

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaiissona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 28 May 2021
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:32] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:59] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:34:04] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of the Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaiissona, case reference ICC-01/14-01/18.
19 For the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:34:19] Thank you.
21 The appearances of the parties. Prosecution first, please.
22 MR VANDERPUYE: [9:34:24] Good morning, Mr President, your Honours.
23 Good morning, everyone. The Prosecution is configured in the same way it was
24 yesterday.
25 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you.

1 Mr Narantsetseg.

2 MR NARANTSETSEG: [9:34:32] Good morning, Mr President, your Honours. For
3 the common legal representative of other crimes appearing today, Mr Dangabo
4 Moussa Abdou, Ms Evelyne Ombeni, and myself Orchlou Narantsetseg. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:34:45] Thank you.

6 Mr Suprun.

7 MR SUPRUN: [9:34:47] Good morning, Mr President, your Honours. The former
8 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of
9 Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:57] Thank you.

11 And now we turn to the Defence, Ms Dimitri first.

12 MS DIMITRI: [9:35:02] Good morning, Mr President, good morning your Honours.
13 Mr Yekatom, who's present in the courtroom this morning, is represented by
14 Ms Sabine Bayssat, Ms Wilhelmina Wittingham, Mr Thomas Hannis. We also have
15 in the public gallery or legal intern Yousra Lamqaddam, and myself Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:35:19] Thank you.

17 And Mr Knoops.

18 MR KNOOPS: [9:35:21] Good morning, Mr President, your Honours. The Defence
19 team of Mr Ngaïssona is today composed of Ms Chiara Giudici, she is case manager,
20 and Ms Despoina Eleftheriou, she is also case manager. And of course the defendant
21 is present in the courtroom.

22 PRESIDING JUDGE SCHMITT: [9:35:40] Thank you very much.

23 For a procedural matter we go shortly into private session before we continue with
24 the examination of the witness.

25 (Private session at 9.36 a.m.)

- 1 THE COURT OFFICER: [9:36:05] We are in private session, Mr President.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Open session at 9.38 a.m.)
- 25 THE COURT OFFICER: [9:38:12] We are back in open session, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:38:15] Thank you.
- 2 And I think we can bring the witness in now so that we can start.
- 3 You're standing up. Ms Dimitri was a little bit premature, perhaps.
- 4 MS DIMITRI: [9:39:33] I'll remain standing, Mr President. I have -- I have old
- 5 habits. That's why I also like paper copies.
- 6 PRESIDING JUDGE SCHMITT: [9:39:42] I would not say "still standing". I would
- 7 not word it this way, but it's okay.
- 8 He's coming in, so it will not last long.
- 9 (The witness enters the video-link location)
- 10 PRESIDING JUDGE SCHMITT: [9:40:05] Good morning, Mr Kokaté. Do you hear
- 11 me well?
- 12 WITNESS: CAR-OTP-P-0801
- 13 (The witness speaks French)
- 14 (The witness gives evidence via video link)
- 15 THE WITNESS: [9:40:11](Overlapping speakers)
- 16 PRESIDING JUDGE SCHMITT: [9:40:13] Is Mr Bangaguere also present?
- 17 MR BANGAGUERE: [9:40:24](Interpretation) Yes, Mr President.
- 18 PRESIDING JUDGE SCHMITT: [9:40:31] And I also see you. So we can continue
- 19 with the questioning by the Defence of Mr Yekatom.
- 20 Ms Dimitri, you have the floor.
- 21 MS DIMITRI: [9:40:38] Thank you, Mr President.
- 22 QUESTIONED BY MS DIMITRI: (Continuing)(Interpretation)
- 23 Q. [9:40:43] Good morning once again, Mr Kokaté. Are you doing fine?
- 24 A. [9:40:48] Yes, Counsel. Good morning.
- 25 Q. [9:40:51] Let me repeat the golden rule because we are both speaking French. I

1 will make an effort on my part, so please observe three seconds before answering
2 the question; is that okay?

3 A. [9:41:06] Very well, Counsel.

4 Q. [9:41:10] Mr Kokaté, I would like to talk about the members of the Central
5 African government in 2014. Mr Léopold Narcisse Bara was a minister in your
6 government; is that correct?

7 A. [9:41:27] That is correct.

8 Q. [9:41:32] I will show you a document because I wanted to confirm certain dates
9 with you. It is tab 17, CAR-OTP-2094-0295, on page 0297.

10 Mr Kokaté, it is a decree appointing the transitional government members.

11 Can you see the document on the screen?

12 A. [9:42:41] Yes, I can see the document.

13 Q. [9:42:45] I would like to ask the court officer to scroll down so that we can see
14 the date. Thank you.

15 Is it correct, Mr Kokaté, that Mr Bara was appointed by decree of 27 January 2004 by
16 President Catherine Samba-Panza?

17 A. [9:43:17] Yes, that is correct.

18 Q. [9:43:20] To your knowledge, was there a period when there was a changeover
19 of power between the former ministers and new ministers, that is the handover
20 between Mr Bara and his predecessor?

21 A. [9:43:51] Counsel, I don't remember very well, but I know that every time a new
22 government is formed, there is a general inspector of the state whose task is to be
23 responsible for the handing over of power between those going out and those coming
24 in. That is what I know.

25 Q. [9:44:24] Thank you, Mr Kokaté. And this inspection period, as far as you

1 know and in light of your experience, approximately how long does it take?

2 A. [9:44:43] Well, it depends. It depends on the programme of the state
3 inspectorate general, and that is the answer I can give you.

4 Q. [9:45:15] But it takes a certain number of days, at least?

5 A. [9:45:17] Yes, two or three days. It depends.

6 Q. [9:45:23] Thank you, Mr Kokaté. As far as you know and in light of your
7 experience, how many days went by before Mr Bara assumed his duties and
8 appointed his collaborators?

9 A. [9:45:41] I cannot answer that question because I was not a member of the
10 government. It is up to Mr Bara to tell you how long he took to assume his duty and
11 appoint his collaborators.

12 Q. [9:46:01] Let us look at another document, tab 21, CAR-OTP-2004-1180. And
13 we are going to begin by looking at page 1217.

14 For your information, Mr Kokaté, it is the official gazette of the Central African
15 Republic of February 2014. Let me draw your attention to the middle of the page,
16 further down, please.

17 Again. Scroll a little bit further down. Thank you.

18 You were appointed on 27 February 2014 as special advisor in charge of disarmament,
19 demobilisation and reinsertion; is that correct?

20 A. [9:47:30] Yes.

21 Q. [9:47:31] Mr Kokaté, let us go to page 1185 of that document, as well as
22 page 1186.

23 Does that correspond to your memory? Is it correct to say that Mr Jean-Jacques
24 Demafouth was appointed on 3 February 2014? We see 3 February. And on
25 the next page, he was appointed minister responsible for -- as an advisor for security

1 in charge of relations with MINUSCA.

2 Further down, please. To the left, Mr Kokaté.

3 A. [9:48:59] Yes.

4 Q. [9:49:05] And according to what you remember and based on your experience,
5 how much time elapsed between the appointment of Jean-Jacques Demafouth and his
6 official assumption of service?

7 A. [9:49:24] I don't have information about that, about when he took over.

8 Q. [9:49:31] But you were also appointed advisor to another position. And when
9 an advisor is appointed, you spend a few days before assuming your duties.

10 A. [9:49:54] My case was totally different, because as soon as I was appointed
11 special advisor responsible for DDR, that position did not exist. So as soon as
12 I was -- I was appointed, I went to the prime minister's office and I introduced myself
13 to the prime minister head of government and the director of cabinet.
14 After that, you have a service that was responsible for settling us in, into our offices.
15 So I was not replacing anyone.

16 Q. [9:50:56] Thank you, Mr Kokaté.

17 If I understand you, in your case, it was faster and different. It was faster than
18 the assumption of other advisors whose posts were already in existence?

19 A. [9:51:17] Yes, I think so, but I'm speaking about my case.

20 Q. [9:51:22] Let me put you -- to you a few questions, Mr Kokaté, on Mr Kamezolaï.
21 And we talked about him yesterday. I read a few articles and I heard or interviewed
22 several people. You were very close to the situation. But let us say, Mr Kamezolaï
23 was the brother of Prime Minister Nzapayéké; is that correct?

24 A. [9:52:10] I cannot answer that. But they are from the same region and the same
25 prefecture, possibly. And even the same subprefecture, but I'm not sure about being

1 a brother.

2 Q. [9:52:28] And based on your personal knowledge, since you were close to them,
3 they were very close. You noted that yourself, didn't you?

4 A. [9:52:43] Prime Minister Nzapayéké, when he called Mr Kamezolaï, he would
5 come and see -- he would come and see him in his office. I was working in the office
6 of the prime minister. Sometimes I was aware that Mr Kamezolaï had passed by,
7 and sometimes I could not ask the prime minister why he received such-and-such
8 a person or not. But I know that he was in the habit of meeting with him. That is
9 what I can tell you.

10 Q. [9:53:31] Mr Kokaté, did you ever hear directly or indirectly that the two of them
11 had a close relationship or a family relationship?

12 A. [9:53:50] I do not remember very well, but I've told you that they were
13 practically from the same village.

14 Q. [9:54:07] And to your knowledge -- I know that you were in France during that
15 period, Mr Kokaté. But as you said yesterday, you were following the news of your
16 country.

17 Did he participate in the attack of 5 December, whether you heard it directly or
18 indirectly?

19 A. [9:54:35] Counsel, I told you that each time there were meetings at the prime
20 minister's office, at the MISCA, or at the presidency, I would see Mr Kamezolaï in
21 Mr Yekatom's delegation.

22 Q. [9:54:57] Mr Kokaté, you did not answer my question. My question was:
23 Based on what you heard during that period, even though you were outside of the
24 country on 5 December, according to the information that you received, directly or
25 indirectly, from your close ones or through social media, did you ever hear that

1 Mr Kamezolaï took part, directly or indirectly, in the attack of 5 December 2013?

2 A. [9:55:40] Counsel, what I can tell you is that on the day that I went to meet

3 Mr Rombhot with the director general of the national gendarmerie, I saw Mr Yekatom
4 accompanied by Kamezolaï. Mr Yekatom was talking about his men and Kamezolaï
5 was by his side.

6 Q. [9:56:15] Mr Kokaté, I will try one last time. Thank you for your answer, but
7 I'm not talking about 2014 or about your meeting with Mr Kamezolaï and
8 Mr Yekatom. What I want to know is: When you were outside of the country in
9 December 2013, during that period or shortly afterwards, did you receive any
10 information indicating that Mr Kamezolaï took part, directly or indirectly, in
11 the attack of 5 December 2013?

12 A. [9:57:01] I did not have that information because we were not in contact.

13 Q. [9:57:15] Now, regarding Prime Minister André Nzapayéké - my questions are
14 limited to the prime minister - would I be correct to say that the prime minister lost
15 international and national support and, after that, President Sassou Nguesso refused
16 to receive him in Brazzaville?

17 A. [9:58:03] I cannot answer that question, because we went to Brazzaville as part
18 of negotiations for the restoration of peace, and the talks were initiated by
19 President Denis Sassou Nguesso. To my knowledge, the prime minister travelled
20 there and the transitional president also.

21 Now, to say that President Sassou Nguesso met with the prime minister or not,
22 I cannot answer such a question. I'm not in a position to do so.

23 Q. [9:58:49] I will show you a document, Mr Kokaté, tab 52, CAR-OTP-2001-3811,
24 on page 3816, a newspaper article from March 2014.

25 (Speaks English) Can we go a bit down. No. Stay on the left and then down again.

1 Yeah. Thank you.

2 (Interpretation) Can you see the document on the screen, Mr Kokaté?

3 A. [9:59:52] Yes, it is in English.

4 Q. [9:59:53] Yes, I will read it out to you and it will be interpreted:

5 (Speaks English) "Prime Minister André Nzapayéké, a former banker at the regional
6 *Banque de développement des états de l'Afrique centrale*, has lost much support both
7 locally and internationally. Congolese President Denis Sassou-Nguesso refused to
8 meet him in Brazzaville and French officials in Bangui do not seem unhappy with
9 the idea of his leaving."

10 (Interpretation) Mr Kokaté, at that time you were advisor to Prime Minister
11 Nzapayéké. The information that I have just read, is that something you observed or
12 heard about as part of your duties or even outside of your duties?

13 A. [10:01:11] All I know is that, after we returned from Brazzaville, the transitional
14 president started consultations to appoint a new prime minister.

15 Now, concerning the real reasons for his departure, I'm not in a position to tell you.

16 The prime minister had been my boss so I have a duty of reserve.

17 This document that was written, I was not aware of it. This is something that
18 happened at the very summit of the state relating to President Samba-Panza who
19 initiated the appointment of a new prime minister, so I am not in a position to explain
20 this to you.

21 Q. [10:02:36] Have you already noticed, during the months when you were in your
22 role in the prime minister's office, that there was misunderstanding between ministers
23 and Nzapayéké.

24 A. [10:03:06] All the administration, sometimes there are misunderstandings and
25 tensions, and they can speak about it together in a calm manner.

1 Q. [10:03:25] Thank you, Mr Kokaté, but my question was more precise. Have
2 you noticed that there were relationship problems?

3 A. [10:03:42] Frankly, I prefer not to speak on this.

4 Q. [10:03:51] You prefer that -- you prefer not to answer my question? Have I
5 understood you correctly?

6 A. [10:03:57] I will remain silent as regards this question.

7 PRESIDING JUDGE SCHMITT: [10:04:04] Well, Mr Kokaté, I don't see at the
8 moment that this is an issue that could incriminate you, so you would have to answer
9 that question. That would be my, my first reaction, frankly speaking. It's nothing,
10 where I see at the moment, at least, see the potential that the answer, the truthful
11 answer, could incriminate you. Now you understand what I mean. So we have
12 given you the chance. Of course it's clear that's the right of every witness in every
13 proceedings under the rule of law that you don't have to incriminate yourself, but
14 actually this question does not have the potential to do that. So I would ask you to
15 answer it.

16 THE WITNESS: [10:05:01](Interpretation) Mr President, I think I had given an
17 answer. I said that in all administrations it could happen that there are strained
18 relations. There could be differences in attitudes and then they work things out.
19 That was what I was trying to explain to counsel. I don't know if I've answered your
20 question when I said that in all administrations there is sometimes strained relations,
21 misunderstandings, and then afterwards people try and work it out. I think that's
22 the answer.

23 PRESIDING JUDGE SCHMITT: [10:05:45] And the question of course would be if
24 this was also the case with the relationship that concretely Madam Counsel
25 mentioned. If you can say something about. I think it's not such an issue that we

1 should blow it up. Yeah, I think it's not such an important issue.

2 Will you answer it? Can you be more specific, frankly speaking.

3 THE WITNESS: [10:06:16](Interpretation) Mr President, Mr President, I was trying
4 to say this. In all administrations there can be misunderstandings between
5 colleagues. There can be misunderstandings between colleagues and people can get
6 cross. And afterwards they'll get together to try and sort out their differences.
7 They speak the same language.

8 PRESIDING JUDGE SCHMITT: [10:06:47] I think we leave it at that. This is an
9 answer. In fact very often in courtrooms you don't get the answer exactly that you
10 want to hear. So I think -- Mr Vanderpuye.

11 MR VANDERPUYE: [10:07:00] Mr President, just very briefly. And the reason why
12 I remain standing on my feet is, in light of the discussion that we had this morning, I
13 think it's important for the Chamber to consider that in terms of the manner of the
14 process with respect to this particular witness, and I think counsel is aware of the
15 same concerns. There are means, I think, at the Chamber's disposal in order to -- in
16 order to, in order to accommodate the circumstances and get the witness to answer
17 perhaps more frankly (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [10:07:32] I think --

19 MR VANDERPUYE: [10:07:34] (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [10:07:35] I think we have -- we have an answer
21 that -- well, as I said, that might not be exactly what was sought to achieve, so to
22 speak. But the matter we discussed this morning, we resolved. As we said this
23 morning, there will be the submissions, and then we will discuss it again.

24 I think we will -- the Chamber will come back, I don't know, not with a written
25 decision, but after we have your submissions we will perhaps discuss it simply in the

1 courtroom.

2 We will see. We have to discuss this amongst ourselves. But we should leave it at
3 that, and I -- or, the Chamber does not have the impression that the witness in any
4 way has changed his comportment with regard to the days before, actually, at the
5 moment. He consistently has, let's say, displayed the same attitude, not in a negative
6 way, but the same attitude towards questions and answering.

7 So we simply continue, Ms Dimitri.

8 MS DIMITRI: [10:08:42] Thank you, Mr President.

9 Q. [10:08:44](Interpretation) Following on from that, is it correct - and if I'm not
10 mistaken, you mentioned this when you talked to the OTP in 2018 - is it correct that
11 Mr -- that he was asked to resign and in Brazzaville he understood that his job was in
12 danger and he was looking around for support so that he could remain in his position;
13 is that correct?

14 A. [10:09:16] Yes, Counsel. I do remember that I did say that. Because even
15 before going to Brazzaville, all the parties, all the parties knew there was a problem
16 which had to be resolved in Brazzaville. This was information which came from
17 various sources. Firstly, the aim of going to Brazzaville was to talk between
18 the Anti-Balaka and the Séléka and also to try and find an agreement to arrange
19 a ceasefire and to end hostilities.
20 Now, once in Brazzaville, once in Brazzaville, it's at that moment, it was at that
21 moment that contact was made. There were contacts. Contacts came. Colleagues
22 came, who came to see me and said, either you have the support of the Anti-Balaka in
23 order to remain in your position, or you get the support, the prime minister should
24 get the support of the Anti-Balaka and the Séléka so that can remain in his position
25 because his position was being threatened.

1 Q. [10:11:16] Thank you, Mr Kokaté, for your answer.

2 Am I correct in saying that in the Brazzaville forum, the aim of the forum was not to
3 have a censure motion for the prime minister. But despite that, he did receive a very
4 negative assessment.

5 Does that correspond to the way you see things, Mr Kokaté?

6 A. [10:11:51] When we returned from Brazzaville, the transition president started
7 to carry out some consultations to look for a new prime minister. What I want to say,
8 and in answering your question, as we, I was only a special advisor. But
9 the decision between -- between the President Sassou-Nguesso, and we were not
10 there between the decision between the President Sassou and the motion and
11 Catherine Samba-Panza. That was all what has happened, and that's all I want to
12 say, which was the assessment until the day when there was everybody going to
13 Brazzaville.

14 When we returned, the president started consultation, so there was a decision taken at
15 a high level as regards the behaviour of the prime minister.

16 Q. [10:13:15] So what I understand from what you're saying is that the assessment
17 was negative, which led President Samba-Panza to push Prime Minister Nzapayéké
18 to resign; is that correct?

19 A. [10:13:43] I think that is correct.

20 Q. [10:13:45] Now I would like to speak to you about someone else who you also
21 know, Mr Jean-Jacques Demafouth.

22 Do you know -- and when I -- I'm not saying you know him personally, but have you
23 heard speak that Demafouth had an aide de camp called Mombeka?

24 A. [10:14:22] Mombeka was -- assisted the President Samba-Panza.

25 Q. [10:14:36] Was he in -- responsible for Cattin when he --

1 A. [10:14:48] I don't know where he was living, but what I did know and what I
2 learnt is that Mr Mombeka was assassinated at a station, a petrol station in KM5. He
3 was really close to the President Catherine Samba-Panza. That's all I know.

4 Q. [10:15:23] Thank you. According to information I read, Mr Demafouth said in
5 a document that, before 5 December, you and some other military asked the elements
6 to create chaos in Bangui by putting pressure in PK5 and also around the airport.
7 Have you had any comments to say something to these allegations made against you?

8 A. [10:16:02] It's false testimony vis-à-vis me, because before the events of
9 5 December Demafouth was advice minister for Djotodia in the presidency, so I think
10 this is false information.

11 Q. [10:16:30] Thank you, Mr Kokaté. According to the information which I read,
12 Mr Demafouth alleged and said that you are one of the responsible for the -- within
13 the hierarchy of the military. Do you agree with that allegation?

14 A. [10:16:54] Counsel, I have just told you that I was never in an organisation with
15 a specific function. That is something Demafouth said and that only concerns him.
16 Mr Demafouth was an advice minister at that time under Djotodia. So what he says
17 only concerns him. I was never in such an organisation. I was not even in Bangui.

18 Q. [10:17:44] I understand. As far as you're aware, were some of your colleagues
19 at the time when you were in the prime minister's office, were some of your
20 colleagues warned the President Samba-Panza against Demafouth?

21 I will repeat my question. Some of your colleagues in the government, be they
22 advisors or colleagues, were some of your colleagues, did they warn
23 the President Samba-Panza against Demafouth?

24 A. [10:18:27] All I know is that at the time an event took place, I think in the area of
25 Fatima, and General Wangao, according to the information which I received, warned

1 the president against Demafouth.

2 Q. [10:19:11] Have you got a bit more details about this warning that was issued?

3 A. [10:19:20] It was the minister of the interior of public security before going to
4 speak with the head of state, so I suppose that that minister of the interior had
5 additional information so that he could talk about this, especially since Mr Wangao
6 and Mr Demafouth are close. They are family of Catherine Samba-Panza.

7 Q. [10:20:11] This leads to my next question. I'm going to show you 29-0002-0023.
8 This is a press article of July 2014. If you don't mind, we'll look at it together.

9 PRESIDING JUDGE SCHMITT: The tab is?

10 MS DIMITRI: Fifty-five.

11 Q. [10:20:49](Interpretation) Can you see the article on the screen, Mr Kokaté?

12 A. [10:20:56] Yes, I do see it.

13 Q. [10:21:07] If we can stay first at the top, please. Thank you.

14 (Interpretation) So that this confirms what you said, that Catherine Samba-Panza and
15 Jean-Jacques Demafouth are relations, in fact cousins.

16 A. [10:21:19] Yes, that's a confirmation which I have, that they are part of the family
17 of Catherine Samba-Panza.

18 Q. [10:21:29] If we can go down a bit to see the rest of the page.

19 Could you perhaps quickly read through it and I will ask you some questions after
20 that.

21 If we can scroll down three lines so he can read the last paragraph. Thank you.

22 So this article, Mr Kokaté, confirms the family link between Demafouth and
23 Samba-Panza. This article talks the Machiavellian behaviour of Demafouth. Could
24 you comment on this according to what you know. What did you hear at the time
25 when you were working there? What are your views on this article relating to

1 Mr Demafouth?

2 A. [10:24:00] This is an article, Madam, a press article. I don't remember exactly.

3 I and Demafouth, we didn't have a very good relationship. So I don't really want to

4 talk about that. It's the impression that everyone has, of their own impression of him,

5 of Demafouth. I think that he was very close. I know that he was everywhere and

6 that he was everywhere where Catherine Samba-Panza was. That's all that I know.

7 PRESIDING JUDGE SCHMITT: [10:24:48] I did let the question pass, because

8 commenting on such an article as a newspaper article could always be critical. Yet,

9 the witness has worked there, so he might. And I think he has answered that.

10 We cannot expect more from here. Yeah.

11 MS DIMITRI: [10:25:05] May I ask one more question but on his personal

12 experience?

13 PRESIDING JUDGE SCHMITT: [10:25:08] Depends on the question, of course. But

14 you understand my point. That's also because I think this will happen with future

15 witnesses, also from OTP, perhaps. So we have the -- of course, if a witness is

16 mentioned directly in an article, yes. If he is allegedly -- he allegedly has spoken, of

17 course.

18 When he doesn't appear at all, we have a little bit of a discretion here, so because of

19 that, but he -- as I say, we cannot expect more than this answer from the witness. He

20 does not have to align to the opinion of the writer, so to speak. But pose your next

21 question.

22 MS DIMITRI: [10:25:49] Thank you, Mr President.

23 Q. [10:25:54](Interpretation) Mr Kokaté, without commenting on the article, in this

24 article it is written that Demafouth was a liar, that he manipulated the president. I'm

25 not asking you to comment on the article, but I'm asking you if this is something that

1 you have experienced or have you seen that happen when you were in your position,
2 that Demafouth lied to the president or manipulated the president with giving
3 incorrect information?

4 A. [10:26:32] Counsel, I will tell you something, during our meeting with
5 the president, the traditional president, there was a delegation which I headed.
6 Before meeting the president we received clear instructions, and that instruction on
7 the part of Mr Ngaissona, and as soon as we entered the office of Catherine
8 Samba-Panza I spoke. I asked the transitional president to ask Mr Demafouth to
9 leave, and also his political advisor from his office, before we could start any
10 discussions.
11 Mrs Samba-Panza asked me the question why? I told her that, for us, he is
12 a manipulator and that we would like to exchange views with you without him being
13 present.

14 And the transitional president accepted this and asked Demafouth to leave his office,
15 and also his political advisor at the time. And then we started our discussion.

16 PRESIDING JUDGE SCHMITT: I think you can move on from here.

17 MS DIMITRI: (Interpretation)

18 Q. [10:28:31] I read, Mr Kokaté, in the interview you had with OTP in -- that you
19 knew Stéphane Sapo, the son of Samba-Panza. The father of Stéphane is your -- and
20 your father know each other well; is that correct?

21 A. [10:28:54] That's correct.

22 Q. [10:29:02] So you had a good relationship with Stéphane Sapo?

23 A. [10:29:09] Correct.

24 Q. [10:29:12] Is it correct that Stéphane had sufficient trust in you to ask you advice
25 to help his mother?

1 A. [10:29:24] Enough trust? I don't know. But Mr Demafouth, as
2 Mr Demafouth -- I know Mr Demafouth didn't speak well of me to his mother. That
3 I do know. And as Stéphane Sapo came to see me, and he said he had contact at the
4 request of his mother with Mr Thierry Lebene. And so I called Thierry Lebene and I
5 put them in telephone contact. They spoke to each other and I think they had
6 a -- arranged a meeting.

7 When he gave me a sum of money in CFA, it was 300,000 francs, CFA, if I remember.
8 I wasn't in the presence of Stéphane when he gave me the 300,000 CFA. I gave
9 the phone to Stéphane so that they could confirm it. And after that, Thierry Lebene
10 sent somebody to pick up the money. After that, I put them directly in contact with
11 each other and they started to exchange views, and I also learnt that Lebene was
12 amongst those people which the transitional president saw as well.

13 Q. [10:31:30] Thank you, Mr Kokaté. Is Thierry Lebene, just for the records, is he
14 the person we call 12 Puissances?

15 A. [10:31:38] That is correct.

16 Q. [10:31:39] Now I move on to my next topic. I am going to pick out things from
17 what you said. Stéphane Sapo contacted you regularly and asked you for your help
18 to help his mother. Is that correct what I understand there?

19 A. [10:32:05] Yes.

20 Q. [10:32:11] During all the conversations which you had with Stéphane Sapo, did
21 Stéphane Sapo indicate to you at any point that he had suggested to his mother to
22 separate from Demafouth because of his manipulation?

23 A. [10:32:44] This was a reality. Those who were close to Catherine Samba-Panza
24 started being irritated. There was the defence minister, for example, who asked
25 directly for the arrest of Jean-Jacques Demafouth and it was Catherine Samba-Panza

1 who refused.

2 Q. [10:33:15] Do you know why he asked for the arrest of Jean-Jacques Demafouth
3 and which period, 2014?

4 A. [10:33:27] Yes, it was in 2014. It was a turbulent period. I think it was the
5 Fatima church incident. That was during that period.

6 Q. [10:33:52] If I understand you correctly, because of the Fatima church incident
7 and the involvement of Demafouth in that incident, the minister asked for his arrest,
8 that is Minister Wangao?

9 A. [10:34:17] That is the information I received. I think it can be verified by
10 the public prosecutor in Bangui. That is the information we had.

11 Q. [10:34:34] Would you agree with me, Mr Kokaté - and I'm not talking about you
12 personally there, please be reassured - some members of the government had an
13 interest in prolonging the transitional period. Are you in agreement with that
14 suggestion?

15 A. [10:35:01] I totally agree with you, because the timeframe for the transition had
16 been largely exceeded. And if I'm not mistaken, President Déby declared that he
17 wanted to have an expeditive transition, and so that would require the departure of
18 the head of the transition. So an election had to be organised by all means.

19 Q. [10:35:49] Once again, I am not talking about you personally, but am I to
20 understand that some ill-intentioned ministers or advisors wanted to prolong
21 the disturbances so as to keep their positions longer?

22 A. [10:36:09] Well, this was information that was circulating here and there in
23 the town, but I think that if President Déby asked that the transitional period be
24 brought to an end and the elections organised, it means that the reality was there that
25 people wanted to prolong the transitional period. Because the statement from

1 President Déby shocked those who were in the transitional authority. They did not
2 want it to end.

3 Q. [10:37:01] Thank you. Tab 52, CAR-OTP-2001-3811, page 3115 (sic).

4 That's another document I want to show you. I think it's the same article, 3816. I
5 will start with 3815 and then I will ask you questions. Are we in agreement?

6 A. [10:37:38] Very well.

7 Q. [10:37:49] It is at the bottom of the page, right. (Speaks English) "Their military
8 success has revived other armed groups that had previously disbanded or were
9 dormant, such as the *Armée populaire pour la restauration de la démocratie* led by
10 Jean-Jacques Demafouth Mafoutapa. ... It remains to be seen whether the APRD is
11 pursuing a political strategy or if it is just another instance of the spread of
12 vigilantism in the west."

13 (Interpretation) Mr Kokaté, my question is as follows: We are going to talk about
14 the APRD a little bit later. According to the information that you had at the time,
15 the information that was circulating, was Jean-Jacques Demafouth one of those who
16 wanted to destabilise the transition for their own personal interests, such as the issue
17 on the re-emergence of the APRD? Did you hear that at the time?

18 A. [10:39:37] This was information that we heard. The proof is that, during that
19 transitional period, Demafouth himself was a minister, advisor, at the presidency.
20 The minister of public security, Wangao, and his collaborators felt that Mr Demafouth
21 wanted to destabilise the transition, and that is why he requested the arrest of
22 Mr Demafouth.

23 Q. [10:40:11] Thank you, Mr Kokaté. In the direct examination you talked about
24 the Bangui forum. After those days, Demafouth had been designated as the general
25 coordinator of that forum in Bangui; is that true, initially?

1 A. [10:40:45] Yes, initially he was appointed general coordinator, but this
2 appointment was collectively rejected by the participants.

3 Q. [10:40:58] Tab 68, CAR-D29-0002-0013, that is to show that you have a good
4 memory.

5 (Speaks English) I'm told that I misspelt. It's tab 62.

6 (Interpretation) Tab 62. It is an article talking about the Bangui forum.

7 PRESIDING JUDGE SCHMITT: [10:41:31] It had already been displayed I think in
8 another instant. I have seen it, at least, before. I recall it.

9 MS DIMITRI: [10:41:39](Interpretation)

10 Q. [10:41:42] And that is the page on the screen, Mr Kokaté.

11 The paragraph immediately under the photograph on that page, that is 0014, it is
12 written Dr -- "The minister of public health, Dr Marguerite Samba-Maliavo, was
13 designated by consensus on Wednesday 15 April as the general coordinator of the
14 technical organisation committee of the Bangui forum in place of Jean-Jacques
15 Demafouth, who was very much contested by the entire population, a few days after
16 his appointment."

17 Do you remember that, Mr Kokaté?

18 A. [10:42:50] Yes, I remember that very well. His appointment was collectively
19 rejected by all the participants.

20 Q. [10:43:05] I stand to be corrected here, but the general population challenged his
21 appointment. Not just the participants, but the Central African population.

22 A. [10:43:24] I can confirm that everyone was in disagreement.

23 Q. [10:43:31] Now, can you explain, as far as you can remember, why people
24 challenged the appointment of Demafouth to the Bangui forum.

25 A. [10:43:40] All I know is that Jean-Jacques Demafouth is someone who is

1 a specialist in setting up people against each other, manipulating people. Amongst
2 the population people know all about it, and they know him as the person that he is.

3 Q. [10:44:04] And is it correct that in the final analysis the popular opinion was so
4 strong that Madam Samba had to appoint someone else to coordinate the Bangui
5 forum?

6 A. [10:44:25] Yes.

7 Q. [10:44:25] Thank you, Mr Kokaté. I will move to another subject.

8 During the direct examination with the Prosecutor a few days ago, you talked about
9 your presence in the Libreville talks in -- when you represented the non-combatant
10 armed groups in N'Djamena.

11 A. [10:44:56] It was January 2013 in Brazzaville.

12 MS DIMITRI: [10:45:02](No interpretation) (Speaks English) If I may have one
13 minute, Mr President, please.

14 PRESIDING JUDGE SCHMITT: [10:45:03] There was an overlap, so ...

15 MS DIMITRI: [10:45:05] I'm saying if I can have just one minute, please.

16 PRESIDING JUDGE SCHMITT: [10:45:11] Of course.

17 MS DIMITRI: [10:45:12] Thank you.

18 PRESIDING JUDGE SCHMITT: [10:45:12] In the meantime, if you're interested,
19 indeed this last document or article was already displayed on 11 May with another
20 witness, so I was not wrong.

21 MS DIMITRI: [10:45:21] Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [10:45:22] In another context of course, but ...

23 MS DIMITRI: [10:45:55](Interpretation)

24 Q. [10:45:56] I would like to clarify, Mr Kokaté. I am a bit confused. When you
25 represented the non-combatant armed groups in 2013, was it in Libreville?

1 A. [10:46:11] Yes, it was in Libreville.

2 Q. [10:46:15] And you remember that amongst those non-combatant armed groups
3 there was the *Armée populaire pour la restauration de la démocratie* which was
4 represented by Mr Demafouth?

5 A. [10:46:29] That is correct.

6 Q. [10:46:33] And it is also correct to say that the non-combatant armed groups
7 present were already enrolled in the DDR process?

8 A. [10:46:43] That is correct.

9 Q. [10:46:49] Mr Kokaté, I am going to talk to you about the APRD at that time.
10 To your knowledge, during the registration in the DDR process, is it correct that
11 Jean-Jacques Demafouth had inflated the numbers of his group so as to have money
12 for the DDR programme?

13 A. [10:47:19] Counsel, I was in France. I think it was in 2007 or 2008. I was in
14 France, so I really do not know how to answer that question. I was not in contact
15 with him within the context of this situation.

16 Q. [10:47:41] But subsequently you were an advisor at the prime minister's office in
17 charge of DDR. Did you receive that information that the numbers of the APRD
18 numbers were inflated to extort DDR money?

19 A. [10:48:04] Well, as you know, when people draw up their figures, even today
20 what we are realising amongst the armed groups, people can give certain figures.
21 But in order to know whether indeed the figures provided by the leaders of those
22 armed groups, there are procedures that we follow. We ask the armed groups, we
23 tell them that you have given us figures of people on the ground. We assume that all
24 these people are armed. So now you have to hand over the weapons. So it is at the
25 moment that weapons are being handed over that we realised that the number of

1 weapons is far, far lower than the numbers earlier provided by the leaders of
2 the armed groups.

3 Q. [10:49:14] Thank you, Mr Kokaté. It is very clear. So what I understand is
4 that when the weapons are handed over, it is realised that the numbers do not
5 correspond at all with those provided by the armed groups.

6 A. [10:49:33] That is correct, Counsel. That is correct.

7 Q. [10:49:38] And the armed groups have an interest in inflating the figures. With
8 all due respect, CAR was a poor country in crisis, so people wanted to do anything
9 possible to benefit from the DDR; is that correct?

10 A. [10:50:02] Yes, this is a general situation. The Central Africans on several
11 occasions have been very disappointed for many years, ever since the DDR was put in
12 place. They feel that there is no progress and that people go there just to look for
13 money. That is a general opinion in the CAR.

14 Q. [10:50:38] So what you are telling us is that those lists are not necessarily reliable,
15 especially when compared to the number of weapons handed over.

16 A. [10:50:55] Counsel, I agree with you. Ever since the DDR was set up under
17 Bozizé, right up to the present moment, we have realised that people have many men
18 under them. They provide high figures. But when weapons are handed over,
19 the arms are very few.

20 We carried out a pilot project. And when weapons are handed over by individuals,
21 they are either integrated into the FACA or they are reintegrated into the population,
22 so those who come to the DDR, it is supposed that they are already integrated, that is
23 before being admitted into the DDR programme. I hope I have answered your
24 question.

25 Q. (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: [10:52:07] May I, Ms Dimitri.

2 And perhaps I'm interested, the Chamber is interested in this DDR process. First of
3 all, a very basic question, and the answer might be obvious: Where does the money
4 for the DDR come from?

5 THE WITNESS: [10:52:33](Interpretation) I did not understand your question,
6 Mr President.

7 PRESIDING JUDGE SCHMITT: [10:52:36] I repeat it.

8 As I said, it might be very basic, and perhaps the answer suggests itself. The DDR
9 process costs money, costs the state money. Where does this money come from?

10 THE WITNESS: [10:52:58](Interpretation) The money comes from international
11 institutions, from friendly countries, so that process is supported by the friends of the
12 Central African Republic, Mr President. And I think also that the Central African
13 government equally participates, but they have financial problems, of course.

14 PRESIDING JUDGE SCHMITT: [10:53:48] Thank you for this answer. So this
15 is -- the answer was not so obvious, as I have perhaps thought. So there is a mixed
16 picture, potentially.

17 And now what are the conditions that you receive money from this DDR process? Is
18 it the figures you say you have under your control? Or is it the weapons that are in
19 the end handed down?

20 THE WITNESS: [10:54:27](Interpretation) Now, for example, what is currently
21 happening, we rely more on the number of weapons returned, because Central
22 Africans have realised that there was a lot of money injected into the DDR process, so
23 you really need close monitoring of the process by the government.

24 So for the time being, I am a resource person. I'm currently a resource person within
25 the DDR, so there is work being done by the government and MINUSCA in

1 collaboration with the institutions supporting us. So contrary to what happened in
2 the past, people no longer have access to money like they did before. We work with
3 the people who have decided to hand over their weapons, and then we are the ones
4 who organised their reintegration.

5 There is a fixed amount, depending on the calibres of the weapons. So when you
6 hand over those weapons, a small amount is given to you in exchange. And then,
7 after that, these individuals are sensitised and advised not to return to those armed
8 groups to which they belonged before, or similar armed groups, and that they should
9 return to legality. So, today we have former combatants that have been admitted
10 into the FACA and who no longer have any contacts with the former armed groups.
11 I do not know whether I have answered your question, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:57:00] No, that was very interesting, and it
13 clarified a lot, because I think it will not be the last time that we hear from this DDR
14 process.

15 This process of monitoring that you describe, when was it introduced? Since when
16 is it monitored like that, like you describe it?

17 THE WITNESS: [10:57:32](Interpretation) Regarding that mechanism that I have just
18 described, it was set up after the inauguration of President Touadéra in 2016. But I
19 really do not have any detailed information of what was happening before that.
20 Even when I was at the prime minister's office, we were not working in the manner
21 that we are working now.

22 PRESIDING JUDGE SCHMITT: [10:58:09] Perhaps the next question suggests itself:
23 We are interested in 2013, 2014. Can you tell us how the situation was at that time.
24 Was there, as you -- as far as you know, as far as you have information, was there an
25 abuse of this process? Meaning that people took money out of the process that was

1 not correct, for example, by inflating the numbers, as we have said before or talked
2 about before.

3 THE WITNESS: [10:58:51](Interpretation) Mr President, in light of the information
4 that I have in my possession, Central Africans were very dissatisfied with the DDR
5 process. And if I am not mistaken, that DDR process was put in place ever since
6 2007. And if the DDR process had been functioning correctly, I don't think that we
7 would have experienced those unfortunate events up to 24 March 2013, because there
8 was a lot of money injected into the coffers of the DDR at that time, but the process
9 was not reliable at all. That is why all the politicians and even members of
10 the population in general were totally dissatisfied with the DDR process.
11 Currently, we hear very few complaints because there is a strict monitoring system in
12 place between the ministry in charge of the DDR, MINUSCA, and the friends of the
13 CAR. So there is a control system and we are progressing gradually in order to
14 achieve the results expected by Central Africans.

15 PRESIDING JUDGE SCHMITT: [11:00:49] I think we can, can follow these
16 explanations very well.

17 Perhaps one final question before the break.

18 Was at the time we are speaking of, 2013, for example, was there any attestation or
19 certificate given to the people who have been disarmed, so to speak, after they have
20 given up their weapons? Any attestation or certificate that could prove this, for
21 example?

22 THE WITNESS: [11:01:24](Interpretation) Mr President, in principle, when people
23 take part in this process, there should be an attestation of training. I'm speaking
24 particularly about myself. I came back in 2012, so I am really not familiar with that
25 mechanism.

- 1 PRESIDING JUDGE SCHMITT: [11:01:59] Thank you very much.
- 2 I think we have now the break and reconvene 11.30.
- 3 THE COURT USHER: [11:02:05] All rise.
- 4 (Recess taken at 11.02 a.m.)
- 5 (Upon resuming in open session at 11.31 a.m.)
- 6 THE COURT USHER: [11:31:10] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE SCHMITT: [11:31:34] Ms Dimitri assumes correctly that she has
- 9 still the floor.
- 10 So please proceed.
- 11 MS DIMITRI: [11:31:44] Thank you, Mr President.
- 12 Q. [11:31:47](Interpretation) Mr Kokaté, can you hear me?
- 13 Mr Kokaté, can you hear me?
- 14 A. [11:32:02] Yes, I do hear you, Counsel.
- 15 Q. [11:32:07] There's a -- we've both been reproached for speaking too quick, so
- 16 count three seconds before answering a question.
- 17 A. [11:32:19] That's fine, Counsel.
- 18 Q. [11:32:23] Before I continue on the subject which we were talking about before
- 19 the break, some clarification. You mentioned Demafouth in the events, in the Fatima
- 20 events.
- 21 Mr Kokaté, is it correct that we are talking about the incident that happened in
- 22 the church of Fatima when Samba-Panza was in power where she called it or
- 23 qualified it as an act of terrorism; is that correct?
- 24 A. [11:32:58] Yes, Counsel. During that incident, the minister of the interior at
- 25 that time decided to arrest Mr Demafouth.

1 PRESIDING JUDGE SCHMITT: [11:33:11] Perhaps, because not everybody might be
2 aware at the moment what we are talking about, what is your knowledge of what
3 happened at this incident? Can you tell us, briefly. Or what has been brought to
4 your attention what has happened?

5 THE WITNESS: [11:33:42](Interpretation) Mr President, what I heard was that
6 people were in the church -- it was in the church. There was a priest who was giving
7 a sermon inside the church. There was some people who arrived and opened fire on
8 the Christians. There were some deaths. It was an incident which everyone
9 regretted and deplored. After that incident, the minister of the interior at that time,
10 particularly with the information that was given to him, decided to arrest
11 Jean-Jacques Demafouth, and the transitional head was against the arrest. So that, in
12 short, is my understanding of that incident.

13 PRESIDING JUDGE SCHMITT: [11:35:13] Thank you for this information.
14 Ms Dimitri, please proceed.

15 MS DIMITRI: [11:35:20] Thank you, Mr President.

16 Q. [11:35:23](Interpretation) Mr Kokaté, I would like to show you a document, once
17 again a report. Tab 24, CAR-2300-003 -- 2023-0032, page 0061. It is the same report
18 we talked about yesterday, namely an expert group from the United Nations in 2014
19 who went to CAR and made some statements and observations. I'll read you
20 a paragraph and then I'll ask you some comments as regards your personal
21 understanding of events.

22 A. [11:36:19] That's fine.

23 Q. [11:36:21] Page 0061, paragraph 140, if you don't mind.

24 (Speaks English) "All the revolution and justice military commanders interviewed by
25 the Panel, who were members of the *Armée populaire pour la restauration de la démocratie*

1 (APRD) of Jean-Jacques Demafouth, a close advisor of the Central African
2 Transitional Head of State, confirmed that they were under the command and control
3 of, and receiving continuous financial support from, the leader of *Révolution et justice*
4 in Bangui, the Central African Minister of Youth and Sports Armel Bedaya Sayo."
5 (Interpretation) Mr Kokaté, I'm going to ask you some questions on what I've just
6 read out.

7 According to your understanding and the information that you received, is it correct
8 that the combatants of APRD of Jean-Jacques Demafouth, after the disarmament they
9 formed a new group called Revolution and Justice?

10 A. [11:38:11] Counsel, what I can tell you, when there was disarmament with
11 Demafouth, I was outside the country.

12 As I said before, I told you something of the process of disarmament, you
13 dis -- you -- you disarmed and then the procedure is one that we have to identify
14 the combatants.

15 All I can tell you, I think that Demafouth is very close to the minister -- to
16 the -- Sambo -- Sayo and they are very close.

17 The armed groups in CAR --

18 THE INTERPRETER: [11:39:29] Sorry, Inaudible.

19 THE WITNESS: [11:39:33](Interpretation) These elements of the groups in this
20 country in south Central Africa were controlled and left the group, and it was very
21 difficult to find out which group they belonged to. This means that today what's
22 happening in the DDR is to identify all the ex-combatants who have surrendered their
23 arms in order to avoid them joining another armed group. The question you've put
24 to me has a reason for being asked, but I cannot tell you for certain that these
25 incidents, these elements went there and they are the same elements of the APRD

1 with Sayo.

2 I don't know if I've answered your question.

3 MS DIMITRI: [11:40:45](Interpretation)

4 Q. [11:40:45] Thank you, Kokaté. Now I understand partially your answer that
5 you weren't there at that time. But the present, when you were there, and I
6 understood that you were responsible for the disarmament of all combatants, be they
7 Séléka or Anti-Balaka or other groups. So in 2014, as far as you're aware, is it correct
8 that there was an armed group on the ground called Revolution and Justice?

9 A. [11:41:21] Yes, in 2014, when going to the forum in Brazzaville, we learnt that
10 the head of Revolution and Justice, Sayo, was -- or, rather, he left his bases and went
11 with his men to Bangui.

12 And I think there was a meeting between Mr Sayo and Demafouth, also with other
13 organisations, for example, MISCA and MINUSCA, so that they could take a decision
14 before going to Brazzaville, and that they were in the list of participants for the forum
15 in Brazzaville.

16 Q. [11:42:36] According to the information which you had, the (unclear), be it in
17 the forum of Brazzaville or other circumstances, Revolution and Justice was an active
18 armed group in 2013, 2014?

19 A. [11:42:54] Information which I received said that it was an armed group which
20 was active. They themselves made a statement or declaration in social media.
21 That's my answer, Counsel.

22 Q. [11:43:22] Thank you, Mr Kokaté. And then you explained Sayo, close to
23 Demafouth, became the head of R&J, according to the information you received. Is it
24 correct that Sayo became minister under Samba-Panza?

25 A. [11:43:43] Yes, after the Bangui forum he became minister under Samba-Panza.

1 Q. [11:44:00] Thank you.

2 (Speaks English) Mr President, I don't know if it's me, but I'm having a hard time
3 hearing the witness. There is a lot of interruption. The connection is not good or
4 it's my, my earphones, but it's very difficult to concentrate on his answers.

5 PRESIDING JUDGE SCHMITT: [11:44:17] Well, we can try to improve. Yeah, yeah,
6 we are in the process, so ...

7 MS DIMITRI: [11:44:23] Thank you. I'll continue in the meantime, but ...

8 PRESIDING JUDGE SCHMITT: [11:44:27] Yeah, please do that.

9 MS DIMITRI: [11:44:38](Interpretation)

10 Q. [11:44:39] Is it correct, Mr Kokaté, that when Armel Sayo became minister
11 Demafouth was still advisor of Samba-Panza?

12 A. [11:44:56] That's correct, Counsel. He was advisor from the beginning to
13 the end of the transition, Mr Demafouth.

14 Q. [11:45:05] As far as you are aware, and I am asking you for an answer, that is
15 information which came to you or documents you received or conversations you had,
16 as far as you are aware, is it correct to say that Jean-Jacques Demafouth used some
17 R&J combatants to create trouble and cause disruption in the transitional
18 government?

19 A. [11:45:48] This is a very tricky question. It's difficult because I wasn't really in
20 contact with Sayo. I don't know how his movement worked. All I know is that he
21 had good relationships with Mr Demafouth, although personally I didn't have good
22 relationships with Mr Demafouth.

23 Q. [11:46:29] Do you recollect or name -- or a combatant called Jean-Jacques
24 Larmassou?

25 A. [11:46:54] I think that I've heard that name. He was one of the combatants of

1 ARPD -- APRD.

2 THE INTERPRETER: [11:47:16] Inaudible.

3 MS DIMITRI: (Interpretation)

4 Q. [11:47:20] You've got a very good memory. Jean-Jacques Larmassou will
5 refresh the memory. Tell me if I'm correct or not. Larmassou, indeed, under APRD
6 was sentenced to life imprisonment, but he was released in 2013 and 2014; is that
7 something you recollect?

8 A. [11:47:45] I think so, yes. I think, yes.

9 Q. [11:47:58] Do you recollect that in 2013, 2014 he launched grenades in refugee
10 population in the area of Gobongo?

11 A. [11:48:12] I don't really remember, but all I can tell you is that there were
12 troubles. That I can confirm. There were trouble during that period. There were
13 grenades thrown onto the civilian population, which we deplored. There was a lot
14 of trouble. The people who had the grenades, who came and went, and they were
15 sought by the police, the gendarmerie and MINUSCA.

16 Q. [11:49:11] Can you recall, you talked about 12 Puissances. Do you remember
17 that Jean-Jacques Larmassou was stopped by the Colonel 12 Puissances?

18 A. [11:49:28] I don't know, because at that time I wasn't in Bangui. During that
19 period I don't really know what happened. I was in Nairobi. I really don't know,
20 frankly speaking. I know at that time there were many abuses. You always had to
21 talk to the ex-combatants to stop doing that.

22 Q. [11:50:03] Thank you. My question is more specific. If you don't know, just
23 tell me that you don't know. But did you hear it said that Jean-Jacques Larmassou in
24 2014 -- I'm not asking you for the date or the period, but only want you -- to know,
25 did you know whether Jean-Jacques Larmassou was stopped by Colonel

1 12 Puissances?

2 A. [11:50:32] I haven't got that information. I don't have that information.

3 Q. [11:50:50] Nevertheless, do you have information, or did information reach you,
4 that Jean-Jacques Larmassou in 2014 was funded or supported by Demafouth to carry
5 out abuses?

6 A. [11:51:03] All that I know is that he was trusted by Demafouth and he was very
7 close to Mr Demafouth.

8 Q. [11:51:25] Amongst the information that you have available to you, be it
9 information you received directly or indirectly, are you aware that members of R&J in
10 2014, or even December 2013 launched attacks on refugees?

11 I'll be more specific. Sorry. Just one moment, Mr Kokaté.

12 The members of R&J or the group of Larmassou launched attacks on to civilians and
13 demanded information or did this on behalf of Anti-Balaka. Do you know anything
14 about that?

15 A. [11:52:26] I think -- I think that I did get that type of information. I think so.
16 Because at a point in time the situation was very confused. There were elements that
17 behaved very negatively and we had to tell the Anti-Balaka. I remember, roughly,
18 this period where we denounced the behaviour of those people. If I'm not mistaken,
19 we did talk about that and I heard people speak about this.

20 Q. [11:53:29] Just to confirm, when people denounced Larmassou's behaviour, if I
21 understand your answer correctly, they attributed Larmassou incorrectly as
22 belonging to the Anti-Balaka?

23 A. [11:53:48] I think this subject was dealt with, and there was a question of
24 shedding light on the behaviour of people who were carrying out abuses in the name
25 of Anti-Balaka.

- 1 Q. [11:54:12] Thank you. And if we go back to the Minister Sayo, if my
2 information is correct, Minister Sayo was kidnapped when you were in the -- in
3 Nairobi in the forum; is that correct?
- 4 A. [11:54:32] Yes, that's correct.
- 5 Q. [11:54:39] If am correct, you yourself received telephone calls to try and
6 intervene and liberate Minister Sayo; is that correct?
- 7 A. [11:54:55] That's correct. Let me give you an explanation.
- 8 Q. [11:55:03] Just wait for my question. Just wait for my question first.
- 9 A. [11:55:08] Okay.
- 10 Q. [11:55:10] Thank you. You can give your explanation later. Am I correct in
11 saying - and perhaps you didn't know that at that moment but learnt it later - that his
12 kidnapping was orchestrated?
- 13 A. [11:55:33] As I was absent and I wasn't in Bangui, all that I learnt, that he was
14 stopped and taken by -- in front of a church. I think it was a church that was near
15 the exit or entrance. That's all I know. But I wasn't in Bangui, Counsel. That's all
16 I can tell you. I was in Nairobi.
- 17 Q. [11:56:03] I understand that, Mr Kokaté. I'm not asking you what you saw, but
18 I understood that you had a role to play in trying to release him and put an end to his
19 kidnapping. So we -- they called you and you probably also made some phone calls
20 and carried out some enquiries. So what I'm asking you today, with the passage of
21 time, with everything you've learnt about the kidnapping of Minister Sayo, is it
22 correct to say that his kidnapping was orchestrated, and perhaps even with
23 the participation, directly or indirectly, of Mr Jean-Jacques Demafouth?
- 24 A. [11:56:52] I learnt that his kidnapping was organised, orchestrated. So when I
25 returned to Bangui, that's what I learnt. I didn't really look any further than that.

1 And in the circles in Bangui it was said that it was organised, that it was orchestrated.

2 Q. [11:57:29] Did you learn that Demafouth was in one way or another involved?

3 A. [11:57:36] As regards Mr Demafouth, it's true I didn't have very good
4 relationships with him. But his name was -- came up, so his name came up. But
5 since personally I didn't have any very good relationships with him, I didn't really
6 look into it any further, and I didn't try and find out more.

7 Q. [11:58:17] Thank you. A final question on that subject. When you say his
8 name came up, the name came up, how did it come up?

9 A. [11:58:31] People said, even with the arrest of Sayo, you have to be careful,
10 because Demafouth is everywhere, Demafouth is everywhere. That's what people
11 said. I learnt that. And also he was very powerful. So I didn't really want to find
12 out more because he was very powerful.

13 Q. [11:59:01] Thank you, Mr Kokaté. You, who followed Central African politics
14 for a long time, can you recall that in 2012 - I know you were outside the country - do
15 you remember that in 2012 Demafouth was suspected of organising a coup d'état
16 against Bozizé and he was detained for a certain period?

17 A. [11:59:27] I don't really know, but I do know that 2012, because I came back in
18 the second semester of 2012, I know Demafouth and Bozizé were friends going back
19 a long time. They knew each other well. I also know there were some suspicions as
20 regards Demafouth. But when I saw them when I was in Bangui, I saw them in
21 a more relaxed atmosphere. But when I saw them in Bangui, they were in a vehicle
22 of BINUCA, but any case something of the United Nations. I think also he had
23 a position over there. I don't really know. That's it.
24 I don't really know if I've answered your question, but I know that he had a stressful
25 relationship with Bozizé.

1 Q. [12:00:46] Thank you, you've answered partially. Now I want more specific
2 information.

3 In 2014 did you hear it said, because I read in some documents provided by
4 the Prosecution, that in 2014 did you hear it being said that Demafouth, with or
5 without the help of Larmassou, tried a coup d'état vis-à-vis Madam Samba-Panza?

6 A. [12:01:19] Yes, I heard of that. People who were close to Samba-Panza were
7 talking about it. If General Wangao, the minister of interior of that time, tried to
8 arrest him, even though he was of the president's family, it means that the minister of
9 interior had very specific information in order for him to try to arrest a minister who
10 was an advisor at the presidency.

11 Q. [12:01:57] Thank you, Mr Kokaté. Can you kindly elaborate in relation to what
12 you heard about the attempted *coup d'état* by Demafouth against
13 President Samba-Panza.

14 A. [12:02:17] Those of us who know Jean-Jacques Demafouth, we know that he had
15 one ambition, and his ambition was to become head of state by all means possible.
16 So all the manipulations that he carried out at the time was to achieve his objective.
17 I also heard that he was entering into contact with Anti-Balaka and the Séléka to
18 create chaos in the town. I think that when the transitional president travelled out of
19 the country at one point, after her return there was unrest in the town. And all this
20 was attributed to Jean-Jacques Demafouth.

21 Q. [12:03:38] Thank you, Mr Kokaté.

22 We are going to move to something else. We spoke earlier about the DDR process.
23 You gave us some very useful information.

24 Now, one last question: In 2014, when the leaders were handing in the lists of their
25 fighters or combatants to take part in the DDR, would I be correct to say that an

1 individual on the list could eventually receive benefits from the DDR which are not
2 limited to monetary benefits?

3 A. [12:04:51] Your question is correct, but I would like to clarify. The manner in
4 which the DDR process had been set up during the transitional period is or was
5 totally different from what is happening today.

6 At that time, not only was it not possible to have enough resources to carry out
7 the process, but it was very difficult to identify the men themselves. People
8 submitted lists, but you actually needed to see the people. Contrary to what is being
9 done today, we have to actually identify the individuals.

10 Q. [12:06:01] Thank you, Mr Kokaté. One last question.

11 Now, during that period, as far as you know, since you were the advisor responsible
12 for the DDR, is it true that many civilians, members of the families of combatants, for
13 example, would insist to have their names on the lists because they also wanted to
14 profit from the benefits of the DDR.

15 PRESIDING JUDGE SCHMITT: [12:06:37] Before you answer, Mr Vanderpuye is
16 rising.

17 MR VANDERPUYE: [12:06:42] Yes, Mr President. The question calls for what I
18 would describe as nothing more than speculation. She hasn't identified any
19 particular family, particular person, particular region. In addition to the references
20 to *les Centrafricains* and *aux populations*, that just is -- just calls for rife speculation here.
21 If she can -- if she can refine the question, I don't think there's a problem though.

22 PRESIDING JUDGE SCHMITT: [12:07:04] Yeah, I think you -- I think you can do
23 that. You can simply -- with refining, what I think Mr Vanderpuye means is if he
24 has concrete information about concrete people. He has a point here, because it's
25 really very broad, what you ask the witness.

1 MS DIMITRI: [12:07:24] I'll do so, Mr President.

2 Q. [12:07:30](Interpretation) Mr Kokaté, did you receive any concrete information
3 indicating that there were people included in the DDR list whereas they had never
4 been combatants?

5 A. [12:07:52] We had such information that we received.

6 Now, in order to answer your question precisely, I can say that the lists were received
7 and sometimes you would have a very long list. But when the time came for
8 practical decisions, you would realise that the actual numbers were very few. So I
9 think that people added names to the lists.

10 But I can speak more about the current DDR process in which I have a responsibility
11 as a resource person and I have concrete information. Because what was done from
12 2008 to 2014, I don't have information about that. Even in 2014, when I was an
13 advisor responsible for DDR, there was not -- we did not have a structure like the one
14 we have today.

15 I don't whether I have answered your question.

16 PRESIDING JUDGE SCHMITT: [12:09:30] I think, Ms Dimitri, you can move to
17 another subject.

18 MS DIMITRI: [12:09:34] I was about to do so, Mr President. Thank you.

19 Q. [12:09:37](Interpretation) Mr Kokaté, thank you for your answer.

20 I have a few questions relating to 5 December. I know that you were outside of the
21 country, but as you said yesterday, you have that country at heart. You received
22 information from colleagues, family members, friends.

23 Now, amongst the things that you heard in 2013, and even in 2014 when you returned
24 to the country, did you hear that the -- that Chadian soldiers colluded with Séléka in
25 reprisal attacks?

1 A. [12:10:34] All I know is that there was a very strong anti-Chadian feeling in our
2 country. Central Africans were saying that Chadian soldiers were actively
3 participating in the skirmishes or fighting between the Séléka and the Anti-Balaka
4 and that the Chadians provided military support to the Séléka. This was general
5 information circulating amongst Central Africans. I think that had a direct
6 consequence on the transition. Chadian troops were compelled to pack their bags
7 and return to Chad because it was difficult to have cooperation with them.

8 Q. [12:11:38] Thank you, Mr Kokaté. Did you hear that Chadian FOMAC soldiers
9 distributed weapons and armbands to Séléka fighters?

10 A. [12:11:59] Practically all Central Africans were talking about that. I think this is
11 part of what caused the anti-Chadian feeling that later led to the withdrawal of the
12 Chadian contingent from MINUSCA.

13 Q. [12:12:23] You have talked about the discontent of the Central African
14 population. I would like us to talk about the Central African population and
15 Christians.

16 Do you remember a statement by Abakar Sabone in December 2013 when you were in
17 France? He said nothing was being done by MINUSCA to protect the Muslim -- if
18 nothing is done to protect the Muslim population against the Christians, all Muslims
19 will disappear in a week?

20 A. [12:13:14] Counsel, I heard that statement. And in answer to your question by
21 the president, I said that when Abakar Sabone made that statement, I myself, I called
22 him and I reminded him that we were a secular country and that his statement was
23 unwelcome and he should not seek to divide the country between Muslims in
24 the north -- north, and Christians in the south. He gave me an answer and I think I
25 relayed that answer to you.

1 Q. [12:14:00] Thank you, Mr Kokaté. Now let us focus on the anger of the Central
2 African Christian population in light of everything that happened. We talked about
3 the partiality of the FOMAC soldiers, the conduct of certain fighters.

4 Do you remember that in January 2014 some Muslims left PK5 and went to
5 neighbouring countries, Chad or Cameroon, because of the anger of the Christians?

6 A. [12:14:55] What I remember is that when I was working for the prime minister
7 in his office, the prime minister convened us to a meeting, including Minister
8 Djono Ahaba who was present. He told us clearly that the Muslims of PK5 had
9 expressed the wish to leave the town to relocate to the north of the country,
10 specifically at Bambari. That was a wish that the Muslims expressed.

11 A meeting was organised at the prime minister's office. The OIM was invited, so
12 they were present in that meeting. They were the ones that organised the convoys of
13 those Muslims who had requested to leave Bangui to go to PK5.

14 It is true that some members of the government did not agree with this relocation.
15 Some colleagues told me that it was not a good strategy, and I think they were not
16 wrong. But that is something that I know as concrete information.

17 Q. (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

19 MR VANDERPUYE: [12:16:56] I'm sorry, and I don't mean to interrupt. There's
20 two -- two issues. One is with respect to the speech that was given or the talk that
21 was given by Abakar Sabone, which does not appear to be reflected in the transcript
22 as you described it.

23 The second thing is in relation to the witness's answer just now, which is reflected as
24 Muslims leaving in convoys Bangui to go to PK5. So I'm not sure if that is correct or
25 not, but it struck me as odd, I thought I would bring it up immediately.

- 1 PRESIDING JUDGE SCHMITT: [12:17:30] I think that's not a classical objection, so
2 to speak. But of course I also wondered a little bit what -- that is, what relevance I
3 am concerned about. But what is always good if we have the same information here
4 on the bench too. So what exactly Mr Sabone said would of course be of interest
5 then so that we can also put into perspective the answer of the witness much better.
6 So, in the future, or perhaps we carry -- you have it somewhere, or we can at least put
7 it on the record.
- 8 MS DIMITRI: [12:18:05] Yes, Mr President. If I can come back with the ERN after
9 the break, would that be okay?
- 10 PRESIDING JUDGE SCHMITT: [12:18:10] That -- we have done this with
11 Mr Vanderpuye several times. Which is not -- it's absolutely okay. We have to say
12 these questionings are very well prepared by the parties and with the documents, and
13 it is inevitable that you don't have everything always available, so it's fine.
- 14 MS DIMITRI: [12:18:28] But I think, if I'm not mistaken, you are raising a translation
15 issue.
- 16 MR VANDERPUYE: [12:18:36] It's a translation issue. I think -- I think counsel
17 spoke perfectly. And it's just not reflected in the transcript.
- 18 PRESIDING JUDGE SCHMITT: [12:18:39] But I have an issue.
- 19 MR VANDERPUYE: Yes. Yes. Of course. Of course. Yeah.
- 20 PRESIDING JUDGE SCHMITT: So I don't say that you are wrong, but I picked it up,
21 and I have an issue here. And not a big one, nothing to -- as I said, nothing to get
22 excited about or whatsoever, or even agitated. But if you give the ERN number after
23 the break.
- 24 MS DIMITRI: [12:19:03] Thank you, Mr President.
- 25 Q. [12:19:11](Interpretation) Mr Kokaté, thank you for your answer. Let me focus

1 on one aspect, the Christian civilian population. There are videos in which Christian
2 civilian populations are attacking Muslims and mosques. My question is very
3 specific.

4 Now, to your knowledge, the convoys of Muslims leaving to go to PK5 or who left
5 PK5 to go to the north of the country or outside of the country, do you agree with me
6 that the Muslims were leaving because the Christian civilian population had become
7 very angry and uncontrollable?

8 THE WITNESS: [12:20:21](Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [12:20:18] (Overlapping speakers) Wait a second
10 with your answer. Excuse me to interrupt you. We just have an -- I don't know if it
11 is an objection. We will hear.

12 MR VANDERPUYE: [12:20:29] Objection, and the objection is that it calls for
13 a completely speculative answer. To ask a witness to explain why a population acts
14 in a particular manner I think can only, can only elicit (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [12:20:44] Yeah. You know the -- the limits and
16 the frontier, so to speak, between speculation and asking for speculation and asking
17 for information are -- are not clear. Yeah. So it would be pure speculation if we did
18 not -- cannot assume that the witness cannot have any knowledge about it.

19 But the witness we have here, Mr Kokaté, is an experienced, high-ranking politician
20 for a long time. He might have information. And he is also -- he has shown in
21 the past days that he understands every subtone of the questions also. And when
22 he doesn't -- cannot say something out of his own knowledge, he will tell us. So I
23 would simply say we let it pass like that.

24 And, Mr Kokaté, you have heard me. If you have information that could help here,
25 you can provide us with. If you say, okay, that's -- that's too much away from what I

1 clearly know, you also tell us.

2 THE WITNESS: [12:22:04](Interpretation) Mr President, I will give you an example.

3 In the 7th arrondissement of Bangui town, specifically in the Ngaraba neighbourhood,

4 we heard that the inhabitants of Ngaraba neighbourhood went and destroyed

5 the mosque. They destroyed a mosque. That was during the events.

6 Mr President, I would like to confirm, confirm that people were nervous. People

7 were irritated, angry. Maybe I didn't quite understand counsel's questions relating

8 to Sabone's statement. But there was a lot of information being received that

9 the Christian population was reacting against the Muslims. There was friction

10 between the Christians and the Muslims. This was a general situation that was well

11 known.

12 In my first statement that I gave in N'Djamena, Mr President, I asked Central African

13 Christians to not attack Muslims. To stop attacking them. To provide them help, to

14 give them food and water. That they are brothers. We are in a secular country and

15 we should not attack Muslims.

16 I believe that I made that statement from N'Djamena in January 2014. And if I made

17 such a statement, Mr President, it is indeed because such a situation existed. I

18 discussed with General Mokoko, who was there and who provided information to me.

19 So we had to do everything because there was an impression of conflict, of anger,

20 between the Muslims and the Christians. I returned to the country in January 2014.

21 I don't know if I have answered counsel's question.

22 PRESIDING JUDGE SCHMITT: [12:24:59] I think we could move to the next

23 question, I would say. I would suggest it, to say it this way.

24 MS DIMITRI: [12:25:06] Thank you, Mr President.

25 Q. [12:25:09](Interpretation) Thank you, Mr Kokaté.

1 I will go on to another subject. Since you were in charge of all combatants, Séléka,
2 Anti-Balaka, Revolution and Justice, and other groups as advisor in the PM's office, I
3 would talk about Boeing. Tab 51, CAR-OTP-2024-0445. I want you to identify an
4 individual.

5 Can you see the photograph, Mr Kokaté?

6 A. [12:26:23] Yes, I can see the photo, counsel.

7 Q. [12:26:29] Thank you. The article states that this individual had a base in
8 Boeing in January 2014.

9 Can you confirm that this is Sébastien Wenezoui, the individual who is seated there?

10 A. [12:26:52] Yes, it is Sébastien Wenezoui.

11 Q. [12:26:56] According to the information you received, did Sébastien Wenezoui
12 have a base in Boeing in January 2014?

13 A. [12:27:09] Yes, Counsel. In January 2014 I had information that he had a base,
14 that I think he talked about it in my office, at the prime minister's office, and
15 the transitional authorities were also informed. There was direct contact between
16 him, the prime minister, the president and even MISCA authorities.

17 Q. [12:27:43] Thank you, Mr Kokaté.

18 (Speaks English) I'm too fast. Sorry.

19 PRESIDING JUDGE SCHMITT: [12:27:46] Again, you also should allow yourself
20 two or three seconds, because really I -- I said yesterday already, I admire
21 the interpreters. They are really trying to catch up. But I think simply wait just one
22 or two seconds because it is clear you are listening to the original, so that that's
23 the difference.

24 But the -- our interpreters are really brilliant. But really, that they have -- that they
25 have in real time, meaning really real time, I think that's -- that will not be possible.

1 MS DIMITRI: [12:28:22] Thank you, Mr President.
2 I apologise to the interpreters and I'll ask my team to continue to give me yellow
3 cards so I can slow down.
4 PRESIDING JUDGE SCHMITT: [12:28:30] No red cards, but yellow cards will be
5 enough I think.
6 MS DIMITRI: [12:28:37]
7 Q. [12:28:39](Interpretation) Mr Kokaté, I have another document to show you.
8 It is tab 48, CAR-OTP-2039-0031. And we will start on page 0038. I don't expect
9 you to know that document. It is a document containing a list of Anti-Balaka with
10 different bases. And on that page that you see on the screen, there is "Base Boeing 2",
11 and the chief there is "Kota Oko Jean Richard". Boeing 2 is part of Boeing; is that
12 correct?
13 A. [12:29:48] Yes, I know there is Boeing 1 and Boeing 2. But I have never been to
14 that base, even a single time.
15 Q. [12:30:03](Overlapping speakers)
16 PRESIDING JUDGE SCHMITT: [12:30:04] If you can help us, Mrs Dimitri --
17 THE WITNESS: [12:30:05](Overlapping speakers)
18 PRESIDING JUDGE SCHMITT: [12:30:05] Excuse me --
19 THE WITNESS: [12:30:08](Interpretation) It is a list that I have just seen.
20 PRESIDING JUDGE SCHMITT: [12:30:13] So the witness has something in common,
21 of course, with the bench here.
22 Can you provide us with information what kind of -- of course, we see what the list is,
23 Anti-Balaka, Bangui, yeah, we understand that. But do you know when it was
24 fabricated, for example, for the background of this list? So that we can -- so that we
25 know what -- especially what time we are speaking about. And who has fabricated,

1 if you know, the list.

2 MS DIMITRI: [12:30:48] I think it's going to come up, Mr President, with a witness
3 that's coming -- if my memory serves me well, with a witness that's coming up quite
4 soon. He has more information on when it was fabricated. But I could provide you
5 with the information when I come back after the break.

6 PRESIDING JUDGE SCHMITT: [12:31:06] That would be good --

7 MS DIMITRI: [12:31:07] Yes.

8 PRESIDING JUDGE SCHMITT: [12:31:07] -- because then we have it now.

9 Perhaps even Mr Vanderpuye might know it immediately. No, no. Okay, I would
10 not say this was an idle hope, but no. Yeah, so you have two informations to
11 provide us with when we come back.

12 MS DIMITRI: [12:31:30] Yes.

13 Q. [12:31:33](Interpretation) Mr Kokaté, on this list, if I understand correctly, there
14 is Boeing 1 and Boeing 2. Now I will take you to Boeing 1.

15 But for the attention of the judges, page 0042, there is a list on Boeing 1.

16 But I want to ask you a question on this document, page 0045. Towards the bottom
17 of the page, please. You can see there "Base Aeroport" and the name of a leader and
18 his elements.

19 My question is very simple, Mr Kokaté. Aeroport, that's the airport, it is also in
20 the Boeing sector; is that correct?

21 A. [12:32:37] Yes, as far as I know.

22 Q. [12:32:40] I'm going to show you a small video now, tab 42. And just for your
23 information, I don't expect you have seen the video. I just want to ask you to help us
24 help the Court to pinpoint the location where this takes place.

25 So could you confirm the place of the video?

- 1 A. [12:33:17] Yes, I understand what you're saying.
- 2 Q. [12:33:20] Thank you. So it's 42, CAR-OTP-2066-5310, and we are looking 1:08
3 to 1:35 or 37.
- 4 For the interpreters, the transcript is tab 43, CAR-OTP-2127-4501. And you also have
5 a translation in tab 44, CAR-OTP-2127-4590 -- 89.
- 6 And if you could go onto the French channel, that would be very helpful.
- 7 (Viewing of the video excerpt)
- 8 MS DIMITRI: [12:36:30](No interpretation)
- 9 (Viewing of the video excerpt)
- 10 MS DIMITRI: [12:38:10](Interpretation)
- 11 Q. [12:38:10] Have you seen the video, Mr Kokaté? Were you -- some responsible
12 individuals in charge. My question is very simple, this is the Boeing sector; is that
13 correct?
- 14 A. [12:38:22] Yes, that is the Boeing sector.
- 15 Q. [12:38:29] I don't know whether you were able to see. Are we close to
16 the airport, if I am correct?
- 17 A. [12:38:37] Yes, it's not very far from Boeing. The airport's not very far from
18 Boeing.
- 19 Q. [12:38:44] So we are in Boeing, southwest of the airport; is that correct?
- 20 A. [12:38:59] I think so. I think it's in that sector there.
- 21 Q. [12:39:04] Thank you, Mr Kokaté.
- 22 We can now remove the video.
- 23 We'll now move on to my final subject, Mr Kokaté.
- 24 I would like to talk about Boda. You gave a lot of details yesterday, so don't repeat
25 things that you've already mentioned. All I'd like to do with you is some further

1 clarifications. I also would like us to understand what happened, because we didn't
2 hear that yesterday.

3 So what happened in Boda before the prime minister sent you on mission (unclear).

4 So I'm going to have a few questions, more specific questions on that.

5 I've almost finished, so you're going to see that my questions will only require "yes"

6 or "no". If you want to give details, that's fine, but don't repeat what you said

7 yesterday, so that we can finish before lunch, if possible.

8 Is that all right?

9 A. [12:40:22] Fine, Counsel.

10 Q. [12:40:32] Twice yesterday you said at the end of the mission, because it's

11 the prime minister who mandated you on this official mission, that you reported back

12 to him. So if I understand correctly, Mr Nzapayéké followed closely what was

13 happening on the mission.

14 So my question is, Mr Ngremangou didn't come, and the two other individuals who

15 he himself appointed, Mr Yekatom and Kamezolaï, were present with you going to

16 Boda?

17 A. [12:41:19] That's correct, Counsel.

18 Q. [12:41:22] I'm going to have you listen to audio where you hear the journalists

19 making a report of your official mission to Boda. But before that, I have some

20 questions I'd like to put to you.

21 Yesterday we saw a mission order. For the records, CAR-OTP-2100-1699, tab 63 of

22 the OTP binder.

23 My question is very simple, during yesterday's -- we saw the signature of Nzapayéké

24 which we saw on that; is that correct?

25 A. [12:42:14] Yes, that is the signature of Nzapayéké.

1 Q. [12:42:24] And it is him who asked you to go to that mission and you drafted
2 the report?

3 A. [12:42:31] I was the leader of the mission and I went back to him after the end of
4 the mission.

5 Q. [12:42:43] My questions are very simple, all you need to say is "yes" or "no".
6 In the office of the prime minister, before you left for the mission, you explained that
7 there was a meeting between the prime minister, you, Mr Kamezolai and Yekatom?

8 A. [12:43:07] Yes.

9 Q. [12:43:08] Is it correct that on that day during that meeting, it was the first time
10 that the prime minister met Mr Yekatom, because he even commented that he is
11 surprised at the physical appearance of Mr Yekatom; is that correct?

12 A. [12:43:28] I think so. I think so. I think so, that's possible.

13 Q. [12:43:36] Thank you, Mr Kokaté.

14 In the office of the prime minister, I understand that you were present when there
15 was a discussion on the aims of the mission, and you were discussing the mission,
16 and the prime minister expressed his willingness of the Boda mission. He spoke to
17 you, Kamezolai, Yekatom.

18 Is it correct that all the discussion related to the mission in Boda and the aim of social
19 cohesion and peace between Muslims and Christians; is that correct?

20 A. [12:44:17] Yes, that's correct.

21 Q. [12:44:31] Can you remember, Mr Kokaté, in 2019 you met my two colleagues,
22 Mrs Wittingham, Maître Tiangaye in the presence of the OTP, and the recording was
23 made of the interview?

24 A. [12:44:43] Yes, I remember there was a recording that was made.

25 Q. [12:44:52] Can you confirm that, at the time when the recording was made, you

1 said that -- and it's not proof, so that's why I would like you to say "yes" or "no". Is it
2 correct that you indicated that Mr Yekatom cooperated so that there would be peace
3 in Boda and therefore accompanied you on that mission for that purpose; is that
4 correct?

5 A. [12:45:17] Yes, that's correct.

6 Q. [12:45:25] Mr Kokaté, is it correct to say that Bara was never part of this?

7 A. [12:45:38] Yes, that's correct. Because he was not included in the order of the
8 mission.

9 Q. [12:45:52] If I understand you correctly, when the transitional president
10 Catherine Samba came to power, the situation in Boda was calm. There was no
11 problems between the Christians and Muslims. There were no Anti-Balaka. Boda
12 was calm, 23, 24, 25 January; is that correct?

13 A. [12:46:18] Yes, that is correct. Boda was calm. Samba-Panza was sworn in on
14 24 January.

15 THE INTERPRETER: [12:46:33] Sorry, 23 January.

16 MS DIMITRI: [12:46:38](Interpretation)

17 Q. [12:46:39] Mr Kokaté, I read some pages and listened to radio communications
18 of the efforts you made for pacification and to try and calm down the situation in
19 Boda. Have I understood correctly that the Boda crisis started with the departure of
20 the Séléka on 26 January, do you agree with that, in 2014?

21 A. [12:47:07] Yes, I agree with that.

22 Q. [12:47:13] I'm now going to let you hear your statements on the radio. You
23 talked about your Boda mission, but you didn't say anything about what happened
24 before. So I'd like you to listen to this, when you had your conference with
25 the journalists.

1 So we're going to listen to your radio message. It's page 32, OTP-2042-3864. We're
2 going to listen to it in its entirety. For the interpreters, the transcript is on 33 and it's
3 D29-0006-0053.

4 Mr Kokaté, can you listen carefully, because afterwards I'm going to ask you
5 questions because I want to have an understanding of the situation.

6 PRESIDING JUDGE SCHMITT: Well, until now we don't receive ...

7 THE INTERPRETER: [12:48:51] (Interpretation of the video excerpt) The Christians,
8 who had the time to explain to us why they no longer wanted to cooperate with
9 the Muslims, initially they said they are locals from Boda and they are prepared to
10 receive the Muslims.

11 The Christians don't understand why it is only 28 January when events changed in
12 Boda and ask why this happened, why houses were burnt, why are there deaths, and
13 they are not prepared to reconcile as long as the Muslims don't offer them clear
14 explanations. Until that time, they won't have any negotiations.

15 They'll go even further, I won't hide this from you, it was very difficult.

16 They accepted the Muslims. The Muslims came, they did everything they could.

17 They became more rich, they had -- even when the Séléka arrived in Boda, the Séléka
18 received them. The locals also received help from the Séléka coalition and they lived
19 in perfect harmony and there were no troops in Boda. And then to the big surprise,
20 28 January, after the departure of the Séléka coalition, some hours after that,
21 the Muslims took arms to attack and burnt their houses. And that's why they had to
22 defend themselves. And some days after the Anti-Balaka were forced to re-group in
23 order to defend themselves.

24 MS DIMITRI: [12:50:53](Interpretation)

25 Q. [12:50:53] Is that your voice on the radio?

1 A. [12:50:56] Yes, it's me.

2 Q. [12:51:03] Is it correct that this was done after your mission, immediately after
3 your mission, to Boda?

4 A. [12:51:11] Correct. I think when I was answering, I said that the discussion in
5 Boda was extremely difficult as regards the Christian, and they weren't ready for any
6 form of reconciliation. That's correct.

7 Q. [12:51:36] So this audio reflects -- this audio reflects the situation of Boda at that
8 time, as far as you can remember?

9 A. [12:51:46] Yes, Counsel. I tried to discuss with different communities. My
10 intention was -- my objective was to try and bring peace amongst the Christians and
11 the Muslims, but I couldn't do that because the Christians weren't prepared to discuss
12 with the Muslims. It was difficult. The Muslims were prepared for cooperation,
13 but it was difficult.

14 I'll go even further, and that's why I reported back to the prime minister by phone to
15 ask about the strategies to talk with the Anti-Balaka. And at that moment, I had to
16 ask Yekatom to do something in practical terms.

17 I don't know if I've answered your question, counsel.

18 Q. [12:52:53] Yes, thank you, Mr Kokaté.

19 Now I'm going to ask you some specific questions.

20 Do you agree with me that it's the Muslim civilians who took up arms to attack
21 the Christian population in Boda on 28 January 2014? That's what I understood with
22 the radio interview you had.

23 THE INTERPRETER: [12:53:24] Wait three seconds before answering.

24 THE WITNESS: [12:53:27](Interpretation) Yes, Counsel. Each camp defended itself.

25 When I spoke to the Muslims, for them, they said they were attacked by

1 the Christians. And when I talked to the Christians, they said it was the Muslims
2 who attacked them. And also the Séléka when they left the town. I made my
3 report of my discussions with the Muslim and Christian communities.

4 MS DIMITRI: [12:54:08](Interpretation)

5 Q. [12:54:08] Mr Kokaté, according to the Christians, in your report is it correct to
6 say that from the beginning they said it was because of the Séléka, in January 2014,
7 their houses were burnt by the Muslims, their families were killed? Is that what you
8 were reporting?

9 A. [12:54:34] That is what they said. They took me and showed me their houses,
10 the remnants of their houses, in the presence of the head of the detachment of the
11 Sangaris forces, in the presence of the detachment of MINUSCA who accompanied
12 us.

13 So that was within the framework of the negotiations. I was forced to go and see
14 them so that I could personally observe that and then pass on that information to
15 the prime minister.

16 Q. [12:55:19] In 2018, when you met the OTP, during your interview -- your
17 recorded interview, you said - and you can confirm this - that
18 the non-Muslim -- the Muslim population lost everything, their goods, their
19 possessions. People were killed. And consequently, the non-Muslim population
20 wanted all the Muslims to leave; is that correct?

21 A. [12:55:49] Yes, Counsel, that's correct. Because I tried in vain to find some form
22 of reconciliation. It was a constant concern. And I passed that information on to
23 the office of the prime minister. Everybody was aware of that. It was a concern.

24 Q. [12:56:17] If I understand correctly, Mr Kokaté, when you were observing
25 the situation, the two communities, Muslims and non-Muslims, who always used to

1 live together, both carried out abuses. And a line, a red line, was traced in order to
2 separate the two communities; is that correct?

3 A. [12:56:43] Yes, a red line was drawn up, and the Muslims were protected by
4 the French elements and the Sangaris forces.

5 Q. [12:57:02] And after that confrontation between the two communities, that
6 the Muslims found themselves, unfortunately, in an enclave in Boda; is that correct?

7 A. [12:57:15] That's correct.

8 Q. [12:57:29] During your questioning, you -- or, your interview, you mentioned on
9 several occasions that, unfortunately, you don't remember the name of the person
10 who signed the document, the head of the person who signed the document. You
11 said that the document had been signed; you, Sangaris, MISCA, and a representative
12 of the Muslim community and the leader of the Anti-Balaka of Boda.

13 Do you remember that?

14 A. [12:57:59] Yes, I remember. And I put a copy of that document to the prime
15 minister and I think also the other institutions. I think they probably have
16 the document as well.

17 Q. [12:58:18] I'll try and refresh your memory, Mr Kokaté. I will show you an
18 article, 56, OTP-2060-0799.

19 If you could zoom into the middle of the page where it starts "Dans la ville".

20 Mr Kokaté, I think this article confirms what you said. It is written in the town of
21 Boda, despite the commitment of nonaggression include -- concluded between
22 the Anti-Balaka militia, Aimé Jérémie Kotte, and the Captain Benoît of the Sangaris
23 forces.

24 Are you talking about this in what you said yesterday?

25 A. [12:59:40] The French military I think was a commander. My aim, as I

1 explained yesterday, was to try and find a document which would lead to a cessation
2 of hostilities. It might be this document, because I took a copy of that document to
3 the prime minister's office and the prime minister also reported back to the president.

4 PRESIDING JUDGE SCHMITT: [13:00:17] Mr Kokaté, but does the name Aimé
5 Jérémie Kotte ring a bell with you?

6 THE WITNESS: [13:00:27](Interpretation) Sorry?

7 PRESIDING JUDGE SCHMITT: [13:00:27] Does the name -- does the name
8 mentioned in the article, Aimé Jérémie Kotte, ring a bell? Is that the person
9 you -- which name (Overlapping speakers)

10 THE WITNESS: [13:00:43](Interpretation) Mr President, Mr President, it's possible
11 that it's this document. It's possible that he signed. Because I only saw him once,
12 Mr President. And I came back with the document. It's possible, Mr President.

13 PRESIDING JUDGE SCHMITT: [13:00:57] I think we cannot expect more from
14 the witness.

15 MS DIMITRI: [13:01:01] Maybe -- maybe just one last question, if I may.

16 PRESIDING JUDGE SCHMITT: [13:01:04] of course. Of course, yes.

17 MS DIMITRI: [13:01:05] Thanks.

18 Q. [13:01:09](Interpretation) Mr Kokaté, the article is dated 19 March 2014, so it was
19 on the eve or the following day of your speech. It is written "Despite
20 the commitment of nonaggression concluded". Can we say that there was only
21 a single agreement, nonaggression agreement, around that date, that is with
22 the organisations, MISCA, the chief of Anti-Balaka, Séléka and others.

23 Does that correspond to that?

24 A. [13:02:01] Yes, it corresponds to that, because it was during that period that
25 I was on mission there.

- 1 MS DIMITRI: [13:02:27] Mr President, I'm in your hands.
- 2 PRESIDING JUDGE SCHMITT: [13:02:32] Obviously you have not finished yet.
- 3 MS DIMITRI: [13:02:35] No, I was hoping to ask you for perhaps five, 10 minutes,
4 but it might take me a bit longer, so it might be safer for the lunch break for everyone.
- 5 PRESIDING JUDGE SCHMITT: [13:02:46] I think then we will have the lunch break,
6 and you come also back with these two informations and take your time, and
7 then -- but I think we definitely will start with the examination by Mr Knoops, I
8 assume, also in the afternoon.
- 9 Break until 2.30.
- 10 THE COURT USHER: [13:03:02] All rise.
- 11 (Recess taken at 1.03 p.m.)
- 12 (Upon resuming in open session at 2.30 p.m.)
- 13 THE COURT USHER: [14:30:26] All rise.
- 14 Please be seated.
- 15 PRESIDING JUDGE SCHMITT: [14:30:50] Good afternoon, Ms Dimitri.
- 16 Two information, ERN and the list. And then you can continue with your
17 examination.
- 18 MS DIMITRI: [14:31:02] Thank you, Mr President.
- 19 So the ERN regarding what Mr Abakar Sabone said is CAR-OTP-2084-1222 and it's at
20 page 1224.
- 21 And for ease of reference for the Chamber, this was in tab 55 of the OTP binder.
- 22 And then the list, unfortunately I wasn't very successful, so the list will be discussed
23 at length with upcoming witnesses. I rechecked their statements, and there is no
24 date, but it's something that we're going to obviously ask those witnesses.
- 25 PRESIDING JUDGE SCHMITT: [14:31:48] Okay, then we will find out later. No

1 problem. You can proceed with your examination.

2 MS DIMITRI: [14:32:05](Interpretation)

3 Q. [14:32:06] Good afternoon once more, Mr Kokaté. I have one or two more
4 questions for you.

5 A. [14:32:14] Good afternoon, Counsel.

6 Q. [14:32:15] You spoke at length on the various communications that you had at
7 the time. Do you remember your Central African telephone numbers, the phone
8 numbers that you used in 2014?

9 A. [14:32:33] Yes, I do remember my numbers.

10 Q. [14:32:36] Would it be correct to say that the numbers you used in 2014 are
11 the ones that appear on your business card which you gave to my colleagues when
12 they you met in 2019?

13 A. [14:33:00] I think so. Except I'm mistaken, but I think so.

14 Q. [14:33:06] I'll show you that card, Mr Kokaté.
15 It's at tab 50, and I would like the court officer to show it, but not disclose it to
16 the public.

17 PRESIDING JUDGE SCHMITT: [14:33:19] Not publicly, now that's clear.

18 MS DIMITRI: [14:33:22](Interpretation) CAR-D29-0011-0001.

19 Q. [14:33:33] And, Mr Kokaté, I invite you to look at the business card. It will not
20 be published to the public. And then please reassure me that this is indeed your
21 business card and your telephone numbers.

22 A. [14:33:59] Yes, that's correct, Counsel, those are my details.

23 Q. [14:34:06] Thank you, Mr Kokaté. Thank you for having answered my
24 questions. I have come to the end of my examination and I'll leave the floor to
25 someone else.

1 (Speaks English) Mr President, this is the end of the cross-examination for
2 the Yekatom team, and with your leave we're just going to, the teams are going to
3 swap, because of the configuration, and one team member is going to -- one Yekatom
4 team member is going to leave the courtroom, so if we could just have five minutes of
5 reorganisation.

6 PRESIDING JUDGE SCHMITT: [14:34:35] Absolutely, no problem. Do you think
7 we could stay in the room? Perhaps it's even quicker. So please, of course, no
8 problem with that. And I also prefer that Mr Knoops is not in the back here so far
9 away from the bench.

10 MR KNOOPS: [14:34:55] Mr President, we may need five to 10 minutes to
11 (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:35:01] Okay, then perhaps it's better we go to
13 the deliberation room and you let us know --

14 MR KNOOPS: (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: -- or court officer lets us know. Okay. Fine.

16 MR KNOOPS: [14:35:05] Thank you for inviting me to the first bench.

17 THE COURT USHER: [14:35:09] All rise.

18 (Recess taken at 2.35 p.m.)

19 (Upon resuming in open session at 2.43 p.m.)

20 THE COURT USHER: [14:43:19] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [14:43:39] So I see -- I see that you have arranged
23 yourself, so, Mr Knoops, I give you the floor.

24 MR KNOOPS: [14:43:48] Thank you very much, Mr President, your Honours.

25 QUESTIONED BY MR KNOOPS:

1 Q. [14:43:53] Good afternoon, sir. My name is -- my name is Alexander Knoops.
2 I'm one of the counsel of Mr Ngaïssona. And I am grateful that you take the time to
3 answer questions on our behalf.

4 My first question will relate to tab 99 of our binder, which is ...

5 Yes, if the court officer could --

6 PRESIDING JUDGE SCHMITT: [14:45:19] Yeah, it's CAR-OTP-2069-3549 and I think
7 at -- yeah, I think that's it.

8 MR KNOOPS: [14:45:28] Just one page, it's an annex 5 to the statement of the -- of
9 the witness, yes.

10 Q. [14:45:36] Mr Witness, do you have the document before you?

11 PRESIDING JUDGE SCHMITT: [14:45:44] Not yet, but I think it will appear soon.

12 MR KNOOPS: [14:46:14]

13 Q. [14:46:14] Yes, Mr Witness, you recognise this document, sir?

14 A. [14:46:26] The document, Counsel, is a little blurry.

15 Q. [14:46:32] Yeah. I -- I ask the attention of the bottom of this document, if
16 the court officer could scroll down, please.

17 You recall, Mr Witness, that this document was shown to you when you were
18 interviewed by the investigators of (Overlapping speakers)

19 A. [14:46:58] Yes, it is a document of the 14th. Yes, I do remember, Counsel.

20 Q. [14:47:06] Can the officer scroll down a little bit more, *s'il vous plaît*.

21 No, down some. Yes, a little -- down further, yeah.

22 You see the date, Mr Witness, at the right bottom of the document, 10 February 2018.

23 You see the date?

24 A. [14:47:37] Yes, I can see the date. It's correct.

25 Q. [14:47:39] And what do you see under the date?

1 A. [14:47:50] My signature.

2 Q. [14:47:51] Thank you. Now could we go to document 28. That's of the OTP
3 list. This document was already shown during the examination by the Prosecutor.
4 It's discussed in the hearing of 27 May, transcript page 63 of the English transcript,
5 where the witness was shown this document 28 within a different context,
6 Mr President.

7 This is, Mr Witness, the document which was shown to you by the Prosecution
8 during the examination of 27 May, again transcript page 73 of the English real-time
9 transcript. If the court officer could scroll down, please, to the bottom of this
10 document where we find the date of signature.

11 Again, you see, Mr Witness, 10 --

12 PRESIDING JUDGE SCHMITT: [14:49:13] I think you can be more direct. Simply
13 ask him is this your signature (Overlapping speakers)

14 MR KNOOPS:

15 Q. [14:49:24] Is this your signature, Mr Witness?

16 A. [14:49:26] That is correct, Counsel.

17 PRESIDING JUDGE SCHMITT: [14:49:29] And for the record, it's

18 CAR-OTP-2039-0019.

19 MR KNOOPS:

20 Q. [14:49:37] And then please call up document in our binder tab 55. That's
21 CAR-OTP-2084-1222 at 1227. It's of the OTP list of material, sorry.
22 This document, Mr Witness, we were -- you were questioned about this document
23 during the hearing of 26 May, transcript page 34 of the English real-time transcript,
24 lines 9 till 10, and you stated there that this signature under this document of the
25 MRPRC was a forgery. Now, I (Overlapping speakers)

- 1 A. [14:50:56] That is correct, Counsel.
- 2 Q. [14:51:01] Now, I ask (Overlapping speakers)
- 3 A. [14:51:02] Yes, I -- yes, I said that it was a forged document.
- 4 Q. [14:51:12] Now, we (Overlapping speakers)
- 5 A. [14:51:14] That my signature had been (inaudible) --
- 6 Q. [14:51:23] That was well understood.
- 7 Now we did ask the court officer - I hope that this exercise did work - to make a table
- 8 where we find tab 99 and tab 55 in terms of the signature on one screen for the Court,
- 9 for the Chamber to verify the signature of both documents.
- 10 If the court officer could be so kind to enlarge the signature on the left side of the table
- 11 and the right side, and we focus now just on the two signatures of the witness, or at
- 12 least he says one of -- one is forged, one is the correct one.
- 13 So, Mr Witness, we are to understand that the signature on the right side of the screen
- 14 is a forgery, and the one on the left side is the original -- it's the authentic signature; is
- 15 that -- is this your statement, Mr Witness?
- 16 A. [14:53:10] Yes, Counsel, that's my testimony.
- 17 Q. [14:53:17] Do you have any idea who's capable of copying your signature in
- 18 the way it's being visualised here?
- 19 A. [14:53:38] Well, to begin with, I have no idea who the person was who forged
- 20 my signature, but if you look on the surface of things, Mr Counsel, if you see where it
- 21 is written "military coordinator", there is a dot on the first dash from left to right, so
- 22 for me that's a forged signature.
- 23 Q. [14:54:17] So the difference is the dot? Okay. I'll leave it for the Court's
- 24 impression and I -- I suggest the Chamber, we are all not forensic experts. I realise
- 25 this, Mr President, but the Chamber has to its possession all abilities to engage

1 a forensic expert to verify if this is indeed the same signature, which it's our
2 submissions it's the same signature and it's our submission that the witness lied to
3 this Court to say that he didn't sign the document which is on the right side of the
4 table.

5 And I -- I give the witness again the opportunity to reconsider his statement because,
6 again, we submit that the witness lied before this Court.

7 PRESIDING JUDGE SCHMITT: [14:55:07] Mr Vanderpuye.

8 MR VANDERPUYE: [14:55:09] Mr President, I think Mr Knoops' observation are
9 inappropriate. There's two reasons for that. One is that the witness's testimony is
10 already a matter of record in the case. Second is he's already answered the question.
11 And third, he has counsel at his disposal. If that's the charge that Mr Knoops seeks
12 to levy against this witness, he has the right to consult his counsel in order to
13 formulate a response.

14 PRESIDING JUDGE SCHMITT: [14:55:36] Yes, to begin with the last, that's of course
15 true. I would have also intervened now.

16 But, I think, Mr Knoops, the witness has answered several times. I think he has said
17 this -- was it the 27th? I'm not sure. He has said he thinks it's a forged document
18 and he has repeated it today. So any -- any further question, I think,
19 doesn't -- doesn't make sense here.

20 MR KNOOPS: [14:56:03] Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [14:56:04] We could -- we could, if you want to
22 consult with your counsel, Mr Kokaté, as Mr Vanderpuye, Prosecutor, has suggested,
23 and you want to reconsider, it's also fine. But it's -- it's up to you, yeah.

24 Mr Kokaté?

25 THE WITNESS: [14:56:27](Interpretation) Mr President, yes, I would like to confer

1 with my counsel.

2 PRESIDING JUDGE SCHMITT: [14:56:31] Then please do that.

3 (Pause in proceedings)

4 PRESIDING JUDGE SCHMITT: [14:57:39] Mr Kokaté, do you want to add anything?

5 It doesn't come through at the moment, so we have to fix the connection.

6 We didn't -- we didn't hear you, Mr Kokaté. Apologies. Can you repeat, if you

7 want to add anything. You don't have to, but (Overlapping speakers)

8 THE WITNESS: [14:58:24](Interpretation) Thank you, Mr President.

9 I don't have anything else to say. I confirm that my signature was usurped, forged.

10 PRESIDING JUDGE SCHMITT: [14:58:40] Thank you.

11 And, Mr Knoops, I did not intervene. It's okay to -- to point this out, but of course

12 it's close -- what you are doing is what has been close to simply a submission. We

13 understand -- you know, we have enough experience to understand, when you

14 present the evidence and when you ask a witness, to make our own conclusions. So

15 everything -- you see what I mean, so (Overlapping speakers)

16 MR KNOOPS: [14:59:15](Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [14:59:16] You can really -- you can really trust that

18 we understand your point, to put it -- to word it this way.

19 MR KNOOPS: [14:59:22] Thank you, Mr President.

20 Q. [14:59:26] On the same topic, Mr Witness, during the examination on 26 May,

21 that's French transcript, live real-time, page 6, lines 26 and further. You were

22 confronted with another document, Mr Witness, that was in the Prosecution list of

23 materials tab 56, CAR-OTP-2084-1229.

24 It was a document addressed to the CEEAC heads of state dated 9 January 2014.

25 And you will recall, Mr Witness, this document, and you will recall that you testified

1 before this Chamber under oath that you've never seen this document before, and you
2 testified that it was a fake document and your submission was that it was proven by
3 the fact that you, on 9 January 2014, you were in N'Djamena and not in Paris. And
4 you ask the Chamber to look at the date of the signature - we can scroll down, *s'il vous*
5 *plâit* - which says, "Paris, 9 January 2014".

6 If the court officer could be so kind to scroll down to the end of this document where
7 you find the date of the document which was not signed, if I recall.

8 PRESIDING JUDGE SCHMITT: [15:01:41] It seems not to be complete here,
9 electronically at least.

10 MR KNOOPS: [15:01:45] Okay. Anyway, the Chamber will recall the -- the
11 document. Now --

12 PRESIDING JUDGE SCHMITT: [15:01:50] We recall it indeed.

13 MR KNOOPS: [15:01:53] Exactly. Yeah, for the fairness to the witness, again, I --

14 PRESIDING JUDGE SCHMITT: [15:01:57] Here we have it.

15 MR KNOOPS:

16 Q. [15:01:58] -- show you the -- Mr Witness, this was shown to you on 26 May, and
17 you stated this was a fake document because you were, at that time of 9 January, you
18 were not in Paris. You stand by this statement, Mr Witness?

19 A. [15:02:25] On 9 January 2014 I was in N'Djamena. I was not in Paris. I have
20 no knowledge of this document.

21 Q. [15:02:38] Then I ask the court officer to show up -- to pull up documents on our
22 list of materials tab 45. It's CAR-OTP-2084-1219-R01.

23 It's an electronic ticket of the gentleman testifying today. His travel to N'Djamena.

24 And we'll wait for the document. I ask the court officer to go to the bottom of this

25 document where we find the return date of the witness at terminal 2A at the airport of

1 Charles de Gaulle, 9 January, in the early morning of 05.45. That's a quarter to 6 in
2 the morning, which means that Mr Witness was, on 9 January, in Paris.

3 PRESIDING JUDGE SCHMITT: [15:04:18] Well, if it -- if it means that is another
4 question. It's a document that shows that at least something was booked like that, so
5 we have to ask the witness what do you say to this document, if you see this, and then
6 we talk our conclusions.

7 Mr Kokaté, you see it. It seems to suggest that you, perhaps, had an itinerary, at
8 least, where you were supposed to be back in Paris on 9 January. What do you say
9 to that?

10 THE WITNESS: [15:04:54](Interpretation) Mr President, this ticket has been changed,
11 was amended. This ticket was amended. I came with Ethiopian Airlines and then I
12 returned. I spent two or three days in N'Djamena. I came to Paris with Air France.
13 You can check that. You have the means to do so.

14 During that period, I spent two or three days in N'Djamena and I came back to Paris
15 with Air France. It's the Chad service that changed the ticket for me.

16 PRESIDING JUDGE SCHMITT: [15:05:49] Do you happen to have this document at
17 your disposal? You don't have to, you know, it's six or seven years, was six or seven
18 years ago, but do you happen to have it somewhere?

19 THE WITNESS: [15:06:04](Interpretation) Mr President, I don't really recollect, but
20 perhaps you have a way of checking my journey. I did arrive with Ethiopian and I
21 returned to France by a changed flight, which the Chadian services changed, and it
22 was a return flight with Air France. That I can confirm. After two or three days, I
23 returned to N'Djamena.

24 PRESIDING JUDGE SCHMITT: [15:06:41] We have to leave it at that at the moment.
25 Please proceed, Mr Knoops.

- 1 MR KNOOPS: [15:06:46] Thank you.
- 2 Q. [15:06:49] Mr Witness, my second topic will relate to your live testimony in
3 conjunction with the statements you gave to the Office of the Prosecution 2018. You
4 gave various accounts of alleged events which - and I will go through them in a few
5 seconds - which we submit contradicts with your statement you gave during the live
6 testimony. And my first question is, you testified, when we started this evidence of
7 you on a question by the Prosecution, that in 2018 when you spoke with
8 the investigators of the Office of the Prosecutor, you spoke the truth.
9 Do you stand by that statement?
- 10 A. [15:08:00] I haven't understood your question, sir.
- 11 Q. [15:08:04] In 2018 you spoke the truth to the Prosecution investigators; is that
12 true? Is that correct?
- 13 A. [15:08:15] Yes, I spoke the truth to the inspectors of the OTP. My itinerary, you
14 can check it yourself with Air France and also with the Chadian Intelligence Services.
- 15 Q. [15:08:32] Okay. I go with you through 10 of your events you described before
16 this Court during the course of the last days, and I will refer at the same time what
17 you said about those same events in 2018. First topic is: You stated here before this
18 Court on 25 May, live real-time transcript page 5, lines 16, 18 and 21, 22, that when we
19 speak about the meeting in the Hilton hotel where you came to see Mr Bozizé, you
20 came out, you came out of the hotel, and outside the hotel Mr Ngaiissona was there.
21 That's the testimony you gave on 24 May -- sorry, it was 24 May, page 9, lines 18-20.
22 And, again, you stated on 25 May before this Court that you were received by
23 Mr Bozizé, and after the meeting, when you came down, you saw Mr Patrice
24 Ngaiissona in the Hilton.
25 The day after, 25 of (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: [15:10:21] Yeah, you can speak, Mr Kokaté.

2 THE WITNESS: [15:10:24](Interpretation) Counsel, I think what I said was that
3 when I was received by President Bozizé, and after when I left his suite, I saw
4 Mr Ngaïssona and many other people in the bar of the hotel on the ground floor. I
5 wasn't talking about the outside of the hotel. I was talking about the bar on
6 the ground floor of the hotel. That's what I said some days ago.

7 PRESIDING JUDGE SCHMITT: [15:11:10](Overlapping speakers)

8 MR KNOOPS:

9 Q. [15:11:12] Yes, but the 25th you stated that you thought that Mr Ngaïssona was
10 also in the room of Mr Bozizé. So my question is: You say first he was outside, in
11 the hotel at the bar, and the day later you testified that he was in the suite of
12 Mr Bozizé?

13 A. [15:11:36] I did not say that he was outside. I said that they were in the same
14 hotel and after, when I went down, I saw him in the bar, in the ground floor. There
15 was a lot of people there. Many people who had fled were there. I think that's
16 what I said some days ago.

17 Q. [15:12:02] I leave it at that.

18 PRESIDING JUDGE SCHMITT: [15:12:03] Yeah, I think we have to leave it at that.
19 He has clarified it and it's not a -- perhaps not the most important issue.

20 MR KNOOPS: [15:12:12] Maybe not for the moment, Mr President, but the totality --

21 PRESIDING JUDGE SCHMITT: [15:12:16] I understand. I did not say that it's
22 irrelevant or something like that, but at the moment the witness has now clearly
23 stated he thinks it was in the bar outside of the room, but inside of the hotel.

24 MR KNOOPS:

25 Q. [15:12:30] The second example, Mr Witness, in your statement, that's OTP tab 43,

1 CAR-OTP-2074-2580-R01 at 2581, 2582, lines 15 till 32 and 57 till 62. You asserted
2 that you met Mr Mokom during the second meeting in Yaoundé at the CAR embassy,
3 but he wasn't there during the first meeting at the Hilton. Yet you testified under
4 oath on 25 May before this Chamber, page 5, lines 21, 23, that after the meeting at the
5 Hilton when you came down, Mr Patrice-Edouard Ngaïssona was there and
6 Mr Bernard Mokom.

7 So what is your answer to this difference in your statement? I'll try to put it neutral.

8 A. [15:13:54] I haven't understood your question fully, sir. Could you put it to me
9 again in a different way?

10 Q. [15:14:00] Certainly, sir.

11 Your statement in 2018 to the investigators you said that Mr Mokom wasn't there
12 during the first meeting at the Hilton, yet under oath before this chamber on 25 May
13 you said Bernard Mokom was, when you came back down from the suite of
14 Mr Bozizé, he was in the Hilton.

15 PRESIDING JUDGE SCHMITT: [15:14:24] We would like to follow, I think, as a
16 Chamber. Where are we exactly? In the former statement. So I have here on
17 the transcript 43, but then the 2740-2580 seems to be 49, tab 49, so -- and exactly where
18 do you derive it from?

19 MR KNOOPS: [15:14:51] It's 49 (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [15:14:52] 49 not 43 (Overlapping speakers)

21 MR KNOOPS: [15:14:54] Yeah, 49. I'm sorry.

22 PRESIDING JUDGE SCHMITT: [15:14:55] And the lines are correct, 32 to 57?

23 MR KNOOPS: [15:14:58] No, it's at 2581 till 2582, lines 15, 1-5, till 32 and lines 57 till
24 62.

25 PRESIDING JUDGE SCHMITT: [15:15:13] So -- and I think out of -- yeah, so that we

1 are on the same page, so what we find here is that the witness is asked, or has been
2 asked by the Prosecution, about Mokom's father and he said that, "My first time to see
3 him was in Yaoundé." Yeah, is this what you mean? Yeah. "The second meeting
4 of Douala, I saw him". This is it. And from there, where is the contradiction to
5 the live testimony of the witness then, if we take this?

6 MR KNOOPS: [15:15:52] That's transcript page 20, 25 May, Bernard Mokom was
7 there during the meeting in the Hilton when the witness came down to meet or to see
8 there Mr Ngaïssona.

9 PRESIDING JUDGE SCHMITT: [15:16:27] Excuse me, I don't see -- I don't see in
10 the former statement at 2581, 2582.

11 MR KNOOPS: [15:16:33] He said he saw him for the first time in the embassy, that's
12 the point.

13 PRESIDING JUDGE SCHMITT: [15:16:37] In Yaoundé, that you mean, okay now I
14 can follow. Okay, thank you.

15 MR KNOOPS: [15:16:44] Yeah. So I just give the witness a chance to respond to it.

16 Q. [15:16:53] Mr Witness, would you have an explanation to the Chamber about
17 this difference in your statement?

18 A. [15:17:11] I think there's no difference in my statement. I said to
19 the President that when I came down from the suite where there was Mr Bozizé in
20 the hall, in the lobby of the hotel, in the bar I saw Mr Ngaïssona and other
21 countrymen. I think I mentioned people who I knew, I mentioned those names
22 previously. The question was asked if I saw Bernard Mokom and I said I think he
23 was there. But it's the first time I physically saw Bernard Mokom.
24 So, for me, I'm not contradicting myself.

25 MR KNOOPS: [15:18:09] Okay, we leave it at that Mr President.

1 PRESIDING JUDGE SCHMITT: [15:18:12] Yeah, and like always in the end we will
2 have to --

3 MR KNOOPS: [15:18:15] Of course.

4 PRESIDING JUDGE SCHMITT: [15:18:16] -- compare everything and the lines.
5 Because of that I asked you specifically, so that it makes our life later on easier a little
6 bit, and we will figure it out.

7 MR KNOOPS: [15:18:26] Of course.

8 Q. Another and perhaps even more striking point is, Mr Witness, you testified on
9 25 May of this year, English real-time transcript page 29, lines 7 till 12, that you
10 participated in another meeting in Yaoundé and that this meeting took place in one of
11 the residences of Mr Ngaïssona. And during that meeting Mr Bozizé came to this
12 residence of Mr Ngaïssona whilst you were there, and you mentioned that this was
13 a villa in Yaoundé. You did say to the Court that you didn't know the area.
14 So we are quite interested to know from you, Mr Witness, can you please give us
15 a description of this villa?

16 A. [15:19:36] Sir, it was a villa, that's it. It was my first time that I arrived at that
17 house. The -- I knew the layout of either a map to get to the villa and I went there.
18 It was a house. We were received, it was a big house. I said one of the villas, we
19 were received there, President Bozizé was there, accompanied by his bodyguard
20 Wapounaba, who was there. And there were a lot of other people there. That's it.
21 I said I didn't know Yaoundé well, I said that quite clearly. I know Doula better. I
22 think that is what I answered to the president.

23 Q. [15:20:50] So it's your evidence that Mr Ngaïssona had several villas in Yaoundé,
24 is that what you're saying to this Court?

25 A. [15:21:02] I said one of his villas. I was never in another villa, but I -- I know

1 that he lived there. He said himself that it is one of his villas, one of his homes.

2 I don't -- if somebody's living at home and I ask him about his home.

3 Q. [15:21:41] We took note, Mr Witness, of your observation just a few seconds ago
4 that you said it was a big house, *une grande maison*, I believe it was the French
5 transcript indicating this. But you told this Chamber on 25 May, a few days ago,
6 page 31, lines 9 till 10, that it was a small house. So today you're telling us that this
7 was a big house and (Overlapping speakers)

8 A. [15:22:19] We were in a big house, but in a small living area, living room. It
9 was a small living room. He was receiving the former president at his place, sir.

10 Q. [15:22:40] But you do agree, Mr Witness, you testified under oath a few days ago
11 that it was a small house. You didn't say it was a small living room. And how
12 you're saying it was a big house with a small living room. So what was it,
13 Mr Witness?

14 A. [15:22:58] Sir, I think these are details. For me, I was at his place, he gave me
15 the address of this house, we arrived there. If it's a house or a villa, it's the same
16 thing. It was a former head of state that was receiving us.

17 So I said we went into a large room. I -- it was his car was inside the area. We had
18 to go through the gates to get inside, and it was inside the gate when we went into
19 the house.

20 Q. [15:23:55] Mr Witness, if I put it to you that you never in your statement in 2018
21 did mention a meeting with Mr Ngaïssona, or any other person, in a villa or a small or
22 a big house in Yaoundé, allegedly belonging to Mr Ngaïssona, after the meeting in
23 the CAR embassy, what is your response to that?

24 A. [15:24:39] I'm talking about what I know. I'm talking about what I saw. If
25 you want details, I'll give you details. Because after that meeting there was

1 Commander Bangouma, who was outside and talked to President Bozizé to tell him
2 that he needed money, and President Bozizé gave him some money and he wasn't
3 pleased with the amount. Gave him 30,000 francs. I'm just giving you to show you
4 the details that I have.

5 PRESIDING JUDGE SCHMITT: [15:25:22] I think we can move on, he has given his
6 answer.

7 MR KNOOPS: [15:25:25] Yes. Mr President, the witness is -- is not supposed to
8 lecture the Defence.

9 Q. If we speak about details, Mr Witness, we expect from you details and not from
10 us. And I'm asking you, you have this map where you were supposed to go to,
11 where the house of Mr Ngaïssona was located. Because that's (Overlapping
12 speakers)

13 THE INTERPRETER: [15:25:57] Sorry, overlapping. Sorry, the interpreter didn't
14 get that.

15 PRESIDING JUDGE SCHMITT: Can you please repeat.

16 MR KNOOPS: [15:26:03]

17 Q. [15:26:04] You want -- you speak about details, you said these are just details.
18 So we speak about details, give the Court the location where this villa was,
19 Mr Witness. Where exactly was it, tell us? And not just come up with some
20 general descriptions of a house. We're speaking about a person who's put on trial
21 based on your statement, Mr Witness, so don't come to me with the question that I'm
22 asking details.

23 PRESIDING JUDGE SCHMITT: [15:26:34] Mr Vanderpuye.

24 MR VANDERPUYE: [15:26:36] Mr President, I think this is unnecessarily
25 argumentative.

- 1 THE WITNESS: [15:26:42](Overlapping speakers)
- 2 MR VANDERPUYE: [15:26:43] If Mr Knoops wants the answer to this question then
3 he should just put the question and the witness will answer it. But I don't think
4 (Overlapping speakers)
- 5 PRESIDING JUDGE SCHMITT: [15:26:50](Overlapping speakers) I agree, I agree
6 with Mr Vanderpuye, it's -- I think it's indeed unnecessarily argumentative.
7 The witness has said he provides some details, you ask for more details. But we can
8 do this in a manner we -- also, in -- I think also in a tone that is not, yeah, as
9 Mr Vanderpuye has worded it, not argumentative.
- 10 So, Mr Witness, if you have information -- or do you recall, perhaps better to say,
11 where this villa or this house was, you can provide us with it. Or if you have any
12 more details that you can provide us with, you can do that.
- 13 THE WITNESS: [15:27:40](Interpretation) Thank you. I think I said in my
14 testimony yesterday or before yesterday, I said I didn't know the town of Yaoundé
15 very well and that the map of this house was done by Mr Ngaïssona. I arrived only
16 once. And after I left, Mr President. I told you, Mr President, I know Doula villa
17 better than the one of Yaoundé, and one house is the house I only visited once.
18 The explanation which I gave, I said President Bozizé came in a car, he came into
19 a place for the car and he parked in the enclosure after the gate. And I think I've
20 answered the question put to me. I don't know if I've answered satisfactorily.
- 21 PRESIDING JUDGE SCHMITT: [15:28:42] No, that is --
- 22 MR KNOOPS: [15:28:43] Well --
- 23 PRESIDING JUDGE SCHMITT: [15:28:44] That is up to other people to, to assess
24 that.
- 25 Mr Knoops, please continue.

1 MR KNOOPS: [15:28:50] One question, Mr President, on this topic.

2 Q. [15:28:52] You didn't give, at least in my submission satisfactorily, why did you
3 speak about a villa or house in your statement in 2018? Why did you come up with
4 this assertion only at this trial? If your recollection was so good in 2018 you spoke
5 the truth, why didn't you say this meeting, about this meeting 2018?

6 PRESIDING JUDGE SCHMITT: [15:29:20] Mr Vanderpuye.

7 MR VANDERPUYE: [15:29:22] Mr President, I think we just had up on the screen an
8 excerpt -- or, rather, a transcript of his -- of the witness's statement. I don't
9 remember the ERN number because it has now disappeared. But I think on that
10 screen you can see very clearly he does talk about a meeting that occurred at a villa.
11 So I'm not sure exactly what Mr Knoops is referring to, but we can put that back on
12 the screen and he can have a look at it and maybe it will refresh his recollection.

13 PRESIDING JUDGE SCHMITT: [15:29:50] Yeah, I would also feel more
14 comfortable -- you know, it's always difficult when -- in this case it's difficult - and I
15 think everybody, every counsel here understands this - and that we have hundreds of
16 pages of former statements. And when there is put to a witness "you haven't said
17 that at the time," it's difficult, of course, to -- to verify a negative. We all know that.
18 So we can -- I think the best what we can do here is I will put a question to witness,
19 Mr Knoops, if you allow me, and in the end we will have to compare it, simply.

20 Yeah, in the end we will have to go through it. We cannot do it at the moment.

21 So, Mr Witness, do you recall if you have mentioned this meeting we are talking
22 about already in your 2018 statement? Do you have any recollection to that effect?

23 THE WITNESS: [15:30:54](Interpretation) Mr President, I think I said so. And
24 I believe that the OTP has just jogged my memory. So I do not see where
25 the contradiction counsel is seeking to point out lies. I am here to speak the truth

1 and nothing but the truth.

2 PRESIDING JUDGE SCHMITT: [15:31:20] I think, as I said, we have to figure this
3 out. And we have here two, two very compound binders where this could be
4 hidden somewhere, so we have to simply compare it later on.

5 Mr Knoops, please continue.

6 MR KNOOPS: [15:31:34] Yes.

7 Q. [15:31:35] Next topic is the lunch you spoke about, Mr Witness, of the so-called
8 FROCCA lunch where Mr Bozizé would have said in Paris that he would use all
9 means to return to power. And you did say that you thought that this related to
10 the use of force to return to power. Transcript 25 May of the real-time, English
11 version, page 37, lines 4 till 15.

12 Now, if we go to your statement, and this is the tab 34 of the Prosecution list,
13 CAR-OTP-2074-2065 at 2074, 2075.

14 You did say that in order to achieve the return to constitutional order, speaking about
15 the same meeting, one should make a lot of noise in the media, and Mr Bozizé
16 decided at that time to send Mr Poussou and Songuet to the United Nations,
17 New York, and he paid for setting up a website.

18 Now my question is, Mr Witness, your reflection that you thought that Mr Bozizé was
19 about to use force to return power was not something you mentioned in 2018.

20 Would you agree with this observation?

21 A. [15:34:05] Counsel, all I can say is that in 2018, in my statement to the OTP,
22 I clearly talked about that lunch in Paris. I mentioned the lunch in Paris. During
23 that lunch, former President Bozizé stated that he would set up a structure called
24 FROCCA and that Mr Lin Banoukepa would be the head of that structure. He went
25 on to say that the bureau of the structure will be disclosed subsequently. I think that

1 I mentioned this clearly in my 2018 statement.

2 Q. [15:35:07] Thank you, Mr Witness. You did. My question is: Are you with
3 me when I say to you that your thought, your reflection, that Mr Bozizé was thinking
4 about use of force was something you didn't mention in 2018 in your statement?

5 A. [15:35:43] That question was put to me recently. And I answered that question.
6 In the statements that you must have and you must be aware of, FROCCA made
7 a number of statements. And those statements were binding on FROCCA. I am
8 sure you are aware of the FROCCA statements.

9 PRESIDING JUDGE SCHMITT: [15:36:20] Just I think what the witness at least
10 mentioned -- I can stumble over it because it's a couple of pages later, 2077 at lines 385
11 and 403. He mentioned that there is a political wing, and -- there was a political
12 wing and a military wing of the FROCCA.

13 MR KNOOPS: [15:36:52] I think the witness made clear that he was asked about it
14 only during this ...

15 PRESIDING JUDGE SCHMITT: [15:37:00] We have, we have -- of course, yeah, we
16 have recognised that.

17 MR KNOOPS: [15:37:03]

18 Q. [15:37:03] Mr Witness, another question on this same topic, your statement of
19 2018 versus your testimony during this trial, relates to what you told the Court on
20 25 May of this year. That's the English real-time transcript, lines 13 till 16, and 19 till
21 25, where you say that Mr Ngaïssona was determined to see that Mr Bozizé came to
22 power and he told you, Mr Ngaïssona, that he organised and coordinated military
23 actions in the field. And you confirm that this was what he told you, as well as that
24 in Bangui he told you that he spent a lot of -- a lot of -- on the Anti-Balaka which he
25 helped finance. That was the statement you gave before the Court on 25 May.

1 Now, I will read out the portion of your statement you gave in 2018, which is
2 the Prosecution tab 34. It's CAR-OTP-2074-28 -- 2082 till 2883. Sorry, it's 2083.
3 And this was about the so-called military wing.
4 First about the financing, in your statement - again this is the page 2074-2082, lines
5 576 till 589 - the investigators ask you was there "any discussion how to finance
6 the military wing?" Your answer was, line 585 till 586: "Yeah, I'm not in a position to
7 tell if ... anything about the military wing because I never attended any meeting with
8 them."
9 Lines 588 till 589: "Second, I don't know how the military wing was financed but what
10 I can tell you is that the military wing was based in Cameroon with President Bozizé."
11 PRESIDING JUDGE SCHMITT: [15:40:47] Well, also to make it complete, because
12 this is -- this is the problem when we have, as I said before, hundreds and hundreds
13 of pages of interview that, in themselves, they are not congruent always. So if we
14 look a page further, 2083, at lines 616 and 622, this seems to contradict what you read,
15 Mr Knoops, because there the -- the witness is -- has said: Mr Ngaïssona told me on
16 several occasions over the phone that they are meeting there. He is able to tell you
17 about the military wing, the financing of this wing and everything. I think he is
18 the man -- or this is the man.
19 But this is of course a contradiction to what you read, what just the lines before. It's
20 difficult to -- to -- to figure really out what the content of such many, many statements
21 over hours and hours is, and compare it with what has been said in the courtroom.
22 MR KNOOPS: [15:41:54] Well, Mr President, with all due respect for your
23 observation, it is a contradiction, because --
24 PRESIDING JUDGE SCHMITT: [15:42:00] I said that it is a contradiction.
25 MR KNOOPS: [15:42:02] Yeah, yeah, because --

1 PRESIDING JUDGE SCHMITT: [15:42:04] So what would suggest itself, I think, is to
2 ask Mr Kokaté which --

3 MR KNOOPS: [15:42:08] Yes.

4 PRESIDING JUDGE SCHMITT: [15:42:09] Okay. Then please do that.

5 MR KNOOPS: [15:42:10] Yeah.

6 Q. [15:42:11] So, Mr Witness, you agree with me that what you told the Court on
7 25 May, even with the addition of the Presiding Judge, this is a different statement
8 you gave before the Court than what you told the investigators in 2018, because in
9 2018 you said, "I don't know how it was financed. But you have to ask
10 Mr Ngaïssona. He can tell you about the financing." But you didn't say in 2018 that
11 he financed.

12 So the question is: Why did you change your statement when you came before this
13 Court this week on this point?

14 A. [15:43:03] Counsel, thank you. I did not change my statement. I believe that I
15 said that I had had some telephone conversations with Mr Ngaïssona during which
16 he told me that he was financing the movement. But then I gave a concrete example,
17 two or three days ago, of what the various Anti-Balaka leaders were saying to
18 the transitional head of state when we met at the presidency of the republic. They
19 said to Madam Catherine Samba-Panza that it was Mr Ngaïssona who took care of
20 them, who funded them, and who organised them. So he was the only person with
21 authority to be our interlocutor. This is what they said to President Catherine
22 Samba-Panza in the presence of members of her cabinet.

23 Therefore, as far as I'm concerned, my thinking does not harbour any contradictions.

24 MR KNOOPS: [15:44:24] Mr President, I realise it's not the time to go into discussion
25 with the witness, but I ...

1 PRESIDING JUDGE SCHMITT: [15:44:31] No, you know, this is --

2 MR KNOOPS: [15:44:32] Yeah, I understand (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [15:44:33] As I said, what counsel, what counsel,
4 what counsel can do is point out the points that you want to make. And, as I said,
5 it's quite, quite complex in a case like this one where we have such a -- such an
6 amount of material of former statements of the witness, and we have now the witness
7 in the courtroom the whole week. So we -- and I told you before, I will even go so
8 far to say nothing will escape our attention.

9 MR KNOOPS: [15:45:08] But also, Mr President, thank you very much (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [15:45:10] Of course this does not say how we assess
12 it in the end, but, you know, if you want to make a point, the Chamber
13 oftentimes - this also applies, may I say, sometimes when the Prosecution is
14 questioning - we grasp the intent perhaps earlier as you think.

15 MR KNOOPS: [15:45:29] Yeah. It's very interesting, Mr President, that the witness
16 just touches upon the answer to the question. He answers the question by referring
17 to the meeting with Ms Samba-Panza in her residence. It's an interesting answer.

18 Q. But coming to that point, Mr Witness, you describe this meeting with
19 Ms Samba-Panza in her residence in your statement 2018. It's Prosecution tab 37,
20 CAR-OTP-2075-2159, page 2170, lines 367, to page 2172, line 415.

21 You didn't mention there the fact, the allegation, that the Anti-Balaka individuals
22 there at that time said that Mr Ngaïssona had funded the movement or the attack of
23 5 December, which you did say, by the way, before this Court on 25 May, transcript
24 page 56 till 57, where you said that at that cabinet meeting, or in a meeting in that
25 cabinet, that Mr Ngaïssona stated that he gave funds to the Anti-Balaka to organise

- 1 the events on 5 December.
- 2 So my question here is why didn't you say this in 2018?
- 3 MR VANDERPUYE: [15:47:26] Mr President.
- 4 PRESIDING JUDGE SCHMITT: [15:47:27] Yes, Mr Vanderpuye.
- 5 MR VANDERPUYE: [15:47:30] I think that if Mr Knoops wants to impeach
- 6 the witness by an omission, effectively something he didn't say, I think he needs to
- 7 direct the witness to specifically what he's referring to and also identify to
- 8 the -- identify whether the witness was asked a specific question and failed to give
- 9 that answer. Because otherwise I don't see how it establishes that there is any
- 10 inconsistency at all.
- 11 PRESIDING JUDGE SCHMITT: [15:47:58] And that is -- perhaps you make it even
- 12 a little bit clearer that I wanted to do twice now before. This is the problem when
- 13 we -- you know, it is easier to put to a witness, "You have said 2018 A, and now
- 14 you are saying B."
- 15 Yeah. So we understand that.
- 16 But to put to a witness, "You have said today B, but you haven't mentioned B in 10 or
- 17 20 days of questioning by the Prosecution in 2018." It is quite difficult to figure this
- 18 out. So it's -- it's -- and at least I think it would even say it's impossible to figure this
- 19 out now at this moment and with the situation with the witness here.
- 20 So I understand, of course. Perhaps this is really something more for -- for
- 21 a submission then.
- 22 MR KNOOPS: [15:48:53] Yeah --
- 23 PRESIDING JUDGE SCHMITT: [15:48:53] I would say. You understand my point.
- 24 MR KNOOPS: [15:48:56] Yeah.
- 25 PRESIDING JUDGE SCHMITT: [15:48:57] It could -- could be hidden somewhere,

1 and we can't, we can't really follow it.

2 MR KNOOPS: [15:49:01] I fully agree with you and also with Mr Vanderpuye.

3 But my point is, Mr President, first of all, I think the witness should have given

4 a chance to respond to such a question, such an apparent discrepancy or

5 inconsistency.

6 But secondly, such a detail as funding an attack of 5 December, which is not

7 mentioned in the statement of the witness and was mentioned during his oral

8 testimony, is something which can be subjected to a question. Even of course

9 you cannot prove the negative. But the point is, of course, that these elements go not

10 just to details, in our submission, and that that's why we want to put them to

11 the witness.

12 And in the same vein, if the Court would take notice of the -- the notes which were

13 taken of that meeting by Ms Samba-Panza, the Court will observe there is no

14 mentioning of Mr Ngaïssona announcing that he financed the Anti-Balaka, let alone

15 the 5 December attack.

16 And this can be found, this annex 4. It's CAR-OTP-2087-9087 for the Chamber. It's,

17 by the way, not on our list. But I will not go into detail because this relates to

18 another witness. But if the Chamber takes note of those notes taken of the meeting

19 by the assistant of the prime minister, you don't see this discussion there. And that's

20 why I think the witness can fairly be put this question.

21 PRESIDING JUDGE SCHMITT: [15:50:58] Okay, I -- actually now with this -- no,

22 Mr Vanderpuye, but a last word on that.

23 MR VANDERPUYE: [15:51:04] (Microphone not activated)

24 PRESIDING JUDGE SCHMITT: [15:51:05] Microphone.

25 MR VANDERPUYE: [15:51:06] I think I can explain this in just a minute. I don't

1 think there's any problem with the question as such. The question here, though, is if
2 Mr Knoops wants to establish the witness did not say something during the course of
3 the interview, it's only fair that he establish that the witness was put the question or
4 had the opportunity to do so.

5 And what I mean by that is, if the issue here is that he's saying something now that
6 Ngaïssona said during the course of that meeting, which he didn't say during his
7 interview, Mr Knoops should show the witness at least where he was put
8 the question, what did Mr Ngaïssona say during the course of that interview? Or
9 something to that effect. And then establish the omission. But here it's abstract.
10 And then we have to dig through several hundred pages to figure out whether it was
11 said or wasn't.

12 PRESIDING JUDGE SCHMITT: [15:51:58] In principle, I agree with you, but
13 Mr Knoops has a point when he says that financing the specific attacks -- attack on
14 5 December 2013 is of course really something, a very special and detailed
15 information, so ...

16 MR KNOOPS: [15:52:13] And it's not mentioned in those notes and, you
17 know -- (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [15:52:17] Yeah, but this is then -- this is then
19 something that we are -- as I said, this will of course not escape our attention.
20 So -- but perhaps we can give it simply a try. The witness is sitting here at the
21 video-link location and is following, perhaps a little bit astonished, what all these
22 counsel are discussing on a late Friday afternoon, so to speak.

23 Mr Witness, you have of course followed what we were discussing.

24 Do you -- let me simply give it a go.

25 Do you recall that you have been asked about financing issues with regard to

1 Mr Ngaissona during your 2018 interviews with the Prosecution?

2 THE WITNESS: [15:53:08](Interpretation) I think that I might have a recollection of
3 that. I also believe that I answered. And maybe during the examination-in-chief I
4 was a little more specific in my answers, because I had to provide details as to how
5 Mr Ngaissona was financing the Anti-Balaka.

6 And the Anti-Balaka, Mr President, themselves made that statement to
7 the transitional president in the presence of her cabinet. So, as far as I am concerned,
8 that is what I have said and that is it. That's it, Mr President.

9 PRESIDING JUDGE SCHMITT: [15:54:04] By the way, do we have from -- from this
10 meeting -- the parties might have a better overview. Do we have other witnesses
11 who have been present that we could ask? Perhaps we keep that in mind.

12 And I take note that in the summary of the Prosecution with regard to the 5 December
13 attack, this financing issue does not appear.

14 MR KNOOPS: [15:54:28] Exactly, yeah.

15 PRESIDING JUDGE SCHMITT: [15:54:28] Does not appear.

16 MR KNOOPS: [15:54:30] Yeah.

17 PRESIDING JUDGE SCHMITT: [15:54:30] So I prefer normally to have the specifics,
18 but of course, yeah, there might perhaps be an assumption that it would have been
19 mentioned, if it had been mentioned. Yet, what follows out of that, I think we
20 have -- we have to leave this to the Chamber. But I think we can -- we
21 can -- you cannot go further here.

22 MR KNOOPS: [15:54:52] I understand, Mr President. Thank you very much.
23 Just to, Mr Vanderpuye asked for more concrete examples, just before the break. I
24 see I have just five minutes.

25 PRESIDING JUDGE SCHMITT: [15:55:05] No. It's okay. I think we should solve

1 this -- not solve this, but whatever we can do to clarify this we should do now.

2 MR KNOOPS: [15:55:10] I have two -- two examples on this topic, the difference

3 between the statement 2018 versus the oral testimony.

4 Q. [15:55:15] First one, Mr Witness, relates to the 5 December attack. You will

5 recall that in your oral testimony on the 25 May, this week - that's the pages 60 till 63

6 of the real-time English version - you testified that before the 5 December attack - and

7 that was towards the end of November 2013 - you saw Mr Éric Danboy,

8 Franklin Bozizé, Bernard Mokom, and Mr Ngaïssona in Yaoundé, and that at that

9 moment Mr Ngaïssona took the floor and told everyone that it was not long before his

10 troops attacked the Séléka coalition.

11 The next day, 26 May, the witness repeated this narrative, namely that at the end of

12 November he met Bernard Mokom, Francis Bozizé, and others in Yaoundé, where

13 Mr Ngaïssona told him allegedly that the attack was imminent. That was your

14 testimony this week, Mr Witness.

15 Now, now we have something of the negative, because in your statement in 2018,

16 Mr Witness, when you were interviewed by the Office of the Prosecution, you said

17 that during your visits, multiple, in Cameroon, you were not in contact with

18 the Central African military personnel, except for private reasons in a social context,

19 namely when they went to restaurants and cafes.

20 PRESIDING JUDGE SCHMITT: [15:57:14] Reference, please, Mr Knoops.

21 MR KNOOPS: [15:57:16] Yes, that's tab 43 of the Prosecution list.

22 CAR-OTP-2074-2580-R01 at 2585, lines 147 till 153, lines 154 till 174, to page 2586, next

23 page, that's then lines 175 till 198.

24 PRESIDING JUDGE SCHMITT: [15:57:50] It's 49, so it's the same slip like the last

25 time.

1 MR KNOOPS: [15:57:56] Yeah. Exactly.

2 PRESIDING JUDGE SCHMITT: [15:57:57] Not a problem. It's okay.

3 MR KNOOPS: [15:57:58] But here the Chamber might agree, and also
4 the Prosecution, that the witness does not mention a discussion of this sort at the end
5 of November 2013 in Yaoundé where Mr Ngaïssona told that his troops would attack.
6 To the contrary, when he was pressed, the witness, by the investigators on the matter,
7 he insisted that he did not meet any soldiers in Cameroon because he was a minister
8 and everyone's actions were monitored. The only person he agreed to meet was
9 Colonel Dobigué, who told him that there were plenty of military in Cameroon so he
10 should be careful.

11 Q. So, here, Mr Witness, you observe that you did say something quite different in
12 2018 than during your testimony this week in this Court.

13 Now the question is: What made you change your statement?

14 A. [15:59:17] Counsel, I thank you. I did not change my statement. I said clearly
15 that I had met soldiers and civilians in exile in Cameroon. I saw them. And I made
16 this clear in my statement. I have not changed that. But I have never said that I
17 had a meeting with soldiers.

18 Let me further specify, Counsel, that when we met with Mr Ngaïssona in Yaoundé
19 towards end of the month of November, I said clearly that Mr Ngaïssona had
20 indicated that the attack was imminent.

21 So I really do not see the contradiction in -- in what I may have said. I said that in
22 Douala we went out to the same places, so we met each other, we met with each other.
23 We had drinks together. And we shared meals together. I did not contradict
24 myself, Counsel.

25 But to say that we had a meeting with soldiers, no, I didn't say that. I talked about

1 my meeting with Ngaïssona and I remember that it took place end of November 2013.
2 So, to my mind, there is no inconsistency.

3 PRESIDING JUDGE SCHMITT: [16:00:51] And as -- and again, in the end, we have
4 to compare everything and have to put it together and have to assess.

5 MR KNOOPS: [16:00:58] Yes. And also here I don't believe it's in the summary of
6 the OTP --

7 PRESIDING JUDGE SCHMITT: [16:01:01] As I said.

8 MR KNOOPS: [16:01:02] Yeah. Last point, Mr President.

9 Q. [16:01:06] Mr Witness, is the example we extracted from your statement which
10 relates to Bouar.

11 In your interview with the Office of the Prosecution 2018 - and that's tab 38 of the
12 Prosecution material - you mention Bouar with respect to the security situation,
13 stating that the prime minister asked you to call Sylvain Ndale, Ndale's family and
14 ask them to be careful and stop committing abuses against the Peulh. That's
15 CAR-OTP-2074-2095 at 2215, lines 689 till 690, to page 2216, lines 691, 713.

16 In that statement you gave in 2018, you did not mention the allegation of the attack on
17 Bouar, nor the alleged involvement of Mr Ngaïssona on this point.

18 Yet on 25 May, a few days ago, transcript page 66 till 67 of the English real-time
19 version, you allege that Mr Ngaïssona told you on the phone what they had done
20 during the attack on Bouar because they were colleagues -- you were colleagues with
21 him in the government. And that phone call conversation, Mr Ngaïssona told you
22 that he had organised the attack on Bouar, but there was a logistics problem that came
23 up and things were not completely in place and that the Séléka fighters took back
24 Bouar.

25 Now my question to you is: Why didn't you mention this whole phone call

1 conversation, which is, in my submission, not quite a detail, to the investigators in
2 2018?

3 A. [16:03:50] Counsel, I was invited by the OTP to tell them what I knew. And I
4 was answering to the question that the Prosecutor put to me, questions that were put
5 to me.

6 Now, if during the trial there are new elements that come to mind, why shouldn't I
7 talk about them?

8 I have come here to help in the quest for the truth about what happened in our
9 country so that, together, people can desist from having that -- the kind of conduct
10 they had before. You see, for example, I'm here with you now. You are putting
11 questions to me, and I can answer. You have talked about inconsistencies, but I
12 know that I am not inconsistent.

13 Thank you.

14 Q. [16:04:55] Thank you, Mr President -- Mr Witness, for the answer.

15 I think, Mr President, this concludes this topic for --

16 PRESIDING JUDGE SCHMITT: [16:05:01] Okay. Yeah. I think that's a good point
17 to go into the weekend, so to speak, after really a long week.

18 So this concludes the hearing for today. Thank you, Mr Witness.

19 We reconvene on Monday, 9.30.

20 THE COURT USHER: [16:05:19] All rise.

21 (The hearing ends in open session at 4.05 p.m.)