

Trial Hearing
WITNESS: CAR-OTP-P-0888

(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
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 13 April 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:26] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:54] Good morning, everyone.
15 Court officer please call the case.
16 THE COURT OFFICER: [9:33:58] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:34:14] I call for the appearances of the parties.
21 Mr Vanderpuye.
22 MR VANDERPUYE: [9:34:20] Good morning, Mr President. Good morning,
23 your Honours. Good morning, everyone. Good morning, Mr Beina. Today the
24 Prosecution is represented by Pierre Belbenoit-Avich, Yassin Mostfa and myself,
25 Kweku Vanderpuye. Good morning.

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1 PRESIDING JUDGE SCHMITT: [9:34:33] Good morning.

2 MR DANGABO MOUSSA: [9:34:34](Interpretation) Good morning, Mr President.

3 Good morning, your Honours. The victims are represented here by myself and

4 Madam Ombeni Evelyne. Thank you.

5 MS LAU: [09:34:52] Good morning, Mr President, your Honours. Good morning

6 everyone in the courtroom. Today the former child soldiers are represented by

7 myself, Fiona Lau, associate legal officer at the Office of Public Counsel for Victims.

8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:35:04] Ms Dimitri.

10 MS DIMITRI: [9:35:05] Good morning, Mr President. Good morning, your

11 Honours. Good morning, everyone. Good morning, Mr Beina. Mr Yekatom is

12 present in the courtroom. He's represented today by Mr Florent Pages-Granier,

13 Mr Jean Michel Kola, Ms Anta Guissé, Ms Sabine Bayssat, and myself,

14 Mylène Dimitri.

15 And Mr President, if may take this opportunity, I was told that yesterday my voice

16 was getting tense towards the end of the day. I apologise. I got carried away and

17 there is no -- there was no disrespect.

18 PRESIDING JUDGE SCHMITT: [9:35:33] Well, you know, we have long days, we

19 have many days in a row, so it's absolutely human. And, actually, I did not

20 recognise it as something which I would have had to address.

21 Ms Proulx.

22 MS PROULX: [9:35:53] Good morning, Mr -- good morning, Mr President, your

23 Honours. Good morning to everyone. Good morning, Mr Beina. The Defence of

24 Mr Ngaïssona is represented today by Mr Knoops, lead counsel, Ms Barbara Szmatura,

25 Ms Camille Stuckel and Ms Chiara Giudici. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:36:13] Actually, I did not address Mr Knoops
2 because I did not see him simply. You were hidden.

3 MR KNOOPS: [9:36:21] I'm totally to your disposal, Mr President and the Chamber.

4 PRESIDING JUDGE SCHMITT: [9:36:25] But you know your case is still ongoing, so
5 to speak, but really I didn't see you. This was the reason.

6 MR KNOOPS: [9:36:31] Sometimes Defence lawyers are not always visible, but they
7 are still physically present.

8 PRESIDING JUDGE SCHMITT: [9:36:36] Well, their spirit is always there.

9 MR KNOOPS: [9:36:40] Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:36:41] And good morning, Mr Beina, of course.
11 Thank you very much for your willingness to answer again our questions today and I
12 can assure you that this will be the last day of your examination.

13 We continue with the Defence of Mr Ngaïssona. Ms Proulx has the floor.

14 WITNESS: CAR-OTP-P-0888 (On former oath)

15 (The witness speaks Sango)

16 QUESTIONED BY MS PROULX: (Interpretation)

17 Q. [9:37:27] Good morning, Mr Beina.

18 A. [9:37:34] Good morning, Counsel.

19 Q. [9:37:36] Let me introduce myself. Unfortunately I did not have the
20 opportunity to meet you during the familiarisation meeting. I think you met with
21 Mr Knoops. All my apologies for missing this meeting. I am Ms Proulx, one of the
22 lawyers representing Mr Ngaïssona in these proceedings and I am the one to put
23 questions to you on his behalf today.

24 A. [9:38:09] Thank you very much, Counsel.

25 Q. [9:38:15] You should have the habit of speaking slowly, observe pauses between

1 questions and answers, and if a question is not clear to you, please tell me and I will
2 rephrase.

3 A. [9:38:35] Thank you. Well, understood.

4 Q. [9:38:40] Lastly, I think the last few days have been very difficult and very
5 exhausting, so I would like to keep everything to a minimum, but whatever happens,
6 as the Presiding Judge has told you, you will finish today and you will be free to go at
7 the end of the day.

8 A. [9:39:08] Thank you very much.

9 Q. [9:39:10] I would like to begin with some questions on the creation of the
10 Anti-Balaka and their nature. In your first statement to the OTP -- and just for the
11 record, I will give the ERN number. It is document 26 in the list of the Prosecutor,
12 CAR-OTP-2107-1280, and it is paragraph 29. And this is something you repeated
13 Monday in your testimony.

14 You said that the various Anti-Balaka groups had created with the objective of
15 chasing out the Seleka and that they did not have any political ambitions nor any
16 links with the former president François Bozizé.

17 In the same vain, do you agree with me that the people who had been members of the
18 KNK before that or who had been supporters of François Bozizé before the Seleka
19 coup d'état, did not necessarily support the return to the constitutional order, that is,
20 the return of François Bozizé to power subsequently?

21 A. [9:40:47] That is correct, Counsel.

22 Q. [9:41:00] On Monday, in answer to a question from the Yekatom team, and it is
23 T-121, page 84, real-time transcript, you said that the fight carried out by the young
24 people belonging to the self-defence groups was neither in association with François
25 Bozizé nor with Mr Ngaissona.

1 Can you explain to us what you meant by that?

2 A. [9:41:46] Yes. Thank you, Counsel. I can give you a certain number of details.
3 The details that I will provide are as follows. In fact, since last Friday to today,
4 Wednesday, I've only been repeating the same things over and over again. Counsel,
5 it is not serious. I am going to repeat. I was brought here to speak and so I shall
6 speak.

7 I think that if you followed all my interventions relating to Mr Yekatom -- well, let me
8 give you an example. When Yekatom decided to cross back from Zongo to the CAR,
9 it was to mobilise themselves to fight the Yekatom -- the Seleka. There was Yekatom,
10 there was my -- there was any younger brother Habib Beina, there was Ouandjio,
11 there was another one whose name I have forgotten, it was a gendarme, there was
12 Yete (phon) Christopher, who was a civilian. So there were only five of them, five of
13 them, who returned to the Central African territory. They came to fight against the
14 Seleka who had pushed those refugees to flee to Zongo. And in their fight, they
15 were very far away from Mr Ngaïssona and very far away from Mr Bozizé.

16 And why am I saying this? * In their understanding, the person who forced them or
17 who prompted them to come back to the Central African Republic was Mokom. It
18 was Mokom who had betrayed them to the Congolese authorities and so this led to
19 their arrest. Mr Mokom wanted them to join his group, but since they had refused,
20 he betrayed them to the Congolese authorities, and they were arrested for several
21 months. And when they were released, they preferred to return and die in the
22 country. Now, after they were arrested, they decided to return to Zongo to -- they
23 returned from Zongo.

24 Now, talking about their funding, they fed on agricultural products. They survived
25 because of the support of the farmers, Central African farmers, and then they took up

1 the arms that they have recovered from the Seleka.

2 In relation to Mr Ngaïssona and his funding, Yekatom and myself, we came to know

3 Mr Ngaïssona on the same day. The people of MOUDA were there. Paledo (phon)

4 was there, there was -- Pareto was there. The mayor of the 4th arrondissement was

5 there. They also succeeded in bringing together the two.

6 In the beginning, Mr -- Mr Yekatom did not want to meet with Mr Ngaïssona because

7 he said he did not know the purpose of that. Mr Ngaïssona had sent people three

8 times to fetch him. Mr Orofei was sent to Yekatom. He called Zilabo and we came

9 and found him. He told us: "Look at this, this gentleman wants me to be present,

10 but I myself, I do not want to go there." And we told him that it was important to

11 honour the invitation. * This is how we called Mr Celestin who was from Boda.

12 We also called Madam Brigitte, the mayor of the 4th arrondissement, and together we

13 went to Mr Ngaïssona's house around 7 o'clock.

14 Upon our arrival, Mr Ngaïssona told Yekatom: "My younger brother, why is it that

15 every time I called you, you do not come. You refuse to honour my invitation."

16 And Mr Yekatom answered as follows: "No, it was because I was very busy that I

17 could not honour your invitation."

18 Now, the objective of that meeting was to make contact. Mr Ngaïssona's family

19 served us breakfast and we had a good meal. The meeting, the gathering was public

20 * in front of his veranda. All the members of the families were observing us. At the

21 end of the meeting, he wanted to hand over an envelope to Mr Yekatom, but Yekatom

22 said: "No, no, no. Zilabo is my elder brother, so he should be the one who should

23 receive the envelope." Mr Ngaïssona said that it was for fuel.

24 After that, Yekatom said: "But why are peopling demonising Mr Ngaïssona? And

25 I'm going to say the truth. I refused the invitation of Mr Ngaïssona because people

1 had said that Mr Ngaïssona had wanted to finance my murder. That is why I
2 refused to honour his invitation. Now, look, he invited us to his home. We were
3 well received and he even gave us money."
4 So it was as from that point that Yekatom got to properly know Mr Ngaïssona.
5 And I would like to add that they knew each other after the events of 5 December.
6 There was already peace reigning. And I can tell you that this was one week before
7 the setting up of the coordination at the UNDP office, the creation of the coordination
8 of 20 June. So this meeting between the two had already taken place one week
9 before that.
10 If you want to establish a link between all the events of the Anti-Balaka movement, I
11 would like to say this to you: Yekatom never wanted Mr Bozizé to be mentioned in
12 his actions. He had a bad memory of what Mokom did to him at Zongo, and up to
13 this day, they do not like each other. He is still bearing a grudge for that. And even
14 Habib told me that because of Mokom, they had a lot of suffering in Zongo. They
15 suffered a lot in Zongo.
16 That is the answer I can give to you, Counsel.

17 PRESIDING JUDGE SCHMITT: [9:50:01] Thank you, Mr Witness.

18 And the witness is of course right. He had lots of this, what he has now said, he has
19 already said. So we should be -- try within the examination not to induce
20 repetitions.

21 MS PROULX: [9:50:27] I agree with you, Mr President. To be frank, I was not
22 expecting such a lengthy response, but I will be mindful of not eliciting repeating
23 information.

24 Q. [9:50:56] (Interpretation) Thank you very much for your answer, Mr Witness.

25 It was very interesting and you touched on several points to which I will come back

1 later.

2 For the time being, I would like to know whether I have understood correctly two
3 specific aspects. I have understood, first of all, that you cannot consider the
4 Anti-Balaka as a homogeneous entity. Am I to understand that the Anti-Balaka is
5 made up of a series of very different groups that rose up to fight against the Seleka?
6 They are tagged as the Anti-Balaka, but in fact they are not a homogeneous entity?
7 They do not have a single command.

8 A. [9:52:09] Yes, the Anti-Balaka came from various areas. Each of them came
9 from their region after the crimes perpetrated there by the Seleka. So they were
10 defending their localities. There were differences amongst the members of the
11 Anti-Balaka. You cannot know that from outside. You have to be inside the group
12 to understand. When you hear someone say that he is an Anti-Balaka from Gobere,
13 but if you ask Mr Ngaïssona whether he knows the Anti-Balaka from Gobere, he will
14 not know. But if you ask the same question to Maxime Mokom, he will say yes.
15 Because all the Anti-Balaka who were in the provinces, Mokom had their contacts.
16 But Mr Ngaïssona never called a ComZone.
17 The people who brought the ComZones to Bangui to meet with Mr Ngaïssona and
18 also to meet us, it was Mr Mokom. I think Mr Ngaïssona was more involved in the
19 political aspects. It was in 2014 that he came to that point because the young people
20 said that they had been fighting and they needed an interlocutor to negotiate with the
21 government and that is what they had decided and he committed himself to that.
22 And that has been made against him today.

23 Q. [9:53:59] Based on what you have said, you don't have any information relating
24 to whether Mr Ngaïssona played any role at all or funded the Anti-Balaka at all prior
25 or during the attacks of 5 December in Bangui. Do you agree with me?

1 A. [9:54:23] Yes, Counsel. You have understood correctly. I think it was after the
2 attack in Bangui. What precipitated his return to Bangui was that he lost one of his
3 younger sisters and the dead body was repatriated, and at the airport the Seleka
4 maltreated the dead bodies, so he returned to honour the memory of his deceased
5 sister.

6 The people who had known him before included Wenezoui, who was the minister of
7 urban affairs. So someone like Wenezoui knew Ngaïssona well, but Yekatom, no.
8 I knew Ngaïssona through the media because he was a football leader, he was a
9 public personality, and musicians were singing his name. So whether you liked it or
10 not, you would have heard about him because all his activities were in the media.

11 Q. [9:55:55] Mr Beina, do you agree with me that Mr Ngaïssona never publicly
12 promoted the idea or advocated the idea of a return to the constitutional order?

13 A. [9:56:18] To my knowledge, no, he never demanded a return to the
14 constitutional order. It was Mokom's group which was demanding that, so we were
15 not in agreement on that objective. In the bureau of the coordination, where I was
16 treasury -- treasurer general, my deputy was *Sylvain Beorofei, and when I took
17 decisions, he asked me whether I was -- why I was speaking badly about Bozizé. I
18 said, no, it is because of Bozizé that the Central Africans were suffering. * He fled
19 and abandoned the Central Africans and the mercenaries came in and were
20 slaughtering them. I said -- and I believe it was on Friday -- that Djotodia and Bozizé
21 should be called to answer before the Court here. I hope that will happen one day.

22 Q. [9:57:22] During Monday's testimony, Page 84, T-121, you said that when things
23 evolved, there was a beginning of confusion between the Anti-Balaka and Bozizé.
24 Now, do you agree with me that the arrival -- the regime of Djotodia of -- of the
25 Seleka government contributed to this confusion between the Anti-Balaka and Bozizé,

1 and this happened, amongst other things, by the publishing of articles, propaganda
2 articles on the role of Bozizé and his entourage in the events of autumn 2013?

3 A. [9:58:15] Counsel, I ask that you repeat the question because I really did not
4 understand.

5 Q. [9:58:24] Very well, Mr Witness. What I said was that on Monday you
6 established that there were no links between the Anti-Balaka and François Bozizé, but
7 you said that when things progressed, there was an evolution and then there was
8 confusion with Bozizé. So my question is as follows: I would like to know whether,
9 according to you, the Seleka regime contributed towards that confusion between
10 Bozizé and the Anti-Balaka through the publication of propaganda articles. Are you
11 aware of that?

12 A. [9:59:17] Well, Counsel, you have put a question to me to clarify the situation of
13 the Anti-Balaka, relationships with Bozizé and the Seleka, but I'm telling you that I
14 have more information relating to the Anti-Balaka of the south under the command of
15 Alfred Yekatom. From the very outset of the movement, there was a separation,
16 there was a split. It was when we set up the coordination that we realised that in
17 reality there was a difference of objectives. One part wanted to support the KNK,
18 and when we took the initiative to set up the PCUD, that is when we realised there
19 were differences and other people were rather supporting the KNK.
20 And so advice was given to Mr Ngaïssona to transform the movement into a political
21 party so as to enable stabilisation in the CAR. Because if the movement became a
22 political party, I believe that the combatants would be able to have other objectives
23 and they would rather be militants of the political parties. That is why the initiative
24 for the creation of the PCUD was taken.

25 However, we realised that there was no unanimity. There was -- there is a list of

1 presence and people signed, Maxime Mokom, everyone, they signed, everyone signed
2 for the party. But a few days later, they created a dissident faction. They accused
3 Ngaïssona of trying to confiscate the movement. They wanted -- they created -- they
4 wanted the military wing of the KNK, so we told Mr Yekatom, we conveyed a
5 message to Mr Yekatom and said that Mokom has a different idea because he is
6 linked to Bozizé. Yekatom asked us to say whether the idea was the return to
7 constitutional order, and if that was the case, he would not commit himself.

8 So Ngaïssona took the initiative to create a political party. We understand that
9 Mokom and his group defended a different cause, but we were not together with
10 them and we preferred to go in a different direction. So you will understand that
11 there were already differences regarding the objectives.

12 And to conclude, these were the differences, divergences that made it that after the
13 arrest of Mr Ngaïssona, you heard that there was an Anti-Balaka Ngaïssona wing and
14 an Anti-Balaka Mokom wing simply because they wanted to have visibility. That is
15 what -- they had one of our ministers, the minister of DDR, there was the Anti-Balaka
16 of the north, Birao, Basse-Kotto and so on, but Mokom created a series of events in
17 order to set up the DDR and profit from it.

18 THE INTERPRETER: [10:03:42] If the Sango interpreter understood correctly, says
19 the Sango booth.

20 MS PROULX: [10:03:49] (Interpretation)

21 Q. [10:03:50] I'm going to change the subject. I'm going to talk about the period
22 that followed the 5 December attacks on Bangui.

23 Now am I right in saying that in these weeks and months that followed the attack, the
24 Anti-Balaka coming from the provinces had problems in surviving, they could not
25 find food in Bangui and no one came to their assistance?

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1 A. [10:04:21] Yes, it is true, Counsel.

2 Q. [10:04:31] So am I right in saying that certain Anti-Balaka, for this reason, started
3 stealing in order to meet the needs and this contributed to the general insecurity in
4 the city?

5 A. [10:04:51] That's true, Counsel.

6 Q. [10:05:01] It is -- is it also true that at that point of time, the Anti-Balaka were
7 rather popular with the public since they fought the Seleka, so certain civilians started
8 saying that they were also the Anti-Balaka and they started taking up the fake
9 *gris-gris* --

10 PRESIDING JUDGE SCHMITT: One moment, please.

11 Mr Vanderpuye.

12 MS PROULX:

13 Q. [10:05:36] (Interpretation) -- and started pillaging?

14 A. [10:05:40] Yes, Counsel, you're right.

15 MR VANDERPUYE: [10:05:41] I still hear interpretation going on, so ...

16 But, Mr President, I object generally to the line of questioning because it calls for
17 speculative answers. If there's a basis of knowledge, I obviously have no problem
18 with it, but to ask this witness to -- to explain why different people, and probably
19 thousands of them, would have pretended to be Anti-Balaka or acted in the
20 Anti-Balaka's name is -- is -- to me seems to cohere speculation inappropriately.

21 PRESIDING JUDGE SCHMITT: [10:06:16] Yeah --

22 MS PROULX: [10:06:17] Mr -- Mr President, the witness was there. He was --

23 MR VANDERPUYE: (Microphone not activated)

24 MS PROULX: [10:06:18] Well, he -- he was around Bangui, he wasn't that far. He
25 might have seen these people himself.

1 PRESIDING JUDGE SCHMITT: [10:06:27] Yes, yes, I think -- the witness, by the way,
2 has already answered and -- how to put this, not to say too much. The Chamber
3 always has in mind which witness in which role at the time and in the living
4 circumstances at the time answers in a certain manner to which question. This is
5 very cryptic, but I think you understand what I mean.

6 Please, Ms Proulx.

7 MS PROULX: [10:07:21] (Interpretation)

8 Q. [10:07:22] Mr Beina, are you familiar with the expression "fake Anti-Balaka"?

9 A. [10:07:31] Yes, I'm aware of this term.

10 Q. [10:07:43] And to the best of understanding, can you explain what a fake
11 Anti-Balaka is?

12 A. [10:07:53] Thank you, Counsel. Before talking about the fake Anti-Balaka, I
13 would like to talk about the fake Seleka. * The fake are the people who can be
14 considered as opportunists -- they're the people who wait for the real to come and
15 they just infiltrate them. And I can talk about the declaration of Djotodia when he
16 was asked questions by the press, he was asked to give the number of Seleka soldiers
17 and he said that when the Seleka came, there were about 5,000, but with time the
18 numbers were 25,000 because people were coming from all places to become part of
19 this group. So the Anti-Balaka also had the same problem. When they came to the
20 city, you -- the destitute, the youth, they all came and joined the party -- joined the
21 Balaka -- the Anti-Balaka, and these people who came on board subsequently were
22 the fake Anti-Balaka.

23 Q. [10:09:20] Do you agree with me when I say that for someone who's not part of
24 the movement, it could be very difficult or even impossible to make a distinction
25 between a real Anti-Balaka and a fake Anti-Balaka?

1 A. [10:09:48] Someone who's not part of the group, it's hard for him to tell the real
2 from the fake. You work in the Court, you can know, but the population -- the
3 public in The Hague, for instance, will not be in a position to say who works in the
4 Court. This is just an example.

5 Q. [10:10:22] Last Friday you explained that before 5 December, the Anti-Balaka
6 had no structure in their functioning and it was only after 5 December that they
7 started organising themselves in order to have some structure. It's page 5 of the
8 transcription, T-120.

9 Do you agree with me when I say that in December 2013, January 2014, and even after
10 that, there were some people who were competing with each other in order to be at
11 the helm of the movement?

12 A. [10:11:17] I'm going to answer this way: It is true that there were people who
13 wanted to be the leader of the group and we don't know why. It's because of this
14 misunderstanding that Mr Ngaïssona had to pay the price. The youth
15 were -- designated him to be his representative. He -- he did everything with good
16 faith. People who were with him wanted him to take the responsibility of the group.
17 When you look at Ngaïssona, there -- there was -- there were rumours about people
18 said this and people said that. There was no proof.

19 Q. [10:12:21] Have you heard that Maxime Mokom, when he came back to Zongo
20 in the beginning of 2014, tried or had the ambition to become the leader of the entire
21 Anti-Balaka movement?

22 A. [10:12:42] Yes, indeed, he did express this desire. But the majority did -- was
23 not in his favour. * Those who decided that Ngaïssona would be the head of the
24 movement were the elements from Boeing to Boy Rabe, but the majority were not in
25 favour of Mokom, Maxime Mokom. He imposed himself as the coordinator in

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1 charge of operations. Ngaïssona was only dealing with the political side. With
2 regards to the military side, with regard to the operations, the military operations,
3 since he knew the fighters, he occupied this post. He basically put himself up for
4 this position in order to have control on the fighters.

5 Q. [10:14:03] Sebastien Wenezoui gave an interview on 3 March 2014 to a radio
6 station. I'm not going to play this because it's been heard several times by the judges.
7 I'm just going to give you the reference. It's the Defence document tab 30,
8 CAR-OTP-2076-0825. And we've got the transcription in tab 53,
9 CAR-OTP-2122-7403.

10 So this is 3 March 2014, and Mr Wenezoui in this interview to a radio station says that
11 the general coordinator of the Anti-Balaka is Maxime Mokom, and Mr Ngaïssona is in
12 charge of the political side.

13 Now, do you know on what basis did Mr Wenezoui say this?

14 MR VANDERPUYE: (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:15:07] Wait a moment, please.

16 Mr Vanderpuye.

17 MR VANDERPUYE: [10:15:10] Maybe Ms Proulx can provide the cite for that, but
18 my recollection is that that's not quite what Mr Wenezoui said during that interview.

19 I think he described what the coordination was like at the beginning, but --

20 PRESIDING JUDGE SCHMITT: [10:15:24] No, I --

21 MR VANDERPUYE: My recollection may be --

22 PRESIDING JUDGE SCHMITT: [10:15:26] This -- this has to be verified, of course.

23 Thank you, Mr Vanderpuye. I agree.

24 MS PROULX: [10:16:01]

25 Q. [10:16:02] (Interpretation) The journalist asked this question to Mr Wenezoui:

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1 So you do not recognise Patrick Ngaïssona as your national coordinator and –
2 Mr Patrice-Edouard Ngaïssona as your coordinator and Joachim Kokaté as your
3 military coordinator. Mr Wenezoui says initially there was -- I'm going to repeat
4 my -- there were coordinators -- there were two coordinators, the coordinator general,
5 Mr Mokom, but the military coordinator was Mr Ngaïssona -- the political
6 coordinator was Mr Ngaïssona. So I'm going to repeat my question.

7 Do you know on what -- do you know on what Mr Wenezoui bases himself when he
8 makes this statement?

9 PRESIDING JUDGE SCHMITT: [10:17:07] Do we have the reference for this, please.

10 MR VANDERPUYE: [10:17:14] Mr President, the --

11 PRESIDING JUDGE SCHMITT: [10:17:16] Yeah.

12 MR VANDERPUYE: [10:17:17] I'm sorry if I'm interrupting. The objection is a
13 different one. I accept the reference that she's provided and she's read it into the
14 transcript. But the objection is a different one because it relates to the basis of
15 knowledge now because the witness testified previously that he didn't know anything
16 about a coordination which preexisted the June 2014 coordination. And to the extent
17 that this relates to a period preceding that and the coordination of the Anti-Balaka
18 group, it's clear that he has no basis of knowledge to opine on the -- on what Mr
19 Wenezoui said. Unless he does.

20 PRESIDING JUDGE SCHMITT: [10:17:48] Well, if there is no foundation for his
21 knowledge, I would agree with you. If you have a foundation for his knowledge or
22 a foundation, if you have, if you could tell the Court why you think the witness could
23 say something beyond a mere opinion.

24 MS PROULX: [10:18:12] Mr President, I think the witness could know on the basis of
25 the fact that he has been around Mr Wenezoui for quite some time. Now, if he

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1 doesn't know, he doesn't know, and he will tell us.

2 PRESIDING JUDGE SCHMITT: [10:18:22] Fine. I agree with you.

3 So you know, Mr Witness, Mr Beina, this back and forth. So were -- did you, from
4 your conversations with Mr Wenezoui, did you come to know about the composition
5 of the coordination before that time in May 2014? I think we can let it pass this way.

6 THE WITNESS: [10:19:03] (No interpretation)

7 PRESIDING JUDGE SCHMITT: [10:19:16] So we don't have interpretation.

8 THE WITNESS: [10:19:23] (No Interpretation)

9 PRESIDING JUDGE SCHMITT: [10:19:24] Excuse me, we don't have -- we don't
10 have interpretation, so unfortunately --

11 THE WITNESS: [10:19:33] (Interpretation) Thank you, your Honour. Thank you,
12 your Honour. And I'm going to answer you this way: I think that there are several
13 documents here and I am -- I am going to tell you this, that there was no coordination
14 before 2014 March. I spoke to you about the coordination.

15 THE INTERPRETER: [10:19:47] And that's where the witness stopped.

16 PRESIDING JUDGE SCHMITT: [10:19:55] Now we got an -- we got an interpretation,
17 so if you want to say more, Mr Witness, please continue. Excuse me for interrupting
18 you.

19 THE WITNESS: [10:20:24](Interpretation) Thank you, your Honour. I'm going to
20 talk to you about this coordination. Before March 2000 --

21 THE INTERPRETER: Says the witness.

22 THE WITNESS: [10:20:39] (Interpretation) -- there was no coordination that was
23 formal, no formal coordination. Before Ngaïssona's arrival in Bangui, Wenezoui and
24 others tried to contact Ngaïssona to become the coordinator because there was no one
25 to represent the movement.

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1 I would like to tell you this: Even Wenezoui that you see did express the desire to
2 become the coordinator and this led to internal struggle for power. And this is how
3 things happened, and Mokom is the main person in charge of the movement that
4 supports Bozizé's return.

5 PRESIDING JUDGE SCHMITT: [10:21:40] Thank you, Mr Witness.

6 And again, this is something we have more -- more or less heard already.

7 And perhaps, shortly, Mr Vanderpuye, with regard -- I am not sure if you intend to
8 ask for redirect; however, we had a lot of evidence, documentary, whatsoever,

9 witnesses, on that aspect, on coordination at various stages of the proceedings. So

10 I -- I would simply suggest that it would not make sense to discuss this again with
11 the -- with this witness.

12 MR VANDERPUYE: [10:22:32] Thank you, Mr President. I'm -- I'm considering it
13 as we go. I think --

14 PRESIDING JUDGE SCHMITT: [10:22:36] No, but this was --

15 MR VANDERPUYE: [10:22:37] -- you're right, I tend to agree with you on this -- on
16 this particular issue, but I'm considering it as -- as the examination evolves.

17 PRESIDING JUDGE SCHMITT: [10:22:45] Of course this was a preemptive remark,
18 so to speak.

19 Ms Proulx.

20 MS PROULX: [10:23:00] (Interpretation)

21 Q. [10:23:01] Witness, I'm going to come back to something you said and I think
22 there's a confusion in the transcript, page 16 of the transcription, and we can -- and
23 you were talking about Mokom and you said that he himself imposed himself to be
24 the coordinator in charge of operations and Ngaïssona was only in charge of the
25 political wing with regards to military operations because he knew the fighters, he

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1 occupied this position.

2 So you were saying that Mr Ngaïssona knew the fighters and the -- and military
3 operations, but I don't think this is what I heard when you gave me the answer.

4 Could you please clarify.

5 PRESIDING JUDGE SCHMITT: [10:23:51] We -- please, I think he clearly said
6 Mokom, or didn't he?

7 MS PROULX: [10:24:00] This is also what I heard, Mr President, but the transcript in
8 French is confuse -- is confusing. It seems like he's putting it on Mr Ngaïssona, and
9 that's why I asked the question.

10 PRESIDING JUDGE SCHMITT: [10:24:12] So shortly, Mr Witness, you meant Mr
11 Mokom, yeah?

12 THE WITNESS: [10:24:27](Interpretation) Yes, Mokom.

13 PRESIDING JUDGE SCHMITT: [10:24:30] Thank you.

14 Ms Proulx, please move on.

15 MS PROULX: [10:24:36] (Interpretation)

16 Q. [10:24:39] I would like to react to something you just said. I'm going to link
17 this to what you said in your first testimony in paragraph 32. You said that
18 Mr Wenezoui told you that he encouraged Mr Ngaïssona to leave Cameroon and
19 come back to Bangui.

20 So did I understand you well that Mr Wenezoui at that point of time wanted
21 Mr Ngaïssona to be the head of the Anti-Balaka movement?

22 A. [10:25:28] Thank you, Counsel. When we went to Wenezoui's house for a
23 meeting in Boeing, he said that there was no political personality who is -- who can be
24 the interface with the government and the international community, and it's
25 important that Mr Ngaïssona come to represent them. At that point of time we were

1 looking for someone, * a personality who was capable of talking to the international
2 community and the government.

3 Q. [10:26:20] You said that -- you just repeated and you said that Mr Ngaïssona
4 was chosen to represent the Anti-Balaka in the 4th arrondissement.

5 Now, what did you know about the role of Ngaïssona? What was Mr Ngaïssona
6 doing for the Anti-Balaka, if you know that answer, that is?

7 A. [10:26:54] Thank you, Counsel. I think Mr Ngaïssona's role was public. It
8 wasn't something that was hidden. It was out in the open and known by all. When
9 we made acquaintance with Mr Ngaïssona, I could really understand his role because
10 I was -- I had been to his house. At some point -- at a certain point of time, when an
11 Anti-Balaka would lose a member of his family, he would go to Mr Ngaïssona to seek
12 assistance to -- to buy the coffin. Mr Ngaïssona would even provide for the food and
13 medical care.

14 During this period, this is how things played out at a certain point of time. I had to
15 go and meet Mr Ngaïssona and I told him that: "Your Excellency, as long as these
16 elements are not disarmed, you will be stripped of your belongings because you
17 really have to meet all their needs, even expenses related to their funeral. You're the
18 one who's footing the bill and that's not good." * You see, all their feeding and other
19 needs were being financed by you. In any case, that is difficult. They have to be
20 gathered together so as to be able to participate in the DDR programme.

21 Q. [10:28:49] I would like to show you a press article, a recent one, document 4,
22 CAR-D30-0006-0057, in the Defence binder. This is an article that dates back to
23 17 March. In the second column, at the bottom, the author describes Mr Ngaïssona
24 as such, he says Mr Ngaïssona is someone who never took up arms, he's never gone
25 to the battlefield, but he invested in calming the war-mongering tendencies of the

1 youth who want to defend the country.

2 According to this, is this a right description of Mr Ngaïssona's role vis-à-vis the
3 Anti-Balaka?

4 A. [10:30:15] Yes, Counsel, I think that the author of this document, Ngouandjika,
5 is one of the best counsellors of the president. At that point in time he was a
6 supervisor at the KNK. If he says such things, given his current position, this must
7 be factored in and taken into account. He lives in the same district as Ngaïssona so
8 he should be taken seriously. Yes, Mr Ngouandjika was in exile when Djotodia was
9 in power, so he can only tell the truth because he actually experienced everything that
10 happened in the 4th district, so if he's speaking, he has to be taken seriously.

11 Q. [10:31:13] And according to you, was it important that someone like
12 Mr Ngaïssona should rise up in early 2014 and try to guide the Anti-Balaka? Was
13 this something that was important to be done?

14 A. [10:31:49] Counsel, Mr Ngaïssona that you see there, his ambition at that time
15 was not to occupy the leadership of the Anti-Balaka. In November 2014, we had a
16 constituent assembly for the creation of the PCUD. That is at the Vingt Mille Places
17 stadium. In November 2014, we had this assembly to create the PCUD, and on 3
18 October 2015, we designated Mr Ngaïssona as president of that party in the Hotel
19 Ledger. So from that moment, you can understand that his ambition was to leave
20 the movement in order to devote himself to that political party, that new political
21 party.

22 Q. [10:33:00] That was not exactly the purpose of my question, Mr Witness. I
23 wanted to know whether, according to you, in early 2014, when Mr Ngaïssona was
24 selected to represent the Anti-Balaka of the 4th arrondissement, was there someone
25 else during that period who was in a position to take charge of these people and

1 guide them towards peace?

2 A. [10:33:31] Yes, indeed, Counsel. Yes, indeed. There was no one else to be able
3 to represent those young people. That is, faced with the authorities and the
4 administration, you could not just take any person from the street to represent that
5 people. He was a leader, someone who could be listened to by the young people,
6 because Ngaïssona, based on his profile, already was in command of an entity, a
7 federation, so the young people told themselves this is a young person, this is
8 someone from our neighbourhood, he can --

9 Q. (Overlapping speakers)

10 A. [10:34:21] -- validly represent us with the authorities and with the institution.
11 That is the reason why he was chosen for that position.

12 PRESIDING JUDGE SCHMITT: [10:34:36] Ms Proulx, at the moment, the interpreter
13 is in your back, so you can't see, so please wait a second, or perhaps your colleague
14 can tell you when the interpretation is finished. Thank you.

15 THE INTERPRETER: [10:34:53] We are much obliged, your Honour.

16 MS PROULX: [10:34:58] My apologies to the interpreter. I will be mindful.

17 PRESIDING JUDGE SCHMITT: [10:35:03] And still we have these
18 interpretation -- double interpretation, so to speak, and it's -- it's difficult, I think it has
19 improved, but we always have to keep awareness, so to speak.

20 MS PROULX: [10:35:37] (Interpretation)

21 Q. [10:35:38] Mr Beina, I would like to move forward and discuss with you the
22 meeting of 15 May 2014, which led to the election of Sebastien Wenezoui. You
23 talked about yesterday -- and I will repeat what you said. You said that the purpose
24 of this meeting was to bring together the various groups of the movement. It is on
25 page 46, T-122.

1 Now, that said, do you agree that what you said indicates -- did you know that the
2 election of Wenezoui, during that period, was understood by the media as having
3 effectively been the replacement of Mr Ngaïssona by Mr Wenezoui as a general
4 coordinator?

5 A. [10:36:45] Yes, Counsel, I think that one needs to look at things in chronological
6 order, because the ad hoc committee represented by Wenezoui was set up before.
7 And when that committee was created, Mr Ngaïssona was not yet coordinator. It
8 was only afterwards. If you look at the chronological order, it is 15 May, whereas
9 the coordination was officially put in place on 20 June. So officially, Mr Ngaïssona
10 became coordinator during the meeting that took place in the UNDP premises. In
11 May there was only the ad hoc committee bringing together Boeing and Bimbo with
12 the purpose of approaching those of the north where Mr Patrick Edouard Ngaïssona
13 was to be found. The various groups from these localities met at the UNDP to create
14 the coordination. So what was said in the media in that -- at that time was said while
15 Mr Ngaïssona was not yet coordinator.

16 Q. [10:38:23] Just to illustrate my statement, I would like to show you a press article.
17 Tab 6, CAR-D30-0008-0041. That is tab 6 of the Defence list. It is a media article.
18 And the first paragraph states that Sebastien Wenezoui was designated, on Thursday,
19 general coordinator of the Anti-Balaka militia in replacement of Patrice-Edouard
20 Ngaïssona, his predecessor.

21 So according to you, that is incorrect. You have explained to us why. But are you
22 aware that this was how the matter was reported by the media?

23 A. [10:39:45] Counsel, I think that when you organise something and if you do not
24 provide information about what you are doing, the media cannot talk about it. You
25 are the one who is supposed to call the media to talk about the activities that you are

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1 carrying out. And if the media provide different information, it means they do not
2 have a mastery of the facts or the activities. You know that the media does not
3 always tell the truth. Because those of us who were within the movement, we knew.
4 You have to know that if there are people struggling, fighting for a position, the
5 media could have been politically instrumentalised to divide a group, and that media
6 was used to divide an entity or a group as well as to divide --

7 MS PROULX: May I have a moment to confer, your Honour?

8 A. [10:40:57] -- several -- or to make different objectives.

9 PRESIDING JUDGE SCHMITT: [10:41:08] You want to confer? Yes, of course,
10 of course.

11 (Counsel confers)

12 MS PROULX: (Interpretation)

13 Q. [10:41:46] We have a small technical problem, but I think that will be sorted out
14 in the next few seconds, I hope.

15 I would like you to listen to a part of the speech of Mr Wenezoui during that meeting
16 of 15 May 2014.

17 I will give the reference and if I give it slowly, I hope it can be played. It is tab 20 in
18 the Prosecutor list, CAR-OTP-2084-1331, from 1:26 to 3:50.

19 For the interpreters, the transcript is tab 28 of the OTP list, CAR-OTP-2107-1586,
20 lines 20 to 41.

21 And I would like to ask for the indulgence of the Chamber so that we should be able
22 to play that video.

23 THE INTERPRETER: [10:43:51] In the meantime, your Honour, can counsel provide
24 the transcript reference.

25 PRESIDING JUDGE SCHMITT: [10:44:00] Ms Proulx, could you, for the benefit for

1 the interpreters, provide the transcript reference again.

2 MS PROULX: [10:44:20] (Interpretation) With pleasure, your Honour. The
3 transcript is tab 28 in the OTP list, CAR-OTP-2107-1586, lines 20 to 41.

4 THE INTERPRETER: [10:44:57] The interpreters would like to point out that we did
5 not receive that one amongst the transcripts provided by the Ngaïssona list -- team.
6 But we can look at the screen.

7 PRESIDING JUDGE SCHMITT: [10:45:17] So the interpreters didn't receive this one,
8 but they can look at the screen and try to do it on the spot.

9 Thank you very much to the interpreters.

10 So are we ready now?

11 MS PROULX: [10:45:33] I think we have a sound problem, Mr President. We
12 are -- we will try again now.

13 I'm told it should work now.

14 PRESIDING JUDGE SCHMITT: [10:46:31] Fine.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [10:46:33] (Interpretation of the video excerpt)

17 "Thank you, thank you very much. I would like to tell you one thing. We created
18 the Anti-Balaka with everyone. And we know each other. Those who are abroad,
19 we know them, and those who have been fighting with us, we know them. I am the
20 general spokesperson of the Anti-Balaka, and that is not by mistake. We have
21 worked, we have sweated. I am one of the main fighters in this country. I am the
22 one who organised the sitting -- sit-in at the airport on 20 August.

23 For three days, there were no landings and no flights. It is me, Mr Wenezoui. And
24 it is at this time that we brought Mr Djotodia to his knees and he gave us a sum of
25 10 million. It is with this sum of 10 million that we tried -- we are trying now to

1 organise with my elder brother Rombhot Yekatom, Captain Kamezolaï, Captain
2 Ngremangou, and all my brothers. And in the meanwhile there are 16 soldiers who
3 left the country through exactions because of the acts of violence of the Seleka, the
4 abductions and the summary executions. They based themselves at Bossangoa, and
5 they formed a strong pillar of the Anti-Balaka. They arrived in Bangui with us, and
6 we have fought well. But if you, if you come from abroad, if you want to profit from
7 our movement, we are not going to simply stand there and watch you destroy our
8 movement which is not of a political character. I'm talking as a man. I have fought
9 for this country. It is not by mistake. And anyone who contests this, he can go to
10 the radio, we informed all the people of Boy-Rabe. Amongst these people, they are
11 there, they informed everyone, you have the ComZone of Bossangoa, there is the
12 ComZone of Yaloke, the ComZone of Bossembélé, and Berbérati ... everyone is there.
13 Anyone who cannot come to this assembly, that means that he is against peace. He's
14 not in favour of peace. This is my statement. And I thank you."

15 MS PROULX: [10:49:31] (Interpretation)

16 Q. [10:49:32] Mr Witness, you have heard Wenezoui emphasising the fact that he
17 had been there from the very beginning, but he adds that if you come from abroad
18 and you want to profit from the movement, a movement that does not have any
19 political character, and he also designates those who are not in that assembly as being
20 against peace. I put it to you that this is an indirect attack by Mr Wenezoui against
21 Mr Ngaïssona who, unlike Mr Wenezoui, was not there from the beginning, he was
22 abroad, he presented a political programme to the Anti-Balaka.

23 A. [10:50:37] I agree with that analysis because I was present during that assembly,
24 and after him, I made a speech. People were discontent because we had sent
25 invitations out, even including to the members of government, the international

1 community, the Sangaris protected the location. In his understanding, Wenezoui
2 thought that Mr Ngaïssona should have participated in the meeting.

3 Now, regarding the north neighbourhoods of Bangui, someone whispered to
4 Wenezoui that the Boy-Rabe group wanted to designate Ngaïssona as general
5 coordinator, whereas Wenezoui himself had ambitions to be general -- general
6 coordinator. So he expressed his discontent and he did not say so publicly, but
7 implicitly he wanted to talk about Mr Wenezoui.

8 THE INTERPRETER: Says the Sango interpreter.

9 THE WITNESS: [10:51:56](Interpretation) He said that we blocked the runway, there
10 were no flights for three days. And Djotodia gave us 10 million which we used to
11 chase him from power. So in his statement I think it is clear that Mr Wenezoui was
12 attacking Mr Ngaïssona.

13 MS PROULX: [10:52:30] (Interpretation)

14 Q. [10:52:31] Thank you for that answer.

15 I'm still in the period preceding the setting up of the general coordination in June 2014.

16 In your second statement, paragraph 86.

17 And I remember I did not give the reference of the first statement. It is

18 CAR-OTP-2107-6567, tab 30 of the OTP list.

19 In paragraph 86 you talk of the problems in the Muslim cemetery. I'm not going to
20 go back into it in depth because you talked about it yesterday at length, but what is
21 interesting is that you say that Mr Ngaïssona was not informed of the situation and
22 that it was not necessary to inform him because there was no coordination.

23 Now, the question is this remark of the non-necessity to inform Mr Ngaïssona applies
24 also to all incidents that might have happened amongst the Anti-Balaka or involving
25 the Anti-Balaka of the south before the 20 June assembly.

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1 PRESIDING JUDGE SCHMITT: [10:54:07] I think that is asking a little bit too much
2 of the witness.

3 So, Mr Vanderpuye, I agree with you.

4 So I think this -- you have to specify more or you have to limit this a little bit. So we
5 have here an example, do you know of other examples where this was the same.

6 Yeah.

7 It would be very surprising if the witness could speak of any event that was around
8 the Anti-Balaka and if Mr Ngaïssona was informed or not.

9 This is the background of the objection by Mr -- the silent objection by
10 Mr Vanderpuye.

11 MS PROULX: [10:55:07] (Interpretation)

12 Q. [10:55:08] Mr Witness, I have been called to order, so I will rephrase my
13 question.

14 Do you agree with me that generally speaking the Anti-Balaka -- the incidents that
15 involved the Anti-Balaka at the time that you are aware of were not reported to
16 Mr Ngaïssona before the fusion of June 2014?

17 A. [10:55:48] Yes, Counsel, I believe that when we went there to discuss about the
18 road to the cemetery, Ngaïssona was not informed. It was only the leaders who
19 were in Boeing who were informed.

20 PRESIDING JUDGE SCHMITT: [10:56:07] Well, Mr Witness, how would you know
21 if Mr Ngaïssona was informed or not in other instances?

22 THE WITNESS: [10:56:31](Interpretation) Thank you, Mr President. I happened to
23 have gone down to the field on several occasions. No one told me that. I took part
24 in the meetings more than three times. If he had been informed, I would have been
25 aware. I attended meetings and in the course of those meetings, I did not hear any

1 such thing. I cannot venture to make a statement about that. But if someone had
2 informed Ngaïssona, he would have mentioned it. But during those meetings, there
3 was no such thing. So I never heard about it.

4 PRESIDING JUDGE SCHMITT: [10:57:24] We can also go into the break now, I think.
5 Or do you have one question, perhaps?

6 MS PROULX: [10:57:33] With your leave, Mr President, I have maybe one or two
7 more questions on this theme, which would allow me to start on a new section after
8 the break.

9 PRESIDING JUDGE SCHMITT: [10:57:44] Okay.

10 MS PROULX: [10:57:55] (Interpretation)

11 Q. [10:57:56] Mr Witness, do you agree with me that once again, before June 2014,
12 there was no hierarchical link between Mr Ngaïssona and the Anti-Balaka of the
13 south and Mr Ngaïssona had no influence over the ComZones and the elements of the
14 south, that is, to your knowledge?

15 A. [10:58:28] Yes, you are correct. Prior to June 2014, Ngaïssona did not have any
16 influence and did not have any control over what was happening in the south.

17 Q. [10:58:47] One last question before the break.

18 To your knowledge, did Mr Ngaïssona support or otherwise encourage the
19 perpetration of crimes against civilians in the areas controlled by the Anti-Balakas of
20 the south before June 2014?

21 PRESIDING JUDGE SCHMITT: [10:59:14] Mr Vanderpuye.

22 MR VANDERPUYE: [10:59:13] Mr President, it's the same objection as -- as my
23 unspoken objection. Also because the question is extremely general. When you
24 talk about contributing, it's -- it's an extremely general question and it's unclear
25 exactly what is being posed.

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1 PRESIDING JUDGE SCHMITT: [10:59:32] I make a suggestion. Again, this -- if you
2 specify it more, we can come back to that after the break, I would suggest. So you
3 know, any contribution is indeed too generic, and you would have also to refer to
4 potential knowledge of the witness and then -- then we hear the question again.
5 Yeah? Okay.

6 THE COURT USHER: [10:59:56] All rise.

7 (Recess taken at 10.59 a.m.)

8 (Upon resuming in open session at 11.30 a.m.)

9 THE COURT USHER: [11:30:55] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [11:31:20] Ms Proulx, you still have the floor.

12 MS PROULX: [11:31:37](Interpretation) I can hear Sango in the French channel. I
13 don't know if there's a slight problem.

14 The technical error has been resolved.

15 Q. [11:31:45] Mr Beina, before the break, I've been asked to give you a few concrete
16 examples because my question was far too general, perhaps, on your knowledge, if
17 Mr Ngaïssona has supported or encouraged the crimes commission in the zones
18 controlled by the southern Anti-Balaka.

19 Now, I've selected -- in fact, my kind colleague here has -- did not take a break and
20 has worked through the break to find me two examples. So I'm going to share these
21 examples with you. These are examples that are from the accusations against
22 Mr Ngaïssona.

23 The first example, the OTP, in this business, claims that seven individuals were
24 kidnapped on 24 December 2013 by the -- by elements from Mr Yekatom's group, and
25 they were taken to the Yamwara school.

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1 Now, do you have any information according to which Mr Ngaïssona would have
2 been aware of this or he would have helped in this endeavour or encourage this in
3 any fashion whatsoever?

4 A. [11:33:31] Counsel, since I don't live in Yamwara, I cannot know of the events
5 that place in this sector, namely, Yamwara. If I've got to speak about Ngaïssona, I
6 would like to talk of him as of June 2014, because that's when the Anti-Balaka from
7 the north and the south came together and worked as one entity.

8 Q. [11:34:11] Thank you. I understand your stance, but I'm going to share another
9 example with you. And if you're not comfortable speaking about, please, do feel free
10 to say so.

11 Have you heard of the assassination of Djido Saleh, the deputy mayor of Mbaïki?
12 Now, this would have occurred on 24 February 2014.

13 A. [11:34:43] No, I have no information concerning this.

14 Q. [11:34:56] No problem, witness. I'm just going to move on to another subject
15 now.

16 You said during your testimony that you were involved in the Anti-Balaka movement
17 as of May 2014. Am I right in saying that? Because during May -- around May
18 2014, that you came closer to Mr Ngaïssona and you talked about a possible merger of
19 the movement, and this is when you actually met him for the very first time.

20 A. [11:35:42] You're talking of May 2014, but that's not what I said. May 2014
21 corresponds to when the ad hoc committee was set up with Wenezoui. We
22 met -- we got acquainted with Ngaïssona around 10, 11, 12 June 2014. This is when
23 we got acquainted with him, and this is when we decided to set up the coordination
24 *at the PNUD's office. But before this date, we had never met Ngaïssona.

25 THE INTERPRETER: [11:36:22] Sorry: We'd never been to Mr Ngaïssona's place.

1 MS PROULX: [11:36:31](Interpretation)

2 Q. [11:36:32] Thank you so much. Yes, I did detect an error in the dates, and
3 thank you for having corrected them.

4 Now, this comes out from when you said, but I'm just going to make it a bit more
5 clear. In a general way, at that point of time, the people from the south and the
6 north did not know each other. There was no major interaction before that date.

7 A. [11:37:07] I think it's right what you just said. Some of them got acquainted
8 with Mr Yekatom in Yamwara.

9 As I said last Friday in front of the OTP, all the Anti-Balaka that met in the -- behind
10 the airport in Boeing, all the Balaka actually met there. And it's only after that that
11 some of them went to Boy-Rabe, and others were deployed in the rest of the city of
12 Bangui.

13 Q. [11:37:52] Mr Beina, during the negotiations that ensued between the various
14 stakeholders from the north and the south, do you remember hearing Mr Ngaïssona
15 expressing doubts on the need to include the position of an operations coordinator
16 because no military operations were planned?

17 A. [11:38:40] Counsel, as I just said shortly before, Mr Ngaïssona was basically in
18 charge of the political side. With regards to the coordination of operations, it's
19 Mr Mokom who imposed himself onto the position. So Mr Ngaïssona had no idea
20 about the operational aspects of the movement. It's Mokom who is in a better
21 position to reply to questions relating to the operations side.

22 Q. [11:39:22] And how was Mr Ngaïssona selected as the general coordinator?
23 Was it through vote, or was it through general consensus?

24 A. [11:39:47] It was in general consensus. Because on that day, he was the eldest,
25 and in our culture, we respect people who are the eldest, who are older. And he was

1 older than us, so he -- we could not allow Wenezoui to command him. So this is
2 how we selected Ngaïssona, who was in the north, and we decided, all of us decided
3 that he would be the coordinator. And we also demanded that Wenezoui be the
4 deputy coordinator.

5 In fact, I was the one who proposed this. I took the floor to make this proposal. If
6 Ngaïssona is the coordinator, then Wenezoui, who's a representative of the south, be
7 the -- the deputy coordinator so that there's a right balance. So there was no voting.

8 Q. [11:40:56] And if you remember, what was Mr Ngaïssona's vision? What was
9 his objective for this unified movement? Did you hear Mr Ngaïssona describe or
10 talk about his vision for the movement?

11 A. [11:41:25] Thank you, Counsel. As I said yesterday, this movement did not
12 have any kind of legal guarantee. There was no legal text governing the movement.
13 The objective is to supervise the fighters and lead them to the DDR. The government
14 was to put in place a DDR programme. The objective was to basically help billeting
15 the fighters. And this was Mr Ngaïssona's vision.

16 Unfortunately, he did present this project to Samba-Panza's regime, but unfortunately,
17 it did not work. Samba-Panza was under pressure from the Seleka. It was right
18 that Djotodia had already left, but it's the Seleka that were controlling everything, in
19 spite of the fact that Mrs Samba-Panza was the present.

20 Q. [11:42:35] I would like to show you a document; 34 in Defence binder,
21 CAR-OTP-2084-0164.

22 Now, this is a press release dated 24 June 2014, and this was issued subsequent to this
23 meeting * organized by the NGO Mouda at the PNUD. And this led to the birth of
24 the National Coordination. The press release states that the coordination would like
25 to find solutions to the problems of the people of the Central African Republic, help

1 the government and the international forces. So we talk about restoring lasting
2 peace, and we talk about the creation of conditions conducive to national
3 reconciliation.

4 My question is: What you see in this press release, is it a faithful reflection of what
5 Mr Ngaïssona would say in private at that point of time?

6 A. [11:44:28] Indeed, this was his rhetoric. Mr Ngaïssona is not a violent person.
7 He is sporty. He has worked for a very long time in the field of sports, and he's got
8 the reflexes of a sportsman. And this is precisely why the fighters chose him as their
9 representative. Mr Ngaïssona is not a disorderly person.

10 Q. [11:45:08] Yesterday, Mr Beina, you explained that the coordination in reality
11 was just a shell, an empty shell, and the roles were attributed just on paper. And it
12 did not correspond to any specific task in reality. This was indicated in page 14 of
13 transcript 122. You're not the first one to say that, Mr Beina.

14 You -- do you agree that, in spite of the fact that the bureau was not created by
15 fraudulent means, Mr Ngaïssona was appointed as the general coordinator * with the
16 purpose to restore peace?

17 A. [11:46:03] Well, in fact, the coordinator -- coordination that you -- that you hear
18 about, well, I only say this: Each person, each person I can see here, has managed to
19 restore peace and has been to Bangui. Have you seen an office in Bangui where it is
20 written "Anti-Balaka Coordination"? No, there is no building where the Anti-Balaka
21 coordination poster has been put.

22 We used to hold meetings in his house. When we held the meetings, his family was
23 there. In fact, the meetings would last for one hour or one and a half hours. We
24 were in the veranda, and we would actually talk in front of his family.

25 I told you yesterday that the coordination is only an empty shell. When the

1 investigators came, they asked me questions, and I was never given any money to
2 fund any movement. I was the general treasurer. You could go and check this out.
3 You will see that there is no bank account in the name of Anti-Balaka, and there was
4 no -- and Vivien Beina did never make a transfer of money to fund the movement.
5 That's why I'm saying that it's an empty shell.
6 With regards to positive actions that Mr Ngaïssona made, in fact, I can give you
7 examples. The minister of defence at that point of time, I can say that Mr Ngaïssona
8 bought peace. He bought the peace in the 4th arrondissement. I can say this.
9 Why? Because he did not actually bear -- put up with any gunshots in that region.
10 I can give -- once he invited the ComZones of Anti-Balaka. I can give you some
11 examples of these ComZones: * Mazimbelet, Zefe, Ayam, Dogo, and some others.
12 We met in his house, and it was in the presence of commander Koudemon Olivier,
13 whose nickname was Bangouma. And he was also there. Mr Ngaïssona asked
14 questions to the ComZones of Anti-Balaka.
15 He said: "I haven't invited you for nothing, and I also -- it's not for nothing that I've
16 invited the people around me here. I really want to know the reason why these
17 gunshots are heard everywhere in Gobongo or Boy-Rabe. I want to know the reason
18 why we hear these gunshots. And after the reasons, we really need to find solutions
19 to stop these gunshots. Look, your fathers, your mothers, the elderly, you're
20 basically disturbing them with these gunshots. They perhaps have heart problems.
21 They have high blood pressure, perhaps, and it could really harm them. I really
22 want to -- to clearly present the situation."
23 The first person to take the floor was the deceased, Mazimbelet. He got down on his
24 knees. He touched his feet and begged his forgiveness before he could actually take
25 the floor. And when you took the floor, this is what I said: "If we've fired gunshots,

1 it's not for nothing. We -- we were there preparing ourselves. People came along,
2 and we have come to fight the Seleka. The Central African public have applauded
3 us. And now that peace has been restored, we have been sidelined. We have
4 problems finding food, and we were really forced to take the homes of certain people
5 to use as a base. The fighters would come in from the provinces and use this as a
6 dwelling. Now, the landlords would actually force us to pay a rent, and elements
7 were not in a position to pay for their own food. But since we were armed, we were
8 forced to take money or things from people forcefully to feed ourselves. And this is
9 why we did it."

10 And when he stopped speaking, Mr Ngaïssona asked him the following question:

11 "What is the amount of your rent?" Some people said 20,000, 10,000, 30,000, or 40,000,
12 respectively.

13 And he said that: "As from now on, every two weeks, I will give you the money so
14 that you can eat and you -- and I will also pay for your rent. I will also pay for your
15 food. While waiting for the DDR, you must take the commitment to stop firing
16 gunshots in the district. And the person who will not respect this -- who will not
17 respect this decision that will be taken today will be arrested and turned into the law
18 enforcement authorities." And everyone said that they were in agreement because
19 it -- because there were people who came in the evening to take money for food and
20 rent, to pay the rent for the houses they were staying in. So the people paid their
21 rent, they bought food, and then the gunshots resumed in the district.

22 So he called Koudemon and said that: "These children are quite stubborn, so we
23 have to hand them over to the law enforcement authorities." So Koudemon gathered
24 the military men, and he said that he had to basically restore order. And these
25 youngsters were basically civilians with some military elements. So in three days,

1 Koudemon arrested all these youngsters, and he turned them into the gendarmerie.

2 Many of them basically were tried at the criminal court. Many of them were -- are in
3 prison now. Many of them -- the magistrate, Bindoumi (phon), who was the
4 minister of defence, basically took charge of this initiative. And this did do the
5 government good.

6 Mr Ngaïssona bought the peace. He bought the peace in the fourth district, and this
7 was to many people's advantage.

8 Q. [11:54:06] Now, just so that I'm understanding you well -- first of all, thank you
9 for this very informative answer. I just wanted to understand something.

10 The actions taken by Mr Ngaïssona, so paying the rent and the food of these
11 undisciplined elements, the objective was to basically restore peace, to convince these
12 elements to stop committing atrocities against the civilian population; is that it?

13 A. [11:54:56] That's exactly it.

14 Q. [11:55:10] Did anyone else have the power to step in -- in conditions like this?
15 Did the international community step in to arrest the malefactors?

16 PRESIDING JUDGE SCHMITT: [11:55:24] Well, the second part's okay.

17 So, to your knowledge, did, as Ms Proulx has formulated, the international forces step
18 in to restore security and peace on the streets?

19 THE WITNESS: [11:56:01](Interpretation) I think during this conflict, to tell the truth,
20 the international forces were completely overwhelmed. They were incapable of
21 putting a stop to the violence. They couldn't patrol in certain districts. If there
22 were gunshots fired, there were helicopters flying and were giving information, but
23 going deep down into the districts, they couldn't -- they really couldn't patrol. But
24 the youth, when they entered the district, they actually know the district, they grew
25 up there, they know the district in and out, and the international forces really couldn't

1 chase them within the districts because they themselves were quite scared to go deep
2 down into these districts.

3 MS PROULX: [11:56:56](Interpretation)

4 Q. [11:56:57] So to sum up, Mr Ngaïssona's -- Ngaïssona basically filled in a gap
5 because no one was in a position to act and put a stop to these exactions; am I right?

6 A. [11:57:19] Indeed, counsel, you're right. He did fill in a huge gap.

7 And we can actually say that the military men were incapable of protecting the
8 Central African people. It's an open secret. In fact, we experienced all this in flesh.
9 The forces were incapable of guaranteeing protection. It was extremely hard during
10 those times.

11 Q. [11:57:55] I'm going to change the subject. I'm going to talk about the relation
12 between Ngaïssona and Maxime Mokom.

13 You said in your statement, and on Monday as well, that the two did not get along.

14 So at what point was it obvious for you that Mr Maxime and Mr Ngaïssona did not
15 see eye to eye?

16 A. [11:58:29] I think I said that in my statement dating back to 2016. I basically
17 mentioned this in that statement, the 2016 statement. In all the meetings that we
18 organised, if Maxime Mokom was present, there was a parallel meeting. We would
19 hold a meeting. After that, they, in a small group, would need to analysis the
20 decisions, and they would either not respect the decisions or doubt Mr Ngaïssona's
21 decisions. So Mr Mokom wanted to impose himself. He had a group, and he really
22 wanted to makes it clear that he was the one in charge.

23 Personally, me, Vivien Beina, did not work with Mokom. You've seen that
24 ever -- you can see that and you've observed that I -- I'm not scared of anyone. If I
25 were scared, I wouldn't be here. I was offered the services of a counsel, but I said

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1 that I would come and provide testimony.

2 Maxime Mokom was a warlord, and he manipulated men so that he could not abide
3 by the counsels -- the advice and the guidance of Mr Ngaïssona. Maxime Mokom
4 knew these fighters well and knew them better than Ngaïssona, and he could control
5 them better.

6 Q. [12:00:36] You have just said that Maxime Mokom had close people who
7 attended his meetings and who were loyal to him.

8 Do you -- can you give us names, if you know, of those individuals, those ComZones
9 who were close to Maxime Mokom.

10 A. [12:01:10] I think that -- now, all the people who came from Gobere - Houronti,
11 Ndangba, Mopele (phon), and some other names - those are people who were loyal to
12 Maxime Mokom. Because, even if you have a meeting, they will go and see Mokom
13 and do what they have the intention of doing of their own initiative. That is why
14 they denounced the initiative of the political party to remain soldiers.

15 * So Ngaïssona said to Maxime Mokom that he was not a soldier and that was not
16 prepared to lead a group with a military wing.

17 Maxime Mokom said that there was no question of committing the movement
18 through a political party, and so Mokom stood by his position. And up to this very
19 day, you can hear about the Mokom wing.

20 Q. [12:02:35] Was Chiki Chiki one of the loyal members of the Mokom group?

21 A. [12:02:46] Yes.

22 Q. [12:02:50] Côme Azounou?

23 A. [12:02:57] Yes.

24 THE INTERPRETER: [12:02:59] The name was actually Côme Azounou.

25 MS PROULX: (Interpretation)

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1 Q. [12:03:07] Jo-Brice Ouabiro Dana.

2 A. [12:03:13] Yes.

3 Q. [12:03:18] Thank you for those clarifications. I'll move on to something else,
4 and that is the meetings of the coordination.

5 You have just told us that there were many meetings that took place at the residence
6 of Mr Ngaïssona, and they took place outside, and these were not secret meetings.
7 Do you agree?

8 A. [12:03:40] Yes, I agree.

9 Q. [12:03:48] And if I'm not mistaken, other meetings took place at the
10 Hotel Azimut, which is a public location; is that correct?

11 A. [12:04:00] Yes, there were meetings at that location. And before those meetings,
12 invitations were sent to the government, or the government was informed or notified
13 that meetings had to take place to ensure the protection and security of the premises.

14 Q. [12:04:32] According to you, could Mr Ngaïssona compel or force the ComZones
15 to attend the meetings? In other words, could he punish the ComZones who
16 decided not to attend you?

17 PRESIDING JUDGE SCHMITT: [12:04:51] Mr Vanderpuye, yeah.

18 MR VANDERPUYE: [12:04:51] Thank you, Mr President.

19 It's unclear to me what period of time we're talking about. I know that Ms Proulx
20 started out by asking him when it was that Maxime Mokom and Mr Ngaïssona had a
21 misunderstanding. He didn't answer it. And now I'm totally out -- unclear on
22 what period of time we're talking about. So maybe -- maybe --

23 PRESIDING JUDGE SCHMITT: [12:05:15] I think we're -- I understood it this way:
24 That the witness has attended these meetings from, let's say, roughly the middle of
25 2014, but he can be more precisely.

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1 So, Mr Beina, you're speaking of meetings that you attended at what time in 2014?

2 THE WITNESS: [12:06:01](Interpretation) Thank you, Mr President. I was talking
3 about the date when the coordination was created. I would like to specify that I'm
4 referring to the date as from 20 June.

5 PRESIDING JUDGE SCHMITT: [12:06:18] This was also my understanding. Thank
6 you to -- for clarification.

7 And then the question, I think, was if, at that time when you attended these meetings,
8 Mr Ngaïssona was in the position to force a ComZone who did not want to attend to
9 attend such meetings? To show up, so to speak.

10 I think that was the question, Ms Proulx.

11 THE WITNESS: [12:07:01] (Interpretation) Ngaïssona did not have the powers to
12 force a ComZone to attend a meeting. For example, initially, Ngaïssona did not have
13 any contact with the ComZones. He did not know them. It was the leaders who
14 knew the ComZones who invited them to the meetings. I can give you an example.
15 You have just mentioned certain names. Chiki, was he in contact with Mokom? I
16 can tell you that Chiki lived in Berbérati, but how did Mokom contact him to bring
17 him to the meetings? So it was Mokom who knew where these people were located.
18 Ngaïssona had no authority to force any one to attend meetings. At one point he
19 was targeted. He was like a hostage of the Anti-Balaka. At some time,
20 he -- he -- people even wanted to kill him. Mokom incited certain people to harm
21 him. His life was in danger, and that is why the soldiers organised themselves, and
22 the minister of defence asked them to provide security for him. And that is how
23 come a post was set up at his residence, and everyone visiting that residence was
24 searched. Those soldiers had the responsibility of protecting him.

25 During the tenure of Samba-Panza, it was said that it is Mr Ngaïssona who allegedly

1 received money from Madam Samba-Panza and then dilapidated that money. That
2 information came from Mokom's group. And as a result, Andjilo threw a grenade
3 into the compound of Ngaïssona. This means that at one point Ngaïssona was taken
4 hostage by the Anti-Balaka.

5 MS PROULX: (Interpretation)

6 Q. [12:09:31] Do you remember whether during one or several meetings of the
7 coordination, Mr Ngaïssona gave advice to the ComZones so that they should better
8 control their elements? That they should ask them to respect the civilian population.
9 He told them that if they captured people bearing weapons, they should hand those
10 people over to the authorities.

11 A. [12:10:08] Yes, Counsel, that was the purpose of the coordination meetings.

12 That is, to ask the ex-combatants to comply with the law.

13 He was telling them that: "I, for example, I sacrificed my life to be with you. I had
14 to go to the judicial system -- to present myself before the judicial authorities on your
15 behalf, because of you, so you have to conduct yourself properly."

16 So it was understood that the elements had to conduct themselves properly. Each
17 person was acting in their own way.

18 In the meetings -- during a meeting, combatants who would stand up and take out his
19 weapon and train it on someone else. So there were under pressure. And, as I have
20 already told you, at one point, Mr Ngaïssona was like a hostage of the Anti-Balaka.

21 Q. [12:11:29] In paragraph *41 of your first statement, you said that the advisers
22 who resolved problems and other issues in the field were under Mr Ngaïssona. If I
23 understand you correctly, you're not talking about the ComZones and the elements.
24 You're talking about other people when you talk about advisers.

25 A. [12:12:02] Yes, those were advisers. I was very specific and talked about

1 advisers.

2 If there were ComZones, I would have told you, but they were advisers.

3 Q. [12:12:19] Mr Beina, you agree with me, Mr Ngaïssona was not armed. Setting
4 aside some statements over the radio that he gave or certain press communiqués, did
5 he have any other means of circulating his messages, information to the ComZones
6 and to the elements?

7 A. [12:12:56] I believe that Mr Ngaïssona, who is the present here, during that
8 period, he was not so interested. He did not speak a great deal to the media. And
9 if he had done so, you would have copies of what he said, examples of what he said.
10 You can investigate in Bangui, and the people are aware.

11 During that time, he was the coordinator of the Anti-Balaka, but he could not go to
12 the radio station and give statements and talk about the Anti-Balaka. He was not
13 armed. In fact, he had no authority to do that. He did not shell.

14 Q. [12:13:55] At one point or another, in a meeting of the coordination, did he ever
15 hear Mr Ngaïssona encourage, endorse, or voluntarily close his eyes in the face of the
16 perpetration of acts of violence against the civilian population?

17 PRESIDING JUDGE SCHMITT: [12:14:23] Is this -- this question is too compound,
18 and it -- it combines different things. The witness can, of course, say something if
19 Mr Ngaïssona ever said something to that effect. But closing his eyes, I think we
20 skip that one, yeah?

21 So, Mr Witness, so did -- when you were present, Mr Ngaïssona, during these
22 meetings, did he say something to the effect that could be understood as encouraging
23 violence?

24 THE WITNESS: [12:15:19] (Interpretation) Thank you, Mr President, for the
25 question.

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1 As you know, Mr Ngaïssona, that you see there, is a great leader. If he asked people
2 to go and fight, in reality, Bangui would have gone up in flames. But, no. If he had
3 said that, I think -- up to this day, Ngaïssona never gave orders for anybody to go and
4 fight. Because if that had happened, it would have been serious for the population.
5 Peace would not have been restored.

6 MS PROULX: [12:16:13](Interpretation)

7 Q. [12:16:13] To your knowledge, Mr Beina, was there a coordination meeting
8 before the Brazzaville forum in the course of which the coordination decided to
9 procure weapons and ammunition for the ComZones and the elements?

10 A. [12:16:48] But since we were in favour of peace, where would he have taken all
11 the time to go and acquire weapons and distribute them?

12 During that period, we were reflecting. The government was organising and having
13 meetings with international organisations. So we had no time to organise meetings
14 to find ways of purchasing weapons. It could not even be done because the CAR
15 was under embargo. Where could such weapons be found? There was an embargo
16 against the CAR. He was never the defence minister to be able to know where
17 weapons could be purchased. Where could he have bought such weapon?

18 MR VANDERPUYE: [12:17:44] Mr President, one observation, if I may. It seems to
19 me that we are spinning way into speculation. I don't know if it's a result of the
20 question or just the answer, but it seems to me that these answers are hugely
21 speculative. They're not informative, and they're not probative of the issues before
22 the Chamber.

23 I would ask only that my --

24 PRESIDING JUDGE SCHMITT: [12:18:03] I know --

25 MR VANDERPUYE: [12:18:04] I'll keep it in mind.

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1 PRESIDING JUDGE SCHMITT: [12:18:07] Yes.

2 MR VANDERPUYE: [12:18:08] And that's all I will say on it.

3 PRESIDING JUDGE SCHMITT: [12:18:10] You know, it's -- you are partly right, I

4 would say. There are some -- sometimes we are entertaining the realm

5 where -- especially with regard to the last answer, where the witness is simply

6 deducing from how he knew Mr Ngaïssona, what he might have done or not might

7 have done. So I think it's not improper, but on the other hand, the probative value

8 will have to be assessed always by the Chamber.

9 But I think, Ms Proulx, you also keep it in mind with your further questions, how

10 much sense it makes with regard to this aspect.

11 MS PROULX: [12:19:11](Interpretation)

12 Q. [12:19:12] Mr Beina, did I understand your last answer well? You were not

13 aware that the coordination ever bought weapons and ammunition?

14 A. [12:19:35] That is not true at all. I am the treasurer general of the coordination.

15 If they bought weapons, I would have been the one to sign the check. So I am saying

16 openly before you that the coordination never purchased weapons.

17 Q. [12:20:04] Do you know an individual called Cyril Junior Tounougouma?

18 A. [12:20:12] No, never. This is the first time I'm hearing that name.

19 Q. [12:20:28] Did you ever attend or hear of a meeting in which Mr Ngaïssona

20 allegedly tried to convince Andjilo and other ComZones to assist him to prepare a

21 coup d'état against Catherine Samba-Panza?

22 A. [12:21:03] Thank you, Counsel. As you know, the CAR had reached a level

23 where the power fed itself on lies. At one point, Madam Samba-Panza did not know

24 what to do because there were many lies.

25 You're talking about Andjilo. Andjilo was a wild boy. Even me, myself, I never

1 had a word with him. But I had the opportunity to be close to Ngaïssona. And in
2 any case, Andjilo never had that possibility to be close to Mr Ngaïssona. I do not
3 even know how to describe this boy. I think the team of Samba-Panza was saying
4 that in order to discredit Mr Ngaïssona.

5 If Mr Ngaïssona was power hungry, it would have been easy for him to mobilise the
6 Anti-Balaka to take over the power. And taking power is what? You seize the
7 national radio station. He could have done that, and then the authorities, the
8 government would have finished. And if he did not do that, that means he did not
9 intend to do it. And that is why I'm saying, if you have heard about that, those are
10 lies, pure lies.

11 Q. [12:22:49] Mr Beina, were you ever aware that Mr Ngaïssona appointed any
12 ComZones, that is, that he appoint them to positions of his own initiative?

13 A. [12:23:19] Thank you, Counsel. Ngaïssona does not know these people. How
14 could he bring them together? When was it asked -- well, anyway, it was people like
15 Mokom who knew the ComZones. He was the one who provided information about
16 the ComZones. They were the ones who knew the ComZones.

17 Ngaïssona did not know the ComZones. Those are people who fight, and they're
18 warriors who concurred areas. ComZones were the leaders of the combatants.
19 When we talk about ComZones, those were people who had fought, who had
20 engaged in battles. These were not people who were appointed. No, ComZones
21 were not appointed.

22 Q. [12:24:20] Mr Beina, am I correct to say that not only did the coordination not
23 control the ComZones, but the ComZones themselves usually had difficulty
24 controlling their own elements?

25 PRESIDING JUDGE SCHMITT: [12:24:45] Mr Vanderpuye, let it go. Let him

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1 answer, please, so that we come to an end.

2 THE WITNESS: [12:24:55](Interpretation) That is true, Counsel. The coordination
3 could not control everyone. The coordination did not have the possibility to set up a
4 mission to move around and control the actions of the ComZones. There was no
5 way of sending a team to travel to all the villages in such a way as to be aware of the
6 activities of all the ComZones in all those villages. It was impracticable.

7 MS PROULX: (Interpretation)

8 Q. [12:25:38] In your first statement, paragraph 43, you explain that the situation in
9 the north was unstable. You say that the Anti-Balaka had a lot of chiefs and many
10 problems.

11 Do you agree with me, Mr Beina, that one of the major problems was that the
12 Anti-Balaka combatants were not billeted and that they were mixing with members of
13 the population?

14 A. [12:26:16] I agree with what you have just said.

15 Q. [12:26:25] I would like to play an audio of Mr Ngaïssona to you of
16 February 2014. It is tab 26, CAR-OTP-2042-2467. And it will be played from
17 minute 25, 1 second to 28, 5 seconds.

18 For the interpreters, it is tab 43, CAR-OTP-2107-1489.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [12:27:27] (Interpretation of the video excerpt)

21 "Following the recent unfortunate events in the capital, whose responsibility was
22 attributed to the Anti-Balaka elements, the national coordinator of the movement,
23 Patrice-Edouard Ngaïssona, has just launched an appeal for the definitive cessation of
24 hostilities. This is a 'call to restraint', he specified.

25 In recent days, I have not stopped making an appeal for calm of the situation in the

1 Central African Republic. And today, once more, I'm trying to launch such an
2 appeal, a strong appeal to all the Anti-Balaka of the Central African Republic and to
3 allow themselves to be billeted in their bases so as to enable us and to also enable the
4 international missions of the Sangaris and MISCA to try to eradicate the highway
5 robbers who are masquerading today as the Anti-Balaka and who are perpetrating
6 crimes and causing damage in all the neighbourhoods of Bangui. This appeal is
7 made to the honest or genuine Anti-Balaka who have come to liberate our country
8 from the hands of the bloodthirsty people. They should stay aside while waiting to
9 see how it is possible to enter into negotiations with the government to try to see in
10 which way to bring back peace to their respective areas. For me, today, it is a solemn
11 appeal. All the Anti-Balaka of the CAR should cease hostilities. We have brothers
12 who are in Ngaragba prison, and we have to be able to ensure calm and the final end
13 to the hostilities. I would, therefore, call also on the government to release our
14 brothers so that they should go back to their own people. And each of their elements
15 should be able to return so that the hostilities can cease in the CAR.

16 Journalist: According to the coordinator of the Anti-Balaka movement,
17 Patrice-Edouard Ngaïssona, the principal objective of the revolution is not to integrate
18 his elements into the Central African armed forces. He said that to Ruben
19 Mongoulou-Ngoya.

20 Mr Ngaïssona: I've always said that the objective of the Anti-Balaka is not to
21 integrate the FACA. The Anti-Balaka, it is a popular uprising. You cannot bring
22 everybody, every member of the population, and integrate them into the defence and
23 security forces. These are people who already have occupations. They are people
24 who have farms. They are people who have seen their farms today destroyed, their
25 cattle stolen, their houses set on fire, and they have been the victims of acts of violence

1 and rapes. Their families have suffered. They mobilised themselves and rose like a
2 single person to come and chase out the demons that invaded our country. And that
3 was the only reason they rose up alongside their chief, Djotodia. That is all. Today,
4 the objective has been achieved. And now, on the other hand, the government may
5 turn around and look at them so that these children should have the necessary
6 resources to resume their agricultural activities so that they should at least have seeds,
7 because time is of the essence. In the months of March and April, the rains will
8 begin. These children have to go back and try to occupy themselves with their
9 agricultural activities."

10 MS PROULX: [12:32:06](Interpretation)

11 Q. [12:32:08] I'm sorry. We were just waiting for the interpretation -- the English
12 interpretation to come through.

13 So you heard Mr Ngaïssona. Do you agree with him that the billeting of the real
14 Anti-Balaka was a solution to identify and arrest the fake Anti-Balaka or the
15 criminals?

16 A. [12:32:40] Yes, Counsel, that is exactly it. Even before this document was
17 shown, I spoke about the billeting. Mr Ngaïssona, with his goodwill and that of the
18 coordination, did present a plan to the government to do the billeting, but
19 unfortunately, the government did not take on board what Ngaïssona suggested.
20 Mr Ngaïssona had worked upstream with the ComZone. He exactly knew what to
21 do to disarm them, to billet them. So there was a plan given to the authorities, but
22 the authorities rejected the plan, their proposal. They refused to take into account all
23 what he said. So the -- the fighters were always dispersed in the cities. They were
24 all moving around with their weapons. Who could arrest them? No one could.

25 Q. [12:33:49] So you anticipated my next question. I just wanted to talk about

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1 these -- the plans of Mr Ngaïssona for the billeting and DDR programme. So I just
2 wanted to show you a document. I don't know if you've seen this or not. You will
3 tell me. It's on tab 14, Defence binder, CAR-OTP-2005 -- 2025, sorry, and 0362.
4 Mr Beina, I know that you were not in touch with Mr Ngaïssona in February 2014, but
5 I just wanted to know if you had the opportunity or at least hear of this document
6 subsequently.

7 A. [12:34:56] Yes.

8 Q. [12:35:06] I would like you to see the extract on this page, 0365. So on the
9 specific objectives -- so the objective of this plan are billeting the Anti-Balaka fighters,
10 ensure that they're provided sustenance, equipment for their domestic needs, ensure
11 medical care to the fighters, and also support them to get back to their villages of
12 origin.

13 Now, my question is: These objectives, as they were spelt out in February 2014, are
14 they the same as the ones you pursued further down the line when you joined the
15 movement and when you worked on the implementation of this project?

16 A. [12:36:19] Yes, Counsel. I think this project was submitted to the government,
17 and the government refused to work on the project. After this, the MINUSCA
18 committed and supported the initiative by creating the CVR, the Community
19 Violence Resources. And in the CVR, I was part of the IT experts working on the
20 CVR database. So I think all these -- all the elements were taken. The government
21 did not implement the project, and the international community recovered the
22 initiative, implemented the CVR. And until today, the CVR is working with the
23 veteran fighters. Some of them were trained, others were demobilised, and the
24 project is under way.

25 The objective is to -- was to define at the level of the government. They always

1 talked about money, but in spite of all this, the international community took this
2 document and set up what is now known as the CVR.

3 Q. [12:37:59] Quick question on the last objective, the -- supporting the fighters to
4 get back to their village of origin. We've already heard in this court that
5 Mr Ngaïssona would fund the return of the former soldiers to their villages.
6 So do you agree that this was an objective that would further the peace process in the
7 Central African Republic?

8 A. [12:38:33] Yes, Counsel, I fully agree. In fact, many -- he did have many
9 fighters return their villages, the ones who felt ill at ease. He paid the transportation
10 of many fighters so that they could go back to their villages.

11 Q. [12:38:57] I would like to show you another document, tab 50,
12 CAR-OTP-2117-0704. This is an article, a press article that dates back to
13 10 February 2014. And this article quotes the Sangaris general, Francisco Soriano.
14 It's in the middle of the page.

15 So, first of all, we're talking about who is the chief of the Anti-Balaka, what is the
16 command chain. And he then says: "Billeting the Anti-Balaka would imply that
17 we're giving them legitimacy that they don't have. So it would be the -- it would be
18 giving them an opportunity to become a force that would not be in the service of the
19 good. They should not be billeted. They should be hunted down as bandits, as
20 malefactors, as outlaws."

21 What do you think of General Soriano's words?

22 A. [12:40:37] Thank you, Counsel. I'm going to give you my point of view on
23 General Soriano's opinion. I've been to -- I've been with Paleon many times, even
24 before I know -- I knew Ngaïssona and the different Sangaris officers. Paleon and
25 myself have been the first to discuss with the commanders of Sangaris. I know

1 Francisco. I know Didier. There was some kind of disorder. We've understood
2 that, at the end, the international community was creating disorder, and they didn't
3 have the intention of leaving the Central African Republic.

4 In a meeting, I actually had a dispute with Captain Mathieu. I said that to -- I told
5 the captain of Sangaris that: "You think you are a super military man, and you are
6 taking the children and you're tying them up. You are taking them to Camp M'Poko
7 because you have curled -- curly hair, and you" -- and I said that, you -- they have to
8 realise that we cannot -- Central African military men cannot go to France and arrest a
9 French person, so they should stop creating disorder in the country -- in our country,
10 because they were manipulating things.

11 And I think I really was upset, and I really lacked respect for these French officers
12 because of what they were doing in the roads of Bangui. I think that this crisis was
13 imposed on the Central African Republic, and it's generals like this who are at the
14 origin of the crisis. General Soriano came from the Ivory Coast. This is just an
15 example of people who created problems in the Central African Republic.

16 Q. [12:43:10] Thank you so much. I just wanted to draw your attention to another
17 document. It's in tab 16 in the Defence binder, CAR-OTP-2025-0396.

18 This is a document that dates back to June 2014. Have you seen this document?

19 A. [12:43:51] Yes, I've already seen it.

20 Q. [12:44:09] In page 0404 -- in a general way, it's the projects about implementing
21 four pillars to restore peace and security in the region. So the third pillar is on the
22 social reintegration of former fighters of veterans, so we can see that measures must
23 be taken to reduce insecurity on the account of veterans of former soldiers, the
24 demobilisation and social-professional insertion is an alternative, which is rather
25 relevant, in order to achieve this objective.

1 Now, do you agree with the analysis that's explained in the document in June 2014?

2 Does this describe the situation in June 2014?

3 A. [12:45:18] Yes. * You know that the reintegration program... Well, CAR is
4 our country and Central Africans are very good at planning projects. The
5 coordination set up the project and submitted it to the government, but the
6 government was incapable of turning this project into a reality because they shelved
7 the project. They were seeking help from the international community, the help of
8 partners. And with regards to funding the integration, no, the money was
9 channeled elsewhere, and then they were discrediting the veterans. They were
10 calling them bandits. So how can you control people that you do not demobilise?
11 You, first of all, need to control them. You need to retrain them, because they've
12 actually left a world to go to a very violent world. And to contain them, they have to
13 be retrained. They have to basically tell them what is important, give them another
14 opportunity, another -- a better chance. So as -- tell them that you have a driving
15 licence, you could have a -- you can drive a taxi, you can have a job, an
16 income-generating job, but the coordination took the time to draft this project.
17 And -- and what did the government do? They just put that into the shelves.
18 So, you see, this is the same project. These are the same terms that are being
19 implemented by the international community. So the objective was to basically
20 discredit the veterans and -- yes, they did commit exactions, if you --
21 Did you fight the Seleka? Yes, I did, because my father was killed, my house was
22 burned down. And this is precisely why I revolted, and I wanted to -- and all the
23 Balaka would give you this reason. They did fight. But after that, you have to billet
24 them, you have to contain them, and this was not objective of the government.
25 So this is what I can say to your question.

1 Q. [12:48:09] Thank you, Mr Beina. The billeting project and their participation in
2 the DDR programme was presented to the president, Sassou Nguesso, during the
3 Brazzaville talks in July; am I right in saying that?

4 A. [12:48:26] Yes, Counsel, that's exactly it. Because during the presentation, I was
5 part of the delegation that travelled to the President Sassou's palace. We were
6 received, we were welcomed, and the head of delegation was Mr Ngaïssona. And in
7 this delegation, there was Mr Yekatom. We spent hours talking to President Sassou.
8 He advised us, and Mr Ngaïssona showed him the -- submitted the project after our
9 meeting. And he said that: "In order for the country to claw out of the crisis, you
10 need to implement this project." And he promised to do his best to implement this
11 project.

12 We finished the meeting. We came back to the hotel. And I can confirm that the
13 president -- that the document was presented to President Sassou.

14 Q. [12:49:39] Mr Beina, when you were sent by Mr Ngaïssona to promote the DDR
15 process with certain Anti-Balaka groups, am I right that one of the recommendations
16 of the project that you would say is about drawing up a list of elements so that we
17 know their rank, their names, their base?

18 A. [12:50:10] Yes, it's true.

19 Q. [12:50:18] Am I right in saying that the list -- these lists were drawn up within
20 the framework of the DDR programme, and the objective was not to show the
21 reporting line and the general coordinator Ngaïssona?

22 A. [12:50:47] Yes, you're right in saying that, because there was no reporting line.
23 It was just a list, a general list, and it's with respect to this that the project was started.
24 There was no rank. We weren't looking for any position. And at that point of time,
25 we just wanted to demobilise the veterans. It was nothing to do with hierarchy or

1 reporting lines.

2 Q. [12:51:20] Mr Beina, do you agree with me that in the end, the agreement on the
3 DDR programme principles was concluded in May 2015, but the implementation only
4 started in 2016?

5 A. [12:51:50] Yes, that's it.

6 Q. [12:51:53] And meanwhile, the Anti-Balaka were left to their own devices; am I
7 right?

8 A. [12:52:13] Yes, Counsel. The Anti-Balaka were never billeted. Even today,
9 they -- until today, they haven't been billeted.

10 Q. [12:52:29] Within the framework of your role in the DDR, did you have
11 interactions with the minister Jean-Jacques Demafouth?

12 THE INTERPRETER: [12:52:48] Jean-Jacques Demafouth, the interpreter corrects
13 himself.

14 THE WITNESS: [12:52:57](Interpretation) I think Mr Demafouth sided with
15 Catherine Samba-Panza, and he was * the minister in charge of relations with the
16 Sangaris. It was just an imaginary position that was created so they could find
17 something to eat. That's all it was. It had nothing to do with it.

18 MS PROULX: [12:53:36](Interpretation)

19 Q. [12:53:36] I don't know if you know or if you have an opinion on the subject.
20 According to what you know regarding Mr Demafouth's job, did he make a positive
21 contribution with respect to the integration of the Anti-Balaka in the DDR
22 programme?

23 A. [12:54:11] No. You see, one of the people who brought the
24 Central African Republic to its knees -- I just said that the position he occupied was
25 just created for him to make the most of the situation. He was in charge of the DDR,

1 but subsequently, he was the chief of an armed group. He was the coordinator of a
2 rebellious group. He was alongside Samba-Panza.

3 You see, Samba-Panza was actually held hostage by people like Demafouth. In the
4 position he occupied as the minister of charter relations with the Sangaris, this
5 position was actually created by Demafouth in order to get his hand on Samba -- on
6 Samba-Panza. So this position, as I said, was just created. It was a fictitious
7 position, let me put it that way.

8 MS PROULX: [12:55:35] Mr President, I know we still have five minutes on the clock,
9 but I'm about to switch topics. So if you would --

10 PRESIDING JUDGE SCHMITT: [12:55:41] Okay. Then I'm fine. Do you have
11 already an estimate, how long it will take up to the break?

12 MS PROULX: [12:55:48] Probably more than an hour.

13 PRESIDING JUDGE SCHMITT: [12:55:52] And, Mr Vanderpuye, have you
14 considered what your stance will be?

15 MR VANDERPUYE: [12:56:00] Thank you, Mr President. I'm still considering it,
16 yeah. I -- at the moment, I don't see much, but there may be one or two things I will
17 (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [12:56:11] Okay. Okay, yeah. So let's have then
19 the normal break until 2.30.

20 THE COURT USHER: [12:56:16] All rise.

21 (Recess taken at 12.56 p.m.)

22 (Upon resuming in open session at 2.31 p.m.)

23 THE COURT USHER: [14:31:32] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [14:31:57] Good afternoon.

1 Ms Proulx, you still have the floor.

2 MS PROULX: [14:32:10] Thank you, Mr President.

3 Q. [14:32:17](Interpretation) Good afternoon, Mr Beina.

4 A. [14:32:26] Good afternoon to you as well, counsel.

5 Q. [14:32:30] I would like now to talk about the Anti-Balaka police -- military police.

6 You said that it was thanks to the restoration of the military police that peace could be
7 restored in the 4th arrondissement.

8 Firstly, am I right in thinking that it's principally because of the lack of government
9 authority that was functioning, the gendarmerie and the police, and even the
10 international forces, that the Anti-Balaka had to create their own system to stop
11 elements who committed misdeeds, so the Anti-Balaka military police filled a
12 vacuum?

13 Do you agree with that?

14 A. [14:33:29] Well, I think you have to modify the terms a little. The military
15 police in question was not set up -- well, it was agreed -- it was done in common
16 agreement with the international organisations because the Sangaris forces and the
17 government put forward a measure of confidence for its application. And we had to
18 have a military police for the identification -- for the identification of the true
19 Anti-Balaka, because they couldn't identify the true from the fake Anti-Balaka. And
20 it was because of this that the Anti-Balaka military police was created. Its operation,
21 its actions were followed by the international community to make sure that the
22 correct measures of confidence were followed through.

23 Q. [14:34:46] Perhaps we're not speaking of the same things. I'm suggesting to
24 you that the Anti-Balaka, amongst others, under the initiative of Mr Ngaïssona, and
25 also with the assistance of Mr Namsio, created their own mechanism to stop the

1 poorly disciplined elements.

2 Do you recognise that?

3 A. [14:35:21] Yes, I understand you. At a certain point in time, some Anti-Balaka
4 elements started to misbehave themselves. There were some who broke into
5 vehicles and stole them, stole the vehicles of individuals saying that they were
6 Muslims, and in order to prevent this, we had to have a military police. And this
7 military police was directed by the ComZones of the sector because they were in a
8 position to see the bad elements in their group that had done these misdeeds.

9 Q. [14:36:14] Thank you. Do you agree that the efforts that were made in this vein
10 took place on the ground and it was in order to work towards the restoration of
11 peace?

12 A. [14:36:39] That's correct, counsel. The effects were extremely positive because
13 during their patrols, they could retrieve individual stolen vehicles and hand them
14 over to the -- Mr Ngaïssona -- Mr Ngaïssona in his residence. And the magistrate,
15 Yves Kokoko (phon), represented justice during the return of the vehicles to the
16 owners. Because when the ComZones -- or when the military police of the
17 Anti-Balaka retrieved these vehicles, this is the process that was followed.

18 Q. [14:37:33] Do you agree neither Andjilo or Mazimbelet were part of the military
19 police?

20 A. [14:37:47] I agree with that, because they were part of those who committed
21 disorder.

22 Q. [14:38:04] As far as you know, the system of the military police was used by
23 Mr Ngaïssona as a way of camouflaging or by stopping the crimes committed by the
24 Anti-Balaka?

25 A. [14:38:37] No, that wasn't his intention. Ngaïssona wanted -- if he had wanted

1 to hide the actions of the Anti-Balaka, he would not have given priority to Koudemon
2 to stop and imprison the Anti-Balaka. No. There were ComZones in Bangui who
3 were stopped and arrested because of Ngaïssona, because of their misdeeds.

4 Q. [14:39:11] Thank you. I would like to show you -- one moment, please.

5 MR KNOOPS: [14:39:31] Mr President, the names -- the names of Mr Andjilo and
6 the other one are not transcribed properly. It's at page 71, line 6. It says
7 "somebody".

8 PRESIDING JUDGE SCHMITT: [14:39:43] Well, we heard Andjilo and another name,
9 yes, definitely.

10 MS PROULX: [14:40:02](Interpretation)

11 Q. [14:40:03] As I said, I want to talk about some press communiqués who were
12 published by the coordination and signed by Mr Ngaïssona. Sometime ago we had
13 here Mr Alfred Legrand, who also gave his testimony, and he said that these press
14 communiqués were drafted in consultation with Mr Ngaïssona and at his request. I
15 would like to show you one of them, which probably you haven't seen yet. It's a
16 document in tab 31 of the Defence binder, CAR-OTP-2084-0406.

17 So, you see, this is press communiqué of the 4th, which is 21 January 2014. And in
18 this, Mr Ngaïssona congratulates Samba-Panza for her election and says that he
19 would stop these actions and is available to support the president to bring about
20 peace and security in the country.

21 Mr Beina, I know that you weren't part of the Anti-Balaka in January 2014, but do you
22 agree with me that this wish of Mr Ngaïssona to work with the president and to give
23 an opportunity to the president to bring peace to the country is something that he
24 said several times during the year 2014?

25 A. [14:42:07] Yes, I agree with that. Even you yourself, you mentioned the name

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1 of Alfred Legrand *Ngaya who drafted this. Indeed, he was part of the team who
2 did the drafting. Within the Anti-Balaka movement, there was Mokpem, Ngaya,
3 who were the main drafters. If Ngaya said it, then it is true.

4 PRESIDING JUDGE SCHMITT: [14:42:39] Just a second.

5 The correct ERN is CAR-OTP-2084-0146.

6 Please move on.

7 MS PROULX: [14:42:56](Interpretation)

8 Q. [14:42:58] I'm going to move to another press. This is 32 in the Defence binder,
9 CAR-OTP-2084-0147.

10 This one is dated 1 February 2014, and it says there is a growing violence assigned to
11 the Anti-Balaka. They talk about fake Anti-Balaka and the Sangaris and MISCA
12 force who is -- who are pursuing the wrongdoers.

13 Now, we talked about the fake Anti-Balaka. I'm not going to ask you to repeat what
14 you've already said. But we recently had a witness here and who told us that
15 Mr Ngaïssona manipulated the fake Anti-Balaka to create a violent atmosphere.

16 Were you a witness of that? Do you agree with that?

17 A. [14:44:22] Thank you, Counsel, for your question. I think that Mr Ngaïssona
18 couldn't have organised the Anti-Balaka to create violence. No. What was the
19 purpose of that? On the contrary, he invested a lot in the Seleka. And he didn't
20 win a lot. What did he win by pushing them to commit exactions? Firstly, he
21 wasn't in power at the moment.

22 I have told you that the power of Samba-Panza didn't go beyond the capital. Even
23 Demafouth, who spoke, who couldn't go into the 4th arrondissement. The power of
24 Samba-Panza stopped in the palace. It couldn't go beyond that. It couldn't go
25 beyond the 4th arrondissement. Without any power, you couldn't do anything in

1 the Central African Republic.

2 Q. [14:45:32] Thank you. I'm going to move to another communiqué, document
3 33, CAR-OTP-2084-0157.

4 You'll see here, it's 28 June 2014, after the breaking out of the southern branch and the
5 beginning of Ramadan, and they asked the Anti-Balaka to be peaceful at this time and
6 to undertake no action to disturb the Muslim brothers at this period consecrated to
7 prayer.

8 Do you remember this press communiqué?

9 A. [14:46:27] Yes, I do remember this. I remember this. I think that even before
10 the arrest of Mr Ngaïssona, during Ramadan, he provided food for the Muslims. He
11 gave them money, and he gave that to the imam. He did this every year. He gave
12 them also sugar.

13 Q. [14:47:11] Several witnesses, and you also mentioned this, the fact that
14 Mr Ngaïssona did a lot of things to retrieve the vehicles that had been stolen and even
15 to protect civilians who were Muslim who were in danger and also those who were
16 against the imam.

17 Do you know anything about stolen vehicles? Do you know of other gestures of
18 goodwill carried out by Ngaïssona, vis-à-vis, the Muslims?

19 PRESIDING JUDGE SCHMITT: [14:47:49] I think the stolen vehicles have been
20 covered already, I would say. I think this was also -- I think this -- I'm quite sure that
21 this has been covered.

22 And I think Mr Beina has said that Mr Ngaïssona was involved. They were brought
23 to him, and then they were given back. I think we don't have to continue that
24 further.

25 MS PROULX: [14:48:21] I absolutely knowledge that the -- the part about the

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1 vehicles has been dealt with. My question was more about whether Mr Beina has
2 knowledge of any other act of goodwill towards Muslim civilians.

3 PRESIDING JUDGE SCHMITT: [14:48:35] Then this is okay, yeah. So any other
4 acts, Mr Beina, you have heard it, apart from the, already discussed, giving back of
5 vehicles?

6 THE WITNESS: [14:48:56](Interpretation) Counsel, I think that if I take the time to
7 tell you all the good that Mr Ngaïssona did, then I think I would need time until
8 tomorrow morning. The population of the 4th arrondissement can bear witness to
9 this. Ngaïssona was a man of peace.

10 MS PROULX: [14:49:26](Interpretation)

11 Q. [14:49:26] I won't keep you here until tomorrow morning, so I'll move on to the
12 next question.

13 I would like to show you tab 35 of the Defence binder, CAR-OTP-2084 -- 2084-0166.

14 This is the press communiqué of 18 -- number 18 of 3 July 2014. And here it says that
15 the Anti-Balaka took the resolution to commit themselves in dialogue and
16 reconciliation -- consultation as the Sangaris track and arbitrarily arrest the military
17 chiefs without any reasons. And this had detrimental effects on the French forces.
18 Do you recall this document, Mr Beina?

19 A. [14:50:40] Yes. I think I've already said to you, I talked about the attitude of the
20 Sangaris, and I also spoke about General Soriano. I said that General Soriano was
21 part of the French officers who orchestrated disorder. He was * in the groupe
22 Licorne, and then he was sent to the CAR before he was in Senegal, and that created
23 disorder. I think I did mention this. I talked about General Soriano.

24 These are individuals who left tracks in history. I -- if you look at the Ivory Coast
25 and the origin of the conflict, then General Soriano, he was the commander. He was

1 involved in the Licorne operation, and it is him who created disorder in Africa.

2 Q. [14:51:55] I'm going to really quickly go to another communiqué. And this is in
3 the binder, tab 40 -- 24, CAR-OTP-2101-3611 of the Prosecution's binder.

4 This is a communiqué 21, dated 14 July 2014. And in that, there's a denouncement of
5 the political class, and they blame the political class for their situation in CAR and to
6 sacrifice the political interest so that they could participate in the Brazzaville summit.

7 I think I know what you're going to say, but that the blame given just one week before
8 Brazzaville, the blame put on the political leaders, is it justified? And if "yes", why,
9 according to you?

10 A. [14:53:21] I don't think I've understood your question. You're talking about
11 blame. Who was blaming and for what? Who was blamed for what?

12 Q. [14:53:34] Sorry, I moved a little too fast. I do give my apologies to you.

13 The Anti-Balaka -- so Mr -- Mr Ngaïssona signed and the Anti-Balaka -- he blames the
14 political elements of CAR, saying -- or asking them to privilege national interest
15 before the week of Brazzaville.

16 So my question is: Do you recall why Mr Ngaïssona, in the coordination, wanted to
17 publish a communiqué of this nature one week before the Brazzaville forum?

18 The accusations made towards the government is justified by facts and actions taking
19 place at that time.

20 A. [14:54:42] Thank you, Counsel. I think there was a certain degree of frustration.

21 The President Sassou wanted to introduce a political initiative, and no one else made
22 contributions before the preparation. But given that the foreigners, the partners
23 were committed to try and find a solution for peace, and instead of having the
24 authorities, could commit themselves and meet the main actors to organise the
25 Brazzaville forum, they didn't do that. They had their own agenda.

1 The Samba-Panza government was really a puppet, but it was the Seleka government
2 who was there. Samba-Panza was just a representative, a figure, that the Seleka was
3 still governing the country. Everybody had their own agenda. And the
4 coordination noted this disdain and also wanted to save themselves by denouncing
5 the political class who were manipulating the situation and who were blaming the
6 Anti-Balaka.

7 Q. [14:56:16] Thank you. I'm going to go to the next communiqué. It is tab 55,
8 2124-1222 of the Defence binder.

9 This is communiqué 22. There's no date. But from the context, you can see that it's
10 been published after Brazzaville, and they discuss or blame, well-founded or not,
11 against the Anti-Balaka because of the barbarous actions carried out in Bangui or in
12 the provinces. They say that almost all the Anti-Balaka were against the dialogue of
13 peace and restoration and security.

14 And a final point which I'd like to raise, they say that the authors or the perpetrators
15 of the barbarous acts must be regarded as wrongdoers and should be brought to
16 justice in their name and not under the label of Anti-Balaka, but under their own
17 name.

18 Do you agree that at that time there was this amalgam that the wrongdoers were
19 often labeled Anti-Balaka, but they were not really Anti-Balaka? They might have
20 been or they might not have been.

21 A. [14:58:05] Thank you, Counsel. Indeed, there were cases like this. Today, if
22 you go to the Registrar of the Court in Bangui, you will have a list of all the
23 Anti-Balaka who were imprisoned after this communiqué. There were many of
24 them. Both elements and the ComZones.

25 I even think that the prison -- that half of the prisoners right now who are in

1 Ngaragba prison are Anti-Balaka. And this happened after 23 June 2014. These are
2 facts. The coordination wiped itself of all responsibility. They were judged
3 individually. They weren't judged on behalf of the coordination, because the crimes
4 and the misdeeds were individual acts. It's not on behalf of a group. It is an
5 individual criminal responsibility that was being judged.

6 PRESIDING JUDGE SCHMITT: [14:59:17] Again, an ERN number, for the
7 transcripts to correct. It's CAR-OTP-2124-1222, and we have been speaking about
8 tab 54.

9 MS PROULX: [14:59:44](Interpretation)

10 Q. [14:59:45] Going back to what you were saying, I understand that, as far as you
11 know, Mr Ngaïssona didn't try and avoid bringing to justice the members who were
12 guilty.

13 A. [15:00:14] On the contrary, Ngaïssona was supporting the justice, was helping
14 the justice to get them to court. Ngaïssona could not contain them, and they had to
15 be given -- they had to be delivered to the justice so that the others could not commit
16 any exactions.

17 Q. [15:00:50] I'm going show you three other press releases. It's tab 18, Defence
18 binder, CAR-OTP-2030-0245.

19 So in this document, we've got three press releases, 027, which is front of you. "We
20 are asking the Anti-Balaka to facilitate the free movement of goods, people, vehicles,
21 and vehicles of individual people." And then you've got the press release 26, which
22 is asking Anti-Balaka to abstain from responding by violence to any provocations
23 made by armed groups and avoid obstructing the movement of the Sangaris and the
24 UN groups. And then you've got press release 25, which is asking Anti-Balaka to
25 allow the free movement of vehicles bearing the emblems of NGO, ambulances,

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1 international and national NGOs, and the Red Cross.

2 Now, have you already heard about these press releases, Witness?

3 A. [15:02:55] Yes, Counsel, I've heard of these press releases. And in application
4 of these press releases, as you know, in the Central African conflict, there were
5 subgroups that were non-identified. These subgroups were stopping pillaging of
6 vehicles, and the Anti-Balaka coordination and the international community deported
7 Muslims from Bangui to Bambari, and they had to be fed from Bangui. So their food
8 was to go from Bangui to Bambari. For this to happen, for the goods to come to the
9 right destination, the Anti-Balaka leaders were chosen to escort the vehicles until the
10 exit of PK12. The Sangaris elements would -- arrested Namsio and Feissona.
11 The Central African Republic government referred these people to Ngaragba. So
12 this initiative to secure the expeditions, the food expeditions to Bambari -- in fact, the
13 others did not want to commit to do that because some of them were arrested.
14 People who were helping to provide food were -- they would be arrested. Who is
15 actually trying to do good here?

16 PRESIDING JUDGE SCHMITT: [15:05:10] Just a remark. We don't have dates for
17 these press releases.

18 Somebody has his microphone on. Because of that, I cannot be heard.

19 Oaky. So we don't have dates for these press releases. However, press release
20 number 26 mentions the accords of Brazzaville, so we have a certain point in time.
21 And since these are consecutive numbers, 25 to 27, we can perhaps draw some
22 conclusions at least. Just a remark.

23 Please continue.

24 MS PROULX: [15:05:54] Thank you, Mr President.

25 Q. [15:06:02](Interpretation) Witness, according to you, if you heard of this, the

1 request that were made in the three press releases, are they consistent with what
2 Mr Ngaïssona would preach in private?

3 A. [15:06:27] Before these press releases were released, Ngaïssona was the last
4 person to -- to read it. He was the one in charge of drafting them and getting them
5 published. No one else could write a press release.

6 Q. [15:07:03] I'm going to move on to another press release, tab 7, OTP binder,
7 CAR-OTP-2030-0243.

8 Mr Beina, this is actually a radio statement that requires the dismantling of barriers on
9 the Mbaïki axis, more specifically, in the l'Ombella M'Poko district. And this is
10 again after Brazzaville, because we're talking about an operation that was organised
11 on 5 August 2014.

12 Now, some people have observed here that the dismantling of barriers -- or this press
13 release requiring the barriers to be taken off came very, very late, after many
14 exactions were committed. So my question for you is: According to you,
15 Mr Ngaïssona would have -- did he have the necessary authority to demand the
16 dismantling of the barriers early on in 2014 and before Brazzaville?

17 A. [15:09:10] In the recommendations, there -- in fact, during negotiations, there are
18 recommendations, and the recommendations come from many people. And with
19 regards to the execution of these recommendations, it's about both parts. Both sides
20 have to execute the recommendations. Not just one side.

21 The execution of these recommendations also were to be respected by the government.
22 The government was sometimes a silent spectator.

23 You see, I was part of the delegation to take down the barriers with Namsio and
24 others. We went to this axis to remove many barriers. These barriers do not exist
25 now. When we went there, there were no government officials. We asked them to

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1 come along with us, and they refused. With president Ngaïssona and the
2 honourable Yekatom, we took all the barriers down. I was part of this delegation.

3 Q. [15:10:38] Mr Beina, you agree with me that the influence of
4 Mr Ngaïssona -- there was the influence at some point of time. Before the forces
5 north and south forces joined, his influence only extended till Mbaïki, you agree with
6 me there?

7 A. [15:11:08] No. Before June 2014, Ngaïssona had no power. Until then, he had
8 no influence after the stopping of hostilities. The power was given to Ngaïssona in
9 order to apply the text. Before that, no, he did not have any power.

10 But if he imposed things on Yekatom, he could say, no, but there was -- and he could
11 say, "There was no one to guarantee the security of my children." So after the
12 cessation of hostilities agreement, he had the guarantee or the power to take the
13 barriers down. Before that, he sought assistance from the government, which he was
14 denied.

15 Q. [15:12:10] I have a last press release to show you. It's on tab 37, Defence binder,
16 CAR-OTP-0293-0159.

17 THE COURT OFFICER: [15:12:57] Could the Defence please repeat the ERN
18 number.

19 MS PROULX: [15:13:09](Interpretation) It's CAR-OTP-2093-0159, tab 37.

20 Q. [15:13:28] Mr Beina, this is press release 28, dated *17 October 2014. And here,
21 the Anti-Balaka accuse the security minister in charge of relations with the
22 Sangaris - it was Jean-Jacques Demafouth - for having illegally armed individuals to
23 attack the Anti-Balaka and turn the attention away. And the press release orders the
24 military heads to not react to the harmful initiatives of the minister.

25 Witness, do you remember these events, these events that led to the publication of

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1 this press release?

2 A. [15:14:30] Yes, I remember.

3 Q. [15:14:43] To the best of your knowledge, Mr Beina, the content of this press
4 release, is it true? Are allegations against the minister Demafouth well-founded?

5 A. [15:15:04] Yes, Counsel.

6 Before I answer that question with regards to this press release, I did speak about
7 Demafouth many times. The position that Demafouth occupied was a fictitious one.
8 So this is an example. He was appointed as the minister for security * in charge of
9 relations with the Sangaris, EUFOR and MINUSCA. So these are fictitious positions
10 that were created in order to cause disorder.

11 Demafouth was a troublemaker. He's a binational. He also has French nationality.
12 So he's covered. Whatever he does, he cannot be the subject of any sanctions.
13 Mr Demafouth was the one leading the country during Samba-Panza's time. He had
14 made all the political calculations. Samba-Panza was instrumentalised. She was
15 the president, yes, but the real president was Demafouth himself.

16 Q. [15:16:29] Thank you so much, Mr Beina. I've got a few questions on the
17 Brazzaville forum now. And I would like to start looking at the list of participants
18 with you. So this is one version of the list of participants, document *22 in the
19 Defence binder, CAR-OTP-2030-0267.

20 We should look at this page so that we should just let the witness read the names.

21 Mr Beina, after reading these -- this list of participants, who are the Anti-Balaka
22 representatives, you agree with me that all these people who were -- who agreed with
23 the political rhetoric of discourse, of the peace and reconciliation, but in reality, some
24 of them were actually close to Maxime Mokom?

25 A. [15:18:29] Yes, that's true. Because when we drew up this list for the trip, it's

1 Mokom who got the people to come from the provinces. It's Mokom who imposed
2 these people. If it was only Ngaïssona, there would be only a few members of the
3 coordination in ComZones. But Mokom got people to come from Mambere-Kadei,
4 and he imposed these people on us.

5 In this group, the power of Ngaïssona is limited, whilst Maxime Mokom has extended
6 powers. And it's -- and I repeat myself, it's Maxime Mokom who got all these people
7 to come from the provinces.

8 Q. [15:19:30] And, to the best of your knowledge, did Mr Ngaïssona exclude
9 Maxime Mokom or the other Anti-Balaka who were not promoting peace? And I
10 said, to the best of your knowledge, might I add.

11 PRESIDING JUDGE SCHMITT: [15:19:50] Mr Vanderpuye.

12 MR VANDERPUYE: [15:19:53] Mr President, this is objectionable. I think counsel
13 knows that. He has no competence to say what Mr Ngaïssona could or could not do
14 with respect to the people that came to the forum. He simply has no -- there's simply
15 no basis for --

16 PRESIDING JUDGE SCHMITT: [15:20:08] But he was there.

17 MR VANDERPUYE: [15:20:10] So were 17 other people.

18 PRESIDING JUDGE SCHMITT: [15:20:11] Yeah, all 17 could be called by whomever
19 and we could hear them.

20 So if the witness has concrete knowledge, has talked about with others who have been
21 there, has talked about perhaps even with Mokom or with Mr Ngaïssona, if you have
22 such concrete information, Mr Witness, you can provide us with this information. If
23 not, like always, you will tell us. We know you -- I think I know you in the
24 meantime good enough I think to see that you only tell us things that you have
25 observed yourself, that have heard yourself. So please answer the question.

1 THE WITNESS: [15:20:55](Interpretation) Thank you, your Honour.
2 I can see my name, Vivien Beina, and that's my number. That's my phone number.
3 And I'm here in flesh and blood right before you. I was part of the first delegation to
4 come to Brazzaville. We were put up in Imongui Palace. There were Kobine
5 Layama, Dieudonne Nzapalainga, Guerekoyame, and we were in the same hotel. I
6 know everything that happened there.
7 I said that all these people who came from the provinces were called by Mr Mokom.
8 It's Mr Mokom who got them to come. So what I'm telling you is the truth.
9 I'm not under pressure when I'm speaking. I'm quite calm. I am talking to you
10 freely. And if I'm telling you this is the way it is, it is the way it is. No one is
11 putting pressure on me to speak in front of you.

12 MS PROULX: [15:22:12](Interpretation)

13 Q. [15:22:14] I'm going to show you another document. This is the document 1 in
14 the Defence binder, CAR-D30-0003-0001. This is the preliminary statement of
15 Mr Ngaïssona at Brazzaville.

16 Mr Beina, do you remember Mr Ngaïssona's speech in Brazzaville?

17 A. [15:22:56] Yes, I perfectly recollect.

18 Q. [15:23:12] I'm going to show you a very quick extract, but before that, I would
19 like to ask you, what was the objective pursued by Ngaïssona on behalf of the
20 Anti-Balaka? Was this objective discussed within the coordination? And if so,
21 what was the objective?

22 A. [15:23:47] Thank you, Counsel. I cannot give you a lot of details on this
23 objective, but I can say that the main objective was to restore peace, for peace to
24 return. We wanted to guarantee the territorial integrity of the Central African
25 Republic. At a certain point of time, we -- we were talking about the partition of the

1 country. And it was President Sassou Nguesso in -- gave us this information behind
2 closed doors. He said that we were in a dangerous situation, and we must maintain
3 our position. It is true that there would be deaths, but we really had to stay on.
4 And, you see, did he say that we're going to create a republic and the capital would
5 be Bambari? It's -- this was in the presence of General Mokoko. He said that: "Do
6 you want this country to be partitioned?" And he -- the general said that: "I really
7 cannot agree with such a policy."

8 The speech of the president during the forum brought tears to the eyes of many
9 nationals. And when the General Dhaffane took the floor, because he was supposed
10 to speak only about the partition, but he modified the contents of his speech on site,
11 and he said things that were quite different from what was supposed to be said.
12 And this behaviour displayed by Dhaffane created a rift in the movement, and he
13 started pleading for the cessation of hostilities.

14 So what I can say is that the main overarching objective was for peace to return, for
15 the Central African residents to be protected, and to ensure the territorial integrity of
16 the country.

17 PRESIDING JUDGE SCHMITT: [15:26:28] Well, I think we can really limit further
18 questions on that. We have -- we have something -- let me put it this
19 way -- something better than the recollection of the witness after eight years or more.
20 We have the wording of -- and we have this document. So I think we can really -- it
21 doesn't -- and what was okay that you asked him what was the purpose behind that,
22 the overarching purpose, but now to show him details of the document I think is not
23 necessary.

24 And, again, in the French transcript, the ERN is correct, but in the English one -- so it
25 has to be CAR-D30-0003-0001.

1 MS PROULX: [15:27:28] Thank you for your guidance, Mr President. I do agree
2 with you. I will skip this question.

3 Q. [15:27:39](Interpretation) Mr Beina, I'm going to show you a video clip, a short
4 video clip, tab 39, in the Defence binder, *CAR-OTP-2099-1360, and the transcription
5 is in the document 48, CAR-OTP-2107-1600. The video is 1 minute, 55 seconds, and
6 I'd like it to be shown in full.

7 (Viewing of video excerpt)

8 THE INTERPRETER: [15:28:29](Interpretation of the video excerpt)

9 "The protagonists of the crisis in the Central African Republic are determined to have
10 some consistency and conclude a peace agreement in order to end the sufferings.

11 The Anti-Balaka came to translate President Sassou's will to sign the accord.

12 'We don't have a choice. We have to save the people,' said Ngaïssona.

13 We are here to sign the cessation of hostilities in the agreement in the Central African
14 Republic. So we are stakeholders. We don't have the choice because we really need
15 to save the people who suffered multiple exactions that were committed. We are
16 fighting a war, and the people cannot really return to their occupations. We do not
17 have an economy. There's no education. And we really have to get back peace.

18 This is an act of courage and decisive commitment.

19 It's sincere. We are committed, and we really want to give a breather to the people
20 of the Central African Republic. We're not here to continue to allow bloodshed. It's
21 this blood of Central Africans. We need this blood today. We do not need a war.

22 We don't need to kill each other. We were living together in the past, and we, the
23 Central African people, should come together and live together.

24 In the name of the overall good, the Anti-Balaka and the ex-Seleka are asked to walk
25 on the path of peace for the rebirth of the Central African Republic."

1 MS PROULX: [15:30:33](Interpretation)

2 Q. [15:30:34] In this video, Ngaïssona has Sassou Nguesso as a witness, showing
3 his interest in declaring peace.

4 Was it important to do that? What did it mean, according to you?

5 A. [15:31:04] I think -- well, you know the person who -- I was part of that
6 delegation who met the President Sassou Nguesso. I was the person who had a
7 yellow shirt on in that group. At that moment, he was courageous to denounce what
8 was happening and beg for the return of peace, even before these images. I talked
9 about Sassou Nguesso who informed us of the project of the partition of the country.
10 If we didn't do everything we could to stop hostilities, the country would have been
11 divided. The Logan (phon) republic was already created. It was -- the project was
12 already there. And suddenly, the President Sassou Nguesso, in the forum, in
13 Brazzaville, said that: "We should talk about the cessation of hostilities."
14 You know, we -- when we left to the forum, the Seleka group remained in the hotel.
15 The group even demanded the partition of the country prior to any discussions.
16 And then the president asked us to accept the cessation of hostilities, because if we
17 did not, if we did not accept the cessation of hostilities, we would not return to the
18 CAR. He imposed his will. And that is why the next day, they joined the group so
19 that we could continue our work.

20 This statement which he made was to give hope to CAR, so that peace be restored and
21 that violence come to an end.

22 PRESIDING JUDGE SCHMITT: [15:33:30] I would wish to say for the last time, but
23 it's again in the English transcript, it's wrong, CAR-OTP-2099-1360. So I think -- I
24 don't know how we can handle this, but there seems to be an assumption that the
25 French transcript, CAR-OTP or CAR-D numbers are correct.

1 Please continue.

2 MS PROULX: [15:34:03](Interpretation)

3 Q. [15:34:03] Mr Witness, you don't have to repeat, but you don't have to say what
4 you've already said, but you spoke that after Brazzaville, Maxime Mokom took part
5 of the money that was given to the Anti-Balaka. To save time, I won't show you the
6 document in question, which we have in our possession. We have the minutes of a
7 meeting of 6 September 2014, and in the minutes, in the record, they discuss of the
8 channeling away of some of the money by Mokom, but there's a lot of rumours
9 according to which Mr Ngaïssona was complicit in this channeling away of money.
10 As far as you know, Mr Beina, these rumours that implied Ngaïssona, do you think
11 that they were false?

12 A. [15:35:14] Thank you, Counsel. I think that these rumours of channeling away
13 funds as regards Mr Ngaïssona, if the hierarchy had been respected, I was general
14 treasurer, then I would have cashed in or taken that envelope on behalf of the
15 organisation, but it wasn't me. It was Maxime Mokom. Why? Well, simply
16 because Maxime Mokom wanted to take over the coordination with Alfred Yekatom.
17 We went on the first flight -- we took the first flight. All the entities received the
18 same sum of money. All the participants in the forum should have received 2
19 million per individual. Maxime Mokom cashed in all the money when he arrived in
20 Bangui the next day.
21 Yekatom and myself, Paleon, we hoped that we could have our contribution.
22 Maxime Mokom has said that there are several elements who are in the provinces and
23 that he has -- is responsible of those elements. And, therefore, he could not give us
24 all the amount due to us.
25 So those 2 million, he only gave us 900,000. He said there were people he was

1 responsible for. And us, we didn't really want to do all the calculations. We took
2 the 900,000, and he kept the rest of the money. It wasn't neither with the complicity
3 of Ngaïssona, because Maxime Mokom cashed in the money.

4 Logically, as treasurer, it was up to me to carry out that responsibility. But,
5 unfortunately, Mokom did that, and unfortunately, things didn't move as they should
6 have because Maxime Mokom had his own agenda.

7 Q. [15:37:39] Do you agree that Maxime Mokom didn't go to the meetings of the
8 coordination after the Brazzaville forum?

9 A. [15:37:54] Yes, he moved himself. He took a bit of distance. Because after the
10 forum -- we entered from the forum, about the 24th, 25th, and on the 29th, we had the
11 general assembly for -- to -- for the installation of the creation of the PCUD.

12 It's a bit of a coincidence. He noticed that we were at the point of leaving the
13 military to up for a political way. And so he removed himself, and he didn't come
14 towards us.

15 Q. [15:38:50] Briefly, I want to talk about the moment when the Anti-Balaka
16 movement once again was split. I want to start by showing you a document, 42 of
17 the Defence binder, CAR-OTP-2101-4166, page 4168.

18 It is the press of 18 August 2014, and inside they denounce the actions of Wenezoui
19 who accompanied the transitional president to Brazzaville without having informed
20 Mr Ngaïssona. And this meant that Wenezoui contested implicitly the leadership of
21 Mr Ngaïssona. And on the next page, you see decision number 2, which talks about
22 suspension of Mr Wenezoui as deputy general coordinator.

23 So my first question: Do you remember this event, Mr Beina?

24 A. [15:40:27] Yes, Counsel, I do remember.

25 Q. [15:40:36] According to you, this -- does this show that *despite the apparent

1 acceptance by Mr Wenezoui of the leadership of Mr Ngaïssona in June 2014,

2 Mr Wenezoui still had the hope of becoming leader of the movement?

3 A. [15:41:11] Absolutely, counsel. Wenezoui had his agenda. It's someone who
4 likes to have responsibility. He thought that if Ngaïssona remained coordinator, and
5 if it was a question of having someone in the government, he would have become a
6 minister. Wenezoui did all this because he had the hope that he would have a
7 position of responsibility after all the suffering that he faced. In any case, he wanted
8 to enrich himself. So he did whatever he could simply because he wanted to have
9 benefit for himself.

10 Today, tomorrow; he wasn't stable at all. He went to Brazzaville as deputy general
11 coordinator, as an entity, and he was wondering what would happen.

12 I'm leader. I'm the second one. He's going there without my support. If there's no
13 internal regulations, but at least -- as politeness, it should happen in this way. I must
14 report back of the activities that I'm carrying out because I am his deputy. So I
15 should report what's happening.

16 This is usually what happens in all organisations. Wenezoui received an invitation,
17 and he moved -- and we even asked ourselves, "How did he receive that invitation?
18 How did he get that invitation?"

19 * It is like if they called us. We went to Azimuth for a meeting. Mokom said he had
20 plane tickets to go to Nairobi. The person who agrees takes the ticket to go to
21 Nairobi.

22 Paleon received a call from Ngaïssona. Ngaïssona said to Paleon to call him, to call
23 me and to leave the room. We met Ngaïssona, and then it was explained to us that
24 there was a meeting between Bozizé and Djotodia in Nairobi, and that we must go
25 there. And I said, "No, I haven't yet been disarmed. I haven't seen Djotodia

1 disarmed, because the actions are still taking place."

2 So there are hidden interests with people travelling around. Wenezoui wanted to
3 enrich himself, and Sassou said, "Look, here's an envelope. Would it help you to
4 cover your needs?"

5 We all agreed with the suspension of Wenezoui because, in all organisations, there
6 has to be the minimum of discipline.

7 Q. [15:44:49] We have information which suggests -- I'll give you the reference but I
8 want to show it to you. It's CAR-OTP-2001-5348. It's a press article that in
9 September, at the end of September 2014, Wenezoui created his own political party.
10 And we have additional information, according to which, later that, despite
11 everything, he joined again the PCUD.

12 Do you agree with me that Wenezoui often changed allegiance?

13 A. [15:45:50] Yes, Counsel. I said to you that he had a political agenda.

14 Wenezoui is someone where I was present a lot of meetings with him. He has good
15 ideas, he has good initiatives, but you know, he does them for his own benefit.

16 Because in everything he does, it's so that he can benefit himself.

17 Each time there's difficulties and problems, he goes towards Ngaïssona to ask for this
18 or that. He says, "Big Brother, it's not me." Things like that.

19 Even I said to Ngaïssona, "No, no, you mustn't accept that. You can't accept that."

20 And Ngaïssona even said, "No, but this is someone who's not very conscientious.

21 He hasn't got many scruples."

22 Even before coming here, Wenezoui and me, I'm talking about now, this time, we set
23 up a mediation group, and we met the democratic opponents, where we had

24 Tiangaye, Cyria Gonda, Kamoun, Ziguele, Mbolingoumba, all the opponents,

25 COD-2020. We met them to ask them to accept dialogue with President Touadera so

1 that we could put an end to the suffering of the people of CAR, because we said that
2 they were the basis of the crisis. And each time that they were creating problems,
3 and it is the population that suffers.

4 So that's the scheme. This is the problems, because we have dual nationality. They
5 go back to Europe. They install themselves here. And then it's the people of CAR
6 that suffer. Wenezoui really has good initiatives, except, behind all this, he has his
7 personal ambitions, his own agenda and to benefit from the situation.

8 PRESIDING JUDGE SCHMITT: [15:48:17] I think we have heard this several times
9 now. Any question which incites such remarks I think is repetitive now.

10 MS PROULX: [15:48:38](Interpretation)

11 Q. [15:48:39] Finally, about the cessation of the split of the movement. I want to
12 talk in particular that with Maxime Mokom, and I'm going to show you the document
13 38, CAR-OTP-2093-0326. I've noted what the judge has said, so we won't repeat
14 what we've already said as regards the different approaches or different agendas
15 between Ngaïssona and Mokom.

16 But, nevertheless, I would like to talk a little bit about this document because it's an
17 interesting document. It deals with a complaint which was drafted probably in June
18 2015, because * we can see the date 29 May 2015 in the middle of the page, and it's
19 signed by Maxime Mokom. And here we accuse Mr Ngaïssona of poor management,
20 deformation of information, dictatorial behaviour, and also to have a Machiavellian
21 plan. So through cunning and scheming, et cetera, et cetera.

22 I'm suggesting that this document shows that there is a difference in opinion between
23 Ngaïssona and Mokom which took place throughout 2014 and became a very
24 personal difference after the setting up of the PCUD. Do you agree with that?

25 A. [15:50:40] Yes. In my statement, I said that there was a misunderstanding

1 between Mokom and Ngaïssona. I don't remember what paragraph, but if you look,
2 you'll see that. And I also gave you my reasons for that.

3 The only reason was that the Anti-Balaka movement of Mokom and Ngaïssona were
4 different. Ngaïssona was chosen as head of the movement. And it's simply
5 because of that.

6 The Anti-Balaka movement originally was Mokom. It should have gone to Bozizé
7 because Ngaïssona was chosen coordinator, and because of that, there was this
8 disagreement, and therefore, he was qualified as dictator and other things like that.
9 I think Mokom is already here. So one day you'll know much more about him.

10 Q. [15:51:56] I'm going to now talk about my last subject. You've almost
11 completed. I talked about the PCUD. But once again, you've talked about this
12 quite a lot, so I'm going to try not to ask you questions that make you repeat yourself.
13 And don't repeat anything you've already said.

14 Firstly, I want to name certain individuals, and I'd like you to confirm whether these
15 people, whether they were members of the PCUD or not.

16 Maxime Mokom, Achille Godonam, Jo-Brice Ouabiro Dana, Côme Azounou,
17 Dieudonne Houronti.

18 A. [15:52:53] As regards the -- all of them were under the command of the Mokom
19 wing, and they didn't want to join this party. They -- they were part of the military
20 wing of the movement and were not interested in the political wing. They were part
21 of the KNK.

22 Q. [15:53:24] I'm going to show you a video, tab 11, CAR-OTP-2023-2920. It's
23 3 minutes 41, and we want to look at it in its entirety. And the transcript is tab 46,
24 CAR-OTP-2107-1519.

25 (Viewing of the video excerpt)

1 THE INTERPRETER: [15:55:03](Interpretation of the video excerpt)

2 "The Anti-Balaka ... madam, the population of our country assures you, ladies and
3 gentlemen, that the combatants have decided to turn their page, create new history
4 because of what we've experienced in our country. From now onwards, we commit
5 ourselves to look straight ahead of us and to assume our responsibilities so that we
6 can work towards the Central African Republic and its people. In order to do this,
7 we're going to do this with determination, and we solemnly declare that, on behalf of
8 the Anti-Balaka movement, that, as from today, the Anti-Balaka patriots will become
9 a political party with the name Central African Party for Unity and Development.

10 [Applause] The abbreviation of this will be PCUD. The aim is to work towards unity.
11 We have to have love of the process. We have to work, and we have to encourage
12 development. The slogan of this party of these patriots today, in Sango, we say
13 *ilimbi*.

14 [Applause]

15 *Ilimbi*, that means we can. Through determination of the Central African people, we
16 can develop our country. We can bring -- Central Africans, we can give them peace.
17 We can bring them health. We can give the Central Africans education. We can
18 give the Central Africans work. Together we can develop our country. [Applause]

19 Today, no Anti-Balaka must use their weapons. Regardless of their reasons, our
20 weapons must be put aside and put aside permanently. Furthermore, any bad
21 people who have infiltrated our group must expect our rules, and from today,
22 Saturday, 20 November, we would take note of these acts and be responsible before
23 law. And it is here, the moment to have you as witnesses, both nationally and
24 internationally, so that you could strongly support our actions and the commitment
25 taken by the PCUD so that we stand strong. This means we will end the meeting so

1 that we can proceed with the opening."

2 MS PROULX: [15:59:11](Interpretation)

3 Q. [15:59:11] I have two questions for you, Mr Beina. You probably recognised
4 part of this discussion which launched the establishment of the PCUD in November
5 2014. During the day, Mr Beina, I heard you say it and I showed you the proposals
6 or statements of Mr Ngaïssona, and you saw extracts from February 2014, another
7 from July, and now from November.

8 Do you agree with me to say that in everything you heard today, the statements made
9 by Mr Ngaïssona are always the same, his commitment towards peace, his requests,
10 his remain -- his principal objectives, he has never wavered from this? Do you agree
11 with me?

12 A. [16:00:17] Yes, Counsel, I agree with you. And this is exactly what I heard. I
13 was amongst the people who were applauding. I actually experienced this event
14 myself. And I was the one who paid for the room, to reserve the room so that the
15 meeting could be organised there. So I'm basically an eyewitness to what happened
16 that day.

17 After some time, some people saw that as something that's positive. And after this,
18 Mokom just withdrew from a few elements and met amongst themselves. So you
19 have the document in front of you.

20 And may I insist on the fact that Ngaïssona was a man of peace. Even if you ask me
21 the question for the whole year, I will continue repeating my answer, saying that he
22 was always a man of peace. I haven't actually changed my stance, and I shall never
23 change my stance.

24 Q. [16:01:46] Thank you, Mr Beina. In the light of what you said, I don't have to
25 ask you my last question. So I have finished with my questions.

1 Now I think the lead counsel had a question for you, Mr Knoops. It's over 4, but
2 with the leave of the Presiding Judge, I'm very quickly going to give the floor to
3 Counsel Knoops.

4 PRESIDING JUDGE SCHMITT: [16:02:16] With the enquire if -- but it depends.
5 Otherwise, we simply continue tomorrow at 9.30.

6 Mr Vanderpuye, do you intend to so-called redirect?

7 MR VANDERPUYE: [16:02:27] No, Mr President. I think we can finish.

8 PRESIDING JUDGE SCHMITT: [16:02:30] Okay. Fine.
9 Then the question of Mr Knoops.

10 MS PROULX: [16:02:39](Interpretation) Before giving the floor to my colleague,
11 thank you so much, Mr Beina, for having taken the time to answer all my questions
12 for the whole day. Thank you.

13 QUESTIONED BY MR KNOOPS:

14 Q. [16:03:02] Good afternoon, Mr Beina. We met at the courtesy meeting. No
15 need to introduce myself.

16 I have a final question which was never asked before during the days you testified
17 before the Chamber. I noticed in your statement of 2016 that you currently are
18 profiling the ex-combatants in the context of the DDR.

19 My question to you: Did you, in the course of this work or otherwise after giving
20 your statement in 2016, did you hear that individuals were approached close to
21 Mr Mokom to testify against Mr Ngaïssona before this court in order to deceive the
22 Chamber, the Judges, on the role of Mr Ngaïssona?

23 PRESIDING JUDGE SCHMITT: [16:04:09] And if so, names, please. Not any
24 generic remarks. If so, we want to hear names.

25 Did you understand the question, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-0888

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [16:05:03](Interpretation) Thank you, Counsel.

2 I think there was some delay here. I thought the -- well, with regards to the DDR
3 programme, I was an IT expert recruited at MINUSCA. I did the profiling of armed
4 groups. I wasn't doing this in the name of the movement. I worked within the
5 framework of my profession.

6 As an IT expert, you know that each person has their own objectives. They have an
7 agenda. And CR -- the Central African Republic people make the most of the
8 situation. Each person is capable of inventing things and plotting and harming, or
9 even scheming against someone. This is completely possible in the Central African
10 Republic.

11 MR KNOOPS: [16:06:22]

12 Q. [16:06:22] Mr Beina, thank you so for your answer, but the Presiding Judge and
13 that was also the purpose of my question, do you have any concrete information
14 which you might have received after 2016? Maybe you received it, you heard it, that
15 certain individuals, close to Mr Mokom, were asked by him or his inner circle to
16 testify against Mr Ngaïssona before this court in order to protect Mr Mokom and to
17 deceive the Court about the role of Mr Ngaïssona? And if so, can you specify that
18 type of information?

19 A. [16:07:19] Thank you, Counsel. I think Mokom would meet in a place where
20 I've never set foot. I live very far away from Mokom. I have never set foot in the
21 place where Mr Mokom would organise his meetings.

22 PRESIDING JUDGE SCHMITT: [16:07:46] I think, Mr Knoops, we have an answer
23 here.

24 MR KNOOPS: [16:07:49] Thank you very much, Mr President.

25 Thank you, Mr Beina.

1 PRESIDING JUDGE: [16:07:52] Thank you, Mr Knoops.

2 Mr Beina, this concludes your testimony. On behalf of the Chamber, I would like to
3 thank you that you came to this Court and asked patiently for so many days all these
4 questions. We wish you a safe trip back home.

5 This also concludes the hearing for this block. The next block commences Monday,
6 25 April, 9.30, with Witness P-314. Thank you.

7 THE COURT USHER: [16:08:25] All rise.

8 (The hearing ends in open session at 4.08 p.m.)

9 CORRECTIONS REPORT

10 The following corrections, marked with an asterisk * and not included in the
11 audio-visual recording of the hearing, are brought into the transcript.

12 Page 5, lines 16 to 21

13 “In their understanding, the person who forced them or who prompted them to come
14 back to the Central African Republic was Mokom, Mokom who had betrayed the
15 central the Congolese authorities and so this led to their arrest. Mr Mokom
16 wanted them to join his group, so he betrayed them. And they were arrested and
17 they refused and they were betrayed to the Congolese authorities.”

18 Is corrected to:

19 “In their understanding, the person who forced them or who prompted them to come
20 back to the Central African Republic was Mokom. It was Mokom who had betrayed
21 them to the Congolese authorities and so this led to their arrest. Mr Mokom wanted
22 them to join his group, but since they had refused, he betrayed them to the Congolese
23 authorities, and they were arrested for several months. And when they were released,
24 they preferred to return and die in the country.”

25 Page 9, lines 19 to 21

26 “He fled and abandoned the Central Africans and the Seleka came and were
27 maltreating them. So I had said that Bozizé should be called to answer before the

1 Court here”

2 Is corrected to:

3 “He fled and abandoned the Central Africans and the mercenaries came in and were
4 slaughtering them. I said – and I believe it was on Friday – that Djotodia and Bozizé
5 should be called to answer before the Court here.”

6 Page 13, line 14

7 “The fake are the people who –”

8 Is corrected to

9 “the fake are the people who can be considered as opportunists –”

10 Page 14, line 24 to page 15, line 4

11 “It was decided that Ngaïssona would be the head of the movement. These were the
12 elements from Boeing to Boy Rabe, but the majority were not in favour of Mokom,
13 Maxime Mokom. He wanted to be the coordinator in charge of operations.
14 Ngaïssona was only dealing with the political side. With regards to the military side,
15 with regard to the operations, the military operations, you knew the fighters and he
16 occupied this post”

17 Is corrected to

18 “Those who decided that Ngaïssona would be the head of the movement were the
19 elements from Boeing to Boy Rabe, but the majority were not in favour of Mokom,
20 Maxime Mokom. He imposed himself as the coordinator in charge of operations.
21 Ngaïssona was only dealing with the political side. With regards to the military side,
22 with regard to the operations, the military operations, since he knew the fighters, he
23 occupied this post.”

24 Page 20, lines 2-3

25 “a personality figure to talk to the international community and the government”

26 Is corrected to

27 “a personality who was capable of talking to the international community and the

1 government”

2 Page 20, lines 19 to 22

3 “So the food was provided for all their needs are all the needs of the elements
4 were funded by Ngaïssona and we have to basically come together to follow the
5 DDR's programme. They have to be they have to come together to follow the
6 DDR programme”

7 Is corrected to:

8 “You see, all their feeding and other needs were being financed by you. In any case,
9 that is difficult. They have to be gathered together so as to be able to participate in the
10 DDR programme”

11 SECOND CORRECTIONS REPORT

12 The following corrections, marked with an asterisk (*) and not included in the
13 audio-visual recording of the hearing, are brought into the transcript.

14 Page 6, line 11:

15 “That is how come we called Mr Celestin Noron (phon) who was from MOUDA, and
16 Celestin Balalou” is corrected to “This is how we called Mr Celestin who was from
17 Boda”.

18 Page 6, line 20:

19 “on his veranda” is corrected to “in front of his veranda”.

20 Page 9, line 16:

21 “Sylvain” is added.

22 Page 31, line 24:

23 “at the PNUD’s office” is added.

24 Page 33, line 23:

25 “organized by the NGO Mouda at the PNUD” is added.

26 Page 34, lines 15-16:

27 “and he could not restore peace” is corrected to “with the purpose to restore peace”.

- 1 Page 35, line 11:
2 "Mazimbelet, Zefe," is added.
- 3 Page 39, line 15:
4 "Ngaïssona said" is corrected to "So Ngaïssona said to Maxime Mokom".
- 5 Page 42, line 21:
6 "81" is corrected to "41".
- 7 Page 53, lines 3-5:
8 "You see the reintegration programs. The CAR is our country. We know that the
9 Central African are very good at planning. The coordination did plan out a project
10 and submitted it -- and they submitted it to the government"
11 is corrected to "You know that the reintegration program... Well, CAR is our country
12 and Central Africans are very good at planning projects. The coordination set up the
13 project and submitted it to the government".
- 14 Page 55, lines 15-17:
15 "the minister in charge of relations, but the Sangaris, I think it was just a minor
16 position. It was rather marginal. It was created just so that he could -- just so that he
17 could have something to eat. It wasn't nothing major."
18 is corrected to "the minister in charge of relations with the Sangaris. It was just an
19 imaginary position that was created so they could find something to eat. That's all it
20 was. It had nothing to do with it."
- 21 Page 60, line 2:
22 "Ngaya" is added.
- 23 Page 62, lines 22-23:
24 "in the l'ecole" is corrected to "in the groupe Licorne".
- 25 Page 68, line 21:
26 "18 October" is corrected to "17 October".
- 27 Page 69, lines 9-10:

- 1 “in charge of the Sangaris and MINUSCA” is corrected to “in charge of relations with
2 the Sangaris, EUFOR and MINUSCA”.
- 3 Page 69, line 19:
4 “document 23” is corrected to “document 22”.
- 5 Page 73, line 5:
6 “CAR OTP 2099 1260” is corrected to “CAR OTP 2099 1360”.
- 7 Page 77, line 1:
8 “despite” is added.
- 9 Page 77, lines 6-7:
10 “he would have become a minister.” is added.
- 11 Page 77, lines 20-21:
12 “It's as if they called him. He goes to Hotel Azimut to a meeting, and Mokom said he
13 has tickets so that people go to Nairobi. But what should they do in Nairobi?”
14 is corrected to “It is like if they called us. We went to Azimuth for a meeting. Mokom
15 said he had plane tickets to go to Nairobi.”
- 16 Page 79, line 19:
17 “that's the date we see” is corrected to “we can see the date 29 May 2015”.