

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 2 November 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:38] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:03] Good morning, everyone.
15 Good morning, Mr Witness, Mr Ngaya.
16 Could the court officer please call the case.
17 THE COURT OFFICER: [9:31:13] Good morning, Mr President, your Honours.
18 The situation in the Central African Republic II, in the case of The Prosecutor versus
19 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 And we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:31:24] Thank you.
22 The same procedure as every day. The presence, please, Ms Struyven.
23 MS STRUYVEN: [9:31:30] Good morning, Mr President. For the Prosecution today
24 we have Maria Berdennikova, Kweku Vanderpuye, and Yassin Mostfa, and myself
25 Olivia Struyven.

1 PRESIDING JUDGE SCHMITT: [9:31:39] Thank you.

2 Mr Suprun.

3 MR SUPRUN: [9:31:41] Good morning, Mr President, your Honours. The former
4 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of
5 Public Counsel for Victims. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:31:50] Ms Massidda.

7 MS MASSIDDA: [9:31:51] Good morning, Mr President, your Honours. For
8 the victims of the other crimes appearing today, Mr Abdou Dangabo Moussa,
9 Madam Anne Grabowski, Ms Mouhia Asso, Ms Anca Popescu, and myself
10 Paolina Massidda.

11 PRESIDING JUDGE SCHMITT: [9:32:12] Thank you very much. And we turn now
12 to the Defence.

13 Ms Dimitri first.

14 MS DIMITRI: [9:32:18] Good morning, Mr President. Good morning, your
15 Honours. Good morning, everyone. Mr Yekatom, who's present in the courtroom,
16 is represented today by Mr Florent Pages-Granier, Mr Jérémy Pizzi, and myself
17 Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:32:28] Thank you.

19 And Mr Knoops in the second row.

20 MR KNOOPS: [9:32:32] Yes, I have a quiet day today, sir. Good morning,
21 Mr President, your Honours, everyone in the courtroom. Our Defence team today
22 comprises of the same members as yesterday, that's to say Ms Marie-Hélène Proulx,
23 Sara Pedroso *et* Despoina Eleftheriou. And Madam Proulx will conduct
24 the examination on behalf of the Defence team of Mr Ngaïssona.

25 Mr Ngaïssona is present in the courtroom, as well, as the Court has noticed. Thank

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1 you.

2 PRESIDING JUDGE SCHMITT: [9:33:00] Thank you very much.

3 And I also notice that the witness of today, Mr Ngaya, is present. Good morning.

4 And also counsel for the witness, Mr Jacob Sangone, very welcome from this side of
5 the Court.

6 The question is if the victims want to conduct an examination.

7 MR SUPRUN: [9:33:24] Mr President, with the Chamber's leave I have a number,
8 number of questions for this witness.

9 PRESIDING JUDGE SCHMITT: [9:33:29] Okay, please proceed.

10 MR SUPRUN: [9:33:34] Thank you, Mr President.

11 WITNESS: CAR-OTP-P-0808 (On former oath)

12 (The witness speaks French)

13 (The witness gives evidence via video link)

14 QUESTIONED BY MR SUPRUN: (Interpretation)

15 Q. [9:33:50] Good morning, Mr Witness.

16 Mr Witness, can you hear me?

17 A. [9:33:53] Yes, I can hear you.

18 Q. [9:33:55] Good morning. My name is Dimitri Suprun and I represent the group
19 of victims who were former child soldiers of the Anti-Balaka. And I have a few
20 questions for you.

21 A. [9:34:07] Yes.

22 Q. [9:34:08] During your testimony yesterday you said you took part in a ceremony
23 in Mbaïki on the demobilisation of children under Mr Yekatom's Anti-Balaka group.
24 Now, since you were there, what was the age bracket of those children?

25 A. [9:34:42] If I remember correctly, I would say between 14 and 17 years,

1 approximately. That is if I remember correctly. The ceremony did not take long
2 and I did not stay in contact with those children, so that is approximately the age
3 bracket I can give you.

4 Q. [9:35:06] And what is the source of your knowledge of the ages of these children,
5 or what criteria did you use to assess their ages?

6 A. [9:35:21] Cultural factors. I am a Central African national. I do not have
7 the appropriate tools to determine the age bracket, but it was simply by observation
8 using empirical evidence. So I am a Central African and I simply observed it.

9 Q. [9:35:49] As far as you can remember, how many children took part in that
10 ceremony?

11 A. [9:35:56] In any case, it is difficult to give you a precise number, but I think there
12 were not more than 20 of them.

13 Q. [9:36:08] Amongst those children did you have both girls and boys?

14 A. [9:36:16] It is difficult for me to tell you now at this particular time, because it
15 was a long time ago and I really did not pay particular attention to what was
16 happening.

17 THE INTERPRETER: [9:36:35] Mr President, we are obliged to intervene here
18 because the 5 (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [9:36:40] Mr Suprun, it's the same thing that we
20 have quite often. You are too quick. You speak French but you have to allow for
21 the interpreters to finish their interpretation and then start with the next question,
22 please. Please repeat your question.

23 MR SUPRUN: [9:36:56] Thank you, Mr President, for your guidance.

24 Q. [9:37:02](Interpretation) Mr Witness, yesterday during your testimony you also
25 stated that those children associated with the Anti-Balaka worked under

1 the supervision of Mr Yekatom. My question is as follows: To your knowledge,
2 what was the role of those children amongst the Anti-Balaka, what were their duties?

3 A. [9:37:27] I have no idea because it was during the ceremony that the children
4 were introduced to us. I have no idea. Unfortunately, with me -- for me, I never
5 had the opportunity to operate with Anti-Balaka. I was a civilian and it was well
6 after that I was associated with that movement.

7 Q. [9:37:53] Mr Witness, in your written statement to the OTP in October 2018, and
8 it is document 22 of OTP, CAR-OTP-2093-0010, paragraph 135, you state that:

9 "When the children were amongst the Anti-Balaka they could be influenced to start
10 smoking or consuming drugs, just like people around them." Can you confirm that?

11 PRESIDING JUDGE SCHMITT: [9:38:35] No, no, it -- I have to intervene here. I did
12 this yesterday also with the Prosecution. This is part of the Rule 68(3) statement and
13 we don't confirm things that are already incorporated in the evidence.

14 Please, next question.

15 MR SUPRUN: [9:38:48] Mr President, my intention is just to ask for the witness to
16 elaborate on these things, because this is only -- only statement he has made in his
17 written statement. The question --

18 PRESIDING JUDGE SCHMITT: [9:39:01] But you -- but you ask if he confirm this.
19 So, if we start this, then we can go through all the Rule 68(3) procedure again and
20 there is no expediting of the proceedings. So perhaps -- I understand now what we
21 are heading at.

22 Mr Witness, do you have any personal experiences or -- yeah, personal experiences
23 that led you to this statement, that you can provide us with? So more details,
24 perhaps, if you have it.

25 THE WITNESS: [9:39:36](Interpretation) I do not have any personal experience, but

1 at that time I was director general for the youth. I was familiar with all the problems
2 of the young people. And up to this time in the CAR, the real problem is young
3 people are enrolled in groups and become armed elements. They commit atrocities
4 without really being aware of this. So if we take into consideration
5 the group -- the armed groups, you have to talk about the consumption of drugs,
6 which is one of the negative aspects of these groups. So that is the information that
7 we have regarding young people in the CAR. The consumption of drugs is one of
8 those aspects and we really have to take that into consideration.

9 MR SUPRUN: [9:40:48] (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [9:40:49] Mr Suprun, you are too fast again.

11 So, first of all, thank you very much for this elaboration.

12 And I think you have an answer here, Mr Suprun. Please continue.

13 MR SUPRUN: [9:40:59] (Interpretation)

14 Q. [9:41:00] Mr Witness, based on your experience in -- with youths in the Central
15 African Republic, did you ever hear that any of the children involved with
16 the Anti-Balaka was the subject of mistreatment or sexual violence?

17 A. [9:41:23] During that time it was difficult to have information or data. We
18 simply heard rumours. So to have information about the child soldiers, well, I did
19 not have -- I cannot tell you any more than that.

20 Q. [9:41:44] In your written statement to the OTP in April 2016, number 6 on
21 the OTP list, CAR-OTP-2025-0324, paragraph 52, you refer to the young people from
22 Boy-Rabe who had joined the Anti-Balaka and who had gathered around -- behind
23 Boy-Rabe to prepare an attack against the Seleka.
24 My question is as follows: To your knowledge, amongst those young people, did
25 you also have children?

1 MS DIMITRI: Mr President.

2 PRESIDING JUDGE SCHMITT: [9:42:29] Ms Dimitri.

3 MS DIMITRI: [9:42:31] I object to this line of questions. I think now we're going
4 outside what's in the statement and we're trying to add alleged crimes.

5 PRESIDING JUDGE SCHMITT: [9:42:39] Yeah.

6 Mr Vanderpuye.

7 MR VANDERPUYE: [9:42:42] Thank you, Mr President. Good morning, to you.

8 Good morning, your Honours. Good morning everyone.

9 With respect to the scope of the examination of Mr Suprun, I think I'm quite clear on
10 what the Chamber's instructions are. However, I think to the extent that he is
11 eliciting information related to the impact of the crimes, the nature of the crimes, I
12 don't believe that that is beyond the scope of his -- of his mandate.

13 The second thing is, in relation to the Rule 68(3) statement, Mr Suprun is not
14 a proponent of that statement. Effectively what he's conducting is
15 a cross-examination, if you want to call it that, of this witness. He's not conducting
16 a direct examination. So the extent that he elicits information beyond that which is
17 contained in the Rule 68(3) statement, it's no different than if the Defence were to do
18 the same thing.

19 PRESIDING JUDGE SCHMITT: [9:43:34] I respectfully would not agree. So
20 this -- actually this would be something that we would have to think about. But it
21 would, if you think it through, make the whole procedure - which has only one
22 purpose, Rule 68(3), to streamline the proceedings - it could make it void if we accept
23 that. So I'm -- we have to think about it. But we had -- we have -- we had this
24 elaboration on the last question.

25 This one I simply want to hear -- on this one I want to hear the answer: Do you have

1 any information about children in this area that has been mentioned by Mr Suprun?

2 About the age. This is important.

3 THE WITNESS: [9:44:30](Interpretation) I have absolutely no idea. You know,

4 Boy-Rabe neighbourhood is at the foot of the Bazoubangui Hill. And we knew

5 about this because there are people who have farms, who cultivate farms behind

6 the hills. And so with the gathering of the Anti-Balaka coming from all the villages

7 and provinces, these people with farms behind the hill could no longer go to their

8 farms. That is how we got to know that there were Anti-Balaka behind those hills.

9 But at that time we could not know who was a member of those Anti-Balaka groups.

10 PRESIDING JUDGE SCHMITT: [9:45:17] So I think, in the end, it's not an issue that

11 we should delve further into.

12 Just a remark to Mr Vanderpuye, so we are not here to entertain discussions, but, first

13 of all, cross-examination does not even exist in the Rome Statute, in the Rules of

14 Procedure and Evidence, this first thing, the expression, and this was deliberately

15 done so by the States Parties. I don't have anything, I'm not somebody who -- who

16 would say I do not want that others use this expression.

17 Secondly, to say that the examination by victims' representative is

18 a cross-examination is a far shot, frankly speaking. So this would mean that we have

19 a complete Anglo-Saxon, let's say, even in the pure, nearly pure American

20 understanding that we would have such a sort of question, we don't have that. If

21 you look at Rule 140, for example, paragraph 2, so there is -- we have this hybrid

22 system and it's perfectly clear that the victims, if -- that they are not -- that they are in

23 principle -- and this is the reason for our instruction, in principle have the same

24 interests as the Prosecution, in principle. But always one-on-one. I understand that.

25 But in principle.

1 So to say that we would have here another party, then we would have three parties
2 conducting a cross-examination, with all the implications in a classical sense, I would
3 not agree on that.

4 It's not necessary here to -- to delve into that, but I wanted to comment on that.

5 Mr Suprun, excuse me for this -- for this interruption.

6 MR SUPRUN: [9:47:05] (Interpretation)

7 Q. [9:47:06] Mr Witness, I will come back to the ceremony of demobilisation of the
8 children in Mbaïki. To your knowledge, what happened to those children after that
9 ceremony?

10 A. [9:47:20] I have absolutely no idea. It was a ceremony that had to lead to their
11 reintegration. But after the ceremony I no longer know what followed.

12 Q. [9:47:41] To your knowledge, were these children included in a social
13 reintegration programme?

14 A. [9:47:51] It is difficult to say, because as I have told you, the administration had
15 totally collapsed so you could not have any specific information or data regarding
16 the situation of the country.

17 Q. [9:48:10] Generally speaking, in light of your position at that time, what was
18 really the reintegration programme of children associated to armed groups?

19 A. [9:48:25] In principle, the idea was to first of all identify them, bring them
20 together and then provide them civic education and also education on community life,
21 as well as to create conditions in order to provide psychosocial support related, for
22 example, to drug consumption. If it were possible to detox them and teach them
23 vocational training, taking into account their intellectual level, it would be possible
24 for them to reintegrate the normal community. They could learn mechanics,
25 masonry, carpentry and so on. And I also participated in my capacity as director

1 general of the youth in drafting some of these documents.

2 Q. [9:49:47] Mr Witness, my last document to you. In light of your experience
3 with regard to youth, and in the specific case of the Central African Republic,
4 according to you, how is it possible to ensure the reconciliation between former child
5 soldiers and their respective communities?

6 A. [9:50:16] Let us say that, based on the information that I've given you, there
7 should be a programme of information and sensitisation on reconciliation. There is
8 what is referred to as community support. That is, in the areas in which they
9 perpetrated acts of violence, there should be awareness raising amongst the members
10 of the community so that those communities should be able to accept them. There
11 could also be public exercises for -- during which people ask for pardon. So there
12 should be education programmes to reintegrate them into the community.

13 Q. [9:51:15] Thank you, Mr Witness. I have no further questions.

14 PRESIDING JUDGE SCHMITT: [9:51:17] Thank you for these questions, especially
15 the last one was very interesting. Perhaps with other witnesses we could also try to
16 find out more in that respect.

17 Ms Massidda.

18 MS MASSIDDA: [9:51:26] We don't -- we don't have any questions for this witness,
19 your Honour. Thank you very much.

20 PRESIDING JUDGE SCHMITT: [9:51:31] Thank you, Ms Massidda.

21 Now -- okay. So my next question is also ready.

22 Ms Proulx, you have the floor.

23 MS PROULX: [9:52:00] Thank you, Mr President.

24 QUESTIONED BY MS PROULX: (Interpretation)

25 Q. [9:52:05] Good morning, Mr Ngaya.

1 A. [9:52:07] Good morning.

2 Q. [9:52:10] We met briefly last week during the courtesy visit. My name is

3 Marie-Hélène Proulx and I am one of the counsel working for Mr Ngaïssona.

4 I'm going to put several questions to you, as I told you before, and I would like to say

5 that I'm going to try to remind myself to speak slowly because people in

6 the courtroom have this effort, this tendency to accelerate their delivery, but we have

7 to slow down to enable interpreters to interpret into English and Sango.

8 Another thing, if at any point my questions are not clear or understandable to you, do

9 not hesitate to make it known to me and I will repeat or rephrase them.

10 I would like to begin with general questions and I will try, as yesterday, to proceed in

11 chronological order. Because, through my questions, I would like you to give us an

12 account of your own version of the Central African crisis, particularly given that you

13 occupied a position or positions and your involvement against the Seleka, as well as

14 your involvement with the Anti-Balaka. So you have your point of view or your

15 opinion on that crisis. So we would discuss this crisis.

16 To begin with, I would like to ask you some questions on the arrival of the Seleka

17 forces in the CAR. Can you describe to the Court the atmosphere in Bangui and

18 even in the provinces towards the end of 2012 and early 2013 as the Seleka advanced.

19 A. [9:54:27] In any case, it was a period of fear. There was fear. Unfortunately,

20 at that time, there was an international force which was deployed. I think it was

21 FOMAC, a Central African force. It was deployed in the Central African Republic.

22 And when the Seleka were approaching Bangui from Biraou, the general

23 commanding these forces made a statement indicating that there was a red line in

24 Damara. And if the Seleka crossed that red line, that would be tantamount to

25 a declaration of war against the 11 countries of the African -- Central African region.

1 So this reassured the population. But, unfortunately, that line was crossed. There
2 was no resistance, even right up until Bozizé fled and Seleka captured Bangui.
3 The reality is that we have a country which is used to *coup d'états*. So the fact that
4 Bozizé fled was not a problem. He had been overthrown, so that was good. But
5 the Seleka troops continued invading all the territory.
6 In Lobaye (phon), you had pygmies who were really not even interested in power.
7 But after the arrival of the Seleka, the pygmies were looted. They were massacred in
8 their villages. This is something that had been unheard of before.
9 So, in any case, when they came to Bangui, they started with the Boy-Rabe
10 neighbourhood, where I live. The problem is that we were identified to -- with
11 Bozizé. The Gbaya is the largest ethnic group in CAR, and we were associated with
12 Bozizé, and they were hunting us down.
13 I had a position as -- in the ministry, so they thought I was close to Bozizé, but I
14 occupied that position simply because of my professional experiences. So we were
15 specifically targeted. They invaded neighbourhoods. They went from house to
16 house. And when they were coming to my house, they started asking people by
17 the roadside, "Where is the house of Pastor Ngaya?"
18 It was on Sunday morning, and the church was next to my house. They came in and
19 they asked me are there weapons in my house. And I told them, "I'm a pastor.
20 I don't know anything about weapons."
21 When they came into my house, I realised that it was a difficult situation, so I left
22 the house and went into hiding in the neighbourhood. And I realised after that my
23 property and all the vehicles were taken.
24 One of the vehicles had broken down, but they loaded all my property into
25 the vehicles, including my service vehicle, and took them all away. I could see them

1 driving past.

2 Now, there was also the warehouse of Mr Ngaïssona. He was a businessman. That
3 warehouse was quite close to my house. So they spent the entire day looting that
4 warehouse in the direction of PK7. So it was terrible. And that happened
5 throughout the entire country. The towns, in the provinces.

6 There was also Radio Ndeke Luka, which is monitored by many people in the country,
7 and they gave an account. They reported on the acts of violence throughout
8 the country.

9 Men of God were targeted. Priests, pastors, they were targeted. So that was
10 the situation at the time of the taking over power in the CAR.

11 After every 10 years in the CAR, there was a *coup d'état*, the president was
12 overthrown, but what happened at that time is something that had never been seen
13 before.

14 Q. [9:59:31] Thank you for this very comprehensive answer.

15 Mr Ngaya, the Seleka coalition was made up mostly of foreigners. Am I mistaken?

16 A. [9:59:43] That is correct, Madam. Because the people who came in did not
17 speak French, they did not speak Sango.

18 You know, in our country, you can go to Biraou, which is in the extreme northeast of
19 the country, and people speak Sango there. You could go to Obo, the extreme
20 southeast; Nola, extreme southwest, people speak Sango. But the people who
21 arrived spoke neither French nor Sango. So they were speaking -- some were
22 speaking Arabic. That is how it happened.

23 Q. [10:00:29] And to your knowledge, did the neighbouring countries -- and I'm
24 speaking particularly of Chad and Sudan, did they play a role against the *coup d'état*
25 in providing arms and in the *coup d'état* against Bozizé?

1 A. [10:00:50] That is obvious. If you put that question to anyone, including
2 myself -- I am a sociologist, and the work of a sociologist is to carry out research.
3 My recent research included a question related to foreign intervention in the CAR
4 crisis. If you take example of 50 people, 90 per cent of them will tell you that Chad
5 and Sudan were among the countries involved. They will not fail to give you that
6 information. But asking me whether I have evidence, that would be difficult.

7 Q. [10:01:40] In your statement you explained -- just for the records, I'm referring to
8 the first statement of 2016, CAR-OTP-2102-0045, and paragraph 25 to 29, where you
9 explain that France and certain Arabic countries worked together to destroy
10 the Central African Republic. What precisely do you mean by that?

11 A. [10:02:23] There was an article that was published where it was written -- it
12 might have been the Saudi Arabic Republic, but I can't remember. But it was written
13 that they outlined the situation of the Muslims in the Central African region and that
14 the Muslims were in a poor way and needed assistance in order to free them.
15 According to me, that was manipulation, because with the Muslims, the woman who
16 raised me was a Muslim when I was very young. So this caused a lot of problems.
17 And there was -- I was -- four to 15, I was raised by someone who was Muslim. I -- I
18 know the numbers in Arabic because my mother said at one stage that I should stop
19 speaking Arabic.

20 So there was some indication that what was happening in Central African. We never
21 had any problems with the Muslims. But this came at this particular point in time.
22 And when the Seleka were here, they created all the conditions so that rift occurred
23 between the Muslims and the Christians.

24 I can't say that all Central Africans are Christians. They're animists as well.

25 Unfortunately, we reached a stage when there was a rift between the Christians and

1 the Muslims. And if you follow the international press, you would see that was
2 highlighted more than anything else.

3 Q. [10:04:24] To go back to your statement, you talk about the problem of natural
4 resources. And in this context you say that France used Bozizé as a scapegoat.
5 According to you, did France play a role in the destabilisation of CAR at that
6 particular point in time?

7 A. [10:04:50] As you know, I was restricted because of my position. Even at my
8 level, if you carry out some investigations, you can see the results. Today it has
9 become more visible. Today it is far more visible. And as I said to you,
10 the information, if you ask anyone in the Central African Republic, 90 to 95 per cent
11 will confirm that's the case.

12 Q. [10:05:32] A witness who came before the Court in April said something, and I'd
13 like to read it to you and I'd like your reactions on that.
14 It's the document in the Defence binder and the reference is 025 at page 28, tab 77.
15 When he said when the Seleka started to be formed and advanced, the French had
16 very capable forces in that area and in the region and at that time we didn't see France
17 do anything to try and deescalate the situation.

18 And a little bit later, on page 30, the same witness adds: "France looked away,
19 simply, and was silent over the matter."

20 Do you agree with that interpretation?

21 A. [10:06:39] I agree with that statement. You know, when France is linked to
22 CAR because they have agreements on the basis of that defence agreement
23 Bozizé and -- who was president at that time, asked for assistance from France so that
24 when these forces advanced they were mercenaries, the Selekas. When the Seleka
25 approached Bangui, President Bozizé asked for help from France based on these

1 defence agreements. That is how the French president reacted. That is Hollande.
2 France didn't support governments but defended its own interests. When I asked
3 the question to the French ambassador in France and that he tells me at what point
4 that president asks for assistance from the international communities and a head of
5 a state asks assistance, how can you reach that position? How is that possible that
6 a head of a state, Bozizé, who's a member of the international community, asks for
7 assistance but, unfortunately, the French president didn't react? I don't know what
8 the interests of France is in the Central African Republic that they can abandon
9 the country to mercenaries, because that's what we experienced.

10 Q. [10:08:24] You talk about mercenaries and this leads me to ask you another
11 question. Do you agree that for the population in CAR, generally speaking,
12 the *coup d'état* of the Seleka was felt as a foreign invasion?

13 A. [10:08:41] That's exactly what happened. I already said that there was
14 a United Nations conventions about mercenaries. I can also mention another
15 convention which deals with mercenaries. That's really what we felt. It were
16 foreigners. They weren't Central Africans. I told you, a Central African, no matter
17 where in CAR, speaks Sango. That's the national language. And French, that
18 depends on their level of education. But the people who invaded our countries
19 didn't speak French nor Sango. So they were mercenaries, often from Sudan, and
20 also people, above all, who were Arabic. So it was a foreign invasion.
21 Unfortunately, all the elements who expressed themselves at that moment, we cried out
22 but nobody listened to us.

23 Q. [10:09:48] When the Seleka chased Bozizé from power, they chased a president
24 who was democratically elected and they immediately suspended the constitution; is
25 that correct?

1 A. [10:10:05] That's exactly correct. Our initial reactions was to ask the return of
2 the constitutional order. It was precisely that. Because it's true, Bozizé came
3 through a *coup d'état*. We agree with that. But if you look at the context, it was
4 justifiable. There were elections in 2000 (sic), he won those election, and there was a
5 second election in 2011. So there was really a democratic process underway. So we
6 didn't have any reason to rebel. But when Seleka took over they suspended
7 the constitution and that was the prime justification of our actions because we wanted
8 to restore the constitutional order.

9 Q. [10:11:13] In your first statement, paragraph 41 and the following paragraphs,
10 you talk about crimes that were committed by the Seleka on the civilian population
11 and also on FACA. Could you expand upon -- on the crimes committed by
12 the Seleka on civilians and on FACA?

13 A. [10:11:39] What must I expand upon?

14 Q. [10:11:42] Could you expand upon the exactions committed by Seleka? What
15 type of exactions are you referring to? And then I have another question following
16 on from that.

17 A. [10:11:55] Well, in fact there were killings. Let me give you an example. They
18 shot -- I don't know what arms were used. They -- they shot at in a church. It was
19 a Sunday. It was -- it was a problem for the Seleka, but the Seleka committed
20 exactions and killings and each time, at that time, near the market in Boy-Rabe there
21 was a mosque. And when they invaded the neighbourhood, they committed
22 exactions at that point in time, they took the loudspeaker at the mosque. So there
23 was complete confusion that reigned. There were killings, there was looting and
24 the element FACA from the area were abducted. When you took them, they killed
25 them and they threw their bodies into the river. So these were the sort of acts that

1 took place and made us react. We -- the political leaders had disappeared, so there
2 was no one, and it is for that reason that we had to organise ourselves. This
3 was -- I am an apostle, if you like, and I had to do something, so everybody was
4 disappearing. So in my own convictions I felt I couldn't simply disappear. So that
5 is why I mobilised the people who volunteered so that we could form
6 a collectivity -- a collective of people in our regions, and each time we noted these
7 exactions we issued a press *communiqué* that told all the embassies in order to
8 denounce those acts. That's a little bit what happened.

9 Q. [10:14:15] According to you, why the FACA specifically targeted by the Seleka?

10 A. [10:14:26] What sort of question is that? They have taken -- took over power.
11 Not really a rumour. It's a good question. There was a question of trying to not
12 have Islam spreading in CAR. There was the -- well, all sorts of rumours. There
13 was even the flag of the Central African Republic with the emblem imprinted upon it.
14 So, at the level of -- they -- they did not want to have pork. At the level of
15 Kaga-Bandoro, for example, we even saw a flag of the -- a flag of the Central African
16 Republic with the Islam emblem on it. So the objective was to cause us not to be so
17 Islamic.

18 Q. [10:15:37] I have another question on FACA. In your first statement on page 44,
19 you explain that the Seleka took the arms of FACA so that no one could defend
20 themselves. What did the -- what would the FACA do in such circumstances to fulfil
21 their roles and to survive? What were their options?

22 A. [10:16:05] Unfortunately, at that time there was nothing anymore. The FACA
23 disappeared. They had been chased away from the neighbourhood. The Seleka
24 were everywhere. And a lot of number of FACA disappeared and after that we
25 understood through rumours that there was a movement that FACA regrouped in

1 order to take some action. There were rumours. You talked about Siriri, but we
2 didn't really know what was meant by that.

3 Q. [10:16:52] You explained yesterday, and you mentioned this again today, that
4 the Seleka were really targeting the Gbaya because they associated them with Bozizé.
5 With the Gbaya, with the civilian Gbaya was -- there was a greater frustration
6 vis-à-vis the Seleka or even against the Muslims in general?

7 A. [10:17:24] That's right. That's the beginning of the confusion. I had
8 the possibility, initially. I went on to the Radio Ndeke Luka when Djotodia came
9 into power and I asked who -- he came from Birao. If he could provide all
10 the people of Birao something to eat. And then he could attack. Because they were
11 all the Gbaya. The Gbaya didn't have enough food and didn't eat with Bozizé.
12 That's the question that I put.

13 Another time when I put the same question was during the meeting of Nguendet who
14 was part of the transitional period when Djotodia resigned. And there was a
15 meeting with the forces of the nation and I took, I spoke and I said and raised the fact
16 that the Gbaya were targeted in particular. But they didn't allow me to continue my
17 speech.

18 Q. [10:18:50] Mr Ngaya, do you agree with me that interfere December 2013
19 the international community remained passive given the situation in CAR. They
20 didn't really react to help the population against the excesses of Seleka?

21 A. [10:19:09] I agree completely with you. I agree completely with you. You
22 know that today this is a general feeling. We don't really understand what is
23 happening. Why CAR was abandoned by the international community. You'll see
24 there are many things. These are a lot of things that happened and a lot of counter
25 truths. And even today there is a feeling, a general feeling that we simply don't

1 understand why we were treated in this way. The true problem is often -- there's
2 often media who give counter stories. And if you look at it on Facebook you will
3 realise this is what's going on.

4 Q. [10:20:27] Mr Gbaya, in 2013 under the Seleka government the situation was so
5 serious and the circumstances and the conditions were so unacceptable that -- and
6 you had no support from the international community. Am I correct in saying that
7 the population didn't have an alternative than try to build up a resistance to cause
8 the Seleka government to fall?

9 A. [10:20:54] That's exactly the movement's -- the Anti-Balaka's reason. You will
10 see these are young people who came from all the villages, from Lin (phon), and from
11 Ombella-M'Poko. These are young people who came from everywhere. Why?
12 Because people were exasperated. We couldn't cope anymore. Even me, I called
13 everyone. I called out for help. Because at that time when Bokassa started to
14 persecute the population, there was an operation carried out and it was France who
15 chased out Bokassa. So we hoped that the international community would come to
16 our assistance, but unfortunately that wasn't the case.

17 Since March 2013, until there was nothing at all left, and even the FOMAC forces
18 were present, but nothing helped. If you look at our history, there were several
19 crisis which covers the Central African Republic history, but the international forces
20 were used in CAR since all the mutineering of the army. There was MISAB, there's
21 the MINURCA, there was also FOMAC and then MISCA. But you can see that this
22 force did not settle the problems of this crisis in CAR. How can you explain that? I
23 really don't understand. How can you explain that? That is the feeling that we
24 have. Everybody realised that there's some international complot vis-à-vis CAR.

25 Q. [10:23:21] In this context you explained yesterday that in 2013 you yourself

1 committed yourself as a citizen to try and mobilise the population against Djotodia
2 and to mobilise the international community, making them aware of the situation. If
3 we understand your testimony of yesterday, in that context you exchanged emails
4 with Mr Ngaïssona who at that time was in Cameroon; is that correct?

5 A. [10:23:55] That's exactly right, Madam. You'll see, if you look in January 2013
6 when the Seleka advanced on to Bangui, I mobilised all the pastors in Bangui and we
7 organised a peaceful, an evangelical march and we reached the PK0 intersection and
8 we wanted to submit a pastoral letter to President Bozizé and we gave also a copy of
9 that letter to the French embassy and the European embassy and also
10 the United States embassy and also other embassies. And on that day it wasn't
11 Bozizé who came, it was the prime minister Touadéra who was prime minister at that
12 time. He came in PK0 and I read out this letter and handed it to Touadéra, who then
13 passed it on to Bozizé. So it's in that context that I continue to denounce these
14 exactions when Seleka came to power. And that is also why I wrote to ask for help.
15 So this was my exchanges with Ngaïssona in this perspective. We wanted to get
16 international help to do something for the people of CAR.

17 Q. [10:25:50] You showed a lot of emails yesterday. I don't intend to refer to each
18 one individually, but I do have some questions on two specific emails. So could we
19 see the document in tab 51 of the Prosecution's binder. It's *CAR-OTP-2130-3297.
20 Can you see the email, Mr Witness?

21 A. [10:26:40] Not yet.

22 Q. [10:26:45] Could you scroll down? Thank you.
23 Do you remember that email of 31 July, you mention that you would like to have
24 a date so that you see what actions can be taken because of the military operations
25 that are going to take place. Yesterday in -- in -- in the French version, your -- which

1 is page 14 to 16, you said you didn't know what military operations were being
2 referred to in the email.

3 Do you agree with me that in the days and weeks that follow 31 July there were no
4 military operations, and it's perhaps for this reason that you didn't really know what
5 they were referring to because in the following weeks there were -- there was no
6 military operation?

7 A. [10:28:01] At that moment we were completely lost. Lost. Because Ngaïssona
8 made me understand that there was a movement that had been established,
9 the FROCCA, who was led by a lawyer based in Paris. We hoped that the actions of
10 this lawyer would lead to a military operation. I didn't really know exactly what to
11 say, so I hoped that we could do something to save the country, the people of CAR.
12 So what we were hoping for is that we in Bangui -- you know, each time when
13 the international community justified an operation in another country they relied on
14 the attitude of the population. And for us, we had to show that we don't want
15 Djotodia leading us anymore. And that was the spirit of that email.

16 Q. [10:29:33] Mr Ngaïssona, in his answer, said that you would have information
17 soon for the operation. Contrary to my previous question, can you remember that in
18 the following vehicles, following 31 July, that several operations took place. For
19 example, the Prosecution yesterday said the pot banging action; is that correct?

20 A. [10:30:06] That's exactly right. It's exactly that. Our approach were actions
21 undertaken by citizens. We distributed *tracts* and at that point we -- we were caught
22 photocopying a document. How shall I put it? If it was a so-called suspected
23 document, we had to borrow a photocopying machine. During the night I
24 photocopied this so that we could spread it throughout Bangui. And we also had
25 a pot banging concert. It was the entire population of Bangui who no longer agreed

1 with Seleka being in power. This pot banging concert happened everywhere in
2 Bangui. In any case, I think that after this led to the Sangaris being deployed in CAR
3 and I think this was the beginning of finding a solution. At least we realise that
4 the message was heard and did have some sort of impact.

5 PRESIDING JUDGE SCHMITT: [10:31:30] May I shortly. In the transcript the last
6 ERN is wrong, so I correct it for the transcript. It's CAR-OTP-2130-3297. And this
7 was in tab 52 of the Prosecution's list.

8 Ms Proulx.

9 MS PROULX: [10:31:58] (Interpretation)

10 Q. [10:32:00] I now move to another document, which you saw yesterday, and it's
11 document -- in the Prosecution list of material it's tab 42, and the reference is
12 CAR-OTP-2124-0823. Could we have that on the screen, please, and particularly
13 the message at the top.

14 Can you see the mail, Mr Ngaya?

15 A. [10:32:57] Yes, I see it.

16 Q. [10:33:00] Very well. Yesterday, in transcript T-069, page 28, you said that you
17 were not in a position to say who were the people on the ground who were
18 manoeuvring, as mentioned in the email. I will make a suggestion. Since the email
19 is discussing about the action taken within the FROCCA and, as you have said several
20 times, FROCCA was based in Paris and it was led by a lawyer, and FROCCA was
21 essentially focused on getting support within the international community. So is it
22 possible that while talking about people manoeuvring, are we talking about a political
23 field here? Is it compatible with the fact that Mr Ngaïssona is a civilian and not
24 a soldier?

25 A. [10:34:21] I knew Mr Ngaïssona. We lived in the same neighbourhood. I am

1 a little older than him. We grew up together. And you know about what happened
2 in the Central African Republic. We had never seen it before. He was never in
3 the army. So as the population knows him, he is a good man. That is what made
4 him a popular person. And you will see that within the football community and in
5 the neighbourhoods, he had the reputation as a good man. When somebody dies in
6 the neighbourhood, the people will go and see Mr Ngaïssona, who may provide
7 a vehicle and some resources for the funerals.

8 In 1997 I was chief of cabinet of the Ministry of Social Affairs and he was a small
9 trader and he had attended the technical and agricultural school in Grimari and he
10 was involved in petty trading. So that is when I got to know him as such.

11 So I have no information that will make me to suspect him of being a man of war. So
12 regarding people on the ground, he had asked me to mobilise people from the civil
13 society and associations and I thought that him, since he already knew a good deal
14 about the associations, he could be make -- he could make proposals, some names to
15 me, so that we should be able to take some action.

16 So what can make me think that Mr Ngaïssona was preparing war? So
17 the conclusion that I have referred to the first exchanges that we had regarding
18 mobilisation of the population, political actions and citizen actions.

19 Q. [10:37:00] Thank you very much for the answer. We can take off that email.
20 Thank you.

21 Now, let me repeat, Mr Ngaïssona is a civilian, but contrary to Mr Ngaïssona,
22 President Bozizé, and specifically General Bozizé and his sons, were career soldiers; is
23 that correct?

24 A. [10:37:29] Yes, he was a career soldier.

25 Now, regarding his sons, maybe when he came to power, that's when his sons joined

1 the army. I am not sure. What I know is that, for example, you had Francis Bozizé
2 and, in light of the information circulating, he was a former member of the French
3 army, he was a legionnaire. Apart from him, the others joined the army when
4 Bozizé was in power. That is what I know.

5 Q. [10:38:08] I know that you said yesterday that you were not very familiar with
6 Bozizé's entourage. But to your knowledge, do you know whether other FACA
7 members or members of the presidential guard were in Bozizé's entourage?

8 A. [10:38:29] Bozizé's entourage, what do you mean?

9 Q. [10:38:33] I am referring to people who were close to him, members of the FACA
10 or the presidential guard.

11 A. [10:38:48] Mr Ngaïssona's elements?

12 Q. [10:38:50] Let me rephrase the question. I am talking about Bozizé's entourage.
13 I know you were not very familiar with them, but do you know whether there were
14 members of FACA or members of the presidential guard in that entourage?

15 A. [10:39:06] I am not in a position to tell you, but Mr Bozizé had fled. And based
16 on the information we received he was in Uganda. So what can I tell you about that?

17 Q. [10:39:30] Mr Witness, yesterday on the transcript T-69, page 42, you explained
18 that in autumn 2013 there were rumours related to Siriri and other rumours about
19 the Anti-Balaka. You also talked this morning about rumours during the Seleka
20 period. Do you agree with me that during that time there was a huge number of
21 rumours circulating, maybe because the population was in a state of panic and people
22 communicated quickly sometimes without verifying the information? They also
23 communicated through social media. So are you aware that there were -- there was
24 a large number of rumours, fake news that was being circulated?

25 A. [10:40:33] That is what I have been talking about. When I talk about

1 the rumours, it is a concept, it is information that cannot be taken seriously. It was
2 information that was conveyed from person-to-person. And there was a lot of such
3 information. The administration had collapsed. The political and administrative
4 leaders, specifically in the provinces, were no longer there. So people simply
5 gathered those rumours because the situation was really difficult.

6 Q. [10:41:19] Were you aware that Facebook, for example, was used to circulate
7 such rumours?

8 A. [10:41:32] Even till today Facebook continues circulating rumours. You have
9 people who would come out and publish something and when you really look at it, it
10 is just nonsense.

11 Q. [10:41:51] Do you remember, can you, for example, give an example of a rumour
12 that was actually fake news that was fake information, a particular example?

13 A. [10:42:18] It is complicated. It is difficult. You are asking me a question that
14 requires a lot of reflection.

15 Q. [10:42:31] It was a long time ago, Mr Witness, it is quite normal.

16 A. [10:42:35] Yes, it was a long time ago.

17 Q. [10:42:39] I have some information that I would like to tell you about and ask
18 you whether it was a rumour.

19 And I will ask maybe not to display it to the witness, but to the Court. And it
20 is Defence document number 36 and the reference is CAR-OTP-2046-0500. And
21 specifically on page 0524.

22 In that document it is a transcript of an interview that the OTP had with an individual
23 whose name I will not -- I cannot give you. That interview, I think it was in
24 June 2000 and -- the individual stated that in July 2014 you were a representative of
25 the radical wing of the Anti-Balaka and people saw you in Bangui distributing

1 weapons to attack Muslims in PK5. According to you, is that a good example of an
2 unfounded rumour that was circulating?

3 A. [10:44:18] It really makes me laugh. It is a really good example of a rumour,
4 false information. Unfortunately, during that period it came from all directions to
5 try to discredit me. I am a good man, a civilian, I never touched weapons. As a son
6 of God, my personal conviction is that I'm protected by an angel. Even when you
7 talk about the Anti-Balaka there was no one to provide security for me. I'm
8 convinced that there is an angel protecting me. I don't even know how to handle
9 a weapon, but everything I know, all I know is that weapons spill blood, so I never
10 touched a weapon, because if I touch a weapon it puts me contrary to God's word.
11 So when I am in contact with Anti-Balaka I tell them: "Do not do this. Do not do
12 that."

13 There was also a media journalist who wrote something else. He's a childhood
14 friend who unfortunately wrote in that newspaper that he actually saw me in
15 operation. When I read that it made me really sad. So under such circumstances,
16 there are personal attacks, people try to undermine you, maybe they are jealous of
17 your position. I was director general of the youth and we had been childhood
18 friends. Maybe he was envious of that. So such rumours circulated, and when I see
19 such things it makes me laugh because I have my own character.

20 Q. [10:46:27] I can imagine the answer that you will give to my next question, but I
21 will put it to you all the same. I have another example of possible rumours
22 concerning you.

23 And once again it is a document that should not be shown to the witness, but it is
24 defence document number 57, CAR-OTP-2494, it is paragraph 269, and the document
25 is actually 2094-0228. As -- a short while ago, this individual was interviewed by

1 the OTP and he stated that you were organising the Anti-Balaka on the ground and
2 that you carried out punitive operations and attacks on the ground. And that person
3 stated that there was supposedly a link between you and some murders, which
4 would mean that you have blood on your hands. What is your reaction?

5 A. [10:47:48] My reaction is the same, because even till today the fact that my name
6 circulating amongst the Anti-Balaka, I have adversaries who are trying to tarnish my
7 image. They say that I have blood on my hands, but everyone who knows me
8 knows that I am not a violent person. I am convinced that we have to preach peace,
9 preach to people about peace. So people say such things, they simply give an
10 example. What would I use to kill? What would I use to kill? So there are people
11 who take such liberties, even today, to try to attack me. And for them, just the fact
12 that I was involved with the Anti-Balaka -- well, but as far as I know, I am proud of
13 the mission that I carried out with the Anti-Balaka because the purpose was to save
14 *and liberate people. When I arrived *an Anti-Balaka base, I might see someone who
15 is tied up, I would make them understand that my presence meant that it was God.
16 And that God did not want them to do harm. Among the Anti-Balaka, there were
17 some of them who listened to me. Others did not listen to me. So these are
18 rumours, really big false rumours.

19 Q. [10:49:31] I would like to follow up on something that you said. You say that
20 there were rumours circulating about you because of your involvement with
21 the Anti-Balaka. You are not the only one in the Anti-Balaka coordination who was
22 the subject of rumours. People circulated information to tarnish people's
23 reputations.
24 Now, let me come back to Mr Ngaïssona. Did you hear about any such false
25 information, such rumours related to Mr Ngaïssona?

1 A. [10:50:16] Yes, there were false rumours. As you know, when Ngaïssona, if we
2 had a meal together, he would tell me, "Pastor, please pray." So each time we met,
3 he would say, "Pastor, please say a prayer." And who is the prayer addressed to?
4 The prayer is addressed to God. So you are not going to commit crimes and then ask
5 God to do something. I do not know. But the feeling that I have is that this is
6 related to frustration. Those are the feelings that animate us.
7 Now, let me tell you, let me tell you, all the time that I spent with Ngaïssona, I never
8 observed him do any harm. I never, never saw him do any harm.
9 Sometimes people would catch a Muslim, and then that person would be taken to his
10 father's house. He would do everything to protect them and then send them to PK5.
11 He would call this Muslim person's friends and try to arrange for them to be taken to
12 PK5. And sometimes it is trucks, trucks that are taken and brought, trucks belonging
13 to Muslims. And if Mr Ngaïssona heard about such things, he would do everything
14 for the proprietor to take back possession of his vehicle. So during all the time that
15 we were together, this is how he was.
16 It was not for nothing that the Anti-Balaka split into two. There was the radical
17 wing, the hardliners led by Mokom. And, according to them, we had to do
18 everything to be the masters of the situation. But, according to us, we had to redirect
19 the country to a situation of normalcy. And it was because of that that attempts
20 were made on my life. People wanted to kill me.
21 So I'm stating this again, and allow me to say so, personally I never observed
22 Ngaïssona doing any harm.

23 Q. [10:53:03] Thank you very much for that answer.

24 We are going to come back to some of the aspects that you have raised relating, for
25 example, the split in the movement, the Mokom wing and so on. But thank you. It

1 was a very interesting answer.

2 Now I would like to move on a little bit to the origin and reasons for the creation of
3 the Anti-Balaka self-defence groups. In your first statement, in paragraph 50 and
4 paragraph 108, you stated that young villagers joined Anti-Balaka in a spontaneous
5 way, because they were angry with relation to how they were being treated by
6 the Seleka.

7 Now, the objective of these Anti-Balaka groups from village to village, can I say that
8 their objective was specifically to defend themselves against the Seleka?

9 A. [10:54:21] Yes, that is precisely it, counsel.

10 As you are aware, before the adjournment yesterday, a video was played. I cried.

11 Your colleagues here can testify to that. I cried. Because it was a terrible situation,
12 and we had the impression that the Central African Republic had been abandoned to
13 those mercenaries. I beg your pardon.

14 The situation that we experienced was particularly difficult. Even the international
15 forces that were deployed in the CAR in the case of the Chadian contingent, for
16 example, they were analogous to the Seleka.

17 I told you yesterday that there was a peaceful march in the Combattant
18 neighbourhood in Galabadja. And when the Chadian contingent of the MISCA
19 arrived, they actually shot at the crowd, and the Sangaris were nearby. It was not far
20 away from the Sangaris base in M'Poko. How can you explain such a situation?

21 People who were not armed and who were expressing their grievances and they were
22 shot at. On the one hand, you had the French soldiers there, and then the Chadian
23 contingent arrived and shot at the crowd. So this is the situation that we had, and
24 the instinct of any normal person is to defend themselves.

25 So the concept of Anti-Balaka arrived afterwards. The notion of self-defence already

1 existed. It was made up of young people who voluntarily constituted movements.
2 I even spoke about my younger brother who was a member of such a movement.
3 So it was this chaotic situation that explains the origin of the Anti-Balaka. *And
4 the real problem we were facing was that there was no coordination as such. And so
5 they were committing reprehensible acts because there was no coordination. The
6 purpose of the coordination, the way it was meant to be at that time, was to try to
7 provide guidance, to try to dissuade them, to try to curb their propensity for violence.
8 That is more or less what I can say about that.

9 PRESIDING JUDGE SCHMITT: [10:57:52] I think, Ms Proulx, we should have now
10 the break and we continue at 11.30. Yeah. Thank you.

11 THE COURT USHER: [10:58:00] All rise.

12 (Recess taken at 10.58 a.m.)

13 (Upon resuming in open session at 11.31 a.m.)

14 THE COURT USHER: [11:31:36] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [11:32:02] So welcome back.

17 Ms Proulx, you still have the floor.

18 MS PROULX: [11:32:06] Thank you, Mr President.

19 Q. [11:32:12] (Interpretation) Good day again, Mr Witness.

20 Before the break we were talking about the fact that the young people of the village
21 joined the Anti-Balaka because of their anger, because of the treatment and actions of
22 Seleka. You gave us a full answer on that, but I just would like to have some
23 additional elements because, without saying that Bozizé had supporters at that time,
24 do you agree that the self-defence groups that were set up in the villages were not set
25 up with the aim or objective to make Bozizé come to power? Do you agree with

1 that?

2 A. [11:33:02] That's precisely, yes, because at that -- at that moment we weren't
3 supporting Bozizé because Bozizé had abandoned us. He fled, as a military person.
4 Because as a military moment (sic), he could have tried to fight and bring about peace.
5 So we weren't thinking about Bozizé at that time. It was simply the desire to survive
6 as a population. Our concern was to try and find peace and safety, security.

7 Q. [11:33:41] And as regards FACA in particular, who joined this popular
8 movement of self-defence, do you agree that one of the preoccupations and
9 motivations for FACA was that they had been persecuted and humiliated by
10 the Seleka?

11 A. [11:33:59] That's correct. As I already said, the FACA was chased out of the
12 neighbourhood. One of the FACA elements was kidnapped, and then we found
13 the body. I myself at the home, they came once to my home a second time. And
14 after that, I understood that it wasn't a question of waiting any longer, that I was dead.
15 So he said I could have his home and I left. I moved from my own home.
16 So FACA was particularly targeted. And this meant we felt abandoned, and
17 therefore, we had to organise ourselves to do something. FACA was particularly
18 targeted.

19 Q. [11:35:02] I'd like to ask you some questions as regards the preparation of
20 the attack of 5 December. I've understood that you were not involved in the attack,
21 so your understanding and knowledge is limited on the actual attack, on how it was
22 organised. But in your statement, in your two statements, you talked about -- you
23 said Sangaris had a role in what happened on 5 December and that the Balaka were
24 promised arms. Could you tell us how you got that information. Where does it
25 come from?

1 A. [11:35:48] Well, as you know, I -- I am a sociologist, as I've already said, and I
2 wanted to write a book on this event. So this led me to try and collect information
3 on the origins of the movement.
4 When I discussed this with the Anti-Balaka, I asked them the question, asked them
5 how they left the villages. Because, even today, I have this project that I have to
6 write about our history, about what we experienced and lived through. That is why
7 I had this information from the Anti-Balaka.

8 They were told to go to these areas. They were told to go there for arms. They
9 walked. So they used the road to go to that particular area, but they didn't receive
10 the arms. They were told to go to certain areas. They moved until they reached
11 behind the hills in Bangui. But they never got the arms that they were promised.

12 Q. [11:37:09] So when they entered Bangui -- I think you referred to this in your
13 statement. They entered with machetes and sticks when they entered Bangui.
14 That's all they had. Is that correct?

15 A. [11:37:26] That's a little bit what we saw. On 5 December I was already in
16 the home that I was offered. And as they had to go below the hill of Bazoubangui
17 and in -- they were going through the neighbourhood because they wanted to attack
18 the Muslims of the Seleka. They had machetes, sticks. And you understood, they
19 also -- because of their *gris-gris*, that they were invulnerable. But unfortunately,
20 many, many were killed before the National Assembly. I saw that on the television.
21 It is France 24 that broadcast the images. But they all went to the National Assembly
22 where they were before they were killed.

23 Q. [11:38:30] Mr Ngaya, the Court heard allegations according to which that
24 the self-defence Anti-Balaka groups were supported, financed and armed by
25 individuals close to Bozizé or even through Bozizé and his family. But you're saying

1 they entered Bangui with sticks and machetes.

2 When you saw them, did they give the impression that they had been funded and
3 armed and equipped adequately for a battle like the battle which took place in
4 Bangui?

5 A. [11:39:13] Please, I think, I think -- I haven't got enough information at this level,
6 but I think that if Anti-Balaka would have been armed, then perhaps the Seleka
7 would have stopped because they were numerous. But they weren't armed. But to
8 say that they were funded, armed, I don't know. I'm not in a position to tell you.
9 What I can say, something that we experienced ourselves when Bozizé was still in
10 power, I was going to my work, the Seleka came to the town of Bangui,
11 the streets -- the road that I'd take often passes through the President Bozizé's party's
12 headquarters. When the Seleka advanced on to Bangui, many young people came
13 here to ask for arms, but they never got those arms. And that is how Seleka entered
14 Bangui.

15 There were arms in Bozizé's house, which they used. There were -- there were lots
16 of different armaments which remind intact in the containers which the Selekas took.
17 There was also arms. Those are rumours which were spreading as well. There
18 were arms in Bossembélé. This is the former presidential place, and these arms were
19 retrieved.

20 So I don't know at what point in time that armament and funding took place. I don't
21 have the necessary information to provide information on that. I don't know.

22 Q. [11:41:22] Do you agree that at this stage, that's to say, before and just after
23 the attack on Bangui, the self-defence Anti-Balaka groups did not have any political
24 aims? They wanted to get rid of the Seleka, but they didn't really have a platform
25 beyond that, beyond chasing out the Seleka; is that correct?

1 A. [11:41:48] You are completely correct.
2 Firstly, there was no coordination, so they were a bit all over the place. But I
3 think -- I didn't invent things. But according to the information which I received and
4 the rumours I heard, the Sangaris helped them advance. Sangaris helped them
5 advance towards Bangui. A little bit later, we understood that this was the approach
6 which contributed to the deployment of the Sangaris and to exert pressure on
7 Djotodia, but it's only afterwards that we understood things in that way.

8 The Sangaris helped them in their advance, but there was no coordination, as such.
9 Firstly, they didn't have tools to coordinate. They had no communication tools, so
10 they came a little bit from everywhere. At least that's how I see things.

11 Q. [11:43:01] I'm going to give you some information, and I'd like your opinion.

12 But for the minutes I'm going to refer this, but this is not for the witness. It is
13 number 39, CAR-OTP-2072-1440, and more specifically, page 1446.

14 My question is: Have you heard anything about this, about after the attack of
15 5 December, that an Anti-Balaka group asked Sébastien Wenezoui to be -- to represent
16 them as a spokesperson? Does that mean anything to you?

17 A. [11:43:53] Well, I think it was after, this was after the attack, when
18 the Anti-Balaka were already in Bangui. There was a concern of how to stop this
19 wave of violence. And at that moment we had to try and find some point of contact,
20 and there was a meeting in Boeing. There was a meeting in Boeing, and that's where
21 I met Wenezoui, Ngremangou. I don't know what role they were playing precisely.
22 I don't know what role they were playing. But the Anti-Balaka were asked -- asked
23 him to be their spokesperson, but I wasn't present at the meeting, so I can't really say.

24 Q. [11:44:55] Yesterday you described how in the following months after the attack,
25 between the attack of 5 January and 5 January (sic), the Anti-Balaka from the villages

1 felt completely alone. And what I understood is that at that stage, there was -- they
2 were just hanging around, where no one really came forward immediately as a leader
3 for the Anti-Balaka. So the Anti-Balaka weren't immediately looked after or assisted,
4 or guided. Is this correct?

5 A. [11:45:39] Let me give you a detail after, which allowed me to understand that
6 a lot of things were going on. As the Anti-Balaka were behind the Bazoubangui Hill,
7 there were people who positioned themselves to be a representative, because those
8 people probably had some additional information. There was Leopold Bara, who is
9 somebody I knew from my youth. He was already in the team who was working for
10 Bozizé. But when the Anti-Balaka were behind the hill, he met them and suggested
11 to them that he should be the representative because he had been to the summit in
12 N'Djamena. And that's why he represented them in N'Djamena, whereas, he
13 worked all the time for Bozizé.

14 And let me tell you that, amongst the youth -- but, strangely, he asked me to be
15 the director generally of the youth. But if he was really an Anti-Balaka, he would
16 have protected me. But there was a decree that I should do this all alone, but
17 everybody knew I was doing a lot of things for the youth of Central African Republic
18 and that he, who represented the Anti-Balaka movement, had to do something.
19 So those who wanted to represent the Anti-Balaka were everywhere, because they
20 were part of the network at a higher level, and there were lots of complots going on as
21 regarding who was going to represent the Anti-Balaka. If there was a continuation,
22 then we would have never had Anti-Balaka representatives that were there all over
23 the place.

24 Q. [11:47:49] So, if I understand you, there were several individuals who were
25 competing in order to emerge and become the chief?

1 A. [11:47:55] Exactly. That's right. Because in their own logic, they wanted to
2 position themselves on a political level. Simply, if there had been a coordination at
3 that level at that moment, then I don't think you would have seen that happen
4 between the Anti-Balaka. That's why no one could come there and try and be
5 the representative of the Anti-Balaka.

6 An example I know, if you allow me, is the case of Leopold Bara.

7 Q. [11:48:41] Yesterday you spoke about this period from December 2013, after
8 the attack, when the Anti-Balaka were left to their own devices and, unfortunately,
9 committed certain crimes in Bangui.

10 According to you, the absence of leadership amongst the Anti-Balaka and the fact that
11 some people were juggling for position, does this absence of leader, did that
12 contribute to the lack of discipline and the commissioning of opportunistic crime?

13 A. [11:49:22] That's exactly what justified our involvement. You know, we were
14 in the area, in the neighbourhood where they were based. They were based in this
15 neighbourhood. And, unfortunately, this neighbourhood suffered too much already
16 because of the Seleka. And when they arrived, they did the same exactions vis-à-vis
17 the population. That's why we -- and I personally, I started to tell the people of
18 the neighbourhood who already knew me -- I was trying to defend the population
19 vis-à-vis Seleka, and I said, "Pastor, we have to do something. We can't let
20 the situation go on like this."

21 And then, with the support of the population, I tried to do something so
22 that -- the approach that I had was to try and to go to the Anti-Balaka and open
23 the possibilities to have a discussion with them, to collect money for them. And
24 when we gave them money, I said and hoped that my message would be heard. But,
25 unfortunately, it was a very bad moment.

1 Q. [11:50:51] At that time already, people who were not Anti-Balaka, could they
2 benefit from the chaos in Bangui and elsewhere to commit crimes and blame -- and
3 have Anti-Balaka blamed for it?

4 A. [11:51:09] Yes. All of this is part of the issues which pushed us to try and
5 introduce some actions.

6 When Ngaïssona came, we had to identify the Anti-Balaka because, amongst each
7 other, they knew who they were. But we had to identify them, and we gave them
8 badges because they were opportunistic thugs. So they benefited from the situation
9 to do scandalous actions by saying it was the Anti-Balaka who did them. That is one
10 of the reasons that we introduced the military police, so that they could take action,
11 and other people who were of good moral standing. So that each time somebody
12 did these acts, we could take them to the gendarmerie. It's a little bit like this that we
13 introduced the system.

14 There was a lot of confusion. Many thieves benefit from the situation and said it was
15 the Anti-Balaka.

16 There was even press *communiqués* who were made available to denounce these
17 people.

18 Q. [11:52:33] A little bit later I'm going to talk about the military place and their
19 *communiqués*. But for the moment, let me go back to December -- December 2013 and
20 the beginning of January 2014, before Ngaïssona arrived.

21 Yesterday we talked about the emails and the minutes which the Prosecution
22 presented to you. Am I correct in saying that at that moment the Anti-Balaka
23 movement tried to organise itself slowly and began to shape political demands?

24 A. [11:53:20] Yes. We had to get out of the crisis. We had to get out of the crisis,
25 and you can't do that if you don't have some degree of organisation. 50,000 young

1 people - that's a rough figure - that is the amount of young people. And they also
2 had some familiarity of handling arms. So you had to have a minimum of
3 organisation, and that's why we decided to have a political process that we could set
4 up.

5 Q. [11:54:08] At that time, end of December, beginning of January, we saw this with
6 the emails that you had with Mr Ngaïssona, who was still in Cameroon. You kept
7 him abreast of what was going on of the CLNP -- sorry, the CLPC, the CLPS. Am I
8 correct in saying that at that time you informed him by allowing him to see
9 the minutes of meetings and by sending him emails? Because he himself was not
10 involved in the organisation at that time. Is that correct?

11 A. [11:54:59] My exchanges with Ngaïssona was not because he was involved in
12 any organisation. My exchanges with him were, firstly, he was my former
13 minister of youth when I was the director general of the youth. He's a political man.
14 And then we were looking for some assistance and he had *permanent contact with
15 the lawyer of FROCCA.

16 So he -- since he was outside and we were looking for assistance, he was in a good
17 place to help us with this information. And this explains the fact that it was not only
18 him that I exchanged information with. I tried to have contact with international
19 organisations because we were looking for aid. We had to have someone who could
20 be there on the scene and try and help us.

21 Q. [11:56:13] I want to show you an email which you did not see yesterday. It's
22 document 74 from the Defence. CAR-OTP-2124-0511. This is an email of
23 10 January 2014. Minister Ngaïssona was still in Cameroon. And you, through this
24 email, sent him minutes, and I quote, "of the meeting of consultation of the main
25 leaders of the Anti-Balaka."

1 Am I correct in thinking that when reading through the words that you chose in that
2 email, that at that moment, 10 January, you did not consider that Mr Ngaïssona was
3 part of the main leaders of the Anti-Balaka at that point in time?

4 A. [11:57:45] I did not have any belief that he was part of the main leaders of the
5 Anti-Balaka. It was in our exchange of information in the same process of sharing
6 information that I passed on the information to him. Because we had to have
7 a political process in order to find a solution to get out of the crisis.
8 That is -- that is why I said, the main leaders of the Anti-Balaka and a copy of this
9 meeting was sent to the Sangaris partners as well in the morning.

10 Q. [11:58:35] I quickly want to show you the attachment. You saw it yesterday,
11 but I'd like to display it. It is in the -- it's tab 75 of the Defence binder,
12 CAR-OTP-2124-0512. And I'd like to turn to page 0513.

13 Just at the bottom you can see the individuals who have signed this document, these
14 minutes. Wenezoui and Ngremangou. Do you agree with me that those two, those
15 who individuals, Wenezoui and Ngremangou, were probably amongst the main
16 leaders of the Anti-Balaka at that time?

17 A. [12:00:00] I think that during that meeting, that's the impression that I had.
18 They were there as representatives. Because when the meeting took place, it was
19 under their presidency. It wasn't for anything that Ngremangou signed as president
20 or chairman of the meeting and Wenezoui as reporter.

21 I don't know. I cannot decide the level of responsibility they had vis-à-vis
22 the movement. But during that meeting, I noted that they were in a position of
23 responsibility.

24 Q. [12:00:52] Yes, go ahead.

25 A. [12:00:55] As I already said, you have to put this into perspective. This was

1 a process of how we could get out of the crisis. This is how you should see it. But
2 at my level, to decide what degree of responsibility they had in the movement, I don't
3 have the necessary information to do that. But this was a meeting where the main
4 objective was to create conditions. Both Ngremangou and Wenezoui were Gbaya,
5 just like me. So that's how I would see the things.

6 Q. [12:01:41] I would like to take you to a few days later. Mr Ngaïssona returned
7 to Bangui on 14 January 2014. And in your second statement, tab 64 on the Defence
8 list, I don't think I've given the ERN yet. It is CAR-OTP-2107-6197. And in your
9 statement you say that, on the day Mr Ngaïssona returned, there was a crowd of
10 people in front of his home celebrating his return. Why would that have been so,
11 according to you?

12 A. [12:02:35] Well, I have already told you that Mr Ngaïssona had a reputation
13 within the population as a good man. So it created a favourable feeling amongst
14 the population towards these people.

15 Now, when Seleka entered Bangui, he was unwell. He had been sick, and he had
16 gone to the Lobaye to receive traditional treatment. And when the Seleka entered
17 Bangui, from the location where he was being treated, he fled to Cameroon. So the
18 fact that he returned made the population quite happy. And this is why there was
19 a crowd of people right from the airport right up to Boy-Rabe. It was a popular
20 celebration. But it was linked to the personality of Ngaïssona himself and to his
21 reputation.

22 Q. [12:03:55] In your statement of 2016 you explained that, upon his return to
23 Bangui, Mr Ngaïssona convened the zone commanders so as to ensure the control of
24 the com -- of the various zones. So can we assume from that that the ComZones
25 were already in place when Ngaïssona arrived and he was not the one who appointed

1 them?

2 A. [12:04:36] No, he was not the one who appointed the ComZones.

3 The Anti-Balaka were already in Bangui and there was a sort of a vacuum when it

4 came to the messages to be conveyed to the political authorities. There was

5 a vacuum. I do not really know because I was not in the meeting so I cannot tell you

6 about the process that led to his appointment as the coordinator of the Anti-Balaka.

7 But as far as I know, it was because of that necessity to have a spokesperson, a focal

8 point for the Anti-Balaka. Well, I don't have the right to assume, but my opinion is

9 that it is for that reason that the ComZones designated him.

10 There was another reason, the Anti-Balaka were lost. They did not have resources to

11 take care of themselves. They did not have enough food and there was women who

12 had problems giving birth. So Mr Ngaïssona had a reputation. He was known for

13 being generous with money. So this is a parameter that would have been taken into

14 account for him to be appointed coordinator of the Anti-Balaka.

15 Q. [12:06:16] So at that time when Mr Ngaïssona brought together the ComZones,

16 these commanders were left, were working on their own, they were not under any

17 single command; is that correct?

18 A. [12:06:42] Yes, that is correct. Throughout the process the ComZones were

19 autonomous. They were independent. So it was really necessary to always

20 negotiate with them. You could not give them orders. And there is something that

21 I experienced. When Ngaïssona felt that they were going to commit certain acts, he

22 could actually kneel down in front of them to tell them: "Please do not do this. No,

23 do not do this."

24 So these were people who were autonomous.

25 So the approach adopted by Ngaïssona, I was with him, so his approach was usually

1 to give them money to help them out. So it was necessary for him to talk to them.

2 So the approach that he adopted, sometimes we were together and sometimes they

3 would fire into the air to intimidate us, so it was necessary to discuss with them.

4 You could not give them orders. When somebody's vehicle was taken, you had to

5 negotiate with them.

6 Now, even me, they took my motorbike, they put -- they took my service vehicle and

7 they -- we could not give them orders. It was necessary to negotiate with them.

8 Q. [12:08:37] I would like to show you a document which is tab 31 of Defence list.

9 ERN CAR-OTP-2030-0280. And it is a document entitled "Organisation chart of the

10 Anti-Balaka movement". And I would like you to take some time out and look at the

11 two pages of the document and I will put some questions to you thereafter.

12 A. [12:09:49] Yes, am I supposed to comment on the document?

13 Q. [12:09:55] Please first look at the two pages, because there is a second page, and

14 after that I will put my questions to you.

15 Have you looked through the document?

16 A. [12:10:55] Yes.

17 Q. [12:10:58] Have you seen this organigram or organisation chart before?

18 A. [12:11:03] This is the first time that I am seeing this organising chart. But it was

19 part of the political structuring of the Anti-Balaka. You can see someone like

20 Leopold Bara, who was never Anti-Balaka, who was a journalist. So this was within

21 the context of engaging a political process for the purpose of emerging from the crisis.

22 That is what I can say.

23 Q. [12:11:46] I wanted to give you a little bit of context for this document. And I

24 will refer to another document, which, unfortunately, I cannot show you.

25 But for the Chamber and the record, it is Defence document number 25,

1 CAR-OTP-2027-2290. And specifically paragraph 54.

2 And this is an individual who was interviewed by the OTP and this person talks

3 about the organigram that I have just shown you and he explains as follows:

4 "... Mokom organised a meeting with all the ComZones of Bangui in Boeing, behind

5 the M'Poko airport. Mokom proposed an organigram to the Anti-Balaka leaders.

6 He wanted to be the coordinator of the movement. The Anti-Balaka leaders were

7 not agreed with him because he was only talking about a return to the constitutional

8 order. They did not want to be considered just as pro-Bozizé. So the Anti-Balaka

9 chiefs decided to go to Ngaïssona's on that same afternoon."

10 Now, my question is: Are you aware that as early as January 2014 Mokom

11 considered himself as the general coordinator of the movement, he was already

12 seeing himself as such?

13 A. [12:13:51] I did not have any information about that. All I know is that there

14 was a struggle for leadership. There was Mokom, there was Wenezoui, they wanted

15 to lead the Anti-Balaka. There was Leopold Bara. There were the Anti-Balakas of

16 the south and those of the south. So there was a struggle for position and people

17 wanted to -- to lead.

18 Q. [12:14:30] Would you agree that these individuals that you have

19 mentioned - Mokom, Wenezoui, Bara and probably others - were not happy with

20 the designation of Ngaïssona as general coordinator?

21 A. [12:14:51] Yes, because shortly afterwards you would realise that Wenezoui

22 created his own wing. The first split was made by Wenezoui. So it was after that

23 that there was a wide split. But the first split was by Wenezoui. And Bara claimed

24 control over the Anti-Balaka of the south, the Bimbo area and so on. So

25 the leadership of the Anti-Balaka was challenged by these people that I have just

1 mentioned.

2 And when Ngaïssona accepted or had the support of the ComZones, it is because he
3 is a benefactor, a good person, a generous man. He gives his money easily. I think
4 that is what facilitated his designation as the coordinator.

5 Q. [12:16:08] And so you would agree that Ngaïssona's leadership had been
6 challenged from the very beginning, from the very time of his appointment?

7 A. [12:16:24] Yes. As soon as he returned, during that meeting the ComZones
8 decided to designate him as the coordinator, but shortly afterwards. So there were
9 challenges and the most prominent instigators of these challenges were Wenezoui,
10 Bara and so on and so forth. That is what happened.

11 Q. [12:16:52] I would like to talk about the effect of that leadership struggle on
12 the movement. First of all, you describe Mokom as a radical. Did the fact that he
13 had radical ideas possibly have an impact on the way that the movement behaved?

14 A. [12:17:24] The impact of that challenge, that struggle was that it contributed to
15 slowing down or blocking the emergence from the crisis, so we were not able to stop
16 the violent acts of the Anti-Balaka. But these challenges actually contributed
17 towards increasing the perpetration of violent acts by the Anti-Balaka. And if you
18 allow me, I will say that at one point there were attacks. I think maybe around PK5
19 and then there was talk about Nairobi and it was people like Mokom who went to
20 Nairobi. And in their approach they had to maintain this disruption, these troubles
21 until Bozizé returned.

22 Q. [12:18:36] In your statement, your first statement, 2016, number 60 on our list,
23 you give some explanation of the organisation chart of the movement and you say
24 that Mokom was under the direct supervision of Ngaïssona. But I seem to
25 understand that Mokom was acting sort of autonomously, he had his own agenda.

1 So was that subordination theoretical only?

2 A. [12:19:26] Yes, you have used the right word. It was during my first meeting
3 with the OTP team. We had to prepare a sketch of the organisation chart. So it was
4 theoretical. You will see that Mokom signed missions for himself to travel to
5 the provinces. It was not Ngaïssona who signed the missions. I think when I had
6 the first meeting with the OTP, they presented mission orders to me signed by
7 Mokom. So I showed them the mission orders that I drafted for Ngaïssona to sign
8 and they are documents that Mokom signed himself. I think you have all these
9 documents in the case file.

10 Q. [12:20:28] To conclude on Mokom for the time being, would you agree that as
11 a radical he himself had ideas about the leadership of the movement and that in this
12 case it is possible that Mokom did not always report his actions to Ngaïssona and he
13 used the movement to advance his own agenda?

14 A. [12:21:06] Yes, at that time you could not guess people's intentions, but shortly
15 afterwards we realised that Mokom had a hidden agenda. It is not for nothing that I
16 had to be killed by Mokom senior. It is not for nothing that they organised that plot
17 so that I should be murdered. So Mokom father and Mokom son had their own
18 hidden agenda. These are people who I regret to say are very limited intellectually
19 and the way they were thinking, it was only when Bozizé would be in power that
20 they -- they, too, could have a place in the spotlight. And that is why there was
21 disagreement with them.

22 Q. [12:22:12] I would like to briefly talk about Wenezoui. You have described him
23 as someone who also tried to have influence over the movement and initially he had
24 his own wing of the movement and later on also. He gave an interview on
25 3 March 2014. I would like you to listen to a brief excerpt. It is document number

1 41, CAR-OTP-2076-0825.

2 For the interpreters, the translation is document 70, CAR-OTP-2122-7403.

3 And I would like us to listen from the beginning to 2:40.

4 THE INTERPRETER: [12:23:31] Mr President, the interpreters, for one reason or
5 the other, do not have access to that document as yet. So if the sound is okay we
6 would be able to interpret.

7 PRESIDING JUDGE SCHMITT: [12:23:46] I suggest that we give it a try. And
8 I don't know why, why you don't have the protocol of this.

9 (Playing of the audio excerpt)

10 THE INTERPRETER: [12:24:07](Interpretation of the audio excerpt)

11 "You say that you do not agree with certain personalities on the coordination of the
12 Anti-Balaka, what do you mean?

13 These are statements that divide our movement and we simply want to have freedom.
14 So, these statements between Mr Ngaïssona and Kokaté, tend to divide our
15 movement.

16 You have stated that people want to capitalise on your movement.

17 Yes, based on the statements that some people are making, there are political
18 orientations, so we want to avoid excesses and we do not want our movement to
19 create disorder.

20 So, you do not recognise Mr Ngaïssona as your national coordinator and Kokaté as
21 the military coordinator?

22 Initially the general coordinator was Maxime Mekom. But Mr Ngaïssona is
23 the political leader of the Anti-Balaka. We are a movement and we entered the city
24 because of our actions, and since we do not have political leadership, we brought
25 about -- we brought together the leaders of the various areas. But Mr Kokaté was

1 not recognised in the beginning, but when everyone arrived Bangui, you -- you saw
2 that there were various groups going to see the head of state. The head of state did
3 not want to see various fragmented groups. That is why they needed to have
4 a national bureau. So you had Wenezoui, Bara, Ngaïssona, and so on, and they
5 designated Ngaïssona as the coordinator of that bureau, which is available to make
6 contact with the president. So it is not normal for Kokaté or Bara to go to the radio
7 and create disorder. Some of these people were talking about Anti-Balaka of the
8 north and Anti-Balaka of the south. We are the Anti-Balaka and our only objective is
9 to chase out Mr Djotodia from power."

10 PRESIDING JUDGE SCHMITT: [12:26:48] Thank you very much to the interpreter.

11 I think that I could follow it at least. Also from the French original.

12 So your question, please, Ms Proulx.

13 MS PROULX: [12:26:59] (Interpretation)

14 Q. [12:27:05] Mr Witness, you agree that these statements from Mr Wenezoui
15 constitute a challenge to the vision and leadership of Mr Ngaïssona?

16 A. [12:27:21] That is correct. I am quite happy that you were able to play that
17 audio excerpt. That was precisely what I was talking about. It actually refreshes
18 my memory of what had happened. In fact, when he returned to Bangui it was to
19 initiate the political process to emerge from the crisis. And it was found that he was
20 the right person to represent them. So you have seen that Wenezoui was talking
21 about himself as a leader of Anti-Balaka, but there were many personalities who did
22 not recognise him as such.

23 Q. [12:28:11] Something that struck me in that audio recording is that Mr Wenezoui
24 said clearly that the general coordinator of the Anti-Balaka was Maxime Mokom and
25 that Mr Ngaïssona was the political leader. So can we understand from that that

1 the role of Mr Ngaïssona was limited to political leadership, but that the real
2 management of the group was under Mr Maxime Mokom?

3 A. [12:28:50] That is true, Counsel. The true Anti-Balaka know themselves
4 amongst themselves. Some of us were just there because they needed us. The first
5 person that they needed was Mr Ngaïssona and they needed him as a political leader.
6 And that is justified by the fact that a process had to be initiated to emerge from
7 the crisis.

8 Q. [12:29:26] One last question on what we have just listened to. Mr Wenezoui
9 stated -- or, rather, he accused Mr Ngaïssona of creating dissidence. Do you know
10 what he is referring to?

11 A. [12:29:46] It would be difficult for me to tell you with certainty, because at that
12 time I did not really have information about some of the people who were
13 challenging Mr Ngaïssona.

14 Q. [12:30:09] I would now like to refer to document number 68 on the Defence list.
15 And it is CAR-OTP --

16 A. [12:30:31] If you allow me, I would like to have a 30-minute break because I
17 would want to go and ease myself.

18 MS PROULX: [12:30:43] (Overlapping speakers) break?

19 PRESIDING JUDGE SCHMITT: [12:30:45] I think we -- of course, you get, of course,
20 your break. So what about using this -- have our lunch break until - we make now
21 a nice practice out of it - 1.30. It's exactly 12.30. Yeah.

22 So, of course, Mr Ngaya, we have a break until 1.30. So one-hour break.

23 THE COURT USHER: [12:31:07] All rise.

24 (Recess taken at 12.31 p.m.)

25 (Upon resuming in open session at 1.34 p.m.)

1 THE COURT USHER: [13:34:55] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [13:35:21] Good afternoon. Of course you have
4 still the floor. You know we -- the last session was only an hour long, so -- but if you,
5 what I -- I would not say expect, that's too hard, but -- but I could assume would not
6 need the full eight hours that you have envisioned. I think we -- it would be enough
7 if we have now a one and a half hour session and finish for today at 3 o'clock. But
8 perhaps you can tell us.

9 MS PROULX: [13:35:52] Thank you, Mr President.

10 I -- I think it's going a little slower than what I expected, but I had revised my estimate
11 to seven hours. So I think we'll be in -- in the time, but it might be that I need at least
12 two sessions tomorrow and maybe a part of the third session.

13 PRESIDING JUDGE SCHMITT: [13:36:12] That's fine then. So -- so -- but that
14 it -- tomorrow will be enough, except Ms Dimitri is now telling us that she plans to go
15 until Friday or Saturday. No.

16 MS DIMITRI: [13:36:24] Mr President, I'm -- I'm thoroughly cutting down questions
17 as I hear my colleague. So my estimate will be reduced, but I still have quite
18 a number of subjects that I suspect she -- she won't -- she won't touch because they
19 concern either specifically Mr Yekatom or -- or -- or other aspects or other videos that
20 are on our list but not on the Ngaïssona list. But I am reducing my questions so
21 I don't repeat any subjects that are touched upon.

22 PRESIDING JUDGE SCHMITT: [13:36:56] Yeah. Let me -- so it was of course
23 a little bit -- it was not meant ironic, but it is clear then, if you have two teams
24 questioning, that there is overlap and that you can adjust apparently, and there are
25 subjects surely that might be of interest also for your defence that are already dealt

1 with during the examination by Ms Proulx.

2 So, Ms Proulx, you still have the floor. Please continue.

3 MS PROULX: [13:37:22] Thank you, Mr President.

4 Q. [13:37:31] (Interpretation) Good afternoon, Mr Ngaya.

5 A. [13:37:35] I can hear you.

6 Q. [13:37:38] Before the break, before the lunch break I had you listen to an audio of
7 Mr Wenezoui of 3 March 2014 and you answered some questions that I put to you on
8 what you had listened to.

9 Now I would like to read an excerpt for you from another interview. No, not an
10 interview. It is actually a statement by Mr Wenezoui which was reported in relation
11 with a meeting he had with the minister of reconciliation. I would like to read out
12 part of the transcript for your attention, because -- and maybe I should refer to
13 the Chamber and say that there is a video available, but the reason for which I have
14 chosen not to play the video is because it's in Sango and I don't want to put you
15 through the -- and I'm not able to give you the timestamps specifically. So I will
16 simply read out a small excerpt of what Mr Wenezoui said at that meeting of
17 21 March 2014.

18 It's Defence document number 68, CAR-OTP-2118-5597, at page 5599.

19 On that day, with the minister, this is what Mr Wenezoui said, and I'm going to read
20 it out:

21 "But before we proceed with what we want to do, I prefer to ask you to take on your
22 responsibilities as minister in charge of reconciliation, and to bring together all
23 the various factions of the Anti-Balaka ... I am talking about the small anomalies and
24 I am referring to the Ngaïssona, Kokaté and Bara, Emotion, Sylvestre, Junior, Ngaya
25 factions, and I'm referring here to all the responsible officials of the Anti-Balaka; some

1 of them are still in the province, like Modibo, I would like all of them to be brought
2 together in a meeting so that we know 'who is whom' in the Anti-Balaka, and in so
3 doing we can settle the small misunderstandings that are causing difficulties within
4 our group ..."

5 Would you answer with me -- would you agree with me, rather, that on that day
6 Mr Wenezoui was referring to the fact that there were several factions or trends
7 within the Anti-Balaka, and in doing so he actually denies the fact that Mr Ngaïssona
8 would be the unique or the sole coordinator of the movement?

9 A. [13:40:52] I can say that there were various trends within the Anti-Balaka,
10 various factions within the Anti-Balaka. But now to say that Ngaya was a leader of
11 a -- of a faction, Namsio, myself, no, I don't think so. There was a -- there is
12 the Ngaïssona faction, there is the Wenezoui faction, because Wenezoui was in Boeing,
13 Bara was in the south, in the bush towards the south, towards Mbaïki. And I think,
14 as far as I know, that there were at least three factions or three wings of the
15 Anti-Balaka. And you may want to know that there was a war, a power tussle at
16 that time, people were positioning for leadership, and I am aware of those three main
17 factions.

18 Namsio and myself, we belonged to the Ngaïssona faction. That is what I can say by
19 way of answer.

20 Q. [13:42:06] At the time, if I am not mistaken, Mr Wenezoui and other individuals
21 within the Anti-Balaka had expressed doubts in relation to the idea of the Anti-Balaka
22 becoming a political movement in 2014.

23 Now, according to you, would the politicisation of the Anti-Balaka movement, would
24 it have made it possible or facilitated the participation of the movement in the trends
25 at the time -- rather, in relation to peace?

1 A. [13:42:55] What I can say is that we were involved in a political movement,
2 a political trend, and the idea was to use that process, ultimately, to return peace to
3 the country and security for the population.

4 Q. [13:43:14] That political process, was -- was it indispensable in terms of the
5 participation of the Anti-Balaka in the peace process?

6 A. [13:43:26] Yes, but not necessarily as a political party. We simply needed to
7 bring the Anti-Balaka to understand that the state had to exist, that it was also
8 necessary for political approaches to be made in order to deal with the problems of
9 their social reinsertion. So this is the message that also needed to be conveyed to
10 the Anti-Balaka.

11 Q. [13:44:02] Now I want to quickly return to the organisational chart of the
12 movement. I showed you one a short while ago, you did not recognise it, and which
13 came as -- was indicated from Mokom.

14 Let me show you another flowchart which you were shown yesterday which you
15 recognised. Now, I'm going to show you this for a specific reason.

16 It's document 28 in the OTP list of documents. Reference CAR-OTP-2101-3611 at
17 page 3613.

18 Can we zoom in on the date, please. It's barely visible, but it would appear to be
19 the date of 20 January 2014, apparently.

20 Now let us scroll down and see the names. I see that in this organigram the general
21 coordinator is Mr Ngaïssona. The deputy general coordinator is Mr Wenezoui.

22 Mokom is the coordinator for national operations. And then further down we have
23 Mr Kokaté's name. Mr Kokaté, who is -- Kokaté, special adviser in charge of external
24 relations. And then we have your name.

25 This is an organisational chart which you recognised yesterday. According to you,

1 does this reflect your memory of the configuration at the time?

2 A. [13:46:26] Yes. When we started the political process, it was in this order at
3 least that we perceived the organisation and the structure of the political activities
4 that needed to be undertaken with a view to restoring the state.

5 Now, we must understand that this organisational chart is only something in theory,
6 because after the power tussles within, there were other things that happened in
7 relation to this organigram.

8 Q. [13:47:12] Let me now show you another document, document 55 in Defence
9 folder, OTP-2087-9289.

10 This is a joint *communiqué* of 23 January 2014, but I want to draw your attention to
11 the names of what is referred to in the document as the single coordination. You
12 will note here that this list is different from the previous list. But the general
13 coordinator is still Mr Ngaïssona, and that Mr Wenezoui and Mokom no longer
14 appear on this list, and Mr Kokaté has a different post from that which appears in
15 the previous document.

16 Have you ever seen this document before, Mr Ngaya?

17 A. [13:48:40] The document is not displayed for me, so ...

18 Q. [13:48:47] I think you will -- you will see it in a moment.

19 A. [13:49:10] I think that, for example, I see a name Kamezolaï. That's
20 a gentleman -- and, again, this document must -- by the way, these things happened
21 a long time ago, but Mr Kamezolaï died at some point and I think this must have been
22 really at the very beginning of the efforts to put a structure in place for the movement.
23 I don't really have a clear memory, but I see Leopold Bara, I see Joachim Kokaté.
24 And I think this was really at the beginning of the process. You can see, for example,
25 Deboulet. That name doesn't ring a bell at all, the adviser, Madam Deboulet. I

1 really don't remember anything of that name and of that structure that you're
2 showing me.

3 Q. [13:50:11] Are you telling me, therefore, that this was done prior to the other list
4 which I showed you?

5 A. [13:50:23] That would be my understanding. I don't have a clear memory of
6 the structures, but that would be my understanding.

7 PRESIDING JUDGE SCHMITT: [13:50:30] But this would of course mean then that
8 your assumption that the other document was dated from 20 January 2014 is perhaps
9 not right. Unfortunately, I have here the one from the Prosecution binder in front of
10 me, but I also can't read it, I can't tell the date exactly. I don't know if perhaps you
11 could help us. Is there -- is there an original, so to speak, an original document
12 which could have -- because these are all copies. This is what I'm --

13 MR VANDERPUYE: [13:51:04] No, indeed. I don't believe that we have, for
14 example, a full colour copy original or a scan of it. But I believe the Chamber has
15 evidence in front of it and from the Witness P-884 as to the approximate date of that
16 document, as well as from P-801.

17 PRESIDING JUDGE SCHMITT: [13:51:19] Thank you for reminding me. Thank
18 you.

19 Please continue.

20 MS PROULX: [13:51:27] (Interpretation)

21 Q. [13:51:29] Let me now show you a third document. It's from the OTP binder,
22 number 17, CAR-OTP-2087-9025. It's a document which you saw yesterday.

23 But this document, if we scroll down, we will see that here there are no positions
24 mentioned, only the names of individuals who appear to be senior leaders of
25 the movement. And once again, the names have changed and it's not the same

1 names as in the two previous lists I showed you.

2 So my question is as follows: This discrepance -- or differences in the lists and
3 organisational chart, does that reflect the fact that the coordination was not well
4 structured and that there was not a clear hierarchy and that things kept evolving a lot?
5 And could this be linked to the various tensions and the power tussles relating to
6 leadership?

7 A. [13:53:06] Yes. I think that's a good understanding of the situation. This
8 happened when there were several wings, several tendencies within the movement.
9 And the names that appear on the lists all appeared under the leadership of
10 Ngaïssona. And the names of the persons on that list are people who are generally
11 close to Ngaïssona, even at a time when there were various trends within
12 the Anti-Balaka.

13 Q. [13:53:49] Witness, what was the role of the coordination, and why was it
14 created?

15 A. [13:53:58] The initial intent or intention of the coordination was - how do I put
16 this? - was to provide guidance for the Anti-Balaka within the context of their desire
17 for violence within that context and also taking care of their needs because these are
18 people who had found themselves in Bangui without any measures of subsistence.
19 So there were two things: On the one hand, there was need to bring them to
20 understand that the time had come for them to work for the restoration of peace and
21 security for the people. And on the other hand, we also needed to work to create
22 the proper conditions for their reinsertion. And that is why the coordination was
23 created, bringing together people of good will, bringing together people who were
24 senior staff who would be able then to carry out these messages and convey them to
25 the Anti-Balaka.

1 Q. [13:55:03] Yes. Please.

2 A. [13:55:04] Now, I would like to say that if you look at the list, Mr Féikéré is
3 a doctor. He was a lecturer at the university. Mr Feïzoure Honoré is an engineer,
4 an agricultural engineer. So our vision at the time was to see how to work towards
5 the reinsertion of the Anti-Balaka, creating small jobs for them, educating them. And
6 that's -- that was the goal or the purpose of the coordination at that time.

7 Q. [13:55:50] Mr Witness, while you were part of the coordination, did there come
8 a time at which you were under the impression that the purpose of the coordination
9 was either to justify the commission of crimes by the Anti-Balaka or to release them
10 from the judicial process?

11 A. [13:56:16] If we set up the military police ourselves and took the Anti-Balaka to
12 the gendarmerie, how can we then be the same people to work to take them out of the
13 judicial system, so to speak? We had put in place our own informal police, military
14 police, which would arrest people and take them to the -- the justice department.
15 In my statement, I said that I worked with the Sangaris to arrest Andjilo. I went -- I
16 worked with the Sangaris in an attempt to arrest Andjilo, and we worked closely
17 together until the day of the operation when they -- when they failed in the operation,
18 as Andjilo was able to escape.

19 So our idea was not to subtract, so to speak, them from the justice system but, rather,
20 to point out the delinquency in their actions and therefore to ensure that they behaved
21 properly. So that was what we wanted to do. And, yes, there were some French
22 troops with whom we met in restaurants, for example, to -- and I provided them with
23 information which would have helped them to arrest Andjilo. But unfortunately,
24 the operation failed. So it was not in our interest whatsoever to see the youth
25 continue to act in that manner. So our main goal, our principal objective, was to

1 restore normalcy and peace within the country.

2 Q. [13:58:03] What was Mr Ngaïssona's role as general coordinator?

3 A. [13:58:11] Well, I already told you. Mr Ngaïssona was a politician at the time.

4 He could have had easy access to higher political officials, and that is what was

5 expected of him. That is why he was designated as the political coordinator.

6 Because he had access to the authorities of the country, he could have called -- he

7 could call the ambassador of France, he could call Samba-Panza, and he could call any

8 authority within the country. And that is why people felt that he could be useful in

9 that capacity.

10 Q. [13:58:57] You have already provided some answers, but let me insist on this

11 point. So you would agree that the measures taken by Mr Ngaïssona, as general

12 coordinator, that he took those measures with a view to restoring peace. Is that how

13 you understood the measures he took?

14 A. [13:59:20] My answer is that this is the state of mind in which I was when I

15 linked up with Ngaïssona. So, on that specific point, that's the only thing I can say.

16 The only thing that brought us together was the return of peace to our country.

17 Q. [13:59:45] Now, that brings me to another part of my examination, and I would

18 like to talk with you about some of the measures that were taken at the time to control

19 the Anti-Balaka, to conduct a census, or work towards bringing back peace. So let

20 me take these measures one by one, beginning with the issuance of membership

21 cards.

22 Can you explain why the coordination decided to issue badges for the Anti-Balaka.

23 A. [14:00:32] The purpose was to distinguish the genuine Anti-Balaka from thugs

24 and thieves who wanted to join the movement. There were thieves who were

25 involved in scandalous actions under the name of the Anti-Balaka. So by issuing

1 these badges to them, we were able to determine their belonging and membership
2 within the Anti-Balaka.

3 Now, with your leave, I would like to add that, at the time, some press releases had
4 been issued to notify the state authorities and international authorities that if anyone
5 committed an act and was not carrying an Anti-Balaka badge, that individual would
6 not or was not an Anti-Balaka. This is the information that was conveyed to
7 the national and international authorities.

8 Q. [14:01:35] Was Mr Ngaïssona involved in the census of the elements and
9 production of cards?

10 A. [14:01:48] Yes. To my knowledge, he was the one who signed the badges. He
11 had made the computer available. There was a young computer technician who had
12 joined the movement. So Mr Ngaïssona provided him the computer and all
13 the necessary materials to produce badges.

14 And if you allow me, the young man, if I remember correctly, his first name was
15 Beaudouin, B-E-A-U-D-O-U-I-N. So he was the one responsible for issuing
16 the badges.

17 Q. [14:02:39] Were the elements required to pay a sum of money to obtain their
18 badges? In other words, was it a way of raising money for the coordination on
19 the back of the Anti-Balakas?

20 A. [14:03:00] I think the Anti-Balaka do not have any resources for the coordination
21 to expect money from them. I do not have the details about the issuing of the
22 badges.

23 Could they -- could we actually expect money from the Anti-Balaka? It was
24 Ngaïssona who provided all the resources for them to be able to function.

25 Q. [14:03:30] So if I understand you correctly, according to you, the intention

1 behind the badge was a good intention. There was no hidden agenda, no hidden
2 objective?

3 A. [14:03:43] There were no hidden objectives. The main objective was to identify
4 them in relation to this process of the restoration of security and peace.

5 Q. [14:04:11] There are some witnesses who have testified in this trial before you
6 and who indicated to us that, on several occasions, people who were not Anti-Balaka
7 had succeeded in having badges issued to them. So there were certain failures in
8 the badge-issuing process. So people took advantage of those badges to claim to be
9 Anti-Balakas and attribute criminal acts committed by them to the Anti-Balaka. Is
10 that correct?

11 A. [14:04:50] Yes, I think that it is true. That was the real problem. There was
12 corruption. I think there was a problem involving the person who was producing
13 the badges and he dished them out just anyhow. As you know, one of the interests
14 of this process was related to the DDR. So when people realised that at the end of
15 this identification the Anti-Balaka were supposed to be integrated into the DDR,
16 the people took advantage of that, and people became corrupt. They used corrupt
17 means.

18 Q. [14:05:43] This answer leads me naturally to my next point, which is the billeting
19 and the DDR process.

20 So billeting and DDR was part of the political platform of the coordination from
21 the very outset. Do we agree?

22 A. [14:06:06] Yes. We produced a certain number of documents. We had asked
23 President Samba-Panza, international leaders, how to reduce the acts of violence of
24 the Anti-Balaka. They had to be billeted and fed because most of the time what
25 prompted them to steal and carry out reprehensible acts was because they had no

1 food. They did not have relatives. So the solution was to billet them, bring them
2 together. So we proposed a billeting project to the government. Some of the
3 Anti-Balaka wanted to return to their villages and our proposals included a proposal
4 to have them sent back and integrated in their own villages.

5 Unfortunately, these projects were not successful. I don't know what were
6 the intentions of the political leaders.

7 I will give you other details.

8 At that time, the Seleka leaders could be taken by plane to the various provinces to
9 talk -- to talk with their elements. With Ngaïssona, MISCA had also been requested
10 so that they should enable the coordination membership to be able to travel and
11 sensitise the elements.

12 But it was not successful. So we wondered what was going on, what was hiding
13 behind this was happening. Despite the efforts that we were making, our requests
14 were always turned down. It was really complicated.

15 Q. [14:08:12] Thank you for your answer. I will come back to that so that you can
16 elaborate on some issues you have mentioned.

17 Indeed, I can imagine the documents you are talking about when you say that you
18 produced documents. I would like us to examine them together. I would like to
19 start with document number 19 of the Defence list. It is CAR-OTP-2025-0362.

20 It is a document dated February 2014 and it is entitled: "Project for the billeting and
21 urgent care of the combatants of the Anti-Balaka movement".

22 Do you recognise that document?

23 A. [14:09:22] Yes. When Mr Ngaïssona explained to me, I was the one who
24 drafted it. So you can see the handwriting there is mine.

25 Q. [14:09:34] Yes, indeed. I think it is a document that you handed over to

1 the Office of the Prosecutor during your first interview with them in 2016?

2 A. [14:09:45] Yes, that is correct.

3 Q. [14:09:48] Did you take part in the preparation or drafting of this document in
4 2014?

5 A. [14:09:57] I was the one who drafted this document. As you know, I have long
6 experience in this area. So upon the instructions of Mr Ngaïssona, I would draft
7 the document. Taking into account my experience in that domain, I was the one
8 who drafted them.

9 Q. [14:10:21] You have just told us that it was Mr Ngaïssona who gave instructions
10 for these documents to be produced; is that correct?

11 A. [14:10:30] Yes, because we were working together to that effect.

12 Q. [14:10:42] On page 0365, at the very top, there is an assessment of the
13 Anti-Balaka combatants. They were estimated at about 50,000. Do you know how
14 you managed to estimate that number?

15 A. [14:11:09] Let us say that there were the various ComZones, so it was an
16 approximation. We did not have the means to have precise figures, but these were
17 estimates based on what the ComZones were telling us. Each ComZone had an idea
18 of the number of elements at their disposal.

19 Q. [14:11:44] But with regard to the drafting of this document, to your knowledge,
20 is this figure, could it have been fraudulently inflated so as to increase benefits in
21 the form of money, for example?

22 A. [14:12:07] In any case, we never had that state of mind. I don't know what
23 benefits could have been had. Our objective was mainly the social reintegration of
24 the Anti-Balaka, both in Bangui and in the provinces. So at that time what was the
25 interest? Who would have wanted to benefit from such a difficult context? We did

1 not have any intention to benefit from it. It would have been compromising and
2 counterproductive.

3 Q. [14:12:55] Second paragraph, that same page, and I will read:

4 "To put an end and eliminate the propensity of excesses of Anti-Balaka combatants
5 'all mixed up', the billeting, and the taking into charge of the feeding of the
6 Anti-Balaka combatants constitutes an urgent necessity with a view to consolidating
7 the process of pacification and normalisation ongoing in the CAR. This operation
8 will make it possible to preserve Central African communities."

9 Do you recognise that paragraph, Mr Ngaya?

10 A. [14:13:43] Yes, I was the one who drafted it.

11 Q. [14:13:46] Further, further on in the document, there are specific objectives and
12 the expected outcomes, the setting up of a steering committee.

13 So the document is quite precise. So do you remember how you came up with these
14 proposals? Were there any consultations? Did you speak with people who assisted
15 you? How did you come up with these specific ideas?

16 A. [14:14:22] Well, as an official, as a civil servant, I had information on strategic
17 planification, objective-based management. So you have what you refer to as
18 SMART objectives. So at a certain point of the process, if you have to assess
19 the results, the outcomes of the objectives, you should be able to know that -- at what
20 stage what achievements have been made so that you know that the process is being
21 effective.

22 So it was using that system and collection of information that I was able to draft this
23 document.

24 Q. [14:15:26] A short while ago, you said that one of the objectives that you had
25 was to make it possible for the Anti-Balaka combatants to return to their villages.

1 According to you, why was that objective so important?

2 A. [14:15:44] Because, as you are aware, if you take 100 Anti-Balaka, four or five
3 may commit reprehensible acts or criminal acts. The others who did not have
4 resources, who had things to do, wanted to go back to their normal occupations.
5 They were cattle rearers, animal rearers, farmers, and so on. That is why they
6 wanted to return to their villages, and it is for that reason that we considered this
7 objective as being very important.

8 Q. [14:16:43] Let us go to the next document. Document number 20 on
9 the Defence list. And it is CAR-OTP-2025-0372. It is also a document that you
10 handed over to the Office of the Prosecutor in 2016, and it is entitled: "Project for
11 urgent assistance to the groups of Anti-Balaka combatants:
12 First stage: Bangui".

13 The content or substance of this project is quite similar to the one that we have just
14 talked about. But, contrary to the other one, on page 0379, this document provides
15 specific figures.

16 And I have a few questions. To begin with: Do you remember why you prepared
17 two such similar projects or drafts?

18 A. [14:17:56] Two similar projects, but with more or less different themes. So you
19 have emergency assistance, which deals with issues related to food and then with
20 regard to the return of the Anti-Balaka to their villages, whereas the billeting process
21 dealt with their possible billeting on specific sites or locations. So there are
22 differences between the two projects.

23 So if it was billeting, returning to their village did not arise. So if it was billeting,
24 other aspects were necessary. So, generally speaking, it was an appeal for assistance
25 from international -- the international community.

1 Q. [14:19:08] Do you remember how you were able to come up with the figures for
2 these requests? How did you come up with the budget?

3 A. [14:19:27] Well, we made estimates. As you can see, these were estimates. It
4 means that there was a committee that was to be responsible for implementation, but
5 from the outset it was provisional estimates. If you take feeding, for example, in
6 the Central African Republic, for someone to feed himself for one day, there is an
7 estimate. So we took into consideration that figure for one individual. And if that
8 emergency assistance had to cover a given period, we would multiply it by a certain
9 number of days.

10 So this is how we based ourselves on the current realities on the ground.

11 Q. [14:20:33] When you prepared those projects, what were your expectations?
12 Did you think it would open the way for dialogue with the transitional government
13 or did you expect different objectives?

14 A. [14:20:51] It was -- it is in the document. The first point was to restore peace
15 and calm amongst the civilian population, because the Anti-Balaka were people who
16 had come from armed groups and who could handle weapons, and if nothing was
17 done, the crisis would only get worse.

18 Q. [14:21:25] To your knowledge, did Mr Ngaïssona ask you to prepare these
19 documents for other reasons, that is, in bad faith, for a hidden agenda, to have other
20 objectives?

21 A. [14:21:59] I don't know why. Bad faith is bad faith. I don't think
22 that Ngaïssona had the intention to deceive. Everyone knew that amongst
23 the Anti-Balaka, Ngaïssona was a man of peace. Everyone knew that. So
24 we cannot say today that he intended to fool the government. I don't know how
25 such an idea, such an idea to deceive the government, would fit into the project. We

1 needed concrete actions to resolve the crisis. It is within that context that we were
2 working.

3 Q. [14:22:44] To your knowledge, were these proposals or projects sent to
4 the transitional government?

5 A. [14:22:55] Yes. They were sent to the transitional government, and copies were
6 sent to the international forces and international organisations.

7 Q. [14:23:12] What was the reaction of the transitional government and
8 the international forces after they received those proposals?

9 A. [14:23:24] It's a pity that there was never any reaction. It is quite a pity. And
10 as I have already said, these are things that we have never understood. We never
11 understood why, considering that these were concrete proposals, they did not win
12 the favour of these people. So, in any case, we really did not understand.

13 Q. [14:24:02] A short while ago, there was a certain witness. We had some
14 witnesses who rejected your proposal to billet the Anti-Balaka, demobilise them, and
15 they said it was unrealistic. Tiangaye appointed that the government didn't have
16 the resources. It is document number 82 and it is T-053, page -- pages 12 and 13.
17 And what I just told you came from testimonies of witnesses, including Jean-Jacques
18 Demafouth and Tiangaye.

19 So I will read out to you what Maître Tiangaye said:

20 "How can the Anti-Balaka be billeted? You cannot do that. You cannot talk about
21 billeting the Anti-Balaka. The Anti-Balaka were forces who had come, most of them,
22 from the provinces, and they disappeared into thin air. They scattered all over
23 the place. Some of them later returned to their villages."

24 Then later on he adds:

25 "The government of Samba-Panza could not billet them because that government did

1 not have autonomous resources in terms of human resources because the army was
2 already disorganised and the army did not have the necessary human logistic
3 resources to carry out such a billeting."

4 Would you want to react to this statement by Mr Tiangaye?

5 A. [14:26:08] Yes. In any case, I am very disappointed by this type of reaction.

6 But this is the attitude that we saw at that moment. Look at the budget of that
7 project, 116 million CFA francs.

8 Is it 116 million francs CFA that the Central African Republic would be lacking? If
9 you exchange that into euros, it's a very small amount. So there was a lack of
10 political will on the part of the state. And the CAR is a country that has a lot of
11 resources. And if the political will was there, we would simply be able to present
12 projects and have the support. If you look at all the budgets of the projects, none of
13 them is up to 1 billion CFA francs.

14 Is it 1 billion CFA francs that the government of the CAR would not have? I think
15 this is bad faith on the part of Tiangaye and the others. These are people who have
16 never lived up to the levels of their responsibilities.

17 Q. [14:27:37] And according to you, what about Catherine Samba-Panza, could her
18 government have done more to secure the resources and to allocate funds for these
19 projects?

20 A. [14:27:54] They had the possibility to do better. The problem was how to carry
21 out advocacy to raise the necessary resources. The arguments were not lacking. I
22 think that it was the political will that was lacking. The resources were not lacking.
23 The CAR was a state -- is a state, and they always have the resources to carry out
24 the necessary projects.

25 Q. [14:28:40] At that time, you yourself were very active in promoting the idea of

1 billeting and DDR. You even spoke to the media. There was an article of
2 Radio Ndeke Luka. It is document number 4 in the Defence list and the reference is
3 CAR-D30-0008-0040.

4 It is an article dated 13 February 2014, and you are quoted in this article on these
5 matters. And the article will be displayed shortly. I would like to draw your
6 attention to the bottom.

7 You talked about General Francisco Soriano in charge of the Sangaris operation, who
8 is supposed to have told you that it was not technically possible to billet
9 the Anti-Balaka elements because they were isolated and unstructured.

10 And I would like to put something to you: Was billeting not even more necessary
11 because the elements had no structures because combatants who are left to their own
12 devices are more likely to commit abuses? Do you agree?

13 A. [14:30:27] That is precisely the reason. I am happy that you have raised that
14 argument of the Sangaris. In reality, it was the Sangaris that defined the policies to
15 be implemented.

16 I will gave you an example. Sangaris had the possibility of disarming the Seleka
17 elements, but instead of disarming them, they accompanied them right up to Sibut
18 town, and they allowed them to disperse in the northwest and northeast of the
19 country. And from that point on, the Seleka occupied a good portion of CAR
20 territory.

21 So is it normal that this French force that came to assist the CAR population should
22 behave in that way? So there was a hidden agenda, that is, to create conditions for
23 the CAR to live in a situation of disorder. I believe that there was a hidden agenda.
24 That's what I can say about that French general.

25 Q. [14:31:48] Mr Ngaya, ultimately there was no billeting; is that correct?

1 A. [14:31:56] Nobody supported that proposal.

2 Q. [14:32:05] And it took a lot of time for the DDR to be set up; is that correct?

3 A. [14:32:11] Yes, that is correct. That is true. While these acts of violence were
4 being committed, while these things were going on, it was difficult to understand,
5 quite difficult to understand.

6 Q. [14:32:28] Therefore, according to you, those facts contributed to
7 the deterioration of the situation, specifically in 2014.

8 A. [14:32:41] Exactly. Exactly.

9 Q. [14:32:50] One last question for you on the DDR. But before I put it to you, I
10 want to read an excerpt from an interview granted by Mr Ngaïssona in 2015. This
11 can be found at document 40 in the Defence binder, CAR-OTP-2074-3219. And
12 the excerpt I'm interested in is at page 3225. It's an interview with RFI. And I'll
13 read out a small excerpt from that interview where Mr Ngaïssona says the following:
14 "The DDR must be prepared by consensus. Responsible officials from the two
15 armed groups must be associated to the DDR so that a technical and coherent job can
16 be done with a view to reassuring all armed groups that
17 the international -- international community and local authorities are thinking about
18 us. There are several victims in this matter, and DDR is part of the solution to
19 ensure that former combatants can disarm quickly and return to where they came
20 from. Some may want to join civilian life and become traders or go back to their
21 farming. Many of these children had their own pieces of land. But in the situation
22 prevailing, they abandoned these pieces of land in order to defend their country.
23 They did so but this is something that can be done quickly so that Central Africans
24 can return to their daily chores. The DDR is a very important element that will
25 return peace to the CAR."

1 Now, quite simply, I want to ask you whether you agree with Mr Ngaïssona's
2 analysis.

3 A. [14:34:58] Yes, of course. These are points on which we were fully aligned.
4 We had the same point of view with Ngaïssona on this item.

5 Q. [14:35:19] Let me now turn to another topic, another measure that was adopted
6 by the coordination at the time to which you referred a short while ago, namely,
7 the creation of the military police. Did Mr Ngaïssona play a role in the creation of
8 the Anti-Balaka military police?

9 A. [14:35:40] Yes. The idea came from him, the idea of creating a military police in
10 order to deal with the scandalous behaviour of young Anti-Balakas. I can give you
11 an example. It was Easter, early April, and some two young Anti-Balaka - one of
12 them was called Zefe and the other Jesus - they went and stole, and they were caught.
13 So Ngaïssona asked that they be brought. So they came, and he asked them to kneel
14 down. And what we were telling them was the following: It is Easter time. It is
15 a time for deliverance, for salvation for humanity. So they must repent from those
16 actions.

17 So we talked to them, and we thought that those children had listened to us. But one
18 or two weeks later, they continued to behave in the same way, and they were caught
19 again, and they landed in jail.

20 So, in any way, our position was actually based on a desire to create circumstances in
21 which young Anti-Balaka will return to normal life and be normal citizens. That was
22 it.

23 Q. [14:37:26] So the role of the police, military police, was to stop the -- those who
24 misbehaved?

25 A. [14:37:33] Yes, to arrest them and then to hand them over to the gendarmerie.

1 This is what was done under the leadership of Namsio and Emotion. They did it
2 passionately, and sometimes he would come on Radio Ndeke Luka and talk about it.
3 He was the spokesperson. And whenever he had those indisciplined elements
4 caught, he would take them to the gendarmerie.

5 Now, when he was arrested, we were not happy at all. We were not happy because
6 he was a man who was working for the restoration of peace. The Sangaris arrested
7 him, but we could not understand why because he was actually working for
8 the restoration of peace. They arrested Anti-Balakas who committed scandalous
9 actions and then took them to the gendarmerie.

10 Q. [14:38:44] In your 2016 statement - that would be document 60, Defence binder,
11 at paragraph 95 - you say that Mr Ngaïssona had appointed someone to provide
12 training for members of the military police. I would like to look at document
13 number 18, Defence document 18, CAR-OTP-2025-03 -- 0356 at page 0361. I would
14 like to look at that document with you.

15 You can see before you a warrant. I'll give you a minute to read it.

16 Was that the training mandate that you are referring to?

17 A. [14:39:55] Yes. I do remember that -- anyway, he is the one who knew that
18 gentleman and who had identified him to provide training for the military police.
19 When that military police was set up, they needed to be trained on what to do, and
20 mandate was given to -- to this gentleman to do so. And I am the one who drafted
21 the document.

22 Q. [14:40:29] As far as you know, did that training effectively take place?

23 A. [14:40:35] I think so. I think so.

24 Q. [14:40:49] Once again, as far as you know, when Mr Ngaïssona created
25 the military police, when he brought forth the idea of a military police and then

1 offered this training, were his intentions good? Or was the idea of a military police
2 only a camouflage or a screen for Anti-Balaka crimes?

3 A. [14:41:18] Well, if -- if I can say something here, it would be that the main state
4 of mind which linked me with Ngaïssona was the idea of returning the state to
5 normalcy. That is what brought us together fundamentally. So today I am not able
6 to cast any doubt on his good faith. I am not able to doubt his good faith.

7 PRESIDING JUDGE SCHMITT: [14:41:53] Please. Judge Chung has a question,
8 please.

9 JUDGE CHUNG: [14:41:58] Thank you very much.

10 Then before the creation of military police, who were in charge of that kind of issue,
11 taking care of crimes committed by Anti-Balaka?

12 Was there any system or other organ who were taking care of crimes committed by
13 Anti-Balaka members, or just some provinces or ComZones?

14 Do you know what happened before the creation of this military police?

15 THE WITNESS: [14:42:39](Interpretation) What I know is that the activities of the
16 military police were very limited. They worked mainly in Bangui. In
17 the hinterland, there were no resources for the military police to be able to intervene
18 in the provinces. So it was mainly in Bangui that the military police was active.
19 But before that, there was nothing. There was nothing. So it is indeed because
20 some of these reprehensible acts had been committed by the Anti-Balaka. It is for
21 that reason that Ngaïssona had the idea to create the military police. And then you
22 will note that because he had relations within certain political spheres, he brought in
23 a police commissioner to provide training for the military police.

24 MS PROULX: [14:43:44] (Interpretation)

25 Q. [14:43:47] Mr Ngaya, if I have understood well, it would seem that the military

1 police ran into some obstacles in its duties. A few months ago, a witness came
2 before this Court and explained to the Court that it was possible that the military
3 police would have arrested someone and brought the suspect to the gendarmerie but
4 that the gendarmerie would release, would simply release the suspect after some
5 money would have been paid, kickbacks, so to speak.

6 Would you agree that the poor functioning of the military organs at the time, such as
7 corruption, that those contributed to foiling the work of the military police?

8 A. [14:44:46] I think it is true what the witness said. But, you see, the issue of
9 corruption at that time, particularly given the absence of an administration, that was
10 a serious matter. So these are the type of things that contributed to foiling the efforts
11 that were being made at that time.

12 Q. [14:45:20] A second issue which can be identified and which you mention in
13 your 2018 statement, document 60 on our list at page 78, you explained that
14 the military police had difficulties and that it was virtually impossible for them to act
15 against certain Anti-Balaka members who were too powerful.

16 So what approach was used in those cases?

17 A. [14:46:01] There really was -- was no -- no approach in those cases. Andjilo, for
18 example, our junior brother. You have Mazimbele. You have people like -- you
19 know, a number of ComZones who enjoyed some measure of autonomy. They were
20 autonomous, and so there was nothing to do that would bother them. And that is
21 why, when things began to take a very difficult turn, I tried to work with the Sangaris
22 in order to get Andjilo arrested. So we didn't have any approach in place to deal
23 with those powerful Anti-Balakas.

24 With your leave, please, let me add that maybe Mr Ngaïssona can provide you with
25 more details on this point. You see, when he failed to persuade Andjilo of his poor

1 behaviour, we then simply agreed that the only way out was to arrest Andjilo, but we
2 did not have the resources to do so.

3 Q. [14:47:40] Would I be right to say that, at the time, the coordination had asked
4 for support from MISCA and the Sangaris in the area of its activities with the military
5 police?

6 A. [14:47:59] I think so. I think -- I think that was done. I think we wrote to
7 MISCA asking that we work together, that there be consultation and joint efforts in
8 trying to stop those who were conducting themselves in this reprehensible way. So
9 we wanted to work together to deal with the Anti-Balaka who had this kind of
10 attitude. And I think there are written documents to that effect.

11 Q. [14:48:40] Did you get any reply from MISCA?

12 A. [14:48:45] Never.

13 Q. [14:48:56] According to you, this disappointment about the failure to deal with
14 over-powerful Anti-Balaka, could this have been different with the help of
15 the Sangaris and MISCA?

16 A. [14:49:17] I think that would have been the case. That was the purpose of our
17 writings. We had written to them asking MISCA to help us work together to fight
18 the extremely powerful Anti-Balaka. Unfortunately, we didn't get any positive
19 feedback.

20 Q. [14:49:44] Let me move to another topic, and that will be mission orders that
21 were issued by the coordination at the time and that were often signed by
22 Mr Ngaïssona.

23 Can you explain to the Judges of the Court why the coordination would send people
24 on mission to the provinces from time to time.

25 A. [14:50:14] It was often for the purpose of delivering a message to

1 the Anti-Balaka and to get them to understand that we needed to join the political
2 process for a return to normalcy. That was the thrust of most of the missions. But
3 for the other missions that were signed by Ngaïssona, well, the idea remains that
4 messages were being sent to the Anti-Balaka to get them to understand that things
5 had changed and that we are now -- we were now in the mindset of peace.
6 So when it comes to other missions to ComZones and movement of any other nature,
7 I really am not in a position to tell you why.

8 Q. [14:51:07] I would like to show you one mission order, Defence document 54,
9 CAR-OTP-2087-9108. It's a mission order of 11 April 2014. And I will wait for
10 the document to be displayed before I ask you any questions.

11 Well, I see the document is there.

12 Now, I simply would just ask you to look through the two pages of this mission
13 order.

14 Mr Witness, have you seen this mission order before?

15 A. [14:52:36] No, never.

16 Q. [14:52:44] Do you remember the events that are said to have occurred in Boda in
17 April 2014 which gave reason for this sensibilisation, mobilisation and return to
18 sustainable peace mission? Does this ring a bell?

19 A. [14:53:18] I have difficulty remembering. If I have anything to say on this, well,
20 when Ngaïssona signed mission orders, at the time I had a laptop and he gave me
21 instructions. I would draft the mission order, put it on a flash disc and then go to
22 a cyber and print it.

23 Now, when I look at this, I do not know who drafted it. You see, *coordination*
24 *nationale* and all of that, something changes there. And I think even Ngaïssona
25 himself would have noticed that. So I don't know who drafted this -- this mission

1 order.

2 Q. [14:54:21] Let me now show you another mission order, Defence document 9 at
3 CAR-OTP-2001-5386 at page 5466.

4 Can we please scroll down. That's fine.

5 Mr Witness, I think that this document was shown to you during your second
6 interview with the OTP. So it's a mission order signed by Mr Ngaïssona -- or, rather,
7 an acknowledgment document, which acknowledges that two individuals appointed
8 are authorised to supervise and guarantee sustainable peace for the population of the
9 identified locality.

10 Do you -- in fact, in your statement you explained that this document tended to
11 acknowledge that the appointed individuals were under the authority of
12 Mr Ngaïssona. Is that the only thing you have to say, or is there more to it in
13 relation to this document?

14 A. [14:56:18] I don't know this document. I don't know when it was drafted.

15 Q. [14:56:35] Do you have any reasons to doubt or to have any doubts about what
16 is written in the document, namely that the individuals are authorised to supervise
17 and guarantee sustainable peace, or would you say that this is consonant with what
18 Mr Ngaïssona had always stood for?

19 A. [14:56:59] It is consistent with what he has always thought, but to use the word
20 "guarantee" is a very strong word. To supervise and guarantee sustainable peace,
21 those are very strong expressions in the context at the time. So I don't know who
22 would have drafted this. But although it is coherent with Mr Ngaïssona's position,
23 but I think that the words used in the document are a little bit too strong, in my
24 humble opinion.

25 Q. [14:57:37] Let me show you another mission order relating to Boda.

1 CAR-OTP-2108-0050, and that would be document -- Defence document -- of
2 25 August, according to the date, 2014. It is a mediation and outreach mission for
3 peace and reconciliation.

4 From page 0053, you see that there are some reference -- reference terms, terms of
5 reference attaching to the mission order. Have you ever heard of this mission order?

6 A. [14:58:54] The mission order actually reflects my drafting, but when it comes to
7 the terms of reference, I have never seen it, I don't know about these terms of
8 reference. And you would note that the font in the print of the terms of reference is
9 different from the font for the mission order proper.

10 PRESIDING JUDGE SCHMITT: [14:59:23] Ms Proulx, which tab was it, please.

11 MS PROULX: [14:59:26] It was tab 65.

12 PRESIDING JUDGE SCHMITT: [14:59:28] Okay. Thank you.

13 MS PROULX: [14:59:30] And, Mr President, I see the time, but I have only one more
14 to show and then --

15 PRESIDING JUDGE SCHMITT: [14:59:39] Of course, of course, we conclude that,
16 yes.

17 MS PROULX: [14:59:41] Thank you.

18 Q. [14:59:43] (Interpretation) Witness, since you are familiar with this mission
19 order, let us focus on the mission order. Now, as far as you know, the purpose of
20 the mission to Boda, as indicated, which is reconciliation and mediation, was that
21 a real objective or was it a smokescreen for another criminal intent other than what is
22 intended?

23 A. [15:00:15] Well, no. You see, there were Muslims in Boda and so there were
24 always clashes between the Anti-Balaka and the Muslims in Boda. And I think that
25 it was within that context of the new thrust towards peace that this mission was cast

1 in -- in that -- in that way.

2 Q. [15:00:46] One last document for today I will show you, Mr Witness, and that
3 will be Defence document number 26.

4 But let me just clarify, that at the bottom of the document there is a name that should
5 not be shown to the witness. So I would ask that you zoom the document to
6 the point where the name that is handwritten at the bottom of the page should not be
7 shown to the witness. Reference CAR-OTP-2029-0171.

8 THE COURT OFFICER: [15:01:31] The court clerk will try to adjust first the
9 document so you can see what can be shown to the witness. When you have your
10 green light, we can then show it to the witness. Thank you.

11 MS PROULX: Thank you.

12 THE COURT OFFICER: [15:01:47] Can you please repeat the tab number, please.
13 Thank you.

14 MS PROULX: [15:01:52] It's document number 26 in the Defence binder.
15 This is perfect. Thank you.

16 Q. [15:02:52](Interpretation) Mr Witness, do you see the mission order?
17 Mr Ngaya, do you see the mission order?

18 A. [15:03:14] Yes, I can see it.

19 Q. [15:03:18] It's a mission, and maybe you don't have it on the screen, the date is
20 16 September 2014, and the idea is to convey supplies to the local population in
21 Bambari. Did you hear mention of this mission or have you seen this mission order
22 before?

23 A. [15:03:45] I have never seen this mission order and I -- I wonder whether this
24 didn't happen around the time when Namsio and others were arrested. I don't
25 know. I never saw this mission order and I wonder whether Mr Ngaïssona himself

1 was aware of this mission. These are the right questions to ask in this matter.

2 Q. [15:04:21] For your information, two pages later we note that Namsio is indeed
3 part of the mission, along with another individual. Now, if this is the time at which
4 he was -- which they were arrested, would it be the case that this mission order had
5 a -- an ulterior motive and was fraudulent?

6 A. [15:04:52] I think that it was fraudulent because I do not see how Mr Ngaïssona
7 would have authorised such a mission.

8 Q. [15:05:06] Let me show you another page, 0173.

9 But we need to be very careful because I would like us to look only at the signature of
10 Mr Ngaïssona, which is very, very close to the handwritten name.

11 PRESIDING JUDGE SCHMITT: [15:05:48] Actually, I think we have eyes to see,
12 so -- and the witness is not an expert. So I think we have seen all the documents and
13 we can compare them, yeah.

14 MS PROULX: [15:06:01] In this case I think we can wrap for today.

15 PRESIDING JUDGE SCHMITT: [15:06:06] Yeah, okay, thank you very much.

16 We are at the end of today's hearing.

17 Thank you very much, Mr Ngaya. We see each other tomorrow morning and with
18 everybody else also at 9.30 again. Thank you.

19 THE COURT USHER: [15:06:20] All rise.

20 (The hearing ends in open session at 3.06 p.m.)