

Trial Hearing
WITNESS: CAR-OTP-P-0992

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 7 February 2022
9 (The hearing starts in open session at 1.06 p.m.)
10 THE COURT USHER: [13:06:18] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [13:06:17] Good afternoon, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [13:06:23] Good afternoon, 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: [13:06:37] Thank you.
20 I ask for the appearances of the parties.
21 Mr Vanderpuye first.
22 MR VANDERPUYE: [13:06:44] Good morning, Mr President. Good morning, your
23 Honours. Good morning, everyone. Good morning, Mr Witness. Or, rather, good
24 afternoon to everyone. Today the Prosecution is represented by Maria Berdennikova,
25 Yassin Mostfa and myself, Kweku Vanderpuye.

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1 PRESIDING JUDGE SCHMITT: [13:07:00] Ms Massidda.

2 MS MASSIDDA: [13:07:01] Good afternoon, Mr President, your Honours. The
3 victims of the other crimes are represented today by myself, Paolina Massidda,
4 accompanied by Mr Orchlon Narantsetseg.

5 PRESIDING JUDGE SCHMITT: [13:07:14] Thank you.
6 Mr Suprun.

7 MR SUPRUN: [13:07:17] Good afternoon, 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: [13:07:26] And why -- we don't change anything,
11 Ms Dimitri first, although you are sitting different.

12 MS DIMITRI: [13:07:33] Good afternoon, Mr President. Good afternoon, your
13 Honours. Good afternoon, everyone. Mr Yekatom, who is present in the
14 courtroom this afternoon, is represented by Mr Gyo Suzuki, Mr Victor-Louis Lapointe
15 Saint-Pierre and myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [13:07:47] Thank you.
17 Mr Knoops.

18 MR KNOOPS: [13:07:50] Good afternoon, Mr President, your Honours, everyone in
19 the courtroom. The Defence of Mr Ngaïssona appears this afternoon before you
20 with Ms Despoina Eleftheriou, Mathilde Veronesi, *et* Camille Stuckel. And
21 Mr Landry is following the hearings from the field office.

22 PRESIDING JUDGE SCHMITT: [13:08:12] And your client is also in the courtroom.

23 MR KNOOPS: [13:08:15] And Mr Ngaïssona is --

24 PRESIDING JUDGE SCHMITT: [13:08:18] Yeah, okay. Thank you.

25 So We have this afternoon at the maximum two sessions. That should be more than

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1 enough to finish the witness.

2 Good afternoon, Mr Witness, Mr Mokpem Bionli. It's good to see you back, so to
3 speak. And we finish your examination this afternoon.

4 Mr Knoops, you have the floor.

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

6 (The witness speaks French)

7 (The witness gives evidence via video link)

8 THE WITNESS: [13:08:35](Interpretation) Good afternoon.

9 QUESTIONED BY MR KNOOPS: (Continuing)

10 Q. [13:08:41] Good afternoon, sir. Last week I questioned you about the role of
11 the minister of public security in 2014, Mr Denis Wangao-Kizimale.

12 My first question to you is when you were minister of arts and culture and tourism in
13 2017 till 2019, from that experience can you confirm that the minister of public
14 security held meetings with a committee which dealt with the security in the Central
15 African Republic?

16 A. [13:09:46] Yes, good afternoon to the Court. I don't know whether I can hold
17 up for an hour. I'm feeling really rotten.

18 If you could repeat the question, please. Repeat the question to me.

19 Q. [13:10:03] When you were minister of arts, culture and tourism in 2017 till 2019,
20 can you recall that the minister of public security had within his mandate a special
21 committee which dealt with the security in the country?

22 A. [13:10:43] A special committee? That's part of the bailiwick of the ministry of
23 public security. A special committee, that supposes that -- well, it's at the discretion
24 of the minister of public security. That committee -- that particular committee I don't
25 know. I can't tell you.

1 Q. [13:11:12] I'll call up Defence document 27, that's CAR-OTP-2099-0255.

2 PRESIDING JUDGE SCHMITT: [13:12:24] So it's now on the screen. To which part
3 of the document do you refer with regard to the witness?

4 MR KNOOPS: [13:12:34] Yes.

5 Q. [13:12:34] Mr Witness, this is a (Interpretation) Minutes of the technical
6 coordination committee (Speaks English) of 22 April 2014. And if you look at the
7 next page, that's 0256, you seen that it is signed by the minister of public security, also
8 by colonel -- the commander of Sangaris, Soriano.

9 And if you look at paragraph 4, sir, I read out what is mentioned here:

10 (Interpretation) "Minister Demafouth harks back to the meeting between the
11 president and certain Anti-Balaka representatives, including Mr Ngaïssona.

12 Although he makes mention of the commitment signed by the latter, Mr Demafouth
13 does stress that armed groups are -- active armed groups are still present in the
14 Castors, Sara and Fohu neighbourhoods. All the parties agree to common action by
15 the UPC/FSI/Sangaris (gendarmes) in these areas. Furthermore, General Soriano,
16 draws attention -- the government's attention to efforts under way by some to set up a
17 parallel army and is of the view that it is the task of the transitional authorities to fight
18 against all such attempts." End of quotation.

19 (Speaks English) My question to you, sir, first of all, were you familiar in 2014 with
20 the existence of this *comité de coordination technique*?

21 A. [13:15:13] I was telling you that I have no idea about this committee in 2014.

22 Did you say 2014? I have no idea. That was the responsibility of the transitional
23 government. I have no idea about this particular committee.

24 Q. [13:15:33] My second question regarding this document: Do you recall any
25 such action in 2014 on part of the transitional government as mentioned in this

1 paragraph 4?

2 A. [13:16:12] Is that a question you're asking me or ...

3 Q. [13:16:15] Yes, it is a question.

4 A. [13:16:19] I haven't understood your question.

5 Q. [13:16:22] Sir, the actions which are announced in this paragraph 4 I just read
6 out which the transitional government, i.e. the minister of defence, announces here,
7 did you experience in 2014 any of those actions? Did you see any actions of the kind
8 as mentioned here in this document?

9 A. [13:16:59] Actions in relation to the committee you were talking about or what?
10 Actions in relation to what? When it came to security, I was just a communicator,
11 I was concerned with communications. In relation --

12 Q. Can you --

13 THE INTERPRETER: [13:17:18] Overlapping. The witness -- the witness is -- the
14 witness trails off.

15 PRESIDING JUDGE SCHMITT: [13:17:26] I think you can move on, Mr Knoops.

16 MR KNOOPS: [13:17:29]

17 Q. [13:17:29] Very simply, Mr Witness, did the transitional government in 2014
18 undertake any actions, as far as you know, against the Anti-Balaka?

19 A. [13:17:48] Well, against the Anti-Balaka, during that period the demands from
20 the Anti-Balaka were not taken seriously, unlike what happened in relation to the
21 Seleka. That's what I can tell you. I would -- so that's what I can tell you about
22 actions against the Anti-Balaka.

23 Now, Madam Samba-Panza and *Mr Le Drian, the French minister who was visiting
24 Bangui, the minister of defence, sufficiently vilified the Anti-Balaka. The

25 Anti-Balaka were being demonised, so those were the sort of actions taken against the

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1 Anti-Balaka.

2 I repeat, I don't know whether I'm going to hold up. I have a problem with my
3 breathing right now.

4 Q. [13:18:54] Thank you.

5 PRESIDING JUDGE SCHMITT: [13:18:59] Let me -- wait a minute.

6 Mr Witness, we know your problem, we are taking care of them, we are taking them
7 into account, but you can be sure that soon your testimony will be over. And it's
8 also better for you if you get it over with this afternoon. Thank you for your
9 indulgence and also your patience and your time.

10 MR KNOOPS: [13:19:22]

11 Q. [13:19:22] And, Mr Witness, I'm trying to be as quick as possible, sir. And if
12 you -- if you could answer, please, as briefly as possible, then we can finish this
13 afternoon.

14 PRESIDING JUDGE SCHMITT: [13:19:36] And, Mr Knoops, you can really move on.
15 We had this issue several times also with other witnesses that -- how the Anti-Balaka
16 were treated by the transitional government or not treated.

17 MR KNOOPS: [13:19:49] Yeah.

18 Q. [13:19:50] Mr Witness, my second topic is the disorder you mentioned last week
19 in the transcripts of 31 January, page 98. I would like to address the impact of this
20 disorder on the ability to control the Anti-Balaka or what you mentioned the false
21 Anti-Balaka.

22 Now my first question is can you confirm whether the ComZones you mentioned last
23 week were actually self-proclaimed, the commanders of the ComZones?

24 A. [13:20:44] Self-proclaimed? No. It was by sector in the hinterland, by sector,
25 people organised themselves. It was necessary to find someone to lead, but they

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1 weren't called ComZones at that time. They were not zone commanders. They
2 were people responsible for groups. Later on, once they began to organise
3 themselves, that is when that expression came into being, ComZone, namely, zone
4 commander.

5 Q. [13:21:26] Thank you. Would you agree with me that the
6 National Coordination did not select the zone commanders?
7 Sir?

8 PRESIDING JUDGE SCHMITT: [13:22:12] Mr Witness, the question was if the
9 ComZones, the zone commanders were selected or appointed by the
10 National Coordination or if they were not appointed or selected by the
11 National Coordination. Thank you.

12 THE WITNESS: [13:22:30](Interpretation) Yes, I was saying earlier that in the past
13 when people organised themselves in the hinterland, they would organise themselves
14 into groups and someone had to organise them there, but they were not yet zone
15 commanders. I was talking about the implementation of the coordination. That is
16 when that expression came into use. That is what I was just telling you.

17 PRESIDING JUDGE SCHMITT: [13:23:00] Thank you.

18 MR KNOOPS: [13:23:02] Could I show the witness, please, maybe that will be more
19 helpful to show him a document, tab 17 of the Defence binder, one-seven, and that's
20 CAR-OTP-2068-0619 at page -- it's one document and if the court officer could scroll
21 down to the paragraph starting with "*Difficile de contrôler des hommes affamés.*" That's
22 on page 4 of that document.

23 PRESIDING JUDGE SCHMITT: [13:23:46] And, Mr Knoops, we all recognise the
24 situation here, and also for Mr Suzuki later on, please very short questions, as short
25 and succinct as possible.

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1 MR KNOOPS: [13:24:03] Yeah.

2 Q. [13:24:20] Mr Witness, are you still okay?

3 PRESIDING JUDGE SCHMITT: [13:24:27] Simply continue, Mr Knoops, until we
4 have other -- other notice.

5 MR KNOOPS: Okay.

6 PRESIDING JUDGE SCHMITT: [13:24:33] If we every two minutes ask him, we'll
7 never stop.

8 MR KNOOPS: [13:24:37]

9 Q. [13:24:38] Mr Witness, in this article, which was published on 5 August 2014,
10 you see a comment of Mr Emotion, Emotion Namsio, a little bit down, little bit down,
11 at the, yeah "*Difficile*": (Interpretation) "His spokesperson Emotion Namsio goes
12 further: 'No one will set down weapons until our act of bravery is recognised.'
13 And is particularly until the movement receives funding. Because there was not
14 poverty, Ngaïssona assured -- gave assurances that his militiamen would not commit
15 any acts of violence or any abuses. However, he justified them by saying that it was,
16 'very difficult to keep control over starving men'." End of quote.

17 (Speaks English) My question, Mr Witness: Does this reflect also your recollection of
18 the situation in 2014, that it was very difficult to control -- to control those individuals
19 we're speaking here about?

20 A. [13:26:26] It really escapes me, it escapes me. This document -- this is the first
21 time I've seen it, just like you. It completely escapes me.

22 PRESIDING JUDGE SCHMITT: [13:26:37] Mr Knoops, please allow me to rephrase
23 it.

24 Mr Witness, it was just there are two quotations from Mr Namsio Emotion and from
25 Mr Ngaïssona describing from their point of view the situation in the first half of 2014.

1 And the question is what they said, Mr Ngaïssona, for example, purportedly here in
2 the article that the Anti-Balaka starving men were difficult to control, does this accord
3 with your memory of the first half of 2014?

4 THE WITNESS: [13:27:18](Interpretation) I think I've already told you that when
5 Ngaïssona came back to the Central African Republic he put his hand in his pocket to
6 control the children. It means what it means. If I have to reason in this way, it's
7 because the young people, those young people were behind the events. They were
8 overtaken by the events. They had no resources. Mr Ngaïssona had resources and
9 he provided these resources to them. I also said that when -- that a starving men -- a
10 starving man does not listen to anyone.

11 So I've told you this. But other than that, this document escapes me. I've never
12 seen this article before. It completely escapes me.

13 PRESIDING JUDGE SCHMITT: [13:28:32] Thank you, Mr Witness.

14 I think we have the answer I would say.

15 MR KNOOPS: [13:28:36] Yeah. Can I please show the witness paragraph 72 of his
16 first statement, tab 20 of the Prosecution binder.

17 PRESIDING JUDGE SCHMITT: [13:29:12] You mean 2110-0061, I think; is this
18 correct?

19 MR KNOOPS: [13:29:18] Yes, 61.

20 PRESIDING JUDGE SCHMITT: [13:29:20] That's the page, yeah? Okay.

21 MR KNOOPS: [13:29:21] Paragraph 72.

22 PRESIDING JUDGE SCHMITT: [13:29:23] Again, 2110-0061.

23 MR KNOOPS: [13:29:30] Yes.

24 Q. [13:30:05] Mr Witness, sir, could you please look at the end of this page, you see
25 paragraph 72.

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1 PRESIDING JUDGE SCHMITT: [13:30:14] Please enlarge it. It's much too small.
2 Mr Vanderpuye.

3 MR VANDERPUYE: [13:30:19] It's in English.

4 PRESIDING JUDGE SCHMITT: [13:30:21] It's in English again so we would
5 have -- we would need the -- no, then I read it for him, Mr Knoops, so that we --

6 MR KNOOPS: Yeah.

7 PRESIDING JUDGE SCHMITT: [13:30:29] So, Mr Witness, this is, I read it out and
8 it's translated to you, what you said in your statement that are your words, and I
9 assume Mr Knoops wants to ask you a further question.

10 So your words: "The National Coordination was informed by phone of all the
11 incidents from these areas and they did whatever they could to calm things down but
12 the thing is that it was the people in that area who felt the impact of what was
13 happening." That's the end of the quote.

14 MR KNOOPS: [13:31:17] Yes.

15 Q. [13:31:18] Mr Witness, my question to you, sir, is what was your experience in
16 those days what the National Coordination did to calm things down? Can you, for
17 instance, give an example how they tried to calm things down?

18 A. [13:31:47] Can I answer the question, please?

19 PRESIDING JUDGE SCHMITT: Yes.

20 THE WITNESS: [13:32:07] (Interpretation) When something happened, especially in
21 the hinterland, there was a team that was set up and this team was often led by the
22 ComZone, the -- to observe the reality that happened and report on there. So -- and
23 it was this occasion that there was a team that was appointed to take actions, and very
24 often there was lack of subsistence and lack of means to control the elements. And
25 it's each time the commander would lead a team of five to -- four to five people.

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1 That's it.

2 Q. [13:33:13] Could you -- sir, could you please indicate the time frame where this
3 happened, these teams. Was it beginning of 2014 or the second half of 2014?

4 PRESIDING JUDGE SCHMITT: [13:33:31] (Overlapping speakers) the year could
5 also be possible.

6 MR KNOOPS: [13:33:38]

7 Q. [13:33:39] Or the year 2013, 2014.

8 A. [13:33:46] Can I answer?

9 Q. [13:33:47] Yes, please.

10 PRESIDING JUDGE SCHMITT: [13:33:48] Yes.

11 THE WITNESS: [13:33:51](Interpretation) To the best of my knowledge, it was the
12 end of the 2014 when these operations were conducted. When there was demands in
13 the hinterland, this is how the coordination would think they would send teams to
14 resolve the issue at hand. It was towards the end of 2014.

15 MR KNOOPS: [13:34:23]

16 Q. [13:34:24] Can you recall whether the international forces in 2014 deployed in
17 the Central African Republic were able to control the security situation specifically in
18 the first six months of 2014 in Bangui?

19 A. [13:34:59] Are you talking of Bangui or the hinterland?

20 Q. [13:35:03] First Bangui and then hinterland.

21 A. [13:35:15] There were many things happening and there were several
22 hypotheses made. Some people would say that the international forces were -- had
23 this cozy relationship with the Seleka elements. And this was for Bangui.

24 Now for the hinterland, these considerations applied. Controlling the situation as
25 such, I really do not know what to say with respect to this because I wasn't there on

1 the field. And I can't tell you exactly what happened, but there were several
2 assumptions that these international forces, these forces were working in hand with
3 the other camp.

4 Q. [13:36:23] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [13:36:24] We don't hear you at the moment.

6 I don't know if you have the microphone on. Actually I didn't hear you.

7 MR KNOOPS: [13:36:31]

8 Q. [13:36:32] Mr Witness, with the other camp, you mean the Seleka?

9 A. [13:36:41] That's what I said, the other camp is the Seleka. And as I said, when
10 the transitional government was there, many had actually joined the Seleka camp.
11 The other camp is the Seleka camp.

12 Q. [13:37:06] Mr Witness, can you recall that Mr Ngaïssona in that time frame of
13 2014 at any moment tried to stop the hostilities and the violence?

14 A. [13:37:30] This is what Mr Ngaïssona always did. When he came -- in fact,
15 in -- to the best of my knowledge, he was someone who did not want violence and he
16 did everything to calm the children. He was doing everything to appease the
17 tensions. He was doing everything to help the children stray off the path of
18 violence.

19 Q. [13:38:06] I'm now going to play an excerpt from an interview given on
20 3 April 2014, so in the crisis time frame, by Mr Alfred Ngaya. And it's Defence
21 binder tab 39, CAR-OTP-2135-1581, lines 200 till 214 and the transcript is to be found
22 in Defence -- oh, that's the transcript, the transcript is 39, tab 39, and the audio is
23 tab 15.

24 And my question to you, sir, is please listen to this commentary of Mr Ngaya on
25 behalf of the coordination and my question will be whether you have any recollection

1 to the statement of Mr Ngaya.

2 A. [13:39:20] Are you going to play the speech or do I have to -- do I have to answer
3 the question whether I'm aware of this? What exactly is the question?

4 PRESIDING JUDGE SCHMITT: [13:39:34] Mr Mokpem Bionli, please listen, we play
5 it, please listen to it and then Mr Knoops will ask you if you have any knowledge
6 about it or if you can confirm what is being, whatever. Please listen first.

7 So we listen now to the audio.

8 (Playing of the audio excerpt)

9 THE INTERPRETER: [13:39:59] (Interpretation of the video excerpt)

10 "... the patriots of Anti-Balaka, it's time to stop killings and infuse a momentum of
11 national reconciliation. And it is imperative for peace and security to return to
12 Central African Republic. And this is the position of Anti-Balaka and they have
13 defended this ever since the election of the transitional president in spite of the
14 content. It's first of all a question of a dialogue between the new authorities of
15 transition and Anti-Balaka and between the Anti-Balaka and the national and
16 international agencies, including the international forces. Now this really would
17 have helped us stop the exodus of Muslims from our region. They are Central
18 Africans and they do not have two countries. The Anti-Balaka thinks that it's the
19 responsibility of the government and the international partners to trigger a dialogue.
20 And this really should help us solve problems and restore security. We are
21 convinced that the international community does not lack resources to stop this
22 massive exodus of Muslims through inter-communal dialogue. And yet, it chose to
23 agree to these evacuations that is of no interest to anyone. We, Anti-Balaka, are
24 committed to restoring peace and normality to our country."

25 MR KNOOPS: [13:41:16]

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1 Q. [13:41:17] Mr Witness, this speech of Mr Ngaya, does it reflect the appeal of the
2 National Coordination in April 2014 to end the hostilities?

3 A. [13:41:44] Can I answer?

4 PRESIDING JUDGE SCHMITT: [13:41:46] Yes.

5 THE WITNESS: [13:41:49](Interpretation) Yes, this was a statement. I just came to
6 know about it. This was a statement and this was a statement that was made
7 with -- for the transitional government. This was a statement that was read out.
8 And I only got to know afterwards.

9 MR KNOOPS: [13:42:28]

10 Q. [13:42:29] But the -- my question is the content of this statement, was this
11 reflecting the actions of Mr Ngaïssona in April 2014?

12 A. [13:42:54] The declaration came out subsequent to Ngaïssona's position and it
13 was this -- at this level that the declaration was drafted by the policy councillor Ngaya.
14 In fact, it was around the month of April and I wasn't yet part of the coordination and
15 this declaration was made with a view to calming the tensions and the minds of the
16 youth and elements who were hostile. So it was basically read out to calm the
17 situation. This was an appeal for the government to calm the situation.

18 Q. [13:43:59] Mr Witness, I would like you to look at your second statement, that's
19 tab 63 of the OTP binder, paragraph 129 on CAR-OTP-2128-0309.

20 PRESIDING JUDGE SCHMITT: [13:44:38] I think we don't have to read it out.

21 MR KNOOPS: No.

22 PRESIDING JUDGE SCHMITT: [13:44:41] Because, first of all, it's in French and,
23 secondly, it has already been part of the questioning I think of Mr Vanderpuye, so the
24 witness might recall.

25 MR KNOOPS: [13:44:49] Yeah.

1 Q. [13:44:50] Mr Witness, in 2014 Mr Ngaïssona, as you explained in your second
2 statement, demanded or asked Ms Samba-Panza to include the Anti-Balaka in the
3 crisis exit programme, and she did not respond, according to your statement
4 paragraph 129. And for Mr Ngaïssona this was not acceptable. As a result, he, as
5 you said, decided to launch an operation *ville morte*.

6 My question to you is was this operation *ville morte* a protest on behalf of the
7 population against the non-inclusion of the Anti-Balaka in this crisis exit programme?

8 A. [13:46:03] It's exactly that because it was the other camp that was favoured and
9 the other camp was involved in the actions of the government and the Anti-Balaka
10 entity was sidelined, and this was the -- these were the consequences that led to the
11 *ville morte* day. It was basically to draw the attention of the government to this
12 negligence that was completely unacceptable.

13 Q. [13:47:09] I will show you a short clip, a video clip, tab 6 of the Defence binder,
14 and the transcript of that clip is to be found at tab 37. And please, Mr Witness, look
15 first at the video and I'll have a question afterwards.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [13:47:45] (Interpretation of the video excerpt)

18 "... you are saying that ever since she was elected as the transitional president,

19 Mrs Catherine Samba-Panza did not rise up to the challenges, is that it?

20 Currently, there's a lack of will in order to allow Central Africans to reconcile, for
21 instance, between Anti-Balaka and the Seleka, and that was a problem for these
22 *événements* on the last day ..." inaudible.

23 MR KNOOPS: [13:48:28]

24 Q. [13:48:29] Mr Witness, can you confirm that according to your experience in the
25 first time frame of 2014, the first six months of 2014, there was no will on part of the

1 transitional government to reconcile the Anti-Balaka and the Seleka?

2 A. [13:49:05] No, well, I don't know. I don't know if it could be put that way, but
3 as I said, it was the other camp, the Seleka camp that was favoured. And as far as
4 I'm concerned, this government was basically catering to the demands of the Seleka
5 who wanted to have the whip hand on the situation.

6 Now -- but not having the will to do so, well, this government was basically only
7 catering to the demands of Seleka and perhaps that's what it is.

8 Q. [13:49:47] Thank you, Mr Witness. I have now few questions on the
9 coordination meetings and I'm trying to accelerate as much as possible, sir.

10 My first question to you is you regularly attended the coordination meetings from
11 June 2014, as also mentioned in your first statement, paragraph 100. How many
12 approximately of those meetings did you attend from June 2014?

13 A. [13:50:31] The exact number of meetings, I don't know if I can actually recall that,
14 but I did attend many meetings. Some of them were convened at Mr Ngaïssona's
15 residence, and when it was an extended meeting, there was a meeting room at the
16 Azimut hotel where you had many elements gathering. But to tell you how many
17 meetings I attended, I really cannot recall that information. But there were meetings.
18 I did -- I did attend these meetings.

19 Q. [13:51:15] Thank you, sir.

20 Could you briefly explain to the judges what was the role of Mr Ngaïssona during
21 those meetings.

22 A. [13:51:34] What role? Well, when these people would gather, it was actually to
23 give them advice and -- and also do what was needed to bring peace into the country.
24 And that was the objective, the goal. When there was a misunderstanding
25 somewhere, or some misunderstanding as the leader of a group, you really had to get

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1 people to understand the need to be part of an ordered and disciplined group. And
2 this is why he would convene these meetings.

3 Q. [13:52:29] Did Mr Ngaïssona ever during one of those meetings you attended
4 give an order to attack people, assault people to fight with armed -- with arms or any
5 order given to conduct violence?

6 A. [13:53:11] No. I -- to the best of my knowledge, I have never heard Ngaïssona
7 give such orders. I've always said that I met -- I saw that Mr Ngaïssona was
8 basically annoyed with respect to the government -- Samba-Panza government's
9 negligence, but giving an order to attack, no, to the best of my knowledge, no. I've
10 never seen that, I've never observed that and I've never experienced that.

11 Q. [13:53:59] Are you familiar with a person with the name Cyrille Junior
12 Toungouma?

13 A. [13:54:17] Cyrille, I don't know -- Cyrille Junior Toungouma.

14 THE INTERPRETER: [13:54:23] The interpreter corrects himself: Cyrille Junior
15 Toungouma.

16 THE WITNESS: [13:54:31](Interpretation) You said Cyrille Junior Toungouma, that's
17 it? Is that it?

18 MR KNOOPS: [13:54:37]

19 Q. [13:54:40] Yes.

20 A. [13:54:41] I do not know this person. I do not know.

21 MR KNOOPS: [13:54:48] Mr President, I have one question for private session.

22 PRESIDING JUDGE SCHMITT: [13:54:52] We go to private session.

23 (Private session at 1.54 p.m.)

24 THE COURT OFFICER: [13:54:56] We are in private session, Mr President.

25 (Redacted)

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5 (Open session at 1.59 p.m.)

6 THE COURT OFFICER: [13:59:31] We are back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [13:59:33] Thank you.

8 MR KNOOPS: [13:59:36]

9 Q. [13:59:37] Mr Witness -- if the court officer could enlarge the document and
10 especially the fifth bullet, yeah.

11 (Interpretation) "We deplore the random arrests of the coordinator of the Anti-Balaka
12 movement, Mr Patrice Ngaïssona, and so he was -- and the defamation, he was the
13 object of defamation on the radio stations both national and international by the
14 commander-in-chief of MISCA".

15 (Speaks English) My question to you, sir, is: Are you in agreement with the
16 statement which was given in February 2014 which is just read out to you, that the
17 arrests - you were also subjected to one of them - were arbitrarily made in order to
18 harm Mr Ngaïssona and others?

19 A. [14:01:19] Is that a question?

20 Q. [14:01:21] Yes, please.

21 A. [14:01:29] Could you repeat the question.

22 PRESIDING JUDGE SCHMITT: [14:01:32] Mr Witness, you have seen this
23 declaration. It's from February 2014. And it is said there that the arrestation of
24 these people was arbitrary and it was sort of a defamation inter alia of Mr Ngaïssona.
25 So do you agree with that statement?

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1 THE WITNESS: [14:02:04](Interpretation) I can't make any sense of this, this
2 statement. It's an utter mystery to me. Unless the question was misunderstood.
3 But I really can't make sense of this. Could you read it to me again?

4 PRESIDING JUDGE SCHMITT: [14:02:25] Is this really -- is this really necessary? I
5 don't think so.

6 MR KNOOPS: [14:02:30] Maybe very simplified question.

7 Q. [14:02:34] Mr Witness, do you recall the arrest of the 11 individuals you
8 mentioned also last week? And my question is do you -- did you have information
9 at that time that these arrests were -- did have a foundation? Were they justified in
10 your opinion?

11 PRESIDING JUDGE SCHMITT: [14:02:59] Just a second, Mr Knoops.
12 Mr Vanderpuye.

13 MR VANDERPUYE: [14:03:03] Mr President, this is -- first of all, I think the question
14 is objectionable. But beyond that, as we mentioned quite some time ago, our
15 information is that a member of the Ngaïssona Defence team represented this witness
16 in the context of those proceedings and is aware of the foundation of the charges, or
17 the lack thereof. So I don't know that it's an appropriate question to put to this
18 witness given that connection. But -- and I believe we made the Defence aware of
19 that, if you look at our tab 5, concerning the nature and the scope of that arrest and
20 the circumstances and the representation issue, which the Chamber I think is aware
21 of.

22 PRESIDING JUDGE SCHMITT: [14:03:47] But simply to ask the witness if -- what is
23 in this statement, if this -- if he has information that accords with this, I think it would
24 be okay.

25 So, Mr Witness, I repeat: They deplore here the arrestation of the people, of 10

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1 elements of Anti-Balaka as arbitrary. Does this -- would you agree with that from
2 your perspective, from your information; and if so, why?

3 THE WITNESS: [14:04:30](Interpretation) I don't know what this is about. I don't
4 know whether this is about the arrest that I was part of. Indeed an arbitrary arrest,
5 because I too spent -- well, I spent three months, nearly -- correction, there were about
6 11 of us. Are you talking about those arrests? I spent nearly three weeks, three
7 weeks in the prison. And if so, yes, I would say so, yes. Because they were
8 forces -- international forces who were operating and arrested those people. I was
9 part of that. I don't know whether you are asking me about that. We were at
10 Ngaragba and we spent about three weeks there.

11 MR KNOOPS: [14:05:31]

12 Q. [14:05:31] Mr Witness, can you -- Mr Witness, can you confirm that before
13 the -- these arrests, Mr Ngaïssona openly criticised the commander Soriano for
14 qualifying the Anti-Balaka as enemies -- enemies of peace?

15 A. [14:05:53] I think I've told you that, well, the Anti-Balaka were *being
16 demonised, and when I was telling you about the French minister, Mr Le Drian, he
17 called them devils, enemies of peace, indeed that's what he said.
18 And the general you were mentioning, General Soriano, he was operating under the
19 orders of the minister of the time, the defence minister at the time. So the
20 Anti-Balaka, people were indeed called devils, yes.

21 Q. [14:06:53] Mr Witness, you have described the escape from prison where you
22 stayed in February 2014, the Ngaragba prison, in detail and that's the first statement
23 of the witness paragraph 101 and 112 till 114.

24 My question though today is the following: In 2018, when you were minister of arts,
25 culture and tourism, 2018, did you ever hear about an attack by the military forces or

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1 by military individuals on the prison camp la Roux -- Camp de Roux in 2018?

2 A. [14:07:57] An attack perpetrated by whom? That's what the question is all
3 about.

4 Q. [14:08:03] An attack allegedly organised by Mr Ngaïssona on the prison Camp
5 de Roux by armed forces. And they allegedly entered that prison to attack one of the
6 prisoners. Did you hear in 2018 when you were minister of such an incident?

7 A. [14:08:35] Not at all. Not at all. Not at all.

8 MR KNOOPS: [14:08:41] This document I would like to show in private session,
9 Mr President. It's tab 61 of the Defence binder.

10 PRESIDING JUDGE SCHMITT: [14:08:49] Private session.

11 MR KNOOPS: [14:08:55] It's CAR-OT -- CAR-D30-003-0010.

12 (Private session at 2.09 p.m.)

13 THE COURT OFFICER: [14:09:05] We are in private session, Mr President.

14 (Redacted)

15 (Redacted)

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22 (Open session at 2.14 p.m.)

23 THE COURT OFFICER: [14:14:41] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [14:15:03] Okay. So some five minutes or perhaps

25 we --

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1 MR KNOOPS: [14:15:08] I'm really close, Mr President --

2 PRESIDING JUDGE SCHMITT: [14:15:14] -- we wait -- yeah, yeah --

3 MR KNOOPS: -- to finish.

4 PRESIDING JUDGE SCHMITT: [14:15:16] Yeah, yeah.

5 Also to bridge the gap -- oh, no, this I could only have said in private session, with
6 regard to a certain witness. Next time when we are in private session, bridging the
7 gap, I do mention the name again.

8 (Pause in proceedings)

9 PRESIDING JUDGE SCHMITT: [14:16:19] So you won't believe it, but the electricity
10 has broken down there in the field office. So this takes longer. So let's have a break
11 until let's say perhaps a quarter to three, so we have -- so that we can have a coffee
12 perhaps and we hope it is fixed then. And we really trust that the examination will
13 finish soon.

14 And now I overstep a little bit. I don't see much, much reason for redirect.

15 So we have a break.

16 THE COURT USHER: [14:16:53] All rise.

17 (Recess taken at 2.16 p.m.)

18 (Upon resuming in open session at 2.47 p.m.)

19 PRESIDING JUDGE SCHMITT: [14:47:53] Mr Knoops.

20 MR KNOOPS: [14:47:54] Mr President, I have six questions left for the witness.

21 PRESIDING JUDGE SCHMITT: [14:47:59] And counting.

22 MR KNOOPS: [14:48:00] Excluding sub-questions.

23 Q. [14:48:05] Mr Witness, I have six questions left for you, sir, so I have
24 accommodated your -- your situation.

25 My first question was posed before the break. Again, in September 2014,

1 Ms Samba-Panza came back from the United States where she went to the United
2 Nations New York and she was -- the transitional government received a fund from
3 the Angolan government to the amount of 2.5 billion CFA. Apparently that money
4 disappeared. Ms Samba-Panza had to give an account for the disappearance at the
5 General Assembly, and the Anti-Balaka were led to believe that Mr Ngaïssona was
6 responsible for the embezzlement of that money.

7 What is the information you can give us on this incident?

8 A. [14:49:35] Yes, ma'am, the sound is not very good. Is that the same question
9 that was put to me before, before the problem with the electricity? It was about a
10 certain amount of money that madam president received from Angola. Is that what
11 you're asking me about?

12 PRESIDING JUDGE SCHMITT: [14:49:54] Yes, it's about this. It's exactly the same
13 question. So please answer.

14 THE WITNESS: [14:50:02](Interpretation) And that Mr Ngaïssona allegedly
15 provoked the disappearance of this money, is that what you're asking?

16 MR KNOOPS: [14:50:14]

17 Q. [14:50:15] Yes, sir.

18 A. [14:50:18] Yes. I don't know. Truly, when it comes to that sort of thing, well,
19 we all received information to the effect that Ms Samba had received a certain amount
20 of money from Angola. Are you talking about 2 billion or 10 billion? What we
21 heard was 10 billion, something like that, from Angola and that the money allegedly
22 was used by madam president, Madam Samba-Panza. But to say that Mr Ngaïssona
23 caused the disappearance of that money, no. I think we have to be serious here.
24 What sort of strength or force did he have at that time to make such an amount of
25 money disappear at that time, money received by Ms Samba-Panza?

1 What I heard from many others, and many other people from the CAR heard the
2 same thing, that allegedly she distributed the money and some of it, cash, was given
3 to her daughter who was appointed ambassador to Equatorial Guinea. That's the
4 information that we got. Whether it's true or false, I don't know.

5 But honestly, in my opinion, that's slander when it comes to Mr Ngaïssona. He had
6 no force, no power to have large amounts of money disappear like that. Many
7 people in the Central African Republic were informed about the distribution of the
8 money in the circles that the transitional president travelled in.

9 So that's what I can tell you.

10 Q. [14:52:32] Thank you, sir.

11 My second question is: Can you confirm or do you have any information whether
12 the transitional government -- sir, do you have any information whether the
13 transitional government in 2014 gave money to the Anti-Balaka elements?

14 A. [14:53:11] Giving money to the Anti-Balaka elements? Well, I can tell you this:
15 During the meeting between the Anti-Balaka representatives, who were received by
16 Ms Samba-Panza, who was transitional president at the time, 1 million -- 1 million
17 CFA francs, that amount was provided to the four elements representing the
18 Anti-Balaka, 1 million, to my knowledge, because I myself had taken part in that
19 discussion.

20 Q. [14:53:52] Can you indicate approximately when in 2014 this happened? Was it
21 before June or after June 2014?

22 A. [14:54:13] I believe it was after June. It happened the day that Ms Samba-Panza
23 received us, it was the same day. It was her chief of staff who provided the money
24 to Mr Kokate, who was part of the delegation.

25 Q. [14:54:34] Do you know for what purpose that money was given to the

1 Anti-Balaka elements?

2 A. [14:54:57] For what purpose? I don't know. I don't know why the money was
3 given to them. Was it a form of thanks for responding to the invitation from madam
4 president? I don't know exactly what the purpose was, but in any event, that
5 amount, 1 million CFA francs was given to the delegation.

6 Q. [14:55:22] Do you have any information or -- whether Mr Demafouth ever let the
7 Anti-Balaka believe that Mr Ngaïssona embezzled money received for the purposes of
8 feeding the Anti-Balaka or for other purposes?

9 A. [14:56:01] I have no knowledge of that. But when it comes to Mr Demafouth,
10 he is a manipulator. I can tell you that. He's the kind of person who manipulates
11 others. And as much as is possible, he can -- he was in a position to have some
12 Anti-Balaka people believe that. But I don't know. It might be a very closely held
13 secret. I'm not informed of what -- about Ms Samba-Panza giving money to
14 Ngaïssona. I was there when the money was handed over to Mr Kokate by the chief
15 of staff of Mrs Samba-Panza.

16 Q. [14:56:54] Did you ever receive any information whether Mr Ngaïssona was
17 involved in the destabilisation of the transitional government?

18 A. [14:57:19] The destabilisation? I don't know. Was the transitional
19 government destabilised? To my knowledge it wasn't. They *went all the way to
20 the end until the election in 2015, 2016. So to talk about destabilising the
21 government, that's a red herring, a personal opinion.

22 Q. [14:57:52] Some witnesses came before this Court and asserted that
23 Mr Ngaïssona was involved in organising a coup d'état in 2014 against the
24 transitional government. What would you say to such a comment?

25 A. [14:58:22] Once again, allow me to say that's a red herring. There was no

1 attempted to coup d'état during the time of the transitional government.

2 Mr Ngaïssona to my knowledge provided a lot of assistance. The only time that I
3 saw -- well, once we saw together that an Anti-Balaka organisation had been
4 neglected, but I can -- some people talked about a coup d'état, but some people tried
5 to associate Mr Ngaïssona with this. Who would try to involve him in this sort of
6 thing?

7 Q. [14:59:20] Thank you.

8 My fourth last topic is the establishment of the PCUD which we talked about last
9 week. And the Prosecution, just to refresh your memory, presented to you tab 10 of
10 their binder.

11 Perhaps it's wise to show the witness just to be clear that we are speaking about the
12 same document. Maybe just pull up tab 10 very briefly, CAR-OTP-2030-0445.

13 And after this I will put some documents to you.

14 It's there.

15 It's dated 10 December 2014. Can we show the date again. 10 December 2014.

16 Now, I suggest to you, Witness, sir, that this document, tab 10, it's not a document
17 which prolongs the Anti-Balaka, but that's a document which is prepared for the
18 DDR.

19 And I will show you now, first of all, a Defence document, it's tab 44,

20 CAR-D30-0001-0082.

21 PRESIDING JUDGE SCHMITT: [15:02:23] That's quite a long document, so we can't
22 show it completely to the witness.

23 MR KNOOPS: [15:02:27] No, just the first page, that would suffice, Mr President.

24 Just to show the witness that there was an extraordinary general assembly meeting of
25 the Anti-Balaka, 23 October 2014, in which two decisions were taken: First, to refuse

1 the transformation of the Anti-Balaka into a political party; and two, not to distance
2 the movement from Mr Ngaïssona but to dismiss him as general coordinator and
3 assign Mr Maxime Mokom as new general coordinator.

4 Q. [15:03:07] My question to you, sir: Can you recall that in October 2014 those
5 two decisions were made? So there was a refusal to transform the Anti-Balaka into a
6 political party, to dismiss Mr Ngaïssona as a general coordinator and instead
7 designate Maxime Mokom as a new general coordinator. Can you recall this
8 meeting in October 2014?

9 A. [15:03:48] Can I answer the question?

10 Q. [15:03:50] Yes, please.

11 A. [15:03:56] Yes. Yes. Remove him? I don't think so. The transformation of
12 the Anti-Balaka entity into a political party was not to the taste of some people,
13 including Maxime Mokom. And this is when there was a division in the Anti-Balaka,
14 Ngaïssona and Anti-Balaka and Mokom.

15 Now why this decision, why transform Anti-Balaka into a political party? And
16 Maxime Mokom believed that, he assumed that -- in fact, they were for Bozize
17 because he already had a party called KNK, so the PCUD could combat the KNK,
18 whose president was Bozize.

19 Now removing Ngaïssona, no. There was a division. Mr Mokom chose to separate
20 with certain Anti-Balaka elements to constitute the Maxime Anti-Balaka wing. So
21 there was nothing about removing Mr Ngaïssona.

22 Q. [15:05:47] Could you please look at page 88 -- 0083 of the document, it's the
23 second page in the middle. You see (Interpretation) "... refused to follow Patrick
24 Ngaïssona in his own political ambition."

25 (Speaks English) Can you recall that there was resistance that Mr Ngaïssona was

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1 intending to transform the Anti-Balaka into political party to drop the weapons and
2 that peace would be restored by the establishment of this PCUD?

3 A. [15:06:54] This is what I just explained. That (Overlapping speakers)

4 Q. [15:07:06] (Overlapping speakers) can you recall that Mr Ngaïssona after this
5 extraordinary meeting gave a press conference on 29 November 2019 in which he
6 officially announces the constitution of the PCUD and asked for the weapons to be
7 dropped and peace to be restored.

8 A. [15:07:52] Do I have to answer this or not?

9 PRESIDING JUDGE SCHMITT: [15:07:57] If you have information about this, you
10 can tell us. If not, you also tell us. Then we continue to the next question.

11 THE WITNESS: [15:08:12](Interpretation) I only know what I just explained to you.
12 The transformation of Anti-Balaka into a political party was not to the taste of certain
13 people, including Maxime Mokom. And this is why they basically created the
14 Anti-Balaka Mokom wing.

15 MR KNOOPS:

16 Q. [15:08:40] Mr Witness, I'm just now about to finish my examination, but
17 I -- before I do so, I would like to ask you to look at a video of a press conference of
18 Mr Ngaïssona of 29 November 2014. It's tab 42 in our binder, CAR-OTP-2023-2920,
19 with related transcript at CAR-OTP-2107-1519, tab 43 of the Defence binder. Please,
20 sir, would you be so kind to look at this video, after which I have a question.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [15:09:33] (Interpretation of the video excerpt)

23 "The population of our country, I can assure you, ladies and gentlemen, that the
24 combatants have decided to turn this dark page of history that we've experienced in
25 this country. From now on, we will adopt a forward-looking approach, look into the

1 future, and as responsible men, and we be mindful of creating a better future for the
2 Central African Republic and its people. To concretize this position with
3 determination. I could -- I solemnly state that on behalf of the Anti-Balaka patriots
4 and on a personal standpoint, and as of today, the Anti-Balaka patriotic movement
5 will take on the shape of a political party. This political party will be called *Parti*
6 *centrafricain pour l'unité et le développement.*" The Central African Party for Unity and
7 Development.
8 "Abbreviated, abbreviated as PCUD, with the motto being unity - we must unite,
9 love - we must love thy kin, and work - we must work to progress. The slogan of
10 these patriots today in Sango language is: *Ilimbi* [phon].
11 *Ilimbi* [phon] ... And through the determination of the Central African people, we can
12 develop our country. We can bring the Central Africans to peace, to health, to
13 education, to work, and together we can develop our country. Today, none of the
14 Anti-Balaka elements should use their weapons. Irrespective of the motives, the
15 weapons should be stowed away, put away permanently. But yet, if there is a bad
16 seed who infiltrates our group and would break these rules, as of today, Saturday
17 29 November, he will be tried before law. And it is at this occasion, you, as a witness,
18 and the -- at the national, international front, we should strongly support our actions
19 so that the commitment taken by the PCUD is flawless. Having said this, we are
20 now going to close the session in order to proceed to the opening ..."
21 End of speech.

22 MR KNOOPS:

23 Q. [15:13:19] Mr Witness, can you confirm that the endeavour of Mr Ngaïssona on
24 29 November 2014 was that the Anti-Balaka movement was not to be continued as a
25 resistance movement or a patriotic movement, but simply and purely as a political

1 party?

2 A. [15:13:57] I think that this statement is clear. This was during the general
3 assembly where the creation of PCUD was proclaimed. Mr Ngaïssona was very
4 clear.

5 I don't know what extra information I can bring. On that day, I myself was the
6 secretary of the session. It was the general assembly for the creation of PCUD, to the
7 best of my knowledge.

8 Q. [15:14:44] Mr Witness, at the end of my examination, I have one final question to
9 you, sir.

10 Mr Ngaïssona was asked by others to play a political role in 2014 in achieving peace
11 because of his prominent position as a member of the civil society, but at the very end,
12 it remained the responsibility of the transitional government to control the security
13 and to deal with violence. Would you agree with this position?

14 PRESIDING JUDGE SCHMITT: [15:15:41] Mr Vanderpuye.

15 MR VANDERPUYE: [15:15:42] Yes, Mr President. We've touched on this before.

16 It is a question of asking the witness to determine what are the legal obligations, if not
17 social obligations, of the transitional government. He's not in a position to do that.
18 And I think Mr Knoops is aware of that.

19 PRESIDING JUDGE SCHMITT: [15:15:59] Mr Knoops, I agree. You can rephrase it
20 and try to elicit the same -- I would not say information. It's more an opinion,
21 actually, what you're asking for, frankly speaking.

22 MR KNOOPS: [15:16:10] Well, with all due respect, he was the minister -- he was the
23 minister from 2017 to 2019. So ...

24 PRESIDING JUDGE SCHMITT: [15:16:14] But it's a little bit composed. First of all,
25 it entails the information that Mr -- if I understood you correctly, that Mr Ngaïssona

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1 had been put upon a role that was not his. So if you rephrase it a little bit in that
2 way, I would allow it.

3 MR KNOOPS: [15:16:34] Okay. I'll --

4 PRESIDING JUDGE SCHMITT: [15:16:36] If this was the case, and then
5 if -- according to the answer that we get, you can continue from there.

6 MR KNOOPS: [15:16:44] Yeah. Thank you, Mr President.

7 Q. [15:16:46] Mr Witness, would you agree with me that the role of Mr Ngaïssona,
8 when asked to become the national coordinator in 2014, was purely a political role
9 and had nothing to do with the control of the Anti-Balaka movement?

10 A. [15:17:17] I don't know what you're referring to by asking me this question.
11 It's -- the date is 29 November 2014, or do you want me to go back in time for the
12 coordination? Ngaïssona became the president of the party.

13 PRESIDING JUDGE SCHMITT: [15:17:39] If you allow me, Mr Knoops.
14 Mr Witness, looking at 2014, the whole of 2014, not now 29 November 2014, and
15 especially of course the time when you were in the National Coordination from June
16 on, June 2014, what was your perception, what was in your mind, according to your
17 information, the role of Mr Ngaïssona? How would you describe the role of
18 Mr Ngaïssona during that time? Now before 29 November 2014.

19 THE WITNESS: [15:18:29](Interpretation) Now the question is quite specific.
20 When -- Ngaïssona's role, when he came to Bangui, was to organise Anti-Balaka
21 elements, to channel them in the direction to peace, to achieving peace, and so that
22 they don't fall into violence. He was appointed to organise, to supervise these
23 Anti-Balaka elements, the combatants of the resistance. So you need -- you need to
24 have a mindset of peace, get away from violence in order to bring peace, to bring
25 people -- the combatants to peace development. So this is how I can reply to this

1 question.

2 MR KNOOPS: [15:19:25] My last question, Mr President, to the witness is:

3 Q. [15:19:30] Mr Witness, is it, in accordance with your experience in the time
4 before 29 November 2014, that Mr Ngaissona, with his actions and his initiatives,
5 stayed within this mandate?

6 A. [15:20:05] What mandate are you talking about?

7 Q. [15:20:08] The task to channel the elements into peace.

8 A. [15:20:23] This is the role he played to the very end, until the entity was
9 transformed into a political movement. This is the role he played. With all the
10 obstacles he had to encounter, with the incursion of certain bad elements, and he
11 always played that role.

12 Q. [15:20:55] Thank you very much, Mr Witness. I'm grateful for your answers,
13 and I wish you all the best with your health condition, sir.

14 PRESIDING JUDGE SCHMITT: [15:21:05] Thank you, Mr Knoops.

15 It's now the turn of the Defence of Mr Yekatom. I assume Mr Suzuki is questioning.
16 I think we had that last week.

17 You have the floor.

18 MR SUZUKI: [15:21:18] Thank you, Mr President.

19 QUESTIONED BY MR SUZUKI:

20 Q. [15:21:24] Good afternoon, Mr Witness. My name is Gyo Suzuki, and I'll be
21 asking a handful of questions on behalf of Mr Yekatom today. I should only take 20
22 or 30 minutes. So I'd ask for your patience in advance, and hopefully we'll be
23 finished with this quickly. Is that clear enough?

24 Do you hear me, Mr Witness?

25 A. [15:22:07] Is that question directed to me? I'm really tired. You were speaking

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1 to Mr Suzuki and the question was directed to me, so that's why I did not understand.

2 PRESIDING JUDGE SCHMITT: [15:22:26] It's no problem, Mr Witness, and we
3 understand that you are tired. Mr Suzuki simply said that he will finish in
4 20 minutes, and I think we -- together we will finish that, and then you are relieved
5 from your duties here. And I think you will also be happy when it's over.

6 So, Mr Suzuki, simply continue with your examination, please.

7 MR SUZUKI: [15:22:52] Thank you, your Honour.

8 Q. [15:22:55] Mr Witness, I'd like to start with your experience of the Seleka in
9 Boy-Rabe. In your 2019 witness statement, at paragraph 29, you said that the -- upon
10 the arrival of the Seleka in Bangui, that they installed themselves in Boy-Rabe. By
11 this, do you mean that they used houses of Boy-Rabe residents as bases?

12 A. [15:23:34] Can I answer the question now?

13 Q. [15:23:37] Please.

14 A. [15:23:43] Can I answer the question now?

15 PRESIDING JUDGE SCHMITT: [15:23:47] Yes, Mr Witness. Please answer.

16 THE WITNESS: [15:23:53](Interpretation) Yes. What I can say is when the Seleka
17 arrived, they had a base at the Barthélémy Boganda lycée, or high school, and that
18 leads to Boy-Rabe. They also set up another base in Boy-Rabe itself, virtually in front
19 of the concession, and another base while going to the Ndress graveyard or cemetery.
20 I don't know if you have an idea of what I'm talking about here.

21 MR SUZUKI:

22 Q. [15:24:50] Thank you, Mr Witness. My question -- thank you for those answers,
23 but my question was a bit more general. Just broadly speaking, did they -- did they
24 use the homes of Boy-Rabe residents as bases on occasion?

25 A. [15:25:17] The houses of inhabitants or residents, *and more specifically, well, a

1 small group of Seleka elements were based somewhere around Mr Ngaïssona's
2 warehouse as you head towards Camp Kassai. But they weren't inside, they were
3 just in front. In front of my house, they were, let's say, their base was at -- the edges
4 of the road, around the Lycée Barthélémy Boganda. The lycée is opposite, almost at
5 the entrance of the lycée. It's a big lycée. It's the biggest lycée in Bangui.

6 Q. [15:26:03] Thank you for that, Mr Witness. This -- this base at Lycée Boganda,
7 was that established upon the arrival of the Seleka? So in March 2013, in terms of
8 timing.

9 A. [15:26:21] Yes, it was upon their arrival. When they crossed Bangui, they
10 selected bases to set themselves up.

11 Q. [15:26:38] Thank you. And do you -- do you have an idea of how many
12 elements were based in this -- in this base at Lycée Boganda? Just a rough estimate is
13 fine.

14 A. [15:27:02] I can't tell you how many, but there were many of them. They were
15 really -- they came in great numbers.

16 Q. [15:27:12] Thank you. And it's also correct that many Seleka were based across
17 the road from the Lycée Boganda in the 36 Villas neighbourhood; is that right?
18 36 Villas.

19 A. [15:27:38] Indeed, they were at 36 Villas. And even as we speak today, there
20 are certain elements who remain there. Some of the elements are still living there.
21 They were at 36 Villas, and it was opposite the *Assemblée nationale* and not opposite
22 the lycée. Towards the end.

23 Q. [15:28:16] Thank you. And can you confirm that there were Seleka bases just
24 before the Ndress cemetery at Pougoulou market and Karting?

25 A. [15:28:45] You mean Pougoulou? You mean Pougoulou and Ndress? Yes,

1 Ndress, Karting.

2 Q. [15:28:57] Yes, Pougoulou market. So, just to be clear, you do confirm --

3 A. [15:29:02] Pougoulou, yes. I confirm that when I spoke about Mr Ngaïssona's
4 warehouse, that's in Pougoulou.

5 Q. [15:29:17] Thank you. And the second -- the second location next to the Ndress
6 cemetery is Karting, K-A-R-T-I-N-G?

7 A. [15:29:31] Karting is -- it's a field for mini-cars to race, and that's why it was
8 called Karting.

9 Q. [15:29:50] Okay. And just for the -- so it's clear on the transcript, you're
10 confirming that there was a Seleka base at the -- at Karting; is that right?

11 A. [15:30:06] Indeed.

12 Q. [15:30:10] Thank you, Mr Witness.

13 In your 2019 witness statement, at paragraph 29, you stated in French:

14 (Interpretation) "Maps of the city that allowed them to know where important people
15 were to be found."

16 (Speaks English) Was it the locals of Bangui who provided this information to the
17 Seleka?

18 A. [15:30:43] Could you repeat your question, please.

19 Q. [15:30:47] I'll read what you said in your -- in your statement again. You said:

20 (Interpretation) "They had maps of the city that allowed them to know where the
21 important people were to be found."

22 (Speaks English) Can you confirm that it was Bangui locals who provided this
23 information to the Seleka?

24 A. [15:31:25] The people from where? What do you mean? What does this
25 mean?

1 No. I was saying that when the Seleka came to Seleka, they had maps of all the
2 important people, the high level people in each neighbourhood. Someone like
3 Ngaïssona knew -- well, he was an important person in the neighbourhood, and
4 many other peoples. And when they came to Bangui, they had these maps, and that
5 allowed them to crisscross the neighbourhood and then start looting homes and the
6 like.

7 PRESIDING JUDGE SCHMITT: [15:32:14] Mr Suzuki, perhaps allow me.

8 Mr Mokpem, yes, we understand that. Where did they get the information from?

9 You know they came from outside. They came to Bangui. So they had this

10 information. Who provided these people, the Seleka, with this information? If you
11 know.

12 THE WITNESS: [15:32:45](Interpretation) I can't tell you that. When they came
13 from far away, from outside, I don't know how they got all that information.

14 Because to take the time to draw a map, that doesn't -- that's not the kind of
15 information that goes from one person to the next by word of mouth. They had
16 maps. They got the information from far away.

17 PRESIDING JUDGE SCHMITT: [15:33:15] I think you have to move on, Mr Suzuki.

18 You don't get more specific information here.

19 MR SUZUKI: [15:33:20] Thank you, Mr President.

20 Q. [15:33:24] Mr Witness, an individual gave a statement to the Prosecution about
21 informants, and this person stated, "the Seleka used to pay young Boy-Rabe men who
22 needed the money, 5000 francs to point out houses." Is this something that you were
23 aware of?

24 A. [15:33:58] I'm not aware of that. I am not aware of that because, to my
25 knowledge, all the young people in Boy-Rabe were thought of as resistance, as

1 Anti-Balaka people, people who were opposed to any action by the Seleka. So I
2 would be surprised. I would really be surprised.

3 Q. [15:34:30] Thank you, Mr Witness.

4 For the purposes of the Chamber, that's the document at tab 1 of the Defence binder,
5 CAR-OTP-2032-0753, at paragraph 96.

6 Mr Witness, at paragraph 61 of your 2019 witness statement, you refer to weapons
7 being found in Muslim trader shops in Boy-Rabe. Can you confirm that these were
8 combat weapons?

9 A. [15:35:16] I haven't quite heard properly. The loud speaker is not working very
10 well here. You mentioned some weapons? Weapons?

11 Q. [15:35:27] I can -- I can repeat the question, Mr Witness.

12 You referred to weapons, like you say, found in the Muslim trader shops in Boy-Rabe.
13 Can you tell the Court what kind of weapons these were?

14 A. [15:35:47] Oh, yes. The merchants, the traders at -- at the health centre,
15 opposite the Boy-Rabe health centre, the Muslim traders, yes. They were
16 Kalashnikovs.

17 Q. [15:36:07] Thank you. And was it the Seleka that provided those weapons to
18 these traders?

19 A. [15:36:18] I can't confirm that, but I can tell you, because I did hear some
20 information to the effect that those Muslims had already been in touch with the
21 Seleka. And I'm telling you this because one of the Muslims by the name of Abdel
22 Kader Khalil was born in Boy-Rabe. He was a Muslim. He lived in Boy-Rabe, and
23 he was directly linked to Mr Djotodia. He grew up in Boy-Rabe and he lived behind
24 the Boy-Rabe market.

25 Q. [15:37:14] Thank you. And by "in touch with the Seleka," you mean he joined

1 the Seleka when they arrived; is that right? I'm talking about Abdel Kader Khalil.

2 A. [15:37:31] No. May I?

3 Yes. Abdel Kader Khalil had joined the rebellion of Djotodia, and that had been the

4 case for a long time. When I said that he had hit a girl in Sibut Boy-Rabe area,

5 because the girl recognised her, and some witnesses came and gave testimony about

6 that. The girl fled. And the witness was actually staying in Boy-Rabe. So there

7 was information. But Khalil was also -- he left as well. Because he wasn't in Bangui.

8 He had gone to join the rebellion very far away. I don't know exactly where.

9 Around Sibut. That's where he killed this girl.

10 THE INTERPRETER: [15:38:36] Interpreter correction: The French was *abattre*,

11 killed. Not *abattu*.

12 THE WITNESS: [15:38:47](Interpretation) I'm starting to feel not so good. I'm

13 having a headache.

14 PRESIDING JUDGE SCHMITT: [15:38:53] Mr Suzuki, how long?

15 MR SUZUKI: [15:38:58] I'd say 15 minutes, your Honour, 10 to 15 minutes.

16 PRESIDING JUDGE SCHMITT: [15:39:03] Mr Witness, so what I would like to ask

17 you, you have heard it, 10, 15 minutes. If you need a break, it's okay, we make -- we

18 make a break. Is it okay, a break?

19 THE WITNESS: [15:39:16](Interpretation) Yes.

20 PRESIDING JUDGE SCHMITT: [15:39:17] Then we make 10-minutes' break, and

21 then we finish your examination, and then you are relieved from your duties.

22 THE COURT USHER: [15:39:25] All rise.

23 (Recess taken at 3.39 p.m.)

24 (Upon resuming in open session at 3.53 p.m.)

25 THE COURT USHER: [15:53:29] All rise.

1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [15:53:49] So, Mr Witness, the final round. So it
3 will not take very much longer for you.

4 Mr Suzuki, please continue.

5 MR SUZUKI: [15:53:59] Thank you, your Honour.

6 Q. [15:54:02] Mr Witness, generally speaking, it was quite common for traders to
7 join the Seleka when they arrived in Bangui. Would you agree? And I'm talking
8 about Muslim traders. I apologise.

9 MS DIMITRI: [15:54:47] Mr President, the French reporter is saying that the
10 witness's microphone is off.

11 PRESIDING JUDGE SCHMITT: [15:54:55] Mr Witness, please switch the
12 microphone on. I think now we hear you. Can you please repeat. Please be so
13 kind and repeat your answer. Thank you.

14 Mr Witness, you can repeat your answer. Your microphone was switched off, so we
15 couldn't hear you. So please be so kind and repeat.

16 THE WITNESS: [15:55:36](Interpretation) Yes. In relation to -- they were traders,
17 yes, and some of them found weapons. If I recall correctly, it was the international
18 forces, the Congolese, who were part of the international forces, who discovered the
19 weapons, on the basis of information that was provided by a number of women,
20 women who were working for those Muslim traders. So that is how it came to be
21 that weapons were discovered in the possession of the Muslim traders in the location
22 facing the health centre, the Boy-Rabe health centre.

23 MR SUZUKI:

24 Q. [15:56:29] I think my question might not have been so clear. I'll try again,
25 Mr Witness.

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1 THE INTERPRETER: [15:56:33] Overlapping.

2 MR SUZUKI:

3 Q. [15:56:36] It was very common for Muslim traders to join the Seleka when they
4 arrived in Bangui; is that correct?

5 A. [15:57:05] May I now respond?

6 PRESIDING JUDGE SCHMITT: [15:57:07] Yes, please.

7 THE WITNESS: [15:57:13](Interpretation) Yes. I'm telling you that the weapons
8 were found in the shops of those Muslim traders.

9 Now, to say that they were linked or not, I think they were -- well, I was referring to
10 Abdel Khalil. He was born in Boy-Rabe and he knew those traders who remained.
11 But he left. He left and he joined the Seleka rebellion, and that is when he shot that
12 woman in Sibut.

13 MR SUZUKI:

14 Q. [15:57:57] Thank you, Mr Witness.

15 Now, last week you referred to an incident where a number of Seleka came to your
16 home and two FACA were kidnapped. And you said that a number of those
17 individuals in that group were wearing civilian clothing. Just to be clear, those
18 individuals were also Seleka; is that right?

19 A. [15:58:27] No, they weren't. How should I put this? The one who was there
20 who arrested the young people not far from where I live? I don't know.

21 I was telling you earlier that not far from where I live there was a small Seleka base.
22 Just in front of where I live there was a small Seleka base, and those Seleka elements
23 stopped some young people. And I had to intervene.

24 Q. [15:59:24] I think -- I do think we're talking about the same incident, Mr Witness.

25 This is when two FACA were kidnapped from your home by a group of individuals

1 linked to Nourredine Adam. Do you remember discussing this last week?

2 A. [15:59:56] Oh, they were friends of mine, and we were talking about the
3 situation of the country. And those 12 elements came for me, but they didn't know
4 me, you see. So they took those two young fellows. Well, in relation to me, they're
5 young. One is a pastor and one used to be a gendarme. He's a retired gendarme.
6 And with those two, we were talking.

7 Q. [16:00:35] Thank you, Mr Witness.

8 And if I understand correctly, of those 12 elements, a number of them were wearing
9 civilian clothing, but they were still Seleka; is that correct?

10 A. [16:00:54] Indeed. They were Nourredine Adam elements. To the best of my
11 memory, they were part of CEDAD. It was a group that was set up by Nourredine
12 Adam. It was an intelligence organisation.

13 Q. [16:01:24] Thank you, Mr Witness.

14 A. [16:01:27] They came for me. They actually came for me because I was writing
15 a lot against Djotodia.

16 Q. [16:01:41] Thank you. And just generally speaking, Seleka fighters would
17 sometimes wear civilian clothing; is that right?

18 A. [16:01:58] Of course, yes. There were people dressed in civilian attire.

19 Q. [16:02:03] Thank you.

20 I'm going to move on to a brief question about the National Coordination,
21 Mr Witness.

22 Madam Court Officer, if you could put the document at Prosecution tab 19 on the
23 screen, please. That's CAR-OTP-2101-3611. If you could go to page 3613, please.

24 PRESIDING JUDGE SCHMITT: [16:03:03] Your question, please.

25 MR SUZUKI: [16:03:06] Thank you, Mr President.

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1 Q. [16:03:10] Mr Witness, this document entitled "*Composition du bureau de la*
2 *Coordination Nationale*", you see this document on your screen?

3 A. [16:03:27] Yes, the document is there, but not in whole. I can see Anti-Balaka,
4 Composition of the National Coordination Bureau. Yes. And there are three names
5 that appear.

6 PRESIDING JUDGE SCHMITT: [16:03:45] Well, a question, please, so that we can
7 move on, please.

8 MR SUZUKI:

9 Q. [16:03:50] Mr Witness, last week you said that Mr Yekatom was represented at
10 the National Coordination by two individuals, Paleon Zilabo and Vivien Beina.
11 Now, we have evidence that --

12 A. [16:04:08] Yes, that's it.

13 Q. [16:04:10] We have evidence that Mr Zilabo and Mr Beina joined in June 2014,
14 joined the National Coordination in June 2014. And my question to you, Mr Witness,
15 is: Do you agree that Mr Yekatom only started being represented by Mr Zilabo and
16 Mr Beina in June 2014? Can you confirm that?

17 A. [16:04:38] No. I did not talk about June. June was me. I actually got to know
18 them as the representatives of the Yekatom group. I came, and they were already
19 there as well.

20 Q. [16:05:22] And you don't know when Mr Zilabo and Mr Beina joined the
21 National Coordination; is that right?

22 A. [16:05:35] We met during the meetings, and it was during this occasion that we
23 got acquainted. But I can -- I don't know the exact date of -- or when they joined the
24 group. We met regularly when there were meetings organised. They are also part
25 of the National Coordination bureau.

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1 Q. [16:06:03] Thank you, Mr Witness.

2 And my last subject for you, last week you mentioned meeting Emotion Namsio's
3 group with the journalist Camille Lepage and William Daniels. I'm going to show
4 you a photograph -- or two photographs of Mr Daniels.

5 Madam Court Officer, if you could put the document at tab 8 on the screen, and I'll
6 worn those following that it's a graphic image. That's CAR-OTP-2061-4293.

7 Mr Witness, in the photograph that you see on your screen, you should see on your
8 screen, can you confirm that that's the gate surrounding the national assembly that we
9 see?

10 A. [16:07:48] I cannot say that. The picture is not very clear. There's a part of the
11 gate, but the assembly is not there. This is the outside perhaps. I really cannot say.
12 I can see dead bodies scattered. Perhaps, I suppose so. I think this probably would
13 have happened on 5 December, but I can't tell you with precision.

14 PRESIDING JUDGE SCHMITT: [16:08:25] Mr Suzuki, may I ask what you think or
15 what you say when these pictures were taken? Just, I'm interested. Do you have
16 information when they were taken?

17 MR SUZUKI: [16:08:37] We understand that they were taken on 5 December.

18 PRESIDING JUDGE SCHMITT: [16:08:40] Okay, okay. Please proceed.

19 MR SUZUKI: [16:08:44] Thank you.

20 Q. [16:08:46] Mr Witness, my question is, the Anti-Balaka that you saw behind the
21 hill on 5 December, were they as badly equipped as the individuals that we see in this
22 photograph, with sticks and sandals and the like?

23 A. [16:09:21] From what I see here, they are children. Behind the hill, Emotion
24 was there and with others. They were strong people, they were strong people with
25 sticks, and some of them even had guns that were artisanal -- that were of artisanal

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1 make. I don't know. This image does not actually reflect from what I saw on the
2 other side.

3 Q. [16:10:06] Thank you for your answers and your patience, Mr Witness. Those
4 are my questions for you.

5 MR SUZUKI: [16:10:11] Thank you, Mr President.

6 PRESIDING JUDGE SCHMITT: [16:10:12] Thank you, Mr Suzuki.

7 Mr Vanderpuye, any questions?

8 MR VANDERPUYE: [16:10:15] No, Mr President. I don't.

9 PRESIDING JUDGE SCHMITT: [16:10:20] Okay. Thank you. Thank you.

10 Mr Witness, this concludes your testimony. On behalf of the Chamber, I would like
11 to thank you for persevering the testimony until the end under the circumstances.

12 We wish you health and a good journey home.

13 THE WITNESS: [16:10:52](Interpretation) Yes. From my side, I'd like to thank you
14 a lot. I did not think I would come to the end, and I thought I would actually turn
15 into a dead witness. But thanks to God, I'm still on my feet. Thank you so much.

16 PRESIDING JUDGE SCHMITT: [16:11:18] As I said, we appreciate that a lot.

17 (The witness is excused)

18 PRESIDING JUDGE SCHMITT: [16:11:22] The Court is adjourned.

19 THE COURT USHER: [16:11:40] All rise.

20 (The hearing ends in open session at 4.11 p.m.)