

Trial Hearing
WITNESS: CAR-OTP-P-0801

(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, 24 May 2021
10 (The hearing starts in open session at 9.48 a.m.)
11 THE COURT USHER: [9:48:53] All rise.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:49:11] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:49:15] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
18 ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:49:30] Thank you.
21 I ask for the appearance of the parties.
22 The Prosecution, please, first.
23 MR VANDERPUYE: [9:49:35] Good morning Mr President, good morning, everyone.
24 For the Prosecution today is Olivia Struyven, Yassin Mostfa, and myself,
25 Kweku Vanderpuye. Good morning.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:49:46] And for the representatives of the victims,
2 Mr Narantsetseg first.

3 MR NARANTSETSEG: [9:49:50] Good morning, Mr President, your Honours. For
4 the Common Legal Representative of other Crimes, Mr Dangabo Moussa Abdou,
5 Ms Evelyne Ombeni, also Mr Enrique Carnero Rojo, and my name is
6 Orchlon Narantsetseg. Thank you very much.

7 PRESIDING JUDGE SCHMITT: [9:50:07] Thank you.
8 And Mr Suprun.

9 MR SUPRUN: [9:50:09] Good morning Mr President, your Honours. The former
10 child soldiers are represented today by myself, Dmytro Suprun, counsel at the
11 Office of Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:50:18] Thank you.
13 I turn to the Defence, Ms Dimitri, first.

14 MS DIMITRI: [9:50:23] Good morning, Mr President. Good morning, your
15 Honours. Mr Yekatom, who is present in the courtroom, is represented this morning
16 by Mr Thomas Hannis, Ms Sabine Bayssat, Ms Wilhelmina Whittingham, and myself,
17 Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:50:41] Thank you.
19 And Mr Knoops.

20 MR KNOOPS: [9:50:43] Good morning, Mr President, your Honours. I'm assisted
21 today by Ms Phoebe Oyugi, legal assistant, and Chiara Giudici, case manager. And
22 Mr Ngaïssona is present in the courtroom. Thank you.

23 PRESIDING JUDGE SCHMITT: [9:50:51] Thank you, Mr Knoops.

24 We will now start with the testimony of Witness P-0801, that is Mr Joachim Kokaté.
25 Mr Kokaté, good morning. Do you hear and understand me well?

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 WITNESS: CAR-OTP-P-0801

2 (The witness speaks French)

3 (The witness testifies via video link)

4 THE WITNESS: [9:51:13](Interpretation) Yes. I can hear you clearly.

5 PRESIDING JUDGE SCHMITT: [9:51:18] On behalf the Chamber, I would like to
6 welcome you to the courtroom. You are called to testify to assist this Chamber in the
7 case of Mr Yekatom and Mr Ngaïssona.

8 I also note the presence of Mr José Bangaguere, who has been appointed as legal
9 adviser to you pursuant to Rule 74 of the Rules of Procedure and Evidence. For the
10 record, that is filing number 988.

11 I also welcome Mr Bangaguere and I understand that, for the reasons that we all
12 know, he is not in the same room, but he is in a room next to you, Mr Kokaté. Is that
13 correct?

14 THE WITNESS: [9:52:01](Interpretation) Yes, that is correct.

15 PRESIDING JUDGE SCHMITT: [9:52:16] I think we have to wait until
16 Mr Bangaguere is also connected. I think that we don't know if it will become
17 important in the next days, but we never know. This is the charm of a procedure
18 like that; that there might be developments or not. But we wait a moment. I
19 understand that it might function relatively quickly.
20 For your information, Mr Kokaté, we are trying to establish the connection with your
21 counsel so that he can follow us.

22 (Pause in the proceedings)

23 PRESIDING JUDGE SCHMITT: [9:56:43] I understand that the counsel is able to
24 follow, so -- and I think that that should be enough for the moment. And I will tell
25 the witness that whenever he wants to confer, he may confer.

1 So, Mr Kokaté, we turn to you again. There should be a card on the desk in front of
2 you with a solemn undertaking to tell the truth. Could you please read out loud the
3 content of this card.

4 THE WITNESS: [9:57:21](Interpretation) I solemnly declare that I will speak the
5 truth, the whole truth and nothing but the truth.

6 PRESIDING JUDGE SCHMITT: [9:57:27] Thank you very much, Mr Witness. You
7 are now under oath. You have already been informed by the representatives of the
8 Prosecution and the Victims and Witnesses Unit about the importance to speak the
9 truth. I want to reiterate to you that, as you have just sworn, you have to speak the
10 truth. It is an offence within the jurisdiction of this Court to give false testimony.
11 Do you understand this?

12 THE WITNESS: [9:58:02](Interpretation) Yes, I have understood.

13 PRESIDING JUDGE SCHMITT: [9:58:04] Before we start then with the questioning,
14 we will start with the Prosecution, a few practical guidelines.
15 Everything we say here and, of course, everything you say is written down and
16 interpreted, and to allow the interpreters to follow everyone, we have to speak at a
17 relatively slow pace. And please start only speaking when the person who has
18 asked you a question has finished and perhaps wait even two or three seconds.
19 Thank you.

20 We can start with the Prosecution and I give Mr Vanderpuye the floor.

21 MR VANDERPUYE: [9:58:40] Thank you, Mr President. With your leave, I'd like
22 to remain seated for the course of the examination.

23 PRESIDING JUDGE SCHMITT: [9:58:44] Of course, of course. We have discussed
24 this I think, yeah.

25 MR VANDERPUYE: [9:58:50] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 QUESTIONED BY MR VANDERPUYE:

2 Q. [9:58:52] Good morning, Minister.

3 PRESIDING JUDGE SCHMITT: [9:58:57] Mr Vanderpuye, the Chamber always
4 prefers it if we use either, in case, the pseudonym or the name, but no titles.

5 MR VANDERPUYE: [9:59:08] Absolutely.

6 PRESIDING JUDGE SCHMITT: [9:59:09] Yes.

7 MR VANDERPUYE: [9:59:11]

8 Q. [9:59:12] Can you hear me okay?

9 A. [9:59:20] Yes, I can hear you.

10 Q. [9:59:23] We met briefly last Thursday, but of course we met before that as well.
11 Let me introduce myself again, my name is Kweku Vanderpuye. I am a prosecutor
12 in the Office of the Prosecutor at the ICC and I'll be conducting your examination over
13 the next few days.

14 In addition to what the Presiding Judge has just mentioned, I wanted to give you sort
15 of an idea of how I intend to go about your examination-in-chief. And there may be
16 areas during the course of that examination which may raise sensitive issues, issues
17 for which Mr Bangaguere is at your disposal, and I'm sure you've discussed those
18 with him.

19 If there is a matter that arises that requires his intervention or you wish to seek it, just
20 let us know, so that the judge can determine whether that's appropriate and we can
21 proceed in that manner.

22 PRESIDING JUDGE SCHMITT: [10:00:25] Mr Vanderpuye, thank you for that, that
23 you took the -- and, indeed, also from the side of the Chamber, Mr Kokaté, whenever
24 you think there is a need to confer with your counsel or if counsel wants to step in
25 and wants to confer with you, let us know.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [10:00:45] Thank you, Mr President.

2 Q. [10:00:48] There may be also some issues that arise in relation to information
3 you have or you may wish to speak about which could be particularly sensitive, and
4 so in respect of that kind of thing, I would ask that if you're concerned about that to
5 let us know as well so that we can -- I can put that before the Presiding Judge and he
6 can make an informed decision as to how to proceed.

7 But the objective here is to proceed as much as possible in what we call public session,
8 so that it's -- so that your testimony is available to everyone who might be observing
9 these proceedings.

10 Are you with me so far?

11 A. [10:01:35] Yes, I'm with you, Mr Prosecutor.

12 Q. [10:01:39] All right. And if there's an area concerning your evidence which I
13 think might be particularly sensitive, I'll try to stay away from those as much as
14 possible in -- in a public session. But like I said, the objective is to get through as
15 much of this in public as possible.

16 So just to be mindful of that, obviously, the Judge has already -- the Presiding Judge
17 has already talked to you about the use of interpreters and the need to pause between
18 questions and answers. So I'd like to start with some very basic biographical
19 information from you.

20 First of all, can you state your name for the record.

21 A. [10:02:30] My name is Kokaté Joachim. You.

22 Q. When were you born, Mr Kokaté?

23 A. [10:02:50] I was born on 14 April 1966 in Bangui.

24 Q. (Overlapping speakers) What is your ethnicity, sir?

25 PRESIDING JUDGE SCHMITT: [10:02:57] I think, Mr Vanderpuye, you are a little

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 bit too quick now. There's an -- there's an overlap, at least in my earphones. Thank
2 you.

3 MR VANDERPUYE: [10:03:07] Thank you. I'm sorry. I spoke too soon.

4 Q. [10:03:13] What is your ethnicity?

5 A. [10:03:18] I am of Yakoma ethnic group.

6 Q. [10:03:25] And what is your religion?

7 A. [10:03:33] I am a Christian, Catholic.

8 Q. [10:03:41] What is your current occupation?

9 A. [10:03:53] Currently, I am minister delegate, special adviser at the presidency of
10 the republic.

11 Q. [10:04:03] How long have you been in that position?

12 A. [10:04:11] Since March 2019.

13 Q. [10:04:16] What do you do, generally, in that position? Just very -- just very
14 generally.

15 A. [10:04:34] Sorry, I did not understand your question.

16 Q. [10:04:38] What are your responsibilities?

17 A. [10:04:51] I handle various files, dossiers at the presidency of the republic, as
18 any special adviser would do, following instructions and assignments from hierarchy.
19 And then proceeding with submitting my findings to the head of state through the
20 director of cabinet.

21 Q. [10:05:22] Now, you've had many positions over the years, and I'd like to go
22 over just a few of them before we get started. Now, you started out as a soldier; is
23 that right?

24 A. [10:05:47] Sorry, I did not understand your question.

25 Q. [10:05:49] Were you a member of the armed forces of the Central African

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Republic?

2 A. [10:05:58] Yes, I used to be in the Central African army at some point.

3 Q. [10:06:05] And when did you -- when were you in the army?

4 A. [10:06:19] To begin with, I went to the military school for soldiers, or the school
5 for soldiers' children. I was nine years old at the time. Then I joined the Central
6 African armed forces in 1987.

7 Q. [10:06:51] How long did you serve in the -- the armed forces?

8 A. [10:07:13] From '87 to '94, I was in the army. Thereafter --

9 THE INTERPRETER: [10:07:29] Sorry, message from the interpreters: We didn't
10 get what the witness said, Mr President. If witness could be asked to repeat the
11 answer.

12 PRESIDING JUDGE SCHMITT: [10:07:37] Mr Witness, I'm asked by the interpreters
13 that you repeat your last response. This sometimes of course can happen when we
14 have such a video link connection. And please be so kind and repeat your last
15 answer.

16 THE WITNESS: [10:08:04](Interpretation) Okay. I've understood. Mr President,
17 could the question then be repeated as well. Thank you.

18 PRESIDING JUDGE SCHMITT: [10:08:08] I think the question was how long you
19 have been in the military. And I may add, what was the rank when you left? What
20 was your left when you left?

21 THE WITNESS: [10:08:29](Interpretation) When I left the army, I was a
22 sub-lieutenant.

23 PRESIDING JUDGE SCHMITT: [10:08:36] I think we know until '94, I think, and
24 perhaps we can continue from there when he left the army.

25 MR VANDERPUYE: [10:08:43] Sure. Sure. Thank you, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [10:08:51] You've been associated with various groups of all kinds in the Central
2 African Republic.

3 A. [10:09:07] I was associated? To what, please?

4 Q. Different groups.

5 PRESIDING JUDGE SCHMITT: [10:09:18] I think perhaps --

6 Mr Kokaté, I think the question was, if you can narrate that to us, if you have been
7 associated to various groups in the Central African Republic and, if so, which groups
8 they were.

9 THE WITNESS: [10:09:49](Interpretation) Which -- you said I was associated to
10 various groups. I think there's a connectivity issue here. I cannot understand your
11 questions clearly.

12 MR VANDERPUYE: [10:10:00] I could be more specific. Hopefully -- hopefully, it's
13 coming through okay.

14 Can you hear us all right over there?

15 THE WITNESS: [10:10:11] Yes. I'm well-seated, Mr President. I can hear you, but
16 sometimes because of connectivity, the question is not very clear.

17 MR VANDERPUYE: [10:10:31]

18 Q. All right. Let me ask then about the *Convention des patriotes pour la justice et la*
19 *paix*. Were you a member of that group?

20 A. [10:10:57] Yes, Mr President, I did belong to that group. I was a member of the
21 *Convention Patriotique*, CPJP.

22 Q. [10:11:14] When did you become affiliated or part of the CPJP?

23 A. [10:11:22] If I'm not mistaken, it was in 2009 that I -- that I was contacted by the
24 president of the CPJP and I accepted to join his movement.

25 Q. [10:11:54] Who was the president of the CPJP at that time?

1 A. [10:12:09] At the time, the president was Mr Abdoulaye Hissène.

2 Q. [10:12:15] How long did you remain a member of the CPJP?

3 A. [10:12:28] Mr President, before that, I was the spokesperson of the *Collectif des*
4 *officiers libres*, which I had created myself. Then, when Mr Abdoulaye Hissène called
5 on me, we joined our two movements together, and I agreed to work with him in 2009
6 up until March 2013.

7 Q. [10:13:12] You were a member also of the national unity government in 2013; is
8 that right?

9 A. [10:13:24] Yes, that is correct. I joined the government in the JC -- JP quarter in
10 2013.

11 Q. (Overlapping speakers) What was your position in the government at the time?

12 A. At the time, I was minister of small and medium size enterprises and for the
13 improvement of the business environment.

14 Q. [10:14:07] What was your relationship with *le Front pour le retour à l'Ordre*
15 *Constitutionnel en Centrafrique*?

16 A. [10:14:21] I'm sorry? I'm sorry, I didn't understand your question.

17 Q. [10:14:35] Are you familiar with the group named FROCCA?

18 A. [10:14:43] I -- I know FROCCA. That group, FROCCA, was created by the
19 former president, François Bozizé. And during a meal, a lunch in Paris,
20 President Bozizé himself was at that meal. And that's when he talked about the
21 creation of FROCCA and told us that the president of FROCCA would be
22 Mr Banoukepa.

23 Q. All right.

24 A. That's what I know.

25 Q. Were you a member of that group?

1 A. I have never held any position of responsibility within that group.

2 Q. [10:15:57] Okay. You were a member of the national transitional government
3 as well in 2014; is that right?

4 A. [10:16:15] Yes, in 2014 I was minister delegate, a special adviser in charge of
5 DDR at the prime minister's office.

6 Q. [10:16:33] You worked for the prime minister, André Nzapayeké; is that right?

7 A. [10:16:46] Yes, that is correct.

8 Q. [10:16:53] You were a member of the Anti-Balaka; is that right?

9 A. [10:17:03] Yes, I was a member of the Anti-Balaka.

10 Q. [10:17:08] And you were also a member of the national coordination of
11 Anti-Balaka; is that right?

12 A. [10:17:24] I was a member of the Anti-Balaka coordination when there
13 were -- after some small concerns arose within the Anti-Balaka group requiring that
14 action be taken to unite the movement. It is from then on that I took on a role within
15 the Anti-Balaka.

16 Q. [10:17:59] Now, I understand you also took part in various peace negotiation
17 platforms within the political context of your country. Did you participate in -- at
18 Libreville in 2008 regarding the Comprehensive Peace Agreement?

19 A. [10:18:40] I participated in the agreement, the negotiations for peace, that is in
20 Libreville, and that was in January 2011, not in 2008.

21 Q. [10:18:59] You were also in Niamey, Niger, in March 2012?

22 A. [10:19:11] Yes, that is correct. In March 2012, I was in Niamey in Niger.

23 Q. [10:19:32] In 2013, you were in Libreville?

24 A. [10:19:35] Yes, I was in Libreville in January 2013. Not -- not 2011, 2013,
25 correction.

1 Q. And that was in relation to the -- Bozizé's government; is that right?

2 A. [10:20:08] In January 2013, there was a crisis in the Central African Republic as
3 the Séléka coalition advanced. At that time, I was still a member of CPJP and the
4 CPJP had already signed up to the Libreville peace agreement. And CPJP was on the
5 side of the government. And that is why when we went to Libreville for that
6 meeting, for those negotiations, the CPJP went to Libreville on the side of the
7 government.

8 Q. [10:21:07] You also took part in the Brazzaville talks in July 2014; is that right?

9 A. [10:21:23] Yes, that is correct. I was at the Brazzaville talks in July 2014.

10 Q. [10:21:32] And that was to negotiate a peace agreement between the Anti-Balaka,
11 Séléka during the crisis; is that right?

12 A. [10:21:44] Yes, that is correct.

13 Q. [10:21:49] In that context, you participated at Brazzaville as a member of the
14 Anti-Balaka and as a member of the government?

15 A. [10:22:08] I was in Brazzaville. I went to Brazzaville with two hats. I was in
16 the Anti-Balaka delegation in order to facilitate the negotiations for the Libreville
17 agreement, and I also was working at the prime minister's office as a special adviser
18 at the time.

19 Q. [10:22:37] You also participated in negotiations in Nairobi at the end of 2014 into
20 2015; is that right?

21 A. [10:22:57] Yes, that's correct. That's exact.

22 Q. [10:22:59] And in what capacity did you attend those talks? As an Anti-Balaka
23 also?

24 A. [10:23:17] When I was going to Nairobi, Mr Patrice-Edouard Ngaïssona
25 informed me that there was a meeting planned for Nairobi and that the purpose of

1 the meeting was to have discussions between the Séléka coalition and the Anti-Balaka
2 with a view to find a way out of the crisis.

3 In the meantime, I had planned another trip to France in order to visit my family. So
4 I told Mr Ngaïssona that I was on my way to France and so asked him what to do.
5 So he asked me, if you want to go to France, then the Nairobi negotiating team would
6 contact him, and then they would contact me on my Paris number. And then once I
7 was in Nairobi, I should indicate that Mr Ngaïssona himself had been forbidden from
8 travelling out of the country but that he needed to be present because he was the
9 general coordinator, which is what I did.

10 When I got to Paris the next day, Ngaïssona called me.

11 Mr Ngaïssona called me to say that the Nairobi team would call me shortly.

12 A few minutes thereafter, I received a call from Nairobi and they asked me -- well,
13 they told me they would be sending a ticket, and I said that was fine. I think it was
14 on 18 January, but I told them that I was -- it was on the 18th. Sorry, correction: It
15 was on 18 December, and I was supposed to return on 21 December because I wanted
16 to spend Christmas with my family.

17 That's what we discussed and they said that was fine. So thereafter, I took the flight
18 for Nairobi, I arrived in Nairobi, and in Nairobi there was the entire delegation of the
19 Séléka coalition present. And that Séléka coalition was led by the former president,
20 Michel Djotodia, and I met -- I saw them the next day in the morning.

21 During the day, at about 2 p.m., the meeting opened, and that is when I was able to
22 enter the hall. Former President François Bozizé also came in, and the mediation
23 team had started the negotiations. And they had opened the negotiations and I
24 asked a question about the presentation regarding the Anti-Balaka.

25 I told them that the general coordinator of the Anti-Balaka was absent and that I had

1 observed that some Séléka coalition persons were present.

2 I also noted that President Bozizé was present in the hall along with those who had
3 accompanied him, and I could not single-handedly take the floor on behalf of the
4 Anti-Balaka. And that is why it was necessary for Mr Ngaïssona who had asked me
5 to come, that it was necessary for him to come to Nairobi with his delegation.
6 That is also what then happened. The mediation team in Nairobi suspended the
7 negotiations and took a special plane for Bangui. Flying through Congo-Brazzaville,
8 they came to Bangui, and they were received by the head of state of the transitional
9 government at the time, Catherine Samba-Panza.

10 Q. [10:29:01] (Overlapping speakers) I'm going to stop you here for a moment
11 because we'll come to this in more detail a little bit later on during your examination.
12 But it's fair to say that you took part in those negotiations during that period of time
13 from the end of 2014 into, well into, actually, the beginning part, of 2015; is that right?

14 A. [10:29:36] Yes, end of December 2014, April 2015.

15 Q. [10:29:40] And following that, you also took part in the Bangui forum, which
16 was in 2015; is that right?

17 A. [10:29:55] Yes, that is correct.

18 Q. [10:29:56] And that was another peace negotiation initiative in respect of the
19 Anti-Balaka and the Séléka, or ex-Séléka?

20 A. [10:30:13] Sorry, I did not quite understand your question.

21 Q. [10:30:15] My question was that that was another peace initiative involving the
22 Anti-Balaka.

23 A. [10:30:36] Well, all the negotiations that took place in -- in Libreville - or should I
24 say Brazzaville, sorry - and Nairobi, and the Bangui forum as well, I attended all of
25 those in my capacity as an Anti-Balaka.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [10:30:57] Thank you for that. So you've been basically involved in peace
2 negotiation fora, well, going back many years, 10, 15 years?

3 A. [10:31:18] That is correct. That is correct.

4 Q. [10:31:31] All right. I'd like to ask you some questions now about some
5 statements that you gave to the Office of the Prosecutor previously.

6 First, do you recall meeting with members of the Office of the Prosecutor in
7 February 2018, more specifically between February 7 and the 11th of '18 -- of 2018,
8 sorry.

9 A. [10:32:09] Yes, I do remember that well. I met them during that period there.

10 Q. [10:32:21] And do you recall that the purpose of that interview concerned the
11 conflict which had taken place between 2012 and 2014, but more specifically between
12 2013 and 2014?

13 A. [10:32:50] Yes, I do remember that well. You're talking about -- particularly we
14 talked about 2013 to 2014, but we also did mention 2012.

15 Q. [10:33:02] And do you recall that the interview concerned your position or
16 association with the Anti-Balaka as well?

17 A. [10:33:22] Yes, I do remember that.

18 Q. [10:33:25] It also concerned the activities of the group and certain principals or
19 leaders within it. Do you recall that?

20 A. [10:33:42] Yes, that's correct, I do recall that.

21 Q. [10:33:45] And during the course of that interview in 2018, February, you were
22 accompanied by your lawyer, Mr Bangaguere.

23 Do you recall that?

24 A. [10:34:04] That is correct.

25 Q. [10:34:04] He was present with you throughout your interview, right?

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 A. [10:34:16] That is correct.

2 Q. [10:34:17] And he's here with you today, yes?

3 A. [10:34:27] He is with me, but in a different room. I would prefer if he was in
4 the same room as I was.

5 Q. [10:34:35] That's right. The interview that you had in February 2018, it was
6 recorded, and it was also transcribed.

7 Have you had a opportunity to review the transcripts of that February 2018 interview
8 before -- recently?

9 A. [10:35:06] Yes, I did have the opportunity to do that.

10 Q. [10:35:12] And did you read the transcripts?

11 A. [10:35:25] I saw all the information which we discussed during that period.

12 Q. [10:35:33] Okay. Having read those transcripts, do they fairly and accurately
13 reflect what it is that you said during the course of your interview?

14 A. [10:35:53] That is exactly what I said during the interview.

15 Q. [10:36:00] And do you stand by what you said during the course of that
16 interview?

17 A. [10:36:10] I do stand by what I said during that interview.

18 Q. [10:36:15] I'd like to ask you about a different interview, and this one is from
19 February 2016. That was in relation to the case against Jean-Pierre Bemba and
20 certain associates of his. Do you remember that interview?

21 A. [10:36:48] When you talk about the case against Bemba, yes, I do remember that.
22 I do remember it.

23 Q. [10:36:55] That one took place in Paris on 22 February 2016?

24 A. [10:37:13] That's correct.

25 Q. [10:37:15] And in that case, you met with members of the Office of the

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Prosecutor in the circumstances where the members of the Office of the Prosecutor
2 had reason to believe that you were involved in what was charged in that case. And
3 what was charged in that case was the offence -- offences against the administration
4 of justice and, in particular, through interference or improper interference with
5 witnesses.

6 Do you recall that that was the subject matter of that interview?

7 A. [10:38:04] Yes, I do remember the subject of that interview, and I gave you my
8 rendition of the facts.

9 Q. [10:38:13] And during the course of that interview you were also represented by
10 a lawyer, *Maître* Alfonso Dorado. Do you remember that?

11 A. [10:38:33] Yes, I do remember that, Counsel.

12 Q. [10:38:35] And he advised you throughout your interview as well; is that right?

13 A. [10:38:49] Yes, that's correct, he gave me advice. I saw him the same day, and
14 then we discussed the events before I had the actual interview.

15 Q. [10:39:07] Now, in that interview you were asked a lot of questions about
16 various aspects of that case, and it lasted for probably about a day. But you are
17 aware that the position of the --

18 I'm sorry, I see counsel on her feet. Sorry, just one moment.

19 PRESIDING JUDGE SCHMITT: [10:39:32] Yes, Ms Dimitri.

20 MS DIMITRI: [10:39:34] Apologies. My client would like to step out for a minute.

21 PRESIDING JUDGE SCHMITT: [10:39:37] Of course, no problem. We wait --

22 MS DIMITRI: [10:39:38] Thank you.

23 PRESIDING JUDGE SCHMITT: [10:39:39] -- we wait until he is back and then we
24 will continue. It's no problem.

25 (Mr Yekatom exits the courtroom)

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 (Pause in the proceedings)

2 (Mr Yekatom enters the courtroom)

3 MS DIMITRI: [10:41:31] Thank you, Mr President.

4 PRESIDING JUDGE SCHMITT: [10:41:32] No problem, as I said.

5 Please proceed, Mr Vanderpuye.

6 MR VANDERPUYE: [10:41:37] Thank you, Mr President.

7 Q. [10:41:39] I think I lost my place a little, so bear with me one second.

8 PRESIDING JUDGE SCHMITT: [10:41:43] I think we have been at the moment

9 where there was a -- made a statement by the witness in another case, and there was a
10 lawyer present and he could talk with the lawyer, and from there you could proceed.

11 MR VANDERPUYE: [10:41:57] Yes. It's come back to me. Pardon me.

12 Q. [10:42:09] During the course of the interview, you were aware that the Office of
13 the Prosecutor or members of the Office of the Prosecutor had reason to believe that
14 you were involved in the witness interference that was charged in that case, right?
15 You're aware of that?

16 A. [10:42:38] You gave me the information and I gave you my understanding of the
17 facts.

18 Q. [10:42:45] And I don't know if you're aware of this, but the result of that case
19 was that the five people that were accused of those charges were convicted by Trial
20 Chamber VII.

21 So first let me ask, do you know that? Were you aware of that?

22 A. [10:43:13] Yes, I got that information via the media.

23 Q. [10:43:23] And in relation to that conviction, a judgment was issued by Trial
24 Chamber VII which gave or set out the grounds or the basis for the conviction of
25 those five individuals. And in that judgment there are specific references to your

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 conduct which do not agree with your version of the facts as you gave it in your
2 interview.

3 Were you aware of that?

4 A. [10:44:10] I wasn't there at the trial. My version of the facts is what I gave you,
5 and what I said to you is what I believe is what happened. So those who were
6 stopped and arrested and judged is something that I have nothing really to do with.

7 Q. [10:44:46] All right. Just a couple more things. One is, given that the position
8 of the Office of the Prosecutor was that you were involved in those charges, and that a
9 Trial Chamber of this Court concluded as well that you were involved in the subject
10 matter of those charges, do you stand by the statement that you gave to the Office of
11 the Prosecutor in 2016 as your version of the facts?

12 PRESIDING JUDGE SCHMITT: [10:45:31] I think that is a -- I think that would be a
13 question where the answer might tend to incriminate the witness.

14 So, Mr Witness, this is a question that you would not have to answer. It's your
15 decision, you can answer it, but you would not have to answer it because it might
16 tend to incriminate you. You might object to give an answer to this question.

17 And I think your counsel is in the next room, he would -- could also tell you that.

18 But, of course, you're not obliged to refuse an answer, so to speak.

19 MR KNOOPS: [10:46:16] Mr President, if I may, I think the witness already
20 incriminated himself by answering a question which clearly goes in contradiction to
21 the Chamber's findings, which he still denies.

22 PRESIDING JUDGE SCHMITT: [10:46:34] No, I think (Overlapping speakers)

23 MR VANDERPUYE: [10:46:35] I actually don't think that's --

24 PRESIDING JUDGE SCHMITT: [10:46:36] No, I think (Overlapping speakers)

25 MR VANDERPUYE: [10:46:36] -- correct at all.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:46:38] Yes. I think we don't have to discuss
2 this here. It's now about the answer to this -- I did not have the impression. It's
3 not -- it's about the answer to this question, and I think it's better if you repeat it,
4 Mr Vanderpuye.

5 But I think for the benefit of the witness, it was better to inform him again about this
6 Rule, I think it's Rule 74(3)(a). So please repeat the question and the witness might
7 answer or not.

8 MR VANDERPUYE: [10:47:08] Okay. Thank you, Mr President.

9 Q. [10:47:10] I think my question was, knowing that the position of the Office of the
10 Prosecutor was that you were involved in those offences, and knowing that a Trial
11 Chamber of this Court reached a similar conclusion, whether you still stand by the
12 statement that you gave in 2016 to the Office of the Prosecutor?

13 A. [10:47:51] The statement which I made in 2016 is something I stand by. I
14 voluntarily came at your invitation, I explained how I saw things at that stage, so I
15 totally stand by my statement.

16 Q. [10:48:07] Okay.

17 PRESIDING JUDGE SCHMITT: [10:48:12] I think from here we can proceed.

18 MR VANDERPUYE: [10:48:15] I agree completely.

19 PRESIDING JUDGE SCHMITT: [10:48:16] Yes.

20 MR VANDERPUYE: [10:48:17] I see counsel is on his feet though, Rule 74 counsel.

21 PRESIDING JUDGE SCHMITT: [10:48:23] Okay.

22 MR VANDERPUYE: [10:48:24] I'm not sure ...

23 PRESIDING JUDGE SCHMITT: [10:48:27] Yes, it's on VTC, yes, I understand now.

24 Yes, Mr Bangaguere, you have the floor, please. Yes, Mr Bangaguere.

25 Unfortunately, I cannot hear anything.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Mr Bangaguere, do you hear me?

2 I would like to give the floor to counsel of Mr Kokaté, but I cannot understand him,
3 frankly speaking, so that's the problem that we have here at the moment.

4 MR VANDERPUYE: [10:49:20] (Microphone not activated) Mr President, because I
5 can't hear him at all.

6 PRESIDING JUDGE SCHMITT: [10:49:23] Yes, I don't hear anything. So I would
7 try to make -- I have tried to make contact.

8 Mr Bangaguere, do you hear me now? Do you hear me now?

9 You may speak, Mr Bangaguere.

10 MR BANGAGUERE: [10:49:43](Interpretation) I hear you. Good morning,
11 everyone. I would like to confer with my client, if this is acceptable -- you. Perhaps
12 we could have a pause of some minutes so that I can confer with my client.

13 PRESIDING JUDGE SCHMITT: [10:50:03] I think that's fine. We have 10 minutes
14 to the hour. I think we have a -- I think we combine this with a coffee break.

15 So we reconvene perhaps 20 minutes after 11, half an hour.

16 You have enough time, Mr Bangaguere.

17 THE COURT USHER: [10:50:22] All rise.

18 (Recess taken at 10.50 a.m.)

19 (Upon resuming in open session at 11.21 a.m.)

20 THE COURT USHER: [11:21:48] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:22:15] Mr Bangaguere, did you have the
23 possibility to talk with your client?

24 Unfortunately, again, we don't hear him.

25 MR BANGAGUERE: [11:22:41](Interpretation) Do you hear me?

1 PRESIDING JUDGE SCHMITT: [11:22:43] Now I hear you. I asked, I asked you if
2 you had the possibility to converse with your client.

3 MR BANGAGUERE: [11:22:56](Interpretation) Mr President, if it doesn't displease
4 the Court, I would like to make some observations.

5 THE INTERPRETER: [11:23:10] Very difficult to understand. The interpreter
6 apologises.

7 PRESIDING JUDGE SCHMITT: [11:23:14] Yes, you can make your observations. Is
8 it possible for you to speak very clearly, or perhaps even take the mask off? I don't
9 know if this is allowed, so I would not impose this on you. And if you're not
10 comfortable, please wear the mask. Yeah, okay.

11 Yes, please speak, Mr Bangaguere.

12 MR BANGAGUERE: [11:23:34](Interpretation) Thank you. Mr President, your
13 Honours, I am the counsel of Mr Kokaté, and I am here to advise him. Therefore, I
14 would like to refer to the Rome Statute as regards evidence and procedure, namely ...

15 THE INTERPRETER: [11:24:37] Inaudible. Inaudible.

16 PRESIDING JUDGE SCHMITT: [11:24:40] Mr Bangaguere, Mr Bangaguere, excuse
17 me that I -- I have to apologise to interrupt you, but the interpreters did not get the
18 last two or three sentences that you said. Could you please repeat them. The last,
19 what we heard, what came through was that you referred to the Rome Statute.

20 MR BANGAGUERE: [11:25:24](Interpretation) Can you hear me?

21 PRESIDING JUDGE SCHMITT: [11:25:27] We can hear you.

22 MR BANGAGUERE: [11:25:28](Interpretation) I was speaking about the fact that I
23 am adviser, counsel to Mr Kokaté ...

24 THE INTERPRETER: [11:25:49] Sorry. Inaudible.

25 MR BANGAGUERE: [11:26:00](Interpretation) It is not the role of my client to

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 indiscriminate (sic) himself as regards to the interview of the 22 February. Let me
2 remind you, there were individuals who were convicted. But my client was told that
3 his behaviour, according to the Court, according to the judgment that was made ...

4 THE INTERPRETER: [11:26:45] Inaudible.

5 MR BANGAGUERE: [11:26:47](Interpretation) ... and under those conditions,
6 Mr President, members of the Court, according to the Rules of Procedure, to tell my
7 client or inform my client of his rights and duties. I am referring to Rule 64 ...

8 THE INTERPRETER: [11:27:25] Inaudible.

9 MR BANGAGUERE: [11:27:32](Interpretation) He cannot be put in a position of
10 self-discrimination (sic), and it is not the duty of the Court to do that. In any case, let
11 me remind you ...

12 THE INTERPRETER: [11:28:01] Inaudible.

13 MR BANGAGUERE: [11:28:06](Interpretation) The Court tried in any case to recall
14 that the OTP was not sufficiently informed on these particular issues.

15 THE INTERPRETER: [11:28:19] Inaudible.

16 MR BANGAGUERE: [11:28:26](Interpretation) In accordance with Rule 74 -- sorry,
17 Rule 190, bearing in mind what has happened, perhaps the Prosecution should
18 rephrase so that my client can answer in a satisfactory way on this question on this
19 event. I'm referring to Rule 74, which also refers to the Rule 190 of the RPE.

20 I, therefore, request to remember this because my client can answer you based on the
21 advice which has been given to him, and I would like to put this to the Court before
22 we proceed.

23 PRESIDING JUDGE SCHMITT: [11:29:42] Thank you very much, Mr Bangaguere,
24 and I note that your client is informed -- I note that your client is informed about the
25 Rule against self-incrimination, and that specifically the Court informed him before

1 the break again about this, and you are also in the adjacent room, as I understand it.
2 So also in the future, when you want to take the floor, please raise your hand, and
3 then I will give you the floor as the presiding judge, so that you can tell us what you
4 want to say or you want to -- if you want to confer with your client.

5 Is that okay for the future proceeding?

6 MR BANGAGUERE: [11:30:42](Interpretation) Understood, Mr President, and I
7 agree. Thank you.

8 PRESIDING JUDGE SCHMITT: [11:30:48] Mr Vanderpuye, I think we simply
9 continue from there, and we could leave this subject and simply continue from there,
10 I would say.

11 MR VANDERPUYE: [11:30:55] Thank you, Mr President. Indeed, I think -- I think
12 the witness answered the question already.

13 PRESIDING JUDGE SCHMITT: [11:31:00] Yes, and you know, perhaps it's -- we
14 should really recall that all this Rule 74 issue, there are -- it's a very complicated Rule,
15 so to speak, and different issues are regulated in it.

16 So the basic principle is that a witness may object to a question that might incriminate
17 him - I underscore "may" - so the witness is free to answer the question anyway, and,
18 okay -- and then the question of assurance is something completely different, I would
19 say then, because only then he would be required to answer if he did not want to
20 answer.

21 So it's -- and it's always not about a blanket assurances. It's always about single
22 questions, and, if we look, I think all the parties and participants, all counsel have
23 looked into, of course, into the statements of Mr Kokaté - I'm not referring now to the
24 Article 70 case, I'm referring to this case - and yeah, and there are not, frankly
25 speaking not so many issues -- if we take the content at face value, not so many issues

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 which could arise in that respect, but we will see in the course of events.

2 Mr Vanderpuye, please continue.

3 MR VANDERPUYE: [11:32:20] Thank you very much, Mr President, and I
4 appreciate your clarifying the issue for the -- for the record and for counsel, and also
5 for the witness.

6 Q. Obviously, this case is not about the circumstances relating to the 2016
7 interview. It's about a different set of circumstances. You understand that, right,
8 Mr Kokaté?

9 A. [11:32:59] Yes, I do understand.

10 Q. [11:33:01] So let me bring you back to this case. In respect of your statement
11 that you gave in 2018, did you receive any promises from the Office of the Prosecutor
12 in relation to or in exchange -- or in exchange for information that you provided
13 during the course of your interview?

14 A. [11:33:45] The OTP never made any promise to me.

15 Q. [11:33:47] Okay. And did you participate in the interview -- not just the 2018
16 one, but also the previous one, voluntarily?

17 A. [11:34:09] In 2018, the OTP invited me to testify, and I came voluntarily
18 following that invitation.

19 Q. [11:34:26] Did anyone ever force you or threaten you to provide an interview
20 with the Office of the Prosecutor in respect of either interview, 2018 or 2016?

21 A. [11:34:54] The 2018 interview and the 2016 interviews followed the same
22 procedure. I was invited to a rendezvous -- (Overlapping speakers)

23 Q. So no one forced you or --

24 A. -- which took place in -- in Paris.

25 Q. [11:35:10] (Overlapping speakers) -- threatened you to speak to the Office of the

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Prosecutor?

2 PRESIDING JUDGE SCHMITT: [11:35:11] Mr Vanderpuye, you are too quick.

3 MR VANDERPUYE: [11:35:14] Oh, sorry.

4 PRESIDING JUDGE SCHMITT: [11:35:15] It's -- you know, if you follow here via the
5 earphones, it's a little bit difficult. Please take -- allow yourself perhaps two or three
6 seconds. Thank you.

7 MR VANDERPUYE: [11:35:23] Thank you, Mr President.

8 Q. [11:35:29] So no one forced or threatened you to -- to be interviewed with the
9 Office of the Prosecutor?

10 A. [11:35:46] No one threatened me. No one forced me. But, you see, a short
11 while ago, when the Prosecutor was asking some questions, I didn't quite understand
12 the question and that is why I do not wish to talk about the 2016 --

13 Q. Okay, that's no problem.

14 A. -- invitation by the Office of the Prosecutor.

15 Q. [11:36:12] You're testifying here today voluntarily; is that right?

16 A. [11:36:23] That is correct.

17 Q. [11:36:23] With respect to the statement or interview that you had in 2018, were
18 you informed that it was important to tell the truth during the course of that
19 interview?

20 A. [11:36:44] Yes, yes. It was clearly stated to me that I had to speak the whole
21 truth and nothing but the truth.

22 Q. [11:36:56] (Overlapping speakers) And you also understood that you were
23 expected to answer the questions that were put to you as completely as you could
24 with the information that you had; is that right?

25 A. [11:37:15] Yes, that is correct.

1 Q. [11:37:25] And during the course of that interview, did you provide information
2 relevant to the topics that were being discussed with the understanding that that was
3 what was expected of you?

4 A. [11:37:48] I answered questions that were put to me by the Office of the
5 Prosecutor, and, in so doing, I spoke about what I had seen and some things that I
6 was a bit familiar with. That's what I testified on.

7 Q. [11:38:11] With respect to the interview in 2018, you reviewed transcripts as you
8 said. You stand by what you said back in 2018?

9 A. [11:38:29] I reviewed all what we did over the four-day period of interviews in
10 2018, and, for now, I do not see what might be foreign, so to speak, to that interview.

11 Q. [11:39:05] All right. I'd like to jump in right now and ask you some questions
12 about your position in respect of the Bozizé government in 2012.

13 So let me ask first, this: In 2012, were you part of the opposition to the Bozizé
14 government at that time?

15 A. [11:39:43] Let me specify that I was in President Bozizé's government in
16 February 2013. Not in 2012.

17 Q. [11:39:56] Okay. I think we have a translation issue. What I meant by
18 "position" is, I mean, your view of things. So were you a part of the opposition
19 movement against President Bozizé? That's what I mean.

20 A. [11:40:24] Up until 2012, I was in the opposition. When CPJP agreed to join the
21 Libreville agreement - that must be June, July, 2012, if I'm not mistaken - it is from
22 that time on that we changed our minds and accepted to collaborate with the
23 government, that is, from June or July 2012.

24 Q. [11:40:53] (Overlapping speakers) Let me just pause for a second because I think
25 I'm ahead.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 THE INTERPRETER: [11:40:53] (Overlapping speakers) Mr President,
2 Mr Vanderpuye might by listening in French and that's what might cause the overlap.
3 Thank you.

4 PRESIDING JUDGE SCHMITT: [11:41:05] Yes.
5 Have you heard him, Mr Vanderpuye? Because you listen in French and that might
6 cause the overlap, the interpreter told me.
7 And I have also the impression that that might be the reason.

8 MR VANDERPUYE: [11:41:15] Yes, Mr President. That's what's happening. I'll
9 follow on the transcript, and I'll see --

10 PRESIDING JUDGE SCHMITT: [11:41:21] Yeah.

11 MR VANDERPUYE: [11:41:21] -- I can --

12 PRESIDING JUDGE SCHMITT: [11:41:22] Others do the same, but ...

13 MR VANDERPUYE:

14 Q. [11:41:39] Yeah, at the beginning of 2012, you were a member -- you were in the
15 opposition to Bozizé's government, and that was following his election in 2011; is that
16 right?

17 A. [11:41:53] Yes, that is correct.

18 Q. [11:41:59] And in relation to that election, what was the position of the CPJP?

19 A. [11:42:18] Well, the CPJP was in the opposition to begin with until June or
20 July 2012.

21 MR VANDERPUYE: [11:42:40] I'm not sure if -- I'm not sure, I don't see 2012 in the
22 transcript yet, but I think that's what he said.

23 PRESIDING JUDGE SCHMITT: [11:42:47] I think it's in the transcript. *Juin ou*
24 *juillet*.

25 MR VANDERPUYE: [11:42:54] It's there now.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:42:55] Yes, okay.

2 MR VANDERPUYE:

3 Q. [11:42:58] What was the reason that the CPJP was opposed to Bozizé?

4 A. [11:43:13] Sorry. I did not understand your question. Could you repeat it.

5 Q. [11:43:26] What was the reason that the CPJP was opposed to Bozizé? Was part
6 of the opposition?

7 A. [11:43:47] I have already told you that there was a collective of officers who
8 were already in the opposition well before, and that was since 2005. I was already in
9 the opposition.

10 Then, in 2009, we entered into an alliance with our movement, in 2009, and we were
11 in the opposition against Bozizé's government at the time because we believed that
12 the country was not being managed properly at all.

13 So we had our own views on things, and these views were different, and that is why
14 we were in the opposition, believing that the state functioning was rather irregular at
15 that time. There was a lot of social injustice. And so we felt that nothing was
16 working politically, economically, and so we had observed that many things were
17 going wrong, and, therefore, as the opposition, it was our duty to criticise this state of
18 affairs. That's it.

19 Q. [11:45:33] I'd like to show you a document. It is at tab 58, the ERN
20 CAR-OTP-2089-0840. And it's dated 7 July 2012, signed by "Abdoulaye Issène". I'd
21 like to just show you this document and have you take a look at it for a minute.

22 Mr Kokaté, are you able to see the document in the screen in front of you?

23 A. [11:46:51] Yes, I can see it.

24 Q. [11:46:57] All right. And it refers to a signature of a peace accord, and it -- and
25 it refers to a team in France composed of certain individuals, your name is among

1 them.

2 If we can just go down the page a little bit so can see some more.

3 Are you able to see that?

4 A. [11:47:32] Yes, can I see the document clearly.

5 Q. [11:47:37] And I note a name, Banoukepa Lin, who you referred to just earlier in
6 your testimony today, in the position of "*Conseiller Juridique*" and you as
7 "*Coordonateur*".

8 Do you see that?

9 A. [11:48:01] Yes, I can see that.

10 Q. [11:48:05] And if we can go to the next page, please.

11 All right.

12 You can see this as well. It says: "This list," (Interpretation) "we have selected three
13 persons to go to Bangui, namely:"

14 (Speaks English) And then it lists you among two other individuals, Mpondo and
15 Kongbossomo.

16 And then if we can go to the bottom of the document, just so that you can see - all the
17 way down - so you can see very clearly that it's signed by "Abdoulaye Issène",
18 7 July 2012.

19 Do you recall this document and that mission?

20 A. [11:49:35] Yes. I remember the mission being referred to, but this document -- I
21 really wasn't aware of the document. However, I remember that three of us went to
22 Bangui, two from France and one from Brazzaville. But I wasn't aware of this
23 communication.

24 Q. [11:50:08] And I noted before that Lin Banoukepa's name is in there. What was
25 his role in the CPJP? It says "*Conseiller Juridique*", but what did he do practically

1 within the group?

2 A. [11:50:45] Mr President, I think this question should be put to Lin Banoukepa
3 and Abdoulaye Hissène because, as I was saying a short while ago, we had merged,
4 CPJP and the *Collectif* of officers. So Lin Banoukepa had a direct contact with
5 Abdoulaye Hissène, which I am entirely aware of. I did not know that Lin was the
6 legal adviser, and I had no information on this document.

7 Q. [11:51:36] You say you didn't have any information on this document; right?

8 A. [11:51:47] Yes.

9 Q. [11:51:49] All right. Let me show you another one then. This one is at tab 59.
10 The ERN is CAR-OTP-2089-0936. And while that one's coming up, let me just clarify
11 with you.

12 This Lin Banoukepa that's named in the document I just showed you is the same Lin
13 Banoukepa who was a member of FROCCA in 2013, the coordinator. Yes?

14 A. [11:52:33] Yes, Mr Lin indeed was the general coordinator of FROCCA in 2013.

15 Q. [11:52:52] This document now that I'm showing you is dated 25 July. If you go
16 to the bottom, we can see the date, and you can see your name in there as well,
17 number 3. You're listed as (Interpretation) coordinator for Europe.

18 And if we can go up the page to the -- so we can see where it says, "MANDAT". All
19 right.

20 I just want to draw your attention to the third paragraph there, which refers to -- well,
21 it says:

22 (Interpretation) "Mindful of the determination of the national assembly of the day,
23 having agreed to retain the names of the persons mentioned before as members of the
24 delegation, they are hereby mandated to negotiate with the government the various
25 points raised by the CPJP in the presence of international institutions with a view to

1 obtaining a signature on a final peace agreement."

2 (Speaks English) Do you recall this document and the mission?

3 A. [11:54:32] Yes. I -- I do clearly remember this document. Yes, I do.

4 Q. [11:54:41] Can you tell us what it means and what it's about.

5 A. [11:54:50] The point here was to set up a team to engage with the government
6 with a view to finding a solution that would enable an exit from the crisis, whereby
7 the CPJP elements or troops would conclusively drop their weapons and return to the
8 legality of public power, that is, on the side of government. This document was
9 signed by "Abdoulaye Issène", and it is true that I was aware of this document
10 because the purpose was to bring people back to Bangui to hold discussions with the
11 government and with the BINUCA office, if I'm not mistaken, at the time. Because at
12 the time, there was a lady who -- whose name is Madam Margaret Vogt, who was the
13 head of BINUCA. And -- so I -- I'm fully conversant with this document which
14 speaks of the need to move forward with the discussions. And it is subsequent to
15 extended discussions and work with government that we finally reached agreement
16 which was signed between CPJP and the government, peace agreement
17 for -- agreement to the Libreville agreements.

18 Q. [11:57:04] Now, before the CPJP acceded to a peace agreement with the
19 government, were there other groups that were opposed to Bozizé's regime that were
20 active in 2012 as well?

21 A. [11:57:32] Yes, there were other groups that were opposed to President Bozizé in
22 2012 and in 2013 as well.

23 Q. [11:57:48] What was the nature of their grievances or the reason for their
24 opposition to Bozizé's government? Were they similar to those of the CPJP, at least
25 in the early part of 2012?

1 A. [11:58:06] Mr President, I can only talk about the CPJP, about which I have exact
2 information, that is the CPJP. As for the other groups which were opposed to Bozizé,
3 they had their organisations in place, they had their own political leadership or
4 military leadership, and they also had their own grievances. And I think, quite
5 realistically, it is for them to answer this kind of question.

6 Q. [11:58:53] You mentioned that they made certain demands. Certainly those
7 weren't secret. They must have been in the public domain. So what did you know
8 about those kinds of demands? What were the nature of those demands?

9 A. [11:59:12] As for us, our demand at the time was in relation to abuse of power.
10 Our grievances were about the poor management of state affairs, poor governance at
11 the time. And we were calling for justice, social justice. We wanted an end to
12 discrimination, and I'm referring here to the grievances of the CPJP. I believe that
13 the other groups may have had their reasons as well, which I must say may have been
14 similar to ours, may have been similar, but I cannot answer on their behalf.

15 Q. [12:00:14] You mentioned that one of the concerns that the CPJP had related to
16 discrimination. I wonder if you could tell the Chamber a little bit more about that.

17 A. [12:00:38] I can give you an example. In 2011, for example, after the re-election
18 of President François Bozizé, it was observed that an entire family was represented at
19 the national assembly. Mr Bozizé himself was head of state. He was also a member
20 of parliament. His wife was in it. His son was in it. And, well, that's just an
21 example, among several others.

22 Q. [12:01:39] All right. You mention nepotism effectively within the government.
23 But having opposed Bozizé for years and years, as you described earlier, were there
24 any other issues that arose with respect to your and the CPJP's opposition to his
25 continued governance?

1 A. [12:02:20] Yes, indeed. There were other problems. There were other
2 problems. There were many extrajudicial summary executions which we could not
3 accept. Arrests, arbitrary arrests took place. This was part of the reasons why we
4 opposed President Bozizé.

5 Q. [12:02:53] In early 2012, was the CPJP aligned with members who went on to do
6 other things such as Nouredine Adam, Michel Djotodia? What was their
7 relationship to the CPJP in the early part of 2012?

8 A. [12:03:32] In the beginning of 2012, I had no relations with Nouredine Adam.
9 I didn't even know that there was a man called Nouredine Adam. However, I
10 knew Michel Djotodia very well. We met in Niamey, and he too had grievances or
11 demands which were similar to our demands. So there was Michel Djotodia, the
12 former president; there was Abdoulaye Miskine, who also had his concerns. And
13 that's in fact where we met, in Niamey, where we wanted to have a unified
14 opposition to the government.

15 Q. [12:04:46] In the context of your meeting in Niamey in order to form a unified
16 opposition to Bozizé, I assume that you exchanged views on the relative demands of
17 the participating groups.

18 A. [12:05:16] Yes, of course. We went there. We travelled there. We went to
19 Niamey. We looked at what was happening in Bangui in the government, and we
20 thought that the administration was chaotic. And therefore, we had to act,
21 particularly to President Bozizé. We noticed that President Bozizé was managing
22 the country with his family, and we felt that this administration and management of
23 power was not correct.

24 Q. [12:06:08] In the context of your meeting in Niamey, was there discussion about
25 the way Bozizé governed the eastern and northern part of the country?

1 A. [12:06:49] At that time, I was the representative of the CPJP at that meeting.
2 There were also demands from -- from the north and the northeast of the country.
3 The northern part of the country was led by Hissène, where he had elements, and
4 they, too, had their own demands. President Djotodia was also in opposition at that
5 time. He had the same demands as the CG -- CPJP, and also that -- those demands
6 put forward by Miskine.

7 Q. [12:07:39] Was it among their demands or complaints that Bozizé's government
8 essentially neglected those areas socially, economically, security-wise? Do you have
9 any recollection or information concerning that?

10 A. [12:08:13] Those questions were officially raised by the different leaders of the
11 armed groups in that country. It gave rise to a lot of dissatisfaction and might
12 have -- even be at the basis of the events that led to the ousting of Bozizé.

13 Q. [12:09:02] All right. And if you could tell us why you think that.

14 A. [12:09:17] It's a fact. It's a -- we were in the opposition. When you're in the
15 opposition, you look for information. And as soon as we had evidence, proof, we
16 formulated our demands. So we observed what was going on. During the
17 discussions which took place within that country, those issues were constantly raised.

18 Q. [12:10:04] All right. You've mentioned several times the *Collectif des Officiers*
19 *Libres*. That's a -- that's a group that you founded; is that right?

20 A. [12:10:25] That is correct.

21 Q. [12:10:26] And during 2012 is when you joined together with the CPJP; is that
22 right?

23 A. [12:10:42] It was in 2009.

24 Q. [12:10:50] Ah, 2009. What was the nature of the *Collectif des Officiers Libres*?

25 A. [12:11:05] It was a movement which was of political military nature which was

1 against the injustices occurring in our country. We had information. Myself, when
2 I set up this collective, I was already in exile and not in Bangui. So I had friends in
3 Bangui who provided me with information. And based on all the information we
4 collected, I made a statement in order to describe how we would manage things at
5 that time.

6 Q. [12:12:01] And how many members would you say that the *Collectif*, if I can call
7 it that, had in 2012?

8 A. [12:12:20] From memory, I think I said in my statement I didn't really have a list,
9 but approximately between 300 and 500 men. As I explained to you, the *Collectif des*
10 *Officiers Libres* was, in nature, political military. Some were busy and had activities
11 at that time, and they told us that they were very dissatisfied and, therefore, would
12 support us. So we had some effective from Bangui. We also had people from
13 adjacent countries, the Congo, for example. As I said last time, we didn't have an
14 exact list to give you a precise figure.

15 Q. [12:13:26] Thank you. Thank you very much for that.

16 Just so you know, although everyone has your statement, your interview, it's not part
17 of the evidence in this case. So I'm asking you questions which you may have
18 already spoken about because your prior statement is not in the evidence of this case
19 yet.

20 You with me?

21 A. [12:13:56] Okay. I've understood.

22 Q. [12:13:57] So there may be things that I ask you that you'll just be repeating,
23 effectively.

24 But let me ask you more concretely then. You said that it's a political military
25 movement. What was the political side of it, and then what was the military side of

1 it? If you could explain that, that would be helpful.

2 A. [12:14:31] Already the last time, I said I would prefer to remain on the political
3 aspects because the military aspects wasn't available at that stage. It wasn't in the
4 military phase yet. So it was more political at that stage. I made political
5 statements, I gave my advice based on information I had received as regards
6 administration of the country until the CPJP, through Hissène, came to me and we
7 discussed things more fully.

8 Q. [12:15:21] Okay. On the political side, the *Collectif* was largely critical of the
9 Bozizé government.

10 A. [12:15:39] Yes.

11 Q. [12:15:42] In a document I found, I read a press release which said -- was issued
12 by the collective, by you in fact. It said:

13 (Interpretation) "I also launch this appeal to our brothers in arms who have
14 accompanied General Bozizé in his rebellion and who have betrayed us. So I call
15 upon them to join us."

16 (Speaks English) Does that sound familiar to you?

17 A. [12:16:32] I've just told you that it's -- it's political statement. It's a political
18 statement.

19 Q. [12:16:39] Right, but it's a declaration that you made? It's an example of the
20 type of language and the type of position that your group took against the Bozizé
21 government; is that fair?

22 A. [12:16:58] That is correct, yes.

23 Q. [12:17:04] The reference that you make there to (Interpretation) "Our brothers in
24 arms who have accompanied General François Bozizé in his rebellion or uprising"

25 (Speaks English) the Chamber has heard this term *libérateur* that's been used in this

1 case so far. Is that what that reference is?

2 A. [12:17:35] I made this release to ask the military to join the *Collectif des Officiers*.

3 As far as I was concerned, the mere fact that a democratic government was being

4 destabilised which already was established I regarded as an uprising. So even if

5 there were people who followed him in this -- or did not follow him in his uprising, it

6 was a statement to ask everyone to join us. It was a declaration, a political statement

7 to ask everyone to join our movement.

8 Q. [12:18:31] On the -- well, let me ask a different way.

9 Did you reach out to try to appeal to persons that were not military within the

10 movement? To bring them in I mean.

11 A. [12:18:55] There were many people who joined us. There were civilians who

12 joined the movement by themselves. When they received that information, they said

13 they were interested, and they contacted us and said they wanted to join.

14 Q. [12:19:12] So you also appealed to civilians and former military and active

15 military to bring them into the movement; is that -- is that fair?

16 A. [12:19:24] That's correct. That's correct.

17 Q. [12:19:30] The name Christophe Gazambeti, does that ring a bell to you?

18 A. [12:19:41] Yes. The name says something to me because he joined us, he joined

19 the movement, and he said he wanted to join a collective, and it's a political man who

20 wanted to join the movement before leaving it again.

21 Q. [12:20:02] When did he join your movement, if you can remember?

22 A. [12:20:20] I don't really have a date. It was on the basis of a telephone call, so I

23 can't really say in a precise date because I'm scared I might be mistaken in what I'm

24 saying.

25 Q. [12:20:38] All right. I won't ask for an exact date then, but can you tell us what

1 his role was or what his position was within the collective.

2 A. [12:20:55] He was a member of the *Collectif des Officiers Libres*. He's a former
3 minister who was also an ambassador at that time. And then when he finished his
4 mission, he decided to join us. He was there, we were all there, because at that time,
5 as I said the last time, that in addition to being the spokesman for the collective, there
6 was really no positions of responsibility. But afterwards, I learned that
7 Mr Gazambeti said that he was the president of the Collective of the *officiers libres*, and
8 we all said no. We said there's never been a president of the collective.

9 Q. [12:22:00] Okay. When did he leave the collective?

10 THE INTERPRETER: [12:22:24] Sorry. It's inaudible.

11 THE WITNESS: [12:22:27] (Interpretation) We learned that he came to Bangui and
12 that he took up contact with the government on behalf of the *Collectif des Officiers*.
13 We didn't recognise the action he took in Bangui. And after that, we said simply that
14 he wasn't the president of the movement, and we understood --

15 THE INTERPRETER: [12:23:03] Inaudible.

16 THE WITNESS: [12:23:08](Interpretation) And afterwards, we understood that he
17 had problems with the authorities in Bangui. And when he wanted to leave the
18 country, his passport was taken away. He came without passport. He came -- he
19 went to France. And since then, I haven't had any contact with him until I saw him
20 in the Séléka coalition in Libreville in January 2013.

21 MR VANDERPUYE: [12:23:40]

22 Q. [12:23:40] Now, you talked about him going to Bangui and presenting himself as
23 the president of the *Collectif*. And when was that?

24 A. [12:23:59] Oh, I can't remember, but he was in Bangui. He met members of the
25 government, Bozizé at the time. But I can't really recall the date.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [12:24:15] What about the year?

2 A. [12:24:20] Even I can't tell you the year. But perhaps if you could help me. I
3 know he came to Bangui. That I do know, that he came to Bangui, and that
4 afterwards, it didn't work out, and his passport was confiscated. When he wanted to
5 leave the country, I suppose some sort of negotiation took place, and he had a
6 passport issued to him so that he could leave the country. But I don't know the
7 details.

8 THE INTERPRETER: [12:24:54] Sorry. Inaudible.

9 THE WITNESS: [12:24:57](Interpretation) But the precise date is something I can't
10 give you. I can't even give you the exact year. I don't know that.

11 MR VANDERPUYE: [12:25:13]

12 Q. [12:25:14] Okay. Do you know somebody by the name of Justin Hassan? Was
13 he a member of the collective?

14 A. [12:25:24] Who? Sorry?

15 Q. [12:25:29] Hassan.

16 A. [12:25:38] Justin Hassan, I was in telephone contact with him when he was still
17 in Sweden. And he told me he liked the movement and he considered himself to be
18 a member of the movement. So we had several telephone conversations.

19 Q. [12:26:09] Did he ever present himself as a *porte-parole* of the collective?

20 A. [12:26:17] I haven't understood. Sorry.

21 Q. [12:26:20] Did he present himself, as far as you know, as a *porte-parole* of the
22 collective?

23 A. [12:26:37] I don't have that information. I know that he said that he was with
24 us in the collective. That's all I know. But I'm not aware of a statement made by
25 General Justin Hassan as spokesman of -- as a spokesman for the *Collectif*.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [12:26:59] What is the relationship between Justin Hassan and Michel Djotodia,
2 if you know?

3 A. [12:27:13] Yes, I know. It's the older brother of Djotodia.

4 THE INTERPRETER: Sorry, it's the younger brother of Djotodia.

5 MR VANDERPUYE:

6 Q. [12:27:32] You mentioned that there were members of the group in different
7 places, different countries?

8 A. [12:27:40] Yes, of course. I've said that. In France, in Sweden, and there were
9 people in Africa. I said we had more telephone contacts, and we exchanged views in
10 order to make up our statements.

11 Q. [12:28:00] (Overlapping speakers) So there were members, I guess, in the
12 Central African Republic as well?

13 A. [12:28:08] Of course. Of course. I said that there were members and friends in
14 Bangui who with gave us information, and we exchanged our views regularly.

15 Q. (Overlapping speakers) What about in Cameroon?

16 A. [12:28:21] In Cameroon, Congo, yes.

17 Q. [12:28:26] And France?

18 A. [12:28:31] I myself was in France at that moment. So there were lots of friends
19 in France who supported me.

20 Q. [12:28:46] As the founder of the group, were you -- do you consider yourself or
21 did you consider yourself its leader?

22 A. [12:29:01] I have not understood.

23 Q. [12:29:10] As the founder of the group, did you consider yourself its leader?

24 A. [12:29:23] I was the founder and spokesperson and, as I've said repeatedly, we
25 never had a flowchart which shows the various responsibilities. We never had any

1 sort of organigram.

2 Q. [12:29:47] Other people besides you were able to issue press communiqués, I
3 suppose, or did they have to go through you to do that?

4 A. [12:30:06] No, they didn't always have to go through me. There was no ban.
5 No, no. No, that didn't exist.

6 Q. [12:30:21] All right. I just want to take you a little bit back to Niamey in the
7 context of some other questions I have. When you were in Niamey, you went there
8 on behalf of the CPJP, and that was to broker an agreement or an alliance with some
9 other groups; is that right? To make a unified opposition?

10 A. [12:31:00] Yes, that is correct.

11 Q. [12:31:01] In Niamey you met with Michel Djotodia?

12 A. [12:31:08] Yes, I met President Michel Djotodia and Abdoulaye Miskine.

13 Q. [12:31:20] And were there other groups there from Chad or from other places?

14 A. [12:31:28] There was -- there were -- there was a representative of a group, a
15 Chadian rebel group.

16 Q. [12:31:40] Why would a group concerned with the Chadian rebellion be at that
17 meeting?

18 A. [12:31:58] It is because -- and I think I made an official statement in that regard
19 in Libreville. You see, our objective at the time was to get President Bozizé out of
20 power. So by unifying our forces, we would get him out of power. And then
21 thereafter, we would help the Chadian group to get
22 President Déby out of power in Chad. And this is a statement I made officially in
23 Libreville in January 2013.

24 Q. [12:32:43] (Overlapping speakers) I think I understand. So the idea was that
25 they would help you and, eventually, you would help them?

1 A. [12:32:55] Yes, that was the idea. Help us, and then we'll help you back.

2 Q. [12:33:03] Okay. And this group, this Chadian group that you were dealing
3 with, do you recall who it was led by?

4 A. [12:33:25] The representative of that group was with us, but I have forgotten the
5 name of the leader of the group. But its representative was with us, and it's been a
6 while since I had contact with that representative. And that has been since the end
7 of 2012.

8 When we joined the side of legality, I lost contact with that group, and so I -- I forget
9 his name right now. But I think we have signed some documents. They were
10 documents that were published and that were handed over to the authorities. But
11 right now, I -- I don't remember the name, and that's the only answer I can provide
12 for now.

13 Q. [12:34:30] In seeking the assistance of this or -- well, this particular Chadian
14 group, it was not uncommon or unheard of in the Central African Republic before
15 that in the context of a rebellion to make use of groups and fighters from
16 neighbouring states. Does that agree with your understanding?

17 A. [12:35:16] At the time, what we needed by way of support and according to my
18 vision was not physical support or help from the Chadians, but they themselves had
19 told us that they had money which they could make available to us * and that they
20 could help us to acquire weapons. And that was the context in which I perceived
21 things.

22 I was not in favour of having Chadian rebels physically come to support us in the
23 Central African Republic to fight our regime. I think I made this point very clear in
24 my Libreville statement.

25 Q. [12:36:08] Let me just relate that back then to March 2003 in respect of General

1 Bozizé's acquisition of power in CAR.

2 Do you know whether he was assisted by elements from Chad and Sudan in order to
3 oust then president, Ange-Félix Patassé?

4 A. [12:36:41] Well, I -- as Central Africans, we received information, information
5 that I received. But I think this question can also be put to President Bozizé.

6 In any event, we had information that he had been accompanied by Chadian soldiers
7 to come and overthrow the legally established government in Bangui. We
8 subsequently noticed that too many excesses and abuses were conduct -- were taking
9 place in Bangui and within the country perpetrated by Chadians who had
10 accompanied President Bozizé. So people were discontented, they were dissatisfied,
11 and there was an uprising against it.

12 And as a Central African, there was also information that was available to me, which
13 was correct information, whereby President Bozizé himself at some point had brought
14 together his friends who had accompanied him from Chad to Bangui in order to
15 capture power. He had indeed brought them together and organised a return trip
16 for them to their country in Chad. This is information that I know to be true. And
17 Bozizé, as a matter of fact, ended up having problems with his former friends.

18 Q. [12:38:35] And let me take you back again to Niamey. I know I'm jumping
19 around a little, but I think it would be helpful.

20 Now, when you're in Niamey -- or, rather, after you completed the meeting in
21 Niamey, I suppose you discussed what had transpired there with Abdoulaye Hissène.

22 A. [12:39:07] Yes. Even while in Niamey, I had telephone conversations with him.
23 And I reported to him -- (Overlapping speakers)

24 Q. What was his --

25 A. -- that is, Abdoulaye Hissène.

1 Q. [12:39:15] (Overlapping speakers) -- reaction or his position in respect of what
2 you told him, your report?

3 A. [12:39:27] He told me that as soon as I come back, as soon as I leave Niamey, we
4 would have further exchanges. Why? Because at that time, the government in
5 Bangui had entered into negotiations with Abdoulaye Hissène.

6 And so as soon as I went back, as soon as I left Niamey, Abdoulaye Hissène had said
7 that the Bangui government had entered into negotiations with him and that he felt or
8 thought that it was better to deal with the government. So I told him that this was a
9 very good thing, a very good thing, because the purpose of the struggle at some point
10 was to engage discussions with those who were governing the country.

11 Q. [12:40:43] Okay. And this is the -- this resulted in the peace agreement we
12 discussed a little bit earlier, those efforts; is that right?

13 A. [12:41:15] Well -- well, the ultimate goal was to reach a peace agreement, and we
14 did a lot of manoeuvring to get to the point of the peace agreement. We collaborated
15 with the government, BINUCA -- and BINUCA in order to reach that peace
16 agreement.

17 Q. [12:41:51] And as a result of that peace agreement, was there disagreement or
18 dissension within the CPJP?

19 A. [12:42:18] When we signed the peace agreement with the government, it was at
20 that point that I understood that another segment of CPJP, which was led by
21 Nouredine Adam, existed, but I did not know him, and I had no contact with him.
22 That segment of CPJP under Nouredine Adam did not agree with the peace
23 agreement. So we had two factions within the CPJP. You had the faction led by --
24 (Overlapping speakers)

25 Q. Was it CPJP --

1 A. -- Abdoulaye Hissène and then another one led by Nouredine Adam.

2 Q. [12:43:07] (Overlapping speakers) -- directed by Nouredine Adam also known
3 as the *CPJP fondamentale*?

4 A. [12:43:23] I think that this is correct. I wasn't a member of the other CPJP, and
5 I'm not in a position to talk to you about this CPJP, whether it was fundamental or not.
6 Maybe the idea was to distinguish itself from the other CPJP which had subscribed to
7 the peace agreement.

8 Q. [12:43:48] I just ask so that it can be made a little bit clearer for everyone and for
9 the Chamber to know the difference between the CPJP that you were a member of
10 and the CPJP that was directed by Nouredine Adam.
11 There was a difference, right?

12 A. [12:44:12] Yes, there was a difference between the two groups.

13 Q. [12:44:15] Have you heard of the *Convention patriotique du salut du Kodro*?

14 A. [12:44:31] Convention what?

15 Q. [12:44:34] *Convention patriotique du salut du Kodro*, CPSK.

16 A. [12:44:47] Mr President, there are so many groups, and each individual is free to
17 set up a group and each person is free to not be involved in a group. And so there
18 were so many groups, and I am not able to know all the names of all the groups.

19 Q. [12:45:11] Does the name Dhaffane ring a bell?

20 A. [12:45:17] What name?

21 Q. [12:45:20] Dhaffane.

22 A. [12:45:27] Please, what -- what name? What's the name again? I saw
23 Mr Dhaffane for the first time in Libreville. I saw him in the delegation of the Séléka
24 coalition. That's the first time I saw him, in January 2013 in Libreville.

25 Q. [12:45:53] All right. So you were aware that he was at least in a group which

1 formed part of the Séléka coalition and that was involved in the Libreville talks?

2 A. [12:46:17] Yes, I just told you that the first time I saw him was in Libreville.

3 Q. [12:46:21] Okay. Well, the Chamber has heard evidence that he directed the
4 CPSK as they'd described it, which was also part of the Séléka coalition.

5 What I want to ask you is, was the Séléka coalition, to your knowledge, founded after
6 the peace agreement was signed by the CPJP with the government?

7 A. [12:47:07] I am not in a position to answer that question with precision. When
8 the CPJP signed the statement and the peace agreement, some armed groups
9 disagreed with the position of the CPJP. So when they set up an organisation to
10 create Séléka, I -- I can only say that I am not able to provide you with specific
11 information regarding that.

12 Q. [12:47:49] (Overlapping speakers) In relation to the CPJP's dealings with the
13 government, it's right that before the peace agreement was signed in August 2012,
14 there was a ceasefire agreement that was executed before; is that right?

15 A. [12:48:18] Yes, some ceasefire agreements had been in place, but I wasn't
16 physically present in the country at that time. I hadn't returned to Bangui yet.

17 Q. [12:48:31] (Overlapping speakers) Does it accord with your memory that the
18 peace agreement was signed in August 2012?

19 A. [12:48:43] I'm sorry? Please repeat.

20 Q. [12:48:48] Does it agree with your memory that the CPJP and the government
21 signed the peace agreement or agreed to a peace protocol in August 2012?

22 A. [12:49:09] Yes, I travelled from Paris to Bangui to prepare for the discussions,
23 and it is during those discussions that we put in place thoughts for satisfactory results
24 from the discussions between the CPJP and the government and BINUCA, and that is
25 the framework in which we put things together.

1 Q. [12:49:47] You travelled to Bangui for that purpose at the direction of
2 Abdoulaye Hissène?

3 A. [12:50:11] Mr Abdoulaye Hissène made the request and I agreed. He had also
4 informed the president of the republic at the time, Mr François Bozizé, who also
5 approved, and that is how I travelled from Paris to Bangui.

6 Q. [12:50:38] Do you know someone by the name of Claude Richard Gouandja?

7 A. [12:50:55] Claude Richard Gouandja. Yes, I know Mr Claude Richard
8 Gouandja. He was minister for public security, and he had contacts with me. He
9 also had contacts with all leaders of armed groups that was within his ambit as
10 minister of security. So he had contacted me. We talked at length; we had
11 discussions. He came to see me in Paris and he asked me to come back home -- to
12 come back to Bangui, "Come back and rebuild our country. We need peace."
13 So he put me in telephone contact with the then president of the republic and that
14 was reassuring. As far as -- Abdoulaye Hissène also gave some assurances. I
15 accepted to return. But Mr Gouandja did not only reach out to me. He reached out
16 to Mr Michel Djotodia and others, such as, Abdoulaye Miskine as well. I helped him
17 to contact Michel Djotodia, but I did not know whether he had previous contacts with
18 him.

19 In any event, I gave him Michael Djotodia's telephone number. I called Michel
20 Djotodia, and asked him to have a discussion with the minister of public security. So
21 I do not know -- well, it is possible that he was also using that as a means to find out
22 what my relationship with Mr Djotodia was.

23 Now whether he had contacts before or not, I don't know. What I know is that I
24 helped him to be able to make those contacts so that we could all return to the
25 negotiation table and work towards peace and work for a surrendering of the

1 weapons.

2 Q. [12:53:38] (Overlapping speakers) Now, at the time that you went to Bangui and
3 throughout the middle part of 2012, where was the CPJP based? I mean, I
4 understand that you were in France for some period of time there, but where was
5 the -- where was the organisation based?

6 A. [12:54:02] In 2012, when I returned to Bangui, I -- I linked up with
7 Mr Abdoulaye Hissène who used to live at M'Poko camp; so I met him there. I used
8 to live in that camp as well, that is, the M'Poko camp.

9 Q. [12:54:32] (Overlapping speakers) And where were the elements based? The
10 fighters?

11 A. [12:54:39] As far as I know, they were in Ndele or -- and Birao, in that area.

12 Q. [12:54:50] (Overlapping speakers) And do you have an idea of about how many
13 elements there were? How many fighters there were in the CPJP around that time?

14 A. [12:55:08] I did not have that information, but Abdoulaye Hissène himself had
15 drawn up a list and disclosed that list to government indicating the number of CPJP
16 troops. You see, the ministry was doing some work in relation to the DDR, and, for
17 that to happen properly, it was necessary to know the strengths of the fighters so as to
18 know how to disarm, demobilise and reinsert them into society.

19 Q. [12:55:54] All right. Well, do you recall estimating that number to be about
20 3,000 men in your interview in 2018?

21 A. [12:56:22] I think that I -- I also asked that question as well, because I wanted to
22 know the exact number. Abdoulaye Hissène had made some statements. He had
23 forwarded to government the exact list, so it may have been 2000 -- 2000, 3000, or
24 thereabouts. I don't really have exact figures on this matter.

25 Q. [12:56:52] I want to take you to a little bit of a different area -- or moving along

1 into a different area, let's say, and I want to ask you about the Libreville talks and
2 how it is they came to occur.

3 PRESIDING JUDGE SCHMITT: [12:57:08] May I just interrupt. I think this is a new
4 issue. Do you have an estimate how long it will take you? Because then it would
5 perhaps make sense to have the break now.

6 MR VANDERPUYE: [12:57:20] I think it makes sense to have the break now,
7 Mr President.

8 PRESIDING JUDGE SCHMITT: [12:57:23] Okay, then break until 2:30.

9 THE COURT USHER: [12:57:28] All rise.

10 (Recess taken at 12.57 p.m.)

11 (Upon resuming in open session at 2.32 p.m.)

12 THE COURT USHER: [14:32:14] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [14:32:38] Good afternoon, everyone.

15 Good afternoon, Mr Kokaté.

16 And I think Mr Bangaguere, I see him also. Good afternoon.

17 And it is still -- Mr Vanderpuye has still the floor.

18 You may continue.

19 MR VANDERPUYE: [14:32:52] Thank you very much, Mr President. Good
20 afternoon, everyone. Good afternoon, Mr Kokaté.

21 Q. [14:33:00] I think when we left off, I was about to take you to a slightly different
22 area, related but different, and that was in relation to the Libreville talks; so if I can
23 just ask about that.

24 When the Séléka attacked Ndele on 10 December 2012, the CPJP was still there.

25 There was still fighters there; is that right?

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 A. [14:34:02] In Ndele?

2 PRESIDING JUDGE SCHMITT: [14:34:34] I don't hear anything coming through.

3 So for the interpreters, is -- do you hear anything?

4 No, nothing, so --

5 THE INTERPRETER: [14:34:41] We don't hear anything, Mr President.

6 PRESIDING JUDGE SCHMITT: [14:34:44] -- okay, there's obviously an issue here, so
7 we have to solve this first before we can continue.

8 (Pause in proceedings)

9 MR VANDERPUYE: [14:35:21] I hear you now.

10 THE WITNESS: [14:35:25](Interpretation) Good afternoon, Mr President, can you
11 hear me now?

12 PRESIDING JUDGE SCHMITT: [14:35:28] Perhaps it's a good idea that
13 Mr Vanderpuye repeats the question, I would suggest, and then we continue from
14 there.

15 MR VANDERPUYE: [14:35:40]

16 Q. [14:35:40] The question was, when the Séléka attacked Ndele on
17 10 December 2012, whether the CPJP still had fighters there in Ndele?

18 A. [14:36:02] The information that I received from Mr Abdoulaye Hissène is that
19 the CPJP elements were still in Ndele, but they did not take part in the fighting
20 because they were not in the Séléka coalition.

21 Q. [14:36:33] Do you know if the elements that were there from the CPJP took the
22 side of the government with respect to the Séléka attack?

23 A. [14:36:55] All I was aware of at the time is that the president of the CPJP,
24 Abdoulaye Hissène, was not a member of the Séléka coalition. So the CPJP was on
25 the side of the government.

1 Q. [14:37:21] At the time of that attack, you were in France; is that right?

2 A. [14:37:30] I believe so. I think I was in France.

3 Q. [14:37:33] And you were a member of both the *Collectif des Officiers Libres* and
4 the CPJP -- well, they were already joined?

5 A. [14:37:49] That is correct. Yes, that's correct, Mr President.

6 Q. [14:37:56] At a certain point you said that you participated in the Libreville talks
7 in 2013 -- January 2013. So if you could maybe walk us through how that came
8 about.

9 How were you contacted or how is it that you came to be a representative in those
10 talks?

11 A. [14:38:31] Mr President, thank you. I was not the representative. I was a
12 member of the delegation. Hissène himself was there and he travelled to Libreville.

13 Q. [14:38:58] Okay. And you went with him?

14 A. [14:39:07] Yes, he had designated me to accompany him on behalf of our
15 movement, the CPJP.

16 Q. [14:39:25] And you participated in those talks as a member of the delegation
17 with other groups. What groups participated in those talks?

18 A. [14:39:46] There were other groups that participated in those talks, but these
19 were groups that had already signed up to the Libreville accord in 2007, 2008. FDPC
20 of Abdoulaye Miskine, the group of Abakar Sabone, there was also the movement
21 represented by Jean-Pierre (sic) Démafouth, APRD, and the CPJP. These four groups
22 were armed groups that had already signed up to the peace agreement and were not
23 fighting against the Bangui government.

24 Q. [14:41:04] And on the other side -- so you had the noncombatant groups, the
25 ones you've named. And on the other side, you had fighting groups, I suppose?

1 A. [14:41:26] The fighting groups were the Séléka.

2 Q. [14:41:30] Were there civilian political opposition among the participants in the
3 talks?

4 A. [14:41:52] Yes, you had the political opposition. There was FAR, there was the
5 civil society, as well as the delegation of the government which were -- was also
6 present.

7 Q. [14:42:18] And who were the figures that you saw there that were representative
8 of these groups? You mentioned Jean-Jacques Démafouth and his group, ARPD;
9 Abakar Sabone and who else?

10 A. [14:42:45] I saw Mr André Ringui Le Gaillard who represented the FDPC, and
11 yes, Hissène himself representing CPJP. I saw Nouredine Adam there for the first
12 time. If I'm not mistaken, he was in the Séléka coalition delegation.

13 Yes, I said a short while ago that I saw Mr Dhaffane there for the first time also.

14 Q. [14:43:34] (Overlapping speakers) And you mentioned Abdoulaye Hissène
15 Miskine. He was there as well. You saw him?

16 A. [14:43:40] No, I did not see Abdoulaye Miskine there. He was represented by
17 Mr André Ringui of -- Gaillard

18 Q. [14:43:55] Now, if you could just tell us basically, what was the viewpoint taken
19 by the CPJP in respect of the talks concerning the Séléka coalition?

20 A. [14:44:23] Can you kindly rephrase. I did not understand the question.

21 Q. [14:44:27](Overlapping speakers) Okay. Did you have a chance to speak -- well,
22 let me wait for a second.

23 Did you have a chance to speak during the course of these talks?

24 A. [14:44:50] There were many people taking part in those talks representing many
25 groups. There was the political opposition, the civil society, trade unions, the

1 mediators; so I really cannot remember who I saw and with whom I discussed.

2 Q. [14:45:24] That's a very fair answer because my question was very imprecise, so
3 I'll try again.

4 What I mean to say is, did you speak formally or address the -- address the
5 attendees of the talks in a more formal way?

6 A. [14:46:04] I took the floor during those negotiations on behalf of the
7 non-combatant groups. I was designated by them. And the statement that I made
8 was a statement agreed upon by all the non-combatant armed groups. So
9 (Overlapping speakers)

10 Q. [14:46:47] And if you could tell the Chamber generally what was the -- what was
11 the gist of what you said?

12 A. [14:46:57] Well, I think that Séléka -- I said that Séléka should not be allowed to
13 take power because there were many foreigners amongst them, particularly
14 mercenaries, and that Séléka should not be allowed to take over power. So that
15 meeting was a better forum, and I thought it would be welcome by everyone.

16 Q. [14:47:44] Did you criticise the Séléka and, in particular, their operations or what
17 they had done up until the Libreville talks?

18 A. [14:48:08] I really do not quite remember, but I think I took the floor officially in
19 Libreville. It is true that I might have made a statement against the Séléka. I was
20 opposed to their advance insofar as the CPJP had taken its position in favour of the
21 government. So I thought Séléka had to follow the same path as the CPJP and
22 engage in negotiations instead of taking over power by force.

23 Q. [14:49:09] How was what you said in terms of your -- your address received by
24 members of the Séléka?

25 A. [14:49:31] My statement -- when I spoke in the room in Libreville, my statement

1 was heard -- (Overlapping speakers)

2 Q. Well, what was the reaction --

3 A. -- by Séléka members.

4 Q. -- to what you said?

5 A. [14:49:52] Of course they stood by their position, and their position was to grab
6 power. And I was against taking power by force. So obviously, what I had to say
7 was not acceptable to them.

8 Q. Do you know Levy Yaketé?

9 A. Yes. I know Mr Levy Yaketé.

10 Q. [14:50:34] And did he speak, or was he there?

11 A. [14:50:48] I no longer remember because at one point in Libreville, statements
12 were made by groups. So there were general statements during the day, but certain
13 groups would make statements to the mediators directly. So I do not know what
14 Mr Yaketé might have said because he was part of the government delegation.

15 Q. [14:51:28] Okay. Now as a result of those talks, there was an agreement
16 reached; is that right?

17 A. [14:51:45] After the talks, there was an agreement. The heads of state of the
18 subregion sponsored those negotiations up until an agreement was reached.

19 Q. [14:52:06] What was the -- to your understanding, what was the nature of that
20 agreement in terms of the regime's continuation in power or the sharing of power or
21 other reforms that were demanded?

22 A. [14:52:36] The agreement was supposed bring together all the parties and satisfy
23 their grievances. The president of the republic at that time, that is, the incumbent,
24 was supposed to continue until he completed his mandate in 2016. A prime minister
25 was to be appointed from the group of the political opposition, and for the

1 stakeholders, all the stakeholders of the various parties had to join the government.

2 And so to calm down everyone and to have everyone support the DDR, all the
3 combatants had to be gathered into centres so as to bring peace to the country.

4 Q. [14:53:50] And Bozizé obviously accepted that. The Séléka side obviously
5 accepted that.

6 At the conclusion of those talks, you returned to Bangui, I take it?

7 A. [14:54:09] After the agreement, we all returned to Bangui in the same plane with
8 President Bozizé.

9 Q. [14:54:25] All right. When you say all of us, who do you mean? You mean
10 Bozizé and the Séléka and you and the non-combatant groups and the combatant
11 groups and the civil society and all of that?

12 A. [14:54:43] Everyone in the same plane except the Séléka delegation --
13 (Overlapping speakers)

14 Q. And when returned to Bangui --

15 A. -- which returned subsequently in a different plane.

16 Q. [14:54:58] (Overlapping speakers) -- what was your role? What did you do?

17 A. [14:55:03] We returned to Bangui. I did not have any specific role to play
18 because I was not the president of the CPJP. So I stayed at home. And then there
19 were internal negotiations with the government. Then a new prime minister was
20 appointed. Then consultations were -- (Overlapping speakers)

21 Q. Now, I asked you a moment ago if you knew who Levy Yaketé was.

22 A. -- carried out to appoint the prime minister.

23 Q. [14:55:47] (Overlapping speakers) You said you did. Do you know who
24 Steve Yambete was -- is?

25 A. [14:56:02] Steve Yambete, well, I saw him for the first time, he was *chargé de*

1 *mission* in the ministry of youths and sport. I saw him during an event.

2 Q. [14:56:16] You said he was a *chargé de mission* in the ministry of youth. Do you
3 know if he was associated with Mr Ngaïssona?

4 A. [14:56:36] I told you that I saw him for the first time. He was *chargé de mission*
5 in the ministry of the youth and sport at the time when Mr Ngaïssona was minister of
6 youth and sport.

7 Q. [14:56:57] And do you anything about a group called the COAC, which Steve
8 Yambete is reputed to have led?

9 A. [14:57:14] Mr President, I have absolutely no knowledge of that group, COAC.

10 Q. [14:57:23] And what about a group called COCORA which Levy Yaketé has
11 reputed to have led?

12 A. [14:57:35] I'm not in a position to confirm that information to you, but
13 I -- because I knew nothing about COCORA or COAC.

14 Q. [14:57:43] So you never spoke to Levy Yaketé about this group called COCORA?

15 A. [14:57:58] Mr President, I knew Yaketé before. We were living in the same
16 neighbourhood. He never involved me in his political or other activities. And
17 when the CPJP became engaged in the peace agreement, that is when we came
18 together, because I had been in the opposition while he was in power.

19 Q. [14:58:40] (Overlapping speakers) Do you mean to say that in January 2013
20 when you were back in Bangui, you had no contact with Levy Yaketé or discussed
21 with him what he was doing at that time?

22 A. [14:58:50] This was a senior brother that I knew very well. It had nothing to do
23 with his political activities. I heard about COAC or COCORA, but I knew nothing
24 about their activities. So I had no information about them.

25 Q. [14:59:25] All right. When you went back after the Libreville talks, were you in

1 contact with Mr Ngaïssona?

2 A. [14:59:53] Upon my return from Libreville, after the negotiations, of course we
3 would we greeting each other. But during that period, I was still a member of the
4 CPJP. So contact with Mr Ngaïssona was possible, but it was simply a matter of
5 courtesy because he was on the other side of power and the CPJP had become an ally
6 of those in power.

7 Q. [15:00:42] And what about -- what about Mr Yekatom, were you in contact with
8 him when you came back to Bangui after the talks?

9 A. [15:00:59] During that time, Mr Yekatom was in the army. He was a soldier.
10 He had not yet assumed the position of leader of an armed group. Maybe I saw him
11 or not in January 2013. He was in the army, so there was nothing in particular.

12 Q. [15:01:39] (Overlapping speakers) As long as we're here, I might as well ask you
13 a few questions concerning your relationship with both of the accused in this case.
14 Let me ask you about Mr Ngaïssona. How long have you known Mr Ngaïssona?

15 A. [15:02:02] I knew Mr Ngaïssona in 2002.

16 Q. [15:02:13] And in what context do you know him?

17 A. [15:02:24] I met him again when he was in detention. He was held at the
18 research and investigations section in relation to -- well, you know, he's -- he's a -- he's
19 a businessman and ran into problems with the justice department relating to the
20 treasury department.

21 I was suspected of having been in contact with General Bozizé, who at the time was in
22 a rebellion. I spent 45 days, one to two months, there. And then I was released
23 when they understood that there was nothing particular about what was said. It
24 was a false accusation. It is during the time that I got to meet
25 Mr Ngaïssona.

1 Q. [15:03:39] You alluded to some problems he had with the treasury it says here.
2 What did you know about the reason for his being held in detention?

3 A. [15:04:00] Quite honestly, this was a matter that did not concern me, and I did
4 not seek to find out what -- why he was being held. I only learned that a group of
5 businessmen had been detained because they had issues with the public treasury.
6 This matter didn't concern me at all.

7 Q. [15:04:22] Okay. And since then up until at least we went 2013, you were in
8 contact with him, I take it?

9 A. [15:04:36] Sorry? Repeat your question, please. I didn't quite understand it.

10 Q. [15:04:41] I'll repeat it. Since the time that you met him while he was in
11 detention up until you got back from Libreville to Bangui in 2013, you were in contact
12 with him, I take it, from time to time.

13 A. [15:05:06] Well, I do recall that when President Bozizé came to power in 2003, I
14 saw him. I met him once in town. We had a brief discussion. We shared our
15 common bad memories of what we had experienced together. And then thereafter,
16 he went his way, and I went my way as well.

17 Towards the end of 2003, I was -- I had already been arrested. I was among one of
18 the first people to be arrested by the Bozizé government in December 2003. I was
19 arrested and then released one week after because it was all still based on false
20 information. In April 2004, I was again wanted by the presidential guard, and that's
21 why I went into exile.

22 Now, I returned to the country in 2012, July 2012, I believe.

23 Q. [15:06:30] All right. As we -- as we talked about earlier in respect of the
24 documents that I showed you from Abdoulaye Hissène, right? That's when you
25 went from France back to Central African Republic; is that right?

1 A. [15:06:51] Yes, that's it. That's correct.

2 Q. [15:06:54] Okay. I'll come back to that -- this topic in a little while. But what
3 about Mr Yekatom, how long have you known him?

4 A. [15:07:12] Mr Yekatom? I met him for the first time in Congo Brazzaville. But
5 he -- he knew me, given that he too, like myself, like himself, I'm a son of a soldier, he
6 is a son of a soldier as well. So he knew me. And then he introduced himself to me
7 in Brazzaville. And that's how we got to know each other because, you know, there
8 is great solidarity between children of soldiers.

9 Q. [15:07:55] So you've known him for some time now. Were you in contact with
10 him in the period that we talked about before?

11 A. [15:08:12] Which period are you referring to, please?

12 Q. [15:08:15] Well, since you met him until the time that you came back from
13 Libreville in 2013, were you in contact with Mr Yekatom?

14 A. [15:08:32] What I've told you is that in -- up until 2013, Yekatom was a man of
15 the troops, so to speak. But I don't know whether I saw him or not. At that time,
16 however, he did not have a major role to play in the country, so I don't have a very
17 clear recollection of that period.

18 Q. [15:08:51] So he was just somebody you happened to know, an acquaintance,
19 let's put it that way.

20 A. [15:09:05] Sorry? What did you say?

21 Q. [15:09:07] An acquaintance, someone you just happened to know, not a friend or
22 a relative, but just someone you know.

23 A. [15:09:22] Yes, he was simply someone I knew.

24 Q. [15:09:27] All right. I want to ask you about the idea of the government that
25 was set up as a result of the Libreville talks. The idea there, as you mentioned, was

1 to have a sort of an inclusive government. Is that right?

2 A. [15:09:58] Yes, the outcome was to be an inclusive government. That's correct.

3 Q. [15:10:04] And Bozizé was supposed to be able to finish out his mandate
4 through 2016, having been elected for five years in 2011.

5 A. [15:10:21] Yes, that's correct, Mr President.

6 Q. [15:10:24] And a prime minister was supposed to be chosen and to be able to
7 run the government accordingly; is that right?

8 A. [15:10:39] Yes, that is correct.

9 Q. [15:10:41] The process through which this was carried out was at, in part at least,
10 instigated by Margaret Vogt, who you described earlier as being a representative in
11 BINUCA. Is that right?

12 A. [15:11:15] I have not understood. Please.

13 Q. [15:11:18] The Libreville talks which resulted in the agreement to establish a
14 new government was, in part, brought about through the efforts of BINUCA and also
15 the Economic Community of Central African States; is that right?

16 A. [15:11:45] That is correct. That is correct.

17 Q. [15:11:47] And in addition to allowing for a new prime minister in the
18 government, the government itself also had certain obligations under that agreement,
19 which included restoring peace and security in the country, organising legislative
20 elections, and so forth. Does that meet your memory? Do you -- do you agree with
21 that?

22 A. [15:12:30] Well, as far as I know, the idea was to set up an inclusive government
23 and to allow President Bozizé to finish his term of office and that he would not run
24 again in 2016. The idea was also prepare a transition whereby together we would be
25 able to organise the 2016 elections.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [15:12:57] And as a result of the establishment of that new government, you
2 received a ministerial position; is that fair to say?

3 A. [15:13:14] Yes, that's correct, Mr President.

4 MR VANDERPUYE: [15:13:16] If I could show the witness, please, tab 12. The
5 ERN number is CAR-OTP-2004-1530. This is a 3 February 2013 decree, and it is
6 decree number 13.035, I think.

7 Q. All right. What you have here is the decree, as I described. And if we can go
8 down a little bit. This is the -- or a decree that was issued following the Libreville
9 talks in relation to the establishment of the inclusive government. You can see
10 here - if we can go down just a bit further - the nomination of the following people.
11 One is prime minister, the other is first vice prime minister, Maître Nicolas Tiangaye
12 and Michel Djotodia.

13 Does that comport with your memory? That's correct, isn't it?

14 A. Yes, that is correct, Mr President.

15 Q. [15:14:59] Okay. And if we could go to ERN page 1532. And you can take a
16 look at number 17 on this list.

17 You have to go down a little bit. Okay.

18 Here you see minister of communication and the promotion of civic culture and
19 national reconciliation, Christophe Gazambeti. Is this the individual you were
20 talking about before, the one associated with the *Collectif des Officiers Libres*?

21 A. [15:15:52] Yes, but when he joined the government, it was in his capacity as a --

22 Q. (Overlapping speakers)

23 A. -- representative of the Séléka coalition.

24 THE INTERPRETER: [15:16:07] Overlapping Speakers.

25 MR VANDERPUYE:

1 Q. (Overlapping speakers) to the national unity government?

2 PRESIDING JUDGE SCHMITT: [15:16:09] A little bit slower pace, little bit slower.

3 MR VANDERPUYE:

4 Q. [15:16:31] Let me maybe repeat it.

5 You said that he was a member of the Séléka coalition at this time, so my question
6 was that he was appointed to this ministerial position as a Séléka member; is that
7 right?

8 A. [15:16:58] Yes, that is correct, Mr President.

9 Q. [15:17:01] If we could go to the next page, please. We'll go to item number 20.

10 If we could just go -- move the page up a little. Okay. That's fine.

11 At item number 20 we can see Abakar Sabone, minister of development of tourism
12 (Interpretation) and crafts.

13 (Speaks English) Is this the Abakar Sabone that you were talking about earlier, one
14 and the same?

15 A. [15:18:05] Yes, Mr President, it's the same individual.

16 Q. [15:18:11] And my transcript doesn't seem to be moving. I don't know if it's
17 just me.

18 But in any event, he was appointed to that position as -- as what, as a Séléka member
19 or a member of a different group?

20 A. [15:18:52] He was appointed as a member of his group, MLCJ, an armed group
21 which has already acceded to the peace agreement in Libreville. But he was not of
22 the Séléka. It was a non-combatant armed group.

23 Q. [15:19:17] And then there's you, at item number 21, minister for the promotion
24 of small and medium enterprises and the betterment or improvement of business
25 affairs; is that about right? You'll have to excuse my on-the-fly translation, but that's

1 what it seems to say.

2 A. [15:19:53] Yes, that's correct.

3 Q. [15:19:56] Okay. And if we go to the very bottom of the page, item number 25,
4 we see in this same decree, the appointment of -- although it says Edouard Patrice
5 Ngaïssona -- Patrice-Edouard Ngaïssona as the minister of youth, sports, art and
6 culture. That was on the third -- (Overlapping speakers) okay.

7 A. [15:20:30] That's correct.

8 Q. [15:20:41] After you received this appointment, did you convene meetings
9 among the other ministers that were also assigned or also appointed like yourself?

10 A. [15:21:06] Mr President, I am not in a position to convene a meeting of other
11 ministers. I do remember that ministers can visit themselves, and I went to visit
12 Mr Ngaïssona when he was minister of youth and sports in his -- in his office,
13 minister of art and culture in the cabinet. I also went to other ministries in the
14 different offices. And I didn't have any power to convene other colleagues to any
15 meeting.

16 Q. [15:21:47] Yes, again, it's -- you're a victim of my imprecise question, so I
17 apologise for that. And what I mean then is did you attend any meetings among the
18 other ministers? And in particular, what I'd like to know is if you discussed what
19 the situation was or the ongoing situation in the country at the time?

20 A. [15:22:17] We were members of government and we had a joint concern, namely
21 to do everything and work towards restoring peace in the country. That was our
22 primary concern. So between ministers and in cabinet meetings we often talked
23 about the security situation in the country, about what needed to be done to ensure
24 that combatants or fighters from different groups can drop their weapons and hand
25 them over to the minister in charge of the DDR. That was our concern.

1 Q. [15:23:06] Now, as you know, at a certain point in March 2013 the Séléka
2 coalition overran the government and took control. And according to you, having
3 been at Libreville and having participated in the government, what was your
4 understanding of the reason for that coup following the agreement in Libreville?

5 A. [15:23:53] Mr President, as far as I'm concerned, I was committed to the
6 Libreville agreement and my vision was such that in principle, after the Libreville
7 agreement, there shouldn't have been a coup d'état. I was not in support of Séléka
8 coming in to take over power.

9 Well, afterwards, we all realised that they had their own agenda and they decided to
10 come in and take over power, and that happened on 24 March 2013.
11 I don't know if I have answered your question.

12 Q. [15:24:51] Well, what was your understanding of the rationale? Why would
13 these -- why would this coalition, having just agreed really weeks before the coup,
14 decide that the coup was the better course of action rather than remaining attached to
15 the agreement? What was your discussion like? What did you understand?

16 A. [15:25:29] I am not able to answer that question. I cannot answer that question
17 because I was not part of the Séléka coalition. They themselves are in the best
18 possible position to provide you with explanations as to their motivations and the
19 reasons that pushed them to take power on 24 March 2013.

20 Q. [15:26:01] You know, among other things that the Chamber has heard evidence
21 of is that the Séléka coalition alleged that the government had not abided by certain
22 conditions that were negotiated in Libreville in 2013.
23 What do you say about that?

24 A. [15:26:31] Mr President, at that time, I was a minister. And mindful of the
25 Libreville agreement, I did not have all the documents, so it is only the prime minister

1 at the time and the president of the republic at the time who are in a good position to
2 determine whether the commitments were upheld or not. Well, as an ordinary
3 citizen, and before becoming a minister, I could not have been in a position to know
4 what had been decided by the BINUCA office and the heads of state of the CEMAC
5 countries.

6 Q. [15:27:28] Do you mean to say, then, that that was never a topic of discussion
7 amongst you and other ministers and people that you knew in the government, even
8 after the coup, as to why it happened and what the other side was claiming justified
9 that action, or you can't give precise information on a technical level?

10 A. [15:28:04] Mr President, I cannot provide you with a technical answer because I
11 was not part of the Séléka coalition. It is only those who belonged to the Séléka
12 coalition who are in a better position to provide you with an answer to the question
13 you have just asked me. They are the ones who can give you their reasons, their
14 motivations for disrespecting the Libreville agreements and for taking over power,
15 which was not the logical expectation.

16 Q. [15:28:47] Now, after the coup -- well, let me put it -- let me ask it a different
17 way.

18 Where were you when the coup happened, if you can remember?

19 A. [15:29:16] Mr President, I was -- I was going on a mission to Bucharest in
20 Romania and I left Bangui on a Thursday, and on Friday an announcement was made
21 that Séléka was at the doors of Bangui. My mission was expected to start on
22 Monday in Bucharest, and I was also expected to go to Morocco as well and then on
23 to Paris and then to Bucharest, so I could not go on that mission in that way, and I
24 remained in Paris to monitor developments in Bangui.

25 On Saturday, we realised that Séléka had already surrounded Bangui. There was

1 fighting, military clashes between the Séléka forces and the regular army at the
2 entrance to Bangui less than 20 kilometres from Bangui, so I was -- I was monitoring
3 those developments until we realised that Séléka had already infiltrated Bangui.
4 And on Sunday, 24 March, they took power. President Bozizé had already fled, he
5 had left. And so Séléka came into Bangui and took over power on 24 March.
6 So I never went on that mission and remained on the spot in Paris. I had been at a
7 hotel, but then I went back home to my house.

8 Q. [15:32:13] And how long did you stay away from Bangui?

9 A. [15:32:24] Sorry, I have not understood your question.

10 Q. [15:32:28] How long did you stay away from Bangui? You were on mission,
11 the coup happened, you were in France -- let me -- let me try it a different way.
12 How long did you stay in France?

13 A. [15:32:45] When the coup d'état occurred in March, on 24 March 2013, I think I
14 remained in France for about three more weeks or one month, if I'm not mistaken,
15 and that's it.

16 Q. [15:33:12] And did you go back to Bangui?

17 A. [15:33:22] No, not at all. I heard -- or, rather, I had a call from President Bozizé,
18 and he said that he was at the Hilton Hotel in Yaoundé in Cameroon and he wanted
19 to meet with me. I had a return ticket to Bangui, so I simply changed the ticket to go
20 to Yaoundé and to meet the former president and assist him.

21 Q. [15:34:06] Now, before we come to that, after the coup and the Séléka took
22 power, there were people in the Séléka that you knew from before. Is there any
23 particular reason why you felt, or if you felt, that you could not return?

24 A. [15:34:41] Yes, of course, Mr President. I had a reason for that because in
25 January 2013 I made a statement on behalf of the non-combatant armed groups, and

1 in our statement we fully supported the incumbent government. My statement was
2 taken very badly by the Séléka coalition and the information that I had after they
3 arrived Bangui on 24 March 2013 indicated that I was one of the people that they were
4 trying to hunt down in Bangui. They did not know that I had travelled to Bucharest,
5 so they were looking for me all over the place. I received this information from my
6 family and friends in Bangui, so I never tried to go back.

7 The president of the CPJP spoke with me and he told me that he had discussed with
8 the new authorities and he wanted me to return. I told him that was -- that I feared
9 for my security because he himself had started collaborating with the new authorities,
10 but there were clashes amongst themselves. However, they boldly reached a
11 delicate peace while participating together in the government, but I made the decision
12 not to return.

13 I can even add that during that period there was a lot of settlement of scores. There
14 were extrajudicial killings. Even people who had welcomed the Séléka coalition,
15 when they took over power barely three days later people started having strong
16 feelings of regret because the conduct of the elements of the Séléka frightened the
17 population because they grabbed vehicles from individuals, they were raping women,
18 they were killing people. So in light of such information, I preferred to stay alive
19 and stay outside.

20 Q. [15:38:20] Now, you -- you mentioned that Abdoulaye Hissène, not too long
21 after the coup, ended up joining the new government, meaning the Séléka
22 government, and Abdoulaye Hissène was someone that you were with in the CPJP.
23 My question is, you were contacted to see President Bozizé who you had opposed for
24 the better part of almost ten years, maybe more, but just about, and you had, on the
25 other hand, Abdoulaye Hissène who you'd been with in the CPJP for a certain

1 amount of time. You responded to Bozizé and declined to go to Bangui and join
2 Abdoulaye Hissène.

3 Long question, but why did you choose Bozizé to respond to rather than
4 Abdoulaye Hissène?

5 A. [15:40:01] Mr President, my choice was clear. From the very moment when my
6 relatives, friends and acquaintances informed me that I was being hunted down by
7 members of the Séléka coalition to be executed, so why would I return home when I
8 had received information that I was going to be killed? I had received information
9 that there were a lot of killings going on, so I could not take the decision to go and
10 lose my life. I had my family and I had to take care of them. That is why I
11 preferred to heed the call of President Bozizé to go and see what he had to propose.
12 That is why I opted for that choice.

13 Q. [15:41:17] That answers my question.

14 One other question I have is, when Abdoulaye Hissène decided to associate with the
15 new government, he did that with the wing or the faction of the CPJP to which he still
16 belonged. So that's the 2- or 3,000 fighters you were discussing before; is that right?

17 A. [15:41:52] Mr President, I told you that Abdoulaye Hissène was the president of
18 the CPJP, so I did not even know the precise strength or numbers of the CPJP. I was
19 talking about 2,000, 3,000 people, but I never actually had any documents to support
20 that. But Abdoulaye Hissène told me that he had handed over the list of members of
21 the CPJP to the minister in charge of the DDR at the time, so I didn't go any further to
22 try to cross-check that information because he was the boss. Yes, indeed, he joined
23 the new government, and after his appointment I personally called him and I
24 congratulated him.

25 Q. [15:43:06] All right. Now, you said that you received a call at some point that

1 President Bozizé wanted to speak with you and wanted to see you. Tell us about the
2 circumstances under which you received that call, who called you and when, if you
3 remember?

4 A. [15:43:39] I have told you that I received the call from President Bozizé. I was
5 also in phone contact with Mr Edward Patrice Ngaïssona who had fled to Brazzaville
6 and then returned to Cameroon. But it was not Ngaïssona who called me. It was
7 Bozizé who called me and told me that if I came to Yaoundé, I should meet with him.

8 Q. [15:44:25] (Overlapping speakers) When you say President Bozizé called you, do
9 you mean he called you directly, or did you have someone else call you for him?

10 A. [15:44:40] I no longer remember. I really no longer remember, but I responded
11 to his invitation and went to go and see him.

12 Q. [15:44:52] You mention that you were in contact with -- telephone contact with
13 Mr Ngaïssona who had taken flight himself, gone to Congo Brazzaville and then
14 wound up in Cameroon. The first thing I'd like to know is, when were you in
15 contact with Mr Ngaïssona? Was it before or after you responded to
16 President Bozizé?

17 A. [15:45:31] When I arrived Yaoundé, Mr Ngaïssona had also already arrived
18 Cameroon, so he arrived Cameroon before me.

19 Q. [15:45:48] Why were you in contact with Mr Ngaïssona?

20 A. [15:46:00] That was because we were colleagues in the same government and
21 we -- we got along quite well.

22 Q. [15:46:24] When you spoke to Mr Ngaïssona, is he the one who told you that he
23 fled to Congo Brazzaville and then -- and then up to Cameroon? That's him who
24 told you that?

25 A. [15:46:48] Yes, Mr President, because when the Séléka coalition seized power,

1 we started looking for information on the whereabouts of each of our own. And
2 when I learned that he was in Brazzaville, I had that information from Kinshasa, but if
3 I'm not mistaken, I did not have his contacts in Brazzaville, but I had
4 exchanges -- (Overlapping speakers)

5 Q. And did you have information --

6 A. -- with him after he arrived Cameroon.

7 Q. [15:47:36] (Overlapping speakers) -- that other people associated with
8 President Bozizé had also fled to Cameroon besides Mr Ngaïssona?

9 A. [15:47:51] There were many, many Central Africans who fled to Cameroon and
10 also to DRC and to Congo Brazzaville. There were civilians, soldiers, and members
11 of Bozizé's family. So people scattered all over the place -- (Overlapping speakers)

12 Q. And in terms of the military --

13 A. -- and we were looking for information about everyone.

14 Q. [15:48:30] -- people that fled, do you know where they wound up in Cameroon
15 anyway, do you know where they wound up?

16 A. [15:48:43] I beg your pardon?

17 Q. [15:48:45] Yes, I'll repeat it. In terms of the military or the members of the
18 military that fled, do you know where in Cameroon, more or less, because it's a big
19 country, where they wound up, where they were concentrated?

20 A. [15:49:10] Many of the soldiers fled to Cameroon, I received information that
21 they were all gathered in a camp or a centre in Bertoua.

22 Q. [15:49:36] Okay. And because of your *Collectif des Officiers Libres*, I take it that
23 you had already members that were in Cameroon at the time that the coup happened;
24 is that right?

25 A. [15:50:01] Yes, they were in Cameroon when the coup happened, but these were

1 people who had refused to be involved with those who had just arrived. I tried to
2 speak with them, they did not want to. I also told you that when I joined the Bozizé
3 government, some people were not pleased. So you never had a group of people,
4 including soldiers and civilians, living totally together in Bertoua, in Cameroon in
5 harmony, just like that.

6 Q. [15:51:04] And in what areas were they? In the main cities, like Douala,
7 Yaoundé?

8 A. [15:51:27] The information I received indicated that the soldiers who fled after
9 Séléka took over power had gone to a camp or a centre, all of them were in Bertoua.

10 Q. [15:51:41] (Overlapping speakers) I'll come to that in a little bit, but just in terms
11 of the members of the *Collectif*, you said that they lived in their families, they weren't
12 garrisoned or anything like that, but where were they living? Were they live inning
13 places like Douala and Yaoundé?

14 A. [15:52:05] Yes, some were in Douala, some were in Yaoundé. Well, I didn't
15 know precisely where they lived or their personal addresses.

16 Q. [15:52:21] You mentioned that you got this call and Bozizé was at the Hilton
17 hotel, and you went to go see him. Do you remember when that was?

18 A. [15:52:44] I have told you that it was about one month or one month and a half
19 after the Séléka coalition seized power.

20 Q. [15:52:58] All right. Did you go straight to meet him or did you go first to
21 where he was in Yaoundé and then meet him after that?

22 A. [15:53:22] Well, I came from France. I took a room in a hotel and then I went to
23 see him. He was aware that I was on my way to see him when I took the plane, so
24 his close protection from Cameroon were aware. So they knew that I was coming
25 and when I arrived, they allowed me to go and see him.

1 Q. [15:54:02] Did you meet with him, in other words, did you have a meeting with
2 him when you first saw him when you came from France, or did you have a meeting
3 with him or a more formal or a larger meeting with him later?

4 A. [15:54:32] Are you asking me a question about a more official meeting?

5 Q. [15:54:38] I'll rephrase it. Again, you're a victim of my imprecise question, so I
6 apologise again.

7 The first question is, when you arrived, did you greet him - that's a better way to put
8 it - at the Hilton hotel?

9 A. [15:55:00] Yes, I went to greet him at a Hilton hotel.

10 Q. [15:55:04] And did you meet with him the same day that you greeted him, or
11 did you meet with him sometime after?

12 A. [15:55:23] The meeting took place afterwards, I think a few days later. The
13 meeting took place in the embassy of the Central African Republic in Yaoundé.

14 Q. [15:55:46] So I'd like to first talk to you about what happened at the Hilton hotel,
15 if you can recall that.

16 But before I ask you that, let me just ask you, did you ever learn why it was that
17 Bozizé wanted to see you before you actually got on the plane to go and see him?
18 Did he ever -- did anyone explain to you why you?

19 A. [15:56:26] No, I don't remember, but I know that I was in phone contact with
20 Mr Ngaïssona at that time. But he was also aware that I was coming to meet with
21 Mr Bozizé, because when I came to the Hilton hotel to see Mr Bozizé, when I came out,
22 outside the hotel, Mr Ngaïssona was there, Socrate was there, and other Central
23 Africans were there.

24 Q. [15:57:09] Now in your statement, do you recall saying that you didn't have a
25 very good relationship with President Bozizé? Do you recall that?

1 A. [15:57:21] I beg your pardon?

2 Q. [15:57:26] I said in your statement -- or your interview, rather, you said that you
3 didn't have a very good relationship with President Bozizé. Do you remember that?

4 A. [15:57:43] Yes, I remember that our relationship was not good, but as your
5 interview or your examination continues, we are going to talk about that.

6 Q. [15:58:02] You also said that he knew that the Collective had had an impact on
7 him? Do you remember that?

8 A. [15:58:13] Yes, I admit that he said that the Collective had an impact on him.
9 The statements of the Collective of officers had an impact on him when he was
10 president of the republic because during security and cabinet meetings, the Collective
11 was always discussed. So when he called me and was talking to me, he said he was
12 no longer -- (Overlapping speakers)

13 Q. All right. And when you say it had --

14 A. -- in government and he had now become a member of the *Collectif*.

15 Q. [15:59:01] (Overlapping speakers) -- a big impact on him, do you mean that in a
16 positive way or a negative way?

17 A. [15:59:11] I was in the opposition, and I was playing my role as an opposition
18 politician and I criticised everything that was happening during the period
19 President Bozizé was in power. And my statements were followed and listened to
20 by Central Africans and even neighbouring countries.

21 Q. [15:59:47] Are you of the view that he turned to you because you might have the
22 same impact on the Séléka regime as you had on his through your *Collectif*?

23 A. [16:00:08] Well, he was a former head of state. I had been fighting against him
24 for several years. I started fighting against him as from 2005 right up to 2012. He
25 knew the scope of my statements, and he was aware of what I was doing. So a head

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 of state is someone who has the means of having information on everyone. So I was
2 an opposition figure, I was playing my role, and he was in power. So sometimes
3 when I spoke, people from the government responded.

4 Q. [16:01:10] All right. I think -- I think that's pretty clear.

5 MR VANDERPUYE: Mr President, I'm going to go to the meeting, and I think that
6 tomorrow is a good way to start the day.

7 PRESIDING JUDGE SCHMITT: [16:01:16] I agree with you. So we conclude for
8 today.

9 Thank you very much, Mr Kokaté, for today. We see each other tomorrow morning
10 at 9:30.

11 THE COURT USHER: [16:01:26] All rise.
12 (The hearing ends in open session at 4.01 p.m.)

13 CORRECTION REPORT

14 The following correction, marked with an asterisk and not included in the
15 audio-visual recording of the hearing, is brought into the transcript.

16 Page 43 lines 1-20:

17 "and that they could help us" is translated and added.