

Trial Hearing  
WITNESS: CAR-OTP-P-0876

(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 Judge Chang-ho Chung  
7 Trial Hearing - Courtroom 1  
8 Tuesday, 14 December 2021  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:43] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE SCHMITT: [9:33:14] Good morning, everyone.  
14 Court officer, please call the case.  
15 THE COURT OFFICER: [9:33:21] Good morning, Mr President, your Honours.  
16 Situation in the Central African Republic II, in the case of The Prosecutor versus  
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.  
18 And for the record, we are in open session.  
19 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you.  
20 The appearances of the parties.  
21 For the Prosecution, Mr Leddy first.  
22 MR LEDDY: [9:33:40] Good morning, Mr President, your Honours. I'm  
23 Nicholas Leddy with the Office of the Prosecutor. Today with me is  
24 Kweku Vanderpuye, Pierre Belbenoit Avich and Yassin Mostfa.  
25 PRESIDING JUDGE SCHMITT: [9:33:51] Thank you.

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1 Ms Rabesandratana.

2 MS RABESANDRATANA: [9:33:53](Interpretation) Good morning, your Honours.

3 Good morning, everybody. The counsel representing other crimes is represented by

4 Anne Grabowski, Mouhia Asso and Elisabeth Rabesandratana.

5 PRESIDING JUDGE SCHMITT: [9:34:15] Mr Suprun.

6 MR SUPRUN: [9:34:16] 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: [9:34:24] Thank you.

10 I turn to the Defence.

11 Ms Dimitri first.

12 MS DIMITRI: [9:34:27] Good morning, Mr President. Good morning, your

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

14 today, is represented by Mr Florent Pages-Granier, Mr Jérémy Pizzi, Ms Laurence

15 Hortas-Laberge and myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:34:46] Thank you.

17 And Mr Knoops.

18 MR KNOOPS: [9:34:49] Good morning, Mr President, dear members of the Chamber.

19 Everyone in the courtroom, good morning. The Defence of Mr Patrice Ngaïssona

20 is today before the Court with Ms Barbara Szmatura, Sara Pedroso *et*

21 Mathilde Couloigner. Maître Omissé Landry is following the proceedings from the

22 field office. And the defendant is in the courtroom.

23 PRESIDING JUDGE SCHMITT: [9:35:15] Thank you, Mr Knoops.

24 I also note the presence of legal representative of the witness, Ms Cariolou. Good

25 morning.

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1 And, of course, good morning, Mr Witness.

2 Mr Knoops, you are the next to question, so it's your turn.

3 MR KNOOPS: [9:35:32] Thank you very much, Mr President.

4 WITNESS: CAR-OTP-P-0876 (On former oath)

5 (The witness speaks French)

6 QUESTIONED BY MR KNOOPS:

7 Q. [9:35:40] Good morning, Mr Witness. A brief introduction of myself. I am

8 one of the counsels of Mr Patrice Ngaiisona. My name is Geert-Jan Alexander

9 Knoops. I'm attorney admitted to the Dutch Bar, my practice is in Amsterdam.

10 And I will question you today. I thank you first of all for your patience in waiting

11 till today because of the other obligations yesterday in court.

12 I have my examination divided in 18 topics and my plan is to finish in the third

13 session, so before 4 o'clock, around 4 o'clock.

14 I have, of course, my obligation to also examine you on your statement which is in

15 evidence. That doesn't mean that I'm going to repeat things, but I will ask you to

16 clarify certain elements from your statement.

17 And I'll of course do everything to protect your identity, sir.

18 My first topic, Mr President, your Honours, is the -- what I call the socio-political

19 context of the conflict, which can be dealt in open session, except the first document

20 I would like to show to the witness might reveal his identity. So for that reason only

21 I ask the Chamber to go for this question in private session.

22 PRESIDING JUDGE SCHMITT: [9:37:19] And you will start with this one?

23 MR KNOOPS: [9:37:21] Yes, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:37:22] Then we go to private session.

25 MR KNOOPS:

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1 Q. [09:37:24] Sir, I kindly ask you to look at a document. It's actually --

2 (Private session at 9.37 a.m.)

3 THE COURT OFFICER: [9:37:32] We are in private session, Mr President.

4 MR KNOOPS: [9:37:35]

5 Q. [9:37:36] Sir, I kindly ask you to look at a document, actually it's an email

6 of (Redacted) of (Redacted), sent to you with the subject

7 (Redacted)

8 It's tab 39, three-nine, in our binder, CAR-OTP-2084-0606. And I kindly ask the court

9 officer to show the document to the witness.

10 There you have it, Mr Witness. It's an email with an attachment. The attachment is

11 an article titled (Redacted)

12 (Redacted)

13 Before I go into the document, sir, the email was sent to you on (Redacted), as

14 mentioned, by (Redacted), in which in the first sentence she writes that this document

15 would reflect the reality in your country at that time.

16 Do you have recollection, sir, to the document (Redacted) sent you

17 in (Redacted)?

18 A. [9:39:49] Yes, I do remember.

19 Q. [9:39:55] Before I show you the document, because I have a specific question on

20 this document, your response to Ms (Redacted), you find it at the bottom of this email.

21 You say that this document reveals a project which is of extreme gravity for your

22 country.

23 At that time, sir, when you saw this document, did this document also reflect the

24 reality in your country as experienced by yourself?

25 A. [9:40:53] That is precisely the reality which I experienced and is reflected in this

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1 email.

2 Q. [9:41:03] Thank you, sir. Now let us have a brief look, sir, at the document  
3 itself, the article. It's tab 40, four-zero, in our binder. It's CAR-OTP-2084-0608.

4 And I kindly ask the court officer to show this article to the witness.

5 Sir, you see this article is published on 2 July 2013 by a person with the name

6 Gregory Copley. My first question to you, sir, is did you know at that time, or

7 perhaps now, who this gentleman was, or is?

8 A. [9:42:06] I have no idea.

9 Q. [9:42:17] Right. I just put it to you by way of context that, according to our  
10 research, Mr Gregory Copley is the editor-in-chief of the journal Defence & Foreign  
11 Affairs Strategic Policy.

12 The actual author of the article is a certain Yossef Bodansky, a political analyst who  
13 was also director of the US Congressional Task Force on Terrorism and  
14 Unconventional Warfare.

15 Now, sir, look please with me to the first three paragraphs of the article on page 0608.

16 It reads, I quote from this article:

17 "The Central African Republic has become a key player, working under Sudanese and  
18 Iranian direction, in jihadist action, geared to take advantage of the West's declining  
19 influence in Western and Central Africa, even if it challenges the interests of their  
20 traditional ally, the People's Republic of China.

21 The governments of Iran and Sudan are preparing for a major strategic surge into  
22 Western Africa, into both the Sahel and the shores of the Gulf of Guinea. The moves  
23 have already gained momentum and challenge -- and challenge Iran's and Sudan's  
24 major sponsor, the People's Republic of China, as well as the West.

25 The ultimate objective of this surge is to consolidate control and/or influence over this

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1 extensive region and its considerable oil, gas, uranium, and other minerals (rare  
2 metals and rare earth) reserves. At the same time, the surge would pre-empt and  
3 prevent both US/West/NATO presence and the spread of anti-Shi'ite takfiri-jihadist  
4 entities.

5 The surge is of such importance to both Iran and Sudan that they are willing to risk a  
6 crisis with their primary great power sponsor, the People's Republic of China. If  
7 successful, this surge would transform the status of West Africa."

8 End of quote. I stop here.

9 It's a very interesting article to read in its entirety, but for the purpose of my  
10 examination today, sir, is simply my question: Those three paragraphs I read from  
11 this article of July 2013, was this what was referred to by (Redacted) as the reality in  
12 your country and was referred to by you as the situation of grave -- extreme gravity  
13 for your country?

14 A. [9:46:13] In this publication, it's not (Redacted) who's speaking. It's the  
15 journalist, the editor-in-chief of this document. Indeed these are the tools available  
16 which allowed to relate what was happening in this publication, but this publication  
17 is not at all far from the reality of what we were experiencing at that moment. It  
18 precisely reflects the plan which everyone was talking about. Firstly, already,  
19 President Bozize talked about the jihadist invasion which came from Sudan. That  
20 was already in 2012, 2013. And that's precisely what this journalist is repeating and  
21 what happened at that time.

22 Q. [9:47:18] So, Mr Witness, you would agree with me that the conflict which is  
23 subject of this trial already for months was actually a foreign invasion to gain power  
24 over the economic mineral reserves in the CAR and have nothing do with a religious  
25 conflict or a conflict based on ethnicity?

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1 A. [9:48:11] From the very beginning, this conflict was never of a religious or ethnic  
2 basis. This conflict is much more of a strategic nature and of a political nature.  
3 I would say even that it was geopolitical in the sense that it is because of the minerals,  
4 the richness in our valleys under our ground in Central Africa, which attracts outside  
5 sources. So this is geopolitical, geostrategic, it's to have an ideological extension in  
6 this particular zone. When you talk of jihadism which is advancing, it's much more  
7 to replace the western influence in the area with the influence of those who have a  
8 different ideology than the European one. And those two forces clashed on the  
9 Central African Republic soil at that time.

10 Q. [9:49:32] So you would agree with me that the population of the Central African  
11 Republic was victim of a conflict which was created by foreign powers to dispense of  
12 the population in order to gain power over the economic oil and mineral reserves in  
13 your country?

14 A. [9:50:18] The Central African population, the Central African Republic are  
15 victims of the ferocious appetite of those who want to \*grab the riches of our country.  
16 And I agree with you about this.

17 Q. [9:50:43] Thank you, sir.

18 Remind me, Mr President, we are supposed to be in public session, sorry.

19 PRESIDING JUDGE SCHMITT: [9:50:52] We are in --

20 MR KNOOPS: [9:50:54] No. It's my mistake. After my first document, I would  
21 have asked the Chamber --

22 PRESIDING JUDGE SCHMITT: [9:51:04] Can -- can happen.

23 So we can go now to open session, of course. You can continue there.

24 (Open session at 9.51 a.m.)

25 THE COURT OFFICER: [9:51:14] We are in open session, Mr President.

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1 MR KNOOPS: [9:51:18] Thank you.

2 Q. [9:51:22] Mr Witness, this last part could have been examined by me in open  
3 session because I think it's also important for the public to hear your analysis of the  
4 socio-political context of the conflict.

5 But I still have some questions on this topic, sir.

6 So we just concluded and observed that the population of the Central African  
7 Republic became victim of a power struggle initiated, created by foreign forces,  
8 foreign powers in order to gain control over economic oil/mineral reserves in the  
9 Central African Republic.

10 Now, would you agree with me, sir, that this whole conflict started with a what we  
11 call foreign invasion, it was an invasion of your country by predominantly foreign  
12 forces?

13 A. [9:52:42] The Central African Republic and all its people have always been  
14 victims of conflict between foreign powers. It is those others who want to gain our  
15 riches, our wealth under the soil who create our distress each day in our country  
16 where we have problems of civil war. This conflict which we are talking about  
17 today is the result of one of these power struggles of the foreign invasion to gain  
18 control on the richness of our country. I agree entirely with you.

19 Q. [9:53:48] Thank you, sir.

20 In a briefing at the house of representatives in the United States of America on  
21 19 November 2013, it was mentioned that, and I quote from the minutes of this  
22 meeting and I will ask you whether you will agree with this observation or not.  
23 This is, by the way, not a document in our binder, but it has been served to the  
24 Chamber already. I have the CAR number, if needed.

25 So, sir, in those minutes we noticed the following remark:

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1 "After riding to power on the back of an insurrection known as Seleka, the current  
2 dictator, Michel Djotodia, has found it difficult to disengage.  
3 Seleka, originally a political alliance, has transformed itself into a militia of about  
4 25,000 men, up to 90 per cent of which come from Chad and Sudan, and, therefore,  
5 constitute in the eyes of many, a foreign invasion force. They do not speak the local  
6 language and are Muslim in a nation that is roughly 80 per cent Christian.  
7 They have targeted churches for destruction and stirred up sectarian hatreds where  
8 none had existed previously [in the Central Africa]. Indeed, the Sudanese  
9 contingent in particular are said to be members of the notorious Janjaweed, [of Sudan]  
10 who have spread slavery and destruction into the Darfur region of Sudan and now  
11 are doing the same in the Central African Republic." End of quote.

12 This is from the minutes of the discussions in the house of representatives in the  
13 United States on 19 November 2013.

14 PRESIDING JUDGE SCHMITT: [9:56:27] Mr Knoops, perhaps it is -- it would be  
15 good to have the reference on the record.

16 MR KNOOPS: [9:56:32] Yes. It's CAR-OTP, CAR-OTP-2081-0496 at 0550 (sic) and  
17 0551 (sic).

18 Q. [9:56:55] Mr Witness, the excerpt I just read from the minutes of this meeting in  
19 the United States House of Representatives, does this reflect the reality in 2013 in your  
20 country from your perspective?

21 A. [9:57:30] \*In 2013 it is not the fact that the Seleka coalition, which was not a  
22 political coalition, as it says in that document, but \*that it was purely a political  
23 military coalition, \*came to power, taking power from Muslims who were ruling over  
24 the people of CAR that disturbed, no. It's not because the majority of the elements  
25 who made up the Seleka coalition did not speak Sango nor French which was the

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1 problem. What gave rise \*to the Central African people a feeling of rebellion was the  
2 fact, firstly, that they attacked the churches, they attacked the Christians and killed  
3 the preachers \*en masse as well as destroying voluntarily the archives in the  
4 municipality. \*The people of the Central African Republic began to question \*the  
5 true mission of the Seleka coalition. What was the true mission of this Seleka  
6 coalition? The coup d'état in itself did not trouble the Central African people  
7 because since the first days of accession to independence of this country, already in  
8 1960s we had our first coup d'état where President Dacko, who was not \*the  
9 constitutional successor would organise a parliamentary coup d'état against the  
10 President Abel Goumba in 1965. The Colonel Jean-Bédél Bokassa organised a  
11 military coup d'état in order to topple President Dacko. He took power through a  
12 coup d'état.

13 In 1979, David Dacko, the president, accompanied by the \*French military  
14 parachutists, organised a coup d'état on 20 September 1979 against David Dacko.  
15 In 1981, General \*Andre Kolingba organised a coup d'état against David Dacko.  
16 In 2003, General François Bozize organised a coup d'état against \*Ange-Felix Patasse.  
17 In 2013, it was the seventh \* or the sixth coup d'état in the history of our country.  
18 During all these coups d'état, I gave you a list of the \*coups d'état, but I'll spare you  
19 the details on the failed coups d'état, there was never a national mobilisation in this  
20 way against the \*religion of those people who had taken power nor against their  
21 region. It's the first time, simply because the Seleka who arrived had a different  
22 hidden agenda, which we did not know about, and this is what triggered the  
23 mobilisation of the people.

24 Q. [10:01:43] Thank you, sir, for this extensive answer.

25 Would it be fair to say that this mobilisation, which was unique in the history of the

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1 CAR compared to the other coups d'état, was also due to the fact that, according to  
2 information, 90 per cent of the individual -- the elements who invaded the CAR came  
3 from abroad? So it was a massive foreign invasion which made it distinct from the  
4 other coups d'état in terms of size and magnitude and impact; would you agree?

5 A. [10:02:30] I completely agree with that, for the simple reason that the majority of  
6 the Seleka members who were not from the Central African Republic came into the  
7 country, and as they came in, they looted everything in their path. They did not  
8 spare anyone or public property, and the nation paid, the nation paid in its very flesh.  
9 And so, yes, I completely agree with this analysis.

10 Q. [10:03:18] And, sir, would you agree with me that for this very same reason as  
11 we just concluded, Bangui became on 5 December 2013 a military target, military  
12 objective, not to harm or kill civilians but simply because of this reaction to the  
13 foreign invasion?

14 A. [10:04:07] I would say that on 5 December - I should be  
15 specific - 5 December 2013, that was only one of many possible dates. It was well  
16 before 5 December that each citizen of the Central African Republic began to think  
17 about how to bring down the Seleka regime, thus allowing the majority of citizens to  
18 live in peace, in a peaceful and tranquil country.

19 Q. [10:04:58] Sir, you testified already before this Court on 9 December - the  
20 English real-time transcript 23, lines 21, 22 - that the city of Bangui on 5 December  
21 was a military objective.

22 So would you agree that Bangui became a military objective because it was the only  
23 way at that time, in light of the absence of an intervention by the international  
24 community, to restore the peace and security in your country? It was not an attack  
25 to harm anyone with a nonmilitary identity, would you agree with me?

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1 A. [10:06:25] The -- a military target was one of means -- one mean amongst many  
2 to bring about an end to the Seleka regime.  
3 Now, for people who know how to handle weapons, that target was imperative to  
4 them, for those who know how to wield words rather than weapons. They wanted  
5 to use all means at their disposal to end the Seleka regime. So it wasn't necessarily a  
6 military thing or something different, but rather, the sooner that an end could be  
7 brought to the regime, the better, that would be the better way of putting an end to  
8 this bottleneck that was causing some much suffering within the Central African  
9 Republic.

10 Q. [10:07:42] My last question, sir, on this first topic, the socio-political context of  
11 the conflict: Would you agree with me that the role of the media, also the  
12 international media, and the way the media portrayed the conflict in Central African  
13 Republic, sometimes referring to a religious conflict, that this increased the tension  
14 amongst the population, that this contributed to the fact that at a certain point in time  
15 there was no control anymore about what civilians were doing or not doing?

16 A. [10:08:47] Quite obviously, if the media, who were being listened to the  
17 most -- well, at the international - correction - at the domestic level, the media was  
18 living in fear, the fear of being attacked by the Seleka. Journalists could not express  
19 their opinions as freely as they would have liked to.  
20 It was far more the international media who were giving accounts of the events, but  
21 those accounts just echoed what Central African citizens were experiencing directly.  
22 There was not more of a need for the media to react because the pressure of the Seleka  
23 on the people would ultimately provoke a reaction. But the violence and abuse, the  
24 religious conflict, that \*started to increase when the international media began to  
25 single out the Janjaweed who had come from Sudan and their hidden agenda which

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1 nothing was known of. Some documents were even going about the internet talking  
2 about Djotodia's engagement with the countries that supplied the Janjaweed and the  
3 countries who were supplying Janjaweed and jihadists and so on and so forth.

4 Yes, the media worsened the conflict which took on a religious dimension.

5 Q. [10:10:58] Thank you.

6 I move now to my next topic, and that can still be dealt with in public session.

7 This topic, Mr Witness, relates to some questions about the advance of the movement,  
8 the so-called Anti-Balaka movement self-defence groups in 2013.

9 Now, I ask you to look at your statement, first, which is tab 23 of the Prosecution  
10 binder, CAR-OTP-2046-0324, at 0325, lines 24 till 20 -- 41.

11 There it is.

12 Sir, if you look at your statement you gave to the investigators of the Office of the  
13 Prosecution, you say in line 33, "At the beginning there were no ComZones." And in  
14 line 39, that the name "Anti-Balaka" was not at that time in existence, and there was  
15 no organisation in the beginning.

16 So my question is: The information you gave at this page to the Office of the  
17 Prosecution, did this information cover the time frame of 2013? That is to say, do  
18 you agree that in 2013 there was no organisation, there was no coordination of all the  
19 self-defence groups?

20 A. [10:14:13] In 2013, who knew whom to organise these people in a single effort, to  
21 coordinate everyone? No one.

22 The reasons that impelled each village from the most remote parts of the Central  
23 African Republic to the capital itself to begin self-defence, the reasons varied from  
24 these remote villages to the cities. People did not know one another at that time.

25 So you can't say that there was a ComZone at that time. And, secondly, you can't

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1 talk about general coordination, because there were so many neighbourhoods, so  
2 many cities and towns, so many self-defence committees.

3 It had already been decided that each neighbourhood would set up a vigilance  
4 committee to keep an eye on people who were unknown in the neighbourhoods.

5 That was as early as 1987.

6 But as for the particular time when the Anti-Balaka forces emerged, well, that would  
7 be saying that there was a single coordinating body that was organising various  
8 people's actions. At that time, no, there was no such thing.

9 Q. [10:16:22] Sir, would you agree that actually the chiefs, the various chiefs of the  
10 villages, were the ones who organised, who mobilised, their village, the men in their  
11 village, into a self-defence group, and that ultimately became a ComZone?

12 A. [10:16:56] I wouldn't say that it was the chiefs who later began -- became  
13 ComZones who organised those self-defence groups. No. I would say, rather, that  
14 it was the villages themselves, the people in the villages themselves who organised  
15 themselves, the neighbourhoods who organised themselves in a spontaneous fashion,  
16 who rose up in a disorganised or a haphazard way to ensure that something would be  
17 done. But there was no one single individual who called for action. It was a feeling  
18 of revolt, and those who felt that they were affected mobilised. That's how I would  
19 describe the situation.

20 Q. [10:18:03] Sir, would you agree with me that this mobilisation phenomenon was  
21 not based on any political agenda, therefore, those self-defence groups had no  
22 allegiance to any political party? They had no political purpose, and therefore they  
23 were actually politically totally neutral, so to speak. There was no political agenda for  
24 them.

25 Do you agree with me?

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1 A. [10:18:53] There was absolutely no political agenda, otherwise they would not  
2 be called "self-defence" groups. There were no political ambitions at that time.  
3 They just wanted to live peacefully. They just wanted to allow the people and the  
4 villages to live in peace and in security. There was absolutely no political agenda.  
5 And there were not linked to any political party or any political religion. It was a  
6 mobilisation that was entirely disconnected from any political movement, any  
7 religion. The only agenda was to live in peace.

8 Q. [10:19:58] And you agree with me that most of those groups didn't even know  
9 each other, knew of their existence, in 2013?

10 A. [10:20:22] Most of these groups did not know one another at the time and even  
11 now do not know one another.

12 Q. [10:20:34] We just spoke about the phenomenon on the ComZones.  
13 When did this phenomenon emerge? I put it to you that these ComZones were  
14 actually an extension of what you just described, the mobilisation within the villages,  
15 and that type of organisation ultimately transformed into ComZones.

16 Is that a fair description of how the ComZones we now describe as ComZones -- but  
17 they didn't exist in 2013, so there has to be a point in time where this phenomenon of  
18 ComZones emerged. And I put to you it's an extension of the self-mobilisation of  
19 self-defence groups. That's the origin.

20 Would you agree with that description?

21 A. [10:21:55] Personally I couldn't answer that question because, like everyone else,  
22 I -- it was only later that I learned about the existence of people who were called  
23 "ComZones." As for the process, was this the demonstration or manifestation, rather,  
24 of self-defence groups who later led to these zone commanders emerging?

25 I have absolutely no idea because until the departure of the Seleka regime, people

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1 were not talking about ComZones. People who used that terminology, who talked  
2 about ComZones, could answer the question. But I couldn't really tell you exactly  
3 how the ComZones emerged.

4 Q. [10:23:12] Would you agree -- would you agree with me that those ComZones or  
5 ComZones commanders were actually appointed by the specific region itself? So  
6 every region, every village, every province or how you name, it appointed its own  
7 ComZone.

8 A. [10:23:48] I have no idea, no idea. Insofar as it wasn't the villages who asked  
9 people to mobilise. Rather, it was a situation which led people to mobilise. And  
10 naturally, when people mobilise, necessarily one person takes on the role of leader.  
11 So certainly that's how the people in charge emerged of their own volition. But the  
12 expression "ComZone", that came into existence much later so I can't give you an  
13 exact answer to the question, whether it was the villages who designated these people  
14 or whether they were designated by the groups. I don't know. Often there would  
15 be two people who would emerge from a group, and perhaps there would be a  
16 disagreement. One group would hive off, and one person would become a  
17 ComZone, and so on and so forth. So that's the information that we had at the time.  
18 But to answer your question about how people were designated as being in charge,  
19 these ComZones, I couldn't tell you.

20 Q. [10:25:46] In -- in your statement, Mr Witness, that is, tab 21 of the Prosecution  
21 binder, CAR-OTP-2046-0267 at 0283, lines 604 till 605, still on the same subject.  
22 So please look at your statements at 604, 605. You say: (Interpretation) "They will  
23 now put in a commander each time over them, and that commander would be called  
24 the ComZones. So the zone commanders. But in actual fact, they did not all know  
25 one another and their elements didn't know one another themselves even."

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1 (Speaks English) My question to you, sir: Do you agree that this statement also  
2 reflected your perception that a ComZone commander could change from day to day?  
3 So one day Mr X could be the ComZone commander, and the next day his colleague,  
4 Mr Y. It was therefore a flexible phenomenon which was determinant by the group  
5 itself who became ComZone?

6 A. [10:28:22] Well, if you go down to line 608, you will find your answer there. So  
7 an Anti-Balaka person from such and such a sector is not recognised in such a sector.  
8 And when he goes by, sometimes \*he is attacked and he has declared that he is  
9 Anti-Balaka. So you see, the zone commanders or the people in these different areas  
10 did not even know one another. It was not a coordinated movement. It was not an  
11 association that was established after a constituent assembly had been held. No. It  
12 was a spontaneous movement. And because it was spontaneous, people did not  
13 necessarily know one another, particularly over such a large area, 632,000 square  
14 kilometres. So if someone says that at the time they had a single command from the  
15 Anti-Balaka movement at that time, that person has to demonstrate how it would  
16 be -- how that was possible. There was no single command. And if you go up, you  
17 will see that I said when they -- if you read further up, you will see that this was an  
18 analysis at the time. There was no single command. There were multiple  
19 self-defence groups. And the ComZones emerged later. I don't know how, but the  
20 ComZones emerged later. That is my answer to you.

21 Q. [10:30:57] Thank you, sir.

22 In this regard I have another question to you, sir. In your evidence you gave before  
23 this Court on 10 December, last Friday, on page 19 of the real-time English transcript,  
24 19, lines 1 till 5, you were asked by my learned friend Ms Dimitri about the Yekatom  
25 group which you met in Boeing and its surroundings. And then you say in your

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1 evidence that you "... was against the extension to the hinterland because I knew that  
2 each group that was set up didn't have any link with another group and the groups  
3 were different from one location to another location."

4 End of quotation of your testimony last Friday, sir.

5 Now my question to you is today, do you agree that the description you just gave  
6 about how the groups interacted or not interacted, how they knew each other or  
7 didn't knew each other in 2013 also extended to 2014? As I understand your  
8 evidence which you gave on Friday, this -- this portion, this is situated in 2014.

9 So would you agree with me that this description you gave just a few seconds ago,  
10 which was very helpful for us, indeed extended also to 2014, namely, that also in that  
11 year, in that time frame, those groups were not linked to each other and differed from  
12 location to location?

13 A. [10:33:42] I think that in your question you have the answer at the end. When  
14 you say that these groups weren't linked to each other, you have answered the  
15 question.

16 Now, we were \*confined in 2013 and we were talking about ComZones, but the  
17 question about the extension, to make it simple, the interconnection of the  
18 self-defence group so that there would be a coordination, that is what I was talking  
19 about in my statement here. But the \*emergence of ComZones has nothing to do  
20 with the interconnection or the extension of the group which I knew, which was in a  
21 particular sector and ultimately would have links to other groups so that they could  
22 go further.

23 It is at that point in time that they got to know each other, no doubt. But before that,  
24 they did not know each other. Before that, and I come back to this, there were as  
25 many self-defence groups and as many leaders. To prove this for the zone from the

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1 two sides, there was already two groups which I met. That's what I can say about  
2 this.

3 Q. [10:35:50] That's -- that's very interesting, sir. Can I understand your evidence  
4 such that you actually say at a certain point in time there were ComZones, but at the  
5 same time the existence of self-defence groups not being a ComZone, that  
6 phenomenon also still existed in 2014? So there were two types of groups, the  
7 ComZones, whatever the definition might be, but apart from ComZones there were  
8 still self-defence groups operating, active in 2014 which were not under the  
9 supervision of a ComZone?

10 A. [10:37:05] In the two camps, be it the Seleka camp, be it the Anti-Balaka camp,  
11 there was always, always self-defence groups. So the term "ComZones" and the  
12 head of those groups will emerge afterwards. But how they started, how they were  
13 designated as ComZone is something I don't know.

14 As I said, in 2013, in 2014, even as far as 2015, there were ComZones who imposed  
15 themselves afterwards. But in 2013 until the beginning of 2014, we talked about  
16 self-defence groups until they changed the name to Anti-Balaka and the others  
17 remained Seleka.

18 Q. [10:38:08] Sir, would you agree with me that at that time in 2013, but also 2014, it  
19 was impossible for any authority in the country to organise all those self-defence  
20 groups under one coordination or under one command?

21 A. [10:38:47] This authority to organise them in a single group with the threat of  
22 everyone living in fear, that would have been impossible.

23 Q. [10:39:07] My final question -- sorry, my final question on this topic is: Would  
24 you agree with me that Mr Ngaïssona, Patrice, was not part of a ComZone structure?

25 A. [10:39:42] Personally, I did not know that Mr Ngaïssona was already part of the

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1 Anti-Balaka movement. During all the meetings and sessions, there was never any  
2 question, even once, that his name was mentioned amongst the names of the leaders  
3 \*that we knew were outside the country. Mr Ngaïssona, as far as I  
4 know, was not in the territory itself, according to the information of the Prosecutor  
5 who situated him geographically in Cameroon where he held meetings with the other  
6 individuals of the failed regime.

7 As there were no ComZones, how could he at the same time be in Cameroon and also  
8 a ComZone in the Central African Republic? Unless someone has some specific  
9 information appointing him as ComZone in Cameroon, yes, at that -- then I could say  
10 yes, perhaps. But until the end, up till today, his name has never appeared as a  
11 ComZone or a commander of whatever zone. He was only the general coordinator.

12 Q. [10:41:40] Thank you, sir.

13 I move now to my next topic, still in open session, which affects the structure of the  
14 movement of the elements around 5 December. I will try to finish that topic before  
15 the break.

16 My first question, sir, is there's a Prosecution witness who gave an interview to the  
17 Office of the Prosecution and, speaking about the 5 December attack, that individual  
18 indicated in his statement that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 And that individual who gave the statement to the Prosecution office also told the  
23 investigators that (Redacted)

24 (Redacted), in order that the Anti-Balaka

25 could take the equipment of the Seleka at their bases before it got daylight.

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1 And it's for the Court not to be displayed to the witness. It's tab 23, Defence list 23,  
2 CAR-OTP-2062-0039 at 0060, paragraph 130.

3 Now, sir, my question to you is: Is it correct that, first of all, this information also  
4 within your knowledge that the French forces would help the so-called Anti-Balaka  
5 elements to attack Bangui? That's my first question. You have information on this  
6 topic?

7 A. [10:45:09] We all know that the Bouali contingent would be reinforced so that  
8 they could arrive in Bangui and put an end to the disorder. The Bouali contingent  
9 would be reinforced. They had no other mission but that to help Anti-Balaka, as  
10 such. So to say that the French military came to help the Anti-Balaka, I don't have  
11 enough information to say that.

12 Q. [10:45:53] My second question, sir, is what is your response to the information  
13 this witness gave to the Office of the Prosecution that (Redacted)  
14 (Redacted) prior to the 5 December attack informing that individual that an  
15 attack was planned for 5 December?

16 MS CARIOLOU: [10:46:37] Your Honour, could I have a minute with my client?

17 PRESIDING JUDGE SCHMITT: [10:46:41] Yes.

18 You may answer, Mr Witness.

19 THE WITNESS: [10:47:13](Interpretation) That is a surprise. That information --

20 PRESIDING JUDGE SCHMITT: [10:47:24] Mr Witness, wait a second.

21 Mr Leddy, what's the --

22 MR LEDDY: [10:47:25] I apologise, your Honour. Just to indicate that if the answer  
23 would be identifying, that we be in private session. Thanks.

24 PRESIDING JUDGE SCHMITT: [10:47:41] (Microphone not activated) Excuse me.

25 I think for the benefit of Mr Witness we go to -- for this answer, Mr Witness, to private

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1 session, so you can answer in private session.

2 (Private session at 10.47 a.m.)

3 THE COURT OFFICER: [10:47:58] We are in private session, Mr President.

4 PRESIDING JUDGE SCHMITT: [10:48:03] Sorry for the interruption, Mr Witness.

5 THE WITNESS: [10:48:10](Interpretation) For me, this information is a surprise.

6 Steve Yambete in question, I never knew him. I have never met him. I've always

7 heard talk about him like everybody else. At that moment, he wasn't in the Central

8 African Republic. According to me, he was in Cameroon. Unless \*I have the gift of

9 ubiquity to be in Bangui and in Cameroon at the same time where he was in order to

10 meet him. So I cannot talk to Steve Yambete because I didn't even know who he was.

11 I still don't know him today. But as regards the \*entrance of the French elements,

12 everybody knew that 5 December they should arrive in Bangui.

13 So in our discussions, we said to everyone that we put our hope in the French forces

14 who would arrive. We didn't know their name was going to be Sangaris. But \*to

15 say that they were going to arrive to help the Anti-Balaka, why would it be that at

16 two meetings which we held with the principal group I never referred to that? Why

17 it was only that witness that I'm going to talk about them? And if I knew that they

18 should arrive to help the Anti-Balaka, why was I surprised that I was called upon to

19 check who was going to do that? Why did they do this? Why \*did they say that I

20 (Redacted)?

21 I was surprised. I didn't have any particular secret information. This was

22 information which everyone was aware of. We knew that on the 5th the Boali

23 operation would be reinforced. That is what I know about this particular situation.

24 MR KNOOPS: [10:51:00] Thank you, sir.

25 PRESIDING JUDGE SCHMITT: [10:51:02] Mr Knoops, of course, can you continue

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1 in open session or should we stay in private?

2 MR KNOOPS: [10:51:08] No, can be open, yes.

3 PRESIDING JUDGE SCHMITT: [10:51:14] Then we can go back to open.

4 MR KNOOPS: [10:51:15] Does my colleague want to say --

5 MS CARIOLOU: [10:51:16] I just want to say, as the previous answer was not  
6 identifying, it could also be part of the open session transcript.

7 PRESIDING JUDGE SCHMITT: [10:51:25] Yeah, so this means a yes for the  
8 following questions.

9 MR KNOOPS: [10:51:29] Yes.

10 Q. [10:51:31] Mr Witness --

11 THE COURT OFFICER: [10:51:37] Wait, Mr Knoops.

12 MR KNOOPS: [10:51:40] Oh, sorry.

13 (Open session at 10.51 a.m.)

14 THE COURT OFFICER: [10:51:44] We are back in open session, Mr President.

15 MR KNOOPS: [10:51:46]

16 Q. [10:51:47] Sir, in your -- in your statement to the Office of the Prosecution you  
17 spoke about the structure of the situation and the elements prior to 5 December and  
18 on 5 December. And I would like to ask you one question about your statement  
19 which relates to tab 21 of the Prosecution binder, CAR-OTP-2046-0267 at 2079 (sic).  
20 Sir, my first question before we go to the page, did you know where Mr Ngaïssona  
21 was in December 2012 -- sorry, 13, 5 December 2013?

22 A. [10:54:10] I didn't know precisely, physically where he was, where  
23 Mr Ngaïssona was in December 2013. I \*rely on the Prosecution's charges which  
24 place him at that time in Cameroon where he was holding meetings with some  
25 dignitaries of the government over there. I didn't know about Ngaïssona at that

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1 point in time.

2 Q. [10:54:45] The reason why I'm asking you this, sir, is that in that statement on  
3 page 0279, lines 436 till 437, you say that: (Interpretation) "There's Ngaïssona, so that  
4 one, we put him in the political structure which acts -- which commands and controls  
5 everything that's happening."

6 (Speaks English) So my first question to you is: Does this observation made by you  
7 in your statement relate to the time frame of December 2013? Because you describe,  
8 you put this observation in your description of the alleged structure of the  
9 5 December attack, which you can find in the preceding pages 0278 and 0277. So did  
10 you meant to say, sir, with this remark that this reflected in December 2013 the  
11 situation as perceived by you?

12 A. [10:56:45] I would like that we don't only stop at 432 because we don't really  
13 fully understand. We have to go a bit higher up because that was a question which  
14 was put -- there you go. It was put and related to the structure of the Anti-Balaka of  
15 2013, 2014 until the day of the interview on that day. Here you can see that I am  
16 saying on line 432 the name of Bozize, which only appears at that moment, his name  
17 appears as Soleil, sun. There we have the meetings after 5 December, after. And  
18 you ask a question on what you could say about the structure in general. It's not  
19 frozen in time in 2013. And I would answer to that, that this structure is in this form  
20 at that time. You can see the name of Levy Yakete, Yakete who was already -- had  
21 already passed away on the date of the interview.

22 It was not \*only about a structure of 2013. It's an issue \*about understanding the  
23 structure. What could I think about this structure of the Anti-Balaka of 2013 to 2016?

24 PRESIDING JUDGE SCHMITT: [10:58:53] I think, Mr Knoops, it might be a good  
25 time for --

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1 MR KNOOPS: [10:58:58] Two questions to finish this topic.

2 PRESIDING JUDGE SCHMITT: [10:59:01] Yes, we can do that. It makes sense  
3 then.

4 MR KNOOPS: [10:59:04] Thank you.

5 Q. [10:59:06] Sir, just to clarify your last answer, is your evidence today that this  
6 structure you describe here was in your mind a structure yet to be established?

7 PRESIDING JUDGE SCHMITT: [10:59:29] Mr Leddy is rising.

8 MR LEDDY: [10:59:31] Your Honour, I just object. Given the question is a bit  
9 confusing, I'd ask for more clarity as to timing of the witness's understanding of the  
10 structure.

11 PRESIDING JUDGE SCHMITT: [10:59:42] I think the witness perfectly knows what  
12 he has said. So he -- Mr Witness, simply to what time frame are you referring in  
13 these lines and on this page that we are seeing here?

14 THE WITNESS: [11:00:10](Interpretation) 2013, 2016.

15 PRESIDING JUDGE SCHMITT: [11:00:16] Okay.

16 Mr Knoops, please continue.

17 MR KNOOPS: [11:00:21]

18 Q. [11:00:22] What was at that time the foundation of your observation that -- of the  
19 words in line 3 -- 437, 436, 437 (Interpretation) "\*who was acting, who was  
20 commanding what was going on."?

21 A. [11:00:59] That observation is based firstly on what I said on line 433. It was  
22 already the contact with Lin Banoukepa by phone who was more favourable towards  
23 war. And after that, after my return, I saw Mr Ngaïssona. It was with  
24 astonishment that I saw him gathering the elements on the Christian church behind  
25 the airport. It was at that moment that I understood that when I should meet the

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1 group from our side in the neighbourhood, somebody I learned had come from  
2 Cameroon to see them, it was certainly Mr Ngaïssona who was part of the people  
3 who was over there in Cameroon who, according to me, were more the organisers.  
4 \*Those who are abroad are usually the thinking head or think-tanks regarding what  
5 happens in the other group.

6 Q. [11:02:43] Thank you. Thank you.

7 I'll delve into this topic later, but my final question for now is, Witness -- Mr Witness,  
8 you mentioned that you had several -- maybe this could be done, I think, out of  
9 caution in private session, this last question.

10 PRESIDING JUDGE SCHMITT: [11:03:07] Okay. Then we go to private session.

11 (Private session at 11.03 a.m.)

12 THE COURT OFFICER: [11:03:12] We are in private session, Mr President.

13 MR KNOOPS: [11:03:29] Thank you.

14 Q. [11:03:30] Sir, you mentioned also during your evidence last week that you were  
15 several times in contact with (Redacted) per phone, and I believe you also met him  
16 before 5 December. My question to you is, did (Redacted) in his conversations with  
17 you ever mention Mr Ngaïssona?

18 A. [11:04:11] These were phone meetings. This was all done through the  
19 telephone with (Redacted). The subject of our conversation did not talk about the  
20 organisation or the setting up of a structure for the Anti-Balaka, no. It was a  
21 dialogue which we had, which I would like to have had. But that had nothing to  
22 do -- so there was never any question of talking about names. Ngaïssona's name  
23 never came up, nor the name of Bozize, nor the name of anybody else. Each time on  
24 the phone I was told of (Redacted), but I was never given a  
25 name. If (Redacted) had given me the name Ngaïssona, I would no longer be

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1 surprised when I physically saw Mr Ngaïssona speak with the Anti-Balaka elements  
2 on the *céleste* Christian church. So we never exchanged any mention of any name. I  
3 never heard the name Ngaïssona. I did not know that Ngaïssona was with the  
4 Anti-Balaka.

5 MR KNOOPS: [11:06:07] Thank you, Mr President.

6 PRESIDING JUDGE SCHMITT: [11:06:08] So I think let's have a pause until 11.40,  
7 20 minutes to 12, so that we have a good half an hour. Thank you.

8 THE COURT USHER: [11:06:22] All rise.

9 (Recess taken at 11.06 a.m.)

10 (Upon resuming in open session at 11.41 a.m.)

11 THE COURT USHER: [11:41:59] All rise.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [11:42:23] I think we're in open session, I assume.

14 Perhaps I can address a scheduling matter before we continue, Mr Knoops.

15 I've been informed that, Ms Cariolou, you are only available tomorrow from 11.30 on.

16 MS CARIOLOU: [11:42:46] That's right, your Honour.

17 PRESIDING JUDGE SCHMITT: [11:42:49] Yes. So this begs the question if two  
18 sessions are enough for the redirect of the Prosecution.

19 MR LEDDY: [11:42:55] I believe that should be sufficient, your Honour.

20 PRESIDING JUDGE SCHMITT: [11:42:58] Okay. So then I can -- I will announce it  
21 at the end of this session that we will then start, so to speak, with the second session  
22 at 11.30 tomorrow, so that you can be here.

23 MS CARIOLOU: [11:43:09] Thank you, your Honour.

24 PRESIDING JUDGE SCHMITT: [11:43:11] Okay. Mr Knoops, you still have the  
25 floor.

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

2 Q. [11:43:15] Good morning, Mr Witness. We're still in open session. The topic  
3 I'm going to address now can indeed be dealt with in open session, and it relates to  
4 the topic of military operations, military orders. That's my next subject matter to  
5 discuss with you, sir.

6 In your evidence you gave on 9 December, transcript, page 58, real-time, lines 17 till  
7 20, you did say, I quote, "How is it possible for me as a civilian to go and ask soldiers  
8 to go and attack Seleka positions in order to secure weapons?" End of the quotation.  
9 My question to you is, firstly, did you ever during the conflict see an ordinary civilian  
10 giving orders to military officers of the FACA?

11 A. [11:44:42] I was never in the field, the field of combat to see how the chain of  
12 command was organised. I never saw such a thing because I wasn't in the field.

13 Q. [11:45:06] My next question will be: Did you ever see or hear that  
14 Mr Ngaïssona Patrice gave orders to military individuals engaged in military  
15 operations in 2013/14?

16 A. [11:45:36] I never heard of any such thing.

17 Q. [11:45:40] Did you ever see or hear that Mr Patrice Ngaïssona issued orders or  
18 demands to civilians to attack objects or other individuals during 2013/14?

19 A. [11:46:11] As for the actions of Mr Ngaïssona in 2013, I believe I said on several  
20 occasions here that I have absolutely no idea about his actions in 2013 because he was  
21 not in Bangui according to my knowledge. I said here \*that the first time I saw him  
22 was (Redacted)  
23 (Redacted). So it was as  
24 of that date I saw him for the first time from a distance and he was talking. But to  
25 say in 2013 that I had information to the effect that he gave orders to civilians or

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1 military people to -- to attack any -- anyone, that would be a false statement. In 2014,  
2 I saw a great gathering of people, a \*great rally so to speak, and the people who were  
3 there were all in military clothing, and I saw him with them from a distance.

4 The next time I saw him was at the home of Ms Samba-Panza then in the office of  
5 General Essongo. But to say that I gave him -- I saw him giving orders or to say that  
6 I had heard about him giving orders, I couldn't say such a thing because I wasn't  
7 living with them, I wasn't living in their area. And already at that time I was not  
8 accepted either.

9 Q. [11:48:52] Sir, can you recall what time frame it was that you saw Mr Ngaïssona  
10 on a distance at the what I believe the church *céleste* you mentioned earlier in your  
11 testimony? Can you recall which time this was in terms of a date?

12 A. [11:49:25] After I came back from N'Djamena, I came back from there one week  
13 after the end of the summit, so it was during that period of time between the 15 and  
14 20 January -- or, rather, December 2013 -- or, rather, January 2014, around then. That  
15 is why I can't say anything about 2013 and what he did in 2013.

16 Q. [11:50:01] And you say this you saw from a distance.  
17 Is it your evidence that you didn't hear what the individuals at that time were  
18 discussing?

19 A. [11:50:32] How could I hear what was being said once there was a great distance  
20 between me and them and I was just passing by on the main street? I didn't hear  
21 anything.

22 Q. [11:50:54] So you would agree with me, sir, wouldn't you, that you couldn't say  
23 if Mr Ngaïssona at that time gave an order or instructions to the individuals at that  
24 time who were, as you say, wearing military attire? You would agree with me?

25 A. [11:51:27] I said that I didn't even hear noise from the place where they were in

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1 relation to where I was. I couldn't hear what was being said. I could only see  
2 people who were there. But as for what they were saying, that was utterly  
3 impossible for me. I can't confirm what was said. I couldn't say that he was giving  
4 orders.

5 Q. [11:52:15] Thank you, Witness. That's very clear.

6 Still, there is maybe some confusion here because in your statement you gave, and  
7 that's tab 29 of the Prosecution binder, CAR-OTP-2046-0455 at 0467, lines 433 till 434,  
8 and maybe we can show it to the witness.

9 The investigators at that time suggested to you in their question at line 433, 434 if you  
10 could confirm at that time that Mr Ngaissona was giving instructions to those military  
11 individuals, and they asked you whether you were aware of this. You see, sir, this is  
12 the question put to you by the interviewer number 1.

13 And your answer at 435, line 435 is "Yes".

14 So can I understand your evidence today that this was not a correct answer in light of  
15 what you just described, that the suggestion made to you by the investigators that  
16 Mr Ngaissona gave instructions which you affirmed at that time has to be corrected in  
17 that regard?

18 A. [11:54:35] First of all, before putting this question, you can see that there was a  
19 number of silences and some whispering. They asked me to answer and to tell them  
20 what I had seen. And indeed the question was at that time when I saw him as he  
21 was speaking to them, was he giving instructions, and then I answered yes. But I  
22 couldn't specify that I was hearing instructions. It is what I saw. I saw him with  
23 them, but I didn't hear what was being said. So obviously this does need to be  
24 corrected.

25 Q. [11:55:45] Thank you, sir.

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1 Was this, sir, the only time which you saw during which Mr Ngaïssona, as you say,  
2 had an encounter with people wearing military attire? This -- was this the only  
3 occasion you saw him with these individuals?

4 A. [11:56:26] It was the first time, my first time seeing him with people dressed in  
5 that manner. And the other times I couldn't answer because, as I said, I was not with  
6 them so I wasn't in a position to know.

7 Q. [11:56:53] Thank you.

8 Still on the same subject speaking about military orders, in your statement, you say  
9 that Mr Andjilo was as a ComZone under the coordination of Mr Ngaïssona, which is  
10 for the Court tab 31 of the Prosecution binder, \*CAR-OTP-2046-0500 at 0509, lines 325  
11 till 328. The statement can be shown to the witness.

12 You see, sir, in line 327 and 328, you say: (Interpretation) "Andjilo is one of -- of the  
13 ComZones under the coordination of Ngaïssona."

14 (Speaks English) My first question to you, sir, is: What was the basis of this  
15 observation by you in the statement?

16 A. [11:58:33] That observation was based on what I said earlier. Scroll up, and  
17 you will see the name Andjilo uttered for the first time during that interview and you  
18 will understand what that statement is based on. I gave an explanation of the  
19 aborted meeting, and that day we had exchanged telephone numbers. I gave my  
20 number to Andjilo, and I took his number. The investigator focused on the name of  
21 Andjilo and was asking about language. And I answered, saying that we mostly  
22 spoke to each other in Sango. \*Has Andjilo saved the phone number I gave him in  
23 his phone? And I said, I gave the number, and I took his number on my phone. He  
24 was focussing on Andjilo. Myself, at that time, Andjilo was part of the Lebene  
25 Thierry, alias 12 Puissances, group. And at that time that group was favourable to a

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1 return to constitutional order. And Ngaïssona, who had returned from the outside,  
2 had taken up \*positions as well and his jurisdiction was in that sector, so I said that he  
3 was under orders from a structural point of view because here, the question was  
4 about the architecture of the Anti-Balaka forces at that time in that area. There was  
5 one general coordinator and, since I couldn't put him in the other group, he was  
6 under the command of Ngaïssona at that time there because he was from the Lebene  
7 Thierry group. So that is what I based my answer on.

8 Q. [12:01:16] Thank you. So it was a mere deduction from your side based on the  
9 organisation you had in mind of the -- of the organisation? You deduced it from  
10 other elements, but it was not based on a direct observation that you -- you didn't see  
11 directly that Mr Ngaïssona gave orders to Andjilo? Correct?

12 A. [12:01:51] Never.

13 PRESIDING JUDGE SCHMITT: [12:01:54] For the transcript, the correct reference is  
14 CAR-OTP-2046-0500. It is -- in the transcript it's referred to as 2047.

15 MR KNOOPS: [12:02:09] Correct. Thank you, Mr President. That's true. Yes.

16 Q. [12:02:15] As a matter of fact, sir, there's evidence brought before this Court by  
17 other witnesses close to Mr Andjilo, who testified before this Chamber that he,  
18 Andjilo, was actually a guy who was not controllable, who was not willing to take  
19 orders from anyone. My question to you, sir, is this also your information you had  
20 at that time, or perhaps now, about Mr Andjilo?

21 A. [12:03:12] That Mr Andjilo, I only met him once. We couldn't hold the meeting.  
22 I cannot say -- I can't say what sort of temperament he had or how he behaved. I  
23 don't have enough information to give you an answer to that question.

24 Q. [12:03:45] That's fair, sir.

25 Now I move to another topic. It's the topic of armament, which can still be dealt

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1 with in open session.

2 Mr Witness, in your evidence you gave on 9 December, last Thursday, in the real-time  
3 English transcript page 58, lines 4 till 7, you did say the following: "First of all, funds  
4 to procure weapons, where was I going to source them from?"

5 This was in response to the Prosecution examination. Where to find the sources to  
6 procure weapons.

7 Now my question to you, sir, is do you agree with me that a civilian in those days,  
8 like you or me or anyone in this courtroom, could not have virtually armed or  
9 equipped all the elements which are qualified as Anti-Balaka in 2013, in Bangui or  
10 elsewhere, all those thousands of elements in Bangui or elsewhere? Would you  
11 agree that this is a totally unrealistic assertion?

12 PRESIDING JUDGE SCHMITT: [12:05:32] Mr Leddy.

13 MR LEDDY: [12:05:33] Thank you, your Honour. The Prosecution would object to  
14 the form of the question, in the sense that it calls for speculation on behalf of the  
15 witness.

16 And just to correct the record on the transcript side, it was a response to a question  
17 from counsel for Yekatom and not the Prosecution.

18 PRESIDING JUDGE SCHMITT: [12:05:49] Yeah, I agree with Mr Leddy, Mr Knoops.  
19 It is really you ask for speculation. If you can -- like always, it's about the phrasing  
20 of the question. If you change it, it's okay, but Mr Leddy is right that, as it is worded,  
21 it is calling for speculation.

22 MR KNOOPS: [12:06:07] Understand. Understand.

23 Q. [12:06:09] Mr Witness, I put the question differently. Do you have knowledge  
24 that it was a civilian or more civilians in 2013, in Bangui or elsewhere, which were  
25 able to equip all the self-defence groups or sponsor the elements which were later

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1 qualified as Anti-Balaka? Do you know anyone during the conflict who was capable  
2 as a civilian to equip those individuals? Can you name one person, two persons?

3 A. [12:07:09] In any case, perhaps I could \*not even suggest one person who could  
4 arm or sponsor securing of arms for the thousands of self-defence groups. I think  
5 that one individual wouldn't \*have been be able to do that.

6 As I said, we did not know where on the ground this group was or that group was  
7 and who commanded them. There were so many villages, so many self-defence  
8 groups. So I never heard anyone talk about this, \*except from information I got by  
9 phone. The one I had on the phone said, "We \*have brought these children here to  
10 fight a war", but to say -- to provide them with weapons at that time, I'm not in a  
11 position to say or to confirm that.

12 Q. [12:08:28] Thank you.

13 Now, speaking about armament, you gave evidence, sir, before this Court on  
14 7 December, and you mentioned on 7 December the mission orders signed by the  
15 minister of defence.

16 That's in the real-time English transcript page 94, lines 15 till 25.

17 And those mission orders would be issued by the minister of defence in March,  
18 April 2014.

19 And you did say to the Court, I quote:

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [12:10:06] Mr Knoops, I think we, for the benefit of

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1 the witness, we should answer this in private session.

2 MR KNOOPS: [12:10:12] Okay.

3 PRESIDING JUDGE SCHMITT: [12:10:14] We go to private session.

4 (Private session at 12.10 p.m.)

5 THE COURT OFFICER: [12:10:21] We are in private session, Mr President.

6 THE WITNESS: [12:10:40](Interpretation) I think I said that it is the (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted). And this gave rise to

10 problems for them. I told (Redacted) about this. And what happened

11 after that, I said we can find them in the (Redacted).

12 I haven't seen an order -- a mission order like this, but this is what was reported back

13 to me and, in my turn, I reported this back to the (Redacted).

14 MR KNOOPS: [12:11:55]

15 Q. [12:11:56] Sir, was -- was it confirmed during the meeting with the (Redacted)

16 (Redacted) that those mission orders existed? Was it acknowledged by (Redacted) or,

17 in specific, the (Redacted) at that time? Do you know this?

18 A. [12:12:26] (Redacted).

19 Q. [12:12:32] (Redacted)

20 (Redacted).

21 A. [12:12:48] That is correct.

22 Q. [12:12:56] Was it ever clarified why (Redacted)

23 (Redacted)

24 (Redacted)?

25 Did you hear from anyone why the (Redacted), assuming that you are right

1 and I assume that you're telling the truth today, so I believe you in saying that you  
2 heard this, but did you hear why those mission orders were given to the elements to  
3 (Redacted)?

4 A. [12:13:57] (Redacted)

5 (Redacted)

6 (Redacted)?

7 From the moment onwards I am not (Redacted), (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:17:31] Still on the same subject, armament. Can you confirm that the  
3 armament, the weapons used on the 5 December attack were financed by the Catholic  
4 and Protestant church of the Central African Republic and partially distributed by the  
5 archbishop of Bangui with complicity of an imam?

6 By the way, I think this could be dealt with in open session.

7 PRESIDING JUDGE SCHMITT: [12:18:15] Yes, I think so, yeah.

8 Open session.

9 (Open session at 12.18 p.m.)

10 THE COURT OFFICER: [12:18:22] We are in open session, Mr President.

11 MR KNOOPS: [12:18:36] Shall I repeat the question? Yes?

12 PRESIDING JUDGE SCHMITT: [12:18:41] I think, yeah. I think it makes more  
13 sense.

14 MR KNOOPS: [12:18:44]

15 Q. [12:18:46] Sir, can you confirm or do you have information that the armament or  
16 the weapons or part of it used for the 5 December attack was financed by the Catholic  
17 and Protestant church of the Central African Republic and distributed by the  
18 archbishop of Bangui with the complicity of an imam by the name of Kobine Layama?

19 A. [12:19:28] Absolutely not.

20 Q. [12:19:46] In your statement, that is the statement CAR -- that's tab 30, three-zero,  
21 CAR-OTP-2046 at 07 -- 0473 -- sorry, 0473 at 0485 and 0486, lines 484 and 485 running  
22 to 494. In that statement, sir, and maybe we wait -- yeah, here it is. If you please  
23 start to read at line 484, it seems to say that the operations in Zongo were supported  
24 by the Catholic church and in -- asked by any details by the investigators, you say in  
25 493 that the church was amongst the *fondateurs*.

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1 I might be wrong in -- in reading your statement, but I ask you what did you mean  
2 with these observations here on this page?

3 A. [12:21:57] (No interpretation)

4 PRESIDING JUDGE SCHMITT: [12:22:25] We don't have -- at the moment we don't  
5 have interpretation, so perhaps we can resume that. I think we have it on the French  
6 transcript. Perhaps when we resume the interpretation the witness has not to repeat  
7 his answer, but we simply can from the French transcript which seems to be correct,  
8 as far as I see it. We simply translate it into English and then, Mr Witness, perhaps  
9 we give it a try at least this way.

10 So the witness refers to his statement and to other portions of the statement. I think  
11 it could -- it should simply resume here, the translation into English. Or we will be  
12 informed what makes it impossible to do that.

13 Well, at least some sign of understanding would be nice so that we can continue.

14 THE INTERPRETER: [12:24:11] Message from the English interpretation booth:

15 Apologies. The interpreter can sight translate the last reply, which was line 14.

16 Answer: "Scroll up to understand what is said further down. At line 474, the  
17 question is put in the conditional tense. At lines 475 and 476 ..."

18 PRESIDING JUDGE SCHMITT: [12:24:46] Okay. Mr Witness, please continue now.

19 So we have now on the -- so the last what you said was that you referred to parts of  
20 your statement further down, I think. Perhaps you continue from now. Apologies  
21 for the interruption.

22 THE WITNESS: [12:25:13](Interpretation) Yes. I was saying that after the question,  
23 which is on lines 474, which is in the conditional, that I made my answer. And  
24 line 475, 476, I gave a time scale when those words were said. It is quite clear that in  
25 the night of the 4th to the 5th I did not have this information. It is that individual

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1 who said it. And you can see again in the lines 478 and 479, I said it -- he was  
2 assumed to be in South Africa. It is he who said that, that he was in Zongo and that  
3 there were no elements to verify it. And it's his words. In lines that verify this,  
4 which you can see in the lines, I'm talking about his words in line 484, 485. It's his  
5 words. It's not even three weeks before the date of my resignation from the  
6 6th -- sorry, from my statement, from the 6th to the 9th in the beginning of  
7 August 2016. And if you go further down, I said at that time no one can justify what  
8 they said was true because everybody said that I had to do this or I had to do that or  
9 I was faced with this. So this is information that I didn't have on the 4th. And it's  
10 not me who's going to say that these religious institutions were involved. I just  
11 provided information which was passed on to me like that. And I said that was  
12 perhaps three weeks ago.

13 MR KNOOPS: [12:28:00]

14 Q. [12:28:01] Thank you, Mr Witness. Thank you so much.

15 I move to a different topic, but still on the issue of weapons. And I think we are still  
16 in private session, Mr President? We are? Open session? Yeah, I think for safety  
17 reasons, we might better go now to private session. Yes.

18 PRESIDING JUDGE SCHMITT: [12:28:36] Okay, good then. Private session.

19 (Private session at 12.28 p.m.)

20 THE COURT OFFICER: [12:28:42] We are in private session, Mr President.

21 MR KNOOPS: [12:28:51]

22 Q. [12:28:53] Mr Witness, I now -- I have some additional questions on your  
23 evidence given in regard to the questions put to you by the Prosecution on the  
24 assertion that Mr Ngaissona did (Redacted)

25 (Redacted).

1 Now, in your evidence given on 7 December, and that's for the Court real-time  
2 English transcript, 108, lines 13 till 15, you did say the following: "As I didn't  
3 directly see this, it's (Redacted) who did so, those -- that question should be put to  
4 those who saw the weapons. It's the (Redacted)." End  
5 of quote from the transcript.

6 Now, my first question to you: Did anyone of (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [12:30:48] At (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted). I did not have any such information. The only

18 thing is, there was a Seleka attack upon the Catholic church in -- of Fatima. There

19 were many deaths and the Anti-Balaka responded. That was around early June, if

20 I'm not mistaken. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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7 (Redacted)

8 THE INTERPRETER: [12:38:03] Overlapping.

9 PRESIDING JUDGE SCHMITT: [12:38:06] Could you please repeat the last portion  
10 of your answer, Mr Witness.

11 THE WITNESS: [12:38:17](Interpretation) We are repeating ourselves.

12 MR KNOOPS:

13 Q. [12:38:22] Sir, would you agree with me that at that time - and you have  
14 experienced this in this Court during the examination by the Prosecution where you  
15 were confronted intelligence reports about you, which you deny - that in those days  
16 intelligence reports were sometimes not accurate and false? Is this also your  
17 experience in those days?

18 A. [12:39:08] Often intelligence reports in our country are merely rumours,  
19 allegations, things people are saying on the street. You have to verify the source.  
20 I can tell you that, out of experience.

21 PRESIDING JUDGE SCHMITT: [12:39:36] May I shortly.

22 Mr Witness, (Redacted)

23 (Redacted)?

24 THE WITNESS: [12:40:00](Interpretation) (Redacted)

25 (Redacted)

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- 1 (Redacted).
- 2 PRESIDING JUDGE SCHMITT: [12:40:20](Interpretation) No, because
- 3 CAR-OTP-2046-0525, at line 861, you said: (Interpretation) (Redacted)
- 4 (Redacted)
- 5 (Speaks English) So we have to understand it, when I understand you correctly today,
- 6 that this was (Redacted)?
- 7 THE WITNESS: [12:40:58](Interpretation) (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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8 PRESIDING JUDGE SCHMITT: [12:43:55] Please, Mr Knoops.

9 MR KNOOPS:

10 Q. [12:43:58] Sir, some final questions on this topic.

11 First, did (Redacted) say anything to you about this alleged incident?

12 A. [12:44:19] I never discussed that with (Redacted), nor with one of the

13 (Redacted). I did not talk about that because I did not

14 have a lot of information to assess the truth of what was being said, but (Redacted)

15 (Redacted).

16 Q. [12:45:03] Mr Witness, do you know the building of the football federation at the

17 *rue des Martyrs*? Have you ever been there?

18 A. [12:45:24] The building of the Central African Republic Football Federation is

19 not located on the *rue des Martyrs*. It is on a street that is parallel to the *Avenue des*

20 *Martyrs*, behind the medicine faculty of the University of Bangui. I'm very familiar

21 with the location of the federation, but I have not actually entered the building.

22 MR KNOOPS: [12:46:01] But maybe, Mr President, also for the benefit of the

23 Chamber, we have produced a map. It's tab 7 of the Defence binder,

24 CAR-OTP- -- CAR-D30-0008 at 0086. We would like to display this map and show it

25 to the witness with the question whether this is a fair reflection of the situation.

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1 PRESIDING JUDGE SCHMITT: [12:46:32] Of course, yeah. That's a good idea.

2 MR KNOOPS: [12:46:35] Yeah.

3 Q. [12:46:36] So, Mr Witness, you are totally right that the building of the Federal  
4 Football Federation is in a parallel street. So you see here a map of part of Bangui,  
5 and the buildings we have mentioned here in the vicinity of the building of the  
6 Federal Football Federation reflects, in our view, the reality on the ground.

7 And my question is to you is: You agree with the situation of the buildings here?

8 A. [12:47:39] The map is in compliance and shows the location of the Federation.

9 Q. [12:47:46] So you would agree that the building of the Federation is indeed, as I  
10 suggest to you in my previous question, amidst several governmental buildings.  
11 I think it's obvious.

12 PRESIDING JUDGE SCHMITT: [12:48:07] Yes. So that's not a question to a witness.  
13 If the -- and if the map and the locations are not contested, and I think then that we  
14 can look, see it for ourselves.

15 MR KNOOPS: [12:48:19]

16 Q. [12:48:20] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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23 PRESIDING JUDGE SCHMITT: [12:55:33] I -- I think that was a long answer, and it  
24 has answered it and ...

25 MR KNOOPS: [12:55:36] Quite, Mr President.

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1 PRESIDING JUDGE SCHMITT: [12:55:37] But -- but your question was bordering  
2 also asking for speculation. I did not intervene, but I think the witness has -- okay,  
3 but let's hear your next question, and we will decide if we continue.

4 MR KNOOPS: [12:55:55] In the last five minutes, I can conclude with one topic in  
5 open session, assuming we're still in open session, I think.

6 Q. [12:56:02] Mr Witness --

7 PRESIDING JUDGE SCHMITT: [12:56:04] No, no, we are not in open.

8 MR KNOOPS: [12:56:07] Oh, you're right.

9 PRESIDING JUDGE SCHMITT: [12:56:09] So we would have to go to open session  
10 then. Is it okay, Mr Knoops, open session? Yeah.

11 (Open session at 12.56 p.m.)

12 THE COURT OFFICER: [12:56:19] We are back in open session, Mr President.

13 MR KNOOPS: [12:56:30]

14 Q. [12:56:30] Sir, I have four questions before the lunch break on the issue of  
15 finances. You already answered quite some questions on this topic.

16 And on 7 December before the Chamber, you told us -- that's the English real-time  
17 transcript, page 18, lines 12 till 16, that the information at that time or later about the  
18 alleged financing of the Anti-Balaka by Mr Ngaïssona was at that time provided by  
19 the state prosecutor who had issued an international arrest warrant against  
20 Mr Ngaïssona. And you say: "I did not belong to that group and I could not say  
21 that Ngaïssona was formally speaking the financier."

22 Now, that was a very clear answer to the Chamber, yet in your statement on two  
23 occasions, you did suggest that Mr Ngaïssona was part of those who sent money to  
24 the Anti-Balaka.

25 In light of the time, I'm not going to confront the witness with the transcript or the

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1 statement, but I can give the references, if necessary.

2 Now, my specific question to you, sir, is: In your evidence, your statement you gave  
3 to the Office of the Prosecution a few years ago, you said Mr Ngaïssona was  
4 somebody who financed the elements. You did say last Thursday, no, that's not  
5 correct. I said so because that was the information the state prosecutor gave to me or  
6 which was made available based on the international arrest warrant.

7 So my question is: Do we have to understand your statement which you gave to the  
8 Prosecution, investigator of the Prosecution, in the same vein? Can you follow me?

9 A. [12:59:00] I follow you.

10 Q. [12:59:01] Thank you.

11 A. [12:59:09] No. No. Absolutely I can't say that in any statement whatsoever  
12 that Mr Ngaïssona funded or co-funded the Anti-Balaka movement once -- well, you  
13 see I didn't even know that he was in the movement. The only time that I heard the  
14 name of Mr Ngaïssona linked to Mr Bozize was in the \*indictment that was going  
15 around on telephone chips saying that he was with Bozize and other people in  
16 Cameroon and that they were organising meetings there. That's all I said. And that  
17 was, you see, Seleka -- and it was the Seleka who put power into the hands of Bozize.  
18 And the last minister of youth and sports was Mr Ngaïssona. I can't say that  
19 Ngaïssona was co-funding because I didn't have any information about him. I said  
20 the first time, and it was a surprise that he was associated with the Anti-Balaka  
21 movement when I saw him beside that church. So I can't say that I knew he was  
22 providing funding.

23 Q. [13:01:09] Thank you very much.

24 When you refer to the *réquisitoire* of the prosecutor, do you refer to the Prosecutor of  
25 this Court, the ICC, or the prosecutor in the Central African Republic? And if so,

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1 which year did you see that *réquisitoire*?

2 A. [13:01:40] I believe that the first time -- it was the first time that the International  
3 Criminal Court intervened in the case of Mr Ngaïssona. Now, at that time when  
4 I was answering questions in 2016, Mr Ngaïssona was not yet here. It was the  
5 prosecutor of the republic from the Bangui higher court who had instituted  
6 proceedings against Bozize, Ngaïssona and all the high-level people from the  
7 government that had been defeated. It was the -- I could say it was victor's justice  
8 against those who had been defeated. I did not have knowledge of that in 2013 or in  
9 early 2014 when I saw Mr Ngaïssona for the -- for the first time with the Anti-Balaka  
10 elements.

11 It was after that information was going all around Bangui, and even now people are  
12 still talking, and people put it on their phones, and they listen. That's how I heard  
13 that the *réquisitoire* from the Prosecutor linked Ngaïssona to Bozize at that time. But  
14 that was upon the fall of Bozize in 2013 when there was the trial against Bozize and  
15 others. It wasn't from the ICC.

16 MR KNOOPS: [13:03:34] Thank you, Mr President. I have one question, but it can  
17 be after the break.

18 PRESIDING JUDGE SCHMITT: [13:03:39] Yeah. I think so too.

19 MR KNOOPS: [13:03:41] Thank you, sir.

20 PRESIDING JUDGE SCHMITT: [13:03:45] So we have now the lunch break  
21 until 2.30.

22 THE COURT USHER: [13:03:50] All rise.

23 (Recess taken at 1.03 p.m.)

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

25 THE COURT USHER: [14:31:18] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [14:31:44] Good afternoon.

3 Mr Knoops rightfully assumes that he still has the floor.

4 And we are in open session, as I understand it.

5 MR KNOOPS: [14:32:02] Yes, Mr President. Thank you. I can address my next  
6 topic in open session.

7 Q. [14:32:10] Sir, good afternoon. I just have one hour and a half left, sir, so I  
8 kindly ask you, if possible, I know you have a lot of knowledge on the situation in  
9 your country, but to keep, if possible, the answers as short as possible. It's not to  
10 reproach you, but it's simply because I would like to finish at 4 and you have so much  
11 to say and we have so much questions to you. So I appreciate, if you would  
12 cooperate with me, that we try to finish it at 4. Thank you so much.

13 So, sir, this afternoon I have some remaining topics, one of them being some detailed  
14 questions on the topic of the coordination.

15 Now, in your evidence you gave on 9 December before this Court, you did say that in  
16 January 2014 there was not yet an Anti-Balaka movement in place. On  
17 15 January 2014, (Redacted), there is a letter, and I think that  
18 could be best addressed in private session.

19 PRESIDING JUDGE SCHMITT: [14:33:36] Yes. Yeah, of course, if the witness  
20 might be mentioned, then we go to private session.

21 MR KNOOPS: [14:33:43] Yeah.

22 PRESIDING JUDGE SCHMITT: Mr Leddy.

23 MR LEDDY: [14:33:48] Could I also request the transcript citation for the previous  
24 statement of the witness that was quoted. Thanks.

25 MR KNOOPS: [14:33:54] Yeah, Mr Leddy's right, Mr President, that --

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1 PRESIDING JUDGE SCHMITT: [14:33:58] Wait until we are in private session and  
2 then -- then you give the reference and then you continue with the document.

3 (Private session at 2.34 p.m.)

4 THE COURT OFFICER: [14:34:10] We are in private session, Mr President.

5 MR KNOOPS: [14:34:14] Thank you, madam court officer.

6 Q. [14:34:16] Sir, you recall that upon your return from (Redacted) you wrote a  
7 letter, (Redacted).

8 Maybe we can just show the witness the second page of that letter again. It's tab 40,  
9 four-zero, of the Prosecution binder. The CAR number is already in the transcript.

10 I don't have it yet available, but can give the reference if the Court appreciates. It's  
11 CAR-OTP, CAR-OTP-2063-0075.

12 It's already shown to you, Mr Witness. And if you go to the second page, last page  
13 of the letter, where the witness has signed the letter, you see that you signed the letter  
14 with the (Redacted).

15 My question to you, sir, is do you agree that this role at that time, (Redacted),

16 (Redacted)? So that that role

17 was, at that time, non-existent. Would you agree with this supposition?

18 A. [14:36:07] The answer to your supposition actually lies in the very caption of the  
19 letter. Please, if we could scroll up. Let's scroll up to the top on page 1. (Redacted)

20 (Redacted)

21 (Redacted). So this is referring to the (Redacted).

22 (Redacted)

23 Q. [14:37:06] Okay. Thank you, sir.

24 PRESIDING JUDGE SCHMITT: [14:37:08] Well, may I shortly.

25 So but -- but when in brackets there is Anti-Balaka, this means the (Redacted)

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1 (Redacted). And why would you sign (Redacted) if

2 this has not any meaning at all?

3 THE WITNESS: [14:37:42](Interpretation) I believe that in my testimony here I have

4 said that the Anti-Balaka as such did not yet exist at the time until the population in

5 Bouca was attacked. That is when the name "Anti-Balaka" emerged, in tackling the

6 Seleka there. And that name "Anti-Balaka" then spread out to all other resistance

7 groups.

8 Now, to distinguish between the groups, we mentioned (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [14:38:36] I'm not sure if you have answered my

11 question.

12 The question was why would you sign a document where the (Redacted)

13 (Redacted). It's a simple question. Why

14 would you sign that if you hadn't had any role in that (Redacted)

15 (Redacted)?

16 THE WITNESS: [14:39:11](Interpretation) This (Redacted)

17 (Redacted)

18 (Redacted). And

19 it is following that that a request was made or an invitation was extended to attend

20 the meeting in (Redacted). And (Redacted)

21 (Redacted), and the name of the group was (Redacted). And

22 that is why, after I came back from (Redacted), I continued to sign as (Redacted)

23 (Redacted) and (Redacted).

24 PRESIDING JUDGE SCHMITT: [14:40:06] Please continue, Mr Knoops.

25 MR KNOOPS: [14:40:09] Thank you, Mr President.

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1 Q. [14:40:10] Sir, for the record, the answer seems obvious, but I'm still asking you  
2 the question. Was Mr Ngaissona in any way directly or indirectly involved in the  
3 (Redacted) on (Redacted)?

4 A. [14:40:42] How would I know that, given that Ngaissona was never mentioned  
5 anywhere? I never heard of him even as being one of the members abroad. How  
6 then was I to know, when subsequently I was surprised when I noticed that he had  
7 been present at that assembly?

8 Now, whether he was associated directly or indirectly, I do not know. I was not  
9 informed about that.

10 Q. [14:41:25] Thank you, sir.

11 Next question: In your evidence given on 7 and 9 December before this Court,  
12 transcript pages 78 till 80 of the 7 December real-time English transcript, and  
13 transcript page 93, line 24 of the 9 December hearing real-time, you intimated that the  
14 intended unified coordination reflected in the document of 23 January 2014 - which is  
15 OTP tab 4, CAR-OTP-2001-3372 - only lasted two hours. We heard your evidence.  
16 And it was your evidence that only on 24 June 2014 a unified coordination was  
17 established. Tab 44 of the OTP binder, CAR-OTP-2084-0164. OTP tab 16,  
18 CAR-OTP-2034 -- 35, sorry, 0064.

19 Now, my question: Do you agree, sir, that between the date of 23 January 2014, this  
20 document which lasted just two hours, and the time of 24 June 2014, the  
21 establishment of a unified coordination, in between, in between those two dates there  
22 was no unified coordination to govern the Anti-Balaka? Do you agree with this  
23 observation?

24 A. [14:43:42] From the moment that (Redacted) denounced it, just a few hours after  
25 the fact, saying that it did not recognise that coordination, the coordination, therefore,

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1 no longer existed. So from that date, up until 24 June 2014, there was no longer a  
2 coordination in place that brought together the two camps.

3 However, Mr Ngaïssona continued to make statements as being the general  
4 coordinator in all his statements. Even when the ComZones wrote saying that some  
5 individuals were acting on their behalf, whereas they had no interaction with the  
6 elements on the ground, the three persons were convened to the residence, the  
7 Anti-Balaka base which happened to be the residence of the general coordinator.  
8 That is all I can say.

9 But the material existence of the coordination as such could no longer be justified.

10 Q. [14:45:30] Would you agree that on 15 May 2014, Mr Wenezoui was established  
11 to replace Mr Ngaïssona as coordinator?

12 Which is to be found in the OTP, tab 5, CAR-OTP-2001-4867, which is a press release  
13 of 15 May. We don't have to show it to the witness.

14 My question is to you: Can you confirm that on 15 May 2014, this split happened;  
15 therefore, Mr Wenezoui replaced Mr Ngaïssona as coordinator?

16 A. [14:46:42] In any event, it was a surprise, and we learnt of it through the media,  
17 that one Sebastien Wenezoui was to replace Mr Patrice Ngaïssona as general  
18 coordinator. Well, that we learnt from the media.

19 Q. [14:47:13] And I believe you supported this, you supported that Mr Wenezoui  
20 took the place of Mr Ngaïssona at that time.

21 A. [14:47:36] How was I going to support something that was happening in a  
22 group with which I had no links? All I could do was observe, like everyone else,  
23 that there were a few tussles within members of the same coordination. I had no  
24 contact with them. At that time I did not know Wenezoui yet. I heard of these  
25 things by -- over the media. So how could I have supported or not supported

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1 something to which I did not belong?

2 Q. [14:48:21] Thank you.

3 Now, back to the communiqué of 23 January 2014. I believe it was - and that's in

4 your statement - that it was (Redacted) to create this Anti-Balaka bureau.

5 (Redacted)

6 (Redacted)

7 Sir, you agree with me that it was his initiative to set up such a bureau?

8 PRESIDING JUDGE SCHMITT: [14:49:19] Mr Leddy.

9 MR LEDDY: [14:49:20] Sorry to interrupt, your Honour. I would just ask for a  
10 transcript cite. Again, if the counsel is going to put the witness's statement to him,  
11 that he give us the ERN and line number.

12 PRESIDING JUDGE SCHMITT: [14:49:30] You're right, Mr Leddy.

13 MR LEDDY: [14:49:31] Thanks.

14 PRESIDING JUDGE SCHMITT: [14:49:32] Please, Mr Knoops.

15 MR KNOOPS: [14:49:34] Yes. Tab 29 of the Prosecution binder. We have two  
16 references, CAR-OTP-2046-0455 at 0470, and CAR-OTP-2046-0455 at 0469,  
17 lines 505 et seq.

18 Q. [14:50:07] Sir, my -- my question to you is: Can you recall whether the -- the  
19 communiqué of 23 January 2014 came into existence because it was the (Redacted)  
20 (Redacted) to set up such a bureau?

21 A. [14:50:46] It was exactly (Redacted)

22 (Redacted)

23 (Redacted)

24 Now, when you mention 23 June and the statement of May or June or thereabouts,

25 where Mr Wenezoui takes the position of Mr Ngaïssona, you would be referring there

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1 to two different things, two different events.

2 (Redacted), but when it comes to the second event, where Wenezoui

3 took the place of Ngaïssona, that happened later. Therefore, it was not pursuant to

4 (Redacted) that the coordination in May was set up.

5 I have testified about the coordination in January, when (Redacted)

6 (Redacted)

7 (Redacted)

8 Now, was it following (Redacted)'s personal instructions or following

9 recommendations from (Redacted)? No official position was declared.

10 In any event, (Redacted)

11 (Redacted)

12 Q. [14:52:43] Thank you.

13 Please tell us, sir, why (Redacted)

14 (Redacted)?

15 A. [14:53:21] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:53:59] Thank you, sir.

22 I -- I recall from your testimony - and please correct me if I'm wrong, sir - that you

23 had in its totality two reunions in which Mr Ngaïssona participated with you - were

24 there two or three? - in 2014.

25 A. [14:54:34] Let's put it at two, two, because the first meeting was at (Redacted)

1 (Redacted), and that meeting extended into the day all the way to (Redacted)  
2 (Redacted). So that would count at one meeting. And then the second meeting was  
3 at the (Redacted) when (Redacted) convened all of us to a meeting on  
4 that day.

5 Q. [14:55:12] And were you able to exchange personally information or  
6 conversations with Mr Ngaïssona during those two meetings? Did you had lengthy  
7 conversations with him, or was it just briefly, looking back at those two meetings?

8 A. [14:55:43] I have a clear recollection of the two meetings.  
9 You see, Mr Ngaïssona and myself, (Redacted)  
10 (Redacted). So even during those meetings, we did not  
11 particularly talk with each other. Therefore, we could not have had one minute or so  
12 of discussions between ourselves.

13 And I do remember, if I'm not mistaken, that at the last meeting, I had already  
14 (Redacted)  
15 (Redacted)  
16 (Redacted), and therefore, I could not have had  
17 any discussions with him on the Anti-Balaka issue.

18 Q. [14:56:52] Thank you, sir.  
19 Were you yourself ever present during a meeting where the ComZones were there or  
20 part of the ComZones in Bangui?

21 A. [14:57:17] Whether it be in the hinterland or in Bangui or elsewhere, I was never  
22 present at a meeting with ComZones outside of the two meetings that I had on the  
23 other side and the other meetings that I have mentioned with the other group. I  
24 have never been associated to a meeting of ComZones.  
25 And by the way, I did not know them physically.

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1 Q. [14:57:52] Thank you.

2 Sir, did you ever present (Redacted) or Madam (Redacted) to

3 Mr Ngaïssona on any occasion?

4 A. [14:58:17] The only time -- or when Mr Ngaïssona saw (Redacted),

5 (Redacted) in a meeting was the occasion of the meeting at

6 (Redacted). And a list of attendance at that meeting was

7 published here. That is the occasion on which he met (Redacted) and

8 (Redacted). But (Redacted) had already been in a meeting on the other side, so that

9 would not have been a surprise. The only surprise was to see the lady (Redacted)

10 (Redacted).

11 But now, to personally take her and introduce her to Mr Ngaïssona, no. It happened

12 as general introductions in (Redacted).

13 Q. [14:59:38] The meeting in (Redacted) you mentioned, are we talking here about

14 the meeting during which (Redacted)?

15 Can you recall this?

16 A. [15:00:03] The meeting at which (Redacted) was present is the meeting

17 that took place at (Redacted), not at the (Redacted)

18 (Redacted). And this happened right at the very beginning, and it's the meeting of

19 (Redacted). That's the meeting we are talking about.

20 Now, the (Redacted)

21 (Redacted), not at the time of the meeting with (Redacted).

22 Q. [15:00:43] You have knowledge on this last meeting (Redacted)

23 (Redacted)?

24 A. [15:01:02] Not only some knowledge, I was there. (Redacted) convened

25 this meeting. (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)

20 Q. [15:04:29] Thank you, sir.

21 Now on 9 December, you gave evidence to the extent that you say: (Redacted)

22 (Redacted)

23 (Redacted)

24 That's the English real-time transcript, page 109, lines 18 till 21, of 9 December.

25 Was it your understanding -- that's my question. Was it your understanding at that

1 time or your information that Mr Ngaïssona tried exactly (Redacted)

2 (Redacted)

3 (Redacted) and he tried to provide that to the transitional

4 government or the international community?

5 So my question to you, sir, you have information or you perceived the situation such

6 as described in your own evidence about (Redacted)?

7 I know it's difficult to speak about somebody else's role, and I know the Judge might

8 say it's speculation, but I'm not asking you to speculate. I'm asking you: The

9 information you had at that time, did it confirm that he tried to do (Redacted)

10 (Redacted), giving the Anti-Balaka, apart from which group, a political voice?

11 A. [15:06:54] I go back to what I said previously. I didn't know the implications or

12 involvement of Mr Ngaïssona in the Anti-Balaka movement until the day when I

13 observed him and was surprised. When I (Redacted)

14 there was never any mention of the name Ngaïssona. No one ever put his name

15 forward as one of the individuals who was trying at that moment to make up a trio

16 with the archbishop or the preacher, \*Guerekoyame-Gbangou, or the imam, Kobine

17 Lamaya, who -- who were looking left and right and in the hinterlands to try and

18 bring about peace.

19 So I cannot say that I had the information that I knew that Mr Ngaïssona was trying

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [15:09:09] Mr Witness, you have answered the  
3 question, so it was about Mr Ngaïssona. And we -- we have heard about your role  
4 already.

5 So, Mr Knoops, please continue with another question.

6 MR KNOOPS: [15:09:19] Yes. Yeah.

7 Q. [15:09:21] One last question on this topic, sir. Do you agree with me that even  
8 after Mr Djotodia left the country, Central African Republic continued to face disorder  
9 and criminals who were sometimes perceived as Anti-Balakas and were beyond the  
10 control of the authorities?

11 So Mr Djotodia left. You can say, well, end of the resistance. But what happened  
12 afterwards, wasn't it so that even after he left, Mr Djotodia, the country remained in a  
13 state of criminality, chaos, which was beyond the control of the transitional  
14 government or anyone or the international community? Can you confirm that the  
15 situation was such?

16 A. [15:10:56] \*It was only that there was a change of camp/sides. With Djotodia it  
17 was Seleka. With Mrs Samba-Panza, the oppressor became Anti-Balaka. And I think  
18 the situation became even worse when they had a discussion about the return of the  
19 constitutional order, that's to say, the return of Bozize to power and the  
20 re-establishment of the national assembly was dissolved.

21 From that moment onwards, one part of the Anti-Balaka who favoured the return of  
22 the constitutional order did not consider that their fight had -- was already paid by  
23 the resignation of Djotodia. So there was this discussion that was being held at that  
24 time which meant that their victory must not be taken away from them.

25 And that is why the country was still in criminality, because the criminals this time

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1 were called Anti-Balaka.

2 Q. [15:12:28] If -- if I put to you, sir, the word the "situation" after Djotodia left was  
3 socio-politically still uncontrollable for the authorities, what would you say to that?

4 A. [15:12:50] From a socio-political point of view, the situation didn't automatically  
5 fall into disorder. There was the organisation of elections to appoint or to elect a  
6 transitional head. The situation became worse when the government  
7 introduced -- (Redacted)

8 (Redacted)

9 And from that moment onwards, pressure built up to make sure that their message  
10 was understood and to show that the real control of the Anti-Balaka were not those  
11 who represented them in government. And that was said repeatedly and also was  
12 relayed in the press, in the media.

13 So if there had not been a hardening as regards the question of integration of the  
14 government or the position of responsibility, I think the situation wouldn't have taken  
15 that angle. For proof is what you -- the *chef* -- the head of state said at that time.

16 The names were proposed, and when the government made public that they had so  
17 much pressure exerted upon them and when they proposed that names be submitted  
18 so that they could be included in the prime minister's office or elsewhere, then the  
19 names all belonged to a single region, to a single ethnic group. It was that of those  
20 who were favourable to the return of the constitutional order.

21 Q. [15:15:25] Thank you.

22 You just also introduced my next question, which affects the position for certain  
23 Anti-Balaka members within the newly established transitional government.

24 Would you agree, sir, with me that it was the then president, Ms Samba-Panza, who  
25 herself asked for a list of positions of those individuals for the purpose of the peace

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1 process?

2 It was Ms Samba-Panza, wasn't it, she asked for the list? The list came not on the  
3 basis of an initiative of the individuals who were put on the list, but rather it was  
4 Ms Samba-Panza who asked for those names. Would you agree with that  
5 observation?

6 A. [15:16:44] I don't agree with that observation because, in order to enter into the  
7 government, the international community asked all the entities to become involved.  
8 Consultations to integrate the government was initiated under the impulse of the  
9 international community. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [15:20:49] Thank you very much, Mr Witness.

11 Again, I appreciate your cooperation, but in light of the time, I have just 40 minutes

12 left, please would you be so kind to restrict your answers to the direct question, sir.

13 Now, my next question is were you aware of an extraordinary meeting convened by

14 the president and a delegation of the Anti-Balaka on 8 May 2014, during which the

15 representative of the Anti-Balaka which should be inserted in the government was

16 discussed? So we're speaking about 8 May 2014.

17 I know that you were not there because I have the documents before me, but my

18 question to you is were you aware that such a meeting was held on 8 May 2014

19 whereby the position of the Anti-Balaka representative in the government was

20 discussed?

21 And I can maybe directly, to gain time, call up document tab 35 of our Defence binder,

22 which is CAR-OTP-2079-0050, in particular page 0051.

23 And for the Chamber it's also interesting to see the signatures of the individuals who

24 convened that session on page 0052.

25 But for the witness, I would like to show you, sir, page 0051. You see in the third

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1 paragraph: (Interpretation) "Choice of representatives of the Anti-Balaka at the  
2 governmental bodies requested by her Excellency the President of the Republic, the  
3 Transitional Head of State."

4 (Speaks English) So my question is were you familiar with this document before you  
5 came to this Court?

6 A. [15:24:03] I am currently discovering this document.

7 Q. [15:24:06] So you would agree with me that this document actually tells us that  
8 it was Ms Samba-Panza who asked for a representative to make a choice for  
9 representative of the Anti-Balaka to be inserted in the government? That's what this  
10 document tells us?

11 A. [15:24:36] That is what I'm currently reading.

12 Q. [15:24:38] I understand you don't know the document, but I just put it to you --

13 PRESIDING JUDGE SCHMITT: [15:24:42] I think -- Yeah, but I think you can move  
14 on. The document --

15 MR KNOOPS: [15:24:45] Yeah, that was my point.

16 PRESIDING JUDGE SCHMITT: [15:24:47] The document has its own language, so to  
17 speak.

18 MR KNOOPS: [15:24:51] Of course. Yeah.

19 Q. [15:24:52] Sir, on 7 December you did tell us something -- you did tell us  
20 something, quite interestingly. You did say that many people came to Ngaïssona,  
21 some gave good advice, some gave bad advice. But behind that, they would go to  
22 the president, they were incontrollable.

23 That's the English real-time transcript of 7 December, page 113, lines 7 to 12.

24 Now my understanding of your evidence, sir, and you should correct me if I'm wrong,  
25 is that actually behind Mr Ngaïssona's back people tried to destabilise his position

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1 and were even doing so beyond anyone's control; is that how I should read your  
2 evidence?

3 A. [15:26:19] Absolutely not. I said that some individuals used their closeness to  
4 Mr Ngaissona, their closeness to Mrs Samba-Panza, to promote themselves, to put  
5 themselves forward as someone who could play a positive role between them and the  
6 radical group at the time represented by those who were in favour of the return to the  
7 constitutional order.

8 So it was more to destabilise Ngaissona, that wasn't so much, but it was more to  
9 promote themselves.

10 Q. [15:27:09] Thank you.

11 You also told us on 10 December in this regard, transcript page 28 of the English  
12 real-time transcript, lines 7 till 13, that the ComZones sometimes received certain  
13 advisers from the presidency.

14 Now the question to you, sir, why would the president or presidency send advisers to  
15 the ComZones? What was the purpose of sending people from the presidency to the  
16 ComZones?

17 A. [15:28:04] What I said is that advisers coming from the presidency, from the  
18 prime minister's office and from the national assembly, but whether these advisers  
19 who went to the meetings with the people on the ground were done by a mission  
20 given by the institutions, I cannot say. There were several initiatives of this type. I  
21 even could say there were four governments who neutralised the initiatives. So you  
22 couldn't really know whether it was the presidency who sent the advisers or it was  
23 the prime minister's offices who did that, or whether it was the national assembly  
24 who sent them.

25 As they -- as Madam Samba -- all they did is said that Mrs Samba-Panza had asked

1 them to do that. It wasn't necessarily the presidency who asked that, but the  
2 president who asked that. So you have to see the nuance. When it's the presidency,  
3 it's a fact that commits the state. When it's the head of state, the president, then it's a  
4 request and not necessarily committing the presidency to anything at that stage.

5 Q. [15:29:36] Of course, but my question is what was the reason that -- what type of  
6 advice were these people representing the presidency or affiliated with the  
7 presidency, what type of advice were they giving to the ComZones, as far as you  
8 know?

9 A. [15:30:05] Since I never attended any ComZone meeting, how should I know? I  
10 have no idea. You see, all we saw was how these meetings for peace involving  
11 advisers from the presidency, from the prime minister's office, from the CNT,  
12 advisers and so on and so forth, we saw how they flurried around here and there and  
13 their activities were often covered by the media.

14 Now, but what type of activities were involved, it is the ComZones who would  
15 answer. They would say whom they had received and what they were told. For  
16 example, when there was an initiative for the Muslim and the Christian communities  
17 to meet at a football meeting, people ended up dying, but this happened following  
18 prior contact where an adviser from the prime minister's office, a lady, had taken the  
19 initiative. But whether it was recommended by the prime minister's office or  
20 whether it was a personal initiative, that is the question.

21 At that time, those who met up until the time of the organisation of the event are the  
22 only ones who can know what they were told. So I am not the one who can answer,  
23 because, like all other Central Africans, I was only following this from a distance. So  
24 I cannot say what they were telling them at those meetings.

25 Q. [15:31:48] Are you aware, Mr Witness, that ComZones were sometimes also

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1 invited by the presidency to come to Bangui to speak about the peace process with the  
2 presidency or members of the presidency? So they were asked to come to Bangui to  
3 receive advice there or any other information or discussion with the members of the  
4 transitional government, presidency, whatever.

5 A. [15:32:42] I am just learning of that now. I wasn't aware of it at the time.

6 Q. [15:32:51] My -- maybe I've -- I've put it more precisely.

7 Do you have information that such invitations occurred?

8 A. [15:33:11] Well, to begin with, the fact that (Redacted)

9 (Redacted), that was part of the

10 attempts made by the presidency to seek solutions to which the regime was  
11 confronted. So I was not necessarily informed that ComZones had been invited from  
12 the hinterland for discussions. I was, in fact, never aware of such an initiative.

13 MR KNOOPS: [15:34:01] I have just three topics left, and the next topic can be dealt  
14 with in open session.

15 PRESIDING JUDGE SCHMITT: [15:34:07] That's good.

16 Open session.

17 (Open session at 3.34 p.m.)

18 THE COURT OFFICER: [15:34:13] We're in open session, Mr President.

19 MR KNOOPS:

20 Q. [15:34:29] Mr Witness, you have to say to me if you feel comfortable that I  
21 address this in open session because I would like to speak with you about the DDR  
22 programme. I have a little hesitation because it might reveal I think in hindsight the  
23 identity because I ask him questions about --

24 PRESIDING JUDGE SCHMITT: [15:35:09] His role, if he had any.

25 MR KNOOPS: [15:35:12] Yeah.

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1 PRESIDING JUDGE SCHMITT: [15:35:14] Then, I think, Mr Vanderpuye, Mr Leddy,  
2 what do you think?

3 MR KNOOPS: [15:35:16] It's a borderline situation. But in favour of the witness, I --

4 PRESIDING JUDGE SCHMITT: [15:35:21] Yeah, back to private session.

5 MR KNOOPS: [15:35:25] Sorry for the ...

6 (Private session at 3.35 p.m.)

7 THE COURT OFFICER: [15:35:32] We are back in private session, Mr President.

8 MR KNOOPS: [15:35:40] Thank you, Madam Court Officer.

9 Q. [15:35:43] Sir, my next topic relates to the DDR programme in 2014 for the  
10 Anti-Balaka.

11 Now, we have all seen in evidence a letter signed by you as (Redacted)

12 (Redacted) from (Redacted) addressed to (Redacted)

13 (Redacted), where you -- in which letter you (Redacted)

14 (Redacted)

15 And that's OTP tab 40, four-zero, CAR-OTP-2063-0075. And in our binder it's at tab

16 43.

17 Now, we all know this. My question to you now today, sir, is: Were you aware

18 that Mr Ngaïssona in February 2014 exactly tried to do (Redacted), namely,

19 to set up a DDR process which included the Anti-Balaka instead of excluded them?

20 Were you aware of the initiatives Mr Ngaïssona took in February 2014 (Redacted)

21 (Redacted)?

22 A. [15:37:41] Let us first focus once more on that letter. At that date there was no

23 government in place. Djotodia had resigned in N'Djamena on the 9th. People came

24 back to Bangui and elections had not yet been organised to designate a head of state,

25 whether he be male or female, for the transitional government.

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1 Now, here we are talking about a process tending towards normalisation, a process  
2 that would lead up to the designation of the type of transition to put in place after  
3 Djotodia.

4 The president of the national assembly, namely, the National Transitional Council,  
5 was the provisional head of state, and he tended quite frequently to forget the other  
6 side (Redacted)

7 (Redacted)

8 (Redacted). So at that time we were not yet dealing with the DDR.

9 Now, to say that that there was a similar approach that was initiated later on in  
10 February, well, I was not aware of it. At some point in time, and like everyone else,  
11 we learnt that MINUSCA, which was known as MISCA at the time, was issuing  
12 identity cards to various combatants for the purposes of demobilisation.

13 Now, as far as I'm concerned, at that time that was putting the cart before the horse.

14 Who were they going to demobilise when these people were not billeted?

15 Q. [15:40:21] Thank you, sir.

16 Just in light of the time, I just show you the cover page of our tab 44, that's

17 CAR-OTP-2025-0372 -- but I see two CAR numbers.

18 Sorry, it's the second one. It's CAR-OTP-2087-9176, tab 44 of the Defence binder.

19 And you see, Mr Witness, in a second, a document which has the title:

20 (Interpretation) "Emergency help for Anti-Balaka combatants."

21 (Speaks English) And in this document you find also suggestions for the billeting of  
22 the Anti-Balaka.

23 My simple question to you, sir - and, please, in light of the time, would you be so kind

24 to concise your answer - were you at that time familiar with this document, this

25 initiative of Mr Ngaïssona; yes or no? If you've seen this document before.

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1 A. [15:42:19] I have never seen this document before. And I was not aware of that  
2 initiative.

3 Q. [15:42:37] Thank you.

4 Were you aware that Mr Ngaïssona in the same time frame sent letters to various  
5 governments' embassies, even to at that time President Obama in Washington, the  
6 Secretary-General of the United Nations in New York, the representative of the  
7 African Union, with his project for billeting the Anti-Balaka in February 2014?

8 And for the Court, that's tab 95, not to show to the witness in light of the time.

9 Simply, were you aware of these initiatives which were employed by Mr Ngaïssona at  
10 that time?

11 A. [15:43:53] I wasn't one of the recipients of any of those letters. How then could  
12 I have known that such initiatives were being considered or taken?

13 In any event, let me just say also that any initiative that tended towards  
14 demobilisation or disarmament of the Anti-Balaka during that period, to my mind,  
15 was a loss of time. Even if the initiative were to be laudable, it could not prosper  
16 because, as far as I'm concerned, right from the beginning, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 So these were the initiatives that were in order which would have led towards

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1 demobilisation, but anything else would not have prospered as long as the  
2 international community was not playing frankly and fairly; whereas, it was fully  
3 aware of the danger arising from the presence of the Anti-Balaka almost across the  
4 territory in terms of its impact on security on all and sundry.

5 Q. [15:46:08] Sir, you just mentioned the issue of identity cards. I understand  
6 correctly what -- you mentioned it in connection with the, was it the Sangaris?  
7 You've just said something about the identity cards to disarm the Anti-Balaka? Who  
8 introduced those cards?

9 A. [15:46:43] I did not say anything about identity cards for the disarming of the  
10 Anti-Balaka here. I talked here about mission orders that the Sangaris systematically  
11 found in the hands of the Anti-Balaka and that those mission orders were allegedly  
12 signed by the minister of defence at the time. So these were not identity cards.  
13 I was -- I have talked here about the demobilisation card. And the initiative for that  
14 came from the international community which was asking the Anti-Balaka to subject  
15 themselves to a census. And this was said over radio and everybody heard this.  
16 Badges were issued to them in that regard.

17 PRESIDING JUDGE SCHMITT: [15:47:40] Can we go back to open session?

18 MR KNOOPS: [15:47:42] Yes, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:47:44] Okay, good. Open session.

20 (Open session at 3.47 p.m.)

21 THE COURT OFFICER: [15:47:49] We are in open session, Mr President.

22 MR KNOOPS: [15:47:59]

23 Q. [15:48:00] So, sir, you just informed us that badges were issued for the  
24 demobilisation, if I understand your evidence. When, in which time frame, were  
25 these badges distributed and to whom?

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1 A. [15:48:26] When? That was during the transitional period. And to whom?

2 To the Anti-Balaka.

3 Q. [15:48:39] And the purpose being of those identity cards? To demobilise them?

4 But also to distinguish between who was Anti-Balaka or not, correct?

5 A. [15:49:10] There were two reasons put forward. The first reason was that it

6 would assist the Anti-Balaka who had come from the hinterlands and had no

7 knowledge or no members of their families in Bangui. So they needed some kind of

8 travel document.

9 Secondly, it was to distinguish between the bandits who claimed to be Anti-Balaka, to

10 distinguish between them and the Anti-Balaka.

11 Q. [15:49:58] Thank you very much.

12 Were you aware that this or a similar initiative was undertaken by Mr Ngaissona?

13 Exactly what you now describe, sir, was introduced by him as well.

14 Were you aware of the introduction of badges for the same two reasons as you just

15 described?

16 A. [15:50:32] This information was circulating, but personally I don't know who

17 was at the source of this initiative. What was being said is that MINUSCA had

18 asked for badges to be delivered to the Anti-Balaka and that they should be provided

19 with kits to help them, that is, the Anti-Balaka who had come from the hinterland.

20 Q. [15:51:12] Thank you, sir.

21 Two final topics. I have nine minutes. I look behind you to the clock. It's not to

22 you.

23 You talked extensively, sir, during your evidence on 7 December and 9 December,

24 English real-time transcript 116, pages 12 to 25 of 7 December, and page 42, lines 2 till

25 25, of the evidence of 9 December, running to transcript page 43, lines 1 till 4.

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1 You explained to us the role of the IOM regarding the displacement of Muslims. I'm  
2 not going to repeat your evidence again, but my question is the following: You  
3 alerted to this problem that without consent or knowledge of the transitional  
4 government, this happened. And I refer to the email the Prosecution submitted in its  
5 binder, tab 53, CAR-OTP-2084-0958 at 0959.

6 Now, I put to you that there are two witnesses who gave statements to the Office of  
7 the Prosecution in the investigation, and those witnesses -- and just for the Court's  
8 information, that's P-0952 and P-0475.

9 Those two witnesses confirmed what you told the Court on 7 and 9 December, but  
10 they say something in addition. They -- one of the witnesses said that, contrary to  
11 what the Prosecution suggests, that Mr Ngaïssona was trying to undermine the peace  
12 process. This process did fall apart by itself. An internal document to the  
13 transitional government reveals that the budget for the DDR was 28.5 million dollars  
14 and only 4 million had been mobilised.

15 My question to you is: Are you aware of this observation by that witness?

16 And please, sir, in light of the time, answer yes or no. And not to be disrespectful to  
17 you, sir, but I just have seven minutes left. I'm sorry.

18 A. [15:54:40] No.

19 Q. [15:54:42] Thank you.

20 My second question is: Can you confirm that as one witness stated in and during  
21 the investigation, the removal of the Muslims in this regard happened with Seleka  
22 who were armed, so armed Muslims? In other words, non-armed Muslims and  
23 armed Muslims were displaced by the IOM themselves without any differentiation.  
24 Do you have any recollection to this?

25 A. [15:55:48] Exactly.

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1 Q. [15:55:48] And -- and would you agree that when the government, the  
2 transitional government, discovered this and asked MINUSCA why they were  
3 allowed to join the others with firearms, their reply was, of MINUSCA, we allow it,  
4 but we'll -- we'll disarm later, as an excuse to not to differentiate at that time when the  
5 Muslim population was displaced, and this divided the country even more. That's  
6 said by one of the Prosecution witnesses.

7 PRESIDING JUDGE SCHMITT: [15:56:41] Mr Leddy.

8 MR LEDDY: [15:56:42] Thank you, your Honour. We just ask.

9 MR KNOOPS: [15:56:48] Reference?

10 MR LEDDY: [15:56:49] No. Actually just to clarify the witness's basis of knowledge  
11 for this answer because the proposition and the question, if I'm not mistaken, seems  
12 to suggest that the witness had conversations with MINUSCA himself. And I'd like  
13 to clarify the basis of the question.

14 PRESIDING JUDGE SCHMITT: [15:57:11] Well, the witness can answer.

15 And, Mr Witness, if you have any -- any information about that, then please do not  
16 reveal this information but also tell us what the basis for this information is to shorten  
17 the whole process.

18 THE WITNESS: [15:57:46](Interpretation) Not the entire process. I got information  
19 on the displacement of Muslim population by the international organisation on  
20 migration without any consultation with government. Now, when it comes to the  
21 document which we have just looked at, I was not aware of it.

22 MR KNOOPS: [15:58:20]

23 Q. [15:58:21] You just confirmed that you -- that non-Muslims were displaced by  
24 the IOM with Muslims who were armed.

25 Was this information you received from someone, without revealing the name, or did

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1 you know this directly through your sources?

2 A. [15:59:00] In any event, the information I provided is that the IOM organised the  
3 deportation of Muslims from Bangui to the hinterland without taking -- taking even  
4 the minimum precautions in matters of security. And as the population was being  
5 displaced, they were carrying upon themselves their personal belongings, and that  
6 provoked the appetite and interest of thieves who then waited for them along the  
7 road and attacked.

8 I did not say that there were armed Muslims and unarmed Muslims mixed together.  
9 This information that you have just provided from this letter indicating that the  
10 presidency or the government had raised a question with the MISCA official, I think  
11 we need to distinguish between the IOM and MISCA. Because according to the  
12 document, what the document says is that the MISCA responded by saying that they  
13 had not taken the necessary precautions to distinguish between armed Muslims and  
14 unarmed Muslims. We're dealing here, therefore, with two distinct organisations.

15 Q. [16:00:46] Thank you, sir.

16 Last question on this topic, and then I have just two final questions for you, sir.

17 Do you have information whether this -- this policy of this type of displacement by  
18 the IOM was led or directed or supervised by France, the government of France?

19 A. [16:01:27] If I had had that information I would have said so.

20 Q. [16:01:32] Okay.

21 Finally -- I think, Mr President, we're still in private session? Yeah.

22 PRESIDING JUDGE SCHMITT: [16:01:44] Yeah.

23 MR KNOOPS: [16:01:46] Because now we show --

24 PRESIDING JUDGE SCHMITT: [16:01:46] No, we have to go to private session.

25 MR KNOOPS: [16:01:48] Sorry. We have to go to private session, yes.

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1 PRESIDING JUDGE SCHMITT: [16:01:51] Yes.  
2 (Private session at 4.01 p.m.)  
3 THE COURT OFFICER: [16:01:59] We are in private session, Mr President.  
4 MR KNOOPS: [16:02:02]  
5 Q. [16:02:04] Finally, sir, we were served with a document, actually, this very  
6 weekend. And with the permission of the Court we are allowed to show it to you  
7 and I have some questions. It's in our Defence binder tab 96. It's  
8 CAR-D30-0003-0008. It's a recent document and I would like to emphasise to you,  
9 sir, this is -- this document is not meant in any way to attack you in your personality.  
10 You'll see why I'm saying this to you if you look at the document. We're just curious  
11 to know how the document, which is still not before you -- it's not there.  
12 Yeah, there it is.  
13 You see, it's a Facebook publication by a gentleman with the name (Redacted)  
14 (Redacted), which is, according to our information, a (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
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1 (Redacted)

2 Q. [16:09:29] Two final questions, sir.

3 So you would agree with me that the situation currently in the CAR under President  
4 Touadera, in this respect, didn't change as opposed to 2013/14, correct? The  
5 socio-political situation in your country under this president and the phenomenons  
6 we have seen in 2013, 2014, resistance called for inclusiveness are still there?

7 A. [16:10:18] Without being heavy-handed, since independence, the situation in  
8 Central African Republic was never peaceful. Each time that initiatives of peace  
9 were taken and avoid the true questions, the genuine question, the real cause of the  
10 problems of the country. So as long as we avoid to tackle those questions seriously  
11 and we only touch upon picking things here and there, there will always be the same  
12 problems. As in chemistry, if you have the situation in the same conditions, you'll  
13 always have the same effects. So we really have to have a *tabula rasa*. We have to  
14 diagnose the problem in depth so that the international partners might be angry.  
15 But we need to discover the origin of this problem. We've said here it is the richness  
16 under the soil which creates this misery. But who benefits from our resources?

17 (Redacted)

18 (Redacted)

19 (Redacted) And we need to avoid

20 hiding behind things. We need to have an inclusive dialogue which mustn't be a  
21 facade as we've had in 2008.

22 Q. [16:12:14] And that's -- and that's why, sir, you said on 7 December before this  
23 Court, transcript page 106, English real-time transcript, lines 7 and 19 and that: We  
24 are responsible. One day we must accountable.

25 Did you refer with the word "we" to all the authorities in the CAR? "We". You said

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1 explicitly twice "we are responsible".

2 A. [16:13:03] This means everyone who governs this country, this nation, the  
3 destiny of this country, this people. Since independence until today, if the country  
4 doesn't get out of this, it is our fault. We are responsible, each one of us  
5 proportionally responsible. We have to diagnose the problems so that we can find  
6 the best therapy.

7 Q. [16:13:37] Thank you, sir.

8 And my very last question is: Do you have information for us that behind the arrest  
9 of Mr Ngaïssona, the government of Mr Touadera was instrumental in having him  
10 being brought to The Hague in 2018? Do you have information to this extent for the  
11 Chamber?

12 A. [16:14:10] Whether the government is behind the arrest of Mr Ngaïssona? Are  
13 you saying that the government is giving the ICC orders to act in a certain way?  
14 That's not my understanding.

15 Q. [16:14:26] No, my question is --

16 PRESIDING JUDGE SCHMITT: [16:14:27] The question was different, Mr Witness.  
17 Do you have information that the government of Mr Touadera was, let's say, the one  
18 who was behind - I think you meant, Mr Knoops - behind the extradition of  
19 Mr Ngaïssona to this court or whatsoever, or was important, was necessary,  
20 whatsoever?

21 MR KNOOPS: [16:14:55]

22 Q. [16:14:57] Would support the arrest of him. Do you have any information to  
23 this extent, yes or no?

24 A. [16:15:13] The political party of Mr Ngaïssona is allied to the government that's  
25 now in place. How can I have information because it's an ally who's behind the

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1 arrest of his ally before this Court? I don't have any information on that.

2 Q. [16:15:35] Thank you.

3 MR KNOOPS: [16:15:37] Thank you, Mr President. My apologies that I passed the  
4 time of 15 minutes. Sorry.

5 I thank you, sir, for your patience with me and grateful for your answers, sir.

6 Thank you.

7 PRESIDING JUDGE SCHMITT: [16:15:51] Mr Knoops, there is no need for apologies.

8 That's perfectly fine. We cannot foresee in every instance exactly, let's say, precisely  
9 with regard to the minute when we can finish examination of a witness.

10 So this concludes the hearing for today. We reconvene tomorrow at 11.30 and we  
11 continue with the examination, redirect examination of the Prosecution.

12 MR KNOOPS: [16:16:18] Mr President, before the Court retires, it's my  
13 understanding, and Mr Leddy is nodding "no", but we had a plan to suggest to the  
14 Chamber to have the re-examination finish today so we don't have to sit tomorrow,  
15 but I'm not sure what the Prosecution thinks.

16 PRESIDING JUDGE SCHMITT: [16:16:38] No, I would be -- would be very  
17 surprised. And, by the way, we are already 15 minutes past the normal hours.

18 I think this is impossible.

19 But, Mr Leddy, shortly if you want to.

20 MR LEDDY: [16:16:50] No, I agree, your Honour. We'd like to continue tomorrow,  
21 if possible.

22 PRESIDING JUDGE SCHMITT: [16:16:55] Okay. Then we continue at 11.30  
23 tomorrow, as I have said.

24 THE COURT USHER: [16:17:00] All rise.

25 (The hearing ends in private session at 4.17 p.m.)