

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 21 February 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:59] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:23] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:32:27] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:42] Thank you.
21 First the appearances of the parties. Mr Vanderpuye for the Prosecution, please.
22 MR VANDERPUYE: [9:32:48] Good morning, Mr President. Good morning, your
23 Honours. Good morning, everyone. Good morning, Mr Witness. Today the
24 Prosecution is represented by Nicholas Leddy, Yassin Mostfa, and myself Kweku
25 Vanderpuye.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:32:59] Thank you.
- 2 I turn to the representatives of the victims. Ms Massidda first.
- 3 MS MASSIDDA: [09:33:08] Good morning, Mr President, your Honours. For
- 4 victims of the other crimes, appearing today, myself, Paolina Massidda, together with
- 5 my colleague, Mr Yaré Fall, and with us, Madam Mouhia Asso.
- 6 PRESIDING JUDGE SCHMITT: [9:33:22] Thank you.
- 7 Mr Suprun.
- 8 MR SUPRUN: [9:33:24] Good morning, Mr President, your Honours. The former
- 9 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 10 Public Counsel for Victims. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [9:33:33] Thank you.
- 12 I turn to the Defence. Ms Dimitri first.
- 13 MS DIMITRI: [9:33:36] Good morning, Mr President. Good morning, your
- 14 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom
- 15 this morning, is represented by Mr Florent Pages-Granier, Ms Anta Guissé, Mr Jérémy
- 16 Pizzi, and myself, Mylène Dimitri.
- 17 PRESIDING JUDGE SCHMITT: [9:33:53] And Mr Knoops, please.
- 18 MR KNOOPS: [9:33:54] Good morning, Mr President, your Honours. Good
- 19 morning, everyone in the courtroom. The Defence team of Mr Ngaïssona appears
- 20 today before the Chamber with Ms Sara Pedroso, Elsa Bohne, Barbara Szmatala and
- 21 Mr Ali Alabdali. And Mr Landry is following the hearings through the field office.
- 22 PRESIDING JUDGE SCHMITT: [9:34:15] And your client is present too.
- 23 MR KNOOPS: [9:34:17] Of course. Thank you.
- 24 PRESIDING JUDGE SCHMITT: [9:34:19] Thank you.
- 25 We'll now start with the testimony of Mr Namsio.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Mr Namsio, good morning. Do he hear me well and see me well?

2 WITNESS: CAR-OTP-P-0446

3 (The witness speaks French)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:34:38](Interpretation) Yes, I can hear you loud and clear.

6 PRESIDING JUDGE SCHMITT: [9:34:41] And we also hear you loud and clear, so

7 that's a good start, so to speak.

8 On behalf the Chamber, Mr Namsio, I would like to welcome you to the courtroom,

9 via the video-link location. You are called to testify to assist this Chamber in the case

10 of Mr Yekatom and Mr Ngaïssona. I also note the presence, I hope at least, of

11 Mr Jean Pierre Madoukou, who has been appointed legal advisor to you, Mr Namsio.

12 I'm not sure if we -- I don't see him, actually. Is he somewhere present? Could the

13 court officer please figure that out.

14 THE COURT OFFICER: [9:35:21] It's in evidence -- sorry, Mr President, VTC2.

15 PRESIDING JUDGE SCHMITT: [9:35:27] VTC2.

16 Yeah, so this is much more polite what I say hello to Mr Madoukou.

17 He is appointed legal advisor to Mr Namsio -- to you, Mr Namsio pursuant to Rule 74

18 of the Rules of Procedure and Evidence.

19 Welcome Mr Madoukou. I think that is not Mr Madoukou. At least the

20 resemblance would be really striking. This is not something -- before we haven't

21 figured out if counsel for the witness is present, we can't start.

22 MR MADOUKOU: (Interpretation) Good morning, Mr President.

23 PRESIDING JUDGE SCHMITT: [09:36:46] Are you Mr Madoukou who is speaking?

24 MR MADOUKOU: (Interpretation) Good morning, Mr President. Good morning

25 to the judges and to everyone. I am indeed in the room. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:37:04] Thank you very much. So we have
2 figured that out.

3 Mr Namsio, the reason why we have pointed counsel for you, is whenever you think
4 there is need to confer with your legal advisor, please let us know. There might be
5 questions put to you that might tend to incriminate you, in these cases, you can
6 answer the questions or you can refuse to answer them, and for that purpose, you can
7 consult with your legal advisor, so you can ask him if you're uncertain, is it better to
8 behave this or that way.

9 Do you understand that, Mr Witness?

10 THE WITNESS: [9:37:50] (Interpretation) I understand you very well.

11 PRESIDING JUDGE SCHMITT: [9:37:55] Thank you, Mr Witness.

12 Mr Namsio, there should be, and I hope so that it is, a card on the desk in front of you
13 with a solemn undertaking to tell the truth. Could you please read out loud the
14 content of this card.

15 THE WITNESS: [9:38:20](Interpretation) I solemnly declare that I shall speak the
16 truth, the whole truth and nothing but the truth.

17 PRESIDING JUDGE SCHMITT: [9:38:32] Mr Namsio, you are now under oath and
18 you know that you have to speak the truth, you have just said that, and it is an
19 offence according to the Rome Statute if you do not so. So please keep that in mind.
20 Before we start now with the examination, and we start with the Prosecution and then
21 perhaps with the victims' representatives and in the end the Defence counsel, but
22 before we start, please keep some practical matters in mind. Everything we say here,
23 and you are aware of that, Mr Namsio, is written down and interpreted in various
24 languages. It is, therefore, important to speak clearly into the microphone and at a
25 slow pace. Until now I have the impression that this works very well with you.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 And please only start speaking, Mr Namsio, when the person asking you the question
2 has finished.

3 We can start now then with your testimony.

4 And before I give the floor to the Prosecution, I recall that this is a Rule 68(3) witness,
5 and we have to establish the conditions for that, also, a subject to the, in my opinion,
6 minor corrections that this witness has made.

7 I give you now the floor, Mr Vanderpuye.

8 MR VANDERPUYE: [9:39:52] Thank you, Mr President. If I could remain seated
9 for the examination for the practice, I'd like to --

10 PRESIDING JUDGE SCHMITT: [9:40:00] I think we have established that once the
11 witness is not in the courtroom here, it's more comfortable for you and we stay with
12 this practice, of course, for everyone. But if someone wants to stand, we also allow
13 it.

14 MR VANDERPUYE: [9:40:15] Thank you very much, Mr President.

15 QUESTIONED BY MR VANDERPUYE:

16 Q. [9:40:20] Good morning, Mr Namsio.

17 A. [9:40:27] Good morning.

18 Q. [9:40:29] Let me introduce myself again. My name is Kweku Vanderpuye. I
19 am the -- I'm a Prosecutor and I'll be asking you some questions regarding your
20 evidence today.

21 During the course of your examination we may cover certain areas of your testimony
22 which might be sensitive to you, and should that arise, just please let us now. You
23 can simply say that you have something more to say or that you have certain
24 concerns, and if that arises, I will ask the Presiding Judge and the Chamber whether it
25 would be appropriate to proceed in private session in light of those concerns.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Private session just means that for a limited period of time your testimony will
2 be -- will not be public. But otherwise, your testimony will be public and I hope to
3 conduct most of your examination as such.
4 If there's anything that I say to you that's not clear or any question that I ask that you
5 don't understand, please just let me know and I will do my best to rephrase it in a
6 way that we can best understand one another because it's important for the record
7 that it is accurate to what you say and what I ask you.
8 As the Presiding Judge has just indicated, you have your lawyer, Mr Madoukou, here
9 with you, and if there's anything that you think might tend to incriminate you, then I
10 think it would appropriate for you to consult with him and obviously he can -- he can
11 also advise you with respect to that.
12 And I'm probably the greatest offender in here, but as the Presiding Judge has said on
13 many occasions, we have to try to avoid overlapping when we communicate, when I
14 ask you questions and when you respond because it's very important, again, that the
15 record is clear as to what you say in response to what I ask. And that's basically it.
16 I want to thank you once again for making yourself available to testify in this case
17 because it's quite important.
18 Are you with me so far?
19 A. [9:43:13] Yes, we are together.
20 Q. [9:43:16] Good. Then I'd like to start with with some basic biographical
21 information. For the record, could you please state your full name.
22 A. [9:43:38] My name is Emotion Brice Namsio, the former national spokesperson
23 of the former Anti-Balaka movement and today an apostle of peace, father of seven
24 children. Regarding my life, I am honoured because I was promoted as an officer in
25 acknowledgment by the Central African authorities. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [9:44:29] And you were born in Bangui, is that right, on 13 November 1981?

2 A. [9:44:43] 1981.

3 Q. [9:44:48] You are a Christian, is that right, and Gbaya by ethnicity?

4 A. [9:44:56] Yes, of course. Yes, that is correct.

5 Q. [9:45:06] And does your family or your -- yes, your family, does your family hail
6 from the Bossangoa region?

7 A. [9:45:22] Well, I'm a Central African national. I'm a son of the soil. I was born
8 in Bangui just like my father and my mother.

9 Q. [9:45:42] And did you grow up in the 4th arrondissement of Bangui? Is that
10 where you were raised?

11 A. [9:45:52] That is correct.

12 Q. [9:45:59] Now, you've spoken to the Office of the Prosecutor on a number of
13 occasions. The last was in August 2018, I believe. Since then, have you been
14 contacted by anyone with regard to your possible cooperation or testimony in this
15 case?

16 A. [9:46:33] I had the opportunity to cooperate with the ICC when I was in prison,
17 the Ngaragba prison. Well before that, I had been interviewed on occasion within
18 the BONUCA premises by a team that had called me -- or, rather, they had called our
19 coordinator, Patrice-Edouard Ngaïssona, and he had sent me to go and represent him
20 in BONUCA in PK3. But after that, it is only the ICC that I have continued to listen
21 to and to be cooperative with. That is the ICC. Thank you.

22 Q. [9:47:40] Thanks for that. I'll come to your statements to the ICC in just a
23 moment, but what I'd like to know is whether or not you've had contact with anyone
24 that has an interest in this case or the proceedings about your possible participation in
25 the trial or testimony in the case. Has anyone spoken to you about that or come to

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 you about that?

2 A. [9:48:12] No, no one.

3 Q. [9:48:16] I want to ask you just a few questions about some of the things you've
4 done besides being the spokesperson for the Anti-Balaka in the past.

5 Now, I know that you've provided your CV previously and hopefully the Chamber
6 will have that in evidence very shortly, but just in terms of what you've done, I noted
7 in your statement previously to the Office of the Prosecutor that you were the
8 president of the Youth Platform in the 4th arrondissement in 2005; is that right?

9 A. [9:48:58] That is correct.

10 Q. [9:49:00] How long did you serve as the president of the Youth Platform?

11 A. [9:49:13] Four years, if memory serves.

12 Q. [9:49:18] I also understood that you were the president of the *Comité du*
13 *développement de quartier*?

14 A. [9:49:32] Yes, that is correct, and I was chosen by the neighbourhood chiefs.

15 Q. [9:49:42] And when you say the neighbourhood, you're referring to the
16 Boy-Rabe area?

17 A. [9:49:54] Yes, I'm referring not only to Boy-Rabe, but Boy-Rabe is part of the
18 4th arrondissement of Bangui town. The 4th arrondissement is very large and
19 includes almost 200,000 inhabitants. So you have Boy-Rabe, Fouh, Gobongo,
20 Dedengue, right up to Issa neighbourhood, Bafio neighbourhood, and so on and so is
21 forth, so you will have about a total of 29 neighbourhoods, if I am not mistaken.

22 A. [9:50:42] Thank you for that clarification. And it's very helpful.
23 How long did you serve as the president of the *Comité du développement de quartier*?

24 A. [9:51:01] Regarding the neighbourhood development committee, it was set up
25 and I was chosen. Unfortunately, we were unable to sustain our programme

1 because there was a need to organise ourselves so as to assist our arrondissement.

2 But we really did not have any funding for that and everyone simply withdrew and,
3 therefore, we were not able to do what we had been expected to do. That is what
4 happened.

5 Q. [9:51:43] And I also noted that you were the president of the *Association des*
6 *Volontaires pour la Mobilisation Sociale*?

7 A. [9:51:59] Yes, of course, that is correct. And why this association, why was it
8 created? I am an assistant nurse and I am responsible for deliveries and I delivered
9 many of our mothers. I was an intern at the community hospital in Bangui, Begoua
10 hospital, Boy-Rabe hospital, Castors hospital and others. And when I was doing that
11 internship as a nurse's assistant, I witnessed a lot of things. I passed through the
12 CPN, that is prenatal consultations. That is after which you go to the delivery areas
13 in the centres that I have mentioned.

14 And when I was there, I felt bad. I had realised that when people came there to
15 consult, when women came to consult, instead of being accompanied by their
16 husbands, these women, unfortunately, came alone. And when there were
17 consultations and tests to be done and then results came out, frequently some of those
18 mothers were infected by sexually transmitted diseases and sometimes by HIV/AIDS
19 and that was pitiful. So I told myself that something had to be done, and that is why
20 I thought of this organisation known as association of volunteers of social
21 mobilisation, AVMS.

22 I was struggling and fighting in this association against HIV/AIDS, tuberculosis,
23 malaria and poverty, because amongst young African -- Central African people, many
24 of us are idle, unemployed, and I think that something has to be done to initiate
25 something that could be used so that these young people should be able to help

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 develop our country, the Central African Republic. I was not alone.

2 When we initiated these NGO and received authorities from our government, I

3 approached certain people and certain locations who had more experience than me.

4 There was Dr Goumba Charles, who is deceased. I contacted him and I took him as

5 director of studies. There was also Dr Kaba-Mebri, who was a doctor in the

6 Boy-Rabe hospital. He himself is also deceased. There's also Dr Service (phon). I

7 took him, I approached them and told them that you have to help the Central African

8 population in distress. (Overlapping speakers)

9 Q. [9:56:11] Thanks very much for that. Can I ask you when it was that you set up
10 this association, what year?

11 A. [9:56:26] It was in 2004, if I'm not mistaken. So I'm -- I was still an intern at the

12 Boy-Rabe hospital. I trained many young people, more than 500 people that I

13 trained within that NGO who did nursing work and laboratory work. They were all

14 trained. Others were recruited and they also recruited other peoples from elsewhere.

15 So all the people that I trained are in the field helping our Central African nationals

16 right up to this date that I'm speaking with you.

17 Q. [9:57:17] Okay. Now you mentioned right at the beginning of your testimony
18 that you were the spokesperson for the Anti-Balaka coordination. And that was in
19 2014, is that right, the National Coordination?

20 A. [9:57:42] That is correct, that is correct. After the attacks of 5 December and

21 during the general assembly, I was chosen. I did not go directly as the spokesperson.

22 I was a deputy to Mr Konate and it was only subsequently that I was designated as

23 the national spokesperson. But I had been a deputy to Lieutenant Konate. Just like

24 the minister counsellor in the government right now, I had supported him

25 when -- before becoming the main spokesperson.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [9:58:41] Okay. And you stayed with the National Coordination until the end
2 of 2014; is that right?

3 A. [9:58:58] Not up to the end of the year 2014 because in 2014 when
4 President Samba-Panza was chosen to lead the destiny of the Central African people,
5 we went to Brazzaville, if I am not mistaken, in July to sign accords on the cessation of
6 hostilities. And when with we went there, I was also part of that group that
7 travelled to Brazzaville. The cessation of hostilities agreement was signed.
8 And when we returned to the country three days afterwards, our coordinator,
9 Patrice-Edouard Ngaïssona, did his very best to initiate us in the area of certain
10 activities.

11 I went to support our brothers, Muslims, because with the cessation of hostilities
12 agreement, it was necessary for all armed groups to liberate the areas that were
13 occupied so that the Central African nationals to go about their business freely.
14 Unfortunately, when I went to support our Muslim friends, they used the
15 opportunity to open the road Bangui-Bambari, and it was at that time that I was
16 arrested by the Sangaris troops, so I did not complete my mandate in 2014, so I did
17 not go to the end of that year. I was arrested while travelling and I was put in
18 prison.

19 Q. [10:01:07] Thank you for that clarification. And that was in September or so of
20 2014, right?

21 A. [10:01:20] It was on 17 September 2014. That was when I was arrested.

22 Q. [10:01:27] Now, you were never part of the Central African Republic
23 government at any point? You never had a government position; is that right?

24 A. [10:01:47] Thank you. Ever since I had to initiate things to -- for the
25 development of my country, I never had a job. And this is why I left the traineeship

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 and I wasn't absorbed. I was trained in customs. I was a trained customs officer
2 and -- and I was basically working as a trainee in the customs office. In my CV you
3 can also see that I worked in the mines, with diamonds and gold. There was no one
4 to help me and I really couldn't do much. If you basically want to do this job, you
5 really need someone to help you financially, and I never had anyone. So I never
6 actually worked for the government all this time. But in spite of all that, during the
7 events, I was the one who opened the Douala-Bangui roadway for the vehicles
8 because we have a landlocked country. And it's the Douala-Bangui road that
9 actually would be used to send supplies to Bangui.

10 And our -- the Balaka were also attacking the drivers who would bring sustenance to
11 us, whether they were Christians or Muslims. And I was basically there to protect
12 and help these transporters so that they could reach the right -- they could reach the
13 destination.

14 But again, I never was working. I still am a trainee and I never worked for the
15 government until now.

16 Q. [10:04:31] Okay. Thank you for that.

17 I'd like to ask you some questions about the statements that you gave to the Office of
18 the Prosecutor in the past. I would note that the first contact that you had with the
19 Office of the Prosecutor was on 15 June 2015 while you were in Ngaragba, as you say.
20 And thereafter, you met with the Office of the Prosecutor in May of 2016, just about a
21 year later. And then after that, you met with the Office of the Prosecutor in August
22 of 2018. Does that comport with your recollection?

23 A. [10:05:25] Yes, I remember that because I was heard at the prison facility and in
24 2016 and even in 2018. Yes, that is true.

25 Q. [10:05:42] All right. And with respect to those meetings with the Office of the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Prosecutor, you had an opportunity to review or read transcripts of those interviews,
2 haven't you?

3 A. [10:06:05] It's only during the week and I'm referring to Friday. I spent
4 Monday, Wednesday until Friday -- until Thursday, sorry, to review everything I'd
5 said and I just finished reviewing everything this Friday. So it's four days ago that
6 I've just finished reviewing everything I said.

7 Q. [10:06:38] Okay. That's good.

8 And with respect to the material you reviewed, you noted some corrections that you
9 wanted to make with respect to the interview that took place in the Ngaragba prison
10 which you wrote down on a -- on a document; is that right?

11 A. [10:07:01] Yes. I noted a few errors, but that's not enough. I corrected the
12 spelling of "*Dieu*". And it was -- *Dieu* was written with a small "d" and I said we
13 must put that in capitals because God is all powerful.

14 Q. [10:07:47] I think we may have that. And I'm going to try to see if we can get it
15 up on the screen. It should be CAR-OTP-2315-2317.

16 In any event, while that's coming up, I did note that you made a number of
17 corrections, most of them were fixing errors of let's say formal corrections and
18 typographical errors. For example, you noted your correction to the word "*Dieu*".
19 And this is at -- at your -- regarding your 15 June interview at the transcript page 0650.
20 That's CAR-OTP-2105-0650.

21 But other than those sorts of corrections, you didn't make any corrections that
22 changed substantially the meaning of what you said in your three interviews with the
23 Office of the Prosecutor; is that fair to say?

24 A. [10:09:27] No, not really. There were just a few changes, but I did not correct.
25 If you see the document you're holding.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:09:45] I think you can proceed from there,

2 Mr Vanderpuye, and simply ask him now the typical questions --

3 MR VANDERPUYE: [10:09:51] Yes.

4 PRESIDING JUDGE SCHMITT: [10:09:53] -- in this event.

5 MR VANDERPUYE: [10:09:54]

6 Q. [10:09:54] Mr Namsio, with respect to the statements that you made in particular
7 in 2016 and in 2018, do they fairly and accurately reflect what you said to the
8 investigators during that period of time when you were interviewed?

9 A. [10:10:29] Yes, it does reflect. And I'm going to take the opportunity to tell you
10 that if I'm here, it's actually -- it's to shed more light on things, it's to help the Court.
11 I will stay cooperative. And everything I read in the document was what I said, so I
12 hadn't -- I haven't said -- I haven't changed anything. There was no need for me to
13 change. It was -- everything I said was transcribed in the documents during the
14 three meetings with the Court.

15 Q. [10:11:11] That's very helpful, indeed, and I take it then that you stand by what
16 you said as the truth and complete in respect of those statements before this
17 Chamber?

18 A. [10:11:32] I confirm that everything that was written was basically what I said,
19 and I can confirm that.

20 Q. [10:11:42] Okay. And you -- I take it you have no objection then to the
21 Chamber receiving your statements and all of the documents that you refer to in your
22 statements as evidence in this case?

23 A. [10:12:06] I have no objections.

24 PRESIDING JUDGE SCHMITT: [10:12:07] Okay. Thank you.

25 MR VANDERPUYE: [10:12:08] Mr President, I would offer --

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:12:10] Yeah, I think -- I think it's always good to
2 be clear on the record that I state what this procedurally means. So with regard to
3 the statements made by the witness, the conditions of Rule 68(3) of the Rules of
4 Procedure and Evidence are fulfilled subject to the corrections made by the witness.
5 You may continue, Mr Vanderpuye.

6 MR VANDERPUYE: [10:12:31] Thank you, Mr President. I just wanted to note that
7 the corrections that were made by the witness were made to the screening that was
8 done, it's at tab 76 of our binder, CAR-OTP-2118-6278. And the corrections are, ERN
9 number --

10 (Counsel confers)

11 PRESIDING JUDGE SCHMITT: [10:13:11] I think I heard already the ERN number
12 of the corrections, or am I wrong?

13 MR VANDERPUYE: [10:13:16] I think -- yeah, I asked for it to be on the screen, but I
14 didn't see it so I wasn't sure if I had it right. But in any event (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:13:19] (Overlapping speakers)

16 If it is the transcript and on the record, I think it's okay.

17 MR VANDERPUYE: [10:13:25] Very well. Thank you, Mr President. Okay.

18 MR VANDERPUYE: [10:13:34]

19 Q. [10:13:37] Mr Witness, as you can imagine, I have a few questions for you yet.

20 And most of it relates to some of the material that you have talked about already, but
21 I wanted to ask you some further questions about it.

22 Now, if your statements you've indicated that you are, as you said earlier, a native of
23 Boy-Rabe. And it's right, though, that Boy-Rabe is an area that is perceived as
24 supportive of or favourable to President Bozizé; is that right?

25 A. [10:14:26] Yes, I would actually rather speak about the 4th arrondissement.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Boy-Rabe was the stronghold of the former President François Bozizé. The former
2 President François Bozizé was the deputy of the 4th arrondissement and Boy-Rabe
3 was part of the 4th arrondissement of the city of Bangui. And he, François Bozizé
4 was the deputy.

5 Q. [10:15:10] In Boy-Rabe there were also to be found members of the FACA, the
6 *Forces armées Centrafrique* that were also favourable to President Bozizé, including the
7 *libérateurs* who helped to bring him to power in the 2003 coup; is that right?

8 A. [10:15:46] Yes, of course. We have FACA in all neighbourhoods and you have
9 FACA even in Boy-Rabe. During François Bozizé's rule, he recruited youth, he
10 trained them to be the FACA, so there were in plenty -- they were in the
11 4th arrondissement and there were also the *libérateurs* who were in the
12 4th arrondissement.

13 Q. [10:16:24] From the 4th arrondissement you, I take it, got to know Mr Ngaïssona
14 or you knew about him; is that right?

15 A. [10:16:41] Yes. Mr Ngaïssona, he is from the major districts. He is a
16 businessman, an actor of the economy. You had to go through me to get to
17 Ngaïssona. I know him very well. I'm at the -- I'm upstream and he's at the lower
18 end of the market. And he was the former youth minister and the sports minister.

19 Q. [10:17:31] How long did you know Mr Ngaïssona before he became the youth
20 minister or the Minister of Youth and Sports in 2013 February?

21 A. [10:17:54] As I said, I was born in the fourth district -- 4th arrondissement, just
22 like Ngaïssona, he was also born in the 4th arrondissement. And this is -- this man is
23 known by everybody. I know him. I have known him for a very long time.

24 Q. [10:18:27] Well, that's exactly my question, is how long a time have you known
25 him? Or did you know him by the time 2013 came around? How many years had

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 you known him before 2013? And I mean personally.

2 A. [10:18:53] Yes, as I just said, I -- I've known him for a very long time because he
3 lives in the same neighbourhood as I do. And he was our deputy. He was the
4 deputy for the 4th arrondissement as well, so I've known him for a very long time.

5 Q. [10:19:22] Okay. Now, I noted in your statement that while you were in Zongo,
6 after the Seleka took over, that you were in contact with Mr Ngaïssona and, in
7 particular, that he sent you some money. Do you remember saying that in your
8 statement?

9 A. [10:19:53] I do remember that quite well.

10 Then I crossed over to the other side. I said that I come from a family that would
11 never speak his name. I have no one to support me in my activities. And when I
12 crossed over to the other side, I was a bit overwhelmed. I rented a house that cost
13 me about 2,000 or 3,000. And since I did not have the money to pay the rent, I
14 remember what -- I remember that I wanted -- I wanted his number and I really did
15 not have his number at that point of time. And I was forced to call the Apostle
16 Ngaya who was a counsellor, who was our religious counsellor in the movement.
17 So I called him and asked him how could I get Ngaïssona's number. So it's through
18 Ngaya who gave -- it's Ngaya who gave me the telephone number of Ngaïssona.
19 And I called him and I said "I'm really under financial strain. I do not have the
20 money to pay the rent. And since I'm not home, I have no money to pay, I need your
21 support." And he responded to my call of distress. Not directly, actually. He sent
22 the money to the Apostle Ngaya, and Ngaya transferred me the amount, the money.
23 He, if I'm not mistaken, he spoke about -- about 45,000 and I think after deducting the
24 transfer fees, I received about 39,000, and this is how I got his number. I called -- it's
25 through the Apostle Ngaya. * This was after Zongo.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [10:22:31] That's -- that's very helpful. Thank you for that explanation.

2 How is it that you knew Mr Ngaya?

3 A. [10:22:49] Apostle Ngaya is a pastor and he's also a person in the
4 neighbourhood and he has the same age as Honourable Ngaïssona. And he was my
5 neighbour. {PFR: (Redacted)}

6 (Redacted)} And he also worked at the Ministry of Youth and Sports. And this is
7 some -- so this is someone I know very well. He's the pastor. He held a position at
8 the Ministry of Youth and Sport.

9 Q. [10:23:46] All right. And so you're talking about Alfred Legrand Ngaya, who
10 was the political advisor to Mr Ngaïssona in the National Coordination, one and the
11 same person, right?

12 A. [10:24:04] Yes, it's this person I'm referring to. Alfred Ngaya Legrand.

13 Q. [10:24:14] And you were in contact with Mr Ngaya after the Seleka took over
14 until you went to Zongo and then while you were also in Zongo; is that right?

15 A. [10:24:38] Yes, because when the Seleka came on 21 March, in the month of
16 April, they entered the 4th arrondissement to pillage things. And I was there at that
17 point in time. And when they came for the second round of pillaging in the month
18 of August, end of August, beginning of September, I wasn't there. So the second
19 pillaging took place after I had left. And when I was there, I wondered that Ngaya
20 was there in Bangui and he must give me the particulars of the minister Ngaïssona.
21 And this is how I got in touch with him.

22 Q. [10:25:36] I see. That's very helpful.

23 While you were in Zongo, did you have -- were you in contact with Mr Ngaïssona,
24 directly, that is?

25 A. [10:25:57] Yes, I said that when Mr Ngaya gave me the telephone number of

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Ngaïssona, I called him. And when I called him, and since I did not have enough
2 talk time on my phone -- you see, it was very hard to call abroad with no credit on
3 your phone. And I called him and then he called me back to ask me what I wanted.

4 Q. [10:26:38] How often would you say you were in contact with Mr Ngaïssona
5 from when you went to Zongo until say the end of 2013? So between August and
6 December 2014, how often would you say that you were communicating with him?

7 A. [10:27:11] From Zongo?

8 Q. [10:27:13] Yes, from Zongo.

9 A. [10:27:25] No, from Zongo, when I called him and asked for his assistance, it
10 was actually in Bangui. The president -- during that time, the president had
11 resigned and it was close to Ngaïssona's return to Bangui when he called me.

12 Q. [10:27:55] So you mean to say that you were in contact with him once or twice
13 between August 2013 until December 2013?

14 A. [10:28:15] Between August 2013?

15 Q. [10:28:23] Yes, after -- after, let's say, the Seleka disarmament campaign in
16 August 2013 until the end of December 2013, which is the year that the -- that the
17 attack took place in Bangui, that year is what I'm talking about.

18 A. [10:28:51] The Balaka attack happened on 5 December 2013 and we returned in
19 2014. The Balaka attack took place on 5 December 2013. And well before that when
20 the Seleka came, I was in Zongo. And it's because of what I went through in Zongo
21 that I called Ngaïssona, but I wasn't in constant touch with him. I only called him at
22 that point in time so that he can support me and help me out. The last, if I'm not
23 mistaken -- and he called me because he wanted to know what I wanted. But once
24 I -- once returned to -- once we were -- I returned to Bangui, we weren't in touch with
25 him.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Or perhaps I haven't really understood the -- your concern, your question, perhaps.

2 PRESIDING JUDGE SCHMITT: [10:30:19] I think, Mr Witness, it was not a concern
3 of the Prosecutor, and I think you have answered the question. I think we can move
4 on.

5 Or not, Mr Knoops?

6 MR KNOOPS: [10:30:30] Well, of course we can move on, but I think it's -- the
7 questioning, with all due respect, is quite confusing of the Prosecution. Can the
8 question not simply be put to the witness if this call of Mr Ngaïssona was before or
9 after 5 December? Because the Prosecution introduces a time frame of August till
10 December 2013, the witness never spoke about this. So I think the question is not
11 being put clearly to the witness. It's quite confusing.

12 PRESIDING JUDGE SCHMITT: [10:30:57] Okay. Then let -- perhaps, give me a
13 chance, so to speak.

14 Mr Witness, the Prosecution is interested in the contacts that you had with
15 Mr Ngaïssona, break it down now, before 5 December attack in the weeks, two or
16 three months before that. And I have understood you that that you had called him
17 and he called back for support. Did we understand that correctly?

18 THE WITNESS: [10:31:37](Interpretation) That is correct.

19 PRESIDING JUDGE SCHMITT: [10:31:39] And then the question the Prosecutor
20 asked you was if there were more contacts than this one contact where you received
21 then the report -- the support, excuse me. Were there more contacts in August,
22 October, November 2013?

23 THE WITNESS: [10:32:01](Interpretation) No.

24 PRESIDING JUDGE SCHMITT: [10:32:01] Okay. Mr Vanderpuye, you can
25 continue.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [10:32:04] Thank you very much, Mr President.

2 Q. [10:32:09] Can I just ask you in that period of time, that is between the time you
3 went to Zongo and the time you crossed back to Bangui in November, did Mr Ngaya
4 come to you or see you in Zongo?

5 A. [10:32:38] No. We used to call each other, that is myself and Mr Ngaya. We
6 exchanged information about relatives and so on. But meeting face-to-face, no. But
7 we called each other on the phone, that is Mr Ngaya.

8 Q. [10:33:06] Thanks for your explanation.

9 I want to ask you, you know, when you decided to go to Zongo, what did you
10 understand was going on there? Why did you go to Zongo to begin with as opposed
11 to Cameroon or Brazzaville or someplace else?

12 A. [10:33:38] Thank you very, very much for your concern.

13 I have told you, and it's even in the documents, I had initiated something, but
14 unfortunately for me, I was looted. I did not have any money on me. I was looted.
15 But in Zongo, with just 300 francs, you can be able to pay your transport to cross over.
16 But in Cameroon, I have no resources. I have -- I'm a family head. How would I
17 have abandoned my children to go away? If I had money, I may have gone beyond
18 that. But in Zongo, it was easy. People -- children had to go back to their relatives.
19 That is why I chose to go to Zongo, because with 300, 500 francs, you can pay a canoe
20 to cross over. And then people also took care of refugees there. That is what
21 prompted me to cross -- to cross rapidly to Zongo rather than going elsewhere
22 because I did not have any money. Also I was a victim. I was a large-scale victim,
23 so I didn't have money on me.

24 Q. [10:35:28] Did you know at the time that you crossed over to Zongo that there
25 was military operations being planned with respect to taking back Bangui by military

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 officers there and other people? Did you know about that?

2 A. [10:36:00] No, I was not aware of that. I was not aware of that, that there was
3 an organisation there. No, I did not know. Because when the Seleka came in, there
4 was a lot of confusion. When they came in to the 4th arrondissement, there was a lot
5 of confusion, so they looted everything. So I lost my pharmaceutical equipment, my
6 medicines and so on.

7 So where I lived, it was actually a health centre because I had the health centre
8 authorised by the state, the state had authorised me to open a health centre and it was
9 in that premises that I was living. And since it was serious and things were that way,
10 I only had my life left to me. I had to save my life, so I had to cross over.

11 But regarding organisations and preparations, I was not aware. It was just a short
12 distance from where I was to go there.

13 Q. [10:37:27] Thank you. When you got there, in your statement you note that
14 you stayed with a Lieutenant Abel Denamganai in a house in Zongo and that while
15 you were there --

16 A. [10:37:45] Yes, indeed.

17 Q. [10:37:47] That's right. And while you were there, you were in contact with a
18 number of individuals, including military men. So you indicated --

19 A. [10:38:03] That is quite correct. I will come to that.

20 When I crossed over to the other side, Denamganai and other soldiers were there.

21 When I crossed over, I found all of them in Zongo. So when I arrived there, I had no
22 money. After Denamganai, well, he was somebody from the neighbourhood, a
23 former liberator, so I was compelled to approach him and to ask him whether I could
24 spend a few days in his house. So he accepted that I should spend some days in his
25 house.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 After that, I went to UNHCR for registration, but I spent three -- one week with him
2 before going to *commune* -- Nzoulou village where I had a house. So I had been there
3 with Denamganai and I also met a few officers. I met Claude Ngaikosset, I met
4 Lieutenant Hervé Ganazoui, I met Maxime Mokom and others that I do not remember
5 because it was a long time ago. I cannot remember everything. So I met met with
6 some officers and even some foot soldiers who had crossed over, I met with them.

7 PRESIDING JUDGE SCHMITT: [10:39:58] And for reference, I think that we have
8 this in paragraph 44 of the -- no, let me see here, it's CAR-OTP-2059-1626 at 1639
9 following somewhere in that place we have this (Overlapping speakers)

10 MR VANDERPUYE: [10:40:16] Thank you, Mr President. The transcript you're
11 referring to.

12 PRESIDING JUDGE SCHMITT: [10:40:17] No. The former statement.

13 MR VANDERPUYE: [10:40:19] Yes, indeed,.

14 PRESIDING JUDGE SCHMITT: [10:40:21] The Rule 68(3) statement.

15 MR VANDERPUYE: [10:40:25] Yes. Thank you, Mr President.

16 Q. [10:40:27] I wanted to ask you about some of your interactions with these
17 soldiers that you met. You also mentioned in your statement a Lieutenant Dokabona,
18 and I wanted to clarify with you whether that was a reference to Thierry Tribunal
19 Dokabona or Florent Dokabona or both, if you can recall.

20 A. [10:40:51] No. Tribunal is another officer and Dokabona is a different officer.
21 So Tribunal is an officer and Dokabona is another officer. Well, their first names I
22 really do not know. I just know those names that I have told you. I met him
23 there.

24 Q. [10:41:21] You mentioned a Claude Ngaikosset and he's the brother of Eugène
25 Ngaikosset; is that right?

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 A. [10:41:34] Yes, Ngaikosset, yes, he is his younger brother.

2 Q. [10:41:37] Do you know if Eugène Ngaikosset goes by the nickname Djambar?

3 A. [10:41:48] When I had crossed over, I found that -- I found only Claude
4 Ngaikosset and Eugène Ngaikosset had been taken to Gemena so I did not meet with
5 him. So I met only with his brother Claude Ngaikosset, together with the others we
6 have just mentioned.

7 Q. [10:42:17] Did you discuss with these officers what they were doing or they
8 were planning in Zongo when you met with them?

9 A. [10:42:34] No, I arrived there. I spent one week with Abel Denamganai and
10 from his house -- I found a house that cost 2,000 francs only, so I went to that house.
11 And that house where I lived in was a bit far away from them.
12 Now, when they were there, we would get along with each other, we would associate
13 with each other, but when it came to planning and other things, they did not discuss
14 that. It was only afterwards, a few days to the end of November that I met with
15 Denamganai and I was told that there was a meeting in the house when Ngaikosset
16 was formally leaving. I was told that there was a meeting there and that is how
17 come I went and I met all of them there. But when I went there, they did not even
18 want to explain things to me because I was considered as a civilian and they were
19 reticent about telling me what was happening.

20 Can I proceed?

21 Q. [10:44:02] I think you've answered it, but if you have (Overlapping speakers).

22 PRESIDING JUDGE SCHMITT: [10:44:06] I also think so. I think, Mr Vanderpuye,
23 you proceed with the next question, please.

24 MR VANDERPUYE: [10:44:10] Thank you, Mr President.

25 Q. [10:44:12] There's a document I wanted to show you. It's at tab 52,

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 CAR-OTP-2100-2602. And it's a notebook that was produced by a witness. And I
2 want to show you and ask you some questions about it. The first thing I'd like to do
3 is go to page -- ERN page 26 -- I'm sorry, it should be 2604. And I wanted to ask you
4 about some of the names we see here, if we can just blow up the handwritten part of it
5 so the witness can see it. That's very good.

6 Can you see that, Mr Namsio?

7 A. [10:45:55] Yes.

8 Q. [10:45:55] Good. And you recognise these names, I take it?

9 A. [10:46:03] Yes. In fact, that is my writing.

10 Q. [10:46:09] Is that right?

11 A. [10:46:13] It is my writing.

12 Q. [10:46:15] Where did all these names come from?

13 A. [10:46:24] No, those names did not come there -- were not written down by
14 mistake. When we were in Zongo -- well, before crossing to Zongo, there were all
15 these documents. I was the spokesperson -- or, rather, there was a grouping and we
16 found ourselves in Bangui. I was the spokesperson and so I had to ensure telephone
17 coordination with each responsible person, and that is why I needed to have the
18 names, such as Richard Bejouane, and may he rest in peace. He was the first chief of
19 staff of the movement and I met behind the hill at the end of November. Then there
20 is Hyppolite. He was -- he's a deputy. And I can say the name of Rodrigue
21 Ngaïbona from Bouca. And then Dieudonné who is the father of Andjilo. There is
22 Sami Bawa who is in the Ngaragba prison. There is Sylvain who is also one of the
23 coordinators. The Sylvestre who is deceased, but now he was the deputy to
24 coordinator Edouard Patrice Ngaïssona. But he is deceased. Then there was
25 another name, 12 Puissance. So it was on the basis of this that I set up this document

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 so that each authority of the Anti-Balaka should be there. So it is my handwriting
2 and I remember that very well. There's also General Maury, but unfortunately he is
3 deceased and he died around Boali. He's the one who was killed in Boali. So I
4 remember very well. It is my handwriting. So it is when I joined the group that I
5 took down this number so as to be able to call these people.

6 Q. [10:49:12] That's very helpful. And when is it that you think you wrote this?

7 A. [10:49:21] It is very helpful. That was before my arrest. I remember very well
8 that notebook. It was before my arrest. The attack had already taken place. That
9 is the attack of 5 December and it was subsequently that I had to write down the
10 number of each authority or each leader so as to be keeping contact. That is my
11 handwriting. I remember that we had already crossed back to the other side of the
12 river. I think this must have been in January, February. I'm not very good with
13 memory, but it was after the attack. It was after the attack that I collected these
14 phone numbers.

15 Q. [10:50:26] That's helpful, too. But you say it's between the time that you
16 crossed the river and the time that you were arrested, which sounds like somewhere
17 between November 2013 and September 2014.

18 Do you think there's any way that you could be a little bit more specific?

19 A. [10:50:54] No. I do not have a good memory. If I'm not mistaken, it took quite
20 some time. I have documents, I have statements with you, so if you can even refresh
21 my memory, so I have that notebook. It was after I joined the group that I collected
22 those numbers. Even General Maury, at the bottom there, I had his number only
23 afterwards. But the others, Bejouane and others, I had their contacts behind the
24 Boy-Rabe hill. For example, Ndomate Dieudonné, he is Andjilo's uncle. I took his
25 contacts when were already in Bangui, not behind the hill. I remember that. But to

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 be very specific about dates, I really cannot do that.

2 PRESIDING JUDGE SCHMITT: [10:52:08] (Overlapping speakers) If I may, the
3 witness has said it must have been January or February in his answer.

4 MR VANDERPUYE: [10:52:16] Yes.

5 PRESIDING JUDGE SCHMITT: [10:52:17] His first answer, so I think we don't
6 get -- get nearer to -- and it's actually understandable after all these years, frankly.

7 MR VANDERPUYE: [10:52:25] Yes.

8 PRESIDING JUDGE SCHMITT: [10:52:25] So please continue.

9 MR VANDERPUYE: [10:52:27]

10 Q. [10:52:28] What did you do with the book?

11 A. [10:52:39] The notebook, in order to avoid certain excesses -- for example, the
12 mobile phone can disappear and so such a notebook can be helpful. So it is an
13 *aide-mémoire*. In case I lose my phone, I can refer to this notebook and know what I
14 had written in it.

15 Q. [10:53:10] Perhaps my question was in-artful. What happened to the notebook
16 that you wrote in?

17 A. [10:53:30] Well, I no longer remember. Was it in the suitcase that I lost during
18 my arrest in PK12, in the capital when I was returning? Maybe that's where I lost it.
19 I'm not sure. Because after my arrest, my bag or my suitcase was confiscated by the
20 Sangaris forces, including my telephones and other items. So whether this was there,
21 I do not know. So I no longer remember where this notebook was lost. In 2016
22 when I came out and before I was interviewed, I also lost a small suitcase with certain
23 items in it. I even reported it to the court. Whether I lost it in that suitcase, I do not
24 know. I do not remember the date on which I lost that notebook, but I can confirm
25 to you that that is my handwriting.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [10:54:51] Okay.

2 A. [10:54:54] The circumstances under which I lost the notebook, I really do not
3 know, nor do I know the date.

4 Q. [10:55:03] You can confirm, then, that all the names in this notebook were
5 members of the Anti-Balaka movement with whom the National Coordination was in
6 contact; is that fair?

7 MS DIMITRI: [10:55:16] Mr President.

8 PRESIDING JUDGE SCHMITT: [10:55:18] Wait a moment, Mr Witness. Ms Dimitri,
9 yes.

10 MS DIMITRI: [10:55:21] Well, I object to the question. It's -- first, it's very leading
11 and it's so generalised. I think if my learned friend wants to go to specifics, he
12 should go name by name, but there's --

13 PRESIDING JUDGE SCHMITT: [10:55:36] Yeah, what we are doing -- to shorten this,
14 we are shortly before a coffee break. The witness gets the chance to read the
15 document.

16 MR VANDERPUYE: [10:55:45] Sure.

17 PRESIDING JUDGE SCHMITT: [10:55:45] And afterwards, you put the question in
18 the generalised manner to him. I think that's fair.

19 MR VANDERPUYE: [10:55:51] Sure.

20 PRESIDING JUDGE SCHMITT: [10:55:52] So, Mr Witness, it's -- there are a lot of
21 names it and you already said you have written them down, but of course you can't
22 answer such a generic question, did you write this down before. You haven't
23 reviewed it. So we are making now a break, and you get the chance to review the
24 whole document and then this question will be asked again to you, if these names tell
25 you something, yeah? We have now the break until 11.30.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 THE COURT USHER: [10:56:24] All rise.

2 (Recess taken at 10.56 a.m.)

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

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

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [11:35:05] Mr Vanderpuye, you have the floor.

7 MR VANDERPUYE: [11:35:09] Thank you, Mr President.

8 Q. [11:35:14] Good morning, again, Mr Namsio.

9 Before we broke, you were asked to take a look at the document that we had on the
10 screen. Maybe we can have it back up there.

11 Did you have a chance to look at it over this break, the last few minutes?

12 A. [11:35:45] I did not review the document because it was behind you. I do not
13 have the right to have documents with me.

14 Q. [11:36:06] All right.

15 PRESIDING JUDGE SCHMITT: [11:36:07] This -- this can happen. Although, I
16 would have, of course, trusted the people in the field office to serve this purpose. So
17 what we do, so not to lose too much time, we do the same exercise during the lunch
18 break. But I take it, and I ask court officer to help the court in that regard, that the
19 witness is provided with a document, at least electronically, of course, so that he can
20 go through it and then we come back to that after the lunch break. I think that's the
21 best to do because we can't -- Ms Dimitri has a point, but we can't indeed go through
22 every word here and every name.

23 So, Mr Witness, it's not your fault. We do the same during -- exercise during the
24 lunch break and -- but you will be provided with the document and you please go
25 through it and tell us what you can tell us about this document. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Mr Vanderpuye, please continue.

2 MR VANDERPUYE: [11:37:10] Thank you very much, Mr President.

3 Q. [11:37:13] I had been asking you some questions about some of the soldiers that
4 you met while you were in Zongo and talked to and you've indicated a number of
5 them in your statement. I wanted to ask you about -- do you know if a soldier by the
6 name of Bruno Semdiro was in Zongo at the same time as you?

7 A. [11:37:54] Yes, when I crossed over I met Bruno Semdiro in Zongo. But he live
8 very far from where I was living.

9 Q. [11:38:10] You also met Eusebe Emtenou.

10 A. [11:38:25] Yes, I met him. But he was near the town, but I was a bit far away.
11 But yes, I did meet him.

12 Q. [11:38:42] Did you meet a Lieutenant Philemon Goundan?

13 A. [11:38:57] Philemon Goundan, I did not meet him. Could you please give me a
14 few other names? That might jog my memory.

15 Q. [11:39:08] How about someone by the name of Lieutenant Valery Ouangai.

16 A. [11:39:22] That doesn't ring a bell either.

17 Q. [11:39:25] And what about Lieutenant Gouga?

18 A. [11:39:40] No.

19 Q. [11:39:40] Okay. I'll come back to some of these names after you've had a
20 chance to take a look at the book.

21 Now, you mentioned someone by the name of Baudoin Yange?

22 A. [11:40:00] Baudoin Yange is someone I know.

23 Q. [11:40:06] Was he in Zongo?

24 A. [11:40:11] No. No, I met him in Bangui after the attacks.

25 Q. [11:40:23] And he worked with the -- in the secretariat of the coordination, isn't

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 that right?

2 A. [11:40:31] (No Interpretation).

3 Q. [11:40:34] He worked with Judicael Orofei in the secretariat?

4 A. [11:40:53] He worked with Judicael Ezz (phon), but I forget the name. He is
5 currently in France, Judicael Ezz.

6 Q. [11:41:12] okay. Did you see Judicael in Zongo?

7 A. [11:41:21] I met him in Zongo.

8 Q. [11:41:26] You mentioned someone by the name of Junior in your statement.
9 Did you see Junior in Zongo?

10 A. [11:41:46] Junior. Yes, I did meet a certain Junior in Zongo after the
11 5 December attacks. I think he lost his foot. His foot was amputated. That's why I
12 remember Junior.

13 Q. [11:42:08] And Judicael and Junior, are these people that you exchanged with,
14 discussed with when you saw them in Zongo, or just people you heard about?

15 A. [11:42:25] No, Judicael, he's also in the district. He does not live very far from
16 Ngaïssona. He was his neighbour. But when we came to Zongo, I met him and he
17 lived with the FACA. He was in regular touch with Mokem -- Mokom and I met
18 him in Zongo.

19 Q. [11:43:05] And when you say he lived in the district, you mean in the
20 4th arrondissement?

21 A. [11:43:20] Yes, he lived in the 4th arrondissement, and I met him in Zongo.

22 Q. [11:43:35] I want to ask you a few questions about Maxime Mokom. You
23 mentioned that -- at a certain point, you met Maxime Mokom while you were in
24 Zongo; is that right?

25 A. [11:44:00] Yes, I met him in Zongo, of course.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [11:44:06] And what did you know of his activities in Zongo while you were
2 there?

3 A. [11:44:19] Thank you once again. When I say something, it's basically to help
4 the court and cooperate with the court, and I'm telling you this because the Central
5 African people have experienced a lot at a certain point in time. And what I say is
6 the same on what -- as what is written on the paper. Maxime Mokom, I met him
7 when I crossed over. I did not know Maxime Mokom when I was in Bangui. I had
8 actually heard about him, but I did not know him personally. It's only in Zongo that
9 we got acquainted. Once I got to Zongo, we -- he was the coordinator. We would
10 call him the coordinator. He had four -- three telephones on his hand and he was
11 very often with Judicael Ezz, and it's through them that I got to know that something
12 was happening and every time he was the one who would provide information to
13 everyone out there. And he was the one who also said that Andjilo was in this
14 position or that position. There were many FACA officers and -- who were there,
15 but they would not meet the civilians. I am a paramilitary staff. I was training at
16 the customs, but I was always a civilian and I wasn't aware of everything that was
17 happening. Everything I got to know was through Maxime. He was the one who
18 gave us information. He was the coordinator. He was the one who said that
19 Andjilo and others had got to the hill and -- and he was the one who said that anyone
20 who wanted to help their country to get back to normalcy was to supposed to do
21 what they had to do, and this is what Maxime Mokom would do and say.

22 Q. [11:47:19] Maxime Mokom was in Zongo with you. Do you know how it came
23 to be that he was coordinating Anti-Balaka, FACA, and other people well outside
24 Zongo in CAR to come to the hill, for example?

25 A. [11:47:54] Right. Maxime Mokom crossed over well before I did. When I

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 crossed over, they were already there. They came before me and -- and
2 what -- everything I knew is through Maxime Mokom. He would call and provide
3 information and he would inform the people who were behind the hill. Zongo
4 would use the Orange network, the Orange telephone network and the TeleCel
5 network and you could actually call everywhere. You could call Bangui, you could
6 call other places as well. And Maxime Mokom was the operations coordinator and it
7 is through him that we got to know that there were people behind the hill, the
8 Boy-Rabe hill. And he would call me and that is how I knew that he was
9 coordinating. There was no other person who would actually call and give -- issue
10 the orders. It was only him. And even before being part of the group, he was the
11 one who was coordinating before the attack, after the attack as well. It was the -- he
12 was the one who called to initiate the CLPC. It was -- and I'm actually telling you all
13 this to shed more light on the case to help the Court.

14 Q. [11:50:12] Thank you, Mr Namsio, that is -- that is very helpful indeed.
15 Do you know where Maxime Mokom was getting his information regarding the
16 movement or operations being carried out in CAR while he was in Zongo?

17 A. [11:50:38] I have absolutely no idea. I was also very far from him. We
18 weren't -- we were never together, so I have no idea from where he got his
19 information.

20 Q. [11:50:51] Do you know if Maxime Mokom was reporting to anybody either in
21 Zongo or outside of Zongo concerning the actions that he was taking with regard to
22 the operations being planned and executed by Anti-Balaka, FACA, and others.

23 A. [11:51:16] No, with regards to this information, I'm not very sure because we
24 weren't together. And they would actually meet amongst themselves, that is to say,
25 amongst the military staff. And -- and if you -- it's Judicael who had the laptop of

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Maxime Mokom and they were basically talking amongst each other. I have no idea
2 from where they got the information or what they were reporting.

3 Q. [11:52:03] Okay. That's helpful as well. Do you know how the elements that
4 gathered behind the hill received ammunition, munitions, weapons, things of that
5 nature?

6 A. [11:52:41] I have no idea because I wasn't with this group. When they came to
7 Bangui, when they left and they came to Bangui I wasn't with them, so I have no idea.
8 With respect to Maxime Mokom, I just told you what I knew of him.

9 Q. [11:53:03] All right. Well, I'm asking only because you state that you joined
10 them at the end of November behind the hill, and I would imagine that when you
11 joined the Anti-Balaka behind the hill that you had conversations with people that
12 you met there. So did you discuss with anybody when you got there, how it is that
13 they received their ammunition or where they got weapons or things of that nature?

14 A. [11:53:44] Thank you. When I crossed over to join the group and we were
15 forbidden from using the phone well before, once we joined the group -- in fact, I
16 joined the group end of November, but according to the information that I listened to,
17 I even asked some people some questions and tell us who were with us, but there
18 were people who did not want to reveal any information. And they had actually left
19 the hinterland to come there and they did not want to share any information. And
20 they would sometimes consider us to be perhaps traitors. And when -- when I asked
21 a question, how did you find the weapons, they asked me -- they -- they would
22 actually -- when they tried to tell us, they would actually lay traps and -- to the Seleka
23 elements and it's during the combat that they managed to gather certain weapons
24 from the former Seleka combatants. And this is what I learned. And the handmade
25 weapons were sometimes made by them so that they could use it in warfare.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [11:55:33] Now, when you got to the hill, that is the hill behind Boy-Rabe, how
2 many Anti-Balaka elements did you find there? How many did you become aware
3 were actually already present?

4 A. [11:56:00] They were in great numbers, but I did not cover the entire base
5 because behind the hill there was a chief who had each their elements, so I did not
6 have the opportunity to basically cover the whole base, but I can tell you that they
7 were in great numbers.

8 Q. [11:56:30] Okay. And when you arrived there, you state that you met a
9 number of -- a number of individuals, including some -- some soldiers. For instance,
10 you say you met Andjilo there, Gustave Yandjougou, Konate, Feissona, a Captain
11 Benjamin, I assume is Ouapoutou, and a certain Mokpem, which I assume is Guy
12 Gervais Mokpem. But you say this at your statement -- for the transcript reference, it
13 would be CAR-OTP-2059-1433 at page 1446. And that's at tab 29, but anyway, you
14 remember that. How is it that you came to meet the leaders of these -- of these
15 groups that were there?

16 A. [11:57:47] Thank you. When I crossed over, I found Andjilo who was there.
17 There was Ouapoutou Benjamin with his men and there was also Lieutenant Konate.
18 There was a Mokpem. And there was also a Captain Yandjougou. He was a
19 civilian. But I don't know -- we would call him captain, we would call him Captain
20 Gustave when I met him. When I met the group, they were all dispersed. I did not
21 see Benjamin there. I think they were all dispersed. And I was told that
22 people -- there were people on the other side with their men. Andjilo, Gustave,
23 Feissona Olivier had become the chief of staff. There was also Konate, Mokpem, and
24 I actually found all these people there behind the hill. But it wasn't just like that. I
25 came there and I was told to stay there. There was a church and I was in the church

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 with the team. We were sitting there in the church but -- and then we were shown
2 that the chiefs were in these respective positions and we were asked where did we
3 come from and I told them that I came from Zongo. And I told them that I heard
4 that there was a group that came and I had come to join the group, so they actually
5 took our telephones. And it's only afterwards they said that there are certain
6 guidelines that are to be followed. You cannot communicate the way you choose
7 because there's so many things happening because this is a base. So they really did
8 not talk about the attack immediately. It's only after we got acquainted, we spent a
9 few days together. It's during this time that they organised the attack. But they
10 really did not reveal that they were going to attack just like that. This was all being
11 done behind the curtains in a very secret way and this is exactly what happened with
12 me in the hills at that point in time.

13 Q. [12:01:07] Okay. Thank you. I think you mentioned that during the time that
14 you were on the hill that you met with a couple of journalists who showed up just a
15 day before the attack on 4 December 2013. But before I -- before I go there, let me
16 just ask you, did you discuss what was going on in the hill and what was going on in
17 Zongo with Mr Mokpem-Bionli, Jacob Mokpem-Bionli? He was the former
18 communications adviser in the Anti-Balaka, if you know who I mean?

19 A. [12:02:09] Yes, I remember that name very well. And to clarify, it is Jacob
20 Mokpem-Bionli. He was our communications advisor. He was even Minister of
21 Arts and Culture on behalf of the movement. He was the one who exchanged with
22 me, because he is the one who had even given my number to Commander Marcia
23 Kongbo. So it was through him that Marcia Kongbo got my number to call me.
24 And when I asked the question to know how they found my number to call me,
25 Marcia Kongbo said it was from Mokpem. And it is from that point that Marcia

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Kongbo called me to tell me that there were journalists who were going to come to see
2 you. But since I had just recently joined the group, I did not have any authority, so I
3 told him to correct -- to call the commander. Because well before that, Marcia
4 Kongbo had actually called Lieutenant Konate and Lieutenant Konate told us that
5 Marcia Kongbo was going to call and then he would send some journalist. He
6 wanted to be our coordinator. That is Marcia Kongbo. Since Lieutenant Konate
7 informed us about that, I don't know whether they were in contact well before that.
8 Whether they were in contact while he was in the hinterland, I do not know that.
9 But since he told us about it, then he called me and that was -- the journalist organised
10 a meeting for 4 December before the attack, so Lieutenant Konate told us about a
11 certain captain or commander Marcia Kongbo who wanted to be the coordinator of
12 the Anti-Balaka.

13 Q. [12:05:12] Okay. Thank you.

14 When you got to the hill, in your statement you say that the Anti-Balaka fighters were
15 joined by part of the Bangui population to fight. And what I wanted to ask you
16 about that was, when you say that they were joined by other people, are you referring
17 to the youth or are you referring to military police? What exactly do you mean when
18 you say they were joined by others who wanted to fight?

19 A. [12:05:57] No, there were people who in fact joined the group, and amongst
20 those people they came from all directions. They came from all directions and
21 amongst them there were FACA. There were civilians as well. And since it was the
22 population that wanted to join the group allegedly to defend their country, based on
23 my understanding, they came from every direction. So behind the hill you could see
24 that such and such a person had joined the group, but I joined the group shortly after
25 the attack took place. And so to give you the identity or names of people who joined

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 the group, I have no idea, but there were people who came from all horizons to join
2 the group. I am a human being. Sometimes I remember certain things, others I do
3 not remember. But what I said is in the documents and you can refer to them there,
4 everything that I experienced.

5 Q. [12:07:31] That's -- that's good to know. I just want to ask you if you've heard
6 of --

7 A. [12:07:37] There was even Bawa.

8 Q. [12:07:43] Yes, that's Sami, right, that you referred to? Sami Bawa?

9 A. [12:07:48] Sami Bawa, yes. That is an example. Lucien Kossi, all those people,
10 just to clarify you.

11 Q. [12:08:03] Thanks very much. I wanted to ask you about certain youth groups
12 that existed before the Seleka takeover just to see if you've heard of them. Have you
13 heard of the group called COAC, which is run by Steve Yambete in later 2012, early
14 2013? It stands for *Coalition pour les Actions Citoyennes*.

15 A. [12:08:45] No, these people, including Steve Yambete and others, I was not with
16 them so I have no ideas. Some groups were being spoken about, but if I was not a
17 member of that group, I would not know what they were doing. So I was not a
18 member of that group, so I have no idea.

19 Q. [12:09:08] Let me ask you about COCORA, which was run by Levy Yaketé?

20 A. [12:09:25] Yes, there was the COCORA movement, which was led by the late
21 Yaketé. Is it Yaketé? Well, something like that. People even talked about it over
22 the radio. There was another one called Siriri, which was allegedly created by
23 another person because -- Konate, Konate. Because after these people took power,
24 there was chaos and Konate said I am from Siriri and our group is going to come and
25 fight and liberate the Central African people, so I have heard about this group which

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 was led by Lieutenant Konate. He was around Bangassou, so he said he was going
2 to leave Bangassou and come down to Bangui.

3 Q. [12:10:32] Do you know if youth that were in COCORA also showed up on the
4 hill before the 5 December attack?

5 A. [12:10:54] Well, since I was not there before, they had left the hinterland or the
6 provinces. If that had happened and they came to the hill, I was not there with them,
7 so I couldn't know who these young people were and to which groups they had
8 belonged. I had joined this group almost at the end of November, so I was not with
9 them from the beginning. I do not know about the attacks that they carried out from
10 wherever they left until they reached the Boy-Rabe hill. Whether they were there or
11 they had scattered around, I have no idea.

12 Q. [12:11:45] All right. Let me show you a photograph. This is at tab 43,
13 CAR-OTP-2075-0074. And we need to go to page 10128. And I think this can be
14 broadcast. I can't think of a reason why it wouldn't be. Can you blow that up a
15 little bit? Maybe even a bit more if we can. All right.

16 Can you see this photograph, Mr Namsio?

17 A. [12:13:01] Yes, can I see it.

18 Q. [12:13:02] All right. And this photograph was taken on the hill on 4 December;
19 is that right?

20 A. [12:13:17] Yes, because Camille Lepage took photographs on the hill on
21 4 December. That is when they came. So I remember this photograph on the
22 4 September -- 4 December. They took photographs. I can actually
23 recognise -- well, there were photographs taken on 4 December by Camille Lepage, if
24 I remember, but for this photograph, since there is no date, I cannot say. But when
25 we met, including with Andjilo, she had taken photographs.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [12:14:13] Okay. If we go to the next page, you could probably find a clearer
2 image. And if we go down the page just a bit, you can probably see the date that is
3 indicated by the photographer. And there you can see 2013, December 4, 18:26:45.
4 So that would be eveningish, at least according to the timestamp here. But let's take
5 a look at the photograph. And you can see yourself quite clearly standing next to the
6 gentleman in the purple shirt; is that right? On his left?

7 A. [12:15:26] The purple shirt is not me.

8 Q. [12:15:29] (Overlapping speakers) Guy in the purple shirt.

9 A. [12:15:31] That is Bejouane.

10 Q. [12:15:33] Okay. And which one are you then?

11 A. [12:15:37] That is Bejouane. Can I speak?

12 PRESIDING JUDGE SCHMITT: [12:15:48] Yes, of course. Mr Witness, do you
13 recognise yourself on the photograph? And if so, please tell us who you are, please.

14 THE WITNESS: [12:16:01](Interpretation) Yes, of course. That photograph, I was
15 with the former chief of staff of the group, Bejouane, who died towards the town of
16 Bozoum. This is after I had joined the group and Lieutenant Konate had told us
17 about the arrival of Camille Lepage and her team. That is what happened here, was
18 behind the hill. And when they arrived, they wanted to take photographs, so we
19 posed for the photographs. There are other photographs that Camille Lepage took.
20 If you look near the person with a black jacket it's Gustave Yadjoungou. So these are
21 all the people who had come on that day to meet with Camille Lepage because
22 Andjilo had refused that Lepage should come to the base where the combatants were
23 to be found. So the order was given for some elements to move forward and that is
24 where the pictures were taken, if I am not mistaken. I remember very well these
25 photographs.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [12:17:39]

2 Q. [12:17:40] All right. I think that's fine.

3 Now, I wanted to ask you about what happened on the hill, in particular, whether
4 you recall being with Jacob Mokpem-Bionli, as you call him, to make a call or to
5 appeal to Mr Ngaïssona.

6 Do you remember having done that with him and Mr Konate (Overlapping
7 speakers)?

8 A. [12:18:25] Mokpem-Bionli?

9 Q. [12:18:29] Yes.

10 PRESIDING JUDGE SCHMITT: [12:18:51] Mr Witness, do you recall such a
11 telephone conversation with Mr Ngaïssona on 4 December 2013, any such occasion,
12 any such call that you might have in your memory?

13 THE WITNESS: [12:19:23](Interpretation) No idea. I am not aware.

14 MR VANDERPUYE: [12:19:26]

15 Q. [12:19:27] Did you discuss with Mr Mokpem-Bionli or Mr Ndomate or Mr
16 Ngaya during the period of time that you were on that hill about appealing to
17 Mr Ngaïssona to support the efforts of the Anti-Balaka?

18 A. [12:20:00] Well, when we were behind the hill, Ngaya was not there with us. It
19 was Bionli who had come to accompany Camille Lepage. Now, in the hill, Konate
20 talked to us about Marcia Kongbo who wanted to be our coordinator. And
21 somewhere along the line, I had heard about a certain Yalemende, but that was after
22 5 December when Mr Yalemende also expressed his desire to become the coordinator.
23 And behind the hill, Ngaïssona -- well, people were saying that we should choose
24 people to support us because we don't have food and all the other stuff. They talked
25 about it. But they did not make any decision. It was only after the fighting of the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 5 December. And when President Samba-Panza took over the transition that is
2 when the decision was taken. I have said that before Ngaïssona came to Bangui, he
3 had called me one time, one time. I don't know whether that is why people could
4 say that it was true that -- that appeals were made to him, but that is what I know.

5 But while behind the hill to call other people Ngaïssona knew, it was Marcia who
6 called us because he wanted to be our coordinator, and we heard that through
7 Lieutenant Konate.

8 There were enough groups and those groups were located in various sectors behind
9 the hill. It was a large base. So you could have young people taking decisions in
10 other parts of the area talking about this and that. I cannot know about those things.

11 Q. [12:22:41] Okay. When you talked or you heard talk about the Anti-Balaka
12 being supported because they didn't have food and they didn't have other means of
13 subsistence and had a difficult time managing, did the name of Mr Ngaïssona come
14 up in those conversations?

15 A. [12:23:17] No. To my knowledge, behind the hill there was nothing. There
16 was nothing to eat. These young people, everyone who was there, all of us, we had
17 to survive on the cassava of the farmers which had been planted behind the hill.
18 Now, regarding the supply of resources to assist, I'm not aware of that because the
19 person that I followed from beginning to end was Maxime Mokom who was
20 coordinating. And personally, I was not there from the very beginning of the
21 situation so it would be difficult for them to inform me about that. It could have
22 been their strategy. I do not know. So they may discuss what may be happening or
23 what may not be happening generally, but to give you a full idea of what is going on,
24 well, that would be difficult.

25 Q. [12:24:51] All right. I just want to bring your attention to something that

1 maybe you know already, but in the course of your interview you gave certain
2 telephone numbers which you said were your phone numbers. And in the course of
3 our investigation, we obtained records concerning those telephone numbers. And
4 with respect to those telephone numbers, between 2 July 2013 and 26 November 2013,
5 there are dozens of contacts between your phone and phones attributed to
6 Mr Ngaïssona. So I'm wondering what the explanation for that is given that you've
7 now said that Mr Ngaïssona only called you once while you were in Zongo.
8 Do you have an explanation for that?

9 A. [12:26:06] In Zongo I have said that I had called Mr Ngaïssona. After that,
10 Mr Ngaïssona also called me back. We were in contact. Personally, I was in contact
11 frequently with Mr Ngaya if I needed to ask for something.
12 Now, regarding calls, indeed, I did have calls. But since I cannot remember
13 everything, I cannot remember everything, that means I cannot remember some other
14 calls. I cannot remember many things, especially telephone numbers. And in
15 relation to what I experienced right up to this day, I cannot remember certain phone
16 calls. But I used my phone to call because we had all crossed over to the other side,
17 but I called him and he had called me back. But in Bangui, also, after the attack, he
18 called me. I have already talked about it. So I cannot tell you any lies. But the
19 other phone numbers, you have them in my testimony. There are my sisters calling
20 me, other relatives calling me, my wife calling me. All of that is contained in my
21 statement. I have already told you that I did receive quite a few calls, so there were
22 numbers calling me.

23 Q. [12:28:11] Yes, I understand that. But I'm asking you about a very specific
24 contact with a very specific person at a very specific time. All of us here probably
25 have received hundreds and hundreds and hundreds of phones calls over the last

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 couple of days, but I'm asking you about a person that's on trial here who you know
2 very well, as you say, that you say you spoke to only once from the time that you
3 were in Zongo until the time you crossed back. And I'm telling you that your phone
4 records demonstrate dozens of calls, more than 50. That's a big difference. But I
5 take it that you can't remember, so that's what your evidence is.

6 MR VANDERPUYE: [12:28:56] Mr President, for the Court's reference, we refer to
7 CAR-OTP-2045 -- 2054-1479, 1480. And we will be tendering these from the bar table
8 motion, just for the Chamber's edification.

9 Q. [12:29:16] Let me ask you another question. The photograph we just saw was
10 of -- a very small number of Anti-Balaka that were on the hill. The Chamber's
11 received some evidence from some witnesses that there were as many as 4,000
12 Anti-Balaka fighters behind the hill.

13 Now, of course, you said you didn't get a chance to go through and see all the people
14 at the base, but did you hear -- does that comport with what you were -- you
15 understood at the time as -- about how many people were there, or is that just
16 widely exaggerated, 4,000?

17 A. [12:30:12] There were many of them. There were many of them. And even
18 when the attack had to take place, even in other neighbourhoods people came from
19 other neighbourhoods. Before the attack, people were distributed into groups.
20 There was a commander with his elements, and the locations for each team to attack
21 were indicated and people even joined along the way to the attack, so there were
22 many people, there were many of them. If I talk about 2,000 -- well, maybe -- I may
23 be mistaken, but there were many of them. And since I didn't move through all the
24 bases, I really cannot give you an estimate. But there were many of them. You can
25 even see each authority, each commander on that list, there are many of them. And

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 each of them had elements under his authority. And if you add all that together,
2 you will see that there were many of them, there were many of them. But to give
3 you the exact number, I cannot tell you. We are simply guessing. If I had joined
4 the team well before that, I may know better. I had a list from the hinterland from
5 the provinces which had been prepared by the former chief of staff Bejouane. He
6 had a list with all commanders and their elements, but since I didn't have such a list, I
7 cannot give you any more information than that. But he had drawn up a list.

8 Q. [12:32:34] Thanks again. That's fine. I want to ask you a bit about the attack.
9 You've talked about it, so I'm not going to go over it in your statement, but I want to
10 ask you particularly about Mr Yekatom. You indicated in your statement in several
11 different places that several locations would be attacked, as you -- as you just
12 indicated now, Camp Kassai, *Sapeurs Pompiers*, *centre protestant pour la jeunesse*, and
13 you said PK9, KM5 was to be attacked by Yekatom. So I want to ask you about that
14 and what you know about it.

15 A. [12:33:30] Thank you, so much. Now, with regard to the day of the attack, we
16 rallied together in the evening and the teams were shared and we said that there
17 were -- Konate took the floor and Andjilo also took the floor and they said that you
18 need to attack. And it's Lieutenant Konate who would attack the Camp Kassai.
19 And because there was (Speaks French) out there and at -- and it was Bawa who
20 would attack the *Assemblée nationale* because it was the Seleka there in the *Sapeurs*
21 *Pompiers* base and Andjilo would attack at the level of this area. And there were
22 many -- there were also many men under Yekatom and -- and they were based in
23 Boeing. There were other teams that would attack PK9 and to Kilometre 5, KM5,
24 and this is what was decided.

25 Q. [12:35:16] I have a couple of questions as a result of your answer. First is, you

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 said that Yekatom had many men under him. How many men did he have to your
2 knowledge or did you hear?

3 A. [12:35:40] Yes. There was also Mr Wenezoui who was the spokesmen. And
4 he was the one who spoke to me about the numbers and he said that Yekatom had
5 more than 2,000 men under his control and that's what the other person revealed to
6 me. He, *Wenezoui, stated that.

7 Q. [12:36:05] And you said there were teams that were supposed to go to PK9 or
8 from PK9 and other locations.

9 Do you know if those teams were among the men that Yekatom controlled?

10 A. [12:36:30] They divided the group and I got that information from
11 Lieutenant Konate. He said that Yekatom had many men under his command. He
12 would go to KM5 by going through PK -- going towards PK9, which is at the
13 southeast exit of the city of Bangui. This is what was decided.

14 Q. [12:37:14] And do you know if Mr Konate was in contact with Mr Yekatom with
15 regard to the operation?

16 A. [12:37:29] Sometimes Konate would actually call Yekatom. They would call
17 each other. When they wanted to leave the hinterland and come to the Bangui, they
18 actually -- they knew everyone. They have each other's numbers, they have
19 everyone's numbers in fact.

20 Q. [12:37:58] Do you know if Mr Mokom was in contact with Mr Yekatom?

21 A. [12:38:13] With regards to Mokom, Mokom was in Zongo. So if he called
22 Yekatom, I couldn't even know that. Yekatom was in Boeing. I -- I really couldn't
23 know if he called Yekatom. I did not get this information directly from
24 Mokpem -- Mokpem. Mokpem would directly call Andjilo, Konate, Inga and they
25 were the ones who would talk to me about his calls. I cannot know if he called

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Yekatom directly because he was in Zongo.

2 Q. [12:39:08] All right. Just so that the record is clear, you're talking about Mokom
3 and not Mokpem, right?

4 A. [12:39:18] Mokom.

5 Q. [12:39:22] All right. Did you hear about -- well, you know that Mr Yekatom
6 was supposed to do something in relation to the 5 December attack, but do you know
7 if he did it? Do you know what his group actually did or didn't do?

8 A. [12:39:56] On 5 December, when the attacks took place, I did not know what
9 happened there except towards PK9 and KM5. I do not know what happened there.
10 I did not -- you have to ask Mr Wenezoui because he was constantly in touch. He
11 was working in close collaboration with Yekatom. He is the one who can explain
12 everything that happened there if things occurred or not.

13 Q. [12:40:49] That's helpful as well. But you didn't hear anything about Yekatom's
14 participation in the attack at any point after that, is that what you mean to say?

15 A. [12:41:15] Now, with regard to the attack, as I said, I just said that the attacks
16 happened everywhere. So what happened in KM5 where Yekatom was in control, I
17 wasn't aware of what happened. In my testimony to the court, I said that you really
18 need to contact Mr Wenezoui to get additional information because he was the one
19 who was in touch with Yekatom.

20 Q. [12:41:51] I understand that. And maybe my question is a bit in-artful, so I'll
21 try it a different way.

22 PRESIDING JUDGE SCHMITT: [12:41:58] And may I shortly.

23 MR VANDERPUYE: [12:41:59] Yes, Mr President.

24 PRESIDING JUDGE SCHMITT: [12:42:00] Isn't it in his Rule 68(3) statement? This
25 information, for example, CAR-OTP-2059-1672 at 1690 following.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [12:42:15] Yes, Mr President, but it's quite general. So the
2 reason why I'm asking is (Overlapping speakers).

3 PRESIDING JUDGE SCHMITT: [12:42:20] But I think then your question was not
4 specific enough, perhaps.

5 MR VANDERPUYE: [12:42:26] Yes.

6 PRESIDING JUDGE SCHMITT: [12:42:27] So from this statement, I think he said
7 here -- and I'm referring to the CAR-OTP-number that I have talked about, 1690, he
8 was asked: (Interpretation) "There was Yekatom".

9 (Speaks English) Yeah, and on 679 it was suggested, which is not the best mode to
10 question people, but it was suggested by the interviewer: (Interpretation) "He
11 attacked KM5".

12 (Speaks English) And then the answer of the witness was: (Interpretation) "KM5, yes".

13 (Speaks English) And he confirmed that it was Yekatom.

14 So you are interested in more specific information or what? So perhaps you can give
15 this a try then.

16 MR VANDERPUYE: [12:43:20] Thank you, Mr President. I appreciate it and I'm
17 trying to hone it down.

18 Q. [12:43:26] But what I'd like to know is what you heard, let's put it this way,
19 about Mr Yekatom's attack on KM5, if that's what I heard, and from whom?

20 A. [12:43:46] Now, with regards to the attack on KM5, as I said, the evening, we'd
21 actually divided up the teams and each chief with his team was supposed to go and
22 attack a position. And this is precisely why the teams were divided up. And
23 Yekatom was asked to attack KM5 and the southeast exit, which is PK9, because it
24 was actually behind the airport. And his teams were there and he was in charge of
25 these teams. And this is what I learned when the teams were divided up. And we

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 said KM5 and PK9 because his men were there and there were some people, some
2 men who would stay at Boeing. And this is exactly what was said. If I'm actually
3 telling you all this it's basically to shed more light on the matter. And each place
4 was signed to a chief with his team.

5 At the Camp Kassai it was Konate and followed by Feissona Olivier and his men.
6 Now, when we would ...

7 Q. [12:45:32] That's fine. You had that in you statement already, I think.

8 PRESIDING JUDGE SCHMITT: [12:45:36] Exactly.

9 MR VANDERPUYE: [12:45:36]

10 Q. [12:45:36] What I don't have in your statement, I don't think, is who asked
11 Mr Yekatom and his group to attack PK5 or -- I'm sorry, KM5 or PK9? Who directed
12 his group to go there? You said it was decided. By whom?

13 A. [12:46:13] I talked to you -- I spoke to you about Lieutenant Konate, General
14 Andjilo, Jean Gustave and Mr Inga because Mr Yekatom was not behind the hill, but
15 they know each other and they knew that each chief was in a particular location.
16 And this is precisely why they divided the teams with respect to the position of each
17 chief and each chief was supposed to go and attack a certain locality, a certain
18 position.

19 Q. [12:46:55] Okay.

20 A. [12:46:56] Thank you.

21 Q. [12:46:58] I want to ask you some questions, if I can, about just some documents
22 that emerged after the attack in late December. I'll have to go to tab 81,
23 CAR-OTP-2124-0996. It's a *presse communiqué* number one. And it's under the
24 letterhead of the CLPC, which I think you said in your statement that Mr Mokom
25 came up with. Uh, oh. Tab 81.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 So I just want you to take a look at this document, see if you recognise it. It's, yeah,
2 dated 27 September 2013, *communiqué de presse*. And if we go to the next page, you
3 can see that it's attributed to you. And we can just blow that up so we can see his
4 name a little bit and maybe the paragraph.

5 Do you recognise this document?

6 A. [12:48:41] Yes, I'm actually reading the document.

7 Q. [12:48:46] That's fair.

8 PRESIDING JUDGE SCHMITT: [12:48:52] Well, I think you can steer the witness to
9 the passage that you're interested in.

10 MR VANDERPUYE: [12:48:57] Well, the most important thing is, first, if it's his.

11 Q. [12:49:01] That's -- that's your -- that's your name on there. Do you remember
12 issuing this document or signing it, if there's a signed copy of it and so on? The
13 paragraph -- the particular point that I want to draw your attention to is just the last
14 sentence above where it says: (Interpretation) "The CLPC are convinced that only the
15 involvement of the real representatives of the Central African Republic population
16 with a view to include a negotiation could help the Central African Republic to come
17 off from the throes of violence."

18 A. [12:49:56] Yes, I do see.

19 Q. [12:49:57] The first thing I wanted to ask you is, I think you've already talked
20 about what the CLPC is and that Maxime Mokom came up with the name and it was
21 kept for a short time but effectively referred to the Anti-Balaka, which the Chamber
22 can see at the first page. But we don't need to go there now. The next thing is in
23 this paragraph that I brought your attention to, it refers to the *des véritables*
24 *représentants de la population centrafricaine*, and I want to know what is meant by that in
25 the context of this document. Is the suggestion that the CLPC speaks for the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 *population centrafricaine?*

2 A. [12:50:53] Yes, as you know, the initiative was taken by Maxime Mokom. He
3 was the one who said from Zongo that CLPC *Combattants pour la Libération du Peuple*
4 *Centrafricain*, he was the one who set this up. And I don't know how to use a
5 computer. Every time there's something like this with -- in common agreement
6 everyone would decide. And since I'm the spokesperson, I would do the reading.
7 And this is precisely why this was initiated. You see, I haven't actually signed as yet.
8 This was just the initial stage. And the others did not want to talk about CLPC.
9 And the person -- it was Alfred Ngaya who basically signed the document. I hadn't
10 signed it as yet. You can see that my signature is not on the document.

11 Q. [12:52:14] That's right. Thank you very much for that clarification. And with
12 that, I want to show you another document, which is the email that was sent to
13 Mr Ngaïssona attaching this document to it. It's at tab 80, CAR-OTP-2124-0995.
14 And on this document you can see that it refers to: (Interpretation) "Press release
15 number one".

16 (Speaks English) Which is just -- what we just saw.

17 MR KNOOPS: [12:52:50] Mr President.

18 PRESIDING JUDGE SCHMITT: [12:52:52] Just a moment. Yeah, you have finished.
19 Please, Mr ...

20 MR KNOOPS: [12:52:55] In light of the ruling of the court, this is a correspondence
21 without the intervention of the witness, nor is the author of the email, nor is he
22 mentioned in the email.

23 PRESIDING JUDGE SCHMITT: [12:53:10] Yeah, but then we put the question this
24 way.

25 Have you -- are you aware or were you aware at the time when this *comminqué de*

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 *presse* was issued that there had been a contact between Mr Ngaya and Mr Ngaïssona?

2 Were you aware of that.

3 THE WITNESS: [12:53:48](Interpretation) There are things that happened that took
4 place and I wasn't aware. Mr Ngaya could directly communicate with Ngaïssona
5 and I wouldn't be aware.

6 PRESIDING JUDGE SCHMITT: [12:54:10] Yeah, and perhaps another question that
7 follows from that. When this -- it has the date 27 December 2013. So before that,
8 when the wording was discussed, to your knowledge, was Mr Ngaïssona involved?

9 THE WITNESS: [12:54:39](Interpretation) Ngaïssona was not in Bangui. Ngaïssona
10 came back to the country in January. It's only in January that Ngaïssona came back
11 to the country, but during this discussion, he wasn't present. But as I said, there's
12 also Maxime Mokom who was there. There is also Konate who was there, Alfred
13 Ngaya was there and all these people were there and they could call anyone they
14 wanted without me being aware -- with me being completely oblivious to all this. So
15 I really cannot actually interfere in something that's of their concern.

16 PRESIDING JUDGE SCHMITT: [12:55:31] So, Mr Witness, does that mean that when
17 the wording, as I said, was discussed that you weren't involved? Or were you
18 involved, when it was discussed, how you put into this press declaration?

19 THE WITNESS: [12:55:59](Interpretation) During the initiative of this memo, if I'm
20 not mistaken, we were at Andjilo's house towards the church *frères de bafio*, because
21 Mr Mokom had called and he said that if you have to say something, you have to say
22 on behalf of the CLPC. So this was basically an initiative on behalf of the CLPC, and
23 you can see that it bears the logo and the flag -- the logo of the flag. And this was
24 basically posed only the documents and this -- if you see what I'm saying, this would
25 be the logical sequence. You really cannot continue on behalf of the CLPC and the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka. The name Anti-Balaka should appear in the press release.

2 PRESIDING JUDGE SCHMITT: [12:57:04] I think this was additional information on
3 how this came to pass. It's quite interesting. Mr Vanderpuye, any more questions
4 which are related directly to this point?

5 MR VANDERPUYE: [12:57:16] I have one document which I think --

6 PRESIDING JUDGE SCHMITT: [12:57:17] Yeah, I think then -- yeah, I know what
7 you mean. 82 or 83 or something.

8 MR VANDERPUYE: [12:57:24] 82 (Overlapping speakers).

9 Q. [12:57:26] It's tab 82, please. It is CAR-OTP-2124-0998. This is another
10 document of the same date, Mr Namsio. It's entitled: (Interpretation) "CLPC
11 requirements on the military and political crisis in the Central African Republic".
12 (Speaks English) And if we go to the page 0999, again, you'll see your name indicated
13 at the bottom of the page *porte-parole*, and it's dated 27 December 2013.

14 First, is do you recall this document? If we can maybe zoom out a little bit so he can
15 read a little bit if he wants.

16 But do you recall this second document here?

17 A. [12:58:50] Yes, I do. What did I say? After the attack, Maxime Mokom called.

18 And this was the time when I was starting off as the spokesperson and there were

19 many things that were initiated that I drafted. And Mr Ngaya had written that

20 down on his machine and I'm the one who's a spokesperson who would speak on

21 behalf of the group. When there were meetings held, I was designated as the

22 spokesperson to review the document and this is why my name was mentioned. But,

23 again, I hadn't signed the document because this was just an initiative at that stage.

24 Amongst the press releases you saw, there were -- there are press releases that I

25 signed and there were press releases that Mr Bionli, the communications advisor, who

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 signed. So they would initiate things, they would talk about it and they would ask
2 me to review the document, but since it hadn't been published as yet, I hadn't signed
3 it. And if I recall, the documents that came to me on behalf of the CLPC before
4 becoming Anti-Balaka, all these documents, I had them in my suitcase before I was
5 arrested, but there are documents that I did not sign who were drafted like this
6 because they would -- Mr Ngaya would sign it, but I hadn't signed it as yet, but I
7 remember this document. Everything I saw I can -- I'm aware of what I saw and this
8 is how I can answer you. This document has not been signed. This is Maxime
9 Mokom's initiative and he was the one who spoke about CLPC.

10 MR VANDERPUYE: [13:01:21] Thank you very much, Mr President.

11 PRESIDING JUDGE SCHMITT: [13:01:22] I think we have now the lunch break and
12 the Registry, please, helps the witness to go through this notebook and all the names
13 so that we can come back to that or the Prosecution can come back to that at 2.30.
14 Mr Knoops.

15 MR KNOOPS: [13:01:38] Mr President, apologies, I have a request to the Chamber
16 and the Prosecution, which I could also deal with after the break. It concerns the
17 CDR records the Prosecution introduced.

18 PRESIDING JUDGE SCHMITT: [13:01:51] After the break.

19 MR KNOOPS: [13:01:52] Okay. Thank you.

20 PRESIDING JUDGE SCHMITT: [13:01:53] Okay. But you -- I give you the floor
21 first, then.

22 MR KNOOPS: [13:01:56] Many thanks, Mr President.

23 THE COURT USHER: [13:01:59] All rise.

24 (Recess taken at 1.01 p.m.)

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

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 THE COURT USHER: [14:31:57] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [14:32:22] Good afternoon, everyone. Good
4 afternoon, Mr Witness.

5 Mr Knoops, I give you the floor.

6 MR KNOOPS: [14:32:27] Thank you, Mr President. It's just in order to prepare our
7 questioning for tomorrow of the witness. The Prosecution referred to an excel sheet
8 of CDR records which was not on the list of materials, by the way, so Defence was not
9 put on notice that this document would be used by the Prosecution. But we have
10 had a look at this document, Mr President, and it's 150,000 lines. And our question
11 is, if the Prosecution can be more specific, if they refer in transcript page 55, line 4, to
12 the dozens of alleged contacts between the witness and Mr Ngaïssona, that the
13 Prosecution at least might mention -- made mentioning of the number, the telephone
14 number, he has six numbers which have been attributed by the OTP to Mr Ngaïssona.
15 And for our questioning of Mr Namsio, we have a special -- specific reason, of course,
16 to ask this question. It would be very helpful if the Prosecution would be more
17 specific because we have no time to go through 150,000 lines. But if the Prosecution
18 can say "we'll refer to this number", we can adapt our questioning to the witness on
19 basis of that information. Thank you.

20 PRESIDING JUDGE SCHMITT: [14:33:50] Thank you, Mr Knoops. That sounds
21 reasonable, frankly speaking.

22 Mr Vanderpuye, can you help Mr Knoops?

23 MR VANDERPUYE: [14:33:57] I definitely -- well, I speak too categorically. Yes, I
24 can help Mr Knoops. And the intention is -- I think we have an abstract of the
25 information from the excel tables, which I think I can probably send to him after

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 today's session or this evening or something like that.

2 PRESIDING JUDGE SCHMITT: [14:34:16] That would be very helpful. Thank you
3 very much. And also that you addressed it, this is indeed impossible, except you
4 have in your team somebody with a scanner mind, but that's not to be assumed.
5 And we have, of course, the answer by the witness, that he does not recall. This is
6 also on the record.

7 Mr Vanderpuye, please continue now, and I think we would have first to figure out
8 about the notebook.

9 MR VANDERPUYE: [14:34:46] Indeed, Mr President. I did notice that
10 Ms Massidda was on her feet a moment ago, so I wanted to accede the floor to her.

11 PRESIDING JUDGE SCHMITT: [14:34:52] Ms Massidda.

12 MS MASSIDDA: [14:34:54] I'm sorry, Mr President. It's just for the record of the
13 case. One team member has joined us this afternoon, Ms Wahida Omari.

14 PRESIDING JUDGE SCHMITT: [14:35:03] But it's fine. Thank you very much for
15 mentioning.

16 Mr Vanderpuye, please continue.

17 MR VANDERPUYE: [14:35:08] Thank you. Thank you, Mr President.

18 Q. [14:35:11] Mr Namsio, I wondered if you had a chance to look at the notebook
19 that we were discussing earlier. I pulled it out of my binder, so I'm not sure what
20 the tab number is.

21 A. [14:35:24] Yes, I did look at that.

22 Q. [14:35:30] Okay. It's tab 52 of the binder.
23 Now, you said you had a chance to look at it?

24 A. [14:35:39] Yes, indeed.

25 Q. [14:35:49] And I was asking you some -- about the circumstances under which

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 you recall having written it and the information in it. Maybe we can pull it up on
2 the screen so everyone can follow. It's CAR-OTP-2100-0620.
3 Am I mistaken?
4 PRESIDING JUDGE SCHMITT: [14:36:09] Well, it depends a little bit, so ...
5 MR VANDERPUYE: [14:36:11] I think that's the one we used before.
6 PRESIDING JUDGE SCHMITT: [14:36:14] That's the one you used, but there is also
7 another one, but, okay, I think we find it.
8 MR VANDERPUYE: [14:36:19] Thank you, Mr President.
9 PRESIDING JUDGE SCHMITT: [14:36:28] So I think we agreed that there is no need
10 to go through every name.
11 MR VANDERPUYE: [14:36:31] That's right.
12 PRESIDING JUDGE SCHMITT: [14:36:31] So some generic question at that point I
13 think would be enough.
14 MR VANDERPUYE: [14:36:36]
15 Q. [14:36:36] The information that's recorded in this book and the individuals that
16 are named in it, my question was whether these individuals were people that were
17 associated with the coordination of the -- or came under the coordination of the
18 Anti-Balaka.
19 So are you able to say, having looked at the book, whether that's the case?
20 A. [14:37:38] (No Interpretation).
21 PRESIDING JUDGE SCHMITT: [14:38:02] Mr Witness, Mr Witness, may I -- it's not
22 your fault. Mr Witness, we did not get interpretation, so it's not your fault. I have
23 understood it because you speak a very clear and good French so that even I
24 understand it, but we didn't have the French -- the English translation or it didn't
25 come through, so I think we don't have to repeat it because it's -- I think it should

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 be -- yeah, it is on the English transcript, at least. Let me have a look, so, yeah.
2 So then please, Mr Witness, I would ask you to -- I have interrupted you. This is
3 normally not polite, but I said it's not your fault. Apologies from the Court. Please
4 continue what you wanted to say. Please proceed.
5 THE WITNESS: [14:38:54](Interpretation) Yes, as I said, when the Balaka left the
6 hinterland I was not with them. And when Bangui was attacked, since I did not
7 have the information on each leader, I was forced to contact the secretariat of the
8 Anti-Balaka coordination and it's through them I found a few names, including the
9 phone numbers. As I said shortly before, I did pen down things on the notebook
10 and there were a few leaders who were part of the secretariat. So what I want to say
11 is that I did have an idea on the names I saw and there are others I know just by name
12 and there are others whom basically I did work with. But I did lose my notebook
13 and second-- I saw the second and third page and I also saw the -- I saw that the
14 handwriting wasn't mine.
15 Now, why am I saying this? Because my name was actually mentioned as Namsio
16 and -- N-A-M-S-I-O, and instead of Namsio the person had actually written that with
17 two S's. And I have lists like this, I have names like this, but why did I take down
18 these names? Because I was the spokesperson. And through my service, through
19 my work, I can actually go and talk to the coordination and I can actually act on
20 behalf of the coordination. But at certain point of time, there were Anti-Balaka
21 leaders who were committing exactions on -- especially on the civilian population.
22 And this is why I said through telephone I could -- I could listen on the radio in which
23 sector which person was committing which act. And very --
24 PRESIDING JUDGE SCHMITT: [14:41:48] Allow me to interrupt you at that
25 moment because we wanted to clarify now we are at the notebook and we -- so if I

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 understood your answer correctly, you said that you did not write all the names
2 down in this notebook. Did I understand that correctly?

3 THE WITNESS: [14:42:05](Interpretation) Yes, indeed. Now, I'm saying this
4 because I saw the beginning and in the beginning I saw the notebook and in the
5 middle of the notebook it was not my handwriting. That's what I wanted to say.
6 And my name is not written with the right spelling. I don't know if I've got the point
7 across. I don't know.

8 PRESIDING JUDGE SCHMITT: [14:42:35] No, no, we could follow. This is
9 page 2606. And there indeed your name is written down wrong and we assume that
10 you know how your name is written, so it's clear. But then the question would be,
11 nevertheless, you went through all the names?

12 Did these names, just very generally, Mr Witness, to your knowledge, were these
13 people part of the Anti-Balaka on this -- on this list, the whole notebook? If you have
14 written the name down or not.

15 THE WITNESS: These are Anti-Balaka leaders. I saw the names. I saw their
16 names. I don't know all the names, but I can tell you by reading a few of them that I
17 know them.

18 PRESIDING JUDGE SCHMITT: [14:43:47] Yes, and I think we have an answer,
19 Mr Vanderpuye. And it seems -- Namsio is indeed written with two S here.

20 MR VANDERPUYE: [14:43:57] And designated a colonel as well, so ...

21 PRESIDING JUDGE SCHMITT: [14:44:02] So the witness, so to speak, has a point
22 here.

23 MR VANDERPUYE: [14:44:03] He does. I'm not sure if -- maybe I've
24 misunderstood because I've been following on English only, but is it to say that you
25 did not write anything in this notebook or you just didn't write some of it?

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [14:44:15] No, the witness has already --
- 2 MR VANDERPUYE: [14:44:18] It's clear already?
- 3 PRESIDING JUDGE SCHMITT: [14:44:19] I think you're misrepresenting. I don't
- 4 mean it in a negative way, but misrepresenting here. The witness has clearly said
- 5 that the first page -- and this was already before the break, that the first page is his
- 6 handwriting. He has written that. He has also said, at least I understood it from
- 7 the French, that pages 2 and 3, he thinks he has not written it.
- 8 MR VANDERPUYE: [14:44:43] I just wanted to -- I just wanted to clarify if after
- 9 having seen his name misspelled and the wrong designation whether he still
- 10 maintains that he wrote anything in this book. That's my question.
- 11 PRESIDING JUDGE SCHMITT: [14:44:54] Yeah, I think he has also said now that
- 12 part of it he has written, I think.
- 13 MR VANDERPUYE: [14:44:59] Okay. All right.
- 14 PRESIDING JUDGE SCHMITT: [14:45:00] Then, perhaps, the question would be,
- 15 why not? If we are at that -- Mr Witness, you have heard our discussion between
- 16 Prosecutor and Presiding Judge.
- 17 Do you have an idea who might have written down the other names and telephone
- 18 numbers that you say you have not written down? Do you have an idea who that
- 19 could have been?
- 20 THE WITNESS: [14:45:31](Interpretation) Right. Thank you again from the bottom
- 21 of my heart. I'd like to repeat what I said. The number 72 that you saw against my
- 22 name is my number, {ICR: (Redacted)} I haven't used this number and previously I
- 23 had used another number, {ICR: (Redacted)} And the number 72, actually, I used
- 24 when I was in jail. And when I was discharged from jail, I did not -- I was not with
- 25 the Anti-Balaka group. When I was in jail, this list was drawn up. Because when I

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 was discharged, I was with the cardinal including -- and everyone was talking about
2 peace and only but peace in the Central African Republic. Have I actually made
3 myself clear?

4 PRESIDING JUDGE SCHMITT: [14:46:52] Well, yes, I think it's as clear as it gets.

5 So I assume, Mr Vanderpuye, we can --

6 MR VANDERPUYE: [14:47:00] (Overlapping speakers).

7 PRESIDING JUDGE SCHMITT: [14:47:02] I don't know if the Defence will pick it up,
8 but we will see. But it's not ...

9 MR VANDERPUYE: [14:47:07] Thank you, Mr President.

10 Q. [14:47:10] Before that, I think I was showing you some documents from around
11 the end of 2013 and I showed you a document dated 27 of December.

12 PRESIDING JUDGE SCHMITT: [14:47:24] Mr Vanderpuye, Ms Dimitri is standing
13 and requests the floor, which she is given now.

14 MS DIMITRI: [14:47:30] Thank you. I apologise for the interruption. Just for the
15 record, because there was a mention of page 2 and 3. And two avoid confusion later
16 on, could we just have the ERN of page 2 and 3?

17 PRESIDING JUDGE SCHMITT: [14:47:46] Yeah, actually I understood it that it's
18 2605 and 2606.

19 MS DIMITRI: [14:47:53] Thank you.

20 PRESIDING JUDGE SCHMITT: [14:47:54] That was -- because I -- actually, I
21 understood it that I start by one, page number one is 2605 because it is the first where
22 there is a handwriting which the witness has said is his handwriting. So for
23 me -- and since this Namsio mistake with double S is on page 3, so that would make
24 sense, perhaps. It's, I think, much less complicated than it sounds now.

25 MR VANDERPUYE: [14:48:28] I agree, Mr President. Yes, I agree. It's 2606 and

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 2605 are two and three in the document. I think I was showing you a document
2 dated 27 December when we left off before the break. If we could just have that
3 briefly on the screen. That's CAR-OTP-2124-0998. This is the second document
4 from the CLPC that I showed you from 27 December. And I just wanted to ask you
5 very briefly about the demands that are written in this document. If window could
6 go to the - what page am I looking for - 0999. So the next page over. If you look at
7 the demand at number eight and nine in this document, I wanted to ask you about
8 those. The first is number eight, which is: (Interpretation) "Return to
9 Central African Republic of all exiled Central African nationals who have been the
10 victims of a witch hunt installed Michel Djotodia and perpetrated by the Seleka."
11 (Speaks English) I think you can see that in front of you. And then the one number
12 nine talks about: (Interpretation) "Taking into account the CLPC Anti-Balaka elements
13 in the disarmament demobilisation and reinsertion programme."
14 (Speaks English) First of all, do you remember this document and those specific
15 demands?
16 THE WITNESS: [14:50:55](Interpretation) There was a memo that was prepared
17 with respect to the Brazzaville meeting for the signature of the ceasefire. There was
18 something like this that was started. Now, I don't see the signature, but there was
19 something on this line that was initiated so that we could actually get and talk about
20 this for peace to be restored. And after that we said that once we accept to control
21 the former ex-combatants and everyone who were holding weapons, we would
22 actually organise a public demonstration so that they could surrender their arms at
23 the zero round point to -- in order to demonstrate our intentions to bring back peace
24 in the country. But I haven't seen the memo and I haven't seen the signature, but I
25 remember that there was such an initiative that was taken and this is what I can say

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 on the document. But since I don't have the entire content, I really cannot say
2 anything more. Thank you so much.

3 Q. [14:52:36] Okay. You do remember that the Anti-Balaka leadership made a
4 demand for Anti-Balaka elements to participate in the demobilisation programme,
5 right?

6 A. [14:53:02] Yes, this is what we said. I, myself, spoke about this in the various
7 meetings. We had suggested this.

8 Q. [14:53:15] Okay. Let me show you another document from 21 January 2014.
9 This is tab 24, CAR-OTP-2030-0270, and then we'll need to go to ERN 2 -- 0272 to find
10 the -- the 21 January document. Yes, this is perfect. Okay. I think you can see this
11 document in front of you now. And it's entitled: (Interpretation) "Demands made by
12 the Anti-Balaka".

13 (Speaks English) I'm not sure if this is being published, but there's no reason why it
14 shouldn't be.

15 PRESIDING JUDGE SCHMITT: [14:54:25] I don't see any reason why it shouldn't be
16 published.

17 MR VANDERPUYE: [14:54:28] Yes, so it can be public. Thank you, Mr President.

18 PRESIDING JUDGE SCHMITT: [14:54:32] Yes, this is the fair conclusion from this
19 observation.

20 MR VANDERPUYE: [14:54:40]

21 Q. [14:54:40] You can see here it says *Revendications des Anti-Balaka*, 21 January 2014.
22 And then there's a number of demands in this document. It's purportedly issued by
23 the
24 *Coordinateur politique*, Mr Ngaïssona, and we'll find that on the next page. But before
25 we get there, let me ask you about some of these demands. Were these part of the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 discussions that you had? For instance, the composition of the government that the
2 Anti-Balaka were seeking the following posts?

3 A. [14:55:32] Yes, I have seen this document. This is with respect to the
4 implementation of a new government that would be led by the former transition
5 president Ms Catherine Samba-Panza. If I'm not mistaken, this document was
6 actually drafted so that the -- we could reintroduce the Anti-Balaka and have them
7 represented in the government. Now, I can't see the signature, so I'm not fully aware
8 of this.

9 Q. [14:56:16] It's not signed, but I'll show you what appears on the following page,
10 which is ERN ending 0273, which is a continuation of the demands, number 7 and 8.
11 With respect to number 7, which will come up in a minute, the demand concerns:
12 (Interpretation) "The return of all political civilian and -- without the return of these
13 people without any conditions attached". So these are the political, the military, the
14 civilian, the economic operators, their return to the country without condition.
15 (Speaks English) And, obviously, on the page preceding you can see that the
16 Anti-Balaka was requesting positions in LRA *la primature*, the prime minister's office,
17 national defence, mines and energy, finance, territorial administration, water and
18 forest, education, agriculture, *jeunesse et sports*. These were all part of the discussions
19 you had going back into December.

20 A. [14:57:51] Yes, it was afterwards. It was after the 5 December attack. This was
21 when the national coordinator had returned to Bangui. So when I see this, I can
22 actually remember the document.

23 Q. [14:58:11] Okay. That's good. What I wanted to know is, though, did you
24 discuss these matters within the CLPC before the national coordinator, Mr Ngaissona,
25 returned to Bangui in January?

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 A. [14:58:35] No, there were initiatives at the CLPC. These initiatives were taken
2 but when Ngaïssona came back to Bangui there were discussions on this. There
3 were discussions on the representation in the government, the return of exiled
4 populations and this was also discussed. And you've seen the name of the
5 coordinator at the bottom. The name of Ngaïssona. But some also said that there
6 should be -- he should come back, coordinate the movement. So there were
7 documents to this effect and I did see that.

8 Q. [14:59:29] All right. Now, I'd like to show you a video. It's a short excerpt
9 from a larger press video. It's I think from 13 January 2014, at least that's what the
10 indication seems to be. It's at tab 5, CAR-OTP-2012-0413. And we'll play that from
11 01:14 through 01:43. I just want to give the transcript reference, if I can. There -- I
12 think the Defence actually has a more full transcript than we do and that's at *
13 CAR-D29-0006-1087 and it's from transcript line 23 on page 1087 through transcript
14 line 5 on page 1088. If the interpreters can just give us a indication when we're ready
15 and then we can play it.

16 PRESIDING JUDGE SCHMITT: [15:00:47] I had a thumbs up, so we can start.

17 MR VANDERPUYE: [15:00:50] Okay.

18 PRESIDING JUDGE SCHMITT: [15:00:51] And it's on evidence channel 2.

19 MR VANDERPUYE: [15:00:55] Evidence 2. Very well. Let's play it. Hopefully
20 the witness can hear it.

21 (Viewing of the video excerpt)

22 MR VANDERPUYE: [15:01:35]

23 Q. [15:01:36] My first question is, did you -- did you hear and see the video?

24 A. [15:01:51] Yes, I saw the video.

25 Q. [15:01:54] All right. And in the video, you recognise yourself, obviously, right?

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 A. [15:02:01] Of course, I did.

2 Q. [15:02:03] And in the sequence where you're speaking in the video, standing
3 next to you is 12 Puissances, Thierry Lebene; isn't that right?

4 A. [15:02:13] That's correct.

5 Q. [15:02:16] And now when you say in the video we're ready to wreck the plan if
6 they don't include us, effectively, what do you mean by that? What did you mean
7 when you say: (Interpretation) "Wreck the plan".

8 A. [15:02:43] Thank you very much. As you can follow with me, I was the
9 spokesperson of the Anti-Balaka movement. I acknowledge that. And I'm here
10 today to assist the court to ensure that justice is brought to the people of Central
11 Africa so that everybody will never have that happen again. When I spoke, it didn't
12 come from me. I am a member of a group. And that is what was said in consensus
13 by the group which I only relayed. That is my explanation to you. That was said
14 by the group and I was obliged to relay that message. Thank you.

15 Q. [15:03:50] That's -- that's a very helpful answer. With respect to your public
16 speeches or public engagements, is it fair to say that what you said to the press, to the
17 media in your capacity as the spokesperson for the Anti-Balaka is or was based on the
18 discussions had within the coordination or the leadership before you made those
19 statements? Is that generally true?

20 A. [15:04:32] If you could repeat your question, I'd be most grateful. I didn't quite
21 follow what you said.

22 Q. [15:04:38] No, thank you for asking. And I have to admit, I didn't quite follow
23 what I said either, so I will try again and see if I get it right.
24 As the spokesperson, is it right to say that you were relaying information or positions
25 that were -- that were held and assigned to you to relay by the coordination or the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 leadership of the Anti-Balaka?

2 A. [15:05:13] You've understood with me that someone like me whose never laid a
3 hand on another person, someone like me who has never taken up a weapon to fight,
4 what does that mean? When I spoke there, it was a very intense moment. It was an
5 intense moment. There were cases of killings everywhere. The Anti-Balaka, if I am
6 correct, the Anti-Balaka came from the Seleka. They were -- they are the fruit of the
7 Seleka. When there were killings, our issue was to try and install peace and to make
8 sure that the President Djotodia left the power with his entourage because our
9 country was invaded and it was invaded. Our country was a secular country, the
10 Muslims and the Christians lived in perfect harmony and there wasn't this type of
11 issues, but when Djotodia came to power there was killings on a large-scale. There
12 was the destruction of churches, et cetera. You can see with me the Seleka was the
13 beginning. It was the beginning. But as the Anti-Balaka came to bring about peace
14 and wanted to make sure that they could correct this and help the people of the
15 Central Africa to get out of the scales and to make sure that Djotodia would resign.
16 That was the message was of the group. And I only relayed that so that the others
17 could hear the message and the discussion that took place. And that is what I can
18 tell you about that. Thank you, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:07:46] I think I give it another try, perhaps.
20 Mr Witness, you have seen the video and you have seen yourself speaking and you
21 said that at the time when you spoke with regard to this video, this situation, that you
22 relayed, as a porte-parole, the view of the Anti-Balaka. The question is, apart from
23 this instance, whenever you speak -- were speaking as a porte-parole for the
24 Anti-Balaka, was it the same, meaning that you relayed the views of the coordination.

25 THE WITNESS: [15:08:34](Interpretation) As you know, a spokesperson is the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 person when -- when consensus has been reached in the group is commanded to say
2 what has been said. In no case at my level go and say something different in my
3 way. I cannot say something about the men in our movement. A movement is a
4 movement. The movement is like an organisation. If another thing had been said
5 in that, then I would have said something, but this is what is said. I was the
6 spokesperson and, therefore, I had passed on the message so that everybody could
7 understand that we're on the other side with this type of ideology. That is what I can
8 tell you, Mr President. Thank you.

9 PRESIDING JUDGE SCHMITT: [15:09:43] Thank you. I think we have an answer
10 here. And, actually, the witness has a point here. A spokesperson is, of course, it's
11 part of the job description, you could say. But I have still -- I have a question with
12 regards to the video, Mr Witness.

13 Prosecutor has said that it was taken on 13 January 2014. So when you relayed this
14 message in this video, with whom or who had discussed before amongst the
15 coordination, if you recall, and told you to speak like that.

16 THE WITNESS: [15:10:36](Interpretation) Thank you, Mr President. I will reiterate
17 what I said from the very beginning and which is also in my statement. I was
18 selected as spokesperson in the place of Mr Konate. Let me tell you, you have seen
19 that there was 12 Puissances that was alongside me. Andjilo was there and we had
20 to talk about a consensus. He called me and he said, go tell this, go say that. And
21 Konate is there. All those people I've just mentioned were there. But when they
22 asked me to tell things, I can only relay what was said. I cannot add nor change.
23 So in short, that's what I can tell you. How shall I put it? 12 Puissances was also
24 next to me. Someone like me without a weapon had to say what was said. I
25 couldn't say anything other than that. If I had said something different, who knows

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 what my fate would have been.

2 PRESIDING JUDGE SCHMITT: [15:12:20] I think that clarifies the matter. And I
3 take it just -- I think otherwise Mr Knoops would ask it probably that before you gave
4 this statement you were not in contact with Mr Ngaïssona?

5 THE WITNESS: [15:12:43](Interpretation) I said to you several -- on several
6 occasions that the CLPC was initiated by Mr Mokom Maxime. But since he was in
7 constant contact with other people whom I don't know, it could come from another
8 coordinator. It could be Ngaïssona. I don't know who it is. I'm not God. But all
9 I want to say is what happened before this court. What affects me that people who
10 was unified became divided for nothing, for a simple nothing. That hurts me to the
11 quick. I cannot accept that.

12 This type of thing, ask others if they -- there was somebody else who was reacting,
13 but it is Mokom who took the initiative. But if he talked with Ngaïssona, I'm not
14 God, so I don't know that. That's all I can tell you about that, Mr President.

15 PRESIDING JUDGE SCHMITT: [15:14:10] Well, thank you. So I hope, Mr Knoops,
16 you don't think that I was interfering, but I think to clarify this at that moment, so we
17 take it that he -- as a no. He was not in contact, he was not with Mr Ngaïssona
18 before, he doesn't simply now.

19 So, Mr Vanderpuye, please continue. And by the way, you are going to finish
20 today?

21 MR VANDERPUYE: [15:14:35] That's my aim. I have to say I'm a little sceptical
22 about it. I don't know what time it is right now. I think I'm probably hovering
23 around three hours and --

24 PRESIDING JUDGE SCHMITT: [15:14:46] You have four hours all in all, so yes.
25 But since we are at it, do you have any change in estimates, Mr Knoops, Ms Dimitri?

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [15:15:02] Well, Mr President, it really depends on how much time
2 the Prosecution will take today, because otherwise I have to -- I will revise tonight, of
3 course, my examination, but I estimate that I would at least use four sessions, to be
4 very optimistic.

5 PRESIDING JUDGE SCHMITT: [15:15:22] But that -- that would be sufficient then.
6 Because I have it in mind we have until Thursday including, so Ms Dimitri has said
7 something between four and five hours, I think. That would also mean three
8 sessions roundabout?

9 MS DIMITRI: [15:15:35] Indeed, Mr President. I said five hours and it's going to be
10 quite for me, especially because some of the questions that we had anticipated with
11 the previous witness who testified publicly, Mr Mokpem, we decided because of the
12 situation at the time not to ask them and to ask this witness, so I might go a little bit
13 over my five hours.

14 PRESIDING JUDGE SCHMITT: [15:16:01] Which would, you know, as the Latin's
15 say *iudex non calculat*, but still I'm able to count the sessions in my head. It would
16 still be fine if Mr Vanderpuye, at least, finished tomorrow after the first session.

17 MR VANDERPUYE: [15:16:19] That would be most appreciated indeed,
18 Mr President.

19 PRESIDING JUDGE SCHMITT: [15:16:22] Yeah, at least. At least. Not meaning
20 that you have carte blanche, so to speak, to use you all the time.
21 Okay. Please continue.

22 MR VANDERPUYE: [15:16:30] Thank you, Mr President.

23 Q. I was just about to move to a slightly different topic. I want to ask you, Mr
24 Namsio, about Mr Yekatom and, in particular, how he fit in within the coordination
25 of the Anti-Balaka. So first I wanted to ask you, because you reference in your

1 statement that he had men in Boeing, he also had men in PK9 and was on the road
2 between PK9 and Pissa and into Lobaye. Is that your understanding of where he
3 and his elements were at the time?

4 A. [15:17:33] I thank you once again. As regards Mr Yekatom, I am talking from
5 the other side from Zongo. I already heard talk of him when I was there, but I was
6 in the Congo before crossing. But I didn't know him physically. I didn't know him
7 physically. And afterwards, after the attack, rather, since the president had resigned
8 and there was pressure for him to resign, there were different meetings in Boeing, in
9 the area of Boeing with the Captain Ngremangou. And the other was there.
10 Wenezoui Sebastien was also with them. He was with them, too, after the fight of
11 5 December. And since I was also there in Boeing, I saw Wenezoui and Wenezoui
12 became their spokesperson. And they organised different meetings and it was
13 because of those when I accompanied Mr Ngaya to the meeting. And it's like this
14 that I noticed indeed that on the other side of Boeing there were Yekatom elements
15 who were present. And Wenezoui explained to us that indeed Yekatom, Rambo,
16 was amongst them and he had many men with him as well. And that's what I
17 would like to pass onto you as information.

18 Q. [15:19:48] All right. Are you aware that he had elements in Lobaye prefecture?

19 A. [15:20:02] After the attack of 5 December, he stationed at the bridge of PK9. He
20 had a basis -- he had a base alongside the river. And when we left to the Brazzaville
21 for the signature of the cessation of hostilities, he left. The Riverside of M'Poko to
22 station himself on the Bangui route in the school. And we went there with the
23 coordinator, that is Mr Patrice Ngaïssona. We said to ourselves -- we came back
24 from Brazzaville. We signed the cessation of hostilities agreement. Each of us have
25 our own responsibility to stop, to cease, to stop harming the people of Central Africa.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 We have to regroup somehow and start the DDR. I accompanied the national
2 coordinator. We met them in that school, which was on the Mbaïki route. We
3 spoke to them. We spoke to them. He also spoke and he said from that day
4 onwards he would lift up and dismantle the barriers. He said that before us. We
5 were there. He had a barricade near this park and the coordinator asked him to
6 dismantle all the illegal barriers. And afterwards, he based himself in the
7 Centrapalm Centre and the PK47. That's what I know and that's what I can tell you.
8 And that was going towards Pissa.

9 Q. [15:22:25] Okay. I don't want to dwell on that because you've obviously
10 spoken about that to an extent in your statement, but you've covered a lot of time
11 frame in about two sentences. So what I'd like to ask you first is -- because you've
12 talked about Brazzaville, which was in July of 2014, in the same breath as -- as the
13 5 December attack which was, you know, several months before. But what I want to
14 ask you is at the time that -- when Mr Ngaïssona came back to Bangui, in the middle
15 of January 2014, to your knowledge, where was Mr Yekatom based at this moment?

16 THE WITNESS: [15:23:13](Interpretation) Yekatom was based in PK9, PK9. He
17 even controlled and his elements controlled at the Fatima level. Fatima is a
18 neighbourhood which is in the 6th arrondissement in Bangui.

19 Q. [15:23:44] Between the time of the 5 December attack and the end of the year of
20 2013, where was Mr Yekatom based to your knowledge?

21 A. [15:24:03] Okay. In that time, Yekatom was towards Boeing, but some of his
22 elements were going towards PK9, if I'm not mistaken, if I'm not mistaken.
23 Wenezoui told us about this. Wenezoui informed us about this. And he -- he didn't
24 expect to come across any leaders and he -- they even left Boeing. Boeing is behind
25 25 -- PK25. But the base was there. I didn't see it, but it was based there.

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Q. [15:25:06] And from the time that Mr Ngaïssona returned in the middle of
2 January until May when Mr Wenezoui was named coordinator, where was
3 Mr Yekatom's group based, if you can remember?

4 A. [15:25:31] Yekatom's group was based in the 6th arrondissement in Bangui town
5 towards PK5 in the town of Bangui. They were based where I indicated to you. If
6 you give me a map, you can see with me that the 6th arrondissement is the
7 neighbouring area to the 3rd arrondissement around PK9.

8 Q. [15:26:07] Now, you mentioned that some of his elements went towards -- you
9 mentioned that some of his elements went towards Pissa?

10 A. [15:26:27] Yes, he had elements there. He fought there before. They fought
11 there before with the Seleka. They had fights there with the Seleka before with the
12 Seleka. But after that, he based himself -- he went to base himself in Centrapalm, in
13 PK9, and he controlled all that area, all that sector.

14 Q. [15:26:56] Okay. Did you become aware at any point that Mr Yekatom's
15 elements gone all the way down to Mbaïki, let's say before you went to Brazzaville?
16 Did you ever hear that?

17 A. [15:27:19] I heard that being said, but I didn't see it. But I heard it said
18 that -- that one day there was a fight on the route that goes to Mongoumba. There is
19 a route that goes to Mongoumba which also goes to Pissa, and I learned there was
20 fights there between him and Seleka. That was in the very beginning. As for
21 Mbaïki, I don't really know what happened later on.

22 Q. [15:27:54] Okay. Did you in the coordination receive Mr Yekatom or his
23 elements at meetings that were held by the coordination, that is between January
24 when Mr Ngaïssona returned and May when Mr Wenezoui was named a
25 coordinator?

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 A. [15:28:23] When Mr Wenezoui was nominated coordinator or deputy
2 coordinator, as regards the information I have, it was either Konate or Wenezoui who
3 directly informed Yekatom. We -- I and Yekatom didn't really have any
4 communication at that time, so it was the coordinator who called him. But as far as I
5 know, there was a certain point in time -- there was a split, a separation, a division in
6 the group. And during that division time, Yekatom, Kokaté and Wenezoui left to
7 have their own general assembly to have a new election for their members of their
8 bureau and Ngaïssona continued with the coalition with the other group, with the
9 other members. That's what I do know.

10 Q. [15:29:38] Okay. I have -- I have the same question as I regarding
11 Mr Ngaïssona concerning Mr Yekatom, which is that based on the telephone
12 information that you provided us during your interview and other evidence we have
13 in the case, it appears that you were in contact with Mr Yekatom again dozens of
14 times between 10 February 2014 and August 2014, August 19, to be precise. But do
15 you have an explanation for why that would be the case?

16 A. [15:30:27] Right. I'm sorry. Thank you for this concern. I would like to
17 answer as follows. There comes a point when I said to myself our country is a
18 landlock country. It's only the Douala road that supplies Bangui with essentials and
19 I informed this to our coordinator. And in my capacity, I was actually obliged to
20 support the person who was bringing in subsistence to Bangui, and there was
21 Yekatom and a certain Bombay (phon) who was actually wreaking havoc in the
22 Bangui road and we would inform the coordinator, the coordinator would decide if
23 we would be with a situation. And they all left towards Lobaye and they took the
24 Boali road and we talked about this to Yekatom. Why? Because when they
25 fled -- and while they were fleeing, they actually attacked a pastor, they destroyed a

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 church, took the money and they went away. And Konate said it was important to
2 explain all of this to Yekatom and -- and Yekatom went to follow in pursuit -- went in
3 pursuit of these youth and he caught them and the coordination was made aware that
4 Yekatom had laid his hands on the false Anti-Balaka that was wreaking havoc in the
5 region. And at this point in time, I -- he called me and I went to the outskirts of
6 Suzuki (phon) and -- and I had to take these youth to the gendarmerie and -- because
7 we really cannot lay the law at our level. We have to take them to the police, the
8 justice is there and we really cannot administer the justice ourselves. And this is
9 why we took the youth to the police, the gendarmerie, and then they were sentenced
10 to 20 years and ten years of prison, if I'm not mistaken. And when I was arrested, I
11 actually met them in the Ngaragba prison, but I did not want to hurt them at the
12 prison. And there was a Muslim whose name was Koyabade and he was the last one
13 to leave. He went to -- in fact, he left towards Bossangoa. I listened to Yekatom, he
14 called me and he -- and he bore the name of a certain Mathurin. And I did go there
15 to the Centrapalm company and I found seven people and I got them to the police
16 station at that area. I was -- I introduced myself to the gendarme, the policeman, and
17 I told them about what happened and this is what I did. I left for there. And when
18 there was the signature of the agreement all these things had happened, but I don't
19 remember the day. I'm all confused. I've lost my bearings, so to speak, but I really
20 cannot remember what happened exactly. What did I go through? Yekatom did
21 call me and when he called me -- and amongst the false Anti-Balaka, I did manage to
22 lay my hands on someone. And even before I left, I would basically explain that to
23 my coordinator. And I actually would never leave on a trip without informing the
24 coordinator, unless the coordinator was not at Bangui. Every time I make a trip, I
25 keep the coordinator abreast and they're the ones who actually called me to say that

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 there is such a situation and you have to go there and you have to actually then report
2 back on that case. And when I went to the Mbaiki Road, it's Yekatom who asked me
3 to do so. And this is basically what happened. He was personally the person who
4 told me all this, who showed me all this. And all this I'm saying to help the court, to
5 shed more light on the affair. And I'm not trying to cover for the other side. I told
6 you that I'd be cooperative. I can only basically tell you and shed light in light of
7 what I've actually seen. Thank you so much.

8 Q. [15:37:42] All right. Thank you for that answer. You mentioned a couple of
9 times during your answer just now about the fake Anti-Balaka. I want to show you
10 a document. It is at tab 44 of our binder and it's an article that was published in the
11 middle of February 2014. I did not give the ERN, I bet. CAR-OTP-2076-0678 at
12 tab 44. And it discusses something that the President Samba-Panza stated. And if
13 we can go down a little bit under the photo, we can see what is attributed to her
14 where she says: (Interpretation) "The Anti-Balaka, we're going to wage a war against
15 them. They think that just because I'm a woman I'm weak, but now the Anti-Balaka
16 who would want to kill will be followed."

17 First, I want to ask you if you're aware that the president said something like that in
18 2014 in February.

19 Are you aware of that?

20 A. [15:39:32] I actually heard that in the radio when the president spoke about it.

21 Q. [15:39:39] Okay. And is she correct that there were Anti-Balaka that were
22 killing in that period of time and even before? Civilians, I should add.

23 A. [15:40:07] As you know, the president of a country would not speak just because
24 for the sake of speaking. She's probably experienced certain things and perhaps she
25 had some proofs that actually led her to say that. I cannot contradict her. Perhaps

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 she's right and this is why she said this. I'm here in front of you and I'm actually
2 speaking from -- with a true conscience. I am the son of the soil. I am a pure blood
3 Central African national and I've been used to living with Muslims and Christians.
4 And people -- things did go out of track at certain point of time. There were Balaka
5 who were actually harming their own brothers. They were beating them up. They
6 would hit someone to just take their phone and they would just stop someone, beat
7 them up and take their motorcycle away. So I've actually experienced personally
8 things. They're the ones who protected me. There are many of them who don't
9 want me because when they would actually go and steal, I would ask them to give it
10 back. When they would hit someone, I would ask them to stop doing that. There's
11 a time for everything. The president resigned and we had found a mother, a lady
12 who would actually lead us through this transitional period, so we have to help her
13 out. And this is why even before my arrest, right from the start, I really worked very
14 hard to install peace and bring people on board. Even certain Balaka would actually
15 point their weapons at me. They said that I went overboard. Why -- I'm giving you
16 an example.

17 One day there was an innocent Nigerian person whose gone back to Nigeria. He
18 called me because he had my number and he -- there were things that were not fine in
19 his district, in his arrondissement. He -- he called me and he said, around 9.00 or
20 10.00, he said, "Emotion, where are you, my brother?" I said "I'm at home." He said,
21 "Our church vehicle has been stolen, and I was -- by the elements." And I was
22 overwhelmed and I had to go to basically check if it's the former elements who had
23 taken the vehicle. And when I came there, they pointed their weapon at me. And I
24 said, "This is not of interest to me. It's -- the honour of the Central African people is
25 primordial and you've actually taken the vehicle from a church and you cannot

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 actually consider yourself, compare yourself to God. And some elements have
2 actually taken a vehicle from the church." And the cardinal came. He came at 1.00
3 or 2.00 o'clock and he said, "Come with me and let's look for the vehicle." And I said
4 that, "You have to go and get the vehicle."
5 Now, the Nigerian priest is still in Nigeria. The cardinal was there. He came and
6 observed what was going on and the vehicle was brought back. So I really cannot
7 cover things for the pleasure of just covering at certain points of times. There were
8 things that got out of hand. And thank you so much.

9 Q. [15:45:40] Well, I appreciate that answer. And I know that you have a lot to say
10 and you've experienced a lot and we're asking -- at least I'm asking a very tall order to
11 try to compress what you have to say into a few hours. But there are a couple of
12 things that I want to ask you about since you do want to assist this Chamber in
13 arriving at the truth. And my question is really quite pointed, and that is whether
14 you have knowledge of the fact that Anti-Balaka elements committed serious crimes
15 against the Muslim civilian population, or is it your view that they did not commit
16 any such crimes against the Muslim population? And when I say serious crimes I'm
17 not talking about stealing a motorcycle. I think you know that. So if you can help
18 this Chamber understand, do you have knowledge of the fact that Muslim civilians
19 were targeted, killed, deported, displaced, you name it, by Anti-Balaka elements?

20 A. [15:47:03] Thank you, most kindly. As far as I know, in my quality as a
21 spokesperson, everything that you've said has been said, has already been said.
22 Personally, I didn't see it. I didn't see it like that, the mass killings, et cetera, but I
23 followed it on the radio. I said that in my statement. I followed it on the radio that
24 there were killings and things of that nature, a little bit everywhere. This is what I
25 heard in the Ndeke Luka radio, but personally I didn't see it myself. That's all I can

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 say.

2 Q. [15:47:51] All right. Let me show you another document. It's at tab number 2.

3 All right. So what we'll see is a document. It's a press release, newspaper, I guess.

4 And it reports here in June -- 24 June 2014. It reports 17 Muslims who were killed.

5 And if we can go down. Of course, it's in English, but I'll just let you know what it

6 says. It says seven -- I'm sorry, seventeen people, not 7. "Seventeen people, all of

7 them from the Muslim Fulani minority, were killed on Monday by young gunmen

8 claiming to be from the mostly Christian Anti-Balaka militia near the town of Bambari.

9 An officer from the African Union Force told the AFP on condition of anonymity.

10 Some of the bodies were mutilated and burnt by the assailants, adding that the

11 killings sparked reprisal attacks in the town by the mostly Muslim Seleka rebel

12 force -- ex-rebel force."

13 It says, "Anti-Balaka chiefs contacted by AFP in the capital Bangui denied that their

14 fighters were responsible for the violence, with one of them, Brice Emotion Namsio,

15 putting the blame, on quote, 'out of control youths acting on their own ... who have

16 been stepping up these attacks in the region'." End quote.

17 My first question is, first, as you've now commented here on things you didn't see,

18 you didn't see these 17 killings, did you?

19 A. [15:50:13] Once again, thank you. I have the habit of saying what I know.

20 You know when Djotodia came to power, there was nothing. I want to talk about

21 the prisons, the detention houses. Everything was broken. The bandits were free in

22 the neighbourhood -- in the neighbourhood, and that's why I mentioned the history of

23 the fake Anti-Balaka. As regards the murders, perhaps you could explain that. But

24 since I didn't see it, since I wasn't aware, I can't really say anything about it. You've

25 looked at my statement. I've done what I could for the Central African people. I

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 protected a large number of Muslims. You can ask the gendarmerie about that and
2 the police. You can see records of what I did because I am a Central African. Our
3 country was a secular country. If somebody does something like this to a Muslim, I
4 am shocked. If -- there were -- were Muslims who were killed just in front of the
5 doors of Ngaïssona. There were also some that were killed in PK11 towards the hill.
6 I collected them and I took them to the gendarmerie. I saved many Muslim subjects
7 who are my brothers. Perhaps you can have information to that, but since this article
8 is in English, I didn't see this happen with my own eyes, one, and secondly, let me tell
9 you this. At a certain point in time when we did have a coordinator, there
10 were -- were individuals of women (unclear), if I'm not mistaken, who gave us some
11 documents who asked us about the killings. And when they came to Boganda, there
12 was a group that accompanied them and that group made films. Even in the very
13 house of -- the house in Boganda, in this school. The Anti-Balaka came and they
14 asked me a lot of questions. How did this happen? How did the beatings happen?
15 And at the end of the filming, they showed us some bodies, who, if I'm not mistaken,
16 who were the central mosque. In Kilometre 5, they showed us that, in the mosque,
17 in the central mosque, Ali Babolo. And I said that to them since I hadn't seen that
18 and I shared their sorrow for those who had lost their loved ones. That is what I had
19 to say. We were informed by the radio or by telephone about what was happening.
20 There were some people who could verify whether there were robberies, there were
21 killings that could also happen. Even the Anti-Balaka, from the very beginning
22 when I started beginning the national spokesperson for the Anti-Balaka, there were
23 some people who called me and said there are Anti-Balaka in Grimari who have
24 attacked them. There have been attacks in Grimari, even in Bambari. But that is
25 only afterwards. And Bouca. That was afterwards. So in some areas it was after

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 the Anti-Balaka came about. And they came to fight and then withdrew to go back
2 to the hinterland. When they went to the hinterland, they were accompanied by
3 individuals who could do anything, but I couldn't go there and check for myself, so I
4 can't say anything else. Thank you.

5 MR VANDERPUYE: [15:55:24] All right. I see it's almost 4.00, I just want to -- I
6 think I have a very short audio that I'd like the witness to ...

7 PRESIDING JUDGE SCHMITT: [15:55:33] Good.

8 MR VANDERPUYE: [15:55:33] ... to hear and have some questions about. It's
9 tab 26, yeah, CAR-OTP-2042-2987. I believe it's an audio. And the transcription is
10 at tab 83, CAR-OTP-2129-1728. The transcript reference there should be page 1735
11 through 1736, lines 200 to 215. And maybe just let me know when you're ready to go
12 in the booth.

13 THE WITNESS: [15:56:48](Interpretation) You were you saying?

14 MR VANDERPUYE: [15:56:50] We're just waiting for the interpretation booth to let
15 us know that they're ready. I'm going to play you an audio recording of part of
16 something that Mr Ngaya said in April 2014.

17 PRESIDING JUDGE SCHMITT: [15:57:03] I think you can start.

18 MR VANDERPUYE: [15:57:04] We can start? Okay.

19 THE INTERPRETER: [15:57:07] (Interpretation of the video excerpt) "This is by
20 Gaspard - the Anti-Balaka patriots. It's time to stop the killings and to have
21 reconciliation on a national level, which is *sine qua non* for a return to peace and
22 security of the Central African Republic. That is the position the Anti-Balaka have
23 adopted and have defended since the election of the transitional president in
24 the -- this is objectives.

25 Firstly, we need a dialogue with the new authorities on the one hand and the

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka on the other instances on the other part. Implied in this, to say that the
2 international forces. This will help us to stop this bloodshed of the Muslims in our
3 country. They are Central Africans. It is the responsibility of the government and
4 the partners to have a frank dialogue, and then we can sort this out so that we can
5 have security once again in our country. We will convince that the international
6 forces will help us stop these struggles and restore peace in our country for us, the
7 Anti-Balaka."

8 MR VANDERPUYE: [15:58:32]

9 Q. [15:58:32] Were you able to hear the recording?

10 A. [15:58:41] Yes, I could hear it.

11 Q. [15:58:44] So I have just a couple of questions about it. The first thing Mr
12 Ngaya says -- we go to the previous page of the transcript. It may be of assistance to
13 the transcript is, he says (Interpretation) "You, the Anti-Balaka patriots, it's time to
14 stop the killings."

15 (Speaks English) The first question is, in his address, he's talking to the Anti-Balaka,
16 not fake Anti-Balaka, but real Anti-Balaka? Do you agree with that or disagree?

17 A. [15:59:29] I agree with you. I just said to you that amongst the Anti-Balaka,
18 there was also the fake Anti-Balaka. Amongst those fake Anti-Balaka, they did
19 things their way, but amongst the Anti-Balaka there were also Anti-Balaka who were
20 also carrying out things that they shouldn't have done. But they were part -- they
21 did steal the vehicle, for example. I'm not contradicting what you said. They
22 were -- some did this, some did that. We have to recognise that. That is a fact.
23 And that's why I said, in a country, in a neighbourhood, sheep gather together, but
24 they don't all have the same price. And that's why I said that. So I can't contradict
25 you on that. I experienced that myself. I experienced that myself. I was a victim

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 by -- from my own people. They wanted to -- if they were cross about something,
2 they'd try to stop it because they didn't want that. You have to acknowledge that.
3 Thank you.

4 Q. [16:00:58] Thank you for that explanation. There's two other things that he
5 says here that I want to ask you about. One is he talks about: (Interpretation) "Stop
6 the exodus of Muslims from their lands."

7 (Speaks English) And then he says: (Interpretation) "We are convinced that the
8 international community does not lack resources to stop this massive exodus of
9 Muslims through intercommunity dialogue.

10 (Speaks English) He twice talks about Muslims being effectively run out of a country
11 in a mass exodus. My question is, first, are you aware of that, and second, are you
12 aware that the Anti-Balaka had to do with that?

13 A. [16:02:22] To answer your -- to address your concern, this is what I'd like to say.
14 The audio we just heard is not the voice of Emotion Namsio. It's the voice of a
15 certain Ngaya Legrand. It's he who said that. I did not say it. Secondly, with
16 regard to the exodus of our brothers, no one wanted the separation. We went to
17 Brazzaville and it was about dividing the country and we said no. We said this
18 cannot be. And the country will be invisible. The country is for the whole of
19 Central African nationals. It's a secular country where we find both Muslims and
20 Christians. There are interfaith marriages. I'm just going to remind you of
21 something.

22 Now, the Barthélémy Boganda, the founding president who basically gave us the
23 Central African Republic, in fact was a Muslim. No one is going to contradict me on
24 that. But how many times the founding president who was cooperating with
25 Muslims, who was with Muslims and suddenly he is going to separate. It cannot be

Trial Hearing
WITNESS: CAR-OTP-P-0446

(Open Session)

ICC-01/14-01/18

1 that way. This country belongs to all of us. And I was reiterating that we really

2 cannot separate, we really cannot go away. Our country is a secular country.

3 When our brothers wanted to leave the country myself, I was disheartened because

4 we -- our parents have saved their money with Muslims as well. And everyone has

5 the same ideology, the same thoughts. Thank you.

6 MR VANDERPUYE: [16:04:53] All right. That'll -- that'll do it for today,

7 Mr Witness. I think I'll be able to wrap up as you directed no doubt tomorrow in the

8 first session, Mr President.

9 PRESIDING JUDGE SCHMITT: [16:05:02] So and I also think that we should try to

10 also finish any questions, if any, by the representative of the victims in the first

11 session because a short count in my mind, Mr Knoops said roundabout four sessions,

12 roundabout, let's say. Ms Dimitri, five hours might not be enough, so I say

13 roundabout four sessions, so you know we have to finish with the witness on

14 Thursday afternoon. But thank you for today to everyone, a special thank you to

15 Mr Witness for answering our questions today. Please don't talk about your

16 testimony with anybody tonight, today and tomorrow, and we see each other

17 tomorrow at 9.30 again.

18 THE COURT USHER: [16:05:52] All rise.

19 (The hearing ends in open session at 4.05 p.m.)