

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2354

1 International Criminal Court

2 Trial Chamber V

3 Situation: Central African Republic II

4 In the case of The Prosecutor v. Alfred Yekatom and Patrice-Edouard

5 Ngaïssona - ICC-01/14-01/18

6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung

7 Trial Hearing - Courtroom 1

8 Wednesday, 1 March 2023

9 (The hearing starts in open session at 9.32 a.m.)

10 THE COURT USHER: [9:32:04] All rise. The International Criminal Court is now

11 in session. Please be seated.

12 PRESIDING JUDGE SCHMITT: [9:32:22] Good morning, everyone. Court officer,

13 please call the case.

14 THE COURT OFFICER: [9:32:32] Good morning, Mr President, your Honours. The

15 situation in the Central African Republic II in the case of the Prosecutor versus Alfred

16 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.

17 And for the record, we are in open session.

18 PRESIDING JUDGE SCHMITT: [9:32:46] Thank you. I ask for the appearances of

19 the parties. There is at least one new face in the courtroom. Yes.

20 MS HENDERSON: [9:32:53] Good morning, Mr President, your Honours. I'd first

21 like to introduce a colleague who's recently joined us in the Office of the Prosecutor,

22 Mr Tuomas Oja, seated just behind me, and he represents the Prosecution today along

23 with Mr Kweku Vanderpuye, Mr Yassin Mostfa and myself, Claire Henderson.

24 PRESIDING JUDGE SCHMITT: [9:33:16] Thank you. I turn to the representatives

25 of the victims.

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1 MR CARNERO ROJO: [9:33:29] Good morning, Mr President, your Honours.

2 The victims of the other crimes are represented today by Mr Dangabo, Moussa

3 Dangabo, behind me; Ms Evelyne Ombeni; Ms Gabriella dos Santos and myself,

4 Enrique Carnero Rojo. Thank you very much.

5 PRESIDING JUDGE SCHMITT: [9:33:33] Thank you. And Ms Lau.

6 MS LAU: [9:33:34] Good morning, Mr President, your Honours. Good morning

7 everyone in the courtroom. Today the former child soldiers are represented by

8 myself Fiona Lau, Office of the Public Council for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:51] Thank you. I now turn to the Defence.

10 Ms Dimitri first, please.

11 MS DIMITRI: [9:33:54] Thank you, Mr President, good morning. Good morning,

12 your Honours. Good morning everyone. Mr Yekatom is present in the courtroom,

13 and he is represented today by Ms Lena Casiez. We might have Romaric Lionel

14 Messi Tikpa joining us as well as Cassandra Obussier and there is also myself,

15 Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.

17 Mr Knoops next, please.

18 MR KNOOPS: [9:34:15] Good morning, Mr President. Good morning, your

19 Honours. Good morning everyone in the courtroom. Our Defence team today

20 composes of Mr Michael Rowse on my right side. In the second row, Ms Barbara

21 Szmatala, Tessia Monteiro, and Mathias Goffe. And Mr Ngaïssona is, as usual, in

22 his usual place.

23 PRESIDING JUDGE SCHMITT: [9:34:35] Thank you, Mr Knoops.

24 And most importantly, we have a new witness.

25 Good morning, Mr Witness. Do you understand and hear me well?

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1 WITNESS: CAR-OTP-P-2354

2 (The witness speaks Sango)

3 (The witness testifies via video link)

4 THE WITNESS: [9:35:01](Interpretation) Good morning, your Honour. I can hear
5 you perfectly.

6 PRESIDING JUDGE SCHMITT: [9:35:04] We are glad to hear that, and on behalf of
7 the Chamber I would like to welcome you to the courtroom. You are called to testify
8 to assist this Chamber in the case of the Prosecutor against Mr Yekatom and Mr
9 Ngaïssona. You have been informed that there are protective measures in place to
10 protect your identity. This is face distortion so that nobody can see your face and
11 identify you via your visual features. It's voice distortion, no one can recognise your
12 voice, and we are using a pseudonym for you and that is the reason why I do not
13 address you with your real name but 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 the content of this card.
16 If there is no card there, then that's no problem. Then I can speak it for you and you
17 speak after me please. Please listen to me, Mr Witness, and you now have to take
18 your oath, so listen to me and speak after me. I solemnly declare --

19 THE INTERPRETER: [9:36:47] No interpretation from the Sango booth.

20 PRESIDING JUDGE SCHMITT: [9:36:49] So I would ask -- it's no problem, that can
21 happen in the beginning of such a day; so please, we need interpretation here.

22 Mr Witness, it was not translated so it did not come through, so I have to apologise.

23 I have to ask you to repeat; so, I solemnly declare --

24 THE WITNESS: [9:37:11](Interpretation) I solemnly declare --

25 PRESIDING JUDGE SCHMITT: [9:37:19] That I will speak the truth --

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1 THE WITNESS: [9:37:23](Interpretation) That I shall speak the truth --

2 PRESIDING JUDGE SCHMITT: [9:37:33] The whole truth --

3 THE WITNESS: [9:37:37](Interpretation) The whole truth --

4 PRESIDING JUDGE SCHMITT: [9:37:42] And nothing but the truth.

5 THE WITNESS: [9:37:49](Interpretation)(Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [9:37:53] Thank you so much --

7 THE WITNESS: [9:37:53](Interpretation) -- and nothing but the truth.

8 PRESIDING JUDGE SCHMITT: [9:37:54] Thank you so much, Mr Witness. You are

9 now under oath. Before we start with your testimony, a practical matter. As you

10 have already recognised, we have translation and interpretation here in the

11 courtroom, and to allow the interpreters to follow what we are saying, we have to

12 speak at a relatively slow pace. And please only start speaking when the person that

13 asks you a question has finished and, perhaps, wait a couple of seconds so that

14 everyone can catch up. Thank you very much for the moment, and I give the floor

15 now to the Prosecution.

16 MS HENDERSON: [9:38:31] Thank you, Mr President.

17 My friend is on her feet.

18 PRESIDING JUDGE SCHMITT: [9:38:36] I assume, Ms Dimitri, we don't have an

19 objection already.

20 MS DIMITRI: [9:38:39] No, Mr President. While my colleague starts, would it be

21 possible for the technicians to adjust the camera. I'm sitting so low that the monitors

22 from the Ngaïssona team is obstructing my view of the witness.

23 PRESIDING JUDGE SCHMITT: [9:38:54] This is obviously not possible. We have

24 an issue with the normal room I have been informed, I have not said it because I see

25 the witness perfectly well, because of that I have not addressed it. So we are in

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1 another room, so we would -- if you want to see better, we would have simply to

2 change the seats so that you --

3 MS DIMITRI: [9:39:09] Maybe, if I may?

4 PRESIDING JUDGE SCHMITT: [9:39:10] Yes.

5 MS DIMITRI: [9:39:11] Maybe a practical solution would be to put the witness

6 exceptionally on my screen to enable my video link.

7 PRESIDING JUDGE SCHMITT: [9:39:22] Well, if this is possible, I would not see any

8 problem, but, you know, I'm not the best in technical matters; so I would have to

9 revert to somebody else here in the courtroom to solve this problem.

10 MS DIMITRI: [9:39:33] Thank you, Mr President. In the meantime, we can start.

11 It's not a (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [9:39:59] So let's start with Ms Henderson.

13 QUESTIONED BY MS HENDERSON:

14 Q. [9:40:03] Good morning, sir. My name is Claire Henderson, and we met in

15 a courtesy meeting last week on Wednesday. It is good to see you again.

16 MS HENDERSON: [9:40:21] I'd like to start off by going briefly into private session

17 for identifying details, Mr President.

18 PRESIDING JUDGE SCHMITT: [9:40:28] Yes, we go to private session for that.

19 (Private session at 9.40 a.m.)

20 THE COURT OFFICER: [9:40:34] We are in private session, Mr President.

21 MS HENDERSON: [9:40:46]

22 Q. [9:40:49] Sir, could you please confirm that your name is (Redacted).

23 A. [9:41:06] Yes, that's it.

24 Q. [9:41:08] And could you also please confirm that you were born on (Redacted)

25 in Mbaïki, Central African Republic.

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1 A. [9:41:28] That's right, indeed.

2 Q. [9:41:31] Thank you, Mr Witness.

3 MS HENDERSON: [9:41:33] Your Honours, we can go back into public session.

4 PRESIDING JUDGE SCHMITT: [9:41:36] Yes, open session.

5 (Open session at 9.41 a.m.)

6 THE COURT OFFICER: [9:41:40] We are in open session, Mr President.

7 MS HENDERSON: [9:41:54]

8 Q. [9:41:56] Sir, could you please confirm that you gave a statement to the

9 investigators of the Office of the Prosecutor on various dates in January and

10 April 2019?

11 A. [9:42:24] I confirm that.

12 Q. [9:42:28] And I understand that last week, you had a chance to look over that

13 statement again with the Victims and Witnesses Unit there in the location that you are

14 at?

15 A. [9:42:43] That's true, I did reread it.

16 Q. [9:43:01] And I also understand that you made some notes on that statement, is

17 that also correct?

18 A. [9:43:24] That's right.

19 Q. [9:43:28] And, sir, do you agree to that statement being submitted into this case

20 as your evidence?

21 A. [9:43:56] Yes, I do accept it.

22 Q. [9:43:59] Thank you, sir. And for the record, that would be the witness's

23 statement at CAR-OTP-2105-0991 at tab 3. French translation at CAR-OTP-2122-4507

24 at tab 5, and the annotations made by the witness during familiarisation at

25 CAR-OTP-0000-1152.

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1 PRESIDING JUDGE SCHMITT: [9:44:38] Thank you. And for the record, with that
2 the conditions of Rule 68(3) for the statement of the witness together with the
3 annotations are fulfilled; so we can continue.

4 MS HENDERSON: [9:44:58]

5 Q. [9:44:59] Sir, now that your statement is before the Court, I will only have some
6 brief questions for you. Some questions expand further on your statement and
7 there's also some video footage that I would like to show you.
8 Now during my questions and your answers, it's very important that you don't
9 identify yourself, that's because you have protective measures in place as the
10 presiding judge has explained. If, at any time, we need to go into private session so
11 that you don't reveal your identity, please do let us know, but I will also try to be alert
12 to that.

13 Now I'd like to start today by showing you some video footage. I would like the
14 court officer, firstly, to bring up the video at tab 1. For the record that's
15 CAR-OTP-2096-2493, the transcript and translation -- I don't believe it actually needs
16 to be run today because there's very little actually said in the video, but for the
17 record --

18 PRESIDING JUDGE SCHMITT: [9:46:14] Yes, but when we don't need it, we simply
19 play it, I would say. What I mean by that is if you don't need it, of course, yes.

20 MS HENDERSON: [9:46:24] Yes. So if we could just play that 40-second clip, this is
21 just to give you some context.

22 Q. [9:46:32] Sir, the videos that I'm showing are footage taken on 5 December in
23 Bangui, and if that can be played by the court officer, you will see the images shortly.
24 And it can be played publicly.
25 (Viewing of the video excerpt)

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1 MS HENDERSON: [9:48:03]

2 Q. [9:48:03] Just for the record, that's tab 1 of the Prosecution's binder, that video.

3 Sir, did you see that video on your screen?

4 A. [9:48:13] On the 5th of December I was in Bangui. I saw that and it was in the

5 Ali Babolo mosque.

6 Q. [9:48:42] Thank you very much, Mr Witness. You have anticipated my next

7 questions on that. Did you -- the bodies that you saw in that video, is that where

8 you also saw the bodies on that day?

9 A. [9:49:40] Yes, I saw it with my own eyes.

10 Q. [9:49:46] Right. I'll move on to another video, and the Prosecution will play

11 this here from the floor. It's at tab 2 of the Prosecution binder, CAR-OTP-2100-0118.

12 Unfortunately, there is no transcript to accompany this, but I'm principally asking the

13 witness to comment on the images, not what is said. And we are going to be playing

14 from the beginning to 59 seconds.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [9:50:39] (Interpretation of the video excerpt)

17 "The crowd is dumbstruck. The pickup is offloading bodies, men who have been

18 killed by bullets or machetes. They're all civilians. They're all Muslims. The

19 count stands at 50 since this morning.

20 Yes, we are at 50 because they're all -- they're still there. There are so many of them.

21 Abdel Kader Khaled, he's the general of the Central African Army. He's a member

22 of the Seleka of the Northern Alliance who led the Muslim president to power.

23 He wants to show the massacre that took place in the night. In the mosque, there

24 were other bodies, most of them were victims of torture, Muslims of Bangui who

25 were killed when -- early in the morning, and the general accuses the former

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1 President Bozize for transforming this political conflict into a religious one." End of
2 sight translation.

3 MS HENDERSON: [9:51:47] We are very grateful to the interpreters for that sight
4 translation.

5 Q. [9:51:54] Now, Mr Witness, you have seen the images in this video as well.

6 Can you confirm that this was also what you saw at Ali Babolo on 5 December?

7 A. [9:52:26] Yes. I think I spoke about this in my witness statement. This was
8 exactly it.

9 Q. [9:52:38] And there on the video, you saw bodies with bullet wounds. Did you
10 see that yourself with your own eyes on the day?

11 A. [9:53:06] Yes, I saw that. I saw the wounds sustained due to bullets and I also
12 saw wounds inflicted by machetes -- struck by machetes.

13 Q. [9:53:31] Did you see any bodies that were mutilated, particularly male bodies
14 with the genitals cut off?

15 A. [9:53:58] No, I did not see that.

16 MS HENDERSON: [9:54:05] Your Honours, my approach with these videos is try to
17 avoid more graphic images in them, so I will just state for the record that between 59
18 seconds and 1.03 seconds, there are some images -- well, there's one male body with
19 genitals cut off that is displayed.

20 PRESIDING JUDGE SCHMITT: [9:54:24] I understand. However, with regard to
21 the crimes that this Court has to deal with, it is unavoidable that graphic images are
22 being displayed and we have to watch them because we have to determine the truth.
23 But in that instance I would not insist on it, but it's simply, it's in the nature of
24 that -- what this Court has to deal with.

25 Please continue.

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1 MS HENDERSON: [9:54:48] Certainly, your Honour. As a matter of witness

2 retraumatisation and to avoid --

3 PRESIDING JUDGE SCHMITT: [9:54:57] But no -- I understood it, but it was just a

4 comment by me.

5 MS HENDERSON: [9:54:56] Thank you.

6 PRESIDING JUDGE SCHMITT: [9:54:57] I'm absolutely fine with your approach.

7 MS HENDERSON: [9:54:59] Yes, I understand. Thank you. And the last video

8 we will also show from the floor, that's at tab 4, CAR-OTP-2108-0682. The transcript

9 and translation appears at the tab 6, that's CAR-OTP-2122-6035, it's at pages 6037 to

10 6038, most importantly the lines are 11 to 14 is the first excerpt that we are playing,

11 and then line 21 to 40 in the second excerpt. So we will first play the first excerpt of

12 31 seconds to 49 seconds, please, that's lines 11 to 14.

13 Could I confirm that the interpreters are ready?

14 PRESIDING JUDGE SCHMITT: [9:56:09] They are, I see a thumbs up.

15 MS HENDERSON: [9:56:13] Thank you. We can proceed.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [9:56:16] (Interpretation of the video excerpt)

18 "Suddenly a civilian patrol comes and MOHAMED offers us to drive us to the

19 ALI-BABOLO mosque, which is about 100 metres where a dozen bodies have just

20 been transported. When we came, the tension was rife and was heightened by this

21 attack."

22 MS HENDERSON: [9:56:37]

23 Q. [9:56:37] Now just firstly, sir, could you confirm that that is indeed Ali Babolo as

24 you saw it on the day?

25 A. [9:56:57] Yes, I can confirm that is the Ali Babolo mosque.

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1 Q. [9:57:03] And I'll now go to the second excerpt, so that's 1:01 to 1:41 seconds.

2 It's lines 21 and 40 of the transcript. If the interpreters are ready to proceed?

3 THE INTERPRETER: [9:57:23] Yes, we are.

4 MS HENDERSON: [9:57:26] Thank you. We can proceed.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [9:57:28] (Interpretation of the video excerpt).

7 "Sick and tired ...

8 We're sick and tired of this.

9 We are sick and tired of this.

10 We're going to exact revenge.

11 We are Muslims, we're practising our religion. It's not a question of ethnic group.

12 The CENTRAL AFRICAN REPUBLIC belongs to us. It belongs to us all. There are

13 Muslims who are Central Africans. And we are Central African Muslims ... because

14 there are idiots who know that -- who don't know that ... they do not know this

15 country. They want to perceive us as foreigners. And we're not foreigners in this

16 country.

17 The heat was stifling, and the odour was absolutely foul.

18 Every time the SELEKA are accused of committing exactions. And today the former

19 Central African forces, see what they've done? Civilians and -- the poor civilians

20 who have been killed, decapitated by machetes, is that normal? The CENTRAL

21 AFRICAN REPUBLIC calls to the world -- belongs to everyone, Christians and

22 Muslims alike." End of sight ...

23 MS HENDERSON: [9:58:42]

24 Q. [9:58:43] Now sir, you just saw two men speaking in that footage. My first

25 question is whether you know who either of those men are?

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1 A. [9:59:06] No, I do not know either of them.

2 Q. [9:59:11] Now I'm not sure if it came through in the translation to you there in
3 Sango, but the first man was referring to Muslims being perceived as foreigners, and
4 he was saying, "We are not foreigners in this country."

5 Is that something that you were familiar with, Mr Witness, the perception that
6 Muslims in CAR were foreigners? Had you heard about that?

7 A. [9:59:59] Yes, absolutely. This is what happened.

8 Q. [10:00:05] Can you expand on that a bit. What kind of talk had you heard and
9 from whom?

10 A. [10:00:30] During those events, everyone was saying that. The conflict had
11 become a conflict between the Muslims and the Christians. We don't know -- we
12 didn't know why the situation had degenerated like that. We were civilians.

13 Everyone was accusing the Muslims -- us Muslims. What were we to do?

14 Q. [10:01:08] Thank you, sir. I'd like to move on to a further topic, and I'm moving
15 to part of your statement. In paragraph 31, you said that when you were in Bangui,
16 you could not leave PK5 because of poor security and fearing for your life. Could
17 you please explain to us what you meant by fearing for your life. What exactly did
18 you think would happen if you left?

19 A. [10:01:52] Yes, that is true. I did say that. The events of the 5 December were
20 terrible. The Anti-Balaka were everywhere. We could not leave Kilometer 5 in
21 Boy-Rabé or Combattant and Kassai. Muslims were being abducted, taken away in
22 cars or on motorcycles. They were taken away, so that's why I had to stay at
23 Kilometer 5. With what I saw at the Ali Babolo mosque, I could not leave Kilometer
24 5, so I had to stay there at Kilometer 5 for my own protection. It was only later, once
25 there was a lull, that is when I decided to go to Mbaïki.

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1 Q. [10:03:01] Sir, you referred to Muslims being abducted -- taken away in cars or
2 motorcycles. Who was abducting them? Who was the threat?

3 A. [10:03:30] The Muslims were afraid of the Anti-Balaka.

4 Q. [10:03:39] Sir, moving on in your statement to paragraph 33, you refer to Rambo
5 arriving in Mbaïki with his elements, and you say that there were many killings by
6 Rambo's elements.

7 Can you tell us what you know about these killings? Were these things that you had
8 heard about and, if so, what did you hear exactly?

9 A. [10:04:26] Yes. Truth be told, the killings committed by the Anti-Balaka of
10 Rambo, I did not see them with my own eyes. I was in the centre of town in Mbaïki.
11 They blocked the road out of Mbaïki towards Sekia. They were everywhere in the
12 locations, such as, Bangui-Bouchia, all the villages around Mbaïki, all the little places
13 around there.

14 Travellers or people who wanted to go to Boda or elsewhere, those people reported to
15 us that such-and-such a Muslim had been killed at such-and-such a place. I heard
16 about that. I did not see it with my own eyes, I heard about these things.

17 Q. [10:05:29] And I take it from your answer that what you heard was that
18 such-and-such a Muslim had been killed by the elements of Rambo? Do I
19 understand that correctly, that that's what you heard?

20 MS DIMITRI: [10:05:44] Mr President?

21 PRESIDING JUDGE SCHMITT: [10:05:45] Ms Dimitri.

22 MS DIMITRI: [10:05:46] If I may, I'd like the question to be a bit more neutral:
23 What did you hear exactly or --

24 PRESIDING JUDGE SCHMITT: [10:05:50] Yes, actually I was also about to intervene,
25 and I would want to ask a question from the bench.

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1 Mr Witness, you said you heard that. Who did tell you these events? What is your
2 source of information? With whom did you speak?

3 THE WITNESS: [10:06:12](Interpretation) Yes. The murders of
4 Muslims -- everyone was talking about them. People were calling one another on
5 the telephone, and when I was told about that, it might have been several days after
6 the events. It is true that the Muslims were being killed along the roads. Everyone
7 knew about it. I can't give you names. During those events, when they found
8 a Muslim in a village or on the road, they would kill them systematically. It was
9 utter chaos.

10 PRESIDING JUDGE SCHMITT: [10:07:09] Ms Henderson.

11 MS HENDERSON: [10:07:12]

12 Q. [10:07:12] And sir, according to what you heard, who was killing the Muslims?

13 A. [10:07:41] Well, I can't give you the names of the victims. I didn't see it with
14 my own eyes. I can't tell you such-and-such a person was killed. You see, it was
15 a conflict between Muslims and Christians. When a Muslim person was in a place,
16 the Christians would kill him systematically in locations controlled by Christians. So
17 I can't tell you specific names that so-and-so or such-and-such a person had been
18 killed.

19 Q. [10:08:25] And according to what you heard, did the killers -- not the victims,
20 but the killers include the Anti-Balaka?

21 A. [10:08:54] Yes.

22 THE INTERPRETER: [10:09:00] Says the witness in French.

23 MS HENDERSON: [10:09:03]

24 Q. [10:09:03] And moving along, sir, to another part of your statement -- paragraph
25 57, you talk about the day that there was a meeting at the church. You say that you

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1 saw the Anti-Balaka elements that had arrived with Rambo walking around the town
2 and you said that when you passed them, they said, "You Muslims, wait, you will
3 see," which you took as a threat to kill you.

4 I'd like to get some more details about this interaction, Mr Witness. Could you tell
5 me what these people looked like, for example, how they were dressed?

6 A. [10:10:05] Yes. The people who were threatening us, some were wearing
7 military clothing, some were wearing civilian clothing. They were based at the city
8 hall. They were walking around the town and threatening people. For the most
9 part, they were wearing military uniforms, that is true.

10 THE INTERPRETER: [10:10:35] Concludes the witness.

11 MS HENDERSON: [10:10:37]

12 Q. [10:10:38] And did you know who any of them were -- either by name or by
13 nickname or anything else that could identify them?

14 A. [10:10:54] No, I don't know their names.

15 Q. [10:11:00] And how many individuals were there who were making these
16 threats?

17 A. [10:11:30] The elements who had been deployed to the town of Mbaïki were
18 many in number. I couldn't count them all, they had dispersed throughout the town.
19 They patrolled and walked about in groups of three -- two or three. I wasn't in
20 a position to know their -- how many there were or what their names were.

21 Q. [10:11:56] Thank you, sir. And I'd like to move on to paragraph 57 now, where
22 you also talk about threats from the Anti-Balaka who accompanied Rambo - as you
23 say in your statement - threats along the lines of, "We will kill you Muslims, we will
24 cut your throats, and we will eat you."

25 Could you also please give us some more details of this, for example, when did this

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1 occur?

2 A. [10:12:34] I think it was towards the end of January 2014. It is true, the threats
3 were real. Already rumours were flying about the town and these people were
4 saying that out loud. And even if they did not attack us or hurt us, that is what they
5 were saying as they patrolled the town.

6 Q. [10:13:29] And can you say how soon after they arrived this happened?

7 A. [10:13:58] I can't give you the exact date. You have to realise that the situation
8 was very hot, tense. People might say anything. The situation was serious. We
9 were being threatened, intimidated. Everyone was afraid. So I can't give you
10 a specific date or a specific period of time.

11 Q. [10:14:26] I understand, Mr Witness. You go on to say also in paragraph 57,
12 that Rambo did not do anything about these threats. How do you know that he did
13 not do anything?

14 A. [10:14:57] No, I didn't say Rambo had done nothing. It is true that in my
15 statement I said that when the Anti-Balaka had arrived, they had begun to threaten
16 people. The French army arrived in the town and started to patrol, and they were
17 keeping an eye on the Anti-Balaka to keep them from hurting us. So it was thanks
18 to Rino from the Christian Catholic church who called Rambo, who called the pastors
19 to organise a meeting at the Jean d'Arc Church in Mbaïki. He pulled Rambo's ears,
20 he asked him to ensure the security of people in the town, particularly Muslims in
21 Mbaïki, because those elements couldn't continue to hurt the people.

22 And at the -- after the end of the meeting, Rambo himself went to the station and
23 gathered people together and asked for their attention and asked his elements to be
24 careful and to stop hurting Muslims. Rambo was not in position -- not always there
25 in Mbaïki, he was often in Bangui. After he left, his elements committed crimes in

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1 the town, but each time he would come back, he would designate three elements and
2 some Muslims as well met with Rambo as -- in his capacity as chief. So they met
3 with him in his position as chief and elder brother.

4 We were civilians. We were not concerned. We were traders. We had nothing to
5 do with what was going on. We mustn't be targeted. Rambo said to us that he
6 supported us. He told us that he wasn't Anti-Balaka, that he was a member of the
7 FACA. He even introduced some Muslim people who were Anti-Balaka. He said
8 he no longer had weapons against the Seleka who had hurt our parents -- our mothers
9 and fathers. He said his goal was to drive out the Seleka and he had nothing to do
10 with the Muslims. He gave us his telephone number and asked us to call him each
11 time someone came to threaten us, and that was at Mama Malounga's drinking
12 establishment opposite the market.

13 After that, he went back to where he was staying, and we stayed in the town of
14 Mbaïki waiting to see what was going to happen to us. Thank God in Mbaïki -- in
15 the town of Mbaïki, nothing bad was done to anyone until the ... And ultimately,
16 the Chadian forces came and got us and evacuated us to Chad.

17 That is what happened.

18 Q. [10:18:33] Thank you, sir.

19 MS HENDERSON: [10:18:34] Your Honours, I have some follow-up questions still.

20 I think I probably have about 10 minutes to go. With the special measures of
21 45-minute blocks, I'm not sure if I should continue now or have a break.

22 PRESIDING JUDGE SCHMITT: [10:18:47] I think we can ask the witness because it's
23 only a short overstepping, so to speak. Mr Witness, is it fine if we continue another
24 10, 15 minutes before we have a break?

25 THE WITNESS: [10:19:01](Interpretation) I agree, we can keep on going.

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1 PRESIDING JUDGE SCHMITT: [10:19:18] Please, Ms Henderson.

2 MS HENDERSON: [10:19:22] Thank you, sir.

3 Q. [10:19:23] Mr Witness, in your last answer, you said that Rambo was often in
4 Bangui, and after he left to Bangui, I take it his elements committed crimes in the
5 town. What crimes are you referring to there, sir?

6 A. [10:20:21] Well, going by what I experienced and what I saw with my own eyes,
7 the crimes occurred in Bangui-Bouchia, in that area. That day (Redacted)

8 (Redacted) the company

9 commander of the town of Bangui. And with that vehicle, he was patrolling

10 Five Kilometers, headed towards Nzanga, they were attacked by the Anti-Balaka and
11 disarmed. And then my vehicle -- well, they took my vehicle. Then after that they
12 took the vehicle belonging to the prefect, also a Toyota, and they took that vehicle to
13 Bangui and they drove around in it.

14 Fortunately, Rino intervened, the Sangaris forces as well, they called Rambo and they
15 asked for -- he asked that (Redacted).

16 (Redacted).. As the Muslims were being killed in Bouchia,

17 Anour was there. (Redacted).

18 (Redacted). The body

19 (Redacted)

20 As for the crimes in Lobaye, that was it. (Redacted),

21 (Redacted) to the Mbaïki hospital. As for the other crimes, I just

22 heard about them. I didn't see them. That's what I can tell you.

23 Q. [10:22:07] And now -- thank you, Mr Witness. You also referred in your long
24 answer some minutes ago to Rambo designating three elements each time he would
25 leave in his capacity as chief. Can you tell us how you came to know about that?

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1 PRESIDING JUDGE SCHMITT: [10:22:41] Ms Dimitri, what's the matter?

2 MS DIMITRI: [10:22:49] I think, unless I'm mistaken, my understanding in French is
3 that he designated three elements when he would arrive in Mbaïki and discuss with
4 the Muslims, including the witness, but there might have been a slip in
5 interpretation --

6 PRESIDING JUDGE SCHMITT: [10:22:58] Then let's be absolutely precise. You
7 look for the reference of today's transcript and we read it together then, yes?

8 MS HENDERSON: [10:23:08] Yes. I have the reference here in English, but
9 perhaps in the break I could compare the English and the French.

10 PRESIDING JUDGE SCHMITT: [10:23:16] No, no. What is it in English?

11 MS HENDERSON: [10:23:17] Yes, it's the realtime transcript from today, page 19 at
12 about lines 8 to 11. It said -- in the English, it says:

13 After he left, his elements committed crime in the town, but each time he would come
14 back, he would designate three elements and some Muslims as well met with Rambo
15 as -- in his capacity as chief." End of quote.

16 It's not entirely clear, I have to say --

17 PRESIDING JUDGE SCHMITT: [10:23:46] Yes, then there's no problem to simply
18 ask the witness to clarify it and then we have captured everything -- every possibility,
19 at least.

20 MS HENDERSON: [10:23:56]

21 Q. [10:23:57] Sir, you can see from my discussion that there's a little confusion
22 about what you said just earlier. I won't put words in your mouth, but could you
23 perhaps tell us when you were referring to Rambo designating three elements, what
24 exactly was that? What were the elements designated to do? Could you please
25 expand on that part again.

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1 A. [10:24:38] I have the impression you haven't understood me properly. It wasn't
2 Rambo who designated elements. (Redacted)
3 (Redacted)
4 (Redacted) with Rambo. And he
5 was the head of the -- Mbaiki, and for our security, you have to realise (Redacted)
6 (Redacted), "Listen, we are children. We are brothers. We are not
7 Seleka. We are civilians. We are innocent of everything that's going on. We're not
8 interested in politics."

9 Rambo said to us, "You are our brothers." He said, "I'm not a Balaka, I'm a FACA
10 member." That's his answer to me. He said, "I'm a FACA, I'm here to fight the
11 Seleka. Since the Seleka are no longer here, I have no problem with you. Remain in
12 peace, stay calm, stay calm. My elements are here. I'm going back to Bangui. If
13 they come and threaten you, call me." He just presented his aides-de-camp to me,
14 his elements, two and three elements who were with him for his protection. And he
15 said even amongst his aides-de-camp, there was a Muslim called Sali (phon). "I have
16 no problem with the Muslims," he said. That's what he told us.

17 PRESIDING JUDGE SCHMITT: [10:26:28] Well, I think that was worth the exercise.
18 So please continue, Ms Henderson.

19 MS HENDERSON: [10:26:35] Yes.

20 Q. [10:26:37] Thank you, Mr Witness. That helped clarify the record for us.
21 Now, previously we were talking about the threats from Rambo's elements, and I
22 appreciate that it's hard now with dates and time periods because this was a while
23 ago, but are you able to say how long the threats lasted for, and particularly if they
24 lasted up to the point that you left?

25 A. [10:27:17] Regarding those threats, when they entered the town of Mbaiki, it was

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1 difficult to bear. They wanted to hurt us. Fortunately, thanks be to God, nothing

2 happened to us. Nothing bad happened to us. And then after that, the French

3 soldiers arrived at night.

4 During the day, they patrolled throughout the town of Mbaïki. Fortunately Rino

5 was there. He called Rambo and warned him, gave him a warning, and since they

6 were calling here and there, with the presence of the French soldiers, nothing bad

7 happened. Despite all of that, they continued to threaten, but they didn't kill people.

8 They did not destroy the shops. Thank God, nothing bad happened to us.

9 Q. [10:28:28] Very quickly, I just want to ask you about the evacuation of 6

10 February from Mbaïki. Can you estimate how many people were evacuated from

11 Mbaïki on that day?

12 A. [10:29:28] The Muslims who were evacuated from Mbaïki to Chad were many in

13 number. It wasn't just people from Mbaïki centre, it was also people from the

14 surrounding areas, Mongoumba, Pissa, Bagandou, all the surrounding villages. So

15 all those Muslims who gathered in Mbaïki, I can't tell you the exact number, 16 or *12.

16 There were *16, 16 trucks in all *used to evacuate these people.

17 Q. [10:30:21] And sir, my last question, you refer to this evacuation - paragraph 67

18 of your statement - as basically going into exile. Can you please tell the Court how

19 you and your family and your community experienced that exile? What impact it

20 had on you?

21 A. [10:31:11] Yes. It had a great impact. In Mbaïki, we had been there for 20 or

22 30 years. We had traded there, we had property there, we had goods in our shops.

23 We had our cafés, we had to leave everything behind. When the trucks from -- when

24 the trucks came to expatriate us, that was to take us with our possessions, but the

25 Chadians refused. They said we could only take a few things. They refused to take

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1 our goods with us. People left in tears because they left all their possessions and
2 their goods behind. We escaped with our lives, but we left everything behind in
3 Mbaïki.

4 Q. [10:32:25] Mr Witness, those are all my questions for today. Thank you very
5 much for your patience.

6 Mr President.

7 PRESIDING JUDGE SCHMITT: [10:32:33] Yes, I have one additional question.

8 Mr Witness, did you and your family think about going back to Mbaïki? Do you
9 think that would have been possible or it would be possible for you?

10 THE WITNESS: [10:33:10](Interpretation) I thank God. My family is living in
11 a refugee camp in Chad, and the *UNHCR is taking care of my children, is taking care
12 of their schooling and it's (Redacted), and we are still living in
13 Chad. Now, going back to Mbaïki is something which is not on the cards. I don't
14 think so. It's not possible.

15 PRESIDING JUDGE SCHMITT: [10:33:49] Well, why do you think it is not possible?

16 THE WITNESS: [10:34:12](Interpretation) It is true that the entire world is now
17 aware of the Central African Republic conflict. You see, I'm old and I have
18 ambitions and I can only wish that peace be restored in the Central African Republic.
19 Now if there is peace, I can take my children and go back to the country, but for the
20 moment and -- this is really not the case.

21 PRESIDING JUDGE SCHMITT: [10:34:56] Thank you, Mr Witness. I think we
22 understand that.

23 The Prosecution has finished its examination.

24 Ms Dimitri, I don't think you will have so many questions. You know, I'm always
25 assuming things, I try to look into the future -- into the near future.

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1 MS DIMITRI: [10:35:16] Indeed, Mr President. What I suggest, we are going to
2 considerably cut down, especially given the long answer the witness gave. With
3 your leave, if we could start at 2.30, we could use the one or two hours now to shorten
4 it, and we will do our utmost best to finish today. That's our goal. But if we reread
5 the transcript and cut down the questions, I think we can manage that.

6 MR CARNERO ROJO: [10:35:47] Mr President, We have half an hour of questions,
7 more or less, for this witness, so ...

8 PRESIDING JUDGE SCHMITT: [10:35:52] Then what we can do is -- let's have now
9 a break until a quarter past 11. Then we hear the representative of the victims, and
10 then we have a break until 2.30. So -- and we hope that we can finish today.

11 Thanks for the moment.

12 THE COURT USHER: [10:36:14] All rise.

13 (Recess taken at 10.36 a.m.)

14 (Upon resuming in open session at 11.16 a.m.)

15 THE COURT USHER: [11:16:47] All rise. Please be seated.

16 PRESIDING JUDGE SCHMITT: [11:17:05] We are in open session and I take it that
17 we can stay there. So you have the floor.

18 MR CARNERO ROJO: [11:17:16] Thank you, Mr President. Just for the record, just
19 to know that our field counsel, Mr Innocent Mpoko, is following this witness
20 testimony from the field location via video link.

21 With your leave, Mr President, I will be conducting my examination while I am
22 sitting.

23 PRESIDING JUDGE SCHMITT: [11:17:35] Yes. Since the witness is not in the
24 courtroom, it's even more comfortable and it also makes more sense.

25 MR CARNERO ROJO: [11:17:43] Thank you.

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1 PRESIDING JUDGE SCHMITT: [11:17:44] Please start.

2 QUESTIONED BY MR CARNERO ROJO:

3 Q. [11:17:47] Good morning, Mr Witness. We met last week during the courtesy
4 meeting. My name is Enrique Carnero Rojo, and I'm one of the lawyers representing
5 the victims in these proceedings. I have some questions for you today concerning
6 your statement. As my colleague from the Prosecution told you, you have protective
7 measures to make sure that people in the public do not know who you are, and for
8 that reason I have worded my questions carefully to avoid your identification.

9 Nonetheless, Mr Witness, if, when you are about to provide an answer, you think that
10 the information you will give may lead to your identification, please let me know in
11 advance and I will ask the presiding judge to move into private session.

12 Also, Mr Witness, sometimes my questions may not be clear to you. If that is the
13 case, please don't hesitate to let me know, and I will rephrase them or repeat them.

14 Is all this clear, Mr Witness?

15 A. [11:19:15] Yes, I've understood you very well.

16 Q. [11:19:19] Thank you very much.

17 So for the record, I will be referring to the English version of the witness's statement
18 during my examination, ERN CAR-OTP-2105-0991.

19 So Mr Witness, I will be putting questions to you regarding the harm that you and
20 others suffered in different locations and times. In particular, I will be grouping my
21 questions in three groups concerning -- first, your return to Mbaïki; then your
22 departure from Mbaïki; and finally, your current situation.

23 Starting with your situation in Mbaïki, you had stated to the investigators -- and this
24 is in paragraph 46, ERN 2105-0999, that the living conditions for the Muslims who
25 arrived in Mbaïki in December 2013, when the Seleka were still there, were very

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1 difficult and that (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [11:20:49] Thank you for giving me the opportunity to explain the situation. It

6 was my role to (Redacted) At that point of time, the Seleka were

7 uncontrollable. When they were hungry, they would come into the shops and help

8 themselves to the money forcibly.

9 Now, when they came, (Redacted)

10 (Redacted) when his elements needed money -- needed assistance of food. I wanted

11 to do everything for peace to be restored in the city. When the soldiers were hungry,

12 (Redacted)

13 (Redacted). The only thing we wanted was to live in peace.

14 (Redacted)

15 (Redacted)

16 Q. [11:22:38] Just one question for clarification. I don't know if it was not properly

17 interpreted. (Redacted) to the Anti-Balaka

18 or to the Seleka, Mr Witness?

19 PRESIDING JUDGE SCHMITT: [11:23:07] Ms Henderson, let the witness answer

20 because it's not -- indeed, he said Seleka, that's the point, yes.

21 Excuse me, Mr Witness, for our discussion here in the courtroom. Please provide us

22 with your answer.

23 THE WITNESS: [11:23:21](Interpretation) Yes. This money that was collected was

24 done to -- for the Seleka, so that they could (Redacted)

25 (Redacted)

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1 (Redacted) so that peace and

2 harmony could reign in the city.

3 PRESIDING JUDGE SCHMITT: [11:24:11] Ms Henderson.

4 MS HENDERSON: [11:24:14] I hesitate to interrupt, it's obviously not an objection.

5 It's just that the answers that are being elicited do have a lot that needs to be redacted.

6 It might be wise for this portion to be in private session.

7 PRESIDING JUDGE SCHMITT: [11:24:28] Well, if we -- I think we have clarified that,

8 so -- and I assume follow-up questions will not tackle that issue, so we stay in open

9 session and of course, like always, Ms Dimitri will have listened carefully to this last

10 answer and will further cut down their questions.

11 Please continue.

12 MR CARNERO ROJO: [11:24:52] Thank you very much, Mr President.

13 Q. [11:24:53] Mr Witness, did you manage to (Redacted)

14 (Redacted)

15 A. [11:25:13] No. I got nothing back in return.

16 Q. [11:25:18] Thank you very much, Mr Witness. I move on to another part of

17 your statement. Now in paragraph 46, that is ERN 2105-0999, you had stated that in

18 Mbaiki at that time, that is in December 2013, quote:

19 "The hospital was not working, there were no doctors, as they had all left." End

20 quote.

21 In these conditions, Mr Witness, how were the sick or wounded Muslim refugees

22 taken care of?

23 A. [11:26:23] At that point of time, there were no doctors and no nurses. People

24 were self-treating themselves. It's true that there were matrons and there were also

25 staff to help out, but the heads were no longer there. They had all fled.

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1 Q. [11:26:59] And you also said, Mr Witness - this is in paragraph 47 of your
2 statement - that some people had stayed in the houses of residents of Mbaïki and that
3 (Redacted)
4 (Redacted)

5 A. [11:27:45] As I said in my previous testimony, I told you that all Muslims in the
6 Mbaïki city and the adjoining areas had sought refuge in Mbaïki. They were all
7 dispersed somewhere in their -- in the houses of their family somewhere, seeking
8 refuge in schools and others and mosques. (Redacted)
9 (Redacted)
10 (Redacted) Now, these people also had a few resources
11 with them and they were actually making do with that. This is exactly that -- what
12 happened.

13 Q. [11:28:46] Thank you, Mr Witness. You just made reference to the mosque, I
14 understand that -- and you said this to the investigators, that some of the Muslim
15 refugees also sought refuge in the mosque in Mbaïki. Could you tell the Chamber
16 how were the conditions in that mosque in terms, for example, of food, in terms for
17 example of a space for them to sleep, in terms of security and so on?

18 A. [11:29:16] There were some refugees who had sought shelter in the mosques and
19 in the people of -- in the homes of other people. And I said that some of them had
20 some resources, but mostly I also would like to take this opportunity *to thank
21 Monseigneur Rino, the bishop, who, in fact, strived to provide assistance to the
22 displaced population. He gave them oil, milk and some foodstuff. There was no
23 problem of security. These people were living in safe conditions.

24 Q. [11:30:21] We move now, Mr Witness, to the second part of my questioning, and
25 that concerns your evacuation from Mbaïki in February 2014. And you said to the

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1 investigators - and this is in paragraph 64, the ERN is 2105-1003 - that you were
2 evacuated with your wives and children.

3 How old were your children at the time, more or less?

4 A. [11:31:14] We were evacuated on 6 February 2014, but I can't tell you the ages of
5 all my children. They were (Redacted) of them. If I had their birth certificates with me,

6 I

7 could give you their ages at the time of our evacuation.

8 PRESIDING JUDGE SCHMITT: [11:31:44] Please move on. That's not essential
9 information to put it this way. Yes.

10 MR CARNERO ROJO: [11:31:53]

11 Q. [11:31:54] Can you tell us, Mr Witness, how did your children - regardless of
12 their age - how did they experience living in Mbaïki and going abroad?

13 A. [11:32:30] Well, you know, when we left the town of Mbaïki, some of my
14 children were still very young. The eldest was three or four, but at no time did they
15 see such scenes. But what I experienced was not experienced by my children. It
16 was once we were gone, we wanted to leave and go to Chad, they were placed in
17 those trucks when they left the house. They got into the vehicles and were
18 evacuated directly.

19 Myself, I took the three older children, I took them in my vehicle to Kilometer 5, but
20 what I saw with my own eyes, the atrocities, the children were not witnesses of that.

21 MR CARNERO ROJO: [11:33:41] Mr President, the remainder of my questions may
22 lead to identification of the witness.

23 PRESIDING JUDGE SCHMITT: [11:33:46] Yes, okay. Then we go to private session.

24 And for the audience, you have recognised that this is a protected witness and the
25 next questions might tend to reveal the identity of the witness and because of that,

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1 unfortunately for you, we have to go to private session.

2 (Private session at 11.34 a.m.)

3 THE COURT OFFICER: [11:34:05] We are in private session, Mr President.

4 MR CARNERO ROJO: [11:34:21]

5 Q. [11:34:22] Mr Witness, now that we are in private session, your answers are not

6 heard by the public, so feel free to speak about people, places in the answers that you

7 give to my questions, okay?

8 So in your statement, you had spoke about leaving behind, when you left for Chad,

9 all your belongings in Mbaïki and that the Anti-Balaka took them -- referring, for

10 example, to refrigerators, furniture, television sets, mattresses and so on. Could you

11 tell the Chamber approximately more or less, what is the combined value in CFA

12 francs of all the goods that you had to leave behind when you left CAR?

13 A. [11:35:32] When we were evacuated from Mbaïki, it is true, I had (Redacted)

14 houses in a compound because I had (Redacted) wives. And each wife had

15 a television set, a dresser, a bed and other things, because -- well, you know, the

16 vehicles couldn't carry everything. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 So you're asking me to assess the value of these things, I would say 45 million CFA

23 francs, if there were to be reparations because I am the father of a family, you see, and

24 I need these resources to raise my family -- raise my children.

25 Q. [11:37:09] Thank you, Mr Witness. So we understand that you have not

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1 received any compensation for these goods?

2 A. [11:37:35] When we left that place, we were deported to Chad. Once we got to
3 Chad, we didn't know -- we weren't familiar with that country. We had some
4 money and we were able to feed ourselves and get healthcare. UNHCR gave us
5 a bit -- 3,000 per household, but what would that pay for? We worked hard. We
6 are religious people. I worked hard. I'm a businessman, and my fellow traders
7 gave me food to eat and a bit of money. I bought some (Redacted) and I sold them.
8 So I worked hard to get some money and support my children and family. When we
9 got to Chad, we had nothing. We were -- we had been stripped of all our
10 possessions and even now, it's difficult for me to get back on my feet and resume my
11 business activities. I really -- I am counting on God, and I hope God will help me in
12 the future.

13 Q. [11:39:00] So you mentioned this morning, Mr Witness, this in a paragraph -- on
14 page -- sorry, on page 26 of the English transcript, that you have not been able to go
15 back to Mbaiki. So where do you live at the moment, Mr Witness?

16 A. [11:39:32] I'm living at (Redacted) in Bangui.

17 Q. [11:39:39] You also said this morning that all your family is still living in that
18 refugee camp in Chad. So how long have they been living there?

19 A. [11:40:10] In 2014, when we were evacuated, we got to Sido in Chad and
20 the *IOM workers registered us. *Then one of my brothers *came from (Redacted) and
21 he took me back *to his home. There were many of us, you see. There were my
22 wives and my children. They couldn't stay in one person's home or just in one place.
23 Shortly thereafter, we came back to the camp, the UNHCR, and, even up until now,
24 we are all there in that camp and it is the UNHCR who is -- that is taking care of us.

25 Q. [11:41:03] Can you please describe a bit for the Chamber the conditions in that

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1 camp in terms of food, hygiene, security and so on.

2 PRESIDING JUDGE SCHMITT: [11:41:14] Could that -- I think we could discuss that
3 in open session, or not?

4 MS HENDERSON: [11:41:20] Yes, certainly, but before we do, your Honours, I just
5 wanted to flag a transcript discrepancy at minute -- or 11:39:32 that the witness in the
6 French version said that he was living at (Redacted) in Bangui, but it came out in the
7 English transcript as Mbaïki which I believe is not correct.

8 PRESIDING JUDGE SCHMITT: [11:41:45] No, I heard it was Bangui definitely.

9 Thank you very much. We go to open session. And Mr Witness, when we now go to
10 open session for the last questions, please keep in mind that you do not provide us
11 with information that could reveal your identity.

12 But yes, I understand that it is about the general conditions in the camp. Yes,
13 thank you.

14 (Open session at 11.42 a.m.)

15 THE COURT OFFICER: [11:42:28] We are in open session, Mr President.

16 PRESIDING JUDGE SCHMITT: [11:42:32](Microphone not activated)

17 THE INTERPRETER: [11:42:36] Microphone, please.

18 PRESIDING JUDGE SCHMITT: [11:42:39] You were asked about the living
19 conditions, Mr Witness, in the refugee camp and perhaps you could provide us with
20 this information. Thank you.

21 THE WITNESS: [11:42:51](Interpretation) In the refugee camp, well, there were
22 many people, even now there are many people in that refugee camp in Chad. They
23 are trying to survive. For example, when the UNHCR gives you a house, the
24 children -- there's the children, the wife, the husband, then they have to go and find
25 some food for the children, but the UNHCR gives each household 3,000 francs. They

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1 give you food worth 3,000 francs -- cooking oil, soap.

2 But myself as the head of the household, I'm fighting -- I'm working hard to support

3 my family. As for the security, there is no problem, nor for health. People who fall

4 ill are taken to the hospital, even those who get into an accident, they're taken care of.

5 They can get an X-ray, they can get an ultrasound. That's what I can tell you.

6 PRESIDING JUDGE SCHMITT: [11:44:29] It was a very nuanced answer. Thank

7 you very much, Mr Witness.

8 Have you other questions?

9 MR CARNERO ROJO: [11:44:37] Just two more, Mr President.

10 Q. [11:44:41] So thank you for that description. One question regarding your kids.

11 Are they getting an education in the refugee camp?

12 A. [11:45:01] Yes, they are being educated. They go to school, they are learning

13 French and also they are going to Koranic school.

14 Q. [11:45:12] Okay, thank you very much, Mr Witness. My last question, how is
15 your life now compared to the one that you had before the events of 2013 and 2014?

16 And you can provide a general but still simple description for the Chamber to know
17 how you're living now and how your family is living now compared to the life you
18 had before the events that you testified about today.

19 A. [11:45:53] Thank you for your question. In Mbaïki, (Redacted)

20 (Redacted)

21 I worked a lot in Mbaïki. I had resources. I had shops, but the conflict destroyed
22 everything. What I'm asking is at least -- well, I thank God for keeping me alive and
23 for the determination that I have. If I hadn't been determined, I would not be in this
24 state.

25 Today, if I ask for assistance from a friend who's a trader, he can help me. But I have

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1 lost most of my business. I don't even have one quarter of that, and I merely thank

2 God for keeping me alive.

3 Q. [11:47:04] Thank you very much for your answers, Mr Witness.

4 Mr President, I have nothing further.

5 PRESIDING JUDGE SCHMITT: [11:47:10] Thank you, indeed, Mr Witness, for your
6 answers.

7 Ms Dimitri, also in the -- for the benefit of your client and the client of Mr Knoops, is 2
8 o'clock enough? We have now a break until 2 o'clock?

9 MS DIMITRI: [11:47:26] Yes, Mr President.

10 PRESIDING JUDGE SCHMITT: [11:47:28] Let's have a break until 2 o'clock and we
11 finish in the afternoon. Thank you.

12 (Recess taken at 11.47 a.m.)

13 (Upon resuming in open session at 2.00 p.m.)

14 THE COURT USHER: [14:00:53] All rise. Please be seated.

15 PRESIDING JUDGE SCHMITT: [14:01:11] Good afternoon, it's now the turn of the
16 Defence of Mr Yekatom. We are in open session. Ms Dimitri, you have the floor.

17 MS DIMITRI: [14:01:27] And with your leave, I give the floor to Ms Casiez.

18 PRESIDING JUDGE SCHMITT: [14:01:33] Of course, Ms Casiez, you have the floor.

19 MS CASIEZ: [14:01:35] Thank you, Mr President.

20 THE INTERPRETER: [14:01:40] Microphone for the Defence counsel please,
21 thank you.

22 QUESTIONED BY MS CASIEZ: (Interpretation)

23 Q. [14:01:48] Good afternoon, Mr Witness. I am Lena Casiez. I work in the

24 Defence team of Mr Alfred Rombhot Yekatom, we met last week during the courtesy
25 visit and I will be putting questions to you this afternoon. You will see, it won't be

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1 very long. Your statement is very detailed already, but I do have a few clarification
2 questions for you. Is that okay?

3 A. [14:02:26] Yes, I understood you. Thank you very much.

4 Q. [14:02:30] I will start putting a few questions for you covering the period when
5 the Seleka were in Mbaïki. You gave different -- many different descriptions, but I
6 would like to have some details. At paragraph 24 of your statement - so it's binder 5
7 of the Prosecutor's tab, French version CAR-OTP-2122-4507 - you said:

8 "The Seleka owned its own prison."

9 And you're talking about the very different types of punishments. Am I right in
10 saying that this is something that everybody knew? It is some -- it was something
11 that was very well known in Mbaïki?

12 A. [14:03:32] Yes. That is true, everybody knew that.

13 Q. [14:03:37] In the same paragraph, paragraph 24 of your statement, you said the
14 people who were making trouble were brought before the Seleka, the troublemakers
15 were brought before the Seleka. And the young locals, did they try to defend
16 themselves faced in the situation and was it them, were they considered to be
17 troublemakers by the Seleka?

18 A. [14:04:24] I did not quite understand your question.

19 Q. [14:04:30] No problem, Witness, I will rephrase my question.

20 In paragraph 24 of your statement you said:

21 "The troublemakers were brought before the Seleka."

22 Do you have any more information about those troublemakers?

23 A. [14:05:04] In my statement, I stated that when the Seleka arrived, they controlled
24 the city and when there was a problem, when one person was caught -- a thief, for
25 instance, when people were fighting together instead of bringing these people to the

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1 police, they were brought before the Seleka and it was the Seleka that would decide
2 about their fate. And when the Seleka was there, justice -- the justice system, police,
3 the gendarmerie, nothing worked. Only Seleka were the ones who would decide on
4 various problems.

5 Q. [14:05:59] Thank you very much for this clarification.

6 At paragraph 18 of your statement, you said:

7 Seleka did not have -- was asking the Christians -- they were not asking the farmers to
8 pay, only merchants had to pay. So I just wanted to have a clarification when you
9 said only merchants have to pay, are you talking about Muslim merchants; is that
10 correct?

11 A. [14:06:35] That's correct.

12 Q. [14:06:42] Thank you very much, Witness.

13 MS CASIEZ: [14:06:46] Mr President, I think I need just for two or three questions to
14 go in closed session.

15 PRESIDING JUDGE SCHMITT: [14:06:50] Then we go into closed -- only for a short
16 time to private session, yes.

17 (Private session at 2.07 p.m.)

18 THE COURT OFFICER: [14:07:11] We are in private session, Mr President.

19 MS CASIEZ: [14:07:14](Interpretation)

20 Q. [14:07:16] Mr (Redacted), in paragraph 17 of your statement, you said that you
21 had (Redacted)

22 (Redacted). You mentioned that briefly this morning. So I understand -- I

23 understood that you were a very well-known person at the time since you had a role
24 as a (Redacted). So did people know that you had (Redacted)

25 (Redacted)? So the people of Mbaïki, did they

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1 know that?

2 A. [14:08:04] Yes, when I (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). Yes, I do

7 confirm that. I would inform (Redacted)

8 (Redacted)

9 Q. [14:09:01] Thank you very much. And if I understand correctly, you would

10 inform the (Redacted) -- if I

11 understood you correctly. Now, the other locals in *Mbaïki, for instance, the

12 Christians, did they know that this (Redacted) was organised?

13 A. [14:09:27] Yes. Yes, the Christian merchants, they were in the centre of the city

14 of Mbaïki and they treated me like -- or they treated me like (Redacted) and when I

15 was (Redacted), I would inform the Christian

16 merchants of that, and I would also like to specify that the other inhabitants were not

17 aware of that. It was only the merchants who were aware of the (Redacted)

18 (Redacted)

19 Q. [14:10:20] Thank you very much for this answer.

20 Can you tell us if it was all the merchants, all the Christian merchants who would

21 (Redacted) Or some of them would not really agree - between brackets - that

22 (Redacted)

23 A. [14:10:47] No. All Christian merchants (Redacted). Those who had

24 their shops in the middle -- in the city, in the centre of Mbaïki, (Redacted) also the

25 same way because I explained to them what was the purpose of this (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [14:11:34] Thank you. Mr (Redacted), now you're saying that everybody was
4 (Redacted), but were some people unhappy about it?

5 A. [14:11:51] No, no. No. There were no unhappy people because everybody
6 wanted peace, everybody wanted to work in peace and peacefully. Everybody
7 (Redacted) and -- so that they can just freely go about their -- their work.

8 Q. [14:12:15] Thank you. In paragraph 23 of your statement, you were talking
9 about a road barrier that was manned by the Seleka and you said that Seleka were
10 asking up to 5,000 to 10,000 CFAs but one could negotiate, so -- and get away with
11 paying 2,000 or 3,000 CFAs. So I would like to know how could one negotiate, how
12 did that work, this negotiation?

13 A. [14:12:53] Yes, when the Seleka arrived in Mbaïki, they're the ones who were
14 manning the barriers, the checkpoints, at the entrance and at the exit of Mbaïki at the
15 5 Kilometer level. Every motorcycle or vehicle had to contribute -- had to pay. For
16 instance, when the Seleka would ask you to pay 5,000 francs, you tried to negotiate,
17 you could, let's say, "I'll give you 2,000 or 3,000 francs." You say that's all you have
18 on you and they would accept because the Seleka were numerous. There
19 was -- there were many of them and they lived from the collection. That was a
20 collection of money that they would get at checkpoints.

21 Q. [14:13:54] Thank you very much for this clarification.

22 MS CASIEZ: [14:14:01] (Overlapping microphones) Mr President, I think we can go
23 back in public session.

24 PRESIDING JUDGE SCHMITT: [14:14:03] Back to open session.

25 (Open session at 2.14 p.m.)

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1 THE COURT OFFICER: [14:14:07] We are in open session, Mr President.

2 MS CASIEZ: [14:14:21] Thank you.

3 Q. [14:14:24] (Interpretation) Witness, I'm going to move on to another topic now.

4 In paragraph 34 to 40 of your statement, you were talking about the murder of two

5 men in Bangui-Bouchia - we also talked about it briefly this morning - the death of

6 Aba Zakaria and Abdoulaye.

7 I'm going to show you another document, CAR-20 -- D29-0016-0056, it's a Defence

8 document.

9 MS CASIEZ: [14:15:05](Interpretation) Could you please put up that document, it's

10 in the middle of the first page. Just in the middle. There you are, thank you very

11 much.

12 Q. [14:15:25] So I don't know if you are able to see it, Witness, but I'm going to read

13 it to you. In the middle of the first page, it was written:

14 "It was during the night between 2 October -- Wednesday 2 October 2013, that two

15 men entered the village Bangui-Bouchia and they killed two Chadians: Mr

16 ZACHARIA Hamid and Abdoulaye TAÏR."

17 I would just like to confirm with you that you are talking about those two murders, is

18 that correct?

19 A. [14:16:02] Yes, those were the victims. Jean is here

20 Q. [14:16:16] Thank you very much.

21 This morning, during the -- this morning's hearing at 10:07, you said that the problem

22 became a conflict between Christians and Muslims, and then you said that when these

23 Muslims were in an area which was controlled by the Christians, they were killing

24 them systematically.

25 So a person that you meet as part of -- that we met as part of the investigation by the

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1 Prosecutor said that in response to the crimes committed by the Seleka in Pissa in the
2 region, and I will quote that in English:

3 (Overlapping microphones) "The local population in Bangui-Bouchia started a
4 resistance movement and killed two well-known Muslim traders."

5 (Interpretation) For the transcript, it is P-2235, CAR-OTP-2088-2225.

6 So my question is the following, Witness, did you also -- were you aware of the
7 existence of a resistance group created by the local Christians of Bangui-Bouchia?

8 A. [14:17:47] No, I was not aware of that.

9 Q. [14:18:00] Thank you for your answer.

10 I am again going to move on to another topic. Paragraph 41 of your statement, you
11 talk about the murder of the imam of Bagandou. So my first question to you is, are
12 you talking about Imam Matar (phon.)?

13 A. [14:18:27] Yes. Yes. I wanted to talk about the imam, Matar (phon.) --

14 THE INTERPRETER: [14:18:36] -- if the interpreter understood the name that the
15 witness mentioned, Imam Matar (phon.).

16 MS CASIEZ: [14:18:43] (Interpretation)

17 Q. [14:18:43] Thank you. Many witnesses in this case said that the *responsables*
18 were young Christians from Bagandou who had decided to act as if they were
19 Anti-Balaka. So for the transcript, I'm referring to P-2353, CAR-OTP-2122-4377,
20 paragraph 38. And P-2041, CAR-OTP-2122-4398.

21 Witness, is this something that you had heard about? Did you -- is it that the young
22 Christians that had decided to act as Anti-Balaka, were they the authors of this crime,
23 the young people from Bagandou?

24 A. [14:19:57] As stated earlier, Muslims who were in different neighbourhoods of
25 Mbaïki, they would seek refuge in Mbaïki and Imam Matar (phon.) was with four

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1 people and they fled up until a river, and then when they arrived next to that river,
2 young people from Bagandou organised themselves in a self-defence group and they
3 followed them. And then some ran away and they went into the bush, so they -- I
4 don't know if they crossed the river or not, but the imam, Matar (phon.), since he was
5 an older man, he was not able to flee. And then the young people got him. They
6 brought him all the way up to the centre of Bagandou and this is where they wanted
7 to kill him. And the mayor of Bagandou intervened, but unfortunately they
8 threatened him. The threatened the mayor and in -- in the end, the imam of
9 Bagandou was killed in the centre of town.

10 So Matar ran away and the other ones also ran away, and they told us what had
11 happened in Mbaïki.

12 Q. [14:21:28] Thank you very much for these clarifications. Now when you were
13 talking about these other men who fled and they told you about it, were you talking
14 about the Muslims of Bagandou?

15 A. [14:21:56] Yes, I'm talking about the Muslims of Bagandou.

16 Q. [14:22:02] Thank you. Moving on to another topic, I believe that we can stay in
17 private session -- open session, but if you believe that you need to mention something
18 or talk about your role more specifically, please let us know and then we will change
19 and go into private session.

20 In paragraph 43 of your statement, you said that (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted). So I am talking about -- if I understand correctly, I'm talking about
24 people who lived outside of Mbaïki and who had taken refuge in Mbaïki.

25 So I would like to know if you (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [14:23:55] Thank you. You also said that (Redacted). Do

8 you know if Seleka was escorting (Redacted) people who had gone (Redacted) to

9 villages -- to neighbouring villages in order to help Muslims and get their things?

10 A. [14:24:28] I'm sorry, I didn't understand your question.

11 Q. [14:24:32] No problem at all. I will reformulate -- rephrase my question. So if

12 I understand correctly that (Redacted)

13 (Redacted). First of all, did I understand you

14 correctly? Is that the case?

15 A. [14:24:53] No, no, no. (Redacted)

16 (Redacted).

17 Q. [14:25:16] Thank you. So I had understood your statement correctly then. I

18 just want to know if you are aware of other Muslims in Mbaïki (Redacted)

19 (Redacted), who went to neighbouring villages to help Muslims in those villages

20 and who were escorted by the Seleka, if you know? If you don't know, it's not

21 a problem?

22 A. [14:25:40] No, I'm not aware of that.

23 Q. [14:25:55] Thank you for your answer. Paragraph 45 of your statement, while

24 we're still on the same topic, you've also stated that the Seleka encouraged those who

25 lived in villages to gather at the centre of Mbaïki. Can you please elaborate? How

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1 is it that the Seleka was giving this information? How was that message spread? In
2 other words, how was Seleka able to encourage people to come to Mbaïki?

3 A. [14:26:38] At that time, they themselves were walking around. Sometimes they
4 were on motorcycles, sometimes they would get vehicles and they would just go
5 through little villages like Pissa. And so at one point, they realised that it was very
6 serious and when they saw people in these small villages, there were no Seleka bases
7 because the Seleka went to Mbaïki. This is how they've asked these Muslims to
8 group -- to gather in Mbaïki, so that the Seleka can take care of their security.

9 Q. [14:27:31] Thank you very much for this clarification, Mr Witness. I would
10 now like to go back in time and - I have a question for you - it concerns the period
11 when you were evacuated towards Chad. In paragraph 62 of your statement you
12 said, and I'm going to quote you:

13 "The first time I heard of an evacuation plan of all the Muslims of MBAIKI, I believe
14 that it was in December of 2013 when quote/unquote, the 'Chefs de Race', the chiefs of
15 each of the Muslim ethnicities from outside Central African Republic, were called by
16 the Chadian Embassy." End of quote.

17 Once again, can you give us a little bit more details, some details about how it
18 happened, and please do not forget that we are in open session. So it's the same
19 thing as before, if you are going to say something about your role, well then, we can
20 go into private session.

21 A. [14:29:04] You know, I am not somebody who's very interested in politics. I
22 was never a *chef de race*. Everything that was going on at the Chadian embassy, I had
23 nothing to do with that. I was in Mbaïki and then I would hear rumours, that's all.
24 I did not attend those meetings. I do not want to lie to you, so I have nothing else to
25 say on this topic.

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1 Q. [14:29:38] That's not a problem, Witness, and thank you for this answer. In this
2 context, this evacuation context, the imam of Mbaïki who came to testify in open
3 session said when he talked about Mbaïki, that Christians were insulting Muslims.
4 They were saying they did not want Muslims in that area. They wanted at some
5 point in time that all the Muslims leave for good. Transcript 106 at 14:57.

6 Witness, does that tally with your memory of the events?

7 A. [14:30:21] I was not aware of that.

8 Q. [14:30:32] No problem. Thank you for your answer.

9 MS CASIEZ: [14:30:54] Mr President, if I may have one minute?

10 PRESIDING JUDGE SCHMITT: [14:30:58] Of course, take your time.

11 MS CASIEZ: [14:30:59] Thank you.

12 (Counsel confers)

13 MS CASIEZ: [14:31:12] Thank you, Mr President.

14 Q. [14:31:15] (Interpretation) Thank you, Mr Witness.

15 MS CASIEZ: [14:31:17] Oh, sorry, we need to go in private session, Mr President,
16 just for two or three questions.

17 PRESIDING JUDGE SCHMITT: [14:31:27] Yes, we go to private session shortly.

18 (Private session at 2.31 p.m.)

19 THE COURT OFFICER: [14:31:36] We are in private session, Mr President.

20 MS CASIEZ: [14:31:51] Thank you.

21 Q. [14:31:54](Interpretation) Mr (Redacted), I have a question of clarification. You
22 spoke this morning about the fact that you went to meet (Redacted)
23 (Redacted) and you also said in your testimony, in paragraph 55. I have just one
24 question, you said in your statement that you were accompanied by -- with -- by
25 (Redacted). Are you speaking (Redacted)

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1 (Redacted) Is that the person you are referring to?

2 A. [14:32:41] Yes. At that moment when (Redacted)

3 (Redacted)

4 THE INTERPRETER: [14:32:57] If the Sango booth has understood correctly --

5 THE WITNESS: [14:32:58] (Interpretation) I don't know if the name appears on the

6 statement, but it's true, (Redacted) as you said, he was (Redacted), that's a fact,

7 and together with him, we went to meet (Redacted). It's

8 true.

9 MS CASIEZ: [14:32:28] (Interpretation)

10 Q. [14:33:29] Thank you. I have the impression that you've just clarified this, but I

11 just want to be sure. In your statement *we see the names of the people who you

12 *just mentioned, (Redacted), *and in your statement we see

13 (Redacted), so you.

14 *Was it indeed the three of you or was (Redacted), whose nickname is (Redacted) I

15 believe, was he also present there?

16 A. [14:34:03] No. No. I forgot the fourth person. You know, these events go

17 back a while. I think I remember two individuals, (Redacted), whether he

18 was with us or not, I don't know, but there were three of us, that's sure. The fourth

19 person, I've forgotten that person's name.

20 Q. [14:34:36] No problem, Mr (Redacted) Your memory is indeed very good but

21 thank you.

22 MS CASIEZ: [14:34:47] (Overlapping microphones) Mr President, we can go back in

23 public session.

24 PRESIDING JUDGE SCHMITT: [14:34:49] Open session.

25 (Open session at 2.34 p.m.)

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1 THE COURT OFFICER: [14:34:53] We are in open session, Mr President.

2 MS CASIEZ: [14:35:12] Thank you.

3 Q. [14:35:18](Interpretation) Mr Witness, a person met by the investigators of the

4 OTP said -- *this person is P-*1838, CAR-OTP-2107-6303, paragraph 33, and I quote:

5 "When the Seleka arrived in the town, these men selected some traders who were

6 influential *who they trusted, and gave them *or sold them weapons, *AK rifles and

7 *automatic-military weapons and not *traditional hunting weapons. Amongst them

8 there was Mahamat ISSAKA known as 'Max', Olmozame MANA, Mahamat SIKI

9 FATEH *alias 'Débat', Abdelkarim, president of the *Muslim youth *association."

10 I simply want to know whether you agree with him?

11 A. [14:36:48] (Redacted). The other individuals are

12 people that I know. We were all traders. Why should we be armed? Firstly, we

13 were born in Mbaïki, we grew up there until we were deported. We never fought

14 between us, the Christians and the Muslims. We were civilians.

15 Even today, I am the representative of the league. Why should I be armed? I've

16 never used a weapon since my birth and I don't know a trader where the Seleka gave

17 war weapons. I don't know anyone like that.

18 PRESIDING JUDGE SCHMITT: [14:37:58] Thank you.

19 Can we stay in open session or we go back to private session? It depends a little bit

20 what your next line of questioning is.

21 MS CASIEZ: [14:38:08] I think it's safer to go back in to private session.

22 PRESIDING JUDGE SCHMITT: [14:38:13] Yes, well, then let's go to private session.

23 MS HENDERSON: [14:38:14] Your Honours, given the disclosure there, it may even

24 be worth to saying something to the gallery present. There was a disclosure --

25 PRESIDING JUDGE SCHMITT: [14:38:24] I'm not sure -- I'm not sure why.

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1 We go to private session. I have said we go to private session.

2 (Private session at 2.38 p.m.)

3 THE COURT OFFICER: [14:38:34] We are in private session, Mr President.

4 PRESIDING JUDGE SCHMITT: [14:38:55] Yes, we are in private session, I

5 understand, but well let me put it this way, I'm not sure if the gallery, if the people

6 fully grasp -- if we now make an issue out of it, they do. You can have a different

7 opinion, but I think it's perhaps best simply to -- and that is the reason why I did not

8 interrupt immediately because then you simply tell people, "Oh, something might

9 have happened." You see what I mean? You simply cause the thing -- I don't know,

10 Mr Vanderpuye, also Ms Dimitri, I think you would perhaps agree with me.

11 MS DIMITRI: [14:39:40] I do, Mr President. If we drag attention, it may be worse.

12 My only concern is -- and I'm not sure, is that -- is the trial live at the field office? Is

13 there like a public sitting at the field office? That's my only concern.

14 PRESIDING JUDGE SCHMITT: [14:40:00] No, I don't think so. There is also

15 the -- but Madam Court Officer can tell us, but there is also a delay I assume or isn't

16 it?

17 So she will check and on the other hand, if it were differently, then all these measures

18 wouldn't make sense at all, so I would be surprised. You know, we have a German

19 saying for that but I cannot translate it, it's difficult for me; so yeah, well, we cannot

20 do more than to redact this now.

21 Please continue, Ms Casiez.

22 MS CASIEZ: [14:40:48] Thank you, Mr President.

23 PRESIDING JUDGE SCHMITT: [14:41:00] Just shortly, there has to be a delay, even

24 if -- otherwise it would really, let me put it so drastically, it would be madness if we

25 had somewhere a full, live transmission without any delay.

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1 (Court officer confers with Trial Chamber)

2 PRESIDING JUDGE SCHMITT: [14:41:12] Yes, so it is delayed, so it's confirmed.

3 So the only, let's say, preoccupation that we have to have is the gallery and there, if

4 we make an issue out of it, I think, Ms Henderson, it doesn't make sense.

5 Mr Vanderpuye.

6 MR VANDERPUYE: [14:41:35] Something similar happened a couple of days ago as

7 I recall and I think -- I agree with the Chamber to the extent that to draw the attention

8 of the gallery to a very specific issue would be counter-productive potentially. But I

9 think a general reminder might be helpful, that is, it may very well be that you have

10 been exposed to certain information and it's important to keep that in mind.

11 But I don't think it's necessary for you to spell out exactly what that is and I don't

12 think it's clear either from the (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [14:42:10] No, I don't think it makes sense. I can

14 ask my colleagues because it's a sensible question.

15 (Trial Chamber confers)

16 PRESIDING JUDGE SCHMITT: [14:42:32] So my colleagues agree with me.

17 So we continue, Ms Casiez.

18 MS CASIEZ: [14:42:40] Thank you, Mr President.

19 Q. [14:42:46](Interpretation) Mr Witness, I think you are reassured by the judges

20 and to avoid any problems, we are going to remain and stick to the last subject and

21 we will be in private session for that to avoid any potential problems.

22 I've understood your answer. I still have a series of questions -- a bit on the same

23 topic. I too want to reassure you -- how shall I put it? I'm not going to say that you

24 had weapons; that you in particular were with the Seleka. I just want to mention

25 some sentences to see whether you agree with them or not. I'm going to quote them

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1 to you, okay?

2 I see you nodding, so I take that as a yes.

3 I understand that you were -- did not receive weapons from the Seleka. As you said
4 in your testimony, you heard some talk about it. I would like to know whether there
5 were rumours circulating on the fact that the Seleka were distributing weapons,
6 whether the people were talking about it?

7 A. [14:44:24] No, I didn't hear anyone talk about it.

8 Q. [14:44:31] Thank you for your answer. I'm going to read another part of the
9 same document, it's a bit long, you are going to see, and then I will ask my question
10 after reading it out to you. And I quote. And this time it is paragraph 38: "MBAÏKI,
11 there were two groups of Muslims. Some didn't want to have weapons, and they
12 said that they only wanted to concentrate on trade. Others wanted to have them and
13 did have weapons. And those who wanted to have weapons, behaved as if they
14 belonged to a powerful group. It was those people who I would call the arrogant
15 ones. They started to behave as if they were Seleka and wanted to show their
16 strength. Those Muslims then went to BANGUI-BOUCHIA to take revenge on what
17 had happened. Here, we're talking about young traders in the café who wanted
18 weapons and obtained AK weapons from the Seleka."

19 My question is as follows, I'm not asking you if it's true or not true, but whether there
20 were rumours -- harmful rumours like this one circulating?

21 A. [14:46:25] Thank you for that question. What I saw I can relate to you. As
22 regards rumours, I never heard anyone talk about this. The youth of Mbaïki, the
23 traders, the Muslims, the Christians did not have any intention of fighting in Mbaïki
24 centre. I don't know anything about that.

25 Q. [14:47:02] Thank you. (Redacted), I have one question for you remaining, still

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1 in the same document in paragraph 33, the individual spoke about Muslims who
2 followed the trade convoy in their own private vehicles and said as they had social
3 relations and links with the Seleka, they were permitted to keep their own vehicles
4 and use them. There's about 10 individuals in total doing this.

5 My question is as follows, is it true that there was a small group of individuals who
6 kept their vehicles when the Seleka were there and that the other vehicles were
7 confiscated by the Seleka?

8 A. [14:48:16] I didn't understand the question, Counsel.

9 Q. [14:48:22] Don't worry, I will rephrase. The person who I'm talking about, who
10 the OTP investigators met, said that there was some Muslims in Mbaïki that could
11 keep their own vehicles, but that the other vehicles were taken by the Seleka. I
12 would like to know whether that's true as far as you are aware?

13 A. [14:49:04] No. The Muslims of Mbaïki who had vehicles, there weren't many of
14 them. There might have been four or five of them. For example, (Redacted)
15 (Redacted) All the individuals who had vehicles
16 kept their vehicles in their compounds on their own property. They didn't give their
17 vehicles to someone else in order for them to keep it, no.

18 Q. [14:49:52] Thank you for your final answer. I have no further questions for you,
19 Mr (Redacted)

20 MS CASIEZ: [14:50:07] I have no further questions, Mr President.

21 PRESIDING JUDGE SCHMITT: [14:50:09] Thank you. We go to open session.
22 (Open session at 2.50 p.m.)

23 THE COURT OFFICER: [14:50:14] We are in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [14:50:22] Thank you very much. The Defence of
25 Mr Yekatom has concluded their examination and I have already the information that

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1 the Defence of Mr Ngaïssona has no questions for this witness.

2 MR KNOOPS: [14:50:35] Mr President, sorry?

3 PRESIDING JUDGE SCHMITT: [14:50:37] Or you have?

4 MR KNOOPS: [14:50:40] It's just one small question, which cannot (Overlapping
5 speakers)

6 PRESIDING JUDGE SCHMITT: [14:50:43] Small or big, you have the floor.

7 MR KNOOPS: [14:50:44] Very small. Mr Rowse has one question.

8 PRESIDING JUDGE SCHMITT: [14:50:49] Mr Rowse, you keep -- you know, an
9 open session, yes? Please, Mr Rowse, of course.

10 MR ROWSE: [14:50:51] Thank you, your Honours.

11 QUESTIONED BY MR ROWSE:

12 Q. [14:50:53] Good afternoon, Mr Witness. My name is Michael Rowse and I'm
13 here on behalf of the Defence for Mr Ngaïssona. We met briefly yesterday, I believe
14 it was. My one question for you, is, in paragraph 24 of your statement, you describe
15 how the Seleka were forces of order and also the courts and if they so decreed, you
16 had to pay fines that they imposed.

17 My question is, to your knowledge were these fines assessed using the principles or
18 rules of Sharia law?

19 A. [14:51:37] *The Seleka didn't have any knowledge of Sharia law. Somebody
20 who *is informed by the precepts of Sharia could not *have behaved as the Seleka did.

21 Q. [14:52:15] Thank you for your answer.

22 PRESIDING JUDGE SCHMITT: [14:52:16] That was your question. Thank you,
23 Mr Rowse.

24 I assume Ms Henderson has no further questions from the side of the Prosecution.

25 MS HENDERSON: [14:52:26] No re-examination, your Honour.

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- 1 PRESIDING JUDGE SCHMITT: [14:52:28] Then I thank Ms Henderson and Ms
- 2 Casiez for their concise examination today and we hope that many such short and
- 3 concise questionings are to follow in the near and mid-future.
- 4 Mr Witness, this concludes your testimony. On behalf of the Chamber I would like
- 5 to thank you, that you have taken it upon you to testify before this Court because we
- 6 need witnesses to determine the truth and you came forward to do that and we thank
- 7 you for that.
- 8 We wish you and your family all the best and we wish you a safe trip back home.
- 9 THE WITNESS: [14:53:22](Interpretation) I too, would like to thank you. Many,
- 10 many thanks.
- 11 (The witness is excused)
- 12 PRESIDING JUDGE SCHMITT: [14:53:27] So this concludes also the hearing for
- 13 today. The Court is adjourned.
- 14 (The hearing ends in open session at 2.53 p.m.)