

Trial Hearing
WITNESS: CAR-OTP-P-2673

(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 Thursday, 3 June 2021
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:15] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:37] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:32:46] 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 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:02](Microphone not activated)
21 MS STRUYVEN: [9:33:06] Good morning, Mr President, your Honours. For
22 the Prosecution today we have Maria Berdennikova, Kweku Vanderpuye and myself,
23 Olivia Struyven.
24 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.
25 Mr Narantsetseg.

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- 1 MR NARANTSETSEG: [9:33:16] Good morning, Mr President, your Honours. For
2 the common Legal Representative of Victims of other crimes, Mr Dangabo Moussa
3 Abdou, Mr Enrique Carnero Rojo and myself, Orchlou Narantsetseg. Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:33:32] And Mr Suprun.
- 5 MR SUPRUN: [9:33:34] Good morning, Mr President, your Honours. The former
6 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
7 Public Counsel for Victims. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.
- 9 I turn to the Defence. Ms Dimitri.
- 10 MS DIMITRI: [9:33:43] Good morning, Mr President. Good morning,
11 your Honours and everyone. Mr Yekatom, who is present in the courtroom, is
12 represented this morning by Mr Thomas Hannis, associate counsel; Ms Léa Benoit,
13 legal intern; and myself, Mylène Dimitri.
- 14 PRESIDING JUDGE SCHMITT: [9:33:58] And Mr Knoops.
- 15 MR KNOOPS: [9:34:00] Good morning, Mr President, your Honours, everyone in
16 the courtroom. The Defence team of Mr Ngaïssona comprises today of, on my back,
17 Ms Phoebe Oyugi, she's legal assistant, and my left side, Ms Barbara Szmatala, she's
18 case manager. Mr Ngaïssona is, as always, present in the courtroom.
- 19 PRESIDING JUDGE SCHMITT: [9:34:18] Thank you, Mr Knoops.
- 20 We will start now with the testimony of Prosecution Witness P-2673.
- 21 Good morning, Mr Witness. Do you hear and understand me well?
- 22 WITNESS: CAR-OTP-P-2673
- 23 (The witness speaks Sango)
- 24 (The witness gives evidence via video link)
- 25 PRESIDING JUDGE SCHMITT: [9:34:42] There's obviously a connection problem.

- 1 THE WITNESS: [9:35:16] (No interpretation)
- 2 PRESIDING JUDGE SCHMITT: [9:35:16] I heard the witness, so I start again.
- 3 Mr Witness, good morning. Do you hear and understand me now?
- 4 THE WITNESS: [9:35:32](Interpretation) Do you hear me now? Do you hear me?
- 5 PRESIDING JUDGE SCHMITT: [9:35:36] Yeah. No, it's also important that you
- 6 hear me and understand me (Overlapping speakers)
- 7 THE WITNESS: [9:35:39](Interpretation) I hear you.
- 8 PRESIDING JUDGE SCHMITT: [9:35:40] Okay. Thank you very much.
- 9 On behalf of the Chamber, I would like to welcome you to the courtroom. You are
- 10 called to testify in the case of Mr Yekatom and Mr Ngaissona.
- 11 For protective measures of face and voice distortion and the use of a pseudonym are
- 12 put in place to ensure that your identity is not revealed to the public. This has been
- 13 explained to you. I don't have to repeat that.
- 14 Mr Witness, there should be a card -- before we start, if you feel more comfortable,
- 15 you can take your mask off, but it's up to you. There's another person in the room, if
- 16 there are restriction rules, of course I would not ask you that, but perhaps then leave
- 17 the mask on if you're more comfortable with it.
- 18 There should be a card in front of you with a solemn undertaking to tell the truth.
- 19 Could you please read out that card aloud.
- 20 THE WITNESS: [9:36:48](No interpretation)
- 21 PRESIDING JUDGE SCHMITT: [9:36:51] So, again, I don't hear anything.
- 22 Mr Witness, again, do you hear me?
- 23 THE WITNESS: [9:37:09](No interpretation)
- 24 PRESIDING JUDGE SCHMITT: [9:37:12] Now we have -- now I hear him, but I have
- 25 no interpretation.

- 1 THE WITNESS: [9:37:15](Interpretation) I hear you.
- 2 PRESIDING JUDGE SCHMITT: Mr Witness --
- 3 THE WITNESS: (Overlapping speakers) I hear you, but I don't have any
4 interpretation.
- 5 PRESIDING JUDGE SCHMITT: [9:37:21] Yeah, that's of course not good. He has to
6 understand me, of course. Otherwise, it doesn't make sense. So we give it another
7 try.
- 8 Mr Witness, there should be a card in front of you with a solemn undertaking to tell
9 the truth. Could you please read out this card aloud.
- 10 THE WITNESS: [9:37:53](Interpretation) Yes, I can -- I can read the card. I have it
11 before me.
- 12 I solemnly declare that I will speak the truth, the whole truth and nothing but
13 the truth.
- 14 PRESIDING JUDGE SCHMITT: [9:38:08] Thank you very much, Mr Witness.
15 You are now under oath. I want to reiterate to you that, as you have just sworn --
- 16 THE WITNESS: [9:38:17](Interpretation) Thank you.
- 17 PRESIDING JUDGE SCHMITT: [9:38:18] -- you have to speak the truth.
18 Before we start with your testimony, you see there is -- everything you say and
19 everything that is said here in the courtroom is interpreted, and to allow for
20 the interpretation we need to speak at a relatively slow pace. And also, please only
21 start speaking when the person that has asked you a question has finished, and
22 perhaps even wait a couple of seconds until you answer.
- 23 I think this is all for the moment.
- 24 Ms Struyven, you may proceed.
- 25 MS STRUYVEN: [9:39:08](Interpretation) Thank you, Mr President.

1 QUESTIONED BY MS STRUYVEN: (Interpretation)

2 Q. [9:39:16] Mr Witness, we met briefly during the week. My name is

3 Olivia Struyven and I will be putting questions to you on behalf of the OTP.

4 The only remark I want to make at the beginning is that if my questions are not clear,
5 please do not hesitate to point that out and I will rephrase the question.

6 Now, when it comes to your questioning, I have to begin with a few questions to ask
7 you based on the statement that you gave to the OTP which we have applied to be
8 produced in evidence.

9 Secondly, I will also be putting some questions to you about your identity and your
10 career.

11 Finally, I will ask you to clarify some -- some facts in your statement, and then I will
12 seek clarification on issues raised.

13 Now, when it comes to your statement, is it correct to say that you made a statement
14 to the OTP between 17 September and 29 October 2020?

15 A. [9:40:47] Yes, that is correct. They came and interviewed me and I gave them
16 my answers.

17 Q. [9:40:57] For the record, I'm referring to CAR-OTP-2127-6435.

18 Mr Witness, did you receive that statement, and what we refer to as annexed
19 documents, a few days ago when you met representatives of the Victims and
20 Witnesses Unit?

21 A. [9:41:41] Yes, they showed me my statement.

22 Q. [9:41:48] Were you able to reread your document and the related -- your
23 statement, rather, and the related documents during this week?

24 A. [9:42:11] Yes, they showed it to me and I read it. I read it two days ago.

25 Q. [9:42:22] Your statement of 2020, is it correct and exact, or are there any

1 corrections that you would like to append to it?

2 A. [9:42:42] I spoke the whole truth.

3 Q. [9:42:47] Last question on this topic. Do you object to your statement being
4 produced in evidence in this case?

5 A. [9:43:09] I agree for my statement to be introduced into evidence, otherwise I
6 would not be here.

7 PRESIDING JUDGE SCHMITT: [9:43:17] Actually, that's much more natural,
8 the wording of the witness, frankly speaking, than do you object to something could
9 incite or induce a certain answer.

10 Please proceed. The requirements are fulfilled.

11 MS STRUYVEN: [9:43:43] Your Honours, I think for the next few questions we will
12 need to go into private session.

13 PRESIDING JUDGE SCHMITT: [9:43:47] I assume that. We go to private session.
14 (Private session at 9.44 a.m.)

15 THE COURT OFFICER: [9:44:04] We are in private session, Mr President.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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1 (Redacted)

2 (Open session at 9.55 a.m.)

3 THE COURT OFFICER: [9:55:55] We are back in open session, Mr President.

4 MS STRUYVEN: (Interpretation)

5 Q. [9:56:11] Mr Witness, I will now put questions to you relating to a conversation
6 in September, but later in the month.

7 Court officer, please document CAR-OTP-2102-5143, that's tab 3, page 5146, at the
8 bottom of the page.

9 I'm not going to mention those in the conversation, but it's a conversation between
10 two. The first one says, "Talk to me about the events," and the second says, "They
11 have an ammunition problem."

12 So, court officer, could you please go to the next page, top of the page, please.

13 Here we see an answer, "What are they going to do, Achille has no reserves?" And
14 the answer again, "They were able to recuperate three Séléka vehicles. They will lay
15 an ambush to recover material." And then the other person, "in Bossangoa centre?"
16 That's what they say.

17 Question then: In this conversation, which took place in early September 2013,
18 the parties are talking about an ammunition problem. One asks whether Achille has
19 any reserves.

20 Now, let me ask you questions about Achille. In your statement, you discover -- you,
21 rather, describe one Achille who is Gbaya and you say that he is a native of
22 Bossangoa, but that he fled to Bertoua. And then you also said that there were
23 meetings with Ngaïssona and Mokom. And I'm referring to paragraph 46.

24 The Achille mentioned here, is it the same Achille who is part of the conversation that
25 we have just looked at?

- 1 A. [9:58:45] Yes, he's the one.
- 2 Q. [9:58:48] Do you know his family name?
- 3 A. [9:58:55] No, I do not know his family name.
- 4 Q. [9:59:04] Do you know any individual known as Achille Godonam?
- 5 A. [9:59:17] No, I don't know anyone who goes by that name. The Achille that I
6 know, well, I don't know his family name.
- 7 Q. [9:59:30] No problem. In your statement, you indicate that Achille went to
8 meet with Ngaïssona in Yaoundé. Am I to understand and can I come to
9 the conclusion that this Achille was part of Ngaïssona's team?
- 10 A. [9:59:52] Yes, he was part of Ngaïssona's team, because when he -- before he
11 went to Yaoundé, he met me and I accompanied him all the way to the entrance of the
12 Golf residence, so I met -- I was with him and I went with him all the way to
13 the entrance of the Golf residence.
- 14 THE INTERPRETER: [10:00:18] Overlapping speakers, Mr President.
- 15 PRESIDING JUDGE SCHMITT: [10:00:21] Ms Struyven, you are too quick. He
16 cannot follow, the interpreter. Please start again with your question.
- 17 MS STRUYVEN: [10:00:32](Interpretation)
- 18 Q. [10:00:36] Witness, I'm going a little bit too -- too quickly, so I will try to slow
19 down.
- 20 So in the conversation there is discussion around a problem of ammunition. Do you
21 know whether at the time this ammunition problem was resolved?
- 22 A. [10:01:05] No, no, I don't know. I don't know.
- 23 Q. [10:01:12] There is a reference that Achille has a reserve of ammunition. Do
24 you know from whom he obtained this reserve of ammunition?
- 25 A. [10:01:32] According to what he said, but that's not something I stated before,

1 but according to what he said, from our side, he had munition which he had hidden
2 on our side. That's the information that he personally gave me, but I didn't put it in
3 my statement. But since you've asked me the question, I wanted to say this to make
4 it clear.

5 Q. [10:02:12] What do you mean, "on our side"? Are you talking about a special
6 team or a particular person?

7 A. [10:02:29] I said Achille said that personally. This information isn't in
8 the statement, but he told me that before he crosses the border, that he has munition
9 and he has arms which he has hidden in the bush in -- on our side.

10 Q. [10:02:59] Thank you for that clarification.

11 I'm going to ask you about another conversation which took place the next day,
12 9 September 2013, CAR-OTP-2100-3030. It's tab 1 and it's page 31130 (sic), at the
13 bottom of the page. So it's 3031 at the bottom of the page.

14 In this conversation one person says, "I've just been informed that they have taken
15 the town of Bouca", and the answer is, "Our guys took Bouca this morning."

16 Now, the person who's talking, you explained in your statement that the person who
17 spoke -- you explained in your statement that he, too, participated - and I'm referring
18 to paragraph 44 and 45 - that the person in question participated in meetings with
19 Ngaïssona and Mokom. And you also explained in your statement that during those
20 meetings there was a question about returning to Bangui to organise yourself with
21 the Anti-Balaka to form an armed group to fight Djotodia. So when this person says,
22 "Our guys have taken Bouca this morning", can I conclude that these are
23 the Anti-Balaka?

24 A. [10:05:05] That is correct. That is correct. That means that these are
25 the Anti-Balaka.

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- 1 Q. [10:05:13] And did they work with the Ngaïssona team?
- 2 MR KNOOPS: [10:05:20] Mr President, I --
- 3 PRESIDING JUDGE SCHMITT: [10:05:23] Yeah, Mr Knoops.
- 4 MR KNOOPS: [10:05:24] -- object against the term, "the Ngaïssona team".
- 5 THE WITNESS: [10:05:26](Interpretation) Yes, they worked in that team.
- 6 MR KNOOPS: [10:05:31](Overlapping speakers) It's not established that there was
- 7 a team and which team this actually comprises. The Prosecution is leading this
- 8 witness to confirm that there was a team.
- 9 THE WITNESS: [10:05:42](Overlapping speakers)
- 10 MR KNOOPS: [10:05:43] It's -- it's not even in the statement of the witness.
- 11 PRESIDING JUDGE SCHMITT: [10:05:45] So I think, also, that you should avoid
- 12 the term "team". You can ask if he worked -- you have to establish that indeed if he
- 13 worked together with other people, who these people were, and then you would have
- 14 a basis for such a term.
- 15 MS STRUYVEN: [10:06:09](Interpretation)
- 16 Q. [10:06:09] Mr Witness --
- 17 PRESIDING JUDGE SCHMITT: [10:06:12] May I shortly. A difference would be if
- 18 the -- if the witness by himself uses, without you leading, such a term, you can then
- 19 ask, okay, what do you mean by that and so. But otherwise, if you want to use it,
- 20 you would have to establish a basis. Mr Knoops is right.
- 21 MS STRUYVEN: [10:06:42](Interpretation)
- 22 Q. [10:06:44] Mr Witness, I am going to rephrase my question. These Anti-Balaka,
- 23 did they work with Mr Ngaïssona?
- 24 A. [10:06:56] Yes, they worked for him.
- 25 Q. [10:07:05] I'm going to show you now another conversation. It's the same day,

1 so 9 September 2013. If the court officer could display page -- CAR-OTP, the next
2 page. So it's page 5158 (sic) at the bottom of the page. No. I think it's another
3 ERN. So it's OTP-2100-5154 (sic) with page 5148, and it's the bottom of the page.
4 And there the participants say, firstly, they have just -- "I have just learned that they
5 have taken Bouca," and that's been confirmed. And then you ask the question about
6 Bossangoa. There's no information yet.

7 If you could go further down, if you could scroll down please. And then it says
8 "Ndjo and Korompoko have fallen." So they are discussing the fact that Korompoko
9 and Ndjo have fallen.

10 My first question is: Do you know where Korompoko is?

11 A. [10:08:56] No, I do not know that place.

12 MS DIMITRI: [10:08:58] I'm sorry for the interruption. I really apologise. What's
13 the tab number? Because I missed it.

14 MS STRUYVEN: Three.

15 PRESIDING JUDGE SCHMITT: [10:09:14] (Microphone not activated)

16 MS DIMITRI: [10:09:16] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:09:30] Nobody hears me now when I don't have
18 the microphone on. So it's 5148 in the lower third. And, yeah. And I would read
19 it Korompoko, like you said. So obviously the location is not known to the witness.

20 MS STRUYVEN: [10:09:58](Interpretation)

21 Q. [10:09:59] Could Korompoko -- could it be a region south of Bossangoa, if you
22 know?

23 A. [10:10:13] I do not know this village. I've heard talk of it, but I don't know it.

24 Q. [10:10:23] Now, in this conversation you talk about Bouca. And in your
25 statement - and I'm referring to paragraph 153 - you state that Ngaïssona was in

1 contact with Anti-Balaka who were stationed in Bouar, Bossangoa and Bouca.

2 So, according to your information, are these Anti-Balaka who worked with

3 Mr Ngaïssona?

4 A. [10:11:05] It -- they are people who worked together with him. That is what I
5 said in my statement.

6 Q. [10:11:16] I now move on to a later date in September, namely, 17 and 18

7 of -- 17 -- 17 and 18 September, 2100-3030, tab 1. And it's page 3032 in the middle of
8 the page.

9 And in the conversation the parties say that they've been informed that the fight in
10 Bossangoa -- sorry, they say that "I've just informed that there's a fight in Bossangoa."
11 And the other person says "Yes, our men are controlling Katanga and there is fighting
12 on the bridge. We have just been told that it's a hard fight, but we have received
13 control of the zone."

14 And in answer, "Yes, they are in the coton cell."

15 So I have the same question to you. In mid-September 2013, according to your
16 information, is it correct that there were fights in Bossangoa?

17 A. [10:12:54] I haven't seen information on the screen. I haven't seen it displayed.

18 PRESIDING JUDGE SCHMITT: [10:13:11] Mr Witness, please have a look at it and
19 then, then give your answer.

20 THE WITNESS: [10:13:32](Interpretation) It's not very clear on the screen.

21 PRESIDING JUDGE SCHMITT: [10:13:35] Can we make it bigger for the witness?

22 That's very good. Thank you. And I think it makes sense if you repeat the question,
23 'cos this was a while ago and it might have gotten lost.

24 MS STRUYVEN: [10:14:06](Interpretation)

25 Q. [10:14:08] Mr Witness, the question is: Was there a fight in Bossangoa?

- 1 A. [10:14:25] That is not true. These are information that we shared when we
2 were still in Yaoundé. We shared information. But they are not all correct. They
3 were also lies. Some were true.
- 4 Q. [10:14:51] The reference a little bit lower, when you talk about the coton cell, do
5 you know what that's supposed to mean?
- 6 A. [10:15:08] Cell coton is -- that is where you have a factory in Bossangoa.
- 7 Q. [10:15:25] And just a little bit up, just to understand the conversation, there's
8 a reference to Katanga.
- 9 Is it correct that Katanga is at the entrance of Bossangoa?
- 10 A. [10:15:50] Katanga, no, I don't know. I haven't got a clue. I don't know where
11 you find Katanga.
- 12 Q. [10:16:06] Thank you.
- 13 PRESIDING JUDGE SCHMITT: [10:16:06] May I shortly. I think it's unclear in
14 the transcript, the last reference.
- 15 Ms Struyven, is it correct that it was CAR-OTP-2102-5148? I think so, yeah. I think
16 that should be correct.
- 17 MS STRUYVEN: [10:16:23] Yes.
- 18 PRESIDING JUDGE SCHMITT: [10:16:24] Okay. Fine, please proceed.
- 19 MS STRUYVEN: [10:16:39](Interpretation)
- 20 Q. [10:16:40] Mr Witness, I'm going to continue with a document in October 2013.
21 I'm going to ask you the same type of questions. CAR-OTP-2100-3030, tab 1 and
22 page 3037.
- 23 I'm going to let you read the conversations, and then I will briefly summarise them.
24 If you could go down a bit until the bottom of the page.
- 25 And if could -- the court officer could also display the next page, that's to say

1 page 3038 at the top of the page. A bit more on top.

2 PRESIDING JUDGE SCHMITT: [10:19:13] Well, for the moment, let's assume that he
3 has got it and ask a question.

4 MS STRUYVEN: [10:19:18](Interpretation)

5 Q. [10:19:19] Mr Witness, following this conversation, the parties talk to the fact
6 that there are fightings between the Anti-Balaka and Séléka. This is October 2013.
7 And there was fighting in Gaga, in Bouca, and Bossangoa.

8 Was there attacks or fights at that particular moment, as far as you know?

9 A. [10:19:54] No, it's not true. At that time we were sharing information, and all
10 this is not true. After verification, we found out that it was not true.

11 Q. [10:20:29] No problem. Thank you very much, Mr Witness.

12 I'm going to move to another conversation of 8 October 2013.

13 It's CAR-OTP-2100-3030, tab 1, page 3038, and it's in the middle of the page.

14 A little lower, please.

15 So the person here mentions, "the big one gave me 20,000" and "you have to go there
16 to pick up the money." In your statement, in paragraph 53, you explained - there are
17 also other paragraphs - but you explained that Ngaïssona gave money to Mokom
18 father and he was responsible for distributing the money to the soldiers. My
19 question is: When you refer or when there is reference to the "*le grand*", the big one,
20 who are you talking about?

21 A. [10:21:59] (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:22:24] Absolutely. But my question is: When you talk about *le grand*,
25 the big one, has given me 20,000, who are you referring to? Who are you referring to

1 when you mention "grand", the big one?

2 A. [10:22:46] This is a reference Marius Febona (phon) or something like that. He
3 was involved in this.

4 Q. (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [10:23:01] Ms Struyven, the problem is that you are
6 asking him of whom he is speaking, yet you could be of the opinion that the other
7 person is speaking of *le grand*, and there might be a misunderstanding, so.

8 Mr Witness, do you have an idea, when the other person in this conversation speaks
9 of *le grand*, which person he might have meant?

10 THE WITNESS: [10:23:37](Interpretation) *Le grand* is Marius. I said I had
11 the intention of seeing him, and he's answered that he said that he had been given
12 20,000.

13 PRESIDING JUDGE SCHMITT: [10:23:49] Thank you.

14 MS STRUYVEN: [10:23:55](Interpretation)

15 Q. [10:23:56] Do you know where Marius obtained that money?

16 A. [10:24:13] I told you that he worked at the BEAC in Yaoundé. He is director of
17 the BEAC and he's part of the family of Ngaïssona. Because in my statement I said
18 that he contributed to that and that also he helped Ngaïssona and offered financial
19 assistance.

20 Q. [10:25:01] In your statement you explained on several occasions, for example
21 paragraph 53, that Ngaïssona gave money to Mokom father and then Mokom father
22 distributed this money to soldiers; is that correct.

23 A. [10:25:26] That is correct. I spoke the truth, because personally (Redacted)
24 (Redacted). So in my declaration, as I said, (Redacted)
25 (Redacted). Ngaïssona gave money to the officers at

1 his residence, and Mokom father was responsible for distributing the money.

2 Mokom father, when he was supposed (Redacted)

3 (Redacted)

4 (Redacted). So we all

5 knew that Ngaïssona shared this money for all those who were going to

6 Garam-Bouläi.

7 PRESIDING JUDGE SCHMITT: [10:26:30] Mr Witness, were you aware where

8 the money did come from, or where -- when you said Ngaïssona gave via Mokom

9 father the money, did you know where Ngaïssona had the money from?

10 THE WITNESS: [10:27:05](Interpretation) As you said yourself, I don't know where

11 the money came from, but Ngaïssona gave the money to Mokom *père*, Mokom father,

12 and he distributed the money. What you see in the residence, whoever went there

13 got money. I don't know where the money came from. It's only afterwards that I

14 learned, that somebody told me, that Fono Davy told me that there were important

15 people, Nbyon (phon), Baronte (phon), Ngaïssona, Feiganazoui, who contributed

16 financially to aid Ngaïssona.

17 PRESIDING JUDGE SCHMITT: [10:27:58] Ms Struyven.

18 MS STRUYVEN: [10:27:59](Interpretation)

19 Q. [10:28:00] So this was a period, as you explained, and I'm going to go back to

20 the subject, that finally you received some money from Mokom later, if I understood

21 your statement. But we talk October, October 2013, already at that time money was

22 distributed to soldiers; is that correct?

23 A. [10:28:32] Yes, money was distributed to soldiers. Money was distributed.

24 Before the Court I say that money was distributed. Initially it was -- money was

25 distributed. Let me continue. When you distributed money, we all went there.

1 (Redacted)

2 (Redacted)

3 The Cameroon military, when you went to Garam-Boulaï, heard it said (Redacted)

4 (Redacted). And when the Cameroon military

5 heard we were there, we were looked in order to be stopped. So when we heard of

6 this we fled, in order to go back to Yaoundé. And when we returned to Yaoundé we

7 had 50,000 per soldier and we all went back to Garam-Boulaï afterwards.

8 Q. [10:29:51] So if I have understood, when you said "we had 50,000", it was

9 Mokom father who did that?

10 A. [10:30:10] Ngaïssona gave the money to Mokom father because they shared

11 the same residence, and Mokom was the one responsible for money. So he took

12 the money and he -- he accounted back and reported back to Ngaïssona afterwards.

13 Q. [10:30:37] Since you are talking, when you say Mokom and Ngaïssona shared

14 the same residence, was it the Golf residence you're talking about?

15 A. [10:30:56] Yes, it was the residence at the Golf neighbourhood. When

16 Ngaïssona travelled, Mokom would go back to his former house. But when

17 Ngaïssona came back, Mokom would join him wherever he was spending night, be it

18 in Yaoundé, that is at the residence of the former President Bozizé which was given to

19 him by the Cameroonian officials. They were together.

20 Q. [10:31:35] Let me now move to another question -- another conversation

21 of 11 October 2015 (sic), CAR-OTP-2102-5143, tab 3, page 5161 (sic) at the bottom of

22 the page.

23 Here we see this conversation whereby it is said that Ngaïssona, Mokom, and the two

24 others whose names I will not provide, went to the border this morning to find

25 the chiefs of the archers. That was on 11 October 2013.

1 I ask court officer to please display CAR-OTP-2100-3030, tab 1, at page 3040, at the
2 bottom of the page.

3 Now, this confirms that the next day, on 12 October, it is said "Ngaïssona and Mokom
4 have already left Yaoundé yesterday. They are at the border to meet with
5 the archers. Mokom shall not return to Yaoundé."

6 Now let's go to the next page 3041, at the middle segment of the page, please, where
7 we are looking at 12 October 2013 and it says, "Yes, Mokom, Ngaïssona, and also a
8 Guinean pilot, and someone else whose name I don't know, but for Mokom he took
9 all his luggage." Answer: "Ngaïssona is also at the border?" And again the answer
10 is, "Yes, it appears that they have called all the leaders or they have called all
11 the leaders of the archers to meet them at the border."

12 Now, Mr Witness, you have already explained this event in your statement at
13 paragraph 154 and 155. And you explained in your statement that Ngaïssona and
14 Mokom *père* went to the border at Garam-Boulaï to meet the chiefs of the archers, who
15 were Achille and Ndale.

16 And so, in your statement at paragraph 132 and 134, you say that Achille Ndale went
17 to Yaoundé to meet with Ngaïssona and that you think that it was in September 2013.
18 You also go on to say that, when Ngaïssona was in Yaoundé, he had contacts with all
19 the Anti-Balaka leaders, particularly with Ndale.

20 Now, first question: It might be a little bit simple, but can I come to the conclusion,
21 then, that the archers worked with Mr Ngaïssona?

22 A. [10:36:01] Yes, they worked for Mr Ngaïssona.

23 Q. [10:36:13] I would like to know a little more about these archers. In your
24 statement you explain that ammunition and money was transferred by Ngaïssona to
25 Ndale and Achille. So we're talking about ammunition. When you talk about

1 archers, one believes that these are people who fight with bows and arrows. Is
2 that -- is that the proper understanding or is this a group of persons who had
3 weapons similar to those that were in the position of the other Anti-Balaka?

4 A. [10:37:00] Let me explain the situation. The archers are people who used
5 arrows to fight the Aragina (phon) and other bandits. And because the Araginas
6 knew how brave they were, they called on them to support the Balaka. So Ndale is
7 the chief of the archers in Bouar. What about -- but Achille is their leader in
8 Bossangoa. So when they became Anti-Balaka combatants, that is when they were
9 provided with ammunition in Bouar.

10 Q. [10:37:45] Thank you very much for that clarification. So let me now move to
11 a later conversation, but I will be returning to Bouar later on. And, because I am
12 proceeding in chronological order, there is another conversation between these two
13 elements. So we are looking at a conversation of 25 and 26 October.

14 Court officer, please display CAR-OTP-2102-5143 at tab 3. And I'm calling for
15 page 5175.

16 Even before I put the questions on the other conversation, let me ask you whether you
17 know how many persons were archers. I'm referring to the archers, how many of
18 them were there?

19 (No interpretation)

20 A. [10:39:27] I have not understood you. What were you saying about the archers
21 in Bouar and Bossangoa?

22 Q. [10:39:36] I'm sorry, maybe my question wasn't clear. Before turning to
23 the next topic, I still have a question about the archers in Bouar and Bossangoa. And
24 you explained that Ndale was the leader of the archers in Bouar and Achille was
25 the leader of the archers in Bossangoa. Do you know -- well, in your statement you

1 go on to explain that Achille went to Bertoua; is that correct?

2 A. [10:40:19] Since he left the Séléka, Achille took refuge in Bertoua. But Ndale
3 remained in Bouar.

4 Q. [10:40:32] You said that Achille was a native of Bossangoa. Were there any
5 elements that remained in Bossangoa, as far as you know?

6 A. [10:40:51] He is the one who gave me that information himself. Achille himself
7 gave me that information. He said that he was going to return to Bossangoa to
8 reassemble them. Now whether this is true or false, I don't know.

9 Q. [10:41:12] When you talk about the archers, do you have any idea what their
10 numbers were? How many of them there were?

11 A. [10:41:29] I only know Ndale and Achille to be their leaders. But as for
12 the other archers, I do not know them.

13 Q. (Overlapping speakers)

14 THE INTERPRETER: [10:41:38] Overlapping speakers, Mr President.

15 MS STRUYVEN: [10:41:42](Interpretation)

16 Q. [10:41:45] Let me now turn to the next conversation which is displayed on
17 the screen.

18 It's a conversation -- well, yes, "things are not going well in Damara and
19 the inhabitants of Damara are fleeing. Bouar is surrounded by our men. They were
20 waiting for the top from Kangara."

21 Now if we go two pages further, at page 5177, here the date is 25 October 2013 and
22 here we see, "I heard that tomorrow or after tomorrow the Anti-Balaka supported by
23 the soldiers will attack Bouar."

24 And then the other person answers, "Yes, that has been said, but we are still waiting."

25 So these people here are saying that Bouar has been surrounded by our men and that

1 the Anti-Balaka, supported by the soldiers, will be attacked -- will attack Bouar but
2 they're waiting for the order from Kangara. So who are they referring to when they
3 say Kangara?

4 A. [10:43:24] When they say Kangara, they are referring to Mr Bozizé.

5 Q. [10:43:32] Thank you. Now, about the soldiers who will support
6 the Anti-Balaka in the attack on Bouar, I take you to paragraph 56 and 168 of your
7 statement in which you say that Ngaïssona gave money to soldiers in Yaoundé - you
8 have already said that here today - so that they could go to Garam-Boulaï and link up
9 with the soldiers, the Anti-Balaka who were stationed at Bouar.
10 Now, here we are talking about soldiers who will support the Anti-Balaka. Do you
11 know whether the soldiers referred to here are the soldiers whom Ngaïssona had sent
12 to Bouar?

13 A. [10:44:26] Yes, it is indeed those soldiers, the soldiers Ngaïssona had sent to
14 Bouar.

15 Q. [10:44:38] Then in your statement at paragraph 100 you explain that Ngaïssona
16 sent money and ammunition, hunting ammunition to Bouar, particularly to Mr Ndale,
17 and that after the attack on Bouar, Ngaïssona contacted Achille and told him that they
18 no longer had any ammunition in Bouar and that they needed some more. Then in
19 your statement you say that Achille told Ndale to directly contact Ngaïssona and
20 Mokom and present the problem to them.

21 Based on what you have said at paragraph 100 of your statement, am I to also
22 understand that Ngaïssona -- or, rather, Ngaïssona sent ammunition and money
23 before the attack on Bouar?

24 A. [10:45:42] In my statement, let me specify that I cannot forget what I said.

25 Cross-check. I said Ndale called Achille, and Achille told him that he did not have

1 enough ammunition. And that, given that this was the situation, Ndale should
2 contact Ngaïssona directly. And they had a system in place there by which
3 ammunition will be sent. Ammunition and hunting guns were bought and then put
4 in a number of cartons and then were shipped in that manner. That is what I said in
5 my -- in my statement.

6 Q. [10:46:38] Yes, that is correct. In your statement you also say that, at some
7 point, Thuraya telephones, satellite telephones will be sent and that these were
8 received by Ngaïssona and Mokom. You explain how that happened, and you also
9 said that the Thuraya were also sent to Bouar. I believe one to Bouar, one Thuraya to
10 Bouar. Do you remember, or were you aware at the time, whether the Thuraya was
11 sent before or after the attack on Bouar towards the end of October 2013?

12 A. [10:47:28] The Thurayas were sent after the attack on Bouar, and I can explain so
13 that you understand properly. In my statement, the statement I gave you,
14 the Thurayas -- actually, it is (Redacted)
15 (Redacted). And I think that is stated in my statement.
16 (Redacted) and the Thurayas were handed over to Mokom *père*, and I think
17 the amount involved was 2.5 million or something around that amount.
18 The material was given to Mokom father. (Redacted) we were together with
19 Mokom father and Mokom took the Thurayas, (Redacted)
20 (Redacted). Then, for the other four, he gave it to Mokom, who then gave them to
21 Ngaïssona.

22 Initially, they sent these, and then later Didier Danboy went to see the Balaka in
23 Bouar and took the material along with him. (Redacted)
24 (Redacted)

25 Q. [10:49:02] Thank you very much for those clarifications.

1 Let me now move to another conversation of 31 October 2013. CAR-OTP-2101-6897,
2 tab 2, page 6900, and that's the last message at the bottom of that page.
3 Here we see, "the people who are being sent to the field by Ngaïssona and Mokom,
4 are they of FROCCA? I myself am one of them, can I go?" And then if we go to
5 the next page you see, "Yes, those are our people but I do not accept how they are
6 proceeding, the manner in which they are proceeding", and so on and so forth.
7 The second person answers, "Can I go there, boss?" and the next answer is "Yes." So
8 in your statement, specifically at paragraph 106, you have already explained that
9 conversation. And what you say indeed is that you asked Yakete to send money to
10 go and join those from FROCCA.
11 I'm not going to put those -- all those questions back to you again, but now, in your
12 statement, you also explained that when you wanted to contact the FROCCA people,
13 at that time the attack on Bouar was ongoing. But you also explain in your statement
14 that you really did not want to join the FROCCA. You simply wanted to have
15 information about the FROCCA; is that correct?
16 A. [10:51:36] Yes, that is correct. I wanted to obtain information on the FROCCA
17 group, and that is what is contained in my statement.
18 PRESIDING JUDGE SCHMITT: [10:51:52] May I shortly, please. Mr Witness,
19 according to your -- according to your knowledge or your perception at the time, how
20 was the relationship between the organisation called FROCCA and the Anti-Balaka?
21 How did you perceive that? Were they connected in a certain way, or if you can
22 elaborate on that? If you know, of course, only.
23 THE WITNESS: [10:52:36](Interpretation) To be clear, there is a link between
24 FROCCA and the Anti-Balaka. And even Ngaïssona, who is before your Court,
25 knows it. All of Bozizé's entourage knew that there was a link, a clear link between

1 FROCCA and the Anti-Balaka.

2 PRESIDING JUDGE SCHMITT: [10:52:59] Mr Witness, what do you mean by "link"?

3 Can you explain this a little bit more.

4 THE WITNESS: [10:53:26](Interpretation) When I talk of a link between FROCCA

5 and Anti-Balaka, it's because members of the FROCCA group knew what

6 the Anti-Balaka were doing and what the -- and the Anti-Balaka knew what

7 the FROCCA were doing. All of us in the Central Africa, we knew. And the former

8 president Bozizé knew. Yakete was a member of FROCCA, and he supported

9 the Anti-Balaka. So there is a link between FROCCA and the Anti-Balaka.

10 PRESIDING JUDGE SCHMITT: [10:54:00] Ms Struyven.

11 MS STRUYVEN: [10:54:04](Interpretation)

12 Q. [10:54:07] Thank you very much, Witness, for that clarification.

13 I have one last question before the break. In your statement, over and over

14 again - and I'm referring to paragraph 71, 72, 135, 136 and 137 - you say that you

15 personally did not want to fight against the Anti-Balaka because you had -- or, rather,

16 there were too many innocent persons and Muslim civilians who were being killed.

17 You then also explain that you used to hear people generally say that soldiers wanted

18 to take vengeance on the Muslim population.

19 Is this a fair summary of your statement?

20 A. [10:55:25] To be clear, I said these things in French, to begin with. But now that

21 I am speaking in Sango, I can even be clearer. I agree with what you have said. In

22 my statement, you see, we were suffering at that time. We did not have food. And

23 so I wanted to say things this way in order to get money and go back to my country.

24 This is what I said.

25 You see, the problem is that the soldiers who were there, and we were together as

1 soldiers, we were saying that Ngaïssona had given us money but we were going to
2 kill soldiers. I advised them against that, and I said we need to be careful because
3 we do not know what a bullet might strike. A bullet might hit a civilian or an
4 innocent individual. So it is possible that many people can be killed in this way. So
5 I advised so many people that this was not the right thing to do.

6 Q. [10:57:03] Maybe the transcript did not capture the entire conversation in French.
7 But in paragraph 72 of your statement, you say that when the Anti-Balaka launched
8 their attacks, they killed Muslim civilians; is that correct?

9 A. [10:57:34] Yes, that is correct. That's correct. In my statement, in my
10 statement, I said the reality is that, in Garam-Boulai, the Anti-Balaka went to fight
11 the Séléka in -- and one of them, whose name I don't remember although we were
12 together, when they came back from the fighting, I saw them with new motorbikes,
13 telephones, at least eight telephones.
14 So I asked this particular one, "How did you get this -- these telephones?" And he
15 said, "There were some Muslims who were fleeing, and we shot them. We took their
16 motorbikes -- their motorbikes. We chased them, and so we collected some
17 telephones." And this is what happened. It was his personal testimony.

18 MS STRUYVEN: (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [10:58:54] So I think perhaps this might
20 be -- Ms Dimitri is rising.

21 MS DIMITRI: [10:59:02] Just a slight correction, Mr President. In French, he was
22 very specific that he was talking about the location Baboua, but it didn't come out in
23 English.

24 PRESIDING JUDGE SCHMITT: [10:59:18] Yeah. Okay. I think we have a break
25 until 11.30.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

- 1 THE COURT USHER: [10:59:26] All rise.
- 2 (Recess taken at 10.59 a.m.)
- 3 (Upon resuming in open session at 11.32 a.m.)
- 4 THE COURT USHER: [11:32:37] All rise.
- 5 Please be seated.
- 6 PRESIDING JUDGE SCHMITT: [11:33:01] You have still the floor, Ms Struyven.
- 7 MS STRUYVEN: [11:33:08] Thank you, Mr President.
- 8 And maybe just to let you know that I may go a little bit over the two hours that I had
- 9 originally foreseen with this witness, but not much.
- 10 PRESIDING JUDGE SCHMITT: [11:33:17] Perhaps we can already try to figure out
- 11 if then before a lunch break the Defence would like to start, or if we should perhaps
- 12 have an earlier, a little bit earlier lunch break. I've -- it's up to you, but I can imagine
- 13 that you're more comfortable if you have the break before, but I ask you.
- 14 MR KNOOPS: [11:33:40] If the Court would allow, I prefer first to have the big lunch
- 15 break and then have the start of the examination. Yes?
- 16 PRESIDING JUDGE SCHMITT: [11:33:49] Fine. Fine. We do it this way.
- 17 So, Ms Struyven, please. You're not going far over the two hours, I assume. Just
- 18 saying.
- 19 MS STRUYVEN: [11:34:04](Interpretation) Thank you, your Honour.
- 20 Q. [11:34:06] Mr Witness, I'm going to show you another conversation of
- 21 31 October 2013, CAR-OTP-2011-6106 (sic). It's tab 2, page 6901. So it's 2011-6106
- 22 (sic), tab 2, page 6901.
- 23 Here, one of the parties said that "Above all one has to take over Béti."
- 24 And the first question: What are they talking? What do they refer to when they
- 25 talk about Béti?

- 1 A. [11:35:18] I haven't quite understood. Could you please repeat the question.
- 2 Q. [11:35:28] No problem. There is a reference that you have to consider
- 3 the taking of Béti. Where is Béti? What town is Béti, according to you?
- 4 A. [11:35:48] Béti is Berbérati.
- 5 Q. [11:35:57] Given that you see the name of this party, are they Anti-Balaka who
- 6 have to consider the taking of Béti? Or is it other people other than the Anti-Balaka?
- 7 A. [11:36:13] No, it is the Anti-Balaka, because the -- (Redacted)
- 8 (Redacted). So it's the Anti-Balaka.
- 9 Q. [11:36:28] Was -- Levy Yakete was also part of the Anti-Balaka?
- 10 A. [11:36:40] In my statement, I think I said that during the first attack Levy Yakete
- 11 made a statement on RFI. He wasn't on the ground. He was somewhere else. But
- 12 on RFI he made a broadcast which everyone followed.
- 13 Q. [11:37:05] Just for clarification, a statement on an attack on what village?
- 14 A. [11:37:23] It goes back a while. It wasn't occupation of a *ville*. It was an attack
- 15 when Anti-Balaka started to attack and fight against Séléka. He talked about it on
- 16 RFI, but I don't remember what town. I haven't got a clue anymore.
- 17 Q. [11:37:52] No problem. Do you know at that time why they were considering
- 18 about taking Berbérati at the end of October 2013?
- 19 A. [11:38:18] I just repeat what I said already. It was an exchange of information
- 20 on Facebook. No one organised the taking over of Berbérati, but this was
- 21 information we received and shared.
- 22 Q. [11:38:40] Thank you. I will move on to another conversation.
- 23 OTP-2021-51 (sic) and it's on page 5180. And I would appreciate your help. So this
- 24 is 2021-51 --
- 25 THE INTERPRETER: [11:39:08] The interpreter didn't get the rest, but it's page 5180.

1 Document 2102-5143, page 5180.

2 MS STRUYVEN: [11:39:31](Interpretation)

3 Q. [11:39:33] Here the parties say "ts gds left to Bertoua." So my question is
4 who -- what does this mean, "gds"?

5 A. [11:39:57] I haven't understood. I don't know what gds stands for. Perhaps
6 "all must go", because they all went to Bertoua. As I said before the Court, he
7 informed me what Ngaïssona was doing and that he went to Bertoua. So I received
8 this information from him.

9 Q. [11:40:37] Do you know why Ngaïssona went to Bertoua?

10 A. [11:40:50] Ngaïssona wasn't alone in Bertoua. He was accompanied with
11 Mokom father. During that meeting (Redacted) he went to Bertoua to meet
12 the military and to make promises that he would give them money to allow them to
13 go to Garam-Boulaï. He went to Garam-Boulaï accompanied by Mokom father.
14 Rod told me, Martial told me, that Mokom took all his luggage and he was going to
15 leave the town to go to Bertoua. And in Garam-Boulaï, he would talk to
16 the Anti-Balaka and mobilise them so that they would fight. And then Mokom and
17 Ngaïssona then returned to Yaoundé.

18 Q. [11:42:04] Thank you. I'm going to move on to another conversation,
19 2 November 2013. It's another document, CAR-OTP- -- it is 2103-4023, tab 6,
20 page 4038.

21 And I would like to go into private session for this question.

22 PRESIDING JUDGE SCHMITT: [11:42:39] Private session.

23 (Private session at 11.42 a.m.)

24 THE COURT OFFICER: [11:42:51] We are in private session, Mr President.

25 (Redacted)

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8 (Open session at 12.05 p.m.)

9 THE COURT OFFICER: [12:05:40] We are back in open session, Mr President.

10 MS STRUYVEN: [12:05:46] And so now I have -- I'm going back, so I'm going
11 forward in time. I have a conversation of 6 November 2013. It's -- for the record,
12 it's CAR-OTP-2103-4023. It's at -- I'm doing this in English.

13 Q. [12:06:12](Interpretation) I will put the question differently now, without
14 showing you any document.

15 There is a conversation of 6 November 2013, number CAR-OTP-2103-4023 at tab 6,
16 page 4040. We are not going to display this page for now. There is a reference.

17 But all I want from you is to help us understand a concept where reference is made to
18 "50 bg80" which were sent. My question is as follows: What is a BJ80? Can you
19 help us understand that?

20 A. [12:07:27] The BJ80s are military vehicles, land cruisers.

21 Q. [12:07:40] Thank you very much. There is another conversation of
22 10 November 2013, CAR-OTP-2100-3030 at tab 1, page 3052.

23 Here we are in November, 10 November 2013, and those involved in the conversation
24 are saying, "A soldier has just told me that our men have taken Bouca, and I have
25 cross-checked with Achille who has confirmed the information to me."

1 First question as before, when reference is made to "our men" here, is that a reference
2 to the Anti-Balaka?

3 A. [12:08:54] Yes, that is reference to the Anti-Balaka.

4 Q. [12:09:01] In your statement at paragraph 119 and 175, you indicate that you
5 heard that Ngaïssona had sent ammunition and a Thuraya to Andjilo in Bouca. Do
6 you know, or can you help us, when it comes to the period during which he may have
7 sent it, was it around the time of that attack, if you're aware, if you know?

8 A. [12:09:55] As I told you in my statement, it was around the time of the attack
9 indeed, and I said that Ngaïssona had heard (Redacted)

10 But what I can tell you before the Court now is truth, so that it can help the Court.

11 You see, Ngaïssona indeed sent hunting ammunition and Thurayas to Andjilo and he
12 did receive it indeed. And all of these people were brothers in arms, (Redacted)

13 (Redacted) They used to live with Ngaïssona. They were like his aide-de-camp

14 (Redacted).

15 Whenever they wanted to send groundnuts, which was a codename for bullets,
16 whenever they had to buy those, they would put the ammunition in boxes of Maggi
17 cube as if they were shipping Maggi cubes to members of their families. These
18 people were of the same ethnic group. And that is how it happened that the boxes
19 got to Andjilo, and this is what also happened in Bouar.

20 Q. [12:11:29] In your statement at paragraph 153, I believe, you say that Ngaïssona
21 was in contact with the Anti-Balaka in Bouar, Bouca and Bossangoa. Do you know
22 whether ammunitions and Thurayas were sent elsewhere, that is other than Bouar
23 and Bouca?

24 A. [12:12:06] No, those are the only localities I am familiar with. In my statement,
25 I told you that those who were close to them gave me information and I am only

1 aware of what happened in Bouar, Bossangoa, Gobéré and those locations in that
2 area.

3 Q. [12:12:34] Just to be clear, you say that you were informed that ammunition had
4 been sent to those localities. Do you know whether it was done before the attack on
5 Bangui or on 5 December 2013?

6 A. [12:12:57] Yes, it was before, well before.

7 Q. [12:13:04] Thank you.

8 MS STRUYVEN: [12:13:06] Mr President, I think we can go back into open session.

9 PRESIDING JUDGE SCHMITT: [12:13:16] We are in open session, so...

10 MS STRUYVEN: [12:13:20] (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [12:13:22] No, then -- then we simply state we stay
12 there.

13 MS STRUYVEN: [12:13:30](Interpretation) I'm sorry. I was mistaken. I actually
14 wanted to ask us to move briefly into private session, Mr President.

15 PRESIDING JUDGE SCHMITT: [12:13:40] Okay. Then private session.

16 (Private session at 12.13 p.m.)

17 THE COURT OFFICER: [12:13:51] We are in private session, Mr President.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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2 (Redacted)

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5 (Redacted)

6 (Redacted)

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8 (Redacted)

9 (Redacted)

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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 12.18 p.m.)

25 THE COURT OFFICER: [12:18:30] We are back in open session, Mr President.

1 MS STRUYVEN: [12:18:34](Interpretation)

2 Q. [12:18:35] Mr Witness, I'm coming towards the end of November 2013 and I will
3 asking you questions about a conversation in document CAR-OTP-2102-5143, tab 3, at
4 page 5184.

5 To begin with, I will not mention the name of the person with whom you are
6 communicating, but is it correct that this person whom you see in the blue patch on
7 the screen was in Douala at the time?

8 A. [12:19:48] Yes, at the time he was in Douala. And I even mentioned that in my
9 statement when I said that he was a police commissioner and he was of the same
10 ethnic group as Ngaïssona and Bozizé.

11 Q. [12:20:08] Thank you. At the top of the page it is said as follows, "I have been
12 told that all the leaders of each group are towards you?" Is that to mean that all
13 the leaders are in Douala?

14 A. [12:20:33] That is correct. That is what we learnt. We learnt, well, by way of
15 rumour, and that is why I said I was told or I have been told that all the leaders of the
16 military groups are in Douala. I wanted to cross-check that, but I was not able to.

17 Q. [12:21:06] Do you know who this was about, or is it just that you weren't able to
18 cross-check?

19 A. [12:21:14] I was not able to verify or cross-check. I informed him and he
20 promised to get back to me, but he didn't. If he had provided me with an answer I
21 would have told you.

22 Q. [12:21:31] No problem. But now let's look at another conversation one day
23 later, 24 November 2013. CAR-OTP- -- the same document, actually, at page 5185.
24 But I would like to ask questions relating to this document in private session,
25 Mr President.

- 1 PRESIDING JUDGE SCHMITT: [12:22:00] Private session.
- 2 (Private session at 12.22 p.m.)
- 3 THE COURT OFFICER: [12:22:16] We are in private session, Mr President.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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6 (Redacted)

7 (Open session at 12.25 p.m.)

8 THE COURT OFFICER: [12:25:52] We are back in open session, Mr President.

9 MS STRUYVEN: [12:25:59](Interpretation)

10 Q. [12:26:01] Let me now show you a conversation of 29 November, a few days
11 later, 29 November 2013. CAR-OTP-2101-6897, tab 2, at page 6911, at the bottom of
12 the page.

13 I would like you to help us. This a document of 29 November. At the beginning it
14 says, "Hello, I am on the way to *yang a ti pere*." That's the best I can say in Sango.
15 Can you explain to the Chamber what this means?

16 A. [12:26:59] *Yang a ti pere* means the bush. *Yang a ti pere* is referring to the bush, to
17 the forest.

18 Q. [12:27:14] So when you say you're on your way to the bush, what does that
19 mean? Where are you headed?

20 A. [12:27:32] Well, we had already left to go to Garam-Boulai. In my statement, I
21 said that I did not want to get involved in their operation, so I said that only in a bid
22 to get information. But as a matter of fact, we were in Garam-Boulai, in
23 Garam-Boulai. I said in my statement that we went to Garam-Boulai twice. When
24 Gbangouma was arrested we went back to Yaoundé, and then later on we came back,
25 having been funded by Ngaïssona. He did not want to give me the money because

1 I was being considered to be a traitor. Other persons came, I was given the money
2 and we went back there in order to go to the bush.

3 Q. [12:28:38] Thank you very much. I want to show you another conversation of
4 the same day, end of November, 29 November 2013, 2102-5153, tab 3, at page 5191, at
5 the bottom of the page.

6 Here the individual involved explains that the Anti-Balaka remained in Damara and
7 that many FACA had joined. Then there is an answer, "Yes, that's it, commissioner, I
8 in Bouar tomorrow, please pray a lot for us." And what I want to talk about is
9 the statement that many FACA had joined in Damara, that is on 29 November 2013.
10 Is that the information that you had at that time?

11 A. [12:29:55] Yes, that is what I heard being said. And as I told you already, this
12 information is information that I came by or that I received. And I wanted to show
13 my interlocutors, who were all relatives of Bozizé and Ngaïssona, that I was also
14 interested in the operations. I wanted to show them that I was also going to
15 participate in the operations. And that is how they confided in me and that is how
16 I am able to tell you that truth today in this Court.

17 Q. [12:30:43] Going back to the FACA who had joined in Damara, do you know
18 who organised that event at which they joined?

19 A. [12:31:02] I do not know who organised it. I don't have any information for
20 you on that topic.

21 Q. [12:31:14] No problem. Let me now move to another conversation of
22 3 December 2013. CAR-OTP-2101-6897, tab 2, at page 6912, bottom of the page.
23 You said that moment you arrived in Garam-Bouläï. You already explained several
24 times that you went back twice to Garam-Bouläï. In your testimony today you said,
25 or I summed up a paragraph to you, where in your statement you talked of Thuraya

1 and the killings -- sorry, the killings of innocent civilians. And in the paragraph 72
2 and 73, you explain that in general you heard people say that when they took life they
3 looted and -- all the Muslim houses and all the Muslims in the country were not
4 Central Africans. They came originally from Chad, that they had made war in Chad
5 in order to come to our country, they had made children who had Central African
6 nationality. And all the people around you said that these Muslims and their
7 children were doing harm and therefore they had to be killed. They had to be
8 eliminated so that there would be no Muslims in Central African Republic.

9 I thought you said in your statement today that these type of things were things you
10 heard in Garam-Boulai; is that correct?

11 A. [12:33:28] Yes, that is information which I heard and which we shared when
12 I was in Garam-Boulai. When the investigators asked me the question, I told them
13 that. Between us, the soldiers, this is sort of the information that was doing
14 the rounds. When we arrived they said these are foreigners and they are -- because
15 of the war they have come to us to have children, they -- to get the nationality, and are
16 doing whatever they want. But as soon as they arrived, what we have to do is to kill
17 them all. But I would have given them different advice.

18 Q. [12:34:22] Thank you. In your statement, and I'm referring to paragraph 61,
19 you explain that many FACA went to Garam-Boulai and Ngaïssona gave instructions
20 that everybody should contact Sabe, a gendarmerie there. And you clarified in your
21 statement that Sabe, whom you knew, and he left to Yaoundé to attend a meeting
22 with Ngaïssona. So in your statement, in the next paragraph, 62, you said in
23 Garam-Boulai there was Mokom, Rocco Mokom, Aaron Wilibona and several other
24 soldiers.

25 I have some questions about this, but perhaps I would prefer to have a closed session

- 1 for the questions.
- 2 PRESIDING JUDGE SCHMITT: [12:35:31] Closed -- not closed -- private session.
- 3 (Private session at 12.35 p.m.)
- 4 THE COURT OFFICER: [12:35:47] We are in private session, Mr President.
- 5 (Redacted)
- 6 (Redacted)
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14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Open session at 12.40 p.m.)

22 THE COURT OFFICER: [12:41:00] We are back in open session, Mr President.

23 MS STRUYVEN: [12:41:05](Interpretation)

24 Q. [12:41:07] Mr Witness, I think you already talked about this just now, but I want

25 to ask you the following question: In your statement in paragraph 55 and 56, you

1 said that Ngaïssona and Mokom sent elements, soldiers, to Yaoundé, to Garam-Boulaï,
2 to go from Garam-Boulaï to go to Bouar.

3 At that time in your declaration, you say that vis-à-vis the attack of 5 December 2013,
4 you say that Bozizé called Steve Yambete to say to Konate to wait so that those in
5 Bouar and Bossangoa join the military in Bangui before the attack. Was that what
6 you were trying to say to us?

7 A. [12:42:08] Yes, that is what I was trying to say. That is it. That's why it took
8 a bit of delay. I said in my statement, which you have, because you asked me
9 the question, I must explain that in this way.

10 Q. [12:42:37] So you said people like Rocco Mokom indeed continued to
11 Garam-Boulaï towards Bouar. Do you know whether there were many militaries
12 who did that route at that time?

13 A. [12:43:01] No, in my statement I didn't say that. I said this: Rocco is the son of
14 Mokom father. Before he was in Garam-Boulaï. (Redacted). It
15 is the son of Mokom father, and the father (Redacted)
16 When I spoke of his death in Bouar, I don't know. It was an Anti-Balaka. He was
17 together with a journal -- French journalist, who were ambushed, and he was killed.
18 It is Rocco Mokom, because there are many Mokoms.

19 Q. [12:43:53] Thank you for that clarification. In your statement you explain that
20 Konate was supposed to wait for military people of Bouar and Bossangoa before
21 attacking Bangui; is that correct?

22 MS DIMITRI: [12:44:13] (Microphone not activated) either the question is leading
23 because my learned friend is putting in her own words what the witness said in
24 the statement, or the question is unnecessary because the statement's already in
25 evidence under 68(3).

1 PRESIDING JUDGE SCHMITT: [12:44:27] I agree.

2 MR KNOOPS: [12:44:29] Mr President, this is not in the statement, by the way, of the
3 witness.

4 PRESIDING JUDGE SCHMITT: [12:44:32] Yeah. First of all, if we have -- especially
5 if we have a Rule 68(3) witness and we make reference to something that should be
6 part of this or is part of this of Rule 68(3) statement, we should say where, where it is,
7 so that everybody can follow.

8 And, in general, I repeat that what is in the Rule 68(3) statement, the reason why we
9 do this exercise is that it is part of the live testimony of the witness. There's
10 a procedural, let's say the procedural reason for that so that we have a more
11 efficient -- efficient procedure here.

12 This does not exclude that sometimes counsel wants to introduce, so to speak,
13 a question to a witness by paraphrasing. But only if we have the paragraph that is
14 referred to in this statement we can really verify if the paraphrasing is correct or not.
15 So this is perhaps, in a nutshell, what this procedure is about and where we have to
16 be careful that we do not -- that we do not change, so to speak, what the witness has
17 said.

18 Of course this again, even if a -- Mr Knoops, even if the -- a counsel would not
19 paraphrase it in a way that is -- that correspond to what the witness has said, this
20 would not escape the attention of the Chamber. But yet, for procedural fairness, I
21 think it is -- and also fairness to the witness, it should be done this way.

22 So, Ms Struyven, please continue.

23 MS STRUYVEN: [12:46:21](Interpretation) Thank you. I already mentioned
24 the paragraph. It's 173. I mentioned at the very beginning. So it's paragraph 173
25 of the statement of the witness.

1 Q. I'll put a last question as regards the attack in Bangui.

2 Mr Witness, in your statement you say, in paragraph 101, that the money and
3 munition, hunting munition, was sent to Bangui and it reached Bangui before
4 the attack of 5 December 2013. Could you provide us with more information, more
5 than what you've said in your statement.

6 A. [12:47:26] What I can say to you is this: The attack couldn't take place on
7 5 December before because we were waiting for munition and the resources in order
8 to launch the attack, because initially it was planned for 1 December. That is what
9 I am affirming before the Court.

10 Q. [12:47:59] And who was going to give the munition before the attack?

11 A. [12:48:12] According to what I know, I don't know whether the munition must
12 come from Ngaïssona. I don't know that. But (Redacted)
13 I cannot confirm that Ngaïssona sent it or did not send it. I just got this information
14 (Redacted), who was in contact with these people.

15 Q. [12:48:51] Thank you very much, Mr Witness. I have some questions about
16 your telephone numbers. I'm going to ask you to look at some messages and
17 confirm "yes" or "no" whether the numbers are indeed your numbers. I'm going to
18 start with a -- you mustn't mention the number. We just confirm "yes" or "no"
19 whether it's your number.

20 So this is OTP-2101-2697 (sic), tab 2, page 6902.

21 Do you see the number? Can you remember if that's your number?

22 THE INTERPRETER: [12:49:59] The Sango booth did not receive the answer of the
23 witness.

24 MS STRUYVEN: [12:50:04](Interpretation)

25 Q. [12:50:07] The Sango booth did not hear your answer. Could you please

1 repeat.

2 A. [12:50:16] I said that's the number that I used when I was in (Redacted)

3 Q. [12:50:24] Thank you. And the same document, page 6921, are these your
4 numbers?

5 A. [12:50:50] Yes. They are my numbers (Redacted), my numbers in CAR.

6 Q. [12:50:59] Thank you. If we could -- if we could go 2102-9507, tab 4, page 9523,
7 you'll see another number there.

8 Are they your numbers?

9 A. [12:51:41] Those are my old numbers, but I don't use them anymore. For
10 example, the one -- (Redacted)

11 (Redacted). But I no longer use it. (Redacted)

12 (Redacted)

13 Q. [12:52:13] Thank you. And then a last number. So it's on 2103-4779, tab 8,
14 page 4780. And this is another speaker. And was that -- was that his number? I'm
15 not going to mention the name because we are in public session. But do you
16 recognise that number?

17 If you can go a bit higher on the screen.

18 Do you know whether you could communicate with this person on that number?

19 A. [12:53:04] No. No, we didn't communicate with that number. I talked to this
20 person, but we sent messages on Facebook. But I saw his name. (Redacted)
21 (Redacted), and that's why I asked for his number. But I never called him on that
22 number.

23 Q. [12:53:40] Thank you for answering my question. I have no further questions.
24 (Speaks English) And I apologise for having taken more time.

25 PRESIDING JUDGE SCHMITT: [12:53:47] Okay. Thank you. We will have then

- 1 the lunch break until 2.30.
- 2 MR KNOOPS: [12:53:51] Mr President.
- 3 PRESIDING JUDGE SCHMITT: [12:53:53] Mr Knoops.
- 4 MR KNOOPS: [12:53:53] I would ask the Court to allow me to start tomorrow
5 morning, because the statement of the witness is considerably different from the
6 statement he gave in 2018 -- 2020. And I really have to compare the full transcript
7 with the statement, and I'm going to use this in evidence.
- 8 PRESIDING JUDGE SCHMITT: [12:54:16] This bears, of course, the question. We
9 want to finish the witness, with the questioning of the witness tomorrow. Yeah.
10 What -- what do you envision? How much time would you need tomorrow?
- 11 MR KNOOPS: [12:54:32] I'd need maximum two sessions. And I understood from
12 Mr Hannis that he will probably need one hour.
- 13 PRESIDING JUDGE SCHMITT: Okay.
- 14 MR KNOOPS: [12:54:40] So let me assure you that --
- 15 PRESIDING JUDGE SCHMITT: [12:54:41] Then it's fine. Then it's fine.
- 16 MR KNOOPS: [12:54:41] -- the Defence will finish tomorrow before 4.
- 17 PRESIDING JUDGE SCHMITT: [12:54:44] Good. Good. Then we do it this way.
18 Then we finish for today and reconvene tomorrow 9.30. (Overlapping speakers)
- 19 MR KNOOPS: [12:54:49] Also for the efficiency of my cross-examination, I can
20 regroup my questions.
- 21 PRESIDING JUDGE SCHMITT: [12:54:54] Fine. No. Under these circumstances,
22 we are fine.
- 23 MR KNOOPS: [12:54:57] Thank you, Mr President. Thank you.
- 24 THE COURT USHER: [12:55:01] All rise.
25 (The hearing ends in open session at 12.55 p.m.)