

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 18 July 2022
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:53] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:37:17] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:37:21] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:37:38] Thank you.
21 I ask for the appearance of the parties.
22 MR SCALIOTTI: [9:37:40] Good morning, Mr President, your Honours. And good
23 morning everyone in the courtroom. For the Prosecution today, are present,
24 Mr Kweku Vanderpuye, Yassin Mostfa; at my side, Sylvie Wakchom and myself,
25 Massimo Scaliotti. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:38:01] Thank you.
- 2 We turn to the representatives of the victims.
- 3 MS RABESANDRATANA: [9:38:04](Interpretation) Mr President, your Honours,
- 4 good morning. Good morning, everyone. For the representatives of the victims
- 5 today, Ms Mouhia Asso and myself, Elisabeth Rabesandratana.
- 6 PRESIDING JUDGE SCHMITT: [9:38:22] We turn then to the Defence. I assume
- 7 Ms Guissé first.
- 8 MS GUISSÉ: [9:38:29](Interpretation) Good morning, your Honours. Good
- 9 morning, Mr President. Mr Yekatom is present today. There is Mr –
- 10 Ms Alexandra Baer, Gyo Suzuki and myself, Anta Guissé.
- 11 PRESIDING JUDGE SCHMITT: [9:38:46] Thank you.
- 12 And Mr Knoops.
- 13 MR KNOOPS: [9:38:52] Good morning, Mr President. Good morning, your
- 14 Honours. Good morning, everyone in the courtroom. The Defence team of
- 15 Mr Ngaïssona appears today before the Chamber with Ms Marie-Hélène Proulx,
- 16 Mr Michael Rowse, Mr Alexandre Desevedavy and Ms Despoina Eleftheriou.
- 17 And the defendant is present in the courtroom, Mr President.
- 18 PRESIDING JUDGE SCHMITT: [9:39:14] Thank you.
- 19 And I see that Mr Suprun is following remotely for the representatives of the victims
- 20 with regard to the child soldiers, just for the record.
- 21 And of course, most importantly, as I'm saying often, Mr Witness, good morning.
- 22 Can you hear and understand me well?
- 23 WITNESS: CAR-OTP-P-2556
- 24 (The witness speaks Sango)
- 25 (The witness gives evidence via video link)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 THE WITNESS: [9:39:40] (Speaks English) Yes.

2 PRESIDING JUDGE SCHMITT: [9:39:40] On behalf of the Chamber, I would like

3 to --

4 THE WITNESS: [9:39:52](Interpretation) I can hear you loud and clear.

5 PRESIDING JUDGE SCHMITT: [9:39:56] On behalf of the Chamber, Mr Witness, I

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

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

8 Mr Witness, protective measures have been put in place to ensure that your identity is

9 not revealed to the public. I think this has been explained to you. It means face

10 distortion, nobody outside the courtroom can see your face. It means voice

11 distortion, nobody can identify you by your voice; and finally, it means that we are

12 using a pseudonym, that means that your name is not revealed to the public and that

13 is the reason why I am addressing you as "Mr Witness".

14 Mr Witness, there should be a card in front of you with a solemn undertaking to tell

15 the truth. Could you please read out loud the content of this card.

16 THE WITNESS: [9:41:25](Interpretation) I solemnly declare that I shall speak the

17 truth, the whole truth and nothing but the truth.

18 PRESIDING JUDGE SCHMITT: [9:41:31] Thank you, Mr Witness. You are now

19 under oath. You have been explained what this means. You have to tell the truth

20 and you have to tell everything what you know.

21 Before we start with your testimony, a few practical matters. I think you are aware

22 that everything we say here is interpreted, and to allow the interpreters to follow

23 what you are saying and also what others are saying in this courtroom, we have to

24 speak at a relatively slow pace. So I ask you to be relatively slow in your answers

25 and please take some time when someone has asked you a question and only when

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 the person has finished, wait a couple of seconds and then speak.

2 Do you understand, Mr Witness?

3 THE WITNESS: [9:42:34](Interpretation) I have understood you very well.

4 PRESIDING JUDGE SCHMITT: [9:42:36] Thank you.

5 We start now with the examination by the Prosecution.

6 Mr Scaliotti has the floor.

7 MR SCALIOTTI: [9:42:45] Thank you very much, Mr President.

8 QUESTIONED BY MR SCALIOTTI:

9 Q. [9:42:51] Good morning, Mr Witness. We met briefly last week, however, let
10 me reintroduce myself again. My name is Massimo Scaliotti, I'm a trial lawyer and I
11 will ask you today some questions on behalf of the Office of the Prosecutor.

12 Before we start, I also have a few recommendations for you. I don't want to repeat
13 what the Presiding Judge has already told you, however, just a few -- a few more.

14 First of all, if you don't -- I'll try to be, of course, as clear as possible during my
15 questions, but in case you don't understand one or you think it's not clear enough,
16 just let me know and I will rephrase the questions.

17 Regarding your examination, we will start first with some basic questions about your
18 identity, and then essentially I will ask you some clarification about portions of the
19 statement that you gave to the investigators of the Office of the Prosecutor.

20 As the Presiding Judge has explained to you, your identity is not public, but just one
21 more thing in this regard.

22 When there are questions that may lead to identify you, the proceedings here allow us
23 to go with -- if the judges so decide, to go into what we call "private sessions", which
24 means that in those moments whatever you say is only heard here in the courtroom,
25 but not outside by the public.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 However, it is important to proceed as much as possible in open session and that's
2 what I anticipate to do to a very good extent during your examination. The only
3 thing from time to time, I will remind you -- before starting questions, I will remind
4 you to be careful to pay attention not to reveal your identity and, in particular, if you
5 think that to answer certain questions you need to give -- to make reference to names
6 or situations, details that may lead to your identification, please let us know so the
7 judges can decide to move into private session. But I will give you these kind of
8 reminders more when the time -- when time comes for -- with regard to certain
9 specific questions.

10 And finally, if you need a break at any point in time just let us know.

11 Mr President, if you can turn to private just for the --

12 PRESIDING JUDGE SCHMITT: [9:45:30] Yeah.

13 MR SCALIOTTI: [9:45:30] -- biographical information.

14 PRESIDING JUDGE SCHMITT: [9:45:33] Yeah, absolutely. We go to private
15 session.

16 * (Private session at 9.45 a.m.) Reclassified partially in public

17 THE COURT OFFICER: [9:45:50] We are in private session, Mr President.

18 PRESIDING JUDGE SCHMITT: [9:45:52] Thank you. I would like to remind
19 everyone - I think you are aware of it - that we have two 2-hour sessions today and
20 that we will have shortly before 11 o'clock, a very short break and then continue until
21 11:30.

22 Mr Scaliotti.

23 MR SCALIOTTI: [9:46:07] Thank you, Mr President.

24 Q. [9:46:09] Mr Witness, I ask you now a few questions about your identity. First
25 of all, can you please state for the record, your full name.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 A. [9:46:34] My name is (Redacted)

2 Q. [9:46:38] And what is your date of birth?

3 A. [9:46:55] I was born on (Redacted)

4 THE INTERPRETER: [9:47:02] Says the witness in French.

5 MR SCALIOTTI: [9:47:05]

6 Q. [9:47:06] What is your nationality?

7 A. [9:47:22] Central African.

8 THE INTERPRETER: [9:47:26] The witness answers once again in French.

9 MR SCALIOTTI:

10 Q. [9:47:32] What is your ethnicity?

11 A. [9:47:46] I am of the (Redacted) ethnic group.

12 Q. [9:47:49] And finally what is your religion, Mr Witness?

13 A. [9:48:08] (Redacted). I'm a Christian.

14 Q. [9:48:16] Mr Witness, now I would like to go through the steps necessary to have

15 your statement introduced into the case record. So the first question in this regard is,

16 is it correct that you were interviewed by the investigators of the Office of the

17 Prosecutor?

18 A. [9:48:48] Yes, it is true that I met with the investigators of the Office of the

19 Prosecutor.

20 Q. [9:48:58] Very well, and you remember that on that occasion you gave a

21 statement, correct?

22 A. [9:49:20] Yes, that is correct.

23 Q. [9:49:21] And recently you had the opportunity to review that statement, am I

24 right?

25 A. [9:49:44] Yes, that is correct.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 Q. [9:49:45] And you made some corrections and additions to your statement,
2 right?

3 A. [9:50:03] That is correct.

4 Q. [9:50:03] Mr Witness, is this correct that your statement, with the correction and
5 additions that you made to it, accurately reflect what you told to the investigators of
6 the Office of the Prosecutor?

7 A. [9:50:37] Yes, that is true, that is my statement.

8 Q. [9:50:44] And is your statement, with the additions and corrections, true to the
9 best of your recollection and knowledge?

10 A. [9:51:11] Yes, it is what I saw, heard and learnt about, that is the account that I
11 gave.

12 Q. [9:51:27] So do you agree that your statement, with the additions and
13 corrections that you made, will be used by the Chamber as evidence in this case?

14 A. [9:51:56] Yes, I agree to that.

15 PRESIDING JUDGE SCHMITT: [9:51:58] Mr Scaliotti, perhaps you give the
16 references, the ERN numbers, and then we state for the record that the conditions are
17 fulfilled and also with the modifications.

18 And I assume we have it in French and English.

19 MR SCALIOTTI: [9:52:17] Yes. So thank you, Mr President.

20 First of all, I think the -- would you like me to give first the reference and then the
21 requirements or the other way around as you prefer?

22 PRESIDING JUDGE SCHMITT: [9:52:28] No, the requirements you have established.
23 I would state them for the record then. You simply give us the references, please.

24 MR SCALIOTTI: [9:52:34] Very well. Thank you, Mr President. Then for the
25 record, the statement in English is tab 11 of the Prosecution binder, and it is

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 CAR-OTP-2112-1300. And the French translation is tab 18 of the Prosecution binder;

2 it's CAR-OTP-2127-0126. For the additional information, the ERN is

3 CAR-OTP-2135-4150. And the ERN of the corrections is CAR-OTP-2135-4121.

4 PRESIDING JUDGE SCHMITT: [9:53:30] So we state for the record that the

5 conditions for Rule 68(3) are fulfilled with regard to the mentioned testimony, the

6 former statement of the witness with the corrections made by the witness.

7 Can we go to open session?

8 MR SCALIOTTI: [9:53:45] Yes, Mr President, please.

9 PRESIDING JUDGE SCHMITT: [9:53:46] Yes, open session.

10 (Open session at 9.54 a.m.)

11 THE COURT OFFICER: [9:54:02] We are in open session, Mr President.

12 MR SCALIOTTI: [9:54:14]

13 Q. [9:54:15] Mr Witness, now we'll start with the examination and, as I said, I will

14 ask you mostly clarifications about the statement that you gave to the investigators of

15 the Office of the Prosecutor.

16 I would like to start with a number of questions about the structure of the Anti-Balaka

17 group in Carnot. And I will make reference to paragraph 41, page 1306 of your

18 statement, in which you mention the ComZone in Carnot, you mention his name,

19 Aimé Blaise.

20 My first question is, so the ComZone was dealing with military matters; is that right?

21 A. [9:55:10] Yes, that is correct.

22 Q. [9:55:15] Was the ComZone also dealing with other type of matters apart from

23 the military matters?

24 A. [9:55:42] Apart from those military activities, is that what you mean?

25 Q. [9:55:51] Yes, my question is, you said that the ComZone was dealing with

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 military matters - and this is clear - but apart from that, was he also dealing with
2 other type of matters in addition to the military matters? This is my question.

3 A. [9:56:22] No, I think he was essentially in charge of military activities. Apart
4 from that, he carried out his own private activities, such as farming and diamond
5 dealing, but his main occupation was military activities.

6 Q. [9:56:54] In addition to the ComZone in the following paragraphs, you also
7 mention another -- other positions of authority, like the secretary generals, the
8 *chef de mission*, regional coordinators. So my question to you is, just to be clear, who
9 was the highest authorities in this group of Anti-Balaka in Carnot?

10 A. [9:57:38] I think that the supreme authority represented the national coordinator;
11 so the highest ranking officer was the national coordinator. But there were
12 coordinators in the various areas who received their orders from the national
13 coordinator and then conveyed the instructions for implementation.

14 Q. [9:58:07] Mr Witness, my question was more limited to the group of Anti-Balaka
15 in Carnot. So what I'm asking you is, who was the highest authority among the
16 Anti-Balaka elements who were in Carnot? And I mentioned the ComZone, the
17 regional coordinator, the *chef de mission*, et cetera. So among those positions, who
18 was the one having the highest authority?

19 A. [9:58:34] It was the ComZone, he was the one who was in command of all the
20 elements and all the teams.

21 Q. [9:59:13] And do you know if the ComZone reported to someone outside Carnot
22 or wherever, in the -- if he reported to someone? I understand he had the -- he was
23 the highest authority in Carnot, but was he reporting to someone else outside Carnot?

24 A. [9:59:49] Yes, he reported to the national coordinator who was in Bangui. The
25 local coordinator reported to the national coordinator located in Bangui.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 Q. [10:00:09] And who do you mean when you say the "national coordinator"?

2 Can you just say for the record.

3 A. [10:00:29] It was Mr Ngaïssona. The national coordinator was he.

4 PRESIDING JUDGE SCHMITT: [10:00:35] Mr Witness, how did you come to know

5 that? Can you please tell us so that we perhaps -- we have this -- Mr Knoops,

6 Ms Proulx, we had this last time, I think it's better when we try to clarify this now.

7 So you said the ComZone of Carnot was reporting to the national coordinator.

8 Where do you get this information from? Please elaborate a little bit on that.

9 And if you think we should go for this answer to private session, we can do that, but I
10 just want to flag it.

11 THE WITNESS: [10:01:27](Interpretation) Yes, I would like us to go into private
12 session so that I can tell you why I'm saying that Mr Ngaïssona was the national
13 coordinator.

14 PRESIDING JUDGE SCHMITT: [10:01:40] We go to private session.

15 * (Private session at 10.01 a.m.) Reclassified partially in public

16 THE COURT OFFICER: [10:01:57] We are in private session, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:02:00] You may answer now, Mr Witness.

18 THE WITNESS: [10:02:18](Interpretation) Thank you very much. At the time when
19 our country was in crisis, as I said in my statement, (Redacted)

20 That angered me and I went to get some fetishes to protect myself and to seek
21 vengeance for what had happened to (Redacted). I got the fetishes and I went. I
22 was with the elements and one day the ComZone was going by --

23 THE INTERPRETER: Correction.

24 THE WITNESS: [10:03:01](Interpretation) -- was -- the ComZone telephoned Bangui,
25 the national coordinators gave him instructions for the elements. And when he was

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 finished doing that, he came back to us and passed on the message to us. That's
2 what I experienced. That's what I experienced and that is what I am telling you
3 about. So let me repeat. The national coordinator gave the instructions to the
4 ComZone, the ComZone passed on the message for implementation. That's how
5 the -- that's what happened at that time.

6 PRESIDING JUDGE SCHMITT: [10:03:44] Mr Witness, do you recall when this
7 happened? Yes, of course you will not recall the day that -- nobody would, but do
8 you have an idea if it was in the first half of 2014 or even, you know, a month or
9 something like that? Could you help us with our orientation in time?

10 THE WITNESS: [10:04:23](Interpretation) If I recall correctly, it was in 2014 because
11 the Seleka left power in 2014. As for the month, I can't remember because things
12 were -- were -- it was not calm at that time. It must have been the third month. I
13 don't remember the exact date, but I do know that it was in 2014.

14 PRESIDING JUDGE SCHMITT: [10:04:51] And Mr Witness, just for the record to
15 make it clear, the ComZone that told you that, what was the name of this person?

16 THE WITNESS: [10:05:10](Interpretation) Aimé Blaise is his name.

17 PRESIDING JUDGE SCHMITT: [10:05:13] And do you recall, if you try to picture
18 yourself back in time and recall -- to try to recall the situation, what exactly did he tell
19 you and the elements after he had finished this phone call?

20 THE WITNESS: [10:05:51](Interpretation) When he communicated, we were at the
21 airport. It was around 1700 hours. He left us there at the landing strip. He
22 was -- it was about -- well, he went -- he withdrew to 500 metres. He was alone, but
23 he -- well, he spoke to the national coordinator and then he came back to us and he
24 told us that the -- well, that we had to go to Berbérati to fight the Seleka who were at
25 Poto-Poto.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 I was there when he passed on the message to us. He had said that he had got a
 2 message from Bangui. And we were being asked to go to Berbérati at 1600 hours,
 3 *and we would go to Poto-Poto neighbourhood, we were to go there by motorcycle to
 4 fight the Seleka, the Gorane. At 1600 hours, the elements were to leave. (Redacted)
 5 And it was the ComZone himself who gave us that information. I was present. I
 6 was there when he gave us that information.

7 PRESIDING JUDGE SCHMITT: [10:07:21] Thank you.

8 Mr Scaliotti, did you want to continue in open session, then we can go back to open
 9 session.

10 MR SCALIOTTI: [10:07:28] I think, Mr President, we can try to --

11 PRESIDING JUDGE SCHMITT: [10:07:30] Yes.

12 MR SCALIOTTI: [10:07:30] And I see that the witness understood that, especially
 13 (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:07:36] No, the witness, again, we have -- I say
 15 this often, but it's true, perhaps the -- the selection by the Prosecution, these are
 16 witnesses who understand what's going on simply in the courtroom, and he also
 17 understood.

18 And I appreciate that, Mr Witness, that when it could become critical, the answer, that
 19 he himself also asks for private session. So that's fine that (Overlapping speakers)

20 MR SCALIOTTI: [10:07:56] Exactly.

21 PRESIDING JUDGE SCHMITT: [10:07:56] We go to open session now.

22 (Open session at 10.08 a.m.)

23 THE COURT OFFICER: [10:08:20] We are back in open session, Mr President.

24 MR SCALIOTTI: [10:08:22]

25 Q. [10:08:22] So, Mr Witness, you said that the ComZone was reporting and

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 receiving orders from Mr Ngaïssona. Just to explore a bit more on this topic, do you
2 know, to your knowledge, were these orders, instructions executed by the ComZone?

3 A. [10:08:56] I'm sorry? I didn't hear your question very well.

4 Q. [10:09:04] Mr Witness, my question was, you said that the ComZone was
5 reporting to Mr Ngaïssona, and so I wanted to know from you, if, to your knowledge,
6 these orders, instructions that were given by Mr Ngaïssona to the ComZone of Carnot,
7 if -- were executed?

8 A. [10:09:44] Yes, he was the national coordinator. When he gave instructions,
9 they would be carried out. The orders would be sent on to the elements for
10 them -- for those orders to be implemented in the field.

11 Q. [10:10:11] And could you give some more examples of the type of orders that
12 were given by Mr Ngaïssona to the ComZone of Carnot?

13 A. [10:10:44] Yes. At one point when there were disturbances and when the
14 Anti-Balaka were conducting operations, one day, one evening, Ngaïssona called the
15 ComZone and asked that the element -- he asked that the ComZone posed some
16 Anti-Balaka elements at the entrances and exit points of the town to keep the Seleka
17 and to keep the Muslims from going into the town. After those instructions, the
18 ComZone deployed elements to the checkpoints at the entrance to the town and at the
19 exit points. One example -- that is one example of what the general coordinator gave
20 to the ComZones.

21 Another example, it would appear that since there were many fake Anti-Balaka
22 ID cards in circulation, the national coordinator called -- called and asked the
23 ComZones -- well ... And told the ComZones that he would issue new Anti-Balaka
24 ID cards and they would be yellow in colour. He asked the ComZones to take
25 photographs for these ID cards and send them to him so that the new Anti-Balaka

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 ID cards could be issued yellow in colour.

2 So that's another example.

3 PRESIDING JUDGE SCHMITT: [10:12:48] So I think we have the same question to
4 put here to the witness, where he got the information from.

5 Mr Witness, when -- I would ask you the same question that I did before we went to
6 private session, I would like to ask you where you get the information -- get the
7 information from that it was Mr Ngaïssona who gave these orders. You named two
8 examples.

9 I think we discuss this again in private session shortly.

10 So we go shortly to private session.

11 THE WITNESS: [10:13:41](Interpretation) Thank you.

12 * (Private session at 10.13 a.m.) Reclassified partially in public

13 THE COURT OFFICER: [10:13:43] We are in private session, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:13:46] Thank you.

15 So, again, Mr Witness, you mentioned two examples. I flagged them, one
16 checkpoint, the other badges. With regard to these two examples, how did you
17 come to know that it was specifically Mr Ngaïssona, like you say, that gave the
18 instruction to the ComZone?

19 THE WITNESS: [10:14:15](Interpretation) Thank you. During those events, I told
20 you that (Redacted).

21 THE INTERPRETER: [10:14:28] Correction: (Redacted).

22 THE WITNESS: [10:14:29](Interpretation) The Seleka killed him. In my statement, I
23 said that when the Seleka began to wreak havoc in the town, we went and we got
24 some fetishes to protect ourselves. So everything that the national coordinator said
25 to the ComZones would be passed on to us.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 The Anti-Balaka met at the airport and I was present. Aimé Blaise was in the habit
2 of calling the national coordinator regularly. I was present. I was there when
3 Ngaïssona was telling the ComZones that some wrongdoers had falsified the
4 Anti-Balaka ID. Ngaïssona asked the ComZones to take new photographs so that
5 new ID cards could be issued, yellow in colour. The goal was to include them in the
6 DDR programme.

7 THE INTERPRETER: [10:16:09] Message from the Sango booth: Could the witness
8 be requested to speak more slowly when he is giving a great deal of detail. Thank
9 you very much.

10 PRESIDING JUDGE SCHMITT: [10:16:18] Thank you.

11 Mr Witness, when you answer, please slow down a little bit so that the interpreters
12 can follow. I've been asked to ask you that kindly. Thank you.

13 You said that Mr Ngaïssona has asked this and has given instruction on that, but
14 you -- he did not give these instructions to you personally, we understand this
15 correctly, yeah?

16 THE WITNESS: That's right.

17 PRESIDING JUDGE SCHMITT: [10:17:01] So when Mr -- the ComZone, Mr Blaise, if
18 I understand correctly, when he had finished such phone calls, what did he tell you
19 exactly about whom he had the conversation with and from whom the
20 conversation -- from who the instructions came from?

21 THE WITNESS: [10:17:37](Interpretation) Yes, during those events, everyone was at
22 the airport. When Bangui called and gave new instructions, they had the elements
23 come together so they could pass on the information.

24 For example, they might say: I received a call from Bangui, I've been asked to do
25 this, to do that, and then the instructions would be passed on to the elements, to the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 mission chiefs. So everyone was together at the airport. No one was at home. We
2 were together when the ComZone would receive the instructions.

3 PRESIDING JUDGE SCHMITT: [10:18:20] I think we have understood that, but
4 you're speaking from -- about telephone calls from Bangui. So this -- Bangui, you
5 know, a lot of people could have been speaking on the phone from Bangui, so my
6 question was, how did you come to know, if at all, whom specifically the ComZone
7 was talking with?

8 THE WITNESS: [10:19:08](Interpretation) Yes, during those events, the national
9 coordinator of the Anti-Balaka was Ngaïssona. He was the head of the central office.
10 Carnot's ComZones reported to him regularly. Each time the ComZone spoke with
11 the national coordinator, they reported to the elements and said that he had just
12 spoken with the high authorities in Bangui. The high authorities in Bangui told us
13 this or asked us to do that and we knew that the high authorities in Bangui was
14 actually Mr Ngaïssona.

15 PRESIDING JUDGE SCHMITT: [10:20:03] Well, I think, yeah, we have an answer
16 here now I think.

17 We go back to open session, I assume.

18 Yeah, Mr Knoops, yeah, please.

19 MR KNOOPS: [10:20:12] Mr President, may I ask the Chamber also to ask the
20 witness about the time frame of the two examples.

21 PRESIDING JUDGE SCHMITT: [10:20:18] Absolutely. Thank you very much for
22 reminding me.

23 So Mr Witness, you have heard it, counsel reminds me rightfully, I asked you the last
24 time also if you can orientate these two instructions in time again. So we are
25 speaking now about the - let's say - catchword "checkpoint" and catchword "badges".

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 So again, the same question, can you try to give us an idea when this happened.

2 THE WITNESS: [10:21:16](Interpretation) As I've been telling you, I'm not very good

3 when it comes to dates or days, however, I can tell you that those things happened in

4 2014, when the Anti-Balaka were active. I didn't remember the exact date or month,

5 but I can confirm that the things occurred in 2014 when the Anti-Balaka were active.

6 And during that time, the national coordinator and the ComZones communicated

7 with each other regularly. The national coordinator had even asked the ComZone to

8 come to Bangui to take away the ID cards and that was for --

9 To take away the yellow coloured badges, and he talked to the ComZone about the

10 DDR programme.

11 PRESIDING JUDGE SCHMITT: [10:22:26] Thank you, Mr Witness. As I said

12 already, it's absolutely understandable that nobody would really recall exact dates

13 after such a long time; that is normal, I would say, even.

14 When you say 2014, could you narrow it, perhaps a little bit down. If you can't,

15 please tell us, but was it perhaps in the first half of 2014, if you recall or the second

16 half?

17 THE WITNESS: [10:23:11](Interpretation) I think that it could have been around the

18 third month of 2014 until the end of the year of 2014.

19 PRESIDING JUDGE SCHMITT: [10:23:31] Until the end -- I see it here in French,

20 "*Jusqu'à la fin de l'année.*"

21 We go back to open session, I think.

22 (Open session at 10.23 a.m.)

23 THE COURT OFFICER: [10:23:57] We are in open session, Mr President.

24 MR SCALIOTTI: [10:24:01]

25 Q. [10:24:02] Mr Witness, you said that the ComZone in Carnot was reporting to

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 the National Coordination -- to the national coordinator, sorry.

2 Can you give us some example of events about which the ComZone was reporting to
3 the national coordinator.

4 A. [10:24:38] Yes, I can give you some examples.

5 PRESIDING JUDGE SCHMITT: [10:24:46] Please go ahead.

6 THE WITNESS: [10:24:59](Interpretation) Thank you.

7 At one particular point in time, the soldiers from the Cameroonian contingent of
8 MINUSCA had come to Carnot during those events. Seeing that there were many
9 Anti-Balaka in the town, these Cameroonian soldiers started to shoot people in the
10 legs, namely, these young Anti-Balaka. The ComZone called Bangui to inform the
11 national coordinator that Cameroonian soldiers were shooting at young people,
12 young Anti-Balaka elements. In response, the national coordinator asked Aimé to
13 tell the Anti-Balaka elements to with -- to retaliate, to shoot at the Cameroonian
14 soldiers. So gunfire was exchanged for two or three days between the -- the
15 members of the Cameroonian contingent and the Anti-Balaka in the town of Carnot.
16 It was subsequent to the instructions that the national coordinator gave to the
17 ComZone, to Aimé.

18 PRESIDING JUDGE SCHMITT: [10:26:40] Mr Scaliotti, he mentions now a young
19 Anti-Balaka. I don't know if you would want to address the question during
20 examination, but this would perhaps be a good point.

21 Can I do it, also, if you ...

22 MR SCALIOTTI: [10:26:55] As you wish, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:26:57] So, Mr Witness, you mentioned now a
24 young Anti-Balaka. What do you mean by that? What -- let me put it this way:
25 What kind of age do you mean when you speak of young Anti-Balaka?

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [10:27:27](Interpretation) I was referring to older people. Let's say
2 18 to 40 years old.

3 PRESIDING JUDGE SCHMITT: [10:27:36] According to your observations, where in
4 the group in Carnot that you can speak about, were there Anti-Balaka members of a
5 very young age, let's say younger than 15 years, according to your observation?

6 THE WITNESS: [10:28:10] No, I didn't see Anti-Balaka elements aged 14 or 15. I
7 didn't see that. I only saw Anti-Balaka age 18 or over.

8 PRESIDING JUDGE SCHMITT: [10:28:24] Okay. So I think we have -- let me put it
9 this way, we have addressed this issue. Please continue, Mr Scaliotti.

10 MR SCALIOTTI: [10:28:32] Thank you, Mr President.

11 Q. Mr Witness, I would like to remain just a bit more on the topic of the ComZone,
12 and I would like to ask you with reference to paragraph 47, page 1306. You said that
13 after joining the Anti-Balaka -- and I'm quoting what you said: Upon return from
14 Benzambe, we selected Aimé Blaise and Aimé Emeric as our two ComZones.
15 I would like to understand from you, what do you mean when you say "we", "we
16 selected"?

17 A. [10:29:30] During those events, the Seleka were committing acts of violence and
18 abuse in the town, and so some people from the Central African Republic went and
19 got fetishes to protect themselves. Others got fetishes for fighting and for defending
20 the country. So there were two groups. Some people went and got fetishes to
21 protect themselves against the violence and the abuse of the Seleka. Others got
22 fetishes so as to become stronger and go out and fight.

23 Many of us -- there were many of us. We were based at the airport. We asked the
24 people there, which people wanted to get involved in military activities to defend the
25 country. Those people reported, and others just -- they just wanted to be protected.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 (Redacted).

2 Q. [10:31:18] Can you be a bit more specific about who selected these two
3 ComZones?

4 A. [10:31:45] It was the Anti-Balaka themselves. The Anti-Balaka combatants,
5 they were the ones who those these people. That is, the compatriots who had
6 committed themselves to fight during that crisis. They were the ones who chose
7 these two people, these two ComZones. And the list was sent to the coordinator
8 general or national who was in Bangui, Mr Ngaïssona.

9 THE INTERPRETER: From the Sango booth: Their names were sent to the national
10 coordinator.

11 MR SCALIOTTI: [10:32:37]

12 Q. [10:32:37] As I understand it, that point in time when these appointments,
13 selection of the ComZone was made, you were in Carnot. And was there any big
14 input, any recommendation, any advice that was given to the Anti-Balaka gathered
15 there as to the appointment of the ComZone? When I'm saying input,
16 recommendation, coming from outside Carnot.

17 So the question is, to be clear: Was there any recommendation or advice or input
18 given to the Anti-Balaka gathered in Carnot coming from outside Carnot?

19 A. [10:33:41] As you have just said, when the fetishes appeared, it was in Benzambe.
20 The people from Carnot, who were the first to go there, were the two ComZones.
21 And when they took the fetishes from there, they made contact with the elderly lady
22 who was selling those fetishes, and she was a member of the family of the national
23 coordinator. So they took that contact before returning to Carnot.
24 Once they arrived Carnot, they told anyone who wanted to vaccinate themselves
25 from -- with those fetishes should be able to go there and be vaccinated. So we went

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 there, we bought the fetishes, we were vaccinated and we returned to Carnot,
2 specifically at the airport. We were asked to stay there. They were in contact with
3 the national bureau, and we were immediately asked to set up a local bureau. It was
4 at that time that we started selecting the different members of the bureau.

5 (Redacted).

6 (Redacted)

7 (Redacted). That is what happened at that time.

8 Q. [10:35:53] Mr Witness, at the same paragraph 47, so it's still page 1306, you
9 mentioned that, at that point in time, you were 49 persons, 49 Anti-Balaka at the
10 airstrip of Carnot. Were these 49 people at that time the entire group of Carnot?

11 A. [10:36:33] The 49 persons were the people who had gone to Benzambe to take
12 the fetishes. And when these people returned, they settled at the airport.

13 I would like to say that it was the chief himself who took the first team to Benzambe.

14 Upon their return, they said that everybody should remain there pending instructions
15 from Bangui.

16 So I repeat, the 49 persons were the first who went to Benzambe to take the fetishes
17 and to come back and set up position at the airport.

18 Q. [10:37:37] I would like to jump just one second to subsequent paragraph 106,
19 because it's still -- page 1314, for the record -- because it deals with the same topic.

20 And in that paragraph, Mr Witness, you said that, at some point there were about
21 2,000 elements, 2,000 Anti-Balaka in Carnot. Can you just say briefly how the
22 number grow up so much during -- over time.

23 A. [10:38:23] Yes. The 40 people were the first elements at the very beginning.

24 When the Seleka were wreaking havoc and there was a reaction, 49 people went to
25 Bossangoa. They were going in groups of three. And when we returned, Aimé,

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 who had received fetishes from the hands of the elderly lady, started vaccinating
2 other people that he was recruited.

3 Amongst the people coming, there were some who simply came to take fetishes to
4 protect themselves, while others were taking the fetishes to fight against the enemy.
5 That is how the numbers swelled. And as we advanced in our operations, people
6 continued joining, and that is what inflated the numbers.

7 Q. [10:39:35] Thank you for your answer. We can now go back to the progressive
8 numbering of the paragraph in your statement, and specifically paragraph 50,
9 page 1307. And you made mention of -- you referred to some Anti-Balaka who were
10 stealing and creating troubles.

11 So my question is: Were these Anti-Balaka stealing and creating troubles based in
12 Carnot and under the authority of the ComZones in Carnot?

13 A. [10:40:38] Yes, all the Anti-Balaka who were committing those crimes were in
14 Carnot town. In fact, some of them were what were referred to as mission chiefs.

15 Q. [10:40:56] Can you explain what kind of crimes they were committing.

16 A. [10:41:20] They were pillaging houses, they removed roofs, the roofs of those
17 houses, and also they used to break down the doors of other people's houses and took
18 away the property of Muslims who had sought refuge in the Catholic church or
19 elsewhere. Thirdly, those who had scores to settle against people who, for example,
20 had slept with their wives, in that case, they used the opportunity to settle those
21 scores. They even killed some of their victims.

22 Sometimes they would steal motorbikes, and they would even go to the diamond
23 mines and seize, forcefully seize the diamonds belonging to private individuals.
24 These are some of the crimes they were committing.

25 Q. [10:42:41] We will come back later on during the examination on these acts and

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 crimes committed by the Anti-Balaka, but for the time being, I would like to ask you
2 this.

3 Do you know if the ComZone reported this type of conduct of misbehaviour of crimes
4 by the Anti-Balaka to the national coordinator?

5 A. [10:43:26] Yes.

6 I cannot remember all the details or the substance of all their conversations, but what
7 you know is they reported on their activities on the ground to the national
8 coordinator, and then they'll come -- they will come back to the elements to tell them
9 what to do next. *So I am not God as to know everything that they talked about, but
10 what I know is that they called each other regularly.

11 Q. [10:44:09] And in these conversations, they were also addressing these type of
12 behaviours of the troops, let's say?

13 A. [10:44:34] Yes. They reported on certain of the things being -- happening open
14 the ground. I'm saying some of the things, not all.

15 And I repeat, I cannot know the contents of all their conversations. It is true that if I
16 were nearby, I would be able to listen to what they were telling each other, but not
17 every day. But I know that they reported on operations and on the activities.

18 Sometimes the national coordinator invited them to go to Bangui, and they would
19 honour those invitations, go to Bangui before coming back.

20 Q. [10:45:34] Now, I would like to discuss with you briefly the position of the
21 regional coordinators. At the paragraph 51, page 1307, you stated that Mr Ngaïssona
22 proclaimed himself -- when Mr Ngaïssona proclaimed himself national coordinator,
23 he asked the Anti-Balaka in the provinces to appoint the regional coordinators.
24 And, again, I would like to know, how do you know that Mr Ngaïssona made these
25 requests, gave these instructions to the Anti-Balaka in the provinces to appoint the

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 regional coordinators?

2 And, again, it's a how-do-you-know question. So, Mr Witness, you see how
3 this -- let's say, this process works, so if you think you can give the answer in open
4 session, as we are now, okay. Otherwise, you can let the judges know if you think it
5 is appropriate for you to give this answer in private session.

6 A. [10:46:50] I think I would prefer to go into private session, so that I can speak to
7 you about that.

8 PRESIDING JUDGE SCHMITT: [10:46:56] Private session.

9 * (Private session at 10.47 a.m.) Reclassified partially in public

10 THE COURT OFFICER: [10:47:20] We are in private session, Mr President.

11 MR SCALIOTTI: [10:47:26]

12 Q. [10:47:26] Mr Witness, you can now give your answer. We are in private
13 session.

14 A. [10:47:46] Thank you. As I told you a short while ago, during the crisis, the
15 Anti-Balaka started operations throughout the entire territory, and all Central
16 Africans knew that Mr Ngaïssona was the national coordinator of all the Anti-Balaka.
17 Later on, when it was realised that the burden of that responsibility was heavy, he
18 asked the ComZones to set up regional bureaus. *And as a result, Sylvain and
19 Barthélemy Namsenmon were appointed coordinators. They -- they commanded
20 from Carnot, Berbérati, right up to Amada-Gaza. So Carnot, Berbérati, Amada-Gaza.
21 They were the regional coordinators for the Mambere-Kadei region. So they moved
22 about this area and then reported their supervision activities to the national
23 coordinator. That is how it happened.

24 Q. [10:49:35] Thank you for your answer, Mr Witness, but my question was more,
25 how do you know that the national coordinator requested the elements in the

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 *provinces and here particularly in Carnot to appoint regional coordinators? How

2 do you know that he gave these instructions or he made this request?

3 A. [10:50:16] I have told you about Aimé, Aimé Blaise, and Sylvain Sinakolo.

4 These were people with whom (Redacted).

5 (Redacted). They were the ones giving us that

6 information, specifically Aimé.

7 From time to time, (Redacted)

8 (Redacted) that the national coordinator had asked them to

9 designate regional coordinators and send a list to the national coordinator, and that in

10 case of necessity, the national coordinator could convene them to the Bangui -- to

11 Bangui for meetings on their activities concerning their movement. And that is what

12 was happening in each commune. There were coordinators.

13 And I repeat, (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [10:51:43] Can we go back to open session?

16 MR SCALIOTTI: [10:51:44] I think so, Mr President. Yes, we can.

17 PRESIDING JUDGE SCHMITT: [10:51:46] Perhaps we can also address it --

18 We go to open session, first, and then ...

19 (Open session at 10.52 a.m.)

20 THE COURT OFFICER: We are in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:52:11] Thank you.

22 Do you know when you can finish your examination? You have already an idea? I

23 don't assume you would have so many questions, but ...

24 MR SCALIOTTI: [10:52:20] I think, Mr President, I should be half the way. So I

25 think probably another hour, maybe.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:52:27] Should we have now the short break,
2 since we are discussing any way, five minutes, only the five-minutes break, and then
3 we have the -- we go until 11.30, as we have told before, yeah?

4 MR SCALIOTTI: [10:52:39] As you wish, Mr President. I could just in case finish
5 with a couple of questions about this topic so that when we start again, or we can
6 break even right now, as you prefer.

7 PRESIDING JUDGE SCHMITT: [10:52:49] I think we can have a break right now.
8 As I said, five minutes. And we -- we will let you know when we continue.

9 THE COURT USHER: [10:52:58] All rise.

10 (Recess taken at 10.53 a.m.)

11 (Upon resuming in open session at 10.59 a.m.)

12 THE COURT USHER: [10:59:25] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [10:59:46] So, Mr Scaliotti, you still have the floor.

15 MR SCALIOTTI: [10:59:53] Thank you very much, Mr President.

16 Q. [10:59:55] So before this short break, Mr Witness, we were still discussing some
17 issues coming from paragraph 51 of your statement. And I appreciate your answer
18 on the appointment of the regional coordinators and the deputy in Carnot.

19 Just to finish with this topic, and without giving too many details that may identify
20 you because we are now in open, my simple question is: Who appointed these two
21 positions, the regional coordinator and the deputy? Because I understand the
22 process whereby the -- the appointments was triggered, but when it came to the
23 appointment, who actually appointed the regional coordinator and his deputy?

24 A. [11:01:17] I think that these two people were designated because of the activities
25 on the ground. It was the national coordinator who proposed their designation as

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 regional coordinators to represent him in the field -- to represent him in Carnot and
2 Amada-Gaza.

3 THE INTERPRETER: [11:01:59] Corrects the Sango booth.

4 MR SCALIOTTI: [11:02:05]

5 Q. [11:02:05] So the national coordinator proposed Barthelémy and Sylvain
6 respectively as regional coordinator and deputy coordinator, am I right?

7 A. [11:02:28] Yes.

8 THE INTERPRETER: The witness answers in French.

9 MR SCALIOTTI: [11:02:30]

10 Q. [11:02:31] Can you explain what was the role of the regional coordinator.

11 A. [11:02:49] The role of the regional coordinator was to represent the national
12 coordinator in his region, in his prefecture and in his sub-prefecture. He was the
13 person who supervised the various Anti-Balaka groups, and he kept the list of
14 Anti-Balaka elements in the field. He took care of issuing documents, gathering
15 photographs to be sent to the national coordinator for the issuance of Anti-Balaka
16 cards. He also was responsible for keeping track of the Anti-Balaka elements within
17 his area of jurisdiction for the purposes of the DDR programme.

18 Q. [11:03:45] (Microphone not activated)

19 PRESIDING JUDGE SCHMITT: [11:03:54] Microphone, please.

20 MR SCALIOTTI: [11:03:56] Oh, I'm sorry.

21 Q. [11:03:57] Mr Witness, to whom did the regional coordinator report?

22 A. [11:04:18] The regional coordinator met the national coordinator.

23 THE INTERPRETER: [11:04:25] Correction: Reported to the national coordinator.

24 MR SCALIOTTI: [11:04:55]

25 Q. [11:04:56] Mr Witness, I would like now move to another topic, and I would like

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 to ask you a number of questions about, let's say, the attitude of the Anti-Balaka in
2 Carnot towards the Muslims and what actions, if any, were undertaken by the
3 Anti-Balaka in Carnot in this regard. *I'm making reference to paragraph 92, page
4 1312. And you stated: "We did not kill Muslims. Upon our entry to Carnot, we told
5 our Muslim 'nephews' [...] to either go to the Catholic Church [...] or return to their
6 father's countries."

7 *So, as I understand, this idea that the Muslims had to return to their countries of
8 origin was shared among the Anti-Balaka, am I correct?

9 A. [11:06:11] Yes. I think that it was part of the Anti-Balaka demands. You see,
10 when some Muslims married girls from the Central African Republic who were not
11 Muslim and had children with them, that is when we asked those Muslims to go back
12 home. Many left and went to Cameroon.

13 Q. [11:06:51] And was this idea that the Muslims had to return -- had to leave the
14 area of Carnot and return to their countries of origin, was the idea also shared by
15 the -- let's say, those in positions of authority in Carnot, like the ComZone or the
16 regional coordinator, et cetera?

17 A. [11:07:29] Yes. I think that if the ComZones were not in agreement, the
18 elements couldn't do anything. And things happened because the leaders decided.
19 They were instructions that came from the office of the Anti-Balaka. So the elements
20 in the field implemented the instructions that had been received.

21 Q. [11:08:13] Are you aware of any specific instructions in this regard as to how the
22 Anti-Balaka elements had to behave towards the Muslims?

23 A. [11:08:41] During those events, when the Anti-Balaka were fully active, there
24 were instructions prohibiting Muslims from living in the country. It was the
25 national bureau who gave the order to the ComZones and to the regional

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 coordinators to ask the Muslims to leave the country or to go take refuge at the
2 Catholic church so as to be evacuated. Those are the instructions that the Aimé and
3 the regional coordinators received and implemented.

4 Q. [11:09:49] And did the ComZone and deputy ComZone communicate these
5 instructions to the elements?

6 A. [11:10:07] Yes, they passed on those instructions to the elements who were in the
7 field who were based at the airport. During those events, the airport was in a way
8 the base for the elements. They would gather there at the airport. They would
9 sleep there. They would eat there before going out again to conduct their activities.
10 They would come back in the evening to the landing strip of the airport. On the
11 landing strip, that is where the elements received those instructions.

12 Q. [11:11:04] At the same paragraph 94 that I've already made reference to, you
13 said clearly that the Anti-Balaka wanted the Muslims to return to their countries of
14 origin. And in the following paragraph 95, you said that, actually, lots of Muslims
15 fled from Carnot to countries like Cameroon, Chad, and Sudan.

16 Can you explain how did this happen. What I mean is, did these Muslims fled at
17 some point just out of fear, or was there anything that made them leave, that forced
18 them to leave?

19 PRESIDING JUDGE SCHMITT: [11:11:47] We go to private session for the answer.

20 * (Private session at 11.12 a.m.) Reclassified entirely in public

21 THE COURT OFFICER: [11:12:08] We are in private session, Mr President.

22 PRESIDING JUDGE SCHMITT: [11:12:11] Mr Witness, you can answer.

23 THE WITNESS: [11:12:14](Interpretation) Thank you.

24 As I said earlier -- please excuse me. Could you summarise your question so I can
25 understand it and --

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 PRESIDING JUDGE SCHMITT: [11:12:40] The question was, were there -- you said
2 the Muslims fled the country. And the question was, if the Anti-Balaka did anything
3 that forced them to flee, you know, for example, threats or violence or whatsoever.
4 And when it comes to potential involvement of yourself, you don't have to answer
5 this question because it might -- truthful answer might incriminate you. Yeah, you
6 understand that?

7 THE WITNESS: [11:13:36](Interpretation) No, no. I think there are two things
8 within your question.

9 PRESIDING JUDGE SCHMITT: [11:13:51] So, Mr Witness, the question is if the
10 Muslims were forced to leave by threat or violence by the Anti-Balaka. And since
11 you were there, when you were involved in the threats or violence, and the truthful
12 answer would be, "Yes, I was part of it," then this could incriminate you. You don't
13 have to incriminate yourself. You can then refuse to answer the question. I hope I
14 have made it clearer now.

15 Do you understand this now?

16 THE WITNESS: [11:14:47](Interpretation) I think that at the beginning of my
17 testimony, I swore to tell the truth before your court, and this truth will allow you to
18 better assess this matter. There is nothing to be hidden from your court. I came
19 before your court to tell the truth so that you could do your work better and you
20 could better judge this case for the good of everyone. I'm not afraid of the truth. I'll
21 tell you the truth.

22 There are two things here. The first group of Muslims who had fled, those Muslims
23 left because -- because they realised they had done wrong against the other people of
24 the Central African Republic. They stole, they looted, they betrayed their
25 neighbours. And then suddenly, when they fell from power, they realised that they

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Private Session)

ICC-01/14-01/18

1 had done wrong, and they fled and took refuge in Cameroon or Sudan.
2 However, the other Muslims who had nothing to feel bad about remained in the town.
3 And when the Anti-Balaka arrived, those Muslims also had had children with
4 Christian women. Those children and their parents took refuge in the
5 Catholic churches. Others thought it was better to go to Cameroon. So that is what
6 happened, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:16:39] Thank you.

8 Mr Scaliotti, I think we can leave it at that, I would say. Can we go back to open
9 session?

10 MR SCALIOTTI: [11:16:50] Yes, we can, Mr President.

11 PRESIDING JUDGE SCHMITT: [11:16:53] Open session.

12 MR SCALIOTTI: [11:17:02]

13 Q. [11:17:03] Mr Witness, just one clarification regarding the timeline.

14 PRESIDING JUDGE SCHMITT: [11:17:06] You're a little bit too quick, Mr Scaliotti.
15 We don't have the go now -- go ahead now.

16 (Open session at 11.17 a.m.)

17 THE COURT OFFICER: [11:17:23] We are in open session, Mr President.

18 PRESIDING JUDGE SCHMITT: [11:17:26] Thank you.

19 Please continue.

20 MR SCALIOTTI: [11:17:27] Thank you. My apologise, Mr President.

21 Q. [11:17:29] Mr Witness, I would like to ask you a question just to try to clarify the
22 timeline here. You said a while ago that instructions were given with regard to the
23 fact that the Muslims had to leave when you, Anti-Balaka group, were at the airport.
24 When did this happen? Was it after you returned from Benzambe?

25 A. [11:18:09] Yes, it was after our return from Benzambe. We were all at the

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 airport. That is when Bangui called Carnot and provided that instruction to the
2 ComZone, asking them not to let the Muslims remain in the town.

3 Q. [11:18:37] Thank you. And another question regarding these Muslims. So
4 you talked about these Muslims that fled, especially what you defined as second
5 group.

6 Did they ever return to their houses in Carnot?

7 A. [11:19:04] Yes, some of them did go back to their homes. Right now, they are
8 still in the town of Carnot, and they are going about their usual activities.

9 Q. [11:19:22] Do you know approximately when did they return to Carnot?

10 A. [11:19:41] I think it's been about three years that that has been the case. Three
11 or four years. Two years. Some people came this month. The UNHCR is still
12 sending people back. Some people are based at PK5 of Carnot. That is to
13 say, 5 kilometres from the centre of Carnot.

14 Q. [11:20:12] You mean two or three years ago, or two, three years after the events
15 that we were discussing?

16 A. [11:20:37] I think that after the events, some people came back a few months, up
17 to three years after. Those who stayed at the Catholic church were the first to go
18 back to their houses. They have already been back in their houses for five years
19 now.

20 Q. [11:21:07] And as you mentioned, those Muslims that went to the -- were taken
21 to the Catholic church, when did the Muslims start going to the Catholic church in
22 Carnot?

23 A. [11:21:42] As I've been telling you, I don't remember the specific day, but I do
24 know that it was in 2014. By 2015 or 2016, some started to go back to their houses.
25 Some came back in 2018, others in 2019, and some people came back in that year.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 That is when this returned to their houses.

2 Q. [11:22:22] I totally understand it's not easy to have a clear recollection about
3 these old events, but to just try to approximately establish a date, you made reference
4 to the time when you and the other Anti-Balaka elements were at the airstrip in
5 Carnot after you returned from Benzambe. Let's take this as a reference point.
6 How long after that moment you think approximately the Muslims started going to
7 the Catholic church?

8 A. [11:23:14] I think that when we came back from Benzambe. And what's more,
9 even before we got to the town, some Muslims had already begun to go the
10 Catholic church. Others headed for Cameroon by way of Garam-Boulaï. Others
11 went to Chad. And when we got to the airport, even before we began operations,
12 many had already begun to flee. So once we got to the airport one week later, the
13 ComZone ordered that operations commence. He asked those who were ready for
14 battle to be ready for combat. And he even asked the combats not to betray the
15 secrecy of the fetishes. And I started to see what was going on in the town as we
16 moved forward with the operations.

17 MR SCALIOTTI: [11:24:31] Mr President, in my plan, I had now a couple of excerpts
18 from a video, but I think probably we might skip that one for the -- after the break.

19 PRESIDING JUDGE SCHMITT: [11:24:42] That's a good -- since we have a
20 shortened lunch break anyway, so it is not so shortened then. Let's stop for the
21 moment now and have the lunch break until -- the break until 12:30, I would suggest.

22 MR SCALIOTTI: [11:24:56] Or if you allow me just really two, three questions on the
23 topic. Then it's over. And we can just focus after the break on the video, if you
24 allow me.

25 PRESIDING JUDGE SCHMITT: [11:25:05] Of course. But I thought you start

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 something completely new.

2 MR SCALIOTTI: [11:25:10] Yea, but it's going to be very short anyway.

3 PRESIDING JUDGE SCHMITT: [11:25:13] Yeah, okay. Then please continue.

4 MR SCALIOTTI: [11:25:15] Thank you, Mr President.

5 Q. [11:25:28] Mr Witness, in your statement, you talked about a number of crimes
6 committed by Anti-Balaka elements. I'm not going now into any specific details, but
7 just for reference, it is paragraph 117, paragraph 118 to 120, and you talked about
8 some killings. So the killing of men in Mbororo near the hospital of Carnot, six
9 Muslims -- four Muslims, actually, sorry -- four Muslims were killed at the house of a
10 certain Abou Panga. You talked at paragraph 143 of pillaging by Anti-Balaka
11 elements. They pillaged, you said, the most in Bremgando. They pillaged Muslim
12 houses.

13 PRESIDING JUDGE SCHMITT: [11:26:18] Yeah, but this is part of the Rule 68(3)
14 statement. Your question, please.

15 MR SCALIOTTI: [11:26:25]

16 Q. [11:26:26] With regard to these crimes, Mr Witness, my only question is: Again,
17 are you aware if the ComZone was reporting these events to the national coordinator?

18 A. [11:26:56] I think that everything that happened in Carnot was -- well, the
19 coordinator in Bangui received reports of everything. All the coordinators provided
20 reports.

21 You mentioned some Peuhl people who were killed at the entrance to the
22 hotel -- hospital. They had gone to the hospital for care. As they went into the
23 hospital, they came across an Anti-Balaka person by the name of Prince, who -- who
24 threw them to the ground and killed them with stones. Everyone knew about it.
25 I said that four Muslims were killed. I mentioned Abou Panga, who was a -- who

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 was living in -- one neighbourhood. He fled and took refuge in Cameroon. And
2 the Muslims who were there, after they heard about the arrival of the Anti-Balaka, hid
3 in the trees. The Anti-Balaka destroyed the house of Abou Panga. And during the
4 operation, an Anti-Balaka member was killed. Then those Anti-Balaka heard noises,
5 and they found some Muslims in the ceiling of the house. So they asked those
6 Muslims to come down. And when they came down -- even before they came down,
7 they shot into the ceiling, and all four were hit by bullets and died. For two days,
8 they stayed there. Two days they remained to pillage that house, other Anti-Balakas
9 who remained there, and the family came later to find him and to bury him. That is
10 what happened.

11 PRESIDING JUDGE SCHMITT: [11:29:23] Okay, we have now then the lunch break
12 until 12.30. Thank you.

13 THE COURT USHER: [11:29:29] All rise.

14 (Recess taken at 11.29 a.m.)

15 (Upon resuming in open session at 12.31 p.m.)

16 THE COURT USHER: [12:31:26] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [12:31:45] Before we continue, I have been informed,
19 Ms Proulx, that you would like to start your questioning tomorrow. And I have
20 spoken with Mr Knoops during the break, I bumped into him, so to speak, and there's
21 no problem with that. I understand that you will finish tomorrow, with all
22 likelihood, also. So we can do it this way.

23 MS PROULX: [12:32:15] That's correct, Mr President. I will finish easily within two
24 sessions tomorrow.

25 PRESIDING JUDGE SCHMITT: [12:32:20] Okay. Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

- 1 MS PROULX: [12:32:21] Thank you very much for the flexibility.
- 2 PRESIDING JUDGE SCHMITT: [12:32:22] And then, Mr Vanderpuye, next witness.
- 3 You know, one after the other. I understand for Thursday, I have understood,
- 4 contingency witness.
- 5 MR VANDERPUYE: [12:32:32] That's my understanding. I'm not sure it's -- yes.
- 6 Well, it's P-1716.
- 7 PRESIDING JUDGE SCHMITT: [12:32:38] I also recall that now, 1716, yes.
- 8 MR VANDERPUYE: [12:32:41] Yes, Mr President.
- 9 PRESIDING JUDGE SCHMITT: [12:32:43] Okay. Good. With all likelihood,
- 10 Thursday. Not possible on Wednesday?
- 11 MR VANDERPUYE: [12:32:48] Yes. I will look into it with VWS. I'm not sure
- 12 about -- what their scheduling is, but I believe that's --
- 13 PRESIDING JUDGE SCHMITT: [12:32:55] But either way, no problem since this is a
- 14 witness that can be dealt with Thursday and Friday. It's no problem. Thank you,
- 15 Mr Vanderpuye.
- 16 Mr Scaliotti.
- 17 MR SCALIOTTI: [12:33:07] Thank you very much, Mr President.
- 18 Q. [12:33:10] Mr Witness, now I would like to show you one short excerpt of a
- 19 video.
- 20 So, for the record, the video I'm referring to is CAR-OTP-2012-0477. It's tab 2 in the
- 21 Prosecution binder, and it is a public document. It is approximately -- it's a short
- 22 excerpt, approximately 30 seconds. And the time indication is from 00:00 to 00:33,
- 23 and the transcript is at tab 10, CAR-OTP-2107-6886. And the relevant portion is at
- 24 page 6887, line 1 to line 13.
- 25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:34:45] So we saw the video, but we did not have
2 any tone. So we would perhaps have to repeat it.

3 *(The following inserted excerpt is a transcription prepared and provided by the
4 parties of the aforementioned recording, without any modifications or alterations)
5 "Reporter : [Voice-over] Under the watchful eyes of Christ and his apostles, the
6 battered remnants of a population being hunted to extinction. This church is the
7 refuge for a thousand stragglers in an historic exodus from the Central African
8 Republic. But they're not Christians, they're all Muslims, victims of a barbarous
9 militia that wants everyone of them dead or gone. Many have walked for weeks
10 through the forest to get here, attacked along the way with unspeakable savagery by
11 the militia known as the ANTI-BALAKA.

12 MR SCALIOTTI: [12:35:50]

13 Q. [12:35:52] Mr Witness, you have seen this very short portion of the video. And
14 you have seen in it Muslim people, as the commentator said, and they were at the
15 Catholic church. I would also to refer you to paragraph 91, page 1312, of your
16 statement, where you said that the Anti-Balaka were taking the Muslims to the
17 Catholic church of Carnot.

18 So I'm asking you, do you recognise the place that you have seen in the video as the
19 place where the Muslims of Carnot were taken by the Anti-Balaka?

20 A. [12:36:52] As I said already before, some Muslims went to the Catholic church
21 by themselves. For others, it is when the Anti-Balaka came from Benzambe, they
22 found out about it, and those who had the means fled in order to seek refuge in
23 Cameroon or Chad or Nigeria. Others stayed in the city or town themselves until
24 the Anti-Balaka returned. And after that, they went to the Catholic church.
25 Personally, (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 (Redacted). Some went by themselves. Others were

2 conducted to the Catholic church. And others fled from the war.

3 Q. [12:38:00] With regards to those who were accompanied taken, as you said, to
4 the Catholic church, who took them? Who took those Muslims to the Catholic
5 church?

6 A. [12:38:15] In the beginning, during the conflict, some, as I said, left by
7 themselves. Others were taken by MISCA, the Cameroonian contingent. And
8 others, like my nephew, it is the Anti-Balaka who took them to the church. There
9 were some who were threatened and went by themselves to the Catholic church
10 where they stayed until the end of the conflict.

11 Q. [12:39:03] And these Anti-Balaka who took the Muslims to the Catholic church,
12 they were under the authority of the ComZone in Carnot, is this correct?

13 A. [12:39:34] Yes, they were under the authority of the ComZones of Carnot. But
14 there were some who did that -- that weren't under the authority of the ComZones,
15 but they did it themselves in order to protect those Muslims.

16 According to what I heard, the Muslims that went to the Catholic church were chased
17 by the Muslims until the MISCA from -- the Cameroonian contingent of MISCA took
18 themselves. The contingent led them or took them to the Catholic church.

19 Q. [12:40:29] But, Mr Witness - and I'm referring here to paragraph 96, page
20 1313 - you also said that these "Muslims were protected at the Catholic church." I'm
21 just quoting. "They were protected from being beaten or robbed or even killed by
22 some of the Anti-Balaka who were doing bad things." So I understand that they
23 were protected but protected from the -- from other Anti-Balaka.
24 And when you say they were doing bad things, what do you mean by Anti-Balaka
25 doing bad things?

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 A. [12:41:15] As I just said - I am before you to tell you the truth because I swore to
2 tell you the truth - amongst the Anti-Balaka, not all the Anti-Balaka were of sound
3 moral standing. Others, after having taken drugs, behaved in a bad way. Some
4 were badly behaved. When they met the Muslims, they attacked them with knives,
5 with machetes.

6 Amongst us, the Anti-Balaka who did not approve of these acts, we tried to protect
7 those Muslims until they reached the Catholic church. That is what the MINUSCA
8 elements tried to do as well, to protect them.

9 Q. [12:42:24] And these Anti-Balaka to which you made reference, the ones who
10 were attacking the Muslims, they were located -- they were based in Carnot, is that
11 correct?

12 A. [12:42:49] Yes, they lived in Carnot.

13 Q. [12:43:00] Do you know approximately how many Muslims were at the Catholic
14 church?

15 A. [12:43:25] No, I don't know how many there were. I have no idea.

16 Q. [12:43:30] If you have to make just a rough estimate, would you say there were
17 dozens or hundreds or thousands?

18 A. [12:43:57] Mr Prosecutor, I said when the things happened, I could not go there
19 to see and count them. I couldn't put forward a figure before the Court. There
20 were some who came from different localities, Barok (phon), Rona (Phon). I can't
21 give you a rough estimate. As far as I know, I know that there were numerous.

22 Q. [12:44:34] Mr Witness, I'm going back to something that you said a few minutes
23 ago, and I'm specifically looking at transcript page 46, lines 11 and 12 and 13, and
24 they read: "According to what I heard, the Muslims that went to the Catholic church
25 were chased by the Muslims." So can you please clarify that.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 So were the Muslims who went to the Catholic church chased by whom? Can you
2 please clarify this point.

3 A. [12:45:28] On that day, those who went to the Catholic church were not chased
4 by the Muslims but by the Anti-Balaka. Others went there because they were scared.
5 When the Seleka were there, they were like accomplices, and they showed the people
6 where rich people were living, where there were diamonds, and that's why the Seleka
7 were around, and they saw -- they were scared and they had to flee and, therefore,
8 they decided to flee to the Catholic church because they were seen as accomplices of
9 the Seleka.

10 Q. [12:46:25] Do you know in what conditions these Muslims live at the -- lived at
11 the Catholic church? For instance, what about hygienic conditions?

12 A. [12:46:39] Mr Prosecutor, I think they weren't at home. It was at the Catholic
13 church. At home, you have better living conditions. At the church, they built
14 latrines, at the Catholic church. Some didn't even have the possible of living in the
15 church themselves. Others were -- took tarps, had shelters outside. So the
16 conditions were extremely difficult. Some had difficulties finding food and relied on
17 humanitarian aid.

18 Q. [12:47:51] Do you know if they had water to drink and water to wash
19 themselves?

20 A. [12:48:16] Drinking water? Yes, they had that, because SODECA had drinking
21 water permanently. But, as you know, there were several people. I don't know
22 whether there was enough for everyone. But I do know one thing, there was
23 SODECA who provided drinking water within the church.

24 Q. [12:48:51] Based on what you said at paragraph 96, to which I have already
25 made reference, I understand that the Muslims couldn't go out of the Catholic church,

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 am I right in my understanding?

2 A. [12:49:26] That is correct. At that time, during the conflict, I think that the
3 Anti-Balaka were controlling the territory. Those who had the possibility of moving
4 around were accompanied by MINUSCA because the Anti-Balaka controlled the area.
5 There were barricades, and these Muslims could not move freely, and they sought
6 refuge at the Catholic church.

7 Q. [12:50:11] But why they couldn't move freely?

8 A. [12:50:46] They couldn't move freely because at that time, as I just said, it was a
9 period of conflict, and the forces of order were not working properly. Persons who
10 controlled the road was the Anti-Balaka, so that meant that the Muslims, when they
11 tried to leave without the protection of MINUSCA, these Muslims were attacked and
12 aggressed by the Anti-Balaka. They were in danger, and they could not take the risk
13 of leaving.

14 Q. [12:51:26] Do you know approximately how long the Muslims remained at the
15 Catholic church?

16 A. [12:51:50] As I said, I don't know how long they were there, but during the
17 conflict which took place in CAR since 2014 and since the Anti-Balaka entered into
18 that town, until MINUSCA started to stabilise the area, I think during that entire
19 period they did not have any freedom.

20 When there was the awareness and social cohesion, some started to move around, but
21 they did not go into the mines or do their normal occupations or open their shops.

22 I don't know the dates, but when the conflict started until the awareness of
23 MINUSCA and the other authorities, they were -- they couldn't move around freely.

24 Q. [12:52:56] Mr President, I would like to show a second excerpt of the same video.

25 So the video again is CAR-OTP-2012-0477, tab 2 of the Prosecution binder. It's about

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 one minute long. The time indication is 01:33 to 02:36, and the relevant portion of
2 the transcript is at page 6887, line 37, to page 6888, line 57.

3 (Viewing of the video excerpt)

4 (The following inserted excerpt is a transcription prepared and provided by the
5 parties of the aforementioned recording, without any modifications or alterations)

6 [...] "Though this is apparently a Christian-Muslim conflict, the fugitives' real
7 saviour is a priest, Father Justin NARY. He had death threats from the nominally
8 Christian militia.

9 [00:01:46. Changements de plans successifs montrant Justin NARY qui s'adresse au
10 journaliste ; diverses images de la population à l'extérieur. Sous-titrage : "The anti balaka
11 came and told me to hand over the Muslims, so they could be killed. I said that was
12 impossible and they said in that case they would come back and burn down the church and
13 everyone inside. They brought 40 litres of petrol to do it."]

14 JN : Euh ... les ANTI-BALAKA étaient arrivés ici, ils voulaient que moi je leur libère
15 la communauté musulmane, je leur libère les gens pour qui aillent [phon.] tuer. J'ai
16 dit c'est impossible. Il dit si c'est impossible, ils viennent brûler l'église, et brûler
17 l'église avec tout le monde. Ils ont amené 40 litres de carburant.

18 Reporter : [Voice-over] He argued with the militia, bought them off until the
19 peacekeepers arrived."

20 THE INTERPRETER: [12:54:22](Interpretation of the video excerpt)

21 JN: "There is carnage in the town itself. It's terrible. It was really terrible. This is
22 a massacre. A massacre. They've killed many people. And I myself, if I hadn't be
23 here, I wouldn't be alive today with all these people. That's for sure."

24 MR SCALIOTTI: [12:54:52]

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 Q. [12:54:55] Mr Witness, you have heard the priest of the Catholic church in
2 Carnot say that the Anti-Balaka went to the -- to the church and asked them to let the
3 Muslims go so that the Anti-Balaka could kill them.

4 Were you aware of this, of the fact that the Anti-Balaka went to the Catholic church
5 with the intention to kill the Muslims?

6 A. [12:55:37] Yes, I think, Mr Prosecutor, I did have that information. I heard
7 people talking about this. These are individuals who went to threaten the priest.
8 His name was Abbé Justin. It was B13, Aimé Emeric, Sylvain, those people during a
9 certain period took the decision to ask that all the Muslims who were the Catholic
10 church be handed over, and the priest refused. He said he was a person of God, and
11 he simply could not accept that. The priest succeeded in convincing them, and also
12 other individuals spoke to them as well. So it is true, it is what happened, but
13 thanks to the dialogue with the abbé or with the preacher, that didn't actually happen.

14 Q. [12:56:44] These people that you mentioned who went to the Catholic church,
15 again, were they under the authority of the ComZone of Carnot?

16 A. [12:57:05] Yes, they were under the authority, the chief of missions. You have
17 Aiba, Sylvain Sinakolo, who was the deputy coordinator, Barthelemy Namsenmon,
18 Hervé Toleke. Those were the elements who were under the authority of the
19 ComZone Aimé. They were under his command. And on that day, Aimé Emeric
20 was present.

21 Q. [12:57:45] So, as I understand, if it was not for the priest, nobody would have
22 stopped those Anti-Balaka from killing the Muslims; am I correct?

23 MS PROULX: [12:58:02] Mr President.

24 PRESIDING JUDGE SCHMITT: [12:58:04] Yeah.

25 MS PROULX: [12:58:05] I think this calls for speculation.

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:58:08] Could you rephrase it a little bit, perhaps,
2 please. Asking the witness if he has any information concretely, perhaps.

3 MR SCALIOTTI: [12:58:18]

4 Q. [12:58:19] So, Mr Witness, you said, if I understand correctly, that the priest had
5 a sort of negotiation that stopped them, but you also said that the ComZone was
6 present. Is my understanding correct?

7 A. [12:58:47] Yes, that is correct. At that time it was the chief of missions. It was
8 a moment when the chief of the mission, the ComZone coordination took the decision
9 to go to the Catholic church. They said that the priest could not protect the Muslims
10 over there because some of them pillaged and took by force our women, took our
11 diamonds, and we did not want them to stay. The priest should release them, hand
12 them over to us. And the priest said that, as a man of God, that once the people
13 sought refuge at the church, he could not release them, because if they wanted to go,
14 they would be killed, together with those Muslims. That could happen. So the
15 priest, as a man of God, convinced -- convincing them and refused to release them.
16 He said that, "In the war, all people must not be killed." The MINUSCA, the
17 Cameroon contingent, arrived to protect them until the end of the conflict.

18 Q. [13:00:09] And was any action, any punishment undertaken against these
19 Anti-Balaka elements that you mentioned?

20 A. [13:00:34] Mr Prosecutor, in order to tell you the truth, and also to give my
21 contribution to these activities of the Anti-Balaka in this, there was something that
22 didn't exist. When you talk about discipline, the ComZones did not have the
23 possibility to have any respect or discipline for certain exactions. The -- the *chargé* of
24 the missions were responsible. If the actions related to Central Africans who
25 originally came, they did react. But when there were Muslims, no one. And

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 the -- for example, the chiefs did not react.

2 At the moment when some individual refused the practices of the Anti-Balaka, the
3 ComZones and the coordinators were forced to take a step back.

4 PRESIDING JUDGE SCHMITT: [13:01:47] Ms Proulx.

5 MS PROULX: [13:01:49] Excuse me. Very briefly. I wonder whether my learned
6 colleague could maybe ask the witness when these alleged events occurred. That
7 would be helpful.

8 PRESIDING JUDGE SCHMITT: [13:02:00] Yes, indeed. Thank you Ms Proulx.

9 Mr Scaliotti, please inquire.

10 MR SCALIOTTI: [13:02:04]

11 Q. [13:02:04] Mr Witness, I know that you said repeatedly you have some problems
12 with date, but can you approximately give us a time when these events that you were
13 referring to happened. The Catholic church, the Anti-Balaka going there trying to
14 kill the Muslims, can you set these approximately in a sort of chronology of events?

15 A. [13:02:49] Mr Prosecutor, we are before a Court and we have to tell the truth.
16 So that is why I'm saying, I'm not in a position to invent a date during that conflict. I
17 have told you that I cannot give you a precise date. But what I know is that it was at
18 the beginning of the events.

19 When they heard that the Anti-Balaka were coming, they fled to seek refuge at the
20 church. Some were chased away by the Anti-Balaka.

21 One week later, since there were many of them, the coordinators and mission chiefs
22 wanted to chase them away because there were many of them, and that is why the
23 priest opposed that measure. And they said, since the abbé -- the priest said that
24 instead of chasing them away, they could even kill them. If they would to kill them,
25 they would kill the priest also. He said they had fled the war. And so there was no

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 question of going to kill them.

2 So, to be quite frank with you, I do not remember the precise date, but I can only tell
3 you that it was at the beginning of the year 2014 that they sought refuge there.

4 Q. [13:04:33] Thank you, Mr Witness. I think this is clear and precise enough.

5 And I also would like to ask you, these events that you described again, the
6 Anti-Balaka going to the Catholic church with the intention to kill the Muslims, do
7 you know if these events were reported to the National Coordination?

8 And, again, if you need to make names or give details, let us know so the judges can
9 move to private session.

10 A. [13:05:34] Thank you. I would like to propose that we go into private session.

11 PRESIDING JUDGE SCHMITT: [13:05:39] Private session.

12 * (Private session at 1.05 p.m.) Reclassified entirely in public

13 THE COURT OFFICER: [13:05:48] We are in private session, Mr President.

14 PRESIDING JUDGE SCHMITT: [13:06:18] Perhaps you repeat the question,
15 Mr Scaliotti.

16 MR SCALIOTTI: [13:06:22] Of course, Mr President.

17 Q. [13:06:24] Mr Witness, now that we are in private session, I can repeat my
18 question just for your recollection. And the question was: With regard to these
19 events that you discussed, the Anti-Balaka elements going to the Catholic church with
20 the intention to kill the Muslims there, were these events reported to the National
21 Coordination?

22 A. [13:07:01] Thank you. The National Coordination was informed. As you
23 know, in the country, there were many people who had mobile phones. During the
24 conflict, many people had mobile phones. And in real-time, when the Anti-Balaka
25 was operating in the territory of the CAR, the ComZones were reporting

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 automatically to the national bureau. So at that time the bureau was operational and
2 they received information coming from the field. So the national bureau was well
3 informed. There was nothing that was hidden. So they were well informed about
4 what was happening on the ground.

5 PRESIDING JUDGE SCHMITT: [13:08:01] Back to open session?

6 MR SCALIOTTI: [13:08:04] Yes, Mr President, please.

7 PRESIDING JUDGE SCHMITT: [13:08:08] Open session.

8 MR SCALIOTTI: [13:08:20]

9 Q. [13:08:21] Mr Witness, just a few -- oh, I'm sorry again.

10 (Open session at 1.08 p.m.)

11 THE COURT OFFICER: [13:08:27] We are back in open session, Mr President.

12 MR SCALIOTTI: [13:08:32]

13 Q. [13:08:33] Mr Witness, I would like to ask you now a few questions about the
14 disciplinary measures that were available in the Anti-Balaka group in Carnot. You
15 said -- I'm now moving to paragraph 130, page 1317, of your statement. And you
16 said that disciplinary measures were decided by the ComZones.

17 Can you explain a bit what disciplinary measures were available to the ComZones.

18 A. [13:09:27] As you know, amongst us, the Anti-Balaka, these people, they could
19 be considered as maybe fishermen, and amongst those fishermen, when they are
20 fishing, you could have maybe leaves or other detritus in the water. So this unit of
21 people was made up of ordinary people, thugs, cattle thieves and so on, people who
22 used to break into others' houses and commit crimes. So when these people joined
23 the movement, they continued committing the crimes. And at one point, they
24 turned against the population.

25 After the departure of the Seleka and the Muslims, they turned around against the

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 population. And when people started complaining, the ComZone took the decision
2 to ban all Anti-Balaka from committing crimes. And he said they would be tied up
3 and beaten. He did not want the Anti-Balaka to commit atrocities. So measures
4 were taken to that effect, after which the Anti-Balaka started becoming afraid.

5 Q. [13:11:17] I understand you're making reference to physical disciplinary
6 measures now here. And were there facilities to detain elements available to the
7 ComZones?

8 A. [13:12:03] If, for example, you go to Carnot, and specifically the Catholic church,
9 then you go to ONAF. Next to it, there is a carwash place, and then there is a large
10 *house which served as an office for the Anti-Balaka. So the Anti-Balaka had a
11 holding room there, a type of cell or jail, and that is because the police and the
12 gendarmerie buildings had been destroyed. So it was in that office that the
13 Anti-Balaka punished those who were accused of misconduct.

14 Q. [13:12:56] As far as you know, was ever any element removed from the
15 Anti-Balaka group because of disciplinary problems?

16 A. [13:13:34] No. At no time did that happen, despite those atrocities perpetrated
17 by those elements. I saw some of them who were beaten up, while others were tied
18 up, but they continued creating disorder and perpetrating crimes to the very end.

19 THE INTERPRETER: [13:14:01] The witness has mentioned the name of an
20 Anti-Balaka that the Sango interpreter did not catch. Maybe the witness could be
21 asked to slow down, says the Sango interpreter.

22 PRESIDING JUDGE SCHMITT: [13:14:17] Mr Witness, the Sango interpreters ask
23 you to slow down a little bit. In your last answer, you have obviously mentioned a
24 name, and they did not get it. Can you please repeat the name.

25 THE WITNESS: [13:15:00](Interpretation) This is what I said: During the events,

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 there were certain people who were disorderly, like the person that I mentioned.
2 They started by holding up someone and taking his diamonds, and the relatives of
3 that person actually slit the throat of this criminal.
4 But talking about the bureau dismissing an element because of a crime, no, I never
5 saw that. When they committed a crime, they would be beaten up, tied up, held in
6 the cell for two or three days, but then they would continue committing their
7 atrocities. That is what I know.

8 MR SCALIOTTI: [13:16:05]

9 Q. [13:16:06] Mr Witness, one last clarification. You said a few minutes ago that
10 when these Anti-Balaka joined the movement, you said: "When these people joined
11 the movement, they continued committing the crimes. And at one point, they
12 turned against the population."

13 What do you mean by "population"? You mean the population in general? You
14 mean Muslims or other groups? What do you mean?

15 A. [13:16:46] Thank you very much, Mr Prosecutor. When I talk about the
16 population, I'm referring to the Christian population. Initially, they were
17 committing crimes against Muslims, and the Muslims then took refuge in the Catholic
18 church, while others fled to Cameroon.

19 Now, after they finished pillaging the houses and cattle belonging to the Muslims and
20 the Peuhls, they turned around against native Central Africans who were cattle
21 breeders, who were doing other activities. They threatened the civilian population
22 and created situations to extort money. That is what I mean by turning against the
23 civilian population. Many other people started complaining about those acts being
24 perpetrated by the Anti-Balaka.

25 MR SCALIOTTI: [13:18:09] Mr President, I have no further questions, so I can thank

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 the witness for his cooperation and his availability.

2 Mr Witness, thank you very much, again, on behalf of the Office of the Prosecutor.

3 PRESIDING JUDGE SCHMITT: [13:18:21] Thank you.

4 I assume that the representative of victims do not have any questions?

5 MS RABESANDRATANA: [13:18:40](Interpretation) Mr President, I have just one
6 question of clarification.

7 QUESTIONED BY MS RABESANDRATANA: (Interpretation)

8 Q. [13:18:55] Good afternoon, Mr Witness. My name is Elisabeth Rabesandratana.

9 I'm a lawyer, and I represent the victims.

10 Our discussion will relate only to the victims, and I have just one question to put to
11 you with regard to the events that took place in Guen.

12 In your statement of 2019 - it is CAR-OTP-2127-0149, paragraph 171 - you say that the
13 Anti-Balaka of Guen killed men and women, Muslim men and women, but that the
14 orphaned children were spared. You also said that the good-hearted people from
15 Guen adopted these orphaned children.

16 So my question is as follows: Do you know what subsequently happened with those
17 adopted children?

18 A. [13:20:52] I think that during the conflict, the chief of mission of Guen, Beina,
19 during the conflict, he met with Muslims -- he met Muslims who had taken refuge in
20 the bush, and he killed them and buried them. So all the people who were killed
21 were put in a mass grave. Some parents had died, and their orphaned children were
22 hosted by some good-hearted people. So they took in these children and protected
23 them.

24 After the conflict, some of those children were recovered by their families. While
25 some, if, for example, the father had died, the mother could come and fetch the child,

Trial Hearing
WITNESS: CAR-OTP-P-2556

(Open Session)

ICC-01/14-01/18

1 or if it were the mother that died, then the father would come. Or perhaps some of
2 the children would remain with their guardians.

3 So it has been two or three years, so I don't know what happened with the other
4 children. There were some girls, for example, who grew up with guardians and then
5 who got married to people not of their own origin. And so these girls remained in
6 the locality.

7 PRESIDING JUDGE SCHMITT: [13:22:40] You're too quick Ms Rabesandratana.

8 MS RABESANDRATANA: [13:22:45](Interpretation)

9 Q. [13:22:46] Thank you, Mr Witness. So if I understand you correctly, you are
10 telling us that those children were saved?

11 A. [13:23:04] Yes, the children were saved.

12 Q. [13:23:09] And in what religion were they raised?

13 A. [13:23:34] Some of them continued worshipping as Muslims. For example, for
14 the girls who married Catholics, some of -- they were baptised. Whereas, the
15 children who were recovered by their relatives, they continued in the Muslim
16 religion.

17 Q. [13:24:08] Very well. I thank you, Mr Witness. I have no further questions.

18 PRESIDING JUDGE SCHMITT: [13:24:12] Thank you very much,

19 Ms Rabesandratana.

20 So this concludes the hearing for today.

21 Mr Witness, thank you for your testimony today, and we continue tomorrow at 9.30.

22 And I don't assume, Ms Guissé, that you have -- you make, of course, always
23 the -- you have the caveat that something might arise, but I don't assume that you will
24 have many questions.

25 MS GUISSÉ: [13:24:40](Interpretation) Mr President, as usual, we are being very

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

- 1 cautious, but we still want to keep that possibility if the need arises.
- 2 PRESIDING JUDGE SCHMITT: [13:24:53] So then but definitely we start tomorrow
- 3 at 9.30 with Ms Proulx. Thank you.
- 4 THE COURT USHER: [13:24:59] All rise.
- 5 (The hearing ends in open session at 1.25 p.m.)