

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 Monday, 4 April 2022  
10 (The hearing starts in open session at 9.41 a.m.)  
11 THE COURT USHER: [9:41:04] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:41:25] Good morning, everyone.  
15 Court officer, please call the case.  
16 THE COURT OFFICER: [9:41:33] Good morning, Mr President, your Honours.  
17 Second situation in the Central African Republic, 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: [9:41:49] Thank you.  
21 I ask for the appearance of the parties.  
22 For the Prosecution, Ms Struyven first.  
23 MS STRUYVEN: [9:41:54] Thank you, Mr President. For the Prosecution today we  
24 have Irina Galupa, Yassin Mostfa, Kweku Vanderpuye, and myself, Olivia Struyven.  
25 PRESIDING JUDGE SCHMITT: [9:42:05] Thank you.

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- 1 Yeah.
- 2 MR DANGABO MOUSSA: [9:42:06](No interpretation) with Mr Orchlon.
- 3 Assisted --
- 4 THE INTERPRETER: Inaudible.
- 5 PRESIDING JUDGE SCHMITT: [9:42:24] Mr Suprun.
- 6 MR SUPRUN: [9:42:26] Good morning, Mr President, your Honours. The former
- 7 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 8 Public Counsel for Victims. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:42:36] I turn to the Defence.
- 10 Ms Dimitri next.
- 11 MS DIMITRI: [9:42:40] Good morning, Mr President. Good morning, your
- 12 Honours. Good morning, everyone. Mr Yekatom, who's present in the courtroom,
- 13 is represented this morning by Ms Lena Casiez and myself, Mylène Dimitri.
- 14 PRESIDING JUDGE SCHMITT: [9:42:50] And Mr Knoops.
- 15 MR KNOOPS: [9:42:53] Good morning, Mr President. Good morning, your
- 16 Honours. Good morning, everyone in the courtroom. The Defence team of
- 17 Mr Patrice Ngaïssona today consists of Ms Chiara Giudici on my right side. And the
- 18 second row, Ms Sara Pedroso and Mr Ali Alabdali. Mr Landry is following the
- 19 hearing from the field office, and the defendant is present in the courtroom.
- 20 PRESIDING JUDGE SCHMITT: [9:43:20] Thank you very much.
- 21 And we will now start with the testimony of Mr Dana.
- 22 Mr Dana, good morning. Can you hear me well?
- 23 WITNESS: CAR-OTP-P-0966
- 24 (The witness speaks Sango)
- 25 (The witness gives evidence via video link)

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1 THE WITNESS: [9:43:53](Interpretation) Good morning. Yes, I can hear you just  
2 fine.

3 PRESIDING JUDGE SCHMITT: [9:43:56] Thank you.

4 On behalf the Chamber, I would like to welcome you to the courtroom. You are  
5 called to testify to assist this Chamber in the case of Mr Yekatom and Mr Ngaïssona.  
6 The Chamber also notes the presence of Mr Lavou, who has been appointed as legal  
7 adviser to Mr Dana pursuant to Rule 74 of the Rules of Procedure and Evidence.  
8 Mr Lavou is joining us remotely.

9 Mr Lavou, good morning. Can you hear and understand me well too?

10 MR LAVOU: [9:44:37](Interpretation) I can hear you just fine.

11 PRESIDING JUDGE SCHMITT: [9:44:40] The Chamber also notes - this is addressed  
12 specifically Rule 74 counsel - that in the Rule 60 -- potential Rule 68(3) statement there  
13 are certain paragraphs that could potentially incriminate the witness. So the  
14 Chamber tells this, the legal adviser, that you have to take this into account.

15 Do you understand me, and the implications, Mr Lavou?

16 MR LAVOU: [9:45:28](Interpretation) I understand. Yes, indeed.

17 PRESIDING JUDGE SCHMITT: [9:45:31] Okay.

18 So, Mr Dana, whenever you need -- you think there is a need to confer with your legal  
19 adviser, please let us know. There might be questions put to you that might tend to  
20 incriminate you. In these cases, you can answer the questions or can -- you can  
21 refuse to answer them. You can consult with your legal adviser for that purpose.  
22 And this also applies with regard to the former statements that you have given. And  
23 your counsel understands I think what I mean.

24 Do you also understand what I have said, that you can confer with your counsel  
25 whenever you think there is a need to do so?

1 THE WITNESS: [9:46:35](Interpretation) Yes, I understand that.

2 PRESIDING JUDGE SCHMITT: [9:46:38] Okay. Mr Dana, there should be a card  
3 on the desk in front of you with a solemn undertaking to tell the truth. Could you  
4 please read out loud the content of this card.

5 THE WITNESS: [9:47:10](Interpretation) I solemnly declare that I shall tell the truth,  
6 the whole truth and nothing but the truth.

7 PRESIDING JUDGE SCHMITT: [9:47:20] Thank you very much, Mr Dana. You are  
8 now under oath. You have already been informed by the Victims and Witnesses  
9 Unit and by the Prosecution about the importance to speak the truth. I want to  
10 reiterate that on behalf of the Chamber.

11 Before we start with your testimony, I would like to note a few practical matters with  
12 regard to your testimony. Everything we say here in the courtroom is written down  
13 and interpreted in various languages. It is, therefore, important to speak clearly into  
14 the microphone and at a slow pace. Please only start speaking when the person  
15 asking you the question has finished. When the question is asked, please count in  
16 your head to three and only then give your answer. This appears to be a little bit  
17 unnatural, but it is simply to give the interpreters the time to interpret everything that  
18 is being said. Thank you very much.

19 And we can now start with the examination by the Prosecution.

20 MS STRUYVEN: [9:48:41] Thank you, Mr President.

21 QUESTIONED BY MS STRUYVEN: (Interpretation)

22 Q. [9:48:49] We briefly met last week. My name is Olivia Struyven and I'll be  
23 asking you some questions today on behalf of the Office of the Prosecutor.

24 Now before we begin, I have one remark which is as follows: If ever my questions  
25 aren't clear or if you haven't understood the question, please don't hesitate to tell us

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1 that and I will try to rephrase the question. It's very important for you to grasp the  
2 question fully before answering.

3 As for your examination-in-chief, I'll be asking you some basic questions about your  
4 identity and then I'll ask you to clarify a number of sentences from your statement,  
5 which is rather complete. I'll also be asking you to perhaps comment on a number of  
6 documents.

7 Now, for the record, could you give us your complete name?

8 A. [9:50:27] I am Ouabiro Dana Jo-Brice.

9 Q. [9:50:40] Were you born on 21 December 1990?

10 A. [9:50:59] That is correct.

11 Q. [9:51:01] What is your ethnicity?

12 A. [9:51:15] I'm from the Mbaka-Mandja group.

13 Q. [9:51:28] Thank you. I'd now like to go over the various steps necessary for  
14 your statement to be placed on the case record.

15 Is it correct that you made a statement to the OTP in June 2016?

16 PRESIDING JUDGE SCHMITT: [9:51:55] Yeah, I think we have lost the witness for a  
17 moment so we have to wait a second.

18 So the generator has to be activated to give power and perhaps we can continue then.

19 Hopefully soon.

20 (Pause in proceedings)

21 PRESIDING JUDGE SCHMITT: [9:53:20] It may take ten minutes so it makes sense  
22 to go to -- for us to go to the deliberation room. You don't go too far away, please.

23 THE COURT USHER: [9:53:29] All rise.

24 (Recess taken at 9.53 a.m.)

25 (Upon resuming in open session at 9.57 a.m.)

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1 THE COURT USHER: [9:57:18] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [9:57:44] So this was quicker than expected.

4 Please continue, Ms Struyven.

5 MS STRUYVEN: [9:57:52] Thank you, Mr President.

6 Q. [9:57:56] (Interpretation) Mr Witness, (Speaks English) my question was, is it  
7 correct that you -- oh (Interpretation) I was speaking English just now. The purpose  
8 is to speak French.

9 Is it correct that you made a statement to the Office of the Prosecutor in June 2016?

10 A. [9:58:32] Yes, that's correct. I made a statement at that time.

11 Q. [9:58:43] And just for the record, was that CAR-OTP-2031-0241? And the  
12 translation into French is under reference number CAR-OTP-2102-0078.

13 And for most of the examination-in-chief, I'll be working from the French version of  
14 the statement.

15 Now, Mr Witness, did you make this statement voluntarily?

16 A. [9:59:42] Yes, I made the statement of my own free will, quite voluntarily.

17 Q. [9:59:54] Now, during the interview, is it correct that you waived your right to  
18 be assisted by a lawyer?

19 A. [10:00:13] Yes, that's correct. I waived my right to be assisted by a lawyer.

20 Q. [10:00:28] I understand that last week you had the opportunity to review your  
21 statement and that you made certain corrections to it. For the record, it's  
22 CAR-OTP-2135-2583.

23 Now, is it correct that this statement with the corrections that you made to it faithfully  
24 reflect what you said during your interview with members of the Office of the  
25 Prosecutor?

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1 A. [10:01:28] After reading over my statement, I realised that there were  
2 inaccuracies or errors. I pointed them out, and they were corrected. The entire  
3 statement, apart from those, is correct.

4 Q. [10:02:01] Thank you. So can you confirm that your statement is true and  
5 correct?

6 A. [10:02:25] Yes, I confirm that my statement is true and correct.

7 Q. [10:02:37] Do you have any objections to your statement being tendered into the  
8 record? In other words, would you agree that the Chamber be able to use your  
9 statement as evidence in this case?

10 A. [10:03:06] I agree.

11 PRESIDING JUDGE SCHMITT: [10:03:07] So under the condition of the corrections  
12 that have been made, conditions for Rule 68(3) are fulfilled for this statement. And  
13 in the light of the absence of any requests for Rule 74 assurances, the Chamber trusts  
14 that the witness counsel, Mr Lavou, will follow the questioning closely and raise any  
15 questions and any matters of concern. And the Chamber also trusts that if such  
16 matters occur with regard to the testimony of the witness, any potential incrimination  
17 of the witness will not be used against him in a subsequent prosecution by the Court.  
18 I think we can trust that you give this -- let's say, it's not a concrete assurance at the  
19 moment, but that you give this assurance in general at least.

20 MS STRUYVEN: [10:03:55] Yes, we do.

21 PRESIDING JUDGE SCHMITT: [10:03:57] Thank you very much. Please continue.

22 MS STRUYVEN: [10:04:16](Interpretation)

23 Q. [10:04:16] As I have already told you, you gave a practically complete statement  
24 during your interview in 2016, so I will ask for a few clarifications and show you a  
25 few documents. I would like to follow your statement. And to begin right away,

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1 I'll go to paragraph 23. And for the Chamber, I'm going to be looking at the French  
2 transcript or statement which is in tab 31.

3 Now, paragraph 23 -- and the document, once again, is CAR-OTP-2102-0079. And it  
4 is page 0083.

5 Mr Witness, my question is as follows: In the paragraph you explain that you heard  
6 a fetish seller telling you that you had to go to Gobere to defend the country against  
7 Sudanese and Chadian mercenaries.

8 My question is as follows: Can you give us the name of that fetish seller, that is, if  
9 you remember?

10 A. [10:06:12] Yes, I remember his name.

11 Q. [10:06:19] Can you tell us his name.

12 A. [10:06:29] The person who sold us the fetishes, his name is Benjamin.

13 Q. [10:06:49] Now, did he have any other role in the Anti-Balaka than to sell  
14 fetishes?

15 A. [10:07:07] When he was selling those fetishes to us, he was occupying the  
16 position of ComZone in this movement.

17 Q. [10:07:32] And did he subsequently go to Bangui or not?

18 A. [10:07:43] Yes, he also went to Bangui afterwards.

19 Q. [10:07:58] Thank you. I'll move on to the next paragraph, page 0085, and it is  
20 paragraph 28. And in that paragraph you explain that many people had already  
21 gone to Gobere when you arrived there. And you explain that: "Initially, there  
22 were only 15 FACA, who for the most part belonged to the presidential guard, as well  
23 as one policeman amongst us, the civilians."

24 Now, do you remember the names of those FACA? At least some of the names of  
25 those FACA, as well as the name of the policeman who was amongst the 15.



1 A. [10:09:13] I remember some of them, the gendarme, but the policeman in  
2 question, no, I no longer remember his name.

3 Q. [10:09:35] And can you give us some of the names that you remember, that is,  
4 members of the FACA who were in Gobere or who joined you on the way to Bangui,  
5 subsequently?

6 A. [10:10:01] Yes, I remember some of the names.

7 Q. [10:10:16] Can you tell us some of the names that you remember.

8 A. [10:10:29] There was \*the late Dedane who was a \*corporal. There was Kema,  
9 who later on became a member of parliament. There was Sol-Sol, whose name was  
10 Mandago, who joined the CPC. There was also Ndangba Pissidi Théophile. Then  
11 there was John Rambo, nicknamed Rambo. There was also gendarme Houronti.  
12 \*There was Bama Clement. There was Romain. \*There was Kpa Thibaut as well.  
13 There are certain names that I forget. There were others who joined us in Benzambé.  
14 Benchui was there. Guederan was also amongst us, and he left Gobere to join those  
15 who were in Mbaïki where Rambo was based.  
16 There is one who is deceased. He was a \*corporal from Gonyi (phon) and he was  
17 living right next to Ngaïssona's house in Bangui. Unfortunately, he is now deceased.  
18 If I remember other names, I will point them out to you later on.

19 Q. [10:13:18] I'm going to show you a document that contains certain names.  
20 Maybe that will help you remember certain names or not. And this is tab 15,  
21 CAR-OTP-2046-0628. And it is a handwritten document, and if can you simply  
22 confirm. I don't know whether you are able to see the document. There are 16  
23 names in the first part. Not the same 16 people. I don't know whether you can  
24 read, but if you remember other people that you have not mentioned who were  
25 members of the FACA or the gendarmerie, that is, if you are able to read what is on

1 that document.

2 A. [10:14:56] The number 1 that I can see here is a civilian, Andjilo.

3 Number 2, Youdjoungou Gustav. He joined the CBC -- CPC.

4 Number 3 is a civilian, Lebene Thierry, also known as 12 Puissances.

5 Number 4 is Inga. He is dead.

6 Number 5, Ouapoutou Benjamin. He was a civilian who also sold us fetishes.

7 Regarding Anga, I do not know him.

8 I do not know Yakouzou.

9 Number nine is Kems. That is a civilian. Also, he was also selling fetishes to us

10 alongside Moribo (phon), who is dead.

11 Bezouane, he was in -- Bezouane, he was in Bossembélé, towards Yaloke.

12 Deholo Marcelin is a civilian

13 And the last one, I do not know him.

14 Maybe you can scroll up a little bit so that I can see the other names.

15 There's also Konate Ivon. He was a soldier. But when we were in Gobere, he was

16 not there. He came later on.

17 Now, I can see Mokpem. Mokpem was also a soldier. He joined us later after

18 Bossangoa. He was not in Gobere, but he joined us after the Bossangoa battle.

19 Ngremangou is an officer.

20 Yekatom is the one known as Rambo. He was not in Gobere, he was part of the

21 Boeing contingent.

22 Wenezoui was also from Boeing.

23 Yagouzou Sylvestre is already dead.

24 Now, Mazimbele, he also was not in Gobere, he joined us later. He's also deceased.

25 Bama Clement, I've already mentioned him.

1 Ndangba Théophile, also I have already mentioned him.

2 Please, if you can scroll up again so I can see what is on the rest of the list.

3 MS STRUYVEN: [10:18:03] If the court officer could just go -- show the -- the top of  
4 the -- of the document.

5 Q. [10:18:24](Interpretation) At the top of the page there is one name, "Ganazoui"?

6 A. [10:18:32] That one, I discovered him in Bangui. He was a lieutenant. He  
7 never was in Gobere. There you only had corporals and chief corporals. But the  
8 officers joined us during our march to Bangui.

9 Q. [10:19:07] Now just to conclude, to be sure that I have understood you correctly:  
10 First of all, the second person, Youdjoungou Marogo \*Gustave, was he a soldier?

11 A. [10:19:30] Gustave was a civilian. When we arrived Bangui he was appointed  
12 commander of the military police. He's a member of the CPC up to this date,  
13 according to the information that I have received.

14 Q. [10:19:55] Another clarification. Amongst the people who are now deceased,  
15 you mentioned Inga Gabin. Is he a soldier?

16 A. [10:20:10] Yes, he was a soldier.

17 Q. [10:20:12] And Benjamin Ouapoutou, he is the Benjamin that you talked about  
18 before who was selling fetishes?

19 A. [10:20:24] Yes. He was a civilian like myself.

20 Q. [10:20:47] You also said there was Yagouzou Sylvestre, who's also deceased.  
21 Was he a soldier or a civilian?

22 A. [10:21:04] Those that I know are those who were with us there. But Sylvestre  
23 Yagouzou was a member of Rambo's group. I don't know whether he was a civilian  
24 or not. He also is deceased.

25 Q. [10:21:28] Very well.

1 Mazimbele, he was a member of the FACA; is that correct?

2 A. [10:21:35] Yes, he was a FACA. He was not with us in Gobere. He joined us  
3 during our march towards Bangui. It was when we had already left Gobere that  
4 Mazimbele joined us on the way.

5 Q. [10:22:00] Thank you very much. It is not easy for you to remember all those  
6 names.

7 Now one question relating to that. The name Achille Godonam, does that ring a bell  
8 with you?

9 A. [10:22:18] I know Achille Godonam. Achille Godonam was like an Anti-Balaka  
10 from Bossangoa, but he didn't take part in the fighting with us. He was in  
11 Cameroon when we were coming in. It was only later that he joined us and it was as  
12 from that time that he started working.

13 Q. [10:23:12] And when you say that he started working, what was his role? What  
14 was he doing within the Anti-Balaka group?

15 A. [10:23:39] When the bureau was set up, Ngaïssona was already designated as  
16 coordinator. He was given a position. It seems to me that he was responsible for  
17 field operations. It was that type of work that he was doing.

18 Q. [10:24:06] And can you give us examples of what he might have done as part of  
19 his duties in that position?

20 A. [10:24:29] You are talking about examples. I don't think I have any examples to  
21 give. As you know, when he was appointed we had -- it had been decided that  
22 Benjamin and myself should be his deputies. And we refused and we demanded  
23 that each person should remain at his post. So he was working alongside the  
24 coordinator, Ngaïssona, and he was responsible for operations. He went out and  
25 came back with information that he communicated to the bureau.

1 Q. [10:25:20] Can you give us an example of the type of information that he  
2 provided to the bureau?

3 A. [10:25:44] Well, you know, if, for example, there was a meeting in Boeing, if  
4 there was an event that was happening somewhere, he was the one who went to the  
5 field to collect information and bring it back so that solutions should be found in  
6 relation to the event or events in question.

7 Q. [10:26:19] It is just that sometimes it is difficult for us, since we were not in the  
8 field at that time, but sometimes it is important for the Judges to fully understand  
9 what type of information we are dealing with here.

10 You have talked about operations. Can you give us an illustration, elaborate on  
11 the -- what this really refers to.

12 A. [10:27:00] I think that I will give you this example. If a group of Anti-Balakas  
13 grabbed a private vehicle belonging to an individual, he would go to the field, recover  
14 the vehicle and bring it to his excellency so that the proprietor of the vehicle can come  
15 and recover it. So that was his work. He did that type of work. He would go to  
16 the field, recover stolen items and bring them back so that the proprietors should be  
17 able to come and recover them. He would bring them back to the coordinator.

18 Q. [10:27:52] Thank you. Now, do you know whether Achille Godonam and  
19 Ngaïssona had a relationship -- had any relations before they were working in Bangui?  
20 You have said that he was in Cameroon. Do you know what he was doing in  
21 Cameroon?

22 A. [10:28:17] I have no idea about what he was doing in Cameroon. But when we  
23 had meetings, we realised that there was a family relationship between Achille,  
24 Mokom, and him.

25 But regarding what he was doing in Cameroon, it is not possible for me to know. All

1 I know is that, when he came, he was at the coordinator's residence. He was  
2 introduced to us and we worked alongside each other.

3 Q. [10:29:05] Thank you. Since we are talking about names here, when you were  
4 in Gobre, or while you were on your way to Bangui, or during the attacks, for  
5 example, in Benzambé, were you aware that any member of Ngaikosset's family was  
6 amongst you?

7 A. [10:29:47] I think that when we attacked Benzambé, we advanced and we met a  
8 young man who was known as Ngaikosset. Later on he withdrew, and one day he  
9 made a statement to the effect that Ngaïssona was no longer or was not the  
10 coordinator, so he was brought to Ngaïssona's residence and he was threatened. He  
11 was taken to the residence of his Excellency Mr Ngaïssona. He was interrogated and  
12 he was asked how or when he had started his work as an Anti-Balaka to be calling  
13 into question the authority of Mr Ngaïssona.

14 So it was that young man whose name was Ngaikosset. That was when we were  
15 advancing towards M'Poko that we met him. But when he arrived Ndjo, he  
16 disappeared. When we arrived Bangui, one day we were in coordinator Ngaïssona's  
17 house, that is how come he was called in to be interrogated about his statement. So  
18 we reminded him that he was not with us in Gobre and that he joined us later.  
19 Later on there was a misunderstanding between Mandazou (phon) and himself and  
20 he decided to withdraw. He fled. That's all I know about him.

21 Q. [10:32:22] Thank you very much. I'd like to continue going through your  
22 statement.

23 At paragraph 36, 0087, you explained that you were amongst the few men who knew  
24 how to read and write and so you were asked to keep the company registry with all  
25 the names of the members and to give the names to the ComZone who passed them

1 on to Mokom. Now, just one clarification, if you don't mind. Would Kema transfer  
2 the information to Mokom before 5 December, before the attack when you were \*still  
3 in Gobere or on your way to Bangui?

4 A. [10:33:55] As I said, I drew up the list of all the people who had \*enlisted. So  
5 the lists were by company. I -- I would \*make a fair copy of the lists. \*I would take  
6 the surnames and the first names, because when we got to Bangui, it was a matter of  
7 recruiting them in the army. So you see, I drew up this list and it was given to  
8 the -- to ComZone Kema who had a network to provide that list. That was  
9 important so that there would not be misunderstandings later. So each company  
10 chief gave the list to the ComZone and those lists were forwarded to Mokom when he  
11 was still in Zongo. So you see, this was the list of people that we were recruiting as  
12 we moved ahead. The people who were not on one of the lists was -- any such  
13 person was not considered to be part of the movement.

14 Q. [10:35:20] Thank you. Could you explain to the Chamber when someone  
15 talked to you about this idea of joining the FACA later on. You were still in the  
16 provinces at that time. Could you explain to the Chamber how you were informed  
17 of that?

18 A. [10:36:11] When the Seleka took power, many of our soldiers were no longer  
19 functional. I mentioned a number who had joined us. \*They told the civilians that  
20 only if the movement took power all those young people would be added to the army  
21 to protect the country. If they were too young or too old, if there was a problem  
22 with age, \*if that kept them from joining the army, they could be allowed to do other  
23 things. The \*reward was to be placed in the army so as to protect the country.  
24 So it was up to each \*commander to provide the names of all the men who had  
25 started from the provinces \*and gone all the way to Bangui, so as \*to make sure no

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1 one would be excluded.

2 So those lists were given to the \*ComZones, and \*it was up to them to use the  
3 network and pass on the list. So -- so it was our job to do that, to have this list of  
4 names and first names of the various men. And we were told that the list had to be  
5 organised properly and people needed to be registered so that the list would be  
6 correct and then the soldiers could be recognised, the ones who were truly engaged  
7 (Overlapping speakers)

8 MS DIMITRI: (Overlapping speakers)

9 THE INTERPRETER: Overlapping.

10 MS DIMITRI: [10:38:05] Oh, sorry.

11 PRESIDING JUDGE SCHMITT: [10:38:09] He was still translating. So you have an  
12 issue with the interpretation?

13 MS DIMITRI: [10:38:12] Yes, at line -- at page 17, line 8, because my learned friend  
14 asked a follow-up question, the -- the idea of joining the FACA later on never came  
15 out in English. Although, obviously, the follow-up question was about that. And  
16 then page 17, line 25, the witness says "*ils ont dit aux civils*" and it was translated by  
17 "they were civilians".

18 PRESIDING JUDGE SCHMITT: [10:38:43] Thank you. So we will correct that, not  
19 we, not I, I'm not correcting it, but in the process that we have hopefully established  
20 sufficiently, it will be corrected.

21 Ms Struyven, please continue.

22 Thank you very much, Ms Dimitri.

23 MS STRUYVEN: [10:39:03] (Interpretation)

24 Q. [10:39:04] Mr Witness, when there are translation problems, we try to make sure  
25 that the transcript is corrected properly straightaway.



1 Now, if I understand correctly -- if I've understood you correctly, you're saying that it  
2 was -- there were these lists when you were still in the provinces, when you were  
3 still -- well, before you had got to Bangui, you drew up these lists and the purpose  
4 was to ensure that the civilians who had joined the Anti-Balaka could perhaps join the  
5 FACA later on. So it was important to have their names on these lists so that they  
6 could be recognised later so that they would have a spot in the army. Have I  
7 correctly understood your testimony?

8 A. [10:40:24] As I said, the lists that we were asked to draw up were to be recorded,  
9 and once we got to Bangui, we were only supposed to take into account those lists  
10 because ultimately, we had to check all the people who were on that list, and all the  
11 others who wanted to join later would not be recognised. So you see that is why  
12 these lists were drawn up.

13 Q. [10:41:12] Do you remember who explained to the Anti-Balaka members that by  
14 putting their names on the lists they could possibly join the army later? Do you  
15 remember who explained that to them?

16 A. [10:41:56] The lists were drawn up on the instruction of the ComZones and it  
17 also depended on the progression of the Anti-Balaka. Those were the instructions  
18 given by the officials from Bangui or perhaps other places. Any person who had  
19 joined the movement in the provinces, well, those names were to be recorded so  
20 we -- so as to have the -- a true picture of the number of people and their names, so  
21 the names of people in each company so that the true numbers of the Anti-Balaka  
22 moving towards Bangui could be determined.

23 \*As for the rest, I just drew up the list. I drew up the list of my company. Other  
24 people \*brought me their lists, and I would make a clean copy and we gave it to the  
25 ComZone, who found the network and made the calls. If there was information, \*he

1 would give it to us and he would ask us to draw up they such and such a list. Or the  
2 person who called after Dedane's departure was Kema. He \*would find the network  
3 to call and tell us what to do after the calls. I think it was in Benzambé, where I drew  
4 up those lists.

5 Q. [10:43:34] Thank you. And that was before the attack of 5 September on  
6 Bossangoa?

7 THE INTERPRETER: [10:43:47] Correction: "5 December on Bossangoa; is that  
8 correct?"

9 THE WITNESS: [10:43:53](Interpretation) I haven't understood your question.

10 MS STRUYVEN: [10:44:01] (Interpretation)

11 Q. [10:44:02] Once again a problem. Now you say that you dropped this list when  
12 you were in Benzambé. Now it's not very important exactly when, but my question  
13 is this: Was it before, did you begin drawing up lists before the attack of 5 December  
14 on Bossangoa, the big attack on Bossangoa?

15 A. [10:44:40] Well, concerning the lists when we made a movement, we had our list.  
16 There was the first attack on Benzambé, then others fled, they went back home, and  
17 then as we moved forward, there was the Bossangoa attack, the first attack on  
18 Bossangoa. And we were driven back. We had another list. So each time we  
19 moved forward, each time there was a clash we had to have the list of the people who  
20 were still alive and in the movement. So each time we moved forward we had to  
21 keep the list and update the list. When we attacked a province, we knew how many  
22 men we had lost or how many men were still alive. And the last list that we sent  
23 was when we had the Bossangoa attack. We went in, we were based at Benzambé  
24 and we drew up the list 12 kilometres from a motel. People were calling already  
25 with information so that I could draw up the list.

1 Q. [10:46:12] I'll move on to something else soon, but just to be clear, you said  
2 something about looking for the network for the lists. Are you talking about  
3 providing the lists by mobile phone? To whom were you sending these lists?

4 A. [10:46:47] As I said, when we were in the provinces, the lists that were  
5 sent -- well, we sent them to Maxime Mokom. That's the name I heard. Because all  
6 the lists -- well, the database, in actual fact, was sent to Mokom. He was on the other  
7 side of the river. He communicated with them. He had the -- the people, the men.  
8 And so, you see, he had the database. That allowed him to be the coordinator of  
9 operations. He had the database with all the people, so that -- that allowed him to be  
10 appointed coordinator of operations.

11 Q. [10:47:43] Thank you very much. I have no further questions about the lists.  
12 Now, I would like to ask you this: Other than the promise of the possibility of  
13 joining the FACA, were other promises, maybe promise is an exaggeration, but were  
14 there any kinds of rewards offered after the Bossangoa attack or the attack upon  
15 Bangui, if my question is clear to you? I'm not so sure if my question is clear.

16 A. [10:48:41] Could you please rephrase your question so I can understand it.

17 Q. [10:48:51] Certainly. Sometimes I have to search for words in French.  
18 Now, were you promised anything else as -- let's say, as you were on your way  
19 towards Bangui or Bossangoa to attack, were you told whether you were going to get  
20 anything if these attacks ended in victory?

21 A. [10:49:38] No, there were no promises. I'll give an example. Those who were  
22 captains might move up one rank. In the case of victory, the soldiers who were in  
23 the movement would have benefited from that. They might become sergeants.  
24 Those were the only promises. The leaders amongst us might get one rank higher,  
25 for example, sergeant.

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1 PRESIDING JUDGE SCHMITT: [10:50:20] Who has -- who had promised that?  
2 Any -- do you have any person that you can -- any name that you can provide us with  
3 in that regard? Or was this simply, let's say, an understanding that it would be like  
4 that?

5 THE WITNESS: [10:50:57](Interpretation) As I said, after drawing up the list, I was  
6 asked to draw up lists. For example, the ComZone who were looking for the  
7 network to communicate would come back and say, "Okay, everything's fine." After  
8 taking power, everyone -- even the very last man would be ranked sergeant. Those  
9 who were leaders might become lieutenants. Those -- or -- or well educated people  
10 might become an officer. So we were responsible for drawing up the list. And each  
11 time we asked -- well, we asked the superiors to think of us who were in the field.  
12 That's the kind of communications that were going on.

13 PRESIDING JUDGE SCHMITT: [10:52:02] Well, this is not really a name, but he  
14 speaks of superior, so we can have an idea of what was, let's say, in the minds of the  
15 people, at least. Please continue.

16 MS STRUYVEN: [10:52:21] I'll -- I'll ask one more question about it to see.

17 Q. [10:52:32](Interpretation) The Presiding Judge would like to know, you've  
18 already explained in your statement that the lists were sent to Maxime Mokom.  
19 Did you know whether these promises -- well, these possibilities were also offered by  
20 the Maxime Mokom or by other people as well who said that maybe you might get a  
21 higher rank or join the FACA?

22 A. [10:53:18] Well, I'll speak to that point. The lists that we drew up, we sent to  
23 Maxime Mokom. He himself said that the list would be sent to the chiefs, but he  
24 mentioned the name Mokom. Other than that name, I didn't hear of any others. He  
25 talked about the other leaders. That was between them. But us, they said to us that

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1 the lists were being sent to the chiefs. And once power was taken, we -- civilians  
2 would be rewarded once we got to Bangui. It was like a debt.

3 So once we got to Bangui, the chiefs, the leaders, would pay these debts. So that was  
4 the kind of information that came back to us and that they gave to us. That's what I  
5 can tell you.

6 PRESIDING JUDGE SCHMITT: [10:54:28] But thank you for -- I think it's a bit  
7 clearer now, I would say. So thank you for the additional question that we got.

8 MS STRUYVEN: [10:54:41](Interpretation)

9 Q. [10:54:42] Thank you very much, Mr Witness. I'd just like to show you a few  
10 lists, and I'll just ask you simply if you recognise them or not. It is possible you may  
11 not be familiar with them, but it's just to -- and the first list is at tab 13,

12 CAR-OTP-0041-0783. And we'll put it up on the screen for you. 2041-0783.

13 It reads as follows: First Gobere company. Nganafio Honoré, leader of the  
14 company. Now, do you remember this person, Nganafio Honoré? Do you know  
15 him by this name or by another name?

16 A. [10:56:26] Yes, I remember the first name, Honoré. I remember that name.  
17 There was a Honoré to whom we sold --

18 THE INTERPRETER: [10:56:41] Correction: Who sold us fetish.

19 MS STRUYVEN: [10:56:45](Interpretation)

20 Q. [10:56:47] Here we have a list with about 800 names. The names of Gobere 1  
21 company. Do you remember -- well, in your statement you explained that you were  
22 organised into squads and companies. Do you remember the company chiefs, the  
23 various company chiefs?

24 A. [10:57:30] Yes. In all, there were eight companies. I was part of the eighth.

25 In each company, there was a chief who commanded. And I remember Modibo who

1 sold fetishes, but the others -- the other names on the list, those were just members.

2 We couldn't know each person. There were many of them.

3 I know there -- I know -- well, Honoré, for example, the chief, I remember that name.

4 PRESIDING JUDGE SCHMITT: [10:58:27] Ms Struyven, do we have

5 information -- Ms Struyven, do we have information when this document was made?

6 I think we could -- we should not start with another -- with another document before  
7 the break.

8 MS STRUYVEN: [10:58:48] If I may just ask one -- (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [10:58:27] Yes, of course. Of course. I wanted to  
10 ask you just to finish with this one, if it is taken, then we have the break.

11 MS STRUYVEN: [10:58:35] Yeah. The sound is just a little bit --

12 PRESIDING JUDGE SCHMITT: [10:58:40] Well, I don't -- I don't why I don't hear  
13 myself, but ...

14 MS STRUYVEN: [10:58:45] It's the microphone, I think, maybe.

15 PRESIDING JUDGE SCHMITT: [10:59:00] But it's -- but it's on. The microphone of  
16 the interpreter is on, so that's the problem.

17 So what I was discussing in silence with Ms Struyven was that she perhaps should  
18 not pull up another document before the break, so this was everything. Nothing  
19 really happened which is of great significance.

20 Please, Ms Struyven.

21 MS STRUYVEN: [10:59:22](Interpretation)

22 Q. [10:59:23] Mr Witness, just one question about this document. So was Honoré  
23 also known as Modibo? Is that what you said? Because it wasn't quite correctly  
24 transcribed.

25 A. [10:59:56] On the list, it's Honoré. He became a chief in Bangui. He left

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1 Bangui and went to Boali. But if you look careful, that list doesn't come from Gobere.  
2 Honoré became a group chief, once we got to Bangui, and he mostly handled  
3 the -- the Boali road.

4 Let me specify that that list doesn't come from Gobere. That's not what we drew up  
5 in Gobere.

6 PRESIDING JUDGE SCHMITT: [11:00:33] Okay. Then we'll have now -- thank you  
7 very much.

8 We have the coffee break until 11:30.

9 THE COURT USHER: [11:00:42] All rise.

10 (Recess taken at 11.00 a.m.)

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

12 THE COURT USHER: [11:32:54] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [11:33:20] So, Ms Struyven, you still have the floor.

15 MS STRUYVEN: [11:33:25] Thank you, Mr President.

16 Q. [11:33:30](Interpretation) Mr Witness, just before the break you referred to a  
17 certain Mr Modibo. And I just wanted to be sure, have I understood correctly that  
18 Modibo is the same person as Honoré?

19 THE INTERPRETER: [11:34:15] The Sango interpreter did not catch the first part of  
20 the witness's statement.

21 THE WITNESS: [11:34:22](Interpretation) Honoré is the person who sold fetishes to  
22 us.

23 PRESIDING JUDGE SCHMITT: [11:34:27] Mr Witness, the interpreter did not get  
24 the first part of your answer. Could I kindly ask you to repeat it, please.

25 THE WITNESS: [11:34:48](Interpretation) Let me repeat, the Honoré in question is

1 different. But I would like to inform you that Modibo is the generic name used to  
2 designate anyone who sells fetishes. That is why we mentioned Modibo. So this  
3 refers to anyone who is in the fetish trade.

4 MS STRUYVEN: [11:35:23](Interpretation)

5 Q. [11:35:24] Thank you very much. Sometimes we are not aware of such things,  
6 so it is very important and a very good thing that you have clarified those things.

7 Now I have another question relating to what we had talked about before, that is the  
8 lists for possible integration into the FACA. And my question is as follows: With  
9 regard to the civilians amongst you, that is who were not yet members of the FACA,  
10 did you discuss this issue amongst yourselves? If you could not be integrated into  
11 the FACA, did you at least envisage the possibility of joining the DDR programme at  
12 that time? Was this issue discussed amongst yourself in the group?

13 A. [11:36:44] At that time we did not discuss such subjects, but the older people  
14 who could not join the army, well they could be trained for trading or other small  
15 occupations. But I would like to inform you that there were many more young  
16 people and we much preferred to join the army in order to serve the country.

17 Q. [11:37:25] Thank you. I will show you another list and I will simply ask you  
18 whether the person played the role on the list. This is tab 14, CAR-OTP-2041-0802.

19 And it will be displayed on your screen, I believe.

20 If you can scroll up a little bit.

21 Now this is a list of Anti-Balaka Gobere 2, coordinator Yagouzou Sylvestre chief of  
22 companies -- chiefs of companies Danboy and Zepherin.

23 Remember -- do you remember that they were indeed in Gobere, or do you in fact  
24 recognise the list?

25 A. [11:39:13] That list does not include the people who were in Gobere. I think



1 that it is the list of elements who were based in Boeing. I never saw such a list in  
2 Gobere. Our list was different. But this list, no, I do not recognise it. And it seems  
3 to me that this list relates to the elements who were based in the Boeing sector.  
4 There is no element from Gobere on this list.

5 Q. [11:40:11] The list is quite long. I'm not going to have you read the entire list,  
6 but if we can scroll back to the top of the page.

7 Now, those names, do they mean anything to you? You have already mentioned  
8 Yagouzou Sylvestre, and then there is Danboy and Zepherin?

9 A. [11:40:43] That is what I have just told you, Yagouzou Sylvestre was never in  
10 Gobere. He was in the sector of Combattant and Boeing. Yagouzou Sylvestre was  
11 like the coordinator of that sector. There was a coordinator for Boeing and the  
12 general coordinator was his Excellency Mr Ngaïssona.

13 So I repeat, this gentleman Yagouzou was the coordinator in Boeing, he was never in  
14 Gobere.

15 Q. [11:41:34] I will show you another list, and that is tab 16. It is  
16 CAR-OTP-2068-0118.

17 And let us display the top of the page. That is the list of FACA who had joined ever  
18 since June in Gobere.

19 Once again I'm going to ask you not to read through the entire list.

20 Do you know whether Konate in fact drew up such lists?

21 A. [11:42:47] I know Konate.

22 On this list which is there before me, the person who was in Gobere -- who was in  
23 Gobere was number 3, chef corporal Mokpem Guy Gervais.

24 The others, I can see Danfei. Maybe there they were known more by their  
25 nicknames, but I do not know these people.

1 But Namdanga, number 9, this is someone I know. It was after the first battle of  
2 Bossangoa that he joined us. In Gobere there was no one with the rank of sergeant.  
3 All those people joined up with us afterwards.  
4 Let us take the case of -- well, he stayed about 35 kilometres away and then he came  
5 back, so amongst those of us in Gobere there was no officer.

6 PRESIDING JUDGE SCHMITT: [11:44:28] I think he wanted to say, in the French  
7 "Namdanga". So I think that -- I have it in the French transcript, but Ms Dimitri has  
8 heard something else.

9 MS DIMITRI: [11:44:45] In French he said "*C'est vrai, là-bas, on les appelait par leurs*  
10 *prénoms.*"

11 PRESIDING JUDGE SCHMITT: [11:44:54] So that's something different of course,  
12 what you mention here.

13 MS DIMITRI: [11:44:58] And it was incorrectly interpreted by "Maybe they were  
14 known by their nicknames."

15 PRESIDING JUDGE SCHMITT: [11:45:06] And also, "*prenons par exemple*  
16 *Namdanga*", that is what I refer to it, is not in the English transcript. So, okay, so I  
17 think we have this. This is a little bit of a difference indeed. Yeah, thank you.  
18 Please continue, Ms Struyven.

19 MS STRUYVEN: [11:45:33](Interpretation)

20 Q. [11:45:33] And when you say that they joined subsequently, I understand that it  
21 was while you were on the way -- while they were on the way to carry out the attack  
22 of 5 September; is that correct?

23 A. [11:45:58] Yes, when we were preparing for the attack of the 5th, it was at that  
24 time that these people joined up with us so that we should together launch the attack  
25 of the 5th.

1 During the preparations for the attack of the 5th, there was Charlie who joined us,  
2 who had been one of the bodyguards of the president of the republic. There were  
3 many soldiers who joined us before the attack of 5 December. It was during that  
4 time that we started receiving several soldiers, professional soldiers.

5 Q. [11:46:57] And in relation to that, these FACAs who joined you in the  
6 preparations for the attack of 5 December, did they give any instructions or training  
7 to the other Anti-Balakas at the time?

8 A. [11:47:30] No, the training and exercises, it was much more in Gobere. We  
9 were doing simulations with the sticks, that was in Gobere. Now, in our area, the  
10 first attack in Gobere, the first attack in Bossangoa, and after the soldiers joined us,  
11 there were many more of us. So there was -- there were no exercises.

12 Q. [11:48:08] I will show you one last document, one last list, and this is tab 17.

13 PRESIDING JUDGE SCHMITT: [11:48:18] Mr Knoops.

14 MR KNOOPS: [11:48:19] I'm very sorry. It would be helpful if the question of the  
15 Prosecution could be answered by the witness. It saves us time to go back to the  
16 issue that's on transcript page 29, line 21, that was the question of the Prosecution.

17 The witness didn't answer yet to that question. I don't want to interfere the strategy  
18 of the Prosecution, but otherwise we have to come back to this. It can save us time.

19 PRESIDING JUDGE SCHMITT: [11:48:46] It's a - thank you very much,

20 Mr Knoops - fine suggestion. We play the ball, so to speak, to the side of the

21 Prosecution. Ms Struyven is looking at the issue and, yeah, simply insisting for an  
22 answer, I would assume. Thank you, Mr Knoops.

23 MS STRUYVEN: [11:49:05] That escaped me.

24 Q. [11:49:10] (Interpretation) Mr Witness, I had asked you a question, that is, do  
25 you know whether Mr Konate had drawn up lists? Were you aware that Mr Konate

1 had also prepared lists containing the FACA who had joined up in Gobere ever since  
2 June? Did you ever hear of that?

3 A. [11:50:03] Konate drew up such a list. When I discovered it, I think it was  
4 during a meeting at the Azimut hotel. I made a statement. Ngaïssona, the  
5 coordinator, was present. I said that everyone here carrying the rank of lieutenant  
6 and others, I never saw them in Gobere. But because they heard of epaulettes and  
7 others, I have realised that now the place is full of soldiers. I know when we left  
8 Gobere, there were no lieutenants, there were no sergeants. The coordinator  
9 Ngaïssona was present. I spoke with Ndangba, and I said, how is it possible that  
10 when we were in the bush we did not see the soldiers, and afterwards, they joined us  
11 and then we have a list of sergeants, corporals during the meeting of Azimut hotel  
12 with coordinator, his Excellency Ngaïssona and his deputy minister Ndomate? I  
13 think there were a lot of officers and soldiers, and I said: "No, initially the soldiers  
14 who were with us did not have those ranks, but since they heard that ranks would be  
15 given to the soldiers, they prepared lists to present." This statement was a statement  
16 that I made in the presence of the coordinator Ngaïssona.

17 Q. [11:52:00] Maybe if I can briefly show you tab 16, CAR-OTP-2068-0118,  
18 specifically page 0120.

19 And the question is amongst the people on this list, were there any people who had  
20 effectively joined the Anti-Balaka either in Gobere or during their advance to Bangui?

21 A. [11:53:03] I believe number one, Dedane, he was the one who was our  
22 commander in Gobere. Ndangba was in Gobere. Guederan was there. But  
23 Mandago Alexis, Yandjiki Brice, these are elements that met us in Benzambé during  
24 the first battle. Yangou Benda, I don't know him very well. Yangoubenda Guy is a  
25 civilian. Feigan Youwana Anicet, I did not know him. Ndomate Dieu Beni, I do

1 not know him. So the only one that I know is Ndomate Dieudonné who represented  
2 Ngaïssona. Afterwards, we were told that he was a soldier. I did not know that at  
3 the time, but it was after we arrived Bangui that I learned, I knew about him and  
4 heard that he was the uncle of Andjilo.

5 Q. [11:54:27] So if I understand you correctly - I did not show you the entire list - it  
6 seems that there were people who were with you in Gobere, there were other people  
7 who joined you on the way, and still others who were in Bangui who were neither in  
8 Gobere nor joined up with you on the way?

9 A. [11:55:02] Yes, that is perfectly correct.

10 PRESIDING JUDGE SCHMITT: [11:55:12] Well, the witness does not know certain  
11 persons. This does -- I think the conclusion is not compulsory that they were either  
12 in Bangui or in Gobere. He might not have known everybody, so we have to -- it  
13 was a little bit let's say suggestive your question. Perhaps we can clarify it because  
14 there might be a difference here. We have a third option, so to speak.

15 Or give me a chance, perhaps.

16 Mr Witness, you have recognised some of the names that are now in front of you, and  
17 with regard to I think two or three others, you said you don't know them.

18 Did you know everybody who was in Gobere? So could you tell us everyone or  
19 recognise everyone with regard to his name that was in Gobere?

20 THE WITNESS: [11:56:37](Interpretation) Let me give you this answer: I am telling  
21 you that during that period there were very few soldiers there. Those that I  
22 mentioned, I know their names, but the others who joined the movement during the  
23 march, in fact, most of them joined the movement in Bangui, but I know the names of  
24 those who were in Gobere because I was the one who was responsible for drawing up  
25 the lists of companies. I know the names. If I see the name and I see my

1 handwriting, I recognise the name. I will know that such and such a person was in  
2 Gobere because I wrote down the name myself. I registered it myself.

3 PRESIDING JUDGE SCHMITT: [11:57:32] Yeah, thank you for that clarification.

4 MS STRUYVEN: [11:57:45] (Interpretation)

5 Q. [11:57:48] And maybe just to place us in context, do you remember more or less  
6 how many people were there when you joined the group in Gobere? Approximately  
7 how many people were there? Of course, because I don't think you can remember  
8 the precise number. So at the very beginning how many people are we talking about  
9 here?

10 A. [11:58:30] When I arrived Gobere, there were already many people. So when I  
11 arrived, I was shown a place and I gave the list of my elements to Kema who was the  
12 ComZone. I did not know the number of people who were already there before, so  
13 when I arrived Gobere, I was a mere element with my group. And coming out of  
14 Gobere, I was a member of the last group that left Gobere. I was a mere element.  
15 And when we arrived Benzambé during our advance, there was the issue of  
16 preparing lists and since there was no one else, I took the opportunity to begin  
17 drawing up the lists. When I arrived there, the few soldiers who were there were  
18 introduced to me, so I more or less know them.

19 Now, regarding the number of all the civilians in Gobere, I did not know. In our  
20 company and during the time we were advancing, you could get to know some  
21 names. So all the soldiers who were in Gobere, I know their names. But those who  
22 joined the movement later, I'm not sure I can remember all of them or identify them.

23 Q. [12:00:24] Absolutely. We understand you perfectly. I will move to  
24 something else, something quite different.

25 So I'll ask you a few questions relating to the attacks that took place before

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1 5 December, that is, before the big attack on Bossangoa and Bangui. I have a specific  
2 question relating to paragraph 46 of your testimony, and that is on page 0088 and  
3 continues on page 0089. And I will ask you the question from a general point of  
4 view. That is, in relation to you, you explained what was happening during the  
5 attacks, and in your statement you explained that if a Muslim was found in a house  
6 who had not fled, then he was a Seleka.

7 And, generally speaking, I would like to know, did you know what would then  
8 happen with this person during that period at that time?

9 PRESIDING JUDGE SCHMITT: [12:02:00] I think this is a question where the  
10 answer could potentially incriminate the witness.

11 So, Mr Witness, if the truthful answer to that question would incriminate you, you  
12 don't have to answer to that. So it's up to you if you answer it. If you answer it, the  
13 answer has to be truthful, and we continue from there with regard how the witness  
14 would react.

15 Ms Struyven.

16 MS STRUYVEN: [12:02:30] Thank you, Mr President. One option would also be to  
17 go into close -- or private session for him to --

18 PRESIDING JUDGE SCHMITT: [12:02:37] He also doesn't have to incriminate  
19 himself in private question. So we could -- this would be an alternative, but I'm  
20 just -- I think we have to be -- to fairness to the witness, we have to say that, and  
21 witness has also counsel there.

22 So, Mr Witness, if you want to consult with your counsel, it's fine with us. You have  
23 heard the question.

24 Perhaps -- perhaps you repeat it so that the witness is not confused, just for -- repeat it  
25 shortly.

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1 MS STRUYVEN: [12:03:15](Interpretation)

2 Q. [12:03:16] Yes, Mr Witness, the question was this: Could you explain to us in  
3 general terms what would happen when -- during the attacks, before 5 December,  
4 these minor attacks in the small villages, could you tell us what would happen when  
5 a Muslim man was found in a house.

6 In your statement you explained that you would conclude that the person was a  
7 Seleka. My question is: What would happen with that person?

8 PRESIDING JUDGE SCHMITT: [12:03:54] And, as I told you, Mr Witness, if the  
9 answer incriminates you, then you don't have to answer that question.

10 I see the hand of Mr Lavou. Yeah, you have the floor, please. Counsel, you have  
11 the floor.

12 MR LAVOU: [12:04:19](Interpretation) Could I speak to my client for five minutes?

13 PRESIDING JUDGE SCHMITT: [12:04:24] Of course. Yeah, you have the  
14 opportunity to speak with him. I think we make a short break and come back.

15 This might occur every once in a while. There are some paragraphs where it is from  
16 the statement perhaps not obvious, but still, with regard to concrete questions, and  
17 that also applies later on to Defence questioning. I think you are aware of that. We  
18 will have to exercise this. And, yeah -- and go on from there. And, of course, there  
19 would also be -- we have to think either way, which answer the witness is giving or  
20 not giving about the assurances, then, of course. So we have a short break.

21 And, Mr Lavou, you have the opportunity to speak with your client.

22 THE COURT USHER: [12:05:11] All rise.

23 (Recess taken at 12.05 p.m.)

24 (Upon resuming in open session at 12.15 p.m.)

25 THE COURT USHER: [12:15:20] All rise.



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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [12:15:44] So, Mr Lavou, you had the opportunity to  
3 speak with your client. Do you apply for these Rule 74 assurances with regard to  
4 this question?

5 MR LAVOU: [12:16:09](Interpretation) I spoke with my client and we can continue.

6 PRESIDING JUDGE SCHMITT: [12:16:16] So, without further ado, so he simply  
7 answers truthfully the question that has been put to him. Do I understand you  
8 correctly?

9 MR LAVOU: [12:16:33](Interpretation) Yes, indeed.

10 PRESIDING JUDGE SCHMITT: [12:16:36] Okay.

11 Then, Mr Witness, you have spoken with your client, then please answer the question.  
12 It has been put twice to you, to make sure that you understand what it's about, so  
13 please answer the question that has been put to you before the short break.

14 MS STRUYVEN: [12:17:21](Interpretation)

15 Q. [12:17:21] Mr Witness, the Presiding Judge is asking you if you could answer the  
16 question, namely, what happened -- what would happen when a Muslim man was  
17 found in a house, someone who hadn't fled? And I'm talking about the minor  
18 attacks before the major attack of 5 December.

19 A. [12:18:17] Thank you. In the statement that I gave, I talked about that. Once  
20 in Benzambé it was easy to determine where the Muslim people were living, because  
21 they lived in groups. Once we got there, some were inside the house and, for  
22 example, we were able to capture the imam of Benzambé. We took him aside and  
23 we informed Monsignor Nzapalainga, who travelled for him, to get him and all of the  
24 family members, to put them in a safe place.

25 As for the other Muslims, they were taken to the school, the *École de la Liberté*. We

1 would separate the Muslims. That is what we did. We set aside the Muslims and  
2 the French. We did not put them together.

3 Q. [12:19:40] Thank you. I think there might have been some problems with the  
4 transcript.

5 Now, I think you are talking about Bossangoa and, yes, you did explain that you  
6 separated the men from the women. But I'm talking about the period of time before  
7 that. I'm talking about the attacks on the various villages. Do you know, even in  
8 general terms, what would happen when a Muslim person was found in a house?  
9 You've already explained that usually that person would be deemed to be a Seleka.  
10 So I'd like to know, generally speaking, do you know what would typically happen  
11 with people found in such circumstances?

12 A. [12:20:59] As I said, in the small villages there were no Muslims. But in a few  
13 villages where we found them, we would put them together and we would send  
14 someone, the *abbé* -- the abbot of -- to -- the *abbé* -- abbot of Bossangoa would come  
15 and get them. They were all taken to Bossangoa. Some were taken to the border  
16 with Chad. Others were sent to Bangui.

17 That's what we would do. We would put them together. The Muslims that we  
18 found in each village, we would put them together. We would set up a camp for  
19 displaced people and we would put the Muslims together there. That is what would  
20 happen when we would enter a village. We would put all the Muslims in a  
21 displaced person's camp in Yaloke. That's what happened up until -- up until a  
22 particular point in time.

23 Q. [12:22:38] And why -- why did they have to leave their houses? Why did they  
24 have to go to Bangui or to another country?

25 A. [12:23:11] For example, if we attacked a village and in the village there were

1 women who were afraid. They were afraid, so they had to be put in a safe place.

2 So that is how it came to be that the women, the ones who did not fight, were brought  
3 together and the international organisations would come help them and give them  
4 food as they waited for calm to be re-established.

5 But there were -- there were Muslims within our movement. And for example, in  
6 Bossangoa there were Muslims. Even amongst us there were Muslims who helped  
7 us with the fetishes for fighting. The Muslims were the first to help us when it came  
8 to fetishes. The ones who didn't fight were taken -- all taken to a single place so that  
9 they could be evacuated. They were like internally displaced people.

10 Q. [12:24:45] But more generally speaking, do you know why you and the  
11 Anti-Balaka thought it was necessary for them to be displaced rather than for them to  
12 just stay in their houses?

13 MS DIMITRI: [12:25:02] Mr President, I believe it was asked and answered. He  
14 specifically said that "When they were scared, we had to put them in a secure place."

15 PRESIDING JUDGE SCHMITT: [12:25:12] Yes, I think, but you could -- yeah, but I  
16 allow the question. I think there's -- there's -- there might be something additionally  
17 to it.

18 And still, since it is the witness of the Prosecution, you are aware of these Rule 74 and  
19 self-incrimination issues, I hope. Although we have counsel here clear, but we all  
20 know that there is at least the potential of proceedings here and there.

21 So please continue.

22 MS STRUYVEN: [12:26:03](Interpretation)

23 Q. [12:26:04] Mr Witness, the question was this: The question is why couldn't  
24 they stay in their houses. And that probably has something to do with the fact that  
25 you've already explained, that, for example, the women were afraid.

1 Could you explain to the Chamber, if you know, what they were afraid of and why  
2 they couldn't stay in their houses.

3 A. [12:27:02] When we attack a village, once we enter we try to protect the women.  
4 If we were able to capture a weapon, well, for us what was important was to protect  
5 the civilians, because those -- for example, the owner of the weapon wasn't there, but  
6 what was important for us was to take care of the health of those who were still there.  
7 So because after entering the village we were not supposed to stay there, so we were  
8 always on the move. We were moving forward and the residents of the villages  
9 would be grouped together because some of them didn't speak the Sango language  
10 properly. That's why we put them together, await -- so -- and they would wait for  
11 the assistance that would be arriving. That is why we had put them together.

12 Q. [12:28:22] Thank you very much. I'll move on to another question.

13 So you were explaining - paragraph 51, 0090 - you were talking about the Benzambé  
14 attack and you explained that once you had taken control Benzambé, you  
15 immediately left and you headed towards Ouham-Bac. And along the way you met  
16 up with Dedane and 12 Puissances, who were coming back from Bossangoa where  
17 they bought ammunition for hunting rifles.

18 So the question is rather short and simple. Do you know -- correction, did you know,  
19 or did you find out later, where the money came that they used to buy the  
20 ammunition?

21 A. [12:29:46] No, I didn't know where the money came from. All I saw was the  
22 ammunition that was distributed to us. That's all.

23 Q. [12:30:11] Could you explain to us how that would happen: How was the  
24 ammunition distributed? Was it an organised structured way or was it more  
25 random when you met with people? Could you explain to the Chamber how that

1 happened.

2 A. [12:30:49] I think that the ammunition was distributed as -- or allocated as  
3 follows: First it was by company, and those who had weapons, homemade weapons,  
4 who were using hunting ammunition, would give the ammunition to the person in  
5 charge who would distribute the ammunition to the -- people with those kinds of  
6 weapons.

7 Q. [12:31:34] Do you know who actually gave you the ammunition physically?

8 A. [12:31:54] When the ammunition arrived from Bossangoa, it was at the time  
9 when the late Dedane was still alive. Upon their arrival, they called the various  
10 group leaders and went on with the distribution. Those of us in the eighth company,  
11 we also had our chief. There were three companies that had arrived in  
12 Benzambé. At the head of the eighth company, there was Ndangba, Danboy, and  
13 Dandouzima (phon), who made up the company. Danbouzima (phon) was a soldier  
14 who is already deceased. So these people received the ammunition and distributed  
15 it to the various elements who were bearing hunting weapons.

16 Q. [12:33:12] And if I understand you correctly, Ndangba, Bad Boy, they received  
17 those weapons from Dedane, obviously, before he died?

18 A. [12:33:30] That is correct.

19 Q. [12:33:39] So amongst other things, this happened before the attack. I'm  
20 looking at the transcript, just to be sure that I understood you well.

21 Let me put the question to you again. So this also happened prior to the attack of  
22 5 December, did I understand you correctly?

23 A. [12:34:10] Before the attack of 5 December? No. No ammunition was  
24 distributed to us for the attack of 5 December. We fought only with what was  
25 available to us.

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1 Q. [12:34:39] But in your statement, you explained that when you took over control  
2 of Benzambé, it was at that time that you received ammunition; is that correct?

3 A. [12:35:01] Well, when we attacked Benzambé, we had to attack Ouham-Bac on  
4 the same day. On the way we met Dedane and the other one coming from back from  
5 Bossangoa. And if we had left the locality, immediately the Seleka would have come  
6 back and attacked them. So we took the ammunition and we returned. We had  
7 received a good amount of the ammunition before the attack. And when we arrived,  
8 they gave us this more ammunition.

9 Q. [12:35:57] (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:35:57] Ms Struyven, please slow down. You  
11 know, we're still in interpretation when you already started with your question, so  
12 please wait a second so that we don't have the issues with overlapping speakers and  
13 the issues with the transcript then later on.

14 Speaking of issues with transcript, I give Ms Dimitri the floor.

15 MS DIMITRI: [12:36:12] No, it's fine. I think I'll -- I'll do it by email. I just want to  
16 compare something.

17 PRESIDING JUDGE SCHMITT: [12:36:17] Fine.

18 So please repeat your question. Thank you.

19 MS STRUYVEN: [12:36:33](Interpretation) I don't have any further questions. I  
20 simply was explaining to the witness that sometimes we put questions all over again  
21 because it is not clear in the transcript.

22 Q. [12:36:45] So I just wanted to apologise because sometimes I put the same  
23 questions over and over again, but I'll move on to something else. And it is a small  
24 clarification relating to paragraph 55, page 0090. And you talked about a Marabout  
25 known as Mauri or Mauri. Do you have any further information about him? Can

1 you explain to us what was his role at that time.

2 You made a correction to that excerpt, and you say that he had us cross the river.

3 You had taken people to help you cross the river. But my question is not there. My  
4 question is simply as follows: Who is this Marabout Mauri?

5 A. [12:38:03] Mauri was like a Modibo. That is, a fetish seller. He was the one  
6 selling fetishes in Gobere.

7 If you look at my corrections closely, it is stated that we paid him, but I said this was  
8 not the case. During the attack in Bossangoa and Bozoum, the Seleka were from the  
9 other side. He was the -- he was the one who paid the canoe owners for us to cross  
10 the river. He paid those canoe owners with his own money. So we crossed right to  
11 the Ban (phon) area because there were many hippopotamus in that area. So he's the  
12 one who paid the canoe owners to cross the river towards Ban (phon). And from  
13 there we continued on our advance.

14 Q. [12:39:19] And so was he one of you? Or how did he know that you were  
15 facing difficulties, that you were sandwiched between two Seleka groups?

16 A. [12:39:46] He was travelling together with us. We were organising the fighting  
17 together. And when we were stuck, we were compelled to disperse, but he -- he  
18 paid for the canoes. He paid the canoe owners for us to be able to cross the river.  
19 And after crossing the river, we took another route towards Bossembélé. So that is  
20 how come when we're crossing Ban (phon) -- and, in fact, there were many  
21 hippopotamuses in the Ban (phon) river, so we could not cross just like that.  
22 There were canoe owners who had come from Ouham. They used another river to  
23 come and meet us on the shores of the Bang river. And that is from that point that  
24 we crossed the river to go towards Bossembélé. He also was part of the group.  
25 Unfortunately, he's already deceased.

1 Q. [12:41:04] Is he generally known as Mauri -- or -- or, rather, is he known as  
2 General Mauri?

3 A. [12:41:12] Yes, that is correct.

4 Q. [12:41:17] Now, one last question. Concretely, we are not yet there. How do  
5 you know that there were in fact two Seleka groups on the two sides and that you  
6 were in fact stuck in the middle and you had to cross this river? How did you know  
7 that there were Selekas who were surrounding you, who were sandwiching you?

8 A. [12:41:54] Thank you. We had already battled with them in Bossangoa.  
9 Immediately after that, they called for reinforcements from Bozoum, and these  
10 reinforcements had to attack us at l'Ouham while we were crossing the l'Ouham.  
11 When we were advancing, they were chasing us, and the reinforcements were coming  
12 from in front of us. And so, as a result of that, we were compelled to disperse inside  
13 the bushes.  
14 Those from Bossangoa were chasing us, while the reinforcements from Bozoum were  
15 also coming, and therefore, they sandwiched us.

16 Q. [12:43:16] While you were advancing, did you receive information directly?  
17 That is, how was it possible for you to know that the Seleka had asked for  
18 reinforcements from the group in Bozoum? Did you have telephone  
19 communications at that time, or how was it possible for you to receive this  
20 information?

21 A. [12:43:54] Well, what I'm telling you is not a lie. This is something that I  
22 experienced. When you are confronting a force in front of you and you hear other  
23 forces coming from behind, you can feel the presence of those two forces. There  
24 were gunshots coming from in front of us and others coming from behind us. One  
25 did not need a telephone to have information.



1 On that day, there were -- there was gunfire from forces in front of us, coming from  
2 Bozoum, and there were other forces behind us who were also firing. So the Seleka  
3 forces in Bossangoa told the Bozoum forces that we were at the level of Ouham-Bac.  
4 They told us that we were about to cross the river, so the other group hurried up to  
5 come and attack us.

6 So when we tried to defend ourselves, it was difficult. So we were compelled to  
7 disperse ourselves inside the bushes so as to be able to regroup later and cross the  
8 river. That is what I said.

9 Q. [12:45:21] Thank you very much. Sometimes I ask those clarification questions  
10 simply to know precisely what happened.

11 Now I'm going to move on to something else, specifically the attack on Bossangoa on  
12 5 December. That is the big attack.

13 In your statement, paragraph 59, you explained that you arrived at 30 kilometres  
14 away from Bossangoa and that you engaged in a fast for two days so as to ask God to  
15 give you strength and that after that you executed that attack.

16 My first question is can you explain to the Chamber how the attack on Bossangoa had  
17 been planned, that is if you can explain how did things happen during the days prior  
18 to this attack? We were not there. Sometimes it is quite obvious to you, but for us,  
19 it is not that clear.

20 A. [12:47:00] Thank you very much. The preparations for the Bossangoa attack on  
21 the 5th, this is how it happened: We arrived and we had a three-day fast to ask for  
22 God's blessings. And at the beginning of the attack, all the people who had been  
23 sent to the small villages, first of all, we had to take the centre of Bossangoa and make  
24 it a base. So the first people who had progressed had already reached Bangui. We  
25 arrived 30 kilometres away from Bossangoa. I think it must have been between the

1 2nd and the 3rd. All the company fasted. We were asking for God's blessings.  
2 We were not expecting to attack Bossangoa on the 5th, so we had this fast. And on  
3 the 5th, we heard over the RFI at 5 a.m. that Bangui had been attacked. So the  
4 ComZones said since Bangui was attacked on the 5th, we had to attack Bossangoa on  
5 the 5th in order to show that it was a coordinated attack. It is for that reason that we  
6 left from that position 30 kilometres away where we were and then we started  
7 walking as from 9 a.m. in one column. ComZone Kema was leading one group.  
8 Ndangba was leading another group. In the Ndangba's group, we attacked the road  
9 leading directly to Bossangoa. Kema's group entered behind the Maria radio station,  
10 so as to attack, so that we could attack. So when we received the information that  
11 Bangui had been attacked, we left at 9 a.m. in order to attack Bossangoa at 1 p.m. So  
12 at 1 p.m. we started our attack on Bossangoa. That is the attack of the 5th.

13 PRESIDING JUDGE SCHMITT: [12:49:51] May I shortly?

14 Mr Witness, who decided to attack on this same day?

15 THE WITNESS: [12:50:19](Interpretation) When we received the information that  
16 the Balaka had attacked Bangui, the National Assembly, the Camp Kassai, the  
17 ComZones commanding us told us that Bangui had already been attacked. They  
18 had received -- that is around 5 a.m., they had received the information. They had  
19 the network and told everyone to be ready. Kema and the other one went and made  
20 a phone call and then told us that the chiefs had told us to attack Bossangoa. When  
21 they were going to make the call, they said they were going to take instructions, but  
22 they did not tell us the name of the person who gave the instructions to attack  
23 Bossangoa. That is the instructions given to us by those who had gone to make the  
24 call.

25 PRESIDING JUDGE SCHMITT: [12:51:24] So this would have of course been my

1 next question. With whom -- you don't know with whom Kema was speaking on  
2 the telephone?

3 THE WITNESS: [12:51:52](Interpretation) When he made phone calls, he always  
4 said the chiefs, the superiors have given us orders, instructions. He never gave us  
5 the identity or names of those chiefs or superiors. He simply said the chiefs, the  
6 superiors had told us to progress or advance. He never gave us any names.

7 PRESIDING JUDGE SCHMITT: [12:52:16] Thank you. I think it's important that  
8 this is clear. I think this is an important point.

9 Ms Struyven, please continue.

10 MS STRUYVEN: [12:52:30] (Interpretation)

11 Q. [12:52:31] You explained that it was important to show that it was a coordinated  
12 attack on Bossangoa at the same time as the attack on Bangui. During that time, did  
13 you know why it was important for the attack to be coordinated with that of Bangui?

14 A. [12:53:15] I think that the Balaka movement had been set up in Gobere. And  
15 those who attacked Bangui, the majority of them came from Gobere. So it was the  
16 same group, the same superiors who were in Gobere who did the coordination and  
17 who wanted to ensure that the attack should be a coordinated one, so as to give  
18 greater visibility to the movement. So it was the same coordination and I think the  
19 instructions were the same. So from the moment the first group attacked, we also  
20 needed to attack, so as to show that the movement had a national reach.

21 Q. [12:54:21] Thank you very much. If I understood you correctly, you said -- you  
22 said that Kema and Ndangba, one of the two, went and made calls a bit further away  
23 to take instructions from the chiefs.

24 Do you know whether it was during the attack itself while the attack -- while the  
25 attack on Bossangoa was ongoing, do you know whether they were continuing those

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1 telephone conversations? In other words, were they receiving instructions during  
2 the attack itself?

3 A. [12:55:16] I believe I have said that when it comes to calls, Ndangba is  
4 operational. But the people who frequently called were Ndangba and Romain.  
5 Kema was the ComZone and his deputy was Ndangba. But the person with whom  
6 Ndangba most frequently went to make the calls was Romain. So they would go  
7 and make the calls and come back to report to the elements about the instructions.  
8 Ndangba was operational. He did not go frequently to the calls. He was in charge,  
9 directing operations in the field, so it was Kema and Dedane -- or Kema and Romain  
10 who made the calls.

11 PRESIDING JUDGE SCHMITT: [12:56:24] So please slow down, Ms Struyven.  
12 And I think also with regard to these further telephone calls, it seems to be clear that  
13 the witness does not know with whom they spoke, which is -- I say that and I  
14 underscore that because that might have been an issue that would have been  
15 addressed by Mr Knoops and Ms Dimitri otherwise. I'm quite sure about that.  
16 So please continue.

17 MS STRUYVEN: [12:57:01] (Interpretation)

18 Q. [12:57:01] You have explained that it was mostly Kema and Romain who went  
19 and made phone calls. Did you know or did you see whether they made phone calls  
20 during the attack on Bossangoa, that is while the attack was ongoing?

21 A. [12:57:45] I have told you that when we heard over RFI that Bangui had been  
22 attacked, around 6, 7 a.m., we received the information because the network is not  
23 very far from where we were based, so Kema and Romain went and made the call.  
24 Ndangba told us to wait for the answer to the call that had been made.  
25 So that call was placed and they came back to us. They gathered all the chiefs

1 together and said that the instructions were to attack Bossangoa. So this was the  
2 account of the call that had made. It does not mean that they stayed where they had  
3 made the call. They came back to the same group and we advanced. Those who  
4 were behind were the women and then the young people who were assisting us. But  
5 the bulk of the group, they were in front marching towards Bossangoa.

6 Q. [12:59:02] Thank you. Maybe one last question before the break because I think  
7 the break should intervene soon.

8 Now, did you see or did you hear whether Kema or Romain or Ndangba gave a  
9 report at the end of the attack? Did they inform you that they had phoned those  
10 same people again to explain to them how the attack had happened? Did they do  
11 that at the end of the attack?

12 A. [12:59:52] After the attack on Bossangoa, there were injured persons, many cases  
13 of injuries, and they were counted and so a report had to be made about the elements,  
14 such and such a person has been injured. Because after every attack a report on the  
15 elements had to be reported to the superiors. Mandago was hit by a bullet,  
16 Mandago Alexis, Lamine died, so it was necessary to draw up a list of those who had  
17 been issued. And then we had to go right up to Benzambé. It is there that we  
18 handed over those injured people from Doctors Without Borders to take them to  
19 Bossangoa and take care of them.

20 PRESIDING JUDGE SCHMITT: [13:01:13] Perhaps one question before the break.  
21 Mr Witness, just to make sure, do you know to -- who was the recipient of these  
22 reports? To whom the -- to whom was reported about the injuries, and perhaps also  
23 the death?

24 THE WITNESS: [13:02:02](Interpretation) I think that they reported to the superiors,  
25 or the chiefs, that they were in the habit of calling. Because if they reported, they

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1 realise that Ndangba had been injured. We lost two chief corporals and others who  
2 were struck by bullets on the arms. So each time they were going to report, they  
3 would say that they were going to report about the attack, and they would say such  
4 and such a number of soldiers or elements had been injured, or these people had been  
5 killed. So they would each time go to a place where they could find a network and  
6 report about the fighting. I do not know to whom.

7 PRESIDING JUDGE SCHMITT: [13:02:56] Okay. I think this is, indeed. So in the  
8 line of the other questions that we put to -- to the witness in the last couple of minutes,  
9 it's quite important, these things.

10 So we'll have now the lunch break until 2:30.

11 THE COURT USHER: [13:03:11] All rise.

12 (Recess taken at 1.03 p.m.)

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

14 THE COURT USHER: [14:32:40] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:33:05] Good afternoon, everyone.

17 Ms Struyven, you still have the floor, and we take it that you finish with this session.

18 Okay. Thank you.

19 MS STRUYVEN: [14:33:11] Yes. Thank you, Mr President.

20 Q. [14:33:16](Interpretation) Mr Witness, before starting I have some clarification  
21 based on what you said this morning. The first relates to another document which  
22 I'd like to show you, because you referred to General Mauri. This is tab 17,  
23 CAR-OTP-2068-0123.

24 The first page, you see "Anti-Balaka - Elements of Coordinator Yagouzou - Company  
25 of General Marabout Mauri".

1 My question is as follows: Do you recall or can you confirm that, once in Bangui, he  
2 was under Yagouzou?

3 A. [14:34:49] I didn't fully understand the question. What gentleman are you  
4 talking about?

5 Q. [14:34:59] I'm talking about General Marabout Mauri.

6 A. [14:35:10] Yes, Mauri arrived in Bangui. And once in Bangui he installed  
7 himself in Boeing and we called him General Mauri. And since we called him  
8 general, Andjilo was angry and wanted him to be called -- wanted to be called general.  
9 There was a misunderstanding between them. Mauri was forced to withdraw to  
10 Boali. And since Andjilo was called general, he didn't want to have any other person  
11 called general, so he was forced to withdraw to Boali and set himself up there.

12 Q. [14:36:04] Thank you.

13 And a second clarification. You referred to Romain, who went away from time to  
14 time to make calls in areas where he could find coverage, networks. And the  
15 question is: Do you have a name for this Mr Romain? Do you have another name  
16 for him? A family name. Or could you describe him or could you tell us whether  
17 he was a FACA member or not.

18 A. [14:36:54] He was a soldier at that time when President Bozizé was in power.  
19 He -- his weapon was stolen and then he withdrew to Benzambé. He was a military  
20 person who went away from the army and then he joined us and we worked together.  
21 That's what I can tell you about Romain.

22 Q. [14:37:34] Thank you.

23 Now as regards the attack on Bossangoa, you mentioned this before, the attack on  
24 5 December on Bossangoa, you said that you found yourself 30 kilometres away and  
25 you started to fast so that you would gain strength.

Trial Hearing  
WITNESS: CAR-OTP-P-0966

(Open Session)

ICC-01/14-01/18

1 Do you know more or less when the decision was taken to attack Bossangoa? Not  
2 the exact specific day, but the idea to attack Bossangoa. When did that happen?  
3 Who said you should go 30 kilometres away from Bossangoa so that you would be  
4 ready to attack Bossangoa?

5 MS DIMITRI: [14:38:32] Mr President.

6 PRESIDING JUDGE SCHMITT: [14:38:34] There was a question. Afterwards.  
7 Is it a translation issue?

8 MS DIMITRI: [14:38:38] No.

9 PRESIDING JUDGE SCHMITT: No --

10 MS DIMITRI: [14:38:35] It's an objection.

11 PRESIDING JUDGE SCHMITT: [14:38:40] Objection. Okay. That's different then.

12 MS DIMITRI: [14:38:42] Unless I'm missing something, but I believe this -- this  
13 discussion was asked and answered. He explained that they were about  
14 30 kilometres away. They were -- they were fasting. And then they learned  
15 on -- on *Radio France Internationale* that there was an attack, and then that's when they  
16 decided to attack. I mean, unless I'm wrong, but I think it's the same question.

17 PRESIDING JUDGE SCHMITT: [14:39:04] It's something in the middle. If -- I think  
18 if we rephrase it, because I have asked myself, actually, before -- before the break.  
19 Mr Witness, you said it -- when it was decided to attack Bossangoa, the concrete date,  
20 that was on 5 December 2013, we understood that. Was it amongst you and your  
21 fellow, let's say soldiers and combatants, was it clear before that time that at one point  
22 you would attack Bossangoa?

23 I think this way, Ms Dimitri, it's okay to ask it.

24 THE WITNESS: [14:40:10](Interpretation) Thank you.

25 Initially, we attacked Benzambé. Our objective -- well, before deciding to take



1 Bossangoa, we wanted to take the smaller villages. After that, our objective was to  
2 take Bossangoa. After that, we wanted to take Bangui. After having taken  
3 Bossangoa, we headed towards Bangui, Bouca. And the first time we attacked  
4 Bossangoa, and we were pushed back and we were forced to circumvent, to go to  
5 Bossangoa, and we stationed ourselves in Bossembélé. And then we received the  
6 order to start again and attack Bossangoa. We crossed the -- the desert --

7 THE INTERPRETER: [14:41:17] The witness says.

8 THE WITNESS: [14:41:17] (Interpretation) -- to approach Bossangoa. It was in  
9 December, where we were about 30 kilometres away, and then we received the order  
10 to attack Bossangoa. During that time, the others were already under way for  
11 Bangui, but we moved so that we could attack this town. When we were  
12 30 kilometres before Bossangoa, we rested to fast. And during that time, whilst we  
13 were fasting, we weren't sure when we would attack Bossangoa. Afterwards, after  
14 fasting, one day after our fast, it was the 5th in the morning that we learned on RFI  
15 that Bangui had been attacked and, therefore, our chiefs who were commanding us  
16 went to the network, Kema and Romain, before leaving and they asked us to be ready,  
17 to be prepared.

18 And after the call they came back to us around 9 o'clock. It was around about  
19 9 o'clock, or 10 o'clock, and said to us that we must attack Bossangoa today. So after  
20 that decision we all started to attack that town.

21 PRESIDING JUDGE SCHMITT: [14:43:01] Please move on. I think  
22 this -- whatever -- whatever we read out of it or not out of it, this is enough as a  
23 question with regard to this issue.

24 MS STRUYVEN: [14:43:12] If I may ask one follow up on the order itself.

25 PRESIDING JUDGE SCHMITT: [14:43:15] Okay. But I think -- I think we have --

1 MS STRUYVEN: [14:43:15] (Overlapping speakers) when they were in Bossembélé.

2 PRESIDING JUDGE SCHMITT: [14:43:16] I think we have covered that relatively  
3 extensively, I would say.

4 MS STRUYVEN: [14:43:22] Yeah. It was when -- when they were in Bossembélé,  
5 that's when they got the order to go to Bossangoa. And I just want to ask if he  
6 knows who gave that particular order.

7 PRESIDING JUDGE SCHMITT: [14:43:30] Okay. We can to that, but I think I know  
8 the answer. Okay. But please do that, yes.

9 MS STRUYVEN: [14:43:37](Interpretation)

10 Q. [14:43:39] You explained that there was a first attack on Bossangoa. You  
11 withdrew to Bossembélé. And there you had the order to attack Bossangoa again.  
12 Do you know who gave this order to re-attack Bossangoa a second time?

13 A. [14:44:19] When we were still in Bossembélé, we were in the bush, in the forest,  
14 in the fields. And we were in Modibo's plantation on Monday. Dedane withdrew  
15 to make a call, and when he returned, he gave us the order to go there. So when we  
16 were with Lendi, there were other elements who joined us. We set up a base there in  
17 the plantation of Lendi. We went up to Bossembélé. We wanted to attack  
18 Bossembélé, but that project was rejected, because if we attacked Bossembélé we  
19 could have people who came from Bouar and other parts of the town who would  
20 attack us.

21 So 12 Puissances withdrew and went to Bogangolo to join the team of Andjilo, who  
22 was making calls and returning. So this went through the axis of Damara. As far  
23 as we were concerned, we left and returned to the bush and we went up to Bossangoa.  
24 So we went through very small pathways. So to be clear, it was after the call made  
25 by Dedane when he returned to us and he gave us the order to attack Bossangoa.

1 This is how -- this is how our group was divided into two, one part finally went to  
2 Bossangoa in order to carry out the attack.

3 PRESIDING JUDGE SCHMITT: [14:46:35] Well, I think this is -- this is enough on  
4 this issue now and we -- it seems to be a similar pattern, so to speak, there is some  
5 telephone call and I think we can assume that he does not know with whom the  
6 telephone call was, who was the other person on the other end of the telephone.  
7 Please continue.

8 MS STRUYVEN: [14:47:02] (Interpretation)

9 Q. [14:47:05] Was there a particular reason why you had to attack Bossangoa?  
10 Was there a particular reason why Bossangoa was selected?

11 A. [14:47:27] I think that taking Bossangoa would enable us to get material aid.  
12 Because it was from that town that we were going to receive some material aid and  
13 that is why we were asked to return towards that town.

14 PRESIDING JUDGE SCHMITT: [14:48:03] Mr Witness, what do you mean by  
15 material aid? What did you understand by material aid?

16 THE WITNESS: [14:48:26](Interpretation) As I have said, this is what I've learnt, you  
17 know, people in Bossangoa who fled towards Cameroon hid some material and by  
18 taking Bossangoa would enable us to retrieve that material so that we could continue  
19 our march towards Bangui.

20 PRESIDING JUDGE SCHMITT: [14:49:00] And Mr Witness, did you retrieve some  
21 material after the attack?

22 THE WITNESS: [14:49:29](Interpretation) When we returned and we could take the  
23 town, we didn't receive anything. We only received small things which we could  
24 find in the town, but the promised material aid was something we did not find.

25 PRESIDING JUDGE SCHMITT: [14:49:53] Again, I think that is something of

1 importance for -- for everyone here in the courtroom.

2 Please continue.

3 MS STRUYVEN: [14:50:02] (Interpretation)

4 Q. [14:50:05] So there was 5 December, there was Bangui and Bossangoa. Do you  
5 know whether there was the intention to attack other towns in the neighbourhood  
6 other than Bossangoa and Bangui?

7 A. [14:50:40] I think that the objective was to free Bossangoa and then the capital  
8 Bangui. There were people who regrouped in Gobere. After us there were others  
9 who went to other towns so that they could move towards Bangui. But our objective  
10 was to take Bossangoa and then to march towards the capital to recapture it. Our  
11 objective was not to go to other areas or locations. It was only Bossangoa and the  
12 capital which was our objective. Those who went to Gobere afterwards to look for  
13 the fetishes, they were asked to capture other locations.

14 Q. [14:51:47] And perhaps a final question on that.

15 Do you know how the decision was taken? Which group, which company, which  
16 sector would continue to Bangui and which group or company or sector would stay  
17 to attack Bossangoa? Do you know how this decision was reached?

18 A. [14:52:26] Thank you. In the beginning, it was all the teams who had to go to  
19 Bangui in order to capture it. Afterwards, they talked about Bossangoa. The first  
20 group that left was the group of Andjilo who went to Bouca. Another group went to  
21 other locations. And we, we went to Benzambé. The objective was to conquer all  
22 the Seleka bases who were in the smaller villages around Bossangoa before going to  
23 Bossangoa, and after taking Bossangoa, we had to continue to Bangui. Andjilo was  
24 at Bouca. We called him to ask for reinforcements so that we could enter Bossangoa.  
25 He refused. He said that his objective was to take Bouca and then to go to the capital

1 Bangui. Suddenly there was a division. Everyone did their own thing. Andjilo  
2 wanted to go to Bangui and we concentrated on Bossangoa.

3 Q. [14:53:51] Thank you. I'm going to move to another paragraph. You already  
4 talked about this today. You explained that you kept women and children -- once in  
5 Bossangoa you kept the women and children separated and that you accompanied  
6 them to the *Liberté* neighbourhood, which I think is near the school *Liberté*. Just a  
7 small question on that. Do you know how many women, roughly speaking,  
8 approximately, how many women and children we're talking about here?

9 A. [14:54:42] It's difficult for me to give you a number. We were worried and  
10 dealing with those who were at Benzambé. We protected them. There was also the  
11 imam and the pastor. They were numerous, but I don't really have a specific  
12 number to give you. We tried to make sure they were safe in Benzambé, in the  
13 neighbourhood of Benzambé, but I know there were many of them.

14 Q. [14:55:27] And once they were in the school of *Liberté* in Bossangoa, do you  
15 know whether they stayed there or whether they left to go elsewhere later on?

16 A. [14:55:52] Thank you. When we attacked Benzambé, we got all the Muslims  
17 who were there. Even before we arrived, the Muslims who were in the other  
18 villages had regrouped themselves there. So we regrouped in that village and after  
19 that, I think it was the United Nations forces, I think it was FOMAC who was in  
20 Bossangoa. This force went there in order to take them and to take them to  
21 Bossangoa.

22 Q. [14:56:44] Thank you. I'm now going to move to another paragraph, also  
23 seeking clarification at page -- 0092 page, paragraph 67, you said you wanted to leave  
24 Bossangoa and you said that Jojo Bozizé passed on the message not to go to Bangui.  
25 And when you said there is a reference of Jojo Bozizé, is this Joseph Bozizé?

1 A. [14:57:33] In my statement, I said that when we arrived in the town of  
2 Bossangoa, I was the secretary, as you know. I established the mission order and  
3 then from Bozoum to Bossangoa I made lists so that we could have checkpoints to  
4 make things more safe.  
5 When we sent them to the positions, the posts of the checkpoints, there were traders  
6 who came towards Bozoum to sell their goods and those elements confiscated and  
7 took their goods. In order to avoid problems of this nature, Ndangba and I decided  
8 we would go Bangui. And when we took the vehicle to go to Bangui on that day,  
9 the son of Bozizé, who was called Papi, arrived in Bossangoa. He said he wanted to  
10 meet all the Anti-Balaka. I didn't see him myself. Ndangba gave me this  
11 information. And at that time I was already getting ready to go to Bangui. I  
12 couldn't remain in the town of Bossangoa. This is how Ndangba and I learned about  
13 this. My elements, there were about 30 of them, we took a vehicle from a trader and  
14 he transported us and we went to Bangui. Behind us, a meeting was taking place,  
15 but I don't know what was discussed during that meeting.  
16 So that's what happened on that particular day when I was already heading towards  
17 Bangui. I was preparing myself to go to Bangui.

18 Q. [14:59:51] Do you know what Papi Bozizé was doing in Bossangoa? What was  
19 his role at that moment in time?

20 A. [15:00:15] When we started our journey, we had never heard anyone say  
21 anything about him. When we were in Bossangoa, Ndangba came to see me so that  
22 we could get ready to leave and he told me that Papi had already arrived and he was  
23 wearing a particular type of hat. He told me that Papi wanted to meet the  
24 Anti-Balaka representatives and hold a meeting with them, and I said to him that I  
25 already had a vehicle so I couldn't stay. After that, I learnt that the Anti-Balaka who

1 were regrouped and he wanted to have a meeting with all the other Anti-Balaka.

2 But I didn't want to stay in the town. I'd already taken my decision to go to Bangui,  
3 so they called the chief for information.

4 Q. [15:01:25] Thank you. I will now move to the time when you arrived Bangui.

5 And, specifically, paragraph 91 of your statement, page 0097. And you say that  
6 Ngaïssona organised weekly coordination meetings with the ComZones.

7 My question is: Do you remember the first time, the first meeting that you attended  
8 with Mr Ngaïssona?

9 A. [15:02:18] I no longer remember the date, because on the very day that I arrived,  
10 I had a photograph. If I can find that photograph, there is a date behind that  
11 photograph. I took that photograph with my elements. I was with someone who  
12 was in the coordination known as Pakom. He was a member of the coordination  
13 also. He came and saw me. He told us what we had to do. Then later on we were  
14 led to the coordination, that is, at the residence of Mr Ngaïssona.

15 PRESIDING JUDGE SCHMITT: [15:03:12] Perhaps why not ask him, do you think  
16 you could find this photograph until tomorrow, for example?

17 THE WITNESS: [15:04:01](Interpretation) I believe that there is one of my  
18 photographs in the file. I think that the first time I arrived. It is in an annex to my  
19 statement. There is a photograph which was taken on the first day that I was in  
20 Bangui, and if I have that photograph, I will have the date because it is written behind  
21 the photograph itself.

22 PRESIDING JUDGE SCHMITT: [15:04:29] Thank you for that information. I don't  
23 know how significant it is, but it is, of course, let's say, of potential significance when  
24 exactly the witness attended such a meeting. So do you know what  
25 the -- Ms Struyven, to which the witness is referring to?

1 MS STRUYVEN: [15:04:53] I -- I think so. And we are going to show him that  
2 picture. I don't think we have -- it was extracted digitally, so I don't think we have  
3 the date on the back of the photo, but I can check.

4 PRESIDING JUDGE SCHMITT: [15:05:04] But, okay, this -- then we don't have to  
5 show it to the witness because it's perfectly understandable that he does not recall  
6 the -- the date after nearly eight years, or after eight years, we don't know.

7 And -- and if from the picture we can deduct the date, then we can see it with our  
8 own eyes. So I think simply continue. We don't have to exercise this then.

9 MS STRUYVEN: [15:05:37](Interpretation)

10 Q. [15:05:38] Now, when you say Pakom, are you referring or not to Mr Azounou?

11 A. [15:06:05] That is correct. It is Azounou Hyppolite Côme.

12 Q. [15:06:10] Can you explain to the Chamber what happened, what did  
13 Mr Azounou sell you in order to take you to Mr Ngaïssona's place? And what  
14 happened during that meeting? Can you tell the Chamber what was happening  
15 there, what was said, who was present and the topics of discussion?

16 A. [15:06:54] When Pakom came and saw me after learning that, I had come from  
17 Bossangoa, he came to meet me because we had known each other in a small village  
18 near my native village. That is where he joined my group. That is where he joined  
19 the movement. He said that the authority, the supervisor of everything was  
20 Mr Ngaïssona, who was the coordinator, and that all the activities and coordination  
21 was happening in his compound. And since I had arrived, I should take over control  
22 of the base of my cousin who had gone to Damara, and after that he would take me to  
23 the residence of the coordinator so that I could discuss with him. That is how come  
24 he took me to the first meeting.

25 I was with a single aide-de-camp. The others were outside. It was the first meeting



1 in Ngaïssona's compound for me. It was the first time I was seeing him as the  
2 coordinator, and that was after the conversation I had with Pakom who then led me  
3 to his residence.

4 Q. [15:08:25] And do you remember what Mr Ngaïssona told you at that time?  
5 What was he talking about?

6 A. [15:08:52] During that meeting, Mr Ngaïssona saw me and then he asked me  
7 where I was from. I told him I was coming from Bossangoa. He asked me about  
8 what had happened there, and I told him what had happened. Our march right to  
9 Bangui.

10 Shortly after that, General Andjilo arrived with his elements. Then shortly after that,  
11 Gustave, because a vehicle had been hijacked. Gustave had recovered the vehicle,  
12 and it had to be returned to its proprietor. And at that time the discussion was  
13 interrupted because many people had arrived. Then a meeting was scheduled in his  
14 residence. It was at his home. I went there, and many topics were discussed.

15 Q. [15:10:13] Do you remember those topics that were discussed?

16 A. [15:10:26] Yes, I do remember.

17 Q. [15:10:38] Can you explain to the Chamber the issues that were discussed  
18 during that meeting.

19 A. [15:11:00] First of all, there was the matter of the identification and recognition  
20 of all the bases of the Anti-Balaka in the Boy-Rabe neighbourhood, because certain  
21 bases were unknown, and so each chief had to introduce himself, indicate where his  
22 base was located.

23 Q. [15:11:50] Did he speak to you about the future objective of the Anti-Balaka?

24 A. [15:12:32] When he talked about the ambitions of the Anti-Balaka movement,  
25 that was afterwards. At one point he told us that the ambassador had asked him to

1 transform the Anti-Balaka movement into a political party so as to be able to change  
2 the lives of the Anti-Balaka combatants, because they would see their lives change.  
3 He wanted to submit that proposal to us and in turn hear our points of view.  
4 However, there was a disagreement amongst us because many of us -- or, rather,  
5 many agreed and said it was better to transform the movement into a political party  
6 because they were tired of waging war. In the meantime, the coordinator Mokom,  
7 he was also a member of the coordination. He's the coordinator of operations. And  
8 when he met the proposal to transform the movement into a political movement,  
9 there was dissidence -- into a political party, there was a dissident view from Mokom.  
10 That is between Mokom and him.  
11 So it was necessary to bring together all the ComZones from the provinces. They  
12 were convened, and so a meeting was held in the second compound located in  
13 Pougoulou where 12 Puissance was living. We said we were tired of waging war  
14 because the idea was to transform the movement into the political party. We were  
15 tired, and we wished that movement to be transformed into a political party. And  
16 that is how the PCUD party was born.  
17 Mokom left with his group and decided to continue in his path of self-defence. It is  
18 at this point that there was a split between the two wings, the Ngaïssona wing and  
19 the Mokom wing.  
20 As for myself, initially, I supported the Ngaïssona wing. And after Mokom travelled  
21 to Nairobi, then he returned. As from that point, things became clear for certain  
22 people and myself. We decided to join Mokom. So some people left the Ngaïssona  
23 wing to join the Mokom wing.  
24 Q. [15:15:59] Thank you very much.  
25 Now this transformation into a political party, this in documents seems to have

1 happened towards the end of 2014, but I have questions relating to the period prior to  
2 that, so we will backtrack a little bit.

3 First of all, you have said that during your first meeting you talked about what had  
4 happened in Bossangoa. Did you also have the opportunity to talk about the small  
5 attacks around the villages, the small villages such as Benzambé, and other attacks on  
6 smaller villages? Did you have the opportunity to discuss those with Mr Ngaïssona?

7 A. [15:17:01] I believe that the discussion that took place between Coordinator  
8 Ngaïssona and myself was not on that topic. But when he needed to call a ComZone  
9 from the Bossangoa area, I could provide the contact details of that ComZone so that  
10 he could call him.

11 Now regarding the small attacks of villages, no, I did not give him an account,  
12 because that depended on Mokom. He and myself, we did not talk about the attacks.  
13 I did not report about the attacks or the battles that we were engaged in. That was  
14 the area of competence of Mokom.

15 Q. [15:18:03] Now, did you in fact have the opportunity to provide the contact  
16 details of ComZones in Bossangoa?

17 A. [15:18:29] He asked me a question. When he was designated as coordinator,  
18 people did not trust him. I talked to him about Kema, who was a ComZone. And  
19 Kema and the others were like his deputies, so I said I belong to such and such a  
20 group, and then I mentioned the names of the various chiefs so that he should know.  
21 That is what I told him.

22 Q. [15:19:15] So at this initial time, that is before the Anti-Balaka transformed  
23 themselves into a political party, the period before that, during the meetings with the  
24 ComZones. You say in your statement that there were weekly meetings. Did the  
25 participants discuss the plan of action at that time?

1 I know that this is a very general question, but before the Anti-Balaka morphed into a  
2 political party, can you tell us what was discussed during meetings with the  
3 ComZones?

4 A. [15:20:21] Can you please kindly rephrase that question so that I can understand  
5 it better.

6 Q. [15:20:39] No problem. My question was rather general. I simply wanted to  
7 know whether, for example, during meetings with Ngaïssona -- well, maybe I should  
8 ask you another question first.

9 Were you in any meetings in which both Ngaïssona and Mokom were present at the  
10 same time?

11 A. [15:21:14] At the beginning, when the movement had not yet been transformed  
12 into a political party, Ngaïssona and Mokom were together. The meeting was held  
13 at a single location in his house. There was not yet a split. Before the movement  
14 was transformed into a political party, there was a single coordination and the  
15 coordinator was Ngaïssona. Mokom was merely his deputy. It was after his  
16 appointment that Mokom returned. He was under the authority of Ngaïssona.  
17 Meetings were held together. It was during a meeting at the Hotel Azimut that  
18 Ngaïssona was appointed coordinator in the presence of Mokom. When meetings  
19 were held, they were all together.

20 Q. [15:22:28] And so during the meetings in which both Ngaïssona and Mokom  
21 were present, was there any discussion, for example, of the attacks ongoing in the  
22 provinces? That was the first question. Did they discuss what was happening in  
23 the provinces?

24 A. [15:23:01] Regarding the attacks in the provinces, after my arrival in Bangui, the  
25 ComZones called the operations coordinator Mokom, who reported to Ngaïssona,

1 because at the time Mokom was like the operational commander, that is the military  
2 branch, whereas Ngaïssona was the general coordinator. When there was a case of  
3 an attack in the provinces, Mokom was immediately informed, and in turn he  
4 reported to Ngaïssona, after which they would look for ways and means of dealing  
5 with that.

6 Q. [15:23:59] Were you aware whether during these meetings - and I'm talking to  
7 the meetings attended by both Ngaïssona and Mokom - did they discuss, for example,  
8 the fate of Muslims, some of which -- some of who had been evacuated by FOMAC,  
9 MINUSCA and others?

10 A. [15:24:40] Please kindly rephrase the question. I did not quite understand it.

11 Q. [15:24:49] I'm sorry. Sometimes my French is not really up to par.

12 My question is as follows: During the meetings that were both attended by  
13 Ngaïssona and Mokom, during those meetings with the ComZones did you ever hear  
14 any discussions about what was happening during that period with the Muslims,  
15 specifically the fact that a good number of Muslims had actually been evacuated?

16 A. [15:25:39] I thank you. If you are talking about Muslims, this was during the  
17 period when we were in Bossangoa. But once we arrived Bangui, I was only aware  
18 of what was happening in the capital. And so when you are talking about Muslims,  
19 it was well before the FOMAC evacuated the Muslims. But after having taken over  
20 the leadership of the movement, Ngaïssona and Mokom, only what was happening in  
21 the capital was discussed. Sometimes they would call the ComZones who were in  
22 the provinces and we would hear about that. I was not a member of the  
23 decision-making body, so I was not privy to what was being discussed. So I took  
24 part in the meetings, instructions were given, and then I would leave and go and  
25 inform my elements.

1 Regarding the other cases and other situations, the management of what was  
2 happening there, it was happening in the province, it was the coordination that was  
3 responsible for that. Everything that was happening in the provinces was the  
4 responsibility of the coordination.

5 Q. [15:27:21] Now you have said that Mokom reported to Ngaïssona. And maybe  
6 this is a strange question, but can you explain to the Chamber how you got to know  
7 that Mokom reported to Ngaïssona?

8 A. [15:28:02] Listen, I was a chief and I had elements under my command. When  
9 the coordination called upon us, Mokom was responsible for coordination in the field,  
10 so it so happened that he would tell us that, look, Ngaïssona called me and told me  
11 such and such a thing and I would want you to protect yourselves.

12 So from time to time he would say that the chief called me to tell me about what had  
13 been happening in the provinces. So this is how I got to know, because when things  
14 happened in the provinces he would call him to -- they would call him to keep him  
15 aware.

16 Q. [15:29:01] Thank you. I have another question, relating to paragraph 98 of your  
17 statement. It is page 0099. And there -- and we are in the area of the politicisation  
18 of the Anti-Balaka movement, and it was shortly before the split, and you say that  
19 Ngaïssona manipulated the false ComZones and their elements, most of whom were  
20 criminals, in order to generate violence.

21 Can you explain, in your own words, explain to the Chamber what you meant by  
22 that.

23 A. [15:30:15] I thank you. Regarding what I said in my statement, at the time  
24 when Mokom and Chiki Chiki were about to go to Nairobi, Ngaïssona and Konate  
25 also had to go there. During that time I was under the command of Ngaïssona.

1 Before their trip to go and meet with former presidents Bozizé and Djotodia in  
2 Nairobi, those of us ComZones who were in Bangui, we were aware. We were  
3 called up and we went to coordinator Ngaïssona's place. He told us that the French  
4 ambassador had called him to tell him that all those who wanted to travel to Nairobi  
5 had to be arrested. And Konate was part of the group and the excellency took the  
6 telephone to inform him that the ambassador of France had provided that  
7 information to him that all those who went to Nairobi would be arrested. So  
8 Mokom, Chiki Chiki, Houronti and others such as Kokaté, that is how come they  
9 finally went. Those were the ones who went to Nairobi.  
10 There was a plane that came from Nairobi in order to transport those elements. But  
11 since the French ambassador had told them that all those who went on that trip were  
12 going to be arrested, that news, that information was given to us in Ngaïssona's  
13 compound and we were sure that they would be arrested.  
14 They indeed went to Nairobi and when they came back, we told ourselves, well, they  
15 went, they came back, we wanted to transform this movement into a political party  
16 and once that was done, our lives would change. But that was not the case. This is  
17 how come we changed the coordination.  
18 We went to see Mokoko who contacted Sassou-Nguesso in order to try and set up our  
19 bureau under the coordination of Mokom. So during a vote, he withdrew. The  
20 vote finally took place and during that meeting, Mokom was designated coordinator  
21 as well as Kokaté. When they returned, Kokaté was responsible for corrupting the  
22 other ComZones. But we told ourselves Mokom, when we were still in the bush, he  
23 was the one who called us to encourage us to provide information to us, so it is better  
24 to choose him as a coordinator, and that is how come some people decided to join up  
25 with Mokom.

1 All those who had come from the provinces joined Mokom, whereas -- well, for  
2 example, Jesus, when my cousin's motorbike was stolen, I went to see him to recover  
3 it. During that time, Apostle Ngaya had made a statement without receiving any  
4 orders, so they went and fetched Ngaya on a motorbike to bring him back to the  
5 compound.

6 So these were stories of that type, the loss of motorcycles and so on. And that's what  
7 I'm saying. There were Anti-Balakas whose conduct was not good and it was in  
8 respect to that.

9 Q. [15:35:45] When did you learn that Ngaïssona had given money?

10 MS DIMITRI: [15:35:52] The Sango booth is now coming out in the French channel.

11 PRESIDING JUDGE SCHMITT: [15:35:54] Which is not ideal, to put it this way. So  
12 can we repeat that, please, so we have it on the record.

13 MS STRUYVEN: [15:36:13] (Interpretation)

14 Q. [15:36:14] I think you gave this example of your motorbike in your statement,  
15 but what I'd like to know, do you have other examples? You explained in your  
16 statement that time went by and there were other people who joined the Anti-Balaka,  
17 crimes were committed, people who literally told you in paragraph 98 that "The  
18 Anti-Balaka who were now in Bangui" - so this is a few months later - "they moved  
19 the -- they joined the movement to pillage, loot, and cause harm to the people of  
20 the -- of Bangui. They destroyed our movement and they deprived us of our dignity  
21 as Anti-Balaka. The FACA were ashamed because they had fled their  
22 responsibilities to protect the country while we civilians stood up against the Seleka.  
23 That is why FACA wanted to get rid of us."

24 And you say Ngaïssona manipulated the fake Anti-Balaka ComZones and the  
25 elements in order to create violence because the majority of them were criminals.



1 The real Anti-Balaka who had suffered in the bush to protect civilians would only try  
2 and protect civilians.

3 So my question is: Can you give the Chamber some examples that Ngaïssona  
4 manipulated these fake Anti-Balaka ComZones and their elements to generate  
5 violence?

6 A. [15:38:26] I think there is some documentation. I think it's Maxime Mokom  
7 that has those documents, has a letter which -- an agreement that was signed with the  
8 President Samba-Panza. We even wanted to present the document to Monsignor  
9 Nzapalainga. Mr Mokom still has this document. If he was here, he could give you  
10 the document. And if I had made a photograph of it, I could have shown you here  
11 that document which says that the government had to be protected.

12 You know, the arrest warrant already existed. He was sent this warrant of arrest.  
13 His lawyers informed us that there was a warrant of arrest against him and the  
14 Anti-Balaka could show their anger. Mr Mokom has this document. There are  
15 individuals who have seen this document. Mokom was there. There were about  
16 six of us.

17 Unfortunately, he didn't come -- Ngaïssona didn't come to the meeting. We wanted  
18 some clarifications so that our image wouldn't be tarnished permanently. If you see  
19 the protests of the Anti-Balaka in Boy-Rabe, those who received information, those  
20 who launched those elements and told them to protest in the streets, this pushed us to  
21 state that there were fake Anti-Balaka who were being manipulated to the detriment  
22 of the true Anti-Balaka. It wasn't people with whom we fought. These were people  
23 who joined us during the march towards Bangui. In fact, some of them went to  
24 prison and some of them have passed away.

25 Q. [15:41:18] Correct me if I didn't understand you fully, but I think you explained

1 in paragraph 99, did I understand you correctly, Ngaïssona manipulated the  
2 Anti-Balaka in order to create disorder in the town, for example, when there was this  
3 arrest warrant against him? Am I correct in saying this?

4 A. [15:42:07] What I wanted to say, there were two situations. Firstly, there's the  
5 problem of the arrest warrant, and also the money which the president gave to him so  
6 that he could ensure security and the safety of President Samba-Panza. I told you  
7 that Maxime Mokom has the document in question, the agreement. In that  
8 document, you can see the signature of the president. Generally speaking, we  
9 should have received the copy before we spoke to Monsignor Nzapalainga, but he has  
10 the original. We read that document. We presented the document to Bishop  
11 Nzapalainga, but he refused to attend. Secondly, when he learnt that there was an  
12 arrest warrant against him, there was always trouble. And this led us to understand  
13 that there was a manipulation at the basis of all this.

14 Q. [15:43:43] I'm going to show you a document. I don't know if this is the  
15 particular document. This is tab 1, CAR-OTP-2003-1076. This is a file against  
16 Mr Ngaïssona, and I'm referring to page 1149. And here there is a statement  
17 of Mr Ngaïssona within the context of his arrest where he says he has met  
18 Mrs Samba-Panza and he states, and this is in April 2014, where he says that he  
19 undertakes that from that moment onwards, he will support the transitional  
20 government and, therefore, asks the Anti-Balaka to respect the order to give a chance  
21 to peace and reconciliation.

22 If I have understood your paragraphs 98 and 99 of your statement, during the time  
23 when he knew that there was an arrest warrant against him, you said he creates or  
24 makes disorder and turmoil and then he gives the order. Is that how I am to  
25 understand your statement?

1 MR KNOOPS: [15:45:33] Mr President, sorry, it's quite leading.

2 PRESIDING JUDGE SCHMITT: [15:45:38] I wonder what manipulation means,  
3 actually, in that context. You know, manipulation is -- Mr Witness, you -- please  
4 listen to me. What do you understand by manipulation? Because it seems to be  
5 unclear, actually. That could be a lot of acts that could be, yeah, whatever. So what  
6 do you -- when you speak of manipulating, what do you mean by that, concretely?

7 THE WITNESS: [15:46:28](Interpretation) Thank you. If I use the word  
8 "manipulation" in my statement, it's to say the following: When the arrest warrant  
9 was issued, there were Anti-Balaka where he gave the order to sow seeds of trouble in  
10 the streets by shooting. After that, they called upon the coordinator to intervene,  
11 and he took advantage to show his importance to the government by asking those  
12 who were protesting to free up the streets. That's how he worked. He asked the  
13 transitional authorities to allow him to do what he wanted so that peace could be  
14 restored. And when the transitional authorities didn't follow, there was always  
15 trouble. That's why I used the words "manipulate", to say they were fake  
16 Anti-Balaka who were manipulated. I'm not sure you fully understand what I'm  
17 saying.

18 PRESIDING JUDGE SCHMITT: [15:48:11] No, we understand it, of course, but  
19 where did you have this information from, that such orders had been given or that  
20 such manipulation had been taking place? Where do you have the information  
21 from?

22 THE WITNESS: [15:48:46](Interpretation) Just now, I gave you the name of some  
23 Anti-Balaka. For example, \*the ones who went to proceed with the arrest of  
24 Mr \*Ngaya. They are the ones who \*arrested Eugene Ngaikosset. They took him to  
25 his residence here, that is to say, the residence of Mr Ngaïssona. Each time \*they

1 went to the neighbourhoods to drink alcohol, they spoke about their wrongdoings.

2 They said that they got the money through actions they carried out on the ground.

3 PRESIDING JUDGE SCHMITT: [15:49:38] But, again, I think I may have understood  
4 from the French that Ngaikosset was mentioned, so the person should also appear in  
5 the English transcript, I hope, in the end. Yeah, if I'm not mistaken here. So there is  
6 some translation missing in the -- in the English transcript. Yeah, and, of course, we  
7 need a complete transcript.

8 If -- if one of the two is complete, I'm hopeful always because then the other one can  
9 be completed, to put it this way, relatively easy.

10 And since we are addressing that, Ms Dimitri, you're not interrupting. If you have  
11 an issue, please do it now, because I know it's a lot of work for everyone to start after  
12 the hearings to try to fix things. Yeah.

13 Ms Struyven, you are aware of the time, I'm just reminding you. Okay. Thank you.  
14 Please continue.

15 MS STRUYVEN: [15:50:44](Interpretation)

16 Q. [15:50:47] I'm going to ask you another question. A little further on in your  
17 statement you refer to the fact that after Nairobi, Ngaïssona sent someone to give you  
18 money so that you would support him. And you state that you didn't want his  
19 money because you suffered in the bush and he used your suffering to serve his own  
20 hidden interests.

21 Could you briefly, because we don't have a lot of time left, could you very briefly  
22 explain to the judges what you mean by that.

23 A. [15:52:04] When Mokom and others went to Nairobi and returned, the true  
24 Anti-Balaka left the group. They left the Ngaïssona wing because we decided that it  
25 was going to change into a political party and our life would change. There was no

1 change in our conditions of living. Everybody decided to go to the Mokom wing.

2 Those who remained with -- who remained with Ngaïssona wing came towards us so  
3 that we would return to the Ngaïssona wing so that the Mokom wing would be  
4 weakened.

5 So the person who accepted to return to his coordination was given a small amount of  
6 money. That is how Mahani -- that's the person who came to see us. Mahani said,  
7 "You have to come back to the coordination", and I said, "No, I'm not going to do that  
8 and I'm not going to do it for money." I suffered in the bush. I really suffered,  
9 really suffered. And when we arrived in Bangui, the persons for whom we fought,  
10 perhaps they managed communications, perhaps they are the ones who are benefiting  
11 from the movement, whereas we who suffered in the bush, we have nothing. I  
12 prefer to release my elements so that they go back to their fields and I do the same  
13 because I still have my two hands to cultivate the earth. And that is why I returned  
14 to my native village and continue with farming. All my elements as well. I  
15 released my base. I phoned the chief of my neighbourhood and I said my base has  
16 now been dissolved. So I released all my elements who were on my base and that's  
17 how and why I returned to my native village.

18 Q. [15:54:38] Thank you. We only have six or seven minutes left. I still have two  
19 documents I want to show you with very specific questions, but thank you very much  
20 for your answer. It's not because it's not interesting what you're saying, but it's  
21 because we're running out of time. I want to show you a photo. This is tab 10,  
22 CAR-OTP-2031-1252. And the photo cannot be shown to the public for the moment.  
23 I don't know if you can see the photo. I simply want to ask you if you know who's  
24 in the photo, the second person. Not you, obviously. And if you can remember  
25 when and why the photo was taken and what is the other gentleman doing with the

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1 notes. So this is my question relating to this photo. If you prefer to answer in  
2 private session, then I could ask the Judge to grant us a private session.

3 MS STRUYVEN: [15:56:19] I think, Mr President, he nodded.

4 PRESIDING JUDGE SCHMITT: [15:56:21] Yeah, I recognise the nodding also. So ...

5 THE WITNESS: [15:56:29] (No interpretation)

6 PRESIDING JUDGE SCHMITT: [15:56:31] The witness obviously has said  
7 something, so we would like to hear it and then we can go to open -- to private  
8 session.

9 THE WITNESS: [15:56:54](Interpretation) This is my photo, and on this photo I am  
10 with my secretary from my base. At that moment, we were doing the list so that we  
11 could make the badges for our elements.

12 PRESIDING JUDGE SCHMITT: [15:57:11] Okay. Thank you very much. So we  
13 still don't have -- have a name. Is it so important? If you want to know it, of course.  
14 Do you have a problem, Mr Witness, to tell us who the person is? You obviously  
15 know him if he was your secretary, so is there any problem to tell us who the person  
16 is?

17 THE WITNESS: [15:57:43](Interpretation) It's my secretary, Ndana Romaric (phon).

18 PRESIDING JUDGE SCHMITT: [15:57:52] Thank you. Thank you.

19 MS STRUYVEN: [15:57:56](Interpretation)

20 Q. [15:57:57] Then I have another question. It's another document. It's tab 2,  
21 CAR-OTP-2030-0232. The first page. This cannot be shown to the public. And I'd  
22 like to ask you a question relating to paragraph 10 or line 10. At 10, the question  
23 simply is, is this the telephone number which you use -- or which you used at the  
24 time during 2013/2014. I won't read out the number because we are in open session.

25 A. [15:59:10] Yes, that's my telephone number. I've never changed my number.

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1 Even if I've lost it, but I -- that is my number. If you can hear me, I confirm that this  
2 is my telephone number.

3 Q. [15:59:39] And I have another question, but I think we must go into private  
4 session. It's regarding another number?

5 MS STRUYVEN: [15:59:47] Mr President, if we can go into private session.

6 PRESIDING JUDGE SCHMITT: [15:59:50] Yes, private session.

7 (Private session at 4.00 p.m.)

8 THE COURT OFFICER: [16:00:03] We are in private session, Mr President.

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18 (Open session at 4.03 p.m.)  
19 THE COURT OFFICER: [16:03:41] We are back in open session, Mr President.  
20 PRESIDING JUDGE SCHMITT: [16:03:45] So you have no further questions,  
21 Ms Struyven, so thank you very much.  
22 MS STRUYVEN: [16:03:45] Exactly.  
23 PRESIDING JUDGE SCHMITT: [16:03:45] And also, Mr Witness, this means there  
24 are at the moment no further questions by the Prosecution. This concludes the  
25 testimony for today. Please don't talk about your testimony until tomorrow. We



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- 1 meet tomorrow again at 9.30 and continue with the examination. Thank you very
- 2 much.
- 3 And this applies to everyone else too, tomorrow, 9.30.
- 4 THE COURT USHER: [16:04:11] All rise.
- 5 (The hearing ends in open session at 4.04 p.m.)