

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 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 6 April 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:33] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:56] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:34:00] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:34:16] Thank you. The appearance of the parties.
21 Prosecution first.
22 MS STRUYVEN: [9:34:20] Good morning, Mr President, your Honours. For the
23 Prosecution today we have Irina Galupa, Yassin Mostfa, Kweku Vanderpuye, and
24 myself, Olivia Struyven.
25 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you. The representatives of

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 victims.

2 MR DANGABO MOUSSA: [9:34:33](Interpretation) Good morning, Mr President.

3 The Legal Representatives of Victims are represented by Mr Orchlon Narantsetseg,

4 Mouhia Asso, and myself, Yaré Fall.

5 MR SUPRUN: [9:34:48] Good morning, Mr President, your Honours. The former

6 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of

7 Public Counsel for Victims. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:34:55] Ms Dimitri, next.

9 MS DIMITRI: [9:34:57] Good morning, Mr President, good morning your Honour.

10 Good morning, everyone. Mr Yekatom, who is present in the courtroom, is

11 represented today by Ms Lena Casiez and myself, Mylène Dimitri.

12 PRESIDING JUDGE SCHMITT: [9:35:07] Mr Knoops.

13 MR KNOOPS: [9:35:10] Good morning, Mr President. Good morning, your

14 Honours. Good morning, everyone in the courtroom. The Defence team of

15 Mr Ngaïssona is in the same composition as yesterday. That's Chiara Giudici, Ms

16 Sara Pedroso, Mr Ali Alabdali, defendant is present in the courtroom and Mr Landry

17 is following the hearing from the field office.

18 PRESIDING JUDGE SCHMITT: [9:35:31] Thank you. And we also welcome the

19 counsel of our witness Mr Dana, Mr Lavou.

20 Good morning, Mr Lavou. And we welcome, of course, the witness of today.

21 Mr Dana, do you hear and understand me well?

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

23 (The witness speaks Sango)

24 (The witness gives evidence via video link)

25 THE WITNESS: [9:36:10](Interpretation) I can hear you well.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:36:20] Well, I don't claim to understand Sango
2 already, but I think I know what he has said, but for the record we would need a
3 translation, please.

4 THE INTERPRETER: [9:36:37] The witness said I can hear you well. I can hear you
5 well. (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [9:36:45] This is typical thing where I -- I am the
7 culprit because my -- I was on original here. Excuse myself. Apologies to the booth.
8 This can happen. I -- so, obviously, the -- my admin assistant trusts my language
9 skills and had the original channel on for me.

10 So, Mr Witness, I understand that you have annotated the map that we gave to you
11 yesterday. On behalf of the Chamber, I would like to thank you for that so to help to
12 expedite the proceedings.

13 And I give the floor now to Mr Knoops.

14 MR KNOOPS: [9:37:24] Thank you very much, Mr President.

15 QUESTIONED BY MR KNOOPS: (Continuing)

16 Q. [9:37:28] Good morning, Mr Dana. Also, on behalf of the lawyers of
17 Mr Ngaïssona, we -- we thank you very much for answering the questions yesterday
18 and also for your cooperation in making the annotations on the map. I will finish
19 my questions today before 3.20 p.m. My first topic this morning, Mr Dana, is indeed
20 related to the annotations you made yesterday. It's my understanding - and you
21 might correct me if I'm wrong - that according to your recollection the two groups of
22 the movement led by Mr Ndangba and Mr Kema entered the city of Bossangoa on the
23 5 December from the north side.

24 Can you confirm this? Is that how we should read your annotations?

25 A. [9:39:01] Thank you. In relation to the map, this is what I can say. I do not

1 know the town very well, but if you consider that the north is the Benzambe road,
2 then that's correct because we came from the Benzambe road, then we split up then
3 there was the main road. So if you consider that the north is Benzambe, then you are
4 correct because we came from that direction. There was a cemetery and there was a
5 first Seleka base there, the advanced Seleka post. So if the north is the Benzambe
6 road, then I confirm that.

7 Q. [9:39:58] Thank you, Mr Dana. Is it correct, sir, and that's also my
8 understanding from your evidence today, that there was one Seleka post right up in
9 the north which you were not able to annotate on this map.

10 A. [9:40:59] I believe that I marked all the Seleka posts. I wrote next to the map,
11 that is where the Ndangba's team attacked. I wrote Seleka there. I think that was
12 their first base. It was under the Mango trees. That is next to the road leading to
13 Benzambe. I do not know whether you saw that, but I wrote Seleka somewhere
14 there.

15 Q. [9:41:36] Thank you, Mr Dana. And now I see it. Thank you, sir.
16 Mr Dana, were you aware, or the elements, and did you receive that information that
17 the Seleka forces had at that time on 5 December in the south of the city, the rear
18 south, a checkpoint nearby a bridge and that for that reason the commanders
19 Ndangba and Kema decided to advance Bossangoa from the north for this strategic
20 purpose.

21 A. [9:42:46] I believe that we came through the Benzambe road as I've shown you
22 on the map. We came from Benzambe because in the first attack on Benzambe we
23 took the same road. Then there was the Danagoro bridge where you had the
24 advanced post. And when we came the second time, they no longer were on the
25 bridge. They had a base towards the cemetery. I think we took the base, we had

1 already split up, there was Kema's group, Sol-Sol's group and others. There was
2 another group that took another road and crossed a stream to come out behind the
3 Radio Maria Station. We took the main road, so their post was close by under the
4 mango trees. We approached them. We were face-to-face. They did not see us.
5 It was a woman who was bringing food to them who realised our presence and
6 warned them and the exchanges started between us and them. But to say that we
7 started fighting with Seleka in military uniform, I think it was during that first attack
8 that Ndangba was struck by a bullet in the leg or in the legs.

9 Q. [9:44:39] Thank you, Mr Dana. My question was, was there any reason why
10 the advance was chosen to be in the north and not in the south? Was there any
11 military strategic purpose to it?

12 A. [9:45:24] I did not quite understand your question.

13 PRESIDING JUDGE SCHMITT: [9:45:26] Okay. I think, Mr Knoops, you can move
14 on. You have given an assumption. The witness, from his perspective in his role at
15 the time, I think, cannot provide you with the answer that is behind your assumption,
16 so to speak.

17 MR KNOOPS: [9:45:43] Yeah, let me put it differently, Mr President, more directly.

18 Q. [09:45:44] Mr Witness, Mr Dana, it has been alleged in this court that your
19 elements advanced from the north of the city of Bossangoa on the 5th to specifically
20 target the district of Boro where Muslims were residing at that time. What would
21 you say to this allegation? And, therefore, the suggestion is made in this court that
22 the north was specifically chosen by the commanders Ndangba and Kema in order to
23 reach the Boro neighbourhood to target the Muslim civilians. That's the purpose of
24 my question. And my question is to you what do you say to this allegation?

25 PRESIDING JUDGE SCHMITT: [9:46:51] Ms Struyven.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 MS STRUYVEN: [9:46:53] I think this is a compound question. There is different
2 elements in this question that he should be asked separately to confirm.

3 PRESIDING JUDGE SCHMITT: [9:47:00] Yeah.

4 MS STRUYVEN: [9:47:01] Because otherwise we will get maybe a negative that is
5 relevant to specific elements, but not to all of them.

6 PRESIDING JUDGE SCHMITT: [9:47:08] Yeah, so none of the allegations,
7 Mr Knoops, is objectionable that you make because it has been said in this courtroom,
8 but the question as such is a little bit compound. But can't we shorten that?

9 MR KNOOPS: [9:47:22] Of course.

10 PRESIDING JUDGE SCHMITT: [9:47:23] Please let me.

11 Mr Witness, Mr Dana, to your knowledge at the time, was the purpose to enter from
12 the north to attack the Muslim quarters of Bossangoa? Was this the purpose, to your
13 knowledge?

14 THE WITNESS: [9:48:05](Interpretation) During that time, I did not know
15 Bossangoa town. We were asked, we were -- simply indicated the posts or bases of
16 the Seleka and the point was to attack the Seleka who were located at their roadblocks.
17 To know whether there were Muslims in Boro, I did not know because I did not know
18 the town. So we advanced as we were told and when we arrived where -- at the
19 point that it had been indicated to us, we found the Seleka there and then we attacked
20 them there. This is the location that had been indicated to us.

21 PRESIDING JUDGE SCHMITT: [9:48:51] Okay. I think, Mr Knoops, it -- it is
22 actually what could have been expected, but of course you can ask it. Please move
23 on.

24 MR KNOOPS: [9:49:00]

25 Q. [9:49:00] Mr Dana, was according to your information the ultimate purpose of

1 this advance on 5 December to conquer the Seleka positions in the centre of
2 Bossangoa?

3 A. [9:49:39] When we attacked Bossangoa, we started by attacking the Seleka bases.
4 After having attacked the bases, we took control of the neighbourhoods -- of those
5 who had fled to seek refuge in the bishopric during the first attack on Bossangoa.
6 And in the neighbourhoods that the Christians had liberated, they had gone -- the
7 Seleka had gone and attacked them there. That is why they fled to take refuge in the
8 bishopric. So during our attack, the objective was to capture the bases occupied by
9 the Seleka and also to take control of Bossangoa town.

10 Q. [9:50:39] Thank you. Mr Dana, were you aware or did you have information
11 that a Seleka unit heavily armed at that time, when you advanced Bossangoa on
12 5 December from the north, that a heavily armed Seleka unit advanced to the house of
13 the imam and made a barrier at the mosque and that's where the fighting actually
14 stopped and you had to retreat from thereon? Is this according to your recollection
15 how the retreat, which you described yesterday, from Bossangoa on 5 December
16 occurred?

17 A. [9:51:58] What I know -- I tell you what I experienced and I have already talked
18 about it. I described to you how we arrived there and I told you the locations at
19 which we fought. The Seleka had gathered under a mango tree and we started
20 attacking them from there. And when there were explosions behind the Radio Maria
21 Station, we could hear those explosions and we started retreating. But during that
22 time, we had conquered those who had been at the first control position. And while
23 advancing towards the Boro neighbourhood, we started being struck by bullets
24 because some Seleka were in the trees and started shooting at us. So *coming under
25 such powerful fire, we were compelled to retreat. Some people started setting

1 houses on fire while others retreated towards Benzambe or other directions and that
2 is in that way that we retreated. But to say that we confronted the Seleka and we
3 were compelled to fight and retreat -- to retreat while fighting, I did not hear of that.

4 Q. [9:53:57] Mr Dana, can you recall approximately which location on the map the
5 movement your forces had to retreat? Was it at the level of the -- the Radio Maria or
6 a little bit further just before the mosque? So my question actually is, approximately
7 where in the north your forces had to retreat?

8 A. [9:55:02] After having conquered the Seleka in their first post, we advanced but
9 there was grass everywhere. We were advancing and we crossed a stream.

10 Now, upon the approach to the Boro neighbourhood, there were mango trees and at
11 that point, the Seleka positioned themselves in the mango trees and were shooting at
12 us. That is how some of our elements were struck by bullets. It is for that reason
13 that we were compelled to retreat. In the meanwhile, those who were behind the
14 Radio Maria Station, we could not know at what level they reached before starting to
15 retreat. But that group that was -- that was behind the Radio Maria Station and
16 which wanted to attack from there, I do not know at what point they stopped.

17 PRESIDING JUDGE SCHMITT: [9:56:17] I think there is not more in it with regard
18 to the description of the events on the ground at that time, I would suggest simply.

19 MR KNOOPS: [9:56:28]

20 Q. Yeah, just two brief questions, Mr Dana, for clarification. You just mentioned
21 that you heard or saw that at that time house -- houses were burned; is that correct?

22 A. [9:57:05] On the main road where I made annotations, you can see houses and
23 behind those houses you had some grass. After having been struck by bullets, we
24 started retreating to cross a stream and go back to Benzambe. It was at that point
25 when they crossed over while trying to flee, then they set fire. Not on the houses,

1 but to the grass that was there. They did not burn houses, but it was on the other
2 side where there was grass. After having crossed over to return to Benzambe. So
3 people fled to take refuge in the bush. And since they had arrived at that level, they
4 could not pursue us any further, so they were compelled to set fire on the bushes or
5 grass that was there.

6 Q. [9:58:24] Mr Dana, can you explain the Chamber who do you mean with "they
7 set fire"? Who are "they"? Who set fire in those houses when you retreated?

8 A. [9:59:08] Thank you. When we retreated, we went into the bushes, into the
9 grasses. It was the Seleka pursuing us. They were advancing to try to capture
10 those who had not succeeded in fleeing. That's why they burned the grasses,
11 because according to them we were hiding in those bushes. That is why they set fire
12 to them. What was important for us was to try to cross the stream in order to reach
13 Benzambe.

14 Q. [9:59:46] Should I understand your evidence, Mr Dana, that the setting in fire of
15 the grass caused the burning of certain houses? Is that what you're trying to say to
16 the Court?

17 A. [10:00:19] Thank you. When they set fire to the grass, they did not burn the
18 houses. It was only the short grasses, the short bushes. They did not burn the
19 houses. They occupied the locations. Their houses remained intact. It was -- in
20 fact, when we went to Boro, there were no cases of houses being burned. It was
21 grass that was burned. After my departure to Bangui, I learned that the Muslims
22 had been evacuated. But the grasses around the houses were set on fire, but not the
23 houses belonging to the Muslims, no.

24 Q. [10:01:22] Thank you, Mr Dana. I have just one question left on the topic of the
25 map.

1 Yesterday, Mr Dana, your evidence given to the Chamber, and that's for the Court the
2 English real-time transcript page 77, lines 11 till 25, and page 78, lines 1 till 6. And
3 that's page 33, lines 6 till 10 -- actually, I'll summarise what you did say yesterday.
4 You had to retreat from Bossangoa. You just described when and at exactly -- well,
5 approximately what location. You retreated to Benzambe and your evidence
6 yesterday was that you spent the Christmas there. You spent several months in
7 Benzambe.

8 Now, my question to you is, Mr Dana, can you recall that the movement of which you
9 were a part of returned to Bossangoa where they ultimately set up the checkpoints,
10 which you described in your statement, after Mr Djotodia was ousted from power?
11 And that was 10 January 2014.

12 So my question is, you returned after Bossangoa after Mr Djotodia ceased to have
13 power?

14 A. [10:04:03] Thank you. When I talked to you about the establishment of
15 Bossangoa, I was talking about the time when we were still in the bush heading
16 towards Bossangoa. At one particular point, Djotodia left power and that was -- and
17 that was after the departure of his departure. That is when we set up the post in
18 Bossangoa. During that time, we had already heard on the radio that Djotodia had
19 resigned and there was no longer any fighting as we progressed. We went by way
20 of a path that goes close to the airport and we went by way of the airport and we
21 headed towards the bishopric. There were some scouts ahead of us telling us which
22 way to go. We left by the way that goes by the airport and we arrived close to the
23 bishopric. That is where we regrouped.

24 Q. [10:05:32] Mr Dana, can you recall how many days or weeks after the departure
25 of Djotodia you returned to Bossangoa?

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 A. [10:06:04] When we went back to Bossangoa -- I beg your pardon, Benzambe we
2 spent a lot of time there. There were people who came there from Bossangoa and
3 then went off again. The people from there, Bossangoa, went back and they were
4 intercepted by Seleka men and they even killed one of us. The victim was together
5 with the person who I said was the bodyguard of Mr Ngaïssona. The FOMAC
6 soldiers were able to save one of them and took that person to the hospital and then
7 the person was transferred to Bangui for care. And that person later became the
8 aide-de-camp of Mr Ngaïssona. We really had to do quite a few things to get out of
9 there. It was a very dangerous place. It was not easy to get out of the town and go
10 back to Benzambe.

11 PRESIDING JUDGE SCHMITT: [10:07:34] Mr Knoops, I think a recurring pattern, so
12 to speak, is - if we look at the testimony of this witness - that with regard to time
13 frames and estimations, assessments of times, it's -- does not seem to be too easy. So
14 we would have to put, let's say, the events that the witness describes correctly
15 into -- into time with other evidence that we have, I think.

16 MR KNOOPS: [10:08:05] Yeah.

17 PRESIDING JUDGE SCHMITT: [10:08:06] It appears to me -- I will not say -- I will
18 not cut you, but this is the impression that I have and I think if you look into the
19 evidence and the past days, the witness recalls a lot -- a lot of details, but on that with
20 regard to time, time frames, assessment of times, it's a little bit more difficult.

21 MR KNOOPS: [10:08:30]

22 Q. [10:08:30] Mr Dana, but you're sure that the first time after the retreat of
23 5 December from Bossangoa the first time you returned was after you heard on the
24 radio that Mr Djotodia stepped down from power? And please answer my question
25 yes or no because I'm trying to finish my examination today, sir. And I ask you to

1 keep your answers, if possible, with yes or no.

2 A. [10:09:35] I think that when we finished fighting on 5 December, we went to
3 Bangui. That was after a long time when we went back to Bossangoa. And I spent
4 a lot of time in Benzambe because it was a long road and it was many days before we
5 got there. I didn't take note of the dates, the dates of the journey, so I can't remember
6 all the dates.

7 PRESIDING JUDGE SCHMITT: [10:10:19] Okay. Mr Knoops, I think this -- you
8 know, I hate to say that, but this confirms a little bit my remark (Overlapping
9 speakers).

10 MR KNOOPS: [10:10:28] Okay. We have at least one reference, Mr President, that
11 Mr Dana spent the Christmas in Benzambe before he returned to set up the
12 checkpoints in Bossangoa.

13 Q. And my question now to you, sir -- and that's why these questions were for us
14 relevant. When you, after Christmas, returned to Bossangoa to set up the
15 checkpoints there ultimately, did you notice in the centre of the city, in the regions
16 where you did not advance to during the attack on 5 December, did you see any
17 destructions of houses or mosques or even in Boro?

18 A. [10:11:44] Thank you. When we went around to get to -- well, we went by way
19 of the airport to get close to the bishopric. I did not set foot there. We did not set
20 foot there. We stayed close to the bishopric and we even went in to the bishopric
21 where -- where we came cross Atakoli (phon), a Anti-Balaka member. We went back
22 to our base. I did not walk about the town to visit the various neighbourhoods. All
23 I did was go from the base to the bishopric to the station, the railway station. I
24 couldn't wander about the town seeing all the neighbourhoods. It was not safe
25 enough in the town. I couldn't take the risk of criss-crossing the various

1 neighbourhoods, so I just went between those three places. I was not in a position to
2 wander around the town and get to know the various neighbourhoods.

3 Q. [10:13:01] Were you aware or did you have information, Mr Dana, that after you
4 retreated, your forces retreated, your elements retreated on 5 December from
5 Bossangoa to Benzambe to spend there the Christmastime, whether you had
6 information that the Seleka retaliated the advance of the movement in Bossangoa?
7 So after the 5 December attack. And we speak about retaliation within the city of
8 Bossangoa by Seleka forces?

9 A. [10:14:07] The goal of the bishopric -- well, it was after the attack in question.
10 When we began the attack on the town, there were demonstrations of joy. After the
11 attack, we went back to Benzambe. After our retreat, the Seleka began the retaliation
12 in neighbourhoods where there had been pro-Balaka demonstrations. During the
13 retaliation the people had to flee and take refuge in the bishopric.

14 Q. [10:14:49] Were you aware that or did you hear later on that the Seleka, after
15 5 December in response to the attack of Bossangoa by your elements, set up a mortar
16 unit besides the cathedral in Bossangoa to get rid of the Christians? And for the
17 court reference the relevance to be found in P-0314, an upcoming witness. That's
18 CAR-OTP-2008-1203. It's starting at 1188, that document. It's paragraph 70.

19 A. [10:16:17] Thank you. When we went back to Benzambe. The people who
20 had taken refuge at the bishopric then went to Benzambe. Those people gave us a
21 lot of information. They said to one another that the Anti-Balaka had taken refuge in
22 the bishopric and from there they launched attacks upon the Seleka. These were
23 rumours. If the bishop and the -- well, if there was a threat to attack the
24 bishopric -- you see, that place still sheltered Anti-Balaka people. That is the
25 information that we had got from Benzambe.

1 Q. [10:17:24] Thank you, Mr Dana. Those were my questions on the map. And I
2 thank you very much for your cooperation.

3 Now, I have some questions for the time frame of 2014. My first question relates to
4 your statement given in paragraph 72. In that statement, you describe that initially
5 after the 5 December attacks there were several ComZones in Bangui. You mention
6 a lot of names. I will not repeat them in this hearing. And you say that all those
7 ComZones you mention there in Bangui existed before the return of Mr Ngaïssona
8 and the coordination. So my first question to you, Mr Dana, is do you have
9 information when these ComZones you mention there were set up, when they started
10 to be materialised?

11 A. [10:19:32] Thank you. When I got to Bangui, it was the group that was based in
12 Boy-Rabe. They were talking about Boy-Rabe and various neighbourhoods. That
13 was when Ngaïssona went back to Bangui. The chiefs met and the localities were
14 divided up into zones and that is when various zone commanders were put in place.
15 There was talk of Anti-Balaka people in Boy-Rabe and elsewhere. There was also the
16 Bimbo zone which was controlled by Yekatom. That's how it was. But the concept
17 of ComZone was once the coordination had been put in place and the bases
18 would -- were transformed into zones led by ComZones. Before that they were just
19 Anti-Balaka bases. People talked about Anti-Balaka bases, Boeing, Bimbo, but at that
20 time people didn't talk about zone commanders. It was the coordination that set up
21 the zones and set up the ComZones, that is to say the zone commanders.

22 MR KNOOPS: [10:21:16] Mr President, can we please show the witness his
23 statement? I believe the French -- the English version is tab 4, I think, in the
24 Prosecution binder. The French one is -- I'm not sure which tab the French one is.
25 It's paragraph 72 of the witness statement. It's CAR-OTP-2102-0078. It's page 0094.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:22:30] I think -- I think it's -- Mr Witness, you see
2 it on the screen, so the question here is, you said a minute ago that the ComZones
3 were only established when the coordination was set up. But here you say initially,
4 that means before the coordination and before Mr Ngaïssona's return there were at
5 least the ComZones that you mention here. Can you explain this to us? I think this
6 is, Mr Knoops, what you mean.

7 THE WITNESS: [10:23:26](Interpretation) Thank you. In my statement, it was
8 when I got to Bangui. I went -- well, I was taken to the coordination to the home of
9 Ngaïssona, the coordinator. That is where I met these ComZones. I was told in
10 such and such a zone. It was my cousin who led the base. I took command after
11 him, then there was the Konate base, then there was the 12 Puissance base, all those
12 people mentioned. That was when the coordination had been established. That is
13 when the ComZones were appointed and distributed by the coordination *during the
14 conflict of 5 December, *in the attack of -- the attack of 5 December. There were
15 several zones, several bases. So all of that was transformed or reorganised into
16 zones and the ComZones were appointed. I believe it is in the transcription of what
17 I said. There was an error slipped in because the -- the basis where those people
18 were -- when I got to the coordination, I was given the list of ComZones and I was
19 told what base was mine and all of that was actually on a document.

20 MS DIMITRI: [10:25:30] Mr President?

21 MR KNOOPS: [10:25:31] Mr President, we didn't see this correction in the additional
22 statement of the witness.

23 PRESIDING JUDGE SCHMITT: [10:25:37] Yeah, it has been now corrected on
24 your -- and my questioning or not, Ms Dimitri?

25 MS DIMITRI: [10:25:48] It's another point. It's a sentence that wasn't interpreted.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:25:56] Yeah, so perhaps we start -- we start with
2 the correction of -- please ...

3 MS DIMITRI: [10:26:00] In the English transcript at page 19, line -- line 11, in French
4 I think I heard him say that at the time they were talking about Anti-Balakas of
5 Boy-Rabe in general, but that -- that's missing in the English part. It can be verified
6 with the witness but -- because the French transcript is not complete yet, but that's
7 what I heard and part of it appears in the French transcript.

8 PRESIDING JUDGE SCHMITT: [10:26:30] And that could be relevant for obviously
9 reasons.

10 So, Mr Knoops, it's clear that 72 tells us something a little bit different. This -- it
11 looks as if the witness is staying in his statement, in this written statement that there
12 were already ComZones existing and he mentions them. Perhaps we give it one
13 shot.

14 MR KNOOPS: [10:26:59] Well (Overlapping speakers).

15 PRESIDING JUDGE SCHMITT: [10:27:01] So, Mr Witness, you have seen your -- this
16 paragraph 72 of your former statement. It says here clearly that there were -- before
17 the coordination was established and before Mr Ngaïssona's return that there were
18 already -- and your wording is the following ComZones. So is this correct or not, in
19 Bangui? You can say yes or no if you -- if you feel free to do that.

20 THE WITNESS: [10:27:58](Interpretation) Thank you. The names that I had
21 mentioned, the names of the people I mentioned, the ComZones I mentioned, they
22 began to work -- they began to work in their zones. The ComZones that I mentioned
23 in my statement, we were all summoned and that allowed us to vote for Ngaïssona as
24 coordinator. I'll show you a photograph here. I believe that was the day when we
25 were all together, all present to vote for him as coordinator. All the people present

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 are to be found on this photograph. All the ComZones who were already
2 there -- that was at the beginning when he began to coordinate, but officially for him
3 to be chosen as coordinator, the official coordinator, the general coordinator of
4 Anti-Balaka, we were at the Azimut hotel and it was that day and we took a family
5 photograph. That was the day that we chose him to be the general coordinator. So
6 this is to be seen here in this photograph that I have with me.

7 PRESIDING JUDGE SCHMITT: [10:29:23] Ms Struyven, do -- I assume Prosecution
8 does not have this photograph.

9 MS STRUYVEN: [10:29:29] No, but we would want to maybe then, if it's possible,
10 to -- to keep a record of the photograph in the field (Overlapping speakers).

11 PRESIDING JUDGE SCHMITT: [10:29:37] Absolutely, I think that makes sense, yeah,
12 yeah. I think we can do that, yes.

13 MS STRUYVEN: [10:29:41] And if there is -- if this is the photo where there was a
14 date on the back of the photo, because then it's a different one than the one I thought
15 had maybe a date on the back of the photo, it would also be helpful.

16 PRESIDING JUDGE SCHMITT: [10:29:51] Like always, for whatever it's worth.
17 But it could be potentially interesting, yeah.

18 Ms Knoops, we don't dissolve this completely, this question, I think, because
19 whatever we are asking, it's a little bit repetitive, the answer. So we have to take
20 them as they are, I think.

21 MR KNOOPS: [10:30:13] I just want to have on the record that in the corrections by
22 the witness at CAR-OTP-2135-2583, the witness didn't correct his statement.

23 PRESIDING JUDGE SCHMITT: [10:30:26] You don't have to mention that. We
24 recognise that anyway.

25 MR KNOOPS: [10:30:38]

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Q. [10:30:39] Mr Dana, you did say in your evidence before this court that Mr
2 Benjamin and Mr Kema were already in 2013, had the position of ComZones. So you
3 agree with me that there were ComZones already in 2013 because that was in your
4 evidence. And I can give the references for the court for Mr Kema is to be found on
5 the English real-time transcript page 17, lines 12 and 15. And for Mr Benjamin is to
6 be found in your evidence given on 4 April, on page 9 at line 23 where you said
7 the -- "He was occupying the position of ComZone in his movement."

8 So in your evidence given to this court under oath you mention several individuals
9 who held the position of ComZone already in 2013. So you would agree with me
10 that before the arrival of Mr Ngaïssona in Bangui there were already ComZones,
11 correct?

12 PRESIDING JUDGE SCHMITT: [10:32:26] Ms Struyven, what's the matter now?

13 MS STRUYVEN: [10:32:28] I think this becomes a very semantic discussion. We're
14 talking about the appellation of the individuals, but we're mixing it up with their
15 presence or their existence in Bangui or elsewhere.

16 PRESIDING JUDGE SCHMITT: [10:32:40] I don't agree. This is, again, something
17 that would be part of the assessment of the evidence. If we are talking on the one
18 side on a more factual occupation of a position and the other side of a formalisation of
19 a certain process, but this is assessment of evidence. We have to give the Defence
20 the chance to address the point.

21 But this is really, Mr Knoops, the last question on that and then we have to take it.

22 You have heard the question, Mr Witness.

23 You're speaking in several parts of your evidence of certain commanders who held
24 positions as ComZones as you mention it already in 2013; is that correct? Was this
25 your perception that these were ComZones commanders for their certain zones?

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [10:34:06](Interpretation) Thank you. As I said in my statement,
2 Kema became a ComZone when we were in Bossembélé because the first attack on
3 Bossangoa, after that we retreated to Bossembélé. And as early as that time, Kema
4 was ComZone in Bossangoa. That I said in my statement.

5 PRESIDING JUDGE SCHMITT: [10:34:40] So, Mr Knoops, you were right, so please
6 continue.

7 MR KNOOPS: [10:34:43] Yeah.

8 Q. [10:34:44] Just two questions, Mr Dana, on this subject regarding the photo you
9 just showed.

10 Can you explain to the Chamber when this photo was made of this gathering in the
11 Azimut hotel, approximately? I guess it was 2014, but in which month is this photo
12 was taken?

13 A. [10:35:31] If I remember correctly, I no longer remember the date, but it was on
14 the day on which we elected Ngaïssona as coordinator of the Anti-Balaka. I was
15 present and the lady next to me was the daughter of Samba-Panza, Anna
16 Samba-Panza. All the ComZones were there. It was on that day that we voted him
17 as ComZone --

18 THE INTERPRETER: [10:36:05] Says the interpreter.

19 THE WITNESS: [10:36:06](Interpretation) And he himself organised a press
20 conference and introduced himself as being the coordinator of the Anti-Balaka. I can
21 later on look for the date and tell you, but I would like to point out that it was on the
22 day that he was voted national coordinator on that day and that was the date the
23 photo was taken.

24 Q. [10:36:33] Could have been -- could that have been in the summer of 2014?

25 A. [10:36:59] During that time it was Samba-Panza who was president. He

1 himself was there on the day he was voted. He himself can remember the date and
2 tell you. It was on that day that we took that photograph. He was officially elected
3 as the national coordinator and that was in the presence of journalists.

4 Q. [10:37:28] Can you remember, Mr Dana, whether Mr -- or a person with the
5 name Sebastien Wenezoui was present there as well?

6 A. [10:38:00] Yes, Sebastien Wenezoui was there.

7 Q. [10:38:07] As well as the organisation with the name MOUDA?

8 A. [10:38:25] Yes, the MOUDA association was present. Samba-Panza's daughter,
9 Ana Samba-Panza was the one representing that organisation.

10 Q. [10:38:46] Was this, Mr Dana, for you the first time that you attended a meeting
11 with all the ComZones in the presence of Mr Ngaïssona?

12 A. [10:39:07] No, I took part in several meetings in Azimut in which he was present.
13 The very first meeting that took place in Azimut, I was present. Thereafter, there
14 were meetings next door in some of the rooms of Azimut and all the coordination
15 meetings convened by himself took place at Azimut.

16 Q. [10:39:43] Can you remember why Mr Ngaïssona was at that time chosen as the
17 general coordinator in the presence of journalists and the daughter of Ms
18 Samba-Panza, the NGO MOUDA, what was the reason why he was chosen as general
19 coordinator?

20 A. [10:40:35] Thank you. The Anti-Balaka who left the provinces to come to the
21 capital did not have any means of subsistence and it was Ngaïssona who was taking
22 care of them. He was buying medicines for them. He paid rented houses occupied
23 by those Anti-Balaka and even his own houses were occupied by the Anti-Balaka.
24 And so he was playing the role of mediator because the authority passed through him
25 to reach the Anti-Balaka, so he was playing the role of mediator. Lastly, during any

1 movements, before any Anti-Balaka goes anywhere, he would inform him and he
2 may give explanations. I myself, for example, after the departure of Andjilo to
3 Bouca, when I was coming back from the province, I was arrested or stopped at
4 Damara by the Sangaris. I was compelled to remove the badge that I had. I
5 presented it. They went back into their tank and called the coordination to ask
6 whether I was a member of the Anti-Balaka. And after confirmation, I was released.
7 That is how come I returned to Bangui. It was because of all of those things that we
8 selected or elected him as the coordinator. He was using his money. He was
9 assisting us to survive. He was taking care of us by buying food for us. That is
10 what he was doing.

11 PRESIDING JUDGE SCHMITT: [10:43:03] Perhaps the parties can help the Chamber,
12 so I think we can speak openly about it. We have now a very significant detail.
13 This was -- the daughter of Madam Samba-Panza was present for MOUDA, so when
14 was this exactly? Can you help the Chamber? I think I have an idea, but, yeah,
15 please, Ms Struyven. When has this happened?

16 MS STRUYVEN: [10:43:28] We believe this would have been at the end of June 2014.
17 (Overlapping speakers) To be precise, probably the 26th of ...

18 PRESIDING JUDGE SCHMITT: [10:43:34] Okay. So the suggestion of Mr Knoops
19 was correct, so thank you. So we -- Mr Knoops, so we don't have to go around in
20 circles here then.

21 MR KNOOPS: [10:43:44] Yeah.

22 PRESIDING JUDGE SCHMITT: [10:43:44] Ms Dimitri, you don't (Overlapping
23 speakers) --

24 MS DIMITRI: [10:43:47] No, I completely agree. And if can assist, there's a video
25 that's already submitted in evidence of that meeting.

1 PRESIDING JUDGE SCHMITT: [10:43:52] Yeah. And now I think I recall we have
2 already played it at some point in time, yes.

3 So then -- then from thereon, a question -- Mr Witness, you have been speaking about
4 this meeting when the photograph that you have with you was taken.

5 Did you attend any meetings before that time of the coordination? Did you attend
6 any meeting before that time when Mr Ngaïssona participated?

7 THE WITNESS: [10:44:55](Interpretation) Yes, I attended several meetings. As
8 soon as I arrived Bangui, I was considered as a key element and that gave me the
9 opportunity to take part in several meetings. Even when it came to elect
10 someone -- to choose someone to represent us in the government, I was part that.
11 Now, to set Wenezoui apart or aside from the coordination, well, all those small
12 meetings of the coordination I was present. And with Yekatom we had a meeting
13 because there was a misunderstanding between the Anti-Balaka of Boeing and others.
14 I was in a meeting with Yekatom at the prime minister's office. At that time it was
15 Kokaté.

16 THE INTERPRETER: [10:46:12] The interpreter doesn't understand where that came
17 from.

18 PRESIDING JUDGE SCHMITT: [10:46:18] Mr Witness, yes, you rose your hand.
19 Yeah?

20 THE WITNESS: [10:46:28](Interpretation) I was talking about Konate, not Kokaté.
21 But he had fled, so I had made a mistake by talking about Kokaté. That's what I can
22 say for now. So I took part in all the meetings of the coordination. I had to be there
23 to give an account or testify about what was happening in the provinces. I know all
24 the leaders, almost all the leaders. We had meetings regularly at the Azimut hotel.
25 I had a lot of information and it is for that reason that I took part in all the meetings

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 that were organised at the Azimut hotel.

2 PRESIDING JUDGE SCHMITT: [10:47:23] Thank you for that clarification,
3 Mr Witness, but we take it from the information which is not disputed. And I recall
4 it now, also. I was not sure if it was May or August or something that the, let's say,
5 infamous meeting - allow me this wording - was it June 2014. Mr Knoops, please
6 continue.

7 MR KNOOPS: [10:47:46] Just one question, Mr President, on the time frame. I note
8 your observation that it's for the witness difficult to reconstruct, it but it might be
9 helpful for the Chamber to ask him.

10 Q. [10:47:54] Mr Dana, how -- when you can recall how much time before this
11 meeting in the Azimut hotel, where this photo was made, you returned to Bangui?
12 Was this days, weeks before the photo was taken?

13 A. [10:48:35] When I arrived Bangui, I think it took some time. When I arrived
14 Bangui, I still plaited my hair. It was several months and it was after that that I cut
15 my hair to make it look proper. It was only after that that I took part in this meeting
16 in question. So I repeat, I had already spent a certain number of months in Bangui
17 before taking part in that meeting that saw the designation of the national
18 coordinator.

19 PRESIDING JUDGE SCHMITT: [10:49:32] So it was indeed -- so we have at least an
20 idea of the time frame, but thank you for the question.

21 Ms Knoops, please proceed.

22 MR KNOOPS: [10:49:41]

23 Q. [10:49:41] Mr Dana, did you ever encounter during those meetings with the
24 coordination an individual with the name Cyril Junior Tougouma?

25 A. [10:50:18] That name, no. When I was in that meeting, I got to know -- well, if I

1 remember correctly, I was with Mr Cyril before going to the radio. He and Rambo
2 knew themselves because they were soldiers and he was imprisoned at the residence
3 of the coordinator. But I knew him at the prison, but the person you have mentioned,
4 I do not know him. It is Siro that I know. Siro. With him and Rombhot we had a
5 coalition meeting in order to resolve our differences. He was arrested -- on his
6 return he was arrested and Siro was held for three days before being released and I
7 returned to my base. So that was Siro, not Cyril.

8 Q. [10:51:56] Why was he arrested?

9 A. [10:52:08] Thank you. That meeting that had brought together the Anti-Balakas
10 from Boy-Rabe and those from -- belonging to Rambo because there was tension, this
11 meeting was necessary because Rambo's Anti-Balaka were different and the others
12 were different, were on the other side. But I refused to prevent that meeting. I took
13 part in that meeting. Rombhot was there. Konate refused to come there. The
14 meeting took place and the report was sent to Boy-Rabe. There was another meeting
15 at Pougoulou. I -- they wanted to give me the floor -- to someone else, but I refused.
16 I went to this meeting because I was in command of my base. If I did not take part in
17 that meeting, Rambo was going to take that into consideration. So it was necessary
18 for me to take part in that meeting so that people should not place the responsibility
19 of the non-return to the country and to the neighbourhood -- in the neighbourhood.
20 That is why I participated in that meeting. And one of those who had participated in
21 that meeting was arrested. Konate said that he had refused to participate in the
22 meeting because he had preferred to send Siro. So during that time, General Andjilo
23 was there and a few moments after there were gunshots and I left in order to return to
24 my base. And that's the reason why Siro was imprisoned.

25 MR KNOOPS: [10:54:19] Mr President, the transcript --

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [10:54:21] Yeah, yeah, indeed. Ms Dimitri.
- 2 MS DIMITRI: [10:54:24] Thank you, Mr President. Just a slight correction. In
- 3 French he said (Speaks French). It was interpreted by "different", which in my
- 4 opinion, unless I'm wrong, is -- it's not the same meaning *à par*.
- 5 PRESIDING JUDGE SCHMITT: [10:54:39] You know my French is not very good,
- 6 but it seems -- this seems to be a local, *à par*.
- 7 Do you agree with me?
- 8 MS DIMITRI: [10:54:48] *à par*. Separated different -- not different, but aside.
- 9 PRESIDING JUDGE SCHMITT: [10:54:52] Yeah, yeah, locally.
- 10 MS DIMITRI: [10:54:55] Yes.
- 11 PRESIDING JUDGE SCHMITT: [10:54:55] So not different personally with
- 12 (Overlapping speakers) with regard to the character and personality, yeah. So I
- 13 understand it correctly, yeah.
- 14 Mr Knoops.
- 15 MR KNOOPS: [10:55:04] And we just had an observation. The English transcript,
- 16 line 10, it says Cyril, but the witness did say Siro. I believe that's ...
- 17 PRESIDING JUDGE SCHMITT: [10:55:18] And since we have Cyril, it's -- this is also
- 18 relevant (Overlapping speakers). So okay, but, yeah, nevertheless we have a long
- 19 answer here, but I think you --
- 20 MR KNOOPS: [10:55:27] It's page 29, line 10.
- 21 PRESIDING JUDGE SCHMITT: [10:55:32] -- you need not entertain this further, but
- 22 it was absolutely clear that he does not mean Cyril.
- 23 MR KNOOPS: [10:55:36] Yeah. Thank you, Mr President.
- 24 Q. [10:55:40] Mr Dana, did this whole incident with Mr Siro, can you recall whether
- 25 it took place after the Azimut meeting you just mentioned with the photograph?

1 A. [10:56:19] It was the meeting. It was before the meeting at the Hotel Azimut,
2 before the nomination of the coordinator. That misunderstanding existed well
3 before that.

4 Q. [10:56:43] You just spoke about the role of Mr Ngaïssona as a mediator and
5 providing for financial aid to individuals. Were you privy to the fact that during
6 those meetings with the coordination he sometimes also provided money to release
7 property to the rightful owners which were stolen or taken away by people or
8 elements in the street? You mentioned, by the way, yesterday or Monday, the
9 example of Mr Godonam, but I'm asking you, do you know of any other examples
10 where Mr Ngaïssona provided assistance financially or otherwise to have stolen
11 property being returned to the rightful owners?

12 A. [10:58:26] I think that when Gustave was responsible for the military police, his
13 deputy was Golokete. He's already deceased. He died in a motor accident in Boali
14 road. When private vehicles were stolen, the individual owners would call
15 Ngaïssona, the coordinator Ngaïssona who then called Golokete and Gustave to go
16 and recover those vehicles so that they should be returned to the owners. That is the
17 work that Gustave and Golokete were doing.

18 When the property of private individuals was stolen, I repeat, those individuals who
19 called Mr Ngaïssona to talk to them about it because they considered Ngaïssona as
20 the father of those Anti-Balakas who were considered the sons of Mr Ngaïssona. So
21 as a result of that, they would call Mr Ngaïssona and Mr Ngaïssona would instruct
22 Golokete and Gustave to recover the vehicles for them to -- or, rather, the property to
23 be returned to the owners. And I point out that Golokete already died in a motor
24 vehicle accident. That is what I realised, that is what I saw with my own eyes and
25 that is what I'm telling you today.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:00:15] I think that we can make a break now, no?
2 Until 11.30. Thank you for the moment.
3 THE COURT USHER: [11:00:21] All rise.
4 (Recess taken at 11.00 a.m.)
5 (Upon resuming in open session at 11.33 a.m.)
6 THE COURT USHER: [11:33:24] All rise.
7 Please be seated.
8 PRESIDING JUDGE SCHMITT: [11:33:49] Mr Knoops, you still have the floor.
9 I use the time to ask Ms Dimitri or Ms Casiez how long your examination is supposed
10 to last?
11 MS DIMITRI: [11:34:06] Thank you, Mr President. It's going to be Ms Casiez. We
12 estimated a little bit - well, there's also the fact that the witness speaks Sango, so it's a
13 bit slower - around one session. Ms Casiez is ready to start whenever it's
14 appropriate.
15 However, in light of what was said today, we wanted to review some videos with
16 Mr Yekatom and perhaps add some -- make a formal request to add some videos. A
17 lot was said today about a certain number of meetings. So she's -- she's ready to start
18 and do a substantial part of her examination, but we will have a part that we need to
19 review, address with Mr Yekatom, and perhaps address with the witness with
20 additional material.
21 PRESIDING JUDGE SCHMITT: [11:34:57] Yeah. I think since we have to finish
22 today at -- at least at 3.30, it also, for the benefit of you.
23 And I don't assume Mr Knoops will finish in this session. Or do you?
24 MR KNOOPS: [11:35:16] I'll try, Mr President, but I might have (Overlapping
25 speakers)

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:35:19] Okay. Then -- then forget what I have
2 said. Then -- then we wait what's going to happen. So then we have a slight hope,
3 so to speak, that we can finish with the examination of this witness today.

4 MR KNOOPS: Yes.

5 PRESIDING JUDGE SCHMITT: [11:35:27] So please, Mr -- then without further ado.
6 And we will shorten the lunch break half an hour. I can already announce that.
7 Please, Mr Knoops.

8 MR KNOOPS: [11:35:42] Thank you. Thank you, Mr President.

9 Q. [11:35:45] Hello, Mr Dana.

10 Mr Dana, just before the break we spoke about the -- the activities of the coordination
11 and you mentioned the -- the incident of Siro.

12 Now in your statement you've given to the Office of the Prosecutor in 2016, you
13 describe in paragraph 85 that, in light of the absence of a detention facility at that time
14 in Bangui, the -- sometimes the individuals who were responsible for theft of vehicles,
15 or any other misdeeds, were brought to the coordination and then handed over to the
16 Sangaris forces.

17 Can you briefly explain to the Chamber how this happened, how this went. What
18 was -- was there a specific procedure in place which was set up by the coordination?

19 A. [11:37:16] I believe that if someone -- if we apprehended someone who had
20 stolen a vehicle we'd call the police, because we didn't have a detention centre or a
21 place to keep them. We would hand them over to the police or to the gendarmerie.

22 Q. [11:37:37] Mr Dana, was this decided by the coordination how to do -- how to
23 operate in such a situation? Was this part of the discussions of the coordination
24 meetings how to deal with people who were not real Anti-Balaka and misbehaved?

25 A. [11:38:19] Indeed.

1 Q. [11:38:21] You describe in your statement that at a certain moment there was a
2 fake Anti-Balaka element using a bakery as a base near Benz-VI, which created
3 problems and harassed civilians in the neighbourhood. And you -- you drove there
4 and chased them away and closed the bases. Can you remember which time frame
5 this happened? Was it before the Azimut meeting of this morning you mentioned
6 with the photograph of after the Azimut meeting?

7 A. [11:39:38] I don't remember the date specifically. When my elements were
8 keeping an eye on a house close to the *lycée* de Miskine, if the house belonged to a
9 Muslim person - I believe the house is still intact - it was being watched over my
10 elements, and the Balaka who were on the Benz-VI road -- well, there were two bases
11 that we disassembled. The elements would deal with conflicts or disagreements,
12 even marital agreements, so that's why I went. I dismantled those bases.

13 Q. [11:40:39] Was this -- were these type of incidents discussed within the
14 coordination and decided how to act upon?

15 A. [11:41:15] In the meetings of the coordination, there was question of improving
16 the image of the Anti-Balaka. There was a clear distinction between the Anti-Balaka
17 who had come from the provinces, the real ones and the fake ones. So the real
18 Anti-Balaka, if they were confronted with that kind of problem, would have to deal
19 with it. And if it was necessary, they would hand over the wrongdoer to the police.
20 That was decided within the coordination.

21 Q. [11:42:00] Mr Dana, why was your intervention of -- of that of your colleagues of
22 the real Anti-Balaka necessary to apprehend individuals who were responsible for
23 creating disorder, misdeeds, and why didn't the police or the gendarmerie not
24 directly intervene? What was the purpose of the role of the real Anti-Balaka in
25 suppressing disorder in Bangui at that time?

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 A. [11:43:08] Thank you. At that time the police officers were afraid of the
2 Anti-Balaka. They were afraid of the Anti-Balaka. The Defence and security forces
3 were afraid of the Anti-Balaka. They were afraid to arrest them.

4 Q. [11:43:50] Can you recall or you have information whether the transitional
5 government, at that time led by Ms Samba-Panza, was aware that, instead of the
6 police and the gendarmerie, the real Anti-Balaka, amongst whom you, performed
7 this -- these actions and they accepted that the real Anti-Balaka performed this role in
8 replacing the police and the gendarmerie in this respect?

9 PRESIDING JUDGE SCHMITT: [11:44:38] Ms Struyven.

10 MS STRUYVEN: [11:44:41] Again, I don't think that this witness can testify to the
11 fact that a transitional government accepted or not a certain fact.

12 PRESIDING JUDGE SCHMITT: [11:44:51] Yeah, the witness can be asked if he has
13 any knowledge about that. So, you know, it's always a matter of wording.

14 MR KNOOPS: [11:44:59] I can also rephrase it. But, of course, if the witness says he
15 was at the coordination meetings, I can ask him also.

16 PRESIDING JUDGE SCHMITT: [11:45:07] Yes, please do it specifically. Thank you.

17 MR KNOOPS: [11:45:09]

18 Q. [11:45:10] Mr Dana, do you have information that during the coordination
19 meetings it was mentioned that the members of the transitional government were
20 well aware of your role in substituting the police and the gendarmerie in the activities
21 as you just described, apprehending fake Anti-Balaka and intervening to suppress
22 disorder?

23 A. [11:46:07] Thank you. At the coordination meetings we were asked, we the
24 leaders, to do all we could to eradicate the fake Anti-Balaka who were committing
25 exactions in the capital, and that could facilitate the rehabilitation of the authority of

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 the state. We had to rehabilitate the work of the government -- the work of the
2 transitional government. So in places where there were a group -- groups of fake
3 Anti-Balaka, it was the duty of real Anti-Balaka to hand them over to law
4 enforcement. So the objective was to help the transitional government lead the
5 country.

6 So for us, the real Anti-Balaka, once we had an opportunity to arrest fake Anti-Balaka,
7 we did so. We arrested them and we handed them over to the police.

8 Q. [11:47:32] Mr Dana, can you recall whether in the coordination meetings you
9 attended the coordination also addressed the subject of the billeting of the
10 Anti-Balaka? In specific, the fake Anti-Balaka. And if so, what was the objective of
11 the coordination in this regard?

12 A. [11:48:21] Thank you. The objective of the coordination at the time was to
13 establish a group that would be responsible for going back and forth amongst the
14 various bases where the real Anti-Balaka were, that way they could locate the bases
15 and know the leaders running those various bases. So they made an inventory, so to
16 speak, of the bases of the real Anti-Balaka. So if there were problems or things to be
17 dealt with, it would be possible to have the leaders deal with a number of problems
18 so as not to tarnish the image of the real Anti-Balaka.

19 Q. [11:49:26] Mr Witness, I'm now going to show you a document, which is in our
20 Defence binder tab number 2, with CAR-OTP-2025-0362.

21 And my first question will be whether you recall having seen this document before
22 today in the context of the coordination meetings?

23 A. [11:50:27] This is the first time I've seen this document. It's the first time.

24 Q. [11:50:35] It has the date of February 2014. And I would like to ask you,
25 Mr Dana, to look at the page 0364, the fourth last sentences of this document, running

1 to 0365, the first three paragraphs.

2 So first page 0364 at the bottom of this document, starting with "*Avec*".

3 No, it's the previous page first, the previous page, 0364. Yes.

4 If you scroll down and you see there: (interpretation) "With the generalisation of the
5 'Anti-Balaka' movement this component of the Central African Republic public
6 victims of the Seleka, lack of control was seen amongst the ranks of the Anti-Balaka
7 and knowing that many criminals and deviants have joined the ranks of the
8 movement."

9 (Speaks English) This was put into writing in February 2014.

10 Can you confirm whether this was also your experience when you returned to Bangui
11 in 2014? In other words, can you subscribe to this observation by the coordination?

12 A. [11:53:11] When we got to Bangui -- and I'll speak for myself. When I got to
13 Bangui I met some of my brothers who were already, yes. Those who joined us in
14 Bangui, I'm talking about those who had left the provinces and came to Bangui, we
15 were not able, we didn't have the possibility to know which house was the residence
16 of a minister or a Muslim, whether there were possessions in a house or not. We
17 were not in a position to know those things. It was the ones who were in Bangui, the
18 Anti-Balaka there, who could identify the houses of dignitaries to commit those
19 crimes. We who had come from the provinces, we were not in a position to do that.
20 We couldn't.

21 Q. [11:54:16] Can you confirm that when you returned to Bangui you got
22 information within the coordination that there were Anti-Balaka which were beyond
23 the control of the coordination?

24 A. [11:54:53] Thank you. The information I -- well, I didn't receive that
25 information from the coordination. Rather, it was thanks to my experiences when I

1 would visit Anti-Balaka leaders in their bases. I would see some elements who had
2 joined the movement in Bangui. Those were the ones who had the information and
3 they began to go to various houses to take various things. People would come with
4 their complaints to the coordination, and at that time the coordination realised that
5 the Anti-Balaka members were growing more numerous and the coordination tried to
6 establish measures to solve this problem.

7 Q. [11:56:03] But you would agree, Mr Dana, wouldn't you, that there were
8 individuals also within your base which were beyond control, and yet complaints
9 were received about the behaviour, such as Mr Mazimbelet, which you indicated in
10 your statement in the paragraph 75 and 78?

11 A. [11:56:54] Thank you. It must be acknowledged that he was not one of my
12 elements. He was the leader of a base just like me. He had a base that belonged to
13 Benjamin, and then there was my base, and behind me there was the base of
14 Mazimbelet. So he too had -- led another group. Myself, I had any elements at my
15 base and I had a list of them. I commanded my elements and I advised them, I gave
16 them advice. I assigned some of them to ensure the protection of certain houses. I
17 was protecting the houses in Miskine, and up until today that house is still standing.
18 The metal sheet roofs weren't removed, nothing like that. The Muslim -- the Muslim
19 came back, Kasim (phon), he came back and his house was there, fine. He took
20 refuge in Cameroon, but then he came back. So my elements protected that house.
21 And with the money I received from that Muslim person, I was able to buy food for
22 my elements, so that is what I did.

23 Q. [11:58:42] Thank you. Mr Dana, it's not an accusation at all from my side to
24 you. I just noticed in your statement, in paragraph 74, that you say that the chiefs
25 under Benjamin and myself were Mr Patrick -- Mr Orofei and Mazimbelet.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 So you acknowledge that he was at that time a chief under your authority, and yet a
2 lot of complaints were filed against his behaviour and that of the elements. And my
3 question is: Do you acknowledge that there were elements in the Anti-Balaka who
4 were beyond the control also of you?

5 A. [12:00:05] Thank you. Mazimbelet, like me, was a chief in the zone of Mandaba.
6 There were three chiefs. There was Benjamin. After Benjamin, there was myself.
7 And after me, more towards the house or the residence of the president, there was
8 Mazimbelet, who led -- who had his base there. So we were all under the
9 coordination of Ngaïssona. Mazimbelet was not under me. He too was a chief.
10 He was a soldier. I am a civilian. Benjamin was a civilian.

11 PRESIDING JUDGE SCHMITT: [12:01:13] Yes.

12 MS STRUYVEN: [12:01:15] Thank you, Mr President. Maybe just for the record,
13 the witness made a correction to paragraph 74 in this sense.

14 PRESIDING JUDGE SCHMITT: [12:01:24] Perhaps you can repeat it, what he --

15 MS STRUYVEN: [12:01:26] Yeah, so -- because the original phrase was "*Les chefs*
16 *placés sous mon autorité*", and he changed that into -- he made a correction to his
17 statement when he reread it during the familiarisation process, and he made it to say
18 (Interpretation) "The chiefs under the same group as myself are ..."

19 PRESIDING JUDGE SCHMITT: [12:01:49] Okay. So I think that explains it a little
20 bit, I would say.

21 So I think we can continue from there, Mr Knoops.

22 MR KNOOPS: [12:01:57]

23 Q. [12:01:57] Now, Mr Dana, this was a short sidestep. I would like to go back to
24 the document I started with, the Defence tab 2, still in the context of the subject of the
25 billeting of the Anti-Balaka.

1 If we could go to page 0365 of this document, the second paragraph.

2 Yes. Could you please read, Mr Dana, the second and the third paragraph, starting
3 from "*Pour freiner*", et cetera (Interpretation) "To stop ..."

4 (Speaks English) Thank you for reading this, Mr Dana.

5 Now my question to you is: Can you concede that this was one of the topics which
6 was discussed within the coordination, the necessity to start with billeting the
7 Anti-Balaka and a call upon the government to start that operation?

8 A. [12:04:45] Thank you. You're talking of billeting. I started hearing about
9 billeting when the deputy coordinator Maxime Mokom arrived. A list of

10 Anti-Balaka elements started being prepared. I had the previous lists with me and
11 others also brought their own lists.

12 At that time, it was coordinator Ngaïssona who was taking care of the Anti-Balaka.

13 And during a meeting, he stated that taking care of the elements should not only be
14 the responsibility of Mr Ngaïssona and that we should start a process with the

15 government to look for a decision to start taking care of them. It would be necessary

16 for the government to try to take the Anti-Balaka who have come to the town from

17 the provinces, because they arrived in Bangui without family, they did not have any
18 lodgings, and that prompted some of them to start carrying out exactions, thefts and

19 other things, as well as robbery. And to avoid that, they had to be billeting.

20 But before that, during all the meetings that we had, no one was talking about

21 billeting. It was after the arrival of Maxime Mokom that we started bringing

22 together the various lists. It was the secretary, whose name was Judicael. He was

23 also in exile. Then he was at the residence of the coordinator. It was there that he

24 started drawing up the overall list of the Anti-Balakas and it was thereafter that

25 people started talking about billeting, that is after the arrival of deputy coordinator

1 Maxime Mokom with the other list, and then he started working together with the
2 national coordinator.

3 Q. [12:07:39] Mr Dana, were you aware that Mr Ngaïssona presented ultimately
4 this plan, this suggestion of the coordination to the transitional government and the
5 international forces at that time present in Bangui? And if so, what was the response
6 of those state institutions and the international forces to the proposal of the
7 coordination to start billeting?

8 A. [12:08:50] Talking about billeting with the government and international
9 partners, in any case I have told you that we started that -- that I started hearing about
10 billeting after the arrival of Maxime Mokom in Bangui. He went to the residence of
11 his excellency Ngaïssona. And in any case, I would like to point out here that I was
12 referring to Mr Ngaïssona as "his excellency" because he was a minister. It was only
13 after that I started talking about him as coordinator. But before the arrival of
14 Maxime Mokom, people were not talking about billeting.
15 To say that there were meetings with international stakeholders to talk about billeting,
16 no, I never heard that he had any meetings with national and international
17 institutions to talk about initiating billeting. I have never heard anything about that
18 at that time.

19 Q. [12:10:27] Can you remember, Mr Dana, that at that period in time the
20 commander of the Sangaris forces openly accused the Anti-Balaka of being the
21 enemies of the peace and that Mr Ngaïssona responded to this allegation publicly in
22 the press?

23 A. [12:11:20] Thank you. Talking about what you have just said, I would like to
24 give you this answer. At the time that the Sangaris considered us as enemies of
25 peace, it was when Maxime Mokom had joined the coordination and was at the

1 residence of his excellency Ngaïssona. As you know, the Sangaris soldiers
2 considered Ngaïssona as a member of Bozizé's family. Maxime Mokom, when they
3 realised that he was present, they themselves knew that Maxime Mokom was one of
4 Bozizé's nephews. As a result, all the -- they felt that all the actions of the
5 Anti-Balaka had the objective of bringing back Bozizé. That is how they started
6 proceeding with the arrests of the Anti-Balaka. That is what led to the
7 transformation of the Anti-Balaka movement into a political party.
8 It was not possible to continue fighting, so everyone was asked to join the PCUD
9 political party so that the Anti-Balaka should not continue to be considered as
10 Bozizé's elements. They were considering us as Bozizé supporters who were
11 fighting for the return to power of Bozizé. It was at that time that there was a split.
12 There was a coordination led by Ngaïssona and another part decided by Mokom.
13 That is when the terms "Anti-Balaka Ngaïssona wing" and "Anti-Balaka Mokom
14 wing" started being used.

15 Q. [12:14:14] Is it your evidence, Mr Dana, that the establishment of the PCUD
16 was -- had a purpose to -- to distance the Anti-Balaka from Mr Bozizé?

17 A. [12:14:47] Thank you. The creation of the PCUD, well, let me tell you this.
18 We were not working for the return of Mr Bozizé. It is for that reason that that
19 political party was set up, in order to take over power legally. There was a split.
20 Some people were in favour of the political party while others preferred to remain in
21 the struggle to wait for President Bozizé. I am there -- I'm here to describe to you
22 how things happened, how they started. I myself took part in those meetings. It
23 was not someone else who told me what I'm telling you in this Court today.

24 Q. [12:15:56] Why, Mr Witness, did you -- what you described earlier in this Court,
25 you opted ultimately, in I believe 2015, to follow the steps of Mr Mokom who was in

1 favour of continuing with self-defence, the path of self-defence. I think that's the
2 way you mention it in your -- your evidence.

3 A. [12:16:48] In my statement, if you look at it correctly or closely, in the process of
4 transforming the movement into the political party, I was on Mr Ngaïssona's side.
5 You have to look closely at my statement. All of us were for an end to the hostilities
6 and we chose the creation of a political party.

7 Subsequently, people started arresting the Anti-Balaka. And at one point, the
8 French -- it was said that the French ambassador had informed the coordinator that
9 everyone who went to Nairobi would be arrested. It was then that we preferred to
10 stay with the coordinator. And we organised a meeting in the office of
11 General Mokoko in order to set up the general coordination in the presence of the
12 representative of President Denis Sassou Nguesso. It was at the centre of the town,
13 and it was at that time that I chose to join the Mokom wing.

14 But from the beginning, everyone was for an end to the hostilities before -- because
15 we were not fighting for the return of Bozizé. We created the PCUD at the 20,000
16 place stadium. I was present myself, even photographs were taken.

17 It was after the return, after the meeting of Nairobi that I joined the Mokom wing.
18 You can see that in my statement. That is what I have just told you.

19 Q. [12:19:07] Yes. Yes, thank you, Mr Dana.

20 Did you hear, at that time or later, that the reason why Mr Ngaïssona didn't go to
21 Nairobi was that he was advised by also the international community that one was
22 afraid that in Nairobi an attempt would be made to set up a new transitional
23 government which destabilised the government at that time, and that was the real
24 reason why Mr Ngaïssona didn't go to Nairobi? So not that he was afraid to be
25 arrested.

1 A. [12:20:19] I was at the residence of Minister Ngaïssona when he was called by
2 the French ambassador. All the delegations that had to travel to Nairobi to meet
3 Bozizé, Djotodia and Nouredine were supposed to be arrested at the airport. "Sir,
4 you should not take the plane." After the conversation, he called Konate. Konate
5 was supposed to go to Nairobi like the others.
6 Konate withdrew. Mokom, Azinou, Feikouma, Chiki Chiki, who was brought from
7 Berbérati, a passport was issued for him and they took the plane and travelled. So in
8 all the meetings that were held after their departure, it was being said that upon their
9 return they would be arrested. At that time I was still Ngaïssona's
10 coordinator -- coordination, because the French ambassador had said that if he had
11 travelled he would be arrested. And that is why he did not travel. It was the same
12 thing for Konate. So it was not because of a discussion to change the government.
13 So that's why there had to be -- later on there was the question of a new coordination
14 where Mokom and Kokaté were battling for the presidency, so it was not because the
15 international community -- in fact, it was the French ambassador who called him, and
16 the name of that ambassador was Charles Malinas. He used to call him regularly.

17 Q. [12:22:28] Mr Dana, thank you so much for the information. Can you recall
18 that when you followed Mr Mokom after Nairobi, what was the reason why you
19 followed him, despite that you were in favour of the establishment of the PCUD?
20 Because there's evidence before this Court that Mr Mokom was against the
21 transformation of the Anti-Balaka into a political party, that's to say the PCUD.
22 Were you -- did Mr Mokom offer you something which Mr Ngaïssona couldn't give
23 you?

24 A. [12:23:49] I believe that I collaborated with Mokom. And ever since our
25 collaboration, what coordinator Ngaïssona -- what he did for me, even if you divide it

1 by five, Mokom would not have done even one-fifth of it. Mokom did not give
2 anything to me, even a needle. What Ngaïssona did for me is very much more than
3 what Mokom did or could have done for me. It was not for material reasons that I
4 left.

5 After the report of the Nairobi meeting, and as I have said in my statement, those who
6 were leading us had their agendas and they were using us as pawns. We were not
7 very much aware of that, and it is for that reason that the Anti-Balaka movement
8 found itself where it was. Ngaïssona had his vision, whereas Mokom also had his
9 objectives or his own vision. Each one was trying to denigrate the ambitions or
10 projects of the other ones. They had different views.

11 Mokom, for his part, wanted the movement to be integrated into a DDR movement,
12 but having worked for him as an accounting officer with Mokom, I worked with him
13 and I know everything that did -- that he did. But in my statement I said that they
14 had their hidden agendas and I came to know about it when the CPC was created,
15 that is when we understood. The person who showed me the document drafted by
16 Ngaïssona and signed by Ngaïssona who took the -- who pledged to support
17 Samba-Panza, it was Mokom. He presented that document to us in a meeting and
18 told us how we were being arrested, why the Anti-Balaka were arrested, why Andjilo
19 was being arrested.

20 And Andjilo had been arrested, that meant that it would be our turn next. It was for
21 that reason that I left the political party to join the Mokom wing. It was not for
22 material reasons. He never gave me a single penny. He told us how things had
23 happened and that is why I took the decision to withdraw. I wanted to remain
24 within the framework of the self-defence movement so as to have a hope of
25 integrating the DDR programme.

1 I believe that right up to the elections, up to the end of the transitional period, I
2 realised that things were not going well, so I took my weapons, I went into the DDR, I
3 dismantled my group, and I sent away my elements to their various villages so that
4 they could continue their activities. So I am responsible for this. I assume that
5 action. And if you have further questions on that matter, I'm ready to answer.

6 Q. [12:27:49] Thank you very much, Mr Dana.

7 Were you aware, Mr Dana, that at the time you joined the wing of Mr Mokom, which
8 as you told the Court yesterday was in favour of the end -- you said at transcript
9 page 69 on 4 April, "continue [the] path of self-defence."

10 Were you aware that Mr Mokom filed in 2015, after Nairobi, a complaint against
11 Mr Ngaïssona, and also Mr Ndomate, at the Office of the Prosecution in Bangui,
12 where he accused Mr Ngaïssona of the fact that, by establishment the PCUD, he
13 committed treason to his country?

14 It's, for the Chamber and the parties and participants, it's in our Defence binder tab 23,
15 CAR-OTP-2093 at 0326, the first three paragraphs.

16 I assume that you were at that time already part of the wing of Mr Mokom.

17 Were you aware that Mr Mokom filed this complaint to have Mr Ngaïssona
18 prosecuted for treason because he established the PCUD?

19 A. [12:30:40] Thank you. I'll give you the following answer:

20 At the time when this topic was being discussed, it was when Mokom was in Nairobi.
21 He came back to the CAR and he was not arrested. You must understand this fully.
22 Before -- after that, we, the Balaka who had followed Ngaïssona, we asked ourselves,
23 "We were told that the ones in Nairobi were supposed to be arrested. Why weren't
24 they arrested?"

25 So people started to -- people started to leave and go back to Mokom. That is when

1 the split took place between Mokom and Ngaïssona. I believe the complaint arose
2 from the dissent or the misunderstanding between Ngaïssona and Mokom. Because
3 when Mokom was still in the coordination, it was Ngaïssona who took the money out
4 of his pocket.

5 After the -- after Mokom's trip, he came back. He went to the bases of the
6 Anti-Balaka and gave out money. So there was this split. Rather than the two
7 groups coming together, they separated. They splintered. The decision was to
8 have a single coordination so as to take power. Ngaïssona had his objective, which
9 was to make the movement into a political party since there were many of us. We,
10 Anti-Balaka, during the election we were to vote for him. Mokom's plan was that
11 François Bozizé should come back. So, you see, that was the cause of the problems
12 that we had.

13 Later on I realised that, I realised that when Bozizé came and the -- the CPC was
14 created, I found out where the problem came from. Before the separation, the
15 person who was the mediator between Ngaïssona and Mokom said that there had to
16 be reconciliation because they were close relatives, so to speak. And on the day of
17 the reconciliation I was asked not to come to the meeting because I was not part of
18 their ethnic group. So they held their meeting, they reconciled. Mokom said to
19 some people that he, Mokom -- well, no, Ngaïssona could pardon all the Anti-Balaka,
20 but he, Mokom, Ngaïssona could not pardon Mokom for that.

21 So there was a meeting to reconcile them, and after that they reconciled. And on the
22 basis of that, the complaint was withdrawn. And during the meeting Mokom
23 presented the document that Ngaïssona had signed with President Samba-Panza and
24 each -- well, there was denunciation, there was money that was being split up, and
25 when he came back from Nairobi, he came back with money and there were claims

1 for the -- a share. And really, the problems between the two, only they can tell you
2 about that.

3 PRESIDING JUDGE SCHMITT: [12:35:24] Ms Struyven.

4 MS STRUYVEN: [12:35:27] Just a translation issue. A very small one. At page 52
5 of the English, lines 24 in the French, it said: "We, Anti-Balaka, during the election we
6 were to vote for him." In the English it was translated as "weren't we were to vote
7 for him." And because it's quite important, I want to make sure that it's --

8 PRESIDING JUDGE SCHMITT: [12:35:50] Okay. Thank you very much.

9 Mr Knoops, go ahead.

10 MR KNOOPS: [12:35:52]

11 Q. [12:35:53] Mr Dana, thank you for the explanation.

12 Now, I've read your statement very carefully, and my question to you is: Was one of
13 the maybe not ultimate reasons why you ultimately supported Mr Mokom not related
14 to the fact that you intended to, with your colleagues, humiliate Mr Kokaté, who on
15 his way to Nairobi offered money to the elements to vote for him as a national
16 coordinator behind the back of Mr Ngaïssona?

17 A. [12:37:02] When I talk about Kokaté and Mokom, you must realise that Kokaté
18 and Mokom, and others who went to Nairobi, after their return, when they came back
19 to Bangui, it was a matter of finding a single coordinator so that the movement could
20 be efficient and effective.

21 At that time, Kokaté and Mokom, who were under Ngaïssona, each one wanted to
22 replace Ngaïssona, and so Kokaté provided money to someone, someone he was with.
23 Chiki Chiki, actually, with whom he was in Nairobi. And his responsibility was to
24 convince the others so Kokaté could become the coordinator after Ngaïssona. And
25 to convince us to abandon Mokom with that money, he bought us things to drink,

1 things to eat.

2 Now, during the voting, we found ourselves in the room. Rambo was there. When
3 he saw the tension in the room, that was not good, and he had to leave the room and
4 leave. He had to leave the room and go away. The voting was held after him.
5 The ones, us who remained, we voted for Mokom because he -- he said after the
6 voting Kokaté, we would all be taken, we would be taken to a hotel to celebrate. He
7 had acquaintances. Through him, the Anti-Balaka could see their lives change. But
8 those of us who -- who had been in the bush, we knew Mokom, so we could only vote
9 for him.

10 At that time I talked about Kokaté, so you see it was through -- it was after that
11 meeting we had the opportunity to be part of the Bangui forum. All the people who
12 were on Mokom's side were real Anti-Balaka. What -- that was what we used as a
13 strategy. What we had in mind was the possibility of speaking during the Bangui
14 forum. The quota of Anti-Balaka had been decided upon and then we went to the
15 home of a woman in 14 Villas to see how we could prepare to take part in the Bangui
16 forum.

17 We prepared, we sent a delegation to speak on our behalf during the Bangui forum.
18 During that time we were outside and that is when I talked about Kokaté.

19 Q. [12:40:46] Mr Dana, you told us yesterday about a document which was shown
20 by Mr Mokom to you to show that Mr Ngaïssona was assisting, supporting
21 Ms Samba-Panza. I would like you to look -- have a look at a document and to ask
22 you whether that document, which to be shown to you, was the document
23 Mr Mokom did show to you in Nairobi of -- or afterwards.

24 It's Defence tab 18, CAR-OTP-2101-1821.

25 Maybe the text could be scrolled down a little bit for the witness to read the full

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 document.

2 PRESIDING JUDGE SCHMITT: [12:42:56] Your question, please, Mr Knoops.

3 MR KNOOPS: [12:42:59]

4 Q. [12:42:59] Yes. Mr Dana, is this the document which Mr Mokom showed you,
5 you spoke about yesterday in the Court, to convince you or to show you that
6 Mr Ngaïssona was supporting Samba-Panza and received in return money from
7 Samba-Panza for the support of her position?

8 A. [12:43:49] Yes, the document was shown to us. The document that was shown
9 to us bore the signature of the president and his excellency Ngaïssona. It was like a
10 contract between them. He decided money had been provided to him to take care of
11 the Anti-Balaka. There was the signature of the president and the signature of his
12 excellency Ngaïssona as well. The document was shown to the cardinal,
13 Nzapalainga. They both signed the document at the bottom.

14 Q. [12:44:48] Mr Dana, was this document shown to you by Mokom during Nairobi
15 or afterwards?

16 A. [12:45:23] Well, if I can remember the date that we were at Saint Paul, that
17 would be good. I found out about that document after I left the coordination led by
18 Ngaïssona. If I remember correctly, it must have been after Nairobi.

19 Q. [12:45:48] Thank you. And can you tell us how Mr Mokom presented this
20 document to you. Was -- was he angry that Mr Ngaïssona did sign this document?
21 What was his response when he present this document? What did he tell you about
22 this document?

23 A. [12:46:36] Thank you. Mokom is like a pastor. He is involved in politics.
24 But you can't know what he's really thinking when he -- even when he's angry, he
25 may be smiling.

1 We saw the document and he gave several explanations. And this document is the
2 one that really got us angry, because something was being given to us, fuel, food was
3 given to us, but we did not get any of it. He gave examples. When the instructions
4 were given to the Balaka to leave to set up roadblocks, just because we were supposed
5 to stop Ngaïssona, that is why to place pressure we put up roadblocks so that
6 Ngaïssona should not be imprisoned. He was working in cooperation with the
7 French ambassador. He gave some details. He gave a lot of details.
8 I heard that from Mokom. We were together. We had met. I knew him. We
9 were used to one another, similarly, just like Ngaïssona. The person that I'm not
10 very close to is Yekatom. We've only met twice. The first time was -- well, the
11 second time was during the voting. But I do know Ngaïssona. I know Mokom. I
12 know the details about a certain number of things, but some things I didn't know
13 about, but Mokom explained to us about Ngaïssona. At first we said to ourselves
14 that he had taken care of us. Myself, I got money from Mr Ngaïssona. But some
15 people rose up and said why did he not say that right from the beginning? No, no,
16 he didn't want to do that right at the beginning to retain the solidarity of the
17 movement.

18 Q. [12:49:00] Mr Dana, if I were to say to you today, 6 April 2022, that a witness
19 who was part of the coordination came about this Court and testified that, in
20 July 2014 in Brazzaville, or shortly afterwards, the money -- or money given by the
21 government for the Anti-Balaka, was ultimately handed over to Mr Mokom, who was
22 supposed to distribute that money amongst the elements, since Mr Ngaïssona left at
23 that time already with the plane of Samba-Panza. And that he, Mr Mokom himself,
24 embezzled part of the money which, as you say, you were entitled to as a real
25 Anti-Balaka.

1 PRESIDING JUDGE SCHMITT: [12:50:22] I think we stop the question here because
2 it becomes too long.

3 So the essence is, Mr Witness, there was a witness before this Court who said that part
4 of the money had been embezzled by Mr Mokom. To shorten -- to shorten it.
5 Were you aware of that?

6 THE WITNESS: [12:50:59](Interpretation) Yes. This story began when he went to
7 Brazzaville. At that time, 12 Puissances was there. So it was in the absence of
8 Mokom that his excellency said that it was Mokom who had the money and he had
9 gone off with it. That day, everyone was furious.
10 A while after, Mokom had left, and that was for health reasons. Then he came back.
11 We dealt with the problem at the residence of Mr Ngaïssona. Mokom was there.
12 He openly said that when he had been given money, he had handed over all the
13 money to his boss. Mokom had given that explanation in the presence of everyone.
14 He had stated that he had handed the envelope over to his excellency Ngaïssona.
15 He didn't even know what the amount was.
16 He added that they had been up to something when he was away, but when he was
17 back the truth had to be told. That day that was it. It was over. No one talked
18 about that money after that, because he had been accused of something in his absence
19 and, when he gave his explanation, there was no reaction.

20 PRESIDING JUDGE SCHMITT: [12:52:46] Mr Witness, did you believe Mr Mokom
21 at the time?

22 THE WITNESS: [12:53:07](Interpretation) I believe that, because when he came to
23 give his account of what happened, and if the coordinator knew that it was Mokom
24 who had embezzled the money, he would have said so. Yet he openly said that he
25 had handed over the money to the coordinator before going to get medical care.

1 Then he had come back and the coordinator had to tell the truth once he was back.
2 So during that meeting there was no other reaction, no follow up. The whole thing
3 ended right there, abruptly.
4 When he was away, yes, he was accused of pocketing money. But when he came
5 back and he gave his account of what had happened, there was no reaction. No one
6 contradicted him.

7 MR KNOOPS: [12:54:04]

8 Q. [12:54:04] Were you aware that Mr Ngaïssona, after he discovered that money
9 was embezzled and he, Mr Ngaïssona himself was accused of embezzlement, that he
10 gave a press release asking evidence to be shown that he actually had received the
11 money, and that afterwards all the Anti-Balaka elements understood that he,
12 Mr Ngaïssona, did not embezzle any money given to the Anti-Balaka?
13 Were you aware of this response of Mr Ngaïssona? And this is brought before this
14 Court into evidence.

15 A. [12:55:16] It's probably a statement about another amount of money, not the
16 money concerning the Brazzaville meeting.

17 In any event, when it comes to the money and the Brazzaville meeting, there was
18 no -- nothing on the radio about that. I am educated. I can read and write. If
19 there had been a press release, I would have read it. I would have kept it in my files.

20 PRESIDING JUDGE SCHMITT: [12:55:49] Yeah, I think it's -- no, two things about
21 that. I -- we did not intervene. We had this matter before with the -- let's say,
22 alleged -- alleged embezzlement by whomever of money. But the case is not about
23 embezzlement. So I think we have -- I think we can stop here. And we have
24 different -- different evidence on that, so I think we should not -- we should not
25 intensify that too much here.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [12:56:20] Thank you, Mr President.

2 Just two remaining questions before the lunch break, and then I can terminate my
3 examination. So if the Court allows me to --

4 PRESIDING JUDGE SCHMITT: [12:56:29] Of course. Yeah, yeah, yeah. Good.
5 Please.

6 MR KNOOPS: [12:56:40]

7 Q. [12:56:40] Mr Dana, could you confirm that after this incident we just discussed
8 with Mr Mokom, he never returned to any of the coordination meetings?

9 A. [12:57:06] Could you rephrase your question.

10 Q. [12:57:11] Could you confirm that after the incident about the embezzlement
11 and the accusations against Mr Mokom, he never returned to the coordination
12 meetings again?

13 A. [12:57:44] You're talking about coordination meetings. Yes, Mokom took part
14 in them.

15 PRESIDING JUDGE SCHMITT: [12:57:53] Allow me, Mr Knoops.

16 But the question was, Mr Witness, if he continued to take part in these coordination
17 meetings after the incident, so to speak, with the alleged embezzlement.

18 THE WITNESS: [12:58:26](Interpretation) Yes, Mokom continued to take part in the
19 meetings, the coordination meetings. His departure, or his non-participation in
20 coordination meetings, began when it was decided to transform the movement into a
21 political party.

22 MR KNOOPS: [12:58:51]

23 Q. [12:58:52] Okay. Mr Witness, my final question would be for today, and I think
24 it's maybe a question which at the end of my examination is relevant for our case.

25 It's paragraph 94 of your statement given in 2016 to the Office of the Prosecution.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 We can maybe pull up the statement. That's tab 21 of the French translation of the
2 statement, CAR-OTP-2031 -- and the French version, it's paragraph 94. The last
3 three --

4 PRESIDING JUDGE SCHMITT: [13:00:12] Mr Witness, please -- please read this
5 paragraph. This is part of your former statement. And I think you -- you are a very
6 intelligent person, you will read quickly through it.

7 And, Mr Knoops, what is your question on that?

8 MR KNOOPS: [13:00:31] Yes.

9 Q. [13:00:31] concerns the last three sentences:

10 "[The] Real Anti-Balaka started using control of the situation [in Bangui].

11 [Mr] Ngaïssona did not know the identity of all real Anti-Balaka so whoever came to
12 see him introducing himself as Anti-Balaka, Ngaïssona would just believe him."

13 And my question to you is, Mr Dana, do you have information, was it your
14 experience at that time when the real Anti-Balaka were losing control of the situation
15 in Bangui, that individuals were misusing the position of Mr Ngaïssona to retrieve
16 money or to retrieve certain assistance from him?

17 A. (No interpretation)

18 PRESIDING JUDGE SCHMITT: [13:02:00] Mr Witness, could you please
19 (Overlapping speakers)

20 THE WITNESS: [13:02:03](Interpretation) Thank you.

21 Could you ask him to rephrase his question? I don't really understand it.

22 PRESIDING JUDGE SCHMITT: [13:02:23] Let me -- let me give it a try, Mr Knoops, I
23 think.

24 Mr Witness, you speak in this paragraph 94 that -- or you say that Mr Ngaïssona did
25 not know all the Anti-Balaka. And whenever a person arrived at his house and

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 introduced himself as Anti-Balaka, he believed this person. This is what you say
2 there.

3 And the question of Mr Knoops is: Did persons not belonging to the Anti-Balaka
4 take advantage of this and try to get money from Mr Ngaïssona, for example, by
5 saying they are Anti-Balaka and they need the money for food or for whatever?
6 I think now it's -- now the question is clear.

7 THE WITNESS: [13:03:25](Interpretation) Thank you.

8 Coordinator Ngaïssona. What is more, most of the Anti-Balaka, you know there
9 were many of us. There were people who would go see him, but they weren't all
10 real Anti-Balaka. Like the people heard that the Anti-Balaka were going to
11 Ngaïssona and they got some money, and they heard that this gentleman was very
12 generous, so everyone went to see him with a false identity to try to get something.
13 So a lot of people went to the home of Ngaïssona to ask him to provide elements to
14 ensure the safety of certain properties.
15 I'd like to give you the example of Patrick Orofei. He wasn't a real Anti-Balaka. So
16 Kems, for example, when he died, that gentleman went to get his elements and go
17 ensure the security of someone who was beside a church. But someone like that, he
18 could have got a badge. Was he a real Anti-Balaka? No. So that was an example
19 of people who went to see the coordinator to deceive him.

20 I know all the real Anti-Balaka, so that is the answer that I can give you. And I just
21 have given you examples of this. For example, this gentleman Patrick Orofei.

22 PRESIDING JUDGE SCHMITT: [13:05:31] Mr Knoops, this seems to be what you
23 had in mind --

24 MR KNOOPS: [13:05:33] Yeah.

25 PRESIDING JUDGE SCHMITT: [13:05:34] -- I would assume.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [13:05:34] I would like to thank Mr Dana for his cooperation. Thank
2 you, sir.

3 PRESIDING JUDGE SCHMITT: [13:05:41] Now how do we proceed, Ms Casiez,
4 Ms Dimitri? I don't want to -- let me speak it this way. I don't want to put
5 you -- put you under time pressure that you have to finish after the break, so that that
6 would not be fair to you. If you -- if you said you make it anyway, yes. If not, then
7 we can discuss further. So please what -- what would you say?

8 MS DIMITRI: [13:06:13] Thank you, Mr President. We have to adjourn at what
9 time? 3:20?

10 PRESIDING JUDGE SCHMITT: [13:06:18] Yes.

11 MS DIMITRI: [13:06:20] I must say there's very, very little hope that we'll finish --

12 PRESIDING JUDGE SCHMITT: [13:06:26] No, then -- then -- and also you said you
13 want to review.

14 MS DIMITRI: [13:06:29] Yeah, we want to review something at the lunch break.

15 That won't take a lot of time. I already reviewed some of it, so eliminated the
16 possibility of using at least one video.

17 PRESIDING JUDGE SCHMITT: [13:06:44] Yeah.

18 So let me think aloud, since I can be frank. I have a very important appointment
19 tomorrow at 11, which is not -- not a problem at all. I'm thinking out aloud. And I
20 had already said that I have only 20 minutes' time. Would be good if I had more.
21 But this is of course -- this is much more important here.

22 Perhaps we -- do at least a little bit this afternoon, so that we can be sure that we can
23 finish at 11 tomorrow.

24 Is this something we can agree upon?

25 MS DIMITRI: [13:07:18] Indeed, Mr President, this is -- this is what we -- we had

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 expected to start, so we were -- Ms Casiez was ready to start, and I think it would put
2 less pressure for tomorrow.

3 PRESIDING JUDGE SCHMITT: [13:07:26] So since we now have close to ten past 1,
4 then why not say -- say it this way, we have a lunch break at -- until 2.30, and then
5 45 minutes of questioning by Ms Casiez, and she finishes in the first round tomorrow.
6 Okay? Good.

7 Then lunch break until 2.30.

8 THE COURT USHER: [13:07:45] All rise.

9 (Recess taken at 1.07 p.m.)

10 (Upon resuming in open session at 2.34 p.m.)

11 THE COURT USHER: [14:34:30] All rise.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [14:34:49] Good afternoon, everyone. Good
14 afternoon, Mr Witness. I give Ms Casiez the floor.

15 MS CASIEZ: [14:34:57] Thank you, Mr President, your Honours.

16 QUESTIONED BY MS CASIEZ:

17 Q. [14:35:07] (Interpretation) Good day. We already met.

18 My name is Lena Casiez, and I'm working in the Defence team of Alfred Rambo
19 Yekatom. I told you the last time that I would have some questions of clarification to
20 fully understand what happened in your country.

21 My first question to you is very simple. I simply want to know whether you prefer
22 that you're called Dana or Mr Ouabiro?

23 A. [14:35:54] Both. Both of them are my names, so you could use either without
24 any difficulty.

25 Q. [14:36:06] Thank you, Mr Ouabiro Dana.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Paragraph 16 in your statement, which is tab 21 of the Prosecution binder,
2 CAR-OTP-2102-0078, you state given that I lived with the son of my aunt, a FACA of
3 Kaba ethnicity who was part of the Patassé presidential guard, you could believe that
4 I supported Patassé. And, therefore, I came (Redacted) to avoid any trouble.

5 Am I to understand, Mr Ouabiro Dana, that you were scared that people, your own
6 neighbours thought that you supported Patassé because of your ethnic background?

7 A. [14:37:34] Thank you. I think that in my statement it's clear. I was with my
8 aunt and one of his -- her sons was a soldier and his last promotion was in *Camp de*
9 *Roux*. His name was Mbay Urbain (phon). So he didn't really completely fit into
10 the army. He wasn't -- he was only one year in the army. He was protected
11 because he's one -- he was protected by somebody of the ethnic group Kaba and his
12 life was in danger just like mine. And, therefore, we were forced to leave and to
13 return to our home village for our own safety, (Redacted).

14 Q. [14:38:33] Thank you. It's clear to me now.

15 As far as you know, is it common in CAR to draw incorrect conclusions because of
16 their ethnicity.

17 For example, all the Gbaya -- sorry, correction. All the Gbaya or all the Gbaya
18 soldiers are close to Bozizé. According to your understanding as a citizen of the
19 Central African Republic, is that correct?

20 PRESIDING JUDGE SCHMITT: [14:39:08] Let it -- let it pass, please. So it's "as a
21 citizen of the Central African Republic".

22 THE WITNESS: [14:39:38] (Interpretation) I think as a citizen of the
23 Central African Republic and given the history of our country when we change
24 governments, when there was so many *coup d'états*, the first individuals who were
25 hunted down were the security soldiers of the presidential guard. That's something

1 you should know. Where I used to live there was a presidential guard present.

2 There was a sudden change in the government. So he was one of the first targets to
3 be hunted down. But you can't generalise that situation. The ethnic history, the
4 question of ethnicity is something different.

5 No, when there's a change of government, when there's a *coup d'état*, generally those
6 who are close to the president are to his security, those are people that are primary
7 targets.

8 Q. [14:40:53] Thank you, Mr Ouabiro Dana. This is an important clarification for
9 me.

10 Now, I'm going to talk about the events of 2013, 2014. Again, according to your
11 experience, during the events, were there many rumours who circulated rapidly?

12 PRESIDING JUDGE SCHMITT: [14:41:22] That is a little bit too generic, I think, Ms
13 Casiez. So rumours, what kind of rumours? So in general, I don't -- I don't think
14 that this is very promising, frankly speaking. But as it stands, it's still -- it's definitely
15 too -- too general, too generic, if you will.

16 MS CASIEZ: [14:41:48] Thank you, Mr President. I will come back to it with a
17 specific example later on the examination. Thank you for the advice.

18 MS CASIEZ: [14:42:09](Interpretation)

19 Q. [14:42:11] I'm going to change subjects, Mr Ouabiro Dana. In your statement
20 you spoke in paragraph 42 of John Rambo. And his company was sent to Benzambe
21 just like yours. And then in paragraph 114, you give the telephone number of the
22 deputy of Rambo. Am I to understand that this is the same person that you called
23 John Rambo?

24 A. [14:42:56] Thank you. I'll give you the following answer. Rambo Yekatom is
25 a different person. He is different from John Rambo. The name is Nambo Zuina

1 (phon) and it is with him I carried out manoeuvres and advanced in the area around
2 Bossangoa.

3 Q. [14:43:32] Thank you. You anticipated my next three questions by answering
4 this one. I'm going to continue on names because on Monday you spoke about
5 Mahani. This is the transcript 116, page 70.

6 Were you alluding to Mahani Constant Belfore (phon)?

7 A. [14:44:18] Mahani Constant Belfore, that is correct.

8 Q. [14:44:29] Thank you. Relating to the FACA members who were in Gobere,
9 you spoke about Ndangba Pissidi Théophile. That is in transcript 116, page 10. Do
10 you agree that later on that each time you mentioned Ndangba in your statement and
11 in your testimony, you're speaking about the same gentleman, Ndangba Pissidi
12 Théophile.

13 A. [14:45:16] In the movement, there were two Ndangbas. The first, Ndangba
14 Pissidi Théophile, who carried out manoeuvres in the Bossangoa region. There was
15 another who's Ndangba from the same family, so there were two Ndangbas. There
16 was a big brother and a little brother.

17 Q. [14:45:57] Thank you. In your statement, in paragraph 22, you state that you
18 started to call yourself Anti-Balaka when Bozizé was still in power to fight against
19 bandits along the highways.

20 Do you know if others like you, there were other groups of self-defence who existed
21 at that time to fight against the same phenomenon happening in other villages?

22 A. [14:46:48] Yes, I think there were other groups of self-defence who were fighting
23 against the high road bandits. For example, Godonam Richard was also part of the
24 self-defence group. He was in the self-defence group in Ouham. As regards
25 Bogangolo and other localities close by, there was somebody else. I don't remember

1 the name. If I remember the name later I'll give it to you. There were groups of
2 self-defence for each location or locality.

3 Q. [14:47:32] Thank you. Do you know whether other groups like you already
4 called themselves Anti-Balaka?

5 A. [14:47:54] No, they were called "anti". It's true we used the term "anti", but it
6 was Anti-Zarguina. On the other side we were called Anti-Balaka. In another
7 region they spoke about Anti-Zarguina because they were defending themselves
8 against the highway bandits.

9 Q. [14:48:32] Thank you. In paragraph 23 and 24, in your statement, you stated
10 that you heard that people gathered in Gobere with arms and with tanks and with
11 planes and that ultimately you fought with sticks and that you had lied. Am I to
12 understand that this was a rumour which was circulating amongst individuals with
13 whom you were gathered together at that moment.

14 A. [14:49:23] When we bought our fetishes in my village, after the departure of
15 President Bozizé, the Anti-Zarguina of Bossangoa, after the departure of Godonam
16 the -- the soldiers who were surrounding Bozizé decided -- decided to go to Gobere to
17 set up a group. On the way, they met Modibo, Modibo Lundi. Modibo Lundi had
18 a problem with his foot because he was dealing with the liberators in the meantime
19 and he was selling them fetishes. As they were going to Gobere, he took Mauri,
20 Mauri. And they started to walk in the bush until they came to Benzambe and
21 Gobere. Over there they set up this group which in the meantime was called
22 Anti-Zarguina, but afterwards they dubbed the group Anti-Balaka.

23 Q. [14:51:16] Thank you for your answer. Still relating to arms, I've understood
24 that you fought with sticks.

25 Could you confirm to me that the Anti-Balaka, as far as you know, did not have

1 (unclear), tanks, cannons or anti-air missiles?

2 A. [14:51:56] Yes, these were rumours that were circulating that we would see
3 tanks, that we would see war arsenals, but when we went there we were
4 disappointed because there was nothing. When we arrived in Ndjo, some
5 individuals who had left that location said that some individuals had DKN, the AK,
6 but we only had makeshift armaments. We only had knives and bladed weapons.
7 We went into the bush and then finally reached Gobere, and once we arrived there we
8 didn't see any tanks or any arsenal. Heavy armaments that we had with the DKN
9 and grenade rocket, it was these types of armaments which we had in the movement.
10 And the soldiers who with us, some of them had the AK4s. We -- the others only
11 had makeshift arms. These weapons were much talked about and they worried and
12 caused our enemies to fear us, but once we arrive in Benzambe, that we started to
13 have some conventional weapons. Gradually, as we advanced, we retrieved
14 conventional weapons which we found in order to use them.

15 Q. [14:53:57] Thank you, Mr Ouabiro Dana.

16 I'm going to change subjects now. I'm going to stop asking you about weapons. I
17 would like to know what was happening in your group. You said on two occasions
18 that there were Muslims in your group and I understood that you said that the
19 conflict was not to get Muslims against Christians and that you were all Central
20 Africans. I'm going back to the three days that precedes 5 December when all the
21 company asked for the blessing of guard. And this is the transcript, 116, page 42.
22 The Muslims in your groups, did they respect the fasting as well?

23 A. [14:55:15] Thank you. When we had this moment of prayer, everybody was
24 involved, everybody observed this fasting. Everybody who was present observed
25 this moment of fasting. No one was excluded.

1 Q. [14:55:47] Thank you for your answer. When someone came into your group
2 into the Anti-Balaka movement, did they take an oath on the bible if they were
3 Christian or on the Koran if they were Muslim?

4 A. [14:56:29] All who wanted to become into the Anti-Balaka movement, it wasn't a
5 question of taking another on the Koran or the bible, no. What was important were
6 the fetishes. The fetishes -- with this fetish, you could protect yourself against this or
7 that matter, but be careful. If you do not respect the requirements, you'll never get
8 out. These were the type of explanations. It's really only concentrated on the
9 fetishes.

10 Q. [14:57:14] Thank you. I have two questions which deals with telephones. In
11 paragraph 66 of your statement, you said that you didn't have a cell phone. And in
12 paragraph 40, you said a few people had cell phones. No one had any in my
13 company. I would like to know, was it because it was expensive to have a mobile
14 phone or was it because everybody was scared of spies and mobile phones were not
15 permitted?

16 A. [14:58:12] As regards telephones, only the chiefs could use them. An element
17 who was caught with a cell phone would be suspected of betrayal, was regarded as a
18 traitor. No element had a cell phone. Well, some could use a telephone in order to
19 call and give their location because we were being attacked everywhere.
20 The telephone, carrying a cell phone was not permitted for reasons of security of the
21 group. That is why only the chiefs could use a cell phone to enable them to
22 withdraw or to call when necessary.

23 Q. [14:59:16] Thank you. I understand. So the chiefs who could use the
24 telephones, you were saying they had to withdraw. I understood from your
25 statement and from your testimony, but could you confirm, that they withdrew to

1 look for a network because there wasn't a lot of coverage and the mobiles frequently
2 cut? Is that correct? Is that correct what I'm saying?

3 A. [14:59:59] Yes, but only the chiefs knew where the telephone network was so
4 they looked for spots where there was coverage. No one else was in a position to
5 know. Only the chiefs would go away, make a call, and then they would come back.
6 They would come back and tell us what was what. That's what happened.

7 Q. [15:00:42] Thank you, Mr Ouabiro Dana. I'd now like to talk about the time
8 when you were in the bush up to 5 December. I've understood from your statement
9 that you suffered when you were in the bush, but I'd like to ask you a few questions
10 so that we can better understand what you experienced. You said that in Gobere
11 you spent the night sleeping on leaves and there was no shelter and the most
12 important thing was to find a spot where you could you just lay down your head.
13 This is transcript 117, page 54, 54. Have I correctly understood the conditions you
14 were living? You had very few possessions, very few changes of clothing, that you
15 wore the same clothes from day-to-day?

16 A. [15:01:55] Yes, that's right. No one could change clothing. You just had to
17 wear the same clothing and we even started to have sort of ants crawling all over us,
18 biting us, kind of like the insects that bite -- the insects that bite cattle.

19 Q. [15:02:42] Thank you for that specific point. What did you do with your stuff
20 when it rained on rainy days? Were there losses?

21 A. [15:03:03] When it rained, we would have to stay in the rain. There was no
22 shelter. All we could do is take shelter under trees and wait for the rain to end. If
23 the sun came out, we could get warm, we could warm up. We weren't able to get
24 cows.

25 THE INTERPRETER: [15:03:32] Correction. We were able to get tarps from one

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 particular spot.

2 THE WITNESS: [15:03:39](Interpretation) And we were able to take shelter that way.

3 Only our leaders use those tarps to protect themselves against the elements. If you
4 are lucky enough to have a rain coat, you could protect yourself from the rain.

5 MS CASIEZ: [15:04:12](Interpretation)

6 Q. [15:04:14] Would you often move from one place to another? Would you sleep
7 at different locations?

8 A. [15:04:35] The only place that we spent a lot of time was Gobere, and once we
9 left we couldn't spend a single week in one single place. That was very difficult.
10 We walked and if the distance was too great we would rest somewhere. Once we
11 had rested for a while and regained some strength, we would then resume our trip
12 heading in the direction that had been indicated to us.

13 Q. [15:05:23] Thank you. Now, during this entire period, did you ever have to
14 very quickly gather up all your possessions to flee from a Seleka attack, for instance?

15 A. [15:05:53] Yes, if I remember correctly, after the first attack on Bossangoa we
16 withdrew to PK12. One of us had been shot in the head. On the third day, a trader
17 came to sell us medication. We bought the medication and started to take care of the
18 injured men. We spent two weeks there. The trader who saw us there --

19 THE INTERPRETER: [15:06:36] Correction. "The traders" in plural.

20 THE WITNESS: [15:06:36] -- reported to the Seleka. One morning they attacked us
21 12 kilometres from Bossangoa. We managed to get back to Bossangoa. We stayed
22 there to demonstrate our joy. Suddenly, they came back and they were able to drive
23 us out. That was when we scattered into the bush heading towards Ouham-Bac and
24 that is where -- that's where we had a clash with the Seleka. So that was the place
25 where we had to flee leaving behind some of our possessions.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Q. [15:07:56] Thank you. I'd like to switch to another topic, once again, before we
2 adjourn for the day. Well, I have two questions for you in this regard.

3 Could we move forward in time, because I'm talking about paragraph 65. You say
4 that after Bossangoa was captured you were able to have mission orders. Now, tell
5 me if I've misunderstood, but are you saying that you went back to Benzambe before
6 going back to Bossangoa where you truly set up operations? Now, these mission
7 orders that were written only existed once you had gotten back to Bossangoa?

8 A. [15:09:04] Could you please look at my statement carefully? We launched an
9 initial attack on Bossangoa and it didn't work. We left and went towards
10 Bossembélé and then we went back to Bossangoa. But we were not able to conquer
11 the town. We withdrew to Benzambe. Then at that time, we sent all the injured
12 people, we evacuated them. That was after Mr Djotodia had stepped down. That is
13 when we came out. When I was talking about mission orders, there was no fighting.
14 We had just gone around the town and we ended up at the airport and we set up
15 operations in *l'évêché*. There was no longer --

16 THE INTERPRETER: [15:10:05] Correct. At the bishopric.

17 THE WITNESS: [15:10:10](Interpretation) They were no longer fighting. The
18 injured and the ill were at the hospital. The road was made secure by the
19 international forces. So we took another way and we went around our enemies and
20 we were able to set up operations at that place. We were not able to organise
21 fighting. There was no fighting.

22 Q. [15:10:49] Thank you. I think I had understood things properly, but I'm glad
23 that you explained this to us in your own words. I understand about the mission
24 orders. Now, at paragraph 36 and 39 you talked about travel authorisation and
25 authorisation to be absent.

Trial Hearing
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Now, such documents only existed late in the day once you had gone back to

2 Bossangoa, once the fighting was over; isn't that so?

3 A. [15:11:33] After the attack of the 5th we withdrew to Benzambe. When people

4 began to come out, they also began to use their telephones. Some people were able

5 to get into the bishopric and began calling their relatives who were in Bangui asking

6 them if they could travel safely. Many people started to travel. It was important

7 for each Anti-Balaka who wanted to travel -- it was important to get an authorisation

8 to travel. Otherwise, you might be deemed to be a deserter and you might no longer

9 be recognised as an element. One of us had gone to Bangui without a mission order.

10 When he got back to Bossangoa, he died along the way Delmas (phon) was his name.

11 And we did not accept any responsibility because he had left without authorisation.

12 I wrote a document about Dedan's death. He was the only person for whom I wrote

13 a letter to be sent to his sister.

14 Q. [15:13:27] Thank you for telling us about that, sir. I will leave it at that for

15 today and I'll be asking you some more questions tomorrow.

16 PRESIDING JUDGE SCHMITT: [15:13:38] Thank you very much. So we -- as you

17 have heard, Mr Witness, we conclude for today and we definitely will finish

18 tomorrow relatively quickly. Thank you, again, for answering patiently the

19 questions of everybody and we wish you a good rest until tomorrow.

20 THE COURT USHER: [15:13:55] All rise.

21 (The hearing ends in open session at 3.13 p.m.)