to get food for the children. And from time
8 to time, you know, you know, that's what I mean by social coverage. Thus, they
9 were kept from committing many stupid things. So that was what was in people's
10 minds. That -- that was the intent.

11 Q. [11:43:56] So this was before the offensive on Bangui then?

12 A. [11:44:04] I beg your pardon?

13 Q. [11:44:06] So this was before the offensive on Bangui then, if they were at the hill;
14 is that right?

15 A. [11:44:17] Yes. Yes, yes, yes, it was before. It was before the offensive. As I
16 told you, two journalists came from France, Camille Lepage, who was killed later on,
17 Lucil Lillian (phon). They came from France and someone from France said to them
18 that they should do all they could to find a young person who committed and bring
19 them because they wanted information about the Anti-Balaka. And so I met up with
20 them and I went with them and I joined with the Anti-Balaka behind the hill. So
21 honestly, it was very difficult to survive. And I said be careful, we should reach out
22 to Ngaïssona. He'll be able to help us.

23 Q. [11:45:20] All right. And he accepted to lead the Anti-Balaka then before the
24 offensive on Bangui?

25 A. [11:45:36] He sent money before the offensive of 5 December. It was before he

1 was asked for help. He got to Bangui in 2014, very early in 2014.

2 Q. [11:45:52] All right. Now, you said just a moment ago that
3 Mr Ngaïssona was - I wrote this down - he was the person in the best position to
4 assist the Anti-Balaka. So my question is, well, why is it that he was the -- how is it
5 that he was the best person to assist the Anti-Balaka? Why him as opposed to
6 anybody else?

7 A. [11:46:29] Financially he was the person. There was only him. The --

8 THE INTERPRETER: [11:46:34] Inaudible.

9 THE WITNESS: [11:46:38](Interpretation) We couldn't go ask people that we didn't
10 even know. And he was willing to help. Ngaïssona was willing to help. Socially
11 he was willing to help. Financially he was in a pretty solid position.

12 MR VANDERPUYE: [11:47:00]

13 Q. [11:47:00] Do you know if he was willing to help already before you had
14 approached him? In other words, was he providing help to elements on the ground?

15 A. [11:47:13] That, that -- that -- I can't answer that question. I didn't know if he
16 could do that without our request. I couldn't tell you. But we reached out to him
17 and he responded.

18 Q. [11:47:34] Okay. Did you reach out to anybody else?

19 A. [11:47:47] I beg your pardon?

20 Q. [11:47:50] Did you reach out to anyone else besides Ngaïssona to help the
21 Anti-Balaka financially before the offensive on 5 December?

22 A. [11:48:09] To the best of my knowledge, no. There was no one. Everyone
23 feared the offensive. Everyone was afraid of the savagery, the animosity of the
24 Seleka.

25 Who other person? Who else? There was only Ngaïssona. Ngaïssona was the

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 only one, because someone had to clean up the mess.

2 Q. [11:48:41] Let me show you a document. It's at tab 59, CAR-OTP-2124-0899.

3 What I'm showing you is an email that was sent by a professional associate of

4 Mr Ngaïssona in the football federation on 7 October 2013. And in this

5 email - I think you can read it - it says: (Interpretation) "Good evening, president.

6 Just to let you know about the officers' needs."

7 (Speaks English) It names a person named Lakouetene who you say in your statement

8 you don't know. It names a person named Doguela.

9 A. [11:50:01] No.

10 Q. [11:50:02] And it refers to certain material that they are requesting.

11 And if we go to the bottom of the page, you see a request for arms, and it refers to

12 RPGs.

13 A. [11:50:27] That escapes me.

14 Q. [11:50:30] Grenades, chargers, rockets.

15 I'd like to ask you --

16 A. [11:50:41] Where does that come from? Where does that come from, that

17 request?

18 Q. [11:50:45] It comes from an associate of Mr Ngaïssona.

19 A. [11:50:51] That escapes me. This is news to me. I don't know about this.

20 Q. [11:50:59] Let me ask you some questions about some of the locations here.

21 If we can go to the top of the page, please.

22 A. [11:51:08] Yes.

23 Q. [11:51:10] All right. And it refers to these locations: Kouzoundoro, Bogoura.

24 A. [11:51:20] Yes.

25 Q. [11:51:22] Lambi.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 A. [11:51:25] Yes.

2 Q. [11:51:26] Lac Caimon, Ndjo, Bossemptele, Bozoum and Baoro.

3 A. [11:51:37] Yes, I know all about that. I know those places.

4 THE INTERPRETER: [11:51:45] Excessive speed.

5 THE WITNESS: [11:51:52](Interpretation) Yes, I know about all of that. Ndjo is on
6 the way to Bossangoa. Bossembele on the way -- on the road to Baoro, Bozoum and
7 Baoro. Yes, I know all of that.

8 Good. But all of that -- but this is about the needs of the officers. That's too military.
9 I don't know about that. I really have no idea.

10 MR VANDERPUYE:

11 Q. [11:52:35] Do you know --

12 A. [11:52:36] (Overlapping Speakers) October 2013. No idea.

13 Q. [11:52:42] Do you know if there were Anti-Balaka fighters in those locations?

14 A. [11:52:57] Well, that escapes me. All I know is -- well, I know about Boy-Rabe,
15 the hill at Boy-Rabe. I know about that. The country is big. Bogoura is on the
16 road to Boali. Lambi, same thing. *Lac des caïmans*, Ndjo. But to know whether
17 there were combatants there, what do you mean?

18 I mean, there were -- they were all over. You have to go through these various areas.
19 And, also, there's a road that leads from Bossangoa to Bouca and then goes down
20 towards Bangui. But all of these places are along the national road number 1.

21 Q. [11:54:00] Let me -- let me ask you about the other locations indicated at item
22 number 2, which is obviously Bangui, Bimbo, Begoua, Landja. Are you aware if
23 Anti-Balaka elements were located there, or fighters?

24 A. [11:54:23] Let me say it once again. What I can tell you about is the hill, the
25 Boy-Rabe hill. You see, Bangui is like -- well, Boy-Rabe and Bangui, Landja, that's

1 also part of Bangui. Bimbo, same thing.

2 Q. [11:54:45] Okay.

3 A. [11:54:46] But whether there were combatants there, that escapes me. Maybe
4 around Mbaiki, around Mbaiki towards the west -- to the west, southwest, to go -- I
5 know there were combatants there.

6 Q. [11:55:14] All right. And just before I get to next document, I just want to
7 clarify something. This location which is written here "Bogoura", is it Bogoura or
8 Bugora?

9 A. [11:55:30] Yes. Bogoura, Bogoura, that's right. Bogoura, that's right. And
10 the lake, *lac des caïmans*, not Caimon, *caïmans*. Lake of the crocodiles, if you want to
11 put it that way.

12 Q. [11:55:49] Thank you for that clarification.

13 Let me show you another document. It's at tab 60, CAR-OTP-2124-0900. This is
14 another email involving the same individual and Mr Ngaïssona, and this one is dated
15 about five days later, on 12 October 2013. And it refers to locations here of Fatima,
16 Bimbo, Mongoumba. You're familiar with those locations?

17 A. [11:56:53] Yes, of course. I know all of these places. Fatima, *Bimbo,
18 Mongoumba are all along the Mbaiki road. In the southwest.

19 Q. [11:57:18] And you were just saying a few moments ago, if I'm not mistaken,
20 that in the southwest you were aware that there were elements there; is that right?

21 A. [11:57:29] Yes, that's right. Yes, yes. There were elements there along that
22 road.

23 Q. [11:57:39] On this document, if we go down the page, we can see that there's a
24 request also for materiel and arms. And you can see here a request for RPGs and
25 rockets, as well as a certain amount of money. Also (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 A. [11:58:01] Yes, that's what I see. That's what I can read right here. Yes.

2 Q. [11:58:09] (Overlapping speakers) aware of this request either, I take it.

3 THE INTERPRETER: [11:58:13] Overlapping speakers. Overlapping.

4 PRESIDING JUDGE SCHMITT: [11:58:18] So, Mr Vanderpuye, please wait.

5 Now, please ask your question if he -- if he was aware of that, I think you will ask

6 and --

7 THE WITNESS: [11:58:30](Interpretation) No. Who signed that? Who wrote it?

8 That's what I want to know. That's what I want -- but *that's a lot of money.

9 9 million and something like 10 million. I don't know. I don't know. Really,

10 certainly, I don't know.

11 MR VANDERPUYE:

12 Q. [11:58:51] All right.

13 A. [11:58:52] Who expressed these needs, I don't know.

14 PRESIDING JUDGE SCHMITT: [11:58:58] Mr Vanderpuye, shortly.

15 Mr Witness, you see in this email there is mentioned: (Interpretation) "The focal

16 point is Mr Kobo."

17 THE WITNESS: [11:59:13](Interpretation) Don't know him. I don't know him.

18 PRESIDING JUDGE SCHMITT: [11:59:16] So you anticipated my question,

19 Mr Witness, exactly.

20 Please continue, Mr Vanderpuye.

21 MR VANDERPUYE: [11:59:21] Thank you, Mr President.

22 Q. [11:59:24] Now, I asked you about the locations, but I'd like to ask you about the

23 subject matter in this one talking about: (Interpretation) "The message went through

24 just fine."

25 A. [11:59:46] Huh?

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 Q. [11:59:50] It's in the paragraph that should be in front of you right now.

2 A. [12:00:00] The message about the pots has got through. All the same, they have
3 been taking precautions since 1600 hours, positioning elements from the airport to the
4 centre of town, along the road, just to prevent this action. Certainly, they got the
5 information. I'm very -- I just don't trust the telephone message system. Some
6 people pass on information to just anyone, and this led to the arrest and the torture of
7 several people when pamphlets were being handed out. But I'm in contact with
8 some friends with whom it has been decided to do everything possible so that this
9 becomes effective tomorrow.

10 I don't know. I don't -- really don't know. And this is also the person -- Mr Kobo.

11 You mentioned Mr Kobo.

12 It was Mr Kobo who wrote this?

13 Q. [12:01:15] No, sir. It was an associate of Mr Ngaïssona who sent this to

14 Mr Ngaïssona. His name is at the top of the document. You can take a look at if
15 you want.

16 Do you have any familiarity with what the subject matter of this *casserole* is that he's
17 referring to?

18 A. [12:01:42] No.

19 I see "from", "to", that, and so on and so forth. Sex Perrieur, Moteme Dongombe. Is
20 that it? Well, I don't know any of those persons.

21 I see "south zone" here. Yeah, that's what it is. I really don't get it.

22 Q. [12:02:09] Okay.

23 A. [12:02:10] Dongombe. No, I don't -- I don't get it.

24 PRESIDING JUDGE SCHMITT: [12:02:14] I think you -- I think you can move on.

25 MR VANDERPUYE: [12:02:16] Well, yes.

1 Q. [12:02:18] I just want to know who are the elements that you referred to that
2 were in the zone *sud* that you -- that you're aware of. What elements are those?

3 A. [12:02:37] In the south, southwest zone? I think he's over there with you. It
4 must be Mr Rombo Yekatom, I believe. Because we see here "zone south". I see
5 "southwest". As far as I'm concerned, it's Mr Yekatom.

6 Q. [12:02:57] Let me show you one other document. It's at tab 61 and it's a
7 continuation of this exchange of emails involving Mr Ngaïssona.

8 This is an email exchange involving the email that I just showed you a minute ago
9 involving *zone sud*.

10 A. [12:03:55] Yes.

11 Q. [12:03:56] (Overlapping speakers) Which Mr Ngaïssona forwards to a person
12 that we believe is Eric Danboy.

13 First of all, do you know of a person named Eric Danboy?

14 A. [12:04:14] I know one Danboy, one Danboy who is close to Bozize I think. Now,
15 whether it's Eric, I don't know. But I know one Danboy who was close to Bozize. Is
16 it Eric or something else? I don't know.

17 Q. [12:04:38] When you say "who is close to Bozize", what do you mean? Was he
18 military? Was he a civilian?

19 A. [12:04:49] Well, he's -- he's a relative, Bozize's relative, Bozize's relative.
20 Whether -- maybe it's a close or distant relative, a nephew or something like that, but
21 is his -- he's Bozize's relative.

22 Q. [12:05:11] Do you know if he was involved in Mr -- in President Bozize's
23 presidential guard or security?

24 A. [12:05:25] I am not in a position to say so. You see, I myself am a brave civilian,
25 but I was quite far away from military matters. Whether he was a soldier, a

1 presidential guard or not, I don't know. But I know someone who went by the name
2 Danboy and who was close to Bozize. Whether he was a soldier or close to Bozize as
3 such, I don't know.

4 Q. [12:05:57] Okay. Are you aware of Mr Ngaïssona's contact with elements of
5 Bozize's presidential guard or security, members that -- or former members of the
6 presidential guard? When he was in Cameroon or even after?

7 A. [12:06:20] No, no. In any event, that type of information is military and I do
8 not have any information in that regard. Contacts with people of the presidential
9 guard in Bangui or those who were in Cameroon?

10 Q. [12:06:44] Those who were in Cameroon. Or those who were not in CAR, let's
11 put it that way.

12 A. [12:06:53] I have already talked to you about Gbangouma, a soldier, Ngaikosset,
13 Bozize's son, all those were in Cameroon.

14 Q. [12:07:11] Okay. In your statement, your second statement, which is at tab 63,
15 at paragraph 144 you say -- I'm sorry, I see counsel is on his feet.

16 PRESIDING JUDGE SCHMITT: [12:07:24] Yeah. Mr Knoops, please.

17 MR KNOOPS: [12:07:25] Mr President, sorry for the interruption.

18 I assume the Prosecution is finished with tabs 59, 60, 61? If that's the situation,
19 I would like the -- seek the guidance of the Chamber. We didn't object at the
20 moment the Prosecution submitted these three emails to the witness, but I recall the
21 ruling of the Chamber that when it concerns emails or Facebook messages, it should
22 be established that either the witness is the author of that document, email or the
23 Facebook message, or is mentioned as a person in those documents.

24 Now, these three documents do not refer in any way to the witness, nor is he the
25 author. I let it go because the answers of the witness were clear, but is it still the

1 ruling of the Chamber that the participants, the parties and participants cannot
2 present without having a foundation, emails or Facebook messages, to the witness
3 based on either of those two criteria?

4 PRESIDING JUDGE SCHMITT: [12:08:46] Mr Vanderpuye, shortly.

5 If I recall it correctly, then this is a general rule. Of course it in -- under normal
6 circumstances you would not put any documents to the witness which the witness
7 has not produced or in which he is not mentioned. But there are exceptions. So
8 when from the content of the document there is a connex to the potential knowledge
9 of the witness on a case-by-case basis, we would allow it. Of course also for you.

10 Here I think Mr Vanderpuye referred to general -- to the general aspect of financing
11 the Anti-Balaka and so this was the connex. The witness has clearly stated that he
12 does not have any knowledge about that. So yeah, so we take it -- we take this as the
13 answer of the witness to this -- to the representing of these documents. But let's
14 imagine the answer would have been different, then the connex would have been
15 apparent.

16 Yeah. So like -- that must -- that might not be very satisfactory, because always
17 when you say on a case-by-case bases it's -- it's a little bit difficult. But as I said, in
18 principle, I think it should be handled this way. When there is, let's say, an apparent
19 that -- an apparent potential connection to the -- to the testimony the witness gives at
20 the moment in the flow of this examination, I think we can allow it.

21 And by the way, when any of the parties object, we do decide on a case-by-case basis
22 on that.

23 So I appreciate it that you reminded the Chamber of the potential problem, actually I
24 have seen it here. I did not intervene because there was no objection, yes, first of all.

25 And then I think it is, let's say, it's not -- not very valid in this regard because of the

1 answer of the witness. You have recognised that yourself.

2 Mr Vanderpuye, please.

3 MR VANDERPUYE: [12:11:13] Thank you, Mr President. You've covered it for me
4 so I have nothing further to add there.

5 Q. [12:11:20] But, Witness, sir, I'd like to ask you, just following on that, you
6 indicated in your second statement at paragraph 144. As I think I was mentioning,
7 that's at tab 63, but I don't think it needs to be displayed you say, in French:

8 (Interpretation) "I assert that the FACA who joined the Anti-Balaka were all from
9 Bozize's regime. Bozize is from Bossangoa, I myself I come from Bossangoa and
10 several FACA also come from that very same region."

11 (Speaks English) You mentioned also in your statement about a FACA soldier by the
12 name of Konate and that he had gone to Bossangoa. You say that in your first
13 statement at paragraph 35. I want to just clarify something with you.

14 First, are you aware or do you know if Konate was a presidential guard or in the
15 security forces of President Bozize?

16 A. [12:12:36] Yes, Konate is FACA of the Central African armed forces and was
17 very close to Bozize. He actually used to drive a vehicle. He was one of the drivers
18 of the vehicles of the presidential guard. So he was quite close to Bozize.

19 Q. [12:13:09] And indeed your own son, before he passed away, was part of
20 Bozize's security force; isn't that right?

21 A. [12:13:23] My nephew, my nephew. The son of my elder brother. Well, but
22 for us when we say son, it's my senior brother's son who is my son, yes, that's the way
23 it is. But he was my nephew and he was quite close to Bozize. He was also of the
24 presidential guard.

25 Q. [12:13:47] You yourself, you were quite close to Bozize; isn't that right?

1 A. [12:13:58] Yes. But you see, Bozize was born in Gabon. When they came back
2 to the country, we got to know each other in primary school. He was slightly older
3 than myself and that's how we got to know each other. I am Gbaya, as well as
4 Bozize. I am Gbaya, just like Bozize, and I was quite close to him.

5 Q. [12:14:31] All right. Now, you mention Bernard Mokom. Well, let me go back.
6 Before we go to Bernard Mokom, let me ask you about Konate. In your statement
7 you say that he went so Bossangoa. I take it that was before the -- before the
8 offensive on Bangui on 5 December.

9 A. [12:14:58] Mm-hmm, yes. Yes, that was before the offensive.

10 Q. [12:15:07] And are you aware of the elements that he led during the course of
11 that offensive?

12 A. [12:15:21] The elements? Who were the elements? Is that what you say?

13 Q. [12:15:31] Yes.

14 A. [12:15:34] When he got to Bossangoa, he met several elements there. And it is
15 with those elements that they descended on Bangui together. But I don't know
16 whether he was leading up a group. He simply joined those elements who had
17 organised themselves there before coming on to Bangui.

18 Q. [12:15:59] Do you know if he joined together with Andjilo?

19 A. [12:16:15] Andjilo's group came from Bouca, Batangafo, but he was in Bossangoa,
20 *hein*. Andjilo's group, well, they took the main road, which is parallel to the
21 Bossembele road, as they advanced on Bangui. So I don't think that he joined
22 Andjilo's group. They only met in Bangui otherwise.

23 Q. [12:16:50] And when you say they met in Bangui, you mean behind the hill?

24 A. [12:17:04] Andjilo and his group came directly to Bangui, but it was Emotion
25 and Konate who were behind the hill in Boy-Rabe. Andjilo's team came into Bangui

1 after.

2 Q. [12:17:24] Are you sure about that?

3 A. [12:17:30] Well, I think that's what it is, *hein*. I wasn't part of those two teams.

4 But in any event, I had relations with Mr Emotion, I had contacts with Mr Emotion.

5 When I left Boy-Rabe to seek refuge with my elder sister I had a lot of contact and

6 discussions with Emotion, and that's how I got to be so connected with them behind

7 the hill when they crossed the country.

8 Q. [12:18:06] You have connections with Dieudonne Ndomate, right?

9 A. [12:18:14] Well, that came later. Dieudonne Ndomate, we got to know each

10 other later. But the person with whom I had a lot of discussions was Emotion

11 Namsio Brice.

12 Q. [12:18:38] Just one second.

13 Ndomate is one of the people that you, together with Ngaya and Emotion, went to go

14 make the call to have Mr Ngaïssona support the Anti-Balaka before the December

15 offensive on Bangui. So when you say that Ndomate you only met later, what do

16 you mean by that?

17 A. [12:19:27] When I say "later", it was -- it was before the offensive. When I say

18 "later", it was in relation to the arrival of the first contingent of the Anti-Balaka from

19 the hinterland.

20 Q. [12:19:43] Okay. You know that Ndomate was part of Andjilo's group, right?

21 A. [12:19:53] Yes.

22 Q. [12:19:59] (Overlapping speakers).

23 PRESIDING JUDGE SCHMITT: [12:20:04] (Overlapping speakers) I'm not also

24 coming through at the moment. So please repeat your question so that we have the

25 record straight.

1 MR VANDERPUYE: [12:20:17] Thank you, Mr President.

2 Q. [12:20:21] Sir, my question is wouldn't that mean that Andjilo's group didn't
3 come straight into Bangui, but was actually behind the hill before the 5 December
4 offensive?

5 A. [12:20:41] What I was telling you a short while ago is that the two groups
6 arrived at separate times. When they arrived, well, Andjilo's team was governing
7 Ouham 1 neighbourhood in Boy-Rabe. The other team that was already behind the
8 hill, Emotion and Ndomate, how can I say this, they would call each other. And so
9 Ndomate joined that group and that is when we were having those exchanges of
10 views. And this happened well before the offensive, well before the offensive.

11 Q. [12:21:27] Thanks very much for that clarification.

12 I wanted to ask you about the 5 December offensive. And in respect of that offensive,
13 do you know if Rombhot, Yekatom here with us, participated in it?

14 A. [12:22:06] Well, I am not able to say so. What I can say right now is that the
15 group that was behind the hill that came down to attack Bangui, that's what I have
16 mastery of. Now, whether Rambo and his team in the southwest participated in the
17 offensive, well, I am not able to say so. However, I saw the team, which was behind
18 the hill, I saw it come down at around 4.30, 5 a.m. It was still a bit dark. And this
19 happened on the 5th. Whereas on the 4th, I had gone behind the hill in the company
20 of those journalists and I was unaware that they had already prepared the attack.
21 That's what I can say somewhat.

22 Q. [12:23:06] Did you discuss with Namsio about the attack?

23 A. [12:23:18] Let me repeat myself. I was behind the hill with the journalists,
24 accompanying them on the 4th. And then they came down on the 5th. So what I'm
25 telling you is that I was not aware, not in the least of their plans. I was not informed

1 at all of what they were doing.

2 Q. [12:23:41] That's helpful.

3 A. [12:23:43] You see, these are combatants' secrets, so to speak.

4 Q. [12:23:51] I'm sorry, you said combatants' secrets?

5 A. [12:24:00] Well, I refer to them as combatants. They were combatants. They
6 had set up their own strategy for the attack and they couldn't disclose it. I was there
7 with the two journalists and there was a possibility that it could be leaked in the
8 media and so on and so forth. But, yeah, that's what I think. But this was not -- we
9 didn't discuss anything about the attack.

10 Q. [12:24:25] All right. Let me just ask you about what you said then. And this is
11 at your statement paragraph 36. It's the first statement. The French translation
12 should be at ERN 0081 on to 0082. While that's coming up so that you can take a
13 look at it, I'll tell you what it says at least in the English. It says: "Rambo, who is
14 currently in The Hague, was the one who led the group from Ombella-M'Poko. I
15 know that it was Rambo leading the group because Brice Emotion Namsio was in
16 contact with him and told me this. I was in contact with the people from across the
17 river from Zongo. Emotion, who is my brother-in-law, was the leader of the -- of the
18 group from Zongo."

19 So the information you got concerning Rambo's participation came from Namsio,
20 that's correct, right?

21 A. [12:25:38] Yes, that's correct. Rambo was also on the other side, but quite
22 sincerely I don't have any mastery of that situation. It is later on that Namsio told
23 me that he had been with Rambo and the others. When Rambo crossed over, he
24 occupied the south -- southwest zone, and this information I got from Emotion.

25 Q. [12:26:07] Okay.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:26:11] So, Mr Witness, just to clarify, so this
2 information, this paragraph 36 that has been read to you and I think you see it, that
3 you have been given, does not mean that you are speaking about the 5 December
4 attack. Are we to understand -- are we to understand this -- this way, that you're not
5 talking about the 5 December attack?

6 THE WITNESS: [12:26:44](Interpretation) I'm sorry, I haven't understood your
7 question.

8 PRESIDING JUDGE SCHMITT: [12:26:48] I apologise. It was indeed unclear. So
9 Mr Vanderpuye, the Prosecutor, has asked you a short while ago if you had any
10 knowledge that Mr Yekatom Rombhot had participated in the 5 December attack. If
11 I recall it correctly, you said you don't have this knowledge. When you now look at
12 this paragraph 36 where you say, "I know that it was Rambo leading the group
13 because Brice Emotion Namsio was in contact with him and told me this", to which
14 time do you refer? Do you refer to the 5 December attack or to any other time,
15 afterwards or before?

16 THE WITNESS: [12:27:48](Interpretation) There was no any other attack. I am
17 talking about the attack of 5 December and I'm saying that Emotion told me that he
18 had been with Rambo on the other side. But here I'm talking about the attack of
19 5 December. The group that was on the other side of the hill, behind the hill, that is
20 the group that I know a lot more about in relation to the attack of 5 December.
21 Well, you may also want to note that on -- on -- on that day, who could have stood
22 out as a leader to head up which group? There were so many of them. There were
23 so very many of them, and I mentioned a short while ago that there were more than
24 4,000 persons.

25 PRESIDING JUDGE SCHMITT: [12:28:42] Mr Vanderpuye, please continue.

1 MR VANDERPUYE: [12:28:44] Thank you, Mr President.

2 Q. [12:28:47] I want to ask you some questions about -- as long as we're on the topic,
3 in Bangui in December 2013, did you ever hear about the abduction or sequestration
4 of members of General Mamour's family? You ever hear about an event like that?

5 A. [12:29:14] Which general, please?

6 Q. [12:29:23] Mamour. Seleka.

7 A. [12:29:26] Oh, no, no, no. As far as I know, no.

8 Q. [12:29:35] Okay. Now, I want to ask you some questions about the Anti-Balaka
9 itself, the structure of it, if you can.

10 What I'd like to show you is -- well, first I'd like you to confirm that before you
11 became a member of the national coordination, to your knowledge was there a
12 coordination already in place?

13 A. [12:30:10] Before I became communications adviser of the Anti-Balaka and who
14 was -- and was -- what was there?

15 Q. [12:30:20] Was there a coordination already in place?

16 A. [12:30:31] Oh, yes. As soon as Ngaïssona returned from Cameroon, at that time
17 the sort of the embryo of the coordination group was put in place. I came in, I was
18 called upon for communications to be the communications adviser as soon as they left.
19 I had been arrested 21 days in Ngaragba, and once I got out of there that was when
20 I was called upon to become communications adviser.

21 But already there was sort of a core, an embryo of the coordination group and then
22 gradually it was organised. And then eventually a bureau, an office was put in
23 place.

24 Q. [12:31:31] Let me show you a couple of documents then. The first thing I want
25 to show you is a document that we believe to be a proposed structure for the

- 1 Anti-Balaka coordination. It is tab 9, CAR-OTP-2030-0280. The first thing I will ask
2 you is - if we could just maybe scroll down slowly so he can get a general idea of what
3 the document is - is have you seen this document before?
- 4 A. [12:32:33] No.
- 5 Q. [12:32:34] Okay.
- 6 A. [12:32:35] No. No.
- 7 Q. [12:32:38] Let me take you to the top of the document?
- 8 A. [12:32:43] No. No.
- 9 Q. [12:32:51] You've seen these names before, though?
- 10 A. [12:32:54] No. I've never seen this. I've never seen this.
- 11 Q. [12:33:03] Okay. We've understood that. You recognise some of the names in
12 this document; is that fair to say? You see Mr Ngaïssona here --
- 13 A. [12:33:15] Certain names. Certain names you say?
- 14 Q. [12:33:23] Yes.
- 15 A. [12:33:28] Yes. I can see -- I see Bane -- Maître "Banekipa", Mr Ngaïssona,
16 Mr Mokom Maxime. Then I see -- well, this is without my -- was done without my
17 knowledge. I've never seen this document. I've never seen this document.
- 18 Q. [12:34:05] (Overlapping speakers) All right. We understand that.
19 Now you identified Maître Banoukepa?
- 20 A. [12:34:15] I beg your pardon? Oh, okay, all right.
- 21 Q. [12:34:19] You mentioned or we can see here Maître Banoukepa Lin as proposed
22 *coordinateur général politique* (Overlapping speakers)
- 23 A. [12:34:31] They, they. Banoukepa.
- 24 Q. [12:34:37] You see the name *coordinateur général politique adjoint*: Ngaïssona.
25 Do you know about (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 A. [12:34:58] Yes, this is what I'm saying, this is new to me. As I said, I have never
2 seen this document before.

3 Q. [12:35:05] Do you know that Maître Banoukepa was associated with a
4 group -- or, rather, was the coordinator of a group called FROCCA, *Front pour le retour*
5 *de l'ordre constitutionnel en Centrafrique*?

6 A. [12:35:28] Ah, the FROCCA. I have heard of that group, FROCCA. Yes,
7 FROCCA. There was FROCCA, there was COCORA, there were all kinds of groups.
8 I heard of them. Was it Mr Banoukepa who was in charge of that? I can't tell you.
9 I can't tell you that.

10 Q. [12:35:52] Do you know that Mr Ngaïssona was part of that group?

11 A. [12:36:56] Of FROCCA?

12 Q. [12:36:05] Yes.

13 A. [12:36:11] Well, I've told you I am completely ignorant of this document. I
14 have no knowledge of it. This is the first time I've ever seen it. I know some of the
15 names on it.

16 I see Mokom Maxime. But other than that, no, I don't know. Was he in FROCCA?
17 I don't know.

18 PRESIDING JUDGE SCHMITT: [12:36:36] Shortly.

19 Mr Mokpem Bionli, may I kindly remind you please wait a couple of seconds with
20 your answers so that the interpreters can follow. So you're -- yeah, you are a little bit
21 too quick, so to speak. But as I told you, happens to everyone here in the courtroom
22 and we do it a little bit longer than you, the time frame.

23 So, Mr Vanderpuye.

24 And by the way, since I'm speaking, this -- Mr Knoops, this document has obviously
25 not been produced by the witness, he does not appear in the document, but since at

1 least it appears to be that he has to do something with a later organigram of the
2 movement, there is this connexion to ask him something about it.

3 But, Mr Vanderpuye, I think with regard to the content of this document when the
4 witness says he doesn't know -- does have no knowledge at all, I think you will leave
5 that.

6 MR VANDERPUYE: [12:37:37] No, no, absolutely. I accept that.

7 PRESIDING JUDGE SCHMITT: [12:37:42] Okay. Good. But it was just an
8 explanation so -- so that we have another example where it shows what means on a
9 case-by-case basis.

10 So please continue.

11 MR VANDERPUYE: [12:37:52] Thank you very -- thank you very much,
12 Mr President.

13 Q. [12:37:54] I just wanted to note in this document you can see also the name
14 Namsio Emotion Brice, as you said, proposed as the coordinator of the 4th, 1st and
15 2nd arrondissements.

16 You see someone by the name of Leopold Bara, who I'm certain that you know.

17 Sylvestre Yagouzou was a member of the coordination that you joined.

18 And if you go down the page, you'll see other names I'm sure that are familiar to you.

19 But I don't want to dwell on that. What I want to ask you about are some other
20 documents first.

21 The next one is at tab 8 -- oh, I'm sorry, wait a minute. Tab 57, rather, and I want to
22 show you this document. It is by *Combattants de libération du Peuple Centrafricain*,
23 CLPC. That doesn't ring a bell?

24 A. [12:39:06] Combatants of what? I can't see anything here, that's why.

25 Q. [12:39:12] It's in front of you now.

1 A. [12:39:17] Oh, yes, yes, yes, I can see it now. CLPC, don't know. Never seen
2 that either. Never seen that either.

3 Q. [12:39:29] It says: "'Combattants de libération du Peuple Centrafricain' (CLPC)"
4 *dénominé* -- "dénommé 'Anti-Balaka'".

5 Have you ever heard that expression?

6 A. [12:39:46] I've never seen this document.

7 Q. [12:39:47] All right.

8 A. [12:39:49] I have never seen this document. I have never seen this document.

9 Q. [12:39:55] This document refers to a meeting that was held in advance of the
10 N'Djamena meeting where President Djotodia resigned, and I wanted to ask you if
11 you were aware of such a meeting in the presence of Ngremangou and Wenezoui.
12 Did you participate in such a meeting in January, early January 2014?

13 A. [12:40:32] I don't understand. You're talking about the document that you've
14 been showing me?

15 Q. [12:40:41] Here you see -- *attends*, one second. Here you see in the title:
16 (Interpretation) "Minutes of the dialogue meeting amongst the officials of the CLPC
17 movement 'Combatants for the liberation of the Central African people'".

18 A. [12:41:10] No, I never attended that meeting.

19 Q. [12:41:08] All right. Thank you?

20 A. [12:41:13] I never attended that meeting.

21 Q. [12:41:15] That's what I wanted to know. Thanks very much.

22 Let me ask you about another document, it's at tab 8. That's CAR-OTP-2030-2 -- 0270.
23 And we'll need to go to page 0272 of this document.

24 This document is dated 21 January 2014. Again it's a CLPC document. It's directed
25 by the "*comité de direction*", steering committee. And at item number 6 you'll see a

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 number of demands for government posts.

2 First, can I ask have you seen this document before?

3 A. [12:42:36] No.

4 THE INTERPRETER: [12:42:42] The witness reads from the document in question,
5 then asks: "Who signed this?"

6 THE WITNESS: [12:42:52](Interpretation) Who signed this, please?

7 MR VANDERPUYE: [12:42:55]

8 Q. [12:42:56] If we can go to the next page.

9 A. [12:43:00] Yes.

10 Q. [12:43:04] Are you familiar with the demand at number 7: (Interpretation) "The
11 return of all those people who are in exile (political, military, civilian and economic
12 operators) without condition"?

13 A. [12:43:23] No, I am not aware of this meeting. That, not at all. I may not
14 have -- how should I put this? Well, I -- at that -- at that time I may not have been
15 part of the coordination group, but this escapes me. Exactly like the other document
16 that you showed me, this escapes me. And combatant and all that stuff, no, no,
17 it -- I don't know anything about it.

18 Q. [12:44:02] Let me show you another document.

19 PRESIDING JUDGE SCHMITT: [12:44:06] I have to correct for the transcript the
20 ERN of the last document. It should be CAR-OTP-0 -- no, 2030-0270, not 2070. 0270
21 is correct. So it's sometimes not so easy indeed.

22 MR VANDERPUYE: [12:44:30] Thank you very much, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:44:32] Please proceed.

24 MR VANDERPUYE: [12:44:33]

25 Q. [12:44:33] The next document is at tab 16. It's CAR-OTP-2087-9025. Again,

1 this is another document under the title of CLPC from the "Comte de direction" and
2 it's a list -- there it is: (Interpretation) "List of executives of the Anti-Balaka
3 movement".

4 (Speaks English) It expresses the posts sought relative to the government. And you
5 can see a number of people here I'm sure you're familiar with. And number 1 is
6 Ngaïssona and you can see that the position sought was *directeur Général de l'ENERCA*,
7 *la SOCAPS*, or *Coordinateur de DDR*.

8 Are you familiar with this document and are you familiar with these requests having
9 been made of the government?

10 A. [12:45:40] The document, the -- I don't know the document, but the people
11 mentioned on it I do know.

12 Q. [12:45:52] All right.

13 A. [12:45:54] The people whose names are on the document I do know. But the
14 document as such, I am not familiar with it.

15 Q. [12:46:05] At the bottom of this page, item 6, you will see Bernard Mokom?

16 A. [12:46:20] At the bottom Bernard Mokom, that is the father of Mokom Maxime.

17 Q. [12:46:32] That's right. And he was a member of the movement and took -- and
18 took part in the coordination of the Anti-Balaka as well; isn't that right?

19 A. [12:46:43] Yes, that's right. That's right.

20 Q. [12:46:47] All right. Let me show you another document. This one is at tab 14,
21 CAR-OTP-2075-0737. It's a similar document to the one that I've just shown you,
22 listing several more individuals and also expressing the positions sought in the
23 government. Have you seen this document before?

24 A. [12:47:32] No. No.

25 Q. [12:47:37] Are the names familiar to you?

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 A. [12:47:39] Oh, I beg your pardon. I beg your pardon. Once again this is CLPC?

2 Is that it?

3 Q. [12:47:51] This one is unclear, but I'm asking you if you know about this

4 document and if you've seen it before.

5 A. [12:48:01] No. I don't know anything about this CLPC stuff. We're talking

6 about the CLPC here. I don't know anything about that.

7 Q. [12:48:19] Let me -- let me show you another document. This is at tab 15,

8 CAR-OTP-2084-0049.

9 This is a declaration that was issued on 14 February 2014. And in this document, if

10 we go to ERN page 0053, you will see a list of members of the coordination *du*

11 *mouvement* Anti-Balaka.

12 Can you see that?

13 A. [12:49:21] I can see it. I see that. But I don't know the file. I am not familiar

14 with this file.

15 Q. [12:49:33] Okay. On the last page of this -- well, rather, on ERN page ending

16 0054, you'll see some more names. I just want to make sure you see them all.

17 PRESIDING JUDGE SCHMITT: [12:50:00] Mr Witness, when was it that you joined

18 the coordination? Do you know this, exactly? Might very well be that you have a

19 good recollection of the exact date or even -- perhaps at least can tell us the time

20 frame.

21 THE WITNESS: [12:50:18](Interpretation) Yes. It must have been in the month of

22 May or June 2014. May or June 2014, I believe.

23 But amongst these people -- well, I know some of these people. I know some people

24 whose names are on this document, but not all of them. I joined in May or June 2014.

25 That is when I joined the movement.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:50:53] Thank you.

2 So I don't know, Mr Vanderpuye, but it appears to be that the witness does not know
3 documents that have been produced before he joined the coordination.

4 MR VANDERPUYE: [12:51:11] Yes, that's right.

5 PRESIDING JUDGE SCHMITT: [12:51:13] It's just a remark by me.

6 MR VANDERPUYE: [12:51:16] Thank you very -- thank you very much,
7 Mr President.

8 Q. [12:51:20] In this document that's in front of you at ERN page 0049, it talks about
9 the arrest of Anti-Balaka elements in February 2014. About 10 elements were
10 arrested at that time, including Ndomate, Konate, and I believe you.

11 A. [12:51:57] Yes, yes. I was one of them. What does -- what's the date on this?
12 What does this date back to?

13 Q. [12:52:05] It's signed on 17 February, but it's dated in the front on 14 February.

14 A. [12:52:12] Yes.

15 Q. [12:52:16] If I take you to page 0052, there's just one question I want to ask you
16 about. In the second or third to last paragraph on the page -- we have to go down.
17 Further down until it says -- further down.

18 There you can see where it says: (Interpretation) "We draw the attention of the new
19 national political authorities, as well as the attention of the chief commanders of the
20 military forces of the Sangaris and the MISCA so that they should not be mistaken
21 when it comes to enemies, since the Anti-Balaka combatants are in no way enemies of
22 peace, even though it is true that within the ranks of the said movement,
23 investigations must be carried out to determine those who were responsible for
24 possible acts of violence or abuse."

25 (Speaks English) So my question is: Are you aware of any investigations that were

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 carried out to determine who within the ranks of the Anti-Balaka had committed
2 serious crimes?

3 A. [12:54:02] First of all, I would like to answer you by saying something about this
4 document. I was arrested at the same time as those Anti-Balaka elements. There
5 were 11 of us, but I was not amongst -- I was not part of the coordination.
6 I was arrested because I was alongside the road. I have my house alongside the road.
7 And when they started to arrest people, I was not yet part of the coordination group.
8 What I'm telling you is that, between May and June, that is when I joined the
9 coordination group. So there you have it.

10 So, coming back to your question, you were saying -- what were you saying?

11 Q. [12:54:50] That's okay. Let me show you another document.

12 A. [12:55:00] Yes, yes.

13 Q. [12:55:02] This one is tab 19, CAR-OTP-2101-3611. Now I think I've given the
14 wrong tab number. No, I've given the right tab number. Okay. We need to go to
15 page 3613. That's the next page, it should be -- I'm sorry, two pages up.

16 All right. This is again *Coordination Nationale*, and this one is *Comité du Direction*.

17 (Interpretation) "Composition of the National Coordination Office."

18 (Speaks English) On the information we have, this document would be dated

19 20 June 2014. Do you recognise this document?

20 A. [12:56:07] Could you scroll down a bit and I can look at some names?

21 Q. [12:56:14] Well, let's go to the last page. That will help you.

22 A. [12:56:20] Yes. Yes, yes, I recognise this.

23 Q. [12:56:34] This is the coordination --

24 THE INTERPRETER: Overlapping.

25 MR VANDERPUYE: [12:56:35] I'm sorry.

1 THE INTERPRETER: [12:56:38] The witness says: Communications adviser, yes.

2 THE WITNESS: [12:56:42](Interpretation) I beg your pardon?

3 MR VANDERPUYE:

4 Q. [12:56:49] This is the coordination or the schema of the coordination of which
5 you were a member and joined in May or June 2014; is that right?

6 A. [12:57:08] I believe so. I believe so. I believe so.

7 Q. [12:57:13] Okay. In the coordination in which you were a member, Wenezoui
8 was the deputy, is that right? Deputy general coordinator.

9 A. [12:57:33] I beg your pardon?

10 Q. [12:57:36] Mr Wenezoui was the deputy general coordinator in the national
11 coordination of which you were a member; is that right?

12 A. [12:57:51] Indeed. Indeed. That's right. Sebastien Wenezoui.

13 Q. [12:57:58] Mr Ngaïssona was the general coordinator as well, right?

14 A. [12:58:07] He was the general coordinator, Ngaïssona. And his assistant was
15 Mr Wenezoui, Sebastien.

16 Q. [12:58:17] And they were the highest ranking people in that coordination; is that
17 right?

18 A. [12:58:38] Indeed. Indeed.

19 Q. [12:58:42] You said in your statement that Mr Yekatom was under the national
20 coordination; is that right?

21 A. [12:58:55] That Yekatom -- that Yekatom was what?

22 Q. [12:59:02] Under the national coordination.

23 A. [12:59:14] Indeed, because he was a ComZone, zone commander in the
24 *southwest. He was a ComZone. Just like Emotion and the others, they
25 were -- they were ComZones, zone commanders.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 Q. [12:59:38] Zone commanders, as you say in your statement, reported to the
2 coordination regularly?

3 A. [12:59:48] Indeed. Indeed, they reported.

4 PRESIDING JUDGE SCHMITT: [12:59:57] Mr Vanderpuye, we have reached
5 1 o'clock.

6 MR VANDERPUYE: [13:00:00] Yes.

7 PRESIDING JUDGE SCHMITT: [13:00:01] So my question would be, do you have
8 already an estimate, how long your examination will last?

9 MR VANDERPUYE: [13:00:06] I had three hours, and so I've used just about three
10 hours. But I think I can finish him in about 20 minutes, half an hour.

11 PRESIDING JUDGE SCHMITT: [13:00:17] Okay. Then we do that after the break.

12 MR VANDERPUYE: [13:00:20] Yes, please.

13 PRESIDING JUDGE SCHMITT: [13:00:22] My question, of course, might be
14 premature, but, Ms Dimitri, Mr Knoops -- perhaps Mr Knoops first. You see,
15 actually, eight to nine hours seems quite a lot. But you need it. You think you need
16 it?

17 MR KNOOPS: [13:00:35] No. I think, Mr President, I would need -- I will stay
18 within the four sessions -- maybe three, depending on the pace. I could start this
19 afternoon with a general topic and then tonight revise my questions and have
20 tomorrow the full day and have an effective examination to skip also the questions
21 which are already been answered by the witness.

22 I did observe that the LRV reserved half an hour, I think, for their questioning. So I
23 could start, eventually, if the Court appreciates, this afternoon for the first topic and
24 tomorrow use the full day, maybe small part of Wednesday morning but
25 (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [13:01:20] That sounds absolutely reasonable and
2 understandable, actually, with regards to what we have on the table.

3 But, Ms Massidda, what about the questioning, an estimate by the LRVs?

4 MS MASSIDDA: [13:01:34] Mr President, we may have a maximum of 15 minutes of
5 questions, but we are going to discuss during the lunch break. Thank you very
6 much.

7 PRESIDING JUDGE SCHMITT: [13:01:42] Thank you.

8 And I saw two hours from you, so it wouldn't affect us deeply, you know what I
9 mean by that.

10 MS DIMITRI: [13:01:50] Indeed, Mr President. I can assure you we'll be less than
11 one session.

12 PRESIDING JUDGE SCHMITT: [13:01:57] So we do it this way: We finish with
13 Mr Vanderpuye, and then we look if the LRVs have questions and how long. And
14 then we decide on the spot. But, actually, I think it would be a good idea to start
15 with your questioning today, if you are prepared for it. Okay, thank you.

16 Then we have the lunch break until 2.30.

17 THE COURT USHER: [13:02:19] All rise.

18 (Recess taken at 1.02 p.m.)

19 (Upon resuming in open session at 2.32 p.m.)

20 THE COURT USHER: [14:32:52] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [14:33:14] Good afternoon, everyone.

23 Good afternoon, Mr Witness.

24 Mr Vanderpuye, you still have the floor.

25 MR VANDERPUYE: [14:33:23] Thank you. Thank you, Mr President.

1 Q. [14:33:29] Good afternoon, Mr Witness.

2 A. [14:33:34] (Overlapping speakers)

3 Q. [14:33:38] (Overlapping speakers) When we left off, I had just shown you, I
4 think, a document which represented the coordination that you were a part of, the
5 Anti-Balaka coordination that you were a part of in the middle of 2014. And I'd
6 asked you about the reporting of the ComZones within the framework or structure of
7 the Anti-Balaka national coordination.

8 In your statement you talk a fair amount about that, so I don't want to go over that so
9 much, but I wanted to show you a document and this one is -- let me see. One
10 minute.

11 Just bear with me one second because I misplaced where I put it.

12 Okay. All right, while I'm looking for that - my colleague will help me find it - you
13 mentioned that Yekatom reported -- well, let me ask you then. Yekatom reported to
14 the national coordination; is that right?

15 A. [14:35:21] This is what I said *a short while ago: Yekatom was a ComZone.

16 MR VANDERPUYE: [14:35:29] I'm not hearing anything actually in my headphone.
17 Maybe ...

18 PRESIDING JUDGE SCHMITT: [14:35:37] But there was translation.

19 THE WITNESS: [14:35:38] Did you not say -- did you not hear what I said?

20 MR VANDERPUYE: [14:35:39] No.

21 PRESIDING JUDGE SCHMITT: [14:35:47] Actually, I heard it.

22 MR VANDERPUYE: [14:35:48] You heard it?

23 THE WITNESS: [14:35:49](Interpretation) Can you hear me now?

24 PRESIDING JUDGE SCHMITT: [14:35:51] (Overlapping speakers) We hear you,

25 Mr Witness. Thank you. Thank you for asking. Thank you for your

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 understanding.

2 Mr Vanderpuye, please continue.

3 THE WITNESS: [14:35:57] Okay.

4 PRESIDING JUDGE SCHMITT: [14:35:56] And the witness has simply confirmed
5 what he said before and --

6 MR VANDERPUYE: [14:36:05] Okay, I see it now, yeah. Thank you, Mr President.
7 I appreciate that.

8 Q. [14:36:18] All right. Now are you aware of the activities of Mr Yekatom and his
9 group along the PK9-Mbaiki axis during the latter part of 2013 into the early part of
10 2014?

11 A. [14:36:43] His activities as such, it's through the reports he made to the
12 coordination unit. He would not go there himself, but he would be represented by
13 two of his members, Zilabo and Beina Vivien. So he gave reports to the
14 coordination.

15 Q. [14:37:24] And with respect to the reports that were provided to the
16 coordination by Mr Zilabo and Mr Beina, was the coordination apprised of the
17 activities - and I mean military activities or combat activities - of Mr Yekatom's group
18 along the axis PK9-Mbaiki?

19 A. [14:37:55] As I said, he gave reports and it's through these reports that the
20 coordination was kept abreast of the activities. Now, if -- was everything included
21 in the reports? I do not know. But what -- it was -- whatever was in the interest of
22 his group, he would actually make a report on that.

23 Q. [14:38:29] Did the coordination receive information regarding the activities of
24 his group from other sources, in addition to what was reported by members of his
25 group?

1 A. [14:38:46] I don't see any other sources. Well, there were two representatives
2 who were regular and they are the ones who provided information.

3 Q. [14:39:09] Okay. The structure of the ComZones reporting to the national
4 coordination, did that exist before you joined the national coordination in June
5 of 2014?

6 A. [14:39:36] Yes, but I can't -- I can't -- I don't know what happened before I joined
7 the coordination. I was only given information as and when I was part of the
8 coordination.

9 Q. [14:39:55] (Overlapping speakers) You were the communications adviser. Let
10 me show you a document. This is the one I was looking for. Tab 11,
11 CAR-OTP-2032-0074.

12 All right. What you should have in front of you is a press communiqué, it's dated,
13 I think it's 13 July 2014. And I want to draw your attention specifically to the middle
14 paragraph where -- it's right on the screen in front of you now, which says: "*Face à*
15 *cette machination machiavélique ...*"

16 What I want to draw your attention to is the second sentence where it's written:

17 (Interpretation) "As one of the military leaders of the Antibalaka patriot movement, I
18 reaffirm my attachment to the action defined by the national coordination of the said
19 movement, namely dialogue and consultation with a view to restore peace, security
20 and social cohesion in the Central African Republic."

21 (Speaks English) What I'm interested in particular is his reference to his attachment to
22 the line of action defined by the national coordination. At this point in time in
23 July 2014, Mr Yekatom was under the national coordination; is that right?

24 A. [14:41:54] He was always there, yes. He was always there. In July 2014, yes, if
25 I'm not mistaken.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 Q. [14:42:05] And to your knowledge, was he a member of -- or was he under the
2 national coordination before July 2014? I mean -- well, before you became a member
3 of the coordination yourself?

4 MS DIMITRI: [14:42:18] Mr President.

5 PRESIDING JUDGE SCHMITT: [14:42:19] Yes.

6 MS DIMITRI: [14:42:20] I'll object to the question. The witness two questions
7 earlier said, "I don't know what was happening before I joined the coordination." So
8 this calls for speculation.

9 PRESIDING JUDGE SCHMITT: [14:42:33] But yet this is a more specific information
10 that the witness is asked about, so I overrule that.

11 So, Mr Witness, did you know anything about the role of Mr Yekatom during the time
12 before you became the communications manager, so to speak, of the movement?

13 THE WITNESS: [14:43:03](Interpretation) As I said, I really wasn't aware of the
14 situation before my arrival. Was he directly linked to the coordination before I
15 joined? No. The names that came out of -- was not that of the national
16 coordination. It was like -- it was the fighters of freedom. But before the
17 coordination, when I just joined the coordination, in fact, Mr Yekatom's activities
18 were something I was not aware of.

19 PRESIDING JUDGE SCHMITT: [14:43:46] So, Ms Dimitri, now it's even clearer.
20 I also wonder, I wonder why I'm ...

21 Mr Interpreter, when you have finished, you have to close it down so that we can
22 speak.

23 THE INTERPRETER: [14:44:03] Apologies, your Honour.

24 PRESIDING JUDGE SCHMITT: [14:44:06] No, no problem. That can happen. So
25 that's the reason why I'm not heard.

1 I simply made a remark which is perhaps not significant but yet I repeat it: It's now
2 even clearer.

3 You can move on, Mr Vanderpuye.

4 MR VANDERPUYE: [14:44:21]

5 Q. [14:44:22] Do you know when it is that Mr Yekatom took control of the Mbaiki
6 Bangui -- PK9-Mbaiki axis?

7 A. [14:44:38] I tell you very sincerely, and I'm repeating myself, activities, you
8 know, before my joining the coordination was something I wasn't aware of at all.
9 I had absolutely no clue.

10 Q. [14:44:56] Are you suggesting that you had no clue that Mr Yekatom was a
11 member of the Anti-Balaka before you joined, that he preceded you in his
12 membership of the Anti-Balaka?

13 PRESIDING JUDGE SCHMITT: [14:45:11] Mr Vanderpuye, he didn't say it like that.

14 MR VANDERPUYE: [14:45:14] That's my question.

15 PRESIDING JUDGE SCHMITT: [14:45:16] But really, okay, it's ...

16 THE WITNESS: [14:45:24](Interpretation) I was actually part of the group of *the
17 Boy-Rabe group and that is what I really knew what was happening. As for
18 Yekatom and his activities, what was happening in the forest, I really wasn't aware.
19 I wasn't kept abreast of that.

20 PRESIDING JUDGE SCHMITT: [14:45:56] Ms Dimitri.

21 MS DIMITRI: [14:45:56] Yes, just because it might be a follow-up question from
22 counsel, in French the witness said -- was talking about the Boy-Rabe group, but it
23 wasn't interpreted in English.

24 PRESIDING JUDGE SCHMITT: [14:46:08] Okay, thank you very much.

25 Mr Vanderpuye, I think we have also the statements and so I think you can really

1 move on from here. So it seems to be clear that the witness was part of the
2 Anti-Balaka and that somehow Mr Yekatom might have been part of the Anti-Balaka.
3 But he was clearly referring to certain functions and to certain activities and he said
4 with respect to these, that he doesn't, doesn't know or was not kept abreast - as he
5 I think has formulated - of what was going on.

6 MR VANDERPUYE: [14:46:47]

7 Q. [14:46:49] Do you know if Mr Yekatom travelled to Brazzaville in July 2014?

8 A. [14:47:01] Brazzaville on the other side of the Congo, now as part of which
9 activities? Brazzaville was part of which activities? That's the question that arises.
10 But according to the information I have, people were on the other side of the Congo,
11 would it be -- was it Congo-Brazza or democratic Congo? I cannot tell you that.

12 PRESIDING JUDGE SCHMITT: [14:47:31] Mr Vanderpuye, I think you have to be
13 more specific to which purpose he might have gone to Brazzaville.

14 MR VANDERPUYE: [14:47:36] Yes.

15 PRESIDING JUDGE SCHMITT: [14:47:36] So I think there was a misunderstanding
16 with your question.

17 MR VANDERPUYE: [14:47:43] Yes, I think you're right.

18 Q. [14:47:45] I'm referring to the Brazzaville talks, the ceasefire agreement that was
19 signed with the Seleka in the latter part of July 2014. Do you know if he travelled
20 there?

21 A. [14:48:09] Oh, you mean to say the dialogue that was held in Congo Brazzaville.
22 There was Ngaïssona and others as well, but Yekatom, I really cannot say.

23 Q. [14:48:32] All right. You didn't travel there yourself, though, right?

24 A. [14:48:43] I did not go to Brazzaville. I did not go there.

25 Q. [14:48:50] Okay. I want to ask you about the part of your statement where you

1 talk about *ville morte*, and that was related to some demands made by the Anti-Balaka
2 concerning the resignation of President Samba-Panza. That's referred to in your
3 second statement, which is tab 63, paragraph 129.

4 In that paragraph you describe that in 2014 Ngaïssona entered into a black anger
5 against the transition government directed by President Samba-Panza. And in that
6 you refer to a demand for her to take account of or take into consideration the
7 Anti-Balaka combatants as opposed to the Seleka combatants and that Mr Ngaïssona
8 found that her failure to respond to the Anti-Balaka demands was unacceptable -- or
9 unacceptable, I'm sorry. You should have that in front of you now. And that he
10 ordered the operation *ville morte*.

11 A. [14:50:36] Indeed. *Why was there a day -- a *ville morte* operation day, why did
12 it happen? Because between the Anti-Balaka and Seleka, all the demands of Seleka
13 were taken into account by the transitional president Mrs Samba-Panza. And that is
14 when I saw Ngaïssona declared this ghost town operation, and this is the first time I
15 saw him in a dark rage. And he was not demanding the resignation of Madam
16 Samba-Panza, he was demanding the resignation of the prime minister at that time.
17 It's not Mrs Samba-Panza's resignation that was being demanded, but rather that of
18 her prime minister Kamoun.

19 Q. [14:51:36] And that would be -- I'm sorry, I see counsel on her feet.

20 PRESIDING JUDGE SCHMITT: [14:51:41] Again, Mr Interpreter, please.
21 Please repeat, Mr Vanderpuye.

22 MR VANDERPUYE: (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [14:51:42] Yeah, but nevertheless, there was still the
24 microphone on --

25 MR VANDERPUYE: [14:51:48] Oh, I'm sorry.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:51:48] So nobody could hear anything.

2 MR VANDERPUYE: [14:51:51] All I was just referring to was that counsel was on
3 her feet. That's all I said.

4 PRESIDING JUDGE SCHMITT: [14:51:55] Yeah, yeah, but I couldn't hear it because
5 of that.

6 Ms Dimitri, please.

7 MS DIMITRI: [14:51:59] Mr President, apologies for interrupting, but my client
8 would like to step out for a minute.

9 PRESIDING JUDGE SCHMITT: [14:52:02] Of course.

10 MS DIMITRI: [14:52:03] Thank you.

11 PRESIDING JUDGE SCHMITT: [14:52:05] Then perhaps we make a short break, five
12 minutes. Let's assume that.

13 THE COURT USHER: [14:52:10] All rise.

14 (Recess taken at 2.52 p.m.)

15 (Upon resuming in open session at 2.56 p.m.)

16 THE COURT USHER: [14:56:11] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [14:56:32] Mr Vanderpuye, please proceed.

19 MR VANDERPUYE: [14:56:35] Thank you, Mr President.

20 Q. [14:56:40] I'm sorry, Mr Witness, I think you referred earlier to the prime
21 minister and that was prime minister Kamoun; is that right?

22 A. [14:56:56] Yes, it was indeed Mr Kamoun.

23 Q. [14:57:00] I want to show you a document that was -- it's a -- it's a communiqué,
24 a press communiqué by Mr Ngaya. It's tab number 17, CAR-OTP-2092-1740. Yes,
25 this is the document. You can see it's dated 21 October 2014, that's when it was

1 received at the presidency. And it's signed by Mr Ngaya on 20 October 2014. I just
2 want to confirm that he's talking about what you described at paragraph 129 of your
3 statement that we just saw. If we could just go down to the middle of the second
4 paragraph so we can see that. No, I'm sorry, the third paragraph. Yes. "*Pourtant*".
5 In the middle of that -- in the middle of that paragraph, well, Mr Ngaya talks about
6 the question of the demands and he says: (Interpretation) "And all this because
7 I would have received allegedly funds from the transition president to remove from
8 the list of demands of Anti-Balaka the ones on the resignation of Mrs Catherine
9 Samba-Panza, whilst these demands have been discussed and decided upon by the
10 staff of the national coordination of the movement."

11 (Speaks English) He says:

12 (Interpretation) "Moreover, the delegation that met the president, and that was led by
13 Mr Joachim Kokate, comprised four members, namely, Joachim Kokate, Paleon
14 Nzilabo, Jacob Bionli Mokpem, and myself. What was paradoxical is that the three
15 other members of the delegation were not subject to an investigation, because it was
16 me who commented on the Radio France International on the climate during
17 this -- the atmosphere prevailing during this session, I just skipped the question on
18 the transition president's resignation."

19 (Speaks English) (Overlapping speakers) He's talking about the same issue that you
20 described whereby Ngaïssona ordered *la ville morte*; is that right?

21 A. [15:00:20] Okay, please listen. He made a mistake *on that one. I repeat it was
22 about the resignation of the prime minister, and if Ngaya was threatened, it was
23 simply because he wasn't authorised to speak on RFI. Upon leaving the Palace, he
24 had been asked a question and as the communications adviser, I replied to the
25 questions of the press, not to divulge the content of our discussions we had with

1 Madam President, but to say that the transition president received us very warmly,
2 we discussed a lot of things and that we first of all had to inform or base first before
3 communicating on the radio. And this is precisely why some Anti-Balaka elements
4 threatened him.

5 And there were others, and I didn't know what was going to happen, but it was about
6 the resignation of Mr Kamoun and not madam president. And -- and Mrs -- the
7 madam president, she firmly opposed the resignation of the prime minister at that
8 time. And this is exactly what happened.

9 Q. [15:02:07] All right. Well, thank you for clarifying that.

10 At the bottom of this page you'll see some -- an interesting comment by Mr Ngaya.

11 We'll have to page down so the witness can read it, but it says: (Interpretation)

12 "This situation led to a resumption of the barbaric acts of assassination, burning of
13 houses, car hijacks and theft of vehicles and telephones, and so on and so forth,
14 throughout Bangui and even in some towns in the provinces. People who had come
15 for the cause of the people turned against the people."?

16 A. [15:03:02] Yes, indeed a number of mistakes and slippages occurred involving
17 those elements. And I want to specify here that we used to refer to those involved as
18 the fake or false Balaka. Why do I say so? It is because when the Seleka arrived, a
19 lot of weapons were distributed from the PK12 all the way to the city centre. At that
20 time, young people received weapons and it is after that that they then turned against
21 the people and were involved in the hold-ups that Mr Ngaya is referring to here.

22 Q. [15:03:57] I have just a couple of documents to show you and then I think that
23 will be it.

24 The first document I want to show you is at tab 56. Yes, tab 56.

25 CAR-OTP-2110-06 -- 0164. And what I'm asking you about now, or the topic I'm

1 asking you about very briefly is about the PCUD. This is a document that I believe
2 you provided. You recognise it?

3 A. [15:04:49] Yes, with a lot of scribbling, right?

4 Q. [15:04:55] Yes.

5 A. [15:04:55] That is correct. There were a number of scribbles to correct any
6 mistakes that were there and so that's how the document was modified. Yes, I am
7 the one who provided the document.

8 Q. [15:05:11] I just wanted to confirm that the modifications we see to this
9 document is essentially a modification to change the participants and the name of
10 the -- of the group from the *bureau de la coordination nationale* to the *bureau provisoire du*
11 *parti* and the titles accordingly, *président fondateur, premier vice-président, deuxième*
12 *vice-président, secrétaire général, et tout cela*; is that right? It's basically the same people,
13 different name.

14 A. [15:05:55] Mm-hmm. Yes, that is correct. That's exactly correct. The idea
15 was to try to obtain authorisation from the ministry in relation to the party that was
16 being created. We modified the roles of each position in order to be able to submit
17 the application to function as a party and that's why those adjustments and
18 modifications were made. This happened during a meeting at which I was the
19 secretary.

20 Q. [15:06:36] All right. That's very helpful.

21 And in relation to not just the coordination, but the members of the -- of the
22 Anti-Balaka as elements and fighters before the party -- before it was converted to a
23 political party, such as the ComZones and section commanders, they also took part or
24 were also part of the party as well; is that right? Same people, different role.

25 A. [15:07:15] Yes, that is exactly correct, yes. But here you have non-combatants

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 and some combatants. For example, Paleon Zilabo, Vivien Beina, Dieudonne
2 Ndomate, yeah, and that's it. Yes, that's correct. That's it. Those were former
3 combatants.

4 Q. [15:07:48] All right. And there's two documents I'd like -- yes, Mr President?
5 No, I thought I heard you say something. I'm sorry about that.

6 PRESIDING JUDGE SCHMITT: [15:07:58] No, no. For once not.

7 MR VANDERPUYE: [15:08:01] All right.

8 Q. [15:08:02] Then I'd like to show you, Mr Witness, tab number 10, which is
9 CAR-OTP-2030-0445. And while that's coming up let me just ask, the permission
10 that you received in order to have the party recognised, that came through in 2015;
11 isn't that right?

12 A. [15:08:37] Yes, that is correct, but I don't remember exactly when. But it was in
13 2015 that it was granted after our general assembly meeting.

14 Q. [15:08:49] The document I'm showing you now is also a PCUD document and it
15 describes the creation of the party and some documents dated 10 December 2014.
16 And if we can go to the next page, I think it will be clearer to you what -- what it
17 refers to. And here you can see the PCUD letterhead and then it lists a number of
18 ComZones of ex-Anti-Balaka designated by prefecture. First of all, have you seen
19 this document before? Maybe we can zoom out a little bit so he can get an idea of
20 what it looks like.

21 A. [15:10:08] Yes, I can see it.

22 Q. [15:10:17] Have you seen it before? Do you recognise it?

23 A. [15:10:17] Well, each ComZone sent their list, the list of their elements directly
24 and the bureau and the secretary-general would then compile a general list, including
25 all the groups. But I have not yet seen this one.

1 Q. [15:10:46] All right. Okay. These -- this is the list of the ComZones. If we
2 could go to page 0448, you will see that it's signed by Mr Ngaïssona. So we're not
3 talking about the elements here so far, we're talking just about the ComZones. At
4 the bottom of the page you'll see Mr Ngaïssona's signature. On the next page you'll
5 see at 44 -- 0449 you will see the list of ComZones ex-Anti-Balaka in Bangui. You'll
6 see the name of Dieudonne Houronti, Sami Urbain, Habib Beina, Theophile Dangba,
7 Yvon Donoh, a number of names you're familiar with; is that right?

8 A. [15:11:50] Yes, yes, of course. Some of the names I'm familiar with, some of the
9 individuals I know as well on the list, yes. That's it, yeah.

10 Q. [15:12:02] And at page 0450 --

11 A. [15:12:06] Okay, yeah, I know some of them.

12 Q. [15:12:11] At page 0450 you'll see another set of names, also ComZones listed,
13 including Thierry Lebene, Benjamin Ouapoutou, Herve Nganazoui, Basile Mbomon,
14 Euzeb Emtenou, Yvon Konate and so on and so forth.

15 Now, I'd like to show you page 0452 --

16 A. [15:12:47] (Overlapping speakers)

17 Q. [15:12:48] -- which also lists a number of ComZones in various prefectures, some
18 of whom are mentioned in your statement, some not. This is also signed by
19 Mr Ngaïssona.

20 Do you recall submitting this document together with your application to convert the
21 Anti-Balaka to the PCUD?

22 A. [15:13:40] You mean providing this list to the ministry?

23 Q. [15:13:46] Yes, yes.

24 A. [15:13:47] Well, that was the task of the secretary-general who was in charge of
25 the administrative duty of obtaining those authorisations. That was the duty of the

1 secretary-general.

2 Q. [15:14:04] To your knowledge, the PCUD -- did the PCUD have among its
3 membership a number of Anti-Balaka ComZones, as we've seen in this list -- in these
4 lists, that was part of the PCUD membership; is that correct?

5 A. [15:14:42] Yes. That is what I was saying. The Anti-Balaka as an entity
6 morphed into a political party and most of its combatants were full-fledged members
7 of the party.

8 Q. [15:14:55] And the -- just to be clear, the structure of the PCUD with
9 Mr Ngaïssona at the top was not so different than the structure of the Anti-Balaka
10 national coordination with Mr Ngaïssona at the top; is that right?

11 A. [15:15:29] Yes, but let me repeat myself. The movement transformed itself into
12 a political party, and the elements became members of the party and I -- yes, I -- I
13 don't see the problem with that.

14 Q. [15:15:51] No, there's no problem with that. It's just a question of making it
15 clear.

16 My question therefore is, before the movement transformed into a political party it
17 was an armed rebel group; isn't that right?

18 A. [15:16:18] Well, I cannot say "rebel". I don't know what meaning you ascribed
19 to the word "rebel". But these were people in a resistance movement who were
20 resisting a savagely attack. So I don't refer to that -- I wouldn't call that a rebellion or
21 a rebel movement.

22 Q. [15:16:38] All right. Just an armed movement then?

23 A. [15:16:53] All right.

24 Q. [15:16:57] All right. Last question -- or -- yes, last question. Do you accept
25 that the Anti-Balaka, like the Seleka, committed serious crimes against the Muslim

1 civilian population of the Central African Republic during the crisis, that is in 2013
2 and 2014? Do you accept that?

3 A. [15:17:35] Well, like I was saying a short while ago, the Anti-Balaka were
4 resisting -- they were in a resistance mode. But of course in the course of that
5 resistance some mishaps occurred. Whatever had to happen happened. If I am
6 attacked, I defend myself. And if death were to follow, it will be as a result of that
7 type of defence.

8 So, once again, let me say that the Anti-Balaka were resisting patriots.

9 Q. [15:18:17] So you don't quarrel with the fact that they injured and harmed
10 civilians. For you, the issue was just a question of whether they were justified in
11 doing that; is that it?

12 MR KNOOPS: [15:18:33] Mr President.

13 PRESIDING JUDGE SCHMITT: [15:18:34] Mr Knoops.

14 MR KNOOPS: [15:18:36] I think we are now slowly gliding into asking personal
15 opinions of a witness instead of facts.

16 PRESIDING JUDGE SCHMITT: [15:18:46] Actually, I agree with you. So I think,
17 Mr Vanderpuye, this is -- also, the witness also speaks in his statements about these
18 issues, and I think we should let it stand as such. I agree with Mr Knoops.

19 MR VANDERPUYE: [15:18:59] Okay. Thank you, Mr President. One moment.
20 There is one document - I'm sorry - I'd like to show the witness before I quit. This is
21 at tab 7. It is CAR-OTP-2025-0428.

22 If we go first to the last page. It's a document that was prepared, as it states, in
23 relation to calming the crisis, purportedly signed by or to be signed by members of
24 the Anti-Balaka, including Mr Ngaïssona, Mr Zilabo and Mr Mokom, as well as
25 members on the Seleka side.

1 In the first paragraph of this document is states: (Interpretation) "We, former Seleka
2 and Anti-Balaka, recognising the relevance of the fight against abuses against civilian
3 populations, discrimination, exclusion and poor governance, which has led to the
4 creation of our movements, which unfortunately, during fighting, have suffered or
5 have engendered deleterious effects on the civilian population."

6 (Speaks English) Does that agree your observations, your personal observations,
7 concerning --

8 PRESIDING JUDGE SCHMITT: [15:21:39] Mr Knoops.

9 MR KNOOPS: [15:21:40] Mr President, according to our information, this document
10 is dated 9 April 2016.

11 PRESIDING JUDGE SCHMITT: [15:21:46] Indeed. It also did not escape my
12 attention, but I wasn't completely sure, actually.

13 MR KNOOPS: [15:21:53] So, in my submission, this is way outside the scope both of
14 the charges and the contextual scope the Court allowed.

15 MR VANDERPUYE: [15:22:04] If I may. While the document itself is outside of the
16 scope, the contents of the documents manifestly concern the scope of the case.

17 PRESIDING JUDGE SCHMITT: [15:22:16] That would have been my question. If
18 you submit that the content refers to the confirmed time of the charges.

19 MR VANDERPUYE: [15:22:26] Yes, that's my submission.

20 PRESIDING JUDGE SCHMITT: [15:22:28] So then please ask the questions. Then,
21 of course, you can put the question to the witness, of course.

22 MR VANDERPUYE: [15:22:34] Thank you, Mr President.

23 The question is only whether the statement that I've just read agrees or the witness
24 agrees with the statement in his own view that I've just read. And that is effectively
25 that both movements, in the carrying out of combat activities, caused deleterious

1 effects to the civilian population of CAR in the period that I'm describing, which is
2 2013 and 2014.

3 Q. [15:23:13] Do you agree with that?

4 A. [15:23:22] Well, there were some victims, but people did not deliberately want to
5 create that situation. And like I was saying a short while ago, when you come under
6 attack, you try to defend yourself.

7 When reference is made here to the civilian population, well, I am not aware of it.

8 But between the fighting forces, something happened in the course of the defence.

9 But when it comes to the civilian population, as far as I know, no.

10 Q. [15:24:01] Maybe there's some confusion here. Are you saying you don't know
11 that there were civilian victims of the CAR crisis? Is that what you're saying?

12 Because that's how it reads in the transcript. You don't know that?

13 A. [15:24:23] Of course there were civilian victims. But when the Seleka started
14 attacking right from the extreme far forth of the country all the way to Bangui, many
15 civilians died. But when I say that I am not aware, I am referring to Anti-Balaka
16 attacking civilians.

17 No, they were fighting the Seleka elements who had come in. That is my reasoning.

18 That's my understanding.

19 PRESIDING JUDGE SCHMITT: [15:25:03] I think that --

20 MR VANDERPUYE: [15:25:04] It's very clear.

21 PRESIDING JUDGE SCHMITT: [15:25:08] -- we leave it at that.

22 MR VANDERPUYE: [15:25:09] Indeed. Indeed.

23 Thank you very much, Mr Witness. That concludes my questioning, and I very
24 much appreciate your candour in your answers.

25 PRESIDING JUDGE SCHMITT: [15:25:19] Thank you very much, Mr Vanderpuye.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 My questions is if the representatives of the victims have questions.

2 MS DOUZIMA-LAWSON: [15:25:33](Interpretation) Yes, Mr President.

3 PRESIDING JUDGE SCHMITT: [15:25:36] Then I give you the floor.

4 MS DOUZIMA-LAWSON: [15:25:43](Interpretation) Thank you. Thank you,
5 Mr President.

6 QUESTIONED BY MS DOUZIMA-LAWSON:

7 Q. [15:25:51] Mr Witness, good afternoon.

8 A. [15:25:55] Good afternoon, counsel.

9 Q. [15:25:58] Let me introduce myself again. I'm Marie-Edith Douzima, part of
10 the legal team counsel for victims. We are known as the legal representatives of
11 victims. And in that capacity, and on behalf of counsel for victims, I would like to
12 put a few questions to you just for clarification.

13 Now, let me start by asking you in relation to your statement, at page 19,
14 CAR-OTP-2122-6517, at paragraph 112, in which you say there was undescrivable
15 disorder within the Anti-Balaka and that it is for this reason that you, Ngaya, Emotion,
16 Dieudonne, Ndomate got together to call on Ngaïssona. And so I recall that this
17 morning when examining you, the Prosecutor talked about this undescrivable
18 disorder. And in your answer, at page 38 of today's transcript, you said that they
19 were sent money for food and in order to stop them from doing stupid things. But
20 your answer really just did not fully satisfy us because you did not define what this
21 undescrivable disorder was. What is it about?

22 A. [15:27:51] Can I answer now?

23 Q. [15:27:53] Yes.

24 PRESIDING JUDGE SCHMITT: [15:27:54] I don't know whom to give the floor first.

25 Let's say ladies -- no, but --

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 So Ms Dimitri now, please.

2 MS DIMITRI: [15:28:01] Thank you, Mr President.

3 My humble opinion, it's beyond the scope of victim's questions when look at the
4 conduct of the proceedings.

5 PRESIDING JUDGE SCHMITT: [15:28:14] Yes, I agree with you. And, actually,
6 also, it was part already of the examination by the Prosecutor.

7 Please, the next question.

8 MS DOUZIMA-LAWSON: [15:28:34](Interpretation) Mr President, as I said a short
9 while ago, it's because we did not have any clarity or details as to the disorder he was
10 referring to, the undescribable disorder. So we -- for us, victims, we want to
11 understand what he means by that. Because, you see, we have received our clients --

12 PRESIDING JUDGE SCHMITT: [15:29:03] Let me -- let me put it this way:

13 When -- you know, you could then ask such a question, but please come more -- this
14 also often applies to other people examining here in this court. Come quicker to the
15 point.

16 So you can simply say, "In paragraph 112, you speak of *désordre inqualifiable*. What
17 do you mean by that?" So we spare ourselves minutes and minutes.

18 What do you mean by that? Could you expand on that, please, Mr Witness?

19 THE WITNESS: [15:29:42](Interpretation) When I talk of undescribable
20 disorder -- well, you see, a hungry man is an angry man, they say. So these children
21 were taking anything they could find forcibly in order to feed themselves. They
22 would take stuff without asking the owners. They just grab whatever they found
23 forcibly. And that is why we decided that it was a situation that needed to be
24 addressed and that these children needed to be brought under control, otherwise it
25 will lead to disorder, unqualifiable disorder.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 If I'm selling my goods and they are just seized, that's not good. So that's what I'm
2 referring to.

3 MS DOUZIMA-LAWSON: [15:30:38](Interpretation)

4 Q. [15:30:40] Thank you, Witness --

5 PRESIDING JUDGE SCHMITT: [15:30:41] You are too quick. You are too quick.
6 You started too quickly. Please slow down. So now you have the floor. Please
7 continue.

8 MS DOUZIMA-LAWSON: [15:30:49](Interpretation) Thank you, Mr President.

9 I am sorry. And I was simply saying to the witness that I am satisfied with his
10 answer.

11 Q. [15:30:59] And my last question is the following: I refer to one of your
12 statements, Mr Witness, and that would be at page 38 -- sorry, page 20, at
13 paragraph 122.

14 This is what you said: The Anti-Balaka elements of Andjilo were very aggressive.
15 They needed to be controlled and taken care of and provided with food so as to stop
16 them from committing acts of aggression against the population, for example. That's
17 your statement.

18 So what did you mean by that? What do you mean by acts of aggression against the
19 population?

20 A. [15:32:08] Thank you. This is exactly what I explained, taking things away
21 forcefully. Even if it's food, it's taking something that's taken away by force, and it's
22 aggression against the population.

23 When you go to the market, you see, it's the local public that's there. And this is
24 what I called -- I mean by aggression, taking things away by force.

25 MS DOUZIMA-LAWSON: [15:32:45](Interpretation) I'm sorry, your Honour. My

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 colleague just suggested an additional question.

2 Q. [15:32:55] Apart from forcibly taking away goods from the civilian population,
3 were they doing anything else?

4 A. [15:33:08] I don't know what you're talking about, but when they take
5 something away, they just go away. And at some point of time you actually had to
6 put together a team to basically catch the guilty party and turn them on to the police.
7 And we had a team in place. They were in charge of going after these people,
8 turning them to the police, or the gendarmerie, the military police, for corrective
9 actions so that they can be brought back to the right track.

10 Q. [15:33:55] Thank you, Witness.

11 The Legal Representative of Victims of other crimes have finished their interrogation.
12 Thank you so much.

13 PRESIDING JUDGE SCHMITT: [15:34:08] Thank you.

14 Mr Suprun, I assume I have asked one of the questions that you perhaps would have
15 asked.

16 MR SUPRUN: [15:34:17] I have no question for this witness, Mr President. Thank
17 you.

18 PRESIDING JUDGE SCHMITT: [15:34:20] Okay. Thank you.

19 Yeah, Mr Witness, you want to speak to us, please.

20 THE WITNESS: [15:34:29](Interpretation) I have hypotension and I'm having a
21 headache. I've got hypotension, low blood pressure, and I've got headaches.

22 PRESIDING JUDGE SCHMITT: [15:34:46] Okay, Mr Witness, it's perfectly clear that
23 your health is absolutely overruling everything else what we can do here in this Court.
24 Thank you for today.

25 And I think, Mr Knoops, it's clear then you start tomorrow morning.

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

- 1 We finish for today. I wish you all the best, Mr Witness. Take care of yourself and
- 2 we hope to see you healthy tomorrow morning at 9.30 here. Thank you.
- 3 THE COURT USHER: [15:35:15] All rise.
- 4 THE WITNESS: [15:35:20](Interpretation) Thank you for your understanding.
- 5 (The hearing ends in open session at 3.35 p.m.)