

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 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 Tuesday, 25 May 2021
10 (The hearing begins in open session at 9.45 a.m.)
11 THE COURT USHER: [9:45:53] All rise. The International Criminal Court is
12 now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:46:15] Good morning, everyone. Could
15 the court officer please call the case.
16 THE COURT OFFICER: [9:46:25] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II in the case of the Prosecutor
18 versus Yekatom -- Alfred Yekatom and Patrice-Edouard Ngaïssona, case
19 reference ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:46:41] And like always, I ask for the
22 appearances of the parties.
23 We start with the Prosecution.
24 MR VANDERPUYE: [9:46:50] Thank you, Mr President. Good morning,
25 your Honours. Good morning, everyone. The Prosecution is in the same

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 configuration as yesterday.

2 PRESIDING JUDGE SCHMITT: [9:46:57] Good. So we can figure it out if
3 need be.

4 Mr Narantsetseg.

5 MR NARANTSETSEG: [9:47:05] Good morning, Mr President, your Honours.
6 For the Common Legal Representative of other crimes, Mr Dangabo Moussa
7 Abdou, Ms Evelyne Ombeni, Mr Enrique Carnero Rojo, and my name is
8 Orchlon Narantsetseg.

9 PRESIDING JUDGE SCHMITT: [9:47:22] Mr Suprun.

10 MR SUPRUN: [9:47:23] Good morning, Mr President, your Honours. The
11 former child soldiers are represented today by myself, Mr Dmytro Suprun,
12 counsel at the Office of Public Counsel for Victims. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:47:33] Thank you. We turn to the
14 Defence.

15 Ms Dimitri. It's because, you know, clockwise you are the next.

16 MS DIMITRI: [9:47:41] No problem, Mr President.

17 Good morning. Good morning, Mr President, good morning your Honours.

18 Mr Yekatom, who is present in the courtroom this morning, is represented by
19 Mr Thomas Hannis, Mr Sabrine Bayssat, Ms Wilhelmina Whittingham and
20 myself, Mylène Dimitri.

21 PRESIDING JUDGE SCHMITT: [9:47:56] Thank you.

22 Mr Knoops.

23 MR KNOOPS: [9:47:58] Good morning, Mr President, your Honours. I'm
24 assisted today by Ms Phoebe Oyugi, legal assistant and, on my left side, Ms
25 Chiara Giudici, case manager and of course the defendant is in the courtroom

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 today.

2 PRESIDING JUDGE SCHMITT: [9:48:12] Thank you, Mr Knoops.

3 And, also, good morning, Mr Kokaté, at the video-link location. I understand
4 that also Mr Bangaguere is in the next room. I also understand that while we
5 do not have internet access in a way that we can see him, but he is there and he
6 is able to communicate with Mr Kokaté.

7 And I reiterate, Mr Kokaté, if you think you want to have a conversation with
8 your counsel, please let us know, raise your hand.

9 And also, Mr Bangaguere -- I assume you hear me -- if you think you want to
10 converse with your client, please let us know.

11 We continue now with the examination by the Prosecution, I give
12 Mr Vanderpuye the floor.

13 MR VANDERPUYE: [9:49:06] Thank you, Mr President.

14 WITNESS: CAR-OTP-P-0801 (On former oath)

15 (The witness speaks French)

16 (The witness testifies via video link)

17 QUESTIONED BY MR VANDERPUYE: (Continuing)

18 Q. [9:49:10] Good morning, Mr Kokaté.

19 A. [9:49:15] Good morning, Mr President.

20 Q. [9:49:18] Yesterday, when we left off, we were talking about a meeting at
21 the Hilton hotel in Yaoundé. I wanted to just see if we could clarify the timing
22 of that meeting. I think you said you went to Yaoundé about a month or
23 a month and a half after the Séléka coup in March of 2013; is that right?

24 A. [9:49:56] Yes, Mr President, I said that I travelled there, but I do not
25 remember the precise date.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [9:50:23] All right. And I asked you some questions about how you
2 might have been contacted in advance of that meeting in order to go. Do you
3 remember what you said during the course of your interview back in 2018?

4 A. [9:50:46] I do not really remember what I said in 2018, but I know that I
5 was contacted to travel to Yaoundé.

6 Q. [9:51:11] In fact, you were contacted by Francis Bozizé, I think is what
7 you said, in your 2018 interview. Just for the references of the Chambers
8 and -- Chamber and the parties, it's at tab 33, CAR-OTP-2074-2021 at pages
9 2047 to 2048, beginning at 877 and ending at line 887.

10 But in any event, you were contacted by Francis Bozizé is what you said the
11 last time. Does that sound right?

12 A. [9:52:02] Yes, I think I begin to remember now. I was contacted by him,
13 and the proof is that as soon as I arrived in Yaoundé, I was automatically
14 received by his father.

15 Q. [9:52:23] Now, do you recall being with Francis Bozizé around that time
16 or maybe a little bit before or after in Geneva?

17 A. [9:52:40] I did not understand the question, please.

18 Q. [9:52:50] Do you recall around that time, either before or after, being in
19 Geneva with Francis Bozizé?

20 A. [9:53:05] I remember that I was in Geneva with Francis Bozizé and not
21 François Bozizé.

22 Q. [9:53:23] All right. I think that's what I said, but maybe there was an
23 error somewhere. But in any event, okay. And when you -- did you receive
24 the call before or after you were in Geneva with Francis Bozizé?

25 A. [9:53:45] Which call are you talking about? I did not quite understand.

1 Q. [9:53:54] The contact that you received to go to Yaoundé to meet with
2 Bozizé from Francis Bozizé, did you receive that call before or after you were in
3 Geneva with Francis Bozizé?

4 A. [9:54:15] Mr President, first of all, I went to Cameroon at the request of
5 President Bozizé, who had had his son call me. I travelled to Yaoundé; so my
6 trip to Geneva took place later.

7 Q. [9:54:47] Okay. That's very helpful. Now, I'd like to talk to you
8 specifically about this meeting that you had at the Hilton hotel. Do you recall
9 who was present at the meeting?

10 A. [9:55:01] At the Hilton hotel, there were many people in the lobby of the
11 hotel, but as soon as I arrived, I was received by President Bozizé, as I
12 explained to you yesterday, because he had given instructions to the guards
13 placed at his disposal by the Cameroon government; so I was immediately
14 received by him. After that meeting, when I came back down, what is certain
15 is that Mr Patrice Ngaïssona was there at the Hilton, Mr Bernard Mokom was
16 there, there was Socrate Bozizé, Adrien Poussou, there were people there who
17 know me very well, but that I did not know. Bozizé supporters were there.

18 Q. [09:56:43] (Overlapping speakers) Was Levy Yaketé there?

19 A. [09:56:47] Yes, Levy Yaketé was there. I think I mentioned that Yaketé
20 was there.

21 Q. [9:56:50] And what about Louis Oguere?

22 A. [9:56:58] The former Ambassador Oguere, yes, he was also there.

23 Q. [9:57:04] And do you know someone by the name of David Banga?

24 A. [9:57:13] Yes, I know David Banga. He was also present. He was the
25 director-general of Radio Bangui at the time.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [9:57:25] And do you know someone by the name of Guerson
2 Nganadekoe?

3 A. [9:57:36] Yes, I know Guerson because he was also very close to President
4 Bozizé. I know that he lived in one of the houses of one of Mr Bozizé's wives.
5 I saw him in Yaoundé, but I do not remember whether he was present there on
6 that day or not.

7 Q. [9:58:11] And how long did the meeting last?

8 A. [9:58:18] I think that meeting was in Mr Bozizé's hotel suite and it lasted
9 for about 45 minutes to one hour. But I would like to point out that the
10 people that I mentioned, many of them were in the hotel, but they were not in
11 their room. They were in the lobby at the reception area. There were a few
12 people that I knew very well, but others that knew me and I didn't know them
13 (Overlapping speakers).

14 PRESIDING JUDGE SCHMITT: [9:59:18] May I shortly, because this was also
15 when I looked at the transcript. You said you met people in the lobby, so my
16 question would be: Do you recall who was with you when you spoke with
17 Mr Bozizé, with François Bozizé? Do you recall that?

18 THE WITNESS: [9:59:38](Interpretation) I think Ambassador Oguere was
19 there. Mr Patrice-Edouard Ngaïssona was there also. I cannot remember
20 everyone because it was quite some time ago.

21 PRESIDING JUDGE SCHMITT: [10:00:17] Of course, but thank you.

22 Mr Vanderpuye.

23 MR VANDERPUYE:

24 Q. [10:00:22] Thank you, Mr President.

25 Maybe I can ask it a different way. Was there anyone that was in the hotel

1 lobby that you recall specifically was not in the meeting in the suite?

2 A. [10:00:48] Yes, Mr President. There were people who were at the
3 reception area of the hotel. In President Bozizé's hotel suite, there were not
4 many people, but all those who were in the hotel lobby, well, I'm beginning to
5 remember quite a bit. I think Adrien Poussou was in Mr Bozizé's suite,
6 Oguere, Patrice Ngaïssona, also. That is what I can say, but I knew that there
7 were many people at the reception.

8 Q. [10:02:00] (Overlapping speakers) All right. So another way of asking, I
9 guess, is that it's possible that some of the people that you named who were at
10 the reception could have been in the meeting, even if you don't remember that
11 today?

12 A. [10:02:12] It is possible, because it was a long time ago and I cannot
13 remember everything.

14 PRESIDING JUDGE SCHMITT: [10:02:29] You know, we have always the
15 possibility when the recollection is not 100 per cent that you can put certain
16 passages of former statements to the witness and ask him if this refreshes his
17 memory.

18 So this is a -- if you want to. Otherwise, I think we can proceed with the
19 content of this discussion that they had.

20 MR VANDERPUYE: [10:02:49] Thank you, Mr President. That's -- that's
21 exactly where I'm going.

22 Q. [10:02:55] You said the meeting lasted about 40 minutes, 45 minutes to an
23 hour. I assume that Bozizé did some -- did some speaking during that
24 meeting. What was he talking about?

25 A. [10:03:14] Mr President, former President Bozizé was telling us that he

1 had not understood why the Libreville agreement had not been complied with
2 by the Séléka coalition. He said he was going to take (sic) contact with the
3 CEAC (sic) heads of state, so as to implement the Libreville agreement and
4 bring him back to power to complete his term of office.

5 Q. [10:04:01] (Overlapping speakers) All right. That took all of about 45
6 seconds. So my question is more specifically, what did he say?

7 A. [10:04:12] Mr President, former President Bozizé had just lost power, so
8 he was in a state of confusion and shock, especially that the agreement had not
9 been respected. He also talked about a complicity of certain neighbouring
10 countries. He spoke quite a good deal, and he could not accept the fact that
11 he had lost power. As far as he was concerned, he was to continue being
12 president up to 2016.

13 Q. [10:05:19] Did anyone else speak during that meeting?

14 A. [10:05:24] Mr President, obviously there were people who spoke, but I
15 don't quite remember. I am dwelling on what I heard the president saying.
16 All of us who were present there, were people who were not in agreement with
17 Séléka having seized power. Obviously, there were people who expressed
18 themselves during that meeting. I think everyone was in support of President
19 Bozizé and were in favour of the fact that he should contact the ECCAS
20 president -- presidents so as to come back to power.

21 If I remember, the president tried to call the Chadian and Congolese authorities,
22 but when he called, nobody picked up. He had the telephone numbers for the
23 president of Chad and Congo, but no one picked up.

24 Q. [10:07:17] Did he talk about how he planned to get a hold of the members
25 of the Central African states, the heads of states, or how he planned to engage

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 other states to help him return to power?

2 A. [10:07:38] Could you ask me the question again because you were cut
3 a bit.

4 Q. [10:08:00] Yes. Did he talk about how he planned or how he would
5 engage the heads of states or other states in the region -- or other states in order
6 to help him return to power?

7 A. [10:08:24] Well, your Honour, for him, it -- he wanted to first contact them
8 by telephone. The way he could do this was to phone them. He phoned his
9 colleagues. So he had contact with the former heads of states. We didn't.
10 So he was trying to call them.

11 Q. [10:08:59] And so, if nobody was picking up the phone, did he discuss
12 what the options were?

13 A. [10:09:07] Your Honour, the other options, he didn't talk about them on
14 that particular day.

15 Would you mind that I confer with my counsel? I would like to confer with
16 him. Is that all right?

17 PRESIDING JUDGE SCHMITT: [10:09:35] Of course. Of course this is all
18 right. Yeah. Perhaps we stay for a little while here. If it doesn't take too
19 long, we would appreciate it. But take enough time like you need it, and let
20 us -- let us know when you can continue, please. Yes. So you might contact
21 your counsel.

22 (Pause in proceedings)

23 PRESIDING JUDGE SCHMITT: [10:11:17] So I see that the witness has come
24 back.

25 Mr Kokaté, are you ready to continue? I assume -- I assume so. So,

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Mr Vanderpuye, you can proceed. The last question has not been answered I
2 think.

3 MR VANDERPUYE: [10:11:42]

4 Q. [10:11:43] Yes. My last question was: If nobody was answering his
5 calls, Bozizé's calls, what -- did he discuss what the options were? And this is
6 at the meeting there, on the -- at the Hilton hotel in Yaoundé.

7 A. [10:12:04] Your Honour, Mr President, I don't remember that. But what
8 is sure, it is only Bozizé who can answer that and talk about the alternative
9 options, but for the moment, I have no knowledge of them.

10 PRESIDING JUDGE SCHMITT: [10:12:31] The question was, if something has
11 been discussed at this meeting. So if there was talk about what the options
12 were, if you recall it. And if not, of course we would have to proceed and
13 perhaps ask then, Mr Vanderpuye, if later on some of these options had been
14 discussed and put on the table.

15 But for -- for the moment, the question was, Mr Kokaté, if, if you recall it,
16 during that meeting, the president, François Bozizé, spoke about what he
17 thought could be a way forward or not.

18 THE WITNESS: [10:13:24](Interpretation) Mr President,
19 President Bozizé said that he would take up contact with the heads of state of
20 the CEAC (sic) to ask them to help him retake power. He would do
21 everything he could to contact them. That's all I can say.

22 PRESIDING JUDGE SCHMITT: [10:13:46] Good. I think we have to proceed
23 from there.

24 MR VANDERPUYE: [10:13:52] Thank you, Mr President.

25 Q. [10:13:54] What was the reaction of the people that were in the meeting?

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 We can start with you, yourself.

2 A. [10:14:07] Mr Prosecutor, I said, as I've said before, all the people who
3 were there were people who were not in agreement with the Séléka coalition.
4 So everybody was behind Bozizé; that he take contact with the heads of states,
5 with all the people in that region so he could take up power again.

6 Q. [10:14:49] Okay, so were people tasked with specific things to do in order
7 to make that happen?

8 A. [10:15:05] Sorry. I didn't quite understand the question.

9 Q. [10:15:19] You said, as I understood it - so you may need to correct
10 it - that everyone supported or was behind him in his effort to make contacts
11 with states in order to help him return to power.

12 Right? Do I have that right?

13 A. [10:15:46] Yes, Mr President.

14 Q. [10:15:51] And that he was the one who was making the phone calls, and
15 the phone calls weren't going through. Do I have that right?

16 A. [10:16:02] That's exactly right.

17 Q. [10:16:08] So there's a meeting in which other people - you included,
18 Mr Ngaïssona included, Mr Poussou included, Mr Yaketé included - are
19 meeting with him in order to help him do what and in what way?

20 A. [10:16:31] The question, your Honour. We were all in Libreville. There
21 was an agreement. There was an agreement which was signed on the 11th of
22 January in Libreville, and that agreement stated that all the parties must
23 respect this agreement.

24 So now, when the agreement was breached by the Séléka coalition and the
25 Séléka came to power on the *24th of March 2013 - after President Bozizé found

1 himself in Yaoundé, and everybody who didn't agree with the Séléka had their
2 own reasons to leave the country - but we said that it was necessary to contact
3 the heads of states in the region so that the agreement could be respected. I
4 was part of the people who said that.

5 Until that moment, that's how things were moving along.

6 Q. [10:18:03] Let's go step by step. What could you do or offer Bozizé in
7 what he sought to achieve by contacting these states?

8 A. [10:18:16] Sorry?

9 Q. [10:18:19] What is it that you could do in order to help him to contact the
10 states that he wanted to contact?

11 A. [10:18:32] I -- *I'm not a former head of state for a start. President Bozizé said
12 he would contact the heads of states of the CEAC (sic) to make sure that the
13 agreement was applied and all I could say is that I supported him in that move,
14 so that he could contact a head of state. *I wasn't a minister at that moment -- at
15 that point in time. I was a former minister so I couldn't easily contact a head of state.
16 Even as a minister, it is not easy to contact the head of state. So how could I contact a
17 head of state when I was already a former minister? I was a civilian. But we
18 encouraged him, and what we hoped is that he could telephone them and that that
19 could ultimately lead to things being sorted out as was his intention.

20 MS DIMITRI: [10:19:41] I'm sorry for the interruption,

21 Mr President. There is a slight mistranslation in French. He said
22 that, "... *même étant ministre* ..." In English, it was translated by, "I wasn't
23 a minister at the time."

24 PRESIDING JUDGE SCHMITT: [10:19:57] But I think this will be fixed, I
25 would assume.

1 And just looking at the issue that we are discussing at the moment, I think this
2 squarely fits with what the witness has said in his former statements about this
3 first meeting, I would say.

4 So there was an issue about what -- the people in the room, and I ask you,
5 Mr Kokaté, at this first meeting we are talking about, whom did the people
6 who were present that you recall, including the former president, François
7 Bozizé, understand the Séléka were?

8 If you don't understand my question, I rephrase it, but perhaps you
9 understand it. What did they understand what the Séléka were? Did they
10 equate them with the Muslim population, perhaps to help you a little bit what I
11 might have in mind? Or what was the understanding at this meeting?

12 THE WITNESS: [10:20:56](Interpretation) Mr President, you were cut off. So
13 I didn't understand the question fully.

14 PRESIDING JUDGE SCHMITT: [10:21:11] Then, Mr Kokaté, is the connection
15 better now? Do you understand me?

16 So my question was: At this meeting amongst the participants, when you
17 spoke about the Séléka, what was the understanding what the Séléka were,
18 what these people were? Were these a military entity or was this more? Was
19 it -- was it the Muslims in general?

20 What was your understanding in the room at the time?

21 THE WITNESS: [10:21:49](Interpretation) Mr President, the situation of
22 Séléka in the meantime had changed, because everyone described the
23 behaviour of Séléka when they took power and the way in which they behaved
24 with the population in Bangui and inside the country, so we had that sort of
25 information. And, everyone deplored it.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 I don't know if I have answered your question, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:22:42] Of course you have answered it,
3 but perhaps a follow-up question.

4 Do you have information if the Muslim population in general supported the
5 Séléka?

6 THE WITNESS: [10:22:57](Interpretation) Mr President, already the
7 Central African Republic is a secular country. So it's true that the
8 majority -- the majority of the Muslims supported the Séléka, but I cannot
9 confirm that all the Muslims supported Séléka.

10 PRESIDING JUDGE SCHMITT: [10:23:30] well, thank you very much. It's
11 absolutely okay that you differentiate in your answers. Thank you.

12 Mr Vanderpuye, please continue.

13 MR VANDERPUYE: [10:23:39] Thank you, Mr President.

14 Q. [10:23:40] I'm just going to press a little bit on this meeting, maybe a little
15 bit beyond on what the witness had previously stated.

16 PRESIDING JUDGE SCHMITT: [10:23:51] Perhaps shortly now, because now
17 we see Mr Bangaguere.

18 Again, a warm -- warm welcome to Mr Bangaguere. The connection has been
19 established.

20 Excuse me for interrupting, Mr. Vanderpuye.

21 MR VANDERPUYE: [10:24:06]

22 Q. [10:24:06] Oh, no problem. No problem.

23 But the reason why I ask is -- whether you were tasked with anything or asked
24 to do anything is because you said that you were specifically contacted and
25 asked to come to meet with Bozizé.

1 So my question is, having been specifically asked to meet with Bozizé and then
2 coming to meet with Bozizé, whether he asked you to do anything in particular,
3 and, if so, what it is that he asked you to do?

4 A. [10:24:43] Thank you, Mr President. When I arrived at Yaoundé,
5 President Bozizé invited me to enter his suite. Firstly, he welcomed me. We
6 had a few exchanges, and we reviewed the events until the Séléka came to
7 power, and, if I remember correctly, what I understood the aim of the visit was
8 that he knew that I was a member of the collective of the *Officiers Libres* and
9 therefore it had an impact on him when he was president of the republic.
10 So on that day, we discussed that. I spent a lot of time listening to him.
11 Because he was my superior, I listened to him, to what he had to say. And
12 when he talked about the collective, I listened to what he had to say. I don't
13 think he went beyond that on that particular day, but perhaps in the following
14 meetings, there was a follow up.

15 But for the moment, I would prefer to stop here. And if the others talked,
16 everybody will remember what we said in our statements.

17 Q. [10:26:49] All right, thank you for that elaboration.

18 Now, I asked you what you could do for President Bozizé or why you were
19 asked to come to the meeting.

20 Do you know why Mr Ngaïssona was at that meeting?

21 A. [10:27:10] Mr President, Mr Ngaïssona, as far as I'm aware, was part of
22 the family of President Bozizé. He was a member of the political party of
23 Bozizé, the KNK; so he was close to Bozizé.

24 Q. [10:27:50] Levy Yaketé, what about him? Why was he at the meeting?

25 A. [10:28:01] Levy Yaketé was a influential member, and he was very close

1 to President Bozizé. He is not part of the family, but he was very close to
2 President Bozizé, and he had influence on the political party of President
3 Bozizé.

4 Q. [10:28:23] And do you think the reason why he was there was because he
5 was a member of Bozizé's political party and he was close to him? That's the
6 extent of the reason why Bozizé had them at that -- at that meeting?

7 A. [10:28:42] Mr President, I was contacted to come -- from France to come
8 to Yaoundé. I can only speak of myself and that I travelled to Yaoundé. And
9 what happened to the others who fled the country, who also came to Yaoundé
10 and how they met President Bozizé, is something that I can't really answer.
11 I can't say how they arrived in Cameroon and why they were there on that
12 particular day.

13 Q. [10:29:24] Okay. And you didn't discuss that with any of the people that
14 were there at some point, sort of to ask them, "What are you doing here?" Or,
15 "Why are you here?"

16 A. [10:29:44] Mr President, I repeat once again. All of us who were there,
17 we didn't accept the Séléka taking over power in March; so there was a feeling
18 of regret. And all of us shared this feeling of regret and that we couldn't
19 manage the country anymore, and also what happened in Bangui, in our
20 country, when we listened to the atrocities that had taken place.

21 In Bangui, there was a feeling of sadness and desolation amongst the
22 population. And we all shared that type of information amongst each other.

23 Q. [10:30:42] Okay. After that meeting, what was your -- what was your
24 take away from it? What did you understand was supposed to happen at the
25 conclusion of the meeting?

1 A. [10:31:03] Mr President, on that day, I didn't have a particular role. We
2 came to see the president, to talk with him. On that day, he only talked about
3 returning the order, the constitutional order. And there was the feeling that
4 reigned of when somebody who loses power and when people who are his
5 entourage lose power, people aren't happy. They were very dissatisfied
6 because the Libreville agreement had not been respected.

7 And the information, which we received from the country, with all the
8 atrocities and the extrajudicial executions that were taking place, those were
9 the type of information that we could not accept, and we had a feeling of being
10 distressed by it.

11 PRESIDING JUDGE SCHMITT: [10:32:24] I think we can move to other
12 meetings, if any, with the -- where the witness participated in meetings with
13 Mr François Bozizé. I think we have exhausted this (Overlapping speakers).

14 MR VANDERPUYE: [10:32:42] Yeah, you've just anticipated my question --

15 PRESIDING JUDGE SCHMITT: [10:32:43] Yes (Overlapping speakers)

16 MR VANDERPUYE: [10:32:43] -- I was turning the page as you spoke, Mr
17 President.

18 Q. My question is this: Did you meet with Bozizé at the CAR embassy at
19 some point? The Central African Republic embassy.

20 A. [10:32:56] Mr President, yes. To my knowledge, President Bozizé
21 organised two meetings in the CAR embassy in Yaoundé. And if I remember
22 correctly, the Bangui government was informed about the meetings, and
23 Ambassador Oguere was dismissed from his position after that meeting that
24 took place at the CAR embassy.

25 Q. [10:33:51] Do you know why he was relieved of his position by the

1 Central African government?

2 A. [10:34:00] Yes. If you are an ambassador representing the authorities
3 and then organise a meeting within the embassy, and if you know the
4 government in Bangui, you know that the government would never accept that
5 the ambassador organised a meeting in the embassy with the former president,
6 especially since he did not have the authority, the authorization, of his superior,
7 the minister of foreign affairs.

8 So it is quite normal that he was sanctioned (Overlapping speakers)

9 Q. [10:35:09] All right, when --

10 A. [10:35:09] -- as a result of that action.

11 Q. [10:35:10] -- did the meeting happen?

12 A. [10:35:11] Mr President, I have told you several times that when it comes
13 to dates, I really have a problem because I was not aware that I would be
14 appearing before the judges here to talk about the dates. Obviously, you
15 know the dates here --

16 Q. [10:35:52] No, I have here is --

17 A. [10:35:52] -- so you can talk about them.

18 Q. [10:35:52] -- what you said in your last interview, which is that it occurred
19 about a week after the other meeting at the Hilton.

20 Does that refresh your recollection?

21 A. [10:36:05] Yes. It jogs my memory, except that as I said the last time, I
22 did not remember the month during which I was received at the Hilton; so --

23 Q. [10:36:27] Okay.

24 A. [10:36:28] -- it was about one week later --

25 Q. [10:36:28] And at that meeting --

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 A. [10:36:29] -- that is true.

2 Q. [10:36:30] -- who was in attendance?

3 A. [10:36:36] During that meeting, you had President Bozizé,
4 Ambassador Oguere, President Bozizé's children. I think I saw Socrate Bozizé,
5 Franklin Bozizé, Rodrigue Bozizé, Levy Yaketé, David Banga, Ngaïssona and
6 many people. I'm simply telling you the names that I remember. There were
7 also women. I did not know everyone.

8 Q. [10:37:27] Yes. In your previous -- well, rather, in your interview, you
9 mentioned a few other people. You mentioned Poussou. You mentioned
10 also --

11 A. [10:37:42] Yes.

12 Q. [10:37:43] You mentioned also --

13 PRESIDING JUDGE SCHMITT: [10:37:52] Bernard Mokom.

14 MR VANDERPUYE: [10:37:53] Bozizé --

15 PRESIDING JUDGE SCHMITT: [10:37:54] Bernard Mokom, I think.

16 MR VANDERPUYE: [10:37:55] Bernard Mokom.

17 THE WITNESS: Yes. Yes. That is true (Overlapping speakers)

18 MR VANDERPUYE: [10:37:55]

19 Q. [10:37:58] And you also mentioned someone by the name of Eric Danboy.

20 A. [10:38:05] Yes, indeed. Eric Danboy was living in the same residence as
21 former President Bozizé, and he was part of the people protecting him.

22 Q. [10:38:32] Okay. And at this meeting, tell the Chamber what was
23 discussed.

24 A. [10:38:57] To begin with, we talked about the acts of violence of the
25 Séléka coalition in Bangui. President Bozizé also talked about his return to

1 power. He said he was still attempting to get into contact with his former
2 colleagues so as to organise his return.

3 Well, in any case, we were talking about his return. Then there was also that
4 feeling of unease, of nervousness, regarding the violence, particularly against
5 Christians and his supporters. So we talked about all that, but the dominant
6 subject was to initiate his return to power.

7 Q. [10:41:01] (Overlapping speakers) Did he discuss how he planned to
8 achieve this or how you, people meeting together, would go about doing it?

9 A. [10:41:12] Mr President, there were various stages during those various
10 meetings. There was the first stage, when Bozizé was talking about his return
11 to power, and those of us who were with him, we supported his plan to contact
12 the -- the other heads of states to arrange his return to power.

13 Then, we were also receiving information from Bangui and from the rest of the
14 country. It was not good information because there were killings,
15 extrajudicial executions.

16 So I think the two meetings in the embassy in Yaoundé dealt practically with
17 the same subjects. So there was a -- a sort of nervous feeling. But if I said
18 something in my statements that I have not remembered to say now, please
19 you could remind me of those.

20 PRESIDING JUDGE SCHMITT: [10:43:01] Mr Vanderpuye, for example,
21 CAR-OTP-2074, 2058, and 2059.

22 MR VANDERPUYE: [10:43:19] Thank you, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:43:20] That is one of the -- that is the
24 statement from February 2018.

25 MR VANDERPUYE: [10:43:23] Yes, Mr President.

1 PRESIDING JUDGE SCHMITT: [10:43:24] And there, the witness speaks in
2 more detail how François Bozizé reacted to the news from Bangui.

3 MR VANDERPUYE: [10:43:34] Yes, that's right.

4 Q. [10:43:37] You know, during your statement, you talked about President
5 Bozizé receiving a telephone call while he was speaking to you, and, that
6 during the telephone call, he learned that somebody had dug his mother's body
7 out of the grave and was furious about that.

8 Do you remember that?

9 A. [10:44:06] Yes, I remember that very well because members of the Séléka
10 coalition had arrived -- Bossangoa. We were receiving alarming information.
11 There were religious people who were being murdered. There was
12 a Christian church in Bossangoa, which had been destroyed, and a telephone
13 call was received talking about the mother -- the body of his mother that had
14 been profaned. I remember that very well.

15 Q. [10:45:14] And what was President Bozizé's reaction? And what did he
16 say with respect to that in terms of what needed to be done?

17 A. [10:45:30] Mr President, he said that it was unacceptable. That enough
18 was enough. That they had crossed a red line and they should not have done
19 that. That he would not accept that type of provocation and that he would
20 assume his responsibilities.

21 PRESIDING JUDGE SCHMITT: [10:46:11] Perhaps, Mr Kokaté, I'm
22 hearing -- I have your statement from February 2018 in front of me, and I read
23 two or three lines only to you, and I would ask you if this refreshes your
24 memory.

25 It's about quotations that supposedly Mr François Bozizé has made during this

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 meeting. I'm at CAR-OTP-2074, 2058, at line 1238, I quote, Mr Kokaté:
2 "... BOZIZÉ said that 'The elements of the SELEKA coalition are doing bad
3 things to the sons of the country. '"

4 Continues at 1241: "'... we need to defend. '"

5 Do you recall this?

6 THE WITNESS: [10:47:04] Yes, Mr President. I remember that. That is
7 why -- well, maybe I wasn't well understood, but I said that the information
8 reaching us was so alarming. And when the Séléka elements attacked
9 Christians and religious leaders to the point of profaning the body of Bozizé's
10 mother, the president said he was not going to accept that. It was
11 inadmissible and that he would assume his responsibilities in that regard.
12 I think that's what I said.

13 PRESIDING JUDGE SCHMITT: [10:48:04] Yes, yes, I recall that. And a
14 further line on the next page of this statement, it's at page 2059, line 1256.
15 Again, in your statement, a quotation that you seemed to ascribe to François
16 Bozizé:

17 "Then, 'we needed to organise ourselves to get the SELEKA out.'"

18 Do you recall that something like that has been said?

19 THE WITNESS: [10:48:45](Interpretation) Mr President, I remember because
20 when Mr Bozizé said, "Enough is enough, you have to assume our
21 responsibilities, we have to defend ourselves, we had to organise ourselves," as
22 I have told you, Bozizé was actually shedding tears. He was crying. He was
23 in total shock.

24 PRESIDING JUDGE SCHMITT: [10:49:16] When President Bozizé spoke
25 about to organise yourselves - "ourselves" was the formulation here - was he

1 more specific how this should go forward, this organisation? Or had others in
2 this meeting talked about how to organise themselves?

3 THE WITNESS: [10:49:40](Interpretation) Mr President, on that day, everyone
4 was discontent, unhappy. When we heard everything we heard, we were not
5 happy at all. It was shocking. But he was the one who was the president.
6 He was the one who said that people had to organise themselves and assume
7 responsibility.

8 So that matter of organisation and assuming responsibility was incumbent on
9 the president himself. But I can tell you that no one amongst us accepted
10 what was happening in Bangui because people were being killed, religious
11 leaders were being killed and locations were destroyed. No one accepted
12 that.

13 PRESIDING JUDGE SCHMITT: [10:51:06] Well, reading the statements, there
14 might be a later instance where there was more talk about how to organise
15 themselves.

16 But I think perhaps if you proceed from there, Mr Vanderpuye.

17 MR VANDERPUYE: [10:51:21] Thank you very much, Mr President.

18 Q. [10:51:24] I think, Mr Kokaté, what I'm getting at least is -- what I'm
19 getting at least is, you were there with other people as a group with the
20 president. You were not there accidentally, and you were not there as
21 spectators. So the question is, in the context of the meeting, why were you
22 there and what, if anything, were you supposed to do? What was your
23 understanding of that?

24 A. [10:52:09] Mr President, as you are aware, I had initially been an
25 opposition leader to President Bozizé, and, after the Libreville declaration, that

1 was when there was a *rapprochement* between President Bozizé and myself
2 following my entry into the government. As far as I'm concerned, when
3 Mr Bozizé called me to Yaoundé -- in fact, he was the one who invited me to
4 come to Yaoundé. I did not ask to come and see him.
5 So I came to see him. I was a minister in his government. So I came to
6 Yaoundé and when I arrived in Yaoundé, Mr President, President Bozizé told
7 me, "Now that I'm no longer president of the republic, I recognise myself now
8 as a member of the *Collectif*, because that movement had a lot of impact on me
9 when I was president of the republic."

10 So he pursued his line of thought by stating that he could not accept being
11 overthrown by Séléka and that he was going to get the heads of state of ECCAS
12 to return him to power.

13 So as I told you, Mr President, the meetings took place in stages. I think the
14 question that you are going to ask me -- maybe I'm going to talk to you about
15 the meeting of Paris later, but I can only talk about myself, what I told you in
16 my statements. I cannot talk about the statements of the others. I'm talking
17 only about myself, what I heard, what I did and when the time comes, I will
18 freely talk to you about what happened.

19 PRESIDING JUDGE SCHMITT: [10:55:39] I think he has now mentioned Paris.
20 Perhaps --

21 MR VANDERPUYE: [10:55:42] He has mentioned Paris.

22 PRESIDING JUDGE SCHMITT: [10:55:43] Yes, he has mentioned Paris and he
23 has spoken of different stages and developments. But perhaps we could
24 discuss this then after -- after the break. But if you have other questions
25 before that, we can have them, too, and perhaps --

1 MR VANDERPUYE: [10:55:57] Yeah, there's a bit in between, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:56:00] Okay, good. Then continue.

3 MR VANDERPUYE:

4 Q. [10:56:02] And I wanted to say, first, I'm grateful that you are talking
5 about what you yourself know and what you yourself observed. And I really
6 wouldn't ask you to do much more than that. But since you were present at
7 the meeting, what I'm asking you is, what you observed -- not just of yourself,
8 but of other people that were present in the meeting, just like if someone were
9 to ask me what you just said, I would be able to say it to them because I'm here
10 watching you.

11 So as I ask this question, what was the -- what was the discourse in that
12 meeting with other people that were also present?

13 A. [10:56:54] Mr President, thank you. Once again, as I was saying a short
14 while ago, all the participants in those meetings, both at the Hilton hotel and in
15 the CAR embassy, all the participants were not at all agreed with the Séléka
16 coalition which had seized power. There was a feeling of discontent. You
17 could see it in everyone's face. Everyone was nervous.

18 But, Mr President, there was a leader who was there and that was President
19 Bozizé. Obviously, some of us took the floor, many people made comments,
20 but I'm focusing on what I myself said, but what I can say for sure is that no
21 one present there accepted what was happening in Bangui.

22 Séléka had seized power by violating the Libreville agreements, and then they
23 were conducting themselves in a reprehensible manner, and, in all ways,
24 extrajudicial killings, pillaging, mistreatment of Central Africans. They looted
25 goods from Central Africans and took them back to their countries because

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 they had arrived with mercenaries from Sudan and Chad. So all those
2 feelings were visible there because all those who were there were not happy at
3 all to hear what was happening in Bangui.

4 But the person who was organising or directing the discussions was President
5 Bozizé, and whatever was happening was according to how he was organising
6 it.

7 MR VANDERPUYE: [10:59:46] This is a good time for the break,
8 Mr President.

9 PRESIDING JUDGE SCHMITT: [10:59:49] Yeah, I also think so, and I'm not
10 sure if we can get more information with regards to the specific content of
11 these meetings in the embassy.

12 Okay. But you can give it another try, but I'm -- I'm not sure if this is very
13 promising.

14 So we have a break until 11.30.

15 THE COURT USHER: [11:00:10] All rise.

16 (Recess taken at 11.00 a.m.)

17 (upon resuming in open session at 11.30 am)

18 THE COURT USHER: [11:30:54] All rise. Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:31:15] So Mr Vanderpuye, you have the
20 floor.

21 MR VANDERPUYE: [11:31:27] Thank you, Mr President.

22 Q. [11:31:30] And just before we broke, Mr Kokaté, we were talking about
23 the meeting at the embassy in the Central African Republic -- I mean, in
24 Yaoundé.

25 I wanted to ask you, following that meeting, were there any other meetings

1 that you attended in Yaoundé or in Douala in respect of the matters that were
2 discussed at the Hilton hotel and also at the embassy?

3 PRESIDING JUDGE SCHMITT: [11:32:33] Well, we don't hear the witness,
4 and also no translation. So we have to wait for a moment.

5 (Pause in proceedings)

6 PRESIDING JUDGE SCHMITT: [11:32:52] I think it should now work. So
7 the question, Mr Witness, was, if there were any other meetings that you're
8 aware of or that you participated in in Douala, for example, at the time?

9 THE WITNESS: [11:33:11](Interpretation) Mr President, I participated in one
10 meeting in Yaoundé and that meeting took place in one of the residences of
11 Mr Ngaïssona. That meeting took place in Yaoundé, and, during that meeting,
12 the former president, Bozizé, came and came to the residence of Ngaïssona
13 whilst I was there during the meeting. It was in Yaoundé.

14 MR VANDERPUYE:

15 Q. [11:34:08] When was that meeting relative to the meeting that was at the
16 embassy?

17 A. [11:34:17] In any case, that meeting took place after the meeting which
18 took place at the embassy. The ambassador was already dismissed from his
19 functions, so the meeting in the chancellery couldn't take place over there.
20 I don't remember exactly when it happened. I don't remember the month or
21 the date.

22 Q. [11:35:01] Was it a long time after the meeting at the embassy or
23 a relatively short period of time? And what I mean -- when I say that, I mean,
24 was it within let's say a month or -- or longer than that?

25 A. [11:35:19] It was shortly thereafter. I don't know exactly when, but

1 shortly thereafter.

2 Q. [11:35:30] And you said that it was at the residence of Mr Ngaïssona in
3 Yaoundé; is that right?

4 A. [11:35:39] It was that. Because Mr Ngaïssona told me that we're going to
5 see each other, that -- in one of his residences in Yaoundé. So the plan
6 was -- the map was given to me, and I came to that meeting.

7 Q. [11:36:01] What did you meet with him about?

8 A. [11:36:05] *President Bozizé was there, Ngaïssona was there, I was there, and
9 there were people there too. He continued to speak about the main subjects that
10 we had dealt with at the embassy. He was very shocked about the incidents
11 which had happened in Bangui and in his village. He talked about that. He
12 said that so far he hadn't any contact with the heads of states, but that he
13 wouldn't stand there idly and watch Séléka and see what they were doing.

14 Q. [11:37:19] Do you remember what area this residence was in at Yaoundé?

15 A. [11:37:37] Sorry?

16 Q. [11:37:44] What area of town was the residence in?

17 A. [11:37:50] Where was the residence? It was in Yaoundé, but I don't
18 exactly know where because I don't really know Yaoundé very well. I know
19 Douala much better than Yaoundé. I know it was in a villa in Yaoundé.

20 Q. [11:38:12] Okay. Do you know somebody by the name of Vincent
21 Wapounaba?

22 A. [11:38:26] I know Vincent Wapounaba quite well. *He was a body guard,
23 a body guard of former president François Bozizé.

24 Q. [11:38:45] Was he with President Bozizé when he came to that meeting?

25 A. [11:38:54] Yes, Wapounaba was at that meeting. He was there. He

1 came in the same vehicle as President Bozizé.

2 Q. [11:39:08] And were the other people who were at the embassy also at
3 that meeting, to your recollection?

4 A. [11:39:20] No. The staff -- there weren't many there. Not many because
5 it was in a small house. That's it.

6 Q. [11:39:44] Just a few more questions on this. Was Levy Yaketé present at
7 that meeting?

8 A. [11:39:56] I do seem to think he was there. I think he was there. I think
9 Levy Yaketé, David Banga was there as well I think.

10 Q. [11:40:14] And what about Bernard Mokom?

11 A. [11:40:17] Yes, Bernard Mokom was also there, I think.

12 Q. [11:40:22] Do you know if any of President Bozizé's sons were at that
13 meeting?

14 A. [11:40:29] I can't quite recollect. I can't remember.

15 Q. [11:40:46] All right. And in respect of that meeting, it sounds like many
16 of the same sorts of issues were discussed. But in the course of that meeting,
17 were any tasks or assignments or directions given?

18 A. [11:41:17] Mr President, there were no tasks assigned during that meeting.
19 As far as I'm aware, this meeting covered the same subjects which we had dealt
20 with in the past when we were in the embassy of Central Africa in Yaoundé.

21 Q. [11:41:56] Well, was it a planned meeting? In other words, was it one of
22 the steps that you described before or is this something that was just
23 extemporaneous, something that was just improvised?

24 A. [11:42:14] Mr President, that meeting, I think Mr Ngaïssona is in a good
25 position to answer that question because he informed me that there was

1 a meeting. He told me that there would be a meeting at his place, and the
2 map and the address was given to me so that I could go to the meeting.

3 Q. [11:42:50] So your understanding is that Mr Ngaïssona -- well, let me -- let
4 me start again. Mr Ngaïssona invited you to that meeting, and this is
5 a meeting that President Bozizé came from where he was to attend; is that
6 right?

7 A. [11:43:13] That's correct.

8 Q. [11:43:22] All right. Did you hear of other meetings that were held
9 regarding essentially the same group of people or the same subject matter that
10 took place in your absence?

11 A. [11:43:46] Mr President, I heard it said that there were many meetings
12 that took place, which took place during my absence, and when I wasn't
13 invited personally to those meetings, well, I can't really say what content they
14 had. But I think at some point in time I had returned to France and I know
15 that there were meetings going on.

16 PRESIDING JUDGE SCHMITT: [11:44:35] I think we really -- we really
17 should move forward now. He has now mentioned twice France, and before
18 the break, specifically, Paris, and I think we should really move forward.

19 MR VANDERPUYE: [11:44:47] That's no problem, Mr President.

20 PRESIDING JUDGE SCHMITT: [11:44:49] Because, you know, I'm -- I'm -- the
21 Chamber is a little bit worried because if we look at the summary of the
22 expected testimony by the Prosecution, we are on page 10 of 85, and, of course,
23 I know there might be issues that are more important or less important, but
24 a short mathematical calculation shows clearly that it will not be possible to go
25 through everything, and also, in the opinion of the Chamber, not necessary

1 with regard to relevance.

2 So it is -- it might be really important to make a selection based on relevance
3 and importance, and especially, of course, with regard to the fact if the
4 defendants in any way are involved in the matter.

5 MR VANDERPUYE: [11:45:41] Yes, Mr President, I'm -- I'm coming to that.

6 Q. [11:45:50] While you were in the Central African Republic -- I'm
7 sorry -- while you were in Yaoundé, you met with other people besides
8 Mr Ngaïssona and Levy Yaketé before you went back to France, isn't that right,
9 during the period of time that you were attending those meetings?

10 A. [11:46:23] Yes, Mr President. I met many people. I met many people in
11 Yaoundé. I can't list them all here.

12 Q. [11:46:39] Okay. I'll ask you about some names in a little while, but we
13 can move on a little bit.

14 You said you learned about some meetings that were held in your absence.
15 Do you know what the reason is that those meetings were held in your absence
16 given the fact that you had been invited to at least three meetings with
17 President Bozizé?

18 A. [11:47:06] Mr President, let me be clear on this subject. President Bozizé
19 has a certain way of operating. He has meetings where everybody is invited,
20 and he also has meetings which was done in a very restricted circle with
21 members of his family included.

22 Q. [11:47:40] And when you say the "members of his family", you mean
23 members of his ethnicity, Gbaya?

24 A. [11:47:51] I'm talking about members of his family who were with him in
25 Yaoundé. And President Bozizé had more trust and confidence in people of

1 his family and, in particular, also people of his same ethnic group.

2 Q. [11:48:21] Okay. I think that's -- that's fine.

3 Now, just before we get back to France, I just want to confirm something with
4 you. You travelled to Cameroon several times during the course of 2013; is
5 that right?

6 A. [11:48:41] That is correct, Mr President.

7 Q. [11:48:47] You were there in August, September, October, November, and
8 December of that year. Is that right?

9 A. [11:48:58] As I said to you, Mr President, I travelled a lot. Both privately
10 in Cameroon, and it was during that time there. So the question that you
11 asked is correct.

12 Q. [11:49:21] All right. The next time you saw François Bozizé was in
13 France, isn't that right, after you left following that meeting at Ngaïssona's
14 residence?

15 A. [11:49:45] That's correct, Mr President.

16 Q. [11:49:47] Can you tell the Chamber about the circumstances of that
17 meeting, please?

18 A. [11:49:54] Mr President, I was informed through a call from Edouard
19 Ngaïssona and Mr Poussou who told me that there was a meeting that was
20 going to take place in a restaurant in Paris and during that meeting we would
21 lunch together.

22 The day of the meeting arrived. I didn't know that hotel very well, and
23 Adrien Poussou and myself met in the *Gare du Nord*. He knew that hotel quite
24 well and we went there.

25 Once we had arrived at that meeting, we were seated and shortly thereafter,

1 *President Bozizé entered the hall. Respectfully we got up to
2 welcome him as a former president and then we all sat around the table.
3 The former president, Bozizé, spoke. I said he spoke, and, at that moment, he
4 revealed his intentions in a clear way. He said that he had tried to contact the
5 CAC (sic) heads of states so that he could be brought back to power. He had
6 not received a positive response to that, and therefore he would start up
7 a movement, which would be called FROCCA.
8 That movement, FROCCA, would be led by Mr Lin Banoukepa. With the
9 FROCCA movement, he would use all the means possible - and, I stress, all
10 means - so that he could return to power. All means. And in the future days,
11 he would have an office for FROCCA that would be set up.
12 There, Mr President, that is what he said during that meal.

13 Q. [11:53:21] All right. A couple of things I'd like to follow up on. One is,
14 do you remember when that meeting took place?

15 A. [11:53:31] Mr President, I have told you the last time that dates, days, it's
16 difficult for me because I didn't know that one day I would appear before you
17 and have to explain myself, so I didn't note down the actual days.

18 Q. [11:53:58] All right.

19 PRESIDING JUDGE SCHMITT: [11:54:00] Mr Kokaté, but perhaps you have
20 an idea, you can limit the time a little bit. You know, sometimes -- sometimes
21 you were in Paris at the time, sometimes you might recall if it was spring, it
22 was summer, you see what I mean. So if you have an idea, perhaps, when it
23 was.
24 So it's absolutely natural that you don't recall the exact date, but perhaps you
25 can -- can limit the time frame a little bit.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [11:54:24] Maybe I could be of assistance, Mr President.

2 PRESIDING JUDGE SCHMITT: [11:54:28] Yes, of course.

3 MR VANDERPUYE:

4 Q. [11:54:29] Mr Kokaté, I can tell you that the first press communiqué of
5 FROCCA was issued on 5 August 2013 by Lin Banoukepa as the coordinator of
6 that group. Does that help orientate you as to when you met
7 concerning -- concerning the establishment of the group?

8 A. [11:54:51] Yes, it could be during that period. It really could be during
9 that period.

10 Q. [11:55:06] Now, you said this was a meeting that occurred in Paris, it was
11 several people that were involved in the meeting and President Bozizé talked
12 about using every means in order to return to power.

13 Did he describe or did you understand how he intended to do that? You say,
14 "all the means." What do you mean by that?

15 A. [11:55:38] Mr President, "all the means," for me, in the first phase, was to
16 contact the heads of states of the CEAC (sic) to resume power, but he didn't get
17 a positive response. So President Bozizé then said he would use all the means
18 that he had available to him to return to power. I think that he was thinking
19 about using force to return to power.

20 Q. [11:56:28] All right. And in respect of that meeting, who was present?

21 A. [11:56:49] During that meeting, there was Master Lin Banoukepa,
22 Mr Ngaïssona, Levy Yaketé, Adrien Poussou, I think Ambassador Oguere as
23 well, I was there. There were about 10 people there, maybe 12, 13. I can't
24 remember everybody.

25 Q. [11:57:45] Do you know somebody by the name of Yvon Songuet?

1 A. [11:57:59] Yes, I know -- I known that person well.

2 Q. [11:58:00] Was he at the meeting?

3 A. [11:58:11] I can't be certain, but I saw him during the same period in
4 a hotel where President Bozizé was living in the -- on the Champs-Élysées. I
5 know that he was there in that hotel. There was Francis Bozizé, who was also
6 there, and Mr Banoukepa, and there was Dieudonné Toko Félicien (phon).

7 There was talk about sending a delegation to New York because the
8 prime minister at the time, Nicolas Tiangaye, was going to New York to
9 present and defend his government in New York and therefore we had to send
10 two people.

11 And at that point in time, if I remember correctly, President Bozizé sent money
12 to Adrien Poussou so that he could take a flight and stay in New York. And
13 President Bozizé said to Adrien Poussou and Songuet that they would go to
14 New York and would represent and say what was going on. That was
15 sent -- said in our presence.

16 Q. [11:59:52] Okay. I'd like to show you a document. This is tab 76,
17 CAR-OTP-2124-0852.

18 Can you see the document in front of you now?

19 A. [12:00:40] Yes, I can see it, Mr President.

20 Q. [12:00:50] Just for the record it reads:

21 (Interpretation) "Protocol for the political agreement for the creation of a front
22 for the return for the constitutional order in Central Africa."

23 If we could just go to the next page, we can see what the preamble is. And it
24 talks about at the second paragraph: (Interpretation) "For more than 100 days,
25 the Séléka's coalition took power in Bangui and is managing our country and

1 they are carrying out acts of violence and reprehensible and horrific acts."

2 (Speaks English) Do you see that?

3 A. [12:02:01] Yes, I can see that.

4 Q. [12:02:03] All right. And the reason why I read -- I read that in is so that
5 you can see approximately when this document would have been created.

6 I'd like to go to the next page, please, which refers to "ARTICLE 1". And in
7 article 1, it sets out the fundamental objectives and the reasons for them, and it
8 lists various crimes that were committed by the Séléka, which is referred to
9 here as (Interpretation) "Islamist mercenaries".

10 (Speaks English) Do you see that there, Mr Kokaté?

11 A. [12:03:11] Yes, I've read that, Mr President.

12 Q. [12:03:14] All right. I'd like to take you to the next page. You see
13 "ARTICLE 2" at the bottom here:

14 (Interpretation) "Actions to be carried out for a return to constitutional order."

15 MR VANDERPUYE: [12:03:39] That's good there.

16 Q. [12:03:40] And here, you can see three main avenues. One refers to "Au
17 Plan Politique", and then "Au Plan Diplomatique" and a third, "Au Plan
18 Stratégique".

19 The first thing I want to ask you with respect to this document is the obvious
20 question, have you seen it before?

21 A. [12:04:04] Mr President, no. I have not seen the document before. But I
22 do not know whether during my interview with the OTP in 2018 I saw that
23 document or not. I can't remember, but I had not seen --

24 Q. [12:04:31] (Overlapping speakers) No, you --

25 A. [12:04:31] -- the document before.

1 Q. [12:04:36] -- didn't see that in your interview in 2018. But let me ask you
2 about it because you talked about President Bozizé wanting to use all means to
3 return to power. And on this page, at the very top of the page - if we could
4 just scroll up for a second - it says that the FROCCA --

5 (Interpretation) "In order to achieve the objectives set, we'll carry out the
6 following actions:"

7 (Speaks English) And these are them.

8 If we go to the bottom of this-- towards the bottom of this page, rather, we have
9 here:

10 (Interpretation) "At the communications level:"

11 So my question is: Were these things or these modes of carrying out the
12 objectives of FROCCA discussed during the meeting that you attended in Paris
13 around the beginning of August 2013?

14 A. [12:05:45] Mr President, during that meeting in Paris, President Bozizé
15 said that he would use all means possible to return to power. As a former
16 soldier, to me, did mean -- this means the use of force, given that he had tried
17 to enter into contact with the CEAC (sic) leaders and had not been successful.
18 But I did not know that document and the plans and strategies of FROCCA
19 because I'm not a member of FROCCA.

20 Q. [12:06:51] All right. Let me take you to ERN page 0858 in this document.
21 The effort proposed to align several different parties, or at least these three.
22 So first, you can see Mr Banoukepa's name on there, and then you can see
23 François Bozizé's name on there, and then you have Jean Serge Waffio.

24 Do you know who Jean Serge Waffio is? Did you know him at that time?

25 A. [12:08:03] I know that Jean Serge Waffio is a politician from the CAR --

1 Q. [12:08:11] (Overlapping speakers) Okay. And do you know why --

2 A. [12:08:11] -- but I have no relationship with him.

3 Q. [12:08:18] -- he would be a part or party to this protocol agreement?

4 Anything come to mind?

5 A. [12:08:30] Mr President, I have absolutely no idea. This is the first time
6 that I have seen this type of document, and I am not directly or indirectly
7 involved with that agreement.

8 Q. [12:08:53] All right. I'd like to take you to the next page, that is, ERN
9 ending 0859, please.

10 What we see here is - or what's indicated, rather - is the composition of the
11 coordination, the political and diplomatic coordination.

12 Obviously, you have already spoken about Mr Banoukepa. You've talked
13 about Levy Yaketé.

14 Do you know who Mazoungou is?

15 A. [12:09:43] Mazoungou was a member of President Bozizé's government,
16 but not the same government to which I belonged.

17 Q. [12:10:07] Okay. You can see there, Patrice Edouard Ngaïssona's name.
18 He is designated as "Responsable des Affaires Intérieures et des Associations".
19 Thierry Bongolo, do you know him?

20 A. [12:10:38] Yes, I know Thierry Bongolo. During Bozizé's time, he was
21 working at the economic and social council and he's also a pastor. That is
22 what I know about him.

23 Q. [12:11:02] Okay. Were you aware of any positions or assignments that
24 were given out, other than these, in relation to the establishment of the
25 coordination of FROCCA?

1 A. [12:11:30] Mr President, I have told you that I was never aware of the
2 positions that people occupied within FROCCA. Ever since FROCCA was
3 created, I know nothing about their positions, posts --

4 Q. [12:11:59] (Overlapping speakers) All right, I'm just --

5 A. [12:11:59] -- and so on.

6 Q. [12:11:59] -- going to ask you about a few other names.

7 Do you know someone by the name of Edouard Serefio?

8 A. [12:12:16] I beg your pardon?

9 Q. [12:12:19] Serefio, Edouard.

10 A. [12:12:29] I know many Serefios, but I don't know --

11 Q. [12:12:30] (Overlapping speakers) All right --

12 A. [12:12:30] -- which one you're talking about.

13 Q. [12:12:43] -- that's fair.

14 Do you know somebody by the name of Francis Kopaye?

15 A. [12:12:51] Who?

16 Q. [12:12:52] Kopaye or Kopaye.

17 A. [12:13:02] What about the first name?

18 Q. [12:13:02] (Overlapping speakers) Francis.

19 A. [12:13:04] Francis Kopaye, I know him. His wife is President's Bozizé's
20 niece.

21 Q. [12:13:35] Do you know someone by the of Michel Nambo-Bona?

22 A. [12:13:51] No, I do not know.

23 Q. [12:13:53] All right. You can see the assignments - let's call it that - of
24 individuals in the coordination. Does that accord with your understanding or
25 recollection of how those individuals were related to FROCCA?

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 A. [12:14:23] Mr President, insofar as I myself, I was never a member of
2 FROCCA. I have no information about what happened in FROCCA. So I am
3 not in a position to give you precise information because I do not know it.

4 Q. [12:14:52] All right. Let me show you another document --
5 I'm sorry, Mr President.

6 PRESIDING JUDGE SCHMITT: [12:14:56] Mr Kokaté, we have understood
7 that you said that you were not a member of FROCCA. But during the time of
8 when -- when Mr Djotodia was president, did you speak on radio or on
9 television on behalf of the FROCCA?

10 THE WITNESS: [12:15:21](Interpretation) Mr President, I spoke on television.
11 If I'm not mistaken, it was Africa 24. And I denounced Michel Djotodia's
12 government. I was speaking as a Central African who was against the seizing
13 of power by force. If I remember correctly, I also talked about the acts of
14 violence perpetrated by Séléka elements.

15 So I know that I took the floor. I spoke, but it was not on behalf of FROCCA.

16 PRESIDING JUDGE SCHMITT: [12:16:28] So you have -- have you spoken on
17 your own volition, so to speak, on television and on radio, or has somebody
18 asked you?

19 THE WITNESS: [12:16:42](Interpretation) When I spoke on television for the
20 first time, I was in telephone contact with Ngaïssona, and we talked about that.
21 And I talked about the violent acts of Séléka, but I never said that I was
22 a member of FROCCA. I never mentioned that word "FROCCA,"
23 Mr President.

24 PRESIDING JUDGE SCHMITT: [12:17:23] So do we understand it correctly
25 that when you spoke, that you got information, perhaps not only, but also from

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Mr Ngaïssona? Or -- or did I understand something wrong here?

2 THE WITNESS: [12:17:42](Interpretation) Yes, Mr President. Frequently,
3 when I would make statements, it would be after discussions between myself,
4 Mr Ngaïssona, and other compatriots because I was not present in Bangui. I
5 was in France. And once I gathered all that information together, I would
6 make a statement.

7 PRESIDING JUDGE SCHMITT: [12:18:15] Thank you, Mr Witness, for the
8 moment.

9 Mr Vanderpuye, you wanted to show a document to the witness.

10 MR VANDERPUYE: [12:18:17] I did.

11 PRESIDING JUDGE SCHMITT: [12:18:18] I apologise for interrupting you,
12 but it just came to my mind at that moment.

13 MR VANDERPUYE: [12:18:28] No. Thank you. I appreciate it.

14 Q. [12:18:30] Can I show you tab 25. It's CAR-OTP-2069-3544. All right.
15 This is a -- if we can go to the top.

16 Do you recognise -- first of all, can you see this document, Mr Kokaté?

17 A. [12:19:21] Yes. Yes, I can see the document on the screen, Mr President.

18 Q. [12:19:30] If we can go to the very bottom of the document. All right.
19 There, we can see that it says:

20 (Interpretation) "Done on the 17th August 2013".

21 And it has your name on it.

22 Do you recognise this document?

23 A. [12:19:56] Yes, Mr President, I recognise this document. *But only that I
24 have to make a clarification here. This document was drafted, in fact, it had
25 been sent to my by email account by Francis Bozizé. They had already written

1 the document then called me to validate it. And when I read the document,
2 well, I accepted it, and they published it on social media. So they had already
3 prepared that document, and Francis Bozizé called me and asked me to read it
4 -- saying it was at the request of his father. That then is why I did ... I accepted
5 the document.

6 Q. [12:21:00] (Overlapping speakers) I see. If we can go up the page a little
7 bit.

8 A. [12:21:00] -- he told me that it had been asked by his father.

9 Q. [12:21:07] That's a good place.

10 In that document, you refer to the *Collectif des officiers Libres* --

11 (Interpretation) "The *Collectif des officiers Libres* totally agrees with the objectives
12 sought by the front for the return of constitutional order in CAR and appeals to
13 all Central African patriots to put themselves to the service of the efforts
14 undertaken by President Bozizé for the salvation of the people and the superior
15 interest of the nation."

16 A. [12:22:05] Mr President, I have just told you that this document was
17 drafted or prepared by Bozizé himself because he was -- it was his son who
18 called me to read out this document. I have told you that President Bozizé
19 had said that the *Collectif des officiers Libres* had had a lot of impact on him
20 when he was president of the republic and that his statements put him very ill
21 at ease and had a great impact on him.

22 So they were the ones who prepared that document. They drafted it. They
23 sent it to me by mail. So it was just for the purpose of having my name
24 affixed to that document. Now, talking about agreeing totally with
25 FROCCA, I would say that if I accepted all their philosophies, I would have

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 been a member of FROCCA. When I accepted the ideals of the CPJP, I became
2 a member. So how can I be a member of FROCCA *and I do not figure
3 anywhere on the FROCCA organisation chart?

4 Q. [12:24:03] (Overlapping speakers) I agree. I don't see your name in that
5 document either.

6 MS DIMITRI: [12:24:03] I'm sorry. There is some overlap on the English
7 channel.

8 MR VANDERPUYE: [12:24:04] Oh, all right. I'll stop there.

9 PRESIDING JUDGE SCHMITT: [12:24:06] Yes, I do not constantly say it, but,
10 indeed, two or three seconds, please allow yourself, and I think then we are
11 fine.

12 MR VANDERPUYE: [12:24:23]

13 Q. [12:24:25] I was saying, I don't see your name on this document either,
14 not this document, but the one I showed you previously. But what this looks
15 like to me - and you can clarify it - is that Bozizé thought it was important to be
16 able to use your collective to reach out to the military to assist in his effort to
17 return to power.

18 Do I have that right?

19 A. [12:25:16] Mr President, it was a strategy of former President Bozizé and
20 FROCCA. It was their strategy. They were the ones who used that strategy.
21 As I have said here, they knew that while I was in the opposition to Bozizé, I
22 made statements that had a lot of impact on him. So he's the one who drafted
23 that document, and I received the document by mail through his son, so
24 there -- it was their strategy with FROCCA. They used my name, but I had no
25 role to play in that.

1 Q. [12:26:20] Mr Kokaté, this is the very reason why President Bozizé
2 contacted you in the first place and asked you to come to meet in Yaoundé,
3 isn't it, to bring your people on board his effort to reclaim power, right?

4 A. [12:26:40] Mr President, he is the one who invited me to Yaoundé. I did
5 not know what President Bozizé was thinking of me, but when I came to
6 Yaoundé, he told me that he was going to return to power through legal means,
7 but since he was unsuccessful in that, he decided to set up FROCCA.
8 So if I understand correctly, that was, therefore, the purpose of my arrival in
9 Yaoundé.

10 So I was in contact with them, but I myself was not in contact with FROCCA.
11 So Bozizé's strategy of acting with the others was drawn up with FROCCA.

12 Q. [12:27:59] (Overlapping speakers) All right, well, tell us what was
13 planned by the FROCCA in respect of that attack?

14 PRESIDING JUDGE SCHMITT: [12:28:11] Obviously, we are disconnected.
15 (Pause in proceedings)

16 PRESIDING JUDGE SCHMITT: [12:29:58] So I hear there is hope. But,
17 anyway, I think we really have to be glad that -- how good it functions in the
18 end because it's really very complicated to -- to conduct proceedings in these
19 times, and we really have to appreciate every effort that is being made by
20 Registry, by parties. So -- and the Chamber really appreciates it and we are
21 very indulgent with everything that happens because actually, especially, the
22 judges would expect that even more disturbances would happen.

23 (Pause in proceedings)

24 PRESIDING JUDGE SCHMITT: [12:31:54] We see at least somebody in the
25 room. Not the -- not the right person, so to speak, but -- so welcome back,

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Mr Kokaté. So I already said in the courtroom that this has to be expected that
2 sometimes the connection is not so good, so we have to live with that. That's
3 not a problem.

4 Perhaps, I make -- I would like to ask you one question. We have been talking
5 about this "Appel du Collectif des Officiers Libres", and you described how it
6 came that your name appears at the bottom of it. But what I would like to ask
7 you on behalf of the Chamber is, did you agree with the content of this *appel*?

8 THE WITNESS: [12:33:08](Interpretation) Mr President, it is a document that
9 was prepared by President Bozizé and sent to me by his son, Francis Bozizé, so
10 I simply read through this document and gave my approval for its publication
11 in social media. Being -- to be in agreement with FROCCA? No, but they
12 sent the document to me, I looked at it and then they published it in social
13 media. I was not the one who published it there.

14 PRESIDING JUDGE SCHMITT: [12:34:01] I think I understand, or we
15 understand, but you said it was of course -- and it suggests itself, to be honest,
16 because your name is on it, that you approved it.

17 Mr Vanderpuye.

18 MR VANDERPUYE: [12:34:15] Thank you, Mr President.

19 Q. [12:34:18] Just before the link went down, I'd ask you a question in
20 relation to what you said. And as per usual, I cut off the English translation,
21 so I apologise for that, but I want to ask you again the question because I think
22 what you said I'd like to follow up on.

23 So my question was: Tell us how FROCCA was concerned in the attack that
24 you referenced. And I'll read back very shortly what you said. You
25 said -- and this is at page 52, transcript line 9, in French:

1 (Interpretation) "But Mr President, you will see that we had contact with them
2 but myself, I'm not in contact with FROCCA. So there we go. The strategy
3 of Bozizé's attack with the others, it has happened, it has been planned by
4 FROCCA."

5 (Speaks English) So my question is, tell us what you mean when you say that
6 the attack of Bozizé and the others was planned by FROCCA?

7 A. [12:35:59] Mr President, during our meal in Paris, President Bozizé said
8 that he was going to set up FROCCA. FROCCA was going to be led by
9 Banoukepa, and, with FROCCA, they would take up power by any means.

10 So, Mr President, from the moment after that lunch - and then we met again at
11 the hotel where Bozizé was staying, before the departure of Songuet and
12 Poussou in New York - after that, Mr President, I never had a meeting with the
13 former president, Bozizé. However, President Bozizé communicated directly
14 with people close to him. *I followed the statement made by Banoukepa. He
15 made various statements on the airwaves on behalf of FROCCA. I think you
16 are aware of what those statements on the airwaves said.

17 I am not a member of FROCCA. I'm not associated with -- or part of restricted
18 limited meetings of FROCCA. However, as I said, I did have contact with
19 Ngaïssona by phone. But with not -- but not with FROCCA.

20 Just to make it very clear, I was not the initiator of this document from the
21 *Collectif of officiers libres*. That was drafted by President Bozizé, *since it is his
22 son Francis Bozize who sent it to me by mail and I think you have the means to
23 see or verify who sent it and who sent the message to the -- whom. I think
24 you have the possibilities of finding that out. So the document arrived and I
25 read it, I took note of it and it was published by them in the social network.

1 Now, regarding the strategy of FROCCA, I cannot talk about that because I am
2 not associated or linked to FROCCA, their strategy, their names, I'm not
3 associated with them. This is what I really want to tell you.

4 Q. [12:39:17] Okay. You used the word -- you used the word "attack".
5 When I hear the word "attack", I don't think about politics. I mean, I don't
6 think about -- I think about military, I think about operations, I think about
7 fighting. When you used the term, "the attack was planned by FROCCA",
8 what do you mean by that? Now, we've talked about this document, but now
9 I'm talking about something other than this document. I'm talking about the
10 plan.

11 So tell us what you know about that plan of attack or to attack?

12 A. [12:40:16] Mr President, an attack -- an attack plan is made by the
13 designers and drafters who are working out the plan of attack. When I was
14 not associated to an attack plan, how can I speak about an attack plan when I'm
15 not associated to it?

16 The FROCCA communiqué is clear. When we lunched together and I saw the
17 document, we -- and I took note of it with you, there they said that they have
18 an attack plan, that they have a strategy, which they're going to work on.

19 But since I was not involved in the attack plan amongst the people who
20 organised the FROCCA attack plan, I won't be in a position to give you details
21 about what sort of attack plan it is.

22 But as a former soldier, when you talk about "attack", it means going to war.

23 If that's the question you want to ask me, when you talk about attack, it means
24 war, and I think that is what FROCCA decided to do. But not me because I
25 wasn't associated with FROCCA.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. [12:41:53] Okay, Mr Kokaté. I think I have your answer.

2 You talked about planned by Bozizé *et les autres*. *Les autres*, you mean, people
3 that were in FROCCA or associated with FROCCA? Or do you mean
4 something else?

5 A. [12:42:19] Yes. I'm talking about Bozizé and FROCCA.

6 Q. [12:42:30] All right. I think I have that clear as well. Mr Ngaïssona was
7 in FROCCA, wasn't he?

8 A. [12:42:38] Mr President, when I was in contact with the OTP, it was at
9 that point in time that I learnt of the document where there was the
10 organogram of FROCCA. And in that document, Ngaïssona was number 2 of
11 FROCCA.

12 That's what I saw when I was in the presence of the OTP and they presented
13 me with that document.

14 Q. [12:43:19] All right. Well, we'll come to that document in just a moment.
15 We saw the names on the previous document, the protocol document that I
16 showed you, and that included the name of Levy Yaketé as a *porte-parole*. It
17 also included the name of Thierry Bongolo and Adrien Poussou. But I think
18 you said at some point that Adrien Poussou left and went to join the
19 government; is that right?

20 A. [12:44:06] That's correct. That's correct, Mr President.

21 Q. [12:44:13] And as far as you're aware, FROCCA also operated in the
22 field -- through elements in the field, right?

23 A. [12:44:29] Mr President, I am not a member of FROCCA. I can talk
24 about things that I know. The question of FROCCA, that is something that
25 you should ask the people who lead FROCCA because they are in a better

1 position to talk about their coordination in the field.

2 Q. [12:45:07] Well, that's a fair -- that's a fair point. But you are Anti-Balaka,
3 aren't you?

4 A. [12:45:16] Yes, I was a supporter of the Anti-Balaka.

5 Q. [12:45:31] And so you're aware that the Anti-Balaka was associated with
6 FROCCA, right?

7 A. [12:45:44] Mr President, when the leader of FROCCA, Mr Lin Banoukepa,
8 spoke about FROCCA and he talked about his military actions, he was
9 speaking as a representative -- me as a sympathiser to Anti-Balaka. I received
10 telephone calls, but I was never in the field. I never gave an order as an
11 Anti-Balaka in the field. I haven't got that competence.

12 Q. [12:46:25] I just want to acquaint you with something that Mr Banoukepa
13 said on 5 December during the course of the attack by the Anti-Balaka on
14 Bangui. He said this in a radio interview that morning. He said, in French:
15 (Interpretation) "The re-establishment of a constitutional order will happen
16 today in Bangui. We demand the political bodies to save our citizens on
17 behalf of FROCCA. We ask for you, our young brothers, to join our action so
18 that we stand together and that we become the political head."

19 (Speaks English) He continues and says:

20 (Interpretation) "On this day of 5 December, I call upon all Central Africans to
21 raise as a single man, to fight for our territory made up and invaded by
22 foreigners, by criminals who are humiliating us. And the aim of our
23 objectives is to support the liberation of 5 December for our young brothers
24 and sisters of Balaka, Anti-Balaka."

25 (Speaks English) So my question is, in fact FROCCA and the Anti-Balaka were

1 connected, if not the same. What do you say about that?

2 A. [12:48:44] Mr President, this statement which was made by Banoukepa
3 was done in the name of FROCCA. The Anti-Balaka in the field were present,
4 were there. He himself, Master Lin Banoukepa in his statement, if I have
5 followed it correctly, said what the policy of the Anti-Balaka -- they
6 coordinated the actions of the Anti-Balaka. I can talk to you about my
7 statements as a supporter of the Anti-Balaka, but I'm not in a position to talk to
8 you or to comment about a statement of FROCCA, particularly, since I'm not
9 a member of FROCCA. Particularly, I never was present other than the first
10 meeting in the Paris restaurant where I was told about this creation of
11 FROCCA by Lin Banoukepa. I never was present at any -- but really any
12 meeting of FROCCA.

13 So this declaration made by Banoukepa relates to him and the coordination of
14 FROCCA.

15 Q. [12:50:44] You have more to say, I'm sorry?

16 A. [12:50:49] No, it's fine. I'll stop here.

17 Q. [12:50:54] You were asked in your interview about whether there was
18 a military side to FROCCA and you said there was. And just for the
19 Chamber's reference, that's at tab 34, CAR-OTP-2074-2065 at page -- ERN page
20 2777, lines 402 through 412. And you've indicated back then as well that you
21 were not present when they met, but you also went on to indicate that there
22 was -- that their members included people such as Franklin Bozizé, Ngaïssona,
23 Bernard Mokom -- can I ask you -- Eric Danboy, Rodrigue Bozizé. These were
24 a number of individuals that you met when you went to Yaoundé and you
25 indicated were a part of the military wing, if you can call it that, of FROCCA.

1 It's accurate what you said in your statement?

2 A. [12:52:26] Mr President, it's after the discussions with them, it's after the
3 meeting with them when I met them in Yaoundé that I understood that it's
4 them who are the deciders of the military wing of FROCCA.

5 Q. [12:53:01] All right. And you also said in your previous or, rather, in
6 your interview, that Ngaïssona told you on a number of occasions that the
7 military wing -- or the members of the military wing were meeting in
8 Cameroon.

9 PRESIDING JUDGE SCHMITT: [12:53:25] The reference, so that we can --

10 MR VANDERPUYE: [12:53:26] Excuse me?

11 PRESIDING JUDGE SCHMITT: [12:53:26] It's the same reference?

12 MR VANDERPUYE: [12:53:32] The reference is a few pages further, 2083,
13 same tab, lines 614 through 619.

14 Q. [12:53:41] Is that -- is that -- is that right, that Mr Ngaïssona told you
15 about the meetings of the military wing of FROCCA, or people involved in the
16 military wing of FROCCA?

17 A. [12:54:00] Mr President, let me explain my relationship with Ngaïssona.
18 We were colleagues in the government, so we often exchanged views. And
19 Ngaïssona was determined to see that Bozizé come to power with him and
20 Ngaïssona told me that he organised and -- and coordinated military actions in
21 the field. I can confirm that that is what he told me.

22 PRESIDING JUDGE SCHMITT: [12:54:43] Perhaps on that, did you also
23 speak with him about financing of this military wing?

24 THE WITNESS: [12:54:53](Interpretation) Mr President, he and me, he said he
25 organised -- we didn't talk about finance. He organised Anti-Balaka in the

1 field, and he met the Anti-Balaka in the field and they narrated and reported
2 back to him. However, in the statements in Bangui, Mr Ngaïssona said
3 himself that he had spent a lot for the Anti-Balaka, which he had helped
4 finance. I could even go further. I might go in the year 2014. I wait for
5 what you say, but I can talk about that, if you like, if you grant me,
6 Mr President.

7 PRESIDING JUDGE SCHMITT: [12:56:11] Yeah, I think since the issue might
8 be connected, why not have it here and we can come back -- the Prosecutor
9 may come back to it, the Defence may come back to it. But please continue.

10 THE WITNESS: [12:56:30](Interpretation) Thank you, Mr President. During
11 a meeting, which was organised in Bangui at the residence of the presidency by
12 Mrs Catherine -- Catherine Samba-Panza from the transitional government, it
13 was asked that all the Anti-Balaka leaders who were present should come to
14 that meeting at the presidency.

15 I, myself, was -- attended that meeting. Ngaïssona didn't come because of his
16 health, which he said, and during that meeting, the president, the head of state
17 of the transitional government, in the presence of her cabinet, said that she
18 wanted to know who was the spokesperson, who was the individuals with
19 whom she, Mrs Samba-Panza could talk directly because they were the head of
20 the Anti-Balaka.

21 The response was clear, Mr President. Anti-Balaka themselves, in the room,
22 in the presence of the cabinet from the presidency - and also, there was
23 a MISCA -- and the representative of MISCA who was there as well - they said
24 that they are funded by Mr Ngaïssona.

25 It is them that Ngaïssona gave them the funds in order to organise them for the

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 events which took place on 5 December.

2 So the one who was responsible was Edouard Patrice Ngaïssona and there was
3 no one else other than him.

4 The president, Catherine Samba-Panza, asked that question to ask whether
5 Kokaté, and any one of us present, who clearly answered to Samba-Panza, who
6 was in that country, and they said that Mr Kokaté is simply a member of the
7 Anti-Balaka, but did not in any way do anything and it was Ngaïssona who
8 funded the Anti-Balaka.

9 I don't know if I've answered your question.

10 PRESIDING JUDGE SCHMITT: [12:59:36] Yeah, I think so, and we have been
11 now -- gone forward in time, but as I said, there might have been a connection
12 and we can -- we can go -- I assume we will come back to this issue with the
13 different participants here.

14 It's now shortly before 1 o'clock. I think it's a good idea to have a -- the break
15 now until 2.30.

16 Mr Vanderpuye, you have earlier mentioned a radio interview by
17 Mr Banoukepa. We would need the ERN number. If you have it present,
18 you can tell it to us now at the moment. Otherwise, perhaps after the break if
19 it is -- if it takes more time.

20 MR VANDERPUYE: [13:00:13] No, it should take me -- it should take me
21 a second.

22 PRESIDING JUDGE SCHMITT: [13:00:16] Okay. Then we wait.

23 MR VANDERPUYE: [13:00:16] Sorry. I'm not on that page anymore.
24 Sorry. That's quite a second.

25 MS DIMITRI: [13:00:36] If I can assist, Mr President --

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [13:00:36] Yes, of course.
- 2 MS DIMITRI: [13:00:37] -- it's 20 -- 2088 --
- 3 MR VANDERPUYE: [13:00:37] (Overlapping speakers) Yes, I have it here --
- 4 MS DIMITRI: [13:00:37] -- 2034.
- 5 MR VANDERPUYE: [13:00:37] Indeed, indeed. And -- yeah, that's -- that's
- 6 fine. That's CAR-OTP-2081 -- transcript -- well, there's a transcript reference
- 7 and also a CAR-OTP reference, 2081-0235, and also what Ms Dimitri pointed
- 8 out. I think that's right, but I'll check it over the break and I'll correct it if it's
- 9 not.
- 10 PRESIDING JUDGE SCHMITT: [13:01:10] Exactly. If not, please tell us.
- 11 So we have now the break until 2.30.
- 12 THE COURT USHER: [13:01:14] All rise.
- 13 (Recess taken at 1.01 p.m.)
- 14 (Upon resuming in open session at 2.32 p.m.)
- 15 THE COURT USHER: [14:32:14] All rise. Please be seated.
- 16 PRESIDING JUDGE SCHMITT: [14:32:22] Good afternoon. Mr Vanderpuye,
- 17 you still have the floor, of course.
- 18 MR VANDERPUYE: [14:32:32] Thank you, Mr President. Oh, I see
- 19 Mr Knoops is on his feet.
- 20 PRESIDING JUDGE SCHMITT: [14:32:40] Mr Knoops, please.
- 21 MR KNOOPS: [14:32:41] Yes. Just -- just a brief remark, Mr President. My
- 22 colleagues from the Yekatom team alerted me to the fact that the last document
- 23 the Prosecution referred to is not on their list of evidence, list of materials.
- 24 You asked for the CAR number.
- 25 PRESIDING JUDGE SCHMITT: [14:32:52] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [14:32:53] It was the last document. It's not on the list of
2 Prosecution material.

3 PRESIDING JUDGE SCHMITT: [14:33:02] I understand. Okay. So it would
4 be -- but the -- the CAR number is correct?

5 MR VANDERPUYE: [14:33:06] It's actually not, and I'll need to correct that.

6 Just one second, again, and I'll give you the right number. It is

7 CAR-OTP-2107-1596, that is, the transcript reference to the document that Ms
8 Dimitri correctly -- correctly pointed out.

9 PRESIDING JUDGE SCHMITT: [14:33:34] It would of course be better if it
10 was on the list of documents.

11 MR VANDERPUYE: [14:33:35] Yeah (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:33:35] We -- of course we -- we'll have a
13 little bit of leeway, and I'm not sure if the Defence will pick up it then, the same
14 document. But we will -- we will see then later on.

15 But in principle, I think we should stick to that so that we can follow it.

16 MR VANDERPUYE: [14:33:59] Yes, Mr President. I understand that and
17 I'll -- I'll try to refrain from that. The reason I raised it is because it's a very
18 public -- it's a very public statement (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [14:34:04] Yes, of course, I recall what it was
20 about, but -- but also thank you, Mr Knoops and
21 Ms Dimitri, for alerting us to that. Thank you.

22 Please continue, Mr Vanderpuye.

23 MR VANDERPUYE: [14:34:16] Thank you very much, Mr President.

24 Q. [14:34:20] I think when we left off, just before the break, you were talking
25 about what Mr Ngaïssona was -- or, rather, what the Anti-Balaka - who were

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 with you when you met the transition president in 2014 - said, concerning
2 Mr Ngaïssona's involvement in the movement, and, in particular, his financing
3 of the movement.

4 Before that, of course we were talking about the military wing of FROCCA and
5 his involvement as a member of FROCCA in the organisation of the attack that
6 he described carried out by FROCCA and the Anti-Balaka.

7 So I wanted to just briefly return to that and ask you some questions about
8 that.

9 Now, you indicated originally in your statement that the military wing
10 comprised a certain number of individuals. We just went over them. But it
11 is the case also that you were in contact with a number of these individuals as
12 well while you were in Yaoundé or Douala during your trips to Cameroon.
13 Isn't that right?

14 I don't hear the witness. Is it -- maybe it's just me

15 PRESIDING JUDGE SCHMITT: [14:36:21] No. No. You are not the only
16 person not hearing him.

17 Is there a connection problem?

18 We should be good.

19 So, Mr Witness, have you understood the question? Mr Kokaté?

20 THE WITNESS: [14:36:44] (Interpretation) Yes, Mr President, I heard the
21 question.

22 PRESIDING JUDGE SCHMITT: [14:36:49] Please answer.

23 THE WITNESS: [14:36:52](Interpretation) Yes, what I was saying is that
24 while I was in Yaoundé and in Douala, I saw many Central Africans who had
25 sought refuge in Cameroon, including some soldiers, as well as civilians.

1 MR VANDERPUYE:

2 Q. [14:37:18] And did you meet with those individuals during your several
3 trips to Cameroon?

4 A. [14:37:32] Well, I met -- I met with them. You see, we tended to go to the
5 same places. I met a number of Central Africans soldiers in Cameroon who
6 had sought refuge there. I met them, and I had telephone contact with others.
7 Some of them were people whom I knew very well and with whom I had
8 regular exchanges.

9 Q. [14:38:15] What I'm asking about are -- is about people that were
10 connected with FROCCA or connected with the Anti-Balaka with whom you
11 met during your trips to Cameroon. Can you tell us -- can you tell us who
12 those -- who those individuals were.

13 A. [14:38:41] Well, in -- in Yaoundé, for example, some of the soldiers who
14 were in exile in Yaoundé were mainly those who were living together with
15 Mr President Bozizé and Mr Ngaïssona -- Eric Danboy, Franklin Bozizé, and
16 others.

17 Apart from that, there were other soldiers living in Douala and elsewhere and
18 who were refugees.

19 Q. [14:39:25] These are people that you met with and/or know, is that right?

20 A. [14:39:36] Yes, refugees whom I met, people whom I met, yes. And
21 whom I saw.

22 Q. [14:39:45] Okay. And you mentioned Eric Danboy. You mentioned -- I
23 think you said Franklin Bozizé and others.

24 A. [14:40:04] Yes.

25 Q. [14:40:07] So I'd like to ask you about a few people. Do you know

1 someone by the name of Tandor Lamkague?

2 A. [14:40:25] Yes. Lamkague is someone whom I met. I got to know him.
3 We had telephone contact. And I believe I saw him once in Douala, and then I
4 was told that he had returned to Yaoundé and then I didn't know where he
5 was thereafter.

6 Q. [14:40:54] And was Lamkague involved to any extent, to your knowledge,
7 with the organisation of the attack or with FROCCA or with the Anti-Balaka?

8 A. [14:41:10] Mr President, in order to know the roles of persons who were
9 within the organisation and involved in the attack plans of FROCCA, one
10 needs, first of all, to be associated with the decision-making organs of that
11 body.

12 So I know those soldiers who were in exile on Cameroonian territory. But
13 when it comes to organisational matters or a plan of attack or the
14 organisational chart of FROCCA, which I saw in 2018, quite honestly, I do not
15 know what their roles would have been and how their activities were
16 organised.

17 Q. [14:42:22] All right. You were in contact with people like Mr Ngaïssona
18 between the time that you had the meeting in FROCCA and 5 December, isn't
19 that true?

20 A. [14:42:40] I saw -- yes, before the events of 5th December, that is, towards
21 the end of November, I saw Eric Danboy, Franklin Bozizé, Bernard Mokom
22 and Ngaïssona in Yaoundé. And we had some discussions, and then I left for
23 Yaoundé -- no, rather, for Douala.

24 Q. [14:43:14] And the -- the discussions you had, what were they about?

25 A. [14:43:20] The discussions? Well, it is that Mr Ngaïssona took the floor

1 to say that it wouldn't be long before his troops attacked the Séléka coalition,
2 and that we would be notified in due time. That was the -- the purpose of
3 our -- of our discussions at that time.

4 Q. [14:44:02] And maybe you could be a little more specific in terms of when
5 that or those discussions took place.

6 A. [14:44:20] I have told you -- Mr President, I have just told you that this
7 discussion took place practically in November, November 2013. It was in
8 November 2013, and all those who were at that meeting were the inner circle of
9 President Bozizé.

10 Q. [14:44:48] Well, I'm not sure that you've said exactly who was at that
11 meeting, but maybe you can tell us now.

12 Who -- who were these members of Bozizé's inner circle that were at this
13 meeting in November 2013?

14 A. [14:45:14] A short while ago, I told you that it was Mr Ngaïssona, Bernard
15 Mokom, I also mentioned Commander Eric Danboy, Franklin Bozizé. And
16 maybe there were others whom I don't quite remember right now.

17 Q. [14:45:38] Okay. And this was in November, around November 2013?

18 A. [14:45:51] Yes. That's correct, Mr President.

19 Q. [14:45:54] Okay. I want to ask you a few questions concerning that
20 period of time.

21 First of all, do you recall where you were in November 2013? Were you in
22 Cameroon for the month or -- or someplace else?

23 A. [14:46:24] I think that in November, I was in Cameroon. And -- yeah, I
24 was in Cameroon, I think. Maybe in another country.

25 But, Mr President, maybe -- can I be reminded?

1 Q. [14:46:56] Well, I suppose I could show you a document. I'm not
2 sure this should be -- I think it should not be broadcast. But let me -- before I
3 show you document, let me just ask you this question:

4 Do you remember meeting with somebody by the name of Thierry Lengbe in
5 November 2013?

6 A. [14:47:28] Yes. I believe that I met Thierry Lengbe in France. I think I
7 met him in France. I think so.

8 Q. [14:47:41] Well, did you meet him in Cameroon in November 2013?

9 A. [14:47:48] I don't remember, but I think that I met him in 2013, in France.
10 But he used to come to Cameroon frequently, because his mother is
11 Cameroonian, but I don't have a clear recollection. What I know, however, is
12 that I met him in France.

13 Q. [14:48:16] Okay. And can I ask you: Do you know someone by the
14 name of Jean Alesco Bouragoro?

15 A. [14:48:39] That name doesn't really ring a bell, but I know an Alesco who
16 is a police commissioner. That's all I know, and I know that Alesco was also
17 in exile in Cameroon.

18 Q. [14:48:57] Is this somebody that -- is this somebody that you were in
19 contact with during that period of time?

20 A. [14:49:04] Well, I saw him in Cameroon. I know that he's a uniformed
21 officer. From time to time, we met not too far away from the consulate of the
22 Central Africa. And so we -- we had discussions, yes.

23 Q. [14:49:35] All right. Then let me show this document. It's tab 69, the
24 ERN is CAR-OTP-2102-6348, and the page we will go to is 6466. It should not
25 be broadcast.

1 All right. Do you see this document in front of you?

2 A. [14:50:50] Yes, I can see it.

3 Q. [14:50:52] All right. And this is a conversation involving this individual
4 named Alesco - if we can go down the page a bit - and another individual.

5 And as you can see in front of you now, there's an indication in this document
6 that you were supposed to arrive on 10 November 2013 in Douala.

7 Does that comport with your recollection? And it's okay if you don't
8 remember either.

9 A. [14:51:39] Mr President, I do not remember this. And as far as I know,
10 the names "Legbé" and "Lapadio", Lapadio is a general, he never went to
11 Douala, as far as I know. He never went to Cameroon because since Morocco,
12 I was in contact with him, he went to the United States and only returned to
13 Bangui after Samba-Panza took office.
14 So I think this is fake news.

15 Q. [14:52:24] Okay. The question is whether you recall going to Douala in
16 that period of time?

17 A. [14:52:41] Mr President, I have told you that in November, I was in
18 Douala. I was in Cameroon, yes. But this message is simply misleading.

19 Q. [14:52:55] Okay. Let me show you a different one. This is at tab 68,
20 CAR-OTP-2101-8599, and we'll need to go to page 8720 and then into the
21 following page.

22 All right, first of all, do you know somebody by the name of Martial Gallaut?

23 A. [14:54:02] Martial Gallaut, no, not at all, Mr President.

24 Q. [14:54:11] And do you know someone named, Christian Dedizoum?

25 A. [14:54:24] Christian Guenebem. Christian Guenebem is a member of the

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 KNK -- of the KNK, President Bozizé's party.

2 Q. [14:54:48] Okay, and you can see the message at the bottom of the
3 page there, and my question is again the same. Now you said that you were
4 in -- in Cameroon or in Douala at least in November 2018.

5 Do you recall whether you met with a Thierry Lengbe at that time in
6 Cameroon?

7 A. [14:55:28] Mr President, I have told you that I don't remember meeting
8 with Thierry Lengbe in Cameroon, so this type of message is fake or
9 propaganda. Now when they say they met up -- or they met up with the boss,
10 I don't know who they are referring to, which -- who's the boss.

11 So I think that this is just fake news or propaganda among themselves. I don't
12 understand this message.

13 Q. [14:55:55] Okay. You can see what they're talking about at the top of the
14 page, in particular, in respect to Ngaïssona and Mokom and their involvement
15 in the attack on Bouar. Do you see that there?

16 A. [14:56:16] Yes, I can see that, Mr President.

17 Q. [14:56:19] And in respect of their attack on Bouar, do you have
18 information - separate and apart from the document you're looking at
19 now - concerning the involvement of Ngaïssona and Mokom in that attack?

20 A. [14:56:34] Mr President, the attack on Bouar, the information I can
21 provide to you comes from Ngaïssona who described to me what they had
22 done during that attack on Bouar. He spoke to me about it because we were
23 colleagues in government and this was done by telephone.

24 That's all I can say.

25 Q. [14:57:11] Okay, well, you know what my next question will be, and, that

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 is, what did he tell you about the attack on Bouar?

2 A. [14:57:25] Well, he -- he told me that he had organised the attack on Bouar,
3 but that there was a logistics problem that cropped up and that things were not
4 completely in place and that is how the Séléka fighters took back Bouar.
5 That's what he told me on the phone.

6 Q. [14:57:55] Did he tell you how it was organised or how he participated in
7 organising it? You know, concretely?

8 A. [14:58:07] No, Mr President. Our conversation was limited to that
9 because I did not have any special contact with the people whom Ngaïssona
10 was leading on the ground. So whatever information he gave me, I simply
11 listened to it.

12 Q. [14:58:34] Did you travel to Yaoundé in November 2013 as well?

13 A. [14:58:55] Mr President, I have just told you that I went to Yaoundé in
14 2013, and it was at that meeting that I met Ngaïssona -- Mr Ngaïssona, Bernard
15 Mokom and -- and that's it.

16 Q. [14:59:23] Was that at the end of the month or at the beginning of the
17 month as far as you can recall?

18 A. [14:59:31] Well, I think it was almost towards the end of the month,
19 Mr President, if I'm not mistaken.

20 Q. [14:59:46] Did you yourself at any point travel to Bertoua or Garam
21 Boulay during the course of November 2013?

22 A. [15:00:07] Mr President, I have never been to Bertoua nor to Garam
23 Boulay in 2013.

24 Q. [15:00:22] All right. I'm going to go a bit backwards in time and let me
25 ask you a bit about October 2013.

1 Were you in Cameroon in October 2013? I think you said you were, but I just
2 want to make sure that I'm right about it.

3 A. [15:01:01] Mr President, I said that I travelled quite a lot to Cameroon.
4 It's possible that I was there in October, but often when I travel, I visit a region
5 and I don't remember the exact dates of any particular trip.

6 Q. [15:01:36] All right. Then I'd like to ask you a couple of questions in
7 respect of that. Do you know somebody by the name of Touaboy Landry?

8 A. [15:02:01] Landry was part of the presidential guard corp.

9 Q. [15:02:13] Did you see him in Douala while you were there in
10 October 2013?

11 A. [15:02:20] No, Mr President, I didn't see him there. I -- I knew who he
12 was, he was in France and I think he lived Lyon; that's all I know. I don't
13 know anything more about him.

14 Q. [15:02:38] All right. Do you know someone by the name of Semndiro?

15 A. [15:02:56] I -- I know Semndiro. I know who he was in Yaoundé. We
16 called each other, but we didn't meet each other physically.

17 Q. [15:03:16] Okay, I appreciate that distinction. Did you discuss with him
18 anything related to operations in the field or activities concerning preparations
19 for an attack?

20 A. [15:03:40] Mr President, as far as I know, no.

21 Q. [15:03:46] Okay. Do you know if he was involved to any extent in
22 preparation for an attack or participated in such a thing?

23 A. [15:04:00] Mr President, I can't say yes or no, because I didn't see him. I
24 only spoke to him on the phone.

25 Q. [15:04:17] All right, but that's not something you discussed with him, I

1 guess. Is that what you mean?

2 A. [15:04:26] That's right.

3 Q. [15:04:35] All right. Were you in contact with Levy Yaketé in October
4 2013?

5 A. [15:05:00] Mr President, I was in contact with Levy Yaketé in Cameroon
6 and in France. I don't remember the month, but I was in contact with him in
7 France and in Cameroon.

8 Q. [15:05:23] Do you know if he moved at any point or was at any point in
9 October in Lomé, Togo?

10 A. [15:05:38] Frankly, I really don't know. I don't have that information
11 and I don't remember.

12 Q. [15:05:53] Okay. Do you know someone by the name of Kevin Kpefio?
13 I think you mentioned him in your prior -- in your statement in 2018?

14 A. [15:06:13] Yes, Mr President, yes, I know Kevin Kpefio. I got to know
15 him in Yaoundé. I saw him in Yaoundé. He told me -- he was part of the
16 youth group of KNK.

17 Q. [15:06:43] And did you discuss with Kevin Kpefio what his relationship
18 was to either FROCCA or to Ngaïssona, the people that you described as
19 having planned the 5 December attack.

20 Did you discuss that with him?

21 A. [15:07:07] I don't remember, but I know that Kevin Kpefio was a youth of
22 Bozizé's party who was all the time in contact with Ngaïssona; that's really all I
23 can say. When you talk about planning an attack, I can't say much because if
24 you want to talk to about planning an attack, you have to be within that close
25 circle to talk about the planning of the attack.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 It was a big secret.

2 Q. [15:08:04] (Overlapping microphones) Okay. It may have been a secret,
3 but it wasn't --

4 PRESIDING JUDGE SCHMITT: [15:08:06] Microphone, please.

5 MR VANDERPUYE: [15:08:06]

6 Q. [15:08:06] (Overlapping microphones) -- a secret to you, isn't that right?

7 PRESIDING JUDGE SCHMITT: [15:08:07] Microphone, please.

8 Microphone.

9 MR VANDERPUYE: [15:08:18] It's on. It was on, I'm sorry.

10 PRESIDING JUDGE SCHMITT: [15:08:21] I didn't hear you. It might have
11 been my problem.

12 MR VANDERPUYE: [15:08:24]

13 Q. [15:08:26] You said it was a big secret, but it wasn't a total secret to you,
14 was it?

15 A. [15:08:39] Mr President, it was a secret for me. I said to you I was in
16 contact with Ngaïssona, but I wasn't aware of the planning of the attack. I
17 didn't know the date of the attack. The 5th of December -- the date of the 5th
18 of December was the date when I was informed that Bangui was attacked.

19 Q. [15:09:24] All right. Well, how were you informed that Bangui was
20 attacked on 5 December?

21 A. [15:09:41] Already through people having talking -- BBC talked about it
22 on the radio. I was in contact with Ngaïssona who confirmed to me that the
23 attack took place of the town of Bangui.

24 Q. [15:10:12] Did you discuss the attack with anyone else?

25 A. [15:10:30] Because I wasn't part of the strategy of the planning, I didn't

1 talk about it. All I had was the information which I received from Ngaïssona;
2 that was all. I couldn't talk about an attack because I wasn't a member of
3 FROCCA. I wasn't in the decision-making circle of the Anti-Balaka.
4 I was only a supporter, Mr President.

5 Q. [15:11:02] Did you talk to Levy Yaketé about the attack?

6 A. [15:11:11] I don't remember, but when the attack took place, the -- the
7 telephones were ringing madly everywhere. But I do know everybody was
8 phoning to find out what was going on in Bangui.

9 Q. [15:11:43] Did you talk to Levy Yaketé before the attack, by the way?

10 And I mean just before the attack? A couple of days or so before?

11 A. [15:11:57] Frankly, I don't remember. I really don't remember. I wasn't
12 in the decision-making body for the attack, so I don't remember, but I don't
13 think that I -- something like that was said with Yaketé.

14 Q. [15:12:20] Do you know where the town of Yokadouma is, near Nola?

15 A. [15:12:35] Yes, I know. Yes, I know the town of Yokadouma.

16 Q. [15:12:45] Okay. Were you in or at Yokadouma in December -- at the
17 beginning of December 2013?

18 A. [15:13:05] Mr President, I was never in Yokadouma in December 2013. I
19 didn't even reach that point.

20 Q. [15:13:21] All right. Now, you talk a bit about how the people that were
21 close to Bozizé planned the attack and organised the attack that took place at
22 the end of the day on 5 December 2013 at Bangui, and I want to ask you what
23 you know about how it was organised. Now. Not at the time. But now, if
24 you know.

25 A. [15:13:59] Today, what -- I only knew these things after I returned to

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Bangui in January 2014. It's when the others, who were on the ground, told
2 me what had happened and -- and tried to understand what was going on.

3 Q. [15:14:27] And when you say the others on the ground told you what had
4 happened, who do you mean exactly?

5 A. [15:14:34] Konaté, for example. Well, there we go. I -- I even spoke to
6 a person, which -- who Konaté challenged, and he came to see me when I was
7 in the prime minister's office and said how they were fighting and that many
8 people today didn't respect it a lot. So he explained how they organised the
9 5th of December.

10 Q. [15:15:19] Okay. I think we are probably going to have to unpack that a
11 little bit. I'm not sure if it's come in clear what you're saying.

12 But you said Konaté -- you spoke to Konaté. You mean, Lieutenant Konaté?

13 A. [15:15:46] That's correct, Mr President.

14 Q. [15:15:50] Yvon Konaté?

15 A. [15:15:54] That's right.

16 Q. [15:15:54] And he told you about how the 5 December attack was
17 organised and carried out, is that it?

18 A. [15:16:04] That's correct. This is when I was in January and February at
19 the prime minister's cabinet.

20 Q. [15:16:17] Okay.

21 (Interpreter microphone activated)

22 PRESIDING JUDGE SCHMITT: [15:16:29] And what did he tell you?

23 THE WITNESS: [15:16:39] Mr President, at a certain point in time, there were
24 many tensions in Bangui. And Lieutenant Konaté, when he was stopped with
25 Ngaïssona in Camp M'Poko, they were 10, and, the big sister of Konaté came to

1 see me to speak to me to find out if I could do anything to free Konaté.

2 That is when I was at the prime minister's cabinet.

3 PRESIDING JUDGE SCHMITT: [15:17:36] Well, that is not exactly I think an
4 answer to what I have asked you. So what -- you said you got information
5 from Mr Konaté. And I would like to know what did he tell you about the
6 attack?

7 THE WITNESS: [15:17:58](Interpretation) Mr President, I had that
8 information when I was a special adviser in 2014. I didn't get that information
9 before. It's then that they explained the organogram to me.

10 PRESIDING JUDGE SCHMITT: [15:18:25] We have understood that, I think,
11 but nevertheless what did he say then? We have understood that it
12 was -- that you got your knowledge afterwards, but what kind of knowledge
13 you got? What kind of information did you get afterwards?

14 THE WITNESS: [15:18:41](Interpretation) Mr President, I was special adviser
15 for the prime minister's cabinet and Mr Konaté came to see me in the office.
16 They had some demands. They had a lot of demands during the transitional
17 period. It was after the war. Not during the war. During the period of the
18 transition when I was special adviser, and he explained to me what he was
19 doing, and he was telling me the role he had during the 5th of December.

20 PRESIDING JUDGE SCHMITT: [15:19:34] Here we are, what did he tell you
21 what kind of role did he have on the 5th of December?

22 THE WITNESS: [15:19:46](Interpretation) Mr President, he himself, he
23 said that he was one of the leaders of the Anti-Balaka who fought on the
24 ground and I, Mr President, what I want to say to you, is that when he
25 explained things to me, he was to tell me what was going on because I

1 questioned what happened and what Anti-Balaka was doing in the town of
2 Bangui. Because he was trying to explain to me his role during that time,
3 during the crisis and that they would need respect and consideration. They
4 were the men of action in the field.

5 PRESIDING JUDGE SCHMITT: [15:20:30] Perhaps one last try in that regard.
6 Did he share with you any details with regard to the planning and the
7 execution of the attack on the 5th of December?

8 THE WITNESS: [15:20:48](Interpretation) Mr President, no. He didn't give
9 me -- no, he didn't give me the details as regards the planning of the operations.
10 But what you want me (sic) to understand is that during the events of the 5th
11 of December, it was them. They were in the field. And that I spent all my
12 time questioning what he was doing because I didn't want chaos. I didn't
13 want atrocities. I didn't want suffering. I didn't want people to use arms
14 against each other.

15 So the plan -- the planning, I'm not aware of what was going on, particularly
16 since the actions had already taken place, and when he came to me, it was at
17 the end of February 2014, so I really am not aware of what went on.

18 PRESIDING JUDGE SCHMITT: [15:21:52] Yes, but when -- you said that
19 Mr Konaté was one of the people on the ground, so when he roughly two and a
20 half months or three months later spoke with you, he might have had the
21 details of the -- at least of the execution of the attack of the 5th December, and
22 my question was related to that. If he told you about that?

23 THE WITNESS: [15:22:19](Interpretation) Mr President, I'm telling you, when
24 he came to see me in the office of the prime minister's office, it was to tell me
25 how dissatisfied he was with my behaviour vis-à-vis the movement of the

1 Anti-Balaka, which I was constantly challenging. I was questioning the
2 atrocities which had taken place. So I wasn't talking about the planning for
3 the attack of Bangui on the 5th of December.

4 As I was challenging and questioning, he came to see me to speak to me about
5 how dissatisfied he was with the way I was questioning.

6 PRESIDING JUDGE SCHMITT: [15:23:12] So from your answer, I understood
7 that he was upset that you challenged what happened on the ground.
8 So what did he say what happened on the ground?

9 THE WITNESS: [15:23:25](Interpretation) Mr President, for me, after the
10 resignation of President Djotodia on 10 January, N'Djamena, and then the
11 20th -- sorry, on the 20th of January, there was a new body of transition which
12 had been set up, and on the 23rd of January, Mrs Catherine Samba-Panza
13 swore the oath. Then, it's out of the question that we continued to talk about
14 the Anti-Balaka, just like we shouldn't talk about the Séléka. I wanted to pass
15 on the message of peace, of appeasement, so that all armed groups laid down
16 their arms and work with the DDR.

17 But in the meantime, Mr President, just remember, that during the month of
18 February 2014, there was a lot of incidents in Bangui. And, during those
19 incidents, there was Mr Ngaïssona who asked for the return of the
20 constitutional order, and I didn't agree with that.

21 Mr Ngaïssona was stopped and detained by MISCA. They were stopped by
22 MISCA and, afterwards, some days later, they were released. It is after I had
23 taken a stance some days after that, in March, that he came to me to talk about
24 how dissatisfied he was because I was doing the opposite. I was singing
25 a different song, not sharing their view.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [15:25:55] Excuse me, Mr Vanderpuye, that I
2 stepped in there, I tried to figure out perhaps what was the content of these
3 conversations. I think you should proceed.

4 MR VANDERPUYE: [15:26:08] Thank you, Mr President.

5 Q. [15:26:11] I'd like to take a couple of steps back and then a couple of steps
6 forward, hopefully.

7 First, back. You recall --

8 PRESIDING JUDGE SCHMITT: [15:26:28] Yes, Mr Kokaté? Yes, please
9 speak.

10 THE WITNESS: [15:26:32](Interpretation) I would like to have a moment so I
11 could confer with my counsel, please.

12 PRESIDING JUDGE SCHMITT: [15:26:42] Of course, take your time, please
13 tell us when we can continue. Yes.

14 (Pause in proceedings)

15 PRESIDING JUDGE SCHMITT: [15:28:33] Perhaps I can in the meantime,
16 address a procedural matter with a ...

17 In the meantime is over, obviously; so I will do it before we part this afternoon.
18 So ready, Mr Kokaté?

19 THE WITNESS: [15:28:59](Interpretation) Mr President.

20 PRESIDING JUDGE SCHMITT: [15:29:04] Yes, so I think we can continue, I
21 assume, yes.

22 MR VANDERPUYE: [15:29:11] Thank you, Mr President.

23 Q. [15:29:14] I think I said I wanted to take a couple of steps back and
24 a couple of steps forward. So the steps back relate to the 5 December attack
25 and, if you recall, you gave a statement regarding the 5 December attack a little

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 time afterwards. Do you recall that, sir?

2 A. [15:29:39] Yes, Mr President. I remember that I gave a statement one or
3 two days thereafter. I had been contacted by the BBC.

4 Q. [15:29:56] There is a statement that you made, we have it dated 9
5 December 2013, which I'd like you to hear, and, hopefully we'll be able to do
6 that. It's tab 24, CAR-OTP-2065-0175, it's an audio recording, and it should
7 run from 1 minute 16 seconds to 2 minutes 26 seconds. I'm not quite sure
8 which channel we have to look at to see it. It should be evidence 1, isn't that
9 right? Evidence 2, okay.

10 THE COURT OFFICER: [15:30:47] Evidence 2.

11 MR VANDERPUYE: [15:30:56] Evidence 2, it should be. I don't know
12 if the -- could I just check with the booth to see if we've got -- if you have
13 a copy of the transcript up there?

14 THE COURT OFFICER: [15:31:07] Excuse me, Counsel, just the level of
15 confidentiality of the video?

16 MR VANDERPUYE: [15:31:09] Now this is very very public.

17 THE INTERPRETER: [15:31:15] Yes, we have a copy of the transcript.
18 (Playing of the audio excerpt)

19 THE INTERPRETER: [15:31:25] (Interpretation) "Now, you said that you're
20 calling for lasting peace and stability in Central Africa, but you and some of
21 your elements have attacked last Thursday, Bangui.

22 Yes, we attacked Bangui because it is a popular resistance movement. All
23 Central Africans, who have decided to take up their responsibility against these
24 highway robbers, have come together following their mode of operation to
25 organise these extrajudicial killings and we cannot accept the country to be in

1 the hands of incapable people.

2 During those attacks many people -- civilians were killed.

3 Do you not have any regrets?

4 We have as a target the elements of the Séléka coalition. We have not touched
5 the civilian population. It is the fighters of the coalition, of the Séléka coalition,
6 who, at the time of their reprisals, with the support of the French -- of the
7 Chadian armed forces, chose to attack the civilian people, and, today, we regret
8 that this disaster has been committed against the people."

9 MR VANDERPUYE: [15:32:44]

10 Q. [15:32:46] Okay. Did you hear that, Mr Kokaté?

11 A. [15:33:00] Yes, I heard that excerpt, Mr President.

12 Q. [15:33:04] Oh, just a moment.

13 PRESIDING JUDGE SCHMITT: [15:33:09] I think that nothing has happened.

14 MR VANDERPUYE: [15:33:16]

15 Q. [15:33:16] And the first thing I would note is, in your statement, you say,
16 "nous avons attaqué la ville de Bangui." The information that you had in
17 respect of this statement came from where?

18 A. [15:33:46] Mr President, I told you that I received the information
19 following a telephone conversation with Mr Edouard Ngaïssona. It was
20 following that telephone conversation with Mr Edouard Ngaïssona that I made
21 this statement. When I was contacted by the BBC to make this statement, I
22 informed Mr Edouard Ngaïssona, who then asked me to make the statement.

23 Q. [15:34:32] All right. Do you know why Mr Ngaïssona asked you to
24 make the declaration rather than doing it himself?

25 A. [15:34:46] Mr President, quite often when any statements had to be made,

1 Mr Ngaïssona would call me to make the statements. We were friends, and I
2 made those statements. That's -- that's all. It's as simple as that.

3 Q. [15:35:12] Well, Mr Kokaté that strikes me as a sort of an odd thing. The
4 reason why is it, it seems, strange to me that Mr Ngaïssona who's perfectly
5 capable of speaking for himself would ask you to speak for him or for the
6 group. So why you?

7 A. [15:35:43] Mr President, that wasn't the first time he was asking me to
8 speak. I think that I spoke on Africa 24, I believe that at that time FROCCA
9 had not yet been set up and I made a statement on Africa 24, and it was at the
10 behest of Ngaïssona. He asked me to do so. I was in France and I made that
11 statement.

12 That's all I can tell you, Mr President. Yeah.

13 Q. [15:36:31] In your statement you said in French: (Interpretation) "We
14 attacked Bangui because it was a popular resistance movement."

15 At the time that you made that statement, you already knew that FROCCA was
16 behind that attack, isn't that right?

17 A. [15:37:01] Mr President, no. I just told you that I did not have any
18 contact with FROCCA. I had no contact with FROCCA. It is Mr Ngaïssona
19 who asked me to make the statement, and I did. But Mr President, I had no
20 contact with FROCCA. No. Because I had run into too many problems
21 because of that matter. You see, after the statement which I made on 9
22 December, I went back to France. I went back to France, and I understood
23 that -- that I needed to rest somewhat because, as I was making my statement,
24 FROCCA was also giving its own statement.

25 It was not only me. There were statements from FROCCA. There was

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 a certain gentleman mentioned by Mr Banoukepa, who was also making
2 statements. I was not associated with FROCCA, and, Mr President, I know
3 nothing about FROCCA.

4 PRESIDING JUDGE SCHMITT: [15:38:40] May I shortly?

5 You spoke in this statement of a *mouvement populaire*. What did you
6 understand by that? By the "movement"? What was that "movement" in
7 your understanding?

8 THE WITNESS: [15:38:56](Interpretation) Mr President, in my mind or to my
9 mind, Central Africans in Bangui and within the country, all had observed that
10 the Séléka coalition had committed many abuses against them. So the
11 population no longer wanted to have the Séléka leadership at the helm of the
12 country. So there was a rejection of the Séléka coalition by the people -- by the
13 population.

14 And this rejection was quite visible. It was quite obvious in the
15 Central African Republic, and even outside of the country, because everybody
16 was saying that they were upset with what Séléka was doing and that's what I
17 meant when I referred to the population.

18 PRESIDING JUDGE SCHMITT: [15:40:11] Well, Mr Vanderpuye, please
19 continue.

20 MR VANDERPUYE: [15:40:15] Thank you, Mr President.

21 Q. [15:40:17] Just -- just so you are -- just so that you are clear, when I said
22 that FROCCA was behind it, what I meant was members of FROCCA with
23 whom you were in contact were involved in that attack, including
24 Mr Ngaïssona. And you just now mentioned a Levy Yaketé who made
25 several statements concerning the matter. Let me ask you, did have you

1 information from Levy Yaketé concerning that attack before it happened or
2 thereafter?

3 A. [15:40:55] Mr President, no. We were not living together, each one of us
4 was in their own home. And apart from the information that I received from
5 Levy Yaketé, when I was informed -- not at all, Mr President.

6 What I'm saying is that before the attack of 5 December, we noticed that Bangui
7 had already come under attack and that is when the telephone calls began to go
8 out and people called each other to find out what had happened. It is those
9 who led the attack who knew very well what had happened, but we called
10 later to find -- to find out what had happened and understand what had
11 happened in Bangui, Mr President.

12 Q. [15:41:57] But you'd been in contact with Levy Yaketé since -- well,
13 pretty much throughout the entire year. So after the FROCCA meeting in
14 August of 2013, up until the attack on Bangui in December 2013, I mean, do
15 you mean to suggest that you had no conversation with Levy Yaketé
16 concerning what the members of FROCCA were doing in relation to planning
17 or preparing that attack? Is that what you mean to say?

18 A. [15:42:41] Mr President -- Mr President, what I want to tell you is that
19 when I subsequently understood how FROCCA functioned - and, this
20 happened later, when you showed me the organisational chart of
21 FROCCA - what I want to point out, Mr President, is that there was an
22 atmosphere of suspicion regarding me as an individual, Mr President, at the
23 time.

24 And, I can give you an example. Adrien Poussou was with us, Mr President.
25 I was with him all the time, but Adrien Poussou went to New York,

1 Mr President. Now, when he came back from New York, he preferred to go
2 back to Bangui, Mr President, and, when he went back to Bangui, he joined the
3 Djotodia government and everybody in that government knew that Adrien
4 Poussou was a close person to me, Mr President. Secondly, in that situation,
5 there was a climate -- an atmosphere of suspicion against -- around me and
6 that's why I want to specify things for you, Mr President. People had
7 restricted meetings. Most of the meetings took place in -- in family settings
8 and I was not involved, Mr President, either directly or indirectly in the
9 planning of the events of 5 December.

10 I was informed, just like everyone else, of the attack after it had taken place.
11 We became aware of it on the various networks and, at that time, people were
12 calling each other left, right and centre and I cannot remember who was calling
13 whom. And everybody just wanted to understand and find out what had
14 happened.

15 Mr Levy Yaketé, I was in contact with him, Mr President, we were in regular
16 contact in France. We used to meet each other. But then, when it comes to
17 the organisation of FROCCA, when it comes to the planning that FROCCA
18 may have undertaken, Mr President, let me say it -- let me repeat it again, I am
19 not aware of what was being planned. There was a lot of suspicion against
20 me, Mr President. I did not enjoy the full confidence of the Anti-Balaka
21 movement, although I was a supporter.

22 So if you conduct your investigations, you will find out that I was a victim of
23 many things, Mr President. Several times, I was denounced on Radio Bangui,
24 on Radio Ndeke Luka. Several times I was disavowed, so to speak, even
25 during the transition government of Madam Samba-Panza, Catherine.

1 But I never self-proclaimed myself as a -- an official of any group or to be in
2 a position or whatever within the Anti-Balaka movement. Mr President, I was
3 just a supporter.

4 Q. [15:46:43] All right, we'll come back to that a little bit later.

5 You've mentioned a few times, the -- I'm sorry, I hope I haven't interrupted.

6 Let me just check.

7 A few times you had mentioned the way you believed that the group had been
8 organised to some extent and I want to show you again the document that was
9 shown to you during your interview. It's tab number 17, the ERN number of
10 it is CAR-OTP-2030-0280.

11 All right, you have in front of you now, I believe -- maybe we can zoom out so
12 we can see the whole page and then we can zoom in after, but a document that
13 was shown to you during your interview back in 2018.

14 Now, this is the document that you've been referring to during the course of
15 your testimony here today regarding the organisation of FROCCA and
16 Anti-Balaka, is that right?

17 A. [15:48:53] Yes, Mr President.

18 Q. [15:48:59] And in respect of this document, you indicated I think earlier
19 that Mr Ngaïssona was named as one of the coordinators. And we can see
20 he's named as the -- as a "Coordonateur Général Politique Adjoint", with Lin
21 Banoukepa indicated as the "Coordonateur Général Politique", and beneath
22 that you can see the name of Maxime Mokom and a certain Andjilou.

23 These are all names that are familiar to you, as you said before, is that right?

24 A. [15:49:51] Yes, Mr President. I read this document for the first time at
25 the OTP here, in Bangui. I know some of the people mentioned in this

1 document.

2 Q. [15:50:12] And to your knowledge are these people that were involved in
3 the Anti-Balaka, and, in particular, the attack carried out on 5 December, 2013?

4 A. [15:50:28] Mr President, I think that they -- those people would be the
5 ones who would have information on the attack of 5 December. Because once
6 in the office at the presidency of the republic, Maxime Mokom also took the
7 floor, Ngaïssona was present at that time, and they spoke in front of the
8 transitional government president, and, Mokom explained what his role was,
9 what he had done before the Anti-Balaka events and during the events of the
10 5th of December.

11 So he made those statements in Samba-Panza's office and we -- we were
12 present. Ngaïssona was present and they explained what their role was.
13 Now, while they were speaking, I was there, Mr President. And all of that
14 was also in relation to me because I had contrary views to theirs, Mr President.
15 In January 2014, a new team was in place, and there were too many
16 contradictions. My position was that, no more talk of Anti-Balaka. No more
17 talk of Séléka. Let us disarm. And for all of that, Mr President, all I got was
18 thunder and hailstone.

19 You see, if you look at this list that has just been displayed, I -- I saw them. I
20 saw these people in 2018, or rather, I saw this list when I contacted the OTP in
21 2018. But I have no knowledge of the organisation and functioning of
22 FROCCA.

23 They are the ones who organised the attack of 5 December, and, after reading
24 these things, I finally understood, Mr President.

25 Q. [15:53:07] All right, I have a couple of questions I'd like to ask before we

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 adjourn for the day.

2 The first thing is in this particular document, if we could just zoom out for
3 a moment. Now you said you saw these people, these would be Maxime
4 Mokom, Andjilou, Ngaya, Bonda, Yekatom, Bama, Ouronti, Lebene, Kema,
5 a certain Adamou from Bouar. Is that Ndale, as far as you know?

6 A. [15:54:07] Monsieur Ndale? I don't know whether his other name
7 is Adamou, but I told you in my statement that an Anti-Balaka known as
8 "Iya" put me in touch with Mr Adamou. Iya -- when we returned from the
9 Brazzaville forum, then I had some telephone contact with Mr Ndale.
10 So I don't know whether his first name is Adamou. All I know is that he was
11 called Ndale.

12 Q. [15:54:39] Okay, if we could just go briefly to the next page, you'll see
13 some information -- some further information regarding organisation, and,
14 particularly, you'll see the names of Sébastien Wenezoui and Léopold Bara as
15 "PORTE PAROLE DU MOUVEMENT". And then, there's Charles
16 Ngremangou as well and a few other people.

17 These are individuals as far as you know that were involved with the
18 organisation of the Anti-Balaka, right?

19 A. [15:55:31] Mr President, yes, because they themselves referred to that in
20 their statements, and you can see that my name doesn't appear anywhere there.

21 Q. [15:55:54] All right, I want to show you another document. This is at tab
22 60, the ERN CAR-OTP-2091-0476. And I want to ask you some questions
23 about this document. It's a post on the Facebook website of an organisation
24 called the MRPRC. And I just want to have a look at the first four -- let's say
25 paragraphs. In particular, I want to draw your attention to the first one,

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 which says:

2 (Interpretation) "We announce to you that your popular resistance movement
3 made up of FACA and the brave Anti-Balaka fighters has now created
4 a political branch, henceforth to be known as the Popular Resistance Movement
5 for the Reformation of the Central African Republic, abbreviated as MRPRC."

6 (Speaks English) And, it says:

7 (Interpretation) "The political coordination of the movement is in the hands of
8 Mr Lévi YAKETE, the earliest combatants of the Séléka rebellion.

9 Military coordination is in the hands of Mr Joachim KOKATE, former
10 minister."

11 (Speaks English) Have you seen this before?

12 A. [15:58:03] Never, Mr President. I am seeing this for the first time.

13 Q. [15:58:14] From what you see, is it accurate?

14 A. [15:58:26] Not at all, Mr President. Not at all. I never coordinated any
15 military activity in relation to President Bozizé. You see, at the time,
16 everybody wrote whatever they wanted to on the social networks.

17 I -- I am not aware of this.

18 Q. [15:58:57] Let me show you one other document and then we can call it
19 a day.

20 This is at tab 36, CAR-OTP-2074-2120. And I'd like you to have a look -- I'd
21 like you to have a look at this one as well.

22 Uh-oh, I think I may have the tab wrong.

23 Just one moment.

24 PRESIDING JUDGE SCHMITT: [15:59:38] Thirty-six is part of the statement, I
25 think, so it must be in something else.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [15:59:58] Bear with me, one second.

2 Thanks, it's 2084-1222.

3 MS DIMITRI: [16:00:28] Could we have the tab number, please?

4 MR VANDERPUYE: [16:00:31] Hang on one second. We'll find it. Just one
5 second. It's tab 55, excuse me.

6 All right, I think we have it on the screen. Thank you very much, Madam
7 Registrar.

8 Q. [16:01:10] Do you see this document now in front of you, Mr Kokaté?

9 A. [16:01:19] Yes, I can see it, Mr President.

10 Q. [16:01:24] Have you seen it before, to your knowledge? Actually, that's
11 a bit unfair. Let's go to the last page of the document.

12 All right. Now, do you recognise your signature on that document?

13 A. [16:02:06] Mr President, that is my signature, but I really do not recognise
14 that document. I do not recognise this document.

15 Q. [16:02:35] All right, that's fair enough. But it's a document --

16 A. [16:02:40] Furthermore, Mr President, I think this is in relation to the 26th
17 of December 2013, if I'm not mistaken.

18 PRESIDING JUDGE SCHMITT: [16:02:55] Indeed it is, the date is 26
19 December 2013.

20 THE WITNESS: [16:03:02](Interpretation) No.

21 PRESIDING JUDGE SCHMITT: [16:03:03] I'm not sure if it would perhaps be
22 fair to the witness if he could --

23 THE WITNESS: [16:03:05] (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [16:03:05] -- wait a second, wait a second, Mr
25 Witness.

1 It would be perhaps be fair if the witness had the possibility to read the whole
2 document given that his -- supposedly his signature is on this document and
3 then we can perhaps come back to it and ask him again. And, I, at least the
4 Chamber here, takes notes that it is a memorandum supposedly given out by
5 a *Mouvement de Résistance Populaire pour la Refondation de*
6 *Centrafrique* -- whatever this is, we would have perhaps to figure this out, yeah?
7 Is it possible to make available to the witness the whole document?

8 MR VANDERPUYE: [16:03:53] I believe that the Registry has provided the
9 witness with or has at his disposal a hard copy of the document, indeed.

10 PRESIDING JUDGE SCHMITT: [16:04:04] Then I think we do it as I suggest.
11 That Mr Kokaté, please, read this document carefully until tomorrow and then
12 we come back to it and Mr Prosecutor may have further questions in that
13 regard. But I think that that is fair to you that you have the possibility to
14 think it over and perhaps even discuss it with your counsel. I think we do it
15 this way.

16 I have a procedural matter.

17 The Chamber takes note of the discussion of the parties with the updated
18 witness sequence. We see that there are still ongoing discussions and, of
19 course, the Chamber would very much appreciate it if the parties could come
20 to an agreement. We will not interfere.

21 In the meantime, we, of course, see the difficulties to have a continuing flow of
22 witnesses here. We also see the problems that the Defence has with it because
23 it's -- we can really understand, and, I personally also can understand how
24 difficult it is to prepare properly. So we really trust, so to speak -- at the
25 moment, we are confident that the parties find *inter partes* a solution. If not,

1 we would have perhaps to come back to this issue via the Chamber, but I think
2 in the last weeks, everything worked out quite well in that regard, *inter partes*.
3 So this be it for today. We adjourn for today, and meet each other tomorrow
4 at 9.30.

5 THE COURT USHER: [16:05:50] All rise.

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

7 CORRECTIONS REPORT

8 The following corrections, marked with an asterisk and not included in the
9 audio-visual recording of the hearing, are brought into the transcript.

10 Page 11 line 25

11 "23rd" Is corrected to "24th"

12 Page 12 line 11

13 "I'm not a head" Is corrected to "I'm not a former head"

14 Page 12 lines 14-19

15 "I wasn't a minister at that moment -- at that point in time, so I couldn't easily contact
16 a head of state. So how could I contact a head of state? I was a civilian. But what we
17 hoped is that he could telephone them and that that could ultimately lead to things
18 being sorted out as he wanted them to be sorted out." Is corrected to

19 "I wasn't a minister at that moment -- at that point in time. I was a former minister so
20 I couldn't easily contact a head of state. Even as a minister, it is not easy to contact the
21 head of state. So how could I contact a head of state when I was already a former
22 minister? I was a civilian. But we encouraged him, and what we hoped is that he
23 could telephone them and that that could ultimately lead to things being sorted out as
24 was his intention."

25 Page 28 lines 8-9

1 “President Bozizé was there, I was there, two or three people.” Is corrected to

2 “President Bozizé was there, Ngaissona was there, I was there, and there were people
3 there too.”

4 Page 28 lines 22-23

5 “ He was in the presidential guard of the former president, François Bozizé.” Is
6 corrected to “He was a body guard, a body guard of former president François
7 Bozizé.”

8 Page 33 line 1

9 “President Bozizé entered with his entourage.” Is corrected to “President
10 Bozizé entered the hall.”

11 Page 41 line 23 to Page 42 line 5

12 “But I have to make a clarification here. This document was drafted. In fact, it
13 had been sent by email by Francis Bozizé. When I read the document, I
14 accepted it, and they published it on social media. So they had prepared that
15 document, and Francis Bozizé sent it to me to read it –” Is corrected to

16 “But only that I have to make a clarification here. This document was drafted,
17 in fact, it had been sent to my by email account by Francis Bozizé. They had
18 already written the document then called me to validate it. And when I read
19 the document, well, I accepted it, and they published it on social media. So
20 they had already prepared that document, and Francis Bozizé called me and
21 asked me to read it -- saying it was at the request of his father. That then is why
22 I did ... I accepted the document.”

23 Page 43 lines 2-3

24 “and I am not in their programme?” Is corrected to “and I do not figure
25 anywhere on the FROCCA organisation chart?”

1 Page 46 line 14-16

2 "I followed the statement made by Banoukepa where he made various
3 statements on behalf of FROCCA. I think you know what that declaration
4 said." Is corrected to "I followed the statement made by Banoukepa. He made
5 various statements on the airwaves on behalf of FROCCA. I think you are
6 aware of what those statements on the airwaves said."

7 Page 46 line 21-23

8 "and I think you have the means to see" Is corrected to "since it is his son
9 Francis Bozize who sent it to me by mail and I think you have the means to see
10 or verify"