

Trial Hearing
WITNESS: CAR-OTP-P-0889

(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 Ngaissona - 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 Monday, 14 March 2022
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:45] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:06] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:13] 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 Ngaissona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:29] Thank you.
21 I ask for the appearance of the parties.
22 Not so many names today, Ms Struyven.
23 MS STRUYVEN: [9:31:38] No, exactly. Good morning, your Honours. Today we
24 have Sylvie Wakchom and myself, Olivia Struyven.
25 PRESIDING JUDGE SCHMITT: [9:31:43] Thank you.

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1 I turn to Mr Fall, representative of the victims.

2 MR FALL: [9:31:49](Interpretation) Thank you, Mr President. The victims of the
3 other crimes are represented today by Madam Ombeni and myself, Yaré Fall. Thank
4 you.

5 PRESIDING JUDGE SCHMITT: [9:31:59] Mr Suprun.

6 MR SUPRUN: [9:32:02] Good morning, Mr President, your Honours. The former
7 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
8 Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you.

10 I turn to the Defence.

11 Mr -- oh, yeah. No preference.

12 MS GUISSÉ: [9:32:15](Interpretation) Thank you, Mr President. Mr Yekatom is
13 present in the house. He is assisted by Gyo Suzuki actually and myself
14 Madam -- there's Madam Dimitri and myself. I am Anta Guissé.

15 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.

16 Mr Knoops, please.

17 MR KNOOPS: [9:32:49] Good morning, Mr President, your Honours. Good
18 morning, everyone in the courtroom.

19 Mr Patrice Ngaïssona is appearing with the following members of his Defence team
20 today, Ms Marie-Hélène Proulx, Ms Chiara Giudici, Ms Sara Pedroso, Ms Alexandre
21 Desevedavy. And Mr Landry is following the proceedings from the field office.
22 Thank you.

23 PRESIDING JUDGE SCHMITT: [9:33:13] Thank you very much.

24 And of course most importantly, good morning and welcome to Mr Witness at the
25 video-link location. The Chamber hopes that you had a good weekend.

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- 1 WITNESS: CAR-OTP-P-0889 (On former oath)
- 2 (The witness speaks French)
- 3 (The witness gives evidence via video link)
- 4 THE WITNESS: [9:33:32](Interpretation) Good morning, everyone. Good morning,
5 the judges. Good morning, Mr President. I had a good weekend. Thank you.
- 6 PRESIDING JUDGE SCHMITT: [9:33:46] That sounds promising. And with that
7 good start, so to speak, I give the floor to Ms Proulx.
- 8 MS PROULX: [9:34:03] Thank you, Mr President.
- 9 QUESTIONED BY MS PROULX: (Continuing) (Interpretation)
- 10 Q. [9:34:09] Good morning, Mr Witness.
- 11 A. [9:34:14] Good morning, Counsel.
- 12 Q. [9:34:17] I would like to come back briefly on a question that was put to you last
13 week by my learned friend of the OTP. She talked about your mobile phone which
14 had been seized, if I'm not mistaken, in June 2020.
- 15 Now, do you remember about how long you had this phone in your possession
16 before it was seized?
- 17 A. [9:34:54] The phone that was seized, I had -- I had had it for about one and a half
18 years to two years.
- 19 Now, regarding my Facebook account, I have a Facebook account that I have been
20 using for a very, very long time. And I think I created that FB account in 2009 or '10
21 and it is the same one I am using till today.
- 22 The telephone, I had not used it for a long time before being -- it being seized.
- 23 Q. [9:35:57] I would like to show you a document, 91 in the Defence list.
24 Please show it to the witness but not to the public. It is CAR-D30-0009-0003.
25 And it is a document that gives us some information on your telephone which was

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1 seized. I am waiting for it to be displayed and then I will continue.

2 Can you scroll down a little bit. Yes, okay that's perfect.

3 Now you can see, Mr Witness, that this document is your telephone. It is -- it is
4 written "IMEI", and that is your phone number, and the same number appears on the
5 OTP list with your contacts.

6 A. [9:37:23] I cannot see clearly the image on the screen, please.

7 Q. [9:37:33] Maybe it can be enlarged a little bit, please, and then scroll down. Yes,
8 perfect.

9 Now, Mr Witness, does this document indicate that that document -- or, rather, that
10 telephone was fabricated or made on 4 July 2019? That means you had it for -- for
11 one year. So you had it for a very short amount of time.

12 A. [9:38:13] Yes, I had it for a very short amount of time. And I still have the
13 contract.

14 Q. [9:38:30] Do you remember that last week you confirmed the names of some of
15 your contacts. I don't want to necessarily ask you to look at the numbers and
16 confirm the numbers, neither the period for which the number was active.

17 Now am I correct to believe that the contacts that were extracted from your telephone
18 in 2020 included older numbers that might have been compared -- copied from your
19 former telephones, but also contains numbers that you acquired in 2020?

20 A. [9:39:21] Yes, that is correct what you are saying. There are numbers that are
21 copied from older telephones. So this is not my number, but I have a Google account
22 that has a list of my numbers. So I still have those numbers all the time. So there
23 are old numbers and then new numbers that I added to my phone list.

24 Q. [9:40:03] Thank you.

25 I will come back to something else that was mentioned last week, but I would like for

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1 that to go into private session.

2 PRESIDING JUDGE SCHMITT: [9:40:18] Private session.

3 (Private session at 9.40 a.m.)

4 THE COURT OFFICER: [9:40:33] We are in private session, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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4 (Open session at 10.01 a.m.)

5 THE COURT OFFICER: [10:01:10] We are back in open session, Mr President.

6 MS PROULX: [10:01:17] (Interpretation)

7 Q. [10:01:21] Witness, I would now like to talk about the creation of Anti-Balaka
8 self-defence groups. In your statement, you mention that they were made up of
9 youth from each village because of the violence from the Seleka, and so they
10 mobilised themselves and regrouped in order to defend themselves and to get back
11 peace.

12 Now, as far as you know, were these groups set up spontaneously in the villages and
13 were they independent of each other?

14 A. [10:02:05] The Anti-Balaka group, one may say, was one where no one actually
15 asked the young people to organise themselves and to be mobilised. As far as I
16 know, no one did so.

17 You see, we were all in the Central African Republic, and what was happening to the
18 country or in the country at the time is that the population found itself in a very, very
19 delicate position. There was no army in place, no gendarmerie. The army at the
20 time was the Seleka coalition and the gendarmes. And that's what it was.

21 So because of the abuses and excesses committed on the population, there was really
22 no -- not -- in Bangui there was, how do I put it? There was no one who could arise
23 and say that they are protecting their particular sector in Bangui. No.

24 But in the provinces, a number of young persons living in the provinces, some
25 hunters whose job was to go hunt animals in the forest, in the bush, wild animals,

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1 there were also farmers, some of whom had -- had machetes -- and by the way, to be
2 specific, when we talk about machetes, it is not the same as what you may have in
3 Europe where you can't find a machete in your house. When it comes to a machete
4 or machetes, each Central African has a machete or two in the hinterland at home
5 because that's what we use for our farms. We need to clear the farms of bad weed or
6 grass.

7 And so young people in the villages got mobilised using the available resources like
8 machetes, arrows, and hunting guns called the Mbadika (phon). Because in our area
9 the villagers themselves manufactured their own hunting guns by themselves.

10 So even before the Seleka arrived, the inhabitants in the provinces in Central Africa
11 were already able to produce and manufacture their own hunting guns which they
12 used for hunting.

13 So because they already had those weapons in the hinterland, it was thus possible for
14 villagers to organise themselves into the Anti-Balaka in order to defend themselves
15 using their hunting tools, using their farming tools. And that is how gradually the
16 others in other villages began to be motivated to defend themselves because of what
17 was happening in other villages, using the same resources that they had within their
18 villages. And that's how the movement began to expand in the hinterland.

19 Q. [10:05:37] Mr Witness, would you agree that these self-defence groups at the
20 time of their creation did not have a political motive, for example, attempting to bring
21 back François Bozizé to power?

22 A. [10:05:54] No. There was no political project in place. The organisation's
23 main goal was simply to restore peace, calm, freedom of movement, and an ability to
24 go about one's business. There was no political project behind all this.

25 Q. [10:06:29] Some time ago some witnesses here testified, and who were part of

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1 the Anti-Balaka at the time, before the advance on Bangui. I'm referring specifically
2 to Witness *P-2251 and P-1521. Well, these witnesses described movements that
3 were disorganised, as disorganised without a command chain. And I was referring
4 to P-0025 -- 51 -- and so their testimony was that the chiefs or leaders in the bush were
5 all equal to each other. And so Konaté had no chief as -- such as Andjilo.
6 So it dovetails with what you have said, namely, that at the time of the organisation of
7 the Anti-Balaka, there was really no structure in place as the leaders emerged
8 individually.

9 Do you agree with that?

10 A. [10:07:31] Yes, I agree with you.

11 Q. [10:07:35] I mentioned Andjilo and I have a question about him. Do you know
12 how and why Andjilo joined the Anti-Balaka?

13 A. [10:07:59] Andjilo joined the Anti-Balaka for the same reason as the other young
14 people in all the villages or in each village that mobilised itself to defend itself.
15 Andjilo is a native of a village. He used to live in a village in Bouca. That is
16 between Bouca and Batangafo. His village also came under attack and experienced
17 the same violence committed against them. So Andjilo, therefore, was obliged to
18 defend his village. And that is how it was. By defending his village, he took back
19 control of almost his entire village, Andjilo.

20 Q. [10:08:52] I put this question to you because a witness told us that Andjilo had
21 been recruited by a delegation. First of all, a first delegation had been led by
22 Charles -- by Richard Bejouane and then a second was also led by Konaté and that the
23 two delegations had been sent by Ngaïssona. Have you ever heard of this?

24 A. [10:09:22](Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [10:09:25] A moment, please, before you answer,

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1 please.

2 Ms Struyven, you wanted to say something.

3 MS STRUYVEN: [10:09:34] Yes, because I don't think that this witness can testify
4 about how another individual in a totally different region actually residing in a
5 different country at the time, how he was recruited, what conversations he had with
6 whom. I don't think there is any foundation to ask these type of questions to this
7 witness.

8 MS PROULX: [10:09:51] If I may.

9 PRESIDING JUDGE SCHMITT: [10:09:52] Yeah.

10 MS PROULX: [10:09:53] The witness in his -- in his interview with the Office of the
11 Prosecutor was asked such questions about what was happening in the bush at the
12 time.

13 PRESIDING JUDGE SCHMITT: [10:10:01] Yeah.

14 MS PROULX: [10:10:04] I think it's only fair that I can explore the same.

15 PRESIDING JUDGE SCHMITT: [10:10:08] Absolutely. No, no, I agree with you,
16 but on the other hand, if you don't do it, I would ask the witness where he has his
17 information from. So, you know, people sometimes hear only things. People, as I
18 said, sometimes it's hearsay. Sometimes even only on the radio. Other times you
19 have personal connections to people who know the person we are talking about.
20 And best of course if you have talked with the person we are talking about.
21 Yes, Ms Struyven.

22 MS STRUYVEN: [10:10:38] If I may add, Mr President, we just tried to -- my
23 colleague just tried to establish a timeline that brought us in October 2013, whereas
24 we also know that the recruitment efforts took place much earlier. So if she can then
25 also clarify with the witness whether he heard information after the facts or as it was

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1 ongoing.

2 PRESIDING JUDGE SCHMITT: [10:10:54] Well, what we know is of course the
3 question and I would not want to subscribe to that without further investigating it or
4 looking into it.

5 But it's, of course, Ms Proulx, it's best I think if you have such a line of questioning
6 about certain person, if perhaps you first ask, you have of course heard of the person,
7 any information about that. Because it might have in the end not such a lot of
8 probative value. It might turn -- I don't know. Perhaps he knows. The witness is
9 an intelligent person, perhaps he has immediate information about that. But
10 perhaps we do that. And it would also shorten the whole thing a little bit. Thank
11 you.

12 MS PROULX: [10:11:53](Interpretation)

13 Q. [10:11:54] Mr Witness, could you clarify the source of your information on the
14 reasons that pushed Andjilo to join the Anti-Balaka.

15 A. [10:12:09] In my statement, I stated that whether it be Andjilo or Richard
16 Bejouane or any other Anti-Balaka, I want to specify that at that time Konaté was not
17 with them. And I got my information from someone whose name I provided and
18 who somehow transformed the idea of defending villages by the Anti-Balaka. And I
19 got that information from him. And mindful of the ideas that were put in place, it is
20 that person who somehow ran aground, so to speak, the idea of the Anti-Balaka to
21 defend their villages. Because without that person's actions, the Anti-Balaka or the
22 Andjilo, as we know them today, would not have gone to Bangui to fight the Seleka in
23 the capital. Without him, the Bejouanes or the Hippolytes and all the others would
24 not have found themselves in Bangui.

25 It is in relation to that person that Andjilo and the others ended up in Bangui.

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1 Because at that time he was not in contact with him and they remained in their
2 various places. But when he succeeded to contact these people, that is when he
3 asked for the unification of the groups and asked this group from this village to link
4 up with this village in order to help them take back their village. And that's how
5 they did from the beginning and were able to recover a number of groups as they
6 went on from village to village. And then ultimately, he asked these groups that had
7 already recovered the villages to now come and free the people in -- in Bangui.
8 So based on this idea of liberating the people, it is from there that the concept of
9 taking over power emerged. Because you see, you could not be liberating Bangui
10 and taking over power at the same time.

11 I also told you that I was able to hear some of the telephone conversations.

12 PRESIDING JUDGE SCHMITT: [10:14:50] For the record, I think it would be good if
13 you would say which person you speak of, which person you mean when you say
14 someone was, let's say, induced or helped these people go to Bangui.

15 If you want to do that in private session, we can go to private session.

16 Private session, shortly.

17 THE WITNESS: [10:15:32](No interpretation)

18 (Private session at 10.15 a.m.)

19 THE COURT OFFICER: [10:15:35] We are in private session, Mr President.

20 (Redacted)

21 (Redacted)

22 (Redacted)

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13 (Open session at 10.33 a.m.)

14 THE COURT OFFICER: [10:33:55] We are in open session, Mr President.

15 MS PROULX: [10:34:01](Interpretation)

16 Q. [10:34:02] Mr Witness, do you agree with me, if you know, that it was that lack
17 of ammunition and equipment that prompted the Anti-Balaka to have to retreat
18 during the attack of 5 December?

19 A. [10:34:23] Yes, I agree with you.

20 Q. [10:34:29] You said in your statement that 12 Puissances was in Boy-Rabe when
21 the attack of 5 December was launched and that he arrived before the others in
22 Bangui.

23 Can you help us, because we received information from another witness telling us
24 that 12 Puissances did not participate in the 5 December attack because he and his
25 group had gotten lost on the way. So can you tell us anything about that

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1 information.

2 A. [10:35:15] The information that I received was that he was the one who was the
3 first to arrive behind the hill. Not Boy-Rabe. So the -- behind the *colline* is
4 not -- behind the hill is not the same thing as Boy-Rabe.

5 So in the attack of the 5th, he may not have found his way, but I know that he arrived
6 behind the hill in Boy-Rabe before the others. He was the first to arrive and he also
7 had many elements.

8 So he was fighting and he -- he lost his way. Maybe when he left the hill he lost his
9 way. Because the -- you didn't have direct roads to go up and down and travel
10 where you wanted to go. That is -- that is it.

11 Q. [10:36:27] Now, during your interview with the OTP, you stated that on
12 5 December, as far as you know, it was calm in the hinterland or the rural areas. So
13 did you talk of any attacks that might have taken place on that day?

14 A. [10:36:54] As I have told you, I got my information from some person, from an
15 individual, and if that person is occupied in the capital, then I do not know what is
16 happening in the hinterland. *So if he tells me about what is happening, then I will
17 know. But if he doesn't tell me, I will never know what is going on there.

18 Q. [10:37:25] *Thank you. Now let us go back a little.

19 Now let us go back a lit bit, that is, the period between the attack of 5 December and
20 the return of Ngaïssona to Bangui. Now, *the few following days or weeks of the
21 attack, the people who were the leaders in -- of the Anti-Balaka, they auto-proclaimed
22 themselves as the ComZones in the neighbourhoods of Bangui; is that correct?

23 A. [10:38:05] Yes.

24 Q. [10:38:07] So these chiefs just took over neighbourhoods that had been captured
25 by -- from the Seleka; is that correct?

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1 A. [10:38:16] It is not all the neighbourhoods that they took over. They took
2 certain neighbourhoods, but not all. For example, kilometre 5, they did not capture
3 that. There are parts where the Seleka did not have bases. They had bases in
4 certain neighbourhoods. But Seleka came to neighbourhoods such as Boy-Rabe just
5 a few days between each time to pillage and loot. So they come to that
6 neighbourhood just to -- to loot and then go back. So in Boy-Rabe they could not
7 occupy those neighbourhoods in the beginning.

8 Now that is why the people who came back, the leaders who came back decided to
9 occupy those neighbourhoods.

10 Q. [10:39:38] In your statement you said that the Anti-Balaka who came from the
11 provinces had a lot of difficulties surviving in Bangui, they didn't have food and that
12 nobody was helping them. So am I to understand the conditions of life of those
13 Anti-Balaka relating to food, health and so on, it was very, very difficult for them; is
14 that correct?

15 A. [10:40:14] Yes. The living conditions were very, very unfavourable for the
16 Anti-Balaka. They did not find any food. These are people who have their diets.
17 People wanted to help them, but they could not. The people in Bangui wanted to
18 help them, but they could not eat the food prepared by the women because they were
19 wearing *gris-gris*. And given that food was prepared by the women, they could not
20 eat it because that would undermine their *gris-gris*.

21 *But when they arrived in Bangui, despite the lack of weapons or anything at all,
22 many youths from Bangui joined them. So the living conditions were not really
23 favourable to the Anti-Balaka when it came to food and health and everything. It
24 was not favourable at all.

25 Q. [10:41:27] Do you agree with me that the unfavourable conditions relating to

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1 food and so on -- it looks like the witness has disappeared. We have a problem of
2 connection.

3 PRESIDING JUDGE SCHMITT: [10:41:47] Then he -- we would have to wait until he
4 has resurfaced. Oh, here he is.
5 I think you better start again with your question.

6 MS PROULX: [10:42:03](Interpretation)

7 Q. [10:42:05] Before the little break, Mr Witness, I will repeat that question: Do
8 you agree that the difficult conditions of the Anti-Balaka at that moment - I am talking
9 of December, early January - those conditions compelled some of them to start looting,
10 and that created insecurity in Bangui? Do you agree?

11 A. [10:42:37] I do not agree with you on that point, because if you look at the
12 looting in Bangui you cannot say that it was only the Anti-Balaka that were looting.
13 I can tell you that there was a lot of looting in Bangui that were not attributable to the
14 Anti-Balaka. Even before the events, when we were living peacefully, there were
15 thieves, robbers everywhere. And after that -- after the Anti-Balaka arrived, they
16 started passing themselves off as the Anti-Balaka so as to continue their work. In
17 Bangui they were even referred to as the Anti-Balaka of Bangui, who spent their time
18 just to steal and to loot.

19 So the truth is that when the real Anti-Balaka, they believed that if you steal you will
20 be killed by a bullet, and those who had those *gris-gris* respected that reality because
21 they knew that the laws of the *gris-gris* were serious.

22 But there were people who claimed to be Anti-Balaka, and then they did a lot of
23 damage. They did a lot of stealing and looting in the name of the Anti-Balaka,
24 whereas they were not.

25 Q. [10:44:34] Thank you for that clarification. I was coming back to that fact.

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1 Many people of the population took false *gris-gris* and started claiming to be
2 Anti-Balaka. Do you agree that some civilians at the time took advantage of the
3 chaos to attack -- to attack as a matter of vengeance, of revenge, because of the
4 suffering that they had under the Seleka?

5 A. [10:45:26] What the civilians did is even worse, and we know it. The civilians
6 did far worse in the destruction of mosques and so on. Because of the spirit of
7 vengeance, they destroyed everything. They even removed bricks and so -- and so
8 what happened was attributable to the civilians. They did very, very bad things.
9 So it was very difficult at the time, civilians, Anti-Balaka, soldiers, Christians and
10 Muslims. I mean, the country went through the worst, the very worst of times.

11 Q. [10:46:22] In your statement you say that the people who claimed to be
12 Anti-Balaka had secured some false *gris-gris*. There was a witness who appeared
13 here and who told us that false *gris-gris* cannot be distinguished from the real ones
14 because the difference is in the interior.

15 So would I be correct to say that it was almost impossible for someone who did not
16 know from distinguishing between a true Anti-Balaka with real *gris-gris* from a false
17 Anti-Balaka who was wearing false *gris-gris*?

18 A. [10:47:13] With the naked eye it is not possible. When you look at them like
19 that you cannot know. But it is the contents inside that makes the difference. But I
20 can distinguish the truth from the false. A true Balaka does not cross over a rope or
21 somehow -- because his *gris-gris* could be destroyed. His manner of walking, his
22 manner of doing certain things, he distinguishes himself from something that could
23 be done and may not be done. But if you see someone with a *gris-gris* who goes to a
24 house and removes the roofing sheets and so on, and takes property to take away,
25 you know precisely, immediately, that it is not a true Anti-Balaka.

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1 Q. [10:48:28] I understand that you are capable of distinguishing between a false
2 and a fake -- a false and a true Anti-Balaka, but the Sangaris members or the MISCA,
3 and generally people from outside, would they have that ability to make that
4 distinction?

5 A. [10:48:58] I do not think so. If I could make that distinction, it is because you
6 know my position. Thanks to the person I was next to, he was wondering also who
7 is who and who is doing what. He himself was asking himself the question. And it
8 made it possible for me to listen and to understand.

9 Now, those people who were real, not -- and they did not want to undermine their
10 situation, they had to respect certain rules, otherwise they would lose their lives. So
11 when you say Anti-Balaka, it is so that the bullet cannot kill you. But if you do not
12 respect the rules, the bullet would kill you.

13 So the marabouts who provided these potions to them, it was not easy, so everyone
14 wanted to protect the *gris-gris* that they had. That is how I am telling you what is
15 described in the protection of this -- this product.

16 But foreigners cannot make that distinction. You really have to explain to -- to
17 someone to be able to make that distinction.

18 Q. [10:50:51] In your statement you said that many Muslims left *Bangui at that
19 time. Am I to understand that the international forces of the Sangaris and the
20 MISCA started the evacuation of Muslims immediately after the attack of 5 December;
21 is that correct?

22 A. [10:51:19] Yes. I do not have accurate memories of that, but after 5 December
23 those forces decided -- they began to repatriate Muslims out of the territory.

24 Q. [10:51:44] During that period - I am still talking about December and before the
25 return of Ngaïssona - are you aware of Mokom, Wenezoui, Kamezolaï and so on,

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1 who -- who had a coordination and who were in contact with people in the villages
2 and in the rural areas? Do you know anything about that?

3 A. [10:52:20] Yes. What I am talking about is that Mokom was already rejecting
4 that coordination, especially that of Kamezolaï. So he was in charge of the
5 coordination and Konaté was the spokesperson.

6 And now Wenezoui, he was in Mokom's coordination and then he created his own
7 coordination because, according to him, he started the blockage of the runway of the
8 airport.

9 So he had his own coordination. Kamezolaï had his own coordination. So the
10 Anti-Balaka were divided. *Mr Konaté was the spokesperson for Mr Mokom's
11 coordination. So there was a coordination that Mokom believed that he was leading
12 himself.

13 Q. [10:53:35] If I understand correctly, before the return of Mr Ngaïssona, there
14 were several people who were trying to position themselves to be the leaders of the
15 Anti-Balaka. Do we agree on that?

16 A. [10:53:51] Yes.

17 Q. [10:53:57] Do you also agree that before the return of Mr Ngaïssona no one had
18 been publicly recognised as the coordinator of the movement?

19 A. [10:54:11] Yes. No one had presented themselves publicly before the media to
20 say that "I am the coordinator", apart from Mokom, because he, if someone asked
21 about the situation, he would say, "If they ask for a coordinator, tell that person to
22 contact me." That is what Mokom said. It was only him.

23 Q. [10:54:53] I would like to change topics now. The return of Ngaïssona in --

24 PRESIDING JUDGE SCHMITT: [10:55:02] May I shortly.

25 I know -- I have nothing against changing topic, but I would like to ask you before the

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1 break if you have already an estimate? You know, the Chamber would appreciate it
2 if we could finish on Thursday, because members of the Chamber have other judicial
3 obligations. So it would be good -- of course, no -- no force or something like that,
4 but perhaps you can.

5 I have the impression that you are going relatively fast, but I might be wrong.

6 MS PROULX: [10:55:34] Thank you, Mr President. I -- I'm hopeful that I -- I can be
7 finished for my part on Wednesday, at the end of the day, which would leave
8 Thursday to the other team.

9 PRESIDING JUDGE SCHMITT: [10:55:49] That would be the next question, of
10 course, question for the other team.

11 Do you have already an idea?

12 MR SUZUKI: [10:55:58] Good morning, Mr President, your Honours.

13 At this stage we think we would be less than the three hours that we initially asked
14 for. It depends a little bit on the topics that Madam Proulx will cover, but ...

15 PRESIDING JUDGE SCHMITT: [10:56:12] So this looks promising. So it looks at
16 least like we would have the Friday, the Friday free as a hearing day.

17 And since we would go into a new topic, I think we can have now the coffee break.

18 THE COURT USHER: [10:56:29] All rise.

19 (Recess taken at 10.56 a.m.)

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

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

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:32:34] Ms Proulx, rightly assumes that she has
24 still the floor.

25 Please continue with the examination.

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1 MS PROULX: [11:32:47](Interpretation)

2 Q. [11:32:48] Good morning once more, Mr Witness.

3 I would like now to talk about the return in mid-January 2014 of Mr Ngaïssona.

4 In your statement you explain that the population celebrated his return and that it
5 was covered by the media. Would it be correct, Mr Witness, to say that that was the
6 first time since the Seleka coup d'état that Mr Ngaïssona had been seen or heard over
7 the media? As far as you know, was that the first time after the coup d'état that you
8 were seeing Mr Ngaïssona on the media?

9 A. [11:33:41] I really don't have an exact answer for you on this question because I
10 myself, I do not know whether he spoke to the media or not. So I have no exact
11 answer for you.

12 PRESIDING JUDGE SCHMITT: [11:33:55] But perhaps, if I may. Mr Witness, have
13 you had -- heard of him before?

14 THE WITNESS: [11:34:16](Interpretation) No, Mr President.

15 PRESIDING JUDGE SCHMITT: [11:34:17] Please continue.

16 MS PROULX: [11:34:22](Interpretation)

17 Q. [11:34:25] You explained that some Anti-Balaka had gone to see Mr Ngaïssona
18 to ask him to speak on their behalf. From outside this courtroom, it might seem
19 strange that the Anti-Balaka might ask some people -- or ask someone who had
20 nothing to do with them to represent them.

21 Now, can you explain to us whether you know why the Anti-Balaka wanted
22 Mr Ngaïssona to be their representative?

23 A. [11:35:07] Yes. Ngaïssona is a leader. He is a political leader in the Central
24 African Republic. He's known through his football activities. He's known for his
25 generosity to Central Africans. Now, whether he knows you or not, he is someone

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1 who is generous to everybody.

2 Now, when it comes to the return of Ngaïssona, what I said is that people clapped for
3 him. They turned out massively to welcome him at the Central African airport, the
4 Bangui airport, because as I said there were many of them who were refugees at the
5 airport. So this was a time at which they thought that Ngaïssona might assist or help
6 them because he was someone who was known to be ordinarily generous.

7 So going by information available to me, it is the Anti-Balaka themselves who went
8 towards him, who approached him and talked (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted).

14 a few things from time to time. So he said at some point that Ngaïssona had arrived
15 in Bangui and that he apparently would be the one to represent the Anti-Balaka. He
16 had wanted to (Redacted).

17 (Redacted).

18 So what I noticed was frustration on his face. And the manner in which he was
19 speaking showed that he was not happy, not happy at all. And that's when I
20 understood that Ngaïssona had returned to Bangui and that the Anti-Balaka had
21 asked Ngaïssona to be the Anti-Balaka representative.

22 So this is what I can tell you, going by my understanding of this question.

23 Q. [11:37:58] So Mr Ngaïssona started to accept to become the spokesperson for the
24 Anti-Balaka. Would you agree with me that Mr Ngaïssona immediately called for a
25 return to peace in the CAR?

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1 A. [11:38:22] Yes. He called for or promised for peace to return to the Central
2 African Republic.

3 Q. [11:38:38] Some witnesses who have appeared here before you testified that
4 when Mr Ngaissona returned, he gave some small amounts of money to the
5 Anti-Balaka for food and for health reasons, and also to enable some return to their
6 villages. Would you agree that providing food for the Anti-Balaka and making it
7 possible for them to return to their villages, that such measures would contribute to
8 reducing violence?

9 A. [11:39:15] I agree. When you help someone who is unwell, and you help them
10 to get treatment, that is what humanitarian organisations do today. They assist
11 those who have needs, who have need for food and health so that they can be healthy.
12 But some, instead of remaining in Bangui, wanted to return to their farming rather
13 than remain in Bangui. So when you help such a person to return you are
14 contributing to development, because when that person returns to the village, they
15 will farm and then the harvests will benefit all Central Africans.

16 I can also go on to say that it was not only about money. It's Ngaissona's words,
17 what he spoke, that helped those who were unwell or those who wanted to go back to
18 the villages. At the time President Panza-Samba, if I remember well, he gave some
19 money twice before the money from Angola was received. Money was given twice
20 to Ngaissona, he received that money and gave it to Mokom to share and to -- to help
21 those who wanted to go back and also to obtain some medication.

22 So that's what he did.

23 Q. [11:41:01] I would now like to show you a document which I believe you have
24 already seen. It's at tab 75 in the Defence binder, *CAR-OTP-2124-1211. I'll wait for
25 it to be displayed before I put a few questions to you.

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1 Can you maybe just scroll down so that the witness can see the entire document,
2 please.

3 Do you remember seeing this document, Mr Witness?

4 A. [11:42:12] Yes, I remember.

5 Q. [11:42:20] So this is an organigram, so to speak, or a list of functions within the
6 Anti-Balaka dated 23 January -- 23 July 2014, rather -- 23 January 2014.

7 Mr Witness, would it be correct to say that many people were unhappy or dissatisfied
8 when this document was published?

9 A. [11:42:49] Yes, there was dissatisfaction. First of all, when this organigram or
10 organisational chart was broadcast, I was not yet in Bangui. But from where I was at
11 the time, I was able to become aware of this flowchart on which you can see the name
12 of one gentleman known as Léopold Bara, who also claimed to be the coordinator of
13 the Anti-Balaka. He is the coordinator of his own movement of the Anti-Balaka.
14 We see also here Joachim Kokaté also showing as a coordinator of the Anti-Balaka.
15 And then you have Captain Kamezolaï as a coordinator of the Anti-Balaka as well.
16 Then we have Yvon Konaté, who is also spokesperson or -- or chief of general staff of
17 the Anti-Balaka. And then we have Deboulet Caroline, that one as a *conseillère*. I
18 don't know that person. I have heard this name only for the first time today. But as
19 for the others, we have heard about them.

20 So there were Anti-Balakas and coordinators of the Anti-Balaka all over, and so there
21 were different or many coordinators. How then could it be possible for all these
22 people to control or to speak on behalf of the Anti-Balaka? And which Anti-Balaka
23 would one be talking about specifically? Because as you see here, each person is
24 portrayed as representing the Anti-Balaka. Each person on this list represents the
25 Anti-Balaka, but which Anti-Balaka do they represent?

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1 So if -- the idea then would be to -- to bring all of these people together under an
2 umbrella of peace, so that together all these people could work for peace rather than
3 remain in their own separate camps. And so it would be unfortunate that peace
4 would not return to the country if each person is doing their own thing, in their own
5 way, in their own camp. So what was important was for people to come together
6 and speak the same language so that peace may return.

7 And so following this publication, there was no -- no -- no respect, because in the end
8 Léopold Bara ended up in his own camp, Kamezolaï was in his own camp, Kokaté,
9 Ngaïssona were together for a while, but then he then took off in another direction.
10 So we had Konaté who remained with Ngaïssona, and that's -- that's -- that's my
11 understanding. That's what I can tell you about this organigram.

12 Q. [11:46:10] Thank you very much. You answered my next question already.
13 There are some witnesses who appeared before you who have testified that this
14 coordination which we look at had never been implemented, and that it was
15 dissolved a few hours after the publication of this document.

16 So would you agree that this coordination never really had any real impact in reality;
17 is that correct?

18 A. [11:46:43] It existed only by name. It never did anything concrete. So I don't
19 think it ever said anything or tried to do anything whatsoever.

20 Q. [11:47:01] Thank you very much. I'll move on to another topic.
21 But I would like to request that we go into private session.

22 PRESIDING JUDGE SCHMITT: [11:47:10] Private session.

23 (Private session at 11.47 a.m.)

24 THE COURT OFFICER: [11:47:25] We are in private session, Mr President.

25 (Redacted)

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10 (Redacted)

11 (Open session at 12.40 p.m.)

12 THE COURT OFFICER: [12:40:10] We are in open session, Mr President.

13 MS PROULX: [12:40:19](Interpretation)

14 Q. [12:40:21] Mr Witness, I will continue now in open session, but please be careful
15 not to provide any information that might identify you.

16 You gave me a very exhaustive answer and I thank you. But I would like us to look
17 at the period before the Brazzaville forum, which I will talk about later on. My
18 objective here is to try to understand what happened before the forum, that is, from
19 the time Mokom returned to Bangui around February, up until around June.

20 So in your statement you say that Mr Ngaïssona did not understand why there was
21 need for an operations coordination in the organigram because there were no
22 operations being planned.

23 Can you describe to us how these discussions took place, without identifying yourself,
24 please.

25 A. [12:41:35] Yes. As I said, Ngaïssona did not understand because Ngaïssona

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1 asked the question, "Ata, we are not talking about resuming violence now. We are
2 talking about coordinating these things and putting up an organigram for the
3 international community and for the organisers of the Brazzaville forum, and we are
4 looking for peace to return. And we are not talking about operations. So what kind
5 of operations are you alluding to?"

6 And Maxime Mokom answered: "Ata, I have been managing operations. I was
7 managing operations up until the arrival of the Anti-Balaka in Bangui. And I am a
8 soldier, so anything that is political, that's not my business." So he -- that's what he
9 said, and he was clear that he was a soldier. And in the country soldiers do not have
10 any role to play in politics, so he preferred to remain as part of the military.

11 So when he says he is managing operations, he does not mean that including that in
12 the organigram would mean that people are going to take up arms again. It's simply
13 reference to the fact that operations that have already taken place up to 5 December
14 would be what he had in mind. And so it was only optional, so to speak. It was
15 not about organising to fight again.

16 So that's the answer that Mokom provided.

17 Q. [12:43:39] In your previous answer you said that Mokom was the leader of a
18 paramilitary group. Was that in 2014 or later?

19 A. [12:43:55] When I talk about the paramilitary group which was being led by
20 Mokom, yeah, there were paramilitary -- it was a paramilitary group. You see,
21 initially it happened spontaneously, as the Anti-Balaka came together for their own
22 Defence. So when he contacted the Anti-Balaka, it is at that time that I say that the
23 group became paramilitary under his leadership. That's -- that's what I meant.

24 Q. [12:44:31] Thank you for that clarification. As far as you know, in the weeks
25 and months following Mokom's return to Bangui, did he remain in frequent contact

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1 with the ComZones?

2 A. [12:44:48] Yes, in Bangui, he was in contact, always in contact with them.

3 Well, I say in contact, although I was not always with him, but I was in Bangui, I
4 knew where to go, I knew that I was doing a few things. I went to see my parents
5 and my family and so on and so forth. But it was clearly seen that he was in contact,
6 and being the leader of the movement it is clear that he succeeded in dividing the
7 movement because of that contact which he had with them, always.

8 Q. [12:45:36] In your statement you explain that Mokom's goals were different from
9 those of Mr Ngaïssona and that Mr -- that Mokom never reported to Mr Ngaïssona.
10 Am I to understand then that, although on paper they belonged to the same party, in
11 practice Mr Mokom and Mr Ngaïssona worked separately and did not coordinate
12 things among themselves?

13 A. [12:46:08] The truth is that this organisation chart is only worth the piece of
14 paper on which it is written. It appears only on that paper and I have never seen
15 members of that coordination bureau meet to decide anything whatsoever. It was
16 only prepared for the purposes of the Brazzaville forum. I never saw any such
17 meetings. It appeared only on paper and it remained only on paper.
18 Mokom did not report to Ngaïssona, Ngaïssona did not report to Mokom. Well,
19 Ngaïssona from time to time maybe would have discussions with an ambassador or
20 with an official of the international community, and then report back to everybody on
21 what had been discussed, and talk about what the Anti-Balaka had to uphold. But
22 Mokom, Mokom never came back to say, "Oh, this is what I did. This is what I did."
23 He never. He never reported back.

24 So that that organigram was only on paper, but it's Ngaïssona who from time to time
25 would report to his -- to the group about his contacts with the African Union, with

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1 ambassadors in the international community, and so on and so forth. And from time
2 to time he would take a number of persons with him to go to CEEAC or to the AU,
3 along with a number of other persons, to be able to listen to each other. But -- but
4 Mokom worked by himself and yet he had contact with the ComZones.

5 Q. [12:48:16] Did you ever hear that Maxime Mokom, Bernard Mokom and
6 Mr Ngaïssona went -- met together, rather, to report to each other on the happenings
7 of the day?

8 A. [12:48:31] Never. If anyone were to meet, it was Ngaïssona.
9 And by the way, you never saw Bernard Mokom because he was always with
10 magistrate Dede and his coordination was based at magistrate Dede's place, and that
11 is where they would take decisions and then tell Mokom what he had to do. So they
12 would be on that end and Bernard Mokom never reported to Ngaïssona, Ngaïssona
13 never reported to him either.
14 Bernard Mokom and Dede were always together, and Maxime, but they never
15 reported to Ngaïssona. And even though Maxime attended a few meetings, the idea
16 was simply to come and find out what Ngaïssona was doing and what he was
17 planning. And every now and then, Ngaïssona would say: Oh, I went here. I met
18 such-and-such a person and they said such-and-such a thing.
19 But Mokom, never.

20 Q. [12:49:45] A witness appearing before you told the Court that, according to him,
21 Maxime Mokom was a radical who had a hidden agenda and who wanted to create
22 disorder in order to bring back Bozizé to power.
23 Was that also your observation, Mr Witness?

24 A. [12:50:09] I agree with that individual. I myself have testified that Maxime
25 Mokom, all he wanted, all that he was concerned about -- and by the way, to -- to start

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1 with, he always talked about returning to the constitutional order. So while the
2 transition was going on, or Djotodia or the transition, someone was still talking about
3 returning to the constitutional order.
4 What was he referring to? When he said constitutional order, it simply meant
5 returning Bozizé to power. So I agree with that individual who said that Mokom
6 wanted Bozizé to be returned to power. I agree with that person that a lot was done,
7 but whether it was organised, I don't know. But, you know, things were emerging
8 and sometimes you will hear about things done by Anti-Balaka. And then I
9 would -- I would even be surprised and wonder which Anti-Balaka would have done
10 this. Some bad things happened, so you would wonder who was behind them.
11 Some people wanted a return to the constitutional order, while others wanted peace.
12 And those ideas are different from each other. Calling for peace through elections
13 and the ballot box is quite different from calling for a return to the constitutional
14 order.

15 Q. [12:52:01] Mr Witness, knowing that their goals were different from each other,
16 would Mr Ngaïssona have had the means and the resources to exclude Maxime
17 Mokom from the movement?

18 A. [12:52:21] That is a question that causes me to chuckle somewhat. You see,
19 someone is the -- the leader. He has all the contacts of all Anti-Balaka leaders. How
20 could Ngaïssona, even if he was the coordinator, how would he have been able to
21 dismiss him, dismiss, or dissolve Mokom?

22 It is true that there were proposals for Mokom to be taken out when he proposed to
23 go to Nairobi, and in Bangui they were being referred to as the Nairobists and the
24 extremists. But Ngaïssona and the other Anti-Balaka who had adopted his idea,
25 namely for a return to peace.

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1 Now, these people agreed with Ngaïssona to dismiss Mokom. What happened?
2 Was he dismissed? No. He still had a place and he remained powerful. What I
3 can tell you is that Maxime continued to be powerful because he had in his hand the
4 armed wing of the Anti-Balaka movement. He was in hiding maybe, but many of
5 the leaders followed him and he knew how to convince them. Many of them
6 followed him. And you can see that towards the end he became even more powerful
7 and his coordination was recognised.

8 Now, Ngaïssona, Kokaté, Kamezolai, and the others who claimed to be Anti-Balaka
9 coordinators, were they as powerful as Mokom? Now, when Ngaïssona decided to
10 dismiss Mokom, Mokom, no. Why did they not succeed to become powerful, as
11 powerful as Maxime?

12 So I think that Ngaïssona does not measure up, so to speak, when it comes to Maxime
13 Mokom.

14 Q. [12:54:57] You have just talked about the Anti-Balaka leaders and ComZones
15 who decided to support Maxime Mokom. Did you notice or observe that the
16 ComZones with whom Mokom had been in contact were more inclined to supporting
17 Mokom's ideals rather than support the calls to peace and the cessation of hostilities
18 that Mr Ngaïssona was championing?

19 A. [12:55:33] What I can tell you is that at that time after January, and so on and so
20 forth, I think there were no more attacks in Bangui, apart from what was happening
21 every now and then at PK5. There was no more attack on the capital. The
22 transitional government under Catherine Samba-Panza had been set up. There were
23 no attacks.

24 So as Mokom was detaching himself, there was an upsurge in violence in the
25 provinces at that time. I don't remember clearly the locations at which there was this

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1 upsurge of violence in the provinces, but there was.

2 Now, in Bangui, because of the outreach and the strong awareness building -- well, let
3 me also specify that in Boy-Rabe there was systematic pillaging that continued to
4 happen. And I can provide you with a lot more details if we are able to discuss that
5 in -- in that other kind of session, that I think you know. So everything was calm in
6 Bangui and yet the question must be who was controlling those people there.

7 Q. [12:56:59] Just to be sure that I understand, you said that the upsurge in violence
8 was linked to requests from Maxime Mokom?

9 A. [12:57:16] That's what I think. Now, when he split at the time when talk was
10 about peace and awareness, for the return to peace after the Brazzaville agreement, at
11 that time peace was beginning to come in gradually into the country. But then at
12 some point the Anti-Balaka again started to resurface in some towns in the provinces.
13 And even in other towns where the Anti-Balaka had not existed before, we saw new
14 groups of Anti-Balaka being formed. So that leads one to think that there was a
15 different ideology being pursued and there was one team seeking peace while the
16 other was looking for a return to the constitutional order.

17 Q. [12:58:09] Thank you, Mr Witness.

18 I was going to change my topic, but maybe this is a good time for the lunch break.

19 PRESIDING JUDGE SCHMITT: [12:58:16] Indeed, I agree.

20 So we have the lunch break until 2.30.

21 THE COURT USHER: [12:58:21] All rise.

22 (Recess taken at 12.58 p.m.)

23 (Upon resuming in open session at 2.40 p.m.)

24 THE COURT USHER: [14:40:20] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [14:40:50] Good afternoon, everyone.

2 I understand that Mr Yekatom waives for this afternoon his right to be present at the
3 trial. Is this correct? Can you please confirm it for the record.

4 MS GUISSÉ: [14:41:06](Interpretation) Yes, Mr President, I can confirm to you that
5 Mr Yekatom is, indeed, waiving his right to be present this afternoon, conscious of the
6 fact that he has -- there is a particular arrangement for this witness, and also the fact
7 that tomorrow, as we are not sitting, he will have the opportunity to rest in the hope
8 that he will feel better by Wednesday. And I am, indeed, confirming his position.

9 PRESIDING JUDGE SCHMITT: [14:41:34] Thank you very much.

10 So we state for the record that the accused Yekatom is excused from the presence
11 during this afternoon session. Their exists exceptional circumstances to justify such
12 an absence. We just have heard and we note and appreciate that the accused has
13 explicitly waived his right to be present in the afternoon session, and we trust and are
14 absolutely sure that his rights will be fully ensured in his absence by the counsel here
15 in the courtroom.

16 So we continue with the examination, Ms Proulx.

17 MS PROULX: [14:42:20] Thank you, Mr President.

18 Q. [14:42:24] (Interpretation) Mr Witness, good afternoon.

19 A. [14:42:29] Good afternoon to you.

20 Q. [14:42:33] Now, before we rose for lunch, we were speaking about the
21 challenges for the leadership by Mr Mokom, Mr Ngaïssona's leadership. I'm going
22 to continue a little in the same vein, and I would like to talk about some other
23 individuals who put themselves forward at the time, talking about -- commencing
24 with Sebastien Wenezoui.

25 I'd like to have you listen to a brief audio file. This is document 46 of the Defence,

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1 *CAR-OTP-2076-0825.

2 For the interpreters, we have a transcript to be found at document 76, CAR-2122-7403.

3 And we shall be playing it from the beginning until 2:40. And for the transcript,
4 these are lines 1 to lines 36.

5 Now, this is an interview of Sebastien Wenezoui dated 3 March 2014. So we are
6 going to be listening to it, and then I shall be putting a few questions to you.

7 (Playing of the audio excerpt)

8 THE INTERPRETER: [14:44:36] (Interpretation of the audio excerpt)

9 "Sebastien Wenezoui, hello.

10 Yes, hello.

11 You say that you are not in agreement with the statements of certain personalities as
12 to the coordination of the Anti-Balaka. Why this reaction?

13 These are statements that have a tendency to divide our movement, whilst our
14 movement from the very beginning wanted to quite simply to fight for freedom. In
15 these statements by Mr Ngaïssona and Captain Kokaté, they tend to divide our
16 movement. We are not in agreement.

17 Journalist: Your reaction, is it a way of saying that your movement is targeted for
18 political recuperation?

19 Yes, indeed. According to the statements that people are making over the waves,
20 over the media, this is a political -- it's taking a political tint. And in order to avoid
21 that there are any blunders, we would like to remain -- put things to remain logical.
22 We do not want political men" --

23 The interpreter could not see the text, it is being scrolled down too rapidly. Please
24 do not scroll down the text too rapidly.

25 (Interpretation continued) "Initially there were coordinators. The coordinator

1 general, his name was Maxime Mokom. Then Mr Ngaïssona was taken as a political
2 leader of the Anti-Balaka. The problem is this. Because we are a movement, we
3 came into the town with regard to certain actions, and because we do not have a
4 political leader in common agreement with all the soldiers of Boeing, Boy-Rabe, the
5 provinces and PK9 and Bimbo, we have chosen Mr Ngaïssona to be our political
6 leader. But Mr Kokaté, we did not recognise him at the outset, but when we -- when
7 both of them arrived in Bangui, you went to see that there were little groups of people
8 who went to the head of state in order to be received by him. And it was at that
9 level that the head of state did not want group 1 and group 2 to come and see him.
10 So the head of state advised now to those groups to place up a council, and it is at that
11 level that a common agreement was met between Mr Ngaïssona, Kokaté, Bara. They
12 set up this council, and they elected Mr Ngaïssona as the general coordinator of the
13 council, which is available -- who is available to be received by the head of state
14 in -- when the need arises for work. That is the issue. But it is not a question that
15 Mr Ngaïssona will tomorrow be broadcasting over the radio or that Mr Kokaté will be
16 on the radio creating dissidents. No, we are not in agreement on that level. The
17 statement that Mr Kokaté was saying that there were, namely, Anti-Balaka to the
18 south and that there are Anti-Balaka in the north, there aren't any Anti-Balaka from
19 the south, and there aren't any Anti-Balaka from the south. We are Anti-Balaka.
20 We have one sole objective, that is to drive out Djotodia from power, because these
21 elements have conducted acts of violence upon the civilian population. That is our
22 aim. So we have to try and calm down these tensions."
23 End of sight translation.

24 MS PROULX: [14:48:13](Interpretation)

25 Q. [14:48:14] So you heard the audio file, Mr Witness. And as I was saying to you,

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1 this dates from 3 March 2014. So that was approximately one and a half months
2 after the return of Mr Ngaïssona to Bangui. You heard Mr Wenezoui clearly saying
3 that, according to him, the general coordinator was called Maxime Mokom.

4 To your knowledge, was that what other members of the Anti-Balaka movement
5 thought at that moment in time?

6 A. [14:48:59] This audio by Mr Wenezoui, I have heard it, and I have taken good
7 note of its contents. But I can tell you that this statement does not only come from
8 Wenezoui alone.

9 Just to say to you that Wenezoui, at the outset, well, his struggle was to defend Bozizé.
10 We will agree that Wenezoui -- well, his brother was also close to Bozizé, his late
11 older brother was close to Bozizé. You will agree with me when I say that Wenezoui
12 liked his life under Bozizé as well, and Bozizé left. You will agree with me once
13 again when I say that Wenezoui was also aimed -- also aimed to support Bozizé.
14 Now, before making this statement, you will agree with me that Wenezoui had
15 already told Maxime Mokom. Before making this statement, Maxime Mokom had
16 already given him some guidelines as to what he should do and what he should say.
17 He is in contact from Boeing. That is the position where he is to be found, but he is
18 also in telephone contact with Maxime Mokom. Why is that? And I can also tell
19 you that Wenezoui is not very happy with what Ngaïssona did as a coordinator. He
20 also wants to remind Ngaïssona, like Maxime, that it is not he who should be taking
21 decisions. And Wenezoui, at the end, also is struggling to have some kind of
22 position in the transitional government in which Ngaïssona did not want to hold a
23 position.

24 There was Kokaté who represented the Anti-Balaka at that moment in time in the
25 government, in the transitional government, that is. Kokaté was there as well as an

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1 Anti-Balaka.

2 Wenezoui did not have a ministerial post, and he wasn't happy. Neither was
3 Maxime Mokom happy at all. So there's a leadership battle.

4 Q. [14:51:55] Do I understand, Mr Witness, that, according to you -- or might you
5 have information to enable you to confirm that Maxime Mokom and Sebastien
6 Wenezoui worked together in order to weaken the leadership of Mr Ngaïssona?

7 A. [14:52:20] I can confirm that the two were working together, but Wenezoui was
8 also somebody who would change sides from time to time. At a given moment in
9 time, he went out on his own. When Ngaïssona sent Wenezoui him in the
10 government, that's when Wenezoui changed side. He changed sides from Mokom.
11 And after that, when he was relieved of his position and replaced by somebody else
12 whom Ngaïssona had sent, Wenezoui then again changed position, and he went out
13 on his own on a limb. He became coordinator once again of his own camp or side.

14 Q. [14:53:12] In the audio we hear Mr Wenezoui denounce what he calls the
15 political taint that the movement is taking on. Would you agree with me that that is
16 a way of rejecting Mr Ngaïssona's vision of the Anti-Balaka movement?

17 A. [14:53:36] Ngaïssona's vision is clear. He doesn't hide his political vision. He
18 is clear.

19 It is clear that Ngaïssona is once again talking about a return or restoration of peace,
20 and he is requesting the Anti-Balaka to stop using violence, stop using weapons, and
21 to have recourse to peace. He is talking about the party that he himself is going to be
22 putting in place, the Central African Party for Unity and Development.

23 So Wenezoui, just like Mokom, knew only too well what Ngaïssona was up to and
24 that this was stopping Bozizé from coming back to power. So the two are not in
25 agreement with this ideology headed up by Ngaïssona or spearheaded by Ngaïssona,

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1 and that is why they are reclaiming the restoration of constitutional order, which is to
2 say, to use by all means and power the Anti-Balaka to bring back the outgoing or
3 removed president by all means and powers, whether it be by using those very same
4 entities, the Anti-Balaka, or whether by means of continued violence or the
5 international community, saying, "Bozizé is coming back, he's going to finish off his
6 mandate," and there we are, then we'll turn the page, or if the Anti-Balaka are able to
7 take power and give Bozizé power.

8 But the fact of -- to allow Ngaïssona to raise awareness for peace, he's talking here
9 about his own party, this is making everything impossible.

10 Q. [14:55:39] I would like to show you another document. *It is at tab 6 in the
11 Defence binder, CAR-D30-0008-0041.

12 And while it is coming up on the screen, this is an article of radio Ndeke Luka dated
13 16 May 2014.

14 THE INTERPRETER: [14:56:06] 0041, correction.

15 MS PROULX: (Interpretation)

16 Q. [14:56:10] And it is discussed in this article the fact that Mr Wenezoui was
17 designated as general coordinator of the Anti-Balaka, replacing Mr Ngaïssona. And
18 he is alleged to have been elected by an extraordinary assembly comprising
19 approximately 300 Anti-Balaka.

20 Now, do you remember this election of Mr Wenezoui?

21 A. [14:56:44] Yes, I do recall. And as I was saying to you at an earlier stage,
22 Mr Sebastien Wenezoui is somebody whom, as I stated earlier, changed sides every
23 now and then. He was with Maxime Mokom at the very beginning. He supported
24 Maxime Mokom for the return of Bozizé to power. And at the end, he too wanted a
25 ministerial position in the transitional government. And at the end, Ngaïssona

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1 ended up giving him this possibility of representing the Anti-Balaka as a minister in
2 the transitional government. And then sent somebody else, whilst he, of course, was
3 not at all happy and does not want to follow in the steps or does not want to follow
4 the way traced by Maxime Mokom or Patrice-Edouard Ngaïssona. He now wants to
5 follow his own way. He uses -- I don't know where this meeting occurred, with
6 which Anti-Balaka leaders it was held, but the proof is in the article published by the
7 radio, according to which Sebastien Wenezoui is coordinator, replacing
8 Patrice-Edouard Ngaïssona.

9 So this goes to prove that I don't know where that meeting took place, but it is clear
10 that it was published that it was he, the new coordinator. And at the very end, he
11 made the most of the setting up of an association whose name I have forgotten. I do
12 not know the name of this association. But in that vein, in order to be heard and to
13 continue to have a ministerial position on behalf of the Anti-Balaka.

14 Q. [14:59:22] In your statement, you make mention of the fact that Mr Ngaïssona's
15 leadership at the head of the Anti-Balaka was also challenged by other individuals,
16 Kokaté and Kamezolaï.

17 Could you please describe to us the manner in which Kokaté, Kamezolaï contested or
18 challenged his leadership.

19 A. [14:59:55] In the way -- in the manner in which Wenezoui contested or
20 challenged Ngaïssona's leadership, and in the same way in which Mokom challenged
21 the leadership of Mr Ngaïssona, that is also how Joachim Kokaté challenged
22 Ngaïssona's leadership, and also Kamezolaï challenged the leadership of
23 Patrice-Edouard Ngaïssona.

24 So, according to Kokaté, it is he, the leader, he is the leader of the Anti-Balaka. And
25 he has many Anti-Balaka behind him.

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1 According to Captain Kamezolaï, he also has many Anti-Balaka behind him, and it
2 should be him the leader.

3 So, Kamezolaï and Joachim Kokaté are also challenged by Mokom. They are all
4 challenged by Mokom until Wenezoui starts to go out on a limb on his own. Mokom
5 also challenges. The only true leader is Maxime Mokom. So all those are
6 challenging the leadership of Ngaïssona.

7 Let me point out that Joachim Kokaté joined with Mokom in the participation of
8 Joachim and Mokom in Nairobi. So after that, there was no later -- later any
9 challenges between the two of them until people started talking also about Captain
10 Kamezolaï.

11 Q. [15:02:04] In the first part of 2014, Mr Witness, you said that there were
12 leadership tussles of the movement. Did you realise that those tussles led to the split
13 of the movements, to separate allegiances so that Mr Ngaïssona's wishes, for example,
14 were less likely to be listened to by the movement at the national level?

15 A. [15:02:47] What I can say is because personally I did not see the Anti-Balaka of
16 Kokaté, I did not see the Anti-Balaka of Kamezolaï, but I saw the Anti-Balaka of
17 Wenezoui. I saw the Anti-Balaka of Mokom.

18 So, as far as I'm concerned, the person who was really challenging Ngaïssona's
19 leadership could only be Maxime Mokom. Because, in the final analysis, Joachim
20 Kokaté actually joined with Maxime Mokom, and he started working with him at the
21 end. So it was Maxime, he was really the main challenger.

22 And the Central African Republic, I think people used dishonest means. People
23 wanted to bring peace, but others wanted to use individuals to harm others. And
24 this depends on what they say, which has an effect.

25 Q. [15:04:21] I'm going to show you another document. I think you have already

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1 seen it during your -- it -- it is CAR-OTP-2059-0021 -- 0024, actually.

2 I will wait for the document to be displayed, then I will ask you a few questions.

3 Do you remember that document, Mr Witness?

4 A. [15:05:17] Yes.

5 Q. [15:05:18] (No interpretation)

6 A. [15:05:19] Can it be enlarged a little bit?

7 Yes, I remember this document very well.

8 Q. [15:05:42] Am I correct, Mr Witness, that this document was a draft? It was not
9 the finalised document that was published at the end. Do you agree?

10 A. [15:06:01] What I know about this document is that it was prepared, and I have
11 already said that it was not during a meeting. It was just a gathering of people,
12 while the others were not there. So they took these names and included in the list
13 for representation in the Brazzaville forum. So these people were going to come to
14 the Brazzaville forum from everywhere; the international community, the European
15 Union. They were going to ask questions about the Anti-Balaka, because the Seleka
16 was already organised. And here, the idea was to set up something to indicate that
17 there was some sort of coordination. And, as I said, Maxime Mokom appeared as
18 the coordinator of operations. So I already gave some explanations previously
19 regarding this organigram.

20 And after that, there was something else that was published, but there was nothing
21 official. So that just means that some -- each person had to play their role. It only
22 existed on paper.

23 Q. [15:07:54] I understand your answer very well. This organisation chart was
24 drawn up prior to the Brazzaville forum. So I think it was during the days and
25 weeks before the meeting at the headquarters of UNDP with *l'ONG* Mouda?

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1 A. [15:08:29] I think it was after, it was after the meeting with the NGO Mouda. It
2 was after that meeting.

3 Q. [15:08:43] You have talked about the hidden agenda of Mokom. This time,
4 when there were discussions on this organisation chart, did Mokom still have the
5 hidden agenda, and did he still intend to prevent Mr Ngaïssona from engaging on the
6 political path?

7 A. [15:09:11] Ngaïssona had already taken contact with the transitional government.
8 Even before he arrived Bangui, Ngaïssona had already taken contact with the
9 ambassadors, for example, of France and the US, the senior officials of the UN. So he
10 had actually made a lot of progress in his relationship with the competent authorities
11 in the CAR.

12 So Mokom arrived, and he could not say: "Ngaïssona, leave your position." As I
13 have said, he had his hidden agenda. He did not speak it out, but it was in his heart.
14 It was his way of acting. Even though he came through Ngaïssona, he was trying to
15 find out how Ngaïssona was doing things. So he still had his hidden agenda. And,
16 in the final analysis, he ended up leaving so as to pursue his own hidden agenda.

17 Q. [15:10:36] To your knowledge, Mr Witness - and maybe you do not know, and
18 just say it if you don't know - but was Mr Ngaïssona was aware -- was Ngaïssona
19 aware that people were trying to sabotage his political ambitions at that period?

20 A. [15:11:05] Personally, I don't know whether Ngaïssona knew that Mokom was
21 trying to sabotage his political ambitions. But before Mokom used the movement,
22 Ngaïssona knew that Mokom was not in agreement with him, that he did not share
23 the same ideology as himself.

24 Q. [15:11:37] And still in the first part of 2014, would I be correct to say that
25 Bernard Mokom, Magistrate Dede, and maybe even Lin Banoukepa, were working

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1 against the political path of Mr Ngaïssona?

2 A. [15:12:02] Yes. But Banoukepa, I do not know whether he was working with
3 them. I cannot confirm that. But I know that Bernard Mokom, Magistrate Dede
4 were working against Ngaïssona. And, in fact, they were the ones who were the
5 advisers of Maxime Mokom. They were the ones who decided and told things to
6 Maxime Mokom.

7 Q. [15:12:43] Now, am I correct to say that neither Bernard Mokom, Magistrate
8 Dede or Banoukepa, they never had any role to play in the coordination of Ngaïssona;
9 is that correct?

10 A. [15:13:07] They did not play any role in Ngaïssona's coordination. But if I
11 remember correctly, Ngaïssona wanted competent people to draft the statute and the
12 internal rules and regulations for the PCUD party. So he appealed to Magistrate
13 Dede, who has the competence to be a magistrate. So he called on him to join with
14 other competent people to draft the statute and internal rules and regulations of that
15 party. But Dede was not in agreement with that. He refused to help Ngaïssona in
16 that task at the request of Bernard Mokom. So he refused to do that.

17 Q. [15:14:20] I would like to show you another document. It is
18 CAR-OTP-2039-0019.

19 PRESIDING JUDGE SCHMITT: [15:14:38] Do you have a tab number?

20 MS PROULX: [15:14:38] (Interpretation) It is tab number 36.

21 Q. [15:15:12] Mr Witness, am I correct to say that this organisation chart is the final
22 version on which the Anti-Balaka agreed during the meeting at the UNDP
23 headquarters with the NGO Mouda?

24 A. [15:15:41] I can tell you that it is the same organigram that you showed me a
25 short while ago. It was the same people. So after the meeting with Mouda, it

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1 was -- they brought people -- they were appealing to people working with
2 Mr Yekatom to join Ngaïssona's coordination. So you have Romaric Vomitiade,
3 Paleon Zilabo. There was also the -- there was already the team working with Alfred
4 Yekatom who were already in that organisation chart. So it's the same thing.
5 The organisation chart was drawn up. This one that you have seen, and I repeat, it
6 was to be presented during the Brazzaville forum. Without the Brazzaville forum,
7 before, after, Ngaïssona was coordinator, Mokom was also coordinator of operations,
8 but all the others had no position. There was no one working on any specific duties
9 on this organigram. That is why I confirm to you that this organigram existed only
10 on paper. Without the work done by Maxime Mokom, Ngaïssona, the others were
11 totally new. They didn't do anything.

12 Q. [15:17:39] I don't want to dwell too much here, Mr Witness, but if you look at
13 number 14 on the document that you see, you can see that the political adviser was
14 Alfred Ngaya, and on the other document that I had shown you, there was no name
15 attached to that position.

16 So do you agree with me that Mr Ngaya later on became the political adviser, after
17 that meeting?

18 A. [15:18:24] In fact, it was not the NGO Mouda that prepared that organigram.
19 They were there to assist because Yekatom, with his team, was working with
20 Ngaïssona team, both of them, for the restoration of peace. That is what the NGO
21 Mouda was looking for. And Ngaya was also working for the PCUD party of
22 Ngaïssona.

23 So I can tell you that, apart from the -- Maxime Mokom, the other people were
24 working for the PCUD in this organigram. And when you look at this PCUD, the
25 Anti-Balakas were not directly controlled by that party. This party was set up, and

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1 *Ngaïssona used that organigramme only for those who agreed and joined the PCUD
2 party to go and work with the Anti-Balaka. Apart from Wenezoui or Mokom, who
3 were not working for the PCUD party, all the rest were sensitising the Anti-Balaka in
4 favour of the party, PCUD, including Ngaya.

5 Q. [15:20:09] *I would like to show another document at tab 88 on the Defence list,
6 CAR-OTP-2084-0164. That is on the Defence list. It is a press communiqué dated
7 24 June 2014, signed by Mr Ngaïssona, and in which it is announced that the
8 Anti-Balaka had met to try to find solutions to the problems in the CAR in order to
9 find sustainable peace in the CAR. And further on it is stated that there should no
10 longer be division, but there should be harmony in the movement so as to create the
11 conditions for national reconciliation.

12 Did you have the opportunity to speak with Mr Ngaïssona during the days before or
13 after this press communiqué? So does this really reflect the thinking of
14 Mr Ngaïssona, according to you?

15 A. [15:22:08] As I said previously, Ngaïssona's intention was to raise the awareness
16 of the Anti-Balaka to abandon weapons in favour of the PCUD party and of peace.
17 So he was asking them to support the PCUD party.

18 During that time, there were many splits, many divisions, many contradictory ideas
19 by people who said they were Anti-Balaka leaders. Now, since there were different
20 ideas, Ngaïssona was working for the restoration of peace, for example. But the
21 people who did not agree with him at that time, what did they do? We cannot know.
22 Because they continued using violence and the weapons.

23 So what had to be done to agree on a single idea? That is why the Mouda
24 association took that initiative to bring back Wenezoui towards Ngaïssona. And he
25 came back and was considered as the deputy coordinator to Ngaïssona. So he was

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1 working next to Ngaïssona, alongside Ngaïssona, but, subsequently, he left again.

2 Q. [15:24:02] I would like to show another document, tab 89, CAR-OTP-2084-0173.

3 It's a document dated on the same day, 24 June 2014, and it is a decision dismissing

4 Leopold Narcisse Bara as a member of the Anti-Balaka. You know that at that time

5 Mr Bara was a minister in the transitional government representing the Anti-Balaka.

6 So my question is as follows: According to you, what you were able to observe or

7 hear from Mr Bara, did he effectively represent the Anti-Balaka as a minister in the

8 transitional government?

9 A. [15:25:16] According to what I can remember about Leopold Narcisse Bara, at

10 one point he was representing the Anti-Balaka in the government, but the

11 Anti-Balaka -- the Anti-Balaka leaders, such as Mokom, started asking questions.

12 "Bara, where are his own Anti-Balakas?" Because all those leaders did not recognise

13 him. Who were his own Anti-Balakas, or did he simply use the name of the

14 Anti-Balaka to find a position in the government? Or he had to specify where his

15 own Anti-Balaka.

16 When you talk of Anti-Balaka, many people say that they have Anti-Balaka. So they

17 were saying, "Where are his Anti-Balaka? What are they doing? We have not seen

18 them. So we have to find out where his own Anti-Balaka are."

19 So I know Leopold Bara. He was saying that he was an Anti-Balaka himself. But,

20 personally, I do not know him. I have never met with him, so I can only hear his

21 name being spoken about.

22 Q. [15:26:53] I do not know whether you had enough information about Leopold

23 Bara to answer. But, according to you, did the dismissal -- was the dismissal of

24 Leopold Bara from the Anti-Balaka justified?

25 A. [15:27:14] Talking about the dismissal or the exclusion, it was to say that the

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1 Anti-Balaka, led by Ngaïssona, did not recognise someone known as Leopold Bara,
2 because those who were working with Ngaïssona did not know him. But he was
3 there as a representative of the Anti-Balaka. But on the side of the Ngaïssona wing
4 of the Anti-Balaka, they did not recognise him.

5 Q. [15:27:59] I would like to go back a little bit in time, to the very beginning of
6 2014. That is after the return of Mr Ngaïssona and the arrival of Maxime Mokom in
7 the CAR in Bangui.

8 Am I correct to believe that at that time, at the very beginning of 2014, the Anti-Balaka
9 movement had a very skeletal structure? Apart from the fact that Ngaïssona had
10 been appointed national coordinator, there were not many positions occupied by
11 other people running the structure; am I correct?

12 A. [15:28:52] Yes, there was no structure. Right up to the return of Maxime
13 Mokom, as I have said, the Anti-Balaka were not structured. The organisation chart
14 that you have just said was just there in name, and it would not have existed on paper
15 if there was no Brazzaville forum. So this existed only on paper. There was only
16 Ngaïssona and Mokom who had their positions. So the Anti-Balaka were not
17 structured.

18 Q. [15:29:43] So now, at the very beginning of 2014, what was the purpose of the
19 coordination? What was its role?

20 A. [15:29:58] At the very beginning, when you asked me this question, the
21 coordination, as you have heard from other witnesses confirming that the Anti-Balaka
22 with -- asking Ngaïssona to represent them, but to represent them where? The
23 international community? Trying to resolve the crisis? You had the embassies of
24 France and the United States, for example, who were helping them. And in the
25 international mediation, trying to manage the crisis, the Anti-Balaka thought that

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1 amongst them there was no one who was capable of communicating with those
2 entities. So this is why they asked Ngaïssona to take the floor or to go into contact
3 with those entities and then report back to them. So there was the issue of speaking,
4 negotiating and resorting to dialogue, rather than weapons. So dialogue was the
5 way out of the crisis.

6 Q. [15:31:30] *So if I understand you correctly, Mr Witness, Mr Ngaïssona's role
7 was essentially political. It did not include the operational side of things. Am I right
8 in so saying?

9 A. [15:31:46] Yes, you are correct. Because I personally do not see an operational
10 side when we are talking about coordination, and I do not see an operational side.
11 But I would say, and I would specify, that there was a gentleman who was still
12 operational.

13 THE INTERPRETER: [15:32:13] Inaudible.

14 MS PROULX: [15:32:18](Interpretation)

15 Q. [15:32:18] In your interview with the Office of the Prosecutor you said that the
16 only individual who had contact with the leaders, the Anti-Balaka leaders, was
17 Maxime Mokom. So, if I understand you correctly, logically speaking, to your
18 knowledge, Mr Ngaïssona was not himself in contact, direct contact with those -- had
19 frequent contact with those leaders.

20 A. [15:32:45] During the operation, the Anti-Balaka would lead military operations
21 against the Seleka, and Ngaïssona did not have contact with the Anti-Balaka. It was
22 Mokom who was in contact with the Anti-Balakas at that moment in time, until
23 Ngaïssona arrived in Bangui. And once in Bangui, I can say that Ngaïssona was not
24 in contact.

25 He did not have contact with the Anti-Balaka. Some came to visit him, and then

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1 they exchanged telephone numbers. You will agree with me on that. Some of them
2 did come and visit him, and they exchanged telephone numbers.

3 Q. [15:33:40] I'd like to now talk about the meetings of the coordination. There
4 might have been some discussions that took place at Mr Ngaïssona's residence, but
5 am I right in saying that the meetings of the movement were held at the Azimut
6 Hotel?

7 A. [15:34:04] Yes. I can tell you that meetings were held at the Azimut Hotel, and
8 all of these meetings were always about the PCUD party. Whether these were
9 meetings at Ngaïssona's residence -- but for the most part, they were held at the
10 Azimut Hotel, and it was always on the subject of the PCUD party, and the fact that it
11 was an advantage to be a part of that party, or that he had been in contact with the
12 international community and that the international community had noted certain
13 facts or violence or breaches of peace agreements in the provinces. And then they
14 would call upon Ngaïssona, who convened a meeting, to say to the Anti-Balaka that
15 such-and-such a thing was going on.

16 Q. [15:35:13] I would like to show you another document, document 90, in the
17 Defence list, D30-0008-0086. And I'm going to be waiting for it to be shown up on
18 the screen for you to be in a position to see it yourself.

19 Mr Witness, this is a plan of a part of Bangui, a small part of Bangui where the Hotel
20 Azimut is visible.

21 Maybe we could zoom in on this a little bit for the witness to be able to see Hotel
22 Azimut, which is a bit further up. Could you scroll up a lit bit, please. A little bit
23 more. There we are. You can see it.

24 Do you see the Hotel Azimut, Mr Witness?

25 A. [15:36:20] Yes, I can see Hotel Azimut.

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1 Q. [15:36:24] Could you confirm that the other locations visible on this map -- I can
2 see here the headquarters of the CEMAC. I can also see the Chinese embassy, the
3 ministry of foreign affairs, the NGO premises. These are all located on the same
4 avenue as the Hotel Azimut, would you agree?

5 A. [15:36:50] I would agree with you. That is correct.

6 Q. [15:36:57] So this is an avenue that is quite lengthy; am I right?

7 A. [15:37:06] Yes.

8 Q. [15:37:14] And, Mr Witness, I imagine that you will agree with me when I say
9 that the Hotel Azimut is a public location. So the meetings of the movement held at
10 the Azimut Hotel were not secret in any way. Do you agree?

11 A. [15:37:31] I do agree with you.

12 Q. [15:37:40] You explained in your statement that the ComZones that were in
13 agreement with the -- Mr Ngaïssona's political project were in attendance at the
14 meetings. But I would like to know whether Mr Ngaïssona could force the
15 ComZones to come to the meetings, or could he punish any individuals who did not
16 turn up?

17 A. [15:38:10] I could say in a response to that, well, how could he punish any
18 ComZones who did not come to the meetings? There is no means of punishment.
19 And by that I say, what kind of power could he use to punish a ComZone?
20 What is more, I would go on to say that, at the time when the ComZones were still
21 using weapons, they could punish Ngaïssona, but he could not punish the ComZones.
22 And at each meeting, those who accepted the political idea would come of their own
23 volition to the meeting. They did not come coerced in any way. They came of their
24 own volition, and they participated in that meeting willingly.
25 And I can ensure you that there were even some of them who did not accept. But

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1 when they heard that there was a meeting, they would come, despite that, to hear
2 what was going on. And once -- even when coming out of the meeting, they would
3 stay there. They would start criticising.

4 Q. [15:39:36] So if I understand you correctly, the fact that some ComZones would
5 come to the meetings did not mean that they accepted the authority of Mr Ngaïssona.
6 Do you agree?

7 A. [15:39:50] Yes.

8 Q. [15:39:54] So you told us at an earlier stage that during those meetings, people
9 talked about the PCUD. Now, I'd also like to know whether people would talk
10 about public takings of position, that is to say, press releases or Anti-Balaka claims or
11 as to the quartering or the DDR, et cetera, et cetera?

12 A. [15:40:28] Yes, indeed. When -- during this process of the restoration of peace
13 in the Central African Republic, a lot of things were put on the table, such as
14 disarmament. But if you want to disarm, if there are no meetings held, how is the
15 person in power going to communicate a message received from those who are in a
16 position to help the CAR out of this crisis? You have to find a way out of this crisis.
17 So the subject of disarmament was on the table. There were many subjects that were
18 discussed during these meetings.

19 If it is not the PCUD, well, it's all going to come round or back to the PCUD at the end
20 of the day. There were meetings, and meetings were held in order to discuss how to
21 mobilise, how to retrieve all of these weapons, how to -- or what methods to use in
22 order to manage the situation for the country to be devoid of weapons, which is
23 something that was often mentioned.

24 Q. [15:41:55] There was a person who was met by the Office of the Prosecutor who
25 said, on the subject of the role played by Mr Ngaïssona during those meetings, that

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1 Mr Ngaïssona gave advice to the ComZones for them to better control their soldiers
2 and that he asked them to respect that -- the civilian population and said to them that
3 if he captured people with weapons, that they would be handed over to the
4 authorities. Does that correspond to your memory? Did you hear Mr Ngaïssona
5 make any remarks of this type?

6 A. [15:42:38] Ngaïssona is always involved in sensitising Anti-Balaka ComZones
7 who come to the meetings. He always says things of this type. Because at a given
8 moment in time, he will ask the ComZones to keep an eye on their soldiers. At a
9 given moment in time in the capital and even when there is no exchange of gunfire,
10 or -- between the Anti-Balaka and the Seleka, there were many other cases such as
11 robbery of mobile telephones, sometimes at nighttimes, sometimes during the day,
12 and there were many cases of burglary, and it was always put on the heads of the
13 Anti-Balaka. Everyone would say, "Oh, it's the Anti-Balaka, it's the Anti-Balaka."
14 And if it was in the sectors occupied by the Anti-Balakas, so whether it was the
15 Anti-Balakas or not, the answer would be given that it was they who organised these
16 burglaries. And that is when Ngaïssona would then ask the chiefs to keep an eye on
17 their soldiers, because it is, after all, their responsibility to try and avoid these
18 incidents of burglary upon the civilian population.

19 Q. [15:44:15] Just for the record, the document that I was referring to is
20 *CAR-OTP-2111-0385, and this is at paragraph 62, but it is not to be found in our
21 dossier or file.

22 Now, Mr Witness, in your statement you said that you did not know whether the
23 ComZones would pass on the message received from Mr Ngaïssona to their soldiers
24 out in the field. Now, according to you, were you able to observe whether
25 Mr Ngaïssona did have means to send out his advice and instructions, and could he

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1 ensure that this advice and instructions were indeed adhered to?

2 A. [15:45:05] No, he could not. And even I, as a Central African living in Bangui,
3 when I went back to Bangui, I noted that if you asked soldiers questions, well, their
4 chief would never tell them anything. They were never informed of anything that
5 was going on. Even with regard to the DDR, did these soldiers know that there was
6 going to be disarmament the next day? Many did not.

7 There was the issue of raising awareness amongst each and every Central African. If
8 we wanted to restore peace in our country, we really had to work as much as we
9 possibly could to raise awareness amongst the civilian population, amongst the
10 Anti-Balaka, for the restoration of definitive peace in the Central African Republic.
11 But the police -- well, a chief who has soldiers and to ascertain whether he is going to
12 transmit that message or not, well, it's a question of raising awareness. And I can
13 assure you that there were some chiefs who did not. The chiefs would come to the
14 meetings, they heard everything, they would leave, and that was it.

15 Q. [15:46:40] Am I right in saying that Mr Ngaïssona did not discuss operations
16 during the meetings?

17 A. [15:46:57] Are you -- or what type of operations are you referring to, please?

18 Q. [15:47:07] That's a very good question, Mr Witness. Have you never heard
19 speak of any specific military operations or combat operations as such?

20 A. [15:47:23] I never heard Ngaïssona speak about any possible operations. What
21 I heard was awareness raising and the restoration of peace as subject matter in those
22 meetings. And as you said at an earlier stage, at the Hotel Azimut, there was the
23 sound system that was used for those meetings. So nothing was hidden. Nothing
24 could be hidden at those operation meetings. You couldn't hold an operations
25 meeting in the capital amongst those figures of authority. There was no such

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1 meeting on operations.

2 Q. [15:48:13] At a given moment in time during a meeting, did you hear
3 Mr Ngaïssona encourage or support or voluntarily ignore the commission of violent
4 acts upon the civilian population?

5 A. [15:48:36] No. What I did note about Ngaïssona is that, if something bad
6 was -- happened, whether it be committed by an Anti-Balaka soldier or not, he would
7 get in a real state. That is the truth. He would really get in quite a state. He
8 would shout, and the Anti-Balaka leaders would then ask him questions. And those
9 who will tell you the truth will say that he was well known for that. He would get in
10 such a state, and he would say that, "When I see that person, he" -- well, he shouts a
11 lot and then he calms down, and then he says it twice or three times, and then that's it.
12 The Anti-Balaka chiefs would know him for this behaviour.

13 And as for acts upon the civilian population, I remember that there were some Peuhl
14 Muslims who were taken as a target by certain Anti-Balakas who wanted to kill them,
15 and there were people -- some people who called some leaders to go on that
16 location -- to that location in Bangui, and they got those Muslims. And he sent other
17 people there, too, subsequent to which he was taken back to the residence of his
18 father, and he kept those Muslims at his very own residence. And he called the
19 Imam Layama Kobine, he called Monsignor Nzapalainga to come and get them, to
20 pick them up. And at the *Tribunal de grande instance* in Bangui, an appointment was
21 made with a view to having -- handing over those Muslim civilians to the imam,
22 Imam Kobine, and Monsignor Nzapalainga. And that is what he did.
23 He also did that for a lorry belonging to a Muslim individual at PK5. This was a
24 trolleyed lorry. This was stolen by a soldier. Ngaïssona was put in the know, and
25 he did everything in his power to retrieve that lorry. And he went and seized the

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1 competent authorities with a view to retrieving that lorry. He drove it to the tribunal
2 and handed it over to the rightful owners.

3 Q. [15:51:44] Now, Mr Witness, do you recall a meeting in the presence of Mr
4 Ngaïssona and Mr Maxime Mokom during which Mokom is alleged to have said that
5 they needed to continue with a view to attaining their final objective, that is, to take
6 over power and that each person would have or obtain recompense?

7 A. [15:52:18] Well, I don't remember what meeting between Maxime, Ngaïssona
8 we're talking about when Maxime asked for this recompense, but what I know is that
9 the two ideas are not the same. Ngaïssona is different -- Ngaïssona's idea is different
10 from that of Mokom. So the meetings that were held, well, Maxime was often absent
11 at those meetings. He was often absent at the meetings convened by Ngaïssona
12 because he knows what is going to be said with regard to raising awareness, to DDR,
13 to the cessation of the hostilities, et cetera. That's why he doesn't take part in those
14 meetings.

15 Q. [15:53:19] And during one of those meetings of the movement, did you hear
16 Mr Ngaïssona suggest that it was he who had asked the Anti-Balaka to walk towards
17 Bangui or to advance towards Bangui?

18 A. [15:53:42] Well, who -- or, which Anti-Balaka is he going to say that before him?
19 Well, it was the Anti-Balaka who said to him, to him himself, that it was Mokom who
20 was in contact with the Anti-Balaka and who took the decision to advance on Bangui.
21 It was Maxime who was in contact with them until they advanced on Bangui. He
22 was the person who -- who was really at the forefront of everything that was
23 happening with the Anti-Balaka.

24 Q. [15:54:24] Would you agree with me that the coordination did not have any
25 money, did not have the financial means?

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1 A. [15:54:38] I shall repeat once again here. I would repeat once again that
2 Ngaïssona is the coordination. I said to you, do not rely on what has been written on
3 the organisational chart of this coordination.

4 According to what I know, it is Ngaïssona. And Maxime Mokom was the one who
5 was managing the operations of the Anti-Balaka until they arrived in Bangui, after
6 which the policy was put in place by Ngaïssona who was really working on
7 sensitising and on the PCUD party.

8 Q. [15:55:34] Mr Witness, to your knowledge, was there a meeting before the
9 Brazzaville forum during which the coordination decided to buy weapons and
10 ammunition for the ComZones and their soldiers?

11 A. [15:55:56] By what means could the coordination decide to buy weapons and
12 ammunition? I do not recall attending a meeting during which the coordination
13 decided to buy weapons and ammunition. It might have been in my absence, but to
14 my mind, I do not know. I do not know.

15 Q. [15:56:26] Have you already seen or heard speak of the fact that Mr Ngaïssona
16 distributed weapons or ammunition to the Anti-Balaka in 2014?

17 A. [15:56:40] I have never heard it said that Ngaïssona distributed weapons to the
18 Anti-Balaka. What I heard of the Anti-Balaka, that if something happened,
19 Mr Ngaïssona would intervene, and the Anti-Balaka would say, "Well, I did not get
20 this weapon from you. It's not you who gave me a weapon or the ammunition. I
21 suffered out in the field in order to get my hands on this weapon." So that is what I
22 heard from the Anti-Balaka chiefs or leaders.

23 Q. [15:57:23] Do you recall having seen Yagouzou arriving at Ngaïssona's residence
24 in a white pickup with ammunition, weapons and grenades? And on that occasion,
25 did you see Mokom giving him money in the presence of Mr Ngaïssona and Dede

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1 Feissona?

2 A. [15:57:54] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MS PROULX: [15:59:26] Mr President, I see the time, but I have five or six questions
17 to finish a section for today before the break.

18 PRESIDING JUDGE SCHMITT: [15:59:31] Yes, I think continue then, yeah.

19 MS PROULX: [15:59:41](Interpretation)

20 Q. [15:59:42] Mr Witness, do you remember having seen Yanoue Aubin, who was
21 also known by the name of Chocolat, at the coordination meeting?

22 A. [15:59:55] Yanoue Aubin, Chocolat, I only have heard his name. I have never
23 seen him. He never came to the coordination meeting. He is there as a combatant,
24 but he never came to the coordination meetings.

25 I have heard his name being said around Bangui, but it's not easy to clap eyes on him.

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1 And it is said that his name, it's much bigger. People can see Andjilo, but it is not
2 easy to see Chocolat.

3 THE INTERPRETER: [16:00:44] Says the witness. Unclear.

4 MS PROULX: [16:00:47](Interpretation)

5 Q. [16:00:47] Have you heard speak of a meeting during which Mr Ngaïssona
6 allegedly tried to convince Andjilo and other ComZones to assist him in preparing a
7 coup d'état against Catherine Samba-Panza?

8 A. [16:01:08] No, I never heard of that meeting.

9 Q. [16:01:20] In your statement, you explain that at the end of meetings,
10 Mr Ngaïssona would give some money to enable participants return to their places.
11 Do you agree that this money was handed out publicly?

12 A. [16:01:42] Yes. Everybody would attend. The leaders of the Anti-Balaka from
13 various sectors would attend the meetings. And at the end of the meeting,
14 sometimes he would count the number of persons in attendance and then say, "500
15 francs per person for your transport, so you can get back home." And 500 francs to
16 each participant or 1,000 to each participant. And the amount would be given to one
17 of the leaders who would then share the money publicly, while he left. He would
18 either leave the money on the table or hand it over to another leader, and then he
19 leaves. But then another leader would take the money and share with the others
20 going by the number of persons in attendance for their taxi fare or their motorbike
21 fare in order to get back home.

22 Q. [16:02:53] According to you, did you notice that the ComZones who received
23 those amounts of money, were they obliged to obey Mr Ngaïssona's instructions
24 because of that money?

25 A. [16:03:14] (No interpretation)

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1 PRESIDING JUDGE SCHMITT: [16:03:15] Ms Struyven, I think I know your
2 objection, and I think you're right, but perhaps you can put it into wordings -- into
3 words.

4 MS STRUYVEN: [16:03:22] I think we had many instances of that this afternoon. I
5 tried not to intervene too many times, but we're asking this witness repeatedly to -- to
6 identify what other peoples are thinking or what other people have said.

7 PRESIDING JUDGE SCHMITT: [16:03:34] We let it go, but this was a little bit too
8 much, I think, with this question. So this is really the point where I think it's okay to
9 intervene.

10 Please continue. I think that must be question number five, already, if I have
11 counted correctly.

12 MS PROULX: [16:03:58](Interpretation)

13 Q. [16:03:59] Mr Witness, according to you, when he gave money to the ComZones
14 who had attended the meetings, do you have any information which would lead you
15 to believe, or did you observe that Mr Ngaïssona was simply buying the votes of the
16 ComZones?

17 A. [16:04:26] Buy? Buy? Well, my personal opinion, even I myself, my -- my
18 ballot cannot be bought for 500 francs, which is not even worth one euro. I can't sell
19 my ballot paper for 1,000. No, no. That's not an amount of money that would buy
20 a ComZone or ComZones.

21 Let me specify that there were some ComZones who attended the meetings but did
22 not accept the PCUD. You see, they would come because issues such as
23 disarmament would be discussed. So even if Ngaïssona was to talk about PCUD
24 and peace, some would not accept it. Others belonged to Maxime Mokom and his
25 ideology and would still attend. So that is not a good enough reason to give -- to say

- 1 that 500 francs would buy someone's conscience. What would that be worth?
- 2 What is 500 francs worth? What is 1,000 francs worth? You cannot buy somebody's
- 3 conscience for 500 or 1,000 francs just for transport.
- 4 Q. [16:05:47] Thank you, Mr Witness.
- 5 I'll stop here for today, and then we'll resume on Wednesday morning.
- 6 PRESIDING JUDGE SCHMITT: [16:05:55] Thank you very much.
- 7 This concludes the hearing for today.
- 8 And, Mr Witness, we and all the other parties and participants, I hope everybody is
- 9 able to attend then on Wednesday, 9.30.
- 10 THE COURT USHER: [16:06:10] All rise.
- 11 (The hearing ends in open session at 4.06 p.m.)