

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 Wednesday, 9 March 2022
10 (The hearing starts in open session at 10.33 a.m.)
11 THE COURT USHER: [10:33:06] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [10:33:25] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [10:33:37] 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: [10:33:52] Thank you.
21 I ask for the appearances of the parties.
22 Ms Struyven for the Prosecution first.
23 MS STRUYVEN: [10:34:00] Good morning, Mr President.
24 Today the Prosecution is represented by Yassin Mostfa, Sylvie Wakchom and myself,
25 Olivia Struyven.

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1 PRESIDING JUDGE SCHMITT: [10:34:06] I turn to the representatives of the
2 victims.

3 MR FALL: [10:34:13](Interpretation) Thank you, your Honour.
4 The victims of other crimes are represented today by Mrs -- Madam Asso and myself,
5 Yaré Fall. Thank you.

6 MS LAU: [10:34:28] Good morning, Mr President, your Honours.
7 Today the former child soldiers are represented by myself, Fiona Lau, associate legal
8 officer at the Office of Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [10:34:38] Thank you.
10 And now to the Defence. Ms Dimitri first.

11 MS DIMITRI: [10:34:43] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone.
13 Mr Yekatom has a full house today, Mr President. We have Ms Yasmeen Hajjali,
14 Mr Thomas Hannis, Mr Gyo Suzuki. At the far end, Ms Anta Guissé. And myself,
15 Mylène Dimitri.
16 And, Mr President, this afternoon, with your permission, I will miss the afternoon
17 session, but Ms Guissé will take my place.

18 PRESIDING JUDGE SCHMITT: [10:35:11] Thank you. I've already been informed
19 about this. That's perfectly possible, of course.
20 Mr Knoops.

21 MR KNOOPS: [10:35:13] Good morning, Mr President, your Honours. Good
22 morning, everyone in the courtroom.
23 The Defence team of Mr Ngaïssona appears today before the Chamber with
24 Ms Marie-Hélène Proulx, Ms Chiara Giudici, Ms Sara Pedroso, Mr Alexandre
25 Desevedavy. And Mr Landry is following the proceedings from the field office.

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- 1 And the Defendant is present in the courtroom, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [10:35:34] Thank you, Mr Knoops.
- 3 And also welcome to our witness. Good morning.
- 4 Can you understand and hear me well, Mr Witness?
- 5 WITNESS: CAR-OTP-P-0889
- 6 (The witness speaks French)
- 7 (The witness gives evidence via video link)
- 8 THE WITNESS: [10:35:51](Interpretation) Good morning. Yes, I can hear you
- 9 clearly.
- 10 PRESIDING JUDGE SCHMITT: [10:35:54] That is a good start, of course.
- 11 On behalf of the Chamber, I would like to welcome you to the courtroom. You are
- 12 called to testify to assist this Court and this Chamber in the case of Mr Yekatom and
- 13 Mr Ngaïssona.
- 14 I also note the presence of Mr Alfonso Dorado Escobar, who has been appointed as
- 15 your legal adviser pursuant to Rule 74 of the Rules of Procedure and Evidence.
- 16 Good morning.
- 17 Mr Dorado, can you hear me well too?
- 18 MR DORADO: [10:36:32](Interpretation) Good morning, your Honour. I hear you.
- 19 PRESIDING JUDGE SCHMITT: [10:36:34] That also sounds promising.
- 20 Mr Witness, whenever you think there is a need to confer with your legal adviser,
- 21 please let us know. There might be questions that tend to incriminate you. In these
- 22 cases, you can answer them, or you can refuse to answer them. And for that purpose,
- 23 for this decision to make for you, you can consult with your legal adviser.
- 24 Mr Witness, there have been protective --
- 25 THE WITNESS: [10:37:02] (No interpretation)

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1 PRESIDING JUDGE SCHMITT: [10:37:06] Yeah. Okay. Mr Witness, there are
2 protective measures put in place to ensure that your identity is not revealed to the
3 public. You have been informed about them. I will shortly repeat them, to assure
4 you that they are being followed.

5 So there is face distortion, meaning that nobody can see your face outside this
6 courtroom. And we use a pseudonym. This is the reason why I'm not addressing
7 you with your real name, but with "Mr Witness".

8 Mr Witness, there should be a card on the desk in front of you with the solemn
9 undertaking to tell the truth. Would you please be so kind to read out loud -- yes.

10 THE WITNESS: [10:37:47](Interpretation) I swear -- I swear solemnly that I will tell
11 the truth, all the truth, and nothing but the truth.

12 PRESIDING JUDGE SCHMITT: [10:38:02] Thank you, Mr Witness. You are now
13 under oath.

14 Before we start with your testimony, I would inform you about some practical issues.
15 You know that everything we say here is written down and interpreted in various
16 languages. And to allow for the interpretation, we have to speak at a relatively slow
17 pace, perhaps slower than we would normally do, and please -- please only start
18 speaking when the person that is speaking to you or asking you a question has
19 finished, so that there is no overlap. Because when there is overlap, the interpreters
20 don't understand anything.

21 Thank you very much for your understanding, and we will now give the floor to the
22 Prosecution.

23 Ms Struyven.

24 MS STRUYVEN: [10:38:56] Thank you, Mr President.

25 QUESTIONED BY MS STRUYVEN: (Interpretation)

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1 Q. [10:39:02] Good morning, Mr Witness. My name is Olivia Struyven. We met
2 each other already. I'm going to ask you some questions today on behalf of the
3 Prosecution.

4 Perhaps one additional comment: If my questions, the question of the Defence
5 appear unclear to you, don't hesitate to point that out and we will try and rephrase
6 the question.

7 As regards your testimony, firstly, I'd like to ask you questions about your statement
8 which you did with the OTP in 2016 and 2020. And after that, I'm going to
9 specifically ask you questions about documents which we have in our possession and
10 ask you to clarify some points.

11 But, firstly, could you confirm that you did make a statement with the Office of the
12 Prosecution. I think you made two, in fact. The first was in May 2016 and the
13 second was in July 2020. Could you confirm that you made such a statement with
14 the Office of the Prosecution.

15 A. [10:40:39] Yes, I confirm the dates mentioned, I did make those statements.

16 Q. [10:40:45] Did you make these statements voluntarily?

17 A. [10:40:50] Yes, I did so voluntarily.

18 Q. [10:40:57] Could you confirm that in these statements the aim was to ask you
19 about the conflict in CAR, in particular, what happened in 2012 up to 2014.

20 A. [10:41:17] Yes, that was the aim.

21 Q. [10:41:23] And we asked for information which you could have, or knowledge
22 that you might have acquired at that time relating to the Anti-Balaka, but also the
23 Seleka.

24 A. [10:41:40] Yes.

25 Q. [10:41:43] Is it correct that during your second interview in July 2020 you were

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1 assisted by your counsel, Mr Alfonso Dorado?

2 A. [10:42:02] Yes, I was assisted by Counsel Alfonso Dorado.

3 Q. [10:42:10] And that Counsel Alfonso Dorado is also here present today?

4 A. [10:42:17] Yes, he is here today next to me.

5 Q. [10:42:24] Could you confirm that you had the occasion to review your
6 statement and the associated documents linked to that, I think it was in January 2022.

7 A. [10:42:39] Yes, I had the time to review my statement in January.

8 Unfortunately, the hearing didn't take place at that moment and only is starting
9 today.

10 Q. [10:43:02] Indeed. Is it correct that you made some corrections to your
11 statement?

12 And for the record, it's CAR-OTP-2135-1706.

13 Is it correct that you made some corrections, very specific corrections to your
14 statement?

15 A. [10:43:27] Yes, I made some corrections to certain aspects. Sometimes when I
16 was answering the question, I didn't always completely understand the questions.
17 But when reading through it, I added some precisions and corrections to my
18 statement.

19 Q. [10:43:55] Can you confirm that the statement that you made with the
20 corrections reflects faithfully what you said during your discussions with the
21 Prosecution.

22 A. [10:44:19] Could you perhaps repeat that.

23 Q. [10:44:25] No problem. Could you confirm that this statement, with the
24 corrections, truly reflects what you said to the representative of the OTP.

25 A. [10:44:40] Yes, that correctly reflects my statement, my views.

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1 Q. [10:44:48] Are those statements correct and exact, accurate?

2 A. [10:44:57] I can only tell you what I know. I cannot invent something in order
3 just to say that. So what I know is what I told you. What I don't know, I can't talk
4 about. And sometimes there are questions which I cannot completely understand,
5 so I might have said something without actually fully understand the question. So if
6 that's the case, so I could review it together with you so that I can answer your
7 questions fully.

8 Q. [10:45:38] Do you have any objections that your statement be included in your
9 file, that's to say, that the judges can use your statement as evidence in this case?

10 A. [10:45:57] Could you please repeat that.

11 Q. [10:46:02] This is a question of procedure. But do you have any objections that
12 your statement be included in the file? Do you have any objections that the judges
13 can use your statement as evidence in this case?

14 A. [10:46:26] No, I have no objections. If I make the statement, it's to assist the
15 Court in the proceedings. So I do not object to this today. So the judges can use my
16 statement to continue with this case.

17 Q. [10:46:47] Thank you very much.

18 MS STRUYVEN: [10:46:51] Your Honours, I think that the conditions of Rule 68(3).

19 PRESIDING JUDGE SCHMITT: [10:46:53] Yeah, indeed, the conditions of Rule 68(3)
20 with regard to the statements of the witness's, including the corrections, of course,
21 that he made, are fulfilled.

22 Please continue.

23 MS STRUYVEN: [10:47:09](Interpretation)

24 Q. [10:47:10] I have now some questions about your identity, which are normal
25 procedure. I think for this, we have to go into private session so that I can ask you

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1 those questions.

2 PRESIDING JUDGE SCHMITT: [10:47:20] Yeah. We go to private session.

3 (Private session at 10.47 a.m.)

4 THE COURT OFFICER: [10:47:35] We are in private session, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 1 (Redacted)
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- 12 (Redacted)
- 13 (Redacted)
- 14 (Open session at 10.51 a.m.)
- 15 THE COURT OFFICER: [10:51:53] We are in open session, Mr President.
- 16 MS STRUYVEN: [10:52:00](Interpretation) Thank you.
- 17 Q. [10:52:03] The first contact is on page 3305. It's number 5. The name "Ngoyas".
- 18 Could you give us the complete name of that individual.
- 19 A. [10:52:24] Ngoyas, his full name is Béorofei Sylvain.
- 20 Q. [10:52:35] Thank you.
- 21 Now 3306, that's the page number, we see a reference to number 13. The name is
- 22 "Bafio Kevin". You already referred to him in your statement. You said that he was
- 23 a member of the Anti-Balaka from Boy-Rabe. * And here I'm referring to tab
- 24 25,*CAR-OTP-2122-8079, pages 8100 and 8101. And could you confirm that this was
- 25 an Anti-Balaka.

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1 A. [10:53:22] No, it's not an Anti-Balaka.

2 When I was asked this question, I answered without realising who I was talking to.

3 But when I was reading through my statement, I understood, no, it's a mistake to say

4 that he was an Anti-Balaka. Of course, he was a military person, he was in the

5 Central African army, but he and my relations with him was regarding football.

6 In CAR, we had football clubs of supporters of the different clubs, and he -- he

7 supported FC Barcelona, like I did. And I -- he was the president of our club

8 supporting FC Barcelona. He is not an Anti-Balaka.

9 Q. [10:54:22] And in the second part of 2013, the first part of 2014, do you know
10 where he was?

11 A. [10:54:32] No, I have no information about him. Where he was during that
12 time, I don't know.

13 Q. [10:54:42] Don't worry.

14 A. [10:54:46] Excuse me. Are you talking about 2013-2014?

15 Q. [10:54:53] Yes.

16 A. [10:54:56] I don't know. I don't know where he was at that time, exactly.

17 Q. [10:55:01] Don't worry. Let's move on to page 3312. It's number 60. A small
18 clarification. You talk about "Honorable Kema". Who's that?

19 A. [10:55:22] It's a soldier. He's Anti-Balaka. And after he integrated the PCUD
20 party, he gave up the fight as Anti-Balaka and joined the PCUD. And after that, he
21 became a deputy on behalf the Central African Party for Unity and Development.

22 Q. [10:55:57] So you're talking about Florent Kema; is that correct?

23 A. [10:56:02] Yes.

24 Q. [10:56:04] Thank you. We go to page 3316, number 94. There there's a
25 reference to "Yeka". Who is that?

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- 1 A. [10:56:23] Yeka? The name only says Yeka?
- 2 Q. [10:56:32] I think the officer can show you the exact reference, if you like.
- 3 A. [10:56:39] Fine.
- 4 PRESIDING JUDGE SCHMITT: [10:56:42] In the meantime, the ERN of tab 25 is
- 5 CAR-OTP-2122-8112.
- 6 THE WITNESS: [10:57:03](Interpretation) I had the number, but I can't remember
- 7 who it is. It's not from us. It's a foreign number. I don't remember. I don't know
- 8 who that number belongs to. I've forgotten.
- 9 MS STRUYVEN: [10:57:20](Interpretation)
- 10 Q. [10:57:21] Do not worry.
- 11 On page 3323, it's number 160 that's of interest to us. Here you have "* B Maitre
- 12 Lyn". Is that Lin Banoukepa?
- 13 A. [10:57:49] Yes, that's him. It is Counsel Banoukepa.
- 14 Q. [10:58:01] These are small questions relating to each name. I just want to move
- 15 quickly now. I'm moving on to page 3326, number 181. There's a reference to
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [10:59:08] I fully understand. I will continue and I'll come to that name later on
- 24 to confirm the family name, the last name. But you are absolutely correct, I
- 25 shouldn't have asked you that question in open session.

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- 1 I move on to 3331, and it's the number 233. So 233 refers to "Tel Kob". Who's that?
- 2 A. [10:59:59] Yes, I know that -- I know him. It is the person who is responsible
3 for communication in -- for the *unité* and he's Mokpem.
- 4 Q. [11:00:13] Do you have a name, a full name, for that person?
- 5 A. [11:00:19] Mokpem. Mr Mokpem.
- 6 Q. [11:00:29] It is Mokpem. Do you have another part of that name? Is it Bionli
7 Mokpem?
- 8 A. [11:00:39] Yes, that's correct.
- 9 Q. [11:00:44] And at number 234 there is mention of "kob". Would that also be --
- 10 A. [11:00:54] It's the same individual.
- 11 Q. [11:00:58] Thank you.
- 12 Now, at page 3334, at number 261, reference is made to "Luther". I don't know if
13 that's the right pronunciation, but who is that?
- 14 A. [11:01:30] Luther? Luther is Luther Ngaïssona.
- 15 Q. [11:01:41] What is the relation with -- who is it?
- 16 A. [11:01:52] Luther Ngaïssona is Edouard Patrice Ngaïssona's son. (Redacted)
17 (Redacted)
- 18 Q. [11:02:04] Thank you.
- 19 Let's now move to page 3336, number 279, where reference is made to Cob with a C,
20 "Conseiller Cob".
- 21 A. [11:02:24] It's the same individual, the Kob whom I mentioned a short time -- a
22 short while ago. It's the same person, same individual, Bionli.
- 23 Q. [11:02:38] On the same page, at number 280, reference is made to "Bg Aubin
24 Mboya". Who is that?
- 25 A. [11:02:55] Aubin Mboya is an Anti-Balaka who also joined the PCUD party and

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1 who wanted to become -- or, rather, who ran under the PCUD party banner for
2 parliamentary elections in Bania, to the west of the CAR.

3 Q. [11:03:40] Do you know where he was based or where he was stationed as a
4 ComZone?

5 A. [11:03:46] I never knew where he was stationed, but according to him he came
6 from Bania, and that's to join the PCUD party, under which banner he ran for
7 parliamentary elections in the Bania zone. I have never been there. I have never
8 seen where he was and I don't know what he was doing there.

9 Q. [11:04:16] Since we don't know all the Bania villages, would that be in the
10 direction of Berbérati?

11 A. [11:04:23] Yes, it is towards Berbérati.

12 Q. [11:04:30] Thank you. Let me now move to page 3337, number 292, where
13 reference is made to "France Pen". Who's that?

14 A. [11:04:44] That is Patrice-Edouard Ngaïssona.

15 Q. [11:04:51] Thank you. * Same page once again, I think that it is number 299,
16 also references "Moov Cob". Who is that?

17 A. [11:05:09] It's the same Mokpem. If you look at the numbers, they may be
18 repeated because I could save a name under different numbers. So that's how, if I've
19 forgotten. So that's why some numbers repeat themselves, but they are the numbers
20 of the same individual.

21 Q. (Overlapping speakers)

22 THE INTERPRETER: [11:05:28] Overlapping speakers, Mr President.

23 PRESIDING JUDGE SCHMITT: [11:05:33] You're too quick, Ms Struyven. Please
24 try to slow down a little bit so that the -- we don't have overlap.

25 MS STRUYVEN: [11:05:54](Interpretation)

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- 1 Q. [11:05:55] For the record, you were referring to Mokpem Bionli.
2 Now I go to page 3338, number 301, where reference is made to "Rv Lt". Would that
3 be Lieutenant * Ganazoui? Do you have his full names?
- 4 A. [11:06:22] Those are his full names, the ones you have just mentioned, *
5 Ganazoui.
- 6 Q. [11:06:29] So that would be Hervé * Ganazoui?
- 7 A. [11:06:34] Yes. He's a lieutenant in the army.
- 8 Q. [11:06:39] At page 3340, number 328, reference is made to "2 PEN Fr". "Fr", I
9 think Fr represents -- stands for France. Who would that be?
- 10 A. [11:07:13] That is Ngaïssona, Edouard Patrice Ngaïssona.
- 11 Q. [11:07:20] Now, at page 3341, at number 332, it's very clear, but I want you to
12 confirm. The name is "Mokom". Which Mokom is that?
- 13 A. [11:07:43] It's Mokom, the son. Mokom Maxime.
- 14 Q. [11:07:55] Then on page 3342 there are a number of numbers, particularly 342,
15 where reference is made to "Or Pen". Who is that?
- 16 A. [11:08:11] Can I see the name?
- 17 Q. [11:08:14] Of course, yes.
- 18 A. [11:08:20] Okay. That's an Orange -- Orange number, Orange Pen. So that
19 will be Patrice Ngaïssona's number.
- 20 Q. [11:08:30] And the next number, 343, reference is made to "Ngaiss Pen".
- 21 A. [11:08:41] It is still him. Yes, it's still Ngaïssona. As I said a short while ago,
22 there -- it happened that I might have registered a number and forgotten to do so, and
23 then I register it again but under a different name. And that's how those numbers
24 come up that way. So this is Ngaïssona's number. It is his number.
- 25 Q. [11:09:11] Thank you.

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1 And at the bottom of the page there is reference to "Tel Papa Dier". Who is that?

2 A. [11:09:24] That is Ndomate Dieudonné. That is Ndomate Dieudonné.

3 Q. [11:09:35] Thank you.

4 A. [11:09:37] He's an Anti-Balaka.

5 Can you be specific, please.

6 Q. [11:09:46] I have already moved to the next page.

7 A. [11:09:50] Okay.

8 Q. [11:09:52] Now page 3347, where you can see at number 396 reference to "azur",
9 "azur Pen".

10 A. [11:10:04] This is Patrice-Edouard Ngaïssona's Azur number.

11 Q. [11:10:15] Thank you.

12 At page 3354, at number 462, there are two numbers which are mentioned as
13 belonging to "Ngaïss Mary". Who would that be?

14 A. [11:10:42] Mary Ngaïssona, that's Mr Ngaïssona's wife's number.

15 Q. [11:10:48] Thank you.

16 At page 3356 - we're almost done - you see number -- at number 476 reference is made
17 to "number my". Should I understand that to be your number?

18 A. [11:11:17] No, it's not my number. My number is 07.

19 Q. [11:11:27] Do you remember who this number belongs to? And there's no
20 problem if you don't remember.

21 A. [11:11:35] I don't remember. I don't remember.

22 Q. [11:11:38] At page 3358, at number 492, reference is made to "Lmk". Who
23 would that be?

24 A. [11:11:55] That is Lamaka, "Lmk". Lamaka is someone who also joined the
25 PCUD and served as a spokesperson.

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1 Q. [11:12:15] So would that be Igor Lamaka?

2 A. [11:12:20] Yes, that's correct.

3 Q. [11:12:23] I have a few other names for which I think we need to go into private
4 session.

5 A. [11:12:38] Very well.

6 PRESIDING JUDGE SCHMITT: [11:12:40] Private session.

7 (Private session at 11.12 a.m.)

8 THE COURT OFFICER: [11:12:53] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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3 (Recess taken in private session at 12.32 p.m.)

4 (Upon resuming in open session at 2.00 p.m.)

5 THE COURT USHER: [14:00:20] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [14:00:38] Good afternoon, everyone. Good

8 afternoon, Mr Witness.

9 The Prosecution has still the floor.

10 MS STRUYVEN: [14:00:53](Interpretation)

11 Q. [14:00:55] Mr Witness, I will continue from where we stopped before the break.

12 We are in open session.

13 I will ask you a few other questions that -- on the document I showed at the very

14 beginning, CAR-OTP-2127-0655, and it is on tab 29.

15 We are not going to talk about the context in which this document was established

16 because we are in public session, but I would like to draw your attention to three

17 specific paragraphs and ask you whether you still agree with the statements made in

18 those paragraphs.

19 The first paragraph is page 7, 0665, page 0665, and you are talking about Ngaïssona,

20 and you say:

21 "According to my analysis, he wanted to use the Anti-Balaka movement to create

22 electors for future presidential elections because they constitute a majority within the

23 population. But he was not able to participate in the presidential elections because

24 of bank issues." * And then you were asked, "Which election?" And you answered,

25 "the 2016 presidential election. Then there is another paragraph that has to do with

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1 the same thing to some extent. This is at page 0653, and you are asked whether

2 Ngaïssona fought, and you said:

3 "No, never, he's a big politician. The idea of Ngaïssona was to calm down

4 the -- control the Anti-Balaka in order to have chances in the presidential election."

5 The third paragraph is --

6 MS PROULX: [14:03:35] I'm so sorry.

7 You -- you said "0653" and I don't think --

8 PRESIDING JUDGE SCHMITT: [14:03:38] Ms Proulx, first, only when I say because

9 otherwise we have this overlapping problem. You are right. The page number

10 must be incorrect.

11 The last that you told us, perhaps you have a look again or your colleague, but you

12 can continue from there.

13 But it should be corrected, let me put it this way.

14 But otherwise, the Chamber is fine with the manner in which you are introducing that,

15 but perhaps not too many parts of it -- no, no, not at a time because the witness, how

16 can he answer to that? So perhaps it would even be better to put one portion to him

17 and ask him, "Do you stand by that?" And then the second, and so forth.

18 MS STRUYVEN: [14:04:30](Interpretation)

19 Q. [14:04:32] Mr Witness, as the President has said, do you still agree with that

20 statement?

21 A. [14:04:46] Yes. These are my own statements, my point of view regarding what

22 I was observing regarding this gentleman, Patrice-Edouard Ngaïssona. When I was

23 in the coordination, that is what I observed about him; that is what I heard from his

24 mouth. And he was always talking about politics, and, it was about the Anti-Balaka,

25 to sensitise them to abandon the idea of weapons and join politics because it is better

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1 to win politics through -- or, rather, the presidency through elections than weapons.

2 That is the idea I heard. He was still talking about that; that's why I'm saying it.

3 But I cannot know what is in his heart but I heard what came out of his mouth and

4 how he was conducting himself, that's why I said that.

5 Q. [14:05:57] One last paragraph. It's page -- it's page 0678, and it is put to

6 you -- the person interviewing you, he said: "Ngaïssona is not naive. He probably

7 told himself that he will provide his assistance to put an end to troublemakers; he

8 would have support from the international community during the presidential

9 elections."

10 And you said: "Maybe that is it, what you are saying because I observed that at the

11 approach of elections, he was very concerned. He was doing everything for the

12 peace process. He even gave his own money to pay ComZones so that they should

13 not carry out stupid acts. And after the elections, he no longer had any interest.

14 Even for San'Edigio, he had to come with me, but he told me that he had a meeting,

15 the Confederation of African Football, so he was getting further and further away

16 from me. He was no longer so engaged in the peace process."

17 Did you still -- by that, still stand by that statement?

18 A. [14:07:30] Yes. I stated at one point -- I stand by that statement because

19 Ngaïssona was no longer very active -- active. So he's objective was to sensitise the

20 Anti-Balaka to put down the weapons and to join the party, so at one point,

21 Ngaïssona - that is, after the elections, since he could not participate in the

22 presidential elections of 2016 - he was no longer very active in the Anti-Balaka area.

23 He turned the page in my opinion from what he was before.

24 Q. [14:08:27] We don't have too much time, so I'll come back to what we were

25 talking about [...] the break. Just so that we should understand, what is the meaning

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1 of the date of 15 March in the history of the CAR?

2 A. [14:08:48] The date of 15 March 2003, if I'm not mistaken, it was on that date that
3 the former president, François Bozizé, took over power through a coup d'état.

4 Q. [14:09:12] If I understand you well, the officers of 15 March [...] refer to the
5 liberators or the "ex-liberators", as they are referred to?

6 A. [14:09:26] Yes, those are the ex-liberators.

7 Q. [14:09:32] I have a few questions now, and I think we have to go back to private
8 session.

9 PRESIDING JUDGE SCHMITT: [14:09:41] We go to private session.

10 (Private session at 2.09 p.m.)

11 THE COURT OFFICER: [14:09:47] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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12 (Open session at 2.26 p.m.)

13 THE COURT OFFICER: [14:26:29] We are back in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [14:26:49] Thank you.

15 And perhaps a question from the Chamber to the witness.

16 Mr Witness, do you have any information about children in the Anti-Balaka

17 movement taking part in fights, in hostilities, whatsoever?

18 THE WITNESS: [14:27:11](Interpretation) In answer to your question, I really do not

19 have that much information, but I gathered a little bit of information relating to child

20 soldiers. * I gathered some information: there were young people under 18 years of

21 age, even under 17 sometimes, or 16. These are people who lost their parents during

22 the events who had been killed by the Seleka, sometimes both their father or their

23 mother, and sometimes they would survive and then escape and join the Anti-Balaka.

24 But the leaders were always behind -- but the leaders always put them behind. If

25 you asked them the question, What are they doing there, they will you, "My parents

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1 have been killed. I do not have a mother -- any mother or father, so I don't know
2 where to go. I am with the Anti-Balaka to have some protection."

3 So this is some of the information I received from these people.

4 PRESIDING JUDGE SCHMITT: [14:28:39] Did you speak directly with these, let's
5 say, let's word it this way, with these young people or with some of them?

6 THE WITNESS: [14:28:50](Interpretation) Yes. When I met someone that I thought
7 he was very young -- (Redacted)

8 (Redacted) and I

9 came across two other young people. So this is all information in my statement.

10 PRESIDING JUDGE SCHMITT: [14:29:25] Okay, I think we can leave it at that.

11 Any further questions by the representative of the victims?

12 MS FALL: [14:29:35](Interpretation) Mr President, the legal representatives of the
13 other crimes, no, we have no question.

14 MS LAU: [14:29:49] We have no questions for this witness. Thank you,
15 Mr President.

16 PRESIDING JUDGE SCHMITT: [14:29:53] Thank you very much.

17 There are signs that Ms Proulx will start. Well, 10 hours is quite a lot. I would be
18 surprised -- okay, but I would be surprised if you would need it, actually, but we can
19 never be sure.

20 MS PROULX: [14:30:16] Indeed, Mr President. Recent experience shows that we
21 can sometimes exceed.

22 PRESIDING JUDGE SCHMITT: [14:30:22] But it's better than to feel under pressure
23 and in a rush, I understand that. Yes, please start.

24 QUESTIONED BY MS PROULX:(Interpretation)

25 Q. [14:30:37] Good afternoon, Mr Witness. Can you hear me?

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1 A. [14:30:51] Good afternoon. I can hear you.

2 Q. [14:30:54] Let me introduce myself. We met quite briefly a few weeks ago in
3 January during the courtesy visit. My name is Marie-Hélène Proulx. I'm one of the
4 lawyers representing Mr Patrice-Edouard Ngaïssona in this trial, and I will be putting
5 questions to you today and in the days ahead on behalf of Mr Ngaïssona.

6 A. [14:31:27] Very well.

7 Q. [14:31:29] You have already answered many questions this morning, and you
8 may want to note that we need to speak slowly, we need to observe a pause between
9 questions and answers so that the Sango and English interpreters can follow us
10 properly.

11 The Prosecutor told you this morning, and I say it myself, too, if my questions are not
12 too clear to you, please don't hesitate to ask me. I will rephrase.

13 A. [14:32:00] Okay.

14 Q. [14:32:04] And one last thing before we start off. I had already told you in
15 January -- I told you this in January, I read carefully the statement you submitted to
16 the -- the statements you submitted to the OTP, they are very lengthy and you
17 addressed a vast number of issues and so unfortunately for you, I also have very
18 many questions for you. Please, I urge you to be patient with me so that we can do
19 this as quickly, as efficiently as possible without repetition.

20 I hope that by the time we conclude -- both of us will be quite tired by the time we
21 come to the end of my questioning and I would like to extend my apologies on that
22 point upfront.

23 Now, let me start, first of all by taking you back in time to the very beginning of the
24 crisis in the Central African Republic. I want to refer to what happened at the end of
25 2012 and in early 2013.

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1 When you met with the representatives of the OTP in July 2020, the investigators put
2 questions to you relating to a speech delivered by François Bozizé at PK0. I want to
3 hop back to that speech. But before I do so, I would like to draw your attention to
4 another speech which was delivered in early December 2012, and this was at the time
5 when Seleka was already advancing into the Central African Republic and that was
6 well ahead of the 2013 Libreville agreement.

7 I would like Defence document 63, CAR-OTP-2100-0540, to be displayed. I will read
8 two short excerpts at the top of page 0544. In this speech, which was delivered on
9 the 54th anniversary of the CAR, François Bozizé says that:

10 "[...] the final return of peace across the territory remains for me, one of the first
11 national priorities, because without peace, there is no hope for constructing a new
12 Central Africa."

13 Then in the next paragraph he says:

14 "[...] to extend a hand of peace to compatriots who have gone astray and continue to
15 disturb calm -- the calm of our brothers and sisters in certain regions of the country,
16 so that they may come back to the right path."

17 So my question for you, Mr Witness, is as follows: Do you agree with me that there
18 is nothing in these passages that suggests that Mr Bozizé had any kind of hostility
19 whatsoever against several -- Central African Muslims, even though at the time it was
20 known that the Seleka was made up of mostly Muslims? Would you agree with
21 that?

22 A. [14:36:16] Yes, I agree with you that in this speech, Bozizé has nothing against
23 Central African Muslims.

24 Q. [14:36:30] Thank you. Now, turning now to this infamous speech of the -- the
25 speech which you say you are aware of, the speech at PK0, which was delivered on 27

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1 December 2012.

2 So, at some point, the -- the advance of the Seleka caused concerns and fear within the
3 population; is that correct? Would you agree with that?

4 A. [14:37:11] Yes, I agree.

5 Q. [14:37:16] I put it to you that the general purpose of that speech was to warn the
6 Central African people on the advance of the Seleka and on the fact that Seleka was
7 made up of foreign forces. Do you agree with that analysis?

8 A. [14:37:42] Yes, I agree.

9 Q. [14:37:45] I will now refer to some excerpts of the speech. And, for the record,
10 we have an audio version on our list, which is in Sango and which we will not use,
11 and that's document number 8, CAR-OTP-200[0] -- 0630. However, I would like the
12 transcript of the speech to be displayed, which is document 40, CAR-OTP-2060-0678.
13 Witness, I don't know if you remember this speech, but let me remind you that in this
14 speech, Mr Bozizé neither spoke of Muslims nor of Islam. Do you agree with me?

15 A. [14:39:11] Yes, I follow you.

16 Q. [14:39:21] In that speech, at page 0685 of the transcript, there is a passage in
17 which President Bozizé asks the audience to carefully watch or be mindful of people
18 who live in enclosed compounds. Within the context of this trial, some witnesses
19 have appeared here and told us that they understood reference to this "enclosed
20 compounds" to be a reference to violence against Muslims.

21 Mr Witness, would you agree with me that it was not only Muslims who lived in
22 enclosed compounds? For example, in your statement to the OTP, you said that
23 Maxime Mokom and Magistrate Dede, that their homes were protected by fences.
24 Would you agree with that?

25 A. [14:40:42] Yes, I agree.

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1 Q. [14:40:45] If you know, would you agree that Mr Ngaïssona himself had
2 a fenced compound?

3 A. [14:40:57] Yes, indeed.

4 Q. [14:41:01] Mr Witness, therefore, we would agree that people of all ethnic
5 groups and of all religious groups were likely to live in enclosed compounds in the
6 Central African Republic. And so when President Bozizé talked about enclosed
7 compounds, he wasn't targeting Muslim inhabitants specifically. Do you agree?

8 A. [14:41:29] Yes, I agree.

9 PRESIDING JUDGE SCHMITT: [14:41:37] Yes?

10 MS STRUYVEN: [14:41:39] Mr President, I'm not sure in how far this witness can
11 testify to what Bozizé had in mind when he was giving this particular speech.

12 PRESIDING JUDGE SCHMITT: [14:41:50] Yes, indeed, this is something that we
13 would as a Chamber have to assess. So -- but this is the question of relevance of any
14 answers. But, insofar as counsel has asked if also other people than Muslims lived in
15 compounds, this is absolutely something that the witness can be asked.

16 For Mr Proulx to ask the witness what might he have thought when -- what Bozizé
17 might have thought when he said that, and that, of course, any answer might not
18 have a large relevance or a huge relevance. But the other questions like this with the
19 compound, of course, yes, it makes sense.

20 And, by the way, also to ask, since the -- how this speech was perceived might be of
21 relevance, so I would not exclude questions to that regard, How did you understand
22 it? Not how -- What do you think what Mr Bozizé meant?

23 Do you understand that there's a slight difference because it's about perception of
24 such speeches that might constitute relevance or not.

25 MS PROULX: [14:43:41](Interpretation)

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1 Q. [14:43:43] I will speak along the lines of what the presiding judge has said. You
2 say that you didn't -- you would agree that reference to enclosed fences or
3 compounds was not specifically targeting Muslims. So when President Bozizé said
4 those things about people living in enclosed compounds, what did that mean? What
5 did you understand? Who was being targeted?

6 A. [14:44:16] When Bozizé spoke, he didn't say, "Please monitor foreigners who live
7 in private homes." He said that those who are coming are foreigners. And in that
8 moment, he was referring to the Seleka. So those who were coming at that time, he
9 specified were the Seleka. And it was clear that most of them did not speak our
10 national language. Most Central Africans speak our national language, but those
11 who came were not Central Africans and did not speak our language, the majority of
12 them.

13 So there were some Central Africans, as you asked in your question a short time ago,
14 who lived in enclosed compounds. There are Muslims, Central African Muslims
15 who lived in enclosed compounds. So when asked to monitor or watch enclosed or
16 fenced-off compounds, that would not have necessarily referred to Muslims, because
17 there were other types of enclosed concessions as well. And so what is happening at
18 the time, is that the people felt they had been abandoned. The army was not fighting
19 on their behalf and so Bozizé was concerned about the fate of the population at large.
20 So he was not talking only about Muslims. He actually said that many foreigners
21 were coming in and that those who were coming in were foreigners.

22 Q. [14:46:02] Thank you very for those clarifications, Mr Witness.
23 Now, talking about foreigners in his speech, Mr Bozizé was referring specifically to
24 the Janjaweed. And in your interview with the OTP, at * page 2122 0575 and 0576,
25 the representatives of the OTP pointed out to you that Janjawees were -- the

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1 Janjaweed were Muslims. But in his speech - and I'll read a small excerpt from it for
2 you at page 0570 - François Bozizé said: "There were many Janjaweed among them,
3 far too many Janjaweed among them." And "There is no Central African among
4 them."

5 Would you agree here that Bozizé specifically points out that the Janjaweed were not
6 Central Africans and that they were foreigners?

7 A. [14:47:18] When Bozizé talks about the Janjaweed, as a Central African, I, myself,
8 as a Central African, I can tell you that, among all the ethnic groups in the
9 Central African Republic, I only heard mention of the Janjaweed when the Seleka
10 began to advance, when the Seleka coalition began to advance on Bangui. We don't
11 have any group in Central Africa known as the Janjaweed. We have Muslims in
12 Central Africa, but we don't have any Janjaweed in the Central Africa.

13 * And moreover, when Bozizé says that there are no Central Africans in the Seleka,
14 then that is not correct. Because there were Central Africans in the Seleka, including
15 Djotodia himself; so there were Central Africans, but they were the minority. And
16 the majority were rather those who were not Central Africans.

17 Q. [14:48:42] Just to be clear that we agree, Mr Bozizé never said in his speech that
18 the Central African Muslims were Janjaweed or foreigners.

19 A. [14:49:01] No.

20 Q. [14:49:04] Let us look at another part of the speech, at 0685, in which Mr Bozizé
21 calls on the youth to be particularly watchful in Damala and Boeing and 8th
22 arrondissement neighbourhoods.

23 Mr Witness, would you agree that these neighbourhoods were not known to be
24 Muslim neighbourhoods and that there were no Muslim in the majority?

25 A. [14:49:45] In Damala, no, the Muslims were not in the majority. In Boeing, the

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1 Muslims are not the majority. They are around PK5.

2 So, as Bozizé was saying, it was not only in these neighbourhoods but also in other
3 neighbourhoods. In Miskine, Combattant, Boy-Rabé, Ouango, Kassai and so on and
4 so forth.

5 So not only Muslims were targeted. You see, Muslims were a majority in Miskine,
6 PK5, and other areas where the Muslims were the majority. But they were
7 a minority in Boy-Rabé and in other sectors as well.

8 Q. [14:50:39] However, you may recall that the neighbourhoods that were
9 mentioned which had significant Muslim populations, Miskine and PK5, they were
10 not mentioned by President Bozizé in his speech, if you do recall.

11 A. [14:51:03] I don't have his entire speech in mind, so I cannot confirm whether he
12 mentioned or not those neighbourhoods.

13 PRESIDING JUDGE SCHMITT: [14:51:15] Well, the witness has a fair point. So it is
14 very difficult to interpret speeches given by political officials - or by anybody, if you
15 will - and in the end, this will have to be done by the judges with the help of
16 submissions by the parties.

17 MS PROULX: [14:51:42](Interpretation)

18 Q. [14:51:49] Thank you for your answer, Mr Witness.

19 It is true you don't have the speech before you, and I cannot ask you, therefore, to
20 confirm something without your having the possibility to cross-check by yourself, so
21 that was a good answer. Thank you.

22 * Now, there was a third speech - and that will be the last for now, in any event -
23 document number 41, CAR-OTP-2060-0727, and there is an audio version, which I
24 will not use, which is document number 9, CAR-OTP-2000-0647. This speech,
25 going by the metadata provided by the Prosecutor, was delivered on 13 January 2013.

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1 And I'm going to read a very short excerpt of it for you, from page 0729, from lines 29
2 to 30.

3 PRESIDING JUDGE SCHMITT: [14:53:34] Ms Struyven.

4 MS STRUYVEN: [14:53:16] Excuse me to interrupt again, but I think it may be
5 helpful to first establish whether or not the witness was at all present at -- while the
6 speech was given, or have any foundation based on which these types of questions
7 could be asked of this witness. Again, as your Honours yourself would indicate --

8 PRESIDING JUDGE SCHMITT: [14:53:34] No, no, you're right. I think, yeah, if the
9 witness has heard the speech, then please ask him how he perceived this portion. I
10 think that is the best. And if not, you could ask anybody what was meant, frankly
11 speaking. Not -- perhaps not anybody, but a lot of people.

12 MS PROULX: [14:54:15](Interpretation)

13 Q. [14:54:18] Mr Witness, the speech I would like to talk to you about was
14 delivered at the Barthélémy Boganda sports complex in Bangui on 13 January 2013.
15 Did you hear the speech before, Mr Witness?

16 A. [14:54:41] No.

17 Q. [14:54:53] Mr Witness, in all of François Bozizé's speeches that you heard from
18 end of 2012 to early 2013, did you at any time hear him encourage Central Africans to
19 harass Central African Muslims?

20 A. [14:55:17] No, I did not hear any speech -- any other speech by Bozizé. The
21 speech I heard was the speech delivered at PK0, which you have just asked me a few
22 questions about. That is the only speech I heard, which was delivered at PK0, that is,
23 when you leave the -- that he had left the presidential palace and came to PK0 to talk
24 to the people.

25 As for the other speeches, I did not hear them.

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1 Q. [14:55:54] I'll move on to something else.

2 During your interview with the OTP, you briefly talked about the CNJ, that is, the
3 national youth council. As far as you know, did that council have links with
4 COCORA?

5 A. [14:56:26] Yes. When -- well, you need to take out the *Conseil national de la*
6 *jeunesse* from everything that is political. It is an apolitical organisation. It is still
7 apolitical. So that CNJ is completely apolitical, and the CNJ sometimes works with
8 the ministry of sports to organise events, such as the day of the martyrs, which, in
9 Central Africa, particularly, is a day commemorating martyrs. And what happens is
10 that, all students and peoples gather to celebrate that day. On that day, the CNJ
11 works in collaboration with the ministry of youth to obtain some subventions in order
12 to organise that day.

13 So, once again, let me specify that the CNJ is an apolitical institution.

14 Q. [14:57:43] So if I understand you properly, the CNJ had no link with COCORA?

15 A. [14:57:53] Yes. When people tried to establish a link with COCORA, well, I
16 remember that there was a former president of the CNJ - who was still a student at
17 the time, but who later on joined politics - and was not the president of the CNJ, and
18 so he tried to establish a link between the CNJ and himself. I think his name is
19 Guenebem. I forget his name. Guenebem or something. But my -- my take is that
20 CNJ is apolitical, but Mr Guenebem, if that's his name, was using this for his own
21 political intents.

22 So the CNJ is apolitical. And if it contacts the ministry of youth, it is simply to seek
23 assistance for awareness and outreach towards the youth in terms of STM -- STDs and
24 other such initiatives.

25 Q. [14:59:06] Still in relation to COCORA, would it be correct to say that COCORA

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1 was created towards the end of 2012 and that its activities ultimately came to an end
2 around or after the coup d'état against Bozizé, so there was no COCORA thereafter?

3 Do we agree?

4 A. [14:59:34] Yes, I agree with you.

5 Q. [14:59:39] Whereas, the Anti-Balaka, the self-defence group, Anti-Balaka,
6 emerged in the second half of 2013, do you agree?

7 A. [14:59:49] Yes, I agree with you.

8 Q. [14:59:53] Therefore, when you say in your interview with the OTP that some
9 youth who had been members of the COCORA subsequently joined the Anti-Balaka,
10 that does not mean that there was a direct link between the COCORA and the
11 Anti-Balaka.

12 A. [15:00:22] Let me specify here, that if I said that some young persons who were
13 COCORA members had joined the Anti-Balaka, it is that it was a voluntary move
14 because it's not the leaders of COCORA who had asked them to. COCORA existed
15 when Bozizé was in power, but as -- when he left, there was no more -- any COCORA.
16 Because as he left, all those who were in charge of COCORA fled and they were no
17 longer on the territory. These are people who had been working under Bozizé, they
18 had some resources, and they had left the country. So it is the young people who
19 remained in the country who rose up to defend the territory and took on the name
20 Anti-Balaka, as we know it today.

21 Q. [15:01:23] And one last question on that point. Do we agree that COCORA is
22 a group that was created in Bangui; whereas, the Anti-Balaka was created in the
23 hinterland, is that correct?

24 A. [15:01:45] Correct.

25 Q. [15:01:46] Now I'll move on to something else, specifically the arrival of the

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1 Seleka. You said that Seleka was made up of many mercenaries, people who were
2 foreigners. On * page 2122 7535 of your statement, you say that it was those
3 mercenaries that were at the origin of the massacres and not Central African Muslims.
4 Do you stand by that?
5 And, secondly, where did these mercenaries come from?
6 A. [15:02:40] If I use the term "mercenaries", given the fact that Seleka had taken
7 over power, the majority of them did not speak our national language, Sango, and
8 they did not even speak French. So you agree with me that Muslims, Christians and
9 the Central African Muslims speak French, so -- speak Sango. *And those who do
10 not speak our national language, Sango, what proves that they are Central Africans?
11 They are people who came from somewhere else. And if someone leaves another
12 place to come and fight on another territory, that person can be called a mercenary.
13 That is a term that I used. They do not know anything about our home. They did
14 not know our national language, Sango. They did not speak either Sango or French.
15 But I do not know where they came from.
16 I say they're mercenaries. I do not know where they came from; that's why if they
17 were Central African Muslims, I would -- was -- I did not say that the Central African
18 Muslims were the one. Why? Because people who are together know each other.
19 They live together. I can give you the example of the KM5 market -- the PK5 market.
20 You have knives and so on, but the Central Africans who live like brothers, there are
21 no problem amongst them. And there are also Christians and Muslims, there are no
22 problems amongst them. They have never known what happened.
23 So these were not Central Africans. They were mercenaries. Why would people
24 who live together start killing each other like that? It is because it was people who
25 came from elsewhere.

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1 Q. [15:04:59] (Overlapping speakers)(No interpretation)

2 PRESIDING JUDGE SCHMITT: [15:05:10] Ms Proulx, it's really absolutely
3 fascinating how the interpreters cope anyway because we have a very eloquent and
4 intelligent witness here who has a lot to say and speaks quite quickly; so perhaps try
5 to wait a couple of seconds until the interpreter has finished so that he gets your next
6 question also correctly.

7 MS PROULX: [15:05:45](Interpretation)

8 Q. [15:05:46] You say that you did not know where those mercenaries came from at
9 that time. Now, ever since then, have you received any specific information
10 concerning their provenance? In this courtroom, we have heard in particular that
11 the Seleka elements came from Chad and Sudan.

12 Is this something you heard?

13 A. [15:06:18] Yes. What I heard is the same thing that you heard. They came
14 from Chad, Sudan, because they are people -- and there were even some who came
15 from Niger. Because there are people in the -- Central Africans who speak the
16 language from Niger, and those of them observed that amongst these people, there
17 were people who were speaking that same language. So I confirm that it is the same
18 thing you just said.

19 Q. [15:07:11] A short while ago, you mentioned that there were also some Central
20 Africans who had joined the Seleka, particularly after Mr Djotodia's coup d'état. Did
21 you observe that the numbers of the Seleka grew following the arrival of the Central
22 Africans in that group?

23 A. [15:07:44] When I talk about the Central African Muslims amongst the Seleka, I
24 am alluding to the Gula and Runga, who our -- are our Muslim Central African
25 brothers. So people from that Runga area and Gula area were Muslims. And when

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1 they arrived Bangui, there were even Christians who were members of the Seleka.

2 And even in the Anti-Balaka, there were Muslims who were Anti-Balaka.

3 Q. [15:08:38] In your interview, you explained that initially the population was
4 happy when Seleka came to Bangui but that, unfortunately, the situation rapidly
5 deteriorated, and the Seleka started pillaging the population.

6 Now, my question is: Who, in particular, did the Seleka target for their attacks?

7 A. [15:09:12] I will start with your first question. When the Seleka took over
8 power, I said that the population was happy. Because when Bozizé was still in
9 power, in his last days in power, at one point people no longer trusted Bozizé, and the
10 reason that -- is that he made promises that he did not fulfil, particularly amongst the
11 young people. The majority of the young people were not happy with President
12 Bozizé at the time.

13 And, also, there was supposed to be a recruitment of soldiers, and, at that time, it was
14 Bozizé's son who was responsible for the defence ministry. So people had to pay
15 a sum of money to submit their files for the military, but there was a sudden change
16 brought about by Francis Bozizé, the minister of defence. And this change meant
17 that the young people had to buy -- to sell even the small property they had to pay the
18 filing fees. I think it was about 30,000 francs at that time. Some of them paid but
19 were not even recruited. So people were very, very unhappy.

20 On the side of the soldiers, some of them were neglected, and only those who were
21 close to Bozizé were treated well within the army. That is why Bozizé was speaking
22 to the population, because he was -- he found himself in a delicate situation, and he
23 was detested everywhere, and suddenly -- it was in relation to that.

24 Well, your second question, if you can repeat it, I will be able to answer you.

25 Q. [15:11:54] Did you observe that the Seleka was attacking specific groups?

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1 Which specific groups did they attack specifically?

2 A. [15:12:17] Initially, the Seleka were attacking all the men, the Christians -- all the
3 men, first of all. First of all, the Gbaya. Now, after the Gbaya, they said that
4 weapons had been distributed -- that they knew that weapons had been distributed,
5 so they were there to disarm. So they used that word "disarmament".
6 Subsequently, you have men who are Gbaya, men who are soldiers. Well, they
7 didn't see the soldiers, because even to take power, they didn't really have to fight.
8 So for them, they started attacking men, because if you are a man, it seems -- it means
9 you are a disguised soldier. And if you are a Gbaya, you were also part of that,
10 because, according to them, Bozizé had been distributing weapons.

11 Q. [15:13:31] Mr Witness, the citizens in Bangui tried to organise a certain amount
12 of resistance against the Seleka -- against the exactions of the Seleka; I am correct?

13 A. [15:13:56] If you are talking about the citizens, well, they do not have the
14 resources to resist the Seleka. The Seleka were heavily armed. The Seleka soldier
15 had two, three, four weapons alone, so they were heavily armed. So the citizens
16 used the * Casserole operations to resist. That was the only sort of resistance to
17 attract the international community.

18 And some soldiers were coming to Bangui to defend the territory, but, unfortunately,
19 the Seleka were too well armed. Amongst the two groups, if you have two, three,
20 four soldiers who come, they cannot really resist. They cannot put up a defence.

21 Q. [15:15:07] Yes, that is where I was going to.

22 Now, the actions that you were able to see, to participate, it was by civilians, peaceful
23 and unarmed action; is that correct?

24 A. [15:15:30] Yes.

25 Q. [15:15:38] Now, setting aside what you have just said, that is, sometimes the

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1 FACA could try to resist a little bit, apart from that, there was no real armed group
2 resisting the Seleka in Bangui in the first half of 2013. Do we agree on that?

3 A. [15:16:00] Yes, I agree with you. There was no resistance.

4 I can also state that these soldiers fighting against the enemy, if they are shooting
5 against one another, then you will understand that there is resistance. But if
6 someone realised that people were not there -- they knew that the Seleka were not
7 there, they would shoot and shoot and shoot and then they'd go into hiding. You
8 cannot call that resistance.

9 Q. [15:16:55] Now, the participants of citizen actions, those people who were trying
10 to resist peacefully, did that put them at risk in relation to the Seleka? Were they
11 subsequently targeted by the Seleka elements?

12 A. [15:17:23] Well, this demonstration, you will see that it was the entire population
13 that were targeted. You know what was happening in the CAR. Even women and
14 children were attacked by the Seleka. So it was the entire population. They were
15 organising themselves with whistles at the entry of Boy-Rabé.

16 For example, if there were Seleka convoys coming, those who were living there
17 started whistling. And after the others heard the whistles, they would come out
18 from everywhere, inviting the other members of the population to come out while
19 beating pots and saucepans to make noise and to attract the Sangaris forces at the
20 time to try and calm and counter the action of the others. So that is how it happened.
21 In the end, it was not only men, but women also.

22 Q. [15:18:46] Do you agree -- were you able to observe that during that period, the
23 population of Bangui was left to their own resources? They did not have any
24 external aid from the -- from anyone. The international community did not really
25 assist the population in the face of the Seleka. Do you agree?

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1 A. [15:19:18] Yes, I agree with you. I was wondering to myself, at one point I was
2 saying, "But the international community, the CEMAC and the African Union, they
3 were there at the beginning of the crisis. But where were they when Seleka came
4 and captured Bangui?" I myself, I was asking myself this question why?
5 I felt that even the international community, the CEMAC, the African Union, with
6 everything that they were trying to say and do at the time, I don't know how they
7 were organised, but according to information, there was a red line that had been
8 drawn by the African community or CEMAC, protected by international elements, to
9 prevent Seleka from entering Bangui and to try to hold the position and find
10 a peaceful solution to the crisis. However, to our great surprise, we saw Seleka enter
11 Bangui.

12 So where was that international community at that time? I am asking that question
13 myself.

14 * As for the soldiers, we did not have the soldiers of the Central African Republic to
15 defend the people, the civilians. They threw down their weapons. We did not know
16 where the soldiers were. They allowed the population to themselves faced with the
17 Seleka. So the Central Africans were really abandoned during that period.

18 Q. [15:21:20] And at that time, am I correct to say that the government authorities,
19 such as the gendarmerie, was not functional, so the only authorities were Seleka?
20 And correct me if I'm wrong, please.

21 A. [15:21:45] When Seleka took power -- we are not talking about the gendarmerie
22 but the police. People did not know what was the gendarmerie, but the police.
23 Everywhere, every sector, every point, only the Seleka were there. Now, the
24 gendarmerie, the police, the soldiers, even the justice system at the same time, they
25 were not there.

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1 Q. [15:22:24] Thank you. At this point I would like to continue to speak about
2 these events, but out of caution, I would like to ask the presiding judge that we
3 should go in private session, please.

4 PRESIDING JUDGE SCHMITT: [15:22:41] Private session.
5 (Private session at 3.22 p.m.)

6 THE COURT OFFICER: [15:22:46] We are in private session, Mr President.

7 (Redacted)

8 (Redacted)

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Trial Hearing
WITNESS: CAR-OTP-P-0889

(Private Session)

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1 (Redacted)

2 (Open session at 3.40 p.m.)

3 THE COURT OFFICER: [15:40:56] We are in open session, Mr President.

4 MS PROULX: [15:41:13](Interpretation)

5 Q. [15:41:13] Mr Witness, I want to now briefly discuss with you the sources of
6 your information, first, when you were in Bangui and then later in relation to where
7 you were refuged. You said in your interview with the OTP, and repeated this
8 morning, that during the crisis, information was flowing in all directions and that
9 information was being shared extensively. This morning, at page 29, you said
10 something -- page 29 of this morning's transcript, you said something which I thought
11 was very interesting. You were talking about a specific conversation, but maybe this
12 applies to broader conversations as well. You said that conversations basically were,
13 so to speak, based on rumour.

14 Now, I would like to understand and find out from you what the sources of your
15 information were at the time. Was it by word of mouth? Was it through Facebook
16 conversations? Was it through blogs or was it through rumours?
17 Can you tell us somewhat where you -- or what the sources of your information were.

18 A. [15:42:30] If I am to answer your question correctly, I would like to know what
19 type of information you are referring to. But, in any event, there was some
20 information that was obtained by word of mouth. There was some information that
21 came from Facebook. I also told you that there were a number of warning or alert
22 systems that were in place using whistles. When a Seleka would be approaching,
23 those would be used to alert the population to seek refuge somewhere else. So word
24 of mouth, and so on and so forth. But if you were to specify what type of
25 information you are looking at, then I might be able to provide you with a more

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1 specific answer to your question.

2 Q. [15:43:22] I did not have any specific information for now, but maybe I will
3 revisit that point next week when I continue my examination. But I'm thinking
4 specifically about the information about the location of the Seleka and the attacks and
5 the resistance movements, who was part of that, and so on and so forth.

6 Did you have any opportunity to notice that some of the information that was being
7 disseminated was simply rumour and that it was also false, it was incorrect
8 information?

9 A. [15:44:16] Yes, I agree with you, because I am a Central African, and in the
10 Central Africa, everything that is said is not always true. So some things were said
11 by some persons whose veracity may not be real. So it all depends on what you are
12 talking about, which may need to be cross-checked.
13 So many things were said in the Central African Republic that, under scrutiny, turned
14 out to be false. You see, sometimes people wish to get some attention or visibility or
15 to develop networks and relationships, and they -- they may say things that
16 sometimes are not -- not true.

17 Q. [15:45:16] So you would agree with me that at the time, maybe because of the
18 crisis and the prevailing panic which must have obtained at the time, that there was
19 information --

20 Well, I see my colleague is on her feet.

21 PRESIDING JUDGE SCHMITT: [15:45:36] Yes?

22 MS STRUYVEN: [15:45:37] Thank you, Mr President. Just because I see that the
23 line of questioning continues, this is extremely general. We're asking about general
24 information, whether the generality of information could have been or could not have
25 been false, or right or wrong, I don't think it's very helpful. But I also don't think

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1 that this witness can -- he already indicated that he wants to have specific examples
2 on which he could then respond. But I'm not sure it's fair for him to then categorise
3 it so generally.

4 PRESIDING JUDGE SCHMITT: [15:46:10] I don't see this as a classical objection, so
5 to speak, but I would agree with you -- with what you are saying, since the witness
6 has already indicated that he would prefer it.

7 So when you are referring to concrete information that you want to address in your
8 further examination, ask him about his sources. And we are also mindful of the fact
9 that the witness was asked at the beginning of this day about his former statements,
10 and he said that they have been the truth according to how he perceived the things at
11 the time; so we have also to see that. I think it really makes sense, like you already
12 indicated, that when you reach a certain point, that you specifically ask him about this
13 matter.

14 MS PROULX: [15:47:01](Interpretation)

15 Q. [15:47:03] Mr Witness, let me give you a specific example. In this trial, we have
16 hundreds and hundreds of pages of Facebook conversations, but all do not relate to
17 you. However, we noticed that, for example, many people were sharing information
18 on the places that they alleged Bozizé was to be found at specific times. There's a lot
19 of information as to Bozizé being in South Africa, in Cameroon, in France, in
20 South Sudan, in Kenya.

21 At the time, did you hear of any information about where Bozizé was but which
22 turned out to be -- to be false, subsequently? Are you aware of that, of any such
23 thing?

24 A. [15:48:15] Well, personally, and on Bozizé's position at that time, where he was
25 at that time, well, I know that it was said that he went straight to Cameroon after he

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1 left Bangui. After Cameroon, I learnt that he went to Benin where his church was to
2 be found. So, as for me, I know that Bozizé was in Cameroon and in Benin. Now,
3 personally, I don't know whether it is the truth, whether he was there or not, but I
4 also have -- I only have information relating to Cameroon and Benin concerning him.

5 Q. [15:49:12] A short time ago, when the Prosecutor showed you a Facebook
6 conversation which you had had, you said that one doesn't have to trust everything
7 that you said because sometimes you said some stupid things.

8 Am I to understand that you shared some information from time to time that you had
9 not cross-checked to determine whether it was correct, is that correct?

10 A. [15:49:45] Yes, that is true. I did share some information, but it depends on the
11 type of information, as I've already told you. You see, on Facebook,
12 particularly - and I said this to Madam Struyven a short while ago - there are things
13 that people say on Facebook which she should not really take into account because
14 those things are bits of foolishness, one may say.

15 Q. [15:50:17] Without mentioning their names, your Facebook friends with whom
16 you had discussions, would it be correct to say that, like you, these were young men
17 who were worried about what was happening in their country and who were
18 expressing their frustration in relation to the Seleka abuses and who, therefore, from
19 time to time, may have used words or expressions that may have been somewhat
20 racist or somewhat out of place when talking about the enemy? Would you agree
21 with this analysis?

22 PRESIDING JUDGE SCHMITT: [15:51:05] Ms Struyven.

23 THE WITNESS: [15:51:06](No interpretation)

24 PRESIDING JUDGE SCHMITT: [15:51:08] Mr Witness, please wait a second before
25 you answer.

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1 Ms Struyven.

2 MS STRUYVEN: [15:51:13] I apologise again, but I think, again, this is far too
3 general. I don't think this witness can provide an answer to -- in respect of all the
4 individuals, and he cannot necessarily indicate how all these individuals were feeling
5 at the time in the Central African Republic. We have no specification in terms of
6 place, people, messages or anything else that I think would be necessary for this
7 witness to answer that question.

8 PRESIDING JUDGE SCHMITT: [15:51:37] I tend to agree. And also we had - and,
9 it did not escape the attention of the Chamber - we have this remark of the witness
10 shortly before the break, lunch break, about the veracity of some of his comments on
11 Facebook.

12 MS PROULX: [15:52:04](Interpretation)

13 Q. [15:52:08] I would like us to look at a specific conversation, Mr Witness. It's the
14 document at tab 59 in the Prosecutor's binder, CAR-OTP-2133-2741.

15 And I would like that to be displayed to the witness. Thank you.

16 The excerpt in question is at page 2763 and 2764.

17 In the last but one message, your friend says that they have just heard Levy Yakité on
18 RFI. And then in the next message you say -- you repeat that Levy "yakité is not one
19 of ours and this has been established. And when has he started to speak on behalf of
20 Anti-Balaka? He is one of those who like to benefit from other's circumstances."

21 Am I to understand then that at the time Levy Yakité introduced himself in the media
22 as the Anti-Balaka representative and that this information was going around or was
23 doing the rounds but that it was false? Is that a proper understanding, Mr Witness?

24 Mr Witness, did you understand my question?

25 A. [15:54:24] Kindly repeat your question, please.

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1 Q. [15:54:28] My question was as follows: Can we understand from this message
2 that at the time Levy Yakité was introducing himself as a member of the -- or the
3 representative of the Anti-Balaka at the time, but that this information was false?
4 Because you say that he was not -- "He is not one of ours."
5 A. [15:55:00] Yes, indeed, I do remember this conversation. When we talk about
6 Levy Yakité, we are looking at someone who takes advantage of various situations
7 because they -- they want to benefit from it, given the coat that they were wearing.
8 When I say Levy Yakité was not Anti-Balaka, well, this is someone I talked
9 extensively about.
10 Now, when we learnt that Yakité was making statements to the effect that he was at
11 the top of the Anti-Balaka, that was not true. That was not true, because the
12 Anti-Balaka was made up of young people, youth. When these youth got mobilised,
13 there was no one giving them instructions to do this and to do that. All those who
14 came later on, only came after the youth had mobilised to defend their villages. The
15 names that you hear about today and the figures you hear about today are people
16 who only came later on.
17 Now, even the figures -- well, Levy Yakité and so on and forth, does -- did Levy
18 Yakité ask the young people to defend their villages? No. The young people rose
19 to defend themselves.
20 But there is someone also, whom you know and whose name I cannot mention, also
21 did the same thing. They became popular among the Anti-Balaka and did not want
22 competition from others, just like Levy Yakité. So there was a leadership tussle, and
23 each individual wanted to claim part of the Anti-Balaka as belonging to them and so
24 on and so forth.
25 So that's what I'm talking about.

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1 Q. [15:57:11] I would like to show you a publication at tab 61, Defence binder,
2 CAR-OTP-2091-0455.

3 And I would like this to be displayed for the witness. It's a FROCCA publication
4 dated 25 November 2013.

5 Mr Witness, you can see the publication showing armed persons, heavily armed
6 persons alleged to be FROCCA combatants having encircled Bangui. A short while
7 ago or sometime ago, a witness appearing here said that this publication was fake
8 news and that FROCCA was an organisation that broadcast fake news on the Internet.
9 According to your knowledge of the Anti-Balaka, their living conditions and their
10 equipment, would you agree with that witness that this publication appears to be fake
11 news?

12 A. [15:59:06] I agree entirely. Because going by the arsenal that one sees on this
13 picture, I can reassure you that the Anti-Balaka do not have such an arsenal. One,
14 the Anti-Balaka did not use vehicles to fight Seleka. They had no vehicles. The
15 kind of weapons on this image that I see, the Anti-Balaka did not have such weapons.
16 The Anti-Balaka moved on foot.

17 Now, when it comes to FROCCA, well, I don't know. But as regards the Anti-Balaka,
18 what I know is that they didn't have any such equipment.

19 Now, the person who has published this FROCCA publication, well, if they say that
20 the Anti-Balaka were like this, well, many things happened in my country. Maybe
21 he knows some Anti-Balaka who had vehicles and who were fighting with such
22 vehicles. So you might need to investigate this further. So I cannot say that it is
23 false. I -- it might be rumours; so you need to look into this further.

24 What I know is that the Anti-Balaka did not use vehicles and they did not have heavy
25 weapons, like what appears on the image before us. They did not have any of that.

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- 1 MS PROULX: [16:00:35] Mr President, it might be a good time to stop for the day.
- 2 PRESIDING JUDGE SCHMITT: [16:00:38] I agree with you.
- 3 So we conclude for the day.
- 4 Thank you, Mr Witness, for patiently answering all the questions today. We
- 5 continue with your testimony coming Monday, 9.30. Thank you.
- 6 THE COURT USHER: [16:00:56] All rise.
- 7 (The hearing ends in open session at 4.00 p.m.)