

Trial Hearing
WITNESS: CAR-OTP-P-1847

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 30 March 2021
9 (The hearing starts in open session at 9.04 a.m.)
10 THE COURT USHER: [9:04:17] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:04:48] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:05:00] Good morning, Mr President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:05:16] Thank you.
20 I ask for the appearances of the parties.
21 Mr Vanderpuye first.
22 MR VANDERPUYE: [9:05:24] Good morning, Mr President, your Honours. Good
23 morning, everyone. Good morning, Witness. The Prosecution today is represented
24 by Sylvie Wakchom, seated behind me; Olivia Struyven, seated behind her; and
25 myself, Kweku Vanderpuye. Good morning.

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- 1 PRESIDING JUDGE SCHMITT: [9:05:37] Ms Douzima.
- 2 MS DOUZIMA-LAWSON: [9:05:41](Interpretation) Good morning, Mr President,
- 3 Judges. Victims of other crimes are represented by counsel Marie-Edith Douzima.
- 4 PRESIDING JUDGE SCHMITT: [9:05:57] Mr Suprun.
- 5 MR SUPRUN: [9:05:59] Good morning, Mr President, good morning, your Honours.
- 6 The former child soldiers are represented today by myself, Dmytro Suprun, counsel at
- 7 the Office of Public Counsel for Victims. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:06:07] Thank you.
- 9 And I turn to the Defence, Ms Dimitri first.
- 10 MS DIMITRI: [9:06:11] Good morning, Mr President, good morning, your Honours.
- 11 Mr Yekatom, who is present in the courtroom, is represented today by
- 12 Mr Thomas Hannis, co-counsel; and Ms Audrey Breton, legal intern; and myself,
- 13 Mylène Dimitri.
- 14 PRESIDING JUDGE SCHMITT: [9:06:24] Thank you.
- 15 And Mr Knoops, please.
- 16 MR KNOOPS: [9:06:27] Good morning, Mr President, your Honours. The Defence
- 17 of Mr Ngaïssona, who is present in the courtroom, is today consisting of
- 18 Marie-Hélène Proulx, associate counsel, and Chiara Giudici, case manager.
- 19 PRESIDING JUDGE SCHMITT: [9:06:41] Thank you. And if you want you can
- 20 remain standing, so to speak, because it will be your turn now to question.
- 21 MR KNOOPS: [9:06:50] That's right. Thank you.
- 22 WITNESS: CAR-OTP-P-1847 (On former oath)
- 23 (The witness speaks French)
- 24 QUESTIONED BY MR KNOOPS:
- 25 Q. [9:07:11] Good morning, Mr Witness.

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1 A. [9:07:14] Good morning.

2 Q. [9:07:14] My name is Alexander Knoops. I'm one of the counsel for Mr Patrice
3 Ngaïssona and I have some additional questions for you based on your evidence
4 given Friday and yesterday. My first question relates to the speech the former
5 President Bozizé gave on 27 December 2012.

6 And I first ask the court officer to pull up the French translation of the speech, which
7 is CAR-OTP-2060-0678, and then specifically page 0685.

8 Mr Witness --

9 MS DIMITRI: [9:08:29] I'm sorry, Mr Knoops.

10 Apologies, Mr President, my client can't hear anything. I tried to assist, but I think
11 there's a technical issue.

12 PRESIDING JUDGE SCHMITT: [9:08:39] Yeah, I think we have to solve that first.

13 MS DIMITRI: [9:08:42] Yeah. Apologies, Mr Knoops.

14 PRESIDING JUDGE SCHMITT: [9:08:44] So I think we stay in the room until we
15 have further notice how long it will take. Perhaps it can be solved quickly.

16 Otherwise, we would have to go to the deliberation room.

17 Okay, there is already, I think, a technician on his way, so I assume that we can solve
18 this quickly.

19 (Pause in proceedings)

20 PRESIDING JUDGE SCHMITT: [9:11:16] So the question would be, do you hear us
21 now?

22 Yeah, okay. Good. Thank you.

23 MS DIMITRI: [9:11:23] Thank you, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:11:24] Of course.

25 Mr Knoops, it's again your turn.

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1 MR KNOOPS: [9:11:40] Shall I start again?

2 PRESIDING JUDGE SCHMITT: [9:11:41] I think that would be good because there
3 was an interruption and everyone -- an examiner likes a flow, I think.

4 MR KNOOPS: [9:11:49] Thank you, yeah.

5 Q. [9:11:51] Good morning, Mr Witness. My name is Alexander Knoops. I'm
6 one of the counsel of Mr Patrice Ngaïssona and I have some additional questions
7 based on your evidence given Friday and yesterday. My questions will be in public.
8 I don't think there is a problem with the identity based on my questions, and also
9 the document I would like to display is a public document.

10 So first, Mr Witness, would like to ask you some additional questions on the speech
11 the former president Bozizé gave on 27 December 2012.

12 And I ask the court officer to pull up the French transcript. So not the audio. I just
13 want the witness to look at one specific sentence in the French transcript which is
14 CAR-OTP-2060-0678, page 0685.

15 Mr Witness, is the document on your screen, sir?

16 A. [9:13:26] Yes.

17 Q. [9:13:27] Okay. I ask your attention to line 208 - that's in the left side of the
18 document you see the numbering - till 2000 -- 210. It says: (Interpretation)
19 "Youth, vigilance, vigilance, vigilance. On the banks of the river going toward
20 Mongoumba, in the Damala and Boeing neighbourhoods, in the 8th arrondissement
21 or district."

22 Now, Mr Witness, these two neighbourhoods which are mentioned there, Damala
23 and Boeing, they were not known as Muslim neighbourhoods, were they?

24 A. [9:15:12] Pardon me. Could you repeat the question, please?

25 Q. [9:15:15] Certainly.

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1 PRESIDING JUDGE SCHMITT: [9:15:15] That's perhaps now a -- this problem

2 sometimes with the negations, so perhaps -- perhaps try to rephrase it.

3 MR KNOOPS: [9:15:23] Yes.

4 Q. [9:15:26] Would you say, Mr Witness, that these two neighbourhoods, Damala
5 and Boeing, were Muslim neighbourhoods or not?

6 A. [9:15:46] No, these were neighbourhoods that were non-Muslim. There were
7 some Muslims, a few, but they were not essentially Muslim neighbourhoods.

8 Q. [9:16:03] Mr Witness, you would agree with me that PK5 is a Muslim
9 neighbourhood, isn't it?

10 A. [9:16:20] I have no volume on my thing. I have no volume on my thing.

11 PRESIDING JUDGE SCHMITT: [9:16:25] Okay. Then this, of course, has also to be
12 solved, but that seems to be easy, I think.

13 THE WITNESS: [9:17:02](Interpretation) Okay. Can we try again? Yes, can you
14 try?

15 MR KNOOPS: [9:17:19]

16 Q. [9:17:20] Mr Witness, would you agree with me that PK5 is a Muslim
17 neighbourhood?

18 A. [9:17:36] Yes.

19 Q. [9:17:41] During the speech of President Bozizé you listened to Friday and also
20 back day -- back in those days, do you recall that Mr Bozizé mentioned PK5 in his
21 speech?

22 A. [9:18:15] No, in his speech he did not talk about PK5. He talked about all kinds
23 of areas around Bangui, including PK5 in the 3rd arrondissement.

24 Q. [9:18:33] Final question on the portion of the audio which was presented to you
25 Friday.

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1 Would you agree, Mr Witness, that amongst the Janjaweed militia to which
2 President Bozizé referred in his speech, there were no citizens of the Central African
3 Republic?

4 A. [9:19:18] Yes. When we talk about the Janjaweed, they are people in Sudan, as
5 I had said last time in my statement. And the people who are bringing them are
6 coming from north-west of Central African Republic, who are mixed with them, and
7 who came.

8 Q. [9:19:40] To your knowledge, were these individuals mercenaries? Were they
9 hired and paid to fight in the Central African Republic?

10 A. [9:19:58] Yes.

11 Q. [9:20:00] I would now like to play a portion of the audio which was not
12 presented by the Office of the Prosecution last Friday, and I would ask
13 the witness - just less than one minute, I think - ask the witness to listen. It's an
14 audio in Sango. But at the same time, I would ask the Chamber to look also at the
15 French translation. The audio, which is tab 2 of the Prosecution binder, is registered
16 under CAR-OTP-2000-0630, and the excerpt we would like to play to the Chamber
17 and the parties, participants and the witness is from minute 00:03:12 till 00:04:49.
18 And in the French transcript you can find, Mr President, the translation from Sango in
19 French on CAR-OTP-2060-0685, that's the page. And these are the lines -- sorry, it's
20 0683, page 0683, French translation. The lines 104 till 121.

21 PRESIDING JUDGE SCHMITT: [9:22:01] And on which channel appears
22 the translation?

23 THE COURT OFFICER: [9:22:14] Your Honour, it's sight translation, so it will come
24 a few seconds after the audio.

25 PRESIDING JUDGE SCHMITT: [9:22:20] Okay. Fine, thank you.

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1 MR KNOOPS: [9:22:26] So I would suggest, Mr Witness, that we first listen to
2 the audio in Sango, and then I come back to you with some questions on this portion
3 of the speech of Mr Bozizé.

4 (Playing of the audio excerpt)

5 THE INTERPRETER: [9:23:38] (Interpretation of the video excerpt)

6 "Leave them to the race and we'll see what the result is. Our country is a country in
7 which all men are equal. Our country is a country in which all men are equal,
8 whether you are this person, that person, or this one, as long as you don't destroy our
9 country. You come to our country, you work well, we see that you're leading
10 a decent life, you are our comrade. But if you think you can come intentionally to
11 our country, set up camp here and destroy our country, no, no, no, we cannot tolerate
12 this. That's why I'm saying that our country promotes equality among all human
13 beings. We are also for peace. We do not want to be mistreated by anyone. We
14 do not want someone to come and try to enslave us arbitrarily. I urge all of you, all
15 you to continue to demonstrate, demonstrate, continue to demonstrate. But during
16 your demonstrations, do not hit people, do not stone people. This is not good. Our
17 country is a country of human rights. If someone behaves badly, go ahead, talk to
18 the person. If you want to talk to someone, do so, go using a delegation, but this is
19 not to go and throw stones at people, break cars, smash car windows, and other
20 things that are not good to do."

21 MR KNOOPS: [9:25:21]

22 Q. [9:25:21] Mr Witness, this portion was not presented to you last Friday by
23 the Prosecution. We as Defence --

24 A. [9:25:34] No, the bureau presented this. The Office presented this. In
25 the statement that the Office made, it was this.

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1 Q. [9:25:46] So you did hear this portion before you came to the Court?

2 A. [9:25:53] Yes.

3 Q. [9:25:53] Now, Mr --

4 A. [9:25:55] In the -- in the -- in the courtroom here, in -- we -- this was everything
5 that we had heard.

6 Q. [9:26:05] Okay. In this portion of the statement of Mr Bozizé, he mentions
7 twice the word *également* or the word *égaux*, equal. My question to you is,
8 Mr Witness, is it your experience within the Central African Republic, before
9 the advance of the Séléka, that the people there, Muslims and Christians, were treated
10 equally by the government?

11 A. [9:27:05] Yes.

12 Q. [9:27:08] Could you describe before the Séléka advanced how the Muslims and
13 the Christians lived together within the territory of the Central African Republic?
14 How was their relationship, in your experience?

15 A. [9:27:47] Well, cohabitation before the events was normal. It was this in
16 the speech. He said, "Our country is a country of all people. We respect what we
17 respect. But those who come to destroy our country, well, we will not accept them."

18 Q. [9:28:04] So, Mr Witness, you would agree with me that before the advance of
19 the Séléka there was no anti-Muslim sentiment within the population?

20 A. [9:28:30] Yes, yes.

21 Q. [9:28:31] In the same speech, the same portion we just listened to, Mr Witness,
22 we heard Mr Bozizé saying that his country, "our country" he mentions, is a country
23 of human rights.

24 My question to you is: Was it your experience with then President Bozizé that he
25 always respected the rights of all citizens in the Central African Republic, no matter

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1 their ethnicity or religious faith?

2 A. [9:29:29] Pardon me?

3 Q. [9:29:33] Was it your experience, Mr Witness, in those days before the Séléka
4 came, that then President Bozizé respected the rights of all citizens in his country no
5 matter their religion or ethnicity?

6 A. [9:30:04] Yes.

7 Q. [9:30:06] Now, the Prosecution asked you Friday to describe the atmosphere in
8 the country, specifically Bangui, when the Séléka advanced. Do you remember this
9 question last Friday, Mr Witness?

10 A. [9:30:32] (No interpretation)

11 Q. [9:30:33] In -- in this speech of Mr Bozizé, he refers to people who tried to
12 destroy the country.

13 My question to you is: Was this the perception - speaking about atmosphere - was
14 this the perception in those days of the majority of the population?

15 A. [9:31:15] Before, after or during?

16 Q. [9:31:20] At the time Mr Bozizé made his speech in December 2012, was
17 the perception within the majority of the population such that everyone was afraid
18 that the country would be destroyed by the Janjaweed or the other invaders?

19 A. [9:31:47] Yes.

20 Q. [9:31:51] The Presiding Judge asked you Friday, Mr Witness, about your
21 understanding of the term "rebellion".

22 You recall the question of the Presiding Judge?

23 A. (No interpretation)

24 Q. [09:32:02] My question to you is: Did the population in those days, so
25 December 2012, experience the advance of the Séléka as a foreign invasion?

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1 A. [9:32:29] Yes.

2 Q. [9:32:32] So if you speak about rebellion, you refer to the concept of a foreign
3 invasion, the idea of a foreign invasion?

4 A. [9:32:48] With the complicity of the people that were in Central Africa who were
5 in that region?

6 Q. [9:33:00] You just told the Chamber that amongst the Séléka forces were
7 mercenaries like the Janjaweed militia. Was this information you received from
8 others, or did you have direct knowledge that these individuals were amongst
9 the Séléka forces?

10 A. [9:33:39] No, I had the information directly from people who were part of the
11 Séléka. For example, Moussa Assimeh who led a group, and he also knew about
12 the Janjaweed who were coming into Central Africa.

13 Q. [9:33:59] So it was not just rhetoric of Mr Bozizé when he mentioned in
14 December 2012 that Janjaweed were invading the country; is that correct?

15 A. [9:34:12] Yes.

16 Q. [9:34:15] Mr Witness, would you describe, based on your knowledge in those
17 days - you just told the Chamber you spoke also to Séléka individuals - that
18 the majority, the majority of the Séléka forces who advanced to Bangui were from
19 Chad, Sudan and maybe other countries?

20 A. [9:34:50] Yes, Chad and Sudan.

21 Q. [9:34:55] But would you agree with me that the majority of the Séléka were from
22 outside Central Africa?

23 A. [9:35:08] Yes.

24 Q. [9:35:11] And would you agree with me that despite this invasion by foreign
25 mercenaries, Mr Bozizé still called upon the population to act without violence and to

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1 call upon the gendarmerie when they saw something suspicious?

2 A. [9:35:45] Yes.

3 Q. [9:35:48] Last Friday, Mr Witness, 26 March, you told us about destabilisation of
4 power in those days, the advance of Séléka, and the fact that everyone fled. It's
5 transcript page 64 of the English transcript.

6 Now, my first question to you, Mr Witness, is do you agree that the first people who
7 were attacked by the Séléka were the FACA and the Gbaya? Were they targeted
8 specifically by the Séléka?

9 A. [9:36:45] Yes.

10 Q. [9:36:48] And why was this, according to your knowledge, why these
11 mercenaries targeted the FACA and the Gbaya?

12 A. [9:37:05] Well, because the FACA were fighting the power that was then in
13 power and regarded them as the enemy. And also the Gbaya, because they were of
14 the same tribe like François Bozizé.

15 Q. [9:37:28] Last Friday you told us, Mr Witness, that -- you said specifically
16 everyone fled. To what country? Where?

17 A. [9:37:47] Many went to neighbouring countries. For example, Cameroon and
18 Congo.

19 Q. [9:37:59] Why Cameroon? What was the reason that a lot of people fled to
20 Cameroon?

21 A. [9:38:14] Because it's very easy access to Cameroon. It's much easier to go there
22 than to the other countries.

23 Q. [9:38:29] Would you agree with me if I would say to you that the majority of the
24 people who fled the Séléka in March 2013 went to Cameroon?

25 A. [9:38:46] Yes.

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1 Q. [9:38:50] Mr Witness, it is true, isn't it, that when Mr Djotodia took power in
2 March 2013 he did suspend the constitution of the Central African Republic?

3 A. [9:39:17] Yes.

4 Q. [9:39:20] He did dissolve the government and the National Assembly, isn't it?

5 A. [9:39:29] Yes.

6 Q. [9:39:34] So when Mr Bozizé referred to reinstating the constitutional order, he
7 was referring to this act of Mr Djotodia, wasn't he?

8 A. [9:40:00] Yes.

9 Q. [9:40:04] Mr Witness, do you recall the response of African states when
10 Mr Djotodia declared himself president of the Central African Republic and
11 suspended the constitution of this country?

12 A. [9:40:34] Which -- which states?

13 Q. [9:40:37] The neighbouring states, African neighbouring states in the east of
14 Africa, especially the states associated with the CAM -- CAA -- AM.

15 THE INTERPRETER: [9:41:06] The interpreter didn't quite follow. Could you
16 please repeat?

17 MR KNOOPS: [9:41:19]

18 Q. [9:41:19] When Mr Djotodia declared himself president of the Central African
19 Republic and when he suspended the constitution of that country, what was
20 the reaction of the neighbouring African states towards this act?

21 A. [9:41:54] What I know, some days after they were in N'Djamena, where they
22 took a resolution, they made a resolution on the transitional government in Central
23 African Republic.

24 Q. [9:42:17] Can you recall, Mr Witness, then that on 3 April 2013, just a few weeks
25 after Mr Djotodia took power, African leaders met in Chad and declared that they did

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1 not recognise Mr Djotodia as president of the CAR?

2 A. [9:42:48] Yes, it was amongst the resolutions that they took.

3 Q. [9:42:53] Mr Witness, just before the coup on 24 March, before Mr Djotodia
4 declared himself as president of the CAR and suspended the constitution, wasn't he
5 appointed to the government of the CAR as the first Muslim deputy prime minister
6 for national defence?

7 A. [9:43:33] Yes.

8 Q. [9:43:35] Can you recall -- can you recall the time frame when he was appointed?
9 Was it several days or weeks before he took power?

10 A. [9:43:55] I think one or two months before he took power.

11 Q. [9:44:03] If I would put the date to you 3 February 2013, could it be around that
12 date?

13 A. [9:44:16] Yes.

14 Q. [9:44:20] How many ministers in this government of national unity were of
15 Muslim descent, if you recall?

16 A. [9:44:37] I know some of them. I know some of the ministers, but I can't quite
17 remember the details.

18 Q. [9:44:44] That's -- that's okay, Mr Witness.

19 A. [9:44:47] (No interpretation)

20 Q. [9:44:48] Can you also recall that there was one Séléka minister appointed who
21 was of Christian descent?

22 A. [9:45:12] No, I don't know that one.

23 Q. [9:45:14] And it was Mr François Bozizé, wasn't he, who agreed with
24 the appointment of these Séléka ministers to lead the country?

25 A. [9:45:32] Yes.

1 Q. [9:45:33] Can you recall, Mr Witness, that at that time, February 2013, also
2 Mr Patrice Ngaïssona - he in this courtroom - was at the same time appointed as
3 Minister of Youth just for 45 days?

4 A. [9:45:58] Yes.

5 Q. [9:45:59] So that must have been around 3 February 2013, the same time frame
6 as Mr --

7 A. [9:46:12] (Overlapping speakers)

8 Q. [9:46:14] -- Djotodia and his ministers were integrated in the government of
9 national unity?

10 A. [9:46:22] Yes.

11 Q. [9:46:24] So that means, Mr Witness, that late 2012 Mr Ngaïssona was not
12 Minister of Youth. Would you agree with this?

13 A. [9:46:37] Yes.

14 Q. [9:46:42] Now, the Prosecution asked you Friday -- and it's - sorry,
15 yesterday - who was Minister of Youth late 2012, and you answered that was
16 Mr Ngaïssona. Can you recall saying this yesterday to the Court?

17 A. [9:47:14] We talked about the end of 2012. It was around that time.

18 Q. [9:47:21] Yes. But if you now agree with me that Mr Ngaïssona was appointed
19 as minister in February 2013, would you agree with me that late 2012 he was not
20 Minister of Youth? Is that a fair conclusion?

21 A. [9:47:49] Yes, I think the Prosecution said yesterday the name of the minister
22 who was there. The Prosecution mentioned his name.

23 MR KNOOPS: [9:48:03] For the Court, it's transcript page 12, lines 23, when
24 the witness gave the answer. But it's okay, Mr Witness.

25 THE INTERPRETER: [9:48:10](Interpretation) Bokassa.

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1 MR KNOOPS: [9:48:16]

2 Q. [9:48:16] My point is, would you agree with me that late December 2012, now
3 knowing that Mr Ngaïssona became only Minister of Youth in February 2013, he,
4 Ngaïssona, in late December 2012 had no association with the youth or COCORA?
5 Would you agree with me?

6 PRESIDING JUDGE SCHMITT: [9:48:47] Just wait a second.

7 Mr Vanderpuye.

8 MR VANDERPUYE: [09:48:52] Mr President, I think that misstates the witness's
9 answer, yesterday as well as today. It's a different question and I think he's entitled
10 to put it, but not in that context. I think that's misleading.

11 PRESIDING JUDGE SCHMITT: [9:49:02] I think, Mr Knoops, Mr Vanderpuye is
12 right. The answer -- or the question by you and the answer was another context than
13 with COCORA. You were talking about the question when Mr Ngaïssona became
14 Minister of Youth and now you -- you put something else on the table. You can
15 rephrase it, but not this way, please.

16 MR KNOOPS: [9:49:24] Well, if -- if the Court would be so kind to look at transcript
17 page 12 of the transcripts of yesterday, English version, lines 25 running to page 13,
18 lines 1 till 3A (sic), the witness answered saying that late 2012 it was Mr Ngaïssona
19 was Minister of Youth (Overlapping speakers).

20 PRESIDING JUDGE SCHMITT: [9:49:57] But this is -- but he has already said that
21 this is -- this is -- you have already this information --

22 MR KNOOPS: Yes.

23 PRESIDING JUDGE SCHMITT: [09:50:03] -- that this was not correct. But now
24 what --

25 MR KNOOPS: Okay. It's --

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- 1 PRESIDING JUDGE SCHMITT: [09:50:05] -- what Mr Vanderpuye was objecting to
2 was another context that you put it into.
- 3 MR KNOOPS: [9:50:09] Okay.
- 4 PRESIDING JUDGE SCHMITT: [9:50:09] You see what I mean?
- 5 MR KNOOPS: [9:50:10] Yeah.
- 6 PRESIDING JUDGE SCHMITT: [9:50:11] So, no, this is already now today on
7 the record, so to speak, so there -- from -- if this was information you wanted to elicit,
8 I think you can move on. But if you want to put it in other context you would start,
9 so to speak, a new line of questioning.
- 10 MR KNOOPS: [9:50:26]
- 11 Q. [9:50:26] Mr Witness, are you aware that late 2012 Mr Ngaïssona had association
12 with the youth in the CAR?
- 13 A. [9:50:46] No, I don't know, no.
- 14 Q. [9:50:53] (Microphone not activated)
- 15 PRESIDING JUDGE SCHMITT: [9:50:56] Microphone, please, Mr Knoops.
- 16 MR KNOOPS: [9:50:59] Sorry.
- 17 Q. [9:50:59] Now, Mr Witness, my last point of my questions to you relates to
18 the return of Mr Ngaïssona to Bangui in 2014.
- 19 And for this I refer the Court, and also you, Mr Witness, to what you said yesterday.
20 It's in the English transcript, page 37, lines 10 till 19.
- 21 You told us, Mr Witness, yesterday that - answering the question what Mr Yakete told
22 about the return of Mr Ngaïssona to Bangui - you said the Anti-Balaka were calling
23 on their leaders abroad to come home "because they wanted to enter into discussions
24 after the resignation of Mr Djotodia."
- 25 My question to you is what -- what type of discussions you were referring to here?

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1 A. [9:52:51] After the resignation of Djotodia, the transition was moving along and
2 they tried to have contact to see what sort of transitional government could be set up.
3 The institutions of the Republic wanted to try and see what they could do to get
4 the country running again.

5 Q. [9:53:25] You told us -- you told us yesterday, Mr Witness, that the heads of state
6 of the CAC and CEMAC were calling for a transition which would take place after
7 the disarmament and the elections. Could you explain to the Chamber what you
8 mean with the abbreviation CAC?

9 A. [9:54:11] It is the community -- the monetary -- the monetary community of
10 Central Africa.

11 Q. [9:54:21] Do you refer to the Economic Community of Central African States in
12 Libreville?

13 A. [9:54:40] Yes.

14 Q. [9:54:41] And who was at that time the head of the CAC?

15 A. [9:54:51] I think it was President Jadida (phon), I think, if I remember correctly.
16 Or perhaps President Bon (phon). I think it's President Zujida (phon).

17 Q. [9:55:07] From which country was he president at the time?

18 A. [9:55:15] Chad.

19 Q. [9:55:15] And these -- this institution, the Economic Community of the Central
20 African States, they endorsed such a transition, isn't it?

21 A. [9:55:36] Yes.

22 Q. [9:55:41] Can you recall whether the heads of state of this organisation also
23 endorsed that certain leaders of Central Africa who were in exile should be
24 instrumental or should play a role in this transition?

25 A. [9:56:11] Yes.

1 Q. [9:56:13] Can you recall if the name of Mr Patrice Ngaïssona was mentioned or
2 suggested by those heads of state as one of the individuals who had returned to
3 Bangui for this transition?

4 A. [9:56:35] Yeah, he was amongst the names who the heads of states mentioned
5 and quoted.

6 Q. [9:56:44] And can you tell the Chamber, please, how did you know that
7 Mr Ngaïssona was put forward as a candidate to return to Bangui to be helpful, to
8 assist in this transition?

9 A. [9:57:11] (Redacted)
10 (Redacted). Because in -- during the participation there was
11 Ngaïssona and also Yakete, and they were there to represent the Anti-Balaka faction.
12 So Yakete was there and Kokaté had left with the letter and the recommendation so
13 that all the leaders, the group could take up contact with their bases in order to try
14 and discuss with the national council of transition to see what could be done and who
15 should be there to participate.

16 Q. [9:58:11] And why was it, Mr Witness, if you know, that the name of
17 Mr Ngaïssona was mentioned by all these heads of state who endorsed this transition
18 in the Central African Republic? Why was his name put forward? Why wanted,
19 the heads of state, him to do this job?

20 A. [9:58:40] No, he was represented. The heads of state didn't just find that by
21 accident randomly. It was because there was a list of names and said all these
22 people should contact their bases.

23 Q. [9:59:20] Now, in your evidence you gave yesterday you mention that
24 the leaders who were brought were asked to come back to coordinate because there
25 was disorder in the troops and there was some need to come back, coordinate them,

1 and facilitate transition and disarmament.

2 Is it fair to say that everyone, international community, i.e., the Economic Community
3 Of Central African States and the other protagonists in the conflict, needed an
4 individual to coordinate and facilitate the transition in the Central African Republic
5 after the coup?

6 A. [10:00:51] Could you reword that question, please? Sorry.

7 Q. [10:00:56] To put it simply, one needed somebody to do the job, to coordinate
8 this transition, to facilitate disarmament of the troops, et cetera. One needed some
9 guy to do this job, correct?

10 A. [10:01:23] Yes.

11 Q. [10:01:23] And this person became Mr Ngaïssona, correct?

12 A. [10:01:34] Yes.

13 Q. [10:01:38] So the purpose of his return to Bangui of Mr Ngaïssona was to assist
14 in the structuring of the Anti-Balaka movement with the aim to make this transition
15 and this disarmament possible?

16 A. [10:02:08] Yes, that was the goal that had been stated by the head of state.

17 Q. [10:02:14] So this was, would you agree with me, this was a political aim
18 the heads of state wanted to achieve?

19 A. [10:02:27] Yes. Well, they did not talk specifically of Ngaïssona, but of all
20 the people who -- who were involved. I think the choice of Ngaïssona was
21 between -- was among them, among the leaders who appointed him. They didn't
22 target Ngaïssona to come, to come back to the country.

23 Q. [10:02:55] But what I mean with -- it was not a military operation. It was
24 a political operation to regain stability?

25 A. [10:03:05] Yes, yes. Yes.

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1 Q. [10:03:08] Because, Mr Witness, is it also your understanding that
2 Mr Ngaïssona's background is not military? Would you agree with me, he has no
3 military background or relationship with the army, the FACA, correct?

4 A. [10:03:38] Pardon me.

5 Q. [10:03:42] Would you agree with me that Mr Ngaïssona has no military
6 background or relationship with the FACA?

7 A. [10:03:57] Yes, yes, yes.

8 Q. [10:04:00] So he had no dealings with military matters. He was just there, he
9 came just there to Bangui to solve a political problem, a huge political problem
10 whereby even the heads of state of East Africa were trying to find a solution for.
11 Would you agree?

12 A. [10:04:44] Well, military problems are not civilian problems. We know that
13 there were belligerents fighting, so it was a military problem. And it was known by
14 all the leaders of the movement that these were fighters, that they were military
15 people fighting. So those who come to coordinate, well, yes, there's the political
16 matter, but also a military one. They had a problem with this.

17 Q. [10:05:18] Wasn't the military problem how to manage the disarmament of all
18 these groups? Was that -- wasn't that the military problem?

19 A. [10:05:30] Yes, indeed, indeed. I'm saying this because you talked about
20 the political aspect and you didn't talk about the military aspect. That's it.

21 Q. [10:05:43] You're right, Mr Witness.

22 You talked about yesterday the restructuring of the movement in 2014. When you
23 refer to restructuring the Anti-Balaka movement, you were referring to restructuring
24 the movement with the aim of transition and disarmament, weren't you?

25 A. [10:06:24] Yes.

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1 Q. [10:06:28] So it had nothing to do with creating a new army, it had to do with
2 how to manage all these different groups in the provinces and how to make sure that
3 they would comply to this transitional process?

4 A. [10:06:53] Yes.

5 Q. [10:06:55] Do you know, based on your knowledge of the events in those days,
6 when approximately in 2014 this process of restructuring the movement in order to
7 make these groups susceptible for transition took place? When did it start, this
8 whole idea of restructuring the movement for this purpose?

9 A. [10:07:40] I believe after the head of the government's or the heads of state
10 decision. It was part of the resolutions that the heads of state gave.

11 Q. [10:07:56] Which would be which month, approximately, of 2014?

12 A. [10:08:07] Well, the resolution of the head of state is when Djotodia had resigned.
13 I think that was in January, I think, 2014.

14 Q. [10:08:21] If I put to you that the activities of Mr Ngaïssona to make this happen,
15 this restructuring, was for the purpose of the Brazzaville Summit in July 2014 and that
16 his actions to restructure the movement for this purpose started in May 2014, what
17 would be your comment?

18 A. [10:09:06] No, because to go to the Brazzaville Summit, they had already begun
19 before the Brazzaville forum. So it was only after that that the Brazzaville
20 forum -- and I know that Ngaïssona was already in Bangui. He had already begun
21 the work of creating contacts with the armed groups and then appointing members to
22 go to Brazzaville.

23 Q. [10:09:44] Right. But in terms of the exact timing when he started, you don't
24 have any concrete recollection when he effectively started this work to restructure
25 and to contact all the (Overlapping speakers)

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1 A. [10:10:03] No, I don't have. But I know that, as soon as he was back, there were
2 contacts which he began to establish with people, but I don't know the exact timing of
3 it -- of this restructuring.

4 Q. [10:10:20] I understand. Mr Witness, are you aware that Mr Ngaïssona, when
5 he started to do his job to restructure the movement in order to facilitate transition
6 and disarmament, whether he was given money by the then transitional government
7 led by Mrs Samba-Panza? Was he given money to help him assisting in this
8 restructuring of movement?

9 A. [10:10:59] Well, I'm not aware of this money, but I know that the government
10 gives its support to all the parties and helps them in -- within the framework of the
11 national coalition to build peace.

12 Q. [10:11:17] If I put to you, Mr Witness, that Mrs Samba-Panza gave 3 million CFA
13 to Mr Ngaïssona to assist in this restructuring process, what would be your comment?

14 A. [10:11:37] Yes, that would be about right, because I know the government helps
15 the organisations within the framework of this social cohesion and the restoration of
16 peace in the country.

17 Q. [10:11:59] Mr Witness, would you agree with me to say that the ultimate goal,
18 the very goal of this restructuring of the Anti-Balaka movement for transition,
19 disarmament, and the role Mr Ngaïssona had to play in this scenario, supported by
20 the international community, was ultimately that he was supposed to represent all
21 these different Anti-Balaka groups politically, to give them a political voice in this
22 transition towards peace and, specifically, the Brazzaville Summit? Would you
23 agree with me if I qualify his role such as I did just a few seconds ago?

24 A. [10:13:17] You -- you -- you spoke of, you know, giving political wins or gains,
25 and you said that his role was to give the, let's say, the political track. I didn't really

1 seize, really grasp the essence of your question. Do you hear me?

2 Q. [10:13:41] My fault, I will rephrase it more simply.

3 Was the ultimate goal of the restructuring of the movement for disarmament and
4 transition, was it to give the movement a political voice in this transition?

5 A. [10:14:16] Well, I know that later he transformed the movement into a political
6 movement, and that also made it possible to appease the 2016 elections in which he
7 was involved. That helped to appease those elections.

8 Q. [10:14:52] Mr Witness, can you recall that after the first financial support
9 the transitional government of Samba-Panza gave to this transitional process which
10 was supposed to be coordinated by Mr Ngaïssona, we just -- I put just to you
11 the figure of 3 million CFA. That was at the beginning of 2014.

12 Are you aware that in April, just say three months before this summit in Brazzaville,
13 the transitional president Samba-Panza also made disposable to the coordination in
14 Bangui 4 million CFA to restructure so-called the movement, and to facilitate this
15 intuit transition and disarmament? So there were more occasions when
16 the transitional government made available money to help restructuring
17 the movement.

18 A. [10:16:23] I don't know at what time because I was not beside them in -- in
19 the hearing, or I was not part of the movement's coordination. So I don't know when
20 this was done, but I think that within the prime minister's office there are funds
21 earmarked to assist -- to help these movement for social cohesion, and also MINUSCA
22 was giving support within this framework.

23 Q. [10:16:52] Thank you, Mr Witness.

24 So, to summarise, Mr Witness, the role of Mr Ngaïssona when called back to Bangui,
25 was basically --

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1 PRESIDING JUDGE SCHMITT: [10:17:11] Mr Vanderpuye.

2 MR VANDERPUYE: [10:17:14] The witness has already asked -- already answered
3 the question that has been asked or is being asked. There's no need for a summary
4 of his statement. Everyone can read it and everyone can hear it.

5 And, second of all, it's mischaracterising the witness's evidence or the evidence in
6 the case.

7 PRESIDING JUDGE SCHMITT: [10:17:32] Okay. The question has not been
8 answered so it's -- or not been posed, excuse me. So it -- I can't say already if it
9 has -- if it's mischaracterising something.

10 MR KNOOPS: [10:17:41] We're creating jurisprudence here.

11 PRESIDING JUDGE SCHMITT: [10:17:45] Yeah, if it is mischaracterising, if you
12 haven't posed the question completely.

13 MR KNOOPS: [10:17:48] Maybe --

14 PRESIDING JUDGE SCHMITT: [10:17:48] Yet, I have also -- I have the suspicion that
15 this could be -- lead to some sort of repetition, but if you rephrase it, okay, then
16 (Overlapping speakers)

17 MR KNOOPS: [10:17:55] No. No repetition, no.

18 PRESIDING JUDGE SCHMITT: [10:17:57] Please continue.

19 MR KNOOPS: [10:17:59] It is also my last question, by the way.

20 PRESIDING JUDGE SCHMITT: [10:18:01] Please continue.

21 MR KNOOPS: [10:18:03]

22 Q. [10:18:03] Mr Witness, would you agree with me that the role of Mr Ngaïssona
23 was to represent the Anti-Balaka politically, giving them a voice? You just agreed
24 with me that this is true. You can correct it. If the Prosecution thinks that I
25 mischaracterised your evidence, please say so. Otherwise, I ask you is this a fair

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1 characterisation of the role of Mr Ngaïssona in 2014?

2 A. [10:18:45] Well, that's where I'm talking about politics. We're talking about
3 the political and military aspects for the disarmament and re-integration of those who
4 are in the army. So he was in charge of all of this. All of this was under his
5 coordination.

6 And in the Anti-Balakas there are military servicemen. And those servicemen, well,
7 their role is to bring this back into a legal framework instead of staying outside of it.
8 So there's a political aspect and a military aspect.

9 Q. [10:19:23] That's correctly stated by you. You already said so.

10 Now my question to you is, Mr Witness, you were asked by the Prosecution
11 yesterday about the -- the hierarchy, and you told at the top you could find Mr Bozizé
12 and the second relates to Mr Patrice Ngaïssona.

13 When you talk about hierarchy and the position of Mr Ngaïssona, were you referring
14 to his role in the restructuring of the Anti-Balaka movement in 2014?

15 A. [10:20:16] Yes, I was referring to his role as coordinator of the Anti-Balaka.

16 MR KNOOPS: [10:20:23] Thank you.

17 These were my questions, Mr President, and Ms Proulx has some small additional
18 questions.

19 PRESIDING JUDGE SCHMITT: [10:20:31] Of course, yes.

20 MR KNOOPS: [10:20:32] Thank you.

21 PRESIDING JUDGE SCHMITT: [10:20:32] So you have the floor, Ms Proulx.

22 QUESTIONED BY MS PROULX: (Interpretation)

23 Q. [10:21:13] Good morning, Mr Witness.

24 A. [10:21:16] Good morning.

25 Q. [10:21:17] I am Marie-Hélène Proulx and I also am representing Mr Ngaïssona.

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1 I have just a few questions for you. It will not be very long.

2 Mr Witness, on Friday you spoke of members of FACA who were present in
3 Cameroon, and there were quite a few; is that not the case?

4 A. [10:21:42] Yes.

5 Q. [10:21:42] Not just Bertoua, but there was in the entourage of General Bozizé.
6 And there were also some highly ranking, there were commanders and colonels?

7 A. [10:21:58] Yes.

8 Q. [10:21:58] And members of the Presidential Guard?

9 A. [10:22:00] Yes.

10 Q. [10:22:03] And am I right to believe that the sons of General Bozizé also have
11 a military career?

12 A. [10:22:10] Yes.

13 Q. [10:22:10] And the general himself?

14 A. [10:22:12] Yes.

15 Q. [10:22:14] So it is fair to say that Bozizé had around him several members of the
16 FACA supporting the cause of his return to power and that he was in a position to
17 advise -- they were in a position to advise them militarily speaking?

18 A. [10:22:28] (Overlapping speakers)

19 Q. [10:22:34] Yesterday during the hearing you said that Steve Yambeté, as
20 a military serviceman, was not going through the administrative hierarchy to
21 communicate.

22 Do you agree with me to say that generally the members of the armed forces only
23 respond or report to their -- first their immediate superior in the military hierarchy?

24 A. [10:23:01] Yes.

25 Q. [10:23:01] I have just one last aspect that I want to explore with you, given what

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1 you said yesterday with regard to the attack of the Séléka bases in Beloko.

2 You said they were between November and December of 2013. You weren't sure,
3 but you said it was about that. You said that some sources - and please do not
4 mention them because we're in an open session right now, public session - certain
5 sources informed you that the attack had been ordered by Bernard Mokom, by
6 Ngaïssona and (unclear).

7 You remember having said that?

8 A. [10:23:42] Yes, yes, yes.

9 Q. [10:23:44] Mr Witness, you yourself were not present during the attack; is that
10 right?

11 A. [10:23:47] Yes.

12 Q. [10:23:48] And you weren't present when the orders were given either?

13 A. [10:23:51] That's right, no.

14 Q. [10:23:52] So am I right in believing that you yourself were not in a position to
15 check the veracity of the information?

16 A. [10:24:01] No, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) -- well, there was an attack in

20 the morning and Mokom had injured people. He didn't know what to do. And

21 Mokom needed to send him money. He didn't know what to do immediately in

22 order to save lives, the lives of these wounded fighters.

23 Q. [10:24:47] So you can see how things are, but you yourself were not a part of this
24 conversation, were you?

25 PRESIDING JUDGE SCHMITT: [10:24:53] You have to -- you have to slow down

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1 a little bit, please.

2 MS PROULX: [10:24:56] Apologies, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:24:58] No problem, thank you.

4 MS PROULX: [10:25:00] (Interpretation)

5 Q. [10:25:00] But you yourself were not a party to this telephone conversation; is
6 that right?

7 A. [10:25:07] Come again.

8 Q. [10:25:08] So you said that you spoke to the head of the ComZone, but you did
9 not talk to Bernard Mokom yourself?

10 A. [10:25:13] Yes, I spoke to Bernard Mokom about this attack. Yes, I spoke to
11 Bernard Mokom about this attack.

12 Q. [10:25:22] Okay. But you did not hear an order from Ngaïssona?

13 A. [10:25:27] No, it was between Mokom and the other one. And (Redacted)
14 (Redacted) and these
15 people came to get to the ground to affirm this attack.

16 Q. [10:25:51] Okay. Mr Witness, I have no further questions for you. Thank you.

17 A. [10:25:54] Thank you.

18 PRESIDING JUDGE SCHMITT: [10:25:55] Thank you, Ms Proulx.

19 And it's now --

20 MR KNOOPS: [10:25:56] This finishes the examination by our Defence team,
21 Mr President.

22 PRESIDING JUDGE SCHMITT: [10:26:01] Yes.

23 MR KNOOPS: [10:26:01] I thank everyone and the witness for his answers. Thank
24 you.

25 PRESIDING JUDGE SCHMITT: [10:26:02] Thank you, Mr Knoops.

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- 1 Ms Dimitri.
- 2 MS DIMITRI: [10:26:08] Thank you, Mr President. We have no questions for
- 3 the witness.
- 4 PRESIDING JUDGE SCHMITT: [10:26:12] Thank you very much.
- 5 So this concludes then the testimony of the -- of Mr Witness. Thank you very much.
- 6 I wish you a safe trip back home.
- 7 This concludes also the hearing for today, and we resume after the recess sometime.
- 8 I'm not aware exactly of the date, but everyone is - doesn't matter - is aware of the
- 9 date.
- 10 So the Court is adjourned.
- 11 THE COURT USHER: [10:26:35] All rise.
- 12 (The hearing ends in open session at 10.26 a.m.)