

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 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 Tuesday, 1 February 2022
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:30] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:52] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:58] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of the Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session
19 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.
20 The appearances of the parties.
21 Mr Vanderpuye, please.
22 MR VANDERPUYE: [9:34:16] Good morning, Mr President, your Honours. Good
23 morning, everyone. Today the Prosecution is represented by Maria Berdennikova,
24 Yassin Mostfa, and myself, Kweku Vanderpuye. Good morning.
25 PRESIDING JUDGE SCHMITT: [9:34:26] Thank you.

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1 Ms Massidda.

2 MS MASSIDDA: [9:34:29] Good morning, Mr President, your Honours. For
3 victims of the other crimes appearing today, Maître Marie-Edith Douzima-Lawson,
4 Mr Orchlon Narantsetseg, and myself, Paolina Massidda.

5 PRESIDING JUDGE SCHMITT: [9:34:47] Mr Suprun.

6 Thank you.

7 MR SUPRUN: [9:34:48] Good morning, Mr President, your Honours. The former
8 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
9 Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:59] Ms Dimitri for Mr Yekatom.

11 MS DIMITRI: [9:35:01] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone. Mr Yekatom, who's present in the courtroom,
13 is represented this morning by Ms Sabrina Bayssat, Mr Victor-Louis Lapointe
14 Saint-Pierre, Mr Gyo Suzuki, and myself, Mylène Dimitri.

15 PRESIDING JUDGE SCHMITT: [9:35:14] Thank you.

16 And Mr Knoops, please.

17 MR KNOOPS: [9:35:15] Good morning, Mr President, your Honours. Good
18 morning everyone in the courtroom. The Defence team of Mr Ngaïssona is today
19 represented by Ms Despoina Eleftheriou, Mathilde Veronesi, and a new intern,
20 Ms Alexandre Desevedavy. The defendant is present and Mr Landry is following
21 the hearings from the field office.

22 PRESIDING JUDGE SCHMITT: [9:35:39] Thank you very much.

23 And a warm welcome and good morning to our witness, Mr Mokpem Bionli. I hope
24 you are feeling well. We are glad to see you. And you seem to be in good shape, so
25 to speak, from the picture at least that we get.

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1 WITNESS: CAR-OTP-P-0992 (On former oath)

2 (The witness speaks French)

3 (The witness gives evidence via video link)

4 THE WITNESS: [9:36:05](Interpretation) Good morning, ma'am. But I just -- I
5 didn't hear the greetings, but I extend my greetings to you.

6 PRESIDING JUDGE SCHMITT: [9:36:17] So then I repeat it, because I addressed you
7 directly, Mr Mokpem Bionli.

8 I said we are happy to see you today, and you are welcome to the courtroom virtually,
9 so to speak. And we are happy that you seem at least to be, from the picture, to be in
10 good shape. This was what I said.

11 THE WITNESS: [9:36:43](Interpretation) I have understood. And I have to say
12 once again that I did not get your greetings and I am jealous. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:36:52] Okay. Thank you.

14 So we continue with the examination. And, Mr Witness, whenever you don't feel
15 well, you think you need a break, please let us know, so like you did yesterday, so we
16 will then give you the time to have a break and to recover and to ...

17 So, Mr Knoops, it's your turn.

18 MR KNOOPS: [9:37:14] Thank you very much, Mr President.

19 QUESTIONED BY MR KNOOPS:

20 Q. [9:37:18] Good morning, Mr Witness.

21 My name is Alexander Knoops, I'm an attorney-at-law in Amsterdam, the
22 Netherlands, and I'm one of the counsel of Mr Ngaïssona.

23 I have for today, and maybe tomorrow, six topics, six parts of my examination, and I
24 will first explain you and the Chamber and the parties and participants my
25 examination plan.

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1 First, I have some questions in the first session of this morning, on the advance of the
2 Seleka and the emergence of the Anti-Balaka.

3 The second topic of my examination will deal with the events leading up to the
4 5 December attack and the positioning of Mr Ngaïssona therein.

5 My third topic will relate to the whereabouts of the national coordination and its
6 functioning in 2014.

7 And the fourth topic will go into the functioning of Mr Ngaïssona within the national
8 coordination.

9 Which leaves the last topic, number 5, it's the role of the transitional government
10 in 2013-2014.

11 So this is my plan for today and tomorrow, Mr Witness. And as the Presiding Judge
12 intimated to you, if you at any moment have the feeling that my examination is too
13 exhaustive, please indicate this to me, sir.

14 Did you hear me, sir?

15 A. [9:39:49] Yes, I have understood completely. I've understood it perfectly.

16 Q. [9:39:56] So arriving at the first part of the examination, the advance of the
17 Seleka and the emergence of the Anti-Balaka, leads me to my first question. In your
18 statement, your first statement, it's CAR -- it's the Prosecution tab 20, and that is the
19 CAR number OTP-2110-0048. At specifically paragraph 28, you informed the
20 investigators of the Prosecution about the manipulation into believing that Mr Bozize
21 did not like Muslims, and therefore this led to the organisation from Chad, Niger,
22 Sudan and Nigeria to overthrow him.

23 My first question to you, sir, what is the information you can provide to the Chamber
24 as to the nature of this manipulation?

25 A. [9:41:35] If you don't mind, could you repeat the beginning of your question. If

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1 you could repeat that, because I haven't understood you properly.

2 MR KNOOPS: [9:42:02] Mr President, maybe it's helpful to pull up the statement.

3 PRESIDING JUDGE SCHMITT: [9:42:07] I wanted to suggest that too, but it is
4 pulled up.

5 So I think it makes sense, in the furtherance of your examination, so to always -- so
6 this is for court officer and the usher, to always show the respective portion that you
7 name to the witness.

8 And that also helps you to, let me put it this way, to shorten your questions.

9 MR KNOOPS: [09:42:20] Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: [09:42:22] So, Mr Vanderpuye, yes?

11 MR VANDERPUYE: [9:42:28] Yes, Mr President. It's in English in the -- in
12 the -- which wouldn't be helpful.

13 PRESIDING JUDGE SCHMITT: [9:42:35] Of course, yeah. My fault. Indeed.

14 So -- so we would, Mr Knoops, since I know you don't have any problems with
15 French, so we would have to bring it up for the witness in French.

16 MR KNOOPS: [9:42:46] There is also a French translation, Mr President. But that's
17 another CAR number. But I -- I can read it.

18 PRESIDING JUDGE SCHMITT: [9:42:53] Yeah, yeah. But, you know, we want it to
19 help the witness --

20 MR KNOOPS: Of course.

21 PRESIDING JUDGE SCHMITT: [09:42:53] -- and you, with the examination. So
22 this only makes sense, as Mr Vanderpuye correctly points out, if we bring it up for the
23 witness in French.

24 MR KNOOPS: [9:43:07] Okay. Of course.

25 PRESIDING JUDGE SCHMITT: [9:43:08] So, yeah.

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1 So I think in -- for this instance we can simply -- I can perhaps give it a try.

2 Mr Witness, you said in this portion of your testimony -- of your statement:

3 "The money that had been mobilised is what was used to finance the Seleka. The
4 Seleka organised themselves to overthrow Bozize. They were manipulated to
5 believe that Bozize did not like Muslims so they had to get rid of him."

6 And the question was, you use here the expression "they were manipulated",
7 "manipulated", and the question of Mr Knoops was how did they do that? How did
8 this manipulation unfold?

9 THE WITNESS: [9:44:07](Interpretation) May I ask you a question? Could I see the
10 statement?

11 PRESIDING JUDGE SCHMITT: [9:44:17] Yes. Yes, obviously yes. So -- so then I
12 think for the future, perhaps, Mr Knoops, your assistants can help you with -- I think
13 you have prepared for the English version and the paragraphs, but I think it would be
14 no problem to adjust accordingly. Thank you.

15 Mr Witness, you have now in front of it, it's about paragraph 28 of your statement.
16 Please read it and -- and then I think you immediately understand what the question
17 is.

18 THE WITNESS: [9:45:28](Interpretation) I've already got to the end of the paragraph
19 that's in front of me, but could you scroll up?

20 PRESIDING JUDGE SCHMITT: [9:46:00] So the question, Mr Witness, is, what do
21 you mean by "manipulated", "*manipulé*"? What do you mean by this expression?
22 How did they do that, manipulate, according to your knowledge?

23 THE WITNESS: [9:46:21](Interpretation) Is the question for me? May I answer?

24 PRESIDING JUDGE SCHMITT: [9:46:25] Yes, Mr Witness. I may say I think that at
25 the moment all questions are for you.

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1 THE WITNESS: [9:46:39](Interpretation) Thank you.

2 Well, here there is talk of manipulation. I'll mention two individuals, if you don't
3 mind. There was Ziguele, the president of the MLPC, and there was Mr Tiangaye.
4 And they were the ones responsible for the manipulation. If I've answered your
5 question. Two individuals.

6 Along with that, there was Mr Mbolingoumba, who was a lawyer and he was with
7 Patasse and there was a deal about oil. But Ziguele and Tiangaye were the real
8 manipulators.

9 I don't know if I've answered your question.

10 PRESIDING JUDGE SCHMITT: [9:47:36] Well, that was an answer, of course.

11 Mr Knoops, please continue.

12 MR KNOOPS: [9:47:41] Yes.

13 Q. [9:47:42] Sir, could you give us any information, if you have any, how this
14 manipulation was done?

15 A. [9:48:01] Well, I'm in the habit of saying that the secrets of the king, that I'm not
16 acquainted with the secrets of the king. But regarding Ziguele, there was the
17 departure of Patasse and Patasse was fired by Bozize. Tiangaye is -- was it the fate
18 of power? But he had a lot of problems with General Bozize, the former president,
19 Bozize. So that's what that was all about. So that's where the manipulation came
20 from, these two people.

21 As for Mr Mbolingoumba, he was the lawyer of --

22 THE INTERPRETER: Inaudible.

23 THE WITNESS: [09:48:52](Interpretation) -- who signed a deal with Patasse for the
24 use -- or, rather, the drilling for oil in the Central African Republic.

25 If I'm not clear, you can always ask me more questions.

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1 MR KNOOPS:

2 Q. [9:49:12] You have any information on the role of Mr Demafouth in this regard?

3 A. [9:49:26] I might have some information. You see, he was a real -- a superb
4 manipulator and he was a real opportunist. If the tendency was to the left, there he
5 was. And if the trend was to the right, he was there too. He wanted to have his
6 spot. He had presidential ambitions. He played the role of the destabiliser in
7 relation to President Patasse. And somewhere towards the end Patasse must have
8 understood, because in the meantime Demafouth went for a judgment with the
9 president of the economic and social committee, whom he called a manipulator,
10 Mr Alfred.

11 PRESIDING JUDGE SCHMITT: [9:50:46] Mr Knoops, I think we can move to
12 another topic, please.

13 MR KNOOPS: [9:50:52] Yeah. Yeah.

14 Q. [9:50:52] Mr Witness, would you agree with me that Mr Bozize did not endorse
15 a policy which was discriminatory against Muslims or in any way suppressing them
16 before he was ousted in 2013?

17 A. [9:51:27] Can I answer now?

18 PRESIDING JUDGE SCHMITT: [9:51:29] Of course.

19 THE WITNESS: [9:51:38] (Interpretation) You see, this manipulation, you were
20 talking about manipulation, but you see, Bozize was behind -- he didn't like Muslims.
21 But it was a red herring. He was using --

22 THE INTERPRETER: [09:51:56] Inaudible.

23 THE WITNESS: [09:51:57](Interpretation) -- to destabilise and it came from far away.
24 There were our brothers from Chad, from Nigeria and the Sudan, but they were
25 manipulated in so many ways and Bozize had to do the damage control. In the

1 meantime, the French flag was burnt right in front of the French embassy. And it
2 was the same thing, you see. They wanted to pin that on Bozize. But as far as I
3 know, no, Bozize did not have any particular colour in relation to -- well, in terms of
4 his close relatives and the Muslims and those who claimed the Central African
5 Republic. The Central African Republic had opened its doors to everyone, but oddly
6 enough, those who were hungry for power, Mr Ziguete and Mr Tiangaye, Ziguete
7 was because Bozize had gotten rid of Patasse, so he was the prime minister. So that's
8 what that -- that's what happened. It's a bit complicated, you see.

9 Q. [9:53:22] When the Seleka came to Bangui from PK13 you stated in your
10 statement that they installed themselves in Boy-Rabe and that specifically the 4th
11 arrondissement was targeted. Can you explain to the Chamber why the
12 4th arrondissement was specifically targeted by the Seleka?

13 A. [9:54:02] Well, I'm going to tell you straight out. In 2001, the rebellion of Bozize
14 had been in that location in Boy-Rabe, the rebellion against Patasse. That's where it
15 started, in Boy-Rabe. And for the Seleka, Boy-Rabe was the stronghold of Bozize.
16 So by destroying Boy-Rabe, in their minds, that meant they would destroy Bozize.
17 That was the problem. Because indeed I can confirm Bozize, once back from Gabon,
18 had formed a connection with Boy-Rabe. Because you see, Gbaya is the ethnicity of
19 Bozize and it was Bafio neighbourhood where Bozize's father was with Bozize,
20 obviously, and so that -- you see, that was the stronghold of Bozize. And as such,
21 the Seleka wanted to destroy Boy-Rabe and indeed there had been some very tough
22 times. I was there. I was there too.

23 Q. [9:55:31] It has been suggested to you yesterday by the Prosecution that the
24 ambassador to Cameroon, Mr Oguere, was removed from his position for holding
25 meetings regarding the destabilisation of the Central African Republic from the

1 embassy in Cameroon. And that's, for the Court, the English real-time transcript
2 page 31, lines 10 till 12 and 18 till 23. My question to you is, sir, can you confirm, or
3 do you have information, that the Ambassador Oguere in Cameroon was removed
4 from his position by Mr Djotodia because of his ethnicity as being Gbaya, which has
5 nothing to do with meetings in the embassy?

6 A. [9:56:54] Can I answer?

7 Q. [9:57:02] Yes, please.

8 A. [9:57:04] Can I answer? Well, I believe -- I think I've answered that question
9 yesterday. You were just saying -- you were just saying a few moments ago that

10 Mr Oguere, the ambassador of Cameroon. No, it was the Central African
11 ambassador to Cameroon. And apparently he was relieved of his duties because of
12 his ethnicity. That is what was said. But I was not aware of that. But he was the
13 ambassador there and I was received when I went to recover the body of my nephew.
14 But being relieved of his duties because he was Gbaya, that -- yesterday, I said that I
15 didn't see -- I didn't see any such thing there. Being relieved of his duties because he
16 was of Gbaya ethnicity, I think I've answered. Perhaps -- well, Bozize had left,
17 he -- because of Djotodia. Well, maybe that's the way you could interpret it, because
18 he was Gbaya, because he was appointed by Bozize, because of this, because of that,
19 but I didn't say that. I didn't give that reply.

20 Q. [9:58:37] Can you confirm, Mr Witness, that Mr Oguere in 2013 was the
21 Secretary-General of the KNK, the party of Mr Bozize?

22 A. [9:58:56] I can confirm that. I confirm that. He was the general secretary,
23 indeed.

24 Q. [9:59:06] And do you have information or can you confirm that in 2013 all
25 members of the KNK who held official positions at that time in the Bozize

1 government were dismissed by Djotodia because of the relationship with Bozize?

2 A. [9:59:47] I'm having trouble answering that question. I've never been KNK.

3 In terms of -- well, that is obvious. He came in, he wanted to clean up the situation,

4 KNK, I don't know. But I can't confirm it. And it's not because who -- it wasn't

5 a matter of who was Gbaya and who wasn't. I don't have any information about that.

6 I was never part of the KNK. I had dealings with Mr Bozize and that has been the

7 case for many, many years, for a very long time.

8 Q. [10:00:42] Thank you, sir.

9 Now, I have some questions on the emergence of the Anti-Balaka. First, Mr Witness,

10 can you confirm that the youth who organised themselves when the Seleka advanced

11 from Bozoum, Bossangoa, Bouca, Batangafo and formed the resistance, as you

12 mentioned yesterday, that those groups were not only made up of Gbayas. In other

13 words, they were comprised with all types of ethnic groups within this movement.

14 A. [10:01:42] Yes, I can confirm that. Throughout Ouham, you don't only have

15 Gbayas. In Ouham you have the Mandja people, the Bouca, and then at

16 Batangafo -- well, please let me correct what you said a short while ago. In

17 Batangafo you have Gbayas and Mandjas, and then there's another ethnic group

18 which is well-settled within the traditional practices of that area.

19 So in the entire Ouham area, you don't only have Gbayas. You have Banga in Bouca,

20 you have Mandja in Bouca. You have also Gbaya in Bouca who have a certain

21 intonation in their speech which does not resemble the Gbayas -- what the Gbayas

22 in Bossangoa speak. So that's the answer I can provide.

23 Q. [10:02:42] Thank you. Can you confirm, Mr Witness, that those groups who

24 emerged as a result of the advance of the Seleka had no allegiance to any political

25 party in the CAR?

1 A. [10:03:13] No, it was not a matter of politics. It was about the onslaught of the
2 Seleka which advanced from the extreme north of our country and devastated our
3 country. So I was telling you that there was no political coloration to this in
4 Bossangoa, in Bouca, in Batangafo. There were some political parties, but then to see
5 those youth arise, it was because they had experienced a terrible tragedy. Their
6 parents had been killed, their relatives killed, father, mother, sister, and so on and so
7 forth, and that's why they organised themselves. They agreed to organise
8 themselves, but not based on a political arrangement, no. It was not a political
9 problem.

10 Q. [10:04:12] Can you confirm, sir, when they organised themselves, those groups,
11 did they receive any military training, as far as you know, from anyone?

12 A. [10:04:43] Well, you know, our youth in the hinterland, what I can say is that
13 they are natural combatants. These are natural combatants who even to this day
14 work in the bush. They are equipped for that. And I'm speaking to you about the
15 traditional practices. Just there to provoke any of them, you have to prepare
16 yourself as well to be able to provoke them. They were -- they have been trained by
17 nature and if you provoke them, and I'm telling you this because it is their traditional
18 practice, but this is difficult to understand, but then it's tradition. And in this
19 tradition, you have fetishes, you have certain things that cannot be understood, and
20 then the results that follow are what happened. But if it comes to proper military
21 training, as one would have it, I would say no.

22 Q. [10:05:58] So do I understand your evidence correctly, Mr Witness, that those
23 groups didn't receive any orders from anyone to organise themselves in 2013?

24 A. [10:06:29] People -- young people saw foreigners -- and I say foreigners because
25 people came from Chad, from Niger, from Sudan and what have you -- to see their

1 relatives being decimated for nothing. I myself, talking to you now, I myself,
2 speaking to you now, I too would have been angry. And that's what happened.
3 That's how these young people got to organise themselves and say, "We will not let
4 those who have come from abroad or from elsewhere to decimate our population
5 have their way." So this is the answer I can provide.

6 Q. [10:07:18] Do you have any information, sir, to the Court, how these groups in
7 2013 elected their leaders and how these groups operated in their resistance against
8 the Seleka?

9 A. [10:07:55] Well, I was always in Bangui. Now, how did these people organise
10 themselves in the hinterland? I don't know. I cannot tell you exactly how they did
11 it. But they agreed because they saw an impending danger, so they needed to
12 prepare themselves in their minds somehow against the enemy, and I say the enemy
13 as murders, killers, people who were coming at them. So they needed to organise
14 themselves in order to fight off those actions.

15 Now, to say that there was some kind of organisation as such, well, I can say, and I
16 repeat that, well, for myself, I was in Bangui.

17 Q. [10:08:47] I have some questions in this regard on the way the ammunition and
18 weapons were retrieved or obtained. And I would first like you to read again your
19 statement. It's the tab 63 of the Prosecution binder. It's your second statement,
20 which is CAR-OTP-2128-0288, and it's paragraph 102.

21 I ask you kindly to read first this paragraph 102. I have some initial questions on
22 this paragraph.

23 PRESIDING JUDGE SCHMITT: [10:10:26] I think you can -- I think you can ask your
24 question, Mr Knoops. But I have the impression that this part might perhaps be
25 quite a good way to handle things, handle matters. Thank you.

1 MR KNOOPS:

2 Q. [10:10:40] So, sir, my first question to you based on this paragraph is: How do
3 you know that the ammunition you mentioned there was easily to acquire in Zongo?

4 A. [10:11:08] Well, you -- you know, Zongo is nearby, on the other side of the river,
5 of the Oubangui River. It's nearby. And there were people who would cross over
6 to sell. I myself, I bought some because we needed to defend ourselves. I bought
7 one, two or three boxes which I would give to these poor combatants.

8 So I used to buy some myself. All you needed to do was to go to the banks of river,
9 and people would come over with the ammunition and people would buy them.

10 And as I have told you, I myself, I bought some, because we -- we were in a position
11 of self -- legitimate self-defence. We needed to protect ourselves.

12 Q. [10:12:06] Sir, yesterday you mentioned in your evidence, in real-time English
13 transcripts, page 34, line 25 to 35, line 1 till 2, you mentioned that the hunting bullets
14 were to be bought at the open market. When you speak about travelling to the
15 banks of Zongo and buying bullets there, is this what you meant to be the "open
16 market"?

17 A. [10:13:00] Yes, somewhat, somewhat. Yes, it was at the riverbanks. And so
18 people who knew that there was a problem knew that they had some trade
19 opportunity, and that's what the open market is. How do you expect me to -- to
20 explain this otherwise? That's it.

21 Q. [10:13:25] And who sold those bullets? Was it a black market, or was it -- were
22 there official people there? Can you give us more information. How did this open
23 market work? Because I have no idea how did it work at that time. Maybe you can
24 enlighten us to explain to us, for example, how did you retrieve those three -- three
25 boxes there?

1 A. [10:14:13] Well, listen, we were in a position, or should I say, a situation of war,
2 and information was circulating that it was possible to buy ammunition in Zongo in
3 order to protect oneself. So people went there.
4 It was not an official situation. Anybody could have. You see, on the other side, in
5 Zongo, it's a free territory. It was a free territory. And whoever brought the
6 ammunition could sell it. People could buy it. But on the other side, that is, in our
7 country, there was danger, and we needed to protect ourselves, may I repeat myself.
8 So to say that something was being officially sold, uh-uh. So anybody could have
9 brought their hunting ammunition, their hunting ammunition, calibre 12, and as soon
10 as our children acquired them, they would melt the ammunition, and then out of it
11 would come just one bullet - and how do I put this - which they would now use on
12 their traditionally fabricated weapons.
13 Now, to say that there was an official market or a product being sold officially, no,
14 that's not the case.

15 Q. [10:16:00] Mr Witness, do I stand -- do I -- understand your evidence correctly
16 when you say that the ammunition you bought there at that time, like many people
17 who went to this open market, that you bought this as a private person? Not on
18 behalf of some type of organisation. It was a private purchase.

19 A. [10:16:30] Yes, it was private, on a private basis, because we felt that we were
20 under the threat or bother of the advancing enemy, I might put it in those words.
21 And I'm referring to Seleka. We needed to protect ourselves.
22 And I must repeat this over and over again; we needed to protect ourselves. So I
23 bought them privately, individually, with my own resources.

24 Q. [10:17:08] The way I understand your evidence in paragraph 102, sir, is that
25 everyone there, irrespective their role and position in the conflict, bought ammunition

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1 with its own means, financial means --

2 A. [10:17:36] Yes. And I repeat myself, I was saying that -- sorry, I didn't follow
3 your question.

4 Q. [10:17:44] My -- my question is, you told the Chamber this was a private
5 purchase, those three -- two, three boxes. In your statement, paragraph 102, you say,
6 everyone at his own level bought with his own means the ammunition for protection.
7 And my question to you is: Is your evidence that, all those people who went there to
8 this open market did the same as you? Namely, buying ammunition privately, not
9 for anyone else.

10 A. [10:18:31] Should I answer?

11 PRESIDING JUDGE SCHMITT: [10:18:32] Yes.

12 MR KNOOPS: Yes, please.

13 THE WITNESS: [10:18:39](Interpretation) I can only answer and speak for myself in
14 relation to what I bought with my own resources, and that was within the context of
15 defending ourselves against the enemy, which is Seleka, who was advancing. But as
16 for the others who were coming to buy, I cannot answer on their behalf. So I have
17 told you what I was doing for myself, in my private capacity, in order to support
18 a cause that we were defending.

19 MR KNOOPS:

20 Q. [10:19:15] Did Mr Ngaïssona ever ask you to buy ammunition for the national
21 coordination?

22 A. [10:19:23] Kindly repeat your question, please.

23 Q. [10:19:35] Did Mr Ngaïssona ever ask you to buy ammunition on behalf of the
24 national coordination?

25 A. [10:19:53] Well, at some point in 2014, I was the communications adviser for

1 Mr Ngaïssona, so I could not myself have been -- well, I was never aware of this.

2 Ngaïssona never asked me to buy anything whatsoever in relation to ammunition. I

3 was in charge of communication. I was an adviser for communication.

4 From time to time, I served as the secretary at a number of our meetings in relation to

5 all our meetings. Now, to say that Mr Ngaïssona asked me to buy ammunition, oh,

6 no.

7 You see, where I am currently -- or where I was at the time, I was at the border of the

8 road. And even now, I'm alongside the roadside in Boy-Rabe. So I needed at the

9 time to defend ourselves and, I needed to support the youth to defend our causes.

10 And it is in this correction that with my resources I was able to buy some ammunition,

11 because I was under the impression that things were coming from the other side. So

12 I went to the riverbanks in order to obtain two, three, or four boxes.

13 Q. [10:21:12] When you became affiliated with the national coordination in -- in

14 June 2014, were you aware of any at that time pending significant operations of the

15 Anti-Balaka movement? I mean military operations. Or there weren't any?

16 A. [10:21:46] No, not as far as I know. Military operations? I'm not aware of that.

17 I never saw it. Military operations, uh-uh. Well, I don't know what you mean by

18 "military operations" to begin with, so that's my question to you.

19 Q. [10:22:06] Any operations similar to an attack of the Anti-Balaka such as the 5

20 December operation. Are you familiar with any type of operations of the

21 Anti-Balaka movement when you became affiliated with the national coordination

22 and therefore the need to supply ammunition to those groups?

23 A. [10:22:54] I'll give you a very honest answer. What I was saying was that two

24 journalists had come in from France and I personally took them to the other side, that

25 is, behind the hill in Boy-Rabe.

1 I want to reassure that on 4 December, which was the day before the Anti-Balaka
2 operations of the next day, I was not at all informed of anything. I took these
3 journalists, Camille Lepage and Mr William, two journalists who had come from
4 France, they too were not informed. It is one of the FACA commanders who
5 provided information in relation to a military nephew who would contact me,
6 whereas I had fled Djotodia's acts of violence and that night I was at PK12. It is on
7 that occasion that the young person called me and told me that two journalists had
8 come from France and wanted to contact me. And in between I had had contact
9 with Mr Emotion, who in Zongo, in Zongo in the DRC.

10 So we --

11 PRESIDING JUDGE SCHMITT: [10:24:22] May I shortly interrupt you?

12 Mr Witness, may I shortly interrupt you?

13 There is a misunderstanding with the -- with the question, I think. You have spoken
14 yesterday or the day before -- no, yesterday you have spoken extensively about the 5
15 December attack. It was now the question was, when you became part of the
16 coordination in June 2014, if you were aware of any military operation such as the 5
17 December 2013 attack? So that was the question.

18 So we are now, Mr Knoops has now been moving forward in time, so we are now in
19 June 2014 and the question is if any military operation such as 5 December 2013 was
20 ongoing or planned.

21 THE WITNESS: [10:25:12](Interpretation) That is what I was getting at. I -- that's
22 the answer I was trying to provide.

23 On 5 December, yes, 2013, yeah, I was not aware of it at all, and that's what I'm trying
24 to tell you. On 4 December I was on the other side, but I did not know that the
25 Anti-Balaka were going to come down. I was not aware of this at all.

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1 But as for any other military operations thereafter, not at all. Not at all. I don't
2 think so.

3 PRESIDING JUDGE SCHMITT: [10:25:53] Thank you.

4 I think you have the answer, Mr Knoops.

5 MR KNOOPS: [10:26:01] Yeah. Yeah.

6 Q. [10:26:01] You are, I take it, not familiar -- no, I rephrase it.

7 Are you -- do you have any information whether, after you became part of the
8 national coordination as a communication adviser in June 2014, whether any
9 demands were made to the national coordination for ammunition from certain
10 Anti-Balaka groups?

11 A. [10:26:48] Let me give you an honest answer. I am not at all a soldier and I was
12 not interested in those types of requests, military requests. However, when I went to
13 Zongo for ammunition, it was in order to defend ourselves against the attacks.
14 But as for any requests, military requests from any source whatsoever, I really do not
15 have any information to provide on that topic.

16 Q. [10:27:27] Thank you.

17 Now I'm going to the second portion of my examination, which deals with the events
18 also leading up to the 5 December 2013 attack.

19 My first question to you, sir, and maybe it's convenient to pull up paragraph 47 of
20 your first statement, tab 20 of the Prosecution binder, which is CAR-OTP-2110-0048,
21 of 14 May 2019, paragraph 47. And the French version is CAR-OTP-2627-0074-R04.
22 Tab 62. Sorry, 2127. CAR-OTP-2127-0074-R04, tab 62 of the Prosecution binder,
23 paragraph 47.

24 PRESIDING JUDGE SCHMITT: [10:29:00] I think it's on the screen now.

25 So, Mr Witness, you can have a look at it. So it's about this paragraph 47 of your

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1 former statement.

2 I think you have --

3 THE WITNESS: [10:30:00](Interpretation) I finished reading. I finished reading.

4 You'll have to scroll down a bit so I can finish, on the screen.

5 PRESIDING JUDGE SCHMITT: [10:30:15] It's only about -- it's only about this

6 paragraph 47. And from there, from what you said there, Mr Knoops continues and

7 has an additional question. Yeah. That is -- that is the proceeding, I think, in the

8 coming two days. Yeah? Thank you for your patience, Mr Witness. Mr Knoops, I

9 think you can put your question.

10 MR KNOOPS: [10:30:37]

11 Q. [10:30:39] My question to you, sir, based on this statement: Was it your

12 understanding at that time, speaking via Mr Emotion about the activities of

13 Mr Maxime Mokom, that Mokom Maxime was in charge of the military operations at

14 that time of the Anti-Balaka, more specifically the military strategy?

15 A. [10:31:18] Indeed, that's what I understood, because they were all on the other

16 side in Zongo, and their intermediary was Emotion, my brother-in-law. And, as

17 such -- well, at the time, Emotion himself, you see -- well, so there you have it,

18 paragraph 47, I recognise.

19 Q. [10:31:56] What did Mr Emotion tell you about how Mr Mokom organised the

20 military operations of the Anti-Balaka?

21 A. [10:32:18] Well, to be frank, there was no details, but Emotion told me that they

22 were ready -- they were ready to --

23 THE INTERPRETER: Inaudible.

24 THE WITNESS: [10:32:29](Interpretation) -- Bangui. That was the last phase, that

25 they were going to go down to Bangui.

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1 I understood that they had other news, other information that could make them ready
2 to go down to Bangui. My -- he said to me, "Brother-in-law, we're ready to go down
3 to Bangui", and I took that to be official. So -- but as a -- the information in terms of
4 military command, no, I can't give you any such information.

5 Somewhere -- well, I see paragraph 47 in Zongo there was Lieutenant Hervé, FNU.

6 No, that's not right, it was his first -- his first name was Hervé, but it was his surname
7 that wasn't known.

8 MR KNOOPS:

9 Q. [10:33:37] Did Mr Emotion ever mention to you that Mr Ngaïssona was in any
10 way involved in the organisation of the military operations initiated by Mr Mokom?

11 A. [10:34:01] Ngaïssona wasn't in Bangui. On 5 December, he wasn't in Bangui.

12 This was going on -- well, I don't know if this is the king's secret or not, but whether
13 they had information between themselves, I -- I can't tell you about that. But at that
14 time, Ngaïssona wasn't in Bangui.

15 But if -- if you don't mind, could I have a few moments to relieve myself?

16 A physiological need.

17 PRESIDING JUDGE SCHMITT: [10:34:45] Of course, Mr Witness. Please take your
18 time. And we are waiting on you here. So you may -- you may -- you may go.

19 Please come back.

20 THE WITNESS: [10:34:49](Interpretation) Very well. Well, I don't know
21 whether -- I'm still seated, but the courtroom officer has to accompany me.

22 PRESIDING JUDGE SCHMITT: [10:35:03] Okay, then we wait on that of course also,
23 so no problem. No problem at all.

24 THE WITNESS: [10:35:10](Interpretation) Okay. Thank you.

25 PRESIDING JUDGE SCHMITT: [10:35:34] Well, I hope the ways are not too

1 extensive there at the video-link location. No.

2 (The witness exits the video-link room)

3 PRESIDING JUDGE SCHMITT: [10:35:46] So you know, Mr Knoops, we always
4 want to fill gaps. So I ask myself what can I do now? So the obvious question is, I
5 think -- I think you are making progress, but this is just the impression that I have.

6 MR KNOOPS: [10:36:04] Yes, yes. Also, in light of the -- the health condition of the
7 witness, I will try to skip some of the detailed questions I had in mind.

8 PRESIDING JUDGE SCHMITT: [10:36:16] I really -- but Without any irony or so, I
9 really think, I have the impression that it's getting forward quite relatively quickly, I
10 would say. So perhaps -- perhaps even we might finish your examination today.
11 I'm not sure, but it could happen.

12 And, Mr Dimitri, do you have now, perhaps pondered again, reflected upon how
13 much time you will need tomorrow?

14 MS DIMITRI: [10:36:46] Less than what we said yesterday, Mr President, so I think
15 we will be less than an hour.

16 PRESIDING JUDGE SCHMITT: [10:36:53] Okay. Thank you very much. It will be
17 Mr Suzuki, I assume?

18 MS DIMITRI: [10:36:59] Yes, of course, yes. If I can use the gap to fill the silence.

19 PRESIDING JUDGE SCHMITT: [10:37:01] Of course, yeah. Go.

20 MS DIMITRI: [10:37:01] I hope I won't upset you by saying what I'm going to say.
21 There are several discrepancies today between the English and French interpretation
22 and, unfortunately, it's going to be very difficult for our team to send the timely
23 emails because the French transcript, the French live Transcend is very incomplete.
24 There's a lot of dots. So I hear the difference between French and English, but I can't
25 use the French Transcend to send the timely email and I just want to avoid having to

1 do this afterwards with the -- with the heavy burden of -- of TVM. So I just want to
2 point it out.

3 PRESIDING JUDGE SCHMITT: [10:37:43] So do you have a -- now please help me,
4 do we have a solution here? So I'm following, also, the French transcript, actually.
5 So I'm not following the English transcript so I don't have -- to be honest, I don't have
6 this comparison here. So -- I think the witness speaks a very clear French, as far as
7 I'm able to -- to understand it and follow it, so I think -- I think because of that, I say
8 that because I think since the witness speaks in French, the main reference to what
9 documents his words is the French transcript, I would argue.

10 MS DIMITRI: [10:38:24] That is correct, Mr President. But when you have counsel
11 who is asking questions in English --

12 PRESIDING JUDGE SCHMITT: [10:38:29] I understand.

13 MS DIMITRI: [10:38:29] -- you have to go back and forth in both transcripts. So I
14 just wanted to point out that there are discrepancies between the French and English
15 and we won't be able to point them all out.

16 PRESIDING JUDGE SCHMITT: [10:38:46] So I know we have -- we have
17 a procedure here in place, but I said yesterday in another context that there is -- there
18 are always exception of rules and if it is for the benefit of the veracity of the transcript,
19 we would have to deviate from the procedures we have put in place, of course. It's
20 just spoken in the abstract.

21 And since we are speaking and bridging gaps, Mr Knoops, you rightfully brought up
22 yesterday the question when we can put documents to the -- to the witness. And I
23 have thought about it afterwards and this, let's say this general rule with possible
24 exceptions that either the witness is part of something or has -- it was -- no, let me put
25 it this way. It was mainly about these Facebook conversations. I think we have to

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1 make a difference between documents like the Prosecutor used yesterday and
2 Facebook conversations.

3 There we said - I think this makes sense - that we should, with the exception of
4 extraordinary circumstances, not put to a witness a conversation where he was not
5 part of or he is not part of the conversation that the two other people are speaking
6 about.

7 But with documents, as I said yesterday, and I think this is right, there is more
8 lenience because, you know, like we have with this witness, he might have had - just
9 an example - a certain function in an organisation, and then when you put to him
10 organisational questions he must not have produced this document, obviously, or not
11 part of it.

12 So this I meant. So there is a little bit of a difference between such Facebooks
13 conversations, or if you would have it, telephone intercepts, just as another example,
14 and classical -- so to speak, classical documents.

15 MR KNOOPS: [10:41:00] And I assume, Mr President, this also accounts for emails,
16 so emails and Facebook? Because the example yesterday was an email from the --
17 (The witness enters the video-link room)

18 PRESIDING JUDGE SCHMITT: [10:41:09] Yes. No, no, I would agree with you, yes.
19 I would agree with you here.

20 So and now we have, indeed, we have our witness back.

21 So, Mr Witness, we can continue now.

22 So, Mr Knoops, you still have the floor. Please, your next question.

23 Mr Knoops, just shortly. I get the information that we are discussing the transcript
24 problem with the Registry again, so just -- it's not that we have fixed it yet, but we are
25 in a constant process of discussing it, so to speak. So to give, at least, you some

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1 information.

2 MR KNOOPS: [10:41:57] I'm just looking at the last answer of the witness --

3 PRESIDING JUDGE SCHMITT: [10:42:01] Of course, of course. Take your time.

4 MR KNOOPS: [10:42:22] Ah, I remember.

5 Q. [10:42:24] Yeah, Mr Witness, thank you so much for returning -- for answering
6 these questions.

7 My last question was not fully answered by you yet. My question to you was, sir, in
8 the conversations you had at that time with Mr Emotion, who told you about the
9 operations of Mr Mokom, did he, Mr Emotion, in those conversations ever say to you
10 that Mr Ngaïssona was involved in those operations?

11 A. [10:43:15] So between the people of Zongo and Ngaïssona, so that something
12 might have happened, or Mr Ngaïssona was fully involved in the matter? I can't
13 confirm that here. I don't -- I do not have any information about that. Then in
14 Zongo and Ngaïssona -- I don't know what happened. But I, in contrast, between
15 Emotion and I, we talked to one another and I would say to him that I was not in
16 Boy-Rabe. I was beyond PK12, the northern exit of Bangui because under threat
17 by -- Djotodia's elements, Ngaïssona and Emotion, Cameroon -- I can't tell you.

18 Q. [10:44:18] In the same context, still speaking about the events leading to 5
19 December, you told the investigators of the Prosecution in your second statement,
20 which is tab 63, the OTP number is CAR-OTP-00 -- 2028-0288, paragraph 113 --

21 PRESIDING JUDGE SCHMITT: [10:44:59] It's actually 2128. But we have this
22 already on the record, so I think if you say the second statement and refer to the
23 paragraph --

24 MR KNOOPS: Okay, yeah.

25 PRESIDING JUDGE SCHMITT: -- and the end number, so to speak, would be

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1 enough.

2 MR KNOOPS: [10:45:13] Thank you.

3 Q. [10:45:25] So, sir, after reading paragraph 113 to the Prosecution investigators,
4 you could explain perhaps to us how you came to this conclusion, which is
5 mentioned in para 103 -- 113.

6 PRESIDING JUDGE SCHMITT: [10:46:01] Meaning, Mr Witness, where did you
7 have this information from?

8 THE WITNESS: [10:46:15](Interpretation) From Konaté. Because, you see, we
9 would see one another from time to time. From Konaté. During our meetings, he
10 would say to me that the -- this is what Ngaïssona had said to him: We have to hold
11 the children back almost as if they were on a leash so that they should not commit
12 violence or abuse, so that the Anti-Balaka would not commit acts of violence or abuse.
13 During our conversations, it wasn't just Konaté, there were many other people with
14 whom he spoke, and the information would -- the information would be exchanged
15 all over.

16 Because in the meantime, the exactions that couldn't be -- that couldn't pay. We
17 were the Anti-Balaka. The Anti-Balaka were in a defensive position. They were
18 resistance to end the violence and abuse of the Seleka. I am repeating this many
19 times. And Ngaïssona as, let's say, the saviour, eh, as the saviour, he asked those
20 who could hear him: Listen, I'm not in Bangui, I'll be on my way, tell our children,
21 tell these elements not to commit acts of violence or abuse and not to act like the
22 Seleka.

23 So that's what happened. I don't know whether this is a satisfactory answer for you.

24 MR KNOOPS:

25 Q. [10:48:19] My question -- thank you, sir. When did Mr Konaté tell you this?

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1 Which is the time frame of those announcements?

2 A. [10:48:43] I don't know when. I don't know what to tell you, but it has been
3 quite a while, quite a long -- quite a bit of water has gone under the bridge since then.
4 2014, 2015, but I can't give you an exact time frame.

5 In the meantime, we were --

6 THE INTERPRETER: [10:49:08] Inaudible.

7 THE WITNESS: [10:49:09](Interpretation) Yesterday, I spent some time in Ngaragba
8 because -- arrested for -- I myself was arrested and Konaté was there with me in
9 Ngaragba. And that is when -- I can tell you, even people -- Konaté said to me, he
10 said, "Be careful". Well, what I was told by Konaté was that General Bozize was
11 saying that: We mustn't piss on the --

12 THE INTERPRETER: [10:50:01] Inaudible.

13 THE WITNESS: [10:50:02](Interpretation) -- of the population because you came as
14 the liberator and you can't cause madness. You can't do what Seleka is doing.
15 That is what Konaté told me.

16 MR KNOOPS:

17 Q. [10:50:26] Did Mr Konaté tell you that he was in contact with Mr Ngaïssona only
18 in 2014, so after --

19 A. [10:50:40] I'm talking about -- here, I'm talking about General Bozize, but in the
20 meantime, what Ngaïssona told him was to hold people back, to contain the
21 Anti-Balaka elements, that they mustn't cause madness, they mustn't make the same
22 mistakes as the Seleka. But he was certainly in contact with Ngaïssona because he
23 told me this.

24 PRESIDING JUDGE SCHMITT: [10:51:18] Mr Knoops, please allow me.

25 Mr Witness, we fully understand that it is extremely difficult after all these years to

1 exactly say when something happened, especially when somebody told you
2 something. We fully understand that. But perhaps it might help you if you think
3 back. Was this conversations -- or were these conversations with Mr Konaté before
4 you became part of the coordination in 2014, meaning the first half of 2014, or
5 afterwards? Perhaps this might help you. If you don't recall, it's not a problem, but
6 perhaps it might be helpful.

7 THE WITNESS: [10:52:04](Interpretation) It was well before when I was able to go
8 back to the coordination office. I was taken to Ngaragba in a way that -- well, I
9 wasn't -- I was taken there. I found myself there with 11 other people, including --

10 THE INTERPRETER: [10:52:29] Inaudible.

11 THE WITNESS: [10:52:33](Interpretation) And when I asked those 11 people -- and I
12 kind of insisted, I really forced the matter. I was with some elements there, some
13 Rwandan elements, and I said I couldn't stay there. And I said, "We have to get out
14 of there." And Konaté remained in Ngaragba. He refused to go out.

15 The 10 other people, including myself, we had to go out, but it was in Ngaragba that
16 we were with Konaté. And Konaté had contacts even within the transition circles.

17 PRESIDING JUDGE SCHMITT: [10:53:26] Well, I think, Mr Knoops, we are nearer
18 now, because we can now deduct a little bit or, let's say, limit the time frame a bit.
19 By the way, just a comment, the getting out of the prison, so to speak, is quite an
20 interesting story. But I think you won't dwell on it more deeply.

21 Please, Mr Knoops.

22 MR KNOOPS: [10:53:45] The subject will return but in another context, the incident
23 with the prison.

24 Q. [10:53:51] Mr Witness, could you please look at your statement, which is tab 63
25 of the Prosecution binder, paragraph 122. And here we are arriving at the sending of

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1 money by Mr Ngaïssona.

2 A. [10:54:26] Yes, I'm listening.

3 PRESIDING JUDGE SCHMITT: [10:54:29] It's 122, not --

4 MR KNOOPS: [10:54:41] 122.

5 PRESIDING JUDGE SCHMITT: [10:54:43] We have to scroll up a little bit to the
6 page before that, please.

7 So you can perhaps read it, Mr Witness, paragraph 122.

8 THE WITNESS: [10:55:40](Interpretation) Yes.

9 PRESIDING JUDGE SCHMITT: [10:55:41] Thank you.

10 Mr Knoops, please.

11 MR KNOOPS:

12 Q. [10:55:44] The reason I'm asking you to reread this paragraph again is because
13 yesterday during the examination by the Prosecution, I understood from your
14 evidence that you suggested that Mr Ngaïssona did made a transfer of money before
15 5 December 2013. While in your evidence given --

16 A. [10:56:21] No, that's not what I said. That's not what I said.

17 I was saying that Andjilo had arrived, and Mr Ngaya, who was responsible for
18 receiving this money and for providing it to the team of Andjilo, because they -- they
19 were rather aggressive. Myself, I almost paid the price. I almost paid the price of
20 some of those uncontrolled elements from Andjilo's group, and as such, Ngaïssona
21 sent the money to try to calm things down.

22 So I was telling you, you see, that the place where they were, they had their own -- all
23 of that had been destroyed, and they regrouped, and then they went down to defend
24 the cause.

25 But once they got to Bangui -- but the money that was sent, that was for Mr Ngaya.

1 And he was the one who said to me that -- it was 200 or 300,000, to help them feed
2 themselves, for food. But it wasn't before the 5th. No. After. It was after 5
3 December, the day that the Anti-Balaka members went down from the hill.

4 Q. [10:58:13] I'm asking you this, Mr Witness, because in the English real-time
5 transcript of yesterday, page 43, line 22, 23, it's been noted, and the Chamber must
6 have observed the same, that Mr Ngaïssona sent money before the offensive of 5
7 December. It was before he was asked for help. So that's the reason, sir, I'm asking
8 you to clarify, because the statement you gave in 2020 was different.

9 PRESIDING JUDGE SCHMITT: [10:58:56] Please, you may answer.

10 THE WITNESS: [10:58:57] (No interpretation)

11 PRESIDING JUDGE SCHMITT: [10:59:08] (Overlapping speakers) Okay, Mr
12 Witness, you may answer. Excuse me, I interrupted you.

13 THE WITNESS: [10:59:12](Interpretation) Asking for money isn't the same as
14 receiving money. With two or three people, we asked Ngaïssona to -- we asked that
15 he do something to cover the -- well, not the -- well, for the actions of the elements.

16 But asking for money is not the same as receiving it or sending it.

17 So I did say that with Emotion Ndomate, and all that, we had asked Ngaïssona -- it
18 was a request that we made. Whether after that he did something, there's the
19 problem. We didn't receive the money before 5 December. It was after 5 December.
20 That is when *Mr Ngaya began to receive the money.

21 PRESIDING JUDGE SCHMITT: [11:00:11] Mr Knoops, I think we are at 11 o'clock.
22 It makes sense to have now the coffee break until 11.30.

23 THE COURT USHER: [11:00:25] All rise.

24 (Recess taken at 11.00 a.m.)

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

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1 THE COURT USHER: [11:32:03] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:32:18] Mr Knoops, you still have the floor.

4 MR KNOOPS: [11:32:27] Thank you, Mr President.

5 Q. [11:32:31] Good afternoon -- good morning, Mr Witness.

6 Still on the topic of the financial support, some additional questions. Were you

7 aware, Mr Witness, that these requests for financial support - in the case of

8 Mr Ngaïssona it arrived after 5 December - were also made by you or other

9 individuals to other people in the CAR or outside the CAR? In other words, were

10 other people except for Mr Ngaïssona approached for financial support of the

11 Anti-Balaka elements and feeding them?

12 A. [11:33:29] Thank you. Before I answer your question, I would like to raise

13 a small concern. (Redacted)

14 (Redacted)

15 (Redacted). I don't know whether the Court can release me during that

16 period.

17 But now turning to your question, I think I have already answered, saying that as far

18 as I know, I do not see who else apart from Ngaïssona to whom we sent our demands,

19 I don't see anyone else who could have funded or provided, in one way or another,

20 actively any financing for the Anti-Balaka.

21 So let me repeat myself and say that we expressed our demands to Mr Ngaïssona

22 because we were unable to manage things as it were. So outside of Mr Ngaïssona, I

23 don't know, maybe there were others who made a contribution, but as far as I know,

24 no.

25 Q. (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [11:35:26] Mr Knoops, perhaps first I would like
2 address --

3 MR KNOOPS: Of course.

4 PRESIDING JUDGE SCHMITT: [11:35:28] -- the wish of the witness.

5 As far as I understand it, we are not in any time pressure, so -- and we are human
6 beings, and when the witness wants to help (Redacted), I think we should
7 accommodate that, if it is possible, and I think it is possible.

8 So what I would suggest then is perhaps that we finish today at 1 o'clock, after the
9 second session. And I understand it you have less than a session. And I
10 understand, Mr Knoops, you can finish anyway tomorrow then?

11 MR KNOOPS: [11:36:07] For sure.

12 PRESIDING JUDGE SCHMITT: [11:36:08] Yeah, okay.

13 So, Mr Witness, you hear what I say. So we fully understand your wish and it's of
14 course very important, (Redacted). And this is, I assume only, this is very important
15 for (Redacted) too. So we will finish today at 1 o'clock. And -- but it is very
16 important that we tomorrow have the full day for your examination, to finish it.
17 Yeah?

18 So, Mr Knoops, please continue.

19 MR KNOOPS: [11:36:38] Thank you, Mr President.

20 Q. [11:36:39] Mr Witness, I would like you to look at your statement of 2019.

21 That's tab 20 of the OTP binder, paragraph 94. If necessary I can give the French
22 CAR number. It's 2120-0074 at 0093, paragraph -- sorry, it's 0092, paragraph 94.

23 PRESIDING JUDGE SCHMITT: [11:39:18] I think, Mr Knoops, you can put your
24 question.

25 MR KNOOPS: [11:39:23] Yeah.

1 Q. [11:39:23] So, sir, did this refresh your memory? In other words, you -- you did
2 say in your statement that, apart from Mr Ngaïssona, others with goodwill and with
3 means also contributed financially in this regard.

4 A. [11:39:50] That is what is contained in my written statement. That is effectively
5 true. And I contributed personally, going by the little resources I had. But it was
6 Ngaïssona who was the major contributor and his concern was that peace should
7 return within the ranks of our combatants. And each individual, according to what
8 they had, gave what they were able to give, 1,000 francs, 2,000 francs, and so on and
9 so forth. You know, that was a time of great solidarity among us. And that's the
10 answer I can provide you. It's clear in my statement, in my written statement,
11 isn't it?

12 Q. [11:40:41] Yes. Thank you. Thank you, Mr Witness.

13 I would like to read you a portion of a Prosecution witness who came before this
14 Court who was also part of the coordination. It's tab 46 of the Defence binder. It's a
15 transcript. Page -- 01/14-01/18-T-069 at page 38, starting at line 3 till 16.

16 Mr Witness -- it's not to be shown to the witness, because it's in English.

17 Mr Witness, I'm going to read a portion of a Prosecution witness who came before
18 this Court, and my question will be whether this statement reflects the experience you
19 did have in 2014.

20 So the witness effectively said:

21 "At that time the problem with the Anti-Balaka was that most of them were young
22 people who had come from the villages, they had no relatives in Bangui and so they
23 had a need for food and so unfortunately their approach was one that required them
24 to racketeer or to pillage people.

25 So the population, which had already come under great terror, was again subjected to

1 another kind of terror similar to that which they had experienced with Seleka.

2 So that is why we decided to try to do something at a time when there was no
3 structure in place, the state had disappeared and we didn't know where we could get
4 help from. It is for that reason that we needed to reach out to people of good faith,
5 civil servants, traders in the locality, and ask how we could get help from these
6 people and provide them with some food.

7 And it is in that context that I called Ngaïssona, I raised the problem with him, and he
8 sent me 80 to 100,000 francs CFA, but I don't remember the exact amount." End of
9 quotation.

10 So, Mr Witness, the evidence given by this witness in this Court some time ago, does
11 this reflect your experience in those days as to the reason why people like Ngaïssona
12 were approached to financially contribute?

13 A. [11:44:36] Can I answer?

14 Yes. Well, that witness spoke for himself, taking of his responsibilities in doing so.
15 Between 80 and 100,000, to my mind that doesn't resemble what Ngaïssona would do.
16 You see, until the contrary is proven, I know that this man was a man who was
17 concerned about his kind and who still is concerned about his kind. So I cannot
18 substitute for that person who testified.

19 What I told you a short while ago was that Mr Ngaïssona used to send between 200
20 and 300,000 to Mr Ngaya -- through Mr Ngaya. But for 80 to 100,000 francs, I don't
21 know. So this witness is speaking only for himself or herself, and whether they
22 received the money directly from Ngaïssona or not, I don't know, I can't answer in his
23 place.

24 Personally, I used my own available resources to make my own contributions, and
25 then people could also put their hands into their pockets and make some kind of

1 contribution.

2 Now you have told me that this was a Prosecution witness. You see, yesterday, I
3 was saying that there was a lack of food, a lack of basic necessities, and that is what
4 pushed these children to take things by force, to snatch things from the market in
5 order to survive. So that's -- that's what I was saying yesterday. Now this witness
6 is only speaking for himself or herself.

7 Now, when he or she says that they were in contact with Mr Ngaïssona and received
8 money directly from him, I cannot take responsibility for that.

9 Q. [11:46:53] Mr Witness, apart from the amount, discussion about the amount, the
10 context within which this witness describes the reason why money was asked, can
11 you confirm this?

12 A. [11:47:17] I believe that I have already explained it to you. These children
13 lacked everything, particularly food. So I can confirm what this -- well, can I confirm
14 that this witness received money from Ngaïssona? My answer is that I cannot
15 confirm that. And by the way, who is this witness? I'm really sorry to use the word,
16 but that witness is a devil and he speaks only for him or herself.

17 PRESIDING JUDGE SCHMITT: [11:47:51] Well, I think, Mr Knoops, the essence of
18 what you wanted to know has been answered, so I think you can move on.

19 MR KNOOPS: [11:47:58] Yes. Yes.

20 Q. [11:47:58] Mr Witness, a very interesting element you raised in your statement,
21 that's the role of the treasury of the national coordination, which was, as I never saw
22 any explanation, would need some clarification.

23 Could you please explain to the Chamber the role of the treasury of the national
24 coordination and its functioning. How was the money distributed by the treasury?
25 How did it work?

1 A. [11:48:44] Well, there was a -- the things that are known by the insider, the
2 treasurer, who works in connivance, so to speak, with the president of the movement,
3 namely Mr Ngaïssona. So, as an ordinary communications adviser, I am not able to
4 speak on that and to provide you with any details.

5 Now, when the needs were expressed and individuals or Anti-Balaka elements or
6 ComZones came, business was conducted between them and the treasurer and the
7 authorising officer, who happened to be Mr President Ngaïssona. *Certainly with
8 justifications.

9 Q. [11:49:47] Is it correct, sir, that the treasury was actually steered by a committee
10 of five persons and that decisions how to distribute the money had to be made by the
11 five members of that committee? Therefore, there was no single person who was
12 responsible for the distribution of the money. Is that a correct reflection of how you
13 understood that the treasury worked?

14 A. [11:50:43] Well, as I was telling you, I had no interest in money. I was
15 interested in the pen and paper, press release and any such other things. However,
16 in the meantime, the deputy treasurer was Beina and time to time we had some
17 discussions about what was going on or what was not going on, whether money was
18 available or not, who was receiving what, and so on and so forth.
19 But when it comes to what the insiders were discussing in their own privy concerning
20 money, I am not aware. That is something that I don't master.

21 Q. [11:51:28] But can you confirm that Mr Ngaïssona himself alone, without this
22 committee, could not decide how the money was distributed?

23 A. [11:51:52] The group of five people you have talked about, well, was Mr Beina
24 part of them? Well, he was the deputy treasurer. You know, maybe in that
25 capacity I can say yes, but I cannot confirm that there were indeed five persons

1 effectively involved. I know that *their donor was Mr Ngaïssona, who *gave money
2 from his own pocket. *He therefore had to monitor what was being done with the
3 money that was coming out of his own pocket.

4 Q. [11:52:32] Could you please look at your statement in tab 20, paragraph 95,
5 which is the French version. CAR-OTP-2120- -- 27, sorry, 0074. And then
6 page 0093, tab 62, paragraph 95.

7 A. [11:53:56] Well, 95 to 97. Part of 97 is lacking.

8 PRESIDING JUDGE SCHMITT: [11:54:05] But I think Mr Knoops wants to refer to
9 paragraph 95, so I think you can ask your question. So you have read 95. We can
10 hear it a little bit, so we are fully aware of what's going on at the video-link location,
11 so to speak.

12 Please, Mr Knoops.

13 MR KNOOPS: [11:54:25]

14 Q. [11:54:26] Sir, did this refresh your memory about the composition of the
15 committee responsible for distribution of money?

16 A. [11:54:41] Distribution? No, when I read at 95, when the ComZones wanted
17 support, they sent the request to the national coordination lead committee. There
18 were five people in this committee, namely myself, the chief of operations and three
19 others whose names I cannot give you. Well, what does this mean? I, as the
20 communicator, my telephone numbers were available to these people. So when they
21 called me, I will transmit -- and so I was saying that I was there among these others
22 and then I said there were three other persons whose names I do not know or whose
23 names I could not give you. So there were five people indeed, including myself.
24 Because once I was called, the -- as the communications adviser, I was the one whose
25 number was available to everybody. So they would say, adviser, there are problems

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1 here and there. What can we do? And so I would transmit directly those requests
2 to - how do I put it - to the chief of operations who happened to be Mr Ndomate and
3 then he was the one who communicated, he was the one who was the chief of
4 operations and had control over the operations. So as the communicator, I
5 forwarded the messages and therefore I was a part of the committee, including the
6 chief of operations and others whose names I could not give you.

7 Well, it was an open secret, so to speak.

8 Q. [11:56:31] In your second statement, that's tab 63 of the prosecution binder,
9 paragraph 123, it's CAR-OTP-2128 at 0308, the document starts at 0288, and at 0308,
10 that's paragraph 123, the first four lines of your statement, you -- you say that the
11 decisions, how to finance the activities of the Anti-Balaka were made by all the
12 members of the committee.

13 A. [11:57:42] Can I answer now?

14 PRESIDING JUDGE SCHMITT: [12:09:00] Yes.

15 MR KNOOPS:

16 Q. [11:57:44] Yeah, so my question to you, sir, is, in case the other members were
17 not in agreement with Mr Ngaïssona, there was no distribution of money; is that
18 correct?

19 A. [11:58:08] Well, I cannot say so. When you disagree with the financier or the
20 donor, when you do not agree with him, well, I don't know what to -- I don't have an
21 answer for you, sincerely. When requests or demands were justified, the money is
22 automatically sent as a matter of principle, but I, myself, as a communications adviser,
23 my duty was to distribute -- and, you see, in Bambari, for example, those are the
24 people who knew me the most. They had many, many problems and they called me
25 all the time. So as the communications adviser, I would transmit those requests to

1 the chief of operations.

2 Q. [11:59:07] Can you recall, sir, that the requests at that time when you were the
3 communications adviser, that all those requests from the various regions had to do
4 with food and medication or housing, but had nothing to do with weapons or
5 ammunition?

6 A. [11:59:37] To my knowledge, it was just for food and health requirements. To
7 my knowledge, it wasn't a problem having to do with weapons. It didn't have to do
8 with weapons. As I said yesterday, these young people outside, they made their
9 weapons in the traditional way. I also told you that myself, in Zongo, I bought
10 hunting ammunition and I used -- well, the young people turned them into -- how
11 should I say -- other kinds of ammunition. They changed -- they melted them down
12 and turned them into ammunition for their traditional weapons. But to say that
13 their request had to do with weapons, uh-uh. To my knowledge, no.

14 Q. [12:00:48] Thank you. In -- in your first interview, Mr Witness, it's the
15 CAR-OTP -- tab 20, again, page -- paragraph 40, we can maybe show it again to the
16 witness. I have a specific question in this context about paragraph 40.

17 A. [12:02:07] Yes, that comes from me. It comes from me. I don't know whether
18 it answers your question, but it -- it is from me.

19 PRESIDING JUDGE SCHMITT: [12:02:25] Mr Knoops.

20 MR KNOOPS: [12:02:29] Yeah.

21 Q. [12:02:29] My question to you is, sir, can you inform the Court specifically about
22 the upheaval you refer to which already had been started by the fake Anti-Balaka and
23 that it was the reason that Mr Ngaïssona was approached to come to Bangui?

24 A. [12:02:52] The uprising?

25 Q. [12:02:58] It does say the "upheaval which had already been started by the fake

1 Anti-Balaka" and this was the reason why Mr Ngaïssona was approached to come to
2 Bangui.

3 PRESIDING JUDGE SCHMITT: [12:03:11] So could you elaborate on that,
4 Mr Witness?

5 THE WITNESS: [12:03:23](Interpretation) Yes. I've already told you yesterday that
6 when they got there, Seleka distributed many weapons from PK12, the northern exit
7 of Bangui. They distributed weapons to young people that we called the fake
8 Anti-Balaka because we didn't know them. And I don't know whether that was
9 manipulation, they started an uprising to create trouble amongst the population.
10 And from that point, the movement was made in relation to Ngaïssona who went to
11 Bangui. Everything was being lumped together. There was confusion between the
12 fake Anti-Balaka and the real Balaka. But the people who provoked the
13 uprisal -- uprising, rather, were people who had been manipulated to create -- to
14 create all kinds of trouble amongst the people. And the Anti-Balaka were sort of
15 demonised.

16 MR KNOOPS:

17 Q. [12:04:58] Was there at that time, December 2013, January 2014, any way to
18 distinguish between the fake and the real Anti-Balaka? So before Mr Ngaïssona
19 came to Bangui.

20 A. [12:05:22] Yes, yes. All of the ones who came from the provinces were real
21 Anti-Balaka. And the ones who had been recruited by the Seleka were from Bangui.
22 But in one way or another, they were known by their actions, by their actions.
23 Where did they find the Kalashnikovs to create trouble and discord? It was at
24 Gobongo all to -- all the way to Fohu. That's where it happened. In Boy-Rabe, our
25 young people who knew all those people --

1 THE INTERPRETER: [12:06:11] Inaudible.

2 THE WITNESS: [12:06:12](Interpretation) -- PK12, Fough, those young people had
3 been manipulated.

4 MR KNOOPS:

5 Q. [12:06:25] Can you recall when Mr Ngaïssona came to Bangui, whether he
6 undertook any action to suppress the actions of the fake Anti-Balaka?

7 A. [12:06:52] Yes. *Because as soon as he arrived, I believe it was between
8 January and February, I don't have the exact date or the exact time frame, but it was at
9 the beginning of 2014. *His way of organising the young people was such that the
10 bad seeds were winnowed out, so to speak. *I told you yesterday that a team had
11 been set up to detect these fake Anti-Balaka who were assaulting everyone and taking
12 their property. It was early in 2014, January, February, March, January, February,
13 March, but I can't give you an exact date.

14 Q. [12:07:40] In your first statement to the investigators of the Office of the
15 Prosecution, tab 20, paragraph 98, you refer to the badges which were made by the
16 national coordination for the Anti-Balaka and that there were distributed from
17 Ngaïssona's house. My question to you is, what was the reason that those badges
18 were issued?

19 A. [12:08:21] This question sort of follow-ups on what you've already asked me. It
20 was for the -- it was for the real Anti-Balaka because when they came, they would
21 be -- there was a check to see whether they had come from far away, from the
22 provinces, or whether they were in keeping with the actions that they carried out.
23 So, yes, badges were handed out to the Anti-Balaka at the home of Ngaïssona.

24 Q. [12:08:57] Thank you, sir. We'll -- we'll come back to this topic in my fourth
25 topic, for now. To finish the second topic, I have one question left, and this relates to

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1 the 5 December attack.

2 Have a look, please, sir, at your statement, in paragraph 58 of your first statement, tab
3 20 of the Prosecution binder. And the French version is at
4 fifty -- CAR-OTP-2120-0074, and it's at 0086.

5 You see it, sir?

6 A. [12:10:37] I'm -- I'm reading it. 57 to 59, I'm reading it.

7 Q. [12:10:47] Just 58 is fine.

8 A. [12:10:52] 58.

9 THE INTERPRETER: [12:11:02] The witness is reading to himself.

10 THE WITNESS: [12:11:10](Interpretation) That's rather clear. I was aware of
11 certain information. Was it to bring Bozize? Was Bozize aware? I don't know.
12 To bring him back to power.

13 And, you know, in the meantime, there were two wings of the Anti-Balaka. There
14 was the Ngaïssona wing and the Mokom wing, and the Mokom wing were in relation
15 to Bozize.

16 As far as I know, Mokom, in relation to the creation of the PCUD party, he thought
17 that Ngaïssona had -- he thought that Ngaïssona had gotten away from Bozize's
18 control. And at that level, you see, this attack was led in order to get rid of Djotodia
19 and his supporters and to bring Bozize back to power.

20 I couldn't tell you whether Bozize was aware or not. I believe that it's clear enough.
21 It was a military thing, and the people -- well, this -- there was all kinds of
22 information going here, there, and everywhere. I was not aware of the information.

23 MR KNOOPS:

24 Q. [12:12:53] My question was to you, sir, was, exactly what you meant with the
25 words "military affair." Specifically, did Mr Emotion tell you that this operation on 5

1 December was organised militarily by Mr Mokom?

2 A. [12:13:20] From a military point of view, I don't think so. And that was all the
3 Anti-Balaka who had organised it. Not just Mokom who as a soldier, as such, to my
4 mind. In any event, he was not a soldier. To my mind, he wasn't a soldier. He
5 might have been wearing a uniform, but I didn't see him -- I don't see him as a soldier.
6 But that was -- how should I put it? It was a movement that brought together
7 various people who were disgruntled. They were unhappy with the savage
8 behaviour of the Seleka who had massacred the people. A certain resistance had to
9 be put up.

10 Military -- well, when you talk about weapons, yes, that's a military thing.

11 Q. [12:14:32] But do we understand your evidence such that with the words
12 "military affair," was it military because weapons were involved or was it military
13 because it was organised by the military?

14 A. [12:14:56] Organised by the military? No, there were civilians too. But I saw a
15 certain Ngaikosset, who at that time was a captain, I believe. He was a soldier.
16 And when there was a certain Gbangouma, he was a soldier. Those people were
17 supposed to be able to -- and that's why I'm -- that's why I said these were military
18 matters.

19 Q. [12:15:31] Thank you. With respect to the next topic, the functioning of the
20 national coordination and the positioning of Mr Ngaïssona therein, I have one
21 introductory question to you. This relates to paragraph 118 of your second
22 statement, tab 63 of the OTP binder.

23 A. [12:17:13] Huh?

24 Q. [12:17:16] My question to you, sir, relates to the last sentence of paragraph 118.
25 Mr Ngaïssona accepted this designation and asked them to be disciplined. So my

1 question to you is, first of all, what did you mean with the words --

2 A. [12:17:43] That's just normal.

3 Q. [12:17:51] Are we to understand that Mr Ngaïssona accepted this appointment
4 to be the national coordinator upon the condition that people who committed crimes
5 should be disciplined?

6 A. [12:18:10] That's what's written here.

7 Q. [12:18:14] Now, what is the foundation of this knowledge? How do you know
8 that this happened this way, the acceptance of the designation under this condition?

9 A. [12:18:36] On what? Punishments? Ngaïssona said, listen -- well, he heard, he
10 got wind of -- I'm still talking about the fake Anti-Balaka. And he had heard that
11 some -- some so-called fake Anti-Balaka were doing -- were making mistakes, but by
12 agreeing to be there, he wanted to have disciplined people. That was the problem.
13 He didn't like things to be messy. He wanted people to work properly, in
14 a disciplined way. That's how I understood it. Because I had already -- I've already
15 said I never saw Ngaïssona assault anyone or hold a weapon. He was always the
16 disciplined gentleman who brought -- who brought calm, who said to people -- he
17 was not -- he was not good when it came to messy situations, or anything like that.
18 He had agreed to be the leader of the Anti-Balaka, and he had asked them to be
19 disciplined.

20 So, indeed, that's it. "Be disciplined, if you want me to be with you."

21 Q. [12:20:12] Do I understand your evidence, Mr Witness, that you were yourself
22 present during this situation?

23 PRESIDING JUDGE SCHMITT: [12:20:21] Mr Knoops, *moi-même*.

24 MR KNOOPS: [12:20:24] Yeah, indeed.

25 PRESIDING JUDGE SCHMITT: [12:20:25] So I think --

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1 MR KNOOPS: [12:20:26] It's clear to me, but I would like to have, again,
2 confirmation from the witness.

3 PRESIDING JUDGE SCHMITT: [12:20:31] Yes, I would not -- I don't want to stop
4 you, but, still, since it's a Rule 68(3) witness, it is his statement that he was present
5 during this meeting.

6 MR KNOOPS:

7 Q. [12:20:46] Mr Witness, this condition which -- under which Mr Ngaïssona --

8 A. [12:20:49] Can I answer? I was there.

9 PRESIDING JUDGE SCHMITT: [12:20:52] Okay. Nothing new under the sun, so to
10 speak.

11 MR KNOOPS:

12 Q. [12:21:02] Mr Witness, the condition under which Mr Ngaïssona took upon this
13 task requested by others to become the general coordination -- coordinator, did he, in
14 your experience, did everything to realise this condition?

15 PRESIDING JUDGE SCHMITT: [12:21:29] Mr Vanderpuye, I agree with you. No,
16 it's -- no.

17 Mr Knoops, did --

18 MR KNOOPS: [12:21:38] I can rephrase.

19 PRESIDING JUDGE SCHMITT: [12:21:40] Yes, of course.

20 To your knowledge, what did he do?

21 MR KNOOPS:

22 Q. [12:21:48] Can you give examples, Mr Witness. Could you give examples, if
23 any, where Mr Ngaïssona put this condition into practice.

24 A. [12:22:07] May I reply?

25 PRESIDING JUDGE SCHMITT: [12:22:10] Yes.

1 THE WITNESS: [12:22:13](Interpretation) It wasn't a condition. It was not
2 a condition. It was a requirement: "I am with you, but be disciplined."
3 There was no -- he said, "I'm with you, but be disciplined; otherwise, you're not my
4 men. Be disciplined."
5 Why? What do I mean by that?
6 We were not in a country of savages. If savages come from far away and attack us,
7 I'm -- I'm -- we are not savages.
8 I don't know whether I have made myself understood.
9 But there were -- this was not a condition. He said: "I'm here so that respect is
10 ensured." So it was -- it was -- it was kind of a threat: Woe be to anyone who lacks
11 discipline. This was not a condition or a reservation. He remained the master of
12 the situation right to the end, until he ultimately ended up with you.

13 MR KNOOPS:

14 Q. [12:23:38] Apart from the example with the badges to distinguish the fake from
15 real Anti-Balaka, can you mention any other measures Mr Ngaïssona undertook to
16 suppress the crimes, the violence or any actions of the fake Anti-Balaka?

17 A. [12:24:12] Yesterday I had said that the team had been put in place to find out
18 about the bad behaviour of these fake Anti-Balaka. Automatically, as soon as these
19 people were found, they were either turned over to the police or to the gendarmerie.
20 Those were the measures that were taken and many people were handed over to the
21 gendarmerie or to the police. So those were the other measures taken by the
22 committee because the badges in of themselves were not enough.

23 Q. [12:25:04] Could you elaborate on the incident with Mr Larmassoum. And I
24 specifically refer to a document which is in the Prosecution and Defence binder. In
25 Defence binder, tab 32, it's CAR-OTP-2110-0145 at 0146. It was annex 28 to your

1 statement. You provided that document to the investigators of the Office of the
2 Prosecution.

3 Can you enlighten us, Mr Witness, what exactly happened with the Larmassoum
4 incident described in this document?

5 A. [12:26:11] Yes. This was a Seleka member. I don't know how he ended up
6 there, but he was a Seleka member and he started to hold people up, saying he was
7 Anti-Balaka. And so this team was set up and that is how it came to be that he
8 was -- well, he was chased down and put into custody at the gendarmerie.
9 Koudemon was the leader of that team. He had become a hold-up -- he held people
10 up and he was a Seleka element.

11 Q. [12:27:04] Can you confirm that Mr Ngaïssona was instrumental in the
12 apprehension of this individual, Mr Larmassoum?

13 A. [12:27:25] It was the team that had been set up because, you see, there were fake
14 Anti-Balaka who were holding people up. Those teams were set up and they
15 worked to catch Larmassoum.

16 Q. [12:27:43] Was it known to you, sir, that Mr Larmassoum was leading a group of
17 around 300 elements at that time?

18 A. [12:27:59] But the mistakes made by Larmassoum didn't just come from the
19 Anti-Balaka. This had been going on for a very long time, a very long time. The
20 Seleka came in and he was engaging in these practices. There were elements, but I
21 think he was a former gendarme. He must have been a gendarme before, something
22 like that.

23 Q. [12:28:37] You just spoke a few seconds ago about the teams which were set up
24 and which were also responsible for the apprehension of Mr Larmassoum. Can you
25 explain to us to which teams you refer.

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1 A. [12:28:59] There wasn't just -- oh, I beg your pardon.

2 THE INTERPRETER: [12:29:04] Says the witness.

3 PRESIDING JUDGE SCHMITT: [12:29:06] I think, Mr Witness, counsel is interested,
4 if you know, this -- this team that was set up: Who put this team together? Who
5 sent this team? And if Mr Ngaïssona had a role in that.

6 I think, Mr Knoops, that was what you wanted to know.

7 MR KNOOPS: [12:29:24] True.

8 THE WITNESS: [12:29:28](Interpretation) By many. He heard -- he heard -- he was
9 told about the mistakes made by these fake Anti-Balaka, these people holding up
10 others, and so he set up a team to clean up the mess. He was involved in this. He
11 was the one who ordered that the team be set up. He wasn't a soldier himself, but he
12 asked that this team be set up to bring order back. To clean up the situation, so to
13 speak.

14 MR KNOOPS: [12:30:16]

15 Q. [12:30:16] Could you indicate an approximate time frame in 2014 when those
16 teams -- or this team was activated by Mr Ngaïssona?

17 A. [12:30:47] Very -- quite honestly, I can't tell you exactly when. It has been quite
18 a while. I can't tell you exactly when.

19 PRESIDING JUDGE SCHMITT: [12:31:01] But again, Mr Witness, perhaps if you
20 look back in time and take as a reference in time when you became a member of the
21 organisation, the communication manager, so to speak. If you take this as a fixed
22 point in time, was it before or afterwards?

23 THE WITNESS: [12:31:31](Interpretation) Counsellor.

24 PRESIDING JUDGE SCHMITT: [12:31:33] Yes, counsellor.

25 THE WITNESS: [12:31:37](Interpretation) Counsellor, not the director. Do we

1 understand one another?

2 PRESIDING JUDGE SCHMITT: [12:31:45] Yes, we understand ourselves perfectly.

3 So I fully agree with you, you are right. But nevertheless, the question would be if
4 that helps you to orient you in time?

5 THE WITNESS: [12:32:01](Interpretation) It happened after.

6 PRESIDING JUDGE SCHMITT: [12:32:08] Thank you.

7 THE WITNESS: [12:32:10](Interpretation) After.

8 MR KNOOPS: [12:32:15]

9 Q. [12:32:15] Mr Witness, do you have any information whether Mr Ngaïssona
10 himself had anything to do with the activities of Mr Larmassoum and his elements?

11 A. [12:32:33] The question I'm asking myself also is whether Mr Ngaïssona knew
12 Mr Larmassoum. I don't know whether he knew him before or not. I don't know.
13 I would be surprised that he did. But again, we are just speculating here. I would
14 be surprised if he knew him.

15 Q. [12:33:06] Do you know whether he was the person who directed that team to
16 arrest Mr Larmassoum and hand him over to the gendarmerie?

17 A. [12:33:29] Hmm, I'm sorry, but I've already told you that Mr Ngaïssona is
18 a brave, courageous civilian and that this team was made up of people of arms led by
19 Mr Koudemon, alias Gbangouma. So Ngaïssona only simply accepted that the team
20 should be set up. He simply endorsed it, so to speak, in order to put an end to the
21 blunders of these people, of these fake Anti-Balaka, of these people who were
22 involved in hold-ups. But he did not lead it up, as such.

23 Q. [12:34:15] Mr Witness, at the time period you described where those fake
24 Anti-Balaka were operating, individuals like Larmassoum, what was to your
25 knowledge the role of the transitional government, and specifically the minister of

1 public security? What did the transitional government do to suppress the activities
2 of those groups or individuals who portrayed themselves as Anti-Balaka while they
3 were not?

4 A. [12:35:12] I would not like to accuse anybody here, but what I was saying is that
5 Larmassoum was a member of Seleka and during the transitional period Seleka
6 counted, Seleka had weight. They -- to the extent that Mr Mahamat Kamoun was
7 himself a Seleka. The president of the transition was appointed by Djotodia, and I
8 see Seleka's hand behind -- behind all that.

9 Now, when you talk about Larmassoum and the ministry of public security, well, you
10 see shades of Seleka behind it all. It was the Seleka colour. And this is only my
11 personal opinion.

12 Q. [12:36:19] At that time, the minister of public affairs was Minister Wangao,
13 correct?

14 A. [12:36:32] The minister of what? Which minister?

15 Q. [12:36:39] The minister of public affairs, public security, was at that time Denis
16 Wangao-Kizimale. Can you recall --

17 A. [12:36:53] Denis Wangao. Denis Wangao. And again, that small group of
18 people, they were all Seleka. All that small world was made up of Seleka people.

19 Q. [12:37:13] So you're saying that under the reign of Ms Samba-Panza, the prime
20 minister, the minister of public security was Mr Wangao, and you say he was Seleka
21 orientated?

22 A. [12:37:36] Yes. Yes. Yes. He is a former colleague of mine. We attended
23 high school together at college Bokassa. Denis Wangao was my schoolmate, but that
24 small clique of people had the Seleka colour. And I repeat, Madam Samba-Panza
25 was appointed mayor of the city of Bangui by Djotodia. That was not a mistake, it

1 was not by happenstance. And it is under Wangao that I was arrested and taken to
2 Ngaragba.

3 My former colleague, all of them were of the Seleka leaning.

4 Q. [12:38:33] Mr Witness, my question - I understand your answer - my question is
5 specifically, can you mention any measure the minister of public security undertook
6 in the first six months of 2014 on behalf of the transitional government to stop the
7 violence, the riots, the looting in Bangui?

8 A. [12:39:22] I'm not able to tell you. I really am not able to tell you because, you
9 see, as I often say, these were things for insiders, the secrets of the kings. The
10 measures that may have been taken to attenuate or stop pillaging, well, I really don't
11 see any. I don't see any.

12 Q. [12:39:46] Yesterday you were asked by the prosecution whether you were
13 aware of any investigations amongst the ranks of the Anti-Balaka. That's transcript
14 page 72, line 5.

15 Now, my -- my question to you is, are you aware that the transitional government
16 itself - we're not speaking here about Mr Ngaïssona, but we are speaking here of the
17 transitional government - specifically the minister of public security who was
18 responsible for the security in the CAR, undertook any investigations within the
19 ranks of the Anti-Balaka?

20 A. [12:40:40] I need to say this quite sincerely to you, and I do not want to dissettle
21 any moral standards, but you see, when somebody is involved in alcoholism, they
22 cannot have mastery of anything, and Mr Wangao was one of such persons. And
23 I'm really sorry to have to say this. This was his forte, so to speak. How then can
24 you afford to mix that kind of conduct or behaviour with public matters of public
25 security? So I was telling you some three, four minutes ago that he was my

1 colleague in high school, in the Bokassa High School. And he was taken or given to
2 alcohol, but alcohol and security do not go together, do they?

3 Q. [12:41:39] You yourself were minister in 2017-2019, minister of arts and culture.
4 Did you hear in that time frame, when you were minister in 2017 till 2019, did you
5 hear anything from your government at that time, what they, the government, the
6 transitional government, did in the first six months of 2014 when this disorder, which
7 was discussed yesterday, in Bangui occurred? Did you find any records in the
8 archives what the transitional government in those days did to stabilise the disorder
9 instead of blaming Mr Ngaïssona?

10 A. [12:42:53] I'm not sorry -- I'm sorry. I have not fully understood your question.
11 Did you refer to Ngaïssona?

12 Q. [12:43:02] No, I'll simplify the question.

13 PRESIDING JUDGE SCHMITT: [12:43:04] May I, Mr Knoops?

14 MR KNOOPS: [12:43:06] Yeah.

15 PRESIDING JUDGE SCHMITT: [12:43:07] You know, Mr Knoops, refers to the fact
16 that you have yourself been minister later on, 2017 until 2019, and he asks you if you
17 perhaps at that time came across information that went back to the first month of 2014
18 with regard to the security situation and how the transitional government tried to
19 deal with it, if they dealt with it any way? So he just asks you. It's a little bit -- it's
20 an assumption that you might because you have been -- become a minister later, that
21 you might have come across information, talks with colleagues, or documents that
22 you then became aware of that would shed light on these first months of 2014?

23 THE WITNESS: [12:44:09](Interpretation) I did not search the archives. I did not
24 even attempt to do that or to look for any kind of skeletons in anybody's closets. I
25 simply took care of my area of competence; tourism and culture. Now, did I go back

1 to look into history and what happened in the past? No, I didn't do that.

2 MR KNOOPS: [12:44:47]

3 Q. [12:44:47] From your experience as a minister in 2017-2019, would you agree
4 with me, sir, that it was the responsibility of the minister of public security in 2014,
5 Mr Wangao, to maintain order and discipline in Bangui and not Mr Ngaïssona?

6 A. [12:45:14] Well, you put it so aptly. Let me take the example of the
7 ministry -- or the minister for public security, my dear colleague Wanze, who was in
8 charge of security and who managed it as such, unlike what happened under the
9 transition.

10 Q. [12:45:53] So you agree with me, yes or no?

11 PRESIDING JUDGE SCHMITT: [12:46:02] Well, you put it aptly, Mr Knoops, I think.

12 MR KNOOPS: [12:46:10] So I take it as a confirmation then.

13 PRESIDING JUDGE SCHMITT: [12:46:10] Excuse me, I was -- I was interrupting
14 you. Excuse me, Mr Witness. Please answer.

15 THE WITNESS: [12:46:19](Interpretation) Well, in relation to what are you asking
16 whether I agree with you? In relation to what?

17 PRESIDING JUDGE SCHMITT: [12:46:27] You know, the question, Mr Witness,
18 is -- that Mr Knoops puts to you is that at the time, 2014, there was a minister
19 responsible for security in the transitional government, and he asks if not this person
20 would have been responsible for public security instead of Mr Ngaïssona. Am I
21 right, Mr Knoops? Is this -- okay.

22 THE WITNESS: [12:46:55](Interpretation) Can I answer or is this just ...

23 Well, it was not Mr Ngaïssona. Ngaïssona had nothing to do with the government
24 at the time. It was indeed Mr Wangao, Mr Denis Wangao, who was minister for
25 public security.

1 Now, that was -- when -- when Ngaïssona was minister under Bozize, he was in that
2 ministry for only one month. But during the transitional government it was
3 Mr Wangao who was in charge of public security.

4 MR KNOOPS: [12:47:46]

5 Q. [12:47:48] So you would agree with me that the national coordination, the
6 national coordinator, Mr Ngaïssona, could not be responsible for the order in Bangui
7 instead of Mr Wangao?

8 A. [12:48:19] Does one really have to answer that question as such? Ngaïssona
9 had nothing to do with public order. It was Mr Wangao under Madam
10 Samba-Panza's government who's prime minister was Mahamat Kamoun. That's
11 what I am repeatedly telling you.

12 Q. [12:48:42] And, Mr Witness, are you familiar with any action of Mr Ngaïssona,
13 despite not being the minister of public security at that time, to billet the elements of
14 the Anti-Balaka? Suggesting this to the transitional government? Do you have any
15 information on this topic?

16 A. [12:49:11] In one of my statements, I said that I saw Mr Ngaïssona get angry
17 once in relation to a position that had been taken by Madam Samba-Panza, which did
18 not take into account the position of the Anti-Balaka while privileging that of the
19 Seleka. When he decided to call a ghost town operation or *ville morte*, that is when
20 Madam Samba-Panza accepted to receive him and that's the first time -- the only time
21 I saw him go into a dark rage calling for this ghost town operation.
22 But you see, there was a really total disorder as a result of that and that's the only time
23 I saw Ngaïssona get angry. The reason being that there were two entities at stake
24 and one was given preference over the other, and that's the first time and one time
25 that I saw Ngaïssona order a ghost town in the Bangui to paralyse the city for one

1 whole day and the next day everything came back to normal.

2 PRESIDING JUDGE SCHMITT: [12:50:50] This has been discussed yesterday and it's,
3 for the information of the parties, 121, paragraph 121, CAR-OTP-2128-0309.

4 MR KNOOPS: [12:51:06] Yes. Thank you, Mr President.

5 Q. [12:51:09] Do you know, Mr Witness, whether the proposals made by
6 Mr Ngaïssona to the transitional government, specifically Ms Samba-Panza, to billet
7 or contain the Anti-Balaka similar to the Seleka and not to distinguish between those
8 two elements were accepted by her or not?

9 A. [12:51:47] Whether it was accepted, that could only be seen in practice. Yeah,
10 but the Anti-Balaka were marginalised. Sincerely, they were marginalised. But the
11 Anti-Balaka took note of the situation and they ultimately accepted the situation
12 because it is those who were in power, in government, that were managing
13 everything. So they accepted things. In fact, even the minister -- the French
14 minister and Madam Samba-Panza had some disparaging words against the
15 Anti-Balaka when they referred to them as bandits and savages, whereas the true
16 savages were those who had attacked the country. In any event, the Anti-Balaka
17 took note of the situation and went along with the others.

18 Q. [12:52:49] In your evidence given yesterday, sir, in the English real-time
19 transcript, page 37, line 6 till 8, you refer to the lacking at that time of a - what you
20 mentioned - social provision. Lack of food. Social provision.

21 My question to you, what did the transitional government do to remedy this lack of
22 food and the lack of a social provision for the population in Bangui in 2014?

23 MR VANDERPUYE: [12:53:35] Mr President?

24 PRESIDING JUDGE SCHMITT: [12:53:37] Mr Vanderpuye.

25 MR VANDERPUYE: [12:53:40] I understand where Mr Knoops is going with this,

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1 but the question is framed in such a way that presumes that the government had an
2 obligation to do that in the first place. So I don't know if he's going to go into that.
3 I don't know what -- what -- what additional questions he may ask, what his
4 foundation is, but that is the nature of the objection because he calls for the witness to
5 speculate that there was an obligation to act in the way that Mr Knoops suggests.

6 PRESIDING JUDGE SCHMITT: [12:54:06] Yes and no. It can easily be remedied if
7 we reword it a little bit.

8 So it's simply that, Mr Witness, Mr Knoops wants to know if you are aware of any
9 actions by the transitional government with regard to these - let's say, how did you
10 word it - social --

11 MR KNOOPS: [12:54:27] Provision.

12 PRESIDING JUDGE SCHMITT: [12:54:28] Social provision, if you are aware of any
13 actions in that regard by the transitional government in the first month of 2014?

14 THE WITNESS: [12:54:41](Interpretation) Well, what I know is that, in the meantime,
15 whether efforts were made or not, Madam President went to Angola where some 10
16 million francs or 10 billion dollars, or whatever, but the money evaporated, and we
17 don't know how. And this was an attempt to deal with social problems. But the
18 money disappeared, and that raised a lot of noises. That is where efforts were made.
19 But the funds were not distributed. That is what I know about the efforts that were
20 undertaken at that time.

21 MR KNOOPS:

22 Q. [12:55:40] Can you recall, Mr Witness, the -- more specific, what happened when
23 Ms Samba-Panza -- when the money what you say evaporated which she got from
24 Angola, what was the reaction of the population?

25 A. [12:56:07] You know, the Central African population, the people, they are a very

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1 docile people. As far as I am concerned, this was not disseminated. It was not
2 divulged. So people just took it like that.
3 It is only later on that with greater media coverage, people became aware of it. So
4 there was not a strong and wild reaction from the population. The population
5 simply accepted things one way or another, because they did not react in a dangerous
6 way. And that's why I say that the population accepted things, the way they were.
7 There was no aggressive reaction to it.

8 Q. [12:57:07] Mr Witness, you have a headache, again, sir?

9 A. [12:57:15] Very much so. Very much so. Very much so.

10 Q. [12:57:20] I recognise -- I recognise it, yeah. I'm sorry --

11 A. [12:57:21] Very much so.

12 MR KNOOPS: [12:57:23] Maybe, Mr President, it's always -- it's almost 1 o'clock.

13 PRESIDING JUDGE SCHMITT: [12:57:27] Mr Witness, I think --

14 We are almost close, Mr Knoops, to 1 o'clock. I don't assume that you have so many
15 more --

16 MR KNOOPS: [12:57:38] Mr President, I will tonight wrap up, and I will finish
17 within one session tomorrow.

18 PRESIDING JUDGE SCHMITT: [12:57:44] Yeah, okay.

19 Mr Witness, we wish you well and we hope that this -- your headache becomes better
20 until tomorrow. And also for this afternoon, we wish you all well with your family,
21 and we see each other tomorrow at 9.30.

22 THE COURT USHER: [12:58:01] All rise.

23 THE WITNESS: [12:58:05](Interpretation) Thank you very much.

24 (The hearing ends in open session at 12.58 p.m.)