

Trial Hearing
WITNESS: CAR-OTP-P-2682

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 15 March 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:48] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:17] Good morning, everyone.
15 Court officer, could you please call the case.
16 THE COURT OFFICER: [9:31:24] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference 01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:46] Thank you.
21 I ask for the appearances of the parties. We start with the Prosecution.
22 MR IVERSON: [9:31:50] Good morning, your Honours. Representing the Office of
23 the Prosecutor today are Kweku Vanderpuye, Manochitra Prathaban and myself,
24 Eric Iverson.
25 PRESIDING JUDGE SCHMITT: [9:32:04] Thank you.

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1 And the Legal Representatives of the Victims.

2 MS MASSIDDA: [9:32:06] Good morning, Mr President, your Honours. For
3 the teams of lawyers representing the victims of the other crimes attending
4 the hearing today, Mr Orchlon Narantsetseg, second row, and myself,
5 Paolina Massidda.

6 PRESIDING JUDGE SCHMITT: [9:32:20] And the second team.

7 MR SUPRUN: [9:32:23] Good morning, Mr President. Good morning,
8 your Honours. The former child soldiers are represented by myself, Dmytro Suprun,
9 counsel at the Office of Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:32:32] Thank you.

11 And now we turn to the Defence. We start with Ms Dimitri.

12 MS DIMITRI: [9:32:37] Good morning, Mr President, your Honours. This morning
13 representing Mr Yekatom there is Mr Thomas Hannis, associate counsel;
14 Ms Sabine Bayssat, case manager; and myself, Mylène Dimitri, lead counsel.

15 PRESIDING JUDGE SCHMITT: [9:32:49] And your client.

16 MS DIMITRI: [9:32:50] Yes, of course, Mr President.

17 PRESIDING JUDGE SCHMITT: Mr Knoops.

18 MR KNOOPS: [9:32:55] Good morning, your Honours. Apart from the presence of
19 Mr Ngaïssona, my client, I'm today assisted by Ms Sara Pedroso, legal assistant; and
20 on my left side, Despoina Eleftheriou, legal -- case manager. Thank you.

21 PRESIDING JUDGE SCHMITT: [9:33:18] Thank you very much.

22 Before we turn to the witness we want to have on the stand today, I would like to
23 briefly address two procedural matters that are both related to the coronavirus
24 pandemic.

25 First of all, there might be potential gaps in the hearing schedule and witness order.

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1 The Chamber is well aware of the quarantine and travel restrictions imposed
2 worldwide and they may impact on the timing of witnesses' appearances. We are
3 mindful of that and we know that. And we know also that the Chamber and also all
4 parties and participants will need some flexibility regarding the hearing schedule and
5 witness order.

6 That being said, the Chamber expects that the participants, in consultation with
7 the VWU, will make their best efforts to avoid any gaps in the hearing schedule in
8 order to ensure the continuity of the proceedings.

9 The second issue is the modalities of counsel attending the hearings. For
10 information purposes, the Chamber notes that on Friday, 12 March 2021 it authorised
11 counsel located outside the Netherlands to participate remotely until further notice,
12 subject to certain conditions. And these conditions are: First, that the accused's
13 rights must be fully respected; second, that the security of the transmission of the
14 confidential sessions must be ensured; and third, it must be ensured that
15 the proceedings will not be unduly interrupted or delayed due to technical failures in
16 the remote participation system.

17 In the upcoming month we may thus see counsel attending via video-link connection
18 sometimes rather than in the courtroom, but that's inevitable, that is due to the
19 restrictions that we have and the extraordinary situation. And this is the case today
20 for Mr Omissé-Namkeamaï. And we hope that the connection is stable enough that
21 he can follow as much as possible.

22 We will now start with the testimony of Prosecution Witness P-2682 and I would ask
23 the court officer to kindly bring the witness into the courtroom.

24 (The witness enters the courtroom)

25 PRESIDING JUDGE SCHMITT: [9:37:13] Madam Witness, good morning. Can you

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1 hear and understand me well?

2 WITNESS: CAR-OTP-P-2682

3 (The witness speaks Sango)

4 PRESIDING JUDGE SCHMITT: Well, I did not hear --

5 THE WITNESS: [9:37:22](Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: Yes, okay.

7 THE WITNESS: [9:37:35](Interpretation) Yes, I can hear you very well.

8 PRESIDING JUDGE SCHMITT: [9:37:36] Madam Witness, on behalf of the Chamber

9 I would like to welcome you to the courtroom. You are called to testify to assist this
10 Chamber in the case against Mr Yekatom and Mr Ngaïssona.

11 Madam Witness, protective measures --

12 THE WITNESS: [9:38:04](Interpretation) Before I speak, I solemnly declare that I
13 shall speak the truth, there is only truth and nothing but the truth.

14 PRESIDING JUDGE SCHMITT: [9:38:36] Okay. I think I would have addressed
15 you with that, but since you have already said it by yourself, I think everybody is fine
16 with that. I look to Defence counsel and to Prosecution counsel.

17 So, Madam Witness, you are now under oath. That means you have to speak
18 the truth. You have already been informed by the VWU about the importance to
19 speak the truth here and the next days in the courtroom. And I would also remind
20 you that it is an offence within the jurisdiction of this Court to give false testimony.

21 So you understand that? Can you confirm this, please?

22 THE WITNESS: [9:39:33](Interpretation) Yes, I will speak the truth.

23 PRESIDING JUDGE SCHMITT: [9:39:35] Thank you.

24 There have been -- there are protective measures for you in place, face distortion and
25 use of a pseudonym. This has already been explained to you by the VWU, I think

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1 we don't have to repeat that.

2 When information is given away that could reveal your identity, we will do --

3 THE WITNESS: [9:40:01](No interpretation)

4 PRESIDING JUDGE SCHMITT: [9:40:05] When information is given away that

5 could reveal your identity, we will do this in private session, that means that nobody

6 outside this courtroom can hear you. Otherwise we will be in open session and

7 the public can hear you.

8 And I have a few practical matters for you. I know this is a lot of information before

9 we start, but I have to do that.

10 Everything we say here in the courtroom is written down and interpreted in various

11 languages. It is therefore important to speak clearly into the microphone and at

12 a slow pace, please. And please, Madam Witness, only start speaking when

13 the person asking you the question has finished. It's all that the interpreters can

14 follow and that we all understand what is being said in the courtroom.

15 THE WITNESS: [9:41:26] (Speaks English) Okay.

16 PRESIDING JUDGE SCHMITT: [9:41:27] Madam Witness, finally, if you have any

17 questions yourself, you can raise your hand and I will give you the floor then.

18 We will start with your testimony and you will be questioned -- or you may be

19 questioned by lawyers from the Prosecution, the Defence and the victims'

20 representatives and the Chamber. And we start your testimony with the questioning

21 by the Prosecution.

22 MR IVERSON: [9:41:59] Thank you, Mr President.

23 QUESTIONED BY MR IVERSON:

24 Q. [9:42:07] Good morning, Madam.

25 A. [9:42:15] Good morning.

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1 Q. [9:42:20] My name is Eric Iverson and I am a trial lawyer with the Office of the
2 Prosecutor, and I'll be asking you questions today.

3 I just want to reiterate a few things that the Presiding Judge said that are really
4 important. Since we'll be conducting the questioning with interpretation, it's really
5 important to respect a five-minute pause --

6 PRESIDING JUDGE SCHMITT: [9:42:54] Not five-minute.

7 MR IVERSON:

8 Q. [9:42:57] Excuse me, I'm sorry. A five-second pause, I misspoke, five-second
9 pause between the question and answer. And because the interpretation is Sango to
10 French to English, it's all the more --

11 A. [9:43:17] (Speaks English) Okay.

12 Q. [9:43:20] -- important. Do you think we can do that together?

13 Good. Thank you for that.

14 A. [9:43:30] Very well.

15 Q. [9:43:34] And just to reiterate that I will be asking you some private questions
16 and those questions may touch on your identity. And for that, when I intend to do
17 that, I'll go into private session, but otherwise we'll be in open session where
18 the public can hear your testimony. Is that clear?

19 A. [9:44:29] Yes, I have understood you.

20 Q. [9:44:33] And if for any reason you think you need a break, please just ask
21 the Presiding Judge and the Court will consider it.

22 A. [9:45:00] (Speaks English) Okay.

23 Q. [9:45:03] And if at any time you don't know an answer to a question that I ask,
24 it's fine to say that you don't know, if that is indeed the truth.

25 MR IVERSON: [9:45:38] Your Honour, could I ask to go into private session?

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1 PRESIDING JUDGE SCHMITT: [9:45:42] That is usual in the beginning, so it's

2 perfectly fine. It's about some private details.

3 So, Madam Witness, we go now into private session and that means that the next

4 questions will -- and your answers will not be heard by the public.

5 We go to private session, please.

6 (Private session at 9.46 a.m.) *(Reclassified partially in public)

7 THE COURT OFFICER: [9:46:10] We are in private session, Mr President.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [9:46:57] Actually we -- quite often we don't hear an

14 interpretation. At least I don't hear an interpretation. Sometimes it is clear from

15 the body language of the witness what she says, to me, and sometimes she says

16 "okay", but it would be good simply if she says "yes" or something like that or

17 "correct" or -- so that we also hear that in English then so that everybody knows

18 exactly what has been answered.

19 Please continue.

20 MR IVERSON: [9:47:25] Thank you, your Honour. Yes, I agree, of course. And

21 it's important that it's actually in the record what her answer is. So I'll just -- I'll ask

22 that again.

23 Also just a technical issue. I'm hearing her words and not the interpreter's words

24 through my headphones.

25 PRESIDING JUDGE SCHMITT: [9:47:47] That's the same with me, a little bit

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1 muffled. Yet it's not so disturbing for me, but there seems to be an issue. And I
2 assume that we are on the right channel. For example, I'm on the English channel.
3 Ms Dimitri.

4 MS DIMITRI: [9:48:05] I'm sorry, Mr President, I'm listening in French, there's
5 no -- there's no French translation. There's an issue. There hasn't been any French
6 translation for the last exchange you had with --

7 THE FRENCH INTERPRETER: [9:48:20] Excuse me, sir. This is the French booth.
8 This is the *chef d'équipe*. The problem is that we are sharing one French link with
9 the Sango booth, Sango into French, English into French, and the Sango booth into
10 French had taken up the French channel so I could not have access to the French
11 channel. This is going to have to be solved.

12 PRESIDING JUDGE SCHMITT: [9:48:41] But actually, when I hear that, it seems to
13 be an issue that can be solved.

14 THE FRENCH INTERPRETER: [9:48:45] Yes, it's an issue that can be solved. We
15 have to work it out between the two booths, the Sango-French booth and
16 the English-French booth.

17 PRESIDING JUDGE SCHMITT: No problem.

18 THE FRENCH INTERPRETER: Okay, sorry.

19 PRESIDING JUDGE SCHMITT: No, no, you don't have to be sorry. These are, you
20 know, at the beginning (Overlapping speakers) --

21 THE FRENCH INTERPRETER: Teething problems, yes.

22 PRESIDING JUDGE SCHMITT: [9:48:59] -- no, please, at the beginning of such
23 a long proceeding and we have this issue with --

24 THE FRENCH INTERPRETER: [9:49:03] (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [9:49:04] (Overlapping speakers) -- several -- please,

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1 now I'm speaking. We have this issue with several languages. We have to be
2 indulgent with each other. And once this has been solved, I think that it will not be
3 an issue in the future. But how can this be solved now?

4 THE FRENCH INTERPRETER: [9:49:23] It's just that the -- on the French channel we
5 have to be careful not to be on the same one. The Sango-French only does Sango into
6 French and the English does English into French. And then we have to release
7 the channel, which is what we always forget to do, release the channel. But now we
8 know.

9 PRESIDING JUDGE SCHMITT: [9:49:38] Okay. So then I understand that we can
10 simply continue.

11 But I assume, Ms Dimitri, that it was not such an issue that we have to repeat
12 everything what has been said? No. Okay.

13 So then, please, I would have to say start with your questioning again.

14 Madam Witness, I have to apologise for that, but this is the issue with the different
15 translations, so these are problems that will soon have vanished.

16 MR IVERSON: [9:50:08] Thank you, your Honour. I'll also just try to keep an eye
17 on the transcript and what I'm hearing in the headphones.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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4 THE FRENCH INTERPRETER: [9:51:50] Maybe it would be best, President, this is
5 the French booth again, it would be best maybe to have just a short break so we can
6 liaise and so I can ask the AV if there is a problem because it seems that there is also
7 an AV problem, to take the floor.

8 PRESIDING JUDGE SCHMITT: [9:52:03] Okay, then we make a short break, five
9 minutes, at the most 10 minutes. Please don't go far away so that we can start
10 immediately once this is solved. Again, Madam Witness, I have to apologise for that,
11 but this is (Overlapping speakers) -- yes.

12 THE COURT USHER: [9:52:24] All rise.

13 (Recess taken at 9.52 a.m.)

14 (Upon resuming in private session at 10.01 a.m.)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:02:01] I have been informed -- wait a second,
18 the microphone has to be on.

19 I have been informed that the operational issues have been solved so we hope that
20 this is indeed the case and I give you again the floor.

21 MR IVERSON: [10:02:16] Thank you very much, your Honour.

22 Are we in private session right now?

23 PRESIDING JUDGE SCHMITT: [10:02:28] We should be, but it's good to ascertain it.

24 MR IVERSON: [10:02:37] If not, I request that we go back into private session.

25 PRESIDING JUDGE SCHMITT: [10:02:42] We are in private session, obviously, so

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1 you may continue.

2 MR IVERSON: [10:02:45] Thank you very much, Mr President.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [10:10:47] So we have the same issue here. I fail to
22 understand at the moment what is the reason, since I have been told it's an
23 operational issue. I thought we have made a pause to solve this. So it's also -- we
24 have also really to be aware that this is confusing for the witness and I -- really, I have
25 already apologised twice, but at some point in time it's not believable anymore. So

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1 why do we -- don't we have any translation here?

2 THE INTERPRETER: [10:11:35] From the English booth: Mr President, interpreters
3 have to change over from time to time and they cannot sit together in one booth, so
4 every time they move, there is a changeover from one booth to another, there is
5 a slight hitch. But we think we can resolve it very quickly.

6 PRESIDING JUDGE SCHMITT: [10:11:59] Yes, I also take it, but we are still lacking
7 the translation of the last answer of the witness. And I can already foreshadow
8 when we go into a break at 11 o'clock that the Chamber really expects that these initial
9 problems are solved then when we come back at 11.30.

10 Let me -- just a second -- Madam Witness, we still -- unfortunately, again we did not
11 get the answer to the last question of the Prosecutor. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public ~~reclassified and~~ lesser redacted version of this transcript is filed in the case.

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9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [10:20:02] Please be also always aware that
11 whenever we can go to open session, that we do that. I know it is sometimes
12 a sensitive issue, but the Chamber has already indicated, it started with the conduct of
13 proceedings but we have reiterated that in the meantime, that for the benefit of
14 transparency of the proceedings and since we assume at least that people want to
15 follow these proceedings, that we should try everything we can do to be as much in
16 open session as possible. So there -- you know, there is of course you can do that by
17 grouping your questions, for example, in a certain way and that might of course not
18 be then in the normal temporal sequence sometimes, but simply be aware.

19 And also what I don't want and what the Chamber does not want is a constant back
20 and forth also.

21 (Redacted)

22 (Redacted)

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3 (Open session at 10.29 a.m.)

4 THE COURT OFFICER: [10:29:49] We are in open session, Mr President.

5 MR IVERSON: [10:29:56]

6 Q. [10:29:57] Madam, what types of things did Patrick sell at Boeing market?

7 A. [10:30:19] He was selling various items in a shop.

8 Q. [10:30:29] And if I went to his shop to go shopping, what would I find there,
9 what would I buy at his shop?

10 A. [10:30:55] Well, I cannot tell you everything that he sold in his shop. He sold
11 a bit of everything, perfumes, sugar, soap, coffee, flour, vegetables, salt, and all sorts
12 of products that one can find in a shop, including water, juice, and all sorts of things.

13 Q. [10:31:39] Do you know how long Patrick had had this shop?

14 A. [10:32:04] To be honest with you, he had had that shop long before we met, so
15 I cannot tell you for how many years he had been a trader there.

16 Q. [10:32:21] So had Patrick always been a trader? Do you know if he had had
17 any other occupation or career in his lifetime?

18 A. [10:32:43] He was just a trader. I think there were people encouraging him to
19 do some farm work, but he was only doing his business.

20 MR IVERSON: [10:33:19] Your Honour, I would like to show two exhibits, two
21 photographs. We can do so in open session, but the photographs themselves
22 shouldn't be shown to the public, I think, otherwise --

23 PRESIDING JUDGE SCHMITT: [10:33:30] I thought so too, yes. That's good,
24 that's fine.

25 MR IVERSON: [10:33:35] Okay. So I would ask the court officer to pull up

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1 CAR-OTP-2126-0290.

2 Q. [10:34:38] Madam, are you able to see the image on your screen?

3 A. [10:34:49] No, it hasn't yet appeared on the screen.

4 Q. [10:35:26] Madam, are you now able to see the image on your screen?

5 A. [10:35:36] Yes, I can see it.

6 Q. [10:35:39] And do you recognise this image?

7 A. [10:35:50] Yes, I recognise that image.

8 Q. [10:35:53] And could you please tell the Chamber what this image is of?

9 A. [10:36:16] What I see is the shop of my husband.

10 PRESIDING JUDGE SCHMITT: [10:36:33] Madam Witness, there seem to be two
11 shops on the picture. Are both of the shops shops of your husband?

12 THE WITNESS: [10:36:58](Interpretation) Yes, the two shops belonged to my
13 husband.

14 PRESIDING JUDGE SCHMITT: [10:37:04] Please continue.

15 MR IVERSON: [10:37:13]

16 Q. [10:37:14] And when you enter the, the -- through the doors depicted in
17 the photograph, could you tell the Chamber about how large the shop or shops are.

18 A. [10:37:53] I don't know how to explain it. I don't know how to explain
19 the measurements. It's difficult in this room here to explain the size.

20 Q. [10:38:10] Well, could you just --

21 PRESIDING JUDGE SCHMITT: [10:38:15] Madam Witness, you know, when
22 you are in this room, this is of course a huge room and if you try to recall how
23 the -- how the shop (Overlapping speakers) yeah, have a look around and perhaps
24 you can make a measurement inside of this room. An estimate only. You don't
25 know to have it exactly. It's just that we can picture it, sort of.

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- 1 THE WITNESS: [10:38:49](Interpretation) I'll try. It's true this is a very big room.
2 So it's hard for me to work out the size of the shop. It's roughly the size of a studio,
3 but I can't give you any precise measurements.
4 PRESIDING JUDGE SCHMITT: [10:39:24] I think we could leave it at that.
5 Thank you, Madam Witness.
6 MR IVERSON: [10:39:31] All right. And indeed from the size of the bricks in
7 the photograph, one can kind of get an estimation of how large things are.
8 Your Honour, I would like to submit this exhibit into evidence, CAR-OTP-2126-0290.
9 I'm sorry, your Honour, I'm just -- I was waiting --
10 PRESIDING JUDGE SCHMITT: [10:40:17] No, it's -- you submit it, it's already on
11 your list, there is nothing else to be said, so --
12 MR IVERSON: [10:40:24] All right. This is the first time I'm doing this procedure,
13 so I wasn't aware how (Overlapping speakers)
14 PRESIDING JUDGE SCHMITT: [10:40:29] No, no, it's fine. You have submitted it,
15 this is noted, and everything is fine.
16 MR IVERSON: [10:40:33] Fantastic. All right.
17 PRESIDING JUDGE SCHMITT: [10:40:35] So I always thought why there is this
18 silence.
19 MR IVERSON: It's because I was --
20 PRESIDING JUDGE SCHMITT: No, no, it's fine. You know, this is the first day of
21 the evidence and we have -- yeah, we have to figure out things. We need not
22 complicate matters unnecessarily.
23 MR IVERSON: [10:40:48] Agreed. Thank you very much, your Honour. Now I
24 know and I'll --
25 PRESIDING JUDGE SCHMITT: [10:40:53] It's not a reproach or anything like that,

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1 it's simply we have to also adjust to each other a little bit, also to say, to say it this
2 way.

3 MR IVERSON: [10:41:04] Indeed.

4 Could I ask the court officer to now display CAR-OTP-2126-0291. And again this
5 photo should not be shown in public.

6 Q. [10:42:06] Madam, are you able to see the image on your screen before you?

7 A. [10:42:18] Yes, I do see it.

8 Q. [10:42:23] And could you explain to the Chamber what, what we're able to see in
9 this image?

10 PRESIDING JUDGE SCHMITT: [10:42:31] And, yeah, Madam Witness, please don't,
11 don't use the correct names.

12 THE WITNESS: [10:43:01](Interpretation) There's Eric, he's the head of the Boeing
13 market.

14 PRESIDING JUDGE SCHMITT: [10:43:30] I think we can directly ask if Patrick is on
15 the photograph.

16 MR IVERSON: [10:43:35] Yes.

17 Q. [10:43:38] To appropriate Mr President's question, is -- do you see Patrick on this
18 photograph?

19 A. [10:43:53] Yes, I do see him on the photo. He's dressed in red.

20 PRESIDING JUDGE SCHMITT: Thank you, Madam Witness.

21 MR IVERSON: [10:44:03] Very good.

22 PRESIDING JUDGE SCHMITT: [10:44:04] I think we can continue from there. I
23 think it's not necessary to know the other people.

24 MR IVERSON: [10:44:08] That's correct, your Honour. At this point I would also
25 like to submit this exhibit, CAR-OTP-2126-0291, into evidence.

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1 And it can also be removed from the screen, please.

2 Q. [10:44:42] Madam, are you familiar with a group called Séléka?

3 A. [10:45:08] I'm only a woman, I don't know anything about that.

4 Q. [10:45:16] All right. But I'm just asking you are you familiar with a group
5 called Séléka? And you can answer yes or no and I can ask follow-ups based on
6 your answer, Madam.

7 A. [10:45:44] If you ask me the question in that way, I can give you an answer. If
8 you so -- if you ask me -- if you ask me if I know a group called Séléka, I'll say no.
9 But the Séléka arrived, we heard talk about Séléka, but to ask me today who are
10 the Séléka, I really can't tell.

11 Q. [10:46:16] Well, at this point, Madam, I'm not asking you to identify anybody in
12 Séléka. I'm just asking whether you were familiar with the group. And from your
13 answer, even though you said no, I take it that you are familiar with the term, so I
14 would just ask that you tell the Chamber what you know about this group called
15 Séléka.

16 A. [10:47:03] We don't really know who Séléka was.

17 Q. [10:47:26] Let me just ask it this way - I don't know if there's an interpretation
18 issue, possibly - but even if your knowledge is limited, could you please tell
19 the Chamber what you do know about this group called Séléka?

20 A. [10:48:11] I don't know anything about Séléka.

21 PRESIDING JUDGE SCHMITT: [10:48:19] May I shortly, if you allow me.

22 MR IVERSON: [10:48:21] Of course. At any time of course, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:48:25] Madam Witness, have you ever heard of
24 a group called Séléka?

25 THE WITNESS: [10:48:50](Interpretation) No.

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1 PRESIDING JUDGE SCHMITT: [10:48:51] Okay, then we have to accept that as an
2 answer I think.

3 MR IVERSON: [10:48:55] But I would ask just to clarify based on the statement, if
4 that is the procedure.

5 PRESIDING JUDGE SCHMITT: [10:49:04] Absolutely, this is clear. We have
6 a statement here and there seems to be some discrepancy, so to speak, and of course
7 you can put this to the witness to try to -- and we try to figure out what the answer to
8 that will be.

9 MR IVERSON: [10:49:27]

10 Q. [10:49:28] Madam, in your statement on page CAR-OTP-2126-0210, for
11 the record, at paragraph 30, you stated that "The people who removed Bozizé were
12 called Séléka." And then in paragraph 31 you go on to say, "When the Séléka arrived
13 I did not see anything change in Boeing." And "I would sometimes see the Séléka in
14 PK5 when I was going to the market there."

15 So I want to ask, what do you understand Séléka to refer to when you mentioned
16 Séléka in your statement?

17 MS DIMITRI: [10:50:41] Mr President, I'll object to the question as phrased.
18 The way it's put, it's too leading. My learned friend is assuming that that's what she
19 said in her statement and if there could perhaps be a step prior to that and establish
20 whether or not she said it, whether or not she remembers having said that in her
21 statement.

22 PRESIDING JUDGE SCHMITT: [10:51:03] Perhaps we start with that. Indeed I
23 think we can follow that. But of course it will -- it might turn out that she -- of course
24 she has, as I see, signed this statement, but let's say, strictly speaking, I agree with
25 Ms Dimitri.

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1 MR IVERSON: [10:51:20] I can certainly lay the foundation for the statement having
2 been taken. I was just trying to speed things along, but certainly, your Honour.

3 Q. [10:51:29] Madam, you gave a statement in this case; is that right?

4 A. [10:51:43] Yes, that's correct.

5 Q. [10:51:46] And you had an opportunity to review that statement and understand
6 that statement; is that right?

7 A. [10:52:02] Yes.

8 Q. [10:52:06] And do you remember having signed that statement?

9 A. [10:52:19] Yes.

10 Q. [10:52:22] And do you remember having attested that the statement was true to
11 your best belief and knowledge?

12 A. [10:53:02] (Speaks English) Okay.

13 Q. [10:53:03] I heard an "okay" but I didn't --

14 THE INTERPRETER: [10:53:05] The witness -- the interpreter says that the witness
15 did not give a response.

16 THE WITNESS: [10:53:29](Interpretation) I did not understand the question.

17 I don't understand the first question you put me initially. Did you ask me what
18 the group Séléka was?

19 PRESIDING JUDGE SCHMITT: [10:53:49] I think what we do now, we -- Mr Iverson,
20 also we have to adapt to simple questions, short questions. And we give the witness
21 also time to compose herself and we will have half an hour now of break and then we
22 come back and try to solve this. Thank you.

23 THE COURT USHER: [10:54:11] All rise.

24 (Recess taken at 10.54 a.m.)

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

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1 THE COURT USHER: [11:34:13] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:34:59] So, Madam Witness, please let me ask
4 you one question. You have told us that Patrick is no longer with us. Could you
5 please tell us how this happened, in your own words. So we give you
6 the opportunity to tell, from your perspective, what you today recall how this
7 happened.

8 And then for the other parties, participants, if this goes too far, then we would have to
9 perhaps intervene and concentrate more, but let, please, the witness tell in her own
10 words what she recalls and what happened.

11 Can you do, that, Madam Witness?

12 THE WITNESS: [11:36:05](Interpretation) Well, initially he was selling items in
13 the Boeing market. He married me from 13 years to 17 years. We were living
14 together in Boeing. Now, it was during the events after the arrival of
15 the Anti-Balaka that he died, and he died at the Boeing market itself.

16 PRESIDING JUDGE SCHMITT: [11:36:54] You said that Patrick died at the Boeing
17 market. Can you tell us how that happened, what you know about it.

18 THE WITNESS: [11:37:21](Interpretation) It was during the attack of the 5th.

19 PRESIDING JUDGE SCHMITT: [11:37:31] Can you say a little bit more, if you recall
20 it, what happened exactly.

21 THE WITNESS: [11:37:56](Interpretation) What happened was that when we were
22 in Boeing, we kept hearing about the Anti-Balaka who were going to chase away
23 the Muslims, but we didn't pay much attention to that. We didn't know that
24 anything was going to happen to us.

25 At one point people said that the Anti-Balaka had gone into the bushes and were

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1 preparing to coming -- to come and attack the Muslims. I heard about this and I told
2 my husband. I asked him whether he had heard what was being said. And he said,
3 no, he said we should not believe such type of information. But those rumours kept
4 circulating.

5 At one point we realised that the young people were no longer in the neighbourhood.

6 During the daytime they would go to the bushes and then they would return at night.

7 At one point, we realised that when the Muslim women went to the market,

8 the Christian women would tell us, "You, you are going to leave us very soon.

9 You are going to leave the country very soon and we are no longer going to see you."

10 So I started becoming concerned and I talked about that with my husband. But my

11 husband said that nothing was going to happen, that we should not believe that

12 information.

13 There was a lady who told me that, "Look, you have to be careful. I have heard this

14 information circulating. You have to inform your husband so that he can flee." I

15 told my husband that this is what my mother told me: "You have to be careful. If it

16 is possible you should go to PK5 and come and sell in the market before going back

17 every day." But my husband did not take that information seriously, so I told him,

18 "I cannot stay here, I will go to PK5 with the children, and if nothing happens, we will

19 come back."

20 Now, one day we went to PK5. In the afternoon I brought him some food, and also

21 in the evening, because I used to bring him food twice a day. One evening he called

22 me and I asked him, "Are you not coming home?" He said, "No. I've heard that

23 there are problems. I'm going to stay at the shop to watch over the shop."

24 That night, we spent the night in the compound, but during the night we started

25 hearing gunshots. I woke up abruptly, I was trembling. I opened the gate and I

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1 went out. I saw people who were injured, with broken arms, and they were telling
2 all sorts of stories. My heart was beating fast. And so I was asking myself
3 questions, how can such a thing be happening while my husband is still at Boeing? I
4 picked up my phone and I called him.
5 But then I decided to go to Boeing. But on my way, I saw people with injuries all
6 over their bodies. But I was running on my way to Boeing. I crossed the main road,
7 the tarred road, but someone asked me, "Where are you going?" And I said, "I'm
8 going to look for my husband." But he told me, "Look, the Anti-Balaka are
9 everywhere. You cannot go there."
10 So I started running back and I met with his brother who were fleeing in a vehicle. I
11 had been hiding behind a tree and I saw them in a vehicle. There were no injuries.
12 They were okay in the vehicle. So I came up to them and then I asked them, "What
13 is happening to your brother there?" They told me that they had gone right there,
14 but there were too many people so they could not go right to the shop. So they told
15 me that they turned around and came back to the neighbourhood. They came to
16 look for the Red Cross workers to go there and fetch the dead bodies and bring them
17 back.
18 They saw a Séléka vehicle passing by and they told those Séléka people that they had
19 a brother in the Boeing market and whether they could accompany them there to look
20 for their brother. But the Séléka's elements said no, there were too many people
21 there so they couldn't go there, they couldn't accompany them there to go and look
22 for their brother.
23 After that, there was a vehicle that went to Boeing and transported the dead bodies
24 back to the Ali Babolo mosque. My brothers-in-law went there but came back and
25 told me that they had not found their brother's body there. I stayed at home and

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1 I was crying. But later on, one of the brothers came back and told me that one of the
2 vehicles had brought back bodies to the mosque and my dead husband was amongst
3 them. I went and I saw the body. His neck was broken. I collapsed. And in
4 the final analysis, it was my sisters-in-law and the other members of my family who
5 took me away from there.

6 PRESIDING JUDGE SCHMITT: [11:46:00] Thank you very much, Madam Witness.

7 I hope you are fine with that, Mr Iverson, but I think it's -- you know, witnesses have
8 a story, whatever, if this is true or not, that doesn't matter, but they have a story to tell.
9 And from there on we can now -- not we, but you can now ask for more details if you
10 want it, but we have at least a basis of an immediate experience here in the courtroom
11 of the witness.

12 So you may please continue from there.

13 MR IVERSON: [11:46:34] Indeed, Mr President. Thank you for those questions.

14 If I could -- so as you can imagine, that's quite a long narrative. I do have some
15 follow-up, but if you could just give me one moment to consult with counsel so that
16 I can come back and be better prepared --

17 PRESIDING JUDGE SCHMITT: [11:46:56] Absolutely, there is no problem with that.

18 MR IVERSON: [11:46:58] I'll just take a (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [11:46:59] But this is -- but you know the thinking
20 behind it is that if you have a narrative it's -- also it makes life a little bit easier also for
21 the witness. If it is fragmented too much, the questioning, I think it poses more
22 problems and then if we have -- if we put very open questions to
23 the witnesses -- might very well be that this is also something that I'm used to from,
24 from my domestic experiences, but we also had this in other cases, I think we can in
25 principle go forward this way.

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1 And, of course, there is a lot of information in there, and if you want details, and I'm
2 sure that the Defence will ask many questions, but nevertheless, so we have
3 something now on the table, so to speak, figuratively.

4 MR IVERSON: Yes, your Honour.

5 PRESIDING JUDGE SCHMITT: You may consult, of course, no problem.

6 MR IVERSON: [11:47:57] I think we have just seen the principle of immediacy in
7 action; is that right?

8 PRESIDING JUDGE SCHMITT: [11:48:01] Yeah, this is -- you put it better than I did.
9 This is exactly what the Chamber wants to achieve and I think everybody here in the
10 courtroom wants to achieve. Thank you.

11 MR IVERSON: [11:48:09] I'll just take a few minutes.

12 (Counsel confers)

13 MR IVERSON: [11:50:54]

14 Q. [11:51:00] So, thank you, Madam Witness, that was, that was very helpful and
15 very enlightening. I just have a few follow-up questions based on your, your
16 answer.

17 You gave the story of Patrick, and I wanted to know whether Patrick had a mobile
18 phone, if you remember.

19 A. [11:51:48] What type of phone are you talking about? You have these
20 communication devices with antenna and then you have ordinary phones. What
21 type of phone are you talking about?

22 Q. [11:52:07] I'm asking you about a mobile phone, so a portable phone that is
23 commonly carried by many people nowadays.

24 A. [11:52:29] Yes, he had one.

25 Q. [11:52:33] And while you were looking for Patrick, can you tell the Chamber

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1 whether you made an attempt to call his phone?

2 A. [11:52:57] Yes, I called his mobile phone.

3 Q. [11:53:03] Okay. And again, please, I invite you to tell your story, your
4 narrative to the Chamber. Can you tell them what happened during that event
5 when you -- when you called his mobile phone during the time that you described?

6 A. [11:53:40] Very well. I kept calling the telephone, but it was unreachable, it
7 was blocked. I kept calling, but it did not ring. Until 8 o'clock I persisted one last
8 time and then there was a man who picked up. And when I said "hello", that person
9 at the other end said "Who are you?" (Redacted) and I said I wanted
10 to speak with the owner of the phone. He told me, "No, don't think about him
11 anymore, we have killed him and you are the one who is left. The next person to be
12 killed shall be you." When I heard that, I threw the telephone down and I started
13 crying. I told my in-laws that my husband had been killed, that a person had told
14 me that my husband had been killed. That is what happened.

15 Q. [11:55:04] Thank you for that, Madam Witness. And then another follow-up
16 question having to do with your -- the narrative you gave. You had mentioned
17 seeing injured people. If I could just ask you to provide more detail and explain to
18 the Chamber what you saw as far as injured people.

19 A. [11:55:42] Yes, that is correct. Very early in the morning I heard gunshots. I
20 called Patrick's telephone, but he was unreachable. When I opened the gate I saw
21 people crying and running in all directions. So I was traumatised. I saw a lot of
22 injured people on motorbikes. There were others with broken arms and covered in
23 blood. Their relatives were trying to take care of the injured.
24 There was one person who was in front of my house and he was asked, "Where is
25 your wife?" And that person said, "I took my wife to the hospital, but she was killed

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1 there." And this was at the 4th arrondissement and this is the person on
2 the motorbike who brought me back to PK5. He was covered in blood. He had
3 been going to Dr Moussa's clinic and when I heard that, I started running to Boeing to
4 find out about the situation of my husband.

5 Q. [11:57:28] And just a few clarification questions, Madam Witness. You
6 mentioned the word "Séléka". What does Séléka mean?

7 A. [11:58:00] Can you kindly repeat the question and rephrase it so that I can
8 understand it better.

9 Q. [11:58:13] You had said that the Séléka had arrived, earlier. And I'm asking
10 you to explain to the judges what you mean by Séléka.

11 A. [11:58:44] It is true that you asked me a question about that and I answered you.
12 You asked me whether I knew a group called Séléka and I said no. But now you are
13 asking me a question about what happened in Bangui concerning Séléka. So I will
14 answer you. But this group was a group that did indeed enter the town of Bangui.

15 PRESIDING JUDGE SCHMITT: [11:59:26] You know, there might always -- we had
16 that in another case too, the concept of knowing something is understood sometimes
17 very broad, so we have to be very specific so we can continue from there, perhaps.
18 You see what I mean? There might always be some misunderstanding, because in
19 different languages, cultures, there is different understanding "do you know"
20 somebody, what that means, "have you heard". So we have to sometimes rephrase it.
21 It's perfectly normal, that happens.

22 MR IVERSON: [12:00:00] Yes, your Honour. I'll take note and try to adjust my
23 language to mean "are you familiar with" or "have you heard about". Sometimes
24 that might do the trick.

25 Q. [12:00:12] And, Madam, could you just continue, just -- I want the Chamber to

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1 know what you know about the Séléka. So I'm not asking, you know, generally, but
2 I'm just asking what you were able to observe or learn about the Séléka when they
3 were in Bangui.

4 A. [12:00:51] Yes, they came into Bangui town. On that day we did not know
5 what the Séléka was. This was the first time. When they came in I heard people
6 talking about liberators and I started hearing that all those who had come into
7 the town were known as the Séléka. They were walking around in the town. But
8 I didn't go out of the compound often. I simply went to the market and back. And
9 one day, when I went to the market at PK5, I saw them wearing military fatigues at
10 the market and people were pointing at them and they would say, "Look, these are
11 Séléka people passing by there." So that is what people used to say.

12 Q. [12:02:05] And how often, if you can say, did members of the Séléka come to
13 the market? Was it a daily thing or a weekly thing or a monthly thing, or was it
14 irregular?

15 A. [12:02:41] I left home to go to the market at PK5. We saw them pass in their
16 cars. PK5 is quite big and they used to come to the market regularly. In
17 the majority of cases, I stayed at home.

18 PRESIDING JUDGE SCHMITT: [12:03:10] Madam Witness, do you know or recall
19 where they came from? What kind of -- what people were they?

20 THE WITNESS: [12:03:39] (Interpretation) Well, some of them spoke Arabic.
21 Others spoke another language which I didn't recognise, but the majority of them
22 spoke Arabic.

23 PRESIDING JUDGE SCHMITT: [12:03:56] Thank you.

24 Please, Mr Iverson.

25 MR IVERSON: [12:04:00]

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1 Q. [12:04:03] And then when you were explaining the events to the Chamber you

2 also mentioned Anti-Balaka. So I have the same kinds of questions about

3 Anti-Balaka. What do you mean when you say "Anti-Balaka"?

4 A. [12:04:43] We heard people talking about the Anti-Balaka who were going to

5 come. But before that we didn't know anything about that group. We thought they

6 were in the bush and that they were going to enter the town someday. We realised

7 that people started talking about this group and we saw young people in our area

8 who were going to the bush and came back in the evening. At that point we realised

9 that there was a group who were called Anti-Balaka.

10 Q. [12:05:33] And what had you heard people saying about Anti-Balaka?

11 A. [12:05:57] We didn't really know what was happening. They spoke amongst

12 themselves. It's only towards the end that the women of those people started talking

13 about this group, this movement, and that they were getting ready to enter the town

14 and that when they entered the town, they were going to get rid of us. Some said,

15 "This house here is my house, I'm going to get it back later, it's going to belong to me."

16 That's what they were saying. I got very scared and I told my husband that I

17 couldn't stay there any longer in that neighbourhood and it was better for me to move

18 away.

19 That's what happened.

20 MR IVERSON: [12:07:02] Your Honour, I would ask that we just go briefly into

21 private session because I do have to ask for a few names.

22 PRESIDING JUDGE SCHMITT: [12:07:10] Absolutely. Then we go to private

23 session.

24 (Private session at 12.07 p.m.) *(Reclassified partially in public)

25 THE COURT OFFICER: [12:07:22] We are in private session, Mr President.

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public ~~reclassified and~~ lesser redacted version of this transcript is filed in the case.

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1 PRESIDING JUDGE SCHMITT: [12:16:42] I think perhaps with the exception of one
2 of the names, it could have been -- but it's difficult to always swap, but it could have
3 been elicited in open session.

4 MR IVERSON: [12:16:53] You keep reading my mind, Mr President, because I'm
5 asking now to go back into open session.

6 PRESIDING JUDGE SCHMITT: [12:16:59] Yeah, open session.

7 (Open session at 12.17 p.m.)

8 THE COURT OFFICER: [12:17:10] We are back in open session, Mr President.

9 MR IVERSON: [12:17:16]

10 Q. [12:17:19] So, Madam Witness, you gave what I would consider an excellent
11 narrative of your experience on 5 December. I would ask you now to do the same, to
12 explain to the Chamber what happened after 5 December. What did you do?
13 Where did you go? Explain what happened, if you could.

14 A. [12:18:06] After that, my in-laws and myself, we went to the embassy and stayed
15 in the embassy until we could be evacuated, because at that time there was
16 the possibility of evacuating the people to Chad.

17 So I went to the embassy and I was waiting for the car to take us to the airport.

18 However, we learnt that when the car should come to collect us and take us to
19 the airport so that we could take the plane, we were informed that that plane could
20 not land because the Anti-Balaka had invaded the airport. So we had to stay in
21 the embassy. A truck should come to take us because the plane couldn't land
22 anymore. So with my in-laws we stayed at the embassy until the vehicle arrived.

23 They were trucks to transport troops. There were many of us.

24 We had an escort from Chad who helped us get out of the Central African Republic.

25 I can't remember the date anymore. We stopped in a small village. It was a town.

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1 It might have been Bambari. I can't remember anymore. We spent some time there
2 to relax and about 3, 4 o'clock we continued our journey. And at 4 o'clock we
3 arrived in Sido, which is near Chad. We were put into a big camp, we were given
4 some food, we were given some belongings and we spent three or four days there.
5 And then we were taken to Sido -- no, no, sorry, to another town. We were taken to
6 another town. That's how we moved along. We had some tents and then I -- we
7 were taken to N'Djamena.

8 Q. [12:21:16] Thank you, Madam Witness. So again I have just some follow-up
9 questions about your answer.

10 Along this voyage that you describe, can you tell the Chamber whether you
11 encountered any Anti-Balaka?

12 A. [12:21:52] Yes, we did meet some Anti-Balaka. We took the main route,
13 the avenue of -- Avenue des Martyrs and there we met young people. They had
14 machetes and sticks. Others had makeshift guns. They had *gris-gris*. They
15 threatened us, "We're going to kill you." They made gestures with their hands and
16 saying, "We're going to kill you. We're going to slit your throats." We know that
17 sign isn't a good sign, to do something like that or to make gestures that you're going
18 to slit our throat isn't a good sign.

19 Q. [12:23:09] Based on your understanding, why was it that they were doing this?

20 A. [12:23:32] I don't know.

21 PRESIDING JUDGE SCHMITT: [12:23:35] May I shortly.

22 Madam Witness, may I take you back in time before this December 2013, what you
23 told us about. You said you lived there for many years, you grew up there. How
24 was living together with regard to the Muslims and the Christian population in that
25 area at the time before all this happened, how was living together?

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1 THE WITNESS: [12:24:27](Interpretation) Thank you for having asked me that
2 question. The relationship that existed between the two communities was good.
3 We didn't have any problems between Muslims and Christians. There was no
4 hatred. We were just together. It's a bit like me and my husband, there were no
5 problems. But when we heard talk of Séléka, we also heard people talk about
6 Anti-Balaka. We heard about conflicts between Muslims and Christians. But apart
7 from that, we didn't really have any problems between the two communities. But
8 what happened with the Anti-Balaka is something else God only knows.

9 PRESIDING JUDGE SCHMITT: [12:25:34] Thank you, Madam Witness.

10 Mr Iverson.

11 MR IVERSON: [12:25:50]

12 Q. [12:25:50] Being taken away from home and going to another country I'm sure
13 was a change for you and I want you to describe that experience to the Chamber, how
14 it affected you and your family.

15 A. [12:26:27] All these events really made me scared. I know that if I would have
16 stayed I would have also been killed, so I was very scared. My in-laws told me they
17 couldn't leave me alone and that I had to come with them. They didn't want to leave
18 me behind and that I should go with them until the situation came back to normal.
19 They couldn't leave me alone. But given the situation at that time, I didn't really
20 want to stay in the country anyway.

21 Q. [12:27:16] And how did you get by, how did you make a living when you were
22 in Chad? Please explain that.

23 A. [12:27:43] We were on a displaced camp. We were given food. When you've
24 lost your husband, you can't really move away, you have to stay at home. So
25 the only thing we could do was to go out to go to the toilet. So for three months

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1 and 10 days, I would go there. So we were 40 days in this displaced camp.
2 After that, to go to the town of my in-laws in N'Djamena, I stayed -- before that I
3 stayed three months and 10 days. After that I had the opportunity of leaving. I left
4 for 10 days and I could go to the market. My in-laws gave me a bit of money so that
5 I could prepare food, rice, et cetera. And so then I also went to the market. My
6 in-laws said that I should maybe go back to Bangui, so I took the decision to go back
7 to Bangui. So I decided I should go back to Bangui because I don't have any real
8 family here.

9 It was difficult. I called my mother and I told her that my in-laws want to return to
10 Bangui, but does our house still exist? And she said no, the house was destroyed,
11 but the plot still exists, but it is being used to make bricks. So I thought to myself,
12 rather than abandoning the plot, it would be a good idea to sell the house and have
13 the money so that I could get some money to return to Bangui. Because I didn't like
14 being where I was.

15 My mother agreed, so she got a bit of money and sent it to me. I did what I had to.
16 And then, with my in-laws, I returned to (Redacted). I stayed with my in-laws, even
17 today. So they have a small house and I stay there even today.

18 PRESIDING JUDGE SCHMITT: [12:30:46] May I ask?

19 Madam Witness, where you are now staying, is this the neighbourhood where you
20 lived before or is this another neighbourhood?

21 THE WITNESS: [12:31:08](Interpretation) When I returned I had (Redacted), where
22 I was before, before leaving for Chad.

23 PRESIDING JUDGE SCHMITT: [12:31:29] Mr Iverson.

24 MR IVERSON: [12:31:34]

25 Q. [12:31:37] And maybe it's clear, but it wasn't entirely clear to me. Could you

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1 tell the Chamber how long a period you were in Chad?

2 A. [12:32:02] If I remember correctly, I spent about one year and two months there.

3 PRESIDING JUDGE SCHMITT: [12:32:28] Perhaps one, one further question.

4 Madam Witness, do you know a person named Hassan Mahamat?

5 THE WITNESS: [12:32:55](Interpretation) Yes, Hassan Mahamat was in Boeing. He
6 was killed during the events of 5 December.

7 PRESIDING JUDGE SCHMITT: [12:33:18] Okay.

8 MR IVERSON: [12:33:25]

9 Q. [12:33:32] Have you heard or are you aware what occurred in the Boeing
10 mosque on 5 December and after?

11 A. [12:34:05] Which event are you referring to specifically?

12 Q. [12:34:18] Well, let me ask just a very open, general question. What, if anything,
13 happened to the Boeing mosque during and after the attack on 5 December, if you
14 know?

15 A. [12:35:04] Well, I went out two days after the events, but I know that the Boeing
16 mosque was destroyed, razed to the ground. The bricks were used by some people
17 to build their houses, but the plot is completely empty, the mosque no longer exists.

18 Q. [12:35:45] And had you heard how this happened, the destruction of the
19 mosque?

20 A. [12:36:11] Well, as you know, when something is destroyed it can be seen.
21 The roofings were taken away and then progressively the bricks were taken off.
22 After that, they started digging the ground and they even dug up the cement in order
23 to plaster their walls. So the mosque completely ceased to exist.

24 Q. [12:37:05] So the -- Patrick and the others that you mentioned who were killed
25 on 5 December, were they part of Séléka?

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1 A. [12:37:43] No, I never observed such a thing. In the name of God, I never saw
2 that.

3 Q. [12:38:08] And this may be a difficult question, and again, if you need to ask for
4 a private session if you feel like you need to say something that would reveal your
5 identity, you could ask the Presiding Judge and he has the power to grant that. But I
6 just want to ask, you know, losing a spouse I imagine can be a difficult thing, what
7 has the impact been on your life? If you could tell the Chamber.

8 A. [12:38:57] Well, since you have put the question to me, I am going to give you an
9 answer.

10 After the death of my husband, I know that once he's dead, everything is over.

11 I cannot stop thinking about him, reminiscing about our life, his generosity, especially
12 towards my family, because I came from a poor family and we were lucky to have
13 him as part of our family. Everything we asked him to do, he would do.

14 So today, even when I am with the others, I might forget for a while, but if I'm alone, I
15 think about him. When I lack something, I think about what he would do if he had
16 been present, and so this drives me into a situation where I become practically sick.

17 MR IVERSON: [12:40:27] Did you have a question?

18 PRESIDING JUDGE SCHMITT: [12:40:28] No, no. Do you have further questions?

19 MR IVERSON: [12:40:30] I was just going to ask for a brief moment to consult with
20 my colleague.

21 PRESIDING JUDGE SCHMITT: [12:40:37] Please.

22 (Counsel confers)

23 MR IVERSON: [12:41:20] Madam Witness, Madam Witness, this concludes my
24 questions. I want to thank you very much for being patient and listening carefully to
25 my questions. Thank you.

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1 Thank you, your Honours.

2 PRESIDING JUDGE SCHMITT: [12:41:37] Thank you, Mr Iverson.

3 And I think this is the right time to have the lunch break until 2 o'clock and then we
4 meet here again. And it would be then the turn of the victims' representatives.

5 Thank you.

6 THE COURT USHER: [12:41:57] All rise.

7 (Recess taken at 12.41 p.m.)

8 (Upon resuming in open session at 2.02 p.m.)

9 THE COURT USHER: [14:02:29] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [14:02:56] Good afternoon, everyone.

12 Good afternoon, Madam Witness.

13 It's now the turn for Ms Massidda.

14 MS MASSIDDA: [14:03:10] Thank you very much, your Honour. I just need -- I
15 just need guidance from your Honour on a discrete matter. I will quote something
16 that the witness has said this morning. If this is okay with your Honour, I will quote
17 the lines and page of the English real-time transcript of this morning to refer to it, so
18 that everybody knows at which part of the testimony I am referring to.

19 PRESIDING JUDGE SCHMITT: [14:03:46] I don't see any problem with that.

20 Please go ahead.

21 MS MASSIDDA: [14:03:49] Thank you very much.

22 QUESTIONED BY MS MASSIDDA: (Interpretation)

23 Q. [14:04:00] Good day. My name is Paolina Massidda and in this case I am
24 representing a group of victims who are participating in this trial.

25 I would like to ask you some questions on clarification for something that you said

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1 this morning when answering the questions put to you by the Prosecution.

2 This morning, you said that at a certain point in time during the events you left your
3 place of residence to go to another place, which you called PK5.

4 And the reference is on the French transcript, in real-time, page 28, line 28, page 29,
5 line 1 and 2.

6 Is that correct?

7 A. [14:05:29] That is correct. When I left Boeing neighbourhood, I went to PK5.

8 Q. [14:05:40] Can you remember roughly the date?

9 A. [14:05:58] I think I left Boeing 3 December.

10 Q. [14:06:17] When you went to PK5 on 3 December, can you describe what was
11 going on in that neighbourhood? I know PK5 is very big, but when you arrived,
12 what was the situation in that neighbourhood?

13 A. [14:06:47] When I arrived there I went and told my in-laws that my
14 quarter -- area in Boeing was in danger and that's why I went there. You know us,
15 the Muslim women, we always have to be careful. I don't really know what
16 happened in PK5 at that moment in time.

17 Q. [14:07:16] Did the activities, were they normal? Were people going -- doing
18 their normal business on 3 December as they normally do?

19 A. [14:07:49] When I arrived on 3 December, there was traffic, there was activities,
20 business which was going on, and there was also people who were moving around
21 who was looking for their goods. That's what I noticed on that particular day.

22 Q. [14:08:17] And you stayed in PK5 as well on 5 December and the days following
23 on from 5 December, so after the attack. Could you tell us what the situation was
24 like in PK5 after the attack on 5 December?

25 A. [14:08:54] As I said, you know, I had lost my husband, I couldn't leave and go

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1 about as I wanted to to see what was happening outside, so I simply stayed at home.

2 Q. [14:09:20] During the days that followed the attack of 5 December, did you

3 notice whether there were people who arrived in PK5?

4 A. [14:09:39] I have already told you that when I went into the house, I didn't leave

5 from the house to see what was happening. I stayed at home because I was

6 mourning for my husband.

7 PRESIDING JUDGE SCHMITT: [14:09:58] I think you can move on.

8 MS MASSIDDA: [14:10:19] (Interpretation)

9 Q. [14:10:21] Witness, this morning you also said that you had to flee Bangui and

10 you described the voyage so that you left Bangui to go to Chad. Can you tell us

11 what your feelings were when you left Bangui?

12 A. [14:10:53] I have said that I couldn't remain in the Central African Republic,

13 because if I would have stayed, I would have been killed. That's why I decided to

14 follow my in-laws and take the trip with them.

15 Q. [14:11:19] Is it correct to say that you were particularly sad that day when you

16 left Bangui?

17 A. [14:11:42] In any case, that is true.

18 Q. [14:11:47] You also said that you lived in Chad one year and two months, if I'm

19 not mistaken. During that time, what did you miss the most when you were staying

20 in Chad?

21 A. [14:12:21] When we arrived in Chad, I didn't have -- I didn't miss anything

22 because I had more or less the things that I wanted. Somebody was looking after me.

23 But I was really suffering because of the death of my husband. And when some

24 members of my in-laws said that they were going to return to Bangui, I decided that I

25 would go with them so that I too would return to Bangui.

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1 Q. [14:12:59] When you were fleeing, you described the way in which you fled on
2 the truck with the Chadian army. This is page -- this is lines 15 and 16 of page 43.

3 You said you were stopped by young youths, the Anti-Balaka.

4 PRESIDING JUDGE SCHMITT: [14:13:32] This is not a question, because you simply
5 cite what the witness has said. And perhaps we can also (Overlapping speakers)

6 MS MASSIDDA: [14:13:41] I was simply waiting for the translation.

7 PRESIDING JUDGE SCHMITT: [14:13:43] No, no, no, no. I just wanted to say
8 the following. Also this will be a long case and it's only because it comes up the first
9 time.

10 When we make citations from protocols of this Court, we don't have to say "you did
11 say that". We can assume that a witness has said the things that are on record and
12 we don't have to ask -- this also sometimes comes up in cross-examination, that
13 you -- that you start your questioning: "You did say yesterday ... did you say that?"
14 Yes, assume she said that because it's on the record or the witness said that. This
15 spares a lot of time. And simply go forward.

16 I would suggest to do it this way. Because it's unnecessary. You know, it might be
17 something different if we're talking about a statement that lies 10 years ago, "Did you
18 say that?" Yeah, when there is -- when you want to refresh memory or sorts of, but
19 not with a witness who has been in the courtroom the same day or it's the transcript
20 from the day before.

21 Excuse me for the long intervention, but this was simply I wanted to say that and I
22 think everybody knows now how we can proceed in the future.

23 MS MASSIDDA: [14:14:55] Thank you very much, your Honour. I'm guided.

24 Q. [14:15:06] (Interpretation) So, Madam Witness, when you moved from Bangui to
25 Chad, along the route you met some Anti-Balaka youth. How did you know they

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1 were Anti-Balaka?

2 A. [14:15:33] When I saw them I identified them immediately, you can't make
3 a mistake, because of the way they were behaving. They were carrying *gris-gris*.
4 They also had bush clothes on. And they also had hunting arms, machetes. They
5 had brooms to sweep the soil. They made gestures which suggested they were
6 slitting throats. And immediately you knew they were Anti-Balaka.

7 Q. (No interpretation)

8 PRESIDING JUDGE SCHMITT: [14:16:19] I think we did not hear the question,
9 Ms Massidda.

10 MS MASSIDDA: [14:16:24] (Interpretation)

11 Q. [14:16:25] Were there many? Were they numerous?

12 A. [14:16:41] They were numerous. You could see them all along the road, even if
13 you passed PK12. They were carrying sticks. There were many, many, many of
14 them. And we who were travelling, we were forced to lie down on the -- in
15 the vehicle.

16 Q. [14:17:06] Do you have any idea of the age of these young people?

17 MR KNOOPS: [14:17:15] Mr President, I think it's worthwhile to object. How can
18 the witness, being not an expert, estimate the age of children, of individuals? I think
19 it's calling for speculation.

20 PRESIDING JUDGE SCHMITT: [14:17:27] Yeah, it's sort of -- I think we cannot
21 expect her to give an assessment with regard to a legally interesting age, so to speak,
22 but she -- and she might say something about if they were young people or older
23 people or whatsoever.

24 But I have also another issue. In principle, this has been already discussed by
25 the Prosecution, so I remind the initial directions of this Chamber that the

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1 Legal Representatives of the Victims should restrict, so to speak, their role more with
2 regard to what, what is part of the Prosecution, what they have to prove, and your
3 role. So I have not interfered until now because it was some addition, but -- and I let
4 this question pass because we have also another Legal Representative here, but please
5 be mindful of that, that we don't want any overlap here. So perhaps I may rephrase
6 it a little bit.

7 Madam Witness, you spoke about these people standing on the road and making
8 gestures. We don't expect from you to tell us how old they were, because you might
9 not have known, but did you see them as adults, as young people, as -- you know
10 what I mean? Can you tell us something about them, how they looked like.

11 THE WITNESS: [14:19:20](Interpretation) What I saw, they were young people, but
12 there was also children who were taking up stones to throw at us. There were also
13 adults amongst them who were carrying arms. And the youth were carrying
14 machetes.

15 PRESIDING JUDGE SCHMITT: [14:19:45] Okay, I think that that answers
16 the question.

17 MS MASSIDDA: [14:19:51] Thank you.

18 Q. [14:19:57] My last -- (Interpretation) My last question, Madam Witness. You
19 said that the events made you feel really ill. This is page 49, line 12 and 13 of the
20 transcript. Could you tell us what you mean exactly, that you felt really sick?

21 A. [14:20:40] It's true, after what happened that day, I really felt very poorly. It
22 was even difficult for me to go to the toilet and -- and I only went to the toilet once or
23 twice a month. And even now, I am facing the same sort of situation.

24 Q. [14:21:22] Thank you very much, Madam Witness. That is all.

25 MS MASSIDDA: [14:21:22] This concludes my questioning, your Honour. Thank

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1 you very much.

2 PRESIDING JUDGE SCHMITT: [14:21:28] I don't assume that you have questions,
3 further questions, or do you?

4 MR SUPRUN: [14:21:32] I have no questions to this witness, Mr President. Thank
5 you.

6 PRESIDING JUDGE SCHMITT: [14:21:37] Thank you very much.

7 So we can discuss the way forward. We were much quicker than we thought and I
8 hope this is a promising start, so to speak. We can simply leave it up to you. I am
9 absolutely sure, Ms Dimitri, Mr Knoops, that we finish the Defence's examination if
10 we start tomorrow. So you could prepare, so I think we would -- could finish for
11 today. I would suggest that, even. But if you of course say, "No, I want to step up
12 now and I want to question", I'm also fine, but I thought it might be perhaps a good
13 idea to start tomorrow at 9.30 with the Defence questioning. Is that okay?

14 MS DIMITRI: [14:22:26] Thank you very much, Mr President. That's fine with me.

15 PRESIDING JUDGE SCHMITT: [14:22:28] Okay. Good.

16 So, Madam Witness, you have heard it. We conclude your questioning for today.

17 Thank you very much and I wish you a nice afternoon and a nice evening and we see
18 each other tomorrow at 9.30 and then the Defence lawyers put questions to you.

19 And this concludes the hearing for today.

20 THE COURT USHER: [14:22:52] All rise.

21 (The hearing ends in open session at 2.22 p.m.)

22 ~~RECLASSIFICATION REPORT~~

23 Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26
24 August 2020, the public ~~reclassified and~~ lesser redacted version of this transcript is
25 filed in the case.