

Trial Hearing
WITNESS: CAR-OTP-P-2453

(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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 23 June 2022
10 (The hearing starts in open session at 10.31 a.m.)
11 THE COURT USHER: [10:31:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [10:31:32] Good morning, everyone.
15 Good morning, Mr Witness. I hope you had a good rest.
16 Well, there seems to be no translation at the moment.
17 Then we start with -- with the court officer call the case, and I ask Mr Witness again
18 afterwards.
19 THE COURT OFFICER: [10:32:12] Good morning, Mr President, your Honours.
20 Situation in the Central African Republic II, in the case of The Prosecutor versus
21 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
22 And for the record, we are in open session.
23 PRESIDING JUDGE SCHMITT: [10:32:27] Thank you very much.
24 I turn to the presence of the parties.
25 First, Prosecution, please.

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1 MR BELBENOIT AVICH: [10:32:37](Interpretation) Good morning, Mr President,
2 your Honours.

3 Today the OTP is represented by Vanderpuye, Galupa, Yassin Mostfa and myself,
4 Belbenoit Avich.

5 PRESIDING JUDGE SCHMITT: [10:32:51] Thank you.

6 We turn to the representatives of the victims.

7 MS RABESANDRATANA: [10:32:57](Interpretation) Good morning, Mr President,
8 your Honours. Good morning, everybody.

9 Today the representatives of the victims are represented by Mr Carnero and
10 Mrs Ombeni, Evelyne and myself, Elizabeth Rabesandratana.

11 PRESIDING JUDGE SCHMITT: [10:33:21] Rabesandratana. Thank you.
12 Please.

13 MS LAU: [10:33:25] Good morning, Mr President, your Honours. Good morning,
14 everyone in the courtroom.

15 Today the former child soldiers are represented by myself, Fiona Lau, associate legal
16 officer at the Office of Public Counsel for Victims. Thank you.

17 PRESIDING JUDGE SCHMITT: [10:33:38] I turn to Ms Guissé, although I had the
18 impression that I had a glimpse of Ms Dimitri.

19 MS GUISSÉ: [10:33:44](Interpretation) Yes, sorry. It was only a glimpse. It was
20 very brief, in passing.

21 Good morning, Mr President, your Honours.

22 Today Mr Alfred Yekatom, who is present in the courtroom, is assisted by Ms Casiez
23 and myself, Anta Guissé.

24 PRESIDING JUDGE SCHMITT: [10:34:04] Thank you.

25 And Mr Knoops.

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1 MR KNOOPS: [10:34:07] Very good morning, Mr President.

2 Good morning, your Honours. Good morning everyone in the courtroom. The
3 Defence team of Mr Ngaïssona appears before the Chamber today in the composition
4 of Ms Marie-Hélène Proulx, Ms Despoina Eleftheriou and Mr Michael Rowse. And
5 the defendant is present in the courtroom, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:34:27] Thank you.

7 And I -- please allow me to turn again to Mr Witness.

8 I have to apologise, in the beginning the translation came not through again. I
9 welcome you to the courtroom and I hope that you had a good rest and feel well.

10 WITNESS: CAR-OTP-P-2453 (On former oath)

11 (The witness speaks Sango)

12 (The witness gives evidence via video link)

13 THE WITNESS: [10:34:56](Interpretation) Thank you. I had a very peaceful night.
14 Everything is going well for the moment.

15 PRESIDING JUDGE SCHMITT: [10:35:03] Thank you.

16 I give now the floor Ms Proulx for the examination for the Ngaïssona Defence.

17 MS PROULX: [10:35:25](Interpretation) Thank you, Mr President.

18 QUESTIONED BY MS PROULX:

19 Q. [10:35:32] Mr Witness, good morning. Can you hear me?

20 A. [10:35:38] I can hear you clearly.

21 Q. [10:35:43] We met, Mr Witness, during the courtesy visit a few days ago, but I'll
22 introduce myself again. My name is Marie-Hélène Proulx. I am one of the lawyers
23 or counsel who is representing Ngaïssona in this case.

24 I have quite a lot of questions for you. I hope you will be patient with me with all
25 these questions. I will try to keep my questions short and simple as far as possible,

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1 and I hope you will do the same with your answers.

2 If my questions are not clear, please let me know, and I will rephrase them.

3 Another thing, I know you have protective measures, so I'll be very careful not to ask
4 you questions that might identify you, but if you feel the need to give an answer
5 which could identify you, let me know and I will ask Mr President to go into private
6 session.

7 Have you understood so far?

8 A. [10:37:16] Yes, I have understood fully.

9 Q. [10:37:22] Just a last thing, Mr Witness, like yesterday, I would like -- I would
10 ask you to have a certain pause between my questions and your answers. I know
11 you understand French, so you have a tendency to answer immediately, but please
12 observe this pause to make it easier for the interpreters, and also for the clerk typists.

13 Have you understood?

14 A. [10:37:59] Yes, I've understood.

15 Q. [10:38:03] That's wonderful. Let us start.

16 I would like to start by taking you back to Bossangoa and I'd like to know what
17 happened before the events of 2013, which you described in your testimony.

18 Firstly, I would like to try and understand the geography of Bossangoa, Mr Witness.

19 Am I right in saying that the Muslims who lived in Bossangoa lived mainly in the
20 northern part of the town, above the small river who demarcates between the north
21 and the centre of Bossangoa?

22 A. [10:38:59] Yes, that is correct.

23 Q. [10:39:02] Mr Witness, this northern part of Bossangoa is called the Boro
24 neighbourhood; is that correct?

25 A. [10:39:23] Yes. Towards the top, there is Naff, Boro and Sembe.

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1 Q. [10:39:44] Mr Witness, am I correct that in the months preceding the arrival of
2 the Seleka in Bossangoa, many Chadians and Sudanese arrived and established
3 themselves in the Boro neighbourhood?

4 A. [10:40:12] I didn't notice the arrival of new individuals in the town.

5 Q. [10:40:22] Very well. In your statement, paragraph 17, you explained that at
6 that time there were four imams in Bossangoa who did prayers in the central mosque
7 of Boro. Could you give us the name of the four imams.

8 A. [10:40:54] Yes. I can provide you with the names of the four imams.

9 Q. [10:41:05] Please proceed. I'm listening.

10 A. [10:41:13] The first imam was -- was Naffi. The second imam, Malam Chaibou.
11 The third imam, Tdijane Adora (phon). The fourth imam, Mahamat Agena (phon).

12 THE INTERPRETER: [10:41:44] Could you ask -- from the Sango booth: Could you
13 ask the witness to be more clear when mentioning names.

14 MS PROULX: [10:41:55](Interpretation)

15 Q. [10:41:55] I thank you for your answer. I think that some names weren't very
16 clear to -- for the interpreters. I'd be very grateful if you could repeat those names
17 and clearly articulate the names, if you don't mind. Could you do that for us, please.

18 A. [10:42:25] The first imam is Ismail Naffi. Second imam, Malam Chaibou.
19 Third imam, Tdijane Atalam. Fourth imam, Mahamat Adjaro.

20 Q. [10:43:02] Thank you, I think it was much better this time. Thank you very
21 much. It's much better for the transcriptions.

22 The fourth imam, Naffi, was the main imam, do we agree on that?

23 A. [10:43:24] The main imam is Ismail Naffi. He was the superior imam.

24 Q. [10:43:47] Mr Witness, at the time, again, before the events which you talked
25 about yesterday, the prayers at the central mosque, did they take place every day or

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1 only on a Friday?

2 A. [10:44:16] We went to the mosque every day because we prayed every day, five
3 times -- 4 o'clock, 5 o'clock, 3 o'clock, 7 o'clock. We went to the mosque every day
4 because we had to pray five times per day.

5 Q. [10:44:53] Mr Witness, are you right that the hour of the prayer varied according
6 to the months of the year. It's not always at the same time.

7 A. [10:45:17] We went to the mosque. Sometimes we would go at 1315 or 1320 --

8 THE INTERPRETER: [10:45:13] Sorry, correction, 1520.

9 THE WITNESS: [10:45:14](Interpretation) But the hours didn't move. But perhaps
10 the minutes changed. For example, instead of going there at 3 o'clock, we went there
11 at 3.20. The hours didn't change, but perhaps the minutes changed.

12 MS PROULX: [10:45:48](Interpretation)

13 Q. [10:45:56] I'd like to draw attention to a document, tab 1, in the Defence binder,
14 reference of the document is CAR-D30-0008-0090. And could we zoom on the day of
15 the 5th. These are the hours of prayer in December 2013, and here you can see -- first
16 of all, can you see the document, Mr Witness?

17 A. [10:46:39] No, I do not see it.

18 Q. [10:46:43] I'll wait a bit because I think it will pop up. Can you see it now?

19 A. [10:47:01] Yes, now I can see it displayed.

20 Q. [10:47:05] In the first column you can see the months of December. I'd like you
21 to look at 5 December, and you can see the hours of the prayers on that particular day.
22 I would like to know whether you think that's correct.

23 A. [10:47:35] The document is not very clear as I see it here. So I have difficulties
24 in seeing what's said.

25 PRESIDING JUDGE SCHMITT: [10:47:48] Could we enlarge the part where

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1 5 December is, please.

2 Is it visible -- better now, Mr Witness?

3 THE WITNESS: [10:48:17](Interpretation) Yes, I can see it now.

4 MS PROULX: [10:48:25](Interpretation)

5 Q. [10:48:26] I'll repeat my question. Are the hours of prayer on 5 December seem
6 correct to you?

7 A. [10:48:56] I've seen the hours. The 5 December, we didn't pray at the mosque.
8 We prayed at the school, but we didn't gather in the mosque for prayers.

9 Q. [10:49:17] Thank you, Mr Witness.

10 Now, with the permission of the judges, could I go into private questions for two or
11 three questions.

12 PRESIDING JUDGE SCHMITT: [10:49:27] Yes, of course.

13 (Private session at 10.49 a.m.)

14 THE COURT OFFICER: [10:49:43] We are in private session, Mr President.

15 MS PROULX: [10:49:55](Interpretation)

16 Q. [10:49:55] Mr Witness, in your testimony you mentioned an individual,
17 (Redacted). I would like to know how long you've known that person?

18 A. [10:50:28] I know since he arrived in Bossangoa, like me. So I know him for a
19 very long time.

20 Q. [10:50:43] And at that time, in 2013, did you see him often?

21 A. [10:51:02] Yes, I did see him often.

22 Q. [10:51:11] Well, how would you qualify your relationship with him? A friend?
23 A colleague? Something else?

24 A. [10:51:39] No, I don't consider him a friend. We didn't have very close ties.

25 The only thing which united us was religion, the Islamic religion. Other than that,

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1 we didn't really have any common points.

2 Q. [10:52:06] Am I right in saying that (Redacted) lives in the same refugee camp as
3 you do?

4 A. [10:52:33] Yes. He and I are both in the refugee camp.

5 Q. [10:52:47] So you can see him frequently now; am I correct in that?

6 A. [10:53:03] This -- we haven't seen each other this week. Before, in the camp, I
7 didn't have any job. I didn't have the opportunity of seeing him frequently. It
8 wasn't really very frequent, because I had my own activities. There was the Red
9 Cross, he might be there at the weekend. But we didn't see each other very often.

10 Q. [10:53:47] Thank you for your answer, Mr Witness.

11 We can now go into public session, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:53:54] Public session.

13 THE COURT OFFICER: [10:54:18] We are in open session, Mr President.

14 (Open session at 10.54 a.m.)

15 MS PROULX: [10:54:31](Interpretation)

16 Q. [10:54:32] I would now like to talk about the arrival of the Seleka troops in
17 March 2013, Mr Witness.

18 In your statement you said that the Seleka were under General Yaya and Colonel Sale;
19 is that correct?

20 A. [10:55:00] That is correct. The general was Aba Yaya and the colonel was Sale
21 Zabadi.

22 THE INTERPRETER: [10:55:08] If the Sango booth understood correctly.

23 MS PROULX: [10:55:14](Interpretation)

24 Q. [10:55:15] Were the Seleka elements numerous? Could you give us an idea of
25 how many Seleka elements arrived in Bossangoa.

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1 A. [10:55:37] No, it will be difficult for me to give you a number. I didn't see
2 everybody. I only saw soldiers enter. Others set themselves up. But as regards
3 the number or the military ranking, I don't know. I can't give you any figures.

4 Q. [10:56:07] You said -- you said -- would you say they were dozens or hundreds?

5 A. [10:56:30] I've understood your question. I saw people enter, but I cannot give
6 you a figure. I had my own activities, and I didn't take up the time to try and find
7 out how many they were.

8 Q. [10:56:53] No problem, Mr Witness.

9 You referred to your activities. I'm not going to tell you what they were because we
10 are in public session, but could you -- did you realise through your activities that the
11 Seleka took control of the entire region of Ouham? So they had a presence a little bit
12 everywhere in the region. Would you agree with that?

13 A. [10:57:40] Yes, indeed. They controlled the Ouham region.

14 Q. [10:57:56] Mr Witness, in your statement you said that no Seleka came from
15 Bossangoa, but do you agree -- we had other witnesses who came before you and
16 who told us that several people of Bossangoa were both either Christian or Muslim,
17 joined the Seleka after their arrival in Bossangoa. Do you agree with that?

18 A. [10:58:41] No, I didn't witness that. Since I haven't seen it myself, I cannot say
19 that I agree.

20 Q. [10:58:54] Very well. Mr Witness, could you describe the appearance of the
21 Seleka. You talked about their attire, for example, which is very distinctive. Their
22 headgear, for example, could you describe it more fully.

23 PRESIDING JUDGE SCHMITT: [10:59:35] Well -- ah, witness is back, obviously.

24 MS PROULX: [10:59:47](Interpretation)

25 Q. [10:59:47] Mr Witness, we were disconnected. Can you hear me?

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1 A. [11:00:06] Yes. The line was cut, but now I can hear you again.

2 Q. [11:00:15] I was asking you, just before we were cut off, to describe to us, please,
3 the appearance of the Seleka.

4 A. [11:00:43] When the Seleka entered, I saw them. Other than were in military
5 attire and were armed. They had berets, either those of policemen or gendarmes or
6 military berets. Others were supporting civilian attire. Some had turbans around
7 their heads.

8 Q. [11:01:22] Did you see some Seleka wearing headbands?

9 A. [11:01:40] Yes, some of them did have headbands around their heads.

10 Q. [11:01:51] Mr Witness, were you aware that the Imam Ismail Naffi and 11
11 members of the mosque went to greet the Seleka a few days after their arrival in
12 Bossangoa?

13 A. [11:02:16] I did not learn that, nor did I see it.

14 Q. [11:02:27] And did you come to learn that Imam Naffi had -- had been positive
15 towards them upon their arrival in Bossangoa -- had blessed them?

16 A. [11:02:55] I did not learn that, nor did I see it with my very own eyes.
17 Otherwise, I would have told you so.

18 Q. [11:03:06] Very well.

19 Just for the record, the information that I have just spoken about is to be found at
20 CAR-OTP-2088-2146, at paragraph 23.

21 Mr Witness --

22 PRESIDING JUDGE SCHMITT: [11:03:31] Ms Proulx, I just wanted to -- to flag that I
23 think that is a good way to -- to do it. If the witness has no knowledge about it, then
24 you can give your reference, the basis for your question, you can put it for the record.
25 If you perhaps add the tab, if it is any one of the tabs. That that's for my own, let's

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1 say, benefit.

2 MS PROULX: [11:03:57] It's at tab 29, your Honour. Yeah, 29. And the
3 information comes from Witness P-200.

4 Q. [11:04:24](Interpretation) Mr Witness, could you describe to us, if you were
5 witness to this, how the civilian Christian population reacted to the arrival of the
6 Seleka in Bossangoa.

7 A. [11:04:51] When the Seleka arrived, the Christians were living peacefully with
8 the Muslims and they got on well. There were no problems or issues in the
9 neighbourhood.

10 Q. [11:05:14] In the documents that we have at our disposal, there are some
11 interviews that were given by Imam Naffi at the time in 2013, and the imam said that
12 the Christians did not want the Muslims to come to power in the Central African
13 Republic. Would you agree with that?

14 A. [11:05:57] Imam Naffi was a religious man in charge of the mosque. He had no
15 power over the Seleka. The Seleka were the ones who were working for those in
16 power, but Imam Naffi had no power. He only took care of prayer. He would
17 preach. He was in charge of the word of God. But he had no power over the Seleka,
18 in fact.

19 Q. [11:06:35] Mr Witness, the Muslim population, did you feel that they were
20 happy or content that Muslims were now in charge of the country?

21 A. [11:07:03] At the outset, yes. When the Seleka arrived, the Christians and the
22 Muslims were happy. But it was only towards the end that the situation worsened
23 and the relation worsened.

24 Q. [11:07:30] Let me come back to the Muslim civilians. You say that they were
25 happy. If you are aware, or if you had discussions on the matter, do you -- do you

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1 believe that the Muslim population thought that the Djotodia government would
2 have ideas that were more in keeping with the word of Islam?

3 A. [11:08:13] Yes, I did understand what you said. But Islam cannot compel
4 somebody to pray as Muslims do. Everyone is free to choose their own religion;
5 whereas, generally speaking, what would happen at the time was that the Christians
6 were free to go and pray wherever they wanted to, as were the Muslims. So Islam is
7 not a religion that compels people to come and pray in the mosque. No, it isn't.

8 Q. [11:09:01] Maybe my question wasn't that clear, Mr Witness. I shall repeat it.
9 I put it to you that at that time there were many Muslim civilians who were hopeful
10 that, under Djotodia's regime, the Central African Republic would become a Muslim
11 state. Would you agree with that?

12 A. [11:09:31] No, no, that is not true. I do not accept that.

13 Q. [11:09:42] Very well. Would you agree with me that, from the moment when
14 they arrived, the Seleka was the only authority in place in Bossangoa, meaning, there
15 were no more gendarmes and security was entirely provided by the Seleka? Would
16 you agree with that?

17 A. [11:10:19] You know, I'm not -- I didn't work for the government. I'm not a
18 civil servant. I'm a pure civilian. It is not in my power to make any claim
19 whatsoever.

20 Q. [11:10:48] Mr Witness, I wasn't trying to say that you had control over anything
21 whatsoever. I'm just referring to paragraph 20 of your statement, in which you
22 say -- one second, please.

23 PRESIDING JUDGE SCHMITT: [11:11:11] English translation, CAR-OTP-2111-0419,
24 at page 0419, starting with 0415, the English translation.

25 MS PROULX: [11:11:44](Interpretation) I thank you, Mr President. Well, just for

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1 the record, I might give the French translation, which is CAR-OTP-2118-2698.

2 Q. [11:12:05] And at paragraph 20, Mr Witness, you say - could it please be scrolled
3 up on the screen - that the Seleka were only controlling the town and were acting
4 instead of the authorities. Are you still in agreement with that?

5 A. [11:12:25] Yes.

6 Q. [11:12:30] I thank you.

7 I would now like to talk about the locations where the Seleka elements were based in
8 Bossangoa. In your statement at paragraph 19, you say that they were located at the
9 town hall, the *mairie*, and at the residence of the *préfet*. But I put it to you,
10 Mr Witness, that they had a number of other bases. Would you agree with me?

11 A. [11:13:11] I am only aware of those two bases.

12 Q. [11:13:22] I'm going to suggest a number of others to you that might refresh
13 your memory.

14 So, according to a witness from Bossangoa who came to testify recently, there was a
15 Seleka base at the police station. Does that ring a bell?

16 A. [11:13:53] In my statement, I told you that there was a base at the gendarmerie
17 and at the police. There was a large base at Bossangoa town hall.

18 Q. [11:14:19] Were you aware that there was a Seleka base opposite the UNICEF?

19 A. [11:14:37] Those who were occupying the town hall freed the Bossangoa -- or,
20 freed up the Bossangoa town hall in order to go up and set up shop at UNICEF. So
21 it was the same team that, after having been in the *mairie*, set up shop in the UNICEF
22 building.

23 Q. [11:15:08] The same witness who came to testify a short while ago said that there
24 was also a group of Seleka in the FNEC compound. Would you agree with that?

25 A. [11:15:33] Yes. There was, or there is a road separating the town hall and the

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1 FNEC. Those who were at the town hall, could cross the road to go to the FNEC.

2 THE INTERPRETER: [11:16:04] The Sango booth is pointing out that there's a sound
3 issue with the witness. That they can't really hear what he's saying.

4 PRESIDING JUDGE SCHMITT: [11:16:04] Is there a possibility to -- to -- at least to
5 try to solve this from here?

6 And under these circumstances, we really have to thank the interpreters, that they -- I
7 think, until now, I don't have a problem with the interpretation. So still you make
8 some sense out of what has been said.

9 So we continue, we do our best, and perhaps an improvement can be done during the
10 break. And, of course, this is still more than an hour, so -- but -- and in the meantime,
11 perhaps I have to explain. Yesterday we made this pause before we extended the
12 hours. I think -- I saw that only the Judges had been informed. This is on request
13 from CMS. The Chambers have adopted a policy to take a short pause before the
14 extension, meaning, when we have two hours, the extension is beyond one and a half
15 hour, we have a short break, let's say, today at five before 12, until 12, and then we
16 have half an hour.

17 On the positive side, CMS can, under normal circumstances, serve 2-hour sessions.
18 There's no problem with that. But they have requested the Judges, the Chambers to
19 respect that, that we have a short pause so that everyone can adjust. And we have
20 no problem with it.

21 So please continue, Ms Proulx.

22 MS PROULX: [11:18:24](Interpretation)

23 Q. [11:18:25] Mr Witness, I think it would make matters easier were I to ask you for
24 a map of Bossangoa or were we to look at a map of Bossangoa.

25 It is tab 45 in Defence files, *CAR-OTP-2118-9140, and it is public in nature.

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1 PRESIDING JUDGE SCHMITT: [11:18:57] Not only this, is perhaps also common
2 knowledge. Just commenting. No, please. This is not -- I think this would not
3 even be a fact that would have to agree upon, the parties, I would say. But this
4 would be up to the judges in the end.
5 You would have to -- for the witness, you would have to enlarge it, really, extremely,
6 because nobody can see it. It's so small, nobody can see anything. So, yeah, I
7 think -- I think we can leave it at that for the moment.
8 Mr Witness, do you see -- oh, Ms Guissé.
9 MS GUISSÉ: [11:19:43](Interpretation) I do -- I'm sorry to interrupt, but Mr Yekatom
10 would like to take leave for a few moments.
11 PRESIDING JUDGE SCHMITT: [11:19:55](Overlapping speakers) No problem. No
12 problem at all. So we -- I think we can stay here in the room. So take your time.
13 So it's not a problem. We wait until your client is back.
14 (Mr Yekatom exits the courtroom)
15 PRESIDING JUDGE SCHMITT: [11:20:03] In the meantime I can ask Mr Witness,
16 that's not a problem: Do you see the map, the enlarged map now that should be the
17 centre of Bossangoa?
18 THE WITNESS: [11:20:34](Interpretation) I can see the map well.
19 THE INTERPRETER: [11:20:40] But the Sango booth would once again like to point
20 out that the sound really isn't good and it is impossible to interpret under such
21 conditions. Apologies.
22 PRESIDING JUDGE SCHMITT: [11:20:49] So, if it is impossible, then we have to fix
23 it on the spot, so to speak, if we can. But it seems not to be possible. So what do we
24 do now? We make a break, or what?
25 So then let's have a 5- to 10-minutes break. Nobody leave too far away, please,

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1 but -- and please inform the Chamber when we can continue immediately.

2 THE COURT USHER: [11:21:28] All rise.

3 (Recess taken at 11.21 a.m.)

4 (Upon resuming in open session at 11.36 a.m.)

5 THE COURT USHER: [11:36:02] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [11:36:24] It appears that the problem has been
8 solved. If so, then thank you very to IT.

9 And also thank you very much, Mr Witness, for your patience. And I think, since
10 we have established that the witness has the map on the screen, you can start with
11 your questions.

12 MS PROULX: [11:36:53](Interpretation)

13 Q. [11:36:55] Mr Witness, before the break, we spoke about the area where FNEC
14 was, and you said it was vis-à-vis the *mairie*, the town hall. Do you have the plan in
15 front of you? And it's just next to the *École Liberté*.

16 A. [11:37:57] Yes, I can confirm that FNEC is just vis-à-vis the *École Liberté*. There's
17 only one road that separates the FNEC from the *École Liberté*. The -- and also that
18 separates the FNEC from the town hall, the *mairie*.

19 Q. [11:38:24] For the record, the place where the base was situated, it is
20 Witness P-2049, who is the transcript T-102, page 15 and 17.

21 Mr Witness, do you agree that there was also a Seleka base in *société coton*, which is
22 called SOCOCA. Do you agree that there was a Seleka base there as well?

23 A. [11:39:18] I didn't go there, so I don't know.

24 Q. [11:39:31] Mr Witness, in addition to the bases of Seleka, there were checkpoints,
25 roadblocks.

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1 A. [11:39:47] Yes. There was a checkpoint about 5 kilometres from Bossangoa in
2 an area called Kafa. Even at the exit of Bossangoa, towards Katanga, before crossing
3 the river Ouham, they installed a checkpoint, a roadblock there. They also installed
4 a checkpoint before the town hall. So everybody who passed by had to stop and
5 carry out formalities before continuing.

6 Q. [11:40:35] Thank you.

7 Just for the record, do you agree that the checkpoint that you're talking about in
8 Katanga is in the southern part of the town of Bossangoa? Do you agree with that?

9 A. [11:40:58] Yes, it is at the exit. It is on the route which goes towards Bangui.
10 When you cross the Ouham river and you go up a small hill, it's there that they
11 installed and set up their checkpoint.

12 Q. [11:41:20] Mr Witness, we also have information according to which there was
13 another checkpoint, another roadblock, in the northern part of Bossangoa. Do you
14 agree with that?

15 A. [11:41:41] What I saw personally is that when you arrive Paoua, to arrive in
16 Bossangoa, near the cemetery there was a checkpoint. That is something I saw
17 myself. I also saw a checkpoint towards Katanga. That's something I saw myself.
18 I only talk about what I saw. The other checkpoints are something I didn't see, and I
19 don't know whether there were other checkpoints or not. I can't tell you about the
20 other checkpoints.

21 Q. [11:42:18] Thank you. Very well. We can remove the plan of Bossangoa from
22 the screen.

23 Mr Witness, we also have information according to which the Seleka, or the elements
24 of the Seleka, rather, occupied administrative buildings in the centre of Bossangoa
25 and also abandoned houses. Did you notice anything like that?

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1 A. [11:42:56] I didn't walk around in the neighbourhood to find out what happened.

2 I can only witness on what I saw. But to speak about what happened in the
3 neighbourhood, whether they moved into private houses, is something I don't know.
4 I didn't go there.

5 Q. [11:43:25] Mr Witness, we agreed that the Seleka assured the security and safety
6 in Bossangoa. Did you see them patrolling the town?

7 A. [11:43:47] Yes, I saw them patrolling in the town with their vehicles.

8 Q. [11:44:04] I'll just go back to an answer which you gave me about the
9 checkpoints, which was close to the cemetery. Just to be certain that you can agree
10 with me, that is towards the northern exit of the town; is that correct?

11 A. [11:44:28] That is correct.

12 PRESIDING JUDGE SCHMITT: [11:44:29] And Perhaps just since we are
13 in -- in -- clarifying -- in the mode of clarifying, the correct ERN for the map was
14 CAR-OTP-2118-9140.

15 Please continue.

16 MS PROULX: [11:44:56](Interpretation)

17 Q. [11:44:57] Mr Witness, do you agree with me that the Seleka were armed?
18 When you saw them doing the patrols in the town, they were armed; is that correct?

19 A. [11:45:14] Yes, they were armed when they were carrying out patrols in the
20 town.

21 Q. [11:45:24] And do you know what type of weapons they were using? Were
22 they Kalashnikov or heavy weapons? What sort of arms?

23 A. [11:45:43] I saw them armed. But, Counsel, I'm a civilian, I cannot make a
24 distinction between the different types of weapons. Only the military can answer
25 that type of question. That's not my job to know what type of weapons the Seleka

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1 were using when they patrolled.

2 Q. [11:46:11] No problem, Mr Witness.

3 Do you agree with me to say that, since they were a little bit scattered in the town and
4 they were carrying out patrols, that the Seleka mixed with the civilian population?

5 They also went to the mosque. They went to the market, to the cafes. You could
6 see them a little bit everywhere. Do you agree with that?

7 A. [11:46:45] Yes, absolutely, because the mosque is open to all individuals. They
8 went to the mosque. They prayed. If they had things they wanted to buy, they
9 went to the market.

10 Q. [11:47:05] So do you agree that they were -- you could say that they're
11 principally in the northern part, in Boro, where there was the market of Boro and the
12 mosque; do you agree with that?

13 A. [11:47:35] No. In Boro, the Seleka didn't have a base in Boro, nor at the market.
14 If we saw them in Boro, they came and then they left again. But they weren't
15 established or installed in Boro.

16 Q. [11:48:02] But they did have a base in Boro at a certain time in 2013, not so?

17 A. [11:48:19] In September, the base, which was at the school of Boro, was there
18 when they had an attack. They had re-enforcement coming from Boro who were
19 based in the school Boro one. As there was nothing after, there was calm, and then
20 they came and based themselves in the school Boro. And then they left for Bangui
21 and the school didn't act as a base anymore.

22 Q. [11:49:00] I now would like to talk about the behaviour of the Seleka troops who
23 were based in Bossangoa in 2013.

24 In your testimony you said that, in the beginning, the Seleka didn't cause any damage.
25 And you also said it this morning, that cohabitation was fine. But in your statement

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1 in paragraph 20, you said, later there were some elements who were not well
2 disciplined.

3 I would like to know what do you mean by "later". At what time did you hear talk
4 about that the Seleka were not well disciplined?

5 A. [11:49:57] When the Seleka entered the town initially, cohabitation was peaceful.
6 After, they started to commit exactions both on the Christians and the Muslims. It
7 was not only the Christians. Even the Muslim civilians were victims of the Seleka.
8 When there were problems where something had to be done, be it the Christians or
9 the Muslims, they tried to racketeer or try to carry out exactions of that nature.

10 Q. [11:50:45] So the object of my question, Mr Witness, is to find out whether you
11 remember when that started. When did these exactions start? Did it start soon
12 after their arrival, or much, much later?

13 A. [11:51:19] Initially, when they entered, it was fine. It was much later when they
14 started to commit exactions.

15 Q. [11:51:38] In your testimony, when you describe these events, you talk about
16 indiscipline and looting. As far as you know, were these only actions that were
17 committed by the Seleka against the civilians?

18 A. [11:52:02] No. It was only that. I didn't see any type of other exaction. Some
19 of the exactions that they committed were in their bases. It happened -- since it
20 happened there, I didn't have the possibility of finding out what actually happened.

21 Q. [11:52:33] Mr Witness, according to the information which we have available,
22 the exactions committed by the Seleka started immediately when they entered the
23 Bossangoa region.

24 I'd like to draw attention of document 4 in the Defence binder, CAR-OTP-2001-1870.

25 And I would like to sum up -- to sum up some -- make a summary of the statement

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1 which appears on page 888.

2 I'm going to wait until the document is displayed on the screen.

3 THE INTERPRETER: [11:53:26] Interpreter's correction: The page is 1888.

4 PRESIDING JUDGE SCHMITT: [11:53:35] Exactly, three eights.

5 MS PROULX: [11:53:52](Interpretation)

6 Q. [11:53:53] Mr Witness, this extract discusses the attack of the Seleka troops on

7 the villages between -- or, starting in February 2013, and in particular in the

8 Bossangoa region. They say, amongst other things, that the Seleka forced the

9 villagers to leave their houses so that they could loot the houses.

10 And a little bit further on, they said more than 8,000 houses were destroyed in 34

11 villages in the route between Kaga-Bandoro, Batangafo and Bossangoa. The Seleka

12 killed many civilians who tried to flee, and they caused families to hide and seek

13 refuge in the bush. They talk about exactions of a large -- in a large scale.

14 Did you hear anything about this, Mr Witness?

15 A. [11:55:14] As you describe it, in Kaga-Bandoro, in the small areas, I didn't see

16 that for myself. So I cannot bear witness to that. I cannot say what happened in the

17 small localities. I can't talk about that.

18 Q. [11:55:38] Very well. Thank you. In that case, I'd like to draw your attention

19 to other events which took place in Bossangoa.

20 And I'm going to refer to a document, but it's not on our list. It's document

21 CAR-OTP-2055-1987, and page 2120 that we should look.

22 What they say, that in March 2013, Seleka elements pillaged and looted, destroyed

23 two radio stations in Bossangoa, the *Voix de l'Ouham*, and the *Maria Beafrika*, which

24 was run by the Catholic diocese.

25 Did you hear anything about that?

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1 A. [11:56:40] No, I don't know anything about it. No, I don't know anything about
2 it. What happened, like you reported, is something I am not aware of.

3 Q. [11:56:59] No problem.

4 I have another example for you, again in Bossangoa, and I'm referring to document 7
5 of the Defence binder, CAR-OTP-2001-3268, page -- so it's page 3274 and 3275. This
6 was a document that was prepared by the OTP office, and where they say that six
7 individuals were killed by the Seleka on 18 April 2013. This -- the community radio
8 station was pillaged, looted, and there were 2,550 houses that were burnt down in the
9 region of Bossangoa.

10 Did you hear anything about this?

11 PRESIDING JUDGE SCHMITT: [11:58:00] Before you answer, Mr Witness. Shortly,
12 Mr Prosecutor.

13 MR BELBENOIT AVICH: [11:58:05](Interpretation) Sorry to interrupt. Just to say
14 that this is not a document that was prepared by the OTP. It was done by the ICC.
15 Just to make sure that it's correct in the record.

16 PRESIDING JUDGE SCHMITT: [11:58:21] Okay. But that is not a substantial
17 difference, I would say.

18 So, Mr Witness, did you hear anything of these events? Or have you seen any of
19 them, you become aware of them?

20 THE WITNESS: [11:58:55](Interpretation) No, I have no knowledge of this, because
21 Bossangoa is a large town, so the exactions which could happen in different
22 neighbourhoods. And for someone who goes from one neighbourhood to another
23 might have that information, but me, personally, me, bearing in mind that I didn't
24 move around a lot, I haven't got information on this.

25 MS PROULX: [11:59:34](Interpretation)

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1 Q. [11:59:37] I have some additional events which I'd like to put to you. These
2 happened in Bowaye.

3 And once again, we are in a public session. I'm not going to tell you why, but in
4 your record, I think you know Bowaye, and you had the possibility of going there
5 several times.

6 So in document 43 of the Defence binder -- 42, CAR-OTP-2114-0543, and in particular
7 0507 and 0508, as page numbers.

8 A. [12:00:41] If you want me to answer that question, could we please go into
9 private session.

10 PRESIDING JUDGE SCHMITT: [12:00:50] We go to private session.

11 (Private session at 12.01 p.m.)

12 THE COURT OFFICER: [12:01:08] We are in private session, Mr President.

13 MS PROULX: [12:01:18](Interpretation)

14 Q. [12:01:20] As we are in private session, at the time in 2013, Mr Witness, is it
15 correct, have I understood your statement correctly, that you went to Bowaye
16 (redacted); is that correct?

17 A. [12:01:40] Yes, that is correct.

18 Q. [12:01:46] Very well.

19 So in this document that we have brought up on the screen, it starts at the bottom of
20 page 0547, this is a publication from *Le Pays Centrafrique* newspaper, and it is said that
21 on 12 August 2013, seven children who were coming from Bowaye to sit an exam in
22 Bossangoa were captured and killed by Seleka elements.

23 Did you hear speak of these events, Mr Witness?

24 A. [12:02:29] No, I didn't hear about that. I didn't hear about it, nor did I see it.

25 As to whether it happened or not, I wouldn't be in a position to tell you.

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1 Q. [12:02:51] At document 7, for which I have already provided the reference, I
2 believe, at page 3274 and 3275, it is also noted that the Seleka had, between 6 July and
3 27 October 2013, killed 80 people, and set on fire 813 houses in the village of Bowaye.
4 Now, (Redacted). Were you able to note these events?

5 A. [12:03:46] I did not see this with my very own eyes.

6 Q. [12:04:05] Just a last example of events that unfolded in Bowaye, Mr Witness.
7 I'm talking about document 6, CAR-OTP-2001-2308, page 2325.

8 And in said document, it is said that on 28 October 2013 the Seleka attacked the
9 villages -- village of Bowaye and took 11 chiefs as prisoners, only leaving free the
10 Muslim chief, and that the ransom had to be paid by the villages for their release.
11 Did you hear anything about that, Mr Witness?

12 A. [12:05:24] It is true that there is (Redacted)
13 (Redacted)

14 Everything that happened in the village of Bowaye, well, I wouldn't have been in a
15 position to be -- to know about it, (Redacted)
16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [12:05:56] May I shortly.

18 Mr Witness, when -- when you said (Redacted)
19 (Redacted), people might have talked about what happened during other days. And
20 also when there have been hundreds of houses destroyed, perhaps you have seen
21 something afterwards. It's clear, it's absolutely clear that you did not witness the
22 events when they unfolded, but perhaps in the aftermath, that you heard something
23 or saw something.

24 THE WITNESS: [12:06:52](Interpretation) Indeed, (Redacted)
25 (Redacted) there might be noise.

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1 (Redacted). In the past there was no issue. Things were freely done. But as to
2 whether they killed people, set the village on fire, I'm not in a position to know.
3 Only God knows.

4 PRESIDING JUDGE SCHMITT: [12:07:34] I think you can move to another point.
5 We have the documents and you will submit them, I assume. So please move to
6 another point.

7 And you have recognised that we did not make the 5-minute pause, break, but
8 because we had it a little bit earlier.

9 So we continue now at -- until half past 12.

10 MS PROULX: [12:08:04] I have one more question about Bowaye, and then we can
11 move back into open session.

12 Q. [12:08:17](Interpretation) Mr Witness, were you able to note where the Seleka
13 had their base in Bowaye and how many Seleka were based there?

14 A. [12:08:43] In Bowaye, they had a base. They set up in the centre, next to the
15 house of the group chief. That's where they set up, (Redacted).

16 As to how many they were, I'm not in a position to know that. They were armed, so
17 at the time I couldn't approach them and ask them the question as to how many they
18 were. We were just content to (Redacted),
19 and that was it.

20 Q. [12:09:30] I thank you.

21 I believe we can move into open session now, Mr President.

22 PRESIDING JUDGE SCHMITT: [12:09:34] Open session.

23 (Open session at 12.09 p.m.)

24 THE COURT OFFICER: [12:09:56] We are back in open session, Mr President.

25 MS PROULX: [12:10:06](Interpretation)

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1 Q. [12:10:07] Mr Witness, I would like to come back to an aspect of your statement
2 at paragraph 21, in which you state that Imam Naffi, Ismail Naffi, had asked Koursi
3 Abdelraman Mahamat, who was a representative for the tradespeople, to go and talk
4 with the authorities of the Seleka with a view to having them change their behaviour.
5 So, first of all, I have a little question. At paragraph 70 of your statement you talk
6 about the same individual, but you call him Koursi Abdelrahim. Should I
7 understand that Koursi Abdelraman Mahamat and Koursi Abdelrahim is one and the
8 same individual?

9 A. [12:11:23] Koursi Mahamat Abdelrahim is one and the same individual. He is
10 the tradespeople's representative.

11 Q. [12:11:43] Do you know why the imam chose Koursi to go and seek to the Seleka?
12 Was Koursi in a position of having any influence over the Seleka?

13 A. [12:12:15] When the imam spoke, people would come and buy articles, items.
14 And when -- the Seleka would then threaten them, subsequent to which the
15 Christians fled to seek refuge at the church. Some of them would come and
16 complain to the imam, and that is why the imam would then turn to him, because he
17 was the delegate or the representative of the tradespeople, and he sent him to go and
18 ask the Seleka not to threaten the tradespeople.

19 Unfortunately, continued. And they still continued to commit exactions. The
20 Christians were then obliged to seek refuge at the Catholic Church, and the Muslims
21 were too. They sought refuge at the school.

22 Q. [12:13:26] In your statement, still at paragraph 21, you say that you learnt of this
23 because Koursi had gathered the tradespeople together to tell them about this. Were
24 you present when Koursi spoke about this?

25 A. [12:13:50] I was not present.

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1 Q. [12:13:53] Well, in that case, who told you about it?

2 A. [12:14:09] I was not present. But people spoke in the neighbourhoods, and we
3 realised that there were a lot of people. I asked them the question and they said that
4 the tradespeople were meeting on that day. But I wasn't a tradesman, so I couldn't
5 take part in that -- in their meeting.

6 Q. [12:14:43] So you quite simply heard about it in the crowd?

7 A. [12:14:56] Yes.

8 Q. [12:14:58] To your knowledge, did Koursi have any special relations with the
9 Seleka?

10 A. [12:15:19] No, he did not have any relations. He was but the representative of
11 the tradespeople. He did not get on with the Seleka in any way for him to be able to
12 do anything.

13 Q. [12:15:39] Mr Witness, we have different information. I put it to you that
14 Koursi Abdelrahim Mahamat joined the Seleka, or at the very least collaborated with
15 them. Would you agree with me?

16 A. [12:16:13] Koursi Mahamat is the representative of the tradespeople. When
17 somebody is the representative of tradespeople, it is he whom people approach to tell
18 him things that are not going well in the town. It is not everyone who has to go and
19 solve issues. When there is a representative, it is that person who has to represent
20 the civilians.

21 Q. [12:16:53] I'm going to move on to something else, Mr Witness.

22 I would like us to talk about the emergence of the Anti-Balaka. You said in your
23 statement, paragraph 23, that a Peuhl farmer, or herdsman, had come to Bossangoa
24 and had said that some rebels coming from Bangui were on their way to Benzambe.
25 So I would just like to seek clarification. Were you present? Did you yourself hear

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1 that Peuhl individual say what he said?

2 A. [12:17:42] When that Peuhl person talked about the events, I was not present.

3 Q. [12:17:53] Could you then explain to us how you came to hear about this.

4 A. [12:18:09] When he spoke about what had happened, I was not present. But
5 because he spoke to so many people about it and explained, and the news circulated,
6 that's how I also came to hear about it. He didn't personally tell me about it. The
7 news started to spread and it reached me.

8 Q. [12:18:50] The Peuhl herdsman said that the rebels came from Bangui, but you
9 would agree with me that at the time Bangui was under Seleka control, would you
10 not?

11 A. [12:19:10] Yes, the Seleka were in control of the city.

12 Q. [12:19:27] At paragraph 24 of your statement you say that, contrary to the Peuhl
13 herdsman, you explain that the Anti-Balaka were a coalition of young people --

14 THE INTERPRETER: From a number of locations that counsel said very fast.

15 MS PROULX:(Interpretation)

16 Q. [12:19:46] Should we understand that you are not in agreement with the
17 interpretation of the Peuhl herdsman according to which the Seleka came from
18 Bangui?

19 PRESIDING JUDGE SCHMITT: [12:19:58] I think the Balaka came from Bangui.

20 THE INTERPRETER: [12:20:06] Correction from the English booth: Apologies.
21 Yes, Anti-Balaka coming from Bangui.

22 PRESIDING JUDGE SCHMITT: [12:20:12] Yeah.

23 THE WITNESS: [12:20:13](Interpretation) Yes. At the outset, they were called
24 Anti-Zaraguina. They were in Bossangoa, at Zere, at Benzambe, but they were a
25 self-defence group in charge of providing security for the villages and for the villagers

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1 against the exactions committed by the Zaraguina. They did not have any weapons
2 of war. They only had artisanal makeshift weapons, and that's what they used to
3 protect the villages.

4 MS PROULX: [12:20:56](Interpretation)

5 Q. [12:20:57] Well, what I was wanting to bring you to is that you said in your
6 statement that the groups in the region Zere, Bossangoa, the Peuhl was of the opinion
7 that they were coming from Bangui. Would we agree that there was a lot of
8 information, of which some was contradictory, that was circulating at the time from
9 many sources? Objection.

10 PRESIDING JUDGE SCHMITT: [12:21:27] Well, it's a little bit complicated question,
11 but I want to hear what you have to say, if there is an objection or only a remark.

12 MR BELBENOIT AVICH: [12:21:37](Interpretation) No, it's not really an objection.

13 It is with regard to the fact that this Anti-Balaka group might have come from Bangui.
14 Maybe he could be more specific. Was it from Bangui or Bangui town?

15 PRESIDING JUDGE SCHMITT: [12:21:55] I think --

16 MS PROULX: [12:21:57](Overlapping speakers) I think it would be a little difficult
17 for the witness.

18 PRESIDING JUDGE: [12:21:58] I think -- I think we don't have to delve further into
19 that because the witness, as he has always state, and we appreciate that a lot,
20 especially as -- judges, that the witness always differentiates between things he has
21 personally observed, he can speak about, and others he had heard about. And this
22 were -- this was simply something that he heard about and he -- I think he is not in
23 the position to tell us anything about the veracity of the information.

24 Mr Vanderpuye is of a different opinion.

25 MR VANDERPUYE: [12:22:30] No, no, no, I'm actually in agreement with you on

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1 the -- on the general principle. I think there was an interpretation error, is the reason.

2 The objection was referring to whether the -- the Anti-Balaka came from Bangui or
3 from the direction of Bangui, as opposed from Bangui or Bangui town. That that's
4 what was interpreted.

5 PRESIDING JUDGE SCHMITT: [12:22:47] Well, I -- I -- you know, the judges, as you
6 of course know and are aware of, the judge have to, in the end, to assess. This seems
7 to be a minor point, what these Peuhl herders told somebody about. We have the
8 Seleka -- now I make the same mistake - where the Anti-Balaka came from. And we
9 have a lot of information about the origin of the Anti-Balaka and I think you can
10 simply move on. This -- I think this does not necessitate further exploration here.

11 MS PROULX: [12:23:29] Thank you, Mr President. I will move on.

12 Q. [12:23:38](Interpretation) Mr Witness, in your statement, you state at paragraph
13 25 that the original chief of the Anti-Balaka was called Achille. How did you come
14 to learn that?

15 A. [12:24:04] The chief is called Achille. He lives in the centre of Bossangoa and
16 everyone knew that. When Bozizé was in power he had a weapon that he would
17 walk around with, in the knowledge of everyone, the gendarmes, the police and the
18 soldiers. Everyone knew that Achille was the chief of the Anti-Balaka.

19 Q. [12:24:34] You subsequently explain in your statement that Achille fled
20 Bossangoa after having assaulted a white woman working for MSF. Do you recall
21 the approximate date when Achille fled?

22 A. [12:25:01] I do not remember the date when he fled. When he kidnapped the
23 woman, it was the gendarmerie of Bossangoa who chased after him to release the
24 woman from his -- from him. He -- it was after the events Achille disappeared. I
25 do not know where he sought refuge. And the woman -- the white woman had

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1 come from Gbagandou (phon).

2 Q. [12:25:46] You said that the gendarmerie intervened. Did that happen at a
3 moment in time when the gendarmerie still existed?

4 A. [12:26:03] Yes. During those events, it was under Bozizé's regime and the
5 gendarmerie were still working, as was the gendarmerie in Bossangoa.

6 Q. [12:26:24] I thank you. I'm going to move on to the September attacks. And I
7 have a question to introduce this subject, subsequent to which I will go into a lengthy
8 spate of private session before or after the break, according to what the Presiding
9 Judge decides.

10 I'm going to put the first question. I'd like to talk about the attacks of September
11 2013, Mr Witness. You said in your statement that the attacks in Bowaye, Zere and
12 Ouham-Bac were simultaneous. I would like to know how you learnt that these
13 attacks were simultaneous.

14 A. [12:27:19] When we arrived at the *École Liberté*, people were talking about the
15 various events. People who came from Koro-M'Poko, from Bowaye, from Benzambe,
16 also came to tell us what had happened to them. And in view of all this information,
17 I gleaned that the attacks had occurred on the same day.

18 Q. [12:27:56] So this was information that was going around the school; is that
19 correct?

20 A. [12:28:13] You know, at the *École Liberté* we were all confined. Nobody could
21 go out. So we could only talk about the events that were unravelling. Had there
22 been any other form of activities, maybe people would have been active in another
23 way. But we had nothing to do, so we just spent our time talking about the various
24 events that unfolded in the various villages, and each native of each village would
25 talk about what had happened to them.

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- 1 Q. [12:28:53] I thank you, Mr Witness.
- 2 PRESIDING JUDGE SCHMITT: [12:28:55] I think that's also perfectly
- 3 understandable.
- 4 As I understand that you have a longer portion of private session now, and we are at
- 5 one minute before 12.30, so we have now the lunch break until 2 o'clock, I think.
- 6 THE COURT USHER: [12:29:13] All rise.
- 7 (Recess taken at 12.29 p.m.)
- 8 (Upon resuming in open session at 2.01 p.m.)
- 9 THE COURT USHER: [14:01:53] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE SCHMITT: [14:02:18] Good afternoon. Yeah.
- 12 MR BELBENOIT AVICH: [14:02:24](Interpretation) Mr President, I would like to
- 13 point out that we have Mr Louis Rugambage.
- 14 PRESIDING JUDGE SCHMITT: [14:02:37] Good afternoon, sir. We continue with
- 15 your examination.
- 16 We are in open session. Can we stay there.
- 17 You said private session, yeah, okay.
- 18 Then we go back to private session.
- 19 THE INTERPRETER: [14:02:54] And Mr Rugambage is replacing Mr Yassin Mostfa.
- 20 (Private session at 2.03 p.m.)
- 21 THE COURT OFFICER: [14:03:07] We are in private session, Mr President.
- 22 MS PROULX: [14:03:17](Interpretation)
- 23 Q. [14:03:18] Good afternoon, Mr Witness. Can you hear me?
- 24 A. (No interpretation)
- 25 THE INTERPRETER: [14:03:45] Could the Sango booth switch back to the Sango

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1 channel.

2 MS PROULX: [14:03:51] Mr President, I did not get an interpretation.

3 PRESIDING JUDGE SCHMITT: [14:03:53] Yeah, nobody got, but simply put your
4 question. We get to know soon enough if he understands you are or not.

5 And by the way, we should finish at 4 o'clock.

6 MS PROULX: [14:04:10] I -- I -- of course I think we had a two-hour session today,
7 but just for the record, it's -- it's, I don't expect that I will be finished today at 4. I
8 discussed this matter this morning with Mr Vanderpuye.

9 PRESIDING JUDGE SCHMITT: [14:04:24] Okay.

10 MS PROULX: [14:04:26] And I think that we agreed, I hope I am not saying too
11 much, but I think we agreed that we could go up until the -- tomorrow morning, first
12 session.

13 PRESIDING JUDGE SCHMITT: [14:04:38] Do you need the whole session tomorrow
14 morning?

15 MS PROULX: [14:04:41] I think the first session entirely.

16 PRESIDING JUDGE SCHMITT: [14:04:43] Okay. So then, okay, if you
17 are -- Mr Vanderpuye, I saw you nodding so I assume you are fine with it. What we
18 then do is we go until 4 o'clock today, and tomorrow the first session we finish with
19 the witness. But definitely then.

20 Please continue.

21 MS PROULX: [14:05:06](Interpretation)

22 Q. [14:05:07] Can you hear me, Mr Witness?

23 A. [14:05:21] Yes, I can hear you very well.

24 Q. [14:05:29] Mr Witness, we are now in -- in private session, so the public cannot
25 hear you. So I would like to talk with you now, your account of (Redacted).

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1 You have already given a lot of details in your statement, but there are certain points I
2 would like to clarify with you, and I would like to ask you to be as precise as possible
3 in your answers. And that said, if you do not know or you have no answer to a
4 question, no problem, just inform us about it.

5 Mr Witness, I would like to be displayed on the screen a document, tab 20 in the
6 Defence list, CAR-OTP-2075-1375. It is a map of the area of Ouham.

7 Can you see the map on the screen, Mr Witness?

8 A. [14:07:11] No, it is not yet displayed.

9 Q. [14:07:56] Do you have it now?

10 A. [14:08:07] No, I cannot see it.

11 Q. [14:08:14] I think our colleagues are trying to find out what is happening, but in
12 the meantime, I will begin to ask you questions.

13 But I think the map is now displayed.

14 Can you see it?

15 Mr Witness, in your statement, you said (Redacted)

16 A. [14:08:49] Yes, the map is now displayed.

17 Q. [14:08:52] Thank you. And thank you for your confirmation.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [14:53:26] Mr Witness, we have this -- we have this
9 photograph you gave to us. I think it's perhaps a good idea to have a short break,
10 and please let -- please let us know when you can continue.

11 And perhaps also Defence might reconsider the lengths of the questioning.

12 THE COURT USHER: [14:53:49] All rise.

13 (Recess taken at 2.53 p.m.)

14 (Upon resuming in private session at 3.19 p.m.)

15 THE COURT USHER: [15:19:33] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [15:19:56] Mr Witness, let me please address you on
18 behalf of the Chamber. As the Presiding Judge, we are so sorry that your testimony
19 brings back these memories and the feelings connected with them. We fully
20 understand that. We appreciate it a lot that you overcome your fears, your
21 memories, your terrible memories and your anxieties to help this Chamber and
22 assisting the Chamber to determine the truth. We really appreciate it and we would
23 like to thank you for that.
24 And I can assure you that your testimony will be finished tomorrow morning, let's
25 say. I think we can say that. So thank you again very much.

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1 Do you feel well -- well enough now to continue today?

2 THE WITNESS: [15:21:06](Interpretation) Thank you. And once again, you are
3 aware of everything that I experienced. I'm simply asking you to forgive me because
4 I feel tired. I really apologise, and I would really want you to allow me to go and
5 rest for today and come back tomorrow to complete my testimony.

6 PRESIDING JUDGE SCHMITT: [15:21:42] Mr Witness, you don't have to apologise
7 for anything. It is really a great achievement that -- for all the witnesses that come to
8 this Court and make themselves available. So we, the parties, participants, but
9 especially the Court and the Chamber, we need persons like you who are coming to
10 testify, are willing to testify and overcoming, as I said, the fears and anxieties and all
11 the terrible memories that are connected with testifying at this Court. We fully
12 understand that.

13 And saying that, we also understand, of course, when you say you are tired. This
14 means that we finish for today, and that you can have a rest now, and we continue
15 tomorrow.

16 Let's go back shortly to open session.

17 Thank you very much, Mr Witness. We really hope that we can continue tomorrow,
18 that you are fresh then and that we can finish then. Is that okay?

19 THE WITNESS: [15:22:52](Interpretation) Thank you very much. That is
20 convenient for me. There is no problem.

21 PRESIDING JUDGE SCHMITT: [15:23:01] Back to open session.

22 (Open session at 3.23 p.m.)

23 THE COURT OFFICER: [15:23:15] We are in open session. Mr President.

24 PRESIDING JUDGE SCHMITT: [15:23:17] Thank you.

25 We -- we went back to open session shortly because we have audience here, but there

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- 1 is -- and I want to explain that we -- why we finish for today a little bit earlier. It is
- 2 simply for the benefit of the witness we have here in the courtroom that we need to
- 3 finish now.
- 4 And for the parties, we continue tomorrow at 9.30.
- 5 THE COURT USHER: [15:23:38] All rise.
- 6 (The hearing ends in open session at 3.23 p.m.)