

INTERNATIONAL CRIMINAL COURT
OFFICE OF THE PROSECUTOR

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: ZUMSTEIN

Gender: Male

First Name: Michaël

Father's Name: [REDACTED]

Other names used:

Mother's Name: [REDACTED]

Passport / ID number: [REDACTED] (CH)

Nationality(s): Switzerland & France

Language(s) Spoken: French, English.

Language(s) Written: French, English.

Language(s) Used in Interview: English.

Occupation: Independent photo journalist.

Place of Interview: France, PARIS, Meeting Room.

Date(s) and Time(s) of Interview: 16SEP'15 10.00-12.15h & 13.35-18.30h and 17SEP'15 08.40-13.15h.

Names of all persons present during interview: Michaël ZUMSTEIN; [REDACTED]
[REDACTED] and [REDACTED]

Signature(s)

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WITNESS STATEMENT

Procedure

1. I was introduced to [REDACTED] and [REDACTED] and told that they are investigators with the Office of the Prosecutor (OTP) of the International Criminal Court (ICC).
2. The investigators explained to me what the ICC is and described its mandate. They explained the role and mandate of the OTP within the ICC.
3. The investigators explained to me that they are investigating events that took place in the Central African Republic (CAR) from August 2012 till present. I was informed that the OTP is contacting me because they believe I may have information relevant for establishing the truth.
4. I was told that I have the right to be questioned in a language that I fully understand and speak. I confirm that English is a language that I fully understand and speak.
5. The investigators explained to me that this interview is voluntary and that I may end it at any time.
6. I was informed that any information I give to the OTP, including my identity, might become subject to disclosure to the parties of the proceedings at the ICC; in particular the Judges, Accused persons, the Counsel of the Accused and the legal representatives of the victims.
7. I was informed that I might be called to testify before the Court. It was brought to my attention that ICC trials are held in public and explained to me that, as an exception to the principle of public hearings, the judges may apply protective measures to those testifying if circumstances require.
8. I am currently willing to appear as a witness in Court, if called to testify. I understand that disclosure of my identity and information I have provided may take place whether or not I am called to testify.
9. The possible security implications resulting from my interaction with the OTP were discussed with me. The investigators have explained to me the reasons and importance of keeping my contacts with the OTP confidential, which I fully understand.

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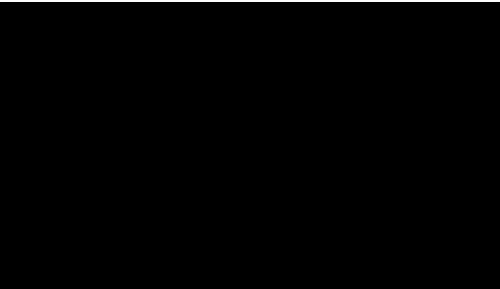


10. Having understood all the above issues, I confirmed my willingness to answer the investigators' questions.
11. The investigators explained to me how the interview was going to be conducted. I was told by the investigators that it is important that I am as accurate as possible in my account; and that I state when I do not know or do not understand the question. I understand that I need to distinguish between what I have experienced or seen myself and what I have heard or learned about from someone else.
12. I was told that at the conclusion of the interview, I would be asked to sign a written statement after having had the opportunity to review it, make any corrections, or add additional information.

Background

13. I have been working as an independent photo journalist for 20 years now. I studied photography from age 22 till 24 in Switzerland. I mostly work for newspapers and magazines and mostly in Africa. I often work in association with writing journalists to produce reports for mostly the French press.

CAR journeys

14. As a journalist, I travelled to CAR in the period of interest for your investigation from 21SEP2013 till 02OCT2013; again in DEC2013; and in JAN2014; during which I covered the conflict. I travelled to CAR to make a report on diamond mining in BRIA and BODA from in OCT-NOV2014. The first travel is documented in my former Suisse passport, but the three later are in my passport which is currently at the Niger Embassy for a visa; I can present it to you later.
15. From 09FEB2014 till 12FEB2014, I worked on assignment for *Le Parisien* Magazine, accompanying Jean-Yves LE DRIAN, the French Minister of Defence. He made a tour, visiting French Military and meeting local political authorities, in several African countries.
16. I also went to CAR to work in JUN2014, 

returned to PARIS early. I have no useful pictures of that stay in CAR.

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CAR photo material – hand over

17. I keep my pictures filed on hard disks, organised according to the different travels I made, in folders with a structured name, such as: 'ZUM 13 32 D Centrafrique I'. ZUM stands for my name, the number 13 stands for the year 2013, the 32 stand for the number of the 'story' (one trip is one story); the D stands for digital and then the subject 'Centrafrique I'.
18. Each folder contains subfolders, one with the pictures in RAW format (.NEF-extension); one with the pictures in JPEG format, one with the re-mastered pictures to be presented to my clients and one folder with the selected JPEG pictures down-sized, to be easily transferred. Only the pictures in the 'selected pictures' folder, contain a note in the metadata, explaining the subject of the picture. The RAW pictures contain in their metadata the date and time the picture was taken. These are based on the date and time set in my camera; which, to the best of my knowledge, I have never changed, for example to the local time. They are set to the date/time in France and I am not sure if they automatically change to 'daylight saving time'. We take a picture of the atom clock on the internet (<http://quelleheureestil.fr/>) to compare this with the date/time in the metadata of the picture; the date/time on the picture of the atom clock shows 17SEP2015 08.59:03, the metadata of this picture on my camera show 17SEP2015 09.01:40.
19. The camera I used during all aforementioned travels in CAR, is a Nikon, model D3S, with serial number 2032992. This camera is not equipped with a GPS, thus the pictures are not geo-located in their metadata. Only occasionally, I use a second camera, also a Nikon, but model D800, with a zoom lens. I don't have it with me at present, so we cannot check the date/time setting, but it should be similar to my regular camera. The file names of the pictures of this camera start with the letters LZN instead of ZUM.
20. I am voluntarily providing my photo material, from the four journeys I spent in CAR covering the conflict and the diamond mining, to the OTP. I copy these pictures myself, in the presence of the investigators, from my hard disk on the hard disk, which the OTP provided to me. In my presence the material I provided, is 'hashed' by the investigators and a file containing all hash codes is copied to the aforementioned hard disk. These four hash code files (one for each provided folder) are each hashed as well and also copied to the hard disk. These four hash codes are 7bb30e57575c7a646cc189945b384711, 3950ac61d69a921ae35eed9bb546ab44, f560c50f573052f598b9853e1f285c64 and ef407270fe8ad6cb47028c7712d89bc4.

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21. [REDACTED]

'Centrafrique 1' – First travel to CAR

22. I arrived in BANGUI 21SEP2013 where I joined [REDACTED]
[REDACTED] is a writing journalist for the newspaper *Le Monde*; he used to work for *Radio France Inter* (RFI), and he is extremely knowledgeable on the Central African situation.

23. Seleka were in BANGUI at the time and Michel DJOTODIA was the President of CAR. The Christian population, for example in the BOY-RABE neighbourhood, felt threatened by the Seleka. The military in Africa often have to provide in their own food and the Seleka were no exception, taking food from the local population. The Seleka seemed rather unorganised to us, they did not appear to be centrally controlled; different groups held their own area and had their own local commanders. For example when DJOTODIA called the Seleka to go to their camps, many did not respond to this call.

24. [REDACTED] and I travelled to BOSSANGOA by car on the 22SEP2013. From BOSSEMBELE to BOSANGO, we found many villages looted and burned. In BOSSANGO we found Christian civilians gathered around the church, we were told they were 25.000, they feared attacks and looting of the Seleka. Some 500 metres from the church, Muslim civilians were gathered in a school named '*Ecole Liberté*', fearful of revenge attacks from Christians. I can only estimate that there were around 1.000 Muslims gathered at the school.

25. We stayed in BOSSANGO till 24SEP2013 when we travelled back to BANGUI. During this travel back, in a village called NJOH, we saw for the first time armed, young, Christian men, presenting themselves as '*Groupe d'auto-défense*', which would later be commonly referred to as '*Anti-Balaka*'.

26. I stayed a few days in BANGUI, preparing a second travel to BOSSANGO.

27. I went back to BOSSANGO on 28SEP2013 with another journalist, [REDACTED]
[REDACTED] On the road to BOSSANGO we saw again looted and destroyed villages. Some of the destroyed houses were still smoking. We were told by people we met, that the houses were looted and destroyed by Seleka. Along the way we saw two 4X4 pick-up trucks of the Seleka driving towards BOSSANGO. We called this road '*the road of the happy pigs*',

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because pigs were freely running around; the Seleka, being Muslims, didn't take the pigs, contrary to the other cattle and harvest. During the same trip we noticed Muslims fleeing on trucks in the opposite direction, away from BOSSANGO, but I don't know where they came from. In BOSSANGO I met another journalist, called [REDACTED]

28. In BOSSANGO people were still gathered either around the church or around the school, as the week before. Apart from that, many people had fled into the bush. That's why [REDACTED] and I went outside BOSSANGO, to small villages, of which some were destroyed, and others were not, but many were abandoned. When we stayed for a moment in such villages, scared civilians, realising we were not military, would come out of the bush. They signalled each other by whistling. These villagers were all Christians.
29. The general feeling we had, was that everyone was displaced at this time. The Muslim Peuhl herders were being attacked by Christian farmers. The Christians were fleeing the looting Seleka. The farmers were sleeping in the bush. The Peuhl abandoned their cattle and stayed at the school. Muslims fearing Anti-Balaka gathered in the bush or fled to BANGUI. Busses and trucks were often belonging to Muslims and took on fleeing Muslims.
30. We returned to BANGUI on 30SEP2013. I stayed for a few days in BANGUI and left the country 02OCT2013.

'Centrafrique 2' – Second travel to CAR

31. I returned with [REDACTED] to BANGUI on 30NOV2013. We could easily move around in town. 01DEC2013 we travelled on the road towards SIBUT (a town 100km from BANGUI); on the road we noticed a convoy of three Seleka vehicles, heading in the direction to SIBUT. These Seleka were all nervous. During my first visit, Seleka, holding power, were all too happy to be photographed; but now their attitude had changed notably. We didn't travel all the way to SIBUT; we headed back to BANGUI the same day.
32. The next two days we spend going around in BANGUI. We saw French soldiers securing the airport. In the *Hospital Communautaire*, we found around five wounded Peuhl children. We were told that they came from BOALI where they were attacked by Christians and that twelve Peuhl were killed there. We decided to go to BOALI, to cover what had happened.
33. On the road from BANGUI to BOALI on 04DEC2013 we met both Muslims and Christians, all fearing inter-communitarian violence. For example at PK47 we met a

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- Christian named [REDACTED] and in a town called BOUGOULA, we met a Muslim community. When I returned to BOUGOULA one month later, there were no Muslims left. Near BOUGOULA, further down the road to BOALI, we met a fleeing Christian, pushing a cart with his families' belongings; he told us they were attacked by Peuhl.
34. In BOALI we found several destroyed houses; we were told they belonged to Christians. At the mosque of BOALI, Muslim men, armed with bows and arrows and machetes, were gathered to protect the mosque; they feared that the mosque would be destroyed if they didn't guard it.
35. 05DEC2013 I was in BANGUI, we stayed in a private place near [REDACTED] [REDACTED] woke me up around 06.00h; he told me the Anti-Balaka were attacking the town. We only heard shooting from around 08.00h, the shooting came from the direction of the prison near the river, I don't know the name of the prison. We were standing outside our place and we didn't see fighting going on. We were making telephone contacts trying to gather information, but it was all very hectic, it was not clear what was exactly happening where. Around noon a private pick-up drove by and the driver accepted us to ride along. He dropped us at the *Hôpital Communautaire*.
36. First we were at the *Hôpital Communautaire*, which was run by the *Médecins Sans Frontières* (MSF), where the population were bringing their dead and wounded; they all appeared civilians to me. I can only suppose these victims were both Muslim and Christians. I can only estimate the number of dead at this hospital as around 100. The wounded were lying everywhere, even in the corridors; it is very hard to estimate the number of wounded, maybe between 100 and 200.
37. Then we went to the Chinese built hospital, I believe it is called *Hôpital de l'Amitié*, with a vehicle [REDACTED] who went there to pick up wounded to bring them to the *Hôpital Communautaire*. We saw there dead and dying people; I estimate I saw around ten dead bodies there and about 30 wounded. I did not witness violence at this hospital. *Hôpital de l'Amitié* was normally run by the CAR government, but we saw no medical staff at this hospital, it was not operational at all.
38. From there we returned to the *Hôpital Communautaire* and the attached morgue, with [REDACTED] dead and wounded were constantly being brought to the hospital both by MSF and civilians. In the afternoon we didn't notice so much shooting anymore and more and more people came to the hospital then. During the morning the shooting in the town had been constantly going on. We didn't stay long then in the *Hôpital Communautaire* and I cannot estimate how many more dead and wounded had been gathered in the meantime. I jumped into another [REDACTED] which took us to the Ledger Hotel.



39. From the Ledger Hotel we were picked up by [REDACTED] a friend/photographer coming with a car from BOSSANGO, and we went to the Ali Babolo Mosque in PK5. Dead Muslims were being gathered at the Ali Babolo Mosque; I estimate I saw at least 30 corpses, all dressed as civilians. From there we returned to our residence.
40. 05DEC2013 was also the first time we saw French soldiers patrolling in the city of BANGUI; before they only secured the airport. I did not notice any FOMAC intervening to protect the population.
41. On 06DEC2013 we did not notice any shootings anymore and it was easy for us to move around. In the morning, on the Rue des Martyrs in front of the *Hôpital Communautaire*, I pictured a convoy of about 15 to 20 Seleka vehicles at the same time; usually, I saw them patrol in groups of two or three vehicles. We could only suppose then, they were heading at some place to regroup themselves. We didn't know what exactly was going on then.
42. Along the road in the town, we noticed Sangaris movements; we saw civilians coming to the town and we saw corpses along the road. Often it was single corpses of what appeared to be civilians.
43. But we also found a group of about 10 corpses of young men lying at one place. I suppose they had been executed, by the way they were lying together and they had clear gunshot wounds. They were in civilian clothes. I can locate with a circle on an aerial picture, the location where we saw this group. You can attach this print as ANNEX I. This was in one of the side streets of the *Rue de l' Université*, connecting the *Rue des Martyrs* and the *Rue de l'Indépendance*.
44. In the surrounding of this executed group we saw corpses of Anti-Balaka; which we could recognise as such, because they were wearing the necklaces they call *gri-gri*, to protect the warriors.
45. On two other sites in BANGUI we also found such groups of about ten corpses of young men, which also appeared to have been executed by gunshots. I cannot remember at present where these were located; and I don't think I photographed those, because I already had pictures of the first situation.
46. We moved around and typically saw dead bodies along the road. I believe they were killed away from the road and only afterwards laid on the side of the road to be collected.



47. I saw a Seleka patrol car parked in front of the *Hôpital Communautaire*; they were just parked there because they fed themselves at the little restaurants in the neighbourhood, I don't think they were there to protect the hospital.
48. In the morgue of the *Hôpital Communautaire*, more and more corpses were being gathered and the morgue got saturated, hence corpses were laid on the ground outside of the morgue.
49. 07DEC2013 we started moving further in the town; we went to BOY-RABE for example. We found people mourning for their dead relatives.
50. We went to the airport, where more and more Christian people, fearful of the Seleka, were gathering at the refugee camp. We continued to see dead bodies along the roads. Sangaris were patrolling the town.
51. 08DEC2013 early afternoon, we met President DJOTODIA at Camp des Roux; where he stayed, he did not stay at the Presidency. DJOTODIA showed some 23 arrested people to the international press; they were presented as being captured Anti-Balaka. These prisoners were denying being Anti-Balaka, but they were urged by the Seleka soldiers to shut up. I believe it could have been a propaganda attempt by DJOTODIA. The prisoners didn't appear to be fighters to me. Anti-Balaka often had braided hair, close to the skull; only one of these prisoners had such a hair-do. I think they could have been simple street vendors. We were told to leave and a few hours later we were called back to Camp des Roux for a press conference by DJOTODIA. Later, during our third trip in CAR we learned that about 20 corpses were found on the *Colline des Panthères*; we considered then the possibility that these might be the prisoners DJOTODIA presented us earlier at Camp des Roux; we tried to make some inquiries on this matter, but we did not succeed to find any confirmation; we also did not find any more news of what had happened to the prisoners we saw.
52. 09DEC2013 we moved around in BANGUI, there was occasional shooting going on. We noticed French soldiers arresting men, allegedly Seleka soldiers; some in uniform, some in civilian clothing. Seleka were not allowed to carry weapons within BANGUI. However, many Muslims were carrying on them a cheap, little, Chinese made, hand grenade for self-protection.
53. We saw successful looting going on by Christian civilians on Muslim shops in the *Combattants* area; young men forced open the doors of shops after which these were completely looted. We saw some three Muslim men attempting to protect their shop, called [REDACTED] with a machete in hand; no-one got injured because these men were only hitting the looters with the flat side of the machete, they didn't hack into the crowd.

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54. In the BANGUI streets, for example around PK12, we saw several young men wearing gri-gri; at first they appeared unarmed. But early afternoon, at a French controlled checkpoint at PK12, we saw many weapons being seized from civilian cars that entered BANGUI. I don't know whether these weapons were seized from Christians or Muslims. I think if the weapons were seized from civilians, they were free to continue their journey, but the men that were suspected of being military, were arrested and guarded in a shed by the French.
55. We still have not covered my full second stay in CAR; we also still have to cover my two other stays in CAR. I am fully willing to continue my statement on the events I witnessed; however I need to ask you to excuse me at present. There was a *coup d'État* yesterday afternoon in Burkina Faso and I am called for an urgent assignment to cover the situation as a photographer.

ANNEXES

- I. Print of Google Earth with location of executed young men in BANGUI.

Closing Procedure

56. The investigators informed me of the protective measures that may apply during and after the investigation and/or trial proceeding.
57. I have nothing to add to the above statement nor do I have anything to clarify. I am available to be contacted in the future for clarifications or questions on topics not covered during this interview.
58. I have given the answers to the questions of my own free will.
59. There has been no threat, promise or inducement which has influenced my account.
60. I have no complaints about the way I was treated during this interview.

WITNESS ACKNOWLEDGMENT

I have read over my statement in the English language and it is true to the best of my knowledge and recollection. I have given this statement voluntarily and I am aware that

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it may be used in legal proceedings before the International Criminal Court and that I may be called to give evidence in public before the International Criminal Court.

Dated: [REDACTED]

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