

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Wednesday, 20 March 2024
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:36] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:31:51] Good morning, everyone.
14 Madam Court Officer, can you please mention the case.
15 THE COURT OFFICER: [9:32:10] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And we are in open session.
19 PRESIDING JUDGE SAMBA: [9:32:23] Thank you very much.
20 Can I ask the parties to introduce themselves.
21 MS MAKWAIA: [9:32:28] Good morning, Madam President, your Honours.
22 For the Prosecutor this morning, myself Holo Makwaia, senior trial lawyer;
23 Marie-Jeanne Sardachti, trial lawyer; Brunhild Le Bailly, associate trial lawyer;
24 Kamran Choudhry, trial lawyer; Sanyu Ndagire, legal assistant.
25 Thank you.

- 1 PRESIDING JUDGE SAMBA: [9:32:49] Thank you very much, Ms Makwaia.
2 Ms Pellet, representation for the victims, please.
- 3 MS MAKWAIA: [9:32:59] Apologies, your Honour, I forgot the analyst on the team,
4 Ms Alessia Vitiello.
- 5 PRESIDING JUDGE SAMBA: [9:33:06] Noted. Thank you.
6 Ms Pellet for the victims.
- 7 MS PELLET: [9:33:11](Interpretation) Thank you, Madam President.
8 The victims are represented by Tars Van Litsenborgh and myself, Sarah Pellet,
9 counsel at the Office of Public Counsel for Victims.
- 10 PRESIDING JUDGE SAMBA: [9:33:24] Thank you very much, Ms Pellet.
11 Ms Naouri for the Defence, please.
- 12 MS NAOURI: [9:33:30](Interpretation) Thank you, Madam President. Good
13 morning.
14 Next to me, Maître Jacobs, behind me Elina Legat, and myself, Jennifer Naouri, lead
15 counsel.
- 16 PRESIDING JUDGE SAMBA: [9:33:54] Thank you very much.
17 I don't think we have on record the name of counsel seated on your right, Ms Naouri.
- 18 MS NAOURI: [9:34:19](Interpretation) Thank you, Madam President.
19 To my right is Léa Allix, you know Maître Jacobs and then, for the transcript, behind
20 me we have Elina Legat. That is the complete team.
- 21 PRESIDING JUDGE SAMBA: [9:34:36] Yes. Thank you very much, Ms Naouri.
22 And for the record, I note that Mr Said is in court with us.
23 A very good morning to you, Mr Said. I hope I see you well.
- 24 MR SAID: [9:34:49](Interpretation) Good morning, Madam President.
25 PRESIDING JUDGE SAMBA: [9:35:02] Good morning.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 The Prosecution is calling P-0291 as its 24th witness.

2 The Chamber previously granted an application by the Prosecution to introduce

3 P-0291's prior recorded testimony pursuant to Rule 68(3) in decision number 571.

4 It is the Chamber's understanding that this witness will be testifying in French, so I

5 remind everyone of the importance of the need to speak slowly and to observe the

6 five-second rule between questions and answers.

7 Lastly, the Chamber notes that no protective measures have been sought for this

8 witness and the VWU recommends no special measures.

9 Can the court officer -- or court clerk please bring in the witness. Thank you very

10 much.

11 (The witness enters the courtroom)

12 PRESIDING JUDGE SAMBA: [9:37:44] Good morning, Mr Witness.

13 WITNESS: CAR-OTP-P-0291

14 (The witness speaks French)

15 THE WITNESS: [9:37:50](Interpretation) Good morning, Madam President.

16 PRESIDING JUDGE SAMBA: [9:37:53] Now, you're going to testify before the

17 International Criminal Court.

18 On behalf of this Chamber, I welcome you to this courtroom.

19 THE WITNESS: [9:38:06](Interpretation) Thank you.

20 PRESIDING JUDGE SAMBA: [9:38:09] Mr Witness, you should have in front of you

21 the solemn undertaking to tell the truth that every witness who testifies before this

22 Court must agree to.

23 Can you please read out what you have before you now.

24 THE WITNESS: [9:38:35](Interpretation) I solemnly declare that I shall speak the

25 truth, the whole truth and nothing but the truth.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

- 1 PRESIDING JUDGE SAMBA: [9:38:49] Thank you very much.
- 2 Do you understand and agree to what you just read out, Mr Witness?
- 3 THE WITNESS: [9:39:01](Interpretation) Yes, indeed.
- 4 PRESIDING JUDGE SAMBA: [9:39:04] Good. So we will continue.
- 5 I have a few practical matters you should have in mind when giving your testimony.
- 6 Everything we say here in this courtroom is interpreted and written down. It is
- 7 therefore important to speak clearly and at a slow pace. Speak into the microphone
- 8 and only start speaking when the person asking you the question is finished. To
- 9 allow for the interpretation, everyone has to wait a few seconds before starting to
- 10 speak.
- 11 If you have any questions yourself, Mr Witness, or if you need a break, please raise
- 12 your hand so that we know that you want to say something.
- 13 Do you understand what I have just said, Mr Witness?
- 14 THE WITNESS: [9:40:16](Interpretation) Well understood, Madam President.
- 15 PRESIDING JUDGE SAMBA: [9:40:18] Thank you very much.
- 16 So we will start with your testimony. I'm going to invite the Prosecution to put
- 17 questions to you.
- 18 Madam Prosecutor, your witness, please.
- 19 MS SARDACHTI: [9:40:46] (Interpretation) Thank you, Madam President.
- 20 QUESTIONED BY MS SARDACHTI: (Interpretation)
- 21 Q. [9:40:55] Good morning, Mr Witness. We already met before. I'm
- 22 Marie-Jeanne --
- 23 THE INTERPRETER: The name will come after.
- 24 MS SARDACHTI: (Interpretation)
- 25 Q. [09:41:04] I will be asking you questions on behalf of the Prosecution.

1 A. [9:41:14] Good morning.

2 Q. [9:41:15] I would like to ask you questions relating to your identity, so these are
3 procedural matters, and then a few additional questions that will deal with the
4 structures that were in place when you were prime minister.

5 For the record, can you tell us your full name?

6 A. [9:41:53] My name is Tiangaye and my first name is Nicolas.

7 Q. [9:41:58] Your date of birth?

8 A. [9:42:00] I was born on 13 September 1956 at Bocaranga in the Central African
9 Republic. At that time it was still Oubangui-Chari territory.

10 Q. [9:42:27] Thank you, Mr Witness, for that clarification.

11 What is your current profession?

12 A. [9:42:35] I'm a lawyer.

13 Q. [9:42:39] When we met last month, I explained to you that we had asked that
14 your written statement, your testimony before this Court as well as other associated
15 documents should be put into evidence and in that context I will ask you certain
16 procedural questions.

17 First of all, I will focus on your statement. Do you remember having given a
18 statement to the members of the OTP?

19 A. [9:43:24] Yes, I do remember.

20 Q. [9:43:29] And when you gave those statements, were they read back to you in a
21 language that you understand?

22 A. [9:43:39] I re-read all my statements in French.

23 Q. [9:43:49] And when you gave that statement, do you remember having signed
24 it?

25 A. [9:43:55] I believe I signed it.

1 THE INTERPRETER: [9:43:59] Madam President, the five-second rule is not being
2 observed.

3 PRESIDING JUDGE SAMBA: [9:44:07] Sorry, can you be guided, counsel and
4 Mr Witness, if you can wait after the question is put to you for five seconds before
5 you answer so as to help the interpreters. And Madam Prosecutor, if you can allow
6 some five seconds after the witness answers to put another question to help the
7 interpreters, please. Thank you.

8 Please put your question.

9 MS SARDACHTI: [9:44:41] (Interpretation) Thank you. I will take that into
10 consideration.

11 The court officer, I will like document number 1, CAR-OTP-2024-0036-R03. It's a
12 document that is classified as confidential. It can be shown to the witness but not to
13 the public.

14 Q. [9:45:38] Can you see that document, Mr Witness?

15 A. [9:45:42] Yes, I can see the document.

16 Q. [9:45:49] I would like you to look at the bottom of the first page. Do you
17 recognise a name and a signature?

18 A. [9:46:04] It is indeed my name, my first name and my signature.

19 MS SARDACHTI: [9:46:22] (Interpretation) Court officer, page 0038 next, please.

20 Q. [9:46:35] Mr Witness, can you look at the bottom left of that paper. There are
21 initials. Who do they belong to?

22 A. [9:46:50] They are mine.

23 MS SARDACHTI: [9:46:58] (Interpretation) Court officer, can we display page 0058,
24 please.

25 Q. [9:47:15] And on that page do you recognise the name and the signature at the

1 bottom?

2 A. [9:47:23] Yes, I do recognise it.

3 Q. [9:47:26] And to whom does -- do they belong?

4 A. [9:47:33] It is my signature, my first name and my name, as well as the date. I
5 recognise the signature. It is my signature.

6 Q. [9:47:45] Thank you, Mr Witness.

7 Now I would like to focus on your prior testimony before this Court. Do you
8 remember having testified before this Court?

9 A. [9:48:11] Yes, I do remember having testified before this Court, but by video
10 link.

11 Q. [9:48:30] Do you remember in which case you testified?

12 A. [9:48:39] It was in the Ngaïssona and Yekatom case.

13 Q. [9:48:52] Do you have an idea of when that happened?

14 A. [9:48:59] I no longer remember the date.

15 Q. [9:49:03] That's not a problem.

16 For the record, the transcripts relating to the testimony -- of that testimony is tabs 13
17 to 18 and the associated documents are in tabs 19 to 34 of our list of materials.

18 When we met last month by video link during a preparatory session, did you have
19 the opportunity to re-read your statements and annexes, as well as your testimony in
20 the other case, as well as all the other statements?

21 A. [9:50:07] I had the opportunity to read all my statements.

22 Q. [9:50:15] Did you have the opportunity to provide clarifications or corrections in
23 case of necessity?

24 A. [9:50:27] Yes, I made some corrections, some stylistic corrections and some
25 corrections in the substance.

- 1 MS SARDACHTI: [9:50:50] (Interpretation) Court officer, document at tab 37 of our
2 list, can you display it. It is confidential. Number CAR-OTP-00036111-R01, page 1.
- 3 Q. [9:51:28] Can you see the document on the screen, Mr Witness?
- 4 A. [9:51:31] Yes.
- 5 Q. [9:51:35] "Annex A to the Register of Preparation of Witnesses for the
6 Preparation of P-0291."
7 That is the title of the document that I have just read out.
8 Court officer, can you kindly display page 7 of the document, please.
9 Mr Witness, can you see page 7 in front of you?
- 10 A. [9:52:17] Yes.
- 11 Q. [9:52:21] Can you tell us whose signature that is?
- 12 A. [9:52:26] If they can scroll down a little bit more because it's not very legible.
- 13 Q. [9:52:47] Thank you.
- 14 A. [9:52:50] It is indeed my signature.
- 15 Q. [9:52:54] When you gave your statement to the investigators and you gave your
16 testimony before this Court in the Yekatom and Ngaïssona case, did you tell the
17 whole truth to the best of your knowledge and remembrance?
- 18 A. [9:53:15] As long as my memory is good, I tell only the truth to the International
19 Criminal Court for the purpose of their handing down a fair judgment.
- 20 Q. [9:53:47] One last question, Mr Witness. * Do you agree to our adding the
21 following to the record of the case: your statement and the annexes thereto, the
22 transcripts of the hearings in the Ngaïssona and Yekatom case, the associated
23 documents, along with the corrections and clarifications that you provided during the
24 preparation session?
- 25 A. [9:54:16] I totally agree.

1 MS SARDACHTI: [9:54:23] (Interpretation) Madam President, your Honours, for the
2 record, the Prosecution would like to state that the criteria for Article 68(a) have been
3 fulfilled, and with your permission, I will move on to a few additional questions.

4 PRESIDING JUDGE SAMBA: [9:54:52] Can we have the correct reference. Is it
5 "68(a)" or "68(3)" as per the interpretation? The interpretation came in as Rule 68(a).

6 THE INTERPRETER: [09:55:00] 68(3).

7 MS SARDACHTI: [9:55:03] (Overlapping speakers)

8 THE INTERPRETER: [9:55:03] It is 63(3), correction from the interpreters.

9 PRESIDING JUDGE SAMBA: [9:55:19] Thank you very much.

10 So the witness being present before this Court, him not having objected to the
11 submission of his prior recorded testimony and other associated documents, the
12 Prosecutor having questioned this witness and the Defence and Chamber would have
13 an opportunity to question the witness during these proceedings, it is our decision
14 that the Prosecution has met the requirements of Rule 68(3).

15 Madam Prosecutor, you may continue your line of questioning, please.

16 MS SARDACHTI: [9:55:58] (Interpretation) Thank you, Madam President.

17 Q. [9:56:09] Very briefly, Mr Witness, can you tell the Court what was your
18 profession in 2013?

19 A. [9:56:19] In 2013 I was prime minister, head of government of my country.

20 Q. [9:56:36] Now, just for the record, so that the transcript should be clear, can you
21 specify your country?

22 A. [9:56:44] My country is the Central African Republic.

23 Q. [9:56:54] You said, in the beginning, prime minister, head of government. Can
24 you specify for which president, under which president?

25 A. [9:57:10] I would like to point out that I was the head of the democratic

1 opposition and there was a rebellion in 2012 which broke out in the country. Armed
2 groups were to be found 75 kilometres away from the capital, Bangui.

3 It is under those circumstances that a conference took place in Libreville, Gabon,
4 bringing together the heads of state of the economic community of Central African
5 states, at the end of which a political agreement was signed between the government,
6 the democratic opposition, the armed groups and the noncombatant politico-military
7 groups.

8 And in accordance with that agreement signed in Libreville on 11 January 2013,
9 which is known as the political agreement of Libreville, it was decided that the
10 president of the republic, Mr Francois Bozize, would remain in power till the end of
11 his term, that the post of prime minister should be given to the democratic opposition.

12 * And it was within that context that I was appointed prime minister and head of
13 government on the basis of the political agreement that was reached on 11 January
14 2013 in Libreville.

15 Q. [9:59:31] Thank you for that clarification, Mr Witness.

16 You wanted to add something, Mr Witness?

17 A. [9:59:46] I wanted to add that when Francois Bozize's regime was overthrown
18 by the Seleka rebellion on 24 March 2013, upon the recommendation of the heads of
19 states of the economic committee of Central African states, I was reappointed to the
20 position of prime minister under -- there was the Seleka, head of the Seleka rebellion,
21 Mr Djotodia, who was designated as president of the republic.

22 So I remained with Djotodia Nondokro in my position as prime minister up until the
23 Ndjamena summit. If I remember correctly, this was on 10 January 2014 when we
24 were dismissed from our positions.

25 Q. [10:01:32] Thank you very much, Mr Witness. Very well. * So I've construed

1 the fact that you were prime minister under Bozize and then subsequent to that,
2 under Mr Djotodia. Have I got that right?

3 A. [10:01:45] That's exactly so.

4 Q. [10:01:47] And can you tell us very quickly about the security * situation that
5 was prevailing when you were prime minister in the Central African Republic?

6 A. [10:01:57] The security state of affairs in 2012, they were very volatile. A
7 rebellion had appeared in the northern areas of the country, and that had taken up the
8 name "Seleka" and it encompassed a number of armed groups. The Seleka coalition
9 came under the authority -- the political and military authority of Mr Djotodia. So
10 clashes occurred between the national armed forces and the rebellion. Due to the
11 operational weaknesses within the army, the Seleka rebellion groups wielded
12 superiority - that is, in superior firepower, in superior numbers - meaning that this
13 rebellion advanced very swiftly. And after only a few weeks, it ultimately arrived at
14 the city of Damara, 75 kilometres from Bangui. And it was at that point that the
15 heads of the city of the economic community of the Central African states decided to
16 make Damara a red line, the red line, forbidding the rebellion to cross said red line.
17 Unfortunately, due to fundamental divergencies between Francois Bozize and the
18 rebellion, the rebellious forces decided to cross the red line and take power on
19 24 March 2013. And when the rebellion did indeed take power, that precipitated the
20 collapse of the state, together with the security forces.

21 These latter had been pretty much annihilated. And I could also add that at that
22 particular time, there was no national army worthy of the name, nor was there any
23 national gendarmerie, nor a police force to provide security and safety of goods and
24 people within the CAR borders.

25 So the rebellion elements took over for offering security, but they showed no respect

1 whatsoever for human rights, humanitarian rights, and they conducted acts of
2 violence and abuses against the civil population. And it was in that particular -- well,
3 against that particular backdrop that, subsequently, as a response to that, the
4 Anti-Balaka movement became constituted.

5 And I should clarify that the Seleka coalition was essentially made up of people
6 emanating from the Muslim confession. So during their advance, the members of
7 that coalition conducted acts of violence and abuses against non-Muslims, which led
8 some non-Muslims to structure things, to organise themselves to constitute a group
9 called the Anti-Balaka.

10 Q. [10:06:29] Thank you, Mr Witness. Thank you for placing things in a context.
11 Before I return to my line of questioning that was bearing upon security, a question
12 following on from what you've just said. You stated that during their advance, the
13 members of the -- of that coalition committed acts of violence and abuses against
14 non-Muslims which led these latter to structure and organise themselves. Now here
15 you talked about a religious dimension. Was there also an ethical facet to this?

16 A. [10:07:15] An ethnic facet? I don't understand your question.

17 Q. [10:07:16] You said that non-Muslims were targeted. Were some ethnic groups
18 also targeted?

19 A. [10:07:23] No, not essentially, no.

20 PRESIDING JUDGE SAMBA: [10:07:27] Madam Prosecutor, we're going to ask that
21 you avoid leading questions. If the witness wants to address other groups, if any at
22 all, that were targeted, I'm sure he will say that.

23 And also I want to remind you, you know, that we're dealing with a Rule 68(3)
24 application. We already have a statement before us and all the documents. Just so
25 we're able to, you know, manage our time properly, we could read all of these

1 documents and come to a decision when that time comes, please. Thank you very
2 much.

3 MS SARDACHTI: [10:08:01](Interpretation) Very well, your Honour. I'm guided.

4 Q. [10:08:07] Mr Witness, my question will be more accurate.

5 In the ministerial structures under Djotodia, which structure was responsible for
6 dealing with security and defence matters?

7 A. [10:08:34] That fell to the Central African forces and some of its elements of
8 which were made up by the Seleka. And then the police started operating again, as
9 well as the gendarmerie. But you need to remember that the dominant factor was
10 the Seleka. It was the overriding force in security matters in the country.

11 Q. [10:09:07] And were there structures established to deal with these security
12 matters specifically?

13 A. [10:09:22] There was an organisation, a structured body called the CEDAD.
14 This structure came under the authority of Nouradine Adam. And this structure
15 had a police focus and also was involved in arbitrary arrests, and committed acts and
16 abuses against persons suspected of feelings of antipathy against Djotodia's power.

17 Q. [10:10:15] Mr Witness, I'd like to show you now a document.

18 PRESIDING JUDGE SAMBA: [10:10:24] Madam Prosecutor, I'm sorry I have to
19 interrupt you. I'm going to ask that the witness talks a little bit loud so that the
20 interpreters can hear you. They are not hearing you very well. So if you can be a
21 bit audible to help with the interpretation, please. Thank you very much.

22 Madam Prosecutor, please carry on.

23 MS SARDACHTI: [10:10:46](Interpretation)

24 Q. [10:10:51] So, Mr Witness, I'd like to show you a document.

25 Court officer, can I ask you to bring up on our screens -- it's a confidential document

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

- 1 so it should be shown only to the witness and not to the public. This is
2 CAR-OTP-2001 --
- 3 THE INTERPRETER: [10:11:21] Interpreter requests the Prosecutor repeats the
4 number.
- 5 PRESIDING JUDGE SAMBA: [10:11:29] Madam Prosecutor, can you please repeat
6 the number. And can we know which tab number also, please. Thank you.
- 7 MS SARDACHTI: [10:11:37](Interpretation) My apologies. It appears in the French
8 transcript, but it didn't find its way into the English transcript. So it is tab 43, and
9 the number is 2101-2109.
- 10 THE COURT OFFICER: [10:12:05] For the record, the ERN is CAR-OTP-2101-2139,
11 2101-2139.
- 12 PRESIDING JUDGE SAMBA: [10:12:28] Yes, Madam Prosecutor, please carry on
13 with your questions.
- 14 MS SARDACHTI: [10:12:30](Interpretation)
- 15 Q. [10:12:31] Do you have the document before you, Mr Witness?
16 There are two sections to this document, and I'd like to show you the first page in the
17 first instance. And if you could focus your attention on the bottom section of this
18 page.
19 Do you recognise a name and a signature?
- 20 A. [10:13:05] Yes, it's my name and it's my signature.
- 21 Q. [10:13:08] Now, I see this letter is addressed to state minister, general director of
22 the extraordinary committee for democratic achievements.
23 Can you tell me who this is, please?
- 24 A. [10:13:35] It's Nouradine Adam.
25 Can I read the letter in its entirety, please?

- 1 Q. [10:13:41] Yes, I will give you enough time to do that.
- 2 A. [10:13:44] Can you please scroll up in the document so I can see the beginning of
3 the document? That's it. Thank you.
- 4 Could we just scroll down a little further, please.
- 5 Thank you. I have -- I recognise the content of this document. I recognise my name,
6 my first name and family name, and my signature on said document.
- 7 Q. [10:14:42] Thank you, Mr Witness.
- 8 So I was reading the first page, the first page of this document, and I can see to whom
9 this document is addressed. Can you tell us who it is in actual fact?
- 10 A. [10:14:59] The letter was sent to Nouradine Adam.
- 11 Q. [10:15:09] So, Mr Witness, can I ask you to look at the second page now, please,
12 ERN 2140.
- 13 Now, there is a written section here on the top left of document in handwriting. Can
14 you see that, Mr Witness?
- 15 A. [10:15:39] Yes, I can.
- 16 Q. [10:15:41] Can you tell us who is the author of that handwritten section?
- 17 A. [10:15:48] This handwritten section is by my hand.
- 18 Q. [10:15:55] All right, then. To make sure that this is perfectly clear for the record,
19 I read: "Answer him ..."
- 20 THE INTERPRETER: [10:16:10] Can the Prosecutor repeat what material she is
21 reading out, requests the interpreter.
- 22 THE COURT OFFICER: [10:16:25] Sorry, I'm sorry.
- 23 PRESIDING JUDGE SAMBA: [10:16:27] (Overlapping speakers)
- 24 THE COURT OFFICER: [10:16:25] Could you please re-read the handwritten part
25 slowly, thank you very much, for the interpretation.

- 1 MS SARDACHTI: [10:16:33](Interpretation) So the written section says:
2 "Mr DIRCAB, answer him: That is not incumbent upon the *Primature* to draw up the
3 budget of such a body that comes under the President's Office."
4 The *primature* being the prime minister's office.
- 5 A. [10:16:54] Let me clarify that the DIRCAB is the director of cabinet of the prime
6 minister. This is my director of my cabinet to whom I was giving that instruction.
- 7 Q. [10:17:09] Thank you very much, Mr Witness. I'd like now to show you
8 another document.
- 9 Court officer, can I ask you to display tab 42 in our list of materials, and its ERN is
10 CAR-OTP-2101-3718. This is a confidential document so it can only be shown to the
11 witness and certainly not to the general public.
- 12 A. [10:18:11] This document is illegible. Can we zoom in, please?
13 I can -- can I look at the entire document, please.
- 14 Q. [10:18:41] Yes, please take your time to read the entirety of the document,
15 Mr Witness.
- 16 A. [10:19:01] Can we scroll down further, please.
17 Thank you. I've finished.
- 18 Q. [10:19:28] Now, if I can ask you to look at the second line in this document, a
19 document entitled "Attendance List". Who does that name and signature belong to?
- 20 A. [10:19:46] That is my name, my telephone number and my signature. My
21 initials.
- 22 Q. [10:19:57] And if I were to ask you to look at line 15 in the same document, can
23 you tell us who is that, please?
- 24 A. [10:20:08] That was him, the person I named earlier on, Nouradine. He was
25 called Adam, but here I think he's added -- well, I can see "Mahamat Nouradine", but

1 often he was known by the name of Nouradine Adam, but it's the same individual
2 who held the position of state minister at the time.

3 Q. [10:20:49] Mr Witness, so taking this in short order, what is the purpose of this
4 document? What is this document bearing upon exactly?

5 A. [10:21:02] This was a security meeting that was held on a weekly basis, bringing
6 together senior officials of bodies responsible for security matters. So we had the
7 head of the army, the general director of the police, the general director of the
8 gendarmerie, we have officers, all those, basically, who are responsible for security
9 matters in the country. So this was a meeting, as I said, that was held on a weekly
10 basis.

11 Q. [10:21:46] Thank you, Mr Witness.

12 I'd now like to show you a final document.

13 Court officer, this is a confidential document that can be shown to the witness but not
14 the public. This is tab 41, with the ERN CAR-OTP-2101-2684.

15 So this document has the following title: "Decree number 13 513 bearing upon the
16 establishment of a national security council", end of quote.

17 So, Mr Witness, do you have the document before you?

18 A. [10:22:42] Yes, I do.

19 Q. [10:22:44] So I'll give you the requisite time to read it.

20 A. [10:23:50] Yes, I've read it.

21 Q. [10:23:52] So I can ask the court officer to bring up 2686, which is the last page in
22 this document. 2686.

23 On this particular page, do you recognise the name and the signature?

24 A. [10:24:13] Yes, that is indeed my name and my signature. And can I please
25 look and become cognisant of the beginning of that page?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [10:24:36] Yes, please take the time you need.

2 A. [10:25:09] I have finished.

3 Q. [10:25:10] And very briefly can you tell the Court what this document is about?

4 A. [10:25:15] It's a document which lays down the prerogatives of this National
5 Security Council and how frequently it is to meet.

6 Q. [10:25:30] Thank you, Mr Witness. Thank you very much for answering our
7 questions and taking the time to do so.

8 And this concludes the questions from the Prosecution.

9 PRESIDING JUDGE SAMBA: [10:25:55] Thank you very much, Madam Prosecutor.

10 Ms Naouri for the Defence -- Mr Witness, we are now going to put questions to you
11 by the Defence on behalf of Mr Said, please.

12 Ms Naouri for the Defence, please.

13 MS NAOURI: [10:26:48](Interpretation) Thank you very much, your Honour.

14 QUESTIONED BY MS NAOURI: (Interpretation)

15 Q. [10:26:55] Good morning, Witness.

16 A. [10:26:58] Good morning.

17 Q. [10:26:59] I'm Jennifer Naouri. I'm lead counsel for Mr Said. And it falls to
18 me to put questions to you today, and possibly in the coming days, on behalf of his
19 Defence, all right?

20 A. [10:27:12] Very well.

21 Q. [10:27:15] I'll endeavour not to talk too quickly, just like the representative of the
22 Office of the Prosecutor because both of us speak in French.

23 So let me return this morning to the following. I'd like to look at the major staging
24 posts of your professional career, all right?

25 In your CV, and this is tab 8 in our list of materials, it's CAR-OTP-2024-0070, where

1 we find the following, we see that you're a lawyer and that you were part of the
2 opposition. Can you tell us from which point in time did you get involved for the
3 very first time in the political field in the Central African Republic, and can you give
4 us the details for which political party and which functions did you hold in the very,
5 very start of your opposition political activities?

6 A. [10:28:40] Now, to answer your question, I can answer from an ideological
7 perspective by virtue of which I expressed my political views and I have done for a
8 very, very long time. After I conducted my first political activities from 2003 as
9 president of the National Transition Council, which was the parliament of the
10 transitional government when President Bozize had taken power in 2003. So I held
11 that position for two years, namely from 2003 until 2005.

12 And at the time, before becoming president of the National Transition Council, I was
13 president of the Central African League for Human Rights, but by dint of my
14 activities within the National Transition Council, I had resigned from holding the
15 presidency of the Central African League for Human Rights. When I finished my
16 work at the National Transition Council, it was in May 2008 that I created a political
17 party called Republican Convention for Social Progress.

18 Q. [10:30:35] Witness, thank you. I will just interrupt you there because you're
19 giving us a lot of information regarding the various stages of your career, but I'd like
20 to go back through those stage by stage, okay? Thank you.

21 So I would like to first start with what you were saying about 2003. You said that
22 you were the president of the National Council for Transition under Bozize. Now,
23 could you tell us in a few words what was the role of the National Council for
24 Transition?

25 A. [10:31:19] The National Council for Transition was an advisory body providing

1 advice on legal texts, so draft laws which were to be put to the vote. However, in
2 practice, the National Council for Transition was made up of individuals who
3 provided guidance, enabling the executive to implement the laws which were voted
4 by the transitional parliament.

5 Q. [10:32:07] Thank you very much. I am going to now show you a document and
6 it is at tab 72 of our list, that's CAR-OTP-2100-1832, and we're going to show you
7 pages 1833 and 1834. Now, this is a decree convening an extraordinary session of
8 the National Council for Transition. So you see the title here on the screen. Witness,
9 can you see that document on your screen?

10 A. [10:32:49] Yes.

11 Q. [10:32:53] Very well. We're going to scroll down this document nice and
12 slowly so that you can acquaint yourself with it.

13 So you've just seen the first page and the second page is page 1834, which is the one
14 that I'm most interested in.

15 So you see here that you have the end of an article at the top of this page and it says:
16 Taking on all prerogatives which normally fall to a legislative body with the
17 exception of motions of censure.

18 Now, I understand that the CNT back in 2003 was a body which was equivalent to
19 legislative body. Was the case -- was that also the case in 2013?

20 A. [10:34:38] No, it was not the case.

21 Q. [10:34:40] Witness, I should also point out that each time that I refer to 2013, I
22 have to be specific because you were -- you were a member of two different
23 governments in 2013. There was the government in 2013 run by -- or under
24 President Bozize and also one under the presidency of Djotodia.

25 Witness, would you like to look through this document?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

- 1 A. [10:35:26] Could I have a two-minute break?
- 2 PRESIDING JUDGE SAMBA: [10:35:29] Sorry, Mr Witness, can I hear you again,
3 please?
- 4 THE WITNESS: [10:35:34](Interpretation) Could I have a two-minute break, please?
- 5 PRESIDING JUDGE SAMBA: [10:35:38] Oh, yes, certainly.
- 6 THE WITNESS: [10:35:43](Interpretation) Thank you.
- 7 PRESIDING JUDGE SAMBA: [10:35:44] You are excused for two minutes, please.
8 (The witness exits the courtroom)
9 (Pause in proceedings) (The witness enters the courtroom)
- 10 THE WITNESS: [10:38:18](Interpretation) Thank you.
- 11 PRESIDING JUDGE SAMBA: [10:38:23] Thank you very much, Mr Witness.
12 Ms Naouri, please continue.
- 13 MS NAOURI: [10:38:26](Interpretation) Thank you, your Honour.
- 14 Q. [10:38:29] Now, Witness, I'm going to put my question to you again. I think it's
15 important that we scroll up this document because it is the first line or the first couple
16 of lines there on page 1834 that we are concerned with. Here it is stated that the
17 CNT holds the prerogatives that normally fall to a legislative body. * I asked you
18 whether the CNT had the same role in 2013 under Bozize, and then under President
19 Djotodia?
- 20 A. [10:39:09] Under Bozize and under Djotodia -- could I see the date of this
21 document here, please?
- 22 Q. [10:39:25] Well, I should point out that this document -- well, you were
23 president of the CNT in 2003, okay? Oh, excuse me, I'm mistaken, 2013, 2013.
- 24 A. [10:39:44] Yes, this is 2013.
- 25 Q. [10:39:46] Yes, my question is to know whether in 2003 the situation was the same

1 or it was different. I don't want to influence your answer as to whether the situation
2 was or was not the same. * So first of all, since this document concerns 2013, and it
3 tells us that the CNT was the body that represented the legislative branch, what was
4 the situation like under Bozize? Was that really its role? We will stop here, and then
5 after, we will talk about Djotodia, and then after that, 2013. But let's begin with Bozize,
6 if you don't mind.

7 A. [10:40:26] Under Bozize the National Council for Transition was an advisory
8 body which had less, had fewer powers than the National Council for Transition in
9 2013, which had a deliberative role and indeed played the role of a true National
10 Assembly. And I would specify that this follows on from the Libreville agreement
11 which intended to ensure the proper functioning of the bodies of the transition and
12 that agreement accorded special powers to the prime minister and limited the powers
13 of the National Assembly prior to the fall of President Bozize. Now, to understand the
14 tenor of this text, one needs to refer to the 11 January 2013 Libreville agreement.
15 That document dated 11 January 2013 concerned -- contained restrictions on the
16 power of the National Assembly. Mr Bozize was already in power and there was a
17 National Assembly elected by universal suffrage. So the National Assembly under
18 Bozize already did not have the power to vote a motion of censure against the prime
19 minister. Now, when the Seleka took the -- took power, an institution had to be put in
20 place which would be a law-making body whilst maintaining the rights which were
21 initially assigned to the prime minister by the Libreville agreement dated
22 11 January 2013.

23 Q. [10:43:02] Thank you, Witness, for those details, and we will be returning to the
24 matter of the Libreville agreement.

25 To make it clear on the transcript, when you first started answering, you said "under

1 Bozize". Did you refer to under Bozize in 2003, because you said under Bozize the
2 CNT was an advisory body which had fewer or less extensive powers than the CNT
3 in 2013. So when you gave that answer that -- start your answer "under Bozize",
4 were you referring to 2003?

5 A. [10:43:44] Well, to understand me correctly, it's important to know that there
6 were two national councils for transition. In 2013 when President Bozize overturned
7 the government of Ange Félix Patassé, a transitional -- a National Council for
8 Transition was set up and I was the president thereof. That National Council for
9 Transition was an advisory body. It did not have the power to deliberate, whereas
10 the 2013 National Council for Transition after the fall of President Bozize had more
11 prerogatives, more rights, because it was a constitutive body and a deliberating body.
12 This is what I wanted to relay.

13 Q. [10:44:42] Thank you very much, Witness. That's very useful.
14 If we go now to your role as president of the CNT back in 2003, against that
15 background, did you have to cooperate, work with Francois Bozize between 2003 and
16 2005? How did things operate?

17 A. [10:45:09] Between 2003 and 2005, the National Council for Transition operated
18 through what I would term courageous people, people who ensured that even though
19 the body was an advisory body, that the National Council for Transition back then
20 took decisions which bore upon President Bozize back then.

21 Q. [10:45:48] Could you give us an example of decisions which were imposed upon
22 President Bozize?

23 A. [10:45:58] Yes. For example, as regards the term of office, because the National
24 Council for Transition had as one of its tasks to draft a constitution, an initial draft for
25 the constitution. Now, President Bozize had opted for a certain term of office, if I

1 remember correctly, six years, but the National Council for Transition reduced that to
2 five years. And the same applied when it came to the amount to be paid to the -- the
3 electoral deposit to be paid to stand as a candidate for parliamentary or presidential
4 elections. And President Bozize had stipulated an amount which was higher, or
5 proposed an amount which was higher than the usual and the National Council for
6 Transition reduced that amount, the amount both for the electoral deposit for
7 candidates to the legislative or to the presidential elections.

8 Now, the constitutional court at that time had rendered the candidacy of certain
9 candidates to the presidential election invalid. The National Council for Transition
10 opposed that and forced the government into negotiations which took place in
11 Libreville under the presidency of Omar Bongo.

12 So I can certainly confirm here that although the National Council for Transition then
13 was an advisory body, it did play a role which is close to the role of a true national
14 assembly and that it stepped up, it took -- took on those responsibilities.

15 Q. [10:48:08] Thank you, Witness. Now, you say that President Bozize had opted,
16 if you remember correctly, for a term of office of six years, but that the National
17 Council for Transition had reduced that to five years. * Page 28, lines 10 to 13.

18 Now, how did President Francois Bozize react to that reduction in the term of office?

19 A. [10:48:50] Well, he responded positively because he accepted the position
20 adopted by the National Council for Transition.

21 Q. [10:49:01] Very well. So in 2005, your term at the CNT ended. Why was that?
22 Why did you stop?

23 A. [10:49:18] Well, because I had come to the end -- or we had come to the end of
24 the term of the National Council for Transition because in 2005, presidential and
25 legislative elections were held.

1 Once the outcome of the legislative and presidential elections were announced, the
2 National Council for Transition had to be dissolved to make way for the National
3 Assembly and members of parliament who had been elected by universal suffrage.

4 Q. [10:50:00] Yes, those legislative elections, let's talk about them. * In your written
5 statement, you mentioned that you had stood as a candidate in the legislative
6 elections in 2005. This is in your statement at paragraph 20, which is in French at tab 1
7 and in English at tab 2 of our list.

8 Now my question is: You stood as an independent candidate and, as such, how did
9 you campaign? How did you -- how did your campaign operate as a candidate for
10 the legislative elections?

11 A. [10:50:50] Well, I ran a campaign not unlike other candidates. We had rallies.
12 I also approached individual -- individual people. I also published my programme,
13 a plan for society, our society; so I campaigned like all the other candidates.

14 Q. [10:51:18] Thank you. And did you have a campaign headquarters?

15 A. [10:51:21] Sorry, what did you say?

16 Q. [10:51:28] Did you have a campaign HQ, headquarters?

17 A. [10:51:34] Yes, of course.

18 Q. [10:51:38] Could you tell us where your headquarters was?

19 A. [10:51:43] Well, madam, I don't recall. This is back in 2005. I've done many,
20 many things since then and I no longer recall.

21 Q. [10:52:01] No problem. You should only tell us, of course, what you do recall.
22 Now, did you join forces with other candidates during this legislative campaign?

23 A. [10:52:17] I was standing as an independent, so I don't see in what way I would
24 join forces with other candidates. I was an independent candidate at the legislative
25 elections, so I don't see how I would join up with others.

1 Q. [10:52:42] Very well. Witness, you were a candidate in which constituency, in
2 which sub-prefecture?

3 A. [10:52:53] In 2005, I was a candidate in the 4th arrondissement constituency.

4 Q. [10:53:08] Were there other candidates in that sub-prefecture?

5 A. [10:53:13] Yes, there were other candidates.

6 Q. [10:53:18] Who? Who, Witness, were the other candidates? Who were your
7 opponents?

8 A. [10:53:26] Well, I wouldn't call them opponents. They were simply other
9 candidates. I was an independent candidate. If I remember correctly,
10 Mr Ngaïssona was also a candidate in the 4th arrondissement.

11 Q. [10:53:43] And aside from Mr Ngaïssona, do you recall any other names?

12 A. [10:53:49] No, I no longer recall.

13 Q. [10:53:57] That's no problem.

14 A. [10:54:00] I remember his name because, of course, he was the one who was
15 declared to have been elected. I no longer recall who the other candidates were back
16 then. It's quite some time ago.

17 Q. [10:54:14] So you said that Ngaïssona was elected in that instance. Witness, I'd
18 like to read a passage from your written statement to you now, if I may.

19 So paragraph 20 of your written statement, which is in tab 1 of our list of evidence for
20 the French version, and tab 2 for the English version. This is
21 page CAR-OTP-2024-0040.

22 And you say that:

23 "I was an independent candidate to the parliamentary elections in 2005. I won the
24 election, but Bozize did not accept my victory and I didn't make it into the
25 parliament." End of quotation.

1 So now I'm trying to understand who, in fact, won that election. Was it you or was it
2 Mr Ngaissona?

3 A. [10:55:43] I, it was I who won. I confirm what I said.

4 Q. [10:55:50] And what did you mean when you said, "Bozize did not accept my
5 victory"?

6 A. [10:55:56] Well, he was in control of the electoral committee and therefore he
7 dictated who was to organise the elections and who not. This happened not only
8 then but -- in 2005, but it happened again in 2011.

9 So I reconfirm what I said.

10 Q. [10:56:25] Thank you, Witness, for that information.

11 You also told us that you set up your own political party, which was called the
12 Republican Convention for Social Progress. Could you tell us what was the
13 manifesto of that programme when it was set up?

14 A. [10:56:52] I don't see the point of that question.

15 * Q. [10:56:56] Well, Witness, you are appearing here and you made it clear
16 immediately when you answered the questions of the representative of the
17 Prosecution, page 11, line 25, to page 12, line 3, you said that you were a minister
18 from the opposition. You became Prime Minister, you were a prime minister
19 representing the opposition. * So we need to discuss your political leanings, your
20 motivations, not least because you were the member of a government in a civilian
21 capacity during the period of the charges. You had a political role and your role as a
22 politician on the Central African stage is essential to your testimony. When you are
23 testifying to the role of various organs of the state, you are an insider and so you, in
24 your role, you were in contact with decision-makers who were from -- who were
25 civilians, those who were military men. You worked with those individuals. You

1 dealt with the various conventional tasks involved in your role.

2 So it is very understanding that we understand your motivations, your credibility.

3 You will understand that being a lawyer yourself. So I do need to put my questions
4 on your political involvement and your responsibilities, so please do answer my
5 question.

6 You have talked at length to the Prosecution about your political party and also refer
7 to it in your statement. It also appears on your curriculum vitae, the one provided to
8 the Prosecution, and therefore it is my right to put questions to you regarding your
9 political leanings and your position and the stance of the party which you set up in
10 2008 in the Central African Republic.

11 A. [10:59:12] Well, the reason why I have some reservations is because I would
12 have liked the questions put to me, that they be linked to the offences with which
13 your client are charged. But of course I can respond to your question.

14 My party was set up in 2008. If you want me to talk about the programme of that
15 party, that could take quite some time. I would say that it was a social democratic
16 party which defended the values of democracy, liberty and good governance, as well
17 as the alternating -- the holding of power on an alternating, rotating basis.

18 So that's what I would say with going into further details.

19 But if you have further specific questions, I will be happy to answer those.

20 PRESIDING JUDGE SAMBA: [11:00:16] Thank you very much, Mr Witness.

21 Ms Naouri, we're going to take a break here and we'll come back after 30 minutes.

22 Mr Witness, we will meet again at 11:30.

23 So I will rise the Court and ask that we meet again at 11:30, please.

24 THE COURT USHER: [11:00:36] All rise.

25 (Recess taken at 11.00 a.m.)

1 (Upon resuming in open session at 11.34 a.m.)

2 THE COURT USHER: [11:34:39] All rise.

3 Please be seated.

4 PRESIDING JUDGE SAMBA: [11:35:10] Good morning again, everyone.

5 Mr Witness, we are going to continue with your cross-examination by counsel for

6 the Defence. I thought I should say a word or two to you. I know you being

7 a lawyer, you know, your business here, as a witness, is to answer questions, so

8 the manner in which the Defence puts her question, we will deal with it as the bench,

9 as the Chamber. It is not for you to direct how she does her thing here in court.

10 Having said that, we will see how the cross-examination goes because we are hopeful

11 that the Defence will ask questions that are really pertinent to the purpose for which

12 we are here.

13 So, Ms Naouri, we ask that you continue your cross-examination of this witness.

14 Thank you very much.

15 MS NAOURI: [11:36:06](Interpretation) Thank you, Madam President.

16 Q. [11:36:11] Good morning once again, Mr Witness.

17 A. [11:36:14] Good morning.

18 Q. [11:36:16] We will go back to where we were before the break. We were talking

19 about your political party and you gave us a summary of its objectives. We noted it.

20 I want to show you tab 50 of our list. It's CAR-D33-0014-0101. It is the by-laws of

21 the CRPS, that is the internal rules and regulations.

22 Can you scroll back up a little bit, court officer. Or, rather, the other direction,

23 please.

24 Perfect.

25 Can you see that, Mr Witness?

1 A. [11:37:30] Yes.

2 Q. [11:37:31] Very well. I would like to fast forward to paragraph 50, or, rather,

3 Article 50. It is on page 0107.

4 0107. Very well. Thank you.

5 Article 50, you have to scroll up a little bit more.

6 You can see:

7 "The president shall be in charge of the moral and legal responsibility of the party.

8 He shall direct and coordinate the action of the party and implement the decisions of

9 the deliberative organs.

10 He shall represent the party.

11 He shall be a signatory of all the acts and documents of the party, and shall ensure

12 the respect of the programmes adopted by the congress.

13 He shall ensure the strict respect of the statute and internal rules and regulations of

14 the party."

15 THE INTERPRETER: [11:39:12] Can court officer scroll up. We couldn't see the last

16 part.

17 MS NAOURI: [11:39:24](Interpretation)

18 Q. [11:39:24] Now, can you give the names of those who were the members of your

19 cabinet at the time of the creation of this organ, please.

20 A. [11:39:50] The members, the political director, there was a political directorate.

21 When it was created, it was a provisional political directorate. It was at the end of

22 the congress that the other members were elected.

23 So, in 2008, the first vice-president was called Denis Kossi-Bella. * And then there

24 were other members whose names I no longer remember, because there were some

25 deaths. He --- Kossi-Bella too --- had already died. Some people had died or left or

1 resigned. So I really do not have the list in mind.

2 Q. [11:40:54] Very well. That's enough information. Thank you very much,
3 Mr Witness.

4 * Mr Witness, your political party, the CRPS, was to join the Front for the Cancellation
5 and the Resumption of Elections in the Central African Republic, the FARE 2011; is
6 that correct?

7 A. [11:41:28] Yes.

8 * Q. [11:41:28] Could you tell us exactly what FARE 2011 is? Was it a political party?
9 A coalition of parties? Could you explain it to us in a few words?

10 * A. [11:41:48] In 2010, 2011, I really do not remember the exact date. There were
11 elections. I believe in 2010, no? I think so. And the elections were chaotic. These
12 elections were considered as fraudulent. Not only by the national and international
13 observers, but equally by the European Union. They felt that the results of those
14 elections should be taken with a pinch of salt, so the elections were disputed and that
15 means it undermined the legitimacy of President Bozize and the members of
16 the assembly, the National Assembly. Their mandates were called into question, so
17 we felt within the opposition that the people thought to have been elected did not
18 represent the wishes of the Central African people. We felt that the results had
19 been -- were fraudulent and so we called for a repeat of those elections so that
20 the people who would be elected would be genuinely representative of
21 the population. It was within this framework that the parties came together to create
22 the front for the cancellation and repeat of the elections.

23 Q. [11:43:43] Very well.

24 Mr Witness, I will show you a document, it's a public document, tab 49. It can be
25 shown to the witness and to the public. It is CAR-D33-0014-0126.

1 PRESIDING JUDGE SAMBA: [11:44:11] Okay, just to draw your attention, both
2 Ms Naouri and the witness, to respect the five-second rule. The interpreters are
3 struggling a bit. So let's just help them, please. Thank you.

4 Ms Naouri, continue, please.

5 MS NAOURI: [11:44:33](Interpretation) Thank you very much, Madam President.
6 We will try to take that into consideration.

7 Q. [11:44:46] Mr Witness, can you see this document?

8 A. [11:44:49] I can see the title but not the content of the document.

9 Q. [11:45:03] Okay, I will wait five seconds, I will not speak at the same time as
10 you.

11 Now, you can see the document. It is one of the publications on the Jean Jaurès
12 foundation internet site, and it talks about the founders of the FARE. And on this
13 page you can see your name, "Nicolas Tiangaye, president of the CRPS".

14 My question is as follows: Can you confirm to us, as indicated on this document,
15 that you were a founding member of the FARE-2011?

16 A. [11:45:55] Yes, I was indeed a founding member of FARE-2011.

17 Q. [11:46:02] Very well, Mr Witness.

18 We can also see the name of Martin Ziguéle, if I'm not mistaken. Now, can you tell
19 us who was Martin Ziguéle?

20 A. [11:46:22] Martin Ziguéle was the president of a political party, Movement for
21 the Liberation of the Central African People. He was prime minister under Mr Ange
22 Félix Patassé, who was president of the republic.

23 Q. [11:46:52] Very well. I am waiting for five seconds there, Madam President.
24 Thank you very much for that clarification. Just a small follow-up problem relating
25 to Mr Ziguéle. Looking at the transcript and your answer is not there, which was

1 very clear.

2 My question was, as indicated in this article, were you a founding member of
3 the FARE-2011, and you answered very well. Can you repeat your answer so that it
4 should be on record?

5 A. [11:47:51] Yes, I do confirm that I was indeed one of the founding members of
6 the front for the cancellation and repeat of the elections 2011, abbreviated FARE-2011.

7 Q. [11:48:14] Thank you, Mr Witness.

8 Now, we can see that Martin Ziguele was the president of the MLPC, Movement for
9 the Liberation of the Central African People. My question is: was the MLPC still
10 present and active in 2012, 2013?

11 A. [11:48:43] Yes, the MLPC was active in 2012, 2013, and up till this very date.

12 Q. [11:49:00] Very well. Now, to your knowledge, was the MLPC a member of
13 the Coalition of Patriots for Change?

14 A. [11:49:21] I can state here that the MLPC is not a member of the CPC.

15 Q. [11:49:37] Very well. * Was the MLPC part of the COD-2020, the coalition of the
16 democratic opposition in the Central African Republic?

17 * A. [11:50:01] No, the MLPC was not a part of the COD-2020.

18 Q. [11:50:19] Very well. Thank you, Mr Witness.

19 A. [11:50:25] You're welcome.

20 Q. [11:50:29] Another document, tab 12, CAR-OTP-2024-0100. It is an annex to
21 your statement. It is a public document. And I would like to go to page 0102.

22 It is an article, a press article, and it states --

23 THE INTERPRETER: [11:51:10] Can counsel refer interpreters to the place where
24 she's reading?

25 PRESIDING JUDGE SAMBA: [11:51:21] Ms Naouri, which paragraph are you

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 reading from, please, in the document? The interpreters would like to know.

2 MS NAOURI: [11:51:30](Interpretation) I gave the title of the article and I had not
3 yet started reading the document. Can the interpreters see the title?

4 The title is -- it is not on this page, I would like to specify, it is -- this is the third page,
5 but the title is on the first page.

6 Now, so as for the witness to know which article we are talking about, it is "Central
7 African Republic: Idriss Deby, Denis Sassou Nguesso, Djotodia, Tiangaye,
8 Martin Ziguéle and others, will soon be before the ICC".

9 PRESIDING JUDGE SAMBA: [11:52:33] Can we -- can we -- sorry, can we have
10 the first page shown to the witness so that he knows what we are talking about.
11 Thank you. Thank you very much.

12 Ms Naouri.

13 MS NAOURI: [11:52:50](Interpretation) Thank you, Madam President.

14 Q. [11:52:52] Now, you can see that first page, Mr Witness.

15 A. [11:52:56] Yes, I can see the first page.

16 Q. [11:53:01] Now, I would like to take you to page 0102. Is that all right? It will
17 be displayed right now and I will read you an excerpt from the middle of that page.
18 A little bit further down, please.

19 Perfect. Thank you.

20 Now, the sentence beginning with "*L'opinion*", this is the one I'm going to read out to
21 you?

22 A. [11:53:51] No, I cannot see that.

23 Q. [11:53:55] I think it is the sixth or seventh line from the top.

24 A. [11:54:01] Yes, I can see.

25 Q. [11:54:03] "The population or opinion can now easily understand why Nicolas

1 Tiangaye, through a press *communiqué* of 6 September 2013, announced
2 the dissolution of FARE-2011 by saying the following: 'Considering that this political
3 platform, this post-electoral political platform has achieved its objectives and in
4 accordance with its article 10 which states that: 'FARE-2011 shall be dissolved
5 automatically as soon as its objectives have been achieved', the platform for
6 the cancellation and repeat of the elections (FARE-2011) is hereby dissolved'."

7 So, now, can you confirm that you indeed dissolved the FARE-2011 on
8 6 September 2013?

9 A. [11:55:14] Yes.

10 Q. [11:55:18] Can you tell us why you were the one speaking on behalf of
11 FARE-2011, in this particular circumstance?

12 A. [11:55:30] It is because I was the coordinator and I was speaking on behalf of
13 the other members, so this was not a personal decision. The elections of 2011 had
14 not been repeated and we were in the middle of a transitional period which was to
15 end with new elections, so FARE-2011 no longer had a *raison d'être*.

16 Q. [11:56:20] Very well, thank you for that explanation, Mr Witness.

17 I would like to come back to your political party. Now, in 2012, were you still
18 the president of the CRPS?

19 A. [11:56:45] I am the president right up to this day, so, indeed, in 2012 I was
20 president of the CRPS.

21 Q. [11:56:56] Very well. In January 2013, following the Libreville agreement, you
22 were prime minister under Bozize. Were you still president of the CRPS?

23 A. [11:57:14] Yes.

24 Q. [11:57:15] Very well. Now, can you tell us which were the actions of the CRPS
25 under the Bozize government in 2013?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 A. [11:57:32] In 2013, the CRPS, just like the other political parties, was supposed to
2 participate in the political life of the country. Accordingly, it was an opposition
3 party which was going about its business normally.

4 Q. [11:58:09] On 26 March 2013, when you were appointed prime minister of
5 the Djotodia government, you were still president of the CRPS?

6 A. [11:58:20] Yes.

7 Q. [11:58:22] Very well. I would like to show you a document and ask for some
8 clarifications.

9 It is tab 48 on our list. CAR-D33-0014-0125. It is a public document, which can be
10 shown to the witness and the public.

11 Very well. We can look at the beginning and then we will scroll down.

12 Mr Witness, you can see the letterhead of that document. It is presented as a press
13 *communiqué* of 26 March 2013. And it is from the Republican Convention for Social
14 Progress.

15 Can you see the document?

16 A. [11:59:32] Yes.

17 Q. [11:59:37] Is that indeed the letterhead of the CRPS paper?

18 A. [11:59:47] I am not sure. I wanted to ask that it should be -- that they should
19 scroll down.

20 THE INTERPRETER: [11:59:55] The two are speaking at the same time.

21 PRESIDING JUDGE SAMBA: [12:00:00] You are both speaking at the same time.

22 That's not helping the interpreters, please.

23 MS NAOURI: [12:00:17](Interpretation) We shall repeat, and if we do that again, we
24 will penalise ourselves.

25 Q. [12:00:24] Now, Mr Witness, you can see the logo. Do you confirm that it is

1 the CRPS logo?

2 A. [12:00:31] Yes, that is correct.

3 Can I have a look at the entire *communiqué*, please.

4 Q. [12:00:44] Yes, I was getting there, but I'm desperately trying to abide by
5 the five-second rule, Mr Witness, and I think we need to both lend ourselves to that
6 rule.

7 So perhaps I can wait until the interpretation finishes to feature on the transcript, so
8 we can scroll down gently, right to the bottom of this document, so you can become
9 acquainted with its substance.

10 Shall we go right to the end of the document, Mr Witness?

11 A. [12:02:17] Yes.

12 Q. [12:02:27] So, as you can see, at the end we see that the *communiqué* was made in
13 Paris on 26 March 2013. And this was made by Jean-Pierre Mara, former candidate
14 of the CRPS.

15 So I want to know who is Jean-Pierre Mara?

16 A. [12:02:49] Jean-Pierre Mara was - perhaps I will pause - Jean-Pierre Mara was
17 a former CRPS member. And the *communiqué* that he had feature on in Paris on
18 26 March 2013 only commits him.

19 Q. [12:03:20] All right. Were you aware he made that *communiqué*?

20 A. [12:03:24] No, I wasn't aware. At that particular time, I myself -- I pause.
21 When the Seleka were to enter Bangui on 24 March 2013, at that time I was taken out
22 secretly by the multinational Central African forces and I was taken to their camp at
23 the airport.

24 So, I couldn't -- on 26 March, I was unable to draft a *communiqué* or even approve
25 a *communiqué* emanating from members of my political party.

1 Q. [12:04:30] Very well.

2 So can we scroll up ever so slightly in this document, please, if I can ask
3 the court officer to do that. There we have it, perfect.

4 So, do you see there is a sentence that starts with "The CRPS", and I'm going to read it
5 out to you:

6 "The CRPS calls upon the new military authorities to set themselves aside from Bozize
7 by abiding by their promise. They must demonstrate by giving every guarantee that
8 the new Prime Minister may be successful in fulfilling the arduous task that he is
9 entrusted with."

10 So we see here that this CRPS *communiqué* is encouraging you, as prime minister. So
11 when you returned from your secret exit, did you become aware of this *communiqué*
12 which refers specifically to the function that you will be holding subsequently?

13 A. [12:05:54] This is the first time I've ever seen this *communiqué*. And I will clarify
14 that this *communiqué* is only -- only commits its author.

15 Q. [12:06:08] That's clear. Thank you, Mr Witness.

16 So if I construe your evidence correctly, you are still the president of the CRPS even to
17 this day; is that right?

18 A. [12:06:24] That's correct.

19 Q. [12:06:26] Very well. Now I'd like to revisit the matter of the 2011 elections.
20 Now, you reference this in paragraph 22 of your written statement. And you say,
21 and let me quote.

22 This is tab 1 in our list of materials, tab 2 for the English version. So 2 for the English
23 version, tab 2, CAR-OTP-2024-0036, page 0041.

24 Now, this is a confidential item and it mustn't be shown to the public, but, of course,
25 it can be displayed to the witness. And I refer you to paragraph 22.

1 0041. That's the page. Perfect.

2 All right, then, so paragraph 22, at the beginning, I read:

3 "In the 2011 parliamentary elections, all the opposition leaders lost in the first round.

4 All of Bozize's family members were elected in the first round. Bozize himself, his

5 wife, his cousin, his nephew, and his girlfriend, amongst others, won in the first

6 round. We challenge these results. International observers of the elections

7 concluded that there had been electoral fraud." End of quote.

8 So I have one or two follow-up questions for you, Mr Witness, the first of which is this.

9 Can you give us some examples of electoral fraud that you remember occurring as
10 a member of the political opposition?

11 A. [12:09:03] The elections were conducted against a backdrop where the observers,
12 both national and international, concluded that the elections had been rigged.

13 Now, I can give you examples. The example that goes to me personally, specifically,
14 is one I can give, because I was a candidate in the 2011 elections in
15 the 4th arrondissement.

16 The electoral code at the time was crystal clear, namely in a given circumscription, in
17 a given constituency, the tranche of electors -- or voters, rather, was set at 45,000. If
18 there were, say, 90,000 inhabitants, then that should yield two constituencies, two
19 electoral circumscriptions.

20 In the 4th arrondissement, there was a population of more than a hundred thousand
21 inhabitants. Consequently, the 4th arrondissement in the city of Bangui should have
22 two electoral constituencies or two electoral circumscriptions. It's a very populous
23 arrondissement that was entitled to two political representatives. And so there was
24 this tranche approach with this 45,000-inhabitant trigger point, under which other
25 arrondissements had two or three circumscriptions or constituencies to them with,

1 therefore, two or three representatives, electoral representatives.

2 Now, the problem occurred in the 4th arrondissement, which was entitled to two
3 constituencies. Bozize had signed a decree so that there would only be one
4 constituency, or only one circumscription. Now, why was that the case? Well,
5 because I was once again putting myself forward as a candidate to the parliamentary
6 elections to represent the 4th arrondissement. So I challenged the decree that Bozize
7 brought out for the electoral boundaries. I went to the state council so that the state
8 council should determine that by dint of the population of that arrondissement that
9 there should be two constituencies. The state council agreed with me. The state
10 council therefore cancelled the decree, reasoning that the 4th arrondissement
11 population was of such a size that it was entitled to two electoral constituencies.
12 Bozize's response came immediately. He revoked, or he removed the president of
13 the state council because of the decision that was taken and then he brought out
14 another decree to maintain at one the number of constituencies in
15 the 4th arrondissement instead of two constituencies.

16 Why? Because I was a candidate and he didn't want me in the National Assembly.
17 And he himself, as president of the republic, stood against me to hold the seat at -- in
18 the 4th arrondissement to sit in the National Assembly, and I beat him. And you
19 only have to look at the special dispensation to have confirmation of what I was
20 saying. Because those who had voted by special dispensation, they couldn't move to
21 vote, for example, or the number varied between -- well, here we're talking about
22 a grouped electoral process. The number of special dispensations for
23 the parliamentary elections were higher to the number of special dispensations for
24 the presidential elections, even though it was the same electoral body, the same body
25 of voters who were signing the document. So we see a difference of 2,000 votes

1 between the special dispensation for the presidential elections on the one hand and
2 the parliamentary elections on the other.

3 That's just one example.

4 But there are other examples that would shed light on the fact that fraud -- the fraud
5 was widespread, massive. Some people even talked about it on an industrial level.
6 That removed any credibility, any shred of credibility for the 2011 elections.

7 Now, the EU observers, to use their words, to use their language, they said that
8 the results of that electoral process were to be taken with a pinch of salt. And there
9 you have it, and that's what I can say by way of an answer.

10 Q. [12:15:09] Thank you, Mr Witness.

11 Now, you've just talked about the special dispensation, so perhaps I can refer you to
12 a document.

13 It's 118 in our list of materials, CAR-D33-0014-0206. It's a public document. It can
14 be shown both to the public and the witness.

15 Now this, as you can see, is the first page and it bears -- and it's a report, it's a final
16 report bearing upon the first round of the elections and it's the elections that were
17 held in the Central African Republic in 2011. So, 23 January 2011.

18 You can see the first page, can you not, Mr Witness?

19 A. [12:16:03] Can -- can it be blown up for me, please.

20 Q. [12:16:08] Of course it can.

21 Can you see that?

22 A. [12:16:16] Yes, I can.

23 Q. [12:16:18] So let me now move to page - because this is a report which has
24 a number of pages - and I'm interested in 0212, that particular page.

25 The third bullet point, please.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 There we have it. Thank you. The third point.

2 And we read here:

3 "the very high number of votes by special dispensation, or by proxy, standing at
4 53,823 as determined by the Constitutional council; this figure represents several
5 times the numbers of the defence forces and security and constitutes evidence of
6 the votes -- of the multiple votes on the day -- cast on the day of the elections,
7 particularly by the Presidential Guard elements."

8 And my question is, were you aware that these votes by special dispensations or
9 proxy were done particularly by elements of Bozize's presidential guard?

10 A. [12:17:35] Yes, of course.

11 Q. [12:17:36] All right, so let's stay with this particular topic, Mr Witness. I'd like
12 to show you a final document.

13 I'm hunting around for the ERN number, if you just bear with me.

14 I have it. This is tab 117 in our list of materials, which has CAR-D33-0014-0204.

15 This is a public document.

16 Perfect. All right.

17 So we see here the title of the article. This is an article emanating from *Jeune Afrique*,
18 it came out on 25 January 2011 and we have the title, "Elections in Central African
19 Republic: The opposition denounces 'massive fraud'".

20 If I can ask the court officer to scroll down and then I'll read out the text:

21 "In Bangui, the independent electoral committee - CEI for short - hasn't yet
22 announced the provisional results of the parliamentary and presidential elections of
23 23 January. The Central African opposition, however, has already voiced its view.
24 Gathered together in a collective for the force for change - the CFC - Martin Ziguele,
25 Émile Gros Nakombo and Jean-Jacques Demafouth, three of the four candidates that

1 had put themselves forward to challenge the presidency held by the outgoing head of
2 state, François Bozize, held a press conference on 25 January in the morning.
3 With them as well, Nicolas Tiangaye, spokesman for the CFC and opponent of
4 François Bozize in the 4th arrondissement of Bangui for the parliamentary elections.
5 Arranged behind a table, they condemned 'massive and manifest fraud in all electoral
6 constituencies' and announced their intention to make an appeal in -- for
7 a cancellation of the elections by the constitutional court, once the constitutional court
8 had announced the final results. Journalists had received prior a 'summary table of
9 electoral irregularities'. 'Numerous omissions on the electoral lists', 'purchasing of
10 consciences by the KNK' - which KNK stands for [*Kwa Na Kwa* - work, nothing but
11 work in Sango -, ...] electoral -- 'many, many votes stuffed into the election boxes.'"
12 A. [12:21:01] Can we scroll down the document?
13 Q. [12:21:03] Yes, we can do that.
14 A. [12:21:11] Thank you.
15 Q. [12:21:11] I move to the next page, and I'll just read out another excerpt because
16 I have a number of questions going to this matter. You can see a 'Machiavellian
17 plan', and I continue, if we can just zoom in for you.
18 So, where are we now?
19 "Martin Ziguéle, president of the MLPC, the Central African People's Liberation
20 Movement, had an envelope that he opened before people in front of him.
21 According to him it was filled with 'parallel electoral cards'. Jean-Jacques
22 Demafouth called a burst of laughter by referring to his fiefdom, Sibut, 150 kilometres
23 in the north-east of Bangui. 'My father has a house there. There are also four
24 uncles, each one with two wives. And I've got at least 20 voters. But look at this, I
25 only got three votes!' [...]

1 'The coalition of the opposition presents a total of 213 candidates to the parliamentary
2 elections. But up until now, none has won in their fief!', Émile Gros denounced.
3 According to the CFC, the results emanate from a 'Machiavellian plan hatched and
4 determined prior' by the head of state and his party."

5 So my first question is this, do you confirm that you were indeed the CFC
6 spokesperson, the Collective for Force for Change?

7 A. [12:23:00] Yes, I was indeed the spokesperson of the entity.

8 Q. [12:23:06] Thank you. Can you tell us what the expression means, "parallel
9 electoral cards -- electoral cards" that we see in the article. What does that mean?

10 A. [12:23:24] The parallel electoral cards, these are cards that were manufactured
11 and disseminated to voters who were members of Bozize's political party so that they
12 could vote a number of times.

13 Q. [12:23:47] And this involved minors, people under age, Mr Witness?

14 A. [12:23:54] It's very possible.

15 Q. [12:23:58] Thank you. And the expression or the term "buying -- the KNK
16 buying people's conscience", what does that mean?

17 A. [12:24:16] The KNK is President Bozize's party. Buying people's conscience
18 means that voters were paid to vote in favour either of President Bozize or for a KNK
19 candidate.

20 Q. [12:24:37] Very well. Thank you very much for that clarification.

21 Right. I've finished with that article now and I'd like to revisit another excerpt from
22 your written statement.

23 No, in fact it's the same one that had I read out earlier on, let's keep it simple, where
24 you say that all the family members of Mr Bozize were elected in the first round.

25 This is paragraph 22. I read this out just a moment ago.

1 So, here's my question. Before those parliamentary elections of 2011, the majority of
2 the sitting members, were they already at that -- were there already members of
3 Bozize's family sitting as parliamentary members?

4 A. [12:25:36] No, they -- they weren't members, they hadn't been elected prior.

5 Q. [12:25:45] All right. So if I've followed your evidence, it means after the 2011
6 parliamentary elections, all of a sudden lots of Bozize's family members hold power
7 within the parliament; is that right?

8 A. [12:25:56] Yes, that's right.

9 Q. [12:26:03] Very well. All right. Let me show you another document, because
10 I'd like to talk about it with you. This is in tab 47 of our list of materials, which can
11 be shown both to the witness and to the general public. It bears the ERN
12 CAR-D33-0004-0383.

13 Let's first of all have a look at the document on the first page. We see here this is
14 a report, report that comes from Africa Crisis Group, number 136, dated
15 13 December 2007 and the title of which is "Central African Republic: Anatomy of
16 a Ghost State".

17 Now it's a voluminous document, I'm not going to show it all to you, but I would like
18 to talk about it with you, and I refer you to an excerpt from a subsection called,
19 "Bozize's regime - a familial regime". 0404, that's the page reference.

20 All right, just to tell you, this is the last paragraph in the right-hand column which is
21 of interest to me. * Slightly further up, if you don't mind scrolling up just a smidgen.

22 And go to the next page now, 0405 please, for the continuation and the end of this
23 paragraph which is of interest to us. All right then, let me read from the second
24 sentence in this paragraph:

25 "Analysing the names that are frequently cited, in this context, by foreign or Central

1 African observers" -- thank you very much for zooming in. Perhaps I'll start again.
2 So:"Analysing the most frequently cited names, in this context, by foreign or Central
3 Africans observers referring to the inner workings of the regime and the arcane and
4 obscure character of it, reach a third -- a threefold remark: the beehive type
5 segregation of power, the strong imprint of the personality of that power and
6 the over-representation of the Gbaya - general Bozize's ethnic group - within its group.
7 You can also see around President Bozize, several functional circles which backed on
8 to the institutional structure of the state while eating away from the inside by -- in
9 a way to sap the efficiency of the process, of the structure, and this goes to the direct
10 access -- making it possible to have direct access to the head of state, the source of
11 power that could go over all the rules. This held true, obviously, for family members
12 and for relatives."
13 Perhaps we can move to the next page because we've got -- that's the continuation of
14 this paragraph which is of interest to me.
15 So let me just take this up again. So it was saying: "This held true, obviously, for
16 family members and the more or less remote relatives of the president, but this also
17 held true for the regime's political commissaires, those people operating in a dark
18 place, in key positions within the administrations or operating as courtesans in the
19 international -- on the international stage."
20 And we can see as a footnote to this excerpt, there's a certain number of names that
21 we see there that I would like to put to you. We particularly see -- you can see this
22 right at the beginning.
23 If you can just scroll up just a bit, then we'll be able to see the footnote.
24 Just stop, please. Stop, stop, stop. If you can just scroll back up again. A little
25 higher. It's right at the top, at the beginning, at the beginning of the footnote that is.

1 Now, I'm not going to list all of the names, Witness, but there are a few names that are
2 of interest: Francis Bozize?

3 A. [12:31:24] If -- if you might --

4 Q. [12:31:29] Let's not overlap, Witness. I'm going to give some instructions.

5 Could you move up a little bit so that we can see the start of the footnote.

6 Great.

7 So we see the first name here: "Francis Bozize, one of the sons of the president and
8 director of his father's cabinet at the ministry of defence".

9 Now, my question is whether Francis Bozize was a member of your government in
10 2003, and, if he was, which post did he hold?

11 A. [12:32:24] I don't believe so.

12 Q. [12:32:31] All right. And to your knowledge did he hold ministerial or political,
13 governmental responsibilities later?

14 A. [12:32:46] I believe that he was the deputy minister of defence.

15 Q. [12:32:52] Under which government?

16 A. [12:32:57] Under Bozize's government.

17 Q. [12:33:05] So it would be before 2013; is that right?

18 A. [12:33:09] Yes, before 2013.

19 Q. [12:33:17] Okay, I'm going to take you now to the next name that we see. I'm
20 not sure if you can see it, Witness. It's "Yvette Boissonnat, minister of tourism,
21 a cousin of President Bozize". It's right in the middle of that passage.

22 A. [12:33:38] Yes, I can see it.

23 Q. [12:33:39] That's great. So my question is the same. Was she a member of
24 the government in 2013, and, if so, which post did she have?

25 A. [12:33:49] No, she wasn't a member of my government.

1 Q. [12:33:59] To your knowledge, has she held other ministerial or governmental or
2 indeed political posts?

3 A. [12:34:05] I have no idea.

4 Q. [12:34:12] No problem.

5 Just below we see "Madam Kofio, adviser and sister-in-law of the chief of state". Do
6 you see that?

7 A. [12:34:23] Yes.

8 Q. [12:34:24] Okay, my question is the same. Was she a member of your
9 government in 2013?

10 A. [12:34:28] No.

11 Q. [12:34:36] Okay. And then the last name, it's a lot lower down, it's footnote 96.
12 So I would ask you to scroll practically down to the bottom of the footnotes on this
13 page. Stop. Great.

14 Do you see the name "Colonel Dazoumi Yalo Sani, *chargé de mission* at the defence
15 ministry where he was in charge of former liberators"?

16 A. [12:35:13] Yes.

17 Q. [12:35:17] My question is the same. Did he hold any other governmental,
18 ministerial, political functions?

19 A. [12:35:25] No, he was never a minister of any sort.

20 Q. [12:35:41] Very well. So what type of post did he hold or responsibilities did he
21 have, to your knowledge?

22 A. [12:35:48] He was a *chargé de mission* in the defence ministry.

23 Q. [12:35:55] Under Bozize; is that right?

24 A. [12:35:58] Yes, that is right.

25 Q. [12:36:03] Okay. And there's an individual who's not named in this document

1 and that is Franklin Bozize. Could you tell us what type of post he has held,
2 ministerial or governmental post?

3 A. [12:36:22] He did not -- he has not held any kind of important post in the state
4 apparatus.

5 Q. [12:36:29] And military posts?

6 A. [12:36:35] I don't know him personally, but most of Bozize's children were either
7 in the military or were gendarme.

8 Q. [12:36:48] All right.

9 So, reference is made here to "liberators". Could you give us the names of military
10 men who were considered to be liberators?

11 A. [12:37:24] There were officers from the regular army who joined Bozize during
12 the rebellion who could be considered liberators. I'm thinking of Lieutenant
13 Colonel Ndoutingai, Colonel Mbaye, who later became secretary general, and there
14 were others, whose names I do not recall.

15 There was Captain Ngaikosset as well, I believe.

16 Q. [12:38:20] Very well. Just to return to the sons of President Bozize for
17 a moment, you said that most of them held military posts. Were any of them
18 members of Bozize's presidential guard, to your knowledge?

19 A. [12:38:31] I don't believe so.

20 Q. [12:38:48] I'm going to read a passage from the testimony of an individual who
21 has testified. It is a passage which does not identify the individual. It's from
22 the French transcript, T-054 of 26 February 2024, page 29, lines 21 to 29 and that
23 witness says -- or, rather, answers to a question.

24 The question is:

25 "Franklin, to your knowledge, did he have an official post -- state post?"

1 Answer: "Yes, indeed, Franklin was one of the first to be trained at the ESFOA
2 school. He had the rank of captain, he had been trained at the ESFOA from the time
3 that that school opened."

4 Question: "Would I be right in concluding that he was a member of the presidential
5 guard; is that correct, Witness?"

6 Answer: "Yes, that is correct. He was a member of the presidential guard." End
7 of quotation.

8 Mr Witness, does that jog your memory, what this other witness said?

9 A. [12:40:10] Well, I don't know Franklin. However, Bozize had another son,
10 Papy, and I believe that he was at the gendarmerie, but I didn't know the others well.

11 PRESIDING JUDGE SAMBA: [12:40:25] Sorry, counsel is on her legs.

12 Yes, Madam Prosecutor, although the witness seems to have answered but what
13 (overlapping speakers)

14 MS SARDACHTI: [12:40:34](Interpretation) Yes, the witness has already answered.

15 I would ask that the term or turns of phrase along the lines of "jog the memory"
16 should not be used. The opposing party has quoted another witness, so it's simply
17 presenting the testimony of another witness rather than jogging the memory. One
18 could ask: What do you think of what I've just read? * Does it bring anything to
19 mind? I think that using the term "jog" someone's memory or "refresh" their memory
20 could lead to some confusion.

21 PRESIDING JUDGE SAMBA: [12:41:11] Confusion, I agree with you. Thank you
22 very much.

23 Ms Naouri, please continue your line of cross-examination. Hopefully you took
24 the concerns of the Prosecutor.

25 Yes, Mr Witness, may I listen to you, please.

1 THE WITNESS: [12:41:29](Interpretation) May I have two minutes, please, a short
2 break.

3 PRESIDING JUDGE SAMBA: [12:41:35] Oh, certainly. Certainly.

4 THE WITNESS: [12:41:40](Interpretation) Thank you.

5 (The witness exits the courtroom)

6 (Pause in proceedings)

7 (The witness enters the courtroom)

8 THE WITNESS: [12:43:41](Interpretation) Thank you.

9 PRESIDING JUDGE SAMBA: [12:43:44] (Overlapping speakers) Yes, thank you very
10 much.

11 Ms Naouri, please continue with your questioning of this witness. Ms Naouri.

12 MS NAOURI: [12:43:55](Interpretation) Yes, thank you, your Honour.

13 Q. [12:43:58] Now, Witness, at paragraph 25 of your written statement - and this is
14 tab 1 of our list of evidence for the French version and I will take you to
15 page 0041 - you state that Bozize ran the country like a private company, and this
16 brought with this the various consequences that we know.

17 A. [12:44:48] I'm afraid I can't see it, could you have it zoomed in on.

18 Q. [12:44:57] It's the first sentence of paragraph 26. So we can see it well now on
19 the screen so I'll read it again:

20 "Bozize ran the country like a private company and this is what lead to all
21 the consequences we've seen."

22 End of quotation.

23 Now, my question is this turn of phrase, this term "private company" -- now, does
24 that mean that the gendarmes reported directly to Bozize and not to their hierarchical
25 superior?

1 A. [12:45:40] No, that's not what I meant. What I meant was that he was -- he
2 was -- had an autocratic leadership style at the head of the state and that he exercised
3 power in a very personal way, power resided in him as a person.

4 Q. [12:46:10] Okay, thank you for that clarification. We now understand what you
5 meant by that expression.

6 But, to your knowledge, did the police or the defence forces report directly or were
7 they directly at the service of Mr Bozize and/or his family?

8 A. [12:46:36] They were at the service of his power.

9 Q. [12:46:42] Could you clarify what you mean by "at the service of his power"?

10 A. [12:46:48] Yes. He did everything to ensure that his power would endure.
11 And to that end he would place people of trust in strategic roles. Those people had
12 his confidence and also benefited from impunity, even if the acts that they committed
13 were reprehensible. And most of these people also took actions which were illegal
14 by nature.

15 Q. [12:47:42] Okay. That's very clear. Did these individuals include members of
16 the presidential guard?

17 A. [12:47:49] Of course.

18 Q. [12:47:56] Very well. I'm going to move on to another topic.

19 I'm going to start with -- or start by reading an extract to you of your testimony in
20 the Yekatom, Ngaïssona trial.

21 The French version is at tab 13 and the English version at tab 14. Transcript -- or,
22 actually, it's no longer a transcript number but a CAR OTP number. So
23 CAR-OTP-00000892. And I'm going to read from page 0043, lines 1 to 7.

24 So, you can now see the transcript and it has been enlarged so that you can read it
25 well, I think.

1 Let me just check my reference, if you don't mind.

2 Yes, please accept my apologies, I see I've made a mistake in my preparation, so I now
3 need a moment to find the right page.

4 A. [12:50:26] Of course.

5 Q. [12:51:04] So, despite our best efforts, I'm not able to find the references to this
6 passage, so, Witness, I propose to return to the matter tomorrow.

7 A. [12:51:19] Very well.

8 * Q. [12:51:33] I should have specified that the topic that we have moved on to is in
9 fact the various groups or certain groups that existed in the CAR before 2013 and later
10 came to form the Seleka. So we're talking about groups that existed before 2013.

11 And I would like to talk to you about a certain Abdoulaye Miskine. To your
12 knowledge, did Abdoulaye Miskine fight at Bozize's side prior to 2013?

13 A. [12:52:14] No. Abdoulaye Miskine, on the contrary, was the -- a supporter of
14 President Ange Félix Patassé, and when President Patassé was overthrown, or even
15 before he was overthrown, Abdoulaye Miskine did indeed fight, but fought Bozize's
16 rebellion. And after the fall of Bozize, he set up a movement to combat Bozize's
17 regime. So I do not think that Abdoulaye Miskine ever fought at Bozize's side.
18 Rather, it's quite the opposite.

19 Q. [12:53:10] I'm going to show you a piece of evidence now at 119 of our list.

20 That's CAR-OTP-2001-3998. This is a public document, so it may also be displayed
21 to the public.

22 Okay, we'll just wait now for this to be displayed. This is a press article and the title
23 is "Abdoulaye Miskine's FDPC joins the FROCCA", and this was published in *Afrique*
24 *Centrale* on 10 September 2013.

25 I would now ask the court officer if we could scroll down a little. A little further

1 down, if you don't mind. It's where it says "*Pour rappel*" in French.

2 Now, Witness, I'll give you a moment to have a look at this so you can see it all.

3 And I'm going to read out the passage that's in bold, starting with "*Pour rappel*":

4 "So you will recall, Miskine, who was loyal to President Patassé, fought Bozize from
5 2001 to 2003 with the support of the Congolese Jean-Pierre Bemba, DRC.

6 Having taken -- after Bozize's taking of power on 15 March 2003, he rebelled by
7 founding the FPDC which was to go on to fight during 10 years. After meeting in
8 Niamey in spring 2012, a meeting with Michel Djotodia, Joachim Kokate and Abakar
9 Assileck Halata of the FSR, he a Chadian, further to that meeting the basis of a grand
10 anti-Bozizé alliance were established. In the autumn of 2012, together with
11 the UFDR, the CPJP-*Fondamentale* and the CPSK, Miskine participated in creating
12 the Seleka. He left the Seleka in March 2013 and since that -- and since that alliance
13 entered into power at Bangui. Recall that in January 2012, the FPDC of Miskine,
14 allied, combated the Chadian chief Baba Laddé. Since" --

15 A. [12:56:40] I'm sorry, I don't have that page before me.

16 Q. [12:56:44] Yes, oh, here it is now. Do you have it in front of you now, Witness?
17 Sorry, well, I shall start again, or pick up again:

18 "In the FROCCA he was also allied with Levy Yakete and Joachim Kokate. Miskine
19 has been in alliance with the FRUD-CA of Sani Yalo since June 2013."

20 Now, my question is, first of all, were you aware of what we see reported here in this
21 article and were you in general aware of the fluctuating alliances of
22 Abdoulaye Miskine?

23 A. [12:57:33] As I've already indicated, initially he was an ally of Patassé against
24 Bozize. Then he fought with the Seleka before withdrawing therefrom. Then he
25 fought some Seleka entities close to the Cameroon border, where I believe he was

1 injured. So indeed -- and that was near Bouar. So indeed there were a number of
2 alliances and breakdowns in alliances with others.

3 Q. [12:58:21] Okay. Thank you for those clarifications. I now have my last
4 question of the day.

5 By miracle, we have found the missing reference, so we can correct the mistake in my
6 preparation. So we're talking about page 42 of document CAR-OTP-00000892,
7 page 42, so page 0042, not 0043.

8 PRESIDING JUDGE SAMBA: [12:59:03] Tab number, please.

9 MS NAOURI: [12:59:07](Interpretation) My apologies, your Honour. It's tab 13 for
10 the French version and 14 for the English version.

11 Q. [12:59:18] And once we've arrived at page 42, it's lines 1 to 7 -- no, I must correct
12 myself, line 23.

13 So line 23. I see it before me. I see the text that I had indeed copied and pasted.

14 So I will allow you to read this. Just to remind you, this was your testimony at the
15 Yekatom, Ngaïssona hearings:

16 "... there were attacks all over the place, so I don't recall anymore what happened at
17 Bouar. * But what is sure is that there were elements of the army who did not stay in
18 Bangui, who spread over the whole country, more or less, and who joined the
19 Anti-Balaka, trained them and carried out a counter-attack against the elements of the
20 Seleka. Back then, we were told about a rebel group which was led by ..." we shall
21 now move on to page 43, thank you.

22 "... that was led by Abdoulaye Miskine in the Nana-Mambéré area, so close to the city
23 of Bouar. There, fire was exchanged between Abdoulaye Miskine's elements in
24 the FDPC, and so his movement, it's the FDPC, which had been created to combat
25 Bozize, but I believe at the time they had decided to join the Anti-Balaka against

1 Seleka power." End of quotation.

2 So, I'd like to ask you now whether the FDPC of which you speak here, when was it
3 created, approximately?

4 A. [13:01:23] I don't know the exact date that it was established, but it was
5 a rebellion movement which was set up after the fall of Patassé, so after 2003.

6 Q. [13:01:45] Very well. And, to your knowledge, did the FDPC sign the ceasefire
7 agreements with François Bozize's regime?

8 A. [13:01:55] I do not recall.

9 Q. [13:01:59] I have an eye on the clock, Witness, so I suggest we stop here for
10 today. But, of course, I'm in the hands of the president.

11 PRESIDING JUDGE SAMBA: [13:02:13] Thank you very much, Ms Naouri.

12 Mr Witness, we're going to stop the testimony here today, but we shall continue
13 tomorrow with your cross-examination. And I'm going to remind you, as I'm sure
14 you know, not to discuss your testimony with anybody here when you leave this
15 room.

16 I'm going to ask that we come here tomorrow at 9.30 so that we can continue with this
17 witness. I rise the Court and ask that we come tomorrow at 9.30. Thanks.

18 THE COURT USHER: [13:02:42] All rise.

19 (The hearing ends in open session at 1.02 p.m.)

20 CORRECTIONS REPORT

21 The following interpretation correction(s), marked with an asterisk is/are brought into
22 the transcript.

23 Page 8 lines 20-24:

24 "Do you agree that we add the transcripts in the Ngaïssona and Yekatom case, the
25 associated documents, the statements and everything else, your prior statements, do

1 you agree that we put them all into evidence?"

2 Is corrected to

3 "Do you agree to our adding the following to the record of the case: your statement
4 and the annexes thereto, the transcripts of the hearings in the Ngaissona and Yekatom
5 case, the associated documents, along with the corrections and clarifications that you
6 provided during the preparation session?"

7 Page 10 lines 12-14:

8 "And it was within that context that I was appointed prime minister and head of
9 government on the basis of the political agreement of January -- 11 January 2013 in
10 Brazzaville."

11 Is corrected to

12 "And it was within that context that I was appointed prime minister and head of
13 government on the basis of the political agreement that was reached on 11 January
14 2013 in Libreville."

15 Page 10 line 25 to page 11 lines 1-2:

16 "So I've construed the fact that you were prime minister under Bozize and then
17 subsequent to that, under Mr Bozize."

18 Is corrected to

19 "So I've construed the fact that you were prime minister under Bozize and then
20 subsequent to that, under Mr Djotodia."

21 Page 11 line 4:

22 "position" is corrected to "situation"

23 Page 21 lines 18-19:

24 "I asked you whether the CNT had the same role in 2003 and then in 2013 under
25 President Djotodia?"

1 Is corrected to

2 "I asked you whether the CNT had the same role in 2013 under Bozize, and then
3 under President Djotodia?"

4 Page 22 lines 2-6:

5 "This document concerns 2013 and there were two presidents that year, Mr Bozize,
6 Mr Djotodia. This document dated 2013 says that the CNT was equivalent of a
7 legislative body. My question is whether that was indeed the role in 2013 under
8 Bozize. Could you answer that first?"

9 Is corrected to

10 "So first of all, since this document concerns 2013, and it tells us that the CNT was the
11 body that represented the legislative branch, what was the situation like under Bozize?
12 Was that really its role? We will stop here, and then after, we will talk about Djotodia,
13 and then after that, 2013. But let's begin with Bozize, if you don't mind."

14 Page 24 line 17:

15 "Page 21, lines 10 to 13" is corrected to "Page 28, lines 10 to 13."

16 Page 25 lines 4-7:

17 "In your written statement, you relayed that you had standed as a candidate in the
18 legislative elections in 2005, this is stated in your statement at paragraph 25, which is
19 in French at tab 1 and in English at tab 2 of our list."

20 Is corrected to

21 "In your written statement, you mentioned that you had stood as a candidate in the
22 legislative elections in 2005. This is in your statement at paragraph 20, which is in
23 French at tab 1 and in English at tab 2 of our list."

24 Page 27 lines 15-18:

25 "Q. [10:56:56] Well, Witness, you are appearing here and you made it clear when

1 you answered the questions of the representative of the Prosecution on page 11,
2 page 25 and on page 12, you said that you were a member of the opposition and you
3 were a prime minister representing the opposition.”

4 Is corrected to

5 “Q. [10:56:56] Well, Witness, you are appearing here and you made it clear
6 immediately when you answered the questions of the representative of the
7 Prosecution, page 11, line 25, to page 12, line 3, you said that you were a minister
8 from the opposition. You became Prime Minister, you were a prime minister
9 representing the opposition.”

10 Page 27 lines 19-22:

11 “So we need to discuss your political leanings, your motivations, not least because
12 you were the member of a government in a civilian capacity, you had a political role
13 and your role as a politician on the Central African stage is essential to your
14 testimony.”

15 Is corrected to

16 “So we need to discuss your political leanings, your motivations, not least because
17 you were the member of a government in a civilian capacity during the period of the
18 charges. You had a political role and your role as a politician on the Central African
19 stage is essential to your testimony.”

20 Page 30 lines 23-25:

21 “And then there are other members whose names I no longer remember them, others
22 who are deceased, others who left or resigned.”

23 Is corrected to

24 “And then there were other members whose names I no longer remember, because
25 there were some deaths. He --- Kossi-Bella too --- had already died. Some people had

1 died or left or resigned.

2 Page 31 lines 3-4:

3 “Mr Witness, your political party, the CRP -- CRPS, was one of the parties advocating
4 for the cancellation and the repeat of the elections of 2011; is that correct?”

5 Is corrected to

6 “Mr Witness, your political party, the CRPS, was to join the Front for the Cancellation
7 and the Resumption of Elections in the Central African Republic, the FARE 2011; is
8 that correct?”

9 Page 31 lines 3-4:

10 “Q. [11:41:28] Can you mention, can you tell us what happened the political parties
11 in 2011, can you tell us exactly what had happened?”

12 Is corrected to

13 “Q. [11:41:28] Could you tell us exactly what FARE 2011 is? Was it a political party?
14 A coalition of parties? Could you explain it to us in a few words?”

15 Page 31 lines 10-11:

16 “A. [11:41:48] In 2010, 2011, I really do not remember. There was elections, and
17 the elections were chaotic.”

18 Is corrected to

19 “A. [11:41:48] In 2010, 2011, I really do not remember the exact date. There were
20 elections. I believe in 2010, no? I think so. And the elections were chaotic.”

21 Page 33 lines 15-16:

22 “Was the MLPC part of the coalition of the democratic opposition in 2013?”

23 Is corrected to

24 “Was the MLPC part of the COD-2020, the coalition of the democratic opposition in
25 the Central African Republic?”

1 Page 33 line 17:

2 "A. [11:50:01] No, the MLPC was not a part of the COD." Is corrected to

3 "A. [11:50:01] No, the MLPC was not a part of the COD-2020."

4 Page 45 lines 21-24:

5 "Slightly further up, if you don't mind scrolling up just a smidgen."

6 Is corrected to

7 "Slightly further up, if you don't mind scrolling up just a smidgen. And go to the next
8 page now, 0405 please, for the continuation and the end of this paragraph which is of
9 interest to us.

10 Page 50 lines 18-19:

11 "Does it bring anything to mind?" is added.

12 Page 53 lines 7-9:

13 "Q. [12:51:33] I should have specified that the topic that we have moved on to is in
14 fact the various groups or certain groups that existed in the CAR and later came to
15 form the Seleka. So we're talking about groups that existed in 2013."

16 Is corrected to

17 "Q. [12:51:33] I should have specified that the topic that we have moved on to is in
18 fact the various groups or certain groups that existed in the CAR before 2013 and later
19 came to form the Seleka. So we're talking about groups that existed before 2013."

20 Page 55 lines 16-19:

21 "But what is sure is that there were elements of the army, army who stayed in Bangui,
22 who spread over the whole country, more or less, and who joined the Anti-Balaka,
23 trained them and carried out a counter-attack against the elements of the Seleka."

24 Is corrected to

25 "But what is sure is that there were elements of the army who did not stay in Bangui,

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

- 1 who spread over the whole country, more or less, and who joined the Anti-Balaka,
- 2 trained them and carried out a counter-attack against the elements of the Seleka. “