

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0475

- 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 Thursday, 16 December 2021
- 10 (The hearing starts in open session at 9.33 a.m.)
- 11 THE COURT USHER: [9:33:13] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:33:39] Good morning, everyone.
- 15 I just thought that this session would be too closed if we would not have opened
- 16 the blinds.
- 17 Court officer, please call the case.
- 18 THE COURT OFFICER: [9:33:51] Good morning, Mr President, your Honours.
- 19 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 20 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 21 And for the record, we are in open session.
- 22 PRESIDING JUDGE SCHMITT: [9:34:06] Thank you very much.
- 23 I ask for the appearances of the parties.
- 24 For the Prosecution, Mr Vanderpuye, please.
- 25 MR VANDERPUYE: [9:34:14] Good morning, Mr President, your Honours.

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1 Good morning, everyone. Today the Prosecution is represented by

2 Maria Berdennikova, Yassin Mostfa, and myself.

3 PRESIDING JUDGE SCHMITT: [9:34:25] Thank you.

4 Ms Rabesandratana for the victims.

5 MS RABESANDRATANA: [9:34:29](Interpretation) Mr President, your Honours,

6 good morning. Good morning to everyone. The Legal Representatives of the

7 common -- of the common victims of the crimes are represented by Enrique Carnero,

8 Mouhia Asso, and myself, Elisabeth Rabesandratana.

9 PRESIDING JUDGE SCHMITT: [9:34:49] Thank you.

10 Mr Suprun.

11 MR SUPRUN: [9:34:50] Good morning, Mr President, your Honours.

12 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the

13 Office of Public Counsel for Victims. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you.

15 I turn to the Defence.

16 Ms Dimitri first, please.

17 MS DIMITRI: [9:35:03] Good morning, Mr President. Good morning,

18 your Honours. Good morning, everyone.

19 Mr Yekatom, who is present in the courtroom, is represented today by

20 Mr Jean Michel Kola, Mr Jeremy Pizzi, Ms Lena Casiez, and myself, Mylène Dimitri.

21 PRESIDING JUDGE SCHMITT: [9:35:16] And finally, Mr Knoops.

22 MR KNOOPS: [9:35:19] Thank you, Mr President. Good morning.

23 PRESIDING JUDGE SCHMITT: [9:35:21] You know this finally is simply --

24 MR KNOOPS: [9:35:24] I understand. I understand. Thank you, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:35:28] Simply the sequence.

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1 MR KNOOPS: [9:35:30] The sequence, I understand.

2 Good morning, your Honours. Good morning, everyone in the courtroom.

3 The Defence of Mr Ngaïssona is today before the Chamber with Marie-Hélène Proulx,

4 Ms Chiara Giudici, and the Defendant, of course. Mr Omissé Landry is following

5 the proceedings from the field office.

6 PRESIDING JUDGE SCHMITT: [9:35:49] Yeah. I have already -- I have already

7 seen it. Thank you.

8 MR KNOOPS: [9:35:51] Thank you.

9 PRESIDING JUDGE SCHMITT: [9:35:51] And good morning, Mr Witness. Do you

10 hear and understand me well?

11 WITNESS: CAR-OTP-P-0475

12 (The witness speaks French)

13 (The witness gives evidence via video link)

14 THE WITNESS: [9:36:02](Interpretation) Yes, I can hear you clearly.

15 PRESIDING JUDGE SCHMITT: [9:36:04] On behalf of the Chamber, Mr Witness, I

16 would like to welcome you to the courtroom. You are called to testify to assist this

17 Chamber in the case of Mr Yekatom and Mr Ngaïssona.

18 Mr Witness, there should be a card on the desk in front of you with a solemn

19 undertaking. Is that so?

20 THE WITNESS: [9:36:41](Interpretation) Yes, yes.

21 PRESIDING JUDGE SCHMITT: [9:36:43] Could you please read out loud

22 the content of this card to make your solemn undertaking.

23 So, Mr Witness, have you understood me? You said that there's this card in front of

24 you with the solemn undertaking. I would ask you to read this card out loud to

25 make your solemn undertaking for your testimony.

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1 THE WITNESS: [9:37:23](Interpretation) I solemnly declare that I will speak

2 the truth, the whole truth, nothing but the truth.

3 PRESIDING JUDGE SCHMITT: [9:37:36] Thank you very much, Mr Witness.

4 You are now under oath.

5 I have also to inform you, I do this with every witness, that it is an offence within

6 the jurisdiction of this court, and you know that, of course, to give false testimony.

7 Mr Witness, we have put in place for your personal protection protective measures.

8 We have -- first of all, we use a pseudonym. That is the reason why I do not address

9 you with your real name but only as "Mr Witness". And we have face distortion so

10 that the public is not able to identify you by your face.

11 Before we start with your testimony I would like to tell you some of the practical

12 matters regarding your testimony. Everything we say here in the courtroom is

13 written down and interpreted and, to allow for the interpreters to follow what you are

14 saying or what others in the courtroom are saying, we have to speak at a relatively

15 low voice and, also, please only start speaking when the person that has asked you

16 a question has finished, and perhaps wait two or three seconds so that the interpreters

17 can catch up.

18 Thank you very much for the moment.

19 And I give now the floor the Prosecution, Mr Vanderpuye, for their examination.

20 MR VANDERPUYE: [9:39:02] Thank you, Mr President.

21 As usual, I will ask if I can remain seated for the purposes of the examination.

22 PRESIDING JUDGE SCHMITT: [9:39:09] Yes, yes. When we have video link

23 witness, of course.

24 MR VANDERPUYE: [9:39:14] Thank you.

25 PRESIDING JUDGE SCHMITT: [9:39:14] Although -- but also everybody knows that

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1 when you want to make an objection, or Mr Knoops or Ms Dimitri, whoever, so that

2 we know, that we are aware, please stand up.

3 So, Mr Vanderpuye.

4 MR VANDERPUYE: [9:39:29] Thank you again, Mr President.

5 Good morning to your Honours. And good morning to everyone.

6 QUESTIONED BY MR VANDERPUYE:

7 Q. [9:39:39] Good morning to you, Mr Witness.

8 Can you hear me okay?

9 A. [9:39:43] Yes, I can hear you clearly.

10 Q. [9:39:49] Let me reintroduce myself. My name is Kweku Vanderpuye and I'm

11 with the Office of the Prosecutor. And I will ask you some questions today

12 regarding the matter before the Chamber.

13 I'm hoping to complete your examination in a few hours. And as Mr President has

14 informed you, you are testifying with protective measures, which means that your

15 identity will not be made public. However, as we go through your examination,

16 there may be areas which might tend to identify you. I'm obviously going to try and

17 refrain from doing that. But I want to assure you that if that should happen, that it

18 can be expunged from the public record, the transmission of these proceedings. As

19 well as should that -- should that come up, I will ask the Presiding Judge if we can

20 proceed in private session so that we can ensure that your identity is not divulged.

21 And I've tried to organise my questions in a way that will facilitate that.

22 Are you with me so far?

23 A. [9:41:19] Yes, I can follow you.

24 Q. [9:41:21] I would like to cover as much of your evidence as possible in public

25 session. Obviously, we might not be able to do all of that, but that's sort of the idea.

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1 And if there are any questions that I ask you that are unclear, please let me know and
2 I'll rephrase it or ask a different question so that we can better understand one
3 another. As well as if you feel that to give a full answer to a question that I've asked
4 you might reveal your identity, just let us know that that is an issue and, again, I will
5 ask the Presiding Judge if we can proceed in private session.

6 And I'll try to speak a little bit slower than I normally do so that the interpreters can
7 keep up with us and make sure that the transcript and the interpretation is as accurate
8 as it can be.

9 Is that all right? You understand what I've said so far?

10 A. [9:42:30] Yes, I've understood you.

11 Q. [9:42:34] Great. Then we'll start with some biographical information just for
12 the record.

13 Mr President, may we go to private session.

14 PRESIDING JUDGE SCHMITT: [9:42:42] Yes, of course. Of course, this is a very
15 good reason to go to private session.

16 (Private session at 9.43 a.m.)

17 THE COURT OFFICER: [9:43:01] We are in private session, Mr President.

18 MR VANDERPUYE: [9:43:07] Thank you.

19 Q. [9:43:08] Witness, we're now in private session, so I'm going to ask you to state
20 your full name for the record, please.

21 A. [9:43:31] Um, I don't know whether by giving my full names that will not be
22 public.

23 Q. [9:43:45] All right.

24 PRESIDING JUDGE SCHMITT: [9:43:46] May I?

25 MR VANDERPUYE: [9:43:47] Yes, Mr President. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:43:49] Mr Witness, we are in private session, and
2 we have the rule here that in private session these informations are given by
3 the witnesses because we need it for the record. You know, we need for the record
4 what, let's say, what person has spoken to us and what person has given us
5 the information. That is very important. I think you understand that for -- for these
6 proceedings. So I would kindly ask you to -- to give this information. Thank you.

7 THE WITNESS: [9:44:30](Interpretation) All right. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted).

13 PRESIDING JUDGE SCHMITT: [9:45:32] Thank you. Thank you very much

14 Mr -- thank you very much, Mr Witness.

15 Mr Vanderpuye, I think most of the information, most of it, not all, but most of it has
16 been given.

17 MR VANDERPUYE: [9:45:41] Indeed. Indeed. Thank you, Mr President.

18 Q. [9:45:44] And thank you, Witness.

19 Just to reassure you that when we are in private session, it means that it's not public.

20 So we'll continue in private session just for -- just for a little -- just for a few questions.

21 A. [9:45:58] Okay.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted).

14 Q. [9:48:19] Okay. That's very helpful.

15 I have some questions I want to ask you about your statement.

16 And for that, I think we can go into public session, Mr President.

17 PRESIDING JUDGE SCHMITT: [9:48:27] Yes, we go to public session.

18 (Open session at 9.48 a.m.)

19 THE COURT OFFICER: [9:48:41] We are in open session, Mr President.

20 PRESIDING JUDGE SCHMITT: [9:48:50] Microphone, please.

21 MR VANDERPUYE: [9:48:51]

22 Q. [9:48:52] Mr Witness, we're now in open session, which means that

23 the proceedings are now public, so just bear that in mind.

24 I wanted to ask you some questions about a statement that you provided to the Office

25 of the Prosecutor in March 2019. Do you recall having done that?

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1 A. [9:49:17] Yes, I recall.

2 Q. [9:49:23] And was that on the 6th through 8th and 10th of March of 2019, to your
3 recollection?

4 A. [9:49:42] Yes, I recall.

5 Q. [9:49:43] Very well.

6 For the record, Mr President, that would be tab 10 and tab 20 of the Prosecution

7 binder, CAR-OTP-2104-0116 and CAR-OTP-2118-1122, respectively, English and

8 French.

9 Mr Witness, have you had a chance to read that statement before testifying here today
10 recently?

11 A. [9:50:21] Yes. I have read through the statement and made some comments in
12 relation to -- to some of the things that I said. And that's it. And this is about
13 48 hours ago.

14 Q. [9:50:45] All right. That's -- that's helpful. With respect to the comments you
15 made, did you notice anything in this statement which -- which would substantively
16 effect the meaning of what you told investigators during your interview?

17 A. [9:51:15] Sorry, I did not quite understand your question.

18 Q. [9:51:19] The comments that you made with respect to the statement that you
19 recently read, are they of a nature that would change the meaning of what you told
20 investigators in March 2019? Are they minor or major, let's put it that way?

21 A. [9:51:48] Well, these were minor.

22 PRESIDING JUDGE SCHMITT: [9:51:52] And, nevertheless, it would be good for
23 everyone if we knew what these changes are. And, you know, the assessment of
24 the witness, what is minor or major, might differ from the assessment of the parties
25 and participants or of the Chamber.

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1 MR VANDERPUYE: [9:52:13] That's right, Mr President. I'm going to ask about
2 that.

3 PRESIDING JUDGE SCHMITT: [9:52:17] Yes, please, please do that.

4 MR VANDERPUYE: [9:52:17] We don't have any information about it.

5 PRESIDING JUDGE SCHMITT: [9:52:20] Yeah, okay.

6 MR VANDERPUYE: [9:52:21]

7 Q. [9:52:21] So, Mr Witness, I suppose you heard what Mr President said. Do you
8 recall or can you tell us what change -- what comments you made with respect to
9 your statement, what struck you about the statement that might be inaccurate or
10 incomplete?

11 A. [9:52:51] Well, what I remember is -- is that in my statement I had indicated that
12 the Balaka group, the Balaka group, if I remember clearly, that is those at PK5, were
13 supplied with weapons by MINUSCA. I remember that, yes.

14 Q. [9:53:30] Okay. And in respect of that did you -- did you note to yourself that
15 that was accurate or inaccurate as you read your statement? Because it's -- it is in
16 your statement indeed.

17 A. [9:53:52] Yes, but maybe it was phrased in -- in -- was improperly formulated
18 into a sentence, going by the transcription that I read the day before yesterday. And
19 that is what I corrected.

20 PRESIDING JUDGE SCHMITT: [9:54:13] Mr Vanderpuye, then I would ask you to
21 address this matter during your examination.

22 MR VANDERPUYE: [9:54:17] It is -- it is in my examination. But he's indicated
23 that he corrected it in some way, so maybe he could just tell us how -- how it should
24 be read.

25 Q. [9:54:26] How did you correct it? What -- what should it say to your -- what

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1 should it say, in your view, now?

2 A. [9:54:43] Well, I think that my correction was sent to you, wasn't it? Or am I

3 mistaken?

4 Q. [9:54:51] Not to my knowledge is the problem. So we can find it, I guess, in

5 the meantime.

6 PRESIDING JUDGE SCHMITT: [9:55:01] Yes. But, nevertheless, if we want to

7 introduce something procedurally via Rule 68(3) we have to have certainty here, sort

8 of. We can't be -- be in the obscure.

9 Mr Witness, was this the only point that you addressed with regard to your former

10 statement as being not exactly correct or what you wanted to amend or something?

11 Was this the only point?

12 THE WITNESS: [9:55:37](Interpretation) If I'm not mistaken, there were about three

13 similar aspects, but of less significance.

14 MR VANDERPUYE: [9:55:48]

15 Q. [9:55:49] Okay. Were they written down? Did you write that down and hand

16 it to somebody?

17 A. [9:56:03] Yes, I wrote it down and forwarded it, yes. And I handed it to

18 the court here in Bangui. Handwritten.

19 MR VANDERPUYE: [9:56:15] Understood. Okay.

20 PRESIDING JUDGE SCHMITT: [9:56:16] Actually, we have to be accurate here in

21 procedural matters. We -- we can't -- it -- it might turn out that it -- that they are

22 really minor matters, but we don't know that.

23 And, by the way, with regard to the question of the MINUSCA and the weapons, I'm

24 not -- I'm not sure if this is so minor. So we can't -- we can't simply assess this with

25 the information that we have.

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1 Do we see a chance to - when we make a break now - to figure this out, to find out, for
2 example?

3 Mr Witness, now I'm addressing you again, excuse me. Do you know the person
4 whom you have given this handwritten paper to? Is this, perhaps, this person close
5 by?

6 THE WITNESS: [9:57:08](Interpretation) Well, the person is not in the room.
7 Maybe at the break I could contact the person.

8 PRESIDING JUDGE SCHMITT: [9:57:22] Mr Vanderpuye.

9 MR VANDERPUYE: [9:57:26] Mr President, what -- what I would propose is -- may
10 be a little unorthodox, but what I would do is I can proceed as I would normally have
11 proceeded. In the interim, we will look to see if we can locate the corrections. If
12 the corrections are substantive, then I'll revisit the examination altogether, and if
13 they're not, then I would submit them under 68(3), with the -- subject to whatever
14 caveats there might be.

15 What it does mean, though, is I would proceed on the assumption that the statement
16 is -- is -- would be acceptable. In other words, it would be -- I would treat it as
17 though it's already in evidence.

18 PRESIDING JUDGE SCHMITT: [9:58:09] Actually, I think that that is something that
19 we can do. There is also no rule that says that these Rule 68(3) requirements have to
20 be fulfilled - it is nowhere written down - at the beginning of a statement, and you
21 would question the witness anyway. So I think there is no objection by the Defence,
22 I would assume.

23 But it's clear we have to have, in the end, we have to have this, these corrections, and
24 otherwise we have difficulties or, if not -- it's not -- it's not possible to introduce this
25 statement via Rule 68(3).

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1 Ms Dimitri.

2 MS DIMITRI: [9:58:43] Mr President, maybe in the meantime the Registry could
3 contact VWU or the Bangui office in order to see where -- where is that document.
4 Because the earlier the better.

5 PRESIDING JUDGE SCHMITT: [9:58:55] Actually, that that's also a very good
6 proposal. I think we proceed so, so these two ways.

7 Mr Vanderpuye continues with his examination and we pick up the suggestion by
8 Ms Dimitri and try to fix it while you are questioning the witness. And otherwise
9 we can -- we can have a break and do this.

10 MR VANDERPUYE: [9:59:18] Indeed.

11 PRESIDING JUDGE SCHMITT: [9:59:18] Thank you very much to the Defence also
12 for this understanding.

13 Please continue, Mr Vanderpuye.

14 MR VANDERPUYE: [9:59:23] Thank you, Mr President. We are actually doing it
15 as we speak, so hopefully we'll -- we'll get to it sooner than later.

16 PRESIDING JUDGE SCHMITT: [9:59:29] So, Mr Witness, I have to apologise for that.
17 That is, of course, not your fault. That is -- something went wrong, obviously, but
18 we have to fix that. But Mr Vanderpuye from the Prosecution is simply continuing
19 with his examination and we try to find out what you have given to the VWU.

20 Thank you for your understanding.

21 Mr Vanderpuye.

22 MR VANDERPUYE: [9:59:47] Thank you, Mr President.

23 Q. [9:59:50] Mr Witness, we'll come back to the issue of your statement in a little
24 while. But I want to ask you just -- I just want to inform you of a couple of things.
25 The first thing is that my questioning is intended to focus on the period of the crisis

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1 between 2012 and 2014. I know that you had had certain meetings with -- with
2 certain individuals in 2016 and 2017, including the accused. And you refer to
3 matters in your statement also which cover other periods, even up to 2018 with
4 the death of Abbot Tounougoumale.
5 So I'm going to focus on 2012 and 2014, just to give you some orientation.
6 The first thing I'd like to ask you about is that you noted in -- in your statement that
7 people looked at the Seleka movement as a Muslim rebellion, and you noted that that
8 was influenced by Bozizé's speech about the Seleka being jihadists who had come to
9 Islamise the population.

10 My first question is whether you are aware of others speeches or similar speeches
11 made by Bozizé in that period, that is between 2012 and 2013, or by his supporters?

12 A. [10:01:38] It's known in the Central African Republic, the radio, the programmes
13 on the national radio mentioned of the Seleka at that time then. When he -- this
14 statement was made, it was spread from everybody in the Central African Republic.
15 It was done at the roundabout of the capital. He said that there would be Seleka
16 advancing on Bangui and the jihadists are going to come and the Central Africans
17 must be aware, alert and that the Central Africans in the Muslim compounds,
18 the majority of the time they were in the compounds and so he asked the Central
19 Africans to be vigilant so that there would be no attack by the Muslims. And
20 everyone knew about this and everybody was preparing themselves psychologically
21 for attack by the Muslims. It wasn't a secret.

22 Q. [10:03:10] Thank you for your answer. There are a few things I wanted to ask
23 you about because I -- I see in the transcript here that part of your answer is -- is
24 indicated as "unclear". So let me just ask first what it says in the transcript here - not
25 what you said - but what it says in the transcript is that the Central Africans -- there

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1 were Central Africans in Muslim compounds.

2 First, did you say that? And second of all, is it right?

3 A. [10:03:55] He asked to the Central Africans to go into the Muslim compounds
4 because there were terrorists, jihadists who would go into the Muslim compounds, as
5 I just said. The Muslims usually are in their homes, which are in a compound, and
6 therefore they had to go into the Muslim compounds.

7 Q. [10:04:28] Okay. Thank you for clarifying that.

8 The second question I have is whether you heard similar speeches - I know you're
9 talking about the one at PK0 - similar speeches by other people that supported
10 Mr Bozizé or -- or in his entourage, people like Levy Yakete or Steve Yambeté
11 or Javon Papa Zama or Mr Ngaïssona, did you hear similar speeches from them?

12 A. [10:05:11] Indeed, the declaration was relayed by his supporters. Yes, indeed.

13 Q. [10:05:24] And did you hear similar rhetoric or rhetoric about the victimisation
14 of Christians by the Seleka, or real Central Africans by the Seleka, over the radio or
15 around?

16 A. [10:06:00] Could you repeat the question, please.

17 Q. [10:06:04] Yes. My question is did you hear talk on the radio or in the media
18 about the victimisation of Christians by the Seleka?

19 A. [10:06:33] Well, as regards the Seleka, when they advanced it was not only
20 the Christians and the Muslims who were victims of their attacks. Everyone,
21 Muslims and Christians. We *did not hear a lot of talk about the victimisation of
22 Muslims simply because the Muslims didn't want to talk about it when the Seleka
23 advanced. And each time that the Seleka advanced, the Muslims gave
24 them -- the Seleka asked them for money and it's like this that they gave money.
25 They had boutiques, for example, and so when the Seleka advanced and when they

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1 saw the Muslim boutiques, then they gave them money.

2 And when they arrived at the Christians, well, you know, the mosques here in

3 Central Africa have -- they didn't find anything in the mosques, so the imams don't

4 have vehicles. So when they advanced, they found themselves in front of a church.

5 And when they saw the vehicles, they took them, they took the vehicles, because for

6 the majority of time the Christians, at least in the provinces, had more than the imams

7 and the Muslims. So the Christians, like Muslims, were all victims of the advancing

8 Seleka.

9 Q. [10:08:52] Thank you for that clarification.

10 PRESIDING JUDGE SCHMITT: [10:08:56] I think we have now received

11 the observations by the witness.

12 MR VANDERPUYE: [10:09:03] Yes, Mr President. I haven't seen them yet, so --

13 PRESIDING JUDGE SCHMITT: No. So --

14 MR VANDERPUYE: -- what I would propose --

15 PRESIDING JUDGE SCHMITT: [10:09:10] You continue and I think -- what would

16 you suggest?

17 MR VANDERPUYE: [10:09:14] It's --

18 PRESIDING JUDGE SCHMITT: [10:09:15] It's a little bit up to you,

19 because -- because you are now, of course, a little bit caught off guard, so to speak.

20 MR VANDERPUYE: [10:09:21] We can -- we can interrupt it, if you want. I can

21 look at it for 5, 10 minutes, or something, and we can reconvene, or I can continue up

22 until the break and then at the break I can -- I can look at it. It's as you --

23 PRESIDING JUDGE SCHMITT: [10:09:31] I think -- do you have any -- Defence, any

24 problems?

25 MS PROULX: [10:09:35] No problem. But I just want to flag that we didn't receive

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1 them.

2 PRESIDING JUDGE SCHMITT: [10:09:40] Okay, then it makes even more sense that

3 Mr Vanderpuye continues. Everyone, please, the Defence of course needs to have it

4 too, everyone gets it, and then during the break you have, you have time -- and we

5 can, perhaps, have a little bit more than half an hour, then you can have time to look

6 into it. You also, Mr Vanderpuye, and then we go to the formal procedure after

7 the break.

8 MR VANDERPUYE: [10:10:05] Yes, I understand it's only a page so it could

9 (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:10:08] Yes, and it looks -- it looks -- because we

11 have a very organised and intelligent witness here, it looks very clearly to be

12 understood, so -- also the writing is very clear, so it's -- there will -- at least from

13 grasping what is said and what is meant, there will be no problems at all, if I can see it

14 now.

15 MR VANDERPUYE: Thank you, Mr President.

16 PRESIDING JUDGE SCHMITT: [10:20:00] Please continue.

17 MR VANDERPUYE: [10:10:29] Thank you.

18 Q. [10:10:31] Sorry for that interruption, Mr Witness. I'll just continue

19 where -- where we were.

20 What I was asking was whether you had heard similar talk to Mr Bozizé by other

21 people, which I think you've answered quite clearly. And I asked you about

22 whether you heard in the media, radio or otherwise, about the way the conflict was

23 being portrayed. And I think you've answered that as well.

24 What I'd like to do is show you a document and then ask you some questions about it.

25 This is at tab 1, it's CAR-OTP-2001-3068 and it is a report about the media content in

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1 the Central African Republic during the crisis. It's dated May 2014.

2 What I'd like to show you first is at page 3082 of that report.

3 It's in English so I'll read it to you, the parts that I'd like to ask you about.

4 Right at the top of this page, which is 3082, it refers to Muslims being about

5 15 per cent of the Central African Republic population at the time. And in particular

6 it says:

7 "Most of the anger of Christian communities targets people from Chadian origin and

8 people from the north-east of the country (Vakaga prefecture), notably the Rungas

9 and the Gulas," and it continues "as most of the Central African Seleka fighters are

10 members of these ethnic groups. Muslim members of south-eastern ethnicity,

11 considered as Central Africans by most of the population, are less targeted because

12 their way of living is perceived as being less different."

13 So my question there is, was it your experience, one, that the anger of the Christian

14 population towards Muslim communities was more pronounced regarding people of

15 Chadian origin as opposed to Central African Muslims, if you want to put it that way,

16 and those from the north-east, for instance?

17 A. [10:13:37] The region you are mentioning, Birao, Ndele, Ngara, Boulai, et cetera,

18 in that region there were not only Muslims, there were also Christians who lived in

19 those areas. So that's what they said when they got information about how to enter

20 into Bangui, they said that there region had been overlooked by the central powers.

21 And that is why they thought that they should take part in the rebellion.

22 Now, the leader of the Seleka, they weren't very numerous when they departed from

23 Birao to go to Bangui. But it is along the way that the coalitions took place with

24 the arrival of the Chadian rebels. But it is when they arrived in Bangui there were

25 several thousands who came there, including the Gula. But as regards *neglect in

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1 the prefecture of Vakaga, or others, it is not the only prefecture that was neglected in
2 the country there. There was also the prefecture of Sangha-Mbaéré, who was
3 overlooked, and there was no road from Bangui to Boula. There was also Mbomou,
4 the prefectures who are neighbouring the other border countries. There's almost no
5 roads. So that's really a pity and that's the reason why they decided to go to Bangui.

6 Q. (Overlapping speakers) Let me just stop you there for a second.

7 A. [10:16:12] Yes, yes.

8 Q. [10:16:17] My question was more about whether there was a difference in
9 the way the Chadians were seen as opposed to Muslims of different national origin
10 that were in the Central African Republic.

11 A. [10:16:45] In any case, there was a symbiotic relationships with the Chadians in
12 Central Africa. There was always a symbiosis. But it was when the crisis erupted,
13 the Central Africans looked at the Chadians in Central Africa differently, because
14 the majority who took part in the rebellion were Chadian, and when the Chadians
15 arrived in that region, they carried out many exactions and the Chadians and
16 the Central Africans who were originally Chadian rejoined or joined up the Seleka
17 rebel groups.

18 This meant the Central African at a certain point in time did no longer get along with
19 the Chadians, be they from Chad or be they originally from the Central African
20 Republic.

21 Q. [10:18:12] Okay. I follow you now.

22 Now, in your statement you noted, and this is at paragraph 45, that the aim of the
23 Anti-Balaka was only complete destruction and that you indicate that "In their views,
24 they had seen the rebels as being overwhelmingly Chadian, so ... they decided that
25 [the] Chadians are all Muslims and ... they went against CAR Muslims. We are all

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1 the same to them."

2 What did you mean by "We are all the same to them"? You mean that all Muslims

3 were treated the same by the Anti-Balaka or do you mean something different?

4 A. [10:19:51] It's clear with the Anti-Balaka, almost all the mosques in the Central

5 African Republic were destroyed by the Anti-Balaka. And in the capital, all

6 the mosques, apart from the mosque in the 3rd arrondissement, all the mosques were

7 destroyed. So when they entered they had to deal with the Muslims, and they didn't

8 see the difference between the Muslims who was originally Central African and

9 the Muslims who came from elsewhere. There was no difference. That's it.

10 Q. [10:20:49] I want to ask you just a couple of questions in private session.

11 If I could, Mr President, and then we go back.

12 PRESIDING JUDGE SCHMITT: [10:20:57] Of course. Then we go to private

13 session.

14 (Private session at 10.21 a.m.)

15 THE COURT OFFICER: [10:21:09] We are in private session, Mr President.

16 MR VANDERPUYE: [10:21:16] Thank you.

17 Q. [10:21:17] We are again in private session, Mr Witness, which means that it is

18 not public.

19 I want to ask you a question about paragraph 50 of your statement. And at

20 paragraph 50 of your statement you talk about (Redacted)

21 (Redacted)

22 (Redacted).

23 And you say Rambo's group was located at PK9 on the road to Mbaïki.

24 So my question, first of all, is -- and I don't know whether you've corrected this or not.

25 I haven't seen what your corrections are, but ...

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1 PRESIDING JUDGE SCHMITT: [10:22:11] No.

2 MR VANDERPUYE: [10:22:12] Okay.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:25:02] And the Rambo that you're referring to, do you mean -- do you mean

25 Alfred Yekatom who's on trial here?

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1 A. [10:25:23] Yes, that's him.

2 Q. [10:25:27] All right.

3 I'd like to go into public session again, Mr President.

4 PRESIDING JUDGE SCHMITT: [10:25:30] Yeah, public session.

5 (Open session at 10.25 a.m.)

6 THE COURT OFFICER: [10:25:43] We are back in open session, Mr President.

7 MR VANDERPUYE:

8 Q. [10:25:50] Witness, we're now in public session again, so just be mindful of that.

9 I'll try to keep -- keep that in mind as well.

10 I was asking you some questions about how or whether there was a distinction made

11 between Chadians and other Muslims in the Central African Republic at the time of

12 the crisis, and we had talked about that there weren't any made necessarily by

13 the Anti-Balaka.

14 Would that apply also to Sudanese or to the Peuhl as well?

15 A. [10:26:35] Yes, that applied. Everything that was -- were practising the Muslim

16 faith, without any distinction.

17 Q. [10:26:53] And I was showing you a minute ago tab 1, CAR-OTP-2001-3068,

18 which was the media content study that I referred to. And I wanted to show you

19 a different part of it, which is at page 3104.

20 In this study that was conducted and completed, I believe, in May 2014,

21 the researchers recorded certain elements of what they call hate speech in CAR media.

22 And then they detail the type of speech they recorded in this blue section here, which

23 refers to what was being disseminated over the radio and the media outlets

24 concerning the victimisation of the Christian community, that there was no mention

25 of exactions against members of the Muslim community, which they describe as bias

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1 of the treatment of the information. And then what they describe as an amalgam
2 between Seleka fighters and members of the Muslim community or the denial of the
3 existence of the Central African Muslim community, or what they call
4 the identification of real Central African to members of the Christian community.
5 What I wanted to ask you is that, given your background and your experience as
6 a person in the Central African Republic at the time, whether you took note of similar
7 information being disseminated in the media at that time.

8 A. [10:29:33] I told you just now that after the speech of President Bozizé at the
9 roundabout in *central Bangui, those information against the Muslim community was
10 relayed by his supporters and in the media in general. This meant that there was
11 a point in time *when the Central Africans that did not practise the Islam religion,
12 the Muslim religion, were threatened. The proof was that, at the time the Seleka
13 entered, the very first victim was the total destruction of the house of *deceased
14 president on the route to the airport. He was the very first victim when the
15 Anti-Balaka entered and yet he was an indigenous Central African.
16 I said already, before this event, we didn't make a distinction between the Muslim or
17 the Christian Central African. We lived in symbiosis. There were marriages
18 between the Central Africans, be they Muslim or Christian. So it was only after this
19 crisis that this rift, this split occurred.

20 Q. [10:31:55] Thank you. I have your answer there.

21 And I want to show you another page of this study, which is at ERN 3104.

22 In this part, the researchers particularise some of the things that they recorded or used
23 in the study.

24 Well, maybe I gave you the wrong page.

25 PRESIDING JUDGE SCHMITT: [10:32:47] This 3104 is the same page we had

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1 already. If you want to stay on the same page, but further down.

2 MR VANDERPUYE: [10:32:55] No, no, I'm going to move.

3 PRESIDING JUDGE SCHMITT: [10:32:57] I think you wanted to move, yes. I also
4 had the impression.

5 MR VANDERPUYE: [10:33:02] Yeah, yeah, yeah. It's -- I'm sorry. I gave
6 the wrong page. It's page 37 in the document, so -- No, no -- (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [10:33:10] Well, but that is 3104.

8 MR VANDERPUYE: [10:33:15](Overlapping speakers) Further down the page.

9 You just have to page down. Sorry, my mistake. Thank you. Yes.

10 Q. [10:33:21] So here you can see a reference to three -- actually, there are four, but
11 three categories you can see on this page here. The third one is something that I
12 wanted to bring to your attention, as you mentioned it. And that is, "Muslims are
13 not real Central Africans and therefore invaders."

14 And it refers specifically to Moussa Dhaffane, who I think you just mentioned, who
15 described himself as Central -- as a Central African -- of Central African origin. And
16 that's something that you are aware of, yes?

17 Did you hear my question?

18 A. [10:34:42] I'm sorry?

19 Q. [10:34:44] My question is were you -- you seem to indicate that Moussa
20 Dhaffane was an indigenous Central African, which seems consistent with what I just
21 read to you.

22 A. [10:35:06] Moussa Dhaffane?

23 Q. [10:35:11] Yes, sir.

24 A. [10:35:16] Yes, Moussa Dhaffane is Central African.

25 Q. [10:35:26] In this document -- sorry, go ahead.

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1 A. [10:35:34] What I was saying is that Moussa Dhaffane is Central African. He is
2 a Central African.

3 Q. [10:35:42] What I was getting at is in this report, it says that one of the things
4 that was broadcast in Central African Media over the radio or published in the paper
5 was this notion that Muslims were not real Central Africans and that they were
6 therefore invaders of the country.

7 Is that something that you heard being said, you know, in the media at the time, that
8 is, between 2012 and 2014? Did you hear that kind of talk?

9 A. [10:36:28] Well, those statements by Bozizé which were further propagated by
10 his supporters were to the effect that those who came from elsewhere were
11 the invaders, invaders. The jihadists from Sudan or from Chad were invaders. But
12 they did not refer to the Central Africans themselves as invaders. It is only after
13 the crisis that there was this mix-up or amalgamation, and during that crisis, one
14 would be considered to be a foreigner as long as one bore a Muslim name.
15 Immediately, if you bore a Muslim name, you would immediately be considered as
16 a foreigner. That's it.

17 Q. [10:37:28] That's very clear.
18 Did you hear in the media, in the radio, some of the other things that are listed here,
19 for example, that the Christians were in a position of weakness and that they
20 are -- they are the ones that fled to IDP camps, and that nobody dared to lift a little
21 finger even to denounce the atrocities against the Central African citizens in remote
22 areas? Did you hear things like that?

23 A. [10:38:22] Well, with the onset of the crisis, and on all sides, may I say,
24 Christians and Muslims alike, you see, people sought refuge. Central Africans
25 would seek refuge mostly in a church or in a mosque or in a school, maybe.

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1 Q. [10:39:06] Now, if we can just go down the page a little bit. At the bottom of
2 this page, you see the category 4 which is the sentiment that Christians have to react.

3 And if we go to the next page we'll see what that's about.

4 Some of the things that they list here as being recurring in the -- in the press, in the
5 media, is that what was being said was that: "There is nothing to do but to consider

6 revenge, regardless of the way it will happen". And that was published in

7 *Le Confident* on 29 April 2014, for example.

8 And then further on it says: "Hate speech presents Muslims like invaders and

9 terrorists who want to 'fight with all the Churches'." That was published on

10 22 April 2014.

11 And then of course you'll see at the bottom here a call to -- a call for Christians to find,

12 quote, "solutions to our problems, at any price" as "a call to violent reactions from

13 members of the Christian community."

14 Did you experience or hear anything like this at the time, within the Muslim

15 community or personally even?

16 A. [10:41:03] No, no. No, no, no. I did not hear that.

17 Q. [10:41:15] Do you know if -- well, let me ask you this way then: With

18 the Anti-Balaka people that you knew or that you interacted with, did you ever get

19 the sense that there was a motivation to act in revenge against the Muslims for

20 the crimes or activities of the Seleka?

21 MS DIMITRI: [10:41:40] Mr President.

22 PRESIDING JUDGE SCHMITT: [10:41:43] Ms Dimitri.

23 MS DIMITRI: [10:41:45] I'm sorry, I'm in French. Perhaps the question could be

24 rephrased to ask him in a more open and neutral way and in a less suggesting way to

25 get, you know, his -- his impression.

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- 1 PRESIDING JUDGE SCHMITT: [10:41:57] Yeah, but -- but, you know,
2 Mr Vanderpuye, let me have a look how -- how it was worded exactly. Yeah,
3 perhaps let me, let me try it.
4 Mr Witness, you had interactions with Anti-Balaka. How did they act and react
5 towards you as a person? How were you treated by them?
6 THE WITNESS: [10:42:41](Interpretation) Well, as I said in my statement, before
7 the advent of the Balaka, (Redacted)
8 the Balaka, who told us that they would be entering Bangui because, as they said, it
9 would be in relation to Seleka exactions. That's the reason why they would enter
10 Bangui.
11 (Redacted), as they were preparing or organising themselves, they
12 did not know that there was a Muslim in -- in their group. I was a bit threatened,
13 and so we left the location.
14 It is François Bozizé's statement which triggered the idea of revenge on Muslims,
15 which gave them the idea of revenge on Muslims. But at the onset of the crisis, as I
16 mentioned in my statement, I was -- or, should I say we were, (Redacted)
17 (Redacted)
18 (Redacted). And at that time there was already talk
19 about living together and social cohesion.
20 But, personally, I didn't come under any threat personally. (Redacted)
21 (Redacted)
22 (Redacted). But the fact also is that they were brothers who, from time to time, once
23 you were recognised as a Muslim by their forehead and a black spot - generally that's
24 how they would be recognised - generally I wasn't bothered physically.
25 However, once when I was going through Lakouanga neighbourhood, I came face to

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1 face with someone who was not a Balaka but a Central African. When he saw me
2 and our paths crossed, he had stopped me simply because he had seen the sign on my
3 forehead, and he started to threaten and threaten and threaten me. And so
4 the young people of that neighbourhood intervened and said, no, no, no, no, no, don't
5 touch that one. He is a Central African. Don't threaten him. (Redacted)
6 (Redacted), so that's how I continued on.

7 Otherwise, I have not personally been threatened by anyone. That's it.

8 PRESIDING JUDGE SCHMITT: [10:46:39] Thank you. I think you can move on
9 from this point. Another point.

10 MR VANDERPUYE: [10:46:42] Yes. Thank you, Mr President.

11 Q. [10:46:44] Now, you noted in your statement at paragraph 30 that
12 the Anti-Balaka and many CAR Christians would confuse Muslims with Arabs and
13 that they did not distinguish between Arabs and Muslims.

14 So my question to you really is: What did that mean practically? How did you
15 understand that -- the effect of confusing Muslims and Arabs in the Central African
16 Republic to be in the context of the conflict or the crisis?

17 A. [10:47:36] Well, the Central African, and I believe it's by ignorance that
18 the Central Africans confuse Arabs with Muslims. You see, for them, anyone who
19 practices the Muslim religion is an Arab. That is what is in the heads of Central
20 Africans. Even intellectuals, they believe that the Arab is anyone who practices
21 the Muslim religion.

22 However, we always try to convince them, for those who want to listen to us, that
23 there is no Arab in the Central African Republic and that there might even be Arabs
24 who are Christians. So anyone who practices the Muslim religion is not an Arab.
25 They are Central Africans, just like any other ethnic group can practise the Muslim

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1 religion. So there is no Arab in the Central African Republic yet. This remains as
2 a point of confusion in the minds of Central Africans who believe that anybody who
3 practices the Muslim religion is an Arab. And that's the point of confusion that
4 exists in the minds of Central Africans.

5 Q. [10:49:09] Is that a reason, in your view, for viewing Muslims in the Central
6 African Republic, to some extent, as foreigners?

7 A. [10:49:32] Well, it is after the crisis that the Central African began to confuse
8 the Central African Muslim with an Arab.

9 Q. [10:49:47] And if I could just follow that and ask you, were you aware of
10 confusion between Muslims and Seleka during the -- during the course of the conflict?
11 As distinguished from Muslims and Arabs, but now I'm talking about Muslims and
12 Seleka, was there confusion there?

13 A. [10:50:19] Yes, that confusion arose from the fact that, for the Central African, all
14 who were of the Seleka rebellion were Muslims. So that is a point of total confusion.
15 Yet, in the Seleka rebellion, there were also some Christians and some of the Seleka
16 leaders were even Christians as well. You see, for them, they said that since
17 the Seleka rebellion was made up of Chadians, and this is what they had in mind, that
18 is what led them to confusing the issues that way.

19 Q. [10:51:18] And did the confusion that you observed or experienced, did that also
20 extend to the Anti-Balaka and, in particular, the ones that you dealt with?

21 A. [10:51:39] No. The Anti-Balaka with whom I had contact, well, they -- they
22 didn't have that confusion. There was no such confusion with them. Because there
23 came a point in time when we were speaking the same language with those
24 Anti-Balaka leaders. We were on the same page. There had been training in that
25 connection and so we were all of the same understanding and there was no confusion.

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1 You see, when we went out to talk, either with the Anti-Balaka, which was the case
2 most of the time, we had to dialogue with them because they are the ones who had
3 already taken over control of the country. So there was no such confusion because
4 we were all speaking the same language or one language.

5 Q. [10:52:50] Okay. I want to ask you specifically about the period of the conflict
6 between 2013 and '14. So I noticed in your statement you had meetings with
7 the Anti-Balaka regarding reconciliation in 2016 and 2017. So what I'm focusing on
8 right now in my questions, as I said at the beginning, is before that, obviously, in 2013
9 and 2014.

10 But let me ask you this: In terms of confusing the Muslims and the Seleka, did that
11 extend to women, children, elderly, were they also viewed as Seleka or supporters of
12 the Seleka in 2013 and 2014?

13 A. [10:54:16] No one was spared from -- from it. Children, women, older people,
14 they were not spared.

15 Q. [10:54:27] I'd like to ask you about something that appears in your statement at
16 paragraph 150 - yeah, paragraph 150 - in which you describe or you say, rather, that
17 MINUSCA came here to disarm the Seleka but they also said they were forced to give
18 weapons to the Anti-Balaka in order to identify and flush out the Anti-Balaka *chef de*
19 *groupe*. And I wanted to ask you about that.

20 Again, I don't know if it's something that you've clarified, I'll have a look during
21 the break, but can you tell us what you meant by that.

22 A. [10:55:22] Hum, hum. Well, as I said in my statement, when the rebellion,
23 the Seleka rebellion started, they indeed came. You know, we used to have meetings
24 at the M'Poko International Airport in Bangui with the leaders of that contingent.
25 We had regular meetings with them. And they used to say that when they arrived,

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1 their mindset was that they were coming to disarm Seleka. But when they got to
2 the ground, they faced the difficulty that there was another rebellion known as
3 the Anti-Balaka. And since they did not know that group, they had no idea about
4 the leaders of the Anti-Balaka, and so that is why they needed to be armed so that
5 they can be able to find out who the leaders were before proceeding to disarmament.
6 So that was their position when we had regular meetings with them at the
7 International Airport M'Poko. And so this is what they said and we couldn't do
8 anything about it. Maybe they had other ideas in their minds. Because when
9 the Anti-Balaka entered Bangui, they had no weapons. Then, at some point, they
10 were heavily armed. So that leads to the point where one could trust that
11 the statements they made were correct. That's it.

12 Q. [10:57:38] There's one document I want to show you before we -- before we go to
13 the break. It is CAR -- tab 16, CAR-OTP-2104-1259. This is just a document dated
14 8 December 2013 and it -- it concerns some remarks that were made by the minister of
15 defence, the French minister of defence, Jean-Yves Le Drian, and I wanted to ask you
16 whether you were aware that among the objectives of the French forces and
17 MINUSCA were to disarm the belligerent parties to the conflict, the Seleka and
18 the Anti-Balaka.

19 So my first question is, do you know that or did you hear that?

20 A. [10:58:47] Disarmament of the Seleka? I don't remember that. In any event, I
21 do recall that we contacted MINUSCA regarding the transfer of the Muslim
22 community to the north. When we went to meet with them, to ask that they first be
23 disarmed before being deported to the north, the answer they gave was, was that they
24 would be deported with their weapons and when they get to the north, that is when
25 they will be disarmed.

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1 So we wondered how they were going to deport all those elements to the north with
2 their weapons. But the answer they gave us was we will deport them to the north
3 with their weapons and once we get to the north we will disarm them. That was
4 the answer we got.

5 But they said nothing about the disarming of the Seleka in the capital or in the other
6 provinces. That's it.

7 Q. [11:00:24] All right. We'll have the break now, with Mr President's leave, and
8 then I'll come back and I'll show you a few other documents concerning that
9 and -- and we'll deal with your statement.

10 PRESIDING JUDGE SCHMITT: [11:00:35] I take it that the Defence has now
11 this -- these corrections. Okay.

12 Then we reconvene at 11.30.

13 MR VANDERPUYE: Thank you, Mr President.

14 THE COURT USHER: [11:00:44] All rise.

15 (Recess taken at 11.00 a.m.)

16 (Upon resuming in open session at 11.33 a.m.)

17 THE COURT USHER: [11:33:59] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:34:23] Mr Vanderpuye, you have the floor.

20 MR VANDERPUYE: [11:34:30] Thank you, Mr President.

21 Q. [11:34:40] Good morning, Mr Witness. We are in public session.

22 I've had an opportunity to -- I think we've all had an opportunity now to look at your
23 observations regarding your statement, and I think, as you indicated before, there
24 wasn't anything major in there. I don't -- I don't see anything major in there.

25 There is one correction that you made with respect to paragraph 162, which I note

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1 does correct the French translation of your statement. Fortunately, the English,
2 which is the original statement, I guess, is correct.

3 So let me ask this: Subject to the observations that you made, do you stand by
4 the statement that you gave as accurate and truthful back in March 2019?

5 A. [11:35:58] Yes, okay, that's correct.

6 Q. [11:36:02] And do you have any objection to the Chamber, the Judges,
7 considering your statement as evidence in this case?

8 A. [11:36:21] I have no objection.

9 Q. [11:36:24] All right. Thank you.

10 PRESIDING JUDGE SCHMITT: [11:36:26] I think we can -- we can say that this
11 fulfils the procedural requirements for Rule 68(3).

12 Please continue.

13 MR VANDERPUYE: [11:36:32] Thank you, Mr President. My colleagues remind
14 me to -- to provide the ERN for the corrections. It is CAR-OTP- (Overlapping
15 speakers)

16 PRESIDING JUDGE SCHMITT: [11:36:41] Indeed, indeed, yes.

17 MR VANDERPUYE: [11:36:42] CAR-OTP-2129-1734.

18 PRESIDING JUDGE SCHMITT: [11:36:52] And we did mention at the beginning
19 also the -- the statement, CAR-OTP-2104-0116, so I just repeat it. I was not sure at
20 the moment.

21 MR VANDERPUYE: [11:37:03] Yes. Thank you, Mr President.

22 Q. [11:37:09] I mentioned before I wanted to show you a couple of -- a couple of
23 documents. The one I think I had called up on the screen a moment ago is
24 a December 8 statement made by the French Minister of Defence. That was
25 CAR-OTP-2104-1259.

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WITNESS: CAR-OTP-P-0475

1 If we could just have that briefly on the -- on the screen in front of the witness for
2 a second.

3 No? All right. Well, I'll just -- I'll just go ahead then.

4 I asked you I think earlier that -- whether you were aware of the statement of
5 the French Minister of Defence of the mission that they had to disarm the -- the Seleka.

6 And I think you answered. You said that you -- and the Anti-Balaka -- I think you
7 said that you were not aware of that.

8 What I wanted to ask you about was --

9 A. [11:38:50] *Non*.

10 Q. [11:38:51] Okay. Let me show you a different document then.

11 Oh, we have it now. Okay. Then we'll go to page 1260, which just refers to
12 the mobilisation of the French Sangaris operation. Were you aware of that, I take it?

13 PRESIDING JUDGE SCHMITT: [11:39:46] Perhaps you repeat your question
14 and -- with regard to the document that we have in front of us now and the witness
15 has in front of --

16 MR VANDERPUYE: [11:39:54] Yes.

17 Q. [11:39:54] What I wanted to ask you is if you were aware of the mobilisation of
18 the French Sangaris operation.

19 You need to go to the bottom of this page, please. All the way. Where it refers to
20 (Interpretation) "and supported 1,600 French military deployed and supported by
21 the African force on the ground which is the MISCA."

22 A. [11:40:37] I know that the Sangaris operation came to Bangui. I did know that.
23 I didn't know that -- what their mandate was, but I know that the operation Sangaris
24 came to Bangui. And also that there was the MISCA. And they came instead of the
25 MISCA or replaced the MISCA.

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WITNESS: CAR-OTP-P-0475

1 Q. [11:41:07] That's helpful.

2 If we could take a look at the next page, please, and the first paragraph there, which
3 describes that the mission was, and I quote that: (Interpretation) "... to put an end to
4 the massacre and to 'disarm all the militias and armed groups who are terrorising
5 the population' ..."

6 (Speaks English) Is that something you were aware of or became aware of during
7 the course of the conflict?

8 A. [11:42:11] Yes. They always talked about disarm, disarm. But they didn't
9 always disarm the militia and the armed groups. They didn't do that. They talked
10 about disarmament, but they never did disarm.

11 Q. [11:42:29] You mean the Anti-Balaka and the Seleka?

12 A. [11:42:39] Yes, that's it.

13 Q. [11:42:44] Did you become aware of a statement made to the press by
14 the President Catherine Samba-Panza in February 2014 in which she stated:
15 (Interpretation) "The Anti-Balaka will go and wage war against them. They think
16 because I'm a woman I'm weak. But now the Anti-Balaka who want to kill, they will
17 be tracked down."

18 A. [11:43:24] Yes, indeed. What you have to -- you really have to praise that lady.
19 She did outstanding work during this transition time. And at certain points in time
20 she did make this statement and you have to say that she did carry out excellent work
21 during the transition. During the transition, she did everything to bring about peace
22 in Central African Republic. And she also made that statement, yes. I received it.
23 But she carried out outstanding work during the transition vis-à-vis the crisis.

24 PRESIDING JUDGE SCHMITT: [11:44:12] Ms Proulx.

25 MS PROULX: [11:44:14] Apologies. I was just wondering whether we could get

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1 a reference for the quote that was just cited by Mr Vanderpuye.

2 PRESIDING JUDGE SCHMITT: [11:44:22] Yes, if -- I think he would have one, so ...

3 MR VANDERPUYE: [11:44:25] Yes.

4 PRESIDING JUDGE SCHMITT: [11:44:26] And if so, we would appreciate

5 the reference.

6 MR VANDERPUYE: [11:44:28] Absolutely, and -- yes, absolutely.

7 The tab is -- rather, it's tab 7, CAR-OTP-2076-0678 and it's on 0678. I thought it might

8 be easier to read it than to display it, or quicker, as it were. But indeed that's

9 the reference.

10 Q. [11:44:56] Okay. Further to that, in the same article, there's an attribution to,

11 once again, the French defence minister Jean-Yves Le Drian who talks about

12 the necessity of respecting the United Nations resolutions. And he says, and I quote:

13 (Interpretation) "if necessary through force." (Speaks English) And this is in

14 the middle of the paragraph -- the second paragraph.

15 And beneath that you can see a reference also to a statement by the General Soriano

16 who headed the operation Sangaris who refers to the Anti-Balaka or militia as

17 (Interpretation) "unlawful and bandits", "the principal enemies of peace in Central

18 Africa." (Speaks English) Did you hear about that? Do you know about this

19 particular -- these particular statements made in February, mid-February 2014?

20 A. [11:46:21] They were always considered as bandits, big bandits. Yes, I

21 remember that statement.

22 Q. [11:46:35] Let me show you, if I could, tab 19, CAR-OTP-2057-0963.

23 I'm sorry, I have the wrong tab. It's tab 6, and we'll need to go -- I'm sorry, it's tab 6.

24 The ERN is CAR-OTP-2057-0963, and we'll need to go to the second page of this

25 article.

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WITNESS: CAR-OTP-P-0475

1 Firstly, if we go all the way down. Yeah.

2 I just want to ask a quick question here before we go over. Here you see again

3 the reference to the Anti-Balaka or the Christian fighters who are referred to here as

4 having become the enemies of the peace. And then it talks about that the French

5 efforts have been stepped up and they've executed and seized a large weapons cache

6 from a Christian neighbourhood in Bangui. Among the weapons were anti-tank

7 mines, a hundred mortar rounds, plastic explosive bricks and other ammunitions.

8 My question, first, is were you aware of such an operation and these kinds of

9 weapons being retrieved by MISCA or the French forces at that time?

10 A. [11:49:20] No, I don't really have an idea. I don't have that information.

11 Q. [11:49:27] Let me go to the next page then, please.

12 On this page you will see a reference to thousands of Muslim civilians who had not

13 been able to flee the country aboard huge trucks bound for neighbouring Chad and

14 that they sheltered in mosques and waited for armed escorts to take them out of the

15 volatile capital. This is at the second paragraph of this -- of this document. It's in

16 English, which is why I'm reading it to you.

17 Were you aware of that occurring at that time?

18 * A [11:50:20] I know that there were Muslims who were fleeing the atrocities of the

19 Anti-Balaka were grouped together by the IOM in front of the Chadian embassy, and

20 they transported them with large vehicles to Chad..

21 I remember that I remember those vehicles provided by the IM -- IOM.

22 Q. [11:50:56] I'd like to ask you a few questions concerning your statement.

23 I think -- I think we need to go into private session for this, Mr President.

24 PRESIDING JUDGE SCHMITT: [11:51:05] Yes. Private session.

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(Private Session)

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WITNESS: CAR-OTP-P-0475

1 (Private session at 11.51 a.m.)

2 THE COURT OFFICER: [11:51:20] We are in private session, Mr President.

3 MR VANDERPUYE: [11:51:24] Thank you.

4 Q. [11:51:25] Mr Witness, we're in private session once again, which means that
5 nothing will be made public from -- from this point. But I wanted to ask you some
6 questions about the -- (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [11:53:36] (Redacted)

21 (Redacted). And you probably realise that these

22 all -- these mosques are not in the 3rd arrondissement. They are mosques which are
23 in different neighbourhoods of Bangui. Even those of PK24.

24 So all these mosques are in the capital, but not in the 3rd arrondissement, because

25 the mosques in the 3rd arrondissement were not affected, were not damaged. There

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1 were self-defence groups in the 3rd arrondissement who defended all those mosques,
2 and the Anti-Balaka couldn't enter into the 3rd arrondissement, and so the mosques
3 who are in the 3rd arrondissement were not hit. But the other mosques in all
4 the other neighbourhoods were all destroyed, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [11:56:50] Okay. Thank you for that clarification as well.

19 I think we can go into public session, Mr President.

20 PRESIDING JUDGE SCHMITT: [11:57:02] Yes. Public session.

21 (Open session at 11.57 a.m.)

22 THE COURT OFFICER: [11:57:15] We are in open session, Mr President.

23 MR VANDERPUYE: [11:57:23] Thank you.

24 Q. [11:57:24] Mr Witness, we're in open session, so now everything is going to be in
25 public.

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WITNESS: CAR-OTP-P-0475

1 From what we were discussing earlier, I understand that there were several mosques
2 that were destroyed in and around Bangui during the conflict, and in particular in
3 2013 and 2014, which -- which have been identified. And these include at
4 Combattant, Galabadja, PK12 and Boy-Rabe in 2013.

5 And in 2014, a different mosque inside the neighbourhood in Galabadja, Malimaka,
6 Yambassa, Bimbo, Kokoro 3, M'Poko, PK16, Miskine, Basse-Kotto, PK26, Boy-Rabe
7 and Boeing in 2014.

8 That's what seems to be indicated in your -- in your statement.

9 Now, with respect to Boeing, do you know, perchance, how many mosques there
10 were located there?

11 A. [11:59:01] In Boeing, there's the -- the *grande mosquée* in Boeing.

12 Q. [11:59:10] Do you know the name of that mosque, or is it just called the *grande*
13 *mosquée*?

14 A. [11:59:27] It's called the mosque of Boeing.

15 Q. [11:59:37] Now, aside from that - and this is a bit of a different area - you refer to
16 a location called Kapou in your statement. And that's at paragraph 64. Where you
17 say, at Kapou, "They do not want Muslims there and in Kapou, they are definitely
18 Anti-Balaka."

19 So my question is: How did you come to the conclusion that, one, they did not want
20 Muslims there in Kapou, and that there were Anti-Balaka in that -- in that area?

21 If the answer that you will give could identify you, let us know and we can go into
22 private session.

23 A. [12:00:37] Yes, indeed, at Kapou, even to this day, they do not want any
24 Muslims.

25 The evidence is that the imam of Kapou was forced to leave that village and settle in

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1 another village. He was chased out. Before he was chased out, he had been called
2 by -- or, rather, following the instructions from the mayor of Kapou, and the deputy,
3 Rambo's deputy, who is still in Kapou, and then there were also the leaders of
4 the various Kapou neighbourhoods, they asked the imam of Kapou whether he
5 want -- they told him that if he wanted to continue to be a Muslim, he had to leave
6 the village. But that if he were to reject his religion and abstain from practising Islam,
7 then he could remain in Kapou.

8 Yet, he was a native of that area. He hailed from that area. But he became
9 a Muslim and, for that reason, he was being asked to leave Kapou. And that if he
10 gave up praying, he could continue to stay in Kapou. His deputy's house was
11 destroyed, so he left the village.

12 When the imam of Kapou was convened, they made it clear to him that, from Bimon
13 (phon) all the way to Mbaïki, had he seen any mosque still standing? Had he
14 noticed that anyone was reconstructing any mosques? So he had to leave the village.
15 And so, even to this day, as I speak to you, there is no social cohesion in Kapou. All
16 houses belonging to Muslims in Kapou were destroyed. The Kapou mosque was
17 destroyed. And, right now, the location or the piece of land on which the mosque
18 used to stand has been sold. So, in Kapou, there is no mosque.

19 Well, all -- all the way from Mbaïki to Bangui, there is no mosque, particularly at
20 Kapou, where Rambo's deputy lives. Because he is the one who is the leader in -- in
21 Kapou, if we can say so.

22 Q. [12:04:20] What about the Muslim residents along that route from Bangui all
23 the way down to Mbaïki, during the conflict did they -- were they able to remain in
24 those areas, or were they evacuated, along with many others?

25 A. [12:04:59] Most of the Muslims who were in those various villages, well, some of

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1 them rejected their faith and were able to stay on. But those who maintained their
2 faith had to leave the village. They left the village. Now, today, as peace is
3 gradually returning, they too are gradually returning to those small villages along
4 the Bangui-Mbaïki road. Otherwise, all Muslims' houses in that area had been
5 destroyed, and all the mosques had been destroyed as well.

6 Q. [12:05:51] And was that during the -- during the period that I -- that I set out
7 before, between 2013 and 2014, in that period of time? Or are you talking about
8 a different period of time?

9 A. [12:06:13] Yes, the same period.

10 Q. [12:06:18] You mentioned in your statement about Muslims living in the 4th
11 arrondissement. And that's at paragraph number 80. And that they were
12 threatened, a lot, by the Anti-Balaka in 2013 and 2014.

13 Were they among individuals who left that area to go to PK5?

14 A. [12:07:01] Yes, indeed. In almost all the arrondissements in Bangui, some
15 people had left their zones or their neighbourhoods to go to the 3rd arrondissement
16 where, according to them, they would have felt much more secure being in the 3rd
17 arrondissement.

18 Q. [12:07:39] And when you say some people had left their zones or their
19 neighbourhoods, are you referring to Muslim people, to go to the 3rd
20 arrondissement?

21 A. [12:07:59] Yes. Yes, indeed, I'm referring to Muslims, indeed, yes. You see,
22 what would the interest have been for someone who did not practise that religion to
23 go to the 3rd arrondissement?

24 Q. [12:08:22] Let me just ask again -- come back to what I was asking about
25 concerning the road down to Mbaïki. And you mentioned that people, Muslims,

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1 along that axis or that road had to leave the area during the conflict. And that
2 would -- that would encompass towns like, or villages, like Sekia. Have you heard
3 of that one? Pissa?

4 A. [12:08:56] Yes. That village, to this day, there is no Muslim in that village, to
5 this day. In that village, they do not like to see any Muslims in Sekia, to this very
6 day. Because in Sekia, the mosque was sold. All houses belonging to Muslims
7 have been sold. So they no longer want to see any Muslims there.

8 Now, when I say they do not want to, I'm referring here to the representatives of the
9 administration in Sekia. And I'm alluding, therefore, to the mayor of Sekia, who is
10 the one with responsibility over everything that happened. He is the one who sold
11 the mosque. He is the one who sold all the land belonging to Muslims in Sekia.
12 That's it.

13 Q. [12:10:12] Do you know if the Muslims along that road from Bangui down to
14 Mbaïki, if any of them wound up in PK5 in the 3rd arrondissement? And again, I'm
15 referring to the period of the conflict that is after -- that is between 2013, late 2013, and
16 2014.

17 A. [12:10:46] Well, I don't -- I don't think so. Those who went to the 3rd
18 arrondissement were those who were of Chadian origin. Those are the ones who
19 went to the 3rd arrondissement. But the natives of those areas, as I said a short
20 while ago, most of them denounced their religion and therefore no longer practised
21 that religion. And I'm referring to the natives. And that's how our Chadian
22 brothers who are were traders all along that axis then went to PK5.

23 Q. [12:11:41] Okay. Thank you. Let me show you a video. It is tab 9,
24 CAR-OTP-2083-0345. The translation is at tab 25, CAR-OTP-2127-6355. And we're
25 going to look at 6357, lines 1 through 30. I'm just going to show you this - it's at

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1 evidence 2 - and I'm just going to have you look at this video and I'll ask you a couple
2 of questions. It is -- yeah, we'll play it from 00 to 1 minute.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [12:12:37](Interpretation of the video excerpt)

5 "*Muslims fleeing is a daily scene in the Central African Republic, a country torn up
6 by community violence. This Monday, a hundred or so Muslims were evacuated
7 from Bangui under Sangaris escort, the UN force.

8 They left Bangui on Sunday evening for Bambari in the centre of the country. A
9 mostly Christian town, but in spite of the tensions, most communities still live
10 together. A similar case in point is Carnot where a Christian church is hosting
11 Muslim displaced persons.

12 Many people have said that this is a religious war. But as far as we know, when
13 these Muslims came the Christians were the first to help them.

14 Muslims in the Central African Republic are being targeted by the Anti-Balaka who
15 want to avenge Christians persecuted by the Seleka; these former rebels who have
16 been in power for about a year till last January."

17 MR VANDERPUYE: [12:13:37]

18 Q. [12:13:38] Okay. I just have a couple of questions.

19 First of all, were you able to see that and hear it, I hope?

20 A. [12:13:51] Yes, I saw it and I heard it. But if you do recall the answer I gave to
21 one of the questions you put to me a short while ago, you'll remember that I was
22 telling you that when the Muslims sought refuge in the hinterland, they were hosted
23 in churches. They were hosted in parishes - I told you that - as well as in schools.

24 So what I want to point out is that we used to live in symbiosis, Muslims and
25 Christians alike, and so there were no differences between Christians and Muslims at

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1 the time. It is only after the crisis that there was this confusion. But most of the
2 time, the exactions were committed by the Balaka, by the Anti-Balaka, not by
3 the population. The exactions were not committed by the population.

4 Every now and then, the population will react against the Muslims, but most of the
5 time it was the Anti-Balaka who committed those exactions on the Muslim
6 community. That is it.

7 Q. [12:15:18] I wanted to ask you a question about your statement. Give me one
8 second. I'll see if I can find it.

9 In your statement -- let me see if I can find this paragraph.

10 Okay, it's at paragraph 42 of your statement. I thank my colleague for helping me
11 here.

12 At paragraph 42 of your statement, you say:

13 "All the mosques were destroyed by the Anti-Balaka in that time frame." Referring
14 to the time of the conflict. And that:

15 "They were also aided and abetted in the destruction by the local youth."

16 And what I wanted to ask you about that was, first of all, what you meant by aided
17 and abetted by the local youth in that context.

18 What did they do or how did they participate in -- in the destruction of the mosques,
19 as you seem to be describing?

20 A. [12:17:05] As far as I know, whenever the Anti-Balaka emerged and destroyed
21 mosques, given that this animosity was already happening whereby Muslims and
22 Arabs were confused, the one for the other, whenever a Muslim came under attack,
23 delinquent youths in the neighbourhoods would also jump into the act. And so
24 that's why I said that they, the young people in the neighbourhoods, also supported
25 the destruction of these mosques by the Anti-Balaka. That's what I meant. Because

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1 most of the time when they came to destroy a mosque, the delinquents immediately
2 will join in. Yes, that's what I meant.

3 Q. [12:18:24] Thank you for that clarification. That's quite helpful. I also want
4 to -- sorry. Okay, I -- I thought I heard somebody speaking.

5 PRESIDING JUDGE SCHMITT: [12:18:36] It might have been the witness that,
6 but -- but it was nothing I think that he wanted to add.

7 MR VANDERPUYE: [12:18:44] And thank you -- (Overlapping speakers).

8 THE WITNESS: [12:18:46](Interpretation) No, nothing to add. Nothing to add.

9 MR VANDERPUYE: [12:18:48]

10 Q. [12:18:49] Now, you indicated in your statement, and I wanted to ask you about
11 this. It's at paragraph 193, 195, where you talk -- where you seem to say that
12 Muslims were displaced from their houses to go elsewhere and that they accepted to
13 leave, which was facilitated by the IOM.

14 But then at another paragraph you seem to suggest that -- that they were
15 forced -- their displacement was forced by the IOM. And that's at paragraph 195.
16 I'll read it to you very quickly. You say:

17 "There had been cohesion ... and the Chadian Muslims had families, established
18 businesses and homesteads that they did not want to leave." And that "That was
19 forced displacement by the IOM."

20 My question there was what did you mean in that context when you said "That was
21 forced displacement by the IOM?"

22 A. [12:20:07] When I say that it was forced displacement by the IOM, it is simply
23 because the displacement was organised without (Redacted) being aware
24 of it. We were not warned. The vehicles simply showed up and Muslims were
25 asked who would like to be displaced, either outside of the Central African Republic

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1 or to the north, to -- to show up and the IOM vehicles would pick them up. I was
2 present, we were present when some Muslim brothers were displaced by the IOM
3 vehicles. They gathered in front of the Chadian embassy, like I said previously.

4 Q. [12:21:11] That's very helpful. Thank you. And perhaps that helps clarify
5 what you said at paragraph 208 of your statement, where you -- you mention that you
6 did not speak to the Anti-Balaka coordination about the displacement of the Muslim
7 or the IOM convoys, even though the Muslims were leaving because of the
8 Anti-Balaka, simply because it was not being carried out by the Anti-Balaka.
9 That seems right.

10 Let me ask you -- let me show you another video. And this one is at tab 17,
11 CAR-OTP-2107-1185. It should be tab 23, that is the translation.

12 CAR-OTP-2127-4638, page 4640, lines 1 through 31. We'll play the whole thing
13 through. It's about a minute.

14 (Viewing of the video excerpt)

15 "REPORTER: Sheltering for now amidst what remains of the national air force, this
16 imam told me his mosque was burnt down, his parents murdered, everything stolen,
17 all by the Christian militia, the Anti-Balaka.

18 USMAN BADARO:(Interpretation) this, they killed us, they hunted the Muslims
19 everywhere. I didn't know where to sleep, so I came to the airport. But my son, my
20 cousin, I don't know where they are. They all just ran away.

21 REPORTER: They're being registered for emergency flights to neighbouring Chad.
22 That's where they'll feel safe, even though many of these people were born here in
23 the CAR.

24 FRANCOIS GOEMANS: Challenge is to have more money in order to have more
25 flights, so now we start with -- with the rotation. We have enough money to start

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1 with around nine, ten flights. And we need more money because we have people
2 everywhere, someone are either in Bangui and someone are in everywhere in
3 the country."

4 MR VANDERPUYE: [12:23:37]

5 Q. [12:23:37] My first question is, were you able to see and hear the video that I just
6 played?

7 A. [12:23:50] Yes. I heard the excerpt and I saw the person. And I'm really quite
8 emotional right now. I'm really quite emotional right now because that was one of
9 the predicators, one of *the muezzins who was -- who was in the mosque of the late
10 imam. As I said, he -- he was the very first -- the very first person to be threatened
11 and his mosque was the very first mosque that was destroyed. I know him very well,
12 Usman Badaro, (Redacted). But that's it, yeah, yeah.

13 Q. [12:25:04] If you need to take a break, just please let us know, because I can see
14 that you're upset a bit by it?

15 PRESIDING JUDGE SCHMITT: [12:25:11] Yes, Mr Witness, indeed I also wanted to
16 suggest that. But if you want to continue, it's also fine.

17 THE WITNESS: [12:25:32](Interpretation) We can continue.

18 MR VANDERPUYE: [12:25:37] Okay.

19 Q. [12:25:39] You heard in the video a reference by the reporter to the fact that
20 people were being registered and many of them had been born in the Central African
21 Republic. Is that -- is that something that was common? Was that, you know,
22 among the people that were being evacuated or the people that were being chased
23 out?

24 A. [12:26:20] No, it was not usual. I told you that it is when the crisis happened
25 that this confusion began. There are Central Africans who are of Chadian origin

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1 who were born here, who have lived here, who have had children here and have had
2 grandchildren here. And it is only after the crisis that they were forced to -- to be
3 displaced. That was unusual.

4 PRESIDING JUDGE SCHMITT: [12:27:01] So I think to -- to make it clear, so when
5 you say, "No, it was not usual", you refer to the displacement and -- or have I
6 understood you correctly? But not -- you're not referring to the fact that the people
7 were born in the Central African Republic?

8 THE WITNESS: [12:27:29](Interpretation) Yes, indeed, that's correct. Those who
9 were of Chadian origin, who had come here, who were born here, who grew up here,
10 who had children and even grandchildren here, but it's only because of the crisis that
11 they were forced to move out of the country to be displaced. That's it.

12 MR VANDERPUYE: [12:27:59]

13 Q. [12:27:59] Thank you. Thank you for that clarification. And what I meant for
14 my question to refer to the period of the crisis specifically. But you've answered that,
15 I think, very clearly now.

16 In your statement you also mention that in your estimation three quarters of the -- of
17 the Muslim population in the Central African Republic, including in the provinces,
18 left the country. And -- and that's at paragraph 2 -- 202 of your statement. And
19 that's quite a -- quite a large number of people, I would imagine, several hundred
20 thousand. And you also say that the Anti-Balaka massacred a lot of Muslims in
21 the provinces.

22 What I wanted to know is, you know, how you know that.

23 A. [12:28:54] (Overlapping speakers)

24 Q. [12:28:55] Was that something reported to you? Is that something you heard
25 around? How do you know about that?

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1 A. [12:29:11] I told you that we were (Redacted) within the community. (Redacted)
2 (Redacted) and we have always worked
3 together with the deceased person who had information on a daily basis because he
4 had permanent contact with the provinces. And he reported to me or he informed
5 me regularly. That's it.

6 Q. [12:29:50] I would like to show you another video. This is at tab 4,
7 CAR-OTP-2023-0376. The translation is at tab 21. Let's see, CAR-OTP-2122-9377.
8 And we'll need to go to pages 9382 and then we'll go to 9387 through 88. And then
9 we're going to play these three excerpts sequentially and then I'll ask you some
10 questions about them.

11 I guess we're back on evidence 2? All right.

12 So we'll start with the first one, which is from 03:30 to 03:42, and then we'll go to
13 the next and so on.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [12:30:54](Interpretation of the video excerpt)

16 "You can't -- we can't stay here. You have to go towards Cameroon and seek refuge
17 there. When there is peace they can perhaps return."

18 MR VANDERPUYE: [12:31:06] The next clip is from 09:40 (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [12:31:13] Please wait -- wait a second.

20 Ms Dimitri, what --

21 MR VANDERPUYE: [12:31:14] Oh, I'm sorry.

22 MS DIMITRI: [12:31:16] I'm sorry. I just want to say that Mr Vanderpuye is going
23 too fast, so there's an overlap. So that what was said in French in the video hasn't
24 been transcribed.

25 PRESIDING JUDGE SCHMITT: [12:31:26] So I think then -- yeah, thank you very

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1 much for -- no, it's very important. We had this, I think, two weeks ago that I

2 addressed it. So we simply play it again. It's so short. We have (Overlapping

3 speakers)

4 MR VANDERPUYE: [12:31:38] Thank you, Mr President. And I -- (Overlapping

5 speakers)

6 PRESIDING JUDGE SCHMITT: [12:31:39] We have this time and better to say

7 we -- we take our time.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [12:31:56](Interpretation of the video excerpt)

10 "They can't stay here. They want to go to Cameroon and seek refuge there. And

11 when there's peace they'll come back."

12 MR VANDERPUYE: [12:32:15]

13 Q. [12:32:15] All right. I think we can go to the next clip.

14 This one is from 09:40 to 10:12.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [12:32:33](Interpretation of the video excerpt)

17 "The threats on the Muslim population along the Bouar-Bangui route, is that they are

18 going to be chased out. The Anti-Balaka movement, and perhaps the population

19 have suffered a lot, which means that the population and the Muslims and the Seleka

20 in general are anxious to leave. This population want to leave either voluntarily or

21 they are threatened by death."

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [12:33:25](Interpretation of the video excerpt)

24 "The second day, the Sangaris force arrive at Yaloké, the town is in chaos. After

25 having stopped the violence, Colonel Mettey decides to meet the Anti-Balaka and the

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1 Muslims in the town to reintroduce dialogue.

2 Good day.

3 I'm the president of the Islamic community.

4 Since we are here, it's because of the Sangaris and thanks to the courageous captain

5 who has given us sugar, teas, all the products which are absolutely vital.

6 So what we are going to do, how are we going to bring goods here?

7 The trucks will come here but they don't stop here.

8 That's why we're here. We are going to -- here we want the vehicles to be able to

9 circulate freely in Bangui.

10 Alongside the local authorities, they are going to make the Muslim sector of Yaloké

11 more safe.

12 The Sangaris worked together with us to disarm the Muslims and the Anti-Balaka.

13 This is the work that we can do. We want to retrieve all the bladed weapons. This

14 is my country and I am proud of that."

15 PRESIDING JUDGE SCHMITT: [12:35:05] Mr Knoops.

16 MR KNOOPS: [12:35:07] Yeah, Mr President, just a question, does the Prosecution

17 concede that this clip relates to events which occurred on 21 October 2014? Because

18 that's way outside the charges. I'm mindful of the contextual elements, but I just

19 want, for the record, to ask this question because the tab 4 relates to a clip of

20 21 October 2014. So is the Prosecution suggesting that these images relate to events

21 on the same day of that day? That's I think important for the Chamber to assess.

22 PRESIDING JUDGE SCHMITT: [12:35:47] Well, you know, okay, Mr Vanderpuye,

23 you are addressed, so ...

24 MR VANDERPUYE: [12:35:53] Thank you, Mr President. No, we don't concede

25 that. The operation *Panthère by the Sangaris was carried out in the beginning

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1 of January, or so, January and February, actually, of 2014. Which as you can see

2 from the map that's shown in the -- in the -- you know, in the clip.

3 PRESIDING JUDGE SCHMITT: [12:36:17] But what is true is what Mr Knoops says,

4 it's from 21 October 2014, the video footage.

5 MR VANDERPUYE: [12:36:25] That is the date that it's uploaded to the -- to the

6 (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [12:36:28] Uploaded is something different, of

8 course.

9 MR VANDERPUYE: (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:36:28] And do you have information when this

11 video footage was produced, at what date?

12 MR VANDERPUYE: [12:36:37] The -- the composite, as it were, I don't have a date

13 for. But the content is in the video itself and -- (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

15 MR VANDERPUYE: [12:36:44] (Overlapping speakers) -- itself authenticating in that

16 sense.

17 PRESIDING JUDGE SCHMITT: [12:36:49] So please put your questions to the

18 witness.

19 MR VANDERPUYE: [12:36:53] Thank you, Mr President.

20 Q. [12:36:56] Mr Witness, you've had a chance -- I hope you could hear the video

21 and -- and see it, or see the video and hear it.

22 My question is, first, from what you could see in the video, is that consistent with

23 your experience and understanding during the time of the conflict as to what was

24 happening?

25 A. [12:37:30] What we saw in this video during that period is when we started to

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1 talk about social cohesion. In the meantime, as regards the displacement of Muslims,
2 there was displacement not only towards Chad, but also towards Cameroon, to Mali,
3 to Senegal, even to Zaïre. So those who were originally Malian preferred to go back
4 to Mali. Those who were Senegalese preferred to go there. Who were Sudanese,
5 and so on. So what I could see in the video is that during the period when we
6 started to talk of social cohesion and we started to make people more aware of social
7 cohesion.

8 Q. [12:38:50] As you -- as you raise it, let me ask you about, just briefly, about what
9 you know about the Muslims who took refuge in Cameroon. Are you aware that
10 these individuals were taken in or sought refuge at various camps in these areas, in
11 Cameroon and some of the other countries that you've mentioned?

12 A. [12:39:32] According to my information, more particularly as regards
13 the Cameroon, there was a refugee camp in Cameroon. Those who had relatives in
14 Cameroon joined their relatives there. I know that, that there was also a refugee
15 camp in Cameroon.

16 Q. [12:39:58] I'd like to show you a -- I'd like to show you a document. It's tab 3,
17 CAR-OTP-2002-0726.

18 This is a report on the Central African Republic issued by the Organisation of Islamic
19 Cooperation, and it relates to a mission that they carried out, I believe, before
20 June 2014.

21 And in particular -- I see we have it on the screen already. All right. We can go to
22 ERN ending 0734, which is what I wanted to show you.

23 I gave the wrong page again. No, do I? One second.

24 Yeah, 0734. If we go to the bottom of the page, please. Yes.

25 And in particular it refers to Cameroon and it talks about the condition of the

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1 refugees there, if you look at the second paragraph, I believe it is, or second to last
2 paragraph. And it says:

3 "The Muslim refugees in Cameroon who fled the violence complain of the large
4 number of snakes and mosquitoes, and the diseases that kill their children. There
5 are in Cameroon alone, some 150 thousand refugees sheltered in a dozen main camps
6 and other camps scattered along the border with the Central African Republic."

7 So my first question is were you aware of the condition of Muslim refugees that
8 found their way to Cameroon, and in particular the poor conditions in which they
9 were?

10 A. [12:42:39] Yes, we were informed, we were informed about those conditions
11 there in Cameroon and also in the border of Cameroon. We were informed.

12 Q. [12:42:50] If we go to the top of the page, we can also see a reference to PK5 in
13 Bangui, which indicates:

14 "Because of the siege, the Muslims holed up in PK5 district suffer from a lack of food
15 and medicine, and cannot find burying ground or cemeteries for their dead so they
16 bury them within their living areas."

17 As I recall, you mention actually both circumstances in your statement. But here
18 they talk about -- specifically about the condition of individuals at PK5. Is that
19 something that you were familiar with or were made aware of?

20 A. [12:43:54] Yes, indeed. The Muslims who sought refuge in PK5 *at the *grande*
21 *mosquée*, the majority took refuge at the central *grande mosquée* in Bangui, the mosque
22 called Ali Babolo. There was also refugees in the *Hausa mosque. We were aware
23 of *their precarious living conditions. That was a very sad reality.

24 Q. [12:44:41] (Overlapping speakers) of what you see --

25 PRESIDING JUDGE SCHMITT: [12:44:42] You're too quick.

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1 MR VANDERPUYE: [12:44:44] Oh, I'm sorry, okay. I'm looking at the transcript

2 and it stops sometimes, so ...

3 PRESIDING JUDGE SCHMITT: [12:44:50] Ms Dimitri has an issue with

4 interpretation, I think, now.

5 MS DIMITRI: [12:44:57] Well, I didn't hear the second mosque he named and it

6 doesn't appear in the transcript, it's inaudible, so if we could have it repeated for the

7 record, please.

8 PRESIDING JUDGE SCHMITT: [12:45:05] You have heard it, Mr Witness.

9 The interpretation did not get the second mosque that you mentioned. Would you

10 be so kind to repeat it.

11 THE WITNESS: [12:45:35](Interpretation) Yes, the second mosque was the mosque

12 which we call, usually, mosque Ali Babolo. The name of the mosque is Nour

13 Al Islam, that's it.

14 PRESIDING JUDGE SCHMITT: Thank you.

15 MR VANDERPUYE:

16 Q. [12:45:59] I think -- I think the one that counsel was referring to, which isn't in

17 the transcript, was the Hausa mosque that you referred to. And maybe I'm wrong,

18 but did you mention a Hausa mosque?

19 A. [12:46:24] Yes, it is one of the big mosques of Bangui. The first mosque of

20 Bangui is the Hausa mosque. So there was also Muslim brothers who sought refuge

21 there.

22 Q. [12:46:43] Okay. Thank you for that clarification.

23 And if I can just ask, is the Hausa a term that's also used to describe the Peuhl or

24 Fula?

25 A. [12:47:05] Yes, since it's a mosque which is situated in the Hausa neighbourhood

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1 and it is therefore called the Hausa mosque. But the true name of the mosque is
2 mosque Al Atiq, that's the name of the mosque, Al Atiq mosque. But it is commonly
3 known as the Hausa mosque.

4 Q. [12:47:41] Thank you for that clarification. That's -- that's very helpful.
5 Now you had briefly -- you had mentioned in your statement, and what I think was
6 on the screen in front of you, was impediment to Muslims in PK5 being able to bury
7 their dead, find a burying ground or cemeteries for their dead. And you mentioned
8 in your statement that the cemetery was blocked by the Anti-Balaka.

9 My first question is, do you know the name of the cemetery that was blocked by
10 the Anti-Balaka?

11 A. [12:48:38] The cemetery which was blocked by the Anti-Balaka was the only
12 Muslim cemetery, which is found towards the airport. More specifically, in Boeing.
13 The entrance of this cemetery was blocked by the Anti-Balaka and this is the only
14 Muslim cemetery.

15 Q. [12:49:08] How long was it blocked? And if you know, by whom, or whose
16 area of responsibility?

17 A. [12:49:28] The leader who controlled this part of the capital, more specifically in
18 Boeing, I don't know him, his name. It is an area that was held by the Anti-Balaka,
19 but I don't know the name of the leader.

20 Q. [12:49:55] I would like to show you another video. And this relates to
21 the establishment or -- or, rather, the -- the existence of certain enclaves of Muslims
22 in -- in the Central African Republic during the period of the conflict. It's at tab 2,
23 CAR-OTP-2002-0511. Tab 27 is the translation, CAR-OTP-7034- -- hang on a second.
24 I think I've written it down incorrectly. In any event, it's tab 27, CAR-OTP-2127-7032,
25 and we'll go to pages 7034 through 7036, lines 1 through 29, and then 35 through 98.

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1 Now, the first clip is -- we'll play it through 33 seconds, and then we'll follow it with
2 a few others. And then I'll ask you some questions at the end of them. Let's do it
3 that way.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [12:51:28] The interpreter is just reading the -- the captions
6 because it's not in French.

7 (Interpretation of the video excerpt)

8 "So many times" -- (Overlapping speakers)

9 (Speaks English) "REPORTER: Halima Ousman, a 14-year-old girl with disabilities,
10 she is one of the many victims of an ongoing brutal conflict in the Central African
11 Republic."

12 PRESIDING JUDGE SCHMITT: [12:51:44] Could -- could we please play this once
13 again and then we can have the interpretation. It was impossible for the -- for
14 Madam Interpreter to follow here. It was too quick. So I think it makes sense to do
15 it again, and then we -- we have the interpretation.

16 MR VANDERPUYE: [12:52:00] Yes, Mr President. Just maybe this will facilitate
17 the interpretation. The translation -- yeah, the translation is found at
18 CAR-OTP-2127-7032, and this particular part of it starts at lines -- around line 7 or so.
19 No, no, no, it's before. Line 1, and they can follow from there, so should be able to --

20 PRESIDING JUDGE SCHMITT: [12:52:30] That should, indeed, facilitate things.
21 So we play it again.

22 MR VANDERPUYE: [12:52:34] Thank you, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:52:35] But then we continue with the other clips.

24 MR VANDERPUYE: [12:52:37] With the next -- yes, yes, Mr President.

25 (Viewing of the video excerpt)

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1 THE INTERPRETER: [12:52:43](Interpretation of the video excerpt)

2 "My uncle was trying to run away, but they caught him and they started hitting him,
3 his head, many times, until he died."

4 REPORTER: (Speaks English) "Halima Ousman, a 14-year-old girl with disabilities,
5 she is one of the many victims of an ongoing brutal conflict in the Central African
6 Republic."

7 PRESIDING JUDGE SCHMITT: [12:53:07] Unfortunately, the beginning was not
8 translated, but -- so it's not on the record, I think, what -- what the child said.

9 MR VANDERPUYE: [12:53:16] The -- the translation -- the translation, we will
10 tender it, so it will be there.

11 PRESIDING JUDGE SCHMITT: [12:53:25] Okay, good. Good. Fine, fine. Then
12 we continue.

13 MR VANDERPUYE: [12:53:27] With respect to the next clip, it's from 00:48:13
14 to 01:01.

15 PRESIDING JUDGE SCHMITT: [12:53:34] Mr Knoops, please.

16 MR KNOOPS: [12:53:37] Yeah, Mr President. Again here the same objection and
17 clarification request. The clip is, according to tab 2, dated 21 December 2014. That's
18 way out of the charges, even the contextual time frame the Court granted for
19 examination during this trial. Can the Prosecution inform the Court whether
20 the images indeed pertain to that date, because I think that's relevant for the Chamber
21 before the Chamber can assess.

22 PRESIDING JUDGE SCHMITT: [12:54:16] So, really it's always -- it's always good
23 when we have on the record when this footage was taken. That is, of course, good.
24 Mr Knoops insofar is right.

25 So do you have any information for us?

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1 MR VANDERPUYE: [12:54:29] Mr President, I don't have the specific date of this
2 footage to hand, and I can provide it to the Chamber. But I would say that the scope
3 of the contextual elements of this case go from 2013 to the end of 2014, in any event.
4 So, to the extent that even the date that's indicated here falls within that, it would be
5 relevant, obviously, to the contextual elements of the charges.

6 PRESIDING JUDGE SCHMITT: [12:54:58] Yeah -- well, now I'm too -- now I'm too
7 quick.

8 So but what -- for the benefit of the Chamber, it is -- you are right, first, for the benefit
9 of the Chamber. But, nevertheless, it would be good to have a clear temporal
10 reference, so to speak.

11 So please continue.

12 No, no. I think we show the second clip now, finally.

13 MR VANDERPUYE: [12:55:15] Yes, indeed, indeed, Mr President. Thank you.

14 The second clip -- I lost my page. The second clip is at 00:48:13 to 1 minute

15 (Overlapping speakers)

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [12:55:37](Interpretation of the video excerpt)

18 "The terrible thing is that the Anti-Balaka, they also took my 12-year-old son, they hit
19 his head with a machete, even shot him and stabbed his foot with a spear. But he
20 survived, thank God."

21 PRESIDING JUDGE SCHMITT: [12:55:55] Good.

22 Shortly, Mr Vanderpuye, the ERN, please, when you name them, a little bit slower so
23 that -- because, you know, when you're very quick with -- with numbers, it's difficult
24 to follow for the interpreters. Thank you.

25 MR VANDERPUYE: [12:56:09] Yes, Mr President. Thank you.

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1 The ERN for the video - and this is for all the clips - is CAR-OTP-2002-0511, and it's at
2 tab 2.

3 The next clip is -- we'll play from 00:01:26 to 00:03:32.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [12:57:05](Interpretation of the video excerpt)

6 REPORTER: (Speaks English) "In September 2014, the United Nations took over
7 peacekeeping responsibilities from the African Union troops, including protecting the
8 Muslims and enclaves."

9 (Interpretation) "We faced danger: The first is here; the second thing is shelter.

10 And, finally, we have the problem of bread. The problems have already taken 42
11 lives in the community. These problems have already taken 42 lives, mainly
12 children, mostly girls. Mainly children, mostly girls."

13 REPORTER: (Speaks English) "More than 1,300 Muslims remain trapped in three
14 enclaves - Carnot, Berbérati, and here in Yaloké, where Abiba Ousseni has already
15 spent seven hard months."

16 (Interpretation) "These children from our house have died, three children have died.
17 And we don't even start counting how many have died next door. For women and
18 children, it's hard. But for babies who can't get breast milk, they die. Sometimes
19 we bury two corpses together."

20 REPORTER: (Speaks English) "Some humanitarian assistance has arrived in
21 the enclaves, but it has not been enough to stop the slide into desperate conditions,
22 especially in Yaloké.

23 Many in the enclaves, including traditional herder communities, want to leave the
24 country. Some of those who have tried to make the journey on their own have been
25 killed by the Anti-Balaka."

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1 (Interpretation) "We left after the Anti-Balaka, and immediately the feet and the -- of

2 my husband were killed, they cut him, and we spent the night at their house.

3 The next morning, we saw that my husband was still alive. We stayed with him

4 until sunset, when they came back and finished him off."

5 MR VANDERPUYE: [12:59:11] I see the transcript's not run.

6 PRESIDING JUDGE SCHMITT: [12:59:14] There's a lot of lacking in the transcript.

7 So ...

8 MR VANDERPUYE: [12:59:18] Well we have the -- (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [12:59:20] Yeah. Yeah, yeah, yeah. So I take it

10 that -- that we can, let's see, complete this.

11 MR VANDERPUYE: [12:59:25] Yes, Mr President.

12 The last clip is from 00:03:39 to 00:03:59 -- 00:03:59, I think.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [12:59:53](Interpretation of the video excerpt)

15 "I've tried to leave and head to Cameroon three times. One time everybody at this

16 camp tried to leave with the convoy, but the international peacekeepers made us get

17 down."

18 MR VANDERPUYE:

19 Q. [13:00:20] All right. I hope you were able to see those clips and hear them.

20 My basic question is: What you saw in those clips and what you heard those people

21 say about their circumstances, is that something that was known to you at the time of

22 the conflict, that is, between 2013 and 2014, as was relayed to you by people you were

23 in contact with or that you saw directly in interacting with people?

24 A. [13:01:16] Was that question for me?

25 PRESIDING JUDGE SCHMITT: [13:01:23] Yes, it was. So the question was if what

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1 you have seen and what you heard in these clips, if this was -- comports with
2 the information that you had at the time, 2013, 2014. I think that was the question by
3 Mr Vanderpuye.

4 THE WITNESS: [13:01:53](Interpretation) Okay. The living conditions of
5 the displaced persons in general, we were informed that they were not living well.
6 They were living under deplorable conditions, generally speaking. That is it.

7 MR VANDERPUYE:

8 Q. [13:02:16] Were you aware that there were enclaves of Muslims in a number of
9 locations within CAR, including Carnot, Berbérati, Bossangoa, Yaloké, and obviously
10 PK5? Were you aware of -- and Boda. Were you aware that those enclaves were in
11 existence and the conditions that were facing the populations?

12 A. [13:02:57] Well, there was a lot of talk, much more talk about the enclave at PK5,
13 much more of that one than the other regions for which, really, I do not have
14 information.

15 We were informed that Muslims had sought refuge in churches or parishes here, but
16 there was a lot more talk of the enclave at PK5.

17 Q. [13:03:35] (Overlapping speakers) That's also very helpful.

18 And I see the time is -- (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [13:03:40] Yes. So what I wanted to ask you, when
20 do you think you finish your examination?

21 MR VANDERPUYE: [13:03:46] At this moment. I was just about to thank
22 the witness for --

23 PRESIDING JUDGE SCHMITT: [13:03:52] Okay. Okay, good. Thank you.

24 MR VANDERPUYE: [13:03:53] -- for -- for his time, and also thank the Chamber for
25 its indulgence. And that concludes my direct examination.

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1 PRESIDING JUDGE SCHMITT: [13:04:01] Thank you very much.

2 Of course, my obvious next question is who wants to start with the examination of the
3 witness and how long do you envision it? And I think -- I assume whoever wants to
4 start would start at 2.30, if I'm right. Or if it is very short, we -- but let's hear -- let's
5 hear first from Ms Dimitri, perhaps.

6 MS DIMITRI: [13:04:28] Mr President, in consultation with the Ngaissona team,
7 the Yekatom team will start. However, I would like to have perhaps the lunch break
8 to reassess the length and then to perhaps propose that we start at 2.30 or, if our
9 examination is going to be shorter, because it is going to be done by Ms Casiez, if it is
10 going to be shorter - and I'll discuss with the Ngaissona team - if we can wrap it up
11 for both teams to tomorrow, perhaps to start tomorrow morning. But I -- I would
12 use the lunch break just to have a look at our current plan and whether or not we're
13 cutting off some -- some questions, if that's agreeable.

14 PRESIDING JUDGE SCHMITT: [13:05:11] Okay. Good. Yeah, yeah, that's good.
15 Then we reconvene at 2.30.

16 I did not - I have to apologise for that - I did not ask the victims' representatives yet.
17 You are aware that the witness has already in his statement, Rule 68(3) statement, has
18 already told us what he knows about child soldiers especially. And as you also
19 know, especially, Mr Suprun, that means that this is part of his testimony already.
20 So I -- I had not envisioned that, that you would want to question him, but you can
21 perhaps clarify that.

22 MR SUPRUN: [13:05:45] Thank you, Mr President. I have no question for this
23 witness.

24 PRESIDING JUDGE SCHMITT: [13:05:48] Okay.

25 Ms Rabesandratana, I also assume you have no questions to the witness, or do you

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1 have questions? That would be fine, of course, also.

2 MS RABESANDRATANA: [13:06:01](Interpretation) Mr President, we had some
3 questions, but following the Prosecutor's examination, we have less questions, maybe
4 two. That should be enough.

5 PRESIDING JUDGE SCHMITT: [13:06:21] Okay, then -- then that's fine. Then we
6 have now the lunch break until 2.30. Then you have the time, Ms Rabesandratana,
7 to put your questions to the witness, and then we hear whatever from -- from the two
8 defence teams. Thank you.

9 THE COURT USHER: [13:06:36] All rise.

10 (Recess taken at 1.06 p.m.)

11 (Upon resuming in open session at 2.30 p.m.)

12 THE COURT USHER: [14:30:43] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [14:31:08] Good afternoon, everyone.

15 Good afternoon, Mr Witness.

16 Ms Dimitri, you have any news?

17 MS DIMITRI: [14:31:15] Yes, Mr President.

18 With your Honour's permission, what we would propose is to start with about half an
19 hour, one topic. The rest, unfortunately, we just want to review because lunch was
20 quite short and there's stuff in the statement versus what he said. And we consulted
21 with the Ngaïssona team and, with the half an hour that we're going to do today, we
22 can assure your Honours that both teams will be done by tomorrow at the end of the
23 day.

24 PRESIDING JUDGE SCHMITT: [14:31:44] Fine. Then we do it exact -- exactly this
25 way.

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1 MS DIMITRI: [14:31:46] Thank you.

2 PRESIDING JUDGE SCHMITT: [14:31:46] But we start with the -- the questions of
3 the common Legal Representatives of the Victims, which would mean that I give
4 Ms Rabesandratana the floor.

5 MS RABESANDRATANA: [14:32:05](Interpretation) Mr President, thank you.

6 I seek permission to question the witness sitting down, please.

7 PRESIDING JUDGE SCHMITT: [14:32:18] Of course. The same right for everyone.
8 Please, please remain seated.

9 QUESTIONED BY MS RABESANDRATANA: (Interpretation)

10 Q. [14:32:27] Good afternoon, Mr Witness. I -- well, we quickly met two days ago.

11 I am a lawyer based in France and I am appearing on behalf of victims of
12 the Anti-Balaka in -- in this -- in the trial today.

13 My questions will touch on two topics, the destruction of mosques and the impact of
14 those destructions on religion in particular, as well as the destruction of homes and
15 forced displacements.

16 First question: It will be general in nature. I -- I have a number of general questions,
17 questions of a general nature, that will respect your anonymity and ensure that
18 you are not identified. But if the questions I put to you raise any particular
19 difficulties, please don't hesitate to point them out.

20 My first question is actually very simple. I would like to know whether before
21 the attacks of the Anti-Balaka, I want to know how the Muslim community in Bangui
22 practised its faith.

23 PRESIDING JUDGE SCHMITT: [14:34:27] I think we don't have time now, at the
24 moment, so -- okay.

25 THE WITNESS: [14:34:34](Interpretation) (Overlapping speakers) They practised

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1 their faith free -- freely - and I repeat, freely, their faith - without any worries. Okay,

2 that is it.

3 MS RABESANDRATANA: [14:34:52](Interpretation)

4 Q. [14:34:53] Thank you.

5 Now, from one community to the other, from one mosque to the other, the -- were

6 there any differences in the way religion was practised?

7 A. [14:35:12] Absolutely not. The religious practise in Islam is not different from

8 one mosque to the other. It was the same prayers, the same prayer units during

9 the day, the same Friday prayers. So there was no difference from one mosque to

10 the other.

11 Q. [14:35:45] (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:35:46] You're too quick, please. Please ask your

13 question again so that the interpreters can follow.

14 MS RABESANDRATANA: [14:35:59](Interpretation)

15 Q. [14:36:03] Burial or funeral rites, were they also the same from one mosque to

16 the other, if I understood you properly?

17 A. [14:36:22] Yes, the funeral rites were -- have also been the same across the world,

18 in Central Africa and in Bangui as well, to be specific.

19 Q. [14:36:36] Thank you. The practise of religion, was it affected after

20 the mosques were destroyed?

21 A. [14:36:47] Yes, indeed. The practise of that religion was affected after

22 the mosques were destroyed. Quite simply because, after the destruction of the

23 mosques, the Muslims were no longer able to gather together. They were no longer

24 able to assemble in the mosques for their daily prayers.

25 Secondly, there are some Muslims who took fright and could no longer express their

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1 faith publicly, and the crisis also had the consequence that some Muslims who used to
2 wear their gowns, the *grand boubou*, out of fear were no longer wearing those attires
3 because they did not want to be discovered.

4 And then, furthermore, there are Muslims of little faith who simply totally abandoned
5 their religion. That's it.

6 Q. [14:38:33] Thank you, Mr Witness. Could we then say that there was a loss of
7 religiousness, so to speak, or that you observed a loss of religiousness in
8 the remaining Muslim communities? And I'm referring to the period during which
9 you were heard in 2018.

10 A. [14:39:02] Yes. As I was saying, following that crisis, there were -- there was
11 a lot of loss. You know, people at the time abandoned their faith or their religion.
12 There were neighbourhoods where mosques were no longer available. There were
13 Muslim brothers who no longer expressed their faith publicly. That's it.

14 Q. [14:39:48] Thank you. Could it also be said that there was a loss of identity,
15 given that some of your fellow countrymen who were Muslims were no longer able to
16 or no longer dared to wear their traditional outfits?

17 A. [14:40:20] Yes, after that crisis, as I said a short while ago, there were Muslims
18 who would go around -- about and would be recognised because of the traditional
19 attire they were wearing, namely, the *grand boubou* or the gown. But what happened
20 was that those brothers no longer wore the *grand boubou* for fear of being recognised.
21 That's it.

22 In fact, from time to time, in order to avoid being identified by the Anti-Balaka or
23 those who did not like Central Africans to practise that religion, you see, those who
24 pray regularly do have some marks on their foreheads. And in order to hide those
25 marks, they were forced to wear caps in order to hide the marks on the -- on their

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1 forehead in order not to be identified. So that's it.

2 Q. [14:42:04] Thank you, Mr Witness. That's very interesting.

3 Last point on that topic. Were they able to conduct their funeral rites? And what
4 was the impact of the absence of such ceremonies, and how did it affect families and
5 the community?

6 A. [14:42:34] Well, you know that when someone dies, when a Muslim person dies,
7 there are stages that have to be respected. During the crisis, those steps or stages
8 were not respected. You see, when a Muslim dies, the first thing to do is, first of all,
9 to wash him ritually, and then to bring him to the mosque, to pray for him, then to
10 accompany him to the burial site. And taking them to the burial site means that
11 a grave has to be dug normally, in which the body would be placed, and that is then
12 followed by ritual prayers before leaving the location.

13 But during the crisis it was not possible to normally respect these rituals in relation to
14 the death of a Muslim, a Muslim person.

15 Q. [14:44:18] Can you tell us what the impact was of this lack or impossibility of
16 burying the dead ones according to your customs and practices and what impact it
17 had on affected persons.

18 A. [14:44:51] The impact was that the deceased would not be normally buried in
19 a cemetery that was exclusively reserved for the Muslim community. What
20 happened is that during the crisis the dead were buried everywhere, sometimes
21 in -- in compounds and sometimes in the farms. But this is contrary to our culture
22 which requires that when a Muslim dies he or she should be buried in a Muslim
23 cemetery. And that was not the case during the crisis.

24 Q. [14:45:44] Thank you. Therefore, according to you, what would make it
25 possible for the Muslims to continue practising their faith as they used to before

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1 the attacks of 5 December 2013?

2 A. [14:46:11] It would be freedom of religion, freedom to express one's faith.

3 The Muslims must be free to practise their faith under normal conditions. For
4 example, mosques that were destroyed must all be rebuilt. That's it.

5 Furthermore, those whose homes were destroyed, well those homes also have to be
6 rebuilt. That's it.

7 Q. [14:47:07] Thank you. While indeed in your statement you indicate that
8 the mosques in Kina and Ngaragba were rebuilt and that they are operational? As
9 far as you know, what made it possible for those mosques to be rebuilt?

10 A. [14:47:43] Okay. There are some people of good faith who came together and
11 joined hands with people of those neighbourhoods to build or rebuild the Kina
12 mosque. The Ngaragba mosque, which is in the 7th arrondissement, was also rebuilt
13 thanks to the support of other brothers who are not of the same faith and that made it
14 possible for the Ngaragba mosque to be rebuilt.

15 Q. [14:48:44] If I understand correctly, it was thanks to private funding, particularly
16 for the mosque in the 7th arrondissement, Ngaragba, such funding coming from all
17 religious leanings that made this possible?

18 A. [14:49:07] Yes.

19 Q. [14:49:14] Thank you. Let me now broach a topic which you yourself dealt
20 with in relation to the reconstruction that would make it possible for communities to
21 return to the quality of life they had before. Let me ask you, as far as you know,
22 were any measures taken or instituted to enable the displaced Muslim population,
23 either within the Central African Republic or displaced abroad, to return -- were
24 measures taken to enable them return to their neighbourhoods within the Central
25 African Republic?

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1 A. [14:50:07] Yes, indeed some measures were taken after the crisis to ensure that
2 Muslim brothers who had sought refuge outside of the Central African Republic
3 could return to the country thanks to government's efforts in collaboration with
4 the High Commission for Refugees. What the government is doing is to deploy
5 significant efforts for peace to return to the country, and right now peace is returning
6 to the country and that is how the Muslims of the Central Africa who sought refuge
7 outside are now confident enough to return. But the problem remains that those
8 whose homes were completely destroyed, when they come back they must lodge with
9 host families. And that is how, with the assistance of the High Commission for
10 Refugees, they are gradually returning and settling in Bangui or in the hinterland.
11 That is it.

12 Q. [14:51:48] Thank you. When you talk about these inhabitants or population
13 that is returning, are you referring to families, to women and children, widows
14 and orphans, what is the ...

15 A. [14:52:14] Yes, indeed. I'm talking about families that were abroad and which
16 are returning. Some of the people returning are persons who have been abroad and
17 who were taken care of by the High Commission for Refugees and who may still be
18 abroad, probably because they have relatives abroad and prefer to stay abroad. And
19 then there are some who prefer to return to the country and who do actually return.
20 In most cases it is almost the -- the totality of the refugees that is now returning to
21 the country.

22 Q. [14:53:20] Thank you. So, right now, these persons have not reintegrated their
23 professional lives, nor their homes and they are still living in host homes under
24 precarious circumstances, is that the case?

25 A. [14:53:43] Yes, yes. Yes, indeed. Yes, that's it.

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1 Q. [14:53:55] Thank you. My last question is on forced displacement and your
2 situation.

3 It may be preferable to deal with this in private session because this was dealt with by
4 the Prosecutor in private session.

5 PRESIDING JUDGE SCHMITT: [14:54:25] Yes, we go to private session.

6 (Private session at 2.54 p.m.)

7 THE COURT OFFICER: [14:54:38] We are in private session, Mr President.

8 MS RABESANDRATANA: [14:54:53](Interpretation)

9 Q. [14:54:56] (Redacted)

10 (Redacted)

11 (Redacted).

12 This is my question: Do you know any persons who were in the same situation as
13 yourself and who were separated from -- separated in that wife and children were at
14 one end and husband was at another following these forced displacements?

15 A. [14:55:46] Yes, indeed. (Redacted)

16 (Redacted)

17 (Redacted). Many families were

18 separated in this manner. The children on one side and the father on the other. So
19 there were many such families (Redacted).

20 PRESIDING JUDGE SCHMITT: [14:56:41] Back to open session? Yeah, we go back
21 to open session.

22 (Open session at 2.57 p.m.)

23 THE COURT OFFICER: [14:57:00] We are back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [14:57:03] I take it these were your questions,

25 Ms Rabesandratana?

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- 1 MS RABESANDRATANA: [14:57:08](Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [14:57:11] Okay. Thank you very much.
- 3 MS RABESANDRATANA: [14:57:12](Interpretation) Yes.
- 4 PRESIDING JUDGE SCHMITT: [14:57:13] Thank you. (Overlapping speakers)
- 5 MS RABESANDRATANA: [14:57:16](Interpretation) Mr Witness, I thank you and
- 6 we are very sensitive to the quality of your answers.
- 7 PRESIDING JUDGE SCHMITT: [14:57:28] Thank you, Ms Rabesandratana.
- 8 We turn now to the Defence of Mr Yekatom. Ms Casiez has the floor.
- 9 MS CASIEZ: [14:57:40] Thank you, Mr President, your Honour.
- 10 May I ask to stay on my feet, actually?
- 11 PRESIDING JUDGE SCHMITT: [14:57:46] Of course, it's a free choice. It's -- you
- 12 don't have to sit down, so to speak.
- 13 MS CASIEZ: [14:57:51] Thank you.
- 14 PRESIDING JUDGE SCHMITT: [14:57:51] If you feel more comfortable like that, it's
- 15 fine.
- 16 MS CASIEZ: [14:57:54] Thanks.
- 17 QUESTIONED BY MS CASIEZ: (Interpretation)
- 18 Q. [14:58:02] Good afternoon, Mr Witness. My name is Lena Casiez. I work in
- 19 the Defence team of Mr Rambo Yekatom. I'm going to ask you some questions this
- 20 afternoon.
- 21 Before starting, I would like to tell you that I've carefully listened to what you said
- 22 since this morning and, given your emotion, I am so sorry about what happened to
- 23 a member of your community.
- 24 Like the Prosecution, I would like to clarify some passages of your statement.
- 25 In your statement you talked a lot about Seleka and the imams. Those two subjects

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1 will be the subjects I will concentrate on this afternoon. I think we can remain in
2 open session, but please answer so, if necessary, and you would like to go into private
3 session because of the answer you want to give, then don't hesitate to inform me.

4 Can you follow me so far?

5 A. [14:59:20] Yes, I follow you clearly.

6 Q. [14:59:28] In paragraph 19 in your statement -- and for the minutes, in English,
7 it's number 10 of the Prosecution, *CAR-OTP-2104-0116. And tab 20 in the French
8 version, CAR-OTP-2118-1122.

9 PRESIDING JUDGE SCHMITT: [15:00:14] May I shortly, just it's -- it's fine that you,
10 when you revert to it for the first time that you say the ERN number, but I think
11 from -- because it costs a lot of time, from then on you can say paragraph. I think
12 they are identical in the French and English versions, so we can simply from -- from
13 there on refer to the paragraphs. So this spares a little bit of time and it's also easier
14 for the interpreters with all these numbers.

15 Please continue.

16 MS CASIEZ: [15:00:44] Okay. That's perfect. Thank you, Mr President.

17 Just a small correction, I said 0115, but that was 0116. But I won't say this number
18 again.

19 PRESIDING JUDGE SCHMITT: [15:00:58] Indeed, it's 116, yes.

20 MS CASIEZ: [15:01:07] (Interpretation)

21 Q. [15:01:08] Mr Witness, in paragraph 19 of your statement, and I quote: "Before
22 arriving in Bangui, the Seleka completely destroyed the prefectures and the villages in
23 the back country. The Seleka pillaged all the administrative areas."

24 As far as you know, were all the archives destroyed?

25 A. [15:01:36] Yes, indeed. When the Seleka were there, the archives were pillaged

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1 and destroyed. I can confirm that.

2 Q. [15:01:55] Thank you.

3 As far as you know, the administrators of the state, were they replaced by Seleka?

4 A. [15:02:10] Yes. But, as you know, when there's a rebellion, when they arrive in
5 a region, they replace all the officials in that particular area. That's the sad reality of
6 it.

7 Q. [15:02:45] What you say, does that also apply to the police, gendarmerie, all
8 the forces of order, so there again, the Seleka assumed that role?

9 A. [15:03:01] Yes, indeed. That role was taken by them, and others. When
10 the Seleka arrived, they took from the -- those who were governing. And when
11 the Anti-Balaka chased out the Seleka, they to, they replaced the Seleka to be able to
12 govern.

13 Q. [15:03:33] Thank you. In *184, paragraph *184, you talk about a self-defence
14 group that was armed in PK5. I have the impression that you're making
15 a distinction between self-defence group and Seleka. The self-defence group which
16 you're talking about there, are they civilian Muslims who armed themselves and took
17 part in the combat?

18 A. [15:04:08] Yes, the self-defence group of PK5 were civilians who took up
19 weapons in order to defend themselves. Not only for their defence, but also to
20 defend PK5.

21 Q. [15:04:43] Were there also Seleka in PK5?

22 A. [15:04:46] At PK5, the Seleka, no, no. I don't think so.

23 PRESIDING JUDGE SCHMITT: [15:05:00] Perhaps shortly. I think in the English
24 transcript it's paragraph 180, but I think you meant 184. Not only you meant it, you
25 said it. But just for the record, it's 184.

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1 MS CASIEZ: [15:05:23] (Interpretation)

2 Q. [15:05:25] The self-defence group in PK5 you talked about, did they help
3 the Seleka?

4 A. [15:05:36] No, no, no, that -- there was total confusion between them and
5 the Seleka.

6 MS DIMITRI: [15:05:53] Just a correction, Mr President. In French the witness said
7 *bon*, "*Bon, c'était une confusion.*" It was interpreted by "No, no, no".

8 PRESIDING JUDGE SCHMITT: [15:06:04] Yeah, well, that is a different or
9 not -- difference or not to say, but indeed he did not say no, he said *bon*. Okay.
10 You could ask him what he exactly means by that, by confusion, perhaps. That
11 would -- might be helpful, because -- yeah, it's not self-explanatory, the expression
12 "confusion," I would say.

13 MS CASIEZ: [15:06:34] (Interpretation)

14 Q. [15:06:35] Mr Witness, I suppose you heard the President. Could you explain
15 further what you mean by "confusion". The self-defence group were taken for
16 Selekas and vice versa, so no one knew who were these armed groups?

17 A. [15:06:59] Yes, I said total confusion. This means, in PK5, there were
18 the self-defence groups. We talked about the self-defence groups, but you also
19 talked about the circulation of Seleka, but the quasi-totality were self-defence.

20 Q. [15:07:32] Thank you for that clarification.

21 I'm now going to talk about Bangui, broadly speaking. As far as you know, before
22 taking power in 2013 by the Seleka, were there already Seleka who had infiltrated
23 Bangui?

24 A. [15:07:52] The Seleka infiltrated in Bangui, I have no knowledge of that.

25 Q. [15:08:14] Another question on that subject. When the Seleka started attack

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1 the population in Bangui and committed killings, as far as you know, did they warn
2 the Muslims so that they could hide in PK5?

3 A. [15:08:36] When they arrived, the Muslims weren't warned. When they arrived,
4 those who thought that it was their relatives who arrived in Bangui joined them.
5 They weren't warned. When they arrived, we learnt that the Seleka were organising
6 themselves to enter Bangui and the leaders regrouped almost all the imams, because
7 most of them or almost all of them were from Chad, so that they could make
8 a statement as regards the Seleka. Because already then they feared that something
9 would happen to Bangui, that there would be damages. So they made this statement
10 to condemn the advance of the Seleka. And afterwards they entered into Bangui.

11 Q. [15:10:12] Thank you. I'll be coming back to this statement a little bit later.
12 My question is not before the period the Selekas arrived, but once they arrived and
13 were present in Bangui, when they carried out an attack, was the Muslim population
14 warned and could they flee before the attack to PK5?

15 * A. [15:10:51] No. When they wanted to carry out an attack they were not warned.
16 *Even the Muslims were targeted as well. The major tradesmen were also targeted
17 by the Seleka. So, they were not warned.

18 MS DIMITRI: [15:11:22] Mr President, if I may, because it changes the sense
19 and -- in -- in French --

20 PRESIDING JUDGE SCHMITT: [15:11:28] May I. We appreciate it if you address it
21 immediately.

22 MS DIMITRI: [15:11:32] Yes.

23 PRESIDING JUDGE SCHMITT: [15:11:32] I said that. So I know you and
24 everybody else who would stand up there and interrupt does not feel comfortable,
25 but I think it's really the best if we address such issues immediately.

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1 MS DIMITRI: [15:11:45] It's indeed, very difficult, Mr President, because I feel
2 extremely uncomfortable especially when it's the opposing party, but I will try and
3 stand up every time and address it.

4 PRESIDING JUDGE SCHMITT: [15:11:58] No, and I encourage it. And I said this I
5 think, I don't know now, two or three weeks ago. So it's the best way to deal with it
6 because otherwise it costs even more time and the record is not clear for a longer
7 period.

8 So, please, Ms Dimitri.

9 MS DIMITRI: [15:12:16] Thank you. So in French at page 81, line 24, when
10 the witness was talking about the statement of the imam he said "*Mais dommage, c'est*
11 *lui seul qui avait fait cette déclaration pour condamner l'avancée des Séléka.*"

12 (Speaks English) And it was translated by "so they made this statement," so all
13 the imams, which is not (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [15:12:46] That changes the sense, indeed, yeah,
15 you are right.

16 Ms Casiez will not mind that you have interrupted her, I assume. So please
17 continue.

18 MS CASIEZ: [15:13:01] Thank you, Mr President.

19 Q. [15:13:04](Interpretation) In paragraph 98 you talk about the second imam of the
20 Central Mosque, and you say, and I quote, that "he was the leader who was amongst
21 those for disarming."

22 What were the actions that led to these young people armed?

23 A. [15:13:34] As regards these actions, I don't know, because I was referring to
24 the actions he undertook when he asked to the young Muslims to defend themselves
25 during -- there was a press conference and it's from there that the president, who was

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1 travelling in Paris, was immediately contacted after this statement to say that he was
2 presently -- that he wasn't present in Bangui but he was abroad in Europe. And
3 the journalist gave the entirety of the statement of the imam to our leader, and that is
4 how he was able to call the bureau to find out if he could make the declaration and
5 say that the Muslim community did not recognise itself in that statement which
6 the deputy imam had made. And that is what happened. Because it was very
7 dangerous if all the Muslims rose to say that this was a war that was done between
8 the Muslims and the Christians.

9 So -- so the *pays* would have been completely burned down, and that's why
10 the statement was made. And this was only the statement which the deputy imam
11 made on his behalf, but not on behalf of the entire Muslim community of the Central
12 African Republic, because it was not -- not an inter-religious conflict.

13 PRESIDING JUDGE SCHMITT: [15:15:56] I know, but, please, Ms Dimitri.

14 MS DIMITRI: [15:16:00] Yes, it's page 83, line 9. In French, it was "*il était le leader*
15 *des jeunes qui avaient des armes.*" And in English it was interpreted by "the leader who
16 was among those for disarming."

17 PRESIDING JUDGE SCHMITT: [15:16:18] Yeah. And when in the English
18 transcripts we have "(inaudible) would have been completely burned down," it's -- it
19 has been said "*le pays*". I think "the country", or whatsoever, was meant, I would say.
20 That would be my interpretation.

21 MS CASIEZ: [15:16:41] (Interpretation)

22 Q. [15:16:42] Thank you for your answer.

23 I'm now going to show you an article from Radio Ndeke Luka of 25 January 2014. I
24 think it will refer to what you have just mentioned. It is at tab 8 of Defence binder,
25 CAR-OTP-2068-0158.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0475

1 Please kindly display the bottom of the first page and the first part of the second page.

2 That would be ideal.

3 I will wait for the document to be displayed, and then I have a question for you,

4 Mr Witness.

5 Now, here we have the top of the second page. Thank you.

6 I believe that you have read:

7 "The imams of the Central Mosque in Bangui decided no longer to call their faithful to

8 exercise restraint. In a press committee yesterday, they said that they left it to

9 the faithful to determine for themselves what reactions they thought were

10 appropriate in the face of provocation.

11 The call by Bassirou Mobido, the deputy imam of the Central Mosque, is not shared

12 by the Islamic community."

13 Am I to understand that this call was not shared by the Islamic community of

14 the Central Africa because it was not a call for peace; is that correct?

15 A. [15:19:17] Yes, that is correct.

16 PRESIDING JUDGE SCHMITT: [15:19:21] Mr Vanderpuye is standing and has an

17 objection.

18 MR VANDERPUYE: [15:19:27] No, I don't have an objection. But I noticed that we

19 are in open session and I'm a little concerned about the direction of the question.

20 PRESIDING JUDGE SCHMITT: [15:19:34] Yes, okay.

21 But, Ms Casiez, what do you think? You know your next questions better than we

22 do.

23 MS CASIEZ: [15:19:47] Normally it's fine. I try to formulate the question in a way

24 that we can stay in public session, but ...

25 PRESIDING JUDGE SCHMITT: [15:19:52] I think -- I think until now I think we can.

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(Open Session)

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WITNESS: CAR-OTP-P-0475

1 But, Mr Vanderpuye, you still, if one of the next questions -- and I think we will not

2 have so many, like you indicated before the break, then please stand up and tell us.

3 And if there are to make any redactions or redaction requests, we do them, of course,
4 on the spot.

5 Ms Casiez, please continue.

6 MS CASIEZ: [15:20:25] Thank you, Mr President.

7 Q. [15:20:27](Interpretation) Mr Witness, if any of my questions were to be of any
8 discomfort to you in terms of answering in public, please point it out to me without
9 hesitation.

10 Going from this article, what is the issue here when it says that they were no longer
11 called to exercise restraint and asked them to make any decisions that they deemed
12 appropriate in the face of aggression?

13 A. [15:21:06] Maybe when he calls on these youth to defend themselves, maybe
14 there is an understanding that they have weapons. You see, you cannot defend
15 yourself without -- with your empty hands. So I don't understand.

16 Q. [15:21:36] I will show you a document in a few seconds. Maybe I jumped in
17 too quickly.

18 It is at tab 12, CAR-OTP-2003-1654 at page 1756. And the document should not be
19 displayed to the public, please. Thank you.

20 I'm waiting for the document to be displayed for you and then I'll have a question for
21 you.

22 Please, could you come down a little bit, and we start from there. Thank you.

23 Perfect.

24 Mr Witness, this is a special intelligence bulletin of 6 October 2014. The issue here is
25 in relation to the armed militia Texas at PK5. Have you ever heard of that militia?

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(Open Session)

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WITNESS: CAR-OTP-P-0475

1 A. [15:23:19] Texas?

2 Q. [15:23:24] Yes.

3 A. [15:23:30] Well, at PK5, each group which had a force had a nickname, and there
4 were many of them in -- in the 3rd arrondissement, PK5. These self-defence groups
5 that had been created in the PK5 area. Texas, yes, I heard mention of that, yes.

6 Q. [15:24:06] Can we scroll down a little further to the last paragraph.

7 On this document, if you are able to read it, it mentions the founders of the militia.

8 The names that you see here -- can you confirm that you see them.

9 A. [15:24:27] Yes, I see them.

10 Q. [15:24:29] Do those names correspond to the persons you know or have heard
11 about? The names.

12 A. [15:24:40] Yes, I know all of them. I know all of them.

13 Q. [15:24:55] Thank you.

14 (Speaks English) May I have just one minute to consult my --

15 PRESIDING JUDGE SCHMITT: [15:24:58] Of course.

16 MS CASIEZ: [15:25:01] Thank you, Mr President.

17 (Counsel confer)

18 MS CASIEZ: [15:25:17] Thank you, Mr President.

19 May we go in private session just for a moment, please.

20 PRESIDING JUDGE SCHMITT: [15:25:24] Yes. Private session.

21 (Private session at 3.25 p.m.)

22 THE COURT OFFICER: [15:25:38] We are in private session, Mr President.

23 MS CASIEZ: [15:25:43] (Interpretation) Thank you.

24 Q. [15:25:47] And thank you, Mr Witness.

25 Just for the record, (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Speaks English) And we can go back in public session, Mr President.

6 PRESIDING JUDGE SCHMITT: [15:26:56] Yes. Public session.

7 (Open session at 3.27 p.m.)

8 THE COURT OFFICER: [15:27:06] We are in open session, Mr President.

9 MS CASIEZ: [15:27:18] (Interpretation)

10 Q. [15:27:19] Now I will show you another document, which is also confidential
11 and which cannot be displayed to the public. It is at tab 13, CAR-OTP-2087-9033 at
12 page 9058.

13 I await for the document to be displayed. And once you see it, I will put a question
14 to you.

15 Mr Witness, can you see the document?

16 A. [15:28:21] Yes, I can see it, but I cannot read it.

17 Q. [15:28:32] Is that better now?

18 A. [15:28:34] Yes, yes.

19 Q. [15:28:42] This document represents a network of Muslims at PK5.

20 If we could drop to the bottom, or further down, at the bottom of the red column you
21 see that -- at the very bottom, you see that group Texas controlled eight -- 28, rather,
22 armed groups. Is that something you heard of?

23 A. [15:29:17] Yes, yes. Yes, yes. You see, what I see here is the association

24 COMUC. COMUC indeed, effectively, is an association which has an armed branch.

25 So what is there is reality and it is true. It is true. It is very true.

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WITNESS: CAR-OTP-P-0475

(Open Session)

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1 Q. [15:30:02] Thank you.

2 PRESIDING JUDGE SCHMITT: [15:30:04] I think you were a little bit too quick,
3 because it's always an indication when we don't hear you. So please start again with
4 your last question.

5 MS CASIEZ: [15:30:21] (Interpretation)

6 Q. [15:30:23] Now, at paragraph 35, and I'm going to change topics slightly. At
7 paragraph 35 - we talked about this at the beginning of our discussion - you say that
8 the president of the Islamic community asked all the imams of the Central African
9 Republic to make statements by which they would denounce Seleka. And then all
10 the imams refused and chose the camp of Seleka.

11 Can you explain what you meant by that.

12 A. [15:31:06] As I was saying earlier, effectively that is what the president asked for,
13 but the imams, almost all of them being of Chadian origin, they felt that, with
14 the arrival of the Seleka, which to their minds was mostly made up of Chadians, that
15 this would be a good thing or some kind of relief for them, because they could not
16 then denounce their very own in relation to this event. So that is it.

17 You see, as Central Africans, if they had been Central Africans, they could have
18 reacted as the leaders of the economic -- of the Muslim community had done. But
19 since they were not Central Africans, they could not go down that road. That is it.

20 Q. [15:32:16] Thank you. It's much clearer that way for me now.

21 I would like now to briefly touch on annex B of your statement, tab 12 of the
22 Prosecution binder, CAR-OTP-2104-0151.

23 Would it be possible to display that document only for the witness, please.

24 If I have understood properly, this is (Redacted)

25 (Redacted)

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(Private Session)

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WITNESS: CAR-OTP-P-0475

1 A. [15:33:29] Mm-hmm.

2 Q. [15:33:31] Would these be the people to whom (Redacted) spoke, (Redacted) spoke
3 asking them to support peace but which they didn't do?

4 A. [15:33:50] No, I see in this list some Central African imams, but because in those
5 communities imams of Central -- I'm sorry ...

6 MS CASIEZ: I think --

7 PRESIDING JUDGE SCHMITT: [15:34:04] (Overlapping speakers) No, so we have
8 now a problem. So the witness has still answered. You have already spoken and
9 Mr Vanderpuye is standing, so I'm now a little bit torn what we are doing, since
10 the witness -- is it -- do you have -- what -- what problem do you -- perhaps I ask you,
11 first, Mr Vanderpuye.

12 MR VANDERPUYE: [15:34:25] Thank you, Mr President. I appreciate that.

13 The problem is the same as before. I think (Redacted)

14 (Redacted)

15 (Redacted) which I think is potentially problematic.

16 PRESIDING JUDGE SCHMITT: [15:34:45] So let's go to private session, then.

17 MR VANDERPUYE: [15:34:48] Yes, Mr President.

18 (Private session at 3.34 p.m.)

19 THE COURT OFFICER: [15:35:01] We are in private session, Mr President.

20 PRESIDING JUDGE SCHMITT: [15:35:04] Thank you very much.

21 Mr Witness, apologies for this interruption. The last that we have here on record
22 from your answer is -- let me have a look: (Interpretation) "I see Central African
23 imams, because in that community imams of Central African origin do not ..."

24 (Overlapping speakers) (Speaks English) Unfortunately here it stops. Could you
25 provide us with the rest of your answer.

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(Private Session)

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1 Or simply start anew, if this is more comfortable for you.

2 THE WITNESS: [15:35:53](Interpretation) Okay, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [15:39:27] Thank you, Mr Witness. I have a few more questions for you for
6 today.

7 And I think some of them might be asked in public.

8 PRESIDING JUDGE SCHMITT: [15:39:37] And I assume when you -- when you tell
9 me that, that the next following questions can be asked in public so -- and answered
10 in public.

11 Public session, then.

12 (Open session at 3.39 p.m.)

13 THE COURT OFFICER: [15:39:57] We are in open session, Mr President.

14 MS CASIEZ: [15:40:07] Thank you.

15 Q. [15:40:13](Interpretation) Mr Witness, at paragraph 37 of your statement you say
16 the following: "When the Seleka entered Bangui - all the imams became generals,
17 captains." So did they obtain those ranks within the Seleka?

18 A. [15:40:36] Mm-hmm, Mm-hmm. Well, yes, indeed. Well, when they came in,
19 maybe not all the imams, but a few imams and a few preachers took on the ranks of
20 general, colonel, and what have you. And we were quite surprised by it now and
21 people were saying, "Oh, so we're living with lions in our midst." Is that it?

22 Q. [15:41:16] Were there any imams, other than Modibo, who were *chef de groupe*?

23 A. [15:41:27] Well, what I know is that following the statement he made at the
24 *Mosquée Centrale*, we became aware that he was the *chef de groupe* of a self-defence
25 group in the 3rd arrondissement, yeah.

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1 Q. [15:41:59] Apart from him and as far as you know, were there any other imams
2 that were *chef de groupe* of self-defence groups?

3 A. [15:42:11] No, apart from him, I am not aware of any imam who was a *chef de*
4 *groupe* of a self-defence group. Maybe a few Muslim preachers or preachers who
5 transformed or morphed into self-defence.

6 Q. [15:42:42] That links me nicely to my next questions, which still arise from
7 paragraph 37. And you say, and I quote you: "All the Chadians who were born here
8 took up arms."

9 Now, here are you referring -- well, you talk here about the imams and the Muslim
10 population alike. Is that the case?

11 A. [15:43:01] Yes, I am alluding as well to those who were Central Africans who
12 were born here and who are of Chadian origin. Those are the ones I'm referring to.
13 And as I was saying, they really surprised us. We were astonished. We had been
14 living together. But when some of theirs arrived, they simply joined them.

15 Q. [15:43:37] At paragraph 111 of your statement you say that, although some
16 Muslims joined Seleka, with what we have just said now, in terms of numbers how
17 many people would that be? Tens, hundreds, thousands?

18 A. [15:44:02] Well, I don't have a percentage off the cuff for you.

19 Q. [15:44:13] No problem.

20 A. [15:44:14] What is sure, however, is that if we're referring to the Muslims who
21 joined Seleka, you need to exclude the Central Africans of Central African extraction.
22 You must exclude them. It is only the -- most of the Muslims who were of foreign
23 origin, although born in the Central African Republic, who joined the Seleka. They
24 were born here, but they were of foreign extraction.

25 Q. [15:44:55] I understand. Thank you.

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1 As far as you know, were weapons distributed by Seleka to the civilians who joined
2 them.

3 A. [15:45:10] I don't have information that Seleka distributed weapons. I don't
4 have that information.

5 Well, we did not know how they received their weapons.

6 PRESIDING JUDGE SCHMITT: [15:45:27] May I shortly.

7 When you say "we don't know how they received their weapons", does this implicate
8 that they had weapons, the civilians?

9 THE WITNESS: [15:45:57](Interpretation) Yes. What I'm saying is that they had
10 weapons, but we did not know where the weapons came from before they got to PK5.

11 Although it was an enclave, they received arms or weapons regularly. That is it.

12 PRESIDING JUDGE SCHMITT: [15:46:19] Please continue.

13 MS CASIEZ: [15:46:25](Interpretation)

14 Q. [15:46:24] That was my last question for today. I have a few more for you
15 tomorrow and we will then talk about the reconciliation period. Thank you very
16 much for your patience and see you tomorrow.

17 PRESIDING JUDGE SCHMITT: [15:46:40] Thank you, Ms Casiez.

18 Thank you, Mr Witness, for today. And indeed we all see each other, and we see
19 you especially, tomorrow morning at 9.30.

20 Mr Vanderpuye has a comment to make, or whatever, or request or an objection or
21 whatever.

22 MR VANDERPUYE: [15:46:58] Not a request or an objection, but there's
23 a housekeeping matter, I think, that we'd like to deal with, Defence counsel as well as
24 us, but that we don't need to hold the witness up for that. I don't think it will take
25 that long, but I think it's a matter of some importance.

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- 1 PRESIDING JUDGE SCHMITT: [15:47:16] Okay. Thank you very much.
- 2 So, Mr Witness, you are, so to speak, released for today and, as I said, thank you very
- 3 much for the moment and we see -- see you tomorrow at 9.30. We have other
- 4 matters to discuss here which have nothing to do with you. Thank you.
- 5 (The witness is excused)
- 6 PRESIDING JUDGE SCHMITT: [15:47:33] Mr Vanderpuye, you have the floor.
- 7 MR VANDERPUYE: [15:47:36] Thank you, Mr President.
- 8 Just very briefly. I've been speaking with Defence counsel and we're trying to work
- 9 out exactly how to go about managing the workload with respect to the transcripts
- 10 and some of the interpretation issues that have arisen. I think Ms Dimitri is more
- 11 familiar than I am about the specific requirements to correct the transcript and that
- 12 kind of thing.
- 13 But I think, in general terms, we're trying to come up with a way of managing
- 14 the workload that -- that is not overburdening, to anybody really, but particularly
- 15 the parties during the course of the proceedings. I think it's -- it's really quite a load
- 16 and I'm not sure how to handle -- how to handle it.
- 17 PRESIDING JUDGE SCHMITT: [15:48:33] I appreciate it that you address it. And,
- 18 actually, it -- it is an issue that, of course, affects you, I would even say primarily,
- 19 the parties and participants, but also the Chamber and legal staff of the Chamber, so.
- 20 And it is unfortunate because it is -- it has not -- nothing to do with content. Has
- 21 nothing to do with what we are here for, normally. So it's -- I can assure you that
- 22 the Chamber is not only aware of the problem, but is currently taking further steps
- 23 and, yes, let's wait until next year what -- if the situation can be improved.
- 24 I -- of course, we also see that it's unfortunate. And also we -- we have to -- if you
- 25 look at it, when we have these interruptions, it -- it -- it's not only that it takes time

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1 and that it takes workload for you all, it also interrupts, of course, the flow of the

2 questioning, which is not good for -- for the taking of the evidence, as such.

3 Ms Dimitri, do you want to add, shortly, something?

4 MS DIMITRI: [15:49:46] Just one point, Mr President.

5 I must -- I'm doing my best to follow your directions, but I must say that it's

6 extremely -- it's extremely difficult for me to concentrate on both language, to assist

7 first chair. And I have one team member dedicated full-time to send emails and then

8 verify whether or not if they were caught up in the edited version, and now we're

9 realising that it's -- it's not the case. So it's -- it's becoming quite a resource-intensive

10 task and I -- I'm just -- I had sent an email to the parties and participants, and to

11 the Chamber, with a proposed solution, and we're kind of begging your Honours to

12 perhaps remove that burden and -- and -- and assist us in managing our resources.

13 It's the only point I wanted to make.

14 PRESIDING JUDGE SCHMITT: [15:50:43] What I can add is that the Chamber is also

15 very uncomfortable with the situation, frankly speaking. It takes, as I said, also -- it

16 puts also pressure on us and it puts tension on to the whole proceedings here in the

17 courtroom, which is not nice. Yeah, but as I said, we are currently, even while we

18 are speaking, we are trying to -- to improve things.

19 Yes, let's give these -- these -- let's say, tries another -- another chance. And we are

20 shortly before for the recess, otherwise it would have to be -- not otherwise, it might

21 have to be taken, yeah, to other levels, so to speak, to improve it.

22 So thank you. I think that that shall be enough for the moment.

23 And we conclude the hearing for today and, as I said already, tomorrow, 9.30.

24 THE COURT USHER: [15:51:46] All rise.

25 (The hearing ends in open session at 3.51 p.m.)