

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaissona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 5 April 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:40] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:06] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:12] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaissona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:29] We turn to the appearances of the parties.
21 Ms Struyven, first.
22 MS STRUYVEN: [9:33:33] Thank you, Mr President. Today for the Prosecution we
23 have Irina Galupa, Yassin Mostfa, Kweku Vanderpuye and myself, Olivia Struyven.
24 PRESIDING JUDGE SCHMITT: [9:33:42] Thank you.
25 MR DANGABO MOUSSA: [9:33:46](Interpretation) Good morning, your Honour.

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1 Representing the victims *here today, we have Mr Orchlou Narantsetseg,

2 Mouhia Asso, and myself, Dangabo Moussa. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:33:59] Mr Suprun.

4 MR SUPRUN: [9:34:04] Good morning, Mr President, your Honours. The former
5 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
6 Public Counsel for Victims. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:34:11] Thank you.

8 And the Defence now. Ms Dimitri first.

9 MS DIMITRI: [9:34:14] Good morning, Mr President. Good morning,
10 your Honours. Good morning, everyone. Mr Yekatom, who is present in the
11 courtroom, is represented this morning by Ms Lena Casiez and myself,
12 Mylène Dimitri.

13 PRESIDING JUDGE SCHMITT: [9:34:25] Thank you.

14 And Mr Knoops, finally.

15 MR KNOOPS: [9:34:28] Good morning. Good morning, Mr President. Good
16 morning, your Honour. Good morning, everyone in the courtroom. Our team
17 today consists of Ms Chiara Giudici, Ms Sara Pedroso and Mr Ali Alabdali.

18 Mr Landry is following the hearing from the field office. And Mr Ngaissona, as you
19 see, is present in the courtroom.

20 PRESIDING JUDGE SCHMITT: [9:34:49] Thank you very much.

21 And also, good morning, and welcome again to the courtroom, Mr Dana, our witness
22 of today. Do you hear and understand me well?

23 WITNESS: CAR-OTP-P-0966 (On former oath)

24 (The witness speaks Sango)

25 (The witness gives evidence via video link)

1 THE WITNESS: [9:35:13](Interpretation) Yes, I'm listening, and I -- I heard you.

2 PRESIDING JUDGE SCHMITT: [9:35:20] The first question is, do the representatives
3 of the victims have any questions to this witness?

4 MR DANGABO MOUSSA: [9:35:33](Interpretation) No, no questions for the time
5 being. Thank you.

6 MR SUPRUN: [9:35:41] I have no question for this witness, Mr President. Thank
7 you.

8 PRESIDING JUDGE SCHMITT: [9:35:42] Thank you very much.

9 I assume, Mr Knoops, you are starting, indicia for that. So you have the floor.

10 MR KNOOPS: [9:35:52] Thank you very much, Mr President.

11 QUESTIONED BY MR KNOOPS:

12 Q. [9:36:00] Good morning, Mr Dana. My name is Alexander Knoops. I am one
13 of the attorneys for Mr Patrice Ngaïssona, and I will ask you some questions today.

14 My plan, also for the Chamber and the parties and participants, is that today I strive

15 to ask all my questions about the year 2013. And if the Court permits, I would

16 address the events of 2014 tomorrow. And my plan is, Mr President, to finish

17 tomorrow, hopefully before the last session, but at the latest within the last session.

18 That's the plan which I would propose to the Chamber.

19 PRESIDING JUDGE SCHMITT: [9:36:45] Thank you very much. Please proceed.

20 MR KNOOPS: [9:36:50] Yes.

21 Q. [9:36:51] Mr Dana, first question, just out of interest about your CV. Your
22 nickname is Captain Jo, isn't it?

23 A. [9:37:17] That's right.

24 Q. [9:37:19] Who gave you this name? Because I've noticed in your -- your

25 statement that you don't have a military background at the time of the statement you

1 gave to the Office of the Prosecution in 2016.

2 A. [9:37:58] Thank you.

3 You know, we were all civilians, and base commanders had a certain rank. I'll give
4 you an example. Mauri, who was called a general was not a general, he was a
5 civilian. The rank depended on the number of men that you commanded. If you
6 had a certain rank, you would be called the *chef du groupe*, the group leader.

7 Q. [9:38:51] Thank you, Mr Dana. Now, my -- my first question is relating to your
8 arrival in Gobere. In your statement you gave in 2016 to the Office of the
9 Prosecution, you say that upon arrival, you noticed that there was no form of support
10 weapons and these were all lies. It's in your statement, paragraph 24. And you say,
11 "If I [would have] known, I would have stayed in my village [...]"

12 So my first question is: What was the reason that you stayed anyway? Why didn't
13 you go back to your village at that time when you noticed that the promises or the
14 rumours that you were provided -- were to be provided with weapons turned out to
15 be lies?

16 A. [9:40:30] Thank you.

17 At that time once we got there, there weren't enough weapons, there wasn't enough
18 of an arsenal. So we heard -- what we had been -- what we had heard about did not
19 actually exist. When I left my village of birth to join the group -- I'd like to tell you
20 one thing. You should realise that when you join that movement, you can't go out
21 freely, you can't leave. Until authorisation is given, you can't leave the movement.
22 You can't leave the movement. Once you join, you can't leave. You have to follow
23 the orders. Once we got to a particular place, it was very difficult to go back home.
24 Even those who tried were unable to do so.

25 Q. [9:41:45] But you went to Gobere on your own volition, isn't it, because you

1 wanted to free the country; is that correct?

2 A. [9:42:09] My departure for Gobere -- well, actually, it was a matter of providing
3 training and the helicopter was supposed to unload weapons. Those weapons were
4 supposed to be sent so that the government in power could be toppled. When I got
5 there, we did not see the promises, we did not see the weapons promised. There
6 were no -- there was no equipment. Admittedly, some soldiers had Kalashnikovs,
7 but they were their own Kalashnikovs. The weapons that we were able to get along
8 the way, that's what we used there. It's true that I went there to defend my country,
9 but I was motivated as well by the promise -- the promises that had been made to us.
10 We were told that the former president would provide us with weapons so that we
11 could liberate the country. That's what motivated me to join the movement at that
12 time.

13 PRESIDING JUDGE SCHMITT: [9:43:29] Ms Struyven.

14 MS STRUYVEN: [9:43:32] Just so that it's clear in the transcript, in the -- in French,
15 he also mentioned the -- that the previous minister had organised the delivery of the
16 weapons. I don't think it came through in the English transcript.

17 PRESIDING JUDGE SCHMITT: [9:43:51] Please read out what you mean. I have
18 also the French transcript in front of me, please, so that I can follow you.

19 MS STRUYVEN: [9:44:00] So it -- the good thing is that he just repeated it, so it may
20 not be that important. But he said it the first time in the French. I have the French
21 open. Yeah, "*L'ancien président pour ...*" it's at line -- I'll try to find you maybe the
22 reference in writing, but he said it in --

23 PRESIDING JUDGE SCHMITT: [9:44:24] Actually, I heard and read twice the
24 president, the ex-president.

25 MS STRUYVEN: [9:44:30] In the French transcript it was. In the English it only

1 came through once.

2 PRESIDING JUDGE SCHMITT: [9:44:34] Okay, but --

3 MS STRUYVEN: No, but --

4 PRESIDING JUDGE SCHMITT: [09:44:34] I think, yeah, but --

5 MS STRUYVEN: [9:44:36] No, absolutely. And that's why I said it may be less
6 relevant because he said it a second time. I'm sorry.

7 PRESIDING JUDGE SCHMITT: [9:44:41] Okay, I'm -- I'm fine with that. But I
8 thought somebody else was mentioned so this would have been a more serious issue I
9 think.

10 MS STRUYVEN: [9:44:48] No, and I apologise.

11 PRESIDING JUDGE SCHMITT: [9:44:49] Okay. Okay.

12 But perhaps since we are talking, Mr Witness, I would like to put a question to you.
13 Do you have a certain person that you can tell us that made such promises? Who
14 made such promises to you, if you recall it?

15 THE WITNESS: [9:45:26](Interpretation) Thank you. As I said in my statement, *a
16 brother from Ndjo came to sell us fetishes. His name was Benjamin. He told us
17 that as we were preparing *-- Bossangoa. As you know, Bossangoa is the village of
18 the former president. And it was at his home where we bought the fetishes.
19 After the attack in my locality, we left and we got to Ndjo. And we met other people
20 who were already there. And they told us that an airplane would come with
21 weapons and some Indian marabouts would come to provide us with fetishes. And
22 the one who sold us the fetishes also was willing to support us. That's what
23 motivated us and that's what we were told at that time.

24 PRESIDING JUDGE SCHMITT: [9:46:51] Thank you, Mr Witness, for this
25 clarification.

1 Mr Knoops, please continue.

2 MR KNOOPS: [9:47:06]

3 Q. [9:47:06] Mr Dana, are you familiar that your elements at that time or the
4 elements of the movement dug out two containers of weapons that allegedly had
5 been buried by Mr Bozizé in Benzambe?

6 A. [9:47:59] No. When I left to go there, Benjamin was already in Gobere and
7 that's where -- that's where Benjamin -- that is where -- realised there was no
8 container of weapons. He was a fetish seller. He was the one who started to sell
9 fetishes. He was selling them. The person who was supposed to sell them was
10 Modibo Lundi, who died. Since he had problems in his leg, he gave his fetishes to
11 Mauri and Mauri sold the fetishes. We were told that it was the leader who had told
12 Modibo Lundi to give the fetishes to Mauri so that they could be sold in Gobere.
13 Benjamin was also a fetish seller, but he never found a container of weapons.
14 Benjamin as well -- well, Benjamin was also a fetish seller.

15 PRESIDING JUDGE SCHMITT: [9:49:18] So I think there is an issue. I assume an
16 interpretation issue, Ms Dimitri?

17 MS DIMITRI: [9:49:25] Yes. I heard Mr Knoops, the question was specifically about
18 Mr Bozizé allegedly burying weapons, but it was translated to the witness as
19 Mr Benjamin. So now we have this long answer on Mr Benjamin, but it was not the
20 question.

21 PRESIDING JUDGE SCHMITT: [9:49:40] So what we can take from the answer is
22 that there were no weapons in the container with regards to Mr Benjamin. So there
23 was an interpretation issue.

24 Mr Witness, did you hear ever that Mr Bozizé had in some containers buried arms
25 that could be, so to speak, brought to the Anti-Balaka? Have you ever heard of such

1 a thing?

2 THE WITNESS: [9:50:30](Interpretation) Thank you. What I heard, *people saying,
3 because there was a *presidential guard in Bossembélé. Well, at that base, there
4 were weapons. When we left Bossala, the objective was to get weapons and
5 munitions in Bossembélé so that we could leave and go to Bossangoa with weapons.
6 We left *Bossangoa without weapons and I told you that we had to use wooden sticks,
7 and in Bossembélé, in Bossembélé, we received a fresh supply of weapons. From
8 there, the people received ammunition, grenades, weapons to *head for the second
9 time to Bossangoa. That is what I experienced. Once we got to Bossembélé, that is
10 when we received weapons so that we could head off *again to Bossangoa.

11 PRESIDING JUDGE SCHMITT: Okay. Mr Knoops.

12 MR KNOOPS: [9:51:42] Yeah, Mr President, also the location Benzambe was not
13 translated in the question.

14 PRESIDING JUDGE SCHMITT: [9:51:47] Well, we can give it another try, but I take
15 it that the container story is not known to the witness. I would --

16 MR KNOOPS: Yeah.

17 PRESIDING JUDGE SCHMITT: [09:51:56] Mr Vanderpuye, Ms Struyven, is there -- I
18 think we can take it that he doesn't know about any container where weapons have
19 been in, yeah? Otherwise, we would have to ask it again with the location.

20 But, Mr Knoops, please.

21 MR KNOOPS: [9:52:12]

22 Q. [9:52:12] So, Mr Dana, the Prosecution has retrieved a document from the
23 ministry of defence, 13 September 2013.

24 It's our Defence binder tab 1. It's CAR-OTP-2075-0995, at page 0996. We can
25 display it for the witness. It's a public document.

1 So, Mr Dana, you -- you are able to see this document on the next page, 0996, and the
2 top, the fifth sentence reads that at the village of Benzambe where two containers
3 with weapons were actually retrieved. What is your comment on this document, on
4 this part of the document?

5 PRESIDING JUDGE SCHMITT: [9:54:07] No, but can you be more specific, because
6 it seems to be a document by -- yes, the group that were at power at the moment, at
7 that time. So if we can take it at face value what stands there, there have been
8 containers but they have not been retrieved by Anti-Balaka elements. So if I -- or do
9 we understand this correctly, what it might say?

10 So have you ever heard of something like that, that there were in Benzambe village,
11 there were two containers of arms that have been retrieved, so to speak? Yeah. If
12 you -- if you read that here, does that ring a bell? Does that ring a bell? And we
13 have here exactly, we are in September 2013, obviously.

14 THE WITNESS: [9:55:15](Interpretation) No, I went through Benzambe. The house,
15 the residence of Francis and the residence of Bozizé, which is along the l'Ouham. I
16 never heard of any containers. Once we got, there were already people there. I
17 never heard about containers, but I did hear talk of weapons that were at the base, the
18 presidential guard base of Bozizé. They had fled and I heard that there was a vehicle
19 with weapons in Bossembélé. But containers in the other place, no.

20 MR KNOOPS: [9:56:06]

21 Q. [9:56:06] Okay. Thank you very much, Mr Dana.

22 My next question is still in the same time frame, relates to what you told the
23 investigators in paragraph 25 of your statement. You say that: "We lived [at that
24 time] on what we found in the bush, in addition to donations by farmers and villagers
25 (cassava, sometimes the Chiefs of village may offer to sacrifice pork) in support of

1 [the] movement."

2 Can you explain what -- what type of donations did you receive from the farmers and
3 villagers? Was this also financial donations, so you got money from farmers and
4 villagers to support your movement?

5 A. [9:57:21] As we were moving forward, there were fields. There were fields in
6 the bush and so the farmers would give us cassava, tubers or other commodities.
7 But to say that the villagers gave us money, no, no, that never happened. The
8 money that we received was the money -- well, I heard it was money sent from
9 Cameroon. And it was five hundred million. I heard about that. But as we were
10 moving forward, the villagers or the farmers or the neighbourhood leaders would
11 give us cattle. But giving us money, no, no, never.

12 Q. [9:58:28] Mr Dana, it's been alleged that your movement was involved in the
13 extortion of the Muslim population in exchange for protection. What would be your
14 response to this?

15 PRESIDING JUDGE SCHMITT: [9:58:54] Ms Struyven.

16 MS STRUYVEN: [9:58:58] I think that that is a very general allegation. It's -- it
17 doesn't indicate which group, where, when (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [9:59:07] Perhaps, I think, Mr Knoops, can you be a
19 little bit more specific? It's a very, very open question.

20 MR KNOOPS: Yes.

21 PRESIDING JUDGE SCHMITT: [09:59:15] You may have something in mind, which
22 I assume.

23 MR KNOOPS: [9:59:18] Well, I'm very happy that the Prosecution concedes that is a
24 general allegation, because that's exactly one of the allegations in the pretrial brief at
25 paragraph 138 where it's said that the funding of the Anti-Balaka was extortion from

1 the Muslim population exchange for protection.

2 PRESIDING JUDGE SCHMITT: [9:59:37] Then I -- then I agree with you. Then it's
3 a perfectly -- it's a question that could be asked, so I have to admit that, yes.

4 So, Mr Witness, you have heard our exchange. So did your movement finance itself,
5 so to speak, by the -- by extortion of the Muslim population? And again, this is a
6 question that might incriminate you. You don't have to answer it if this might
7 incriminate you. But if you answer, it must be the truth. I think you have
8 understood that.

9 And we have counsel, Mr Lavou, who I forgot to greet in the morning. Good
10 morning, Mr Lavou.

11 We have also Mr Lavou at the video-link location, so you can confer with him. But I
12 think this is a question, it's up to you if you answer it. I think you have understood
13 it from yesterday what the implications are. So you have heard it. Do you want to
14 answer the question?

15 THE WITNESS: [10:00:51](Interpretation) Thank you. I'll answer the question.

16 PRESIDING JUDGE SCHMITT: [10:00:54] Please.

17 THE WITNESS: [10:01:02](Interpretation) As we were moving forward, we never
18 engaged in extortion, nor did we take money to save a Muslim's life. The money
19 that we lived from was the money from the fetishes that Mauri was selling.

20 Everyone who went to Gobere bought the fetishes with their own money. And some
21 of that money, Mauri, you see, lent that money so that we could survive. The
22 objective was to use that money. Once we got to Bangui, we were going to pay back
23 that debt. But we never extorted money from Muslims. Whenever we came across
24 Muslim people, extorting money? No.

25 PRESIDING JUDGE SCHMITT: [10:02:06] That's a lot of jumping up, but you will

1 have here a good reason, Ms Struyven.

2 MS STRUYVEN: [10:02:18] It's a translation issue. I think in the French it says that
3 they were going to be reimbursed, whereas in the English it says that they were going
4 to reimburse. So passive versus active. So they were going to be reimbursed for
5 the money that they had spent in the field once they arrived in Bangui versus they
6 were going to reimburse the money, which is an important nuance, I think.

7 PRESIDING JUDGE SCHMITT: [10:02:46] Yes, but nevertheless, I think the main
8 content of the answer is that the witness says there has been no extortion. But thank
9 you, Ms Struyven.

10 Mr Knoops, please proceed.

11 MR KNOOPS: [10:02:59]

12 Q. [10:02:59] Mr Dana, I understood from your evidence yesterday that your
13 movement protected Muslim women, children, schools. Can you tell the Chamber
14 what -- what was your motivation and that of your movement to protect these
15 individuals, if it was not money.

16 A. [10:04:04] You know, the conflict was not a matter of Muslims versus Christians.
17 We were all people of the Central African Republic.

18 During this conflict, you must realise that there were Muslims amongst us and
19 Christians too. If we went to a place where there were Muslims, those who were not
20 fighting, they would be together and it was our duty to protect them, and so on and
21 so forth. We protected them as we were moving forward. That was our role. We
22 rose up and the only goal was to protect our country because the foreigners had come
23 to destroy it. We rose up merely to defend our country. It was also our duty to
24 defend the people of the Central African Republic. That is why we brought them
25 together, to protect them and help them get out of there. You must realise that in the

1 final analysis, we called upon the monsignor to go get the residents and take them
2 elsewhere.

3 THE INTERPRETER: [10:05:33] Correction by the Sango booth: The Sangoa (phon).

4 MR KNOOPS: [10:05:47]

5 Q. [10:05:47] Mr Dana, you were, you told us yesterday that you suffered a lot in
6 those days in the bush. You were given sometimes food by civilians. Were you
7 also given food by the Muslim population in your advance to the various villages?

8 PRESIDING JUDGE SCHMITT: [10:06:32] I think the witness is not sure if this is a
9 question. So perhaps you word it in a way that it's clear that you expect an answer
10 from him.

11 MR KNOOPS: [10:06:45] Yeah.

12 Q. [10:06:46] Mr Dana, my question to you is, you told us yesterday that you
13 suffered a lot in those days in the bush, sometimes you were given food by the local
14 population. And my question to you is: Can you remember whether you also were
15 supported with food, cassava or pork, whatever, by the Muslim population? Well, it
16 wouldn't be pork then, of course.

17 A. [10:07:45] I'm going to answer in this way: I told you that we suffered in the
18 bush. We went all throughout the bush. The Muslims were in the villages, but the
19 people who gave us cassava were the ones who were in their fields. The Muslims
20 went -- were going to the villages. So as we crisscrossed the bush, those people
21 would offer us cassava and other food for us to eat.

22 Q. [10:08:26] Mr Dana, there was a Prosecution witness who appeared before this
23 Court and did say that at that time in Gobere the elements would feed themselves by
24 killing five cows a day. What would your response be to this statement of a witness?

25 A. [10:09:15] That person certainly never set foot in Gobere. You see, in Gobere,

1 all we had were vegetables. All we could eat was vegetables, corn. But beef, I
2 actually was in Gobere and I never got any meat to eat. No beef. All I ate was pork.
3 But beef, at no time did I see any beef.

4 MR KNOOPS: [10:10:07] Mr President, just one correction. It's not a witness who
5 did already appear. It's a witness who has to appear. It's P-2658,
6 CAR-OTP-2126-0012, at paragraph -- 0024, 0025, paragraph 78.

7 PRESIDING JUDGE SCHMITT: [10:10:29] Thank you for that. I would have asked
8 you actually because I don't recall the story of the five cows because it's something,
9 let's say, I wouldn't say unique, but very -- a very specific detail that normally would
10 not escape our attention. But thank you for the clarification.

11 MR KNOOPS: [10:10:47] Defence is advancing the process.

12 PRESIDING JUDGE SCHMITT: [10:10:49] We are always in favour of advancing,
13 you know that.

14 Please continue.

15 MR KNOOPS: [10:11:08]

16 Q. [10:11:08] Mr Dana, still on the same subject of the logistical situation at that
17 time in Gobere, did you ever hear or see that hunting ammunition was provided to
18 your elements in small boxes called Maggi boxes, which were sent by family
19 members?

20 A. [10:12:19] I haven't understood your question. Ammunition sent to Gobere? I
21 really haven't understood your question.

22 Q. [10:12:32] Did you ever in your advance from Gobere -- from Gobere onwards to
23 the other villages ever received hunting ammunition in small boxes, so-called Maggi
24 cups?

25 A. [10:13:29] I have never heard anything about that. Ammunition which we

1 received, I heard talk about it yesterday. We used ammunition sent by Dedane from
2 Bossangoa. What I received was ammunition, but whether that was stored
3 somewhere or whether it came in a magic cup box is something I can't say.

4 PRESIDING JUDGE SCHMITT: [10:14:07] Well, I would not go so far as to label
5 Maggi boxes magic boxes, but I think we understand. It's so specific, the witness
6 would have recalled if it were these. We are speaking about the soup? Okay.
7 Good.

8 MR KNOOPS: [10:14:21] Actually, Maggi cubes.

9 PRESIDING JUDGE SCHMITT: Maggi cubes.

10 MR KNOOPS: [10:14:24] Cubes. And the Court can find this at P-2673.

11 PRESIDING JUDGE SCHMITT: [10:14:35] This I recall.

12 Please proceed.

13 MR KNOOPS: [10:14:36] It's a very peculiar element indeed in the statement of 2673.

14 Q. [10:14:44] Mr Dana, did you ever hear that for bullets a code name was used by
15 your elements with the word "groundnuts"?

16 A. [10:15:48] I think by talking about groundnuts, it's an analogy for ammunition
17 because it was a code name since we couldn't use the term "bullets" or "ammunition".
18 So we used the term "groundnuts". So it was a code. It was a coded message so
19 that we knew it was ammunition. So when we talked about groundnuts, we
20 referred to bullets. But we didn't use "bullets" or "ammunition" as such, as a word.
21 "Groundnuts" was a code name.

22 Q. [10:16:29] Was it linked to hunting ammunition or bullets for military rifles?

23 A. [10:17:00] We were talking about makeshift or arsenal weapons. They were
24 hunting bullets, hunting bullets, or hunting ammunition.

25 Q. [10:17:21] Mr Dana, did you ever receive in Gobere or afterwards in your

1 advance to the other villages you described yesterday any so-called Thurayas?

2 A. [10:17:55] Thuraya? I never saw them. We used telephones, ordinary
3 telephones. When we charged the batteries we did so with solar panels. I never
4 saw Thurayas with my own eyes. We used mobile telephones. But I don't know
5 whether people used Thurayas or not. I don't know. But I never have seen a
6 Thuraya. We used ordinary telephones. We -- they took them away and charged
7 them and then we tried to find networks. But I never saw a Thuraya with my own
8 eyes.

9 Q. [10:18:48] Mr Dana, you explained to the Chamber yesterday, and it's also in
10 your statement in paragraph 30, three-zero, that once you obtained the fetishes from
11 marabouts in Gobere, the men would go in their villages to recruit more people and
12 share their fetishes. Now my question to you is: Who took the initiative to start
13 this recruitment operation?

14 A. [10:19:57] I think that this question isn't something that's part of my statement.
15 I never spoke about someone who take fetishes for fighting. Please read through my
16 statement carefully.

17 PRESIDING JUDGE SCHMITT: [10:20:18] Well, may I perhaps. Perhaps there was
18 a misunderstanding by the witness.

19 Mr Witness, I read to you - I think what you referred to Mr Knoops - is paragraph 30
20 of your statement, that's CAR-OTP-2031-0246, "The sharing of fetishes helped the
21 whole Anti-Balaka movement to spread in the Central African Republic." So the
22 sharing of fetishes. So this -- if you read that and if you hear that, it looks a little bit
23 as if it -- their people were going around and trying to convince other people to join
24 the movement. This was the background of the question.

25 MR KNOOPS: [10:21:02] Indeed, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Q. [10:21:06] And, Mr Dana, the Presiding Judge summarised indeed very correctly
2 my introduction to the question, and the question is for you: Who took the initiative,
3 who made the decision to ask the men to return to the villages to find more people to
4 join the movement?

5 A. [10:21:59] Thank you. This is my answer: I never said that we asked people
6 to come. When we were in Gobere, the formation of our presence there was
7 something many people knew about and many went there. They bought fetishes
8 with their own money. And when we attacked in Bossangoa, and our colleagues
9 also attacked Bangui, it's after that that some elements withdrew to their own
10 locations in the provinces. They went there with fetishes which they had already
11 acquired and started to resell them over there. I never said that we were looking for
12 people with fetishes so that we could convince others to join us so that we could get
13 all the people on our side in CAR. I never said that.

14 MR KNOOPS: [10:23:26] Maybe, Mr President, I will show the witness the statement,
15 paragraph 30.

16 Q. [10:23:32] Because, Mr Witness, you now refer to a different time frame than we
17 can read in your statement. So with your approval, please read again your
18 statement in paragraph 30, that's CAR-OTP -- it's tab 4 of the Prosecution binder,
19 CAR-OTP-2135 -- sorry. CAR-OTP-21 -- 2031-0241, at page 0246, at paragraph 30.

20 PRESIDING JUDGE SCHMITT: [10:24:14] That's the English version. That's a little
21 bit of a problem if you want -- we want to have him read that.

22 MR KNOOPS: You're right.

23 PRESIDING JUDGE SCHMITT: [10:24:19] That's the English version. The French
24 would be better. I think that the witness could read French, I would assume.

25 MS STRUYVEN: [10:24:35] 21. Tab 21 is the translation.

1 MR KNOOPS: [10:24:40] Thank you, Ms Struyven.

2 Q. [10:25:19] So, Mr Dana, you have read this paragraph 30?

3 PRESIDING JUDGE SCHMITT: [10:25:32] Ms Struyven.

4 MS STRUYVEN: [10:25:33] I think there is only half of the paragraph that is shown
5 on the -- on the screen. I think it would be helpful if he can read the whole
6 paragraph because it's a chronology that goes over time.

7 PRESIDING JUDGE SCHMITT: [10:25:46] Yeah, that's correct. That's correct. So
8 let's move up a little bit. It's unfortunately two different pages, so -- so here you
9 have the context, Mr Witness, so that you know at what point in time we are situated
10 here.

11 MR KNOOPS: [10:26:46]

12 Q. [10:26:46] Yes, please, Mr Dana.

13 MS STRUYVEN: [10:26:55] If he can now read the second part of that, because now I
14 think he read the first part, but if he can now also read the second page and the
15 second part of the paragraph.

16 THE WITNESS: [10:27:34](Interpretation) I have read the document now.

17 MR KNOOPS: [10:27:40]

18 Q. [10:27:40] My question to you, Mr Dana, would you agree with me that this
19 process of recruitment you describe here in paragraph 30 of your statement was not
20 officially organised by anyone?

21 A. [10:28:23] Thank you. I think that *if it had been done in a random way, no one
22 would have known there was a gathering, a movement emerging in Gobere. There
23 was some information, if people came from Berberati or Carnot, Bouar and other
24 locations which I mentioned in that document, it's because a formation had left from
25 *Gobere and Bossangoa. When the people arrived -- let me specify. *It was

1 able-bodied men who went there with their own money and then they purchased
2 their own fetish from *modibo*. There was Mauri, there was Benjamin, there was
3 Bien (phon) from Boali, and there was also Honoré. There was also Bengue. They
4 sold fetishes. Those people who arrived in Gobere bought fetishes in order to return
5 to their locations and to resell them to other *able-bodied men so that they would
6 have protection against bullets. And these men bought these fetishes to protect
7 *themselves against attacks. That is what I said. I said *these people came from
8 different prefectures. It was in this way that the Anti-Balaka movement *was able to
9 conquer all the territory of the Central African Republic.

10 PRESIDING JUDGE SCHMITT: [10:30:36] So, may I shortly. Yeah, we can -- we
11 can first clarify this, yes.

12 MS DIMITRI: [10:30:41] Mr President, in English at line 4 we have -- sorry, in French,
13 which is the accurate one, at line 22, we have "Berberati" and it was interpreted by
14 Bossangoa, line 4 in English.

15 PRESIDING JUDGE SCHMITT: [10:31:00] That is of course a huge difference.
16 Thank you.

17 MS DIMITRI: [10:31:03] And in French, he said something about -- I can't find it now
18 in the French transcript, there's too many dots. He said something about buying the
19 fetishes from *modibo*, but it did not come out in English.

20 PRESIDING JUDGE SCHMITT: [10:31:15] Perhaps we can even investigate it a little
21 bit because the Chamber needs a very, very short break, and we will be back very
22 soon. So don't go away, please.

23 THE COURT USHER: [10:31:29] All rise.

24 (Recess taken at 10.31 a.m.)

25 (Upon resuming in open session at 10.37 a.m.)

1 THE COURT USHER: [10:37:02] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [10:37:28] Did you find the meaning of the dots?

4 No.

5 So, Mr Knoops, please proceed.

6 MR KNOOPS: [10:37:40]

7 Q. [10:37:41] Mr Dana, my question to you is, was there any, at that time, order to
8 mobilise the people to go to their villages back and to recruit new elements?

9 PRESIDING JUDGE SCHMITT: [10:38:09] Ms Struyven is again rising. What's it
10 about?

11 MS STRUYVEN: [10:38:13] I think these questions need to be more specific. We're
12 asking very general questions to this witness about everyone in the Anti-Balaka or the
13 entire movement. I think he can only testify to what his group was doing, what he
14 heard, what he knows. So we can ask him whether he heard about an order, but we
15 cannot ask him whether there was in the two years' time amongst all of the
16 Anti-Balaka an order.

17 PRESIDING JUDGE SCHMITT: [10:38:37] I think the witness understands that also,
18 but okay.

19 Mr Witness, was there, according to your recollection, any order to -- to let's say
20 in -- that others joined this movement, or was it -- how was this movement created in
21 the beginning?

22 I think, Mr Knoops, we are speaking about the start of it and we are in the second half,
23 roughly, of 2013, if I understand you correctly.

24 MR KNOOPS: [10:39:09] Yes, Mr President, because I'm still speaking in the context
25 of paragraph 30. So it's quite specific.

1 PRESIDING JUDGE SCHMITT: [10:39:16] Yes.

2 So at the time -- you have read this before the break, this paragraph 30, at that time
3 Mr Knoops is speaking of, how did the movement grow, so to speak - perhaps we can
4 word it this way - the movement insofar as you were concerned, the group that you
5 were concerned with?

6 THE WITNESS: [10:40:01](Interpretation) When we left, after fighting and moving
7 forward towards Bangui, we were moving forward, and as we did that, the people
8 who had bought fetishes to protect themselves, some people saw their relatives killed,
9 their mother, their father, and they too bought the fetishes. So in each village, as we
10 were fighting and as we liberated the villages, people would buy the fetishes and join
11 the group.

12 So the people who had bought the fetishes could go back to their locality. But to say
13 that my group expanded or that the numbers increased, no. The numbers were the
14 same. There were several separate companies, and when they got to one of their
15 localities, or pass by, they would come back and protect their locality. I think that
16 my group, if the numbers increased, no.

17 In each locality, the *modibo* or the fetish sellers, would sell the fetishes because the
18 people realised that the fetishes were effective. So they would buy the fetishes and
19 go back to their locality, not only to protect themselves, but also to protect their
20 locality or their village.

21 PRESIDING JUDGE SCHMITT: [10:41:56] I think this is a relative specific answer, I
22 would say, embedded in the selling of these fetishes, which we, if I recall it correctly,
23 did not have in that specificity. And as far as I have understood it, the other groups
24 were creating themselves in the process. But that is how I have understood it. I
25 don't think there is any contradiction here in the courtroom. So his group roughly

1 stayed the same with regard to the numbers, but other groups created themselves, or
2 were created or whatever.

3 Mr Knoops.

4 MR KNOOPS: [10:42:36] Yes.

5 Q. [10:42:37] Mr Dana, there is an allegation that Mr Ngaïssona and Bernard
6 Mokom actively helped to mobilise the elements in 2013. What is your response to
7 this?

8 MR KNOOPS: [10:43:00] It's, by the way, the pretrial brief paragraph 253 for the
9 Chamber.

10 PRESIDING JUDGE SCHMITT: [10:43:05] But there I think it would even be easier if
11 he has ever heard in 2013 of Mr Ngaïssona. Wouldn't that even be easier to ask?

12 MR KNOOPS: [10:43:16] That's already in his statement.

13 PRESIDING JUDGE SCHMITT: [10:43:18] Yes, but this is already the answer to that.

14 MR KNOOPS: Well --

15 PRESIDING JUDGE SCHMITT: [10:43:21] What could you get more in that respect?

16 MR KNOOPS: [10:43:23] Specifically this response, whether -- maybe I can rephrase
17 it.

18 PRESIDING JUDGE SCHMITT: [10:43:28] Please.

19 MR KNOOPS: [10:43:29]

20 Q. [10:43:29] Mr Dana, did you hear that in this process of expanding or
21 recruitment or people going back to the villages to speak to other people to join the
22 movement, did you ever hear that these individuals were helped by other people
23 immobilising their fellow citizens to join the movement?

24 A. [10:44:22] Could you repeat your question, please.

25 PRESIDING JUDGE SCHMITT: [10:44:28] Will you give me a chance, Mr Knoops.

1 So you have said, I think yesterday, that - and it's also in your statement - that in 2013,
2 we are still speaking about these, so to speak, early days, remember paragraph 30 of
3 your statement, that you hadn't heard of Mr Ngaïssona. Have you heard of any
4 people - could also have been Mr Ngaïssona or Mr Bernard Mokom, that Mr Knoops
5 has mentioned - that have helped the movement to expand, to get bigger, to finance
6 the movement at that time? Have you ever heard of such a thing, any talk about this
7 amongst your -- your fellow Anti-Balaka?

8 THE WITNESS: [10:45:37](Interpretation) Thank you. When we were in the bush,
9 what I heard, the name I heard was Mokom, and when I got to Bangui, and during
10 that time Mokom was still on the other side of the river, the person who arrived first
11 was Ngaïssona. The meetings were held at his home. And if there were
12 demonstrations or needs, he provided money so as to bring those things to the
13 elements. Once I got to Bangui, I realised that the Balaka were meeting at his home.
14 And that was when I realised that they were supporting the Balaka.

15 PRESIDING JUDGE SCHMITT: [10:46:37] So perhaps allow me to interpret here so
16 that you -- perhaps also for Prosecution.

17 So first of all, from yesterday I think we know that he means Maxime Mokom when
18 he speaks of Mokom.

19 Secondly, Mr Knoops, we can really take it from here 2013, from Mr Ngaïssona he
20 didn't hear of him. So we can take this. Mr Mokom, Maxime Mokom was a known
21 figure, so to speak, at the time. Mr Ngaïssona, for him, we're speaking of this
22 witness, of his experience, for him not.

23 MR KNOOPS: [10:47:17]

24 Q. [10:47:17] Mr Dana, in your evidence yesterday in the English real-time
25 transcript, page 16, lines 4 till 6, you were asked by the Prosecution that when you

1 were in Gobere or while you were on your way to Bangui, were you aware that any
2 member of Ngaikosset family was amongst you. And then you started to speak
3 about a young man who was known as Ngaikosset and he was brought to the
4 residence of Mr Ngaïssona. And I would like to seek clarification from you, if it's
5 correct that you were speaking of 2014 and not 2013?

6 A. [10:48:49] In the answer to the question that was put to me yesterday about the,
7 the name of Ngaikosset, I said, yes. When we were in the bush, there was a young
8 fellow, apparently he was also a soldier. He joined the movement, and he was
9 introduced as the son of Ngaikosset. We moved forward and once we got to
10 Bossembélé, there was a misunderstanding and he left. When we got to
11 Bangui -- and it was when we got to Bangui, sometime after, he made a statement on
12 Ndeke Luka. He said, he stated that Mr Ngaïssona was not the coordinator because
13 he had never fought and he had no authority over the Anti-Balaka.
14 After that statement got out, he was summoned and all the Anti-Balaka were there.
15 He was summoned to Mr Ngaïssona's home. I was part of the group. I saw. And
16 I saw him between Koro-M'Poko and Bossangoa. As we moved forward, we met
17 him along that road. He was in the same company as Sol Sol and myself. We got to
18 Ndjo and as we moved forward he left. But I knew him. I told you that he did not
19 meet up with us in Gobere because myself, all the people who got to Gobere, I knew
20 them. I said -- well, Ngaïssona was there. He was on his veranda, sitting in a chair.
21 And the young fellow was down on the ground.
22 As for the date, it was when I arrived in Bangui. That is when he made that
23 statement. Then he was forcibly taken to Mr Ngaïssona's home.

24 Q. [10:51:18] The -- you recall the first name of this individual, Ngaikosset?

25 A. [10:51:41] No. He was referred to as the son of Ngaikosset. I don't know

1 what his first name was. All the soldiers there knew that he was the son of
2 Ngaikosset and people referred as him as Ngaikosset's son. And he was very much
3 respected because of his father.

4 Q. [10:52:08] Are you referring to the father being Eugène or Claude Ngaikosset?

5 A. [10:52:30] Yes, he was very much respected because of that name. Everyone
6 knew that he was the son of Eugène Ngaikosset because that person was a soldier.
7 Even the soldiers who were with us respected him. He was there with Mandago
8 Alexis, with him, we moved forward towards Ndjo. And once we got to Bossembélé,
9 he went off on his own and we don't know where he was headed.

10 Q. [10:53:09] Still speaking about Gobere, in your statement you gave in 2016 to the
11 Office of the Prosecution, you did say that the FACA, who were present in Gobere,
12 were not respected by you or your colleagues at that time, and you said, "We accepted
13 the FACA, but [we] didn't follow them ... We didn't like them because they were not
14 courageous and had failed to protect us against the Seleka. We civilians had to
15 defend ourselves instead." It's paragraph 28 of the statement.

16 Now, my question to you is, Mr Dana, would you agree with me that in Gobere, there
17 was no cooperation between the FACA members at that time and your elements?

18 A. [10:54:35] Thank you. Let me give you the following answer: It wasn't all the
19 FACA members that we disrespected. The FACA that we were with in Gobere, the
20 ones that we had begun with, that we had begun the movement with, we respected
21 them. But the others who joined as we moved forward, we did not respect those
22 people. But the ones that we had begun the movement with, along with the civilians,
23 they were respected, like Dedane Romain and others were respected. I forgot the
24 name of Valo (phon). I didn't mention that person yesterday. He was the
25 aide-de-camp of Ngaïssona in Bangui. He too -- well, we were with him too, and we

1 moved forward.

2 Just so that you understand that the people that we had begun with in the movement
3 were respected, but the others who joined later, no. Some would refuse to join us in
4 Gobere because they realised that we were moving forward, we were occupying
5 towns and that we were becoming more influential and powerful and so then they
6 were obliged to join us.

7 Q. [10:56:20] So, Mr Dana, it's fair to say that in Gobere there was no integration of
8 all the FACA members into the movement?

9 A. [10:56:51] I don't know, it's as if you haven't understood me. The ones who
10 were with us at the beginning, those FACA members got along well with us civilians.
11 As we moved forward, the FACA people would join us. But the ones who joined us
12 along the way did not get along with us. So there you have it.
13 But the respect that we showed was to the people with whom we had started the
14 movement. So that is the difference or the distinction that I can make. We got
15 along well with the FACA members who were with us in Gobere. However, the
16 ones who joined later, we did not get along with them.

17 MR KNOOPS: [10:57:49] Thank you, Mr Dana.

18 I think, Mr President, this is a proper moment to have the break.

19 PRESIDING JUDGE SCHMITT: [10:57:55] Okay, good, good. If you want to start a
20 new issue afterwards.

21 So let's have a break then until 11.30. Thank you for the moment.

22 THE COURT USHER: [10:58:03] All rise.

23 (Recess taken at 10.58 a.m.)

24 (Upon resuming in open session at 11.32 a.m.)

25 THE COURT USHER: [11:32:49] All rise.

1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [11:33:17] Mr Knoops, you have of course still the
3 floor.

4 MR KNOOPS: [11:33:21] Thank you, Mr President.

5 Mr President, we have unfortunately observed there are many discrepancies in the
6 transcript. But one of the very last is -- that's the only one I will give now orally, and
7 the rest will be filed by our team. It's page 30 of the English real-time transcript,
8 line 7. It does say --

9 PRESIDING JUDGE SCHMITT: [11:34:01] I think that's still your question.

10 MR KNOOPS: [11:34:06] Yeah, no. The witness -- I just found it indicated that -- oh,
11 it is fixed. All right. My question was the aide-de-camp *de* Mr Ngaïssona, which
12 year it was the witness spoke about, before the break, and it was not correctly
13 included. "I forgot the name of Valo. I didn't mention that person yesterday. He
14 was the aide-de-camp of Mr Ngaïssona in Bangui." So that's clear that's 2014.

15 PRESIDING JUDGE SCHMITT: Yes.

16 MR KNOOPS: [11:34:41] That was not clarified before the break.

17 PRESIDING JUDGE SCHMITT: [11:34:43] Yeah. It's of course very good to have it
18 on the record, but we understood it also this way.

19 Please proceed.

20 MR KNOOPS: [11:34:52]

21 Q. [11:34:52] Mr Dana, I have one additional question on the FACA. We spoke
22 about it before the break. In your statement, paragraph 65, you mentioned that
23 when you left Bossangoa on 5 December, you observed that FACA members abused
24 their authority. You say that you saw FACA members stealing from people at the
25 checkpoints, which were established on the basis of a mission order you wrote asked

1 by the FACA ComZone Kema. And my question to you was, when you observed
2 those abuses by FACA members stealing from people at the checkpoint, what did you
3 do? What was your action?

4 A. [11:36:34] Thank you.

5 I said -- well, could you really speak about things that I said. You talked about 5
6 December as if that was the departure date from Bossangoa. No. That date
7 corresponds to the attack of the town of Bossangoa.

8 Also, we went back to Benzambe. We spent several months there. We even spent
9 Christmas there. After that, we left to go to Bossangoa. The events of 5 December
10 go back a long time. I never said to you that I am ComZone of FACA. Please, read
11 my statement carefully. What I said is that I was the secretary. I never said that I
12 was the ComZone of FACA.

13 If I'm given an instruction to draft this or that document, that's what I did. But it
14 wasn't me who was the ComZone of FACA. The ComZone who commanded us was
15 there. His name was Kema and Ndangba. They were the two of them. There was
16 also Romain. But I was not the ComZone of FACA.

17 The question which you have just put to me deals with the checkpoints. And this is
18 my answer. I established a mission order for getting rid of these checkpoints.

19 There were traders who came from neighbouring areas, particularly from Bozoum
20 and who told us that their medication was stolen at these checkpoints. As soon as I
21 had learnt that, I went to the ComZone Ndangba and I told him. And I told him that
22 the mission order meant that they had to control our hinterland, but now that the
23 elements that were in these checkpoints were exploiting the traders and that was not
24 a good thing. That is what I said. And he, as a soldier, he provided information to
25 the officers and they took decisions over there. They did not give me a follow-up

1 after they had heard what I had to say. That is why I decided to leave that location.
2 I decided to return to Bangui because there was no follow-up to the information I had
3 given and the submissions I had made. And that's why I took the decision to go to
4 Bangui.

5 Q. [11:40:03] Mr Dana, would you agree with me that Mr Ndangba or any of the
6 other officers you referred to were not able to control those FACA elements at the
7 checkpoints?

8 A. [11:40:39] The person who really had authority on the FACA was Kema,
9 Ndangba, and Romain. They were soldiers. So it was logical. But I who was a
10 civilian, I could not give them orders. When I received those complaints, I passed
11 them on to the military, to the soldiers, so that they could do something and tell their
12 colleagues about them. And in their consultations they could take decisions which
13 they had to take. But I did not participate at those military meetings.

14 Q. [11:41:22] Mr Dana, can I take it that while you are saying that there was no
15 follow-up, there were no actions undertaken, as far as you know, by Mr Kema or of
16 any of his colleagues against those FACA members who took medication at the
17 checkpoints.

18 A. [11:42:11] Yes. I think that's it. You know I submitted those complaints to the
19 soldiers. When we arrived in Bossangoa, it was Ndangba that I informed. And he
20 passed that on to his colleagues from the military and asked them to supervise the
21 elements who were at the various checkpoints. You know, I am not authorised to
22 take decisions. I take orders. I can't do anything about those elements at the
23 checkpoints. I just passed on the complaint that I received to the soldiers and it was
24 up to the soldiers to take a decision so that they could correct or remedy the situation,
25 which were -- and all the abuses that were committed at the checkpoints.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Q. [11:43:23] Mr Dana, were you aware that at that time or did you see or hear that
2 amongst the movement there were already at that time uncontrollable elements
3 which didn't follow the orders of Dedane or Ndangba or Kema?

4 A. [11:44:16] Elements who were under the authority of Kema or Romain did not
5 disobey the orders which they received. I never saw that. I cannot lie to you here.
6 I never saw that.

7 Q. [11:44:43] How then, Mr Dana, can you explain that there were yet FACA
8 members who did steal from people? Because I might take it that this was not an
9 order from Kema, to steal from the people. So what is your answer to this?

10 PRESIDING JUDGE SCHMITT: [11:45:08] Ms Struyven.

11 MS STRUYVEN: [11:45:09] I would object to that. He's -- he's assuming a fact that
12 is not in evidence, namely, that there would not have been orders to (Overlapping
13 speakers)

14 PRESIDING JUDGE SCHMITT: [11:45:18] No, I disagree because in paragraph 65,
15 the witness says, "I saw" -- and I repeat it, Mr Witness, this is the reference point here:
16 "I saw these FACA then stealing from people at the checkpoints, abusing their
17 authority." Were these FACA that you mentioned under the control of Dedane and
18 Kema? And if so, how do you explain this?

19 THE WITNESS: [11:46:11] (No interpretation)

20 PRESIDING JUDGE SCHMITT: [11:46:35] What did the witness say? He didn't
21 understand the question, obviously, I assume. Must be my fault.

22 MR KNOOPS: I can repeat.

23 PRESIDING JUDGE SCHMITT: [11:46:48] Well, the witness did say something
24 definitely, so I -- do we know what he said?

25 THE INTERPRETER: [11:47:02] The witness wanted to know whether it was one

1 question and whether the question was addressed to him.

2 PRESIDING JUDGE SCHMITT: [11:47:08] Yes, I thought so. Thank you.

3 Mr Witness, apologies, that was my fault. I repeat.

4 You say in your statement in paragraph 65, "... I was asked by FACA ComZone Kema
5 to write a mission order to allow some FACA Anti-Balaka to establish checkpoints in
6 Bossangoa. I saw these FACA then stealing from people at the checkpoints, abusing
7 their authority." So that is what you have said.

8 You have also said that people under -- the elements under the authority of Kema, for
9 example, and Dedane did obey normally the orders that they -- had been given to
10 them. But this looks as if this was not always the case, because Mr Knoops said in
11 his question that he does not assume that it was an order by Kema or Dedane to steal
12 from people at the checkpoints. So this was the question. How do you explain that?
13 What was happening there, perhaps?

14 THE WITNESS: [11:48:56](Interpretation) I never said that neither Dedane nor Kema
15 gave instructions to an Anti-Balaka to steal, to use force and to take goods that
16 belonged to someone other. Someone who does not respect discipline must be
17 sanctioned. It *was the same for his comrades from the military.

18 *I remember when we were in Benzambe, he tied up one of his military friends. It
19 was Feindiri who behaved badly and he tied him up. The elements talked about this
20 and I discussed it with him, and he was released the next day. He then asked me to
21 gather all the men together, and on that day, I gathered all the men at my base in the
22 group of Benzambe, and I handed over the command to him. And he authorised
23 that I became the chief of the group so that I could command the group until Sol Sol,
24 as he was wounded and was being cared for, in Bossangoa, so I would be the
25 commander until that time. But I was never given an order to a soldier or to anyone

1 else to steal or to use force, to take goods of somebody else, no.

2 PRESIDING JUDGE SCHMITT: [11:50:52] Yeah. Thank you, Mr Witness.

3 I think, Mr Knoops, we can move on from there because, well, the witness confirms
4 what he has said, so we have to -- the conclusion that has to be taken from there, I
5 think is something that will have to be done by everyone here in the courtroom,
6 especially by the judges. So, obviously, this happened, and there were no orders to
7 do so, so whatever follows from that.

8 MR KNOOPS: [11:51:21] Yeah.

9 Q. [11:51:21] And, Mr Witness, I understand you didn't see any or heard any
10 sanctions being imposed to those FACA members who at the checkpoints stole goods
11 from individuals and ignored your order not to touch the population? You didn't
12 see any sanctions; is that correct?

13 A. [11:52:08] No, I didn't see that.

14 Q. [11:52:13] Thank you. Now we are still speaking about Mr Kema in that very
15 paragraph 65, you mention as the FACA ComZone. Do you know when he was
16 appointed as FACA ComZone, this Mr Kema? Was it before the 5 December attack?

17 A. [11:53:06] It was before 5 December. Kema was ComZone when we left
18 Bossembélé to attack Bossangoa. It is in Bossembélé that Dedane remained in the
19 group which had to advance towards Bangui and the group who would advance
20 towards Bossangoa was led by Kema. Kema was selected as ComZone and
21 Ndangba was his deputy. It is with that group that we resumed to attack Bossangoa
22 on the 5th.

23 Q. [11:54:03] Mr Dana, could you assist us in explaining how Mr Kema was
24 selected as ComZone and Mr Ndangba as his deputy? How did this work?

25 PRESIDING JUDGE SCHMITT: [11:54:54] Power outage. This can happen.

1 So since we don't know when this will be fixed, we will have to retreat, so to speak.

2 So please tell us immediately when we can continue.

3 THE COURT USHER: [11:55:09] All rise.

4 (Recess taken at 11.55 a.m.)

5 (Upon resuming in open session at 12.00 p.m.)

6 THE COURT USHER: [12:00:56] All rise.

7 Please be seated.

8 PRESIDING JUDGE SCHMITT: [12:01:19] So, we have -- the connection is back,

9 Mr Witness, so we see you well and I assume that you hear us and we will hear you.

10 Mr Knoops, please proceed.

11 MR KNOOPS: [12:01:33] Thank you, Mr President.

12 Q. [12:01:35] Mr Dana, before the interruption, I asked you to explain to the

13 Chamber how Mr Kema became the ComZone, as well as his adjoint, Mr Ndangba,

14 how did this process work to have him appointed as ComZone.

15 A. [12:02:23] As we were leaving Bossembélé, Dedane was on the network. He

16 came back with Modibo Lundi. The soldiers gathered together and we civilians

17 were at our site. They were thinking about things. They had a meeting. They

18 reallocated the group. One group was supposed to go to Gbozo and the other group

19 was supposed to go to Bossangoa.

20 And since Kema was originally from Bossangoa, he began, Ndangba and he, they

21 were the people with -- who had a rank, so they were chosen to be the ComZone in

22 the Bossangoa locality.

23 And then there was Mandago Alexis. We were informed that we were supposed to

24 go to Bossangoa, but the ComZones were Kema and his assistant was Ndangba.

25 That is how the choice was made. I was not present, but that was the account of

1 their meeting from Mandago Alexis, an account that Mandago Alexis gave to us.

2 Q. [12:04:14] So, Mr Dana, I am correct in saying that the choice for selecting
3 Mr Kema as ComZone was made by the people at that time on the ground?

4 A. [12:04:58] The ones who were in the field, the person who could become a
5 ComZone was able to be ComZone. At that time, it was Ndangba. So the person
6 who was supposed to be chosen to be ComZone of Bossangoa was Ndangba.

7 THE INTERPRETER: [12:05:20] Correction from the Sango interpreter, not Kema.

8 MR KNOOPS: [12:05:29]

9 Q. [12:05:30] Thank you, Mr Dana. My question was, the choice for such a person
10 was made by the people who were at that time present in the group, who met to
11 speak about the ComZone. Those people made the choice to have somebody
12 appointed as ComZone?

13 PRESIDING JUDGE SCHMITT: [12:06:00] Ms Struyven.

14 MS STRUYVEN: [12:06:03] Excuse me to interrupt, but he explained that they went
15 to find *du réseau*, so they went to make a phone call and they came back with
16 Marabout Lundi. That's what he explained. So for the decision to be made, he
17 actually explained that they went to have a phone call and that they came back.

18 PRESIDING JUDGE SCHMITT: [12:06:32] But nevertheless, I think Defence counsel
19 may try a different angle to test this answer. So I think we can simply wait.

20 Mr Knoops -- Witness, you can answer the question.

21 But perhaps you can shorten it a little bit and repeat it. Otherwise, I think it might
22 have been forgotten by the -- by the witness.

23 MR KNOOPS: [12:07:00] Yeah.

24 Q. [12:07:00] Mr Dana, which person made the choice or who made the choice that
25 Ndangba would become the ComZone?

1 A. [12:07:39] You asked me if it was the entire group who had chosen Kema to be
2 ComZone and I said no. If we had that power to choose a ComZone, it was
3 Ndangba who was supposed to be appointed ComZone, because he was always at
4 the front, and we were behind him.
5 Unfortunately, when it came to choosing Kema as ComZone, it was Dedane. When
6 they went to go -- well, when they went to find network, well, you see they met there
7 to come to an agreement about the appointment. So the FACA, the soldiers who
8 were there gathered, and they appointed Kema as ComZone, and 12 Puissances as
9 well went to Bogangolo to meet up with Andjilo who was there. So Sol Sol called
10 Mandago Alexis and told him that our group with Ndangba and Kema, we were
11 going to go back to Bossangoa, and it was Kema -- and Kema was supposed to be the
12 ComZone. So his deputy was supposed to be Romain and the others, but we were
13 going to go back to Bossangoa and the others were supposed to join the Bogangolo
14 and Gbozo group.
15 We received an order from -- no. Those who were there were supposed to go to
16 Bogangolo. They left. And we, we left for Bossangoa. And shortly thereafter,
17 three days after, the Seleka came back. While we were on our way to Bossangoa.

18 Q. [12:10:13] Thank you, Mr Dana.

19 Mr Dana, can you recall whether in Gobere women and/or children joined the
20 movement?

21 A. [12:10:42] In Gobere, the women as well benefited from the fetishes. For
22 example, one woman whose husband had been killed, the husband and the father had
23 been killed, that woman came all the way to Ngaissona's compound. Gonjada
24 Ounda (phon) was the name. That is one example I can give you, amongst others.

25 Q. [12:11:21] And, Mr Dana, did these women have any specific role in the

1 movement, if any?

2 A. [12:11:49] If you could please repeat the question.

3 Q. [12:11:55] Do you know whether these women did have a specific role in the
4 movement in Gobre?

5 PRESIDING JUDGE SCHMITT: [12:12:30] For example, Mr Witness, perhaps if I
6 may, did they also fight alongside with the men?

7 THE WITNESS: [12:12:39](Interpretation) The women who had enrolled fought as
8 well with us. They were armed. They had sticks. They would call out to support
9 us during the fighting. They would yell, they would tap the wooden sticks to make
10 noise. As we moved, they would cook food for us. And so that's what happened.

11 MR KNOOPS: [12:13:32]

12 Q. [12:13:32] Did you ever see those women killing Peuhl women?

13 A. [12:13:54] No. The women, I never saw them kill. I never saw a woman kill.
14 During the whole time I was in the movement, I never saw such a thing.

15 Q. [12:14:19] There's a witness who gave a statement to the Office of the
16 Prosecution, and that witness alleges that he was kidnapped and kept for some time
17 in Gobre and alleging that the women who were in the movement of the Anti-Balaka
18 killed four Peuhl women.

19 It's for the Chamber P-2658, CAR-OTP-2126-0012, at 0025, 0026, paragraphs 86 till 89.
20 What would be your comment to such a statement given by a witness, alleging that
21 the women in the movement were responsible for killing Peuhl women?

22 PRESIDING JUDGE SCHMITT: [12:15:37] The last one is an interpretation by you.
23 The question is perfectly clear and okay, but the last one, we -- let's say in our minds,
24 we simply think it has not been said.

25 So, Mr Witness, you have heard it. Do you know of any such events that Mr Knoops

1 was described to here, as the testimony of another witness?

2 THE WITNESS: [12:16:24](Interpretation) Thank you. I never saw a Balaka woman
3 kill a Peuhl in front of me. I believe I told you that we did not fight the Peuhl.

4 During our advance towards Bossangoa at 12 kilometres from there, we came across a
5 Peuhl woman, a young woman from the Peuhl group. We protected her. That
6 person was part of Modibo Mauri group. He protected her all the way to Boali.

7 They didn't do anything to her. And during that time, we were fighting, and we
8 were fleeing, we were fleeing together with her.

9 Mauri took her to Bangui, even to the Boeing base in Bangui. Everyone knew about
10 that. If it was a matter of killing a woman, she would have been killed. But her
11 relatives were in Yaloké at the -- they got the information and she was brought back
12 to her family. It was Mauri who wanted to take her home, the one who was killed
13 along the way in Boali. That Peuhl woman was taken to Bangui, all the way to
14 Bangui. And when we learned that her family was in Yaloké, at that time she was
15 brought back to her family.

16 In any event, I never saw the murder of a Peuhl person or a Peuhl woman. There
17 was only that one case that I've told you about. We came across this young woman,
18 a Peuhl woman, and we took -- correction, we kept her, she was under our wing, so to
19 speak, she was protected all the way to Bangui.

20 MR KNOOPS: [12:19:23]

21 Q. [12:19:24] Thank you, Mr Dana.

22 I move now to a next question which relates to the attacks at the various small
23 villages, and your -- your statement you gave to the Office of the Prosecution in
24 paragraph 44, you speak about the strategy to attack small villages around Bossangoa
25 and to steal weapons of small Seleka groups.

1 My question to you is: Who made that strategy?

2 A. [12:20:34] When we got to Gobere, we were divided into various groups. Our
3 officials established a schedule for leaving. There were 14 groups, actually, and two
4 or three groups were sent out. The first group that was sent from Gobere was
5 Andjilo's group. They were sent to Bouca. That was the very first contingent.
6 And then after that, other groups were deployed to a number of localities. Myself, I
7 was part of the last group sent to Benzambe. There were groups that had been sent
8 to Bouca, as I said a few moments ago, to confront all the Seleka bases around
9 Bossangoa. So it was a matter of conquering all these small places before converging
10 upon Bossangoa. It was Danboy and other soldiers who had come together to
11 prepare this strategy. All these groups left and launched the offensive.

12 I don't know whether I've made myself understood or not. The idea came from our
13 leaders. They were the ones who divided people up into groups. They drew up
14 the plan, and they prepared the strategy of conquering the small localities around the
15 town before heading towards Bossangoa and ultimately finishing in Bangui.

16 Q. [12:23:02] When you refer, Mr Dana, to the leaders who made this strategy, do
17 you refer to Mr Dedane and Maxime Mokom?

18 A. [12:23:30] The men who were there were Dedane, Kema, Romain, Feikouma,
19 Houronti, Mandago Alexis, Ndangba, Rambo, Bad Boy, and Kpa Thibaut. They
20 were the ones who were there and they talked to the *modibo* who was there. Dedane
21 was the one in charge of communications. He would leave the group and make
22 some calls and then come back with instructions. We were told that those calls were
23 to people on the other side of the river, in particular, Maxime Mokom, him.

24 So it was this communication's person who came back with instructions, and we, the
25 ordinary men, we had no telephones. It was prohibited. Dedane and the person in

1 charge of communications who had telephones, Muzota (phon). We could not, we
2 were not entitled to keep telephones on us.

3 Q. [12:25:03] Mr Dana, yesterday you told the Court that the attack on Bossangoa
4 was made to get material aid, which you ultimately didn't receive, English transcript
5 real-time page 60, line 13 till 16, and page 61, line 2, but yet in your statement you
6 gave in 2016, paragraph 61, you did say that your objective was to occupy Bossangoa
7 and to free the city so that Christians could live in peace.

8 So my question to you is: Which statement of you given in year 2016 or yesterday is
9 the correct one?

10 A. [12:26:37] I haven't understood the question. Could you rephrase it.

11 PRESIDING JUDGE SCHMITT: [12:26:42] I think we have to break it down a little
12 bit, Mr Knoops.

13 MR KNOOPS: [12:26:46] Yeah.

14 PRESIDING JUDGE SCHMITT: [12:26:46] And it's not -- it could, by the way, it
15 could be both also. So --

16 MR KNOOPS: [12:26:53] That's true.

17 PRESIDING JUDGE SCHMITT: [12:26:55] Often times when people do things, there
18 is -- there are multiple motives. But please try to phrase it a little bit shorter and
19 easier perhaps for the witness.

20 MR KNOOPS: [12:27:08] Thank you, Mr President.

21 Q. [12:27:08] Mr Dana, yesterday you were asked whether there was a specific
22 reason why you had to attack Bossangoa, and your answer was, "I think that taking
23 Bossangoa would enable us to get material aid." That was your answer yesterday.
24 In your statement though of 2016 at paragraph 61 --

25 PRESIDING JUDGE SCHMITT: [12:27:44] Paragraph 62, I think. It's not so

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1 important, but it's paragraph 62.

2 MR KNOOPS: [12:27:50] Yeah, 62.

3 Q. [12:27:51] You did speak about the liberation of Christians being the reason for
4 the advance to Bossangoa. So our question to you is, can you explain to the
5 Chamber which answer or both might be the correct one.

6 PRESIDING JUDGE SCHMITT: [12:28:24] Or could it be both. So I think this takes
7 a lot of time. So okay, I don't know the answer.

8 So, Mr Witness, these are two different reasons that you provided. The first one in
9 your statement, being that you wanted to liberate Bossangoa so that the Christians
10 could live in peace. And the second, yesterday, that you said, that you expected
11 perhaps to receive material. So were these the two reasons or was one of those the
12 main reason why you went to Bossangoa to fight?

13 THE WITNESS: [12:29:18](Interpretation) Thank you. In my statement I said that
14 we had come to liberate Bossangoa. You see, Bossangoa is like a village, and it is the
15 village of former President Bozizé. There were many acts of violence and many
16 abuses committed in that place by the Seleka. So within the entire republic,
17 Bossangoa in particular was hard hit by the exactions. People could not go to the
18 fields quietly. It was difficult to get about. Everyone was afraid. And since there
19 was a large Seleka base in Bossangoa, we decided to focus our efforts on that town so
20 that peace should reign in that town. It was urgent for us to drive out the Seleka
21 who were there so that the people could move about freely in their own town and
22 have the opportunity to go work their fields.

23 So that was the objective that we had set for ourselves. And that is what I have said.

24 PRESIDING JUDGE SCHMITT: [12:31:15] I think that that is a sufficient answer, and
25 you can move on.

1 MR KNOOPS: [12:31:20] Yeah.

2 Q. [12:31:22] Mr Dana, you mentioned that the elements of Mr Andjilo left first.

3 Do you know whether Andjilo was appointed by Dedane as ComZone or commander
4 at that time?

5 A. [12:32:02] Thank you. As I answered when talking about the choice of Kema as
6 ComZone, he was a native of Bouca, he came from Bouca. Andjilo knew the area of
7 Bouca. He had men with whom he came from Bouca. He was selected because he
8 knew the area. It was his locality.

9 So he wanted to go back and fight in his area. The selection was done according to
10 the origin of each chief because they knew their region. So after having taken their
11 fetishes, they returned to their locations to fight.

12 Andjilo came from Bouca. He knew the area of Bouca and that is why Dedane asked
13 him to go back to his original region to fight.

14 Q. [12:33:13] When you arrived in Gobere, was Andjilo already there?

15 A. [12:33:32] When I arrived in Gobere, Andjilo was already there. We were
16 all -- Andjilo in Gobere, he wasn't really known, he wasn't respected. Dedane,
17 12 Puissances and Kema and Romain were the people who were respected. Andjilo
18 was just an element like myself, and it was only when he was given power to fight in
19 Bouca and when he succeeded in fighting in Bouca, then his name and reputation
20 gained, and he became more important. It was from that moment onwards.

21 Q. [12:34:22] Do you know, Mr Dana, who asked Andjilo to advance to Bangui on 5
22 December?

23 A. [12:34:56] Thank you. When the order was given to Andjilo, we were still in
24 Gobere. He was sent to Bouca and during the fight in Bouca, he received a bullet in
25 his arm. After having conquered the town of Bouca, he became uncontrollable. His

1 objective was to go to Bangui, and he took the decision to go to Bangui. Neither
2 Dedane nor 12 Puissances said that as regards Bogangolo, he should go further. He
3 didn't respect any instructions of others. He got and he retrieved the arms
4 from -- weapons from Seleka. People joined up with his group, and he assumed
5 command, and he commanded all the people who followed him. He controlled the
6 axis Bouca and to Bogangolo. No one could give Andjilo any orders. He took over
7 the command and he gave the orders. All persons who followed in order to
8 participate in the 5 December, it was he who gave the orders. He said do this or do
9 that, and then it had to be carried out. So from that moment onwards, he was feared.
10 And that is ultimately what led to Dedane's death.

11 Q. [12:36:58] Thank you, Mr Dana.

12 Mr Dana, can you inform the Chamber about how you spent the nights in Gobere.
13 Was there any form of lodging to stay there, or you had to leave to another place to
14 spend the night?

15 A. [12:37:39] Thank you.

16 There was no building. There were some straw places. There were -- we took some
17 grass, some straws and we made makeshift shelter, we slept on leaves. There was no
18 shelter. It was just essential to find a place so that you could sleep until the morning.
19 That was it.

20 Q. [12:38:28] Did Mr Dedane spend the nights in Gobere, or did he leave Gobere to
21 spend the nights somewhere else, as far as you know?

22 And for the Chamber, the relevance is P-2658, of this question.

23 A. [12:39:20] Thank you.

24 When I arrived in Gobere, I was welcomed with my elements by Dedane. And in
25 Gobere, where he was, he was with 12 Puissances and next to him was Kema and

1 Feikouma. And it's afterwards, there was a misunderstanding or a quarrel between
2 two soldiers, because what he wanted -- he wanted to anticipate the movement.
3 There was a misunderstanding. He tried to bring Dedane down, and for that reason,
4 Dedane no longer stayed in that place after that incident. He didn't live in that place,
5 but in -- Dedane, in Gobere, and after this incident, he left and returned.
6 So he was trying to look for the networks to get calls and to try and collect more
7 information.

8 Q. [12:40:50] Thank you, Mr Dana.

9 Now, I'm moving to certain aspects of the various attacks. In your statement you
10 indicated, Mr Dana, and that's paragraph 41, that before each attack, you would
11 receive instructions on which villages to attack and when. It's also to be found in
12 paragraph 40, four-zero.

13 And my first question to you: Who drew up the instructions for the various attacks
14 and the time frame?

15 A. [12:42:09] No, we couldn't attack in any way. We attacked the villages or the
16 localities where there was checkpoints or Seleka bases. We never attacked villages
17 where there were only civilians. As I have already said, we were instructed where
18 the Seleka were. They were in Bouca, in Benzambe, in Lere.
19 So the surroundings of Bossangoa, where there were road checkpoints and Seleka
20 bases were the points where we had to attack. But we wouldn't attack in any way to
21 disturb the civilian population or the Muslims or the Peuhls. No, that's something
22 we never did. The attacks were targeted to get rid of the Seleka and to chase them
23 from their posts. The instructions came from the commanders, for example, Dedane,
24 Ndangba, Romain. If there were calls and we were asked to fight the Seleka bases,
25 we would go there. But we never attacked at random or gratuitously a village. We

1 attacked military objectives where there were Seleka bases.

2 Q. [12:43:59] And can you tell us, Mr Dana, whether this was a general instruction
3 given to all the elements? And how was this -- if so, how was this instruction being
4 disseminated amongst the elements?

5 A. [12:44:38] I'll give the following answer: Amongst the soldiers, which we met
6 in Gobere or who arrived in Gobere before me, or those who commanded the highest
7 was Dedane. It was he who called. And after the calls, he gathered his military
8 comrades and passed on instructions. And then he left to where he was spending
9 the night. These soldiers gathered their elements per group and disseminated the
10 orders. So they said: We should go and attack the Seleka bases who were in this
11 village or this location.

12 And once he had those calls and when he came back from those calls, he gave us our
13 instructions. He gave the instructions to the military, the soldiers, and those soldiers
14 were responsible to pass on the information to the elements who were in their group.
15 He united them, he gave them the instructions, and the groups then advanced in
16 order to carry out the instructions they had received.

17 Q. [12:46:00] Mr Dana, I noticed in your evidence given to the Office of the
18 Prosecution 2016 in paragraph 49, that before the attack on Benzambe, girls were sent
19 to warn those in the villages who were not Seleka in order to have them fleeing to the
20 bush before the attack. And my question to you is, Mr Dana, was this specifically
21 done for Benzambe, or did this also happen with other potential attacks?

22 A. [12:47:15] I'll give you the following answer. Thank you.
23 I'm saying it was not all the villages who were attacked. I'm talking about Benzambe.
24 And when we were in Gobere, the locals of Benzambe went to Gobere to sell some
25 things for us to eat. Understand me, they left Benzambe and went up to Gobere to

1 sell us some food to eat. And when there were these attacks, we told them that on
2 this day we are going to attack the Seleka who are in Benzambe. We -- we sent the
3 natives of Benzambe in Gobere, and who had the possibility of going to the village
4 and the towns of Benzambe to say that on this particular day, the bases -- the Seleka
5 bases in Benzambe will be attacked. So those individuals set out to warn. They
6 told us the position of the Seleka, so we had the information about where the Seleka
7 was before carrying out our attacks.

8 Q. [12:48:53] Yesterday you spoke about the capture of the imam of Benzambe,
9 which is also in your statement that the imam of Benzambe was handed over to the
10 priest of Bossangoa. That's in paragraph 50 of your statement.
11 My question to you is, Mr Dana, can you recall the name of this imam?

12 A. [12:49:41] Thank you.

13 That imam -- firstly, I'm not from Bossangoa myself. We got hold of him. He was a
14 Muslim. He was in Benzambe. He was not armed. He lived comfortably with the
15 population of Benzambe. And the population of Benzambe said, no, this is someone,
16 he is a civilian, he is a Muslim, he is in Benzambe, he has not given us any problems.
17 He didn't do any trouble for the civilian population. So we sheltered him in a field.
18 He had two women who were pregnant. He said -- we told him not to move. And
19 then we attacked the bases of the Seleka.

20 I don't know his name, but we led him and handed him -- we handed him over to
21 monsignor, and all his family. You can check this. You can check this information,
22 and you will see the truth of what happened there and that my information is indeed
23 correct.

24 Q. [12:51:09] Mr Dana, it happened that a few weeks ago, a witness appeared
25 before this Chamber and testified that the imam of Benzambe was amongst the

1 victims of the intervention of the Anti-Balaka in Benzambe. In other words, the
2 witness testified here under oath that the imam was killed.

3 And you can guess my question to you: What would be your response to this
4 statement?

5 A. [12:52:15] I fought in Benzambe. And it's not today that somebody is going to
6 tell me what happened in Benzambe during our attack. I told you that we handed
7 over the imam to the monsignor. He had two women who were both pregnant.
8 There was also children. And we handed them over. It's only after that *Médecins*
9 *Sans Frontières* arrived in order to retrieve our wounded. We handed them over to
10 *Médecins Sans Frontières* who took charge of them until Bossangoa.
11 The imam was not killed. Why? Well, because when the Seleka were still in
12 Bossangoa, they wanted to commit exactions in Benzambe, and it's the imam who
13 intervened to put an end to that. He himself, he gave his own money to the Seleka
14 so that the Seleka would terrorise the Benzambe population. The natives of
15 Benzambe therefore told us, and he was therefore saved. When we took him, he was
16 living, and we handed him over to the monsignor. He was not killed.

17 PRESIDING JUDGE SCHMITT: [12:53:51] Ms Struyven.

18 MS STRUYVEN: [12:53:53] Thank you, Mr President. It would be helpful to have
19 reference to the witness who -- who said that from the Defence.

20 PRESIDING JUDGE SCHMITT: [12:54:02] Mr Knoops, can you provide us with the
21 reference, please.

22 MR KNOOPS: [12:54:07] Yes. It's P-2049. Transcript page of the English version,
23 102 -- sorry, it's T-102 is the number of the transcript, and it's page 49. And I can also
24 refer to the pages 35 and 40 till 41 of the same witness transcript, 2049, where the
25 witness describes, and that would be my next question, other events in Benzambe.

1 But the incident with the imam is described by this witness on page 49.

2 Q. [12:55:14] Mr Dana, the same person who a few weeks ago testified here under
3 oath about the killing of the imam also told the judges that the elements who entered
4 Benzambe intended to target civilians and did in fact kill men, women and children.
5 And he mentioned many victims. And the ones who managed to escape, actually,
6 according to the statement of this individual, saw their wives and children killed.
7 And that's in the same transcript, T-100, page 35, and T-100, page 40, 41. As well as
8 T-100, page 35.

9 So my question to you, Mr Dana, what would you say to this statement of this witness
10 who testified before the Court saying something quite differently than what you just
11 told the Chamber?

12 A. [12:56:59] Thank you. If that witness could be confronted and if we could ask
13 him the question, how many groups, or how did the attacks and fights take place in
14 Benzambe, if we could ask him that. If we could ask the witness that, in which
15 group he was, then that would be good, because it is always good to tell the truth to
16 help the judges in making their decisions.

17 But you cannot imagine things. I am someone who fought in Benzambe. And
18 when we fought in Benzambe, we had a chief who was very strict and he ordered our
19 group. It was Ndangba. No element of Ndangba stole or took anything. There
20 was Ndangba, Danboy, Nabozina (phon). There was also Delmas, Bad Boy. It was
21 that group that we attacked Benzambe. No child, no woman was killed in
22 Benzambe. The target was the Seleka elements. And in my statement, there was a
23 colonel, it was he who was the commander in Benzambe. He received a bullet, and
24 he spent three days in the bush. When we advanced during those three days after
25 we met him, he said that he came from Chad. He came to get some money and to

1 look after his fields. But what that witness said is completely a lie.

2 The imam of Benzambe is somebody we sheltered and we handed him over. And
3 that was announced on the radio itself. It was said on the radio that he was alive.
4 We handed him over to the archbishop or the bishop. He was never killed. That
5 witness is telling you pure lies.

6 PRESIDING JUDGE SCHMITT: [13:00:19] Ms Struyven.

7 MS STRUYVEN: [13:00:21] Thank you, Mr President. I just had a read of page 49
8 of transcript 102, and I don't find the information that he was killed. And as a matter
9 of fact, I see a reference to the fact that he was in a vehicle going to a bishop. I have
10 not read the entire transcript, so I cannot say that there is anything in there that he
11 would have been killed, but from what I can read on page 49, there is a reference to
12 other people being killed.

13 PRESIDING JUDGE SCHMITT: [13:00:49] Yeah, okay.

14 MS STRUYVEN: [13:00:50] And there's also a name of an imam, and I don't know if
15 it's the same imam or if there were different imams in Benzambe that I don't know.

16 PRESIDING JUDGE SCHMITT: [13:00:59] Thank you for this information, but the
17 witness has clearly answered the question.

18 And we have now the break until 2.30.

19 MR KNOOPS: [13:01:07] Mr President, we just -- we have the name of the
20 information of the imam and that corresponds with the list of victims, so ...

21 PRESIDING JUDGE SCHMITT: [13:01:15] Yeah, but, nevertheless, you have asked
22 the question, the witness has given an elaborate specific answer and that's it.

23 So until 2.30, break.

24 THE COURT USHER: [13:01:26] All rise.

25 (Recess taken at 1.01 p.m.)

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

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

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [14:31:43] Good afternoon, everyone. Good
5 afternoon, Mr Witness.

6 Please, Mr Knoops, proceed.

7 MR KNOOPS: [14:31:52]

8 Q. [14:31:53] Hello, Mr Dana. Good afternoon, sir.

9 Still on the subject of the -- what I will now qualify as the Anti-Balaka operations,
10 instead of attacks, led by Mr Dedane. I have another question to you regarding a
11 witness who testified before this Chamber. And he told the Chamber that in
12 September 2013, when he was on his way to a location about 12 kilometres from
13 Bossangoa on his motorbike, he was surrounded and surrendered by and to
14 Anti-Balaka, taken to a house, he was beaten up and tortured, and ultimately released
15 by the Seleka.

16 And the interesting part of this testimony before the Chamber of this witness was that
17 he identified the group of Anti-Balaka who allegedly tortured him in September 2013
18 in the neighbourhood of Bossangoa, was a group within the present of which was
19 Corporal Dedane.

20 And now my question to you, Mr Dana, is: Can you recall such an incident whereby
21 the group of Corporal Dedane, or elements affiliated with Mr Dedane, tortured an
22 individual who was intercepted from his motorbike.

23 And for the Chamber, and the other parties and participants, it's the transcript T-100,
24 at page 58 till 60, regarding P-2049.

25 PRESIDING JUDGE SCHMITT: [14:34:52] Thank you. I would have asked you for

1 that, indeed, for this reference.

2 This is, I don't know, but this might be a question where the answer could incriminate
3 you, Mr Witness. So we had this already. So if you think the answer could
4 incriminate you and you don't want to answer it, you are free to do so. If you
5 answer, it has to be the truth. So I simply remind of that, and we have also your
6 counsel here whom you can discuss with.

7 So do you answer the question?

8 THE WITNESS: [14:36:07](Interpretation) I will now answer.

9 As I have already said since the beginning of my testimony, Dedane did not have any
10 group. There was no group belonging to Mr Dedane. Ever since our departure
11 from Gobere, Mr Dedane was only responsible for communication for the links with
12 the outside. He had to aides-de-camp who accompanied him in his movements.
13 There was no element belonging to Mr Dedane.

14 Dedane was the chief. He was responsible for communication. He transmitted
15 messages to the chiefs of the groups, and the chiefs of the groups circulated those
16 messages amongst their elements. But Mr Dedane did not have any group. It is
17 only the aides-de-camp who accompanied him in his movements.

18 There were two or three of them. There was no group belonging exclusively to
19 Dedane. That is what I know and that is what I'm telling you.

20 MR KNOOPS: [14:37:48]

21 Q. [14:37:48] Mr Dana, did you hear about any incident whereby not the group, but
22 Mr Dedane himself, was involved in torturing a person in September 2013 in the
23 environment of Bossangoa?

24 A. [14:38:32] I never heard any such information.

25 Q. [14:38:44] That witness did say before the Court that Dedane was head of the

1 group who was responsible for the torture. But your answer is, if I am correct, that
2 Dedane could not have a group at that time. Is that what you're saying to the Court?

3 A. [14:39:26] I am telling you the truth. Dedane did not -- did command only his
4 military comrades, but there were no elements beginning -- belonging to Mr Dedane.
5 Ever since the beginning of the movement, I never saw any such thing.

6 He was the chief who was responsible for communication and who was transmitting
7 messages to the others. He moved about with 12 Puissances and his two
8 aides-de-camp who accompanied him in his movements.

9 Q. [14:40:11] Mr Dana, I'm speaking about movements by Mr Dedane. How did
10 he move from location to location? Was he -- did he move by foot? Was it by car?
11 Was it by some other method? How did Mr Dedane move from place to place?

12 A. [14:40:57] He did not move on motorbike or by vehicle. All the movements
13 were made on foot. You know, when he had to go and make a phone call, he would
14 climb on a hill or somewhere else. We had neither motorbikes nor a vehicle. It was
15 only on foot. We only moved about on foot.

16 Q. [14:41:34] Thank you, Mr Dana.

17 There is a statement given by a witness to the Office of the Prosecution asserting that
18 that individual who was previously captured by your movement in Gobere, later
19 became the driver of Mr Dedane on a motorbike. And from there on, that individual
20 drove Mr Dedane on the motorbike as the personal driver of Dedane.

21 PRESIDING JUDGE SCHMITT: Reference.

22 MR KNOOPS: [14:42:11] Reference is CAR-OTP-2126-0012-R01, at 0028 till 0029,
23 paragraph 107. And that's P-2658.

24 Q. [14:42:32] So, Mr Dana, I can guess your answer, but still I ask you to give your
25 comment on that statement of this person.

1 PRESIDING JUDGE SCHMITT: [14:42:58] Well, yeah, Ms Struyven.

2 MS STRUYVEN: [14:43:01] I think it would only be fair to the witness if we put this
3 with a bit more context: Which was the period that this person would have driven
4 Dedane? Was it once? Was it every day? Was it one emergency that he had to go
5 to? Was it in Bangui.

6 PRESIDING JUDGE SCHMITT: [14:43:18] So if -- if we know that, yes.

7 So if you can perhaps tell us at what -- what time this might have occurred.

8 And also with regard to the question, I think we would prefer it not to -- not the
9 witness let comment on. So simply ask him is this true, according to your
10 information or not. I think that's also clearer for the witness to put it as such.

11 MR KNOOPS: [14:43:42] Yes. Thank you, Mr President.

12 Q. [14:43:44] Well, Mr Dana, the context is that this gentleman was, in his statement
13 and allegations, was for three weeks in 2013, in the summer, kidnapped at Gobere.

14 And after those three weeks he became the driver - that's what he is saying in his
15 statement - of Mr Dedane. And it's approximately August/September 2013.

16 And he says that from there on he was for the rest of the time the driver, personal
17 driver of Mr Dedane on the motorbike -- on a motorbike.

18 So the time frame is roughly late summer until probably 17 September, according to
19 the statement of the Witness P-2648.

20 So my question to you, sir: Is it correct? Is this true or not?

21 A. [14:45:14] During all the events that I took part in, I never saw Dedane being
22 transported on a motorbike. We were walking in the bushes on foot. Where could
23 he have had a vehicle or a motorbike? There were none of these. It was when we
24 launched the attack in Bossangoa, that is the first attack, it was after we were
25 returning we heard that the traders from Bozoum had come on bike -- on board

1 motorbikes. They had come to buy medicines and left. They did not even arrive
2 where we were.

3 In fact, they left their motorbike very far when they came to buy medicines, but I
4 never saw any motorbikes with my own eyes during that period. I never saw any
5 motorbikes.

6 PRESIDING JUDGE SCHMITT: [14:46:35] Ms Struyven.

7 MS STRUYVEN: [14:46:38] Thank you, Mr President.

8 In fairness to the witness, the person that was driving Dedane clearly said on this
9 page 28 that it was his own motorcycle. So it wasn't Dedane's motorcycle or it
10 wasn't a motorcycle of Anti-Balaka. It was his own motorcycle that he was driving
11 Dedane with.

12 PRESIDING JUDGE SCHMITT: [14:46:59] However, however the answer was, I
13 think, that he has never seen Dedane riding. However, who -- yeah, whose bike ever
14 it might have been. So I have understood at least, yeah, the answer like that.

15 MR KNOOPS: [14:47:15] Yes, Mr President, I formulated as "a" motorbike. I never
16 suggested that it was the motorbike of somebody specific.

17 PRESIDING JUDGE SCHMITT: [14:47:24] We have heard that they moved about on
18 foot.

19 MR KNOOPS: [14:47:28] Yeah. Yeah.

20 Q. [14:47:29] Mr Dana, speaking now about the attack on Benzambe, and
21 specifically after what you say controlled Benzambe, you did say in your statement
22 and it was also mentioned yesterday in your evidence before this Court, that on your
23 way to Ouham-Bac, you met Dedane and 12 Puissances, and they were coming back
24 from Bossangoa where they bought, or they did buy ammunitions for hunting rifles.
25 Now I've two specific questions on this event. First, do you know from whom

1 Dedane and 12 Puissances bought that hunting ammunition?

2 A. [14:48:49] Thank you. The ammunition for hunting weapons or artisanal
3 weapons were coming from the other side of the river. So they passed through the
4 capital and were transported in vehicles travelling to Bossangoa. So they went and
5 collected those ammunition to bring them.

6 And when I'm talking about the other side of the river, I'm talking about Zongo,
7 because generally the cartridges come from Zongo.

8 Q. [14:49:50] Thank you.

9 My second question is: How did Mr Dedane or 12 Puissances finance the purchase
10 of this hunting ammunition? Because in paragraph 51 of your statement you
11 mention that they bought the ammunition.

12 A. [14:50:34] I think that it was after the calls that they had made. At their
13 departure, the fetishes, or *modibos* who were selling fetishes to the Anti-Balaka, they
14 had money. So they borrowed money from these *modibos* in order to purchase
15 cartridges. There were acknowledgments of debt. And so the fetisher or *modibo*
16 who gave an amount of money to purchase ammunition, that had to be written down
17 and that would make it possible for Dedane and 12 Puissances to buy cartridges.
18 The withdrawal list or acknowledgment of debt to the marabouts who were selling
19 fetishes to Anti-Balaka, who came from four corners of the country to buy *gris-gris*,
20 those arrived even to Bangui. Those documents of acknowledgment went to Bangui,
21 even to the level of the coordination. Documents showed that such-and-such a
22 *modibo* paid such-and-such amount for the purchase of such-and-such an item.
23 So what I'm saying is these were amounts of money that they borrowed from the
24 fetishers and signed out for them. And it was understood that upon arrival in
25 Bangui they would be reimbursed. I think those lists exist. The coordinator have

1 them. And it had been talked about in the meetings that we had with the
2 coordinator.

3 Q. [14:53:00] Thank you, Mr Dana. I'll come to this topic tomorrow. For now, I
4 have two questions on the first attack on Bossangoa.

5 Did you receive any information that, in the first attack of Bossangoa, the elements
6 encountered civilians which had armed themselves, including women, in Bossangoa?

7 A. [14:54:01] Please kindly clarify. Are you talking about the attack on Bossangoa
8 or Benzambe?

9 Q. [14:54:12] Bossangoa, the first operation.

10 A. [14:54:33] The first attack on Bossangoa, we did not fight against women. We
11 started the fighting in the Tonko (phon) bridge, at the Tonko bridge. That was the
12 Seleka advance post. We fought and we progressed. We faced resistance at the
13 level of FOMAC. They intervened and dispersed us. But we fought against the
14 Seleka. And during our advance I think one of us was struck by a bullet in the eyes.
15 We were trying to evacuate them. We saw FOMAC arrive and we took the Central
16 African Republic flag, which we presented. And Ndangba said that it was not
17 FOMAC but that these were people who had been masked, who wore masks. That
18 is why we then retreated.

19 But to say that we fought against women in Bossangoa, that is incorrect. We fought
20 against Seleka, not against women or other civilians.

21 Q. [14:56:14] Thank you, Mr Dana.

22 Another question: Did you have at that time information that, after the first attack
23 on Bossangoa, the Christian population of Bossangoa was attacked by Seleka in
24 retaliation of this first attack by the Anti-Balaka and were forced to seek refuge at the
25 residence of the bishop of Bossangoa?

1 A. [14:57:13] Thank you. After the attack that we have just talked about on the
2 Tomkoro (phon) bridge, up until we retreated, the Christians, all the Christians, the
3 Seleka considered all the Christians as Balaka. We retreated to 12 kilometres away.
4 Some fled and sought refuge at the archbishop. They told me that from *Liberté*, to go
5 into the other neighbourhoods, there were no longer any men. All the men had
6 taken refuge at the bishopric, that is, the base of the Catholic church. So there were
7 no longer any Christians in the neighbourhood. That is what we gleaned. That is
8 the information that we received from those who were coming to us to sell items, to
9 sell foodstuffs. They had been at the bishopric and told us that all the men were no
10 longer in the neighbourhoods and had taken refuge at the bishopric.

11 Q. [14:58:58] Did you at that time, Mr Dana, also receive information that the
12 Seleka, along with local Muslim people, set fire in several houses belonging to
13 Christians?

14 A. [14:59:43] I think that after the attack, or our attempted attack, and after our
15 departure, after our retreat, all the houses of Christians near the Tomkoro -- Tomkoro
16 bridge were set on fire. But I cannot say that I witnessed that, no. I heard that
17 those houses were burnt down.
18 We received that information from those who were at the bishopric and who came to
19 us to sell us foodstuffs. They told us that those houses had been burnt down and the
20 inhabitants had taken refuge at the bishopric.

21 Q. [15:00:42] Was this, Mr Dana, in your recollection, one of the considerations to
22 progress with the second attack on Bossangoa in order to liberate those Christians?

23 A. [15:01:26] No, I don't think that it was for that reason.

24 Q. [15:01:39] Mr Dana, do you have information, or can you confirm that the Seleka
25 forces had armed Muslim civilians in Bossangoa either at the first or the second

1 operation you were involved in?

2 A. [15:02:25] I think my attack was against the Seleka who were bearing arms. For
3 other than that, I can't know who's military or civilian. I fought all individuals who
4 were bearing arms.

5 Q. [15:02:53] Thank you, Mr Dana.

6 Now I move to the second attack of 5 December, Bossangoa. First of all, do you
7 know an individual with the name Tola, T-O-L-A?

8 A. [15:03:48] I can't remember properly.

9 Q. [15:03:52] Someone with the name Charly?

10 A. [15:04:04] Yes, I know Charly.

11 Q. [15:04:11] Was this individual part of the group which participated on 5
12 December during the Bossangoa operation?

13 A. [15:04:38] Yes, Charly was part of the group that carried out the attack. During
14 the attack, he came across a Sudanese. He had a shock during the attack of the 5th.
15 He received a bullet in his foot.

16 Q. [15:05:24] Mr Dana, was he removed from the operation at that time, this Charly,
17 or did he stay during the operation despite being injured?

18 A. [15:05:50] After having been hit by the bullet, there was a group that dealt with
19 those who were wounded in order to evacuate them so that their lives could be saved.

20 Q. [15:06:11] Was he directly, when the operation commenced, injured? Directly
21 at the beginning of the advance to Bossangoa, or the -- or entering Bossangoa, was he
22 directly injured in his foot?

23 A. [15:06:52] You have to know that the group was divided into two, and it was
24 during the attack that he was wounded.

25 Q. [15:07:12] Thank you, Mr Dana.

1 Are you familiar with an individual with the name of Armand, being part of your
2 group or the other group?

3 A. [15:07:44] Many of these people only had nicknames, but Armand, I've heard
4 that name. But he wasn't part of my group. I only know people who were part of
5 my group.

6 Q. [15:08:07] You were in the group -- you were in the group of Mr Kema or
7 Mr Ndangba at that time, the second attack on Bossangoa?

8 A. [15:08:30] I was in the Ndangba group, and we took the large road, the main
9 axis. And during that time the group of Kema went behind the Radio Maria to carry
10 out their attack.

11 Q. [15:08:54] Thank you. So this individual with the name Armand must
12 therefore have been in the Kema group, would that be correct?

13 A. [15:09:20] Doesn't he have another name other than that?

14 Q. [15:09:25] Unfortunately, we don't have other information on this individual,
15 except for the name Armand.

16 The reason I'm asking you these questions, Mr Dana, is that we have heard evidence
17 of a witness before this Court that, during this second attack, the elements of one of
18 the two groups you mentioned, an individual was raped in her house by Mr Armand,
19 while the name Charly also was mentioned.

20 And now my question to you is: Did you hear that during the second attack on
21 Bossangoa, members of either of those two groups violated women?

22 A. [15:10:48] Thank you. When we were advancing, if you understand me
23 correctly, everyone had a *gris-gris*. And when you carry a *gris-gris*, it's strictly
24 forbidden to sleep with a woman. When you sleep with a woman, these *gris-gris*
25 would not be able to have their effect. So I spent a lot of time, I fought in this

1 movement, I didn't touch any woman during all that time. As soon as you touched a
2 woman, you are tarnished. So it is much better to protect yourself. So we were
3 very careful about this.

4 When you carry a *gris-gris*, it is strictly forbidden to sleep with a woman. So we did
5 everything to protect ourselves. We didn't have time to look for or sleep with a
6 woman. Understand me, so as soon as you touched a woman, the *gris-gris* wouldn't
7 have the effect anymore. It was over.

8 It's true, just by looking at it, you know that it's a woman, but to go and sleep with her,
9 that's not possible. So just understand, at that time it was a very difficult moment for
10 us. We didn't have the time to go behind women or sleep with this one or that one.
11 We didn't time to do that. And in any case, it was forbidden for us as Anti-Balaka to
12 wear *gris-gris*. It was a really difficult moment. We made enormous sacrifices.
13 God protected us in all our attacks and that's why we are still alive now.

14 Q. [15:13:04] So you're telling this Court that you didn't hear of any incident with
15 women violated by the elements of either the two groups. You're sure about that?

16 A. [15:13:51] Anti-Balaka who uses these *gris-gris* has to be careful. When we
17 carry these fetishes, we haven't got the right to sleep with a woman.

18 Q. [15:14:04] Thank you, Mr Dana. Thank you, Mr Dana.

19 For the Court reference, it's P-2657, transcript 104, page 20, lines 12 till 20.

20 Now, Mr Dana, you already introduced a topic by referring to the two groups who
21 entered Bossangoa from different directions. We would like to show you a map, it's
22 tab 4 in our Defence binder.

23 By the way, the map we have included, Mr President, is annotated, so it may be fair to,
24 if the court officers could assist to first show the witness a clean copy of the map of
25 Bossangoa, and after that I would like to compare the annotations which I will ask the

1 witness to make with the annotations in tab 4 of our Defence binder.

2 And my question to you, Mr Dana, would be: Could you indicate on the map you
3 will see in a few seconds on your screen, the position, geographical position from
4 which you entered Bossangoa with your group of Ndangba and the other group of
5 Mr Kema. And specifically, could you indicate the Seleka locations outside of
6 Bossangoa, which you refer to in your statement in paragraph 61.

7 Would that be possible? You think you are able to recollect the exact locations of the
8 Seleka posts on the map?

9 PRESIDING JUDGE SCHMITT: [15:16:28] We have to be -- I think we have to
10 enlarge it significantly.

11 I think indeed we would have to ask him if he feels able to do that, because it's
12 not -- seems not to be easy.

13 MR KNOOPS: [15:16:42] Another option, Mr President, to save time, if the witness is
14 allowed to do it tonight and ...

15 PRESIDING JUDGE SCHMITT: [15:16:48] Yeah, good idea I think. I think I -- I
16 could subscribe to this proposal.

17 MR KNOOPS: [15:16:54] And I can save this question.

18 PRESIDING JUDGE SCHMITT: [15:16:56] Good. Good. We do it this way.

19 Then it's clear for the Registry that the witness has to be provided with a -- yeah, it
20 should be a -- yeah, I think the copy we have is so small. Do we see it, is it possible
21 to see anything on it?

22 Ms Struyven.

23 MS STRUYVEN: [15:17:16] I think maybe if it would be printed on an A3 format you
24 would be able to see it, but it's true that the words on it are very, very small.

25 PRESIDING JUDGE SCHMITT: [15:17:26] So I would suggest that we pick up the

1 proposal of Mr Knoops, and also yours, so we combine it, that if the Registry is
2 instructed, please, to provide the witness with a A3 copy of this map, yeah, after
3 the -- after today's session.

4 Please, Mr Knoops.

5 Because this would really be a very cumbersome procedure, we would always have
6 to -- yeah, and I get the information that the map is high resolution. This obviously
7 means it can be printed in a bigger -- as big as we want it. So we have even A2, even
8 better. So in a manner that the witness can really see where their schools are, where
9 the real streets are, and so on and so forth.

10 So, Mr Knoops, but you have to tell him what he has to do.

11 MR KNOOPS: [15:18:33] Shall I ask him again the instruction?

12 PRESIDING JUDGE SCHMITT: Yeah, yeah.

13 MR KNOOPS:

14 Q. [15:18:34] Mr Dana, I'm sorry to bother you with some -- well, mentioned
15 homework for tonight. You will receive a map of Bossangoa from the Registry, and
16 ask you two things.

17 First, could you indicate on the map from which direction you with your group
18 entered Bossangoa, and the group of Mr Kema.

19 And secondly, would you be so kind to indicate on the map all the Seleka posts which
20 you referred to in your statement in paragraph 61 outside the entrance of Bossangoa.
21 That's what you said in your statement in 61.

22 And maybe, maybe as a third point, with an arrow how you advanced from there to
23 the centre of Bossangoa. If you can recall the route, the direction you took from
24 outside Bossangoa to the centre of the city.

25 PRESIDING JUDGE SCHMITT: [15:19:57] Okay.

1 Mr Dana, I know that this is a lot to ask from a witness, not only that you have to sit
2 here and answer patiently the questions of everyone, but now you are being given
3 homework, so to speak, but it would be very kind of you if you could try to do that,
4 these three things.

5 First of all, where you entered, if you could indicate that on the map. Secondly,
6 where the Seleka post was that you attacked.

7 What was the third point, Mr Knoops, I've forgotten it?

8 MR KNOOPS: [15:20:31] The direction from outside Bossangoa to the centre.

9 PRESIDING JUDGE SCHMITT: [15:20:32] Yeah. And then how you proceeded, so
10 to speak. Yeah. That would be very kind if you could do that. After the session
11 you get this map, as I have already explained, and then you can -- can do it whenever
12 you want until tomorrow morning. So this would be, would help us a lot and this
13 would also shorten the questioning significantly, I think. Thank you.

14 Mr Knoops, please proceed.

15 MR KNOOPS: [15:20:58] I have just a few questions left for today, Mr President,
16 concerning the time frame of 2013.

17 Q. [15:21:05] Mr Dana, yesterday you explained us, in your evidence, the events
18 surrounding the *École de la Liberté* in Bossangoa, which was already also in your
19 statement in paragraph 63. And you indicated yesterday - that's the transcript
20 page 39 and further - that you and your elements protected the women and children
21 at the *Liberté* neighbourhood and that the women and children were put in the *Liberté*
22 neighbourhood, which was an area of refuge.

23 Now, two witnesses appeared before this Court who testified under oath that the
24 majority of the houses at the *École de la Liberté* and Boro were set alight by the
25 Anti-Balaka elements, and the majority of houses were burnt with only the walls

1 standing, as well as the smaller mosques in the neighbourhood which were also,
2 according to these two witnesses, set alight like the houses.

3 And for the Court's reference, that is, first of all, P-2049, transcript 101, page 27. And
4 for the second reference, T-101, page 29, line 6 till 8, and T-104, page 18 till 20. That's
5 relating to P-2657.

6 Now my question to you, Mr Dana, is: Are these statements a true reflection of the
7 reality, what happened during the second attack on Bossangoa?

8 PRESIDING JUDGE SCHMITT: [15:23:53] And again, just for safety's sake,
9 Mr Witness, this is again a question that could -- the truthful answer could potentially
10 incriminate you, so it's your decision if you answer it. If you answer it, it has to be
11 the truth. You understand that.

12 I think in the meantime I just say this, because we are obliged to do so, to tell the
13 witness if issues of potential self-incrimination arise.

14 So you may answer the question. You may also say, "No, I don't want to answer it
15 because it tends to incriminate me."

16 THE WITNESS: [15:24:54](Interpretation) I will answer this question.

17 PRESIDING JUDGE SCHMITT: [15:25:14] Fine. So please do so, Mr Witness.
18 Please answer.

19 THE WITNESS: [15:25:32](Interpretation) Thank you.

20 During the second attack in Bossangoa, all people who regarded themselves as
21 patriots, could they really set alight the houses of other compatriots? That's the first
22 point.

23 During the combat we lost two corporal chiefs. One of us got a bullet in the foot.
24 Another on their arm and on their foot. On the other side, some of our friends were
25 wounded. From the Boro neighbourhood, we organised a withdrawal, a retreat.

1 When this retreat took place, the Seleka also responded. Our ComZones followed
2 another path, and we, we others, we organised a retreat. It was not us who carried
3 the battle.
4 How could we set alight houses and schools? We received a lot of wounded people
5 amongst our midst and this forced us to retreat. We retreated and were followed
6 until Kilometre 12, until there was a gap between us. No Anti-Balaka had the
7 possibility to set alight a house. If it was us who had won the battle, then maybe we
8 could have set alight houses. If it would have been us, we could talk about this.
9 But -- but it wasn't us. And around 17 hours, we were already far away.
10 In the beginning of the fight, of the attack at the cemetery level, there were many
11 wounded. We advanced, but at a certain point we were forced to retreat, to
12 withdraw and go into the bush. No one could have advanced to those areas to set
13 the school alight. No Anti-Balaka was there. All of us had to retreat because we
14 had many wounded in our midst.

15 Q. [15:28:56] Thank you, Mr Dana.

16 My last question for today is the following: In your statement in 2016 provided to
17 the Office of the Prosecution in the paragraph 65 and 66, you describe, Mr Dana, two
18 occasions whereby you yourself decided to leave the battlefield. Once when
19 Bossangoa was controlled and you discovered that FACA members were stealing
20 from people at the checkpoints, which we already discussed, that made you angry
21 and you decided to leave Bossangoa. That's the first event.
22 Second, when you spoke to your cousin Kolongo on the phone and told -- you were
23 told that he was walking free in Boy-Rabe, you decided to go to Bangui. So two
24 occasions whereby you left the battlefield. You agree with me? Is this a correct
25 reflection of what you decided, that you on two occasions yourself decided to leave

1 the battlefield?

2 A. [15:30:57] I did not quite understand your question.

3 Q. [15:31:02] Okay. Then I put it directly to you, sir. You testified today under
4 oath that you were under orders and nobody was allowed to leave. That was your
5 evidence today. You were under strict orders and you couldn't leave the movement.
6 That's what you're telling today to the Judges. Yet in your statement I pointed to
7 two occasions whereby you left the battlefield. So I put it to you that you were not
8 under orders, you were totally free to go and leave the movement.
9 You now understand my question?

10 A. [15:32:12] When I talked about the freedom to leave the movement, that is when
11 we were in Gobre. We had been directed to Gobre. It was a directive that we
12 received. So there was no possibility for us to go back to my village. It was
13 someone who had guided us right to Gobre.
14 Now, when I realised that the promises made were not true, it was no longer possible
15 for me to find the way back to my village. But when we came out of there, we
16 advanced right to Bossangoa. And when I gave a mission order to set up a
17 roadblock, I knew which road could be taken to go to Bangui. And when this
18 disorder started, I called my brother, who told me that he was in Boy-Rabe, in Bangui,
19 and that he was better off there. And since there were acts of violence, exactions, I
20 decided to go to the centre of Bossangoa. At that time no one was commanding us.
21 At that time I took my elements, we took a vehicle and we went to Bangui.
22 So from a chronological order, I told you how I moved from Gobre to Bossangoa,
23 right to Bangui. But when I told you that I could not leave the movement, it was in
24 Gobre. Simply because we had been guided there at the beginning, and to come
25 out of there was not possible because we did not know which road to take to go back.

1 Those who were from the Gobere locality might have been able to know how they
2 could get out of that locality.

3 PRESIDING JUDGE SCHMITT: [15:34:37] I think that clarifies it, I would say.

4 MR KNOOPS: Yeah.

5 PRESIDING JUDGE SCHMITT: [15:34:38] So it does not seem -- the witness does not
6 mean to say that it was absolutely impossible to leave the movement. He spoke
7 about certain circumstances during a certain period. I understood it this way, at
8 least.

9 MR KNOOPS: [15:34:57] Yeah. Yeah. But that's not the impression which he gave
10 the Defence. So that's why I'm asking Mr Dana.

11 Q. [15:35:05] So you would agree that there was a point in time where you could
12 freely move -- leave the movement, and that your decision was taken by yourself and
13 nobody forced you to stay, correct?

14 A. [15:35:38] I have told you that no one prevented me from leaving the group,
15 from leaving the Anti-Balaka movement. I told you that I did not have the
16 possibility of leaving Gobere. I arrived there and realised that the promises made
17 were not honoured. They were not what we had been told. A question was put to
18 me, and I said that from Gobere I did not know which road to take to return. And
19 when we arrived Benzambe, from Benzambe I could see the road. We advanced.
20 And when we reached the centre of Bossangoa, I was able to know which road was
21 going to Bangui.

22 And so after having set up the roadblocks, when they started committing exactions, I
23 talked about it with Ndangba, and Ndangba submitted the issue to the council of
24 soldiers. There was no reaction and so I was compelled to leave myself. I could no
25 longer bear the situation. So I took the decision to leave for Bangui with all the

1 elements. My cousin had been in Boy-Rabe. He asked me to come and he handed
2 over a base to me that I started commanding. I hope you have understood what I
3 meant by that.

4 Q. [15:37:31] Yes, Mr Dana, but it's not what you testified today. I asked you this
5 morning why, despite the promises were not met, you stayed in Gobere and you
6 engaged in fighting, and your answer was, "I was forced to stay from Gobere on" and
7 now you say --

8 PRESIDING JUDGE SCHMITT: [15:37:55] I think there is really no -- I think you -- I
9 think you make a problem out of not so much here. Also, we have the whole
10 testimony of the witness who continues in the movement, who works further in the
11 movement. So that he was really forced, do we really -- do we really take it from his
12 whole -- from his whole evidence, we have to look at this holistically, do we really
13 take from that that he was forced one and a half, two years, or longer, to -- to stay in
14 the movement?

15 MR KNOOPS: [15:38:29] Mr President, that's indeed a valid question.

16 PRESIDING JUDGE SCHMITT: [15:38:31] So I think we can -- we can simply -- we
17 can simply leave it at that, I would say.

18 Ms Struyven, I think we should -- this subject is really exhausted, I think.

19 MS STRUYVEN: [15:38:39] No, and I think he also very clearly explained all the
20 promises and the list, and what the purpose was of staying, and the incentive that
21 was given to them. I think he explained that in quite some length how they were
22 (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [15:38:52] No, this is really -- really, Mr Knoops, this
24 is not a -- not a really significant issue, I think. He might have said something in the
25 morning that could have interpreted in that way, yes, I agree. But if we look at this

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- 1 whole statement and what he has said now, I think we can leave it at that.
- 2 Meaning that this was your last question, I understand, for today.
- 3 MR KNOOPS: [15:39:16] Yes, Mr President, for today.
- 4 PRESIDING JUDGE SCHMITT: [15:39:19] Yeah. So it makes sense that you said
- 5 that you have -- that you have split into 2013 and '14 that we conclude for tomorrow
- 6 and continue tomorrow.
- 7 MR KNOOPS: Yeah.
- 8 PRESIDING JUDGE SCHMITT: [15:39:26] There is a short issue for tomorrow. We
- 9 have to finish at half past 3 tomorrow because there's a status conference here from
- 10 another Chamber at 4 o'clock.
- 11 Yeah, well, I'm informed I gave us 10 minutes more, but we should finish ideally at 20
- 12 past 3 o'clock.
- 13 With regard to how we proceed, it depends a little bit, Mr Knoops, how far and quick
- 14 you get. We will see that. We can shorten the lunch break. But I take it that,
- 15 nevertheless, we can finish with your examination tomorrow.
- 16 So we meet each other at 9.30 tomorrow.
- 17 Mr Witness, again thank you very much that you undertake this -- this home labour,
- 18 so to speak, this homework, for -- of annotating this map.
- 19 THE COURT USHER: [15:40:18] All rise.
- 20 (The hearing ends in open session at 3.40 p.m.)