

Trial Hearing
WITNESS: CAR-OTP-P-2328

(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 Tuesday, 6 July 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:09] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:33] Good morning, everyone.
15 Good morning, Mr Demafouth, again. I hope you had a rest -- a nice rest until
16 today.
17 Could the court officer please call the case.
18 THE COURT OFFICER: [9:31:48] Good morning, Mr President, your Honours.
19 Situation in the Central African Republic II, in the case of the Prosecutor versus
20 Alfred Yekatom and Patrice-Edouard Ngaissona, case reference ICC-01/14-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:32:05] Thank you.
23 The appearances of the parties. We start with Mr Vanderpuye and the Prosecution.
24 MR VANDERPUYE: [9:32:09] Good morning, Mr President. Good morning, your
25 Honours. Good morning, everyone. Today the Prosecution is represented by Irina

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1 Galupa, to my left, behind her Yassin Mostfa, and myself Kweku Vanderpuye.

2 PRESIDING JUDGE SCHMITT: [9:32:20] Thank you.

3 We turn to the representatives of the victims, please. The first team.

4 MS RABESANDRATANA: [9:32:31](Interpretation) Good morning, Mr President.

5 For the legal -- Madam Mouhia Asso, and myself, Rabesandratana, and Mr Enrique
6 Carnero.

7 PRESIDING JUDGE SCHMITT: Thank you.

8 MR SUPRUN: [9:32:51] Good morning, Mr President, your Honours. The former
9 child soldiers are represented today by Nadia Galinier, associate legal officer, and
10 myself, Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank
11 you.

12 PRESIDING JUDGE SCHMITT: [9:33:03] Thank you.

13 And now to the Defence.

14 MS DIMITRI: [9:33:06] Good morning, Mr President. Good morning, your
15 Honours. Mr Yekatom this morning is represented by Mr Thomas Hannis,
16 Mr Gyo Suzuki, and Ms Wilhelmina Wittingham, as well as myself, Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:33:20] Thank you.

18 And Mr Knoops.

19 MR KNOOPS: [9:33:23] Good morning, Mr President, your Honours, everyone in
20 the courtroom. I'm assisted today by Ms Phoebe Oyugi, on my right, Ms Chiara
21 Giudici, and we have a new intern, Mathilde Couloigner.

22 PRESIDING JUDGE SCHMITT: [9:33:46] And your client, Mr Knoops.

23 MR KNOOPS: [9:33:47] Of course. I'm sorry, Mr President.

24 PRESIDING JUDGE SCHMITT: [09:33:47] No problem.

25 MR KNOOPS: [09:33:47] Mr Ngaissona, welcome.

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1 PRESIDING JUDGE SCHMITT: [9:33:49] So we continue with the examination by
2 the Prosecution.

3 Mr Vanderpuye, you still have the floor.

4 WITNESS: CAR-OTP-P-2328 (On former Oath)
5 (The witness speaks French)

6 MR VANDERPUYE: [9:33:59] Thank you, Mr President. Good morning, once
7 again.

8 QUESTIONED BY MR VANDERPUYE: (Continuing)

9 Q. [9:34:05] And good morning to you, Mr Demafouth.
10 Yesterday, where we left off, I was asking you some questions concerning the
11 information you had in relation to the organisation, let's say, of the Anti-Balaka in
12 Cameroon and we had talked about certain meetings that you had information on in
13 which general Bozizé participated.

14 I wanted to ask you if you had any other information concerning meetings at the
15 embassy of the Central African Republic in Cameroon?

16 A. [9:35:05] Yes, we were informed that there were meetings at the embassy.
17 Central African nationals were there to support a resistance and, in fact, it was a
18 meeting to support the Anti-Balaka and the reorganisation of the movement.

19 Q. [9:35:32] Do you recall who participated in that meeting or the information you
20 had about who participated in the meeting rather?

21 A. [9:35:51] I don't have any specific names, but at that time we were told that there
22 was our military attaché at the embassy in Yaoundé who was organising the meeting
23 that is in favour of the Anti-Balaka.

24 Q. [9:36:19] Did you receive any information concerning meetings that may have
25 occurred in France in 2013?

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1 A. [9:36:38] Yes. In 2013 we were aware of meetings organised by close
2 collaborators of Francis Bozizé in France for the purpose of organising the
3 Anti-Balaka.

4 Q. [9:37:03] And if you could briefly tell us, what did you learn about those
5 meetings? When did they occur, for example, and who might have been involved in
6 them?

7 A. [9:37:18] I do not have any precise dates, but I know that in France there was
8 Francis Bozizé with Maître Lin Banoukepa. Those were the main organisers of those
9 meetings.

10 Q. [9:37:42] Have you ever heard of the organisation called the FROCCA?

11 A. [9:37:55] Yes, FROCCA at the time was led by Kokate. He was the one who
12 introduced himself as the leader of the movement and which was also an Anti-Balaka
13 movement.

14 Q. [9:38:21] And do you know what the acronym of FROCCA stands for or what ...

15 A. [9:38:32] No, I really cannot tell you, but I think it is a sort of Central African
16 front led by Kokate and its objective was to redynamise the Anti-Balaka movement.

17 Q. [9:38:53] Okay. And if I were to tell you that it stands for *Front pour le retour à*
18 *l'Ordre Constitutionnel en Centrafrique*, is that something you would have heard or be
19 familiar with?

20 A. [9:39:11] Yes, I think that would correspond more or less to that acronym
21 FROCCA.

22 Q. [9:39:20] Okay. And did you hear about any meetings in France concerning
23 that -- that group?

24 A. [9:39:34] Yes, yes. Kokate was travelling between Paris, Cameroon, and Congo
25 and other African countries as well for the purpose of finding resources and to

1 mobilise Central African soldiers in training who had been sent by Bozizé and to
2 redynamise the movement.

3 Q. [9:40:09] Okay. I'd like to ask you just a few questions concerning your -- the
4 information that you received in -- in the context of your position as a *ministre*
5 *conseiller de DDR et RSS*.

6 In your position, as you mentioned before, you were dealing with certain intelligence
7 structures within the government; is that right?

8 A. [9:40:56] During the period when I was minister counsellor in charge of DDR
9 and RSS, I was not directly responsible for the intelligence services, but I was working
10 with a colleague who was responsible for that service and we shared information
11 every day. We met, I would say, twice a week with a certain number of
12 collaborators and all the information relating to Anti-Balaka and even Séléka, we
13 shared that information. But I already had experience as a leader of intelligence
14 service in the past and that made it possible for me to build my capacity with the
15 previous experience that I had had.

16 Also, when I was minister counsellor in charge of DDR and RSS at the presidency, I
17 found a gendarmerie colonel who had been my former chief of cabinet when I was
18 minister of defence, and in the meantime he had become deputy of the special *chef de*
19 *cabinet* of President Bozizé. So that *chef de cabinet* was in fact a police commissioner
20 and his duties were more related to intelligence. His assistant had been in
21 Bangui -- remained in Bangui. I had tried to convince President Djotodia to maintain
22 him, so I was working with him and he had intelligence services that we collaborated
23 with.

24 Q. [9:43:07] All right. So I -- I wanted to just clarify a couple of things. The first
25 is, as you've said, you shared information with members of the intelligence services, if

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1 not the chief of the intelligence services, and the second is that you have a
2 background in that yourself.

3 So further to that I wanted to know, the intelligence services that were set up while
4 you were minister in charge of security -- the security sector reform, they
5 formed -- they functioned normally in the sense that there were specific people, units
6 that were charged with carrying out security services for the country; is that fair to
7 say?

8 A. [9:44:08] You have to know that the intelligence services did not function well
9 because the instruments that make it possible to collect information, police and
10 gendarmerie, were not functioning well and the Séléka had set up a documentation
11 service led by Nouredine. * He was the number two. That service was totally out of
12 control, so they were the only ones who managed that. So we had to make do with
13 the intelligence produced by the little that came from the police and the gendarmerie,
14 but they were not very efficient, so we relied a bit more on the population.

15 Q. [9:45:03] Okay. And when you say you relied on the population, you mean
16 informants or informers?

17 A. [9:45:18] Not only informants, but neighbourhood leaders mayors and notables.
18 Those are people who could provide information to us.

19 Q. [9:45:34] And that information, I take it, was at least analysed or checked to
20 some extent and reports were produced?

21 A. [9:45:49] Yes. I think if you go into the archives of the Presidency of the
22 Republic at that time, you'll find that there was even a decree by President Djotodia
23 creating what was known as the National Security Council. It was Mr Yamale who
24 was the security general of that council. He convened security meetings and we
25 would all come at that time and exchange information.

1 Q. [9:46:26] And in the context of the security apparatus or sector, there were
2 people that were designated as responsible for that information, particular
3 information being conveyed to the presidency; is that right?

4 A. [9:46:52] Yes, each service that attended that meeting brought their information
5 and they had a report that was read and circulated during the meeting.

6 Q. [9:47:07] And those reports that were read and circulated during the meetings,
7 they were produced regularly?

8 A. [9:47:20] Yes, each time there was a meeting of the National Security Council,
9 there was a report, a *procès-verbal* which was prepared.

10 Q. [9:47:34] And in your function under both transition governments, you came
11 into contact with those reports in the context of your meetings as well; is that right?

12 A. [9:47:51] Yes, of course. I would also like to point out something concerning
13 those meetings. You have to know that as early as December 2013, after the
14 Anti-Balaka attacks in Bangui and when the FOMAC forces and the Sangaris forces
15 arrived in Bangui, very quickly we also set up a committee, a security committee in
16 which we held meetings two or three times a week in order to assess the security
17 situation. It was a very high-level committee and it functioned a little bit during the
18 time of Séléka. And then it continued with Madam Samba-Panza and I believe it is
19 still there today in the CAR, but I was one of those who sort of set up that committee
20 with the first elements of the Sangaris and FOMAC who arrived.

21 Q. [9:49:19] I'd like to show you a few documents. We can start with tab 31,
22 CAR-OTP-0080-0821. This is a document you can see. It's entitled (Interpretation)
23 "Special Intelligence Report". (Speaks English) And it's dated 10 February 2014.
24 There's just a few things I'd like to draw your attention to, but first I'd like you to
25 clarify maybe a couple of things.

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1 It says right at the top (Interpretation) "Origin: DST".

2 (Speaks English) Can you tell the Chamber what that signifies?

3 A. [9:50:40] *Direction de la surveillance du territoire*, that is department in charge of
4 territorial security.

5 Q. [9:50:46] Okay. And the designation *Bulletin spécial*, what is that -- how is that
6 distinct from any other report that you might receive or that might be produced by
7 this entity?

8 A. [9:51:18] This entity was made up of police officers who were specially trained
9 in intelligence services, and more specifically in intelligence relating to destabilisation
10 of the country. So they were under the authority of the Ministry of Public Security,
11 and so their information is usually very, very important. And so when they
12 produced a bulletin of this, so that means they had really cross-checked the
13 information because the DST also works with the Central African embassies abroad
14 and they receive really reliable information.

15 Q. [9:52:28] In -- in this particular document, I just wanted you to focus on a couple
16 of things. The first is in the second paragraph of the document, which I'll just ask
17 you to read to yourself very quickly because it will be much faster than if I try to read
18 it to you.

19 Yeah. Okay. The first part -- well, I guess the first sentence of it refers to the
20 expression of a -- of a sentiment of reject and hate towards the Muslim communities
21 by the Anti-Balaka. So the first thing I wanted to ask you about that is, is that
22 information that you had, one, at the time and, two, came into through other means?

23 A. [9:53:48] Yes, that information is correct. I remember when we received this
24 information, we started by trying to verify and then we started by checking with
25 Muslim leaders, community leaders to see whether they were really targeted by

1 attacks by the Anti-Balaka. And so we contacted religious leaders and all the
2 information that reached us confirmed that systematically as from January 2014,
3 systematically their houses and property were being destroyed and they themselves
4 were being hunted down. * This was becoming really systematic and methodical, so
5 even I, myself, as from January, I had taken back my position as the person in charge
6 of security. But with Madam Samba-Panza, when she was elected on 14 January, she
7 appointed me minister counsellor in charge of security, and I set aside my DDR and
8 RSS duties. So I resumed those duties and I collaborated with FOMAC and Sangaris.
9 So at that moment we realised that there was destruction and there was hatred
10 towards Muslims, which was growing, and we started reflecting in order to find out
11 where this was coming from and how to put an end to it. But it was really very
12 difficult because it was coming from all the directions, all the zones under the control
13 of the Anti-Balaka.

14 Q. [9:56:12] And we're just going to come to that in a second as soon as I turn the
15 page, but before we do that let's take a look at the last paragraph over here on this
16 page. And here it says: (Interpretation)

17 "The politicisation and the ideals of these actors of the insecurity will intervene when
18 former president François Bozizé and his supporters Patrice-Edouard Ngaïssona,
19 Francis Bozizé, Levy Yakete et maître Lin Banoukepa without forgetting the discrete
20 dignitaries of the former regime who want to come back to power."

21 (Speaks English) Then it talks about financing from a distance in Cameroon. It talks
22 about anti-patriotic acts contributing to the birth of certain factions. And then we
23 will see over the page what that refers to, and that's at ERN ending 0822, where it
24 describes (Interpretation) "Pro-Boziziste Factions".

25 (Speaks English) In the middle of the paragraph you'll see a reference to Mr

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1 Patrice-Edouard Ngaïssona, and at the bottom of that paragraph you'll see the
2 locations that have been identified up until that point. And you see there's quite a
3 list, that encompasses Boy-Rabe, Gobongo, Kpindao, PK11 all the way through PK16,
4 Sakai 1, 2, through 5, Damala, Don-Bosco, Yaloke, Bossembélé, Boali, Bossangoa.
5 And then it talks about other groups, including at Beloko, Baboua, Bouar. And
6 you'll see some names that you might be familiar with, such as Aaron Wilibona,
7 Eusèbe Empténo, Lieutenant Danboy junior.
8 Baoro was another location. Ganboula-Berbéрати. And there you can see a
9 reference to "colonel Mokom Alias Rocco, *fils de l'ancien sous-préfet de Ganboula Mokom*
10 *Bernard*".
11 And then below that you can see faction (Interpretation) "pro-Sani-yalo and his
12 brother Dazoumi-yalo's faction".
13 (Speaks English) The FRUD, (Interpretation) "Front for the Restoration of Unity and
14 Democracy".
15 (Speaks English) And then beneath that you can see, (Interpretation) "The Anti-Balaka
16 is based in Bangui town and the interior of the country: whose military command is
17 ensured by caporal-chef * Yekatom Alias Rambo".
18 (Speaks English) And there you can see certain locations,
19 "Boeing-Catin-Fatima-Mpoko-bac-Plateau; Bimbo-Barrière, PK12-Périphérique de
20 Zila-Yamboro-Samba-Sekia". And then you can see "Lobaye,
21 Pissa-Bangui-Bouchia-Batalimo-Mogoumba-Mbaïki-Boda ..." and so on.
22 First of all, have you seen this document before -- well, you said you saw this
23 document, rather. Have you seen this information before?
24 A. [10:00:56] Yes, everything that is mentioned there is correct.
25 Q. [10:01:03] Let me -- let me just go to the last -- well, the next to last page for this

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1 ERN ending 0824. And it talks about a couple of different factions here as well.

2 There's faction Ndale --

3 PRESIDING JUDGE SCHMITT: [10:01:19] You don't have to read them out. I
4 think we have -- the witness says he knows the document and he is a quick reader as
5 we have -- could already determine, so I -- simply you could put the question to him.
6 And if you want to steer him to a specific information there, you can do that of
7 course.

8 MR VANDERPUYE: [10:01:34] Thank you, Mr President.

9 Q. [10:01:36] So here there's a reference to the faction Ndale and it refers to the
10 location there, in particular Bouar. And there's a faction (Interpretation) "Faction of
11 the usurpers".

12 (Speaks English) And these are locations in the provinces, such as Carnot, Gadzi,
13 Guen and so on.

14 You had this information as well at the time?

15 A. [10:02:13] Yes, the police considered them as usurpers quite simply because
16 these were people who had formed groups of bandits before coming to pledge
17 allegiance to the Anti-Balaka ComZones. And it is true that it is these people, when
18 they were accepted by the ComZones in the various zones, they became very
19 aggressive against the general population, particularly the Peuhls, because they came
20 with the objective of making money from the cattle of the Peuhls. So it was those
21 gangs that perpetrated many crimes in Boda, Gadzi, Carnot, and so on because they
22 split up and joined the Anti-Balaka leaders who accepted them. And from that
23 moment on, they were carrying out a lot of operations.
24 Initially, we tried to identify them. It was very difficult. We thought that it was
25 soldiers and others, but the population helped us to identify them in Gadzi and

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1 Carnot. I think I have given some names and their various positions, but it is true
2 that the police referred them -- to them as usurpers, but in reality they were part and
3 parcel of the hierarchy and command chain of the Anti-Balaka and they received
4 mission orders and other instructions from the Anti-Balaka commanders.

5 Q. [10:04:34] Thank you for that explanation.

6 I'd like to take you to another document. I have a few of them that we'll go through,
7 so we might go through quite quickly, but I'll try to get through them. This one is at
8 tab 28. The ERN is CAR-OTP-0080-0802. This is, as you can see, is another -- well,
9 rather, it's a (Interpretation) "Daily Intelligence Bulletin".
10 (Speaks English) And it's dated -- it's also from DST. It's 17 February 2014.

11 These sorts of daily reports, are these things that you would normally come into
12 contact within your position?

13 A. [10:05:42] Yes, as soon as the minister of security received this, he passed on the
14 information and sent me a copy. As soon as the minister of the security received this
15 report, he sent me a copy so that I could also make some statement at our meetings.

16 Q. [10:06:14] For this one I just want to draw your attention to the next page. It's
17 at ERN ending 0803. And just to take a look at item number 7?

18 A. [10:06:50] Yes.

19 Q. [10:06:53] And what it -- what it seems to describe is a link between Anti-Balaka
20 elements in Carnot and also Berbérati.

21 A. [10:07:01] Yes, that's correct. The Carnot zone and Berbérati was the ground
22 for action which was extremely cruel. It's there we saw a hoard of people who
23 merely had the intention of getting all the possessions from the Muslims in that area,
24 kill and get their goods, occupy their houses. And it's from that moment onwards
25 the major camps, like the refugee camps, were created in Carnot and Berbérati. It is

1 from that moment onwards that the camps were set up. The gendarmerie and the
2 police in Berbérati were not numerous and the Anti-Balaka felt that they can move
3 and do what they like in Berbérati. They had also people in the police and
4 gendarmerie who supported them. So this report is -- is correct and reports precisely
5 what happened.

6 Q. [10:08:31] Let me take you to CAR -- well, further on in the document, page
7 ending 0805, item number 17.

8 * A. [10:08:45] Sorry. If you allow me, I could add something about point 8. The
9 disagreements between Gbangouma and Andjilo... that's true. I saw it myself.
10 Bangouma asked me to reassure him that -- whether he could come into CAR because
11 he fled and went into Cameroon. And as I said in my previous testimony,
12 Bangouma, when he left the military bases of Bossangoa when the Séléka advanced
13 and the Séléka hadn't arrived at Bossangoa yet, I -- I just came from the Chad border
14 where I was escorted. * I was with Wafio, one of my collaborators, who was from the
15 former APRD. He had a pickup vehicle and within the demobilisation he got that
16 vehicle and that vehicle remained in Paoua. * Gbangouma arrived 24 hours later after
17 our departure to Bangui with FOMAC. He arrived in Paoua and he picked up the
18 car of that gentleman. And he fled with it to Cameroon, and the Cameroonians took it.
19 So, that gentleman tried to join Gbangouma in Cameroon, and he threatened
20 Gbangouma in order to get his vehicle back.
21 So that gentleman threatened Bangouma in order to get the vehicle back. And as it
22 was my collaborator, he called me to say that he was fleeing and he had no means of
23 transport but that vehicle. And when when (Redacted)
24 (Redacted)
25 (Redacted) and I asked him to drop this idea and

1 come back to the country because he already had a lot of problems and he was a
2 military, so I asked him to come back and go back to the ranks. So he did return and
3 he was in Boy-Rabe. The Anti-Balaka asked him to join them, but he refused. I
4 remember that Andjilo came and attacked him and he called him and it's me who
5 provided him with a gendarme to help him and to protect him. And today he is
6 commander and he's in the regular army in Bangui. So I can confirm completely
7 point 8. That is absolutely correct.

8 Q. [10:11:34] All right. Thank you for that explanation as well. And I can see
9 that you have a good recollection of some of the information even -- even now.
10 Take a look at item number 17. It's at 0805, page 0805 in this document.

11 A. [10:12:21] It wasn't something done secretly. It was well known. And the
12 Anti-Balaka clearly indicated their intention. The intention was to gain power. The
13 administration was in the hands of the KNK for the last ten years and then the Séléka
14 arrived in power, but they didn't have the time to change their administration. So all
15 the framework of KNK remained in place and the Anti-Balaka used them to obtain
16 information and to destabilise the government. They were close to success, but
17 fortunately there was some people like myself and others who provided intelligence
18 and information to the international forces so that we could have the transitional
19 system that continued until elections could take place.

20 Q. [10:13:36] Thank you for that explanation as well.

21 I'm going to move to a different document, but I do note in this particular one, at item
22 number 17, it refers to the participation of ex-FACA within the ranks of the
23 Anti-Balaka or at least as supporting the return of President Bozizé to the -- to the
24 head of state position. This one is at -- this next article -- this next document is at
25 tab 29. It's CAR-OTP-0080-0814. This one is also a special bulletin and it's from

1 March 2014, 17 March.

2 And it's just describing the situation in the third arrondissement at the last paragraph
3 on this page which -- which goes onto the next page as well. If you could just have a
4 look at that and let me know when you're done.

5 A. [10:15:28] I'm aware of this. From that moment onwards, we noticed in our
6 security meetings that it was extremely difficult for MISCA and the Sangaris to
7 contain the Anti-Balaka around kilometre five because there the Anti-Balaka
8 formations in that area had the support of FACA of -- and also the former
9 presidential guard of Bozizé.

10 In those areas, the men around Rambo, who were also former military men,
11 supported Anti-Balaka extremely well and those attacks were no longer attacks of
12 civilian groups, but they used military methods in their attacks; attack response,
13 attack response. They were conducting military operations. If you saw them
14 attacking you understood what was going on, so we had a lot of difficulties and
15 problems. And the Séléka, when the Séléka understood that these were military
16 attacks, the Séléka also started to reorganise themselves.

17 At a given point in time, at the end of January or the beginning of February, we
18 decided that Séléka leave some positions. * So, they gathered in the camps: Camp Beal,
19 the RDOT Camp and Camp Kassai. So in kilometre five they realised they were in
20 danger, so they, too, they reorganised themselves to make themselves a Defence force
21 to face the attacks of the Anti-Balaka. So we were caught in a system which would
22 happen every day. So you will see, before the arrival of the UN forces at the
23 front -- and the EU tried to create a force that was called EUFOR, which would arrive
24 in Bangui, and these were the arrondissements where EUFOR was stationed in order
25 to protect. EUFOR was made up of different countries, they were Estonians and

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1 others, and we asked them to protect kilometre five and the airport and its surrounds,
2 so that we could help the Sangaris and the FOMAC so that they could face the
3 different clashes that were taking place.

4 Q. [10:18:50] There are two -- two other issues I'd like to just draw your attention to.
5 The first is item 2.2. It's at page 0815 of this document and refers to the north-west of
6 the country Ouham -- Ouham-Pendé and it talks about the birth or creation of a new
7 rebellion in the area of Paoua, Gbeboura, and Bedaya, and it's called RJ. We
8 discussed that, I think, yesterday very briefly.

9 First of all, I just wanted to confirm with you that this is what we were in fact talking
10 about yesterday with respect to Armel Sayo and this *Révolution et Justice* group that
11 we --

12 A. [10:19:56] Yes.

13 Q. [10:19:56] Okay. And the information here, because we can see this is dated
14 17 March 2014, to your recollection, is that about when that the -- at least the creation
15 of that group came to the attention of the security services?

16 A. [10:20:21] Yes.

17 Q. [10:20:22] Let me ask you about item number 2.4, and that's located at page 0817
18 in this document. And 2.4 refers to Lobaye. It talks about Anti-Balaka that are
19 coming from Bangui, and in particular from Fatima, Cattin, Bimbo, in relation to
20 combat, and then it says -- it talks about a grave humanitarian crisis in that area.

21 Did you have that information at the time? Is that something that -- is that
22 something you recall?

23 A. [10:21:26] Yes, perfectly. And I think I took enormous risks, enormous risks on
24 this part of Lobaye, which relates to Boda. In Boda, at that moment, we would talk
25 about a Muslim enclave and that enclave we said was about one square kilometre. It

1 might have been slightly larger I than that. One kilometre each side. A square, but
2 with one kilometre on each side. And so in that you had all the Muslims and they
3 couldn't get out, and the Anti-Balaka who were under the command of Rambo came
4 from Bangui, from Mbaïki and encircled this enclave and people were caught inside.
5 So the Boda brigade who -- alerted us to this. Initially, we tried to deploy FOMAC, a
6 detachment of FOMAC that came from the Congo, but they were -- they had too
7 much to do because Anti-Balaka attacked the camps regularly each night. * And when
8 we saw that FOMAC could not do it themselves, I spoke to a French general, at that
9 time it was General Bellot des Minieres, and we asked that we have a further French
10 detachment in that area. France helped us, and did indeed provide a detachment.
11 * And thanks to this detachment, I benefitted from French air resources ... from the
12 aircraft of the French forces to go to Boda regularly. I took night flights, day flights,
13 and other flights to go there. But the humanitarian situation was disastrous. I saw
14 it with my very own eyes. Women in situations which were unacceptable. We saw
15 people who were dying of starvation because the Muslims who were in these
16 enclaves could not leave. They couldn't look for anything. They couldn't find
17 wood to heat themselves. As soon as they went out to look for food or wood they
18 were beaten. So they lived amongst themselves and at a certain point they didn't
19 have anything anymore. They didn't have anything to eat. So it was an extremely
20 difficult situation. I won't tell you about the poor hygienic conditions in these
21 enclaves.
22 So in this square kilometre, approximately, there was a population which was more
23 than 5,000 or 10,000 individuals. But within that enclave, there was also the Séléka.
24 * I asked the Muslims who were in Boda where these people had come from. They
25 told me that they were people they had kept there in order to protect themselves. I

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1 realised that that group allowed them to destroy everything around the camp, all the
2 houses of the Christians who were surrounding the camp. This meant there was a
3 demarcation line between the enclave and the rest of the area around the camp, and it
4 is this zone of a hundred metres where all the fighting took place because the
5 Muslims tried to go to the houses which were empty from the demarcation line and
6 the Anti-Balaka knew this and they came and caught them and trapped them there.
7 So everything happened in that area. So I can confirm what is described in this point
8 24.

9 Q. [10:25:43] Okay. We'll come to a bit -- a bit of that, but I want to move on to a
10 different document, which is at tab 32. I don't know if you've seen this document
11 before, but I'll show it to you. It's a map and the map indicates -- I'm sorry, I didn't
12 read out the ERN? 0080 -- CAR-OTP-0080-0838.

13 The first thing I want to do is flip it over to the next page, which is 0839, so that can
14 you see the date. It's dated 19 March 2014 and it says "*Origine: D.S.T.*", and you can
15 see here what the indications on the map show, which is the "*Anti-Balaka Zone*
16 *d'incursion des Anti-Balaka*" (Interpretation) "Anti-Balaka reoccurring violent [and]
17 robbery areas and zone of arm caches and attacks".

18 (Speaks English) So if we can go back to the first page, which is 0838, you can
19 see -- I'm sure you recognise the map of Bangui here, the airport, 3rd arrondissement,
20 7th arrondissement, Gobongo, and all of that.

21 Does this accord with your information, your understanding of the situation around
22 that time in Bangui concerning -- concerning the activities of the Anti-Balaka?

23 A. [10:27:34] Yes, I've already seen this map. I've already seen this map.

24 PRESIDING JUDGE SCHMITT: [10:27:49] Microphone please, Mr Vanderpuye.

25 MR VANDERPUYE: [10:27:51] Sorry. Sorry.

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1 Q. [10:27:53] The bottom of the map, all the way to the left, you can see an area
2 for -- an area that is marked with a red circle indicating Anti-Balaka there and you can
3 see the road that travels to the left.

4 First of all, do you recognise that road and the direction that it leads on the bottom
5 left of the -- of the map here?

6 A. [10:28:26] Yes, that's the Mbaïki route.

7 Q. [10:28:28] Okay. And do you -- could you indicate on this map approximately
8 where you might find the PK9 bridge? In what direction on a map would you find
9 it?

10 A. [10:28:45] The PK9 bridge is located -- you can see the water that flows and you
11 can see Petevo in the fourth arrondissement. You see Petevo? And when you
12 continue from Petevo and you go down, you have some water and the bridge is just
13 below that and the gendarmerie brigade is in that particular place.

14 Q. [10:29:27] All right. If we could just go down on the page in this map a little bit
15 so we can see where the water goes. Is that -- is that -- are you better able to indicate
16 where that might be?

17 A. [10:29:52] Yes, the water moves and flows into the Ubangui. It's a confluence
18 of the Ubangui. The bridge is on that flow of water. It's on the route which goes to
19 Mbaïki at PK9.

20 Q. [10:30:23] Okay. And in the other direction on this map - if we could just go up
21 and to the right - are you able to show where, for example, the area of Ouango is, the
22 7th arrondissement? No, no, no, too far up I think. We can have the witness
23 identify it, though.

24 A. [10:30:46] The 7th arrondissement? (Overlapping speakers) You have to go
25 down. You have to go down a bit.

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1 MR VANDERPUYE: [10:30:56] Sorry. I see counsel is on her feet (Overlapping
2 speakers)

3 MS DIMITRI: [10:30:58] Mr President, I don't know if it's possible, but it would be
4 useful, perhaps, to have the witness annotate the map. Because after that, when we
5 read transcript, I think it's going to be a little bit difficult to see where (Overlapping
6 speakers)

7 PRESIDING JUDGE SCHMITT: [10:31:09] Yeah, actually, I also have a little bit
8 difficulties to follow.

9 MR VANDERPUYE: [10:31:12] Do we have the facility to mark these maps? We
10 do.

11 PRESIDING JUDGE SCHMITT: [10:31:16] Yeah, yeah. Also, I thought we had it in
12 another case where -- where we have been in, Judge Kovács and I, we had this also.
13 So perhaps we can do it this way. This would make it much more easier. Thank
14 you.

15 MR VANDERPUYE: [10:31:26] Thank you very much. Thank you, Counsel.
16 But in the interest of time, it's not -- it's not so important unless you want --

17 PRESIDING JUDGE SCHMITT: [10:31:39] No, then I think it's fine. But in general,
18 also in the future, such maps might be also a part of our evidence here in the
19 courtroom. Perhaps we can handle it this way. Yeah, that will be possible.

20 MR VANDERPUYE: [10:31:55] All right.

21 Q. [10:32:04] Yeah? Are you able to mark it on the map where -- where you
22 believe the -- the PK9 bridge is or the direction of the PK9 bridge?

23 We'll have to move the map, I think, so that he can -- he can mark it appropriately.

24 PRESIDING JUDGE SCHMITT: [10:32:29] Actually, it's always quite some exercise
25 for the witnesses, Mr Demafouth, yeah.

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1 Mr Hannis?

2 MR HANNIS: [10:32:38] Your Honour, I'm an old fashioned guy. I might suggest
3 if we made a hard paper copy of the map he can mark that and that could be the
4 exhibit.

5 PRESIDING JUDGE SCHMITT: [10:32:52] You know -- yeah, we could do that, for
6 example, during the break. Why not. And actually, I'm also sympathetic to
7 suggestions which -- not which refer to age, but refer to more analogous solutions.
8 Mr Vanderpuye, please continue (Overlapping speakers). Perhaps we can align
9 during the break and then do it this way.

10 MR VANDERPUYE: [10:33:19] Yes, okay. That's no problem.

11 Q. So we'll move to the next document then and then I'll -- before we break, I will
12 hand this to you and I'll ask you to mark where the location of the PK9 bridge is,
13 where is the 7th arrondissement, where is the -- the area of Boy-Rabe and then -- and
14 then we can move from there.

15 So the next document is tab 30. It is the 24 March 2014, CAR-OTP-0080-0818. This
16 is another special bulletin.

17 As I said, it's dated 24 March 2014. I just want to draw your attention to the second
18 paragraph, which refers to this -- we may have to move the document down a bit so
19 we can see the second paragraph, but I think you have it in front of you. In any
20 event, it refers to this "*nébuleuse Anti-Balaka*", and then it talks about the approximate
21 number of men in the capital and in the province.

22 So, first, I wanted to know is this information that you received and does it
23 correspond to your recollection of the circumstances at the time?

24 A. [10:35:11] Yes.

25 Q. [10:35:12] It talks about a number of actions --

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1 A. [10:35:18] Precisely. Because during that period, we started discussions with
2 the group leaders, the Anti-Balaka group leaders to try to see whether there was a
3 possibility of engaging a DDR programme for cantonment or barracking with them
4 and so we sometimes met with Mr Ngaïssona. * But Mr Rambo, on the other hand,
5 was never at those meetings, we had not met with him as an official. But we met with
6 other Anti-Balaka leaders who came during that period. You had hostage taking,
7 racketeering, breaking and entering had increased really in Bangui and there was a lot
8 of insecurity.

9 Q. [10:36:29] Let me just turn over to the next page. That's at CAR-O -- at page
10 ending 08 --

11 PRESIDING JUDGE SCHMITT: [10:36:36] May I just ask one question, please.

12 MR VANDERPUYE: [10:36:39] Yes, of course.

13 PRESIDING JUDGE SCHMITT: [10:36:41] Mr Demafouth, in the first
14 paragraph - and Mr Vanderpuye has already referred to it - it says, "*la nébuleuse*
15 *Anti-Balaka*".

16 What does "*nébuleuse*" mean in your understanding?

17 THE WITNESS: [10:37:07](Interpretation) *Nébuleuse*, according to the police, refers,
18 well, to an organisation where we knew that there -- mainly there was
19 President Bozizé. And under him there were former ministers and former soldiers,
20 but they did not want to appear publicly as such and -- so sent out smaller people like
21 Andjilo, Douze Puissance and others to carry out operations. So it became a
22 nebulous, a nebulous entity because it was no longer possible to understand what
23 was inside and we were not aware of the specific hierarchy. So that is when we
24 decided that FOMAC should arrest some Anti-Balaka leaders and question them so as
25 to find out a structure and actions. That is why the police referred to them at that

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1 time as the *Anti-Balaka nébuleuse*.

2 PRESIDING JUDGE SCHMITT: [10:38:21] Thank you.

3 Mr Vanderpuye, please move on.

4 MR VANDERPUYE: [10:38:23] Thank you, Mr President.

5 Q. [10:38:26] If we could just go to the next page, which is at ERN ending 0819, and
6 then I would direct your attention to the -- the paragraph just over the number one on
7 that page. And in particular it talks about (Interpretation) "The extremists who
8 support the return to constitutional order."

9 (Speaks English) This is something that I referred to before in relation to the FROCCA
10 and -- when I was questioning you earlier, and it discusses pretty much what you
11 were just talking about before, a group (Interpretation) "The majority of which are
12 former supporters of President Bozizé."

13 So with respect to this information, that's obviously something you had because you
14 already spoke about it, but it talks about two points that I wanted to ask you about
15 just beneath that paragraph, point two and point three. Have a look at those and I'd
16 like to have your comment about them.

17 Okay. What they appear to be -- what they appear to -- to talk about is the reasons
18 why certain supporters of the ex-president might be dissuaded or motivated -- or
19 demotivated in respect to their potential future. And at item number two it talks
20 about pressure, all right, international pressure on the Bozizé clan with regard to the
21 possible -- being possibly brought before the criminal court in The Hague. That's
22 this place; isn't it?

23 A. [10:41:17] Yes.

24 Q. [10:41:17] And is that something that -- is that something that agrees with your
25 recollection of the events or the -- or the understanding of what those individuals that

1 were participating with Bozizé and the Anti-Balaka were motivated by or
2 demotivated by?

3 A. [10:41:48] Yes. As you know, the attempts of the Bozizé clan and the
4 Anti-Balaka supporting them to take over power were numerous and we made sure
5 they failed each time. During that period, we increased our contacts with the
6 international community, particularly France, to try and issue an arrest warrant for
7 Bozizé and his children so as to put him at the disposal of international justice or to
8 dissuade him for pursuing that adventure. And as stated in point three, the attempts
9 to transfer weapons, I can confirm to you that at one point we infiltrated the
10 Anti-Balaka movement with certain elements who provided information to us. So
11 we informed the Cameroonian authorities each time that we received information
12 about a possible transfer of weapons or purchase of weapons aboard to bring to CAR.
13 * We knew that there were only three possibilities: Chad, the DRC, Cameroon, or the
14 Congo. So we contacted those countries, and they knew about it. I personally
15 received telephone calls threatening me by Bozizé supporters and that I was trying to
16 block their transfers and others. So what is stated here is true. I even remember
17 having talked about it with Mr Ngaïssona in my office, once or twice in my office in
18 Bangui at the Presidency of the Republic.

19 Q. [10:43:57] Did you have information about who was involved in trying to obtain
20 weapons, arms, and things like -- of that nature on the Anti-Balaka side? Do you
21 know who was involved in those efforts?

22 A. [10:44:21] To begin with, you had Maître Banoukepa, Kokaté, those who could
23 have contacts with people abroad, they were travelling -- first of all, those three, there
24 was a third name, and then you have Bozizé's children, Francis and the others.

25 PRESIDING JUDGE SCHMITT: [10:44:55] May I shortly?

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1 MR VANDERPUYE: [10:44:56] Yes, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:44:57] A follow-up to what you said,
3 Mr Demafouth. You said that you talked about these matters with Mr Ngaiissona.
4 How did he respond or how did he react when you talked about these matters with
5 him?

6 THE WITNESS: [10:45:26](Interpretation) Well, on the spot, it was a meeting that we
7 had firstly at my request and secondly at his request. I think even a third time we
8 had a meeting in my home thanks to a collaborator. At that time, he gave me the
9 impression that he understood. I explained to him that it was necessary to stop and
10 even leave the movement. And I gave him an example of myself and I told him that
11 in the future he might become someone representing peace and other actions rather
12 than being an Anti-Balaka leader because he told me he was also preparing to be a
13 candidate in legislative elections and others. So on the spot I had the impression that
14 he had understood and that he was going to put an end to his participation in that
15 movement.

16 PRESIDING JUDGE SCHMITT: [10:46:34] Do you recall, approximately, when this
17 discussion happened?

18 THE WITNESS: [10:46:47](Interpretation) No, I no longer remember the date, but
19 I -- it happened three times; two times in my office and a third time in my residence.
20 But in my residence, it was really informal and cool. It was as if we could even be
21 friends. We promised to telephone each other and exchange information because
22 there was someone call Wilibona, a collaborator at the presidency who had been
23 proposed by him and appointed as *chargé de mission* at the presidency and he was the
24 link between us. So as far as I know, everything was going to return to normal, but I
25 cannot remember the date.

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1 Another time he was invited to a meeting at the Presidency of the Republic, and while
2 he was going into the meeting room the FOMAC force came to arrest him on an arrest
3 warrant of the prosecutor of the republic and I went and saw the president and
4 said -- and told her that FOMAC was there to arrest Mr Ngaïssona. We exchanged
5 with them. At that time, it was very difficult to arrest Mr Ngaïssona because he had
6 a huge mobilisation capacity. We did not have the necessary forces to contain the
7 crowds, so we decided to release him in the evening and keep him under judicial
8 control. I think it was my driver and one of my other collaborators that
9 accompanied him, so I saw him in 2013. I saw him once again in the French embassy
10 at a cocktail. He was there at that dinner, as well as myself, and we met there.

11 PRESIDING JUDGE SCHMITT: [10:49:03] Thank you.

12 Mr Vanderpuye.

13 MR VANDERPUYE: [10:49:07] Thank you, Mr President.

14 Q. [10:49:08] You talked about your conversation with Mr Ngaïssona relative to an
15 arrest or a warrant issued by the Prosecutor. First, let me show you something. It's
16 tab 43, CAR-OTP-2003-0019. And we'll have to go to ERN ending 0476, I think.

17 PRESIDING JUDGE SCHMITT: [10:49:55] This is the tab which is a little bit
18 misleading because it -- there's a lot of pages missing, so we have to go not exactly to
19 the end, but quite -- quite --

20 MR VANDERPUYE: [10:50:05] In the tab (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [10:50:06] Yeah, yeah, yeah, absolutely.

22 MR VANDERPUYE: [10:50:08] Yes, Mr President.

23 For eCourt purposes, yeah, it's ERN ending 0476, and maybe it's just easier to see it
24 there.

25 As you can see, this is an international arrest warrant. If you go to the bottom of the

1 page, you'll recognise that it concerns Mr Ngaïssona. All right. And if we go to
2 ERN ending -- well, go to the next page ending in 0477 (Overlapping speakers)
3 PRESIDING JUDGE SCHMITT: [10:50:47] I think it's 0477, yeah.
4 MR VANDERPUYE: [10:50:54] We'll see the specific information regarding
5 Mr Ngaïssona, a description of him and so on. If we can go down the page, and at
6 the bottom of the page or close to the bottom of the page, it talks about the certain
7 facts relating to the arrest warrant. On the next page, you'll see the date, which is
8 indicated here as April -- 8 April 2014, and at the bottom of the page you will see a bit
9 of a recitation of certain facts related to Mr Ngaïssona -- or allegations, I will say.
10 And the first thing is, did you have this information -- on the next page you'll see that
11 it seems to relate to allegations relating to public corruption. That's how I would
12 describe it, but you read French better than me and you'll be able to tell us. The ERN
13 of that page, by the way, is 0479.
14 Do you see that? It says Edouard (Interpretation) "Ngaïssona did not hesitate to use
15 any means to have his bills paid -- his inflated bills paid by the public treasury."
16 (Speaks English) First of all, is this information that you had around that time?
17 A. [10:52:59] Yes.
18 Q. [10:52:59] Okay. And does it help situate you as to when, or approximately
19 when, you had your conversation with Mr Ngaïssona concerning his -- well, his
20 conduct in relation to the Anti-Balaka?
21 A. [10:53:21] No, I really do not remember the precise date, and the information
22 here -- well, with regard to Mr Ngaïssona, this arrest warrant dated April 2014, the
23 acts perpetrated by Mr Ngaïssona were known to us ever since January 2014. So as
24 far as we were concerned, since January 2014 we were looking for a way to dialogue
25 with him. And this is why the meetings between us could possibly have held even

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1 before this warrant was issued, but there had even been other warrants before that. I
2 think he had even been indicted before, but at that precise moment, under those
3 circumstances, what we wanted was to have a dialogue with him so that the
4 Anti-Balaka under his control should lower the pressure on the transitional
5 government because at that time we were preparing what we called popular
6 consultations at the grassroots. I was responsible for that. We had to send
7 ministers and teams throughout the national territory to meet with village heads, all
8 the social segments of the population to prepare the Bangui forum. So I needed calm,
9 serenity, and specifically security for the teams that had to travel, and one of the
10 people who could help ensure that security was Mr Ngaïssona, so that is why I tried
11 to discuss with him independently of the judicial proceedings that could have been
12 initiated against him.

13 Q. [10:55:43] Okay. Let me ask you a couple of questions about some different
14 documents, if I could. The first one I want to show you is -- the first one that I want
15 to show you is ERN -- tab 6, rather, ERN CAR-OTP-2099-0255. Very good. All
16 right.

17 The first thing I want to show you is at the next page, which is 0256, and then we'll
18 take note of what's on this page as well. But first let's go to this page. And you can
19 see a reference to you there?

20 A. [10:56:56] Yes.

21 Q. [10:56:58] Okay. And here it talks about a meeting between the president and
22 certain Anti-Balaka representatives, and it talks about you underlining the presence of
23 armed groups still active in the areas of Castor, Sara, and Fouh.

24 Do you recall that?

25 A. [10:57:30] Yes, perfectly well.

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1 Q. [10:57:31] And was this a meeting that -- that -- in which Mr Ngaïssona took
2 part?

3 A. [10:57:43] No, in that meeting, only those of us responsible for security services
4 attended and --

5 Q. [10:57:57] (Overlapping speakers) No, no. I'm referring to the meeting with the
6 president.

7 A. [10:58:01] I'm the one -- oh, you are talking about the meeting with the president,
8 in which Mr Ngaïssona was present, took place effectively because in the
9 neighbourhoods mentioned here the pressure from the Anti-Balaka was very strong
10 and there was a lot of insecurity. And based on the information that we had, it was
11 really the Anti-Balaka, so I asked the president whether it was possible to invite him
12 and to draw their attention to the fact that they needed to put an end to their actions.
13 And I remember, if you allow me, that I remember -- I remember, and Mr Ngaïssona
14 remembers also very well, that he sort of teased me or accused me because he told the
15 president that, "Mr Demafouth, who is present here, is the one who requested
16 FOMAC to come and search my house for weapons and other things." And I was
17 surprised. * I said, "I never carried out an operation at your house. If FOMAC did so,
18 then it was the police unit of FOMAC." And he said no, that witnesses told him that
19 they had seen me with FOMAC, but I told him that I was indeed working for FOMAC
20 at some time and I exchanged information with them, but the unit that came to his
21 house, I was not present.

22 So that is to confirm to you that I talked about this meeting in the security meeting to
23 ask the Sangaris unit with our police and gendarmerie to double the patrols in those
24 areas. And so we warned the Anti-Balaka that there should be free movement of
25 people and property in those areas. Unfortunately, that was not the case. There

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1 were scrimmages and there was insecurity.

2 MR VANDERPUYE: [11:00:33] Just in the one minute that I have, Mr President, I
3 want to just come to this one point on the first page of this document concerning
4 Mr Yekatom before we take the break.

5 PRESIDING JUDGE SCHMITT: [11:00:43] Makes sense.

6 Q. [11:00:46] If -- Mr Demafouth, if you could just take a look at point number 2(d)
7 in this document and have a read of that. I'll ask you about that a little bit later on as
8 we go, but in particular it talks about certain --

9 A. [11:01:11] Yes, I remember very well. And I can tell you why I had asked the
10 directorate general of the gendarmerie to summon Mr Rambo because in the meetings,
11 at that time, he was referred to as Mr Rambo and we knew it was Yekatom. We
12 wanted to question him because I had information in his activities in Lobaye, and
13 particularly the occupation of a former state palm factory he had transformed into his
14 headquarters. And then he was erecting roadblocks on roads and -- particularly at
15 the Pissa roundabout. He collected taxes, controlled identity cards, and that was
16 terrible for transportation and I wanted a gendarmerie to question him on that. And
17 at that time, I made a proposal during the meeting to sort of reach out to him, that he
18 should come to the staff headquarters so that he should be included in the census,
19 that since he had not come before he should come and present himself and then he
20 will go back to barracks. So it was for the purpose of peace, just as I did with
21 Mr Ngaïssona. That is why I proposed that idea to summon him. Unfortunately,
22 he did not respond. He the situation was more difficult. (Redacted)
23 (Redacted)
24 (Redacted)

25 MR VANDERPUYE: [11:03:26] Okay. All right. We'll --

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1 PRESIDING JUDGE SCHMITT: [11:03:27] You can also, if you want to, finish with
2 this document, I think, because it's closely connected. Then we can do that and then
3 we have, let's say, the break until a quarter to 12 or something like that. It's up to
4 you. Otherwise, we do it now.

5 MR VANDERPUYE: [11:03:43] It's okay with this document. I'll move to -- I'll
6 develop some of these points when we come back.

7 PRESIDING JUDGE SCHMITT: [11:03:48] Okay. Then let's have a -- the coffee
8 break now.

9 MR VANDERPUYE: [11:03:49] Thank you, Mr President.

10 THE COURT USHER: [11:03:51] All rise.

11 (Recess taken at 11.03 a.m.)

12 (Upon resuming in open session at 11.34 a.m.)

13 THE COURT USHER: [11:34:41] All rise.

14 Please be seated.

15 PRESIDING JUDGE SCHMITT: [11:35:19] Now, Mr Vanderpuye, you can continue.

16 MR VANDERPUYE: [11:35:25] Thank you, Mr President.

17 Q. [11:35:29] Good morning, Mr Demafouth. I'd like to pick up where we left off
18 just briefly, and that was in relation to certain meetings and discussions you had with
19 Mr Ngaïssona with a view towards managing the situation in Bangui.

20 Did you become aware at any time in early 2014 of an effort that was made to arrest
21 Mr Ngaïssona?

22 A. [11:36:19] Yes.

23 Q. [11:36:22] And do you recall approximately when that was in 2014?

24 A. [11:36:36] I can't remember the exact date, but I do know that he was arrested,
25 and unfortunately the Anti-Balaka was so strong that they even came to get him at the

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1 courts and took him away. It was known, it was public, I don't have the exact date,
2 however.

3 Q. [11:37:10] All right. I'd like to show you a couple of documents. The first one
4 is at tab 42 of the binder. It's a media article and it's dated 20 April 2014.

5 Yeah, it's written in English, so I'll -- I'll read a bit of it into record. At the second
6 paragraph -- well, the first paragraph it indicates that on 18 April - and that's in 2014:
7 "The African Union released a *communiqué* stating that Patrice-Edouard Ngaïssona,
8 the self-proclaimed leader of the Anti-Balaka militia, was arrested by MISCA troops
9 in Bangui." And then it goes on to say that, "24 hours later, he was released and
10 placed under court supervision."

11 In the paragraph that follows it notes that Mr Ngaïssona was the subject of an
12 international arrest warrant issued on 29 May 2013 allegedly for crimes against
13 humanity, incitement to genocide, killings and assassinations. And then in the third
14 paragraph -- or rather the fourth paragraph, it explains the circumstances or -- yes, it
15 explains the circumstances related to his release as provided by the person within the
16 government. And you can see the quote there, it says, "He should not be arrested
17 after a meeting held by the president. The MISCA can choose another frame of
18 action, because this meeting gathering leaders of Anti-Balaka and some from the
19 ex-Séléka rebellion, aimed to find solutions to the crisis gripping the country."
20 So I've just shown that to you to sort of see if that tallies with your recollection of the
21 circumstances regarding Mr Ngaïssona's arrest that you were -- that you were
22 alluding to.

23 So does it?

24 A. [11:39:55] That is correct. That is roughly what I just said to you.

25 Q. [11:40:00] And was there discussion within the government as to the

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1 circumstances of why he should be released?

2 A. [11:40:23] Well, when MISCA wanted to arrest Mr Ngaïssona, firstly he was in
3 the meeting room, then we led him to the room of the cabinet director, then we took
4 him to the office of the president. The commander of MISCA arrived and discussed
5 with him -- and the discussions lasted for hours. In the meantime, we received a lot
6 of threats. * The members of the -- in the -- the members in the room informed their
7 Anti-Balaka chiefs that Ngaïssona was in danger. And we had been warned about
8 preparations for an uprising, and about all kinds of possible disturbances in the town.
9 And since we hadn't taken any measures beforehand to prepare for this, we preferred
10 to opt for an alternative solution and to release him and have him under judicial
11 supervision.

12 Q. [11:41:48] Are you aware of any undertakings that Mr Ngaïssona gave in
13 relation to his being released?

14 A. [11:42:12] Yes, as I was following the discussions in the office of the president,
15 he made an undertaking to ask the Anti-Balaka to stop racketeering and to dismantle
16 the roadblocks, and also to present himself to the office of the judge each week as part
17 of the judicial supervision.

18 PRESIDING JUDGE SCHMITT: [11:42:47] May I shortly? We need the ERN for
19 this last document. I can put it on the record. CAR-OTP-2002-0719.

20 MR VANDERPUYE: [11:42:57] Thank you, Mr President. I apologise for that.

21 Q. [11:43:00] I'd like to show you another document, if I can. It's tab 76. This is
22 one is CAR-OTP-2101-1821. This is a document that is entitled (Interpretation)
23 "Declaration or Statement of Honour".

24 (Speaks English) Dated 17 April 2014, signed by Mr Ngaïssona.

25 First of all, have you -- have you seen this document before?

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1 A. [11:44:09] Yes, I have seen it. It is this document I mentioned. It is a
2 commitment and undertaking, which you'd mentioned. He would ask the
3 Anti-Balaka to stop pressure, racketeering, and dismantle the roadblocks. But he
4 remembers himself because I was present. He signed this document and I took him
5 from the office to the room. I was -- I escorted him because my office was next to the
6 office of the president and I was there and I saw the discussion which took place.
7 The discussion was rather heated with FOMAC leaders, who was General Toumenta.
8 And then he -- he was given a sheet and he signed this document. I remember it
9 quite clearly.

10 Q. [11:45:27] All right. I want to ask you about that engagement in particular.
11 Now, is that something that you discussed, let's say, within the government about
12 Mr Ngaïssona's respect for that engagement, one, and is it something that you
13 discussed with Mr Ngaïssona at another point concerning his respect for that
14 engagement?

15 So the first part is, did you discuss Mr Ngaïssona's respect for this engagement within
16 the government circles, at your meetings, or your security briefings or anything like
17 that?

18 A. [11:46:18] No, no. I'm going to say no. We did convene a meeting with the
19 leaders of the Anti-Balaka and even Séléka who remained in Bangui, particularly in
20 Camp Béal to talk about security. At that moment in Bangui, we received
21 information of a possible coup d'état that was going to take place, so we tried to take
22 actions. We took a meeting to warn everybody, but whilst we were in the meeting,
23 at the beginning of the meeting, the FOMAC forces arrived at the presidency and
24 wanted to proceed with the arrest of Ngaïssona on the basis of an arrest warrant,
25 which they had from the prosecution of the republic, the public prosecutor and many

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1 other elements. So they arrived, and according to the information they had they said
2 that the situation is more serious than we believed and therefore they had to arrest
3 Ngaissona immediately, otherwise there would be no peace. From that moment
4 onwards I said to the general, "Wait, let me first talk to the president," to avoid that
5 everybody was aware what was going on. I invited Mr Ngaissona to go to the door
6 and then I escorted him first to my office and I explained what was going on, and so
7 at the governmental level we didn't discuss it beforehand. What we discussed was
8 that we would receive all the armed groups and ask them to stop exerting such a
9 pressure.

10 Q. [11:48:18] Understood. And it's my fault. What I was referring to was, after
11 he signed this engagement, right, whether you discussed his behaviour after that fact
12 within the government or -- or with him? So -- and I apologise, perhaps I did not
13 phrase the question as I had intended.

14 So after he signed the engagement and after he was released, did you discuss what
15 was happening with respect to his conduct within the government? That's my first
16 question.

17 A. [11:49:06] Yes, affirmative. We did talk about it at the governmental level.
18 We tried to follow his activities. He respected the judiciary measures for a very brief
19 period afterwards, and then later on he did not.

20 Q. [11:49:28] So let me first show you a document. It's at tab 5. It's
21 CAR-OTP -- yes, CAR-OTP-2099-0251, and it's dated 20 April 2014. It is a
22 (Interpretation) "Minutes of a technical coordination committee".
23 (Speaks English) The part I'm interested in is point number 5. It is on ERN page
24 ending 0252. In particular, you can see an indication -- first of all, what is DGGN
25 stand for that's indicated here?

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1 A. [11:50:44] General direction of the general national --
2 THE INTERPRETER: [11:50:48] Sorry, the interpreter didn't get it.
3 PRESIDING JUDGE SCHMITT: [11:50:53] Could you please repeat it,
4 Mr Demafouth. The interpreter did not get it. Thank you.
5 THE WITNESS: [11:51:03] (No interpretation)
6 MR VANDERPUYE: [11:51:17] All right.
7 Q. [11:51:17] And in there -- in this paragraph, you can see a reference to your
8 name and it says that you -- it says: (Interpretation) "The Minister Demafouth
9 questions the good faith of the party in question. His men still remain organised
10 under his command."
11 (Speaks English) Can you elaborate on that and comment on what it is that's
12 attributed to you in this report?
13 A. [11:52:14] At that meeting, I was a bit circumspect about Mr Ngaïssona's attitude.
14 We had just received a note during that period where there was a request for
15 ammunition. Those who want peace don't ask for that. Do not increase their
16 capacity so that those arms become available for their elements. We also requested
17 that the Anti-Balaka leave their posts alongside FACA. Because Mr Ngaïssona
18 delivered to the Anti-Balaka ID cards, and with these identity cards they remained at
19 the posts, at the security posts of the Central African forces. We didn't really know
20 their quality, so we asked Mr Ngaïssona to leave those positions. Unfortunately, I
21 noticed that they -- these commitments were not respected, but the gendarmerie
22 noted that the measures were respected because twice he responded to convocation as
23 regards to the judicial supervision. But we were still in the month of April, so the
24 meeting took place only a few days after this attempted warrant arrest. From May
25 onwards, the judicial supervision was no longer respected and disorder came back.

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1 Q. [11:54:40] With respect to the information concerning the intention or attempt to
2 gain arms, can you provide us a little bit more information concerning what -- what
3 the -- what you knew?

4 A. [11:55:00] Yes, the gendarmerie stopped someone who was in possession of the
5 request which was written down and was near the border where the ammunition was
6 positioned.

7 Q. [11:55:22] And what if anything -- what if anything under -- undergirded your
8 link linking that information to Mr Ngaïssona or the activities of Mr Ngaïssona?

9 A. [11:55:53] When we received this information, the informant told us and we
10 tried to follow through. We -- we behaved as if the request had been carried out, so
11 we sent a team to the border and we tried to find out how Mokom, at the border,
12 could receive ammunition and supply it to the Anti-Balaka at -- or in Bangui. So we
13 wanted to try and understand their system of supplying these ammunitions because
14 we were aware that Mr Ngaïssona was no longer respecting his engagements.

15 Q. [11:57:02] All right. I want to show you another document. This one is at
16 tab 27. Yeah, that's tab 27. ERN is CAR-OTP-0080-0739. This is a *procès-verbal de*
17 *notification*. It's dated 2014 28 April and it concerns Mr Ngaïssona. If we can go a
18 little bit down the page, we can see what it's about. And these relate to certain
19 allegations concerning his conduct and his requirement to make an initial appearance
20 and be questioned. It lists: (Interpretation) "Assassination, looting, sequestrations,
21 return of stolen goods, attack to internal security of the state."

22 (Speaks English) And then it talks about the conditions of his release, provisional
23 release, at the bottom of the page, if we can go down there. We are. And you can
24 see what that -- what those terms require, which appears to be to prohibit being
25 accompanied by military or men -- men carrying arms or in possession of arms. And

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1 then on the next page, you can see it also prohibits making public declarations in the
2 press and including the holding of meetings, yeah.

3 Is this something that you were aware of at the time as well?

4 A. [11:59:20] Yes, completely.

5 Q. [11:59:23] And to your knowledge, did Mr Ngaïssona abide by those conditions?

6 A. [11:59:34] No, not at all.

7 Q. [11:59:36] And was that the subject of the concern that you expressed or your
8 circumspection regarding his good faith in respect of the undertaking that he -- that
9 he signed while at the presidency a little bit earlier?

10 A. [11:59:53] Yes, the destabilisation project, which you can see on the judiciary
11 level as regards to security of the state, continued and the meetings continued as
12 regards those taking place in Boy-Rabe. And those who wanted to destabilise the
13 transitional system contact continued and that's why I was very circumspect.

14 Q. [12:00:35] I'd like to show you a document, which compromises part of an
15 interview that Mr Ngaïssona gave a little bit before he was arrested, actually, and this
16 is at tab 36, CAR-OTP-2001-4818. I think we have it there. This is an interview that
17 was -- it's actually recorded, I believe, as well, but this is the print version of it and it's
18 on 1 April 2014, so about two weeks and -- a little bit before he was arrested at the
19 presidency. And I want to draw your attention to a couple of different points here.
20 The first one is on this page and it relates to a question put to him regarding the
21 coordination of the Anti-Balaka which, in this context, we're talking about Boda. But
22 in this context they're talking about the nature of the Anti-Balaka movement or -- so
23 the question is, you know, put to him and his answer is (Interpretation) "The
24 Anti-Balaka control almost all the entire country, Bangui and the interior of the
25 country."

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1 (Speaks English) A little bit further in that sentence it says: (Interpretation) "As from
2 today, decided to no longer continue hostilities."

3 (Speaks English) So the first thing I will ask you is with regard to those two
4 statements.

5 Was it your information that the Anti-Balaka controlled, let's say, a vast amount of
6 territory within the Central African Republic at the time as Mr Ngaïssona seems to
7 state here?

8 A. [12:03:12] Yes, I remember that interview, but as I have told you, between what
9 is said in the interview and the reality that we knew during the transitional period,
10 there is a great difference. The message of putting an end to hostilities was not
11 respected.

12 Q. [12:03:48] Well, in what way, if you could provide a few examples or something
13 that comes to mind in particular?

14 A. [12:04:00] Well, it was from that moment that on the contrary, the Anti-Balaka
15 movement continued developing even much further towns like Grimari, Bambari,
16 Bria, Alindao, Mobaye, which had never heard of -- the Anti-Balaka movement
17 started receiving many people coming from Bangui at the initiation of Ngaïssona and
18 started carrying out operations and this was in the east of the country. Before that
19 they had been in Bangui and the west. From that moment on, they started going to
20 the east, so crimes were on a daily basis. So as he said, they were almost throughout
21 the entire territory. We were experiencing a terrible thing, an invasion. And each
22 time they arrived, they tried to give the impression that they were the ones restoring
23 order and becoming the public authorities. That is what we realised.

24 Q. [12:05:37] If I can just go to the next page of this document. It's
25 document -- page ending, rather, 4819. I want to draw your attention to the question

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1 and answer at the top of the page, so the question is in bold and the answer that
2 follows. It says part of the Anti-Balaka is represented in the government, and that's
3 the part concerning Joachim Kokaté, a part that you do not recognise. And so he
4 wants -- so the question is asked about possible coordination with his side as well
5 with the government. And his response is that he doesn't pay any attention to what
6 Mr Kokaté says. But the part that I'm interested in is what follows, and this is where
7 he says: (Interpretation) "The Anti-Balaka that I coordinate are one in a single
8 movement, which is spread throughout the entire territory. When I give an order to
9 these children, I think that it is immediately followed."

10 (Speaks English) What do you make of that? What is your -- what is your view
11 concerning that statement?

12 A. [12:07:18] Yes, but it was on the basis of these statements that at the transitional
13 government we thought that we had a sincere interlocutor who had emerged. That
14 is why we engaged in discussions with him. We talked with him. It was because of
15 that that we convened him to meetings. But between what he said and what was
16 really happening on the ground, there was a great difference and that is why FOMAC
17 could not believe what he was saying and they decided to arrest him. The
18 judicial -- the judiciary did not believe what he was saying and issued arrest warrants
19 against him. That was the problem. And the problem with the Kokaté, as well as
20 his problems with Mokom, we were not interested in those problems within the
21 transition. Our objective was peace, that they should allow the authorities, apply the
22 charter and their obligations so as to carry out the electoral process to its end.

23 Q. [12:08:43] With respect to his statement that he believed that the orders that he
24 gave would be followed or were followed, in fact, did you find any support for that in
25 the intelligence that you received?

1 A. [12:09:06] No, we didn't find anything. But I would like to tell the Court that
2 when an order is issued you look out for its implementation, and to do that you have
3 to be on the ground, see, supervise. We did not see him on the ground speaking and
4 controlling those people, so what he was stating there did not reflect what was
5 happening on the ground. That was our problem. We would have wished that the
6 commitment or the undertaking should be fully respected, that is he should bring
7 together the ComZones and speak to them so that the effects should be immediate.
8 The roadblocks should be lifted, they should billet their men and say, "These people
9 are here, you can go and see them." Those were actions that we wanted to see. It
10 was good to make statements like that, but if you continued creating other groups
11 and -- armed groups and sending them to other towns, well -- and that is when the
12 soldiers of the presidential guard came, joined because the groups of Kokaté and
13 Mokom and others were fighting for superiority, so for us this statement did not have
14 any effect. That is why we requested that he should come and that he should repeat
15 what he said in the international media before us, that it should be broadcast over the
16 national radio. Because what is very important is the national radio station because
17 the RFI radio stations are really targeting the international community. But we
18 wanted something on the ground at a national level and we knew that if he made a
19 statement there he would be disregarded. So the commitment for destabilisation of
20 the transition had gone so far that he could not backtrack any longer.

21 Q. [12:12:24] What is the basis on which the government engaged Mr Ngaïssona in
22 the first place, as opposed to just anyone associated with the Anti-Balaka? To make
23 speeches on the radio or to communicate with them? What is the reason that the
24 government picked him?

25 A. [12:12:50] We did not choose only Mr Ngaïssona. There were others. But he

1 was saying that he was the coordinator of everything. At that time, we did not have
2 a choice of interlocutors. Anyone could come and tell us that he could bring peace,
3 and we knew that.

4 Q. [12:13:23] So he was representing himself as the coordinator of everything.
5 What does that mean exactly? How did you understand that at the time?

6 A. [12:13:39] The coordinator of everything included in the Anti-Balaka movement.
7 And Anti-Balaka meant military confrontation. It means war. And for us, that also
8 meant the destabilisation of the regime. So it was those three things. So for us, he
9 was coming there to officially state that he was the one stating the -- representing the
10 actions on the ground at the political, military and security levels. So for our part,
11 we said, well, we have an interlocutor here.

12 And you know Ngaïssona was close to President Bozizé. He was a minister. He
13 took part in the creation of the Anti-Balaka in Cameroon. He had meetings in his
14 house and many other things had been done, so we had enough information to
15 believe him and to receive him in that capacity.

16 Q. [12:14:55] Okay. And to your knowledge, did the people that he was
17 coordinating, or he says he was coordinating, did they receive him and see him in the
18 same light as their coordinator? Did you have information to that effect?

19 A. [12:15:25] Well, I did not see any leaders saying that they were coming on behalf
20 of Mokom, for example. But I saw people who came to represent, for example,
21 Rambo and Ngaïssona. I saw people designated by Ngaïssona to come and be
22 interlocutors and who came to the presidency. I told you about a gentleman called
23 Wilibona. At his request, we appointed him *chargé de mission* at the presidency.
24 There was another one, I am forgetting the name, who came regularly. Sylvestre
25 Yagouzou, something like that. He came regularly to the presidency on behalf of

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1 Ngaïssona and gave us information. He was responsible for patrols and the various
2 posts in Bangui. So there was information that could make us believe that we could
3 receive him in that capacity.

4 Q. [12:16:57] Just one second. I want to show you another document. I want to
5 show you tab 44. It's CAR-OTP-2003-1076.

6 (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [12:17:31] Microphone, please.

8 MR VANDERPUYE: [12:17:33]

9 Q. [12:17:33] We'll need to go to page 1108. Yeah. All right.

10 PRESIDING JUDGE SCHMITT: [12:18:05] We can -- Mr --

11 MR VANDERPUYE: [12:18:07] Sorry. What we should have here is an arrest
12 warrant. Which means you've been hearing me mumbling all this time. I
13 apologise.

14 PRESIDING JUDGE SCHMITT: [12:18:12] No, but I can guess. But I can -- at least
15 at the moment I'm still able to guess what you're heading at.

16 MR VANDERPUYE: [12:18:17]

17 Q. [12:18:17] It's an arrest warrant. It is dated 25 October 2014 and it relates to
18 Mr Ngaïssona.

19 A. [12:18:31] 2014, October?

20 Q. [12:18:37] Yes. Twenty-fifth is what I see.

21 And it relates to Mr Ngaïssona, again, as relating to the charges which I showed you
22 in the previous document. And if we go to page 1110, it talks about the conditions of
23 his release and the circumstances that follow.

24 We'll have to go down the page to see that a little bit.

25 You can see the date, 28 April 2014. That's the date that he's placed "*sous controle*

1 *judiciaire*". And beneath that you can see the circumstances and the facts which
2 follow.

3 In the middle of the paragraph that follows, it says: (Interpretation)
4 "We have realised that the indicted person has violated all his commitments by
5 making statements over national and foreign radio stations, and making himself
6 accompanied by men in uniform and bearing weapons as well as organising public
7 meetings, which had been prohibited in light of the obligations imposed upon him.
8 It is patent and established that the indicted person has violated his obligations."

9 (Speaks English) If we go to the last page we can see that his conditions of release
10 were revoked by the *Juges d'instruction*, I believe.

11 The allegations that are contained here with respect to the motivation for the
12 revocation of Mr Ngaïssona's provisional release, they seem to be similar to some of
13 the things that you're saying and you observed.

14 First of all, is that the case?

15 A. [12:21:03] Yes, that is correct. All those documents are authentic, and you can
16 see that it confirms my circumspection. During the meeting at the gendarmerie, he
17 said that he started respecting the judicial supervision measures. I was circumspect,
18 and the judiciary confirmed that by their revocation of that decision, so this is an
19 authentic document.

20 Q. [12:21:42] All right. I wanted to show you another document, and this one is at
21 tab 63. The ERN CAR-OTP-2087-9025.

22 It's entitled: (Interpretation) "List of the leaders of the Anti-Balaka movement".
23 (Speaks English) It appears to advance a position with respect to the potential
24 participation of these members in the affairs of the government.

25 Can I first ask you, have you seen this document or a similar document before?

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1 A. [12:22:52] Yes, I have seen this document.

2 Q. [12:22:55] It seems to be a request for certain governmental posts, or posts of
3 influence, so to speak?

4 A. [12:23:10] Yes. Whenever there was a government reshuffle, they would send
5 the document to allow the government to choose from amongst these people certain
6 individuals to be appointed. I remember this document.

7 Feikere, we appointed him as advisor at the presidency at the request of
8 Mr Ngaïssona. Mr Ngaya also, he was appointed to a position. Mr Namsenei
9 Robert also.

10 As for the others, including Ngaïssona and Mokom Bernard, they were not appointed
11 because, first of all, they were too committed at the military level and the inquiry on
12 morality did not make it possible for at that moment to assign positions of
13 responsibility to them.

14 Q. [12:24:35] Well, let's take it one by one. First, let's start with Bernard Mokom.
15 You said that there was an inquiry, a morality inquiry. Can you just describe or tell
16 the Chamber what that exactly entails and what it is.

17 A. [12:25:00] Bernard Mokom, it was known that he was the one who was
18 responsible for the Anti-Balaka at the border with Cameroon, Garam-Boulai, in the
19 mineral areas and so on. All those areas were under his control, so it was difficult to
20 give him a position of responsibility. And I think he himself could not have come to
21 Bangui because FOMAC would have arrested him.

22 Q. [12:25:37] And what about Mr Ngaïssona?

23 A. [12:25:50] Mr Ngaïssona, already had a lot of precedence in the judiciary, not
24 even from the period of the transition, but even from the period of the Patassé regime.
25 So it was difficult to give him a position of responsibility. And it was also known

1 that, as the main coordinator of the Anti-Balaka, a promotion for him would be like
2 handing over power to the Anti-Balaka. It is like bringing Nouredine or another
3 person, another name mentioned, and giving them a ministerial position. That was
4 the way we saw it.

5 Q. [12:27:09] In this particular document, you can see that there is a reference to
6 ENERCA, SOCAPS, or *Coordonnateur de DDR*. Now, I can see that the page is cut off,
7 so forgive me if I'm taking some licence with it. I'm sure that the Defence will let me
8 know if I'm overstepping.

9 But can you first tell the Chamber what is ENERCA, I think -- maybe the Chamber
10 has that information, but maybe you can tell them anyway, briefly. And what is
11 SOCAPS.

12 A. [12:27:23] That was his request, he wanted to be the general manager of the
13 electricity company. That is the company, the corporation providing power to the
14 national grid. That is what he wanted. That is a -- a post that is referred as greasy,
15 it was really well paid, and that would have provide huge funding for his movement.
16 Secondly, there is a corporation that employs a lot of people, so we thought that he
17 was going to employ a lot of Anti-Balaka people, and the state would no longer have
18 control over electricity supply in the country.

19 SOCAPS, I think it is the company for the distribution or storage of petroleum
20 products and pods, so that is also an important company. So he really chose some
21 greasy targets. So giving him that would have been to provide him means to fund
22 his activities.

23 He also asked for the position of coordinator of the DDR. Under these circumstances,
24 since we had not seen him even begin to implement goodwill vis-à-vis the DDR, we
25 could not appoint somebody who was against the government to that position.

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1 Q. [12:29:18] With respect to the funding of his activities, which is -- which I saw on
2 the record here, what activities were you talking about or were you referring to?

3 A. [12:29:49] Of Mr Ngaissona?

4 Q. [12:29:51] Yes. Yes, you just referred to -- you referred to the impact that these
5 positions would have on the funding of his activities. I just wanted to -- maybe I
6 missed it. But maybe -- I'd like you to clarify what activities you're talking about.

7 A. [12:30:10] That is his activities as the coordinator of the Anti-Balaka movement.
8 That is, mostly, the upkeep of the troops and their organisation.

9 Q. [12:30:30] All right. Thank you for -- for clarifying that.

10 There's another document I'd like to show you. It's at tab 52. The ERN is
11 CAR-OTP-2030-0270, and I'm going to ask that we go to page 0272, there's a
12 document appended to this.

13 This one is dated 21 January 2014. And it's self-explanatory. It indicates
14 (Interpretation) "Grievances or demands of the Anti-Balaka".

15 (Speaks English) And in particular, if we go to the bottom of the page, we can see
16 some of those in respect of the composition of the government.

17 Do you see -- yes, do you see the list there in front of you?

18 A. [12:32:00] Yes.

19 Q. [12:32:03] Have you seen this document before?

20 A. [12:32:08] Yes, yes, yes. I have, indeed.

21 Q. [12:32:11] And you're familiar with these demands that are -- that are listed here,
22 1 through 6?

23 A. [12:32:27] Yes, those were the requests of the Anti-Balaka. They communicated
24 those to the prime minister when the government was being formed. They wanted
25 to have those positions.

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1 Q. [12:32:41] Okay. If we could just go over to the next page you'll see a further
2 two, and item number 7 refers to: (Interpretation) "The return of all exiles (political,
3 military, civil and economic operators) without any conditions".

4 (Speaks English) How did you understand that or what do you understand that to
5 mean?

6 A. [12:33:24] I don't know why an economic operator will go via such a movement
7 to come into the country. Why a military? And even the civilians, even the
8 political individuals, must go via a movement of this type to return. The transition
9 never forbade anyone. The transition did not allow -- or stop anyone to return for
10 whatever reason, so there was no reason to impose that condition. There was no
11 provision that stopped people returning to the country. So we did not take this into
12 account. I think he wanted to talk about himself, or perhaps other individuals of the
13 KNK who were abroad who could enter with honour, et cetera, but from that moment
14 we were in transition, we didn't want to have anything to do with the political
15 changes that took place before.

16 Q. [12:34:49] In respect to the position that Mr Ngaissona sought and apparently
17 didn't get, what was his -- how did he react to that?

18 A. [12:35:10] There was a bit of hostility. This changed a bit and became hate
19 towards us. You have a document which I see here, which is number -- tab 51,
20 23 -- OTP-23-0250 (sic), which I discover here. And in this statement, it says we,
21 Anti-Balaka, request within 48 hours that Demafouth and Samba-Panza have
22 relations with us and our positions that we request.
23 They insult the memory of Africa to bring peace, sec -- to resume -- and exclusion.
24 Whereas we had a transition parliament. There were bodies that were setup. They
25 could have gone through those channels. But there was hatred, and this is quite

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1 clear here. The requests that were put forward were, therefore, not carried through.
2 MR VANDERPUYE: [12:36:44] I think we actually have this document in the record.
3 The witness has (Overlapping speakers)
4 PRESIDING JUDGE SCHMITT: [12:36:49] Yeah, yeah, yeah -- the witness -- the
5 witness took over -- may I be allowed to say your job in that regard?
6 MR VANDERPUYE: [12:36:55] Indeed.
7 PRESIDING JUDGE SCHMITT: [12:36:55] So, so it was -- yeah.
8 MR VANDERPUYE: [12:36:57] That's very helpful.
9 PRESIDING JUDGE SCHMITT: [12:36:58] I also looked at the record if it is complete,
10 but it is complete.
11 MR VANDERPUYE: It's complete.
12 PRESIDING JUDGE SCHMITT: [12:37:02] So we can continue.
13 MR VANDERPUYE: [12:37:03] With the ERN and everything, so.
14 Q. [12:37:04] With respect to that document, sir, let me just follow up on it, since
15 you've brought it up.
16 Now, it's dated 14 February 2014. It refers to -- it's a demand, apparently, for you
17 and the transition president at the time, Catherine Samba-Panza, to resign, effectively.
18 And I want to show you something, it's CAR-OTP -- I'm sorry, tab 78,
19 CAR-OTP-2101-3615. And what you should have in front of you is a *message porté*
20 and it's sent to the "*commandant police judiciaire MISCA*", and it refers to an increase in
21 the criminality. It says: (Interpretation) "The increase in criminalities and barbarism
22 perpetrated by the militia of the Anti-Balaka".
23 (Speaks English) And it talks about basically arresting them and it lists several. At
24 the bottom of the page you will see a number of names that I'm sure you are familiar
25 with.

1 And if we go to the next page we can see that that list continues.

2 Mr Ngaïssona is positioned at number 1 on the first page, Mr Yekatom is positioned
3 at number 15 on the next, along with many other individuals that I'm sure that you're
4 aware of.

5 The first thing I want to ask you is, are you aware that an arrest was carried out in
6 relation to what we see here in relation to this message?

7 A. [12:39:36] Yes.

8 Q. [12:39:39] And do you know where that arrest was carried out and who was
9 arrested.

10 A. [12:39:52] Well, I know that FOMAC proceeded to arrest some, Yvon Konate, for
11 example. I don't know the others, but Konate was arrested. There were about 10
12 who were arrested and were kept by Camp M'Poko by FOMAC. Then they were
13 taken to the detention centre in Bangui. But the political pressure was such that they
14 were released shortly thereafter.

15 Q. [12:40:39] I'd like to show you a different document, and this one is tab 26,
16 CAR-OTP-0080-0690. It's another -- another message. And indeed what this
17 document reflects is that a number of individuals were arrested, 11 individuals, you
18 can see that in the middle, about the fourth line down. And they were arrested at:
19 (Interpretation) They were arrested at the residence of their general coordinator
20 Patrice-Edouard Ngaïssona.

21 (Speaks English) This is the information you had; is that right?

22 A. [12:41:51] Exactly. That's exactly which I -- that's exactly what I said before,
23 yes.

24 Q. [12:42:03] Okay. And do you know if --

25 A. [12:42:05] I would like to point out -- I'd like to inform the Court that, when this

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1 arrest took place, the Anti-Balaka decided to end my life. And for 10 -- for four days,
2 sorry, my home was surrounded and FOMAC had to come and assist me and had to
3 install a guard so that I could resume my activities after the arrest of these people.
4 And the pressure after that was so big at the government level that we had to find a
5 solution, and we did that by releasing them.

6 Q. [12:43:01] Why do you think -- or not rather why do you think, but why was it
7 that the Anti-Balaka held you responsible for that arrest effort?

8 A. [12:43:24] Well, because I knew them and I knew their organisation a bit. They
9 knew I was the one that's stopping them from reaching their objective, which is to
10 take over power. So we move from one situation where there was a takeover of
11 power by a party, to a transition situation to have elections, and they knew that I was
12 not going to be a candidate myself for the elections. My work was simply to prepare
13 the ground so that the country could elect legal representatives and that we could
14 find ourselves as a nation, but they didn't want that. They wanted to have power
15 and do whatever they liked. And since I wasn't in agreement with that, well, then I
16 became an enemy.

17 I was only doing my work of making the institutions safe for the
18 Central African Republic and, particularly, to ensure the safety of the president, so
19 that I was head of security and I couldn't give up my work. I couldn't let her be
20 killed. I couldn't let them take control of all the institutions. I was only doing my
21 work. I didn't have any particular problems with this or that leader from the
22 Anti-Balaka group, because I didn't know all of them in any case. I never had any
23 particular relationships with them. But I was only doing my job. I was protecting
24 the institutions, protecting the president. That's what I was doing.

25 Q. [12:45:36] Before I move to a different document, I just want to ask you a couple

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1 of things. You refer to the Anti-Balaka being released shortly after that arrest, but I
2 want to show you a document here and I want to ask you if you know about it. This
3 one is tab 71, the ERN number is CAR-OTP-2100-1698.

4 A. [12:46:28] 1698?

5 Q. [12:46:33] No. It should be CAR-OTP -- yes, yes, 2100-1698. That's correct. It
6 should be behind tab 71 of the binder in front of you.

7 Do you have it? Okay. This is a document that is signed by André Nzapayeke.

8 It's dated 8 April 2014. And if we go to the subject, you can see very clearly what it's
9 about, and he follows that in the first paragraph and also indicates that it's a matter of
10 extreme gravity. He talks about the apparent escape of Anti-Balaka members that
11 had been arrested.

12 Do you have knowledge of this? Were you aware of that?

13 A. [12:47:53] Yes, I was present. That's what I was saying. Yesterday, the
14 president -- Presiding Judge asked me this question about the Anti-Balaka. There
15 was complicity between the Anti-Balaka and the prison wardens. The prison
16 wardens decided to open the gates of the prison and tell the Anti-Balaka to leave.
17 And when we arrived and asked for explanations, it was very difficult to find anyone
18 who was responsible for the procedure. * We replaced the director of the prison, but
19 that didn't change.... it didn't have the expected effect.

20 I was aware of what was happening, of this escape, but in fact they were released.

21 There were two, there was Mr Konate and another. They didn't succeed in fleeing,
22 simply because I lived in front of the detention centre. And Konate and the other,
23 they wanted to flee, and my guard who was part of FOMAC saw them and took them
24 back inside the prison. But afterwards the others fled so it wasn't worth keeping
25 them, so they were also released.

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- 1 Q. [12:49:29] I'd like to show you another document. This is at tab 4. The ERN
2 number is CAR-OTP-2099-0247.
- 3 And with respect to this document, it is a (Interpretation) it's a minutes of the
4 coordination -- technical coordination committee.
- 5 (Speaks English) It's dated 3 March 2014. And it's a meeting, obviously, that you
6 attended, as you can see your name is in the -- in the list here. What I'm interested in
7 is at the bottom of page and it concerns the Anti-Balaka in particular, "*Devenir des*
8 *anti-balaka*".
- 9 And the next page is what I wanted to ask you about. And in -- at the top of the
10 page you can see what it says, that you were concerned that certain Anti-Balaka on
11 the list of the prosecutor had not been arrested yet.
- 12 First of all, do you have a recollection of that?
- 13 A. [12:51:04] Yes, absolutely.
- 14 Q. [12:51:05] Okay. And the individuals that you were referring to as not having
15 been arrested yet on the list of the prosecutor would compromise whom, to your
16 recollection?
- 17 A. [12:51:21] All the long list which we saw just now about the Anti-Balaka. There
18 was Yekatom, Ngaïssona. There was also Mokom, and others, other leaders.
- 19 And I think the prosecutor also sent me a message saying, for those, he's prepared a
20 new arrest warrant and I should approach the committee and say that these arrest
21 warrants are currently being prepared. At that point in time, we were overtaken by
22 events. The Minister Tchimangoua said the sentence that he hoped that all ex-FACA
23 who had weapons without a mission order must be arrested, because people said that
24 the Anti-Balaka were the FACA, were taking arms and weapons, and was moving
25 around in the town. We had to put a -- have order so that everybody who had

1 weapons in the town was accounted for.

2 Q. [12:52:53] Now, obviously here it would suggest that you expressed a certain
3 support for the arrest of the Anti-Balaka that were on that list. And a moment ago I
4 asked you why it is that you thought that you might have been threatened in respect
5 of the arrest that transpired in February.

6 To your knowledge, your expression of support for those arrests, is that something
7 that was kept confidential or is that something that might have escaped the meeting?

8 A. [12:53:49] In any case, it escaped the meeting. Really, once again, it was
9 nebulous. It was an organisation which had a lot of complicity, even amongst the
10 members of the government. At a certain point, we were speaking in front of the
11 members of the government who were the representatives of the Anti-Balaka
12 themselves. So what did they do? They reported back to their bases and told them
13 what had happened in the meetings. So there were no secrets. They were
14 automatically aware of what was happening and what had been decided.
15 At a certain point, I was even forced to split the group. The technical committee was
16 split into two so that we would have a technical meeting so that, if it was more
17 confidential, we could have a discussion with international forces. But as soon as
18 there were more than three people, it was sure that the information would go back to
19 the Anti-Balaka.

20 Q. [12:55:07] All right. Now I just want to go back in time a bit. We talked about,
21 a while ago, about how the Anti-Balaka were being organised in Cameroon, your
22 knowledge about FROCCA, your knowledge about the meetings at the hotel where
23 Bozizé stayed, your knowledge about embassy -- about the embassy in Cameroon. I
24 want to ask you some questions about the lead-up to the 5 December attack in
25 particular.

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1 The first thing I wanted to ask you is, did you have information about the gestation or
2 the plans to carry out that attack before it actually happened?

3 A. [12:56:01] Yes, I knew it.

4 Q. [12:56:04] You had information in the regular course of your activities in terms
5 of the intelligence that you were availed of and informants on the ground, that sort of
6 thing?

7 * A. [12:56:20] At that moment, I didn't have responsibility for the coordination of
8 intelligence, but I was the minister and advisor responsible for DDR and for reform of
9 the security sector. I had my old network of intelligence which was working, and I
10 also infiltrated the Anti-Balaka network because they were around Bangui and they
11 were beginning to encircle Bangui, PK12, on the hills that surround Bangui and
12 Mbaïki, in Bimbo, and Cattin and Boeing, in the 7th arrondissement as well. They
13 were there. And when you're responsible for intelligence, particularly if you're
14 aware of security, then you must be aware that they are going to be some sort of
15 attack.

16 We hadn't agreed to create a centre for regroupment. And why were they doing this,
17 we had to ask ourselves. So I was beginning to get worried, but that was really on a
18 personal level. I was wondering what was happening in the country, and there were

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 I saw them hold a press conference in the Ledger Hotel. I showed -- they showed
23 proof of assassination and of crimes carried out by Séléka and others, and they talked
24 on behalf of a revolutionary organisation that was about to arrive, and they were the
25 Anti-Balaka. (Redacted)

1 (Redacted)

2 Secondly, at that moment the Sangaris had not yet arrived in Bangui. Nevertheless,
3 there was an information service in the French embassy and I knew some of the
4 agents who worked for them. I approached those agents, I asked them questions,
5 and they all confirmed it, that something was underway. They were waiting for
6 orders from Cameroon, from those who were in Cameroon, so that they could move
7 into actions, but it shouldn't go beyond 10 December. So there was already a date.
8 So I knew that something was going to happen.

9 And also the intelligence services of Djotodia also knew, because already some
10 clashes and skirmishes had taken place between Anti-Balaka and the Séléka. In
11 some towns skirmishes took place, attacks took place, so Séléka was preparing
12 themselves as well to face this attack. And I knew as well. I had enough elements
13 to know. I knew that behind the airport in Bangui, M'Poko, the Anti-Balaka
14 established a base which was managed by Ngremangou. And on that basis, they
15 were also carrying out some training. The base, it was divided in two. There was
16 one part which was exclusive for FACA, the ex-military, and the other side was
17 reserved for civilians who were just recruited.

18 I also know a young person in Bangui who left to go there, who spent 24 hours with
19 them, and then told me what was happening. I already had the information. At
20 that time, I advised the minister of defence at the time, who was called Mamour, that
21 there are FACA units at the airport itself to protect the room, the space, and to protect
22 the site. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted), because the movement that was going on between the combatant area,
4 which was before the airport, and the bases of the Anti-Balaka behind the airport,
5 they could see what was happening. They could see that supplies were being
6 brought. So I got information and I talked to the Prime Minister Tiangaye when we
7 are leaving for Paris, for a mission in Paris on peace and security in Africa. He asked
8 he to accompany him. And in the aeroplane I told him, I said, "Prime Minister, if we
9 arrive in Paris, then we have to go back immediately afterwards, because something
10 is going on and, if we are not careful, it's going to be very problematic." But it was
11 too late, because 48 hours later the Anti-Balaka attacked Bangui.

12 MR VANDERPUYE: [13:03:08] Okay. I think now is a good time for a break,
13 Mr President.

14 PRESIDING JUDGE SCHMITT: [13:03:11] Yes, I also would say so. And I have the
15 normal question.

16 MR VANDERPUYE: [13:03:15] I knew you were going to ask. I'm afraid to answer
17 it.

18 PRESIDING JUDGE SCHMITT: Yeah (Overlapping speakers)

19 MR VANDERPUYE: [13:03:18] But the answer is I will try to finish -- I think I
20 should finish by the end of the third session, though.

21 PRESIDING JUDGE SCHMITT: [13:03:24] Yeah. Yeah, I think so.

22 MR VANDERPUYE: [13:03:26] (Overlapping speakers) can finish before the end of
23 the whole session.

24 PRESIDING JUDGE SCHMITT: [13:03:27] No, that's -- I think that still would be
25 acceptable. If I count in my mind what we have heard from the Defence, or seen

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1 from the Defence. It should be possible. And by the way, if we need more time for
2 the Defence, we have to make amendments, so.

3 MR VANDERPUYE: Thank you very much.

4 PRESIDING JUDGE SCHMITT: [13:03:45] But we would appreciate it if you finished
5 today.

6 So we then have the lunch break until 2.30.

7 THE COURT USHER: [13:03:52] All rise.

8 (Recess taken at 1.03 p.m.)

9 (Upon resuming in open session at 2.30 p.m.)

10 THE COURT USHER: [14:30:51] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:31:29] Yeah.

13 MS RABESANDRATANA: [14:31:29](Interpretation) Yes, Mr President, I would like
14 to point out that the legal representatives of the other crimes intend to question this
15 witness.

16 PRESIDING JUDGE SCHMITT: [14:31:43] Yeah, we know already, so we have
17 taken note of that. Yeah.

18 Mr Witness, with regard to the binder that you have at your disposal, please only
19 consult it with regard to portions when you are asked to. Yeah. Okay.

20 Mr Vanderpuye, you can continue with your examination.

21 MR VANDERPUYE: [14:32:04] Thank you, Mr President. Good afternoon.

22 Q. [14:32:08] Good afternoon to you, Mr Demafouth.

23 When we left off I was asking you about certain information you might have acquired
24 in relation to the 5 December attack on Bangui by the Anti-Balaka, so I'd like to
25 continue with that.

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1 Now, without repeating the sources of your information, you indicated before that
2 you had some even direct observations about the positioning of Anti-Balaka in the
3 town before the attack. So I wanted to ask you about where in the town specifically
4 you had information about where the Anti-Balaka fighters were positioned in
5 advance of the 5 December attack?

6 A. [14:33:24] Well, of course I did have information regarding PK12, particularly
7 long the Boali road. I also had information relating to PK11 on the Bazubangui hill
8 at a place known as Kaga Mangou or Kara Mangou, or something like that.
9 I also had information on Boeing, as well as on behind the airport, as I just told you as
10 well. I also had information on Gbangouma, an area in the 7th arrondissement. I
11 also had information about the Damara road where the -- they regrouped. And even
12 within Bangui, the Anti-Balaka in the 8th arrondissement were quite visible in
13 Boy-Rabe and Combattant neighbourhoods. They were also quite visible at the Fough
14 neighbourhood in Bangui. That's what I can say.

15 Q. [14:35:06] And you mention that you discussed your concerns with Maître
16 Tiangaye on your flight to France on mission.

17 What was your understanding of the purpose underlying the 5 December attack?
18 What did you understand that it was designed or intended to achieve?

19 A. [14:35:45] First of all, the Anti-Balaka movement was made up of persons close
20 to President Bozizé. And President Bozizé wanted to come back to power and he
21 had that instrument in hand, the Anti-Balaka, which he used for the purpose of
22 bringing the president back to power. So the -- that would lead to the state's
23 institutions coming under the control of the KNK. So that was the purpose.

24 Q. [14:36:18] And if I could just backtrack a little bit. When is it that you became
25 aware for the first time of the Anti-Balaka becoming operational in terms of its

1 military capacity, or -- yeah, in terms of its military capacity, for example?

2 A. [14:36:43] I would say around the month of June, July 2013.

3 Q. [14:36:54] And what did you learn then and what did you follow or observe
4 later?

5 A. [14:37:09] (Redacted)

6 (Redacted). I also had some informants in Cameroon who provided

7 me, all of them, with information. And I was convinced and certain that the

8 Anti-Balaka were putting in place a structure, a military-type structure for the

9 purpose of recapturing power.

10 And all those who had been soldiers and who were at Camp M'Poko had all left.

11 They all left. And the soldiers themselves, the FACA soldiers who were close to

12 President Bozizé in Bangui, had disappeared. They were no longer visible. So the

13 understanding was that they had gathered at a location to reorganise themselves.

14 Q. [14:38:22] And following that reorganisation, did you hear anything about

15 operations -- military operations being carried out by the Anti-Balaka, that is before

16 the 5 December attack, in other parts of western -- other parts of the western

17 prefectures in Central African Republic?

18 A. [14:38:44] Yes, I heard that the Bouar camp had come under attack, the military

19 camp at Bouar. I had also heard that certain convoys had been attacked while

20 travelling. So these were some kind of preliminary exercises for them as they geared

21 up for something more important.

22 Q. [14:39:13] Now, the Chamber has heard evidence of attacks in Bouca and

23 Bossangoa in September of 2013. Did you hear of any such attacks at that time?

24 A. [14:39:29] Yes, Bouca and Bossangoa, and other locations. Yes, I heard about

25 that, because at the time there was a colonel of the Central African army whose name

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1 is Yacoub. He is one of the deputy chiefs of general staff today under Djotodia and
2 he had been proposed to serve as commander of the military region in Bossangoa.
3 He refused to take up that position and gave up -- gave the information that there
4 were too many attacks in Bouca and Bossangoa and that the Anti-Balaka were
5 extremely active in that area so he couldn't take that risk. That's how I became
6 aware of it.

7 Q. [14:40:10] And did you -- did you hear about -- in respect of the attacks in Bouar
8 that you discussed before, do you know, within the Anti-Balaka, who would have
9 been involved in organising those attacks?

10 A. [14:40:39] I do not have any concrete names, but the known leaders of the
11 Anti-Balaka were the ones who headed up the organisation. But it was mostly the
12 FACA soldiers who were in the Anti-Balaka who conducted that operation, because
13 they targeted Camp Le Playa (phon) and also other military targets only. At the time,
14 the intelligence we had was that the military camp had been attacked by soldiers
15 because they knew the various positions within the camp.

16 Q. [14:41:19] I just want to ask you if you might recall what you said in the course
17 of your statement back in December 2018 about the -- the organisers or directors of
18 that attack. And it's -- if I can refer you to paragraph 91 of your statement, which is
19 at tab 1. But I'll just -- I don't know if you've got it there handy, but if you don't I'll
20 just read it very quickly. It says --

21 MR KNOOPS: [14:41:55] Mr President, sorry. I think that should first justify a
22 foundation for confronting the witness with the statement. I think we have
23 discussed this several times, that it's not a proper way to --

24 MR VANDERPUYE: [14:42:10] It's no problem. I'll just read out -- out --

25 PRESIDING JUDGE SCHMITT: [14:42:12] No, no, I also think perhaps you can try to

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1 prepare it a little bit and then revert to -- to the statement.

2 MR VANDERPUYE: [14:42:16] Well, I'll just wait for the answer. The question was,
3 do you remember what you said in your statement about who directed --

4 PRESIDING JUDGE SCHMITT: [14:42:23] Yes, okay.

5 MR VANDERPUYE: [14:42:23] And didn't wait for the answer, so I apologise.

6 Q. [14:42:26] Do you remember what you said in your statement regarding who or
7 what -- who was responsible for organising or directing the attacks in Bouar, in the
8 Bouar region?

9 A. [14:42:46] No, not, not clearly, but maybe you can jog my memory and I will
10 confirm or not what I said.

11 Q. [14:42:53] It's no problem, you can also look at it (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:42:54] No, but now is the -- now is the --
13 Mr Knoops is perfectly right, so now the foundation is laid for looking into the
14 statement, and then we'll do that. You said --

15 MR VANDERPUYE: [14:43:05] Would you prefer him to look at it himself or you
16 want -- or should I read it to him?

17 PRESIDING JUDGE SCHMITT: [14:43:10] I think until now, yesterday and today, it
18 expedited the proceedings, I think, if -- no, if he had a look at it. That expedited it.

19 MR VANDERPUYE: [14:43:19] Right.

20 PRESIDING JUDGE SCHMITT: [14:43:20] Because you can't do this with every
21 witness. No. He's very quick in his reactions and everything, so --

22 MR VANDERPUYE: Good.

23 PRESIDING JUDGE SCHMITT: [14:43:25] But this witness is able to do that, I think.

24 MR VANDERPUYE: [14:43:29] Excellent.

25 PRESIDING JUDGE SCHMITT: [14:43:31] So we are where? Ninety-one, or what?

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1 MR VANDERPUYE: [14:43:33] Yes.

2 Q. [14:43:33] It's paragraph 91 of your statement. It's in tab 1 of the binder in front
3 of you. And you will go to page 18 of your statement, it says *dix-huit sur soixante*,
4 and it's paragraph 91.

5 THE WITNESS: [14:43:55](Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: [14:43:55] And simply read it, Mr Witness, and
7 when you are able to answer, answer by yourself, when you are finished it, reading.

8 THE WITNESS: [14:44:25](Interpretation) Yes.

9 MR VANDERPUYE: [14:44:25] Okay.

10 Q. [14:44:26] Are you able to answer the question who -- who was responsible for
11 organising or directing attacks in the Bouar region or Bouar?

12 A. [14:44:33] I can confirm that it was Mr Mokom who was in charge of the
13 Anti-Balaka at that time in that region. However, the soldiers, the soldiers whom he
14 used, I don't have their names. I don't remember their names.

15 Q. [14:44:52] Well, thank you for that clarification.

16 I wanted to ask you about the attack itself, if I could. Now, you weren't there, that is
17 you weren't in Bangui at the time the attack occurred, but you received information
18 concerning how it unfolded.

19 Now are you able to tell the Chamber, to the best of your recollection, what
20 information you had concerning the actual conduct of the attack that you might have
21 acquired later?

22 A. [14:45:34] The attack took place on the 5th and I arrived in Bangui on the 7th.
23 I went to Camp M'Poko, where we had a meeting with the French parties, FOMAC, as
24 well as the chief of general staff of the Central African army at the time, General
25 Bombayake, and the private chief of state of President Djotodia.

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1 What we heard was that the attack took place from several fronts, from the
2 Bazubangui hills in particular, where they came to the palace of the National
3 Assembly, went through 36 Villas. The attack also came from the 7th
4 arrondissement, where they attacked Camp Kasai and attempted to access the town
5 through the 7th arrondissement. The attack also came from Boeing. They
6 attempted to enter Bangui through PK9.

7 That's the information which I gathered.

8 Q. [14:46:52] And with respect to the area -- sorry, I just -- let me check the
9 transcript for a second.

10 Yeah, with respect to the area concerning Boeing and PK9, do you have information
11 of under whose control or -- yeah, under whose control that that part of the attack
12 was?

13 A. [14:47:33] That area was under Mr Yekatom Rambo's control. According to
14 information available to us, he is the one who was controlling the attack from that
15 zone.

16 Q. [14:47:47] And do you -- did you receive information as to what areas in
17 that -- that zone, Mr Yekatom controlled?

18 A. [14:48:08] The -- first of all, the entire area from Boeing, that zone. Cattin and
19 the zone from the 6th arrondissement. Petevo, Bimbo, all the way to PK9, were
20 under his control.

21 Q. [14:48:32] And without telling me or telling us specifically the source of the
22 information, if you're going to identify a person. First, did you have -- what was the
23 nature of the information you had, the intelligence that you had concerning the
24 control of that area by Mr Yekatom? Or, alternatively, what did you observe
25 personally, if you did?

1 A. [14:49:11] Personally, I knew that he controlled that neighbourhood, because I
2 had some discussions with two persons relating to that neighbourhood. First, as I
3 told you in my statement, I had discussions with Kamezolaï, who was an officer of the
4 Central African army and who used to work with Mr Yekatom, who provided me
5 information on the zone that was under their control.
6 Secondly, I also had a discussion with another officer of the Central African army
7 who, unfortunately, is not around anymore. His name was Mombeka. He was a
8 commander of the Central African forces. He used to live in Cattin and was,
9 therefore, one of my informants. He is the one who confirmed to me that the entire
10 zone was placed under the control of Mr Yekatom.
11 Finally, I also had family members, my own family members living in that area,
12 namely, Bimbo, and the area around the oil port in Bangui. And that was under
13 Yekatom's control and the Anti-Balaka had set up their base not far away from where
14 my family used to live. And that family had come under threat from the Anti-Balaka.
15 I was forced, so to speak, to call on Captain Kamezolaï to ask his men not to brutalise
16 my family members, and Kamezolaï told me that he was first going to speak with
17 Yekatom and then revert to me to reassure me that my family will not be brutalised.
18 But he didn't revert to me, and in the meantime I did everything to evacuate my
19 family from that area.
20 So those are the three means by which I became aware that the entire zone was under
21 his control.

22 Q. [14:51:33] And, first of all, did you know Mr Yekatom already before the
23 5 December attack?

24 A. [14:51:49] Up to this day I cannot say that I know him very well with certainty.
25 I never met him face to face. I think I saw him twice. Once, when I was in a patrol

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1 vehicle and we were going through the Cattin zone when we wanted to meet
2 Commander Mombeka, whom I believe he knows very well. It's Commander
3 Mombeka who pointed him out to me. We were in the vehicle and he and six of his
4 men, or thereabouts, were standing along the road. And so he didn't know I was in
5 the vehicle and the commander pointed him out to me and said, "There he is with his
6 men." That's when I saw Mr Rambo.
7 And then I also saw him on a number of videos by the French forces at Camp M'Poko.
8 We were shown those videos and I could see him on the videos.
9 The second time I saw him in person was in 2016. That is a long time after the events.
10 He came to the presidency to meet Mr Mboya Emmanuel who was the director
11 general of security -- who had become the general director of presidential security. I
12 think he had gone to see him in his office and, as they were coming out, they passed
13 below the window of my office and he was pointed out to me by some other staff and
14 they said, "Oh, that's Rambo." At that time I was minister for security and election
15 operations, so I thought at that time that Mr Rambo's visit to the presidency at that
16 time was in order. I called the director of presidential security and informed him
17 that I didn't think it was proper for him to come to the presidency because he had not
18 clearly denounced his allegiance to armed groups and to the Anti-Balaka.
19 I think at that time he was also coming in relation to his candidacy as member of
20 parliament and I had, at the time, expressed the view that he must choose between
21 Anti-Balaka and parliamentary activities, and I cautioned that it was not proper for
22 him to come into an area which concerns the security of the state. And the director
23 general reacted promptly and Mr Rambo had to leave the area.
24 Q. [14:54:29] Let me just take you back closer in time to the events.
25 When was it that it is that you saw him in the neighbourhood of Cattin, or in that area?

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1 The second time you said you saw him was in 2016, but the first time that you saw
2 him you said that it was he was in Cattin. Around when was that?

3 A. [14:54:55] It must have been in the month of February. * At the same time when
4 we arrested the other Anti-Balaka elements who were at the camp, and the FOMAC
5 had put them at Camp M'Poko. And there were efforts being made to locate Mr
6 Rambo and arrest him where possible. I was with a Gabonese colonel who was the
7 commander of the police unit of FOMAC.

8 Q. [14:55:33] According to the information that you had, let's say in December and
9 thereafter, could you tell us what your understanding of Yekatom's group was?
10 How many people were in his group? What type of people were in his group,
11 civilians, or FACA? And what areas did they control? So let's start with the first.
12 How many people were in his group, according to the information that you had?

13 A. [14:56:13] I don't have an exact idea of the number of his elements, but I know
14 that his group included FACA soldiers. Why do I say that? Because he himself was
15 a soldier and, as I indicated in my statements, I had asked the gendarmerie to hear
16 him or take a statement from him. * Since he was not a civilian, when a soldier...
17 when there are legal proceedings against a soldier, it is the gendarmerie who handles
18 that. The general director of the gendarmerie then told me that there were many
19 other FACA movements in his movement, the movement which he was leader off.
20 That is how during a security meeting we gave mandate to the FACA general staff to
21 contact him to verify and record the number of FACA soldiers in his organisation and,
22 where possible, to recover the weapons that were in their hands. This was done.
23 And I think it was general service who was assigned to go to that zone and meet him
24 along with another -- other FACA members, to draw up that list which was then
25 brought back to us. So that is how we became aware that there were some soldiers

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1 with him.

2 And by the way, some soldiers left the ranks of his movement and went back to

3 Camp Kasai. A vehicle had been made available to them and that vehicle brought

4 them back to Camp Kasai. But Rambo continued on with his movement, along with

5 the other soldiers who didn't come back, as well as other civilians.

6 I also know that he was in control of the neighbourhoods in Bangui, which I have

7 mentioned, and he also had control over the Mbaïki road in Bangui. That road

8 stretches over about 150 to 200 kilometres. He controlled that road. He also

9 controlled suburbs around the town, such as Mbaïki, Boda, * Boganongon,

10 Mongoumba, and other dirt roads, secondary roads, as well within those towns.

11 That's what I can say and that's what I know about the zone that was under his

12 control.

13 Q. [14:59:02] And when you say that there were some military in his -- in his group,

14 can you approximate how many? I'm talking about FACA. Can you approximate

15 how many? Are we talking about tens, hundreds?

16 A. [14:59:26] Well, going by the list brought back by general service, it had more

17 than 50 soldiers on that list to begin with, but I don't know the number of those who

18 remained loyal to him.

19 By the way, I also had confirmation that he had other soldiers with him when he

20 stopped a soldier known as Konzi in the Petevo neighbourhood and they took him to

21 Mbaïki road, in an area known as Pissa, where there was a prison, where he had a

22 prison. That soldier was held in that prison (Redacted)

23 (Redacted) But he was

24 subsequently released following pressure from me on Rambo through the Sangaris.

25 So Mr Konzi finally was released, but he came back with contusions and all types of

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1 injuries because he had been beaten up during his questioning, apparently because of
2 me.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) At the time he was a sergeant, or

7 somewhere around that rank, with the FACA.

8 Q. [15:01:21] Did you receive information concerning the comportment of
9 Mr Yekatom and his group in the areas that -- that he controlled while you were in
10 the -- in the government?

11 A. [15:01:42] What I know is that he was the boss, he was the chief. The elements
12 didn't do anything without his authorisation. He had a -- he had a command
13 structure that was sound. He attacked the PK9 brigade - and I think he did that
14 twice - and recuperated weapons from the gendarmerie. So he had a military
15 approach that was very well designed. What was -- all his actions were well
16 designed. And when we send people to meet him to negotiate the return of the
17 weapons, there was also a very good organisation around him in that particular zone.
18 That's what I can tell you about that.

19 Q. [15:02:50] Let me just quickly show you a document. It's at tab 38. The ERN
20 CAR-OTP-2001-5642. This is a *Bulletin de Renseignement*. It's from April 2014.
21 Yeah, tab 38. We could go to page -- ERN page 5643. And I want to draw your
22 attention specifically to the events recorded here regarding 24 June 2014 concerning a
23 named "Rambo".

24 MR HANNIS: [15:04:08] Your Honour, Mr President.

25 PRESIDING JUDGE SCHMITT: Yes.

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1 MR HANNIS: [15:04:09] I have an objection, as my understanding is this is outside
2 the time frame of any charges against Mr Yekatom in this case.

3 PRESIDING JUDGE SCHMITT: [15:04:17] But -- but it might be relevant for -- for
4 other -- for contextual elements or for whatsoever. I think we cannot. Also, you as
5 a Defence, will later on, when you present your case, you will not refrain specifically
6 and exactly to this time frame. We have -- it's -- you can be absolutely sure what
7 charges are confirmed.

8 Actually, in the Ongwen case I think I have said this a hundred times. I think I
9 say -- I think it might be the second time here, you can be absolutely sure that the
10 Chamber is fully aware of the factual and temporal scope of the charges with regard
11 to your and also, of course, the other accused.

12 MR HANNIS: [15:05:02] Thank you, your Honour. I can assure you you won't hear
13 from me another 98 times.

14 PRESIDING JUDGE SCHMITT: [15:05:07] No, but I understand your objection, but I
15 simply put it a little bit bluntly so that we -- this does not occur every once in a
16 while.

17 MR HANNIS: [15:05:17] Understood. Thank you.

18 PRESIDING JUDGE SCHMITT: [15:05:20] Okay. Good.
19 Please, Mr Vanderpuye.

20 MR VANDERPUYE: Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [15:05:20] But I have another -- since we had this
22 interruption, I don't want to be perhaps too -- too -- too petty here, but the date is
23 29 April 2014 here, but it describes events in June 2014. So there might be an
24 explanation, but I simply want to flag it.

25 MR VANDERPUYE: [15:05:41] No, I appreciate that, Mr President.

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1 PRESIDING JUDGE SCHMITT: [15:05:44] please continue.

2 MR VANDERPUYE: [15:05:52]

3 Q. [15:05:53] With respect to the entry that you see there under 24 June 2014, it
4 concerns tensions in the south-west of the capital and it describes Rambo, which I
5 think is not contested that it refers to Yekatom, so far at least in this context. Did you
6 have this information and is this one of the incidents that you're referring to with
7 regard to his actions in that area and, in particular, in respect to the gendarmerie
8 there?

9 A. [15:06:48] Shortly before this event, we received information of possible attack
10 on Bangui by the Anti-Balaka. That was before the Brazzaville meeting. We were
11 busy preparing that meeting in Brazzaville and we were talking about it with the
12 political committee. And we also had information that the Anti-Balaka were going
13 to attack Bangui again. The target or objective was to enter in a military fashion into
14 Bangui and occupy zones so that they could impose conditions upon us. And they
15 would occupy zones and districts and then later the presidential attack would take
16 place. Since we had that information, we asked MISCA and Sangaris to
17 strengthen -- or, to create a position in PK9 and strengthen that position, so we would
18 be prepared for all eventualities.

19 * The informants also told us that the shock team of the Anti-Balaka who would
20 perpetrate the attack, because for them, to carry out the attack, they first had to
21 capture the gendarmerie post at PK 9, and then move quickly to the Petevo
22 roundabout. So the informants gave us the information and with the position of the
23 shock team and how they were preparing themselves. So we were provided with
24 that information. We gave it to the Sangaris and Sangaris carried out an operation
25 and stopped that Anti-Balaka group and took the weapons from them. The

1 operation, therefore, was unsuccessful.

2 So thanks to that Sangaris operation, we knew and learned many things. Sangaris
3 stopped two of them and we questioned them immediately. Furious, the
4 Anti-Balaka decided from that moment onwards to take revenge, to attack the
5 gendarmerie, to beat up. They took people as hostages who were later released.
6 But they came several times to PK9, to that position, so I know very well what
7 happened there.

8 Q. [15:09:45] In terms of the organisation of Mr Yekatom's group, did you have
9 information about how it was structured? Now, you said, I think a couple of times,
10 *bien organisé*, but concretely what does that mean? What information did you have
11 about how it was ordered, organised and so on?

12 A. [15:10:16] Well, you know, I was very surprised about the operational capacity
13 of Mr Yekatom Rambo as a leader and as in charge of security. He was a corporal in
14 an normal army and you'd know what he was doing, and I was very surprised to see,
15 for example, that he commanded even people like Kamezolaï who was a captain. So
16 he had men who were of a higher ranking than him but who were under his orders.
17 That meant that this was made through a political decision. It was, in fact, a political
18 function that he was carrying out.

19 * Since he was the head of an entity where there were people of higher rank than him,
20 an organisation was necessary. He had his own intelligence office. He also had his
21 operations office, he had his office responsible for matériel. And he had his office
22 responsible for security, so to arrest people and do a number of.... He carried out
23 police operations in the sector which he controlled. He organised many things in
24 those areas. He couldn't do it alone, so he had a team behind him. That's how we
25 found out.

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1 Q. [15:11:57] And do you know what the relationship between Yekatom's group
2 and Ngaïssona -- Ngaïssona's National Coordination was after the time that it was
3 formed? So that would be after January 2014.

4 A. [15:12:23] I think that the Rambo group depended on the coordination and was
5 member of the coordination of Mr Ngaïssona. I never heard it said that there was a
6 rift between them.

7 Q. [15:12:41] Well, did you hear it said that there -- to the contrary? Did you hear
8 it said specifically that there was a relationship between his group and Ngaïssona's
9 group, or do you just think that?

10 A. [15:13:03] No, there was a relationship, because, first of all, they're all
11 Anti-Balaka, so of course there was a relationship between them. But I can't tell you
12 with certainty what the nature of that relationship was. They were all Anti-Balaka
13 and they had the same objective, the same fight.

14 Q. [15:13:29] Let me show you a document. It's CAR-O -- well, it's tab 54,
15 CAR-OTP-2032-0074. This is a document from 3 July 2014. If you go to the bottom,
16 there's a signature which purports to be that of "*Caporal-Chef * Yekatom Rambo John*".
17 And if you go to the second paragraph, and the second sentence of the second
18 paragraph, if you could just read that and see -- and then I'll ask you some question
19 about it.

20 A. [15:14:55] Yes, I have read it.

21 Q. [15:14:59] Tell us what you understand of that?

22 A. [15:15:12] I understood that Mr Yekatom reaffirms his -- will respect the
23 conditions laid by Mr Ngaïssona. It's true that, at any moment in Bangui, there was
24 opportunists who tried to join the ranks of the Anti-Balaka. So perhaps this was one
25 of them who tried to join. But I don't know. I haven't seen this *communiqué*. It's

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1 the first time I see it now. But I think it's logical and it probably is that.

2 Q. [15:15:59] Well, I don't want you to guess about it, but what I wanted to ask you
3 was, the part where he says here: (Interpretation) "I reaffirm my attachment of the line
4 of action defined by the National Coordination of the said movement".

5 (Speaks English) Is that something that comports with your understanding of his
6 relationship with the National Coordination back in January of 2014 and thereafter?

7 MR KNOOPS: [15:16:27] Mr President, this question is already answered. And the
8 Prosecutor is really leading the witness to an answer. The witness said: I have no
9 information. I cannot confirm the relationship.

10 PRESIDING JUDGE SCHMITT: [15:16:38] Yeah. But perhaps, if you reword it, the
11 witness can simply comment how he understands it. You can ask him.

12 Mr Demafouth, this portion that Mr Vanderpuye has read to you, how would you
13 understand it? Of course, before the background of the information that you -- that
14 you had.

15 THE WITNESS: [15:17:14](Interpretation) I think Mr Yekatom wanted to affirm that
16 he belonged to the coordination of Ngaïssona and not of another organisation.

17 PRESIDING JUDGE SCHMITT: [15:17:23] I think we leave it at that and continue
18 with the (Overlapping speakers)

19 MR VANDERPUYE: [15:17:24] Thank you, Mr President.

20 Q. [15:17:28] I wanted to ask you more specifically about your knowledge about
21 specific information you had or allegations concerning the manner in which Yekatom
22 and his group conducted themselves in relation to the civilian populations of the
23 areas in which -- which they controlled.

24 Do you have such information? Did you receive complaints or information about
25 the way civilians in the areas that Mr Yekatom controlled were treated?

1 A. [15:18:17] Yes. Firstly, the first thing is the roadblocks, the checkpoints, where
2 they had to pay tax and the ID was controlled. All the civilians' ID was controlled.
3 Second piece of information that we had is that there was justice that was given by
4 him on the population. They could go to court as regards grievances and he was the
5 one who delivered justice. It was something that happened then and that wasn't
6 normal.
7 In addition to that, the population complained on the military presence of people,
8 people armed in the villages and in all other areas. Perhaps you might not know
9 that the Anti-Balaka movement does not have a structure like an army, a normal army,
10 with logistic services of maintenance and supply. So the elements lived through the
11 population who had to provide for them. They had to give them food. These are
12 the sort of things that I heard.

13 Q. [15:19:51] All right. I have only a few minutes left, so I'm going to -- I'm going
14 to ask you just some basic questions.

15 In terms of your understanding of the Anti-Balaka, in particular, in respect of alleged
16 crimes against the Muslim population, did you have occasion to speak to people or
17 acquire information concerning those allegations in various parts of the
18 western -- western part of the country?

19 A. [15:20:37] I can confirm that I was at Boda and I saw people and I heard people
20 who told me that the -- of all the injuries they received. I was in Carnot and I saw
21 people who told me and explained to me what they had suffered. I was at Bouar, I
22 saw people, I heard people, and about their condition. I was in Yaloke, I saw people,
23 and I heard what had happened to them.

24 What I want to say -- I want to say something. The last time that I saw Yekatom's
25 men, they were on a mission. I think it was in February. And we left for Mbaïki.

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1 The president was to meet in Mbaïki and the French defence minister wanted to go
2 there. And I directed the escort on the road and I can confirm that I saw with my
3 own eyes elements at least at two roadblocks. They were military and they stood up
4 and saluted me. That I can confirm. They didn't do anything. They lifted the
5 barrier, because they knew they were -- authorities had passed. But when we
6 arrived at those authorities, I explicitly, I showed myself. And when the elements
7 saw me, they saluted and let me pass. I saw them with my own eyes, so that I can
8 confirm. They were armed. I was escorted by police escorts from Rwanda.

9 Q. [15:22:47] First let me just clarify one thing. You refer to February and I take it
10 you mean February 2014, which is when the president went down to Mbaïki?

11 A. [15:22:56] Yes, 2014.

12 Q. [15:22:57] The second thing I want to confirm or ask about is in relation to the
13 Muslim population and whether you're aware of (overlapping speakers)

14 A. (Overlapping speakers)

15 Q. [15:23:12] Sorry, go ahead.

16 A. [15:23:14] One event occurred, which was very important, in Mbaïki. The day
17 when we went there with the president, the Anti-Balaka killed one of the Muslims
18 who were still alive, but in a very cruel way. And that threw discredit in everything
19 we were trying to do in Mbaïki and it was reported that it was the men who were
20 under the order or command of Mr Yekatom. It was one of the final last Muslims
21 who were still in the town, and the president even talked about this Muslim to the
22 population in general. Unfortunately, when we were about to leave, the Anti-Balaka
23 elements took him and they killed him. That is an event which I witnessed when I
24 was there.

25 Q. [15:24:27] And in terms of the population in Mbaïki, Muslim population in

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1 Mbaïki, you just referred to one of the last few that were there. Is that something
2 you observed along the road, all the way from PK9 down to Mbaïki, about the
3 disposition of the Muslim population?

4 A. [15:24:59] Since PK9 and to Mbaïki there were no Muslims. All had been
5 disappeared or had been killed. All had fled.

6 Q. [15:25:09] And in relation to the flight of Muslims in general, is that something
7 you saw in other places of the western part of the CAR as you went to visit them on
8 mission?

9 A. [15:25:33] Yes, I saw that around Boda where we acted as an escort for Muslims.
10 Even in Bangui, where I participated myself by helping them to -- by providing
11 escorts for them to leave Bangui. Unfortunately, as soon as escorts left Bangui, even
12 in Bangui itself the Anti-Balaka started attacking against the convoys and sometimes
13 they -- we had to deal with the wounded. We had to look after them, take care, or
14 sometimes just take away the corpses and bury them. These are things which I
15 myself experienced in Bangui. * And with General Tumenta, who was the
16 commander of the FOMAC and the MISCA, we.... we did this in conditions which
17 were very, very difficult.

18 Above all, what has concerned me a lot was the situation of the Peuhl in PK13, the
19 Peuhl, who were in an area in PK13 and PK13 was encircled by Anti-Balaka. It was
20 really an enclave and it was extremely difficult to protect those people. But we
21 succeeded, nevertheless, because we put them in vehicles sometimes to take them to
22 the provinces. But a lot were killed. They attack the cars, the vehicles, and they
23 were killed. In that particular zone, even today there are no Muslims at all.

24 Q. [15:27:35] And in terms of the areas where you went and where there were
25 enclaves, Carnot, Yaloke, Boda, were you -- did you have an opportunity to speak to

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1 Anti-Balaka leaders there?

2 A. [15:28:01] Well, by the Anti-Balaka, I was regarded as an enemy. So the
3 Anti-Balaka didn't really want to talk to me.

4 In Boda, I met three leaders who participated in a meeting and, after that, they didn't
5 want to anymore. I even went to the Catholic Church in Boda where there was a
6 reception centre for displaced persons. For example, the Christians around the
7 Muslim homes, and they all went there and it became a basis for the Anti-Balaka. I
8 went there twice. I even used the services of somebody, one who was a former
9 well-known musician, * Angazou Rechilitou (phon), who lived there in that camp. I
10 asked him to put me into contact with the Anti-Balaka leaders who were there so that
11 we could have some sort of discussion about peace. But they refused, as soon as
12 they received the order from the chiefs.

13 MR VANDERPUYE: [15:29:14] Two more questions, or three, Mr President.

14 PRESIDING JUDGE SCHMITT: [15:29:16] You are, if it is indeed restricted to two
15 questions, you're on time.

16 MR VANDERPUYE: [15:29:22] All right. I'm do my best.

17 Q. [15:29:24] The first thing I want to find out from you is if you received
18 information concerning the areas where you went where Muslims had been in
19 enclaves, information regarding the relationship, if any, between the Anti-Balaka in
20 Bangui and the Anti-Balaka in the areas where you went, so Carnot, Yaloke, Boda,
21 Mbaïki. Did you receive information linking those Anti-Balaka to the Anti-Balaka in
22 Bangui?

23 PRESIDING JUDGE SCHMITT: [15:30:07] Ms Dimitri.

24 MS DIMITRI: [15:30:08] Mr President, with respect, it's quite a leading question.
25 Perhaps it can be reformulated a bit, but the answer is also in the question.

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- 1 PRESIDING JUDGE SCHMITT: [15:30:16] Yeah, okay. I don't -- I don't -- I actually,
2 I don't agree.
3 Did you receive any information with regard -- or let me formulate it --
4 MR VANDERPUYE: (Overlapping speakers)
5 PRESIDING JUDGE SCHMITT: -- with regard to the, yeah, relationship from the
6 provinces Anti-Balaka, to the ones, if I understand you, in Bangui. Is this correct?
7 MR VANDERPUYE: [15:30:34] If any.
8 PRESIDING JUDGE SCHMITT: [15:30:36] If any. Okay. Then we leave it at that.
9 MR KNOOPS: [15:30:38] Mr President, I might alert the Chamber that the Pre-Trial
10 Chamber didn't confirm in the paragraphs 172 to 175 this issue.
11 MR VANDERPUYE: [15:30:51] They don't need to confirm the issue.
12 PRESIDING JUDGE SCHMITT: [15:30:56] No, the Pre-Trial Chamber confirms
13 certain charges or not. Charges or not, so. And I -- it's a little bit related what you
14 say, Mr Knoops, to what Mr Hannis an hour ago or so objected to. And so, in
15 principal, we should not restrict ourselves too much.
16 And, of course, I again reiterate, the Chamber's fully aware of the charges confirmed
17 and their scope. And this question is so general in its -- in its wording - and I repeat
18 it once again so that Mr Vanderpuye doesn't have to - it's so general that I would not
19 see how we could relate it one on one to any charges confirmed or not confirmed.
20 So the question, Mr Demafouth - long discussion - but the question is: Do you have
21 or did you have at the time any information with regards to the relationship between
22 the Anti-Balaka in the provinces and the Anti-Balaka in Bangui? If you had -- if you
23 didn't have any, we are -- the answer is short.
24 THE WITNESS: [15:32:12](Interpretation) Yes, I knew that there were links between
25 the Anti-Balaka in the provinces, who received instructions from their hierarchy in

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1 Bangui, and they provided them with guidance and military training, as well as
2 guidance on the conduct of operations.

3 PRESIDING JUDGE SCHMITT: [15:32:33] Okay. Perhaps I can make my point a
4 little bit more clear.

5 So, while Mr Ngaissona is not charged with crimes allegedly committed by the
6 Anti-Balaka in the provinces, namely in Yaloke, Gaga, Zawa, Bossempaté, Boda,
7 Carnot, Berbérati and Guen, the facts relating to these locations pertain to the -- or
8 could pertain to the contextual elements of the charged crimes, and could, therefore,
9 form part of the facts and circumstances of the case.

10 So I think this makes it clear, yeah. So you may continue, Mr Vanderpuye. Your
11 last question, if I understand it correctly.

12 MR VANDERPUYE: [15:33:14] It's sort of a multi-part question, but yes. And
13 (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [15:33:17] That is of course -- that is tricky a little bit.

15 MR VANDERPUYE: [15:33:21] No, I think -- I think -- I think I can manage it.

16 PRESIDING JUDGE SCHMITT: [15:33:24] You tell us, and I will not say that we are
17 happy, really not. But tell us you have only two questions and -- but we know, of
18 course, if we can put -- if we put compound questions together out of two

19 (Overlapping speakers)

20 MR VANDERPUYE: (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [15:33:33] that we have relatively shortly ten
22 questions.

23 MR VANDERPUYE: [15:33:37] No, that's not what I mean.

24 PRESIDING JUDGE SCHMITT: [15:33:39] No, I don't -- I understand.

25 MR VANDERPUYE: [15:33:40] Well, what I mean is -- and thank you for your

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1 answer, Mr Witness.

2 The last questions I want to ask relate to documentation concerning your missions to
3 the provinces, and I understood that certain of those were documented. So I want to
4 briefly just put those on the record. We don't have to get into them, because I think
5 it's quite clear from your testimony already what transpired.

6 So the first one I would like to put on the record is tab 28, as concerns the Yaloke
7 mission. The ERN is CAR-OTP-0080-0802. And we can pull it up on the -- if the
8 Chamber permits, or we can leave it.

9 PRESIDING JUDGE SCHMITT: [15:34:41] I think, you know, I could imagine that
10 the OTP will submit this.

11 MR VANDERPUYE: [15:34:48] Yes, that's one of them.

12 PRESIDING JUDGE SCHMITT: [15:34:50] Yeah, okay, so then we don't need -- I
13 think we don't need to -- to put the ERN.

14 MR VANDERPUYE: [15:34:55] We don't have to show it in the record, you mean?

15 PRESIDING JUDGE SCHMITT: [15:34:58] No.

16 MR VANDERPUYE: Okay.

17 PRESIDING JUDGE SCHMITT: [15:34:58] No.

18 MR VANDERPUYE: [15:34:59] The next is --

19 PRESIDING JUDGE SCHMITT: [15:35:01] Because otherwise we would need
20 another two hours, perhaps, and we had already witnesses with several binders. So
21 this is the submission procedure and --

22 MR VANDERPUYE: [15:35:12] Yes, I just want to -- I just wanted to have the witness
23 to confirm that these are indeed these reports, which I think he (Overlapping
24 speakers)

25 PRESIDING JUDGE SCHMITT: [15:35:18] That's something -- that would be a

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1 question to the witness. That is of course -- this is clear. That would be your last --

2 MR VANDERPUYE: (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: -- one of your multiple questions (Overlapping
4 speakers)

5 MR VANDERPUYE: [15:35:29] Because it involves, it involves several documents.

6 PRESIDING JUDGE SCHMITT: That's different, yeah.

7 MR VANDERPUYE: So, if we could just show it on the screen maybe I could just do
8 that and we can just run through one or the other.

9 So the first one is CAR-OTP-0080-0802.

10 (Counsel confer)

11 MR VANDERPUYE: [15:36:18] It's okay. It's all right. We'll deal with it in
12 a -- we'll deal with it in a separate -- in a separate circumstance. It's okay. Thank
13 you very --

14 PRESIDING JUDGE SCHMITT: [15:36:23] Yeah, and we -- and let me also explain.
15 We had some of these *bulletins*, we went through them, and they were from, if I recall
16 it correctly, they were from the same time, yeah. And the witness talked about what
17 this meant and what the background is of these *bulletins* and what he had to do with it
18 or not to do with it, so I think you can deal with it, indeed, in another way.

19 MR VANDERPUYE: [15:36:51] I will. I will. What I'm talking about though are
20 *compt rendu*, they're not the bulletins, so this was an error. But it's okay. We can
21 manage it in a different way, so that --

22 PRESIDING JUDGE SCHMITT: [15:37:00] So this concludes --

23 MR VANDERPUYE: [15:37:01] -- that concludes my direct examination.

24 PRESIDING JUDGE SCHMITT: No, no, it's fine.

25 MR VANDERPUYE: [15:37:04] Thank you very much, Mr Witness.

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- 1 And I'm sorry for detaining everybody a few minutes over the normal.
- 2 PRESIDING JUDGE SCHMITT: [15:37:10] No, no, but -- no, that's absolutely okay.
- 3 Thank you.
- 4 Then I have a question to Ms Rabesandratana. Do you know how long you would
- 5 want to question the witness?
- 6 We understand you better, I think, if you take off the mask.
- 7 MS RABESANDRATANA: [15:37:47](Interpretation) Thirty to 45 minutes; 30
- 8 minutes, thereabouts. About 30 minutes.
- 9 PRESIDING JUDGE SCHMITT: [15:37:55] I have the -- I have the tendency to say
- 10 that we call it a day and trust that we can -- I think if I add -- I think both Defence
- 11 teams said six hours, and we have three more days, so -- so with extended hours, if
- 12 need be, we'll get along.
- 13 So I think we call it a day, so you are the first tomorrow morning then at 9:30. Yeah.
- 14 Mr Suprun, you also have some questions?
- 15 MS RABESANDRATANA: (Interpretation) Thank you very much.
- 16 MR SUPRUN: [15:38:22] Mr President, I wish to inform the Chamber that I also have
- 17 a number of questions to this witness.
- 18 PRESIDING JUDGE SCHMITT: [15:38:27] Yes, but it will not exceed half an hour, I
- 19 simply would assume.
- 20 So now we are at the end of today's hearing.
- 21 Mr Demafouth, thank you, again, for answering all the questions of today. Have a
- 22 good rest until tomorrow morning.
- 23 We resume at 9:30.
- 24 THE COURT USHER: [15:38:46] All rise.
- 25 (The hearing ends in open session at 3.38 p.m.)