

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
7 and Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 19 January 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:19] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:34] Good morning, everyone.
14 Court Officer, please call the case.
15 THE COURT OFFICER: [9:31:46] Good morning, Mr President, your Honours. This is
16 the Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference ICC 01/14-
18 01/18.
19 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.
21 I ask for the appearances of the parties. Mr Vanderpuye first.
22 MR VANDERPUYE: [9:32:08] Good morning, Mr President. Good morning, your
23 Honours. Good morning, everyone. Good morning, Mr Witness. Today the
24 Prosecution is represented by Pierre Belbenoit Avich, Yassin Mostfa and myself,
25 Kweku Vanderpuye.

- 1 PRESIDING JUDGE SCHMITT: [9:32:25] Thank you very much.
- 2 Ms Massidda.
- 3 MS MASSIDDA: [9:32:28] Good morning, Mr President, your Honours. For the
- 4 victims of the other crimes, appearing today, Mr Yaré Fall, Mr Enrique Carnero Rojo,
- 5 Ms Muhia Asso, and myself, Paolina Massidda.
- 6 MR SUPRUN: [9:32:47] Good morning, Mr President and your Honours. The former
- 7 child soldiers are represented by myself, Dmytro Suprun. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:32:49] Thank you.
- 9 Ms Dimitri.
- 10 MS DIMITRI: [9:32:54] Good morning, Mr President. Good morning, your Honours.
- 11 Good morning, everyone. Good morning, Mr Witness. Mr Yekatom is present in the
- 12 courtroom this morning, and he is represented by Ms Lena Casiez and myself, Mylène
- 13 Dimitri.
- 14 PRESIDING JUDGE SCHMITT: [9:33:08] And Mr Knoops who was a little bit late
- 15 today, I'm afraid. We all have -- had to recognise.
- 16 MR KNOOPS: [9:33:12] I understand, Mr President, you really missed me in the
- 17 morning, but I was already at 8.30 in the courtroom to prepare. So good morning.
- 18 PRESIDING JUDGE SCHMITT: [9:33:17] Okay. This is a very good excuse.
- 19 MR KNOOPS: [9:33:19] Good morning, Mr President. Good morning, your Honours.
- 20 Our team is in the same composition as yesterday, Mr President.
- 21 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you.
- 22 MR KNOOPS: [9:33:26] And I wish everyone a good day.
- 23 And welcome, Mr Witness, Mr Poussou, as well. Thank you.
- 24 PRESIDING JUDGE SCHMITT: [9:33:31] And of course, most importantly, good
- 25 morning, Mr Poussou, again. And I think when you came here, you knew that it will

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WITNESS: CAR-OTP-P-2625

(Open Session)

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1 last a couple of days, and we appreciate your patience in answering all the questions by
2 the parties. And it's now the turn of the Defence, and Mr -- I give Mr Knoops the floor.

3 MR KNOOPS: [9:34:00] Thank you very much, Mr President.

4 WITNESS: CAR-OTP-P-2625 (On former oath)

5 (The witness speaks French)

6 QUESTIONED BY MR KNOOPS:

7 Q. [9:34:03] Good morning, Mr Poussou.

8 A. [9:34:06] Good morning, counsel.

9 Q. [9:34:09] My apologies that I couldn't be here at the familiarisation last week. My
10 name is Alexander Knoops. I'm an attorney at law in Amsterdam, the Netherlands,
11 and I'm one of the counsel of Mr Ngaïssona. And I will examine you today and most
12 likely Monday, Tuesday.

13 MR KNOOPS: [9:34:32] And maybe, Mr President and all the participants in the
14 courtroom, it's maybe good to outline my plan so that the Court can also anticipate the
15 timing of the hearings, and also for Mr Poussou.

16 My plan for this morning, Mr President, is to abort -- to touch upon two topics, the
17 advent of the conflict, and the second topic, the advent of COAC. I will try to finish
18 those two topics in the first and second session. Then if I would finish before 1, I hope
19 that the Court allows me to continue on Monday. Monday I will go into the meetings
20 in Cameroon, and Tuesday, the meeting of FROCCA. So that's my plan.

21 PRESIDING JUDGE SCHMITT: [9:35:33] That's very much appreciated that you
22 outlined that, and, of course, like always, you know that this Chamber always trusts
23 the assessment of counsel, be it from the Prosecution or from the Defence, with regard
24 to the timelines.

25 MR KNOOPS: [9:35:47] Yes. The reason I'm doing this also is because there's so much

1 material which we had to digest in this case that I worked in blocks, so also my
2 preparation is every time per block for the examination.

3 Q. [9:36:01] So if that's okay, I would start then, Mr Poussou - again, good morning,
4 sir - with the event of the conflict. You were actually extensively already examined by
5 my friend from the Prosecution, Mr Vanderpuye, but I would like to ask you some
6 other questions which were not posed to you.

7 MR KNOOPS: [9:36:10] First of all, I would ask the court officer to pull up tab 49 of the
8 OTP binder. That's CAR-OTP-2123-0430. It's the annex 4 to the statement of Mr
9 Poussou, the diagnostic document. It's actually the first page. And I would like to
10 draw the attention of Mr Poussou to one paragraph in this document.

11 PRESIDING JUDGE SCHMITT: [9:37:16] The document is on the screen, but I don't
12 know which paragraph you're referring to, so we might have to scroll down.

13 MR KNOOPS: [9:37:24]

14 Q. [9:37:24] It's the second paragraph from below. Actually, the third. It starts with:
15 "Il n'est pas superflu de commencer par un petit rappel." And then it says, Mr Poussou:
16 (Interpretation) "The taking of the Seleka coalition on 24 March 2013 was heralded as
17 liberation of the family and clientalistic attitude of KNK in power (which is the
18 dominant party) of Bozizé."

19 (Speaks English) My plan, Mr Poussou, I take it that you still stand by this statement.
20 You still confirm the accuracy of this statement, sir? Is that correct?

21 A. [9:38:44] That's right, counsel.

22 Q. [9:38:53] My plan of this morning is to see whether your view, as expressed in this
23 document, in this paragraph, as a journalist finds corroboration with international
24 independent sources. Although you did say during the testimony that you don't have
25 any interest in details, it's still worthwhile to look into the sources of this aspect.

1 First of all, I would like to draw your attention to a document which is in our binder,
2 tab 97.

3 MR KNOOPS: [9:39:10] It's CAR-D30-0004-0102, if this could be shown as a public
4 document to the witness. Much appreciated. It is a report of the Secretary-General's
5 assessment of the situation in the Central African Republic, of the United Nations,
6 dated 3 May 2013, so it was just a few weeks -- five weeks after the Seleka took power.

7 My first question: In your research in coming to the annex 4, did you include this
8 document in your assessment of the situation as to the origin of the conflict?

9 A. [9:40:42] I don't understand your question, because I don't know what's written in
10 this document. I haven't read it.

11 Q. [9:41:06] Well, my question is: Were you privy to this document before today?

12 A. [9:41:15] What I can say is that I read some reports that were periodically
13 published by the Secretary-General on the situation in the Central African Republic,
14 and it's possible that I would have read this document but without any -- but I don't
15 have any recollection of it.

16 Q. [9:41:56] Is it your evidence that in your annex 4 I just quoted from, you took into
17 account these type of reports?

18 A. [9:42:17] That's exactly what I'm trying to tell you, counsel.

19 Q. [9:42:21] Thank you. I would like to start with paragraph 4 of this document, D30-
20 0004-0102. Mr Poussou, you see there that the Secretary-General of the United Nations
21 assesses the situation such that: "The Libreville Agreements established that the
22 Constitution would be upheld, and that President François Bozizé would remain in
23 power until the end of his term of office in 2016."

24 My question is: Were you aware of this conclusion of the Secretary-General of the
25 United Nations when you wrote your annex 4?

1 A. [9:43:19] As indicated here, this paragraph alludes to the Libreville Peace
2 Agreements, and I was privy to the Libreville Peace Agreements that provided for
3 keeping Bozizé in power until the end of his term. * But they curtailed his powers, and
4 this is why the appointment of a prime minister from the opposition was, imposed
5 upon him, and this prime minister's appointment could not be revoked.

6 PRESIDING JUDGE SCHMITT: [9:44:29] Just very shortly, Mr Knoops. I think it's not
7 clear that the witness is not actually privy of the document, so, indeed, we could -- you
8 could refer to the content, and, well, discuss it, what I assume you want to do, with
9 what he has said already here in the courtroom.

10 MR KNOOPS: [9:44:58]

11 Q. [9:44:59] But you would agree with me, Mr Poussou, that five weeks after the
12 Seleka took power, the Secretary-General of the United Nations, according to this
13 document, held that Mr Bozizé, although with restrictions, should remain in power and
14 the constitution should not be suspended. You agree that this is, indeed, the wording
15 of the Secretary-General of the United Nations?

16 A. [9:45:44] I agree with you, but there's a caveat to it.

17 Q. [9:45:55] Would you also agree with me that if someone would say, "We have to
18 return to Libreville," that this meant to respect this agreement?

19 A. [9:46:38] Not when this person himself has violated the agreement in question.

20 Q. [9:46:50] If you look at paragraph 5, that's on CAR-D30-0004-0103, paragraph 5,
21 you see in the second sentence of this report of the Secretary-General that:
22 "The mission determined that the Libreville Agreements, despite delays and inherent
23 risks," and I would say, in accordance with your evidence, despite restrictions,
24 "remained the linchpin of any effort to re-establish stability in the Central African
25 Republic. This conclusion remains valid."

1 So this was the view of the Secretary-General of the United Nations in May 2013. And
2 my question to you is: Did you, in your report, annex 4, at the time you wrote that
3 annex 4, in any way were you aware of the findings - maybe not this report but other
4 reports of the UN - where this same conclusion was ventilated by the United Nations?

5 A. [9:48:24] Yes, counsel. Not only was I aware of these conclusions, but also I said
6 here that it's thanks to the Libreville Agreements that President Djotodia maintained --
7 kept Mr Nicolas Tiangaye in his position as the prime minister after the coup d'état.

8 Q. [9:49:21] Now, if you look further down in this document, I ask you to look at, in
9 specific, what the United Nations Secretary-General thought about what you called in
10 your paper, annex 4, the liberation of the Central African Republic from Mr Bozizé,
11 paragraph 8:

12 "Meanwhile, the African Union Peace and Security Council strongly condemned
13 Seleka's unconstitutional seizure of power, imposed sanctions including a travel ban on
14 its leaders, and refused to recognise the self-appointed President."

15 I stop here before the second sentence, and I first ask you: Were you, at the time of
16 writing of your annex 4, aware of these conclusions which are expressed in paragraph 8
17 of this report in the context of your qualification of the invasion of Seleka for the
18 liberation of the country?

19 My question is: At the time of writing your annex 4, did you know that these were the
20 findings of other international organisations?

21 A. [9:50:55] Absolutely, counsel.

22 Q. [9:51:14] Thank you. Then I ask you to look at the second sentence where you find
23 that:

24 "The Peace and Security Council ... voiced concern over the impact that the crisis might
25 have on the deployment and effectiveness of the African Union Regional Task Force on

1 the Lord's Resistance Army in the eastern [part of the] Central African Republic."

2 My question also here is: Were you aware at the time of writing your annex 4 of the
3 impact of the Seleka operation had for the eastern part of the Central African Republic
4 and the endangerment of the operations of the African Union Regional Task Force due
5 to the Seleka intervention? Were you aware of these effects the invasion had on the
6 country?

7 A. [9:52:31] Counsel, I haven't understood your question properly, but I can say that
8 not only was I aware of this analysis of the UN Secretary-General, but also I did not
9 share this viewpoint.

10 Q. [9:53:20] I do recall, Mr Poussou, that your evidence you gave on 16 January
11 before this Court, transcript page 18, line 25 of the English realtime transcript, to page
12 19, lines 1 till 10, you did say that at the end of the elections in 2011, the Bozizé regime
13 "brought in several close members of their family, the children, into the parliament ..."
14 and that "the opposition was completely sidelined ..." and "these elections basically
15 were the starting point of the crisis ..." And this is why the Seleka coalition was born,
16 in part. That was your evidence.

17 Now, I ask you to look in the same document at paragraph 13, that's CAR-D30-0004-
18 0104. That's the next page, line -- paragraph 13.

19 Now, while you criticised the Bozizé regime for their involvement of relatives and
20 friends, do you see paragraph 13, the findings of the Secretary-General of the United
21 Nations that:

22 "Many opposition and civil society leaders criticised the lack of transparency in the
23 establishment of the National Transitional Council. In addition, it has been widely
24 reported that there is a marked discrepancy between the lists of names submitted by
25 the constituted bodies and those finally selected to participate in the National

1 Transitional Council. For example, out of the 50 names provided by civil society, 22
2 were allegedly unilaterally replaced."

3 My first question to you, Mr Poussou, is: Were you aware of these figures and these
4 findings by civil society leaders, opposition, that the regime of Djotodia actually was
5 doing the same as what you are blaming to Bozizé?

6 A. [9:56:14] There are two things to this, counsel. The transitional government did
7 not exactly do the same thing as Bozizé because the parliament at Bozizé's time was
8 supposed to be appointed by fair, transparent, and democratic elections. And since the
9 rules of the game were biased and since there were instances of fraud, some members
10 of the inner circle of Bozizé came to power and were at the parliament.

11 Now, with regard to the implementation of the National Transitional Council, the
12 entities sent names. Let's say that the process was far from being democratic. * It was --
13 there was not a lot of transparency. People were co-opted to form the National
14 Transitional Council. Now, to answer your question, not only I was aware of this, but I
15 actually criticised that.

16 Q. [9:58:12] Since you say that you're an independent journalist, did you -- at the time
17 of writing of your annex 4, were you aware of these type of figures which transpire in
18 the report of the Secretary-General, that out of the 50 names provided by civil society,
19 22 were without dialogue, to use your words, replaced? Were you aware of those
20 figures as a journalist?

21 * A. [9:59:02 a.m.] Now, since you are alluding to the diagnosis I made on 18
22 February 2014, now, I did not actually make this diagnosis as a journalist. This must be
23 specified. This was actually an information memo intended for a political authority
24 who was supposed to have discussions with authorities from Central Africa.

25 So I did this as the former minister of communication and reconciliation. So this is a

1 specification that I'd really like to mention.

2 Now, to answer your question, may I say that the replacement of names of the
3 representatives of certain organisations to set up the National Transition Council, this
4 actually created a public crisis. Prime Minister Tiangaye was opposed to this, and as I
5 said - and I'm going to repeat it - * I actually criticised this and I said that it was not
6 right for Djotodia, with his group, to replace names that were designated by the civil
7 society organisations.

8 Q. [10:00:44] So if you were aware of this lack of transparency and the replacement of
9 those proposed candidates, why didn't you report this in your evidence to the
10 Prosecution, while you were saying you're an independent journalist? In your annex 4,
11 you speak about liberation and you criticise Bozizé in every way you can, but you
12 didn't mention this side of the story, Mr Poussou, this side of the story, and I'm very
13 curious why you didn't report this.

14 A. [10:01:35] Perhaps the question was never raised to me.

15 Q. [10:01:38] But you're an independent reporter. Wasn't it your responsibility to
16 report all the facts equally and not just one side? Isn't it? That's your task as a reporter.
17 If a reporter is independent, he should portray both sides. You didn't do this. And the
18 question -- your answer, "Well, it wasn't asked to me," well, it's your responsibility.
19 You're here -- you gave a statement in 2019 which doesn't reflect this at all.

20 A. [10:02:15] Counsel, I would like to restate the following: The memo I drafted in
21 February 2014 was * entirely devoted to the Anti-Balaka. You can see that the title is
22 "Anti-Balaka Diagnosis." This memo was not supposed to give a wholistic account of
23 the situation in the country. I'm telling you this, and I repeat it, this is public, I
24 criticised the state of things as they were * at that time.

25 Q. [10:03:06] Then I have a lot of questions for you, Mr Poussou. We all recall that

1 you were criticising Mr Bozizé in this court for acting irresponsible and not being
2 aware, or didn't consider the consequences of his action in the advance to Bangui and
3 the results thereafter.

4 Now, I ask you this: If you look at this report, Mr Poussou, of the Secretary-General of
5 the United Nations, in specifically paragraph 22, and that's CAR-D30-0004-0106. And,
6 sir, if you would be so kind to read the first four, five sentences of this paragraph. You
7 see that:

8 "Since the launch of the Seleka attacks in December 2012, the country has been facing a
9 serious security crisis ... widespread and grave violations of human rights ... targeted
10 killings, recruitment of child soldiers ... abuses," rape, torture, "reportedly committed
11 by uncontrolled Seleka elements and unidentified armed groups across the country ...
12 the country is plunging into a state of general anarchy marked by a complete
13 breakdown of law and order."

14 Were you aware when you became a minister in the Djotodia regime of those
15 consequences, and what did you do to ask Mr Djotodia to give an account on these
16 crimes? Because if you speak about the consequences of, what you say, an armed
17 rebellion, this is the other side. And my question to you is: Why didn't you report this
18 --

19 PRESIDING JUDGE SCHMITT: [10:05:32] Mr Knoops, there are --

20 MR KNOOPS: [10:05:33]

21 Q. [10:05:33] -- in annex 4?

22 Yeah.

23 PRESIDING JUDGE SCHMITT: [10:05:40] First of all, the -- first, it's right that you're,
24 of course, asking that, but there are too many questions like that.

25 MR KNOOPS: [10:05:45] Yeah. Okay.

1 PRESIDING JUDGE SCHMITT: [10:05:46] No, but it's fine.

2 Mr Poussou, you have -- you see and you have heard this paragraph 22. Did you raise
3 this -- or first of all, were you aware of these consequences? Secondly, if you were
4 aware, did you raise it with Mr Djotodia or with anybody else?

5 I think, Mr Knoops, you can continue like that.

6 Please, Mr Poussou.

7 THE WITNESS: [10:06:12](Interpretation) Thank you, your Honour.

8 In my earlier testimony, I said that as the Seleka coalition was advancing towards
9 Bangui, crimes were committed, churches were destroyed, men of the cloth were killed,
10 murdered. And as the minister responsible for communication and reconciliation, one
11 of my tasks was to bring about reconciliation. When I took up my duties, I had a plan
12 for reconciliation which took into account -- and in actual fact I presented this plan to
13 cabinet, and it was approved, validated. This was a three-prong approach.

14 First of all, it was necessary to identify the victims, all the victims of the crisis in the
15 Central African Republic. Secondly, a mechanism needed to be established to provide
16 compensation to the victims and to punish those responsible for the crimes. If there
17 were no means to ensure justice, at least there had to be some kind of transitional
18 justice, for example, a truth and reconciliation commission similar to the commission in
19 South Africa, modeled upon that commission.

20 *That is why, even when the government had stepped down in January, I travelled to
21 Italy and I went to the Sant'Egidio community to ask them for their expertise in this
22 area to help us bring about reconciliation in the CAR. We were aware of the crimes and
23 we were also aware that to preserve national unity and social cohesion and peace, the
24 various stakeholders needed to be brought together for dialogue and for forgiveness.

25 Q. [10:09:45] Mr Poussou, a very interesting plan, but what happened with your

1 plan? Was Mr Djotodia willing to implement this? And what happened with any
2 potential trials against those people responsible from the side of the Seleka who
3 actually were responsible for the fact that the country plunged into a state of anarchy?
4 We're not speaking about the advance to Bangui. We're speaking about after the
5 government in which you were part of was responsible for the country.

6 A. [10:10:40] I must remind you, counsel, that I took up my duties on 10 December
7 2013. The government had stepped down or was to step down on 20 January against a
8 backdrop of a severe crisis. There were clashes. * The civil service was only partly
9 operational, and the most important thing was to provide assistance to the internally
10 displaced. So it was truly a humanitarian crisis. So it was not possible to implement
11 the plan because the government had stepped down by that time.
12 And once the new government was put in place - and my statements can be found -
13 when power was transferred -- when power was transferred from myself to the
14 minister who replaced me, I insisted publicly that it was imperative to bring about
15 reconciliation and to set up a compensation fund, and it was also necessary to punish
16 all those who had blood on their hands.

17 Q. [10:12:22] Now this raises the question, Mr Poussou, were you aware that, from
18 January 2013 until December 2013, Djotodia did anything to punish those Seleka
19 people who were responsible for all those atrocities which are mentioned here in
20 paragraph 22? Were any trials held? Were people arrested?

21 A. [10:12:52] You are an excellent lawyer, a prominent lawyer, and I'm sure you
22 realise that the wheels of justice can grind very slowly. The government of Djotodia
23 was attacked on 5 December. From December to January, the NGOs counted more
24 than a thousand deaths. And, as I said, there was an emergency and this emergency
25 was humanitarian in nature.

1 So justice was going to take time. Investigations had to be undertaken. The guilt of the
2 people responsible for the crimes had to be proven. So between December and
3 January, it was not possible to punish the perpetrators and ensure that justice was
4 rendered.

5 Q. [10:14:17] Thank you. That's very helpful. Well, now, would you agree, Mr
6 Poussou, with me that in paragraph 26 of this document, you see that the Secretary-
7 General of the United Nations observes that meanwhile, so that's after the Seleka
8 attacked Bangui, non-Muslim citizens were targeted, while at the same time Seleka
9 protected Muslims during the pillage and raiding of some neighbourhoods in Bangui.
10 So the elements let Muslim -- allowed to commit crimes. And, moreover, the Secretary-
11 General observes here in paragraph 26 that:

12 "This situation creates resentment in the Christian communities and fuels religious
13 tensions."

14 So the Secretary-General of the United Nations actually says, Mr Poussou, that it was
15 the Seleka who was fueling this whole crisis, and it was not Mr Bozizé. The Seleka was
16 fueling the crisis. And my question to you is: Will you agree? Because you gave
17 several answers during the course of the last few days --

18 PRESIDING JUDGE SCHMITT: [10:15:49] Mr Knoops, shortly, we have to allow --

19 MR KNOOPS: [10:15:51] Oh, pardon.

20 PRESIDING JUDGE SCHMITT: [10:15:52] No problem. We have to allow Mr
21 Vanderpuye.

22 Please, your objection.

23 MR VANDERPUYE: [10:15:57] Yes, I object. The paragraph does speak for itself, and it
24 doesn't mention anything about Bozizé. It doesn't juxtapose the activities of the Seleka
25 against those of Bozizé. So the characterisation is misleading to the witness, and I don't

1 know what his capacity is to read English for himself, so I would object to that. If he
2 can read it himself, it's not a problem.

3 PRESIDING JUDGE SCHMITT: [10:16:18] But I think it has been translated.

4 Mr Witness, you have understood what the content of this paragraph 22 is? I think it
5 has been translated to you into French. Isn't it?

6 THE WITNESS: [10:16:36](Interpretation) I understand, your Honour, but this
7 paragraph must be seen in context, namely, in conjunction with the following
8 paragraph taken from my diagnostics, which Mr Knoops had quoted from.

9 PRESIDING JUDGE SCHMITT: [10:16:54] I think, Mr Vanderpuye, I would agree with
10 Mr Knoops that he can follow that line.

11 It is clear that 26 does not put into contradiction the Seleka and Bozizé, but the witness
12 has spoken about Bozizé. And to ask the witness what he -- with regard to what he
13 said about the root causes of the conflict when he sees that, I think that's okay, Mr
14 Knoops. But please shorter questions, if I may ask you, so that it is clear --

15 MR KNOOPS: [10:17:31] Yeah, of course. Thank you.

16 Q. [10:17:34] Mr Poussou, another very specific question on this document, and I
17 would ask you whether you were aware, at that time of writing your annex 4, or any
18 other document you referred to, that the Secretary-General of the United Nations in
19 this report, in paragraph 32 and 33 - that's CAR-D30-0004-0107, and I will summarize.
20 I'm not going to quote the whole paragraph.

21 You'll see, Mr Poussou, that in paragraph 32, the Secretary-General of the United
22 Nations, speaking about the consequences of the Seleka invasion, offensive, it says:
23 "The Seleka offensive destroyed much of the justice system of the Central African
24 Republic. In the 10 jurisdictions of the country, looting and plundering carried out by
25 Seleka elements has destroyed most of the infrastructure that supported the justice

1 system ..."

2 Maybe that's the answer why justice is taking so much long time, sir, but that's my side
3 observation.

4 My question to you is: Were you aware of the consequences of the Seleka offensive as
5 being the destruction of the whole justice system in the Central African Republic?

6 Were you aware that this happened? And if so, why didn't you report this to the
7 Court?

8 A. [10:19:16] Allow me to reiterate, counsel. The advance of the Seleka contributed to
9 the destruction, to the bankruptcy of government organisations and agencies
10 throughout a good part of the country. And to answer your question, if I've
11 understood correctly, why I didn't report on the situation, I think I said - and reiterated
12 here - that the Seleka destroyed a good part of the country's infrastructure, including
13 the government's infrastructure. In the note you make reference to, it's written there,
14 black on white. If you wish, you can just read the document; in particular, the
15 following paragraph, the paragraph following the one that you quoted from.

16 Q. [10:20:34] Yes. That's, indeed, the second I would like to draw your attention to.
17 That's the Seleka offensive, and we're speaking here about the consequences of the
18 attack. While you blame Bozizé's regime for being irresponsible in their actions, what
19 they're doing, my point is that the whole destruction of the country, the justice system,
20 including - this is paragraph 33 - the dismantling of the policing architecture, including
21 defence forces, national security, was totally disintegrated due to the Seleka offensive.
22 Now I ask you, if you were aware of this, why do you say to this Court on 17 January,
23 in the transcript, line 16, paragraph 16 and 17, you were asked, was there anyone who
24 raised the prospect of the consequences of an armed rebellion? When you were asked
25 by the Prosecution, you say -- to admonish Bozizé, you say:

1 "And when one considers using means other than democratic ones in order to regain ...
2 control of the state," you say, "one must expect there to be damage, to be death," and
3 the death of civilians.

4 But I didn't hear you say anyone in the group of Bozizé voiced this. But I'm putting to
5 you that your accusation against Bozizé and his group is, I will not use the word
6 "hypocrite," which the Prosecution used yesterday or the day before, is not in line with
7 what we find here, Mr Poussou.

8 PRESIDING JUDGE SCHMITT: [10:22:58] We now have to really let the witness
9 answer because it's quite a long -- we really have to distill the question out of all of this.
10 So, Mr Poussou, you have heard that. So please tell us what your stance on the
11 question of Mr Knoops is.

12 THE WITNESS: [10:23:15](Interpretation) Thank you, your Honour. If one sets aside
13 the period 2013 to the present, the entire period of time before 2013, if we go all the
14 way back to 1995, President Bozizé had to manage the armed forces of the Central
15 African Republic. * First he was Inspector-General of the Armed Forces. Then he was
16 Chief of Defence Staff, then President of the Republic and Minister of Defence. His son,
17 Francis Bozize, was the Minister of State for Defence.

18 He was in power for more than ten years. So it's only logical to expect that he would
19 be able to help train a truly republican army, one that would be effective and able to
20 defend the entire country, the entire territory. One could also expect that his
21 management of the country would * have prevented the creation of rebel movements
22 and disturbances in the country.

23 Thus, I am sticking to my position. President Bozizé bears a great deal of the
24 responsibility for what happened in our country. And what is more, I said that to him
25 directly in Yaounde. Everything that had happened, the deaths, the other events, he is

1 greatly responsible for them because he was unable to manage the country properly,
2 like a wise father would.

3 MR KNOOPS: [10:25:44]

4 Q. [10:25:45] Mr Poussou, I respect your answer, but you're actually evading the crux
5 of the question.

6 It was a long question, Mr President, it's true.

7 My point is this, Mr Poussou. This Seleka offensive, and you would agree with me, I
8 hope, took place before, in your evidence, the Anti-Balaka regained power in 2014;
9 right? So all these consequences of the Seleka offensive described in this report, the
10 killings, destruction of the justice system, the police, et cetera, this happened before the
11 so-called armed rebellion of Mr Bozizé took place in 2014, or manifested itself in 2014.

12 Do you agree with me?

13 A. [10:26:49] I cannot agree with you, counsel, because already one point, the Anti-
14 Balaka did not regain power. And I have been telling you, and I am reiterating to you,
15 that the destruction of the judicial system, the destruction of the government's
16 authority throughout vast swatches of the country, from my point of view, these were
17 the logical consequences of the mismanagement by the Bozizé regime.

18 Q. [10:27:43] So to conclude this point, Mr Poussou, you disagree with this finding
19 that the Seleka offensive dismantled this whole policing architecture and destroyed the
20 justice system? This has nothing to do with management. It has to do with the facts on
21 the ground at that time. You agree with these findings; yes or no? I'm not asking you
22 again to expound on whether or not the president managed in the past until 1995. It's
23 about these two paragraphs.

24 * A. [10:28:33 a.m.] Counsel, facts are stubborn things. It's clear that the Seleka, who
25 certainly were not choir boys, destroyed, committed a number of crimes, were behind

1 some of the destruction. That is a fact. One can't challenge facts.

2 Q. [10:28:53] Thank you, Mr Poussou. Well, next point: In your evidence, you told
3 the Court, and this was in the transcript of 17 January, English realtime transcript, page
4 87, lines 11 until 18. In short, you say that -- asked by the Prosecution, was anything
5 discussed among the members of FROCCA in terms of the violence?

6 You say:

7 "The only truthful thing here is that, during the FROCCA meetings, regret was
8 expressed for the fact that Seleka elements from attacking civilians. But they attacked
9 civilians in a general way. No specific community was targeted. So here one cannot
10 speak of genocide. The Seleka killed, engaged in looting, stole, but without making
11 any distinction amongst their victims, where people came from or who people were
12 close to."

13 That was your evidence.

14 Now, if you would be so kind to look at paragraph 38 of the same document. It's the
15 perspective of the Secretary-General of the United Nations on the targets under control
16 --

17 PRESIDING JUDGE SCHMITT: [10:30:41] I think you can read this. I think you are
18 interested in --

19 MR KNOOPS: [10:30:47] The fifth line.

20 PRESIDING JUDGE SCHMITT: [10:30:48] Yes, of course. I think it's good to have it
21 not only on the record but that it is translated to the witness. I assume the witness
22 reads English also very well, but still it's better to have a translation.

23 MR KNOOPS: [10:31:00] Yes. Thank you, Mr President.

24 Q. [10:31:02] Well, Mr Poussou, again, the finding of the Secretary-General is the
25 following in page 38, if you read the transcript before you. The document, it's 0108,

1 page 0108.

2 "The existing precarious human rights situation worsened during the conflict from
3 December 2012 to March 2013."

4 So that was directly after the Seleka offensive.

5 "Before March 2013, serious and widespread allegations of human rights violations
6 were reported both in areas controlled by Government forces and in those controlled
7 by Seleka."

8 And then:

9 "BINUCA received many ..."

10 MR KNOOPS: [10:31:56] And BINUCA is, for the Court, the United Nations Integrated
11 Peacebuilding Office in the Central African Republic, BINUCA.

12 Q. [10:32:04] "... received many reports of alleged summary executions and targeted
13 assaults, motivated by the victims' religious and ethnic identity."

14 PRESIDING JUDGE SCHMITT: [10:32:15] I think we can stop here.

15 MR KNOOPS: [10:32:18] Yes, let's stop.

16 Q. [10:32:18] So, Mr Witness, what I'm trying to say to you, that contrary to what you
17 said to the Court on 17 January, that there were no killings by Seleka with distinction,
18 this is not the finding of the Secretary-General of the United Nations. So it's fair to say
19 that your evidence was not accurate or not truthful in this regard. Did you omit to, as
20 an independent journalist, include this?

21 PRESIDING JUDGE SCHMITT: [10:33:02] But we don't -- Mr Knoops, please, if you
22 think you have a contradiction to a document, but in the wording, don't say "not
23 truthful." We're speaking here about assessments of political situations, and we don't
24 want -- we don't want any, let's say, reproaches of the witness like that.

25 So the question is, Mr Witness, also 26, you have it also in your mind, where it says: "...

1 Seleka elements are reportedly targeting non-Muslim citizens ..."

2 So the question is, if the victims of the Seleka were really, let's say, victims that
3 belonged to all the population, to all parts of the population, religiously, socially, with
4 a tribal background, or did they target certain -- let's say did they specifically target
5 Christians? I think that's the question that would be suggested by the paragraphs that
6 Mr Knoops has read out.

7 THE WITNESS: [10:34:38](Interpretation) Thank you, your Honour. Without any
8 offence to Counsel Knoops, but I think he misunderstood me, because I said before this
9 Court that the elements of the Seleka coalition attacked religious monuments. They
10 killed priests when they made ground towards Bangui. So we could say that when
11 they were making way, when they were progressing towards Bangui, Christians were
12 targeted since the religious monuments also were targeted.

13 But in Bangui -- and this is a precision that's very important. When they arrived in
14 Bangui, they weren't attacking a community or an ethnic group or religious community
15 in a specific way. They started systematically pillaging all districts of Bangui. * This is
16 why in the memo, when I made my diagnosis, so to speak, I said that there had been an
17 astonishing amount of pillaging, including the pillaging of Muslims in KM5, whose
18 property had been taken.

19 And there were civilians who were killed without any distinction. Many of our fellow
20 citizens died not because of their ethnic belonging or their opinion, it's just because
21 they happened to be at the wrong place at the wrong time, so they were killed.

22 So this is my answer, your Honour.

23 PRESIDING JUDGE SCHMITT: [10:36:50] Mr Knoops.

24 MR KNOOPS: [10:36:52]

25 Q. [10:36:53] Yes, Mr Poussou, I was just quoting from your evidence, and that's why

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- 1 I was asking you, because you said to this Court that the Seleka killed without making
2 any distinction. I put to you that this is not an --
- 3 A. [10:37:07] In Bangui.
- 4 Q. [10:37:09] -- accurate answer -- in Bangui, okay.
- 5 PRESIDING JUDGE SCHMITT: [10:37:10] Mr Knoops, the witness has answered the
6 question. Please move on.
- 7 MR KNOOPS: [10:37:14] All right.
- 8 Q. [10:37:16] Are you -- as a journalist, did you follow the proceedings in this Court?
9 I mean, the proceedings in the case of Mr Ngaïssona and Mr Yekatom. Online or in the
10 newspaper, on the web site?
- 11 A. [10:37:46] I must admit that I did not follow this case until my witness deposition.
12 I did not know what was happening here, and I did not even know who were the main
13 people involved. I did not follow up on this case.
- 14 Q. [10:38:15] And after your deposition, you were interested to follow the hearings in
15 this Court, what other witnesses did say or did not say?
- 16 A. [10:38:27] When I leave this courtroom, I'm so tired that the only thing I want to
17 do is sleep.
- 18 PRESIDING JUDGE SCHMITT: [10:38:46] Well, let me say simply, Mr Witness, there
19 are two things.
- 20 First of all, a witness in this Court -- since everything is so transparent, what we do at
21 the International Criminal Court, that you can follow it, the transcripts - if it is open
22 session, of course, only - and you can watch it on YouTube. There is nothing, let's say,
23 reproachful if you follow the proceedings. So nobody can say -- but also you don't
24 have to. That's the flip side. You don't have to follow, but you can.
- 25 I just wanted to explain also because we have listeners --

1 MR KNOOPS: [10:39:22] No, it's --

2 PRESIDING JUDGE SCHMITT: [10:39:22] -- and so it is clear that -- but you want,
3 obviously, to put something that has happened in this courtroom --

4 MR KNOOPS: [10:39:32] No, no, no. No, no.

5 PRESIDING JUDGE SCHMITT: [10:39:33] You don't?

6 MR KNOOPS: [10:39:34] No, no.

7 PRESIDING JUDGE SCHMITT: [10:39:35] Okay. So then --

8 MR KNOOPS: [10:39:36] The reason of my question is different. I would have
9 encouraged Mr Poussou to follow the proceedings, because then he would have known
10 something which I'm going to ask him.

11 Q. [10:39:43] Mr Poussou, did you take notice as a journalist, as an independent
12 journalist, of the web site of the Court, and were you aware of the fact that there is
13 another case pending here which is against an individual from the Seleka? Were you
14 aware of this trial here, another trial? Not in this courtroom, another courtroom.

15 A. [10:40:10] When the fellow citizens and, more importantly, the chief actors of the
16 Central African Republic were arrested, I was aware, and I know that they were
17 arrested and everything. But I repeat what I've already said before: I really did not
18 follow the case on the Central African Republic.

19 Q. [10:40:53] Okay. All right. No problem, Mr Poussou. That's not a problem.
20 Because - and that's the gist of my question - if you would have followed the
21 information also provided by the Office of the Prosecution to the public domain, you
22 would have known, most likely, that in another case in this Court, the Prosecution
23 accuses a member of the Seleka that the Seleka, in the time-frame of April 2013 to
24 November 2013, so that's before the government of Djotodia was asked to step down,
25 attacked Bozizé supporters in furtherance of a policy; specifically individuals who

1 supported Bozizé who targeted Christians, people of Gbaya, Mandja, and Banga ethnic
2 groups, including members of the FACA and the presidential guard, ethnic groups
3 there.

4 In other words, according to the Prosecution in this Court, not in this Court but in this
5 Court in general, holds the view that the Seleka did make distinctions and targeted
6 specific groups, in other words, ethnic groups, and my question to you is: You were
7 not aware of this information?

8 A. [10:42:41] My answer is as follows: I am not aware of what's there in the
9 Prosecution file, but it is high time that the members of the Seleka who are the object of
10 suspicion, it is time that they be prosecuted. And I said that in 2019 when the OTP
11 came to -- came for my deposition in Canada. I did not say that the Seleka targeted a
12 community in a specific fashion, but they were responsible for crimes and they
13 attacked our fellow citizens.

14 Q. [10:44:09] So why did you say that, in this evidence on 17 January, that the Seleka
15 killed without distinction amongst their victims? There was a distinction. * They
16 targeted Gbaya.

17 PRESIDING JUDGE SCHMITT: [10:44:24] Mr Vanderpuye.

18 MR KNOOPS: [10:44:26]

19 Q. [10:44:26] They targeted Gbaya --

20 PRESIDING JUDGE SCHMITT: [10:44:28] Mr Vanderpuye.

21 MR VANDERPUYE: [10:44:31] Mr President, we've gone over this, I think, a couple of
22 times already. The witness already answered the question twice or thrice.

23 PRESIDING JUDGE SCHMITT: [10:44:41] I would also say, Mr Knoops, this has been
24 asked and answered. But there is -- however, there is a specificity that the Prosecution
25 in this other case alleges that specifically Bozizé and his supporters and the FACA were

1 targeted. So what I would -- what interested the Court is: Were you aware of that?

2 And if so, where did this information come from? Mr Knoops, in that regard, I think
3 that is -- yes?

4 Mr Poussou, perhaps you can tell us about that.

5 THE WITNESS: [10:45:27](Interpretation) Thank you, your Honour. It was obvious,
6 given what Bozizé and his clan was doing against the Seleka regime, it is quite obvious
7 that the regime was interested in the members of this clan. And the Seleka secret
8 service was basically acting to undo the plots that intended to overthrow them.

9 Now, if it's about knowing if the Seleka was specifically targeting Bozizé clans, were
10 targeting the Gbaya, the answer is no. The Seleka attacked everyone. However, the
11 regime was particularly focused on the activities of Bozizé's clan. That was a threat to
12 them.

13 PRESIDING JUDGE SCHMITT: [10:46:55] I think you can move on, Mr Knoops,
14 please.

15 MR KNOOPS: [10:47:01] Yes.

16 Q. [10:47:02] I have a final question, Mr Poussou, on this document. We can do it
17 before the break, I think. Mr Poussou, as a journalist, you must have been interested in
18 facts and figures, although you did say that you were not quite interested in details at
19 some point in time of the events in Cameroon and France. But have you any idea how
20 many people were displaced due to the Seleka offensive, so after the offensive of the
21 Seleka in Bangui?

22 A. [10:47:49] I've got no idea of the statistics. I do not know the figures on the
23 displaced population.

24 Q. [10:47:58] Did you do any attempt to find out? Were you interested in finding out
25 what the effects were of the Seleka offensive of 21 March 2013?

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1 A. [10:48:31] Generally speaking, what the NGOs and others were reporting, the
2 figures that were published, I'm not talking about the offensive of the 25th because you
3 really need to have a wholistic view of the events from December to March. From
4 December 2012 to March 2013, when the Seleka entered Bangui, the NGOs were talking
5 about 300,000 to 500,000 people who would have fled the country or who would have
6 moved to another part of the country, so displaced themselves in the country.

7 PRESIDING JUDGE SCHMITT: [10:49:30] I think you're referring to paragraph 49 and
8 50 of this report. Since, I assume, the report will be submitted, I think that would be --
9 the Chamber would be fine with it. But since we have an audience, it says here -- so,
10 for the record, that is 0111:

11 "Prior to the takeover of Bangui, more than 173,000 people had been displaced in the
12 north and north-east of the country and further displacements have since been
13 reported from Bangui and west of Bangui. Another 45,000 people fled the country
14 from December 2012 to April 2013 to seek asylum in the Democratic Republic of the
15 Congo," with some 33,000 refugees, "Chad (6,700) Cameroon (1,024), and Republic of
16 Congo (400)."

17 Paragraph 50 then:

18 "More than 80,000 people are estimated to be at risk of severe food insecurity ..."

19 And then at the end:

20 "... at least 656,000 children currently have no access to education."

21 If you want, I understood that you perhaps move to another point --

22 MR KNOOPS: [10:50:42] Yeah.

23 PRESIDING JUDGE SCHMITT: [10:50:42] Then we could have a little bit longer coffee
24 break, or do you have a concrete question to the witness?

25 MR KNOOPS: [10:51:06] Just one question to --

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1 PRESIDING JUDGE SCHMITT: [10:51:07] Yes, please.

2 MR KNOOPS: [10:51:07] Otherwise it's just an anticipation of --

3 PRESIDING JUDGE SCHMITT: [10:51:08] Yes, yes, yes -- no, no, but the witness
4 already said that he -- he spoke that he knew of some 300,000, this figure was in his
5 mind.

6 MR KNOOPS: [10:51:15] Yeah.

7 Q. [10:51:15] My only question is, Mr President, Mr Poussou, you agree with me that
8 these enormous amounts of displacements were due to the Seleka offensive? It's a
9 simple question. Yes or no?

10 A. [10:51:21] Even if 20 Central Africans had been displaced, even that would have
11 been a stupendous figure.

12 PRESIDING JUDGE SCHMITT: [10:51:44] I think that's an answer. Let's have now the
13 break until 11.30. You will continue with COAC, or do you have other --

14 MR KNOOPS: [10:51:54] I have still some documents on this point, on the event of the
15 conflict, and I might start also during the second session with COAC.

16 PRESIDING JUDGE SCHMITT: [10:52:02] Fine.

17 THE COURT USHER: [10:52:05] All rise.

18 (Recess taken at 10.52 a.m.)

19 (Upon resuming in open session at 11.30)

20 THE COURT USHER: [11:30:37] All rise. Please be seated.

21 PRESIDING JUDGE SCHMITT: [11:30:52] Well, Ms Dimitri, it did not escape our
22 attention that we have a new member, new and not so new member. Mr Hannis,
23 welcome to the courtroom.

24 MR HANNIS: [11:31:06] Thank you.

25 PRESIDING JUDGE SCHMITT: [11:31:18] Mr Knoops, you still have the floor.

1 MR KNOOPS: [11:31:19] Yes. Thank you very much, Mr President.

2 Q. [11:31:20] Mr Poussou, thank you for joining us today again. Of course, I realise
3 my questions are sometimes compound with -- I would like to ask you also, in order
4 for me to finish Tuesday, I have so many questions, if we could agree that you try, and
5 I will try my best to comprise the questions, if your questions -- your answers could be
6 specifically aiming at the question you answer. It's not to seek comments on the
7 situation. I know you have a lot of information, but -- or else -- I'm still at the first
8 topic, and to be honest, I --

9 PRESIDING JUDGE SCHMITT: [11:31:57] But also we -- this is -- specifically, when we
10 are talking about political, historical context, we cannot restrain a witness to a "yes" or
11 "no" normally.

12 MR KNOOPS: [11:32:08] That's true.

13 PRESIDING JUDGE SCHMITT: [11:32:09] That is the problem that we have here, and
14 also the Chamber would not want to restrain the witness in that regard. So please
15 continue, Mr Knoops.

16 MR KNOOPS: [11:32:17] Thank you. This was not meant to restrain him --

17 PRESIDING JUDGE SCHMITT: [11:32:20] Yes, I'm just mentioning it.

18 MR KNOOPS: [11:32:23] Okay.

19 Q. [11:32:24] Mr Poussou, I have another question to you still on the topic of the
20 event of the conflict and the context. While I took notice of your evidence on 17
21 January, on the English realtime transcript, page 53, lines 7 until 10, where you say that:
22 "So when a former head of state who was suspected of being behind those who had
23 launched the attacks, who was suspected of setting fire to the country, when such a
24 man asked for the current head of state to leave his office, this was something
25 irresponsible."

1 And that was your evidence on 17 January.

2 Now, I would like you to look, and I will not ask you many questions about that
3 document, to a UN resolution which was adopted on 10 October 2013, so this was after
4 Mr Djotodia was elected by the transitional council as head of the transitional
5 government, and just 40 days before your appointment as the minister in his regime,
6 which was on 30 November of 2013.

7 And in this resolution, and that's in our binder at 99, tab 99, CAR-OTP-2001-0256. And
8 you find on the first page, at the end, the conclusion by the Security Council resolution
9 members that there was a serious deterioration of the humanitarian situation in the
10 country.

11 But what is more relevant for my question is the next page, 0257, in the second
12 paragraph from below, you'll find the observation by the Security Council that the
13 members of the coalition of Seleka not only violated the accords of Libreville but also
14 jeopardised the stability of the country in a very delicate way. This was 10 October
15 2013 in time, so several months after the report we discussed this morning.

16 My question is simply to you, Mr Poussou, can you agree that under the reign of Mr
17 Djotodia, the situation in the country worsened in terms of the qualifications which
18 were used here by the Security Council members? It could be a yes-or-no question, but
19 I leave it to the witness if he ...

20 A. [11:36:02] Thank you, counsel. Obviously, the situation worsened when the
21 Seleka were in power, be it because of the clashes throughout the country.

22 Q. [11:36:32] Thank you.

23 PRESIDING JUDGE SCHMITT: [11:36:34] May I perhaps? I'm interested. We know,
24 and you've affirmed, that on 30 November 2013, you became minister for
25 communication. In light of what was going on in the country, what did you hope to

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1 achieve in that position?

2 THE WITNESS: [11:36:54](Interpretation) It was a matter of successfully reconciling
3 the people of the Central African Republic so that the various factions might speak to
4 one another so that the coexistence, peaceful coexistence within the country might
5 return and prevail again.

6 PRESIDING JUDGE SCHMITT: [11:37:38] Thank you.

7 Mr Knoops, please continue.

8 MR KNOOPS: [11:37:40]

9 Q. [11:38:00] Would you agree with me, Mr Poussou, that at that point in time
10 described by the Security Council resolution in this document, you could qualify
11 yourself, apart from being a journalist but as a civilian of the CAR at the time, at that
12 moment, as a country which was in fire?

13 A. [11:38:36] Exactly.

14 Q. [11:38:38] And you would agree with me that at that time Mr Djotodia was
15 responsible for the country as a head of the national council?

16 A. [11:38:53] He was the president of the transitional -- he was the transitional
17 president.

18 Q. [11:39:06] Now, I would like to go to another document which was already
19 disclosed to you, displayed to you and discussed about yesterday and the day before.
20 It's at the OTP tab 57. It's an annex to your statement, annex 13, and it's CAR -- I have
21 two CAR numbers here, but it's, I think, this one: CAR-OTP-2123-0473. Yes. That's the
22 one. Thank you very much.

23 Now, Mr Poussou, it's my understanding that you drafted this communiqué number 1
24 on behalf of FROCCA, and that was your evidence given on 17 January in the English
25 realtime transcript, page 81, lines 4 until 10.

1 PRESIDING JUDGE SCHMITT: [11:40:03] We recall that very well. He drafted that.

2 MR KNOOPS: [11:40:06] Yeah, drafted it. Yes.

3 Q. [11:40:08] Now, I draw your attention to the wording of the communiqué which,
4 in the first paragraph, speaks about the invasion by a cohort of mercenaries. You speak
5 about terrorism, barbarism. And then at the end, and that's my question, at the very
6 last sentence, you say:

7 (Interpretation) "... with unconditional buy-in to his legitimate struggle for national
8 liberation."

9 (Speaks English) Here you use the word "liberation" as liberation not for Mr Bozizé.

10 A. [11:41:25] I haven't understood your question, counsel. But in the same
11 paragraph, mention is made of legal means to liberate the nation. It makes mention of
12 legal means.

13 Q. [11:41:52] Yes. My question is: Is it correct that the word "liberation" here was not
14 used by you in the context of Mr Bozizé but in the context of the liberation from the
15 Seleka; correct?

16 A. [11:42:04] Yes. Since the release went against the Seleka, the country was to be
17 liberated from the Seleka but by legal means.

18 Q. [11:42:29] And this was drafted 5 October 2013. What did you mean with the last
19 sentence, that:

20 (Interpretation) "FROCCA calls upon the collective conscience of the Central African
21 Republic with a view to unconditional subscription to or support for this legitimate
22 struggle."

23 A. [11:43:15] Am I to answer? Counsel, you have to understand this paragraph. You
24 have to look at it in its entirety. It reads as follows:

25 "While imposing the duty to drive out by legal means the criminals of the Seleka, drive

1 them off the territory of the Central African Republic, which they have sullied and
2 profaned, the FROCCA calls upon the collective conscience of the Central African
3 Republic with a view to an unconditional support for the legitimate struggle for
4 national liberation."

5 * The legal means that I am familiar with are things like peaceful demonstrations,
6 protests, sit-ins, all the various means that are part of a democratic system. And to do
7 that, there must be support from the people. The entire people, or at least most of the
8 citizens, must be able to make their contribution.

9 So that is the underlying meaning of this paragraph.

10 Q. [11:44:56] Thank you, Mr Poussou. In line with the question, Mr President, the
11 question is why, in three months' time, you change your mind. Here you are of the
12 opinion that the country should be liberated from Seleka, albeit with legitimate means,
13 but then you join them as a minister on 30 November, and then you say in your annex
14 4 of February 2014, the country should have been liberated from Bozizé.

15 PRESIDING JUDGE SCHMITT: [11:45:29] Before you answer, Mr Witness. Mr
16 Vanderpuye, you have the floor.

17 MR VANDERPUYE: [11:45:33] There are a couple of things. First of all, I think, and
18 the witness can comment on it, I suppose, but I think it mischaracterizes his evidence.
19 The second thing is the Seleka was dissolved in September of 2013, so he didn't join the
20 Seleka. He joined the Djotodia regime, and that is established by -- uncontestedly by
21 decree.

22 PRESIDING JUDGE SCHMITT: [11:45:54] First of all, I start with the letter. That's
23 correct. He did not say and he did not join the Seleka. Secondly, the witness, I think, is
24 able to provide us with his view of the matter.

25 So you have the floor, Mr Witness.

1 THE WITNESS: [11:46:17](Interpretation) Thank you, your Honour. I also thank the
2 Prosecutor for specifying that I did not join the Seleka. I agreed to join the Government
3 of National Unity within which there was a representative of the KNK, François
4 Bozizé's party. So leading the government, there was the prime minister, Mr Nicolas
5 Tiangaye, who could be suspected of being a Seleka member.
6 I did not change my point of view over the course of three months, counsel. When I
7 went to Bangui in November, I saw that the country -- well, in the inner circle around
8 President Djotodia, there were a number of foreigners, people from Sudan, Chad, et
9 cetera. And I said to myself, if we want to have the slightest chance of regaining
10 control over this country, we must not in the hands of people -- the people who I'd seen
11 there. And then I said to myself, to weaken a system, you have to be from inside, you
12 have to be working from the inside.
13 So these were the thoughts that led me to accepting the offer to join that team, but I did
14 not change my point of view. Not at all.

15 PRESIDING JUDGE SCHMITT: [11:48:47] Mr Knoops, please continue.

16 MR KNOOPS: [11:48:50]

17 Q. [11:48:52] Your testimony on the 16th was -- and it's transcript page 88 -- sorry, it's
18 the 17th. Excuse me. On the 17th, you said that -- you testified that:
19 "... Seleka were not taking any actions that would lead the country to come an Islam
20 state," an Islamic state.

21 I would like to show you a document, Mr Poussou, and ask you whether you were
22 familiar with this document when you entered into the government on request of Mr
23 Djotodia, and that is tab 102, 103, of our binder.

24 This document was provided to us by a Prosecution witness. It's CAR-OTP-00000405-
25 000001. It's tab 102. That's the first page. And the second page you'll find in tab 103,

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1 and that's 00000406-000001.

2 Let me first start with the first page. That's tab 102. If that document could be shown
3 to Mr Poussou.

4 And I'm asking your attention for the second paragraph, the last sentence where you
5 say --

6 PRESIDING JUDGE SCHMITT: [11:51:31] I think not he is saying that. No?

7 MR KNOOPS: [11:51:35] No, no, Mr President. Sorry.

8 PRESIDING JUDGE SCHMITT: [11:51:36] So not the witness is saying that.

9 MR KNOOPS: [11:51:38] No, no.

10 Q. [11:51:39] For you, Mr Poussou --

11 MR KNOOPS: [11:51:41] That's correct, Mr President. Of course, that was not the
12 suggestion.

13 Q. [11:51:44] Mr Poussou, just for your background, this was a document provided
14 by a Prosecution witness to us. It's a letter signed by Mr Michel Djotodia, president of
15 the UFDR, on 17 April 2012, apparently presented during a conference around that
16 time.

17 First of all, do you recognise this document? Did you see it before?

18 A. [11:52:23] I do recognise this document. I have seen it before, in the past, just as I
19 know that President Djotodia had publicly denied the existence of this document.

20 Q. [11:52:52] Would you be so kind to look, then, at tab 103. That's the second page
21 of this document. You see his name and stamp, and I'm asking you: Were you familiar
22 - you must have been as a minister in his government - with his signature? Could it be
23 his signature?

24 A. [11:53:17] This signature cannot be read off the screen, so I'm really not able to see
25 clearly.

- 1 PRESIDING JUDGE SCHMITT: [11:53:41] I think that's the most that we can do to
2 enlarge it a little bit. It's, indeed, difficult, I would say. But, Mr Witness, could you say
3 us anything about the signature?
- 4 THE WITNESS: [11:54:02](Interpretation) To be honest, your Honour, I can't make it
5 out. It might be the signature of President Djotodia. But in any event, he disavowed
6 this, saying that it was an out-and-out forgery, to use his very own words.
- 7 PRESIDING JUDGE SCHMITT: [11:54:23] I think in that event we would have to move
8 on. Perhaps one try.
9 If we go back to the first page, please, Madam Court Usher.
10 The email address there, is this an email address, which we can see here,
11 micheldjoto@hotmail.fr, would that be an email address that is familiar to you?
- 12 THE WITNESS: [11:54:57](Interpretation) Yes, that is indeed the email address that
13 President Djotodia used when he was still part of the rebellion.
- 14 PRESIDING JUDGE SCHMITT: [11:55:11] I think, Mr Knoops, we have to continue.
15 You cannot ask the witness -- assuming that Mr Djotodia would have declared that, so -
16 - but we have it on the record.
17 And perhaps another try even. Again to the second page. Excuse me for going back
18 and forth. And going down to the signature and the stamp, perhaps let's have a look at
19 that. Thank you very much. Enlarge it, please, a little bit.
20 According to your knowledge, does this stamp look familiar to you?
- 21 THE WITNESS: [11:56:00](Interpretation) Yes, it does, your Honour. UFDR at the time
22 would regularly publish releases with a stamp like this, so I can say that this is the
23 stamp of the UFDR. And if my memory serves, this document was made public for the
24 first time by Levy Yakete, and we know his hostility towards Djotodia. I just wanted to
25 point that out.

1 PRESIDING JUDGE SCHMITT: [11:56:53] I think that is the closest we get without any
2 scientific, let's say, scientific investigations here. Please continue, Mr Knoops.

3 MR KNOOPS: [11:57:04] I have one specific question about the document itself, the
4 content of page -- the first page, that's tab 102. Maybe this could be shown to Mr
5 Poussou.

6 Q. [11:57:26] The second paragraph -- but first, in the last sentence, it refers to an
7 organisation to re-vindicate the rights of the Muslims in 2006. And my question to you,
8 Mr Poussou: Is it correct that in 2006, Mr Djotodia, with the Seleka, did a first attempt
9 to take power in the Central African Republic with force but were ultimately stopped
10 by the French army who prevented a taking over of Bangui by Djotodia?

11 PRESIDING JUDGE SCHMITT: [11:58:12] Mr Vanderpuye.
12 Before you answer, please, let's hear Mr Vanderpuye.

13 MR VANDERPUYE: [11:58:17] Mr President, Mr Knoops is making reference to this
14 document in the context of the Seleka. The UFDR is not the Seleka. The Seleka, as the
15 witness has testified to on a number of occasions, is a coalition of several groups. Now
16 he's making reference to a reference in this document going back to 2006 in the context
17 of Seleka activities which, of course, could not be the case. So I think (Overlapping
18 speakers)

19 PRESIDING JUDGE SCHMITT: [11:58:45] Yeah, but we can reword it in a way that it
20 makes sense, and I'm going to do that.

21 Mr Witness, you said that Mr Djotodia said this was a forgery, but nevertheless, this
22 sentence, that in 2006 already there was a -- with groups from Sudan, there was already
23 an attempt to overthrow the government. Does that ring a bell? Do you have any idea
24 what this could mean? Is there anything in your -- any information in that regard that
25 you could provide us with?

1 THE WITNESS: [11:59:33](Interpretation) Thank you, your Honour. In 2006, indeed,
2 the UFDR launched attacks and was able to take control of Birao, and then the French
3 army halted their advance upon Bangui. This information is in the public domain.
4 In this document, if I could look -- go back to this document. The information in this
5 document is public in nature. This reiterates some of the claims that the UFDR had
6 made publicly -- or, rather, their demands that they had made publicly.

7 PRESIDING JUDGE SCHMITT: [12:00:37] Thank you. I think we have here the
8 answer, Mr Knoops.

9 MR KNOOPS: [12:00:42] Then I would like to show the witness tab 11 of our Defence
10 binder, which is CAR-D30-0006-0084. It's an article which was published way after the
11 charges in December 2015. It announces a "Republique de Dar El Kouti."

12 Q. [12:01:21] My question to you, Mr Poussou: Were you aware of this
13 announcement by Mr Adam Nouradine?

14 A. [12:01:44] Yes, counsel.

15 Q. [12:01:46] And in connection with the letter which was contested by Mr Djotodia
16 of 2012 which announces the transformation of the Central African Republic into an
17 Islamic republic with the imposition of the sharia, was this something you were
18 aware of when you became minister in November 2013?

19 A. [12:02:18] Thank you, counsel. * I must specify that this statement about the
20 creation of the alleged republic of Dar El Kouti was refuted at the time by Nouradine
21 Adam. And if you carefully look at the document that has been -- that's been displayed,
22 Radio Ndeke Luka published in a column called "True or False." So really you cannot
23 say that it's Nouradine Adam who was at the origin of the statement.

24 * Having said this -- and this is the conclusion of the analysis that Mr Knoops
25 mentioned at the beginning of his cross-examination -- after having lost power, some of

1 the Seleka expressed vague hopes or desires to secede and to establish a republic made
2 up solely of Muslims.

3 And this is precisely why I'm saying that you really need to combat such ideas with
4 the necessary force.

5 Now, to answer Mr Knoops' question. When I was part of the government, the
6 question on dividing the country or setting up a republic of Dar El Kouti was out of
7 question.

8 Q. [12:04:55] Thank you, Mr Poussou. Can you remember what you did say about a
9 project to create a Muslim state yourself in 2019 in your statement?

10 A. [12:05:01] I do not recollect that.

11 MR KNOOPS: [12:05:15] Could we perhaps then display paragraph 130 of the
12 statement of Mr Poussou, at 2019. This is Prosecution binder tab 45. It's the first two
13 sentences of that paragraph 130.

14 PRESIDING JUDGE SCHMITT: [12:05:42] And it's perhaps -- it's CAR-OTP-2123-0377,
15 at 0999 -- excuse me, 0399. It's my fault. Paragraph 130.

16 MR KNOOPS: [12:06:04] Yes.

17 Q. [12:06:04] You see, Mr Poussou, what you told the investigators in 2019, in
18 November 2019, about such a project. Can you recall saying this to the investigators
19 back then?

20 PRESIDING JUDGE SCHMITT: [12:06:15] Well, we take it that he said it, and you can
21 be more straightforward and ask him if --

22 Reading that now, Mr Witness, what are you going to say to that?

23 THE WITNESS: [12:06:31](Interpretation) It just bears out what I said earlier. After
24 having lost the power, the Seleka had a plan to create a Muslim state. They said that
25 clearly in -- Abakar Sabone said that the Central African Muslims must create their

1 own state.

2 MR KNOOPS: [12:07:11] Thank you. I would like to show the witness, Mr Poussou,
3 another document, which is in our binder, tab 41. It's a Facebook conversation. And
4 first of all, before we show it, Mr President.

5 Q. [12:07:28] Mr Poussou, are you familiar with a person with the name Jean Alesco
6 Bouragoro? He was supposedly a commissaire to the police. Jean Alesco Bouragoro,
7 do you know him?

8 A. [12:07:53] I've heard the name before.

9 Q. [12:07:54] And someone with the name Talaisse Moidamse, Moidamse?

10 A. [12:08:04] I do not know that name.

11 Q. [12:08:06] Can you recall having any exchanges with Mr Jean Alesco Bouragoro at
12 any point in time? I'm speaking about 2012, 2013, maybe 2014.

13 A. [12:08:31] I do not recall having any interaction at all with Mr Bouragoro during
14 that period.

15 MR KNOOPS: [12:08:48] My colleague, Ms Szmatala, refers now to me that the article
16 of Mr Nouradine Adam is published under Actualités politiques and not under the
17 rubric of Vrai ou Faux. That's just for the Court's records, to check.

18 PRESIDING JUDGE SCHMITT: [12:09:07] And now you're referring to the mentioning
19 of Mr Poussou in this conversation, so can we go straightforward to his --

20 MR KNOOPS: [12:09:15] Yes.

21 Q. [12:09:16] Tab 41, CAR-OTP-2102-4833, at 505 -- sorry, 5084 and 5085. It's quite a
22 long text, but I ask Mr Poussou to read just the portion on 5084, which says that he --

23 PRESIDING JUDGE SCHMITT: [12:09:59] That he be --

24 MR KNOOPS: [12:10:00] In the sanctions list of the --

25 PRESIDING JUDGE SCHMITT: [12:10:05] Yeah, yeah, exactly.

1 MR KNOOPS: [12:10:06] -- Security Council.

2 Q. [12:10:06] That's my first question, whether you can confirm that this was the case
3 at that time, 2014, or maybe earlier, with Mr Djotodia and Mr Adam and Mboli-
4 Goumba. Do you have any information that you were on the sanctions list at the time,
5 Mr Poussou?

6 A. [12:10:31] What list of sanctions are you talking about?

7 PRESIDING JUDGE SCHMITT: [12:10:41] If I may, it says here: "... sont dans le viseur
8 de la communauté internationale." Does this mean sanction list, for the interpreters?
9 What does that mean in English, exactly?

10 THE INTERPRETER: [12:11:01] Not particularly. I don't think that refers to a sanction
11 list at all.

12 MR KNOOPS: [12:11:09]

13 Q. [12:11:11] It is saying, the third sentence:

14 "... sanctionner soumise par la France au Conseil de sécurité des Nations unies. Cette
15 liste, la première concernant la Centrafrique, comporte les noms de huit responsables
16 soupçonnés de soutenir les Seleka ou les anti-balaka."

17 And there it says that your name --

18 PRESIDING JUDGE SCHMITT: [12:11:33] Yeah, yeah, so it's not completely clear. I
19 think it's not completely clear that there is -- so have you ever heard, Mr Poussou, that
20 you might have been on a sanction list of the UN, or have you any knowledge of that?
21 Ever heard of that?

22 THE WITNESS: [12:11:58](Interpretation) Your Honour, never in my life. Never. I
23 don't know why my name should be on a UN sanction list.

24 PRESIDING JUDGE SCHMITT: [12:12:12] So this is a conversation between two
25 people, so this is not the sanction list. If the witness would have been on such a

1 sanction list, this could, of course, be, let's say, proven or underscored by having the
2 sanction list of the UN, which should be a public document.

3 But you never heard of that? This is simply a conversation between two people, whom
4 you say one of them you don't know.

5 THE WITNESS: [12:12:53](Interpretation) Yes, your Honour. These seem to be the
6 supporters of President Bozizé.

7 PRESIDING JUDGE SCHMITT: [12:13:03] Mr Knoops, please go on.

8 MR KNOOPS: [12:13:06] Yes.

9 Q. [12:13:07] Then the second page, this is 5085 of this conversation, which mentions,
10 somewhere below the middle, after mentioning the creation of a République du Haut
11 Oubangui, that you would be charged with the redaction of the constitution of such a
12 republic. Mr Mboli-Goumba actually at this moment is in Washington to find finances
13 and support of the Americans. And the mentioning of Mr Grinberg, an American oil
14 entrepreneur, is mentioned as somebody who was financing the rebellion of the Seleka.
15 Now my question to you is: Were you asked by Mr Djotodia to be involved in such
16 type of activities?

17 A. [12:14:24] Mr Djotodia could not have made a request of me for the simple reason
18 that I am not a specialist in constitutional law. That's number 1.

19 Number 2, the realms of power of the former President Bozizé - and I remember this -
20 they had published, I cannot call it an article, but they had published this text at that
21 period of time, and they accused me and Maître Mboli-Goumba of these very things.

22 * After we had left the government, since we... we were considered by Bozizé and his
23 inner circle as the enemies. So this was an article to basically put us down. At the time,
24 we issued a formal denial, and Mr Crepin Mboli-Goumba has always said that he was
25 never the counsel of Grinberg the oil executive, because when Grinberg had the oil

1 exploration and drilling permits, back in the days of President Patasse, he was only a
2 student in Washington. So this is what I can say.

3 Q. [12:16:32] And how was the Seleka financed, in your opinion? How did they
4 retrieve their weaponry?

5 A. [12:16:45] This is a question that you must ask the members of the Seleka. I was
6 never part of the Seleka so I cannot tell you how the Seleka were funded.

7 Q. [12:17:06] As an independent journalist, were you not interested in finding this
8 out, how this whole operation, this offensive was being financed and where the
9 weaponry came from?

10 A. [12:17:18] To the best of my knowledge, certain members of the Seleka were
11 diamond merchants who were plundered by the minister of mines. And there was a
12 vendetta. And I know that the Seleka controlled certain mining zones, and they would
13 mine diamonds and gold from the regions that were under their control.
14 I'm not in a position to tell you how they were funded or how they would procure
15 weapons. Even though, as a journalist, if I wanted to -- even if I were interested in that,
16 it was very difficult for me to get information because all this -- there's a lot of opacity
17 around this and there's a lot of secrecy involved as well.

18 Q. [12:18:49] Mr Poussou, in the same context, I would like to speak with you about
19 the term "foreigners" which was also used by Mr Bozizé during his speech at PK0.
20 Now, you already told the Court that there were mercenaries under the Seleka troops
21 which invaded Bangui. Did yourself check as a journalist any percentages, how many
22 mercenaries were amongst the Seleka, approximately, as you might have been
23 interested in finding out such a composition?

24 A. [12:19:53] * To date, not many people know exactly how many, the overall
25 composition of the Seleka troops, particularly the percentage of mercenaries. So I really

1 can't have this information, counsel.

2 Q. [12:20:28] When you became minister on request of Mr Djotodia, you -- and that's
3 what you told the Court yesterday, you became --

4 A. [12:20:42] (No interpretation)

5 Q. [12:20:44] Yes. You became interested in certain intelligence sources -- or you
6 were given some information about potential Western Union transactions, you told the
7 Court yesterday, based on intelligence sources. I take it these were intelligence sources
8 from Seleka, from the government of Djotodia at that time; correct? These were his
9 intelligence sources which Mr Djotodia appointed; is that true?

10 A. [12:21:28] One cannot say that it was the Seleka intelligence unit because President
11 Djotodia was at the helm of the transition government. He was governing the state at
12 that point in time. So this was information that came from the intelligence unit of the
13 country and not from the Seleka as an entity that was already dissolved.

14 Q. [12:22:08] Were at that time figures made available to you about the composition
15 of the Seleka forces who entered Bangui in March 2013, or were you interested as a
16 minister to ask your intelligence sources what those figures were about?

17 A. [12:22:42] Counsel, I wasn't the defence minister, so I really couldn't be
18 preoccupied with questions related to the army and the composition of the Seleka. So I
19 really cannot tell you the exact figures of the Seleka troops.

20 Q. [12:23:20] Okay. I'm going to show you two documents which is in our binder,
21 tab 2, first of all. That is a report of the Security Council, or a letter. * CAR-D30-0004-
22 0114 at 0121, paragraph 12. You see the fourth sentence, Mr Poussou, that: "The Seleka
23 force is ... composed primarily of foreign fighters, up to 80 per cent, by some estimates."
24 That's the first document. Wait, please, for my question.

25 The second is tab 20 of our Defence binder which is CAR-OTP-2001-6437. It's an

1 investigative report by an international organisation, and it says on page 6440, under
2 the heading "The perpetrators":

3 "This coalition," the Seleka, "was expanded to include a large number of Chadian and
4 Sudanese mercenaries who, according to certain sources, made up 80% of the Seleka in
5 March 2013."

6 PRESIDING JUDGE SCHMITT: [12:24:58] So the question would be: Do these figures
7 comport with your information, or have you heard of them? Do you know them?

8 THE WITNESS: [12:25:27](Interpretation) Now, there's a constant attitude observed in
9 the armed groups. They inflate the figures pertaining to the fighters. Now, this is done
10 for the purpose of disarmament and demobilisation. So generally these armed groups
11 inflate the figures because they hope that when there is a disarmament process that is
12 implemented, they would get the lion's share.

13 So I've actually -- I've already read this report where we say that the Seleka comprised
14 of 20,000 elements. Now, according to me, this is far away from reality, even though
15 I'm not a member of the Seleka or I don't hold a position in the defence ministry to bear
16 out these figures.

17 MR KNOOPS: [12:27:07]

18 Q. [12:27:07] But, you yourself, you didn't check those figures, so how can you say
19 that these figures were inflated? And we're speaking about mercenaries, not about
20 combatants who have interests in getting certain positions. We're speaking about
21 foreign mercenaries, so people from other states, not from Central Africa. That's the
22 difference.

23 A. [12:27:54] I understand your question. Our country has experienced seizure of
24 powers by force where foreign armies were used or foreign mercenaries were used.
25 Let's take the example in 2003, when Bozizé's rebellion entered the country and it was

1 supported by the Chadian special forces. There weren't 20,000 fighters. That's one
2 thing. So we could assume that the Seleka did not need 20,000 mercenaries to come
3 and overthrow Bozizé's power, Bozizé's regime. The mercenaries are not just fighting
4 for the sake of the people hiring them. They have to be paid. They're hired guns.
5 So I stand by the fact that 20,000 -- the figure of 20,000 is exaggerated. This is my
6 viewpoint.

7 PRESIDING JUDGE SCHMITT: [12:29:37] Mr Knoops, we have the FIDH report and
8 the letter on the record, but I think we have exhausted this subject with regard to this
9 witness.

10 MR KNOOPS: [12:29:47] Yes. Indeed, Mr President, I agree with you. The
11 introduction of these documents has a certain meaning, which leads me to PK0. But
12 before we do, Mr President.

13 Q. [12:30:12] I have, Mr Poussou, to ask one question. You would agree with me that
14 Mr Djotodia was, before he became president of the transitional government, he was
15 the Seleka leader, or are you also contesting that?

16 A. [12:30:28] Counsel, the facts are stubborn things. The fact that Djotodia was the
17 leader of the Seleka, no one could contest that.

18 Q. [12:30:48] Thank you very much. Now, based on the figures we just presented to
19 you, Mr Poussou, based on two independent sources, 80 per cent of the Seleka
20 offensive was, according to these documents, actually administered by foreign
21 mercenaries. Would you agree with me that when Mr Bozizé gave his speech on 27
22 December 2012 at PK0, when he referred to "foreigners," based on those figures, that he
23 was right? There was a huge danger of foreigners because we see 80 per cent foreign
24 mercenaries in two independent reports. Would you agree that he, as president, was
25 right to say that he is in real danger?

1 A. [12:32:03] I can't agree with you when it comes to * these conclusions because the
2 Seleka was made up of both nationals of the country who were Muslim, who lived in
3 northern parts of the Central African Republic, and because of the cultural proximity to
4 Chad and Sudan, they could be likened to -- well, even us, we people from the Central
5 African Republic, * sometimes we have a hard time distinguishing between our
6 compatriots from the northern part of the country and Chadians and Sudanese people.
7 Until we actually begin a conversation with such people, it is only then we can
8 determine.

9 In the collective imagination, one would say that all people in the Central African
10 Republic speak Sango, so that is one way of determining whether someone is from our
11 country or not. So, you see, you can't make generalisations and say that it was
12 foreigners who committed most of the crimes or that it was foreigners who had
13 invaded the country.

14 Q. [12:33:56] You, on 16 January, were asked about the PK0 speech of Mr Bozizé.
15 Can you recall that he also called upon the population that everyone had to be treated
16 equal, and that he wanted to have peace in his country, but he did ask, and he did say,
17 "We could not allow that our country will be destroyed"?

18 A. [12:34:37] It is possible that he may have said that, but to say that one cannot allow
19 the country to be destroyed, from my point of view, that is something totally obvious.
20 He was the one who was the steward, the person responsible for the stability of the
21 country. So if the country were destroyed, it would be his direct responsibility.
22 So to say that one cannot allow the country to be destroyed, I think he was making
23 reference to his constitutional powers. The country was entrusted to him, and the
24 constitution gave him the right -- well, the duty to protect the entire territory of the
25 country, but all people of the Central African Republic as well.

1 Q. [12:35:45] Can you recall, Mr Poussou, that during this speech, Mr Bozizé also told
2 the audience that he was in favour of a dialogue? Because you testified before this
3 Court that one of the reasons for the insurgence by Seleka was that Mr Bozizé, apart
4 from your allegation about fraud, was against any form of dialogue. But can you recall
5 that he did say something about this during the PK0 speech in December 2012?

6 A. [12:36:36] Counsel, I think that we need to make a distinction between what I said
7 before the Seleka emerged. I said before the birth of the Seleka and before it began its
8 offensives, as of May 2012, when Déby went to Bangui to ask President Bozizé to
9 negotiate with his opponents and to find a political solution to the crisis in the Central
10 African Republic, up until the time the rebellion began in December 2012, that dialogue
11 was not actually put in place. Thus President Bozizé was hesitant when it came to
12 dialogue.

13 I asked him in July 2012, in Brazzaville - the interview was made public, it's in the
14 public domain - * "President Déby asked you to organise a dialogue, will you do so? ",
15 and he said, his answer was he would think it over. So he dodged the question." And
16 he said, his answer was he would notify people in due course. So he avoided the
17 question.

18 When the rebellion began, and as it moved faster and faster towards Bangui, and the
19 heads of state of the community of Central African states began to put pressure on
20 Bozizé to negotiate, he went to Libreville to negotiate and the Libreville Agreements
21 were the outcome.

22 In December 2012, he stated that he was in favour of dialogue, but before that date we
23 did not see any willingness on his part to engage in dialogue with the opposition.

24 Q. [12:39:14] Okay. I'm going to show you a document which is in our binder at tab
25 24. It is the transcript --

- 1 MR KNOOPS: [12:39:24] In order to save time, Mr President, I'm not going to play the
2 audio, but I'll ask the witness to read -- and this is already submitted before. It's
3 document CAR-OTP-2060-0678, at 0683, lines 135 until 148. Maybe the witness can
4 read it himself, and I have a question for him, to ask.
- 5 PRESIDING JUDGE SCHMITT: [12:40:14] I think that's fine because it shortens the
6 procedure a little bit. Yeah, that's good. It's in French and ...
- 7 THE WITNESS: [12:40:24](Interpretation) Shall I read it out loud or ...
- 8 PRESIDING JUDGE SCHMITT: [12:40:29] No, that's not necessary, Mr Poussou.
9 You're not here to make exercises for the Court. You're here to testify. When you have
10 read it, please let us know, Mr Poussou.
- 11 THE WITNESS: [12:41:05](Interpretation) That's fine.
- 12 PRESIDING JUDGE SCHMITT: [12:41:09] So your question, please, Mr Knoops.
- 13 MR KNOOPS: [12:41:11] Yes.
- 14 Q. [12:41:13] Does this paragraph reflect what you have experienced with Mr Bozizé?
15 That's my first general question, and then I have some specific questions for this topic.
- 16 A. [12:41:44] This paragraph would lead me to say that this is a speech made during
17 a political rally in which propaganda is broadcast and one can very well say the
18 opposite of what one means. So to my mind, fundamentally this does not represent the
19 true thoughts of President Bozizé regarding dialogue, of course.
- 20 Q. [12:42:31] Were you -- that's my second question about this document, this
21 paragraph of the speech of Mr Bozizé. Were you aware that part of the Seleka coalition
22 forces were members of the Janjaweed, in order to reverse power in Bangui?
- 23 * A. [12:42:58 p.m.] I have no evidence of that, but I do know that the presidential
24 majority at the time was making reference to the Janjaouid when speaking about rebels
25 from the north of the Central African Republic.

1 Q. [12:43:39] Were you able to confirm this in your research as a journalist? Did you
2 research this? Were you not interested in finding out whether this was correct or not?
3 Because the suggestion is that this name, Janjaweed, is used by Mr Bozizé to actually
4 bring fear into the -- you and the civilians who were there, while this might have been a
5 real danger at that time. So my question to you is: Was this indeed an upcoming
6 danger, according to your information?

7 A. [12:44:30] If you would like my opinion, I did not believe:

8 Q. [12:44:44] No, no, I'm not --

9 A. [12:44:47] I'll answer. I'll answer. I'll answer your question. I did not investigate.
10 That's what I wanted to say. I did not conduct investigations because I didn't believe
11 that these allegations or these allusions, rather, were true. I did not believe that there
12 were Janjaweed in the Seleka or any other rebel group because, to my mind, that was
13 groundless. There was no foundation for such a thing to be said.

14 PRESIDING JUDGE SCHMITT: [12:45:22] We don't discuss with the witness, now,
15 obviously, and --

16 MR KNOOPS: [12:45:25] I hope so, Mr President --

17 PRESIDING JUDGE SCHMITT: [12:45:26] No, no, no. It's clear that you put this to the
18 witness, the witness said he has no information on that, and we continue to the next
19 topic, please.

20 MR KNOOPS: [12:45:39] I think, Mr President, we have submitted already for the
21 Chamber --

22 PRESIDING JUDGE SCHMITT: [12:45:42] But this is something that has to do with the
23 whole record but not with the testimony of this witness.

24 MR KNOOPS: [12:45:48]

25 Q. [12:45:49] Mr Poussou, second question on this speech, and specifically this

1 portion: Were you aware --

2 A. [12:45:55] (No interpretation)

3 Q. [12:45:56] Thank you. Were you aware that Mr Bozizé went to Paris on 13 August,
4 as mentioned here, in the context of a dialogue? That's the way I read it at least.

5 A. [12:46:19] It was not part of a dialogue. He met with members of his party and a
6 certain number of people from the Central African Republic living in France on 13
7 August that year. 13 August, I should remind you, is the date on which our country
8 became independent, so the president, on 13 August that year, celebrated the occasion
9 in France.

10 Q. [12:47:06] Mr Poussou, last question on this topic. Mr Bozizé says here that from
11 2003, the dialogue was ongoing to today. So here Mr Bozizé holds the opinion that this
12 idea of a dialogue was existing. And my question to you is: Do have you any
13 information about a dialogue since 2003? And I'm not asking your opinion but I'm
14 asking you have facts to disprove, or to confirm, or you don't know?

15 A. [12:48:00] Yes, counsel. After President Bozizé took power, there was a political
16 dialogue with all stakeholders. There was another dialogue called the inclusive
17 political dialogue in 2009, I believe it was, with members of the political class and
18 certain members of armed groups that had joined in or, rather, signed on to that. Only
19 the conclusions or the resolutions that stemmed from that dialogue were not truly put
20 into place at the time.

21 PRESIDING JUDGE SCHMITT: [12:49:15] I think we really should move on because
22 now we are distancing ourselves even in time a little bit from the charges that we have
23 to discuss here.

24 MR KNOOPS: [12:49:25] Of course. Yes, Mr President.

25 Q. [12:49:30] Mr Poussou, before we break, I would like to go into the last topic,

1 which relates to Mr Bozizé. We just spoke about his speech at PK0. It was your
2 evidence before this Court earlier that one of the illustrations of the alleged fraud with
3 the elections, and the reason for the uprising, so to speak, by Seleka, was that Mr
4 Bozizé put relatives into power. And that was in your evidence on 16 January,
5 transcript page 22, line 7.

6 Now, first of all, you mentioned throughout your testimony several times the words
7 "Bozizé and his clan," "clan." What do you mean with the word "clan"?

8 A. [12:50:31] When I say "clan," I mean the inner circle made up of relatives, people
9 close to him, and friends.

10 Q. [12:50:55] And these were all from the Gbaya tribe, in your evidence?

11 A. [12:51:17] They weren't all Gbaya people, but a good many of them, a good share
12 of them were Gbaya, from his family. Even when you say "Gbaya," that's a general
13 term. * There were some Gbaya people who were not relatives of Bozizé and were not
14 close to him. His clan was made up of his close relatives, his children, his nephews, and
15 other people.

16 Q. [12:51:45] Now, on 16 January you testified in transcript page 21, English realtime
17 transcript, line 2 till 7, that Socrate was elected in Gambo, and Mr Ngaïssona, who was
18 a close person to Bozizé, was elected in 4th arrondissement of Bangui after these
19 elections; right? Those were --

20 A. [12:52:26] That's right.

21 Q. [12:52:27] I put it to you that Socrate was never a candidate for the KNK at that
22 time, but only after the elections he became a candidate for the KNK and the RDC. You
23 can confirm this?

24 * A. [12:52:51] Socrate Bozizé became an independent Member of Parliament, since
25 he ran as an independent. Although he was part of the KNK majority within the

1 assembly, not to mention the fact that he was the son of President Bozizé.

2 Q. [12:53:31] So you can confirm that he was not, at that time, a candidate of the
3 KNK; yes or no?

4 PRESIDING JUDGE SCHMITT: [12:53:42] He said he was an independent. I think it's
5 been answered. Please move on.

6 MR KNOOPS: [12:53:46] Okay.

7 Q. [12:53:47] The same for Mr Ngaïssona? He was an independent candidate for his
8 village before he joined the KNK; right?

9 A. [12:54:06] To the best of my recollection, he was a KNK candidate in the 4th
10 arrondissement.

11 Q. [12:54:18] I put to you that Mr Ngaïssona was never elected in the 4th
12 arrondissement of Bangui in 2011 because he was selected as a candidate independent
13 in Nana-Bakassa, in his own village before joining the KNK. That is the information
14 how it was in reality. So I put to you, Mr Poussou, that the information you provided
15 about the foundation for the so-called inner circle is based upon incorrect information
16 because both people were not at that time part of the KNK.

17 PRESIDING JUDGE SCHMITT: [12:55:13] Mr Vanderpuye.

18 MR VANDERPUYE: [12:55:15] I think Mr Knoops has misunderstood the witness's
19 evidence. His evidence seems to be clear that the push of Bozizé include members of
20 his party, his friends, his ethnicity, and so on.

21 PRESIDING JUDGE SCHMITT: [12:55:32] But the witness can explain this if he wants
22 to, please.

23 So you have heard it, Mr Poussou. There seems to be -- well, the question seems to be:
24 What do you understand by being close to Mr Bozizé, the former president, to be
25 belonging to the clan? Does this necessarily entail to be a member of the KNK or

1 whatsoever? So you have heard it, also what Mr Knoops put to you, you may answer
2 to that, please.

3 THE WITNESS: [12:56:10](Interpretation) Thank you, your Honour. Being a member
4 of Bozizé's clan or being one of the people close to him does not necessarily mean that
5 you have to be a member of the KNK.

6 Now, to hark back to what Mr Knoops raised, what he called incorrect information,
7 you know, these are facts that occurred -- these are things that happened a long time
8 ago. These facts are well known. Mr Ngaïssona was elected deputy in the 4th
9 arrondissement. He was running against Mr Tiangaye who was also a candidate in
10 that district. So this might have led me to confusing the periods of time, 2005 versus
11 2011. Nana-Bakassa is the village of President Bozizé, Nana-Bakassa. And one can
12 observe that Mr Ngaïssona was a candidate in that district, and Mr Bozizé could not
13 tolerate or go along with someone not being close to him, being elected in that
14 particular electoral district, which is thought of as his village of birth, even though he
15 was born in Gabon.

16 Q. [12:58:28] But then the question is, Mr Poussou, on what basis do you suggest that
17 Mr Ngaïssona was part of the inner circle of Mr Bozizé? What is the facts to sustain
18 this? Name us one.

19 A. [12:58:53] He is a member -- well, he is related to President Bozizé, and he
20 benefited from the largesse, various kinds of -- well, he benefited from the Bozizé
21 regime. When Bozizé came to power in 2003, to the best of my recollection, Mr
22 Ngaïssona was being sued. And those legal proceedings were terminated; they went
23 nowhere. They disappeared once President Bozizé came to power.
24 So these are examples that lead me to conclude that Mr Ngaïssona, indeed, is part of
25 the inner circle of President Bozizé.

1 Q. [13:00:09] You mentioned the term "related". Can you explain what you mean
2 with "related," and what was the underlying fact to say he was related to Bozizé?

3 * A. [13:00:21] Mr Ngaïssona is a Gbaya person from Bossangoa, from the Ouham
4 area. President Bozize is a Gbaya from Bossangoa, from his village. I told you,
5 Benzambe is his village. So there you have it.

6 Q. [13:00:54] So it's about the region. They come from the same region or village.
7 Okay.

8 PRESIDING JUDGE SCHMITT: [13:00:55] That was, indeed, my question also. It's
9 1:00. I don't know if you have a question that is --

10 MR KNOOPS: [13:01:01] Related, yes.

11 PRESIDING JUDGE SCHMITT: [13:01:03] Okay. Then please put this to the witness.

12 MR KNOOPS: [13:01:14]

13 Q. [13:01:14] In your evidence given on 16 November, you did say that the
14 nomination of Mr Ngaïssona within the national unity government was a reward, that
15 he was rewarded for the actions he had undertaken leading the COAC.
16 When asked about the foundation for this assertion, you said on page 65 of the English
17 realtime transcript, lines 14 till 17, that you talked with "the minister of public works,
18 Crépin Mboli-Goumba," an old friend of you, "... we talked about these issues almost
19 every day."

20 My first question is: Did you get that information from Mr Mboli-Goumba?

21 A. [13:02:14] This is not what I said, counsel.

22 Q. [13:02:25] Then please tell us what is the foundation of the assertion that Mr
23 Ngaïssona's appointment was a reward?

24 A. [13:02:32] I'm going to repeat what I already said. Mr Ngaïssona's appointment to
25 the government at that point in time was interpreted or perceived by the observers and

1 the public opinion as a reward for the fact that he contributed to setting up the COAC.

2 So this was a reward he obtained because he protected Bozizé's regime.

3 Q. [13:03:23] So it was at that time the perception, but you don't have facts for this

4 Court to say this is evidence that it was a reward; correct?

5 A. [13:03:37] I do not understand your question, counsel.

6 Q. [13:03:48] Other than the perception by the public audience or observers, or what

7 you mentioned, other than perceptions, you don't have facts for this Court to say that,

8 indeed, it was a reward. You don't have evidence for this; correct?

9 * A. [1:04:10] For the simple reason that I am not part of Bozizé's inner circle and I

10 was not one of his employees or people he worked with. You're actually asking me

11 something that is not part of my area of expertise.

12 PRESIDING JUDGE SCHMITT: [13:04:47] Okay. I think we can stop here.

13 For everyone, tomorrow we have, let's say, the opening of the judicial year and that's

14 the reason why we don't have hearings. So this means we terminate now and we

15 continue on Monday, I think, then, at 9.30.

16 Thank you, everyone. Thank you specifically, Mr Poussou. And we see each other

17 again in a couple of days.

18 THE COURT USHER: [13:05:15] All rise.

19 (The hearing ends in open session at 1.05 p.m.)

20