

Trial Hearing
WITNESS: CAR-OTP-P-1595

(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 Tuesday, 8 March 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:50] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:17] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:25] 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 Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:40] Thank you.
21 The appearances of the parties. Prosecution, please.
22 Ms Struyven, this is short, as I see it.
23 MS STRUYVEN: [9:32:47] Good morning, Mr President. Today we have
24 Yassin Mostfa and myself, Olivia Struyven for the Prosecution.
25 PRESIDING JUDGE SCHMITT: [9:32:53] Thank you.

1 I turn to the representatives of the victims.

2 MR FALL: [9:32:58](Interpretation) Good morning, Mr President. Good morning.

3 The representatives of the other crimes are represented this morning by

4 Mr Narantsetseg, Madam Mouhia Asso and myself, Yaré Fall. Thank you.

5 MR SUPRUN: [9:33:20] 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: [9:33:29] Thank you.

9 Now to the Defence. Ms Dimitri first.

10 MS DIMITRI: [9:33:33] Good morning, Mr President. Good morning,

11 your Honours. Good morning, everyone. This morning Mr Yekatom, who is

12 present in the courtroom, is represented by Ms Anta Guissé, Ms Daniela Mvougou

13 Police, Ms Lena Casiez and myself, Mylène Dimitri.

14 And, Mr President, if I can take the opportunity to wish a very happy International

15 Women's Day to every woman in the courtroom and in the booth.

16 PRESIDING JUDGE SCHMITT: [9:33:57] Well, although I'm a man and the Chamber

17 is composed of men, I think we can support that too.

18 Now, Mr Knoops, I think, yeah.

19 MR KNOOPS: [9:34:10] Good morning then. Congratulations to all the women in

20 the courtroom.

21 Good morning, Mr President. Good morning, your Honours. Good morning

22 everyone in the courtroom. The Defence team of Mr Ngaïssona is today appearing

23 before the Chamber with Ms Sara Pedroso, Despoina Eleftheriou,

24 Alexandre Desevedavy. Mr Landry is not available this morning. He has an ICC

25 training so he's not following the proceedings from the field office. And

Trial Hearing
WITNESS: CAR-OTP-P-1595

(Open Session)

ICC-01/14-01/18

1 Mr Ngaïssona, as you have seen, is present here.

2 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you, Mr Knoops.

3 And a very warm welcome to our witness, Mr Aboubakar, good morning. Do you
4 hear and understand me well?

5 WITNESS: CAR-OTP-P-1595 (On former oath)

6 (The witness speaks Sango)

7 (The witness gives evidence via video link)

8 THE WITNESS: [9:35:10](Interpretation) Good morning. I can hear you clearly.

9 PRESIDING JUDGE SCHMITT: [9:35:17] We continue with the questioning and it's
10 the turn, still, of Ms Casiez.

11 You have the floor.

12 MS CASIEZ: [9:35:24] Thank you, Mr President, your Honours.

13 QUESTIONED BY MS CASIEZ: (Continuing) (Interpretation)

14 Q. [9:35:38] Good morning, Mr Aboubakar. I hope that you are doing well since
15 yesterday. I have a few more questions for you today and I will start by hopping
16 back to the last topic we were dealing with yesterday.

17 Yesterday, as you may recall, we stopped when we were talking about the father and
18 his sons Zacharia, Taïr, who was killed in Bouchia near Boukanga. Do you follow
19 me?

20 A. [9:36:18] Yes, I can follow you clearly.

21 Q. [9:36:22] I know that you went to fetch the dead bodies, and I think that is part
22 of your mission as an imam and as a peacemaker.

23 What I would like to know is the following: After you returned to Mbaïki with
24 the dead bodies, did you hear being said that the Seleka from Pissa had gone to
25 Bangui-Bouchia to take out vengeance against the population for the death of the two

1 Muslims?

2 A. [9:37:04] Yes, as you have said, I went to fetch the dead body and I brought it
3 back to Mbaïki and buried it. It is only later that I heard that the Seleka went there.
4 But I don't know anything about their operation. Did they hurt the population?
5 Did they not hurt the population? I do not know.
6 All I heard was that the Seleka went there.

7 Q. [9:37:46] Thank you, Mr Aboubakar.

8 I have with me here a document from the mayor of Mbaïki whom we talked about
9 yesterday, Mr Mongbandi, which states as follows: "Some 15 Muslim traders from
10 Mbaïki went bearing weapons in two vehicles to carry out reprisals at night and
11 attack the Christian population in Bangui-Bouchia."

12 Is this something that you may also have heard at that time?

13 A. [9:38:23] No, I did not learn of that type of story in Mbaïki town. For us, what
14 we did was to go and bring back the dead body with -- in a vehicle to Mbaïki for
15 burial. Now, to say that a Muslim left Mbaïki in a vehicle for Boukanga to do
16 whatever it is that they may have done, no, I didn't hear such a story. I heard and I
17 learnt that the Seleka had gone there. But apart from that, nothing else.

18 Q. [9:39:03] Going by information available to me, Mr Aboubakar, and within
19 the context of our investigations, I -- I have come by information through our
20 investigations whereby Mahamat Hissène, alias Deba, allegedly was part of
21 the reprisals against -- with the Seleka and he was hated by the population of Mbaïki
22 for having killed people. Is this something that you heard?

23 A. [9:39:49] No, I did not hear anything bad about Deba in Mbaïki town. He was
24 a small trader. He is a small trader. Deba is a small trader and he did not do
25 anything. He never joined the Seleka. He continued to do his trading and I did not

1 learn anything bad on Deba.

2 Q. [9:40:30] Thank you, Mr Aboubakar.

3 I have here a second article. Yesterday I showed you one and today is a second
4 article, number -- it's in tab 5 of the Defence binders, CAR-D29-0002-0120. This
5 document can be displayed and I will guide you as to its content.

6 Now, in this article reference is made to the same incident in Bangui-Bouchia which
7 we are talking about. It's an article by the Network of Journalists for Human Rights
8 in CAR dated 5 October 2013. It indicates that the attack was carried out by armed
9 persons who were unidentified.

10 Now I would simply like to ask you to confirm that while you were there or thereafter
11 you never heard that any documents were available or had been left there which
12 made it possible for any individuals to be identified individually?

13 A. [9:41:59] Regarding the documents on the identification of the attackers, I was
14 not a witness to that and I did not learn anything about that. You know, when we
15 went there it was already night-time and we were afraid, so we hastily gathered
16 the bodies and put them in the vehicle. The mother was wounded, the child was
17 injured, so we brought back all those people to Mbaïki. Thanks be to God, the next
18 day the mother was delivered of a baby.

19 Now, to say that I saw with my own eyes an ID card or a card belonging to anybody
20 or to the attackers, no, I did not see that. I went there as an imam. I put myself
21 forth and forward so that others could follow me to go and gather the corpses.

22 And it is because I rose up that others followed me and that is how we went there and
23 gathered the dead bodies, washed them and buried them. I did not see any identity
24 cards.

25 Q. [9:43:26] Thank you, Mr Aboubakar. This is very useful. And I will stop here

1 on this topic because I believe that it's a bit complicated for you to continue discussing
2 it, so I will wrap up on that topic and then move to another area.

3 A Prosecution witness in this case has testified that today Chadians can no longer
4 come to Mbaïki because they are still being considered by the locals in Mbaïki as
5 members of Seleka. Is this something that you would agree with?

6 A. [9:44:11] Mr President, yes, indeed this is what people were saying. People
7 were saying that Chadians could no longer return to Mbaïki because they had done
8 bad things. But as of today, as we speak, some Chadians who had fled are already
9 back in Mbaïki and engaging in their trading and businesses, even today.

10 Q. [9:44:47] Thank you, Mr Aboubakar.

11 Yesterday, we briefly touched on the mayor of Pissa, Mr Okoa-Penguia, and there is
12 a Prosecution witness who said that he -- he sold some land and gave authorisation
13 for a motel to be built on the former location of the mosque. Do you have any such
14 recollection?

15 A. [9:45:23] Yes, I learnt about it. It would appear that the mayor of Pissa sold
16 the piece of land, and a drinking spot and a motel were built on that location. One
17 day, as I was headed for Mbaïki, I stopped at Pissa and went to the market and then
18 also went to the location where the mosque had been situated.

19 It is true that I found out that there was a motel and a drinking spot at that location,
20 and I saw that with my own eyes.

21 Now, is it the mayor who sold the piece of land? Is it not the mayor who sold -- who
22 did not sell the piece of land? I don't know. But I can confirm that I saw
23 the structures with my own eyes.

24 Q. [9:46:35] Thank you, Mr Aboubakar.

25 You made mention of farms, your farms during your testimony. I have a question

1 that may be strange for you, but the answer will be useful for me. Could you tell us
2 at which time of year you have the caterpillar season, please.

3 A. [9:47:22] Well, you know, if I were to give you a specific date, that would be
4 misleading you, because the times change from year to year. This year
5 the caterpillars may appear earlier, or later. So generally the rainy season first has to
6 start before the caterpillars appear. And it is generally in the middle of the rainy
7 season that it happens. So I cannot give you an exact date. It all depends on
8 the rainy season.

9 Q. [9:48:09] Thank you. And so I think that once the rainy season begins, that that
10 is like a good date for me almost, and I thank you for your answer.

11 But let me hop back just for a minute on the -- to the death of Mr Saleh, which you
12 talked about yesterday. I fully understood your explanations, but I have about two
13 questions which you could easily answer by a "yes" or "no".

14 Now, did you hear that Mr Bemaka-Soui Yvon, the commander of the Mbaïki
15 gendarmerie, had participated in the attack on Mr Djido?

16 A. [9:49:03] I have no information on that point. Well, that is what people were
17 saying, but I myself did not monitor that closely. That individual was
18 the commander of the gendarmerie. I learnt that when Djido Saleh wanted to go to
19 the MISCA base which was a bit further on, and noticed that he could not get to
20 the MISCA base, he decided to return to seek refuge at the gendarmerie. So as he
21 attempted to enter the gendarmerie compound, the gendarmerie commander had
22 allegedly forbidden him entrance to the gendarmerie and that is how he remained in
23 front of the gendarmerie compound and that is where he was finished off.

24 Q. [9:50:11] Thank you, Mr Aboubakar.

25 And I have the same question in relation to one Mr Prince Mondonga, the grandchild

1 of Madam Malonga, former counsellor of the Mbaïki mayor's office. Did you hear or
2 not whether this person participated in the attack against Mr Djido?

3 A. [9:50:46] If I were to talk about those who killed Mr Djido, I would say that I
4 have no idea about the names of the attackers. And as I told you yesterday, there
5 were not many Anti-Balaka in the town. The civilian population was much more
6 numerous, so I am not in a position to know the names of those who killed Mr Saleh
7 Djido, as I told you yesterday.

8 Q. [9:51:16] Thank you, Mr Aboubakar.

9 I have a last question for you and I know that you stated that Mr Yekatom had come
10 so that peace may return to Mbaïki. And what I'm going to ask you I know is not in
11 your statement. But while you were in Mbaïki, would you agree with me that you
12 never heard or saw any fighting between Mr Yekatom's group and MINUSCA * or
13 MISCA in Mbaïki upon the arrival of Mr Yekatom; am I right?

14 A. [9:52:12] I have never seen any clashes between them. If there had been any
15 clashes between them, I would have been aware of it. He arrived at 4 p.m. and
16 the next day in the morning he held a meeting, or he went to the Catholic Church and
17 then I didn't hear mention of any clashes thereafter. No, I didn't hear anything and
18 I didn't see anything.

19 Q. [9:52:39] Thank you, Mr Aboubakar. I told you that this was my last question
20 and this was indeed my last question. I thank you very much.

21 PRESIDING JUDGE SCHMITT: [9:52:49] Thank you, Ms Casiez.

22 It's now the turn of Ms Pedroso, I assume. I see signs to that effect.
23 Please, you have the floor.

24 THE WITNESS: [9:53:10](Interpretation) Thank you.

25 MS PEDROSO: [9:53:31] Good morning, your Honours. Good morning, everyone.

1 QUESTIONED BY MS PEDROSO: (Interpretation)

2 Q. [9:53:42] My names are Sara Pedroso. I am counsel and member of

3 Mr Patrice-Edouard Ngaïssona's Defence team.

4 I have a few questions for you today.

5 First of all, I would like to hop back to something contained in your statement at

6 paragraph 22, reference document 4 of the OTP binder, CAR-OTP-2104-0274 at

7 page 2777.

8 You say that you were the president of the Viper football association in Mbaïki, which

9 was made up of several persons from various ethnic groups, religious groups and

10 social circles. My question for you then is as follows: Would you agree that

11 football can be a tool for social cohesion in the CAR?

12 A. [9:55:19] Is that question for me? Well, if it is for me, I will answer it.

13 As you have just said, the period, the time frame you have referred to, well, at that

14 time I was not yet the imam. It is later on that I became president. Well, but even

15 before then, people used to call on me to work towards social cohesion among

16 the youth to whom I provided advice and counsel. It is later on that I became

17 the imam and that was a promotion.

18 So I began to develop relations with other servants of God, pastors and others, and it

19 is at that time that I began to withdraw from my activities with the youth and to focus

20 on my godly activities while leaving it to others to take care of youth activities.

21 Q. [9:56:39] Thank you, Mr Witness, for those explanations, but my question was

22 more of a general nature.

23 Now, you who were president of the football association at some point. Do you

24 think in general terms that football can enable the youth and the community to come

25 closer together, that is people from various ethnic groups, from different religious

1 backgrounds and from different social circles? And this in very -- in very general
2 terms.

3 A. [9:57:18] Yes, that's correct.

4 Q. [9:57:21] Thank you, Mr Witness.

5 Yesterday you testified at length about what is also contained in your statement
6 relating to what you and your community experienced under the Seleka regime in
7 2013. I do not intend to have you repeat all which you have already said, but I have
8 just a few brief follow-up questions to what you said.

9 First of all, I would like to have you listen to an audio publication of 4 April 2013
10 which was published on RFI online after the arrival of Seleka in Mbaïki. And then I
11 will have one or two questions for you in relation to that audio.

12 For the Chamber, reference is at tab 6 of the Defence binder, CAR-OTP -- rather,
13 CAR-D30-0009-0001. And the transcript for the interpreters is at tab 5, Defence
14 binder CAR-D30-0002-0011. And the reference for the article, this article is also
15 disclosed by Defence at tab 7 of our binder.

16 The audio will be played from 01:18 and can be played for the public, please.

17 (Playing of the audio excerpt)

18 THE INTERPRETER: [9:59:13](Interpretation of the audio excerpt)

19 "In the night, they went from door to door, collecting motorbikes and everything
20 people had at home. The population was frightened and holed up at home, others
21 fled into the forest. Even now -- even now, some personalities and administrative
22 authorities are all in the forest. There is no one to ensure security for the population.
23 Last time, they even shot at a captain of the army who was killed and the body was
24 abandoned and part of the body was eaten up by dogs and pigs. They went to
25 the hospitals, terrorised doctors, nurses, and the sick fled the hospital. There was

1 nobody. The administration was vandalised.

2 Prosper, what is the solution for today?

3 I think that what needs to be done is put in place a neutral force like the FOMAC to
4 ensure security so that there is a -- to take care of this crisis confidence -- this crisis of
5 confidence between the population and the Muslims.

6 RFI reporting."

7 THE WITNESS: [10:00:31](Interpretation) Thank you very much, Mr President.

8 As you have just said, the Seleka had barely entered Mbaïki town when so many
9 things happened. We are aware of some things, but not of everything. What I
10 know is that after they entered Mbaïki town, there was no one to receive them along
11 the roadsides. There was no one to see them or observe them come in. Things were
12 rather quite confused. And to -- to this very day, when -- well, on that day, when
13 the Seleka saw any nice motorbike, they would -- they would take it, regardless as to
14 whether the owner was Muslim or Christian. All they did was take things from
15 people. So there was a lot of damage, a lot of harm, a lot of looting. And when it
16 comes to this captain, I do not really quite understand this -- this story that a captain
17 was killed in Mbaïki town. Well, I never heard any such thing. And that's
18 the answer I can provide you.

19 MS PEDROSO: [10:02:03] (Interpretation)

20 Q. [10:02:06] Thank you, Mr Witness.

21 My question was: The person described something in this audio. Does that reflect
22 what you also experienced in 2013? That is what I thought I understood from your
23 testimony.

24 A. [10:02:35] The information provided by this journalist, I never heard about it.

25 Many things have been said, but I'm not aware of anything. Please refer to my

1 statements and if in my statements you see that I made such-and-such a statement,
2 you should limit yourself to it.

3 But regarding the declarations of the media such as RFI and others, I have nothing to
4 say about it.

5 Q. [10:03:18] You talked about looting by Seleka. Do you know whether they
6 were transporting the looted property towards the north of the CAR or maybe even to
7 Chad? Are you aware of that?

8 A. [10:03:40] No, no. I only saw those elements grab the motorbikes of
9 individuals and they were using them for their activities, but I didn't see them carry
10 any property and transport it to Chad and -- towards Chad. I never saw any such
11 thing.

12 Q. [10:04:20] What about the Mbaïki town hall, was it also targeted by the Seleka?
13 Was it pillaged or used as a Seleka base? Do you know anything about that?

14 A. [10:04:41] The Seleka did not set up their base in the town hall. There was
15 a building near the town hall called SOCATEL in charge of communication, so it was
16 located near the mayor's office. That is where they established the base, not at the
17 *mairie*, but only at the SOCATEL. I never saw them establish a base there.

18 Q. (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [10:05:20] Ms Pedroso, please, please wait, please
20 wait a second with your question because the interpreter has difficulties to follow.

21 Okay. Thank you.

22 MS PEDROSO: [10:05:29] Apologies. Thank you.

23 Q. [10:05:42] (Interpretation) And are you aware of the pillaging of the Mbaïki
24 town hall or mayor's office? Even if it was not a base, are you aware that it was
25 pillaged?

1 A. [10:06:00] To say that the Seleka went into the municipality to loot, I don't know.
2 And anyway, what type of property would be inside the mayor's office for them to be
3 pillaged? The Seleka focused on the locations where there was a lot of property.
4 But regarding the mayor's office in Mbaïki, what sort of goods or items could you find
5 there? They never pillaged the town hall. I never heard about that.

6 When they entered, their objective was to take the property of people, and whenever
7 they had a possibility, they did that.

8 Q. [10:06:55] Thank you, Mr Witness.

9 Yesterday during your testimony you confirmed that in 2013 in Mbaïki there were no
10 longer any forces of law and order to provide security. And it is T-106, page 28 of
11 yesterday's transcripts. You talked about that in paragraph 32 of your statement also
12 that the Seleka adopted the role of judges. So can you give us examples of that
13 justice that was administered by the Seleka in 2013, as far as you know.

14 A. [10:07:49] Yes, Mr President, I have some information that I can provide to you.
15 It is true that when the Seleka entered Mbaïki town, there were many things. At that
16 time the gendarmerie no longer existed. Even the police was not functional. All
17 the services of the state were paralysed. It was the Seleka that were responsible for
18 everything. They acted as gendarmes, policemen, as the mayor, as the sub-prefect
19 and the prefect. Everything took place under their authority.
20 During that period of that cruel person, that is the colonel, everything was happening
21 at their place. Even the judicial activities took place under their control at the
22 gendarmerie or at the police. I'm sorry, if the *colonel heard that you had gone to
23 the gendarmerie or the police for one reason or the other, he could threaten you.
24 Thank God some elements came from Bangui to arrest him and have him replaced by
25 another colonel.

1 Now, when the new colonel arrived, when a complaint was laid before him, he would
2 refer it to the gendarmerie or the police. He said he was not a judicial authority and
3 he could not involve himself in all those activities, so he referred these things to
4 the gendarmerie and the police. So there was a real change.

5 Q. [10:09:58] In your statement, Mr Witness, you stated that you told the Seleka
6 Colonel Anour that the religious laws did not apply to the CAR. That was
7 paragraph 32 of your statement. And by so saying, did you mean that the Seleka are
8 trying to impose religious law or Islamic law during that period on the CAR? Are
9 you saying that's what they were trying to do?

10 A. [10:10:45] It didn't happen in that way in the Mbaïki town. The Seleka never
11 tried to impose Sharia in Mbaïki, no. No, I did not observe that in Mbaïki town.
12 There were only disorder in the town.

13 Q. [10:11:12] So what prompted you to tell Colonel Anour that the religious laws
14 did not apply to the CAR, in which context did you tell him that?

15 A. [10:11:38] I do not know whether it is a problem of interpretation or
16 misunderstanding, I do not know. I never talked about the imposition of the Sharia.
17 I simply want to give -- I simply went to give him advice so that peace should be
18 restored in the town. I asked that Christians and Muslims should be treated equally.
19 I gave him advice so that he should concoct -- or conduct himself properly and not
20 like his predecessor.

21 So I did not advise him to impose Sharia or to talk about Sharia. I simply asked him
22 to treat Muslims and Christians equally.

23 Q. [10:12:47] Thank you, Mr Witness.

24 In your statement and during your testimony yesterday, you indicated that you heard
25 that the Seleka were distributing weapons in Mbaïki town. And my question is as

1 follows: As the imam, you said that people confided a lot in you. Based on your
2 discussions with certain Seleka or other people, have you got any idea how the Seleka
3 obtained their weapons or where these weapons were coming from? Do you know?

4 A. [10:13:40] I did not quite understand your question. Please kindly repeat.
5 Are you talking about the Seleka weapons? You want me to talk about
6 the provenance of the Seleka weapons? Can you please kindly repeat the question.

7 Q. [10:14:01] Yes, of course. My question was that, based on your discussions
8 with Seleka at the time in 2013, did anyone talk to you about the provenance of their
9 weapons? And if not, it's not a serious matter, I simply wanted to know whether
10 you have that information.

11 A. [10:14:33] I did not receive this type of information. When I approach him, I
12 simply gave him advice so that peace should be restored in the town. But we never
13 discussed weapons. We never talked about any particular weapon: "Who does it
14 belong to? Who -- where did it come from? Who gave it to you?" No, we never
15 talked about such things. I simply gave him advice relating to the restoration of
16 peace in the town.

17 Q. [10:15:21] Thank you, Mr Witness.

18 Based on what you told us yesterday and in your statement, you took peace
19 initiatives in reaction to the exactions of the Seleka. You talked about the creation of
20 the Silili -- Siriri, and pamphlets. Would you agree with me that there were other
21 imams in CAR who supported the Seleka, for example, the imams of Chadian origin?
22 Are you aware of that?

23 A. [10:16:11] Mr President, I can talk about what was happening in my town
24 Mbaïki, but I cannot be a narrator, I cannot tell you what happened in other Central
25 African towns. I think that at that time everyone needed peace. I was struggling to

1 ensure peace in my town, so please do not ask me to tell you what happened in other
2 towns, what was announced in the media, people's declarations and statements and
3 others. So I can only talk to you about my town, that is Mbaïki.

4 Q. [10:17:16] Thank you, Mr Witness.

5 Yesterday during the OTP questioning you indicated that you gave money to
6 the Anti-Balaka later on to buy coffee. And in your statement you also said that
7 the Anti-Balaka seemed to be famished or hungry, and that is why you gave them
8 money.

9 My question is: Why did you decide to help the Anti-Balaka at that time, specifically
10 by giving them money?

11 A. [10:18:07] Thank you, Mr President.

12 I am an imam. I am the father of all children. I am everyone's father. When I
13 meet with children, whether they are of poor conduct or of good conduct, it is
14 the same thing to me. I did not know those young people. Everyone was afraid of
15 those young people. I was in my house, I was looking in the direction of the mosque
16 and I could see the Anti-Balaka moving about. And amongst them there were
17 young people who came to me and said: "Papa, we have come to tell you good
18 morning. Papa, how are you doing? Are you doing well? Papa, we did not come
19 here to see you for nothing. It is because we really need to have coffee. Since
20 the morning we did not have anything to eat."

21 So I am the father of everyone. So I removed 2,000 CFA francs from my pocket and I
22 gave it to them to go and buy their coffee. That is what happened.

23 Q. [10:19:47] Mr Witness, do you agree with me that the Anti-Balaka that you saw
24 were starved, they were not well fed, they were not well dressed and they did not
25 have much with them? Do you agree with me?

1 A. [10:20:18] Well, wherever they were living, I had no idea. I did not visit
2 the rooms in which they were sleeping. Whether they had any change of clothes or
3 not, did they have anything to eat? I did not have any idea about that. But these
4 Anti-Balaka were wearing the same clothes for several days, sometimes for an entire
5 week. They did not change the clothes that they were wearing. That is what I can
6 tell you.

7 Q. [10:20:56] Thank you, Mr Witness.

8 That was the last question.

9 (Speaks English) Your Honours, if I could just have a moment to consult with counsel
10 if counsel has additional questions.

11 PRESIDING JUDGE SCHMITT: [10:21:07] Of course.

12 (Counsel confers)

13 MR KNOOPS: [10:21:28] Mr President, I would like to benefit from the presence of
14 the witness to -- in addition to the questions of Ms Pedroso, I have two topics, very
15 briefly to address to the witness with the permission of the Court.

16 PRESIDING JUDGE SCHMITT: [10:21:43] Yeah.

17 QUESTIONED BY MR KNOOPS:

18 Q. [10:21:47] Mr Witness, my name is Alexander Knoops. I'm also one of
19 the lawyers of Mr Ngaïssona in this case. I have two additional questions which are
20 for us quite relevant.

21 First of all, you told the Chamber yesterday, and it's also in your evidence in
22 the statement, that you shared food with some of the young boys which you name as
23 being part of the Anti-Balaka.

24 Now my question to you is: Did, during those conversations with these --

25 A. (Overlapping speakers)

1 Q. [10:22:34] Did, during one of those -- those meetings with (Overlapping
2 speakers)

3 A. [10:22:46] Mr President, I would like to take the floor.

4 PRESIDING JUDGE SCHMITT: [10:22:50] Yes, Mr Witness, what do you want to say?
5 You have the floor.

6 THE WITNESS: [10:22:59](Interpretation) I would like to give a brief answer to
7 the question just put to me.

8 Mr President, if I told you that I shared food with Anti-Balaka from the same plate, it
9 does not mean that I distributed food to them. It was at 1 p.m., that is a time that I
10 usually have my meal. I was brought some food. I was under my hangar and
11 the Anti-Balaka were passing by the road. They saw me, they greeted me, "Mr Imam,
12 good afternoon, good afternoon. And bon appétit." I realised that I had sufficient
13 food before me, I thought about them and I said, "Young people, come here, come
14 here. Wash your hands, please, and share the food with me." They asked me for
15 the authorisation to sit on the carpet. I said yes. They sat down, they ate. I gave
16 them water to drink. They thanked me and then they left.

17 I never went to distribute food to them. They simply came to my place and shared
18 a meal with me under my hangar and on my carpet. That is what I wanted to clarify.

19 PRESIDING JUDGE SCHMITT: [10:24:48] But, still, Mr Knoops, there is more detail
20 on -- to the story. So please continue.

21 MR KNOOPS: [10:24:54] Yeah. Thank you, Mr President.

22 Q. [10:24:55] Well, Mr Witness, thank you so much for your answer, but this was
23 really not my question.

24 My question is: Did -- during any of those encounters with the young boys, did you
25 learn or did they tell you whether anyone asked them to come to Mbaïki, or whether

1 they came to Mbaïki on their own volition?

2 A. [10:25:50] They never talked about that to me. They never told me, "Look,
3 Mr Imam, we came to Mbaïki on the orders of such-and-such a leader." No, they
4 never said any such thing to me.

5 They also never told me that they had come on their own initiative. They never told
6 me that. I also never asked them the question to know who was their leader. I did
7 not do that. I simply saw them moving about. I could not ask them these types of
8 questions.

9 When we were in Mbaïki, during the period when the Seleka and the Anti-Balaka
10 were carrying out activities there, everybody was careful, they were very careful
11 about what they were talking about. These type of questions could not be asked to
12 people: Who sent you? Did you -- who sent you? Did you come on your own
13 initiative? We could not ask them these types of questions given the atmosphere
14 that was prevailing at the time.

15 Q. [10:27:18] Thank you, Mr Aboubakar.

16 My -- my next topic and last topic is the following: You arrived after the departure
17 of Mr Djotodia in Bangui and the Central Mosque. Did you learn at the time you
18 arrived in Bangui and the months after your arrival in Bangui, did you learn about
19 any peace initiatives between the Anti-Balaka and the Seleka, or any peace initiatives
20 between the Anti-Balaka and the Muslim community?

21 A. [10:28:37] In answer to your question, this is what I can say: Yes, we heard that
22 there were efforts, initiatives here and there to restore peace in the country, but I did
23 not participate in those meetings. I was not part of those initiatives.

24 Q. [10:29:04] Now, Mr Aboubakar, thank you so much.

25 Do you have any information for us what, if any, the transitional government did

1 after you arrived in Bangui, in terms of restoring peace and order in Bangui?

2 A. [10:29:54] Yes, I heard about social cohesion or harmony. There was talk about
3 initiatives to foster social cohesion between Muslims and Christians. I heard about
4 that during the period of the transitional government. I remember that one day
5 Madam Samba-Panza came to the Bangui Central Mosque. I think it was during
6 the Tabaski or Ramadan feast, she took part in the prayers, she talked about peace,
7 she appealed for peace between Christians and Muslims. Everyone heard what she
8 said. But personally, I did not take part in those initiatives for peace.

9 Yes, I confirm that the transitional government was actually also working towards
10 the restoration of peace in the country.

11 Q. [10:31:23] Were you aware, Mr Aboubakar, that Mr Ngaïssona also undertook
12 several initiatives to restore peace in Bangui after you arrived there?

13 A. [10:32:03] To be brief with you, I can simply tell you that I know nothing about
14 the case of Mr Ngaïssona. I have absolutely no information about his activities.
15 Questions are put to me about what I know and I give you precise answers on that.
16 One day by the roadside coming out of the mosque, I met some young people talking
17 with themselves, two young people. They told me that the Anti-Balaka had seized
18 *their two vehicles and taken them to their base. He added that he had contacted
19 the president of football and he had informed him of that theft and asked him to help
20 him recover that vehicle.

21 Then I asked him who was that president of football. He told me that it was
22 the person responsible for football who was called Mr Ngaïssona, he was the one who
23 had been contacted and he was able to recover those vehicles. That was the first
24 time for me to hear that name. So he said, this man said that he had recovered that
25 vehicle thanks to that gentleman.

1 So apart from that incident, I know absolutely nothing else concerning Mr Ngaïssona.

2 Q. Thank you --

3 THE INTERPRETER: [10:34:09] Correction from the Sango interpreter: This young
4 man added that he did not pay anything to Mr Ngaïssona for having helped recover
5 that vehicle.

6 MR KNOOPS: [10:34:26]

7 Q. [10:34:27] Thank you very much, Mr Aboubakar, for that information.

8 My last question is the following: You told us today and yesterday that when you
9 were in Mbaïki there was apparently a shortage of food. People were hungry and
10 that that's why you as an imam helped people who asked for food.

11 Now, I take you now to Bangui after the departure of Mr Djotodia. You were there.
12 Can you tell us about the living conditions in Bangui in terms of the presence of food,
13 shortage of food and the impact of the social conditions on the -- the acts of
14 the population.

15 A. [10:35:47] Mr President, when you're at home you might get some food, but
16 when you leave your house and find yourself elsewhere, things necessarily will not
17 be the same and you can face some difficulties. We had abandoned everything.
18 We left our homes and we went to Bangui. It is true that while there we received
19 a bit of food, sometimes in the morning or sometimes in the evening. Some people
20 used to spend the night or sleep at the Central Mosque while others slept elsewhere.
21 But when we arrived with my elements, we were able to set up somewhere. And
22 the HCR also provided us with a lot of food, help, rice and other foodstuffs, so we
23 were able to find food. And that's the answer I can provide for now.

24 Q. [10:37:06] Mr Aboubakar, did you see in the time you were in Bangui after
25 the departure of Djotodia, the months after his departure, did you see any misconduct

1 by civilians due to the lack of food? And I'm speaking also now about
2 the population outside your -- your circle. So the general situation in Bangui.

3 A. [10:38:03] Well, you have asked me about Djotodia's departure. On that day
4 I was not in Bangui, I was in Mbaïki. I was not in Bangui. We learnt over the radio
5 that he had gone to Chad and that he resigned while in Chad. I was -- I was in
6 Mbaïki at that time, not in Bangui.

7 So that's the answer to your question. It is only after Madam Panza Samba took
8 power that I arrived in Bangui.

9 Q. [10:38:42] Yeah, Mr Aboubakar, that was my question. So after you arrived in
10 Bangui, can you tell us about the general situation within the population in terms of
11 the access to food and social welfare. You were not speaking about your own inner
12 circle, so your elements, but the people outside your circle. Do you have
13 information whether the conditions, the general conditions for the population in
14 Bangui were such that there was a shortage of food and that people misbehaved
15 because they were looking for food and were willing to commit crimes to access the
16 food?

17 A. [10:39:49] In Bangui town, well, let me start by telling you that I don't know
18 the entire town of Bangui. I am only familiar with PK5, where I reside, or where I
19 stay. I do not know all of Bangui.

20 Yes, when we arrived there were many problems, many problems. One could have
21 food in the morning and then nothing in the evening, nothing to eat in the evening.
22 Sometimes we were provided some frozen chicken and people will fight for crumbs
23 of it.

24 So, generally speaking, it was possible to have something to eat in morning and then
25 nothing to eat in the evening. The situation was the same at the Central Mosque.

1 But I don't know what was happening in the rest of the town. It is true that there
2 was famine, but we managed to find food while waiting for things to improve.

3 Q. [10:41:00] Thank you very much, Mr Aboubakar. These were the questions of
4 our Defence team. Thank you.

5 PRESIDING JUDGE SCHMITT: [10:41:05] Thank you, Mr Knoops.

6 Mr Aboubakar -- I don't assume that Prosecution has any questions? Yes.

7 Mr Aboubakar, this concludes your testimony. This Court needs witnesses that help
8 us to find out what happened and assist us to establish the truth. We appreciate it
9 a lot that you made yourself available as a witness in these proceedings and we as
10 a Chamber thank you very much for that.

11 We wish you a safe trip back home.

12 THE WITNESS: [10:42:02](Interpretation) Thank you.

13 (The witness is excused)

14 PRESIDING JUDGE SCHMITT: [10:42:05] This concludes the hearing -- this
15 concludes the hearing for today.

16 Also we start tomorrow with the next witness, I think it's P-0889, 9 -- 10.30. 10.30. I
17 always tend to forget when things change, yeah, in the schedule.

18 THE COURT USHER: [10:42:22] All rise.

19 (The hearing ends in open session at 10.42 a.m.)

20 CORRECTIONS REPORT

21 The following corrections, marked with an asterisk (*) and not included in the
22 audio-visual recording of the hearing, are brought into the transcript.

23 Page 8, lines 12-13:

24 "or MISCA" is added.

25 Page 13, line 22:

Trial Hearing
WITNESS: CAR-OTP-P-1595

(Open Session)

ICC-01/14-01/18

- 1 “police” is corrected to “colonel”.
- 2 Page 20, line 18:
- 3 “these” is corrected to “their”.