

Trial Hearing
WITNESS: CAR-OTP-P-1339

(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 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 Tuesday, 6 September 2022
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:32] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:50] Court officer, please call the case.
14 THE COURT OFFICER: [9:31:01] Good morning, Mr President, your Honours.
15 The situation in the Central African Republic II, in the case of The Prosecutor versus
16 Alfred 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: [9:31:17] Thank you very much.
19 Before we start with the presence of the parties, good morning, Mr Witness. Are you
20 feeling better?
21 WITNESS: CAR-OTP-P-1339 (On former oath)
22 (The witness speaks Sango)
23 THE WITNESS: [9:31:31](Interpretation) Good morning, Mr President. I do feel
24 better, and I am able to answer the questions that are put to me today.
25 PRESIDING JUDGE SCHMITT: [9:31:51] Thank you very much, Mr Witness. And

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1 we, of course, are glad to hear that.

2 So now for the appearances. Mr Vanderpuye first for the Prosecution, please.

3 MR VANDERPUYE: [9:32:02] Thank you, Mr President. Good morning to you.

4 Good morning, your Honours. Good morning, everyone. Good morning,

5 Mr Witness. Today the Prosecution is represented by Maria Berdennikova, Yassin

6 Mostfa and myself, Kweku Vanderpuye. Good morning again.

7 PRESIDING JUDGE SCHMITT: [9:32:17] And now for the victims' representatives.

8 MS MASSIDDA: [9:32:20] Good morning, Mr President, your Honours. Good

9 morning, everyone in the courtroom. For the victims of the other crimes, appearing

10 today, Mr Dangabo Moussa and myself, Paolina Massidda.

11 PRESIDING JUDGE SCHMITT: [9:32:30] Thank you.

12 Next is Mr Suprun.

13 MR SUPRUN: [9:32:35] Good morning, Mr President, your Honours. The former

14 child soldiers are represented by Fiona Lau, associate legal officer, and myself,

15 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.

16 PRESIDING JUDGE SCHMITT: [9:32:47] Thank you.

17 We turn to the Defence, Ms Dimitri, next.

18 MS DIMITRI: [9:32:49] Good morning, Mr President. Good morning, your

19 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom this

20 morning. He is represented by Mr Florent Pages-Granier, Ms Yousra Lamqaddam,

21 Mr Jean-Michel Kola, Ms Anta Guissé, Ms Lena Casiez, Mr Gyo Suzuki and myself,

22 Mylène Dimitri.

23 PRESIDING JUDGE SCHMITT: [9:33:16] Thank you.

24 I turn now to the Defence of Mr Ngaïssona.

25 MS PROULX: [9:33:18] Good morning, Mr President. Good morning, your

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1 Honours. Mr Ngaïssona today is represented by Sara Pedroso behind me, and to my
2 left, Barbara Szmatala and Simon Decot, and myself, Marie-Hélène Proulx.

3 Mr Ngaïssona is also present in the courtroom. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:33:29] Thank you.

5 And also a warm welcome to the counsel, Rule 74 counsel for the witness, Mr Khalil.

6 Good morning, Mr Khalil.

7 We continue with the examination by the Prosecution. Mr Vanderpuye, you have
8 the floor. Do you have also already an indication how long it will last, your
9 examination?

10 MR VANDERPUYE: [9:33:49] Mr President, as was the case yesterday, I expect it
11 will last the duration of the day. I'll see where I can cut here and there, and it
12 depends on translation, technical issues, things like that.

13 PRESIDING JUDGE SCHMITT: [9:34:01] Yes, well, there were some hiccups, we
14 understand that, technical hiccups, and also we had to make one or the other break.
15 Well, okay, so -- but of course the Defence will have all the time they need, too, for the
16 examination and we will have to accommodate that somehow but, like always, we
17 will find a way.

18 Please start.

19 MR VANDERPUYE: [9:34:20] Thank you, Mr President.

20 Good morning to you, Mr -- oh, I see his counsel is on his feet.

21 PRESIDING JUDGE SCHMITT: [9:34:28] Mr Khalil. Mr Khalil, yes.

22 MR KHALIL: [9:34:30](Interpretation) Yes, your Honours and Counsel, good
23 morning. Mr Witness would like to give you some clarifications, some additions on
24 a subject that was treated on Friday before the Court. He told me he doesn't
25 remember the circumstances of the case because they happened six years ago, so the

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1 witness wishes to make some clarifications on a subject that was dealt with on Friday.

2 Thank you.

3 PRESIDING JUDGE SCHMITT: [9:35:05] Thank you very much, Mr Khalil, and I

4 think it is a good opportunity -- we have the witness in the courtroom and we can ask

5 him directly what kind of clarifications these are, and so we are done away with this

6 and then you continue with your examination.

7 Perhaps you take over, Mr Vanderpuye.

8 MR VANDERPUYE: [9:35:24] Happily, Mr President. Actually, Mr Khalil

9 anticipated my first question which was whether he had any clarifications to make

10 based on what he said yesterday.

11 PRESIDING JUDGE SCHMITT: [9:35:32] Then we start with that.

12 MR VANDERPUYE: [9:35:34] But the first question before that is whether or not

13 these clarifications might entail us going into private session.

14 PRESIDING JUDGE SCHMITT: [9:35:43] Yes, I think we can go to private session.

15 MR VANDERPUYE: [09:35:44] Thank you, Mr President.

16 PRESIDING JUDGE SCHMITT: [09:35:45] Because once we discuss this, we

17 immediately will recognise that there are some difficult issues. I think on the safe

18 side it would be better. So we go to private session.

19 (Private session at 9.35 a.m.)

20 THE COURT OFFICER: [9:35:57] We are in private session, Mr President.

21 MR VANDERPUYE: [9:36:10] Thank you.

22 QUESTIONED BY MR VANDERPUYE: (Continuing)

23 Q. [9:36:13] Mr Witness, we are in private session now, and I understand from

24 Mr Khalil and also from what you said yesterday, that there were certain aspects of

25 your testimony - I believe your testimony, maybe your statement - that you wanted to

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1 clarify. So if you would please let us know what -- what is your concern.

2 A. [9:36:40] Thank you. I'm going to say good morning to everyone present in the
3 court. I think that my statement, according to the counsel of Defence, felt that the
4 investigator did ask me several questions. You know, I am in front of you, and I did
5 forget some of the details as regards what happened. So thank you for the questions
6 put forward by the Presiding Judge, which enabled me to remember certain issues.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) The Muslims were regrouped and based and protected by the troops of
11 the United Nations.

12 We spent a week -- he grew up in Mbaïki, he grew up in the district of Mbaïki. He
13 was born in Mbaïki, his parents died in Mbaïki, and he refused to leave the town.
14 He was in a house but we didn't know that. We had checkpoints where we got some
15 money so that we could feed our troops and -- or our base. And a neighbour
16 pointed out that there was a Muslim who was hiding in that house. The soldiers and
17 the children who were at the checkpoint did not inform us of this because we -- we
18 occupied the administration buildings, because in Mbaïki, no building was destroyed.
19 They -- we said to ourselves -- at 5 o'clock or 6 o'clock in the evening, the youth left
20 the building to go to prayers, and that was Honorine. His own chief, they took two
21 elements with them. They left and when that youth was busy praying, they beat him
22 and killed him. You see, this woman, Mbafolo Honorine, she cut off the sex of this
23 individual, and to our surprise, the MINUSCA soldiers started to shoot at the
24 elements. But we didn't know about this. We -- we were based in the Socatel and
25 we also heard gunshots, so we fled. The weapons that were used in Boda remained

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1 in the building of MINUSCA and they were retrieved.

2 When they fought in Boda, after the funeral, that's when these things happened.

3 MINUSCA shot in all directions, and the poor woman who had four children, her

4 father had just returned from the market, and she also received a stray bullet from the

5 soldiers of MINUSCA, from the United Nations. That lady had -- was hit by a stray

6 bullet and died, and the husband and children were left in deep unhappiness. That

7 woman was innocent and had just returned from her business and she met with death.

8 Thank you.

9 The questions which you put to me, it's true, I did forget some details, but right now, I

10 do recall some incidents and some information. And I can promise you that I will

11 pass on any information that I have. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:41:41] Please allow me, Mr Vanderpuye, to --

13 Mr Witness, I would really like to encourage you to continue like that, because it's

14 absolutely normal, when you are under the stressful situation in the courtroom, that

15 you might not immediately, on the spot, recall everything what you know. And

16 then, I think everybody in the courtroom can imagine that you have this weekend and

17 you think about what you have been asked and more details come to your mind. So

18 I would like to encourage you to provide us with these details. Also, if perhaps, you

19 know, from one to the other day, during the evening you recall something that you

20 might want to clarify or to add, that's perfectly normal. That's how our memory

21 works usually. So we would like to thank you for that.

22 Perhaps I have one additional question to what you have just told us. I have -- have

23 I understood it correctly that you did not see this with your own eyes - first

24 question - but that you were close? So where did you get the information from?

25 THE WITNESS: [9:42:55](Interpretation) Thank you, your Honour. I told you that

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1 the checkpoint was in the section where this Muslim was hiding, and the Socatel base
2 where we positioned was 1 or 2 kilometres from where we were. We were posted at
3 the checkpoint in order to get money so that we could feed our elements. These
4 events happened after the shooting of MINUSCA. They fled and they gave us this
5 information. And those who committed the acts explained it to us and you could
6 still feel and hear the sound of what happened. That woman was scared and when I
7 asked the question why she did this, she said that the Seleka had taken her motorbike,
8 her computer and what she had. No one could take that from her. She had the
9 intention of what she had in her head, what she had decided herself that she would
10 do. She was positioned in the checkpoint in order to get money from the passers-by.
11 I was at the base. We were all at the base. After the shooting of MINUSCA, we fled,
12 we retrieved the weapons and when we had left again, they explained to us clearly
13 what had happened.

14 PRESIDING JUDGE SCHMITT: [9:45:11] So I take it from your words that you
15 spoke with this woman that you mentioned; is that correct? Afterwards, I mean.

16 THE WITNESS: [9:45:26](Interpretation) Yes, it was the very same day when the
17 event occurred, around 14 to 18 hours. The MINUSCA couldn't shoot. It was near
18 Mbaïki. We gathered the elements. The elements of MINUSCA lifted all the
19 checkpoints. And with -- one of the soldiers, he died. I don't remember his name.
20 But I told them, "You left without asking us for our advice. So right now the
21 MINUSCA elements have turned against us and are shooting us." He made me
22 understand that he didn't have any accounts to settle, but he could only answer to
23 their chief. And he didn't have any accounts to settle with anybody at all.

24 PRESIDING JUDGE SCHMITT: [9:46:44] Thank you very much.

25 Now a typical difficult question that you have been asked in other contexts several

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1 times, approximately: When did that happen, Mr Witness, if you recall? Was it still
2 in 2013 or was it already in 2014? You might not know the exact day, that is
3 perfectly normal, but approximately, perhaps?

4 THE WITNESS: [9:47:09](Interpretation) It was in 2014. After the fighting in Boda,
5 they returned and two weeks -- the facts -- the event happened two weeks after the
6 events in Boda. But I cannot remember. I think it -- but I do think it was in the
7 year 2014.

8 PRESIDING JUDGE SCHMITT: [9:47:57] That's perfectly okay, I think, and that
9 enables us to have at least an idea when this happened.

10 Mr Vanderpuye -- or Ms Dimitri.

11 MS DIMITRI: [9:48:08] I am sorry, Mr President, I didn't want to interrupt you, but
12 there was a slight difference from French to English. At line 26 in French, he said,
13 "... *celle qui a commis cet acte nous l'a dit*", but it was translated by "those who
14 committed the act told us."

15 PRESIDING JUDGE SCHMITT: [9:48:27] That's indeed a slight difference, so to
16 speak, but thank you very much for clarifying this on the spot.

17 Mr Vanderpuye.

18 MR VANDERPUYE: [9:48:36] Thank you, Mr President. I'm getting ready to ask
19 my first question.

20 PRESIDING JUDGE SCHMITT: [9:48:43] Well, but, you know, this clarification issue,
21 of course, turned back in time, so to speak, and we got a complete new narrative and
22 this had to be -- and better this way than in any other way, I would respectfully
23 submit.

24 MR VANDERPUYE: [9:48:59] I completely agree and I want to follow up a little bit
25 on it, if I may.

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1 Q. [9:49:05] Thank you for that clarification, Mr Witness. And oftentimes it's like
2 that, your memory can come and go, and so it's very helpful that you provided this
3 information.

4 Honorine Mbafolo, this is the woman that explained to you what happened, do I
5 understand that correctly, with respect to the Muslim that was killed and who had his
6 sex cut off?

7 A. [9:49:36] Yes. It is Honorine Mbafolo who spoke about it. There was still
8 blood. And when we left Mbaïki, I asked her the question and she told me her
9 version of what happened, as I have just outlined to you now.

10 Q. [9:50:16] Okay. And Honorine Mbafolo was a member of the group at the time
11 that she committed those acts?

12 A. [9:50:39] Yes, we were together from the time of the bush. I was surprised that
13 she didn't appear on the list. She was one of the women who joined us in the bush.
14 Last week, when the Prosecutor showed me the list, I didn't see her name,
15 Honorine Mbafolo and Nadège (phon) and her first son. They came together. We
16 were together with those in the bush. She was part of the first two women who
17 joined the group. If I say "they", it is because there were more than two. There
18 were three, that's why I say "they". There were two or three.

19 Q. [9:51:41] Was she involved in killing the Muslim or did she simply remove his
20 sex after he had already been killed, according to the information that you received
21 from her?

22 A. [9:51:56] There were three of them. I talked about a soldier called Ngombe and
23 another element whose name I can't remember. Ngombe died during the fight. I
24 told you that where I was, I can only tell you and -- what I experienced myself. I
25 didn't see this with my own eyes. According to this explanation, he was beaten and

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1 killed. There were three of them, they killed him. And I -- I was busy, I
2 wasn't -- and she said that she was the one who cut off his sex.

3 Q. [9:53:07] Ngombe and the other person whose name you don't remember, do
4 you remember or know if they were members of the group as well?

5 A. [9:53:28] Yes, Ngombe was a soldier, chief of a section. He was the chief of
6 section 4. And when elements were sent, they were sent either from section base 1 to
7 the different checkpoints. Sometimes we used elements from the other bases to -- for
8 other checkpoints, particularly at the entrance and the exit of Mbaïki and also the
9 different --

10 THE INTERPRETER: [9:54:16] Inaudible.

11 THE WITNESS: [9:54:18](Interpretation) -- of Mbaïki. The chief Ngombe was
12 together with us in Mbaïki and he was part of the Anti-Balaka, and I would like to
13 point out that he was a soldier.

14 MR VANDERPUYE: [9:54:30]

15 Q. [9:54:32] There was a part of your answer that, in the English transcript at
16 page 11, line 20, was interpreted as an "inaudible". I don't know if that was caught in
17 the French?

18 MS DIMITRI: [9:54:58] If I can help you, it's not caught in French, but it's "*ruelle*".

19 MR VANDERPUYE: [09:54:59] Thank you.

20 MS DIMITRI: *Ruelle*.

21 THE INTERPRETER: [9:55:01] A small water stream. It was also inaudible in the
22 French text.

23 MR VANDERPUYE: [9:55:10] Okay.

24 Q. [9:55:13] Now, you referred to Ngombe or a section 4 chief. And the person
25 whose name you don't remember, what position did he occupy or have during the

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1 group at that time, if you can recall?

2 A. [9:55:35] One of the elements was a civilian. Ngombe was a soldier. Mbafolo,
3 as far as she's concerned, she wasn't a soldier. She was a civilian lady. And when
4 they sent elements to the checkpoints, you had to have a chief to accompany the two
5 elements. Ngombe was a soldier and the two others were civilians.

6 Q. [9:56:18] And I think earlier when you were providing your narrative you
7 indicated that that was discussed at some later point among the elements. Was it
8 discussed at the base where you were?

9 MS DIMITRI: [9:56:42] I'm sorry, but I'll object to that. I do not recall him saying
10 that. He said that she spoke to him. If you have a reference. I might be wrong
11 but ...

12 MR VANDERPUYE: [09:56:47] Just give me one second.

13 PRESIDING JUDGE SCHMITT: [9:56:52] Well, but he was at the base at -- I think
14 since he said he -- I think I would like -- I would let the question pass. There was
15 a base and why not ask him if there was talk about that there.

16 MR VANDERPUYE: [9:57:08] Yes, that's -- yes.

17 Q. [9:57:10] Did you understand the question as framed by the Presiding Judge?
18 At the base, was there talk about what happened to this Muslim and Honorine and
19 these two other individuals there?

20 A. [9:57:27] I just told you that the MINUSCA elements shot at us and wanted us to
21 scatter. (Redacted)

22 Some who were still in the bush -- some were still in the bush. But when I asked the
23 question, there were still other persons. Because you have to remember, the chief
24 Ngombe was a soldier. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:59:04] Okay. That's helpful.

7 And are you able to tell us any more about the Muslim that was killed? Is there
8 anything in particular that you remember about this individual or the circumstances
9 under which he was killed?

10 A. [9:59:37] No. I know nothing more about him. What I do know is that he's
11 a Muslim, a Muslim named Dido. And after his death, we got information
12 concerning him. According to this information, his mother, his father, he was born
13 in Mbaïki and he grew up in Mbaïki. He didn't know where to go, so he decided to
14 stay in Mbaïki. When we asked all Muslims to leave, he refused, he stayed in his
15 house. But the neighbours who were there told the elements what he'd said and
16 that's how they followed him and ultimately killed him.

17 Q. [10:00:39] How did you learn that the individual's name was Dido at that time?
18 How did you come into that information, if you can remember?

19 A. [10:00:53] Well, I think that all of the population in Mbaïki were talking about it,
20 talking about the fact that Dido was stubborn because he was asked to leave, he
21 decided to stay, and in the end the Anti-Balaka killed him. So the name under which
22 he was known in Mbaïki was Dido.

23 Q. [10:01:29] And was Dido's death discussed among the leaders in the group, in
24 your group? So among Yekatom, Habib, the section chiefs, those -- those individuals,
25 was his death discussed among them, if you know?

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1 A. [10:01:59] As I said, Chief Yekatom's base is in Pissa and to -- leaving Pissa to
2 Mbaïki, I don't know -- I don't remember the distance very much. Bangui, Mbaïki,
3 100 or so kilometres, 177, between Bangui and Pissa, so 177 minus 165, how much
4 does that leave? That was more or less the distance, I think, that he was at.
5 When Ouandjio -- the group was in two parts. Ouandjio had some of his elements
6 and soldiers with him and we were in the centre of Mbaïki. Chief Yekatom stayed in
7 Pissa with a few elements. and so, when those things happened, Yekatom was not in
8 Mbaïki but in Pissa. When they left to *bury Ouandjio, Habib had not yet returned.
9 He was still in Pissa. There was a lieutenant named Setay (phon). Lionheart,
10 *Coeur de Lion* had died. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [10:04:24] At that time, was Mr Yekatom still the chief of the group, that is, was
16 he still Habib's chief?

17 A. [10:04:51] Yes, yes. He was still the chief of the Anti-Balaka. It was after the
18 elections when he was elected as a member of parliament that he gave up command
19 in favour of the other chiefs, because he was an elected member of parliament, and he
20 could not at the same time be a chief and a rebel. But at the time of the events, he
21 was still a commander, he was still chief.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 From morning to noon, they were crying, they wanted to block the checkpoint.

2 (Redacted)

3 A week after that death, Chief Yekatom came and he asked me to assemble all of the
4 elements. He asked the question to all of the elements, he (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:07:44] Okay. That's very helpful as well.

14 Do you know if Mr Yekatom met with officials from MINUSCA regarding the killing
15 of the element and also the killing of Dido, as you've described it?

16 A. [10:08:02] No, I can't know that. I can't answer that question. Did they meet?
17 Did they not meet? I can't tell -- I don't know.

18 Q. [10:08:28] Did Mr Yekatom talk about the killing of Dido, that is, in general,
19 with the elements, with Habib, with the section chiefs, with you, at any point?

20 A. [10:09:06] I think there had been no reaction. There were no -- she was not
21 remonstrated or anything like that, but some did tell her she was a strong woman.
22 But as to punishing her, sanctioning her, admonishing her, no, that was not done.

23 Q. [10:09:45] She remained in the group, I take it, for some period of time after
24 that?

25 A. [10:09:56] Yes. Yes, that's it. She stayed in the group (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) So she was in the group up until the time that she began the DDR

5 process. She received kits. Many followed trainings, allowing them to get some

6 income so that they could be allowed to forget what they had gone through as well as

7 their families.

8 Q. [10:11:30] I'm given to understand that would have been in 2015 or 2016 even?

9 Does that sound about right to you?

10 A. [10:11:44] Yes. 2016 -- no, sorry, more like 2015. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:12:32] Just one more question and then I'll move to a different area but -- or

15 two.

16 Was Honorine known to Mr Yekatom? Did he know her?

17 A. [10:12:56] Yes. He knew her very well. She was called the mother of the

18 street children. The person in the Anti-Balaka movement who would say they don't

19 know Honorine Mbafolo, that person will be lying. Her nickname, the nickname

20 used in the Anti-Balaka movement was the mother of the *Godobé*. And anyone who

21 says they don't know that lady will be lying.

22 Q. [10:13:53] Could you please repeat her nickname, please? I heard "*surnom*" in

23 the translation but I mean nickname.

24 Okay.

25 A. [10:14:14] Mother of the street children, mother of the *Godobé*, mother of the

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1 *Godobé*, of the delinquents, in other terms. I believe in French that is the word,
2 *la mère des délinquants*, the mother of delinquents, the *Godobé*. The *Godobé* are -- is the
3 name or the word that's used to designate street children, at least in Central African
4 Republic. So the mother of the *Godobé*, of the "street children", in between inverted
5 commas.

6 Q. [10:14:56] Okay. Thank you. That's very helpful as well. And I take it that
7 she would have been known to all of the section chiefs and to the other commanders
8 in the group; is that right?

9 A. [10:15:09] Yes, indeed.

10 Q. [10:15:17] All right. I'm going to come back to this a little later, but I want to go
11 back to where I left off on Friday, I think it was.

12 I think I was asking you on Friday a little bit about the lead-up to the December 5th
13 attack on Bangui, and I think we got hung up on the number of elements that had
14 gone up there. And I just wanted to show you a document very quickly as we
15 remain in private session. It's at tab 11, CAR-OTP-2041-0768.

16 All right. I think we have it now on the screen.

17 Can you see that document in front of you, sir, and do you recognise it?

18 A. [10:16:34] (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:17:12] All right. Do you recognise the -- what the --

22 PRESIDING JUDGE SCHMITT: [10:17:14] Well, yes, but you could even ask me if I
23 recognise someone, so it's --

24 MR VANDERPUYE: [10:17:17] Yes, yes.

25 PRESIDING JUDGE SCHMITT: [10:17:17] Actually, I think I could name -- okay, but

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1 I will be -- it's not ...

2 MR VANDERPUYE: [10:17:28] All right. Well, we will go to the next page and that
3 might frame my next question a little bit better.

4 All right. Great.

5 Q. [10:17:41] Do you recognise this page of that document?

6 A. [10:17:55] (Redacted)

7 (Redacted)

8 Q. [10:18:15] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [10:19:27] Well, if I may. You know, the headline,
15 Mr Witness, *le 5 novembre 2013*, suggests that it has been written on that day, or am I
16 interpreting this wrong?

17 On the -- and of course, November, *novembre*, but I think it -- this is December. So
18 we can assume that it has been written on 5 December, so to speak. Yes?

19 THE WITNESS: [10:20:18](Interpretation) (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [10:21:11] Okay.

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1 MR VANDERPUYE:

2 Q. [10:21:12] All right. Thank you for that clarification.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:24:15] (Microphone not activated)

25 PRESIDING JUDGE SCHMITT: [10:24:22] Microphone, please.

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1 MR VANDERPUYE: [10:24:23] Thank you, Mr President.

2 Q. [10:24:24] You mentioned Proget and that you travelled there around 4

3 December 2013, and it was there that you met other Anti-Balaka members, namely

4 from Bossangoa, Gobéré I think you indicated before, and Bossembélé. Gobéré 1

5 and Gobéré 2 I think you mentioned on Friday.

6 First of all, is that right?

7 A. [10:24:57] Yes. When we arrived -- now, there's not just those two groups.

8 We met other groups but that did not comprise or did not have a name. We found

9 a group of soldiers who volunteered, they came with their own weapons and we met

10 up with them at that site. That's it.

11 Q. [10:25:26] Okay. And just before I move on, in terms of your narrative

12 concerning the attack, I want to show you a video.

13 And I think we can do this in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:25:39] Okay. Then we go to open session.

15 MR VANDERPUYE: [10:25:54] I'm going to play -- it's tab 1, CAR-OTP-2012-05 -- oh,

16 we're not -- hang on a second. Sorry.

17 (Open session at 10.25 a.m.)

18 THE COURT OFFICER: [10:25:58] We are in open session, Mr President.

19 MR VANDERPUYE: [10:26:01] Thank you very much, Madam Court Officer.

20 Q. [10:26:02] We're in open session so just be aware of that. I'll try to remember

21 that as well so that we don't inadvertently identify you.

22 I'm going to play a video from tab 1, CAR-OTP-2012-0523, from 8:54 through 10:51.

23 The transcript reference is at tab 54, CAR-OTP-2118-5507. And it's at page 5515, lines

24 227 through line 298.

25 Okay. The witness needs to be on evidence channel 2 to see the video.

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1 First of all, can you see this -- can you see an image in front of you now, Mr Witness?

2 All right.

3 A. [10:27:00] Yes.

4 MR VANDERPUYE: [10:27:02] So if we could just -- just let me know in the booth
5 when we're ready to go with the transcript and we can -- we can play it for the
6 witness.

7 THE INTERPRETER: [10:27:14] The interpreters are ready.

8 MR VANDERPUYE: [10:27:14] All right.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:27:14] (Interpretation of the video excerpt)

11 "A few dozen kilometres further north in the bush, Christians set up self-defence
12 groups, the Anti-Balaka.

13 They're reported to be 15,000 across the country.

14 One of their chiefs is a former corporal from the regular army Alfred Rombhot."

15 Inaudible.

16 "The revolution of armed forces for the people.

17 Rombhot has been living in the bush for 16 months, since the Seleka took Bangui and
18 occupied all barracks. His dream is to drive out President Djotodia and his allies.

19 The Seleka are strangers, they are from Chad, from Sudan, in our army. We don't
20 even have Chadians, there is not even one name Moussa, not even a name Adam.

21 What we want to do now is we don't want to see the Seleka on our territory.

22 Four hours of walking in the bush, the corporal takes us to one of his bases, on the
23 path, all of the villagers are on his side.

24 We hate the Arabs, we don't want them anymore here, we want them to leave. We,
25 Central Africans, we want to be able to live peacefully on our land.

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1 On the base, here Rombhot is at the head of a small army, strong -- 1500 men. A few
2 former soldiers, armed with Kalashnikovs, many civilians with sticks, old guns and
3 machetes."

4 Inaudible.

5 General shouting.

6 "This is our country, we are not the country of Muslims.

7 Corporal Rombhot has put on his battle fatigues and is waiting for his time."

8 PRESIDING JUDGE SCHMITT: [10:29:20] Just shortly, the ERN for the video, it was
9 not written right in the transcript. It's CAR-OTP-2012-0523.

10 MR VANDERPUYE: [10:29:34] Thank you very much, Mr President.

11 Q. [10:29:36] Mr Witness, did you have a chance to see and hear clearly what was
12 presented in the video?

13 A. [10:29:50] Yes, I heard it.

14 Q. [10:29:52] I think in this video footage you hear Mr Yekatom say that, "The
15 Seleka are foreigners, there's no name Moussa and no name Adam" in the Central
16 African army.

17 I just want to ask because in your testimony on Friday you referred to the group
18 acquiring arms from the Seleka. And in response to the question by the Presiding
19 Judge, you indicated that they sold the weapons because they understood the
20 purchasers, that is, the group, to be Christian Seleka. Is that right?

21 A. [10:30:41] That is correct. {ICR: (Redacted)}.

22 (Redacted)

23 MR VANDERPUYE: [10:31:12] Mr President, can we go into private session for a
24 moment.

25 PRESIDING JUDGE SCHMITT: [10:31:17] Yes, indeed.

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1 (Private session at 10.31 a.m.)

2 THE COURT OFFICER: [10:31:21] We are in private session, Mr President.

3 MR VANDERPUYE: [10:31:29] Thank you for that.

4 PRESIDING JUDGE SCHMITT: [10:31:38] Ms Dimitri.

5 MS DIMITRI: [10:31:39] Mr President, if I may have the reference of -- if you are
6 quoting what he said on Friday, because my recollection is the Christian Seleka were
7 selling them because they were starving. That's what he said. So if you have
8 a specific reference to the quote you just put to the witness. Thank you.

9 MR VANDERPUYE: [10:31:58] I'll dig it up in a minute.

10 PRESIDING JUDGE SCHMITT: [10:32:01] We have the witness still here.

11 MR VANDERPUYE: [10:32:03] Indeed. Shall I put the question to him --

12 PRESIDING JUDGE SCHMITT: [10:32:03] Whatever, I think it's --

13 MR VANDERPUYE: [10:32:07] I can put a more succinct question to him.

14 PRESIDING JUDGE SCHMITT: [10:32:11] Yes, please do, though.

15 MR VANDERPUYE:

16 Q. [10:32:13] To your knowledge, were there Christians in the Seleka as well as
17 Muslims?

18 A. [10:32:23] Yes, there were also quite a few Christians. When we were in the
19 Yamwara school, some FACA went to the Seleka. In the Seleka, there were not only
20 Muslims but also Christians who rejoined the movement, volunteers who wanted to
21 go to the army and didn't have the possibility. Voluntarily they joined the Seleka in
22 the hope so that they would be integrated into the national army.

23 PRESIDING JUDGE SCHMITT: [10:33:14] So, Mr Witness, we know that now.

24 And to your recollection, (Redacted) what was their mindset?

25 What would they think they sold these weapons to? I think -- I know you have

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1 answered that already on Friday, but since there was some discussion here, could you
2 please repeat it?

3 THE WITNESS: [10:33:42](Interpretation) I don't know what their mindset was.
4 They stole the weapons. I don't know what their mindset was, your Honour. But
5 they stole the weapons, these grenades, and they sold them in order to use the money
6 for their own personal needs.

7 PRESIDING JUDGE SCHMITT: [10:34:25] And I also have in mind what Ms Dimitri
8 said, but I think we leave it at that.

9 So, Mr Vanderpuye, we continue from here.

10 MR VANDERPUYE: [10:34:32] Thank you, Mr President. And I apologise for any
11 confusion about it (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [10:34:39] No, but I think when we refer to what the
13 witness has said another day, it's always good to have the reference, then we can
14 easily follow up. And also that there is -- nobody would do this here, deliberately,
15 but there might be some interpretation by the one who asks and, well, the other party,
16 participants, judges can have a look if the quote is correct or whatsoever.

17 We have solved this now. Continue.

18 MR VANDERPUYE: [10:35:14] Thank you, Mr President.

19 Q. [10:35:16] And thank you, Mr Witness, for clarifying the question as to whether
20 there were Christians also in the Seleka. But let me ask you this, then: Were there
21 also Central Africans in the Seleka in addition to Sudanese and Chadians?

22 A. [10:35:36] Yes, of course. There were Central Africans in the Seleka. When I
23 speak about Central Africans, I'm talking about Christians, because the Muslims
24 regarded the non-Muslims as Christians. So in the Seleka, there were non-Muslims,
25 that is to say, Christians, and there were some soldiers who joined the Seleka.

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1 Q. [10:36:26] And I want to ask you if you recognised individuals and locations in
2 the video footage I just showed you.

3 PRESIDING JUDGE SCHMITT: [10:36:42] I think this could be discussed in open
4 session, I would say, again. If we speak about what he recognised or not recognised
5 on the video, this could, I think, be discussed in open session.

6 MR VANDERPUYE: [10:36:53] Indeed, Mr President, yes.

7 PRESIDING JUDGE SCHMITT: [10:36:54] Yes, we go to --

8 MR VANDERPUYE: [10:36:55] I think it might be helpful, though, to advise the
9 witness --

10 PRESIDING JUDGE SCHMITT: [10:36:58] Yes, we will do that.

11 MR VANDERPUYE: [10:36:59] Yes.

12 PRESIDING JUDGE SCHMITT: [10:37:00] So, Mr Witness, we will now ask you or
13 Mr Vanderpuye will ask you questions about the video, if you recognise certain
14 persons. In answering, please don't say anything what could reveal your identity.
15 If you think it is necessary for your answer, we go back to private session so to keep
16 your identity secret.

17 But for the moment, we go to open session.

18 (Open session at 10.37 a.m.)

19 THE COURT OFFICER: [10:37:24] We are in open session, Mr President.

20 MR VANDERPUYE: [10:37:51]

21 Q. [10:37:51] All right. We are in open session now.

22 I'd like for you to just take a look at some parts of this video and I will ask you some
23 questions about whether you recognise the location or the individuals involved.

24 So the first thing I think I want to start with is at 10:20 in the video. And I

25 think -- we don't need to play it. I just want to ask if you recognise this woman, first

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1 of all, and if you want us to play it, then let me know.

2 A. [10:38:32] Yes.

3 Q. [10:38:35] Yes, you recognise her; and if you do, what's her name? How was
4 she known?

5 A. [10:38:43] (No interpretation)

6 PRESIDING JUDGE SCHMITT: [10:39:04] Mr Witness, could you please -- ah, you
7 didn't hear anything? Is there a connection problem? Because he is -- or you don't
8 have any interpretation, Mr Witness, any problem? Well, there seems to be
9 a problem. Perhaps we can try to figure -- Mr Witness, do you hear me?

10 THE WITNESS: [10:39:37](Interpretation) Now I hear you clearly.

11 PRESIDING JUDGE SCHMITT: [10:39:41] So the question was, Mr Witness, if you
12 recognise this lady on the image. And you said you recognised her. And the name,
13 if you could provide us with her name.

14 THE WITNESS: [10:40:06](Interpretation) I know her. I don't know her family
15 name, but her nickname was *Cheveux noirs*, Black hair, *Cheveux noirs*, if I'm correct. I
16 think it's in the list of 23 people that I provided you with.

17 MR VANDERPUYE: [10:40:37]

18 Q. [10:40:38] Is this the same person that you mentioned in your testimony last
19 week? You mentioned a person by the name of *Cheveux noirs* and you mentioned
20 a person by the name of *Cheveux de la mort*.

21 A. [10:41:14] Yes.

22 Q. [10:41:21] All right. And if you could just repeat the name of the person so I
23 have it clear on the record, because what I have in my headphones may be different
24 from what you're saying.

25 A. [10:41:35] She was known in the bush with the name of *Cheveux de la mort* or also

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1 *Cheveux noirs.*

2 Q. [10:41:57] I think I've got it. I heard it anyway. So ...

3 PRESIDING JUDGE SCHMITT: [10:42:02] Really now it's clear. I think you can
4 move on.

5 MR VANDERPUYE: [10:42:05] Indeed.

6 PRESIDING JUDGE SCHMITT: [10:42:07] Yes.

7 MR VANDERPUYE: [10:42:08]

8 Q. [10:42:08] Let me show you another image and this is at 1003. This is another
9 woman talking in this video clip.

10 Do you know who this woman is?

11 A. [10:42:38] This lady, I don't know her. When they left to go to PK9, the
12 population welcomed them, but after the fighting, the women were taken -- this is
13 a lady I don't recognise. The lady with the -- the person with their hands on the cart
14 is somebody I don't know. The person in the back who has a purple shirt with the
15 number 6 on it, I've forgotten his name but it's an element of the Anti-Balaka. He
16 was first in Boy-Rabe and he joined the group when we were in the bush, and he was
17 the aide-de-camp for Yekatom. This is the man who's wearing a purple shirt, but I
18 have forgotten his name.

19 Q. [10:44:00] Okay. That's helpful as well.

20 PRESIDING JUDGE SCHMITT: [10:44:06] Ms Dimitri?

21 MS DIMITRI: [10:44:08] Sorry for the interruption, but he said "*les femmes enlevaient*
22 *les pagnes*" which was translated by "the women were taken".

23 PRESIDING JUDGE SCHMITT: [10:44:18] And what does it -- I'm not (Overlapping
24 speakers)

25 MS DIMITRI: [10:44:20] The women were removing their clothing to welcome him,

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1 rather than the women were taken.

2 PRESIDING JUDGE SCHMITT: [10:44:27] Well, I think it will not be decisive in the
3 end, but of course it's really something different.

4 Yes, Mr Vanderpuye.

5 And thank you very much.

6 MR VANDERPUYE: [10:44:44] Thank you again.

7 If I could just indicate for the record where we are. We are at 10:03 in the -- in the
8 video and he's indicating a person in the purple or -- ah, okay. *Pardon.*

9 Q. [10:45:02] You wanted to say something?

10 PRESIDING JUDGE SCHMITT: [10:45:08] Well, yes, thank you, Péter.

11 Mr Witness, yes?

12 THE WITNESS: [10:45:13](Interpretation) What I want to say, as the Defence
13 counsel -- it is not Yekatom who has forced them. After the attack on the 5th, when
14 the soldiers were in retreat, the population thought that they had won the battle, and
15 they were acclaimed by the population. Some gave them something to drink, others
16 took off their clothes, as if it was a red carpet. That's how you should understand
17 my statement.

18 PRESIDING JUDGE SCHMITT: [10:45:59] Thank you very much for that
19 clarification. So you confirm what Ms Dimitri said, so to speak. Thank you.
20 Mr Vanderpuye.

21 MR VANDERPUYE: [10:46:09]

22 Q. [10:46:09] Thank you. And thank you for that clarification. It's very helpful.

23 So I was just indicating for the record where we are, and that's at CAR-OTP-2012-0523,
24 which is the video at tab 1 of the Prosecution binder. You've indicated a person in
25 the violet-coloured shirt with the number 6 on it that's to the right of this particular

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1 image. And the woman speaking is wearing a multicoloured top, it looks like purple
2 and gold, in the centre of the screen. At 10:03.

3 The previous image that I showed you was a woman that you identified as *Cheveux de*
4 *la mort*. That's at 10:20 of the screen. And she was wearing a black top and carrying
5 what appears to be a sub-machine gun or a machine gun of some nature. So that
6 we're clear on the record what we're talking about.

7 *Bon*. I'd like to ask you some questions about what we -- what we see a little bit
8 earlier, but before we lose this image, do you recognise the location that's indicated
9 here and also the location that was indicated where we saw *Cheveux de la mort*?

10 A. [10:47:41] Yes, I know the place. You can see a table where you can see
11 Mr Yekatom. This table, this piece of wood, was made by his elements. This is
12 towards Kalangoi. In order to go there, you have to cross a river. After that, you
13 have to go -- cross the M'Poko river. At that time we were based in two different
14 areas, firstly, in Kalangoi and then we moved to go to Gbangba.

15 Q. [10:48:36] All right. That's helpful as well.

16 All right. Now I'd like to show you the earlier part of the video which should be
17 around 9 minutes, I think. And I want to ask you about the location, if you can
18 identify that.

19 And I think we can play it for a few seconds.

20 (Viewing of the video excerpt)

21 PRESIDING JUDGE SCHMITT: [10:49:35] We don't play the whole video again, so I
22 think that should be enough. If the witness can identify it, I think we can stop it here.
23 Perhaps the -- of course we see also the stream. That might be something what could
24 help the witness.

25 MR VANDERPUYE: [10:49:56] Thank you, Mr President. I'm sorry, I'm reacting a

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1 little slow because I'm listening to the interpretation now this time in French. But I
2 understood what you said clearly. So we move on from here.

3 PRESIDING JUDGE SCHMITT: [10:50:07] And also, Mr Vanderpuye, thank you for
4 this explanation, because I thought, He's not getting what I'm saying, what's going on
5 here.

6 MR VANDERPUYE: [10:50:16] Yes, I could see that expression on your face. So I
7 apologise once again.

8 Q. [10:50:22] Mr Witness, do you recognise the location where we could see
9 Mr Yekatom walking along with members of his group, up until we reach this -- this
10 water? Do you recognise that area?

11 A. [10:50:42] Yes.

12 Q. [10:50:51] And what area is that, to your recollection, or does it seem to be?

13 A. [10:51:16] When you leave the Gbangba town or village, you cross that stream
14 before coming to Kalangoi.

15 Q. [10:51:32] I think just as we have it on the screen now, at 9:42, do you recognise
16 the person that is right in the centre of the screen at the moment, with the green
17 turban on? We can play it a little bit if it will help you see it.

18 Were you able to recognise that person?

19 A. [10:52:19] He has his face covered. I can't recognise him. Probably I do know
20 him, because I was able to recognise all those around him. If he didn't have his face
21 covered, I would be able to recognise him. If you could show me someone in that
22 video, I could perhaps recognise him then.

23 PRESIDING JUDGE SCHMITT: [10:53:03] Well, also that is understandable. I also
24 asked myself if you could identify this person by these images. But when we started
25 the video and now, there was a person, I think if I recall it, shortly behind him in

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1 a white shirt. Did you recognise this person?

2 Can we show it again, perhaps?

3 MR VANDERPUYE: [10:53:27] Yes, Mr President, we can -- indeed (Overlapping
4 speakers)

5 PRESIDING JUDGE SCHMITT: [10:53:29] Or perhaps you recall it, Mr Witness.

6 Behind the man whom you correctly say has his face covered and you cannot
7 recognise, there was a man shortly behind him in a white shirt. Did you recognise
8 this person?

9 THE WITNESS: [10:53:48](Interpretation) I saw that he was wearing a white shirt,
10 but I didn't identify him. The person behind him, I didn't -- I couldn't identify him.

11 PRESIDING JUDGE SCHMITT: [10:54:05] Okay. That is understandable because
12 also the image was not too good, frankly speaking. So we can continue from there.
13 So he could not identify the person.

14 MR VANDERPUYE: [10:54:16] One other image that may be helpful also
15 for (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [10:54:20] Yes, why not. Why not. Yes, yes.

17 MR VANDERPUYE: [10:54:24]

18 Q. [10:54:24] Are you able to see what's on the screen in front of you now? This is
19 at 9 seconds -- 9 -- just past 9 seconds -- or 9 minutes, 5 seconds, sorry.

20 A. [10:54:42] The person who is wearing a hat is Satana. There is Yekatom, and
21 next to him, the person next to him -- the image isn't very clear. I can recognise two
22 individuals, Yekatom and Satana. That person is small. Next to the woman, the
23 person next to the woman is a soldier, but I can't remember the name. He has the
24 nickname JP. I don't know his real name. If the image was clearer, I would be in
25 a position to identify them, but unfortunately, it's not.

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1 Q. [10:55:41] What we could do is we'll put it in motion just for a second or so, take
2 a good look and while they are walking, maybe you'll have a clearer look at some of
3 them.

4 (Viewing of the video excerpt)

5 MR VANDERPUYE: [10:55:59] All right. That is probably enough.

6 Q. [10:56:00] Were you able to identify those individuals when they were walking
7 more clearly?

8 A. [10:56:09] I recognise two individuals who were behind. They are soldiers.

9 Q. [10:56:25] Okay, no worries. I would like to show you --

10 PRESIDING JUDGE SCHMITT: [10:56:32] But which persons were they? Who
11 were they?

12 MR VANDERPUYE: [10:56:36] Very good question. I have other videos I'm going
13 to show him and then (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:56:43] But since he now mentions and we have
15 shown him the part of the video.

16 So which persons did you recognise, Mr Witness?

17 THE WITNESS: [10:56:53](Interpretation) They are Anti-Balaka. All that you see
18 next to Yekatom are his bodyguards who often -- he often travelled with them.

19 Where he slept -- they assured his safety wherever he slept. He couldn't go
20 anywhere without these elements.

21 PRESIDING JUDGE SCHMITT: [10:57:37] Do you recall the names of these two
22 people?

23 THE WITNESS: [10:57:51](Interpretation) I just told you that one was called Satana
24 and the other was JP. I don't know his real name. It's only those two -- Satana and
25 Yekatom and JP, whose real name I don't know, those are the ones I recognise.

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- 1 PRESIDING JUDGE SCHMITT: [10:58:19] I think we go now to the coffee break,
2 because if you want to show him other videos, I think we can do that after the break.
3 MR VANDERPUYE: [10:58:27] All right, Mr President. That's fine.
4 MS DIMITRI: [10:58:32] Mr President, just for the record to be clear and so we don't
5 get confused afterwards, he was commenting on 9:05, is it?
6 PRESIDING JUDGE SCHMITT: [10:58:39] 9:05 and I think we then played it on
7 a couple of seconds.
8 MS DIMITRI: [10:58:44] For a few seconds. Thank you.
9 PRESIDING JUDGE SCHMITT: [10:58:45] Thank you.
10 THE COURT USHER: [10:58:47] All rise.
11 (Recess taken at 10.58 a.m.)
12 (Upon resuming in open session at 11.32 a.m.)
13 THE COURT USHER: [11:32:26] All rise.
14 Please be seated.
15 PRESIDING JUDGE SCHMITT: [11:32:46] Mr Vanderpuye, we are in open session.
16 Can we stay there?
17 MR VANDERPUYE: [11:32:54] We can, Mr President.
18 Q. [11:33:11] Good morning, again, Mr Witness.
19 We are in open session, so just to keep that in mind so that we don't -- so that you are
20 not inadvertently identified.
21 I wanted to show you another video. I think on Friday you mentioned that the
22 group set out from Kalangoi to Gbangba base, and then from Gbangba base up to -- in
23 the direction of Boeing and towards Proget.
24 So I want to show you a video. I want to see if you recognise the location and
25 anybody in it, just like we did before.

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1 PRESIDING JUDGE SCHMITT: [11:33:51] Evidence channel 2 again, I assume.

2 MR VANDERPUYE: [11:33:57] It should be evidence channel 2.

3 It's tab 2, CAR-OTP-2014-0750. The translation is tab 49, CAR-OTP-2107-6891. The
4 transcript reference will be at page 6892, lines 1 through 18.

5 So as soon as we are ready in the booth, we should be able to play it.

6 Q. [11:34:24] First, can you see the image of the video on the screen in front of you
7 already, Mr Witness?

8 THE INTERPRETER: [11:34:45] The interpreters are ready.

9 THE WITNESS: [11:34:47](Interpretation) Yes.

10 PRESIDING JUDGE SCHMITT: [11:34:50] I'm just reminded that we have -- I have
11 to --

12 THE WITNESS: [11:34:54](Interpretation) The image is not very clear, it's slightly
13 hazy.

14 PRESIDING JUDGE SCHMITT: [11:35:02] So, well, we have quite a full courtroom,
15 so it escaped my attention that not everybody is here at the moment. So -- oh, yes,
16 now.

17 Mr Khalil -- Mr Khalil, we would appreciate it if everybody was present when we
18 continue with the session.

19 Mr Vanderpuye, I think you can show the video now.

20 MR VANDERPUYE: [11:35:37] Yes, Mr President. Just for the record, we are
21 playing from 00 through 0:36, so a pretty short clip. We are ready to go.

22 Thank you.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [11:35:50] (Interpretation of the video excerpt)

25 "This is the advance base of the Anti-Balaka, a few hundred metres from Bangui

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1 airport. They say there are 7,000 here and every day reinforcements would come in.
2 This combatant arrived yesterday. He came on foot from Bossangoa in the north of
3 the country.

4 The population was really mistreated by the Seleka, the jihadists. We had come to
5 liberate them.

6 Weapons in hand, these Anti-Balaka are still very upset.

7 We want to kill all Arabs in Central Africa, we don't need Arabs in Central Africa.

8 We are a Central African -- the Central African people."

9 MR VANDERPUYE: [11:36:31]

10 Q. [11:36:31] Mr Witness, were you able to see and hear the video that was just
11 played?

12 A. [11:36:40] Yes, I saw.

13 Q. [11:36:52] The first question I have for you is if you recognise the location.

14 PRESIDING JUDGE SCHMITT: [11:37:09] I think we have -- I think interpreters
15 have also to switch off. Okay.

16 So please repeat your question, because we didn't hear it because other microphones
17 were too.

18 And when we are talking about it, do you know, do we know, when this footage was
19 taken?

20 THE INTERPRETER: [11:37:29] Apologies from the interpreters.

21 MR VANDERPUYE: [11:37:30] I think we do, roughly. It is sometime after the 5
22 December attack and I believe it's just before the election of the transition government.
23 So --

24 PRESIDING JUDGE SCHMITT: [11:37:40] And the same question with the other
25 video footage we have seen before the break. Do you --

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1 MR VANDERPUYE: [11:37:47] Yes, one moment.

2 PRESIDING JUDGE SCHMITT: [11:37:49] Just so that we have an idea what we are
3 talking about in terms of time.

4 MR VANDERPUYE: [11:37:53] Yes, I -- I have to go and check the other one.

5 I believe that's also after the 5 December attack, though, because you'll recall in the
6 footage at the -- at the end of it, it refers to essentially the group regrouping. So I can
7 come back with a more precise date.

8 PRESIDING JUDGE SCHMITT: [11:38:11] Yes, okay. Good. Fine. Whenever.

9 MR VANDERPUYE: [11:38:14] Thank you, Mr President.

10 Q. [11:38:15] So, Mr Witness, do you recognise the location? And if you don't,
11 that's okay.

12 A. [11:38:21] Could you please play the video again so that I can view it well.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [11:38:58] (Interpretation of the video excerpt)

15 "They say there is 7,000 here, and that every day reinforcements would come in.

16 This combatant came in yesterday, he arrived on foot from Bossangoa in the north of
17 the country.

18 The population was really mistreated by the Seleka, by the jihadists. We had come
19 to -- to liberate them.

20 Weapon in hand, these Anti-Balaka are still very upset.

21 We want to kill all Arabs in Central Africa. We do not need Arabs in Central Africa.

22 We are the Central African people.

23 These militiamen are following political developments very closely. They do not

24 recognise the national transition council. According to them, it is infiltrated by the

25 former Seleka."

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1 MR VANDERPUYE: [11:39:46]

2 Q. [11:39:46] Was that helpful? Were you able to identify the location?

3 A. [11:39:53] No, I don't recognise this location. I do not remember.

4 Q. [11:40:12] Okay. That's no problem.

5 Do you recall where Proget is relative to the airport, M'Poko airport?

6 A. [11:40:38] I am not certain of the precise number of kilometres. When you
7 leave the airport, at the crossroads where there is the Muslim cemetery, to get to
8 Proget, it's a little bit far. But approximately I'd say 3 or 4 kilometres, if I'm not
9 mistaken. You take the small street that goes -- the small path that goes through the
10 Muslim cemetery, and from the Muslim cemetery to the location of Proget, it's less
11 than a kilometre from the Muslim cemetery to the location of Proget. That's less than
12 1 kilometre.

13 Q. [11:41:52] Okay. That's very helpful as well.

14 I want to take you back now to what you described earlier as the attack on 5
15 December. And you indicated in your notes that the attack in the direction of Boeing
16 began around 6 a.m. on 5 December.

17 I'd like to ask you about 4 December and whether Mr Yekatom gave an indication as
18 to how the attack would be carried out. Do you know if he did that; and if he did,
19 what, if anything, did he say or do?

20 MS DIMITRI: [11:43:15] Just a slight clarification, are we back at the base or
21 somewhere else?

22 MR VANDERPUYE: [11:43:21] I'm just asking him, on 4 December, whether
23 Mr Yekatom gave an instruction or direction as to how the attack would be carried
24 out, irrespective of where they were.

25 THE WITNESS: [11:44:00](Interpretation) {ICR: (Redacted)} gather together the

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1 elements on 4 December at 1500 hours. All the elements were gathered together by
2 section in a large space, we were still in the bush. He told them this: "Get it in your
3 heads that the time has come. Tomorrow we will go out. You need to prepare your
4 elements." He gave instructions: "We are going to go out to Bangui. If we cross
5 paths with the Seleka, we kill them. If we cross paths with the Muslims, we will kill
6 them, including their children, the children of the Muslims. No one should be
7 spared."

8 When we got to the location called Proget, at nighttime they talked amongst
9 themselves, they gave other instructions, but I was not nearby. I was not with them.
10 And therefore, I did not understand or follow or get the new instructions that night
11 at -- at Proget. And I have just given you an account of what he said when we were
12 in the bush when we were all gathered together.

13 MR VANDERPUYE: [11:45:58]

14 Q. [11:45:58] Did you receive any further direction or instruction -- that is, as
15 a group, when I say "you", plural. Did you receive any further instruction, order or
16 direction, once the group had reached Proget, from Mr Yekatom first? Let's start
17 with him.

18 MS DIMITRI: [11:46:23] I will object to the question, Mr President. On Friday he
19 said on more than one occasion, I have it here, "I was not there" -- I will read it in
20 French: (Interpretation) "I was not there to follow the instructions that were given."

21 PRESIDING JUDGE SCHMITT: [11:46:42] First of all, Mr Witness, you have heard
22 the discussions, so to speak, between the counsel. Have you been there to hear
23 further instructions at Proget?

24 THE WITNESS: [11:47:11](Interpretation) I keep repeating to you that -- and this
25 since Friday, that there was a lot of people, there were a lot of people at Proget. The

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1 chiefs were talking amongst themselves. I was not with them. I did not hear. I
2 did not follow what they were saying about new instructions given at Proget. I don't
3 want to be lying to you here today.

4 PRESIDING JUDGE SCHMITT: [11:47:44] Did the chiefs, whoever, later on address
5 the combatants, you know, speak to them? Apart from what you already have said,
6 were there further instructions, directions, speeches made before you left, before the
7 group left?

8 THE WITNESS: [11:48:10](Interpretation) I don't know.

9 PRESIDING JUDGE SCHMITT: [11:48:23] Please continue, Mr Vanderpuye.

10 MR VANDERPUYE: [11:48:24] Thank you, Mr President. Just -- just a point of
11 clarification. My question was "you" in the plural, which is not dependent on
12 whether the witness was present or not and concerns his knowledge. The fact that
13 he wasn't there or didn't hear instructions doesn't mean that he doesn't have a basis to
14 know whether they were given to the group.

15 PRESIDING JUDGE SCHMITT: [11:48:46] Yes. With this twist, so to speak, you
16 may ask him if he heard later on or if he heard at the time that -- from others if they
17 were instructing or whatsoever. I think this is absolutely, I think, non-objectionable.

18 MR VANDERPUYE: [11:49:04]

19 Q. [11:49:04] Did you become aware at any point whether there were further
20 instructions given the group with respect to the attack that was ultimately carried out?
21 Where to go? How many to go? What to do? Those kinds of things.

22 A. [11:49:53] No. I gave you an account of the instructions that he gave while I
23 was present in the bush. I said that I did not hear any other instructions after we
24 had left the bush.

25 Q. [11:50:22] Okay. In a document I showed you earlier, you indicated that at

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1 6 a.m., the group left in the direction, I believe, of Boeing to carry out the attack. Is
2 that right?

3 A. [11:50:48] Yes, that's correct.

4 Q. [11:50:52] Do you know when it was decided that the group would leave at
5 6 a.m. to carry out the attack? And if you know, how was that communicated?

6 A. [11:51:21] I told you that nothing was said. On the 4th at 1500 hours {ICR:
7 (Redacted)} the elements. After getting them to gather together, he issued the
8 instruction. It was on that day, on the 4th, at 1500 hours. I think it was around
9 15:30 that we -- that we left to cross the river. The instruction was given on 4
10 December at 1500 hours before we left. It was not on another date. It was that
11 same day, the 4th, at 1600 hours, that the instruction was given. And we went out
12 on the very same day.

13 Q. [11:52:27] You went out to carry out the attack on the same day, you say? Just
14 so that I'm clear.

15 A. [11:52:42] No, we went out on the 4th at 1600 hours. We reached Proget at 2200
16 hours. Proget, 1600 hours -- {ICR: (Redacted)}
17 (Redacted) I grew up there. I don't remember the precise hour when we left
18 Proget.

19 Q. [11:53:14] If we can go into --

20 PRESIDING JUDGE SCHMITT: [11:53:17] Yes, I think we would have to go now to
21 private session.

22 And I just wanted to address that the French transcript is frozen but not anymore.

23 So we go to private session.

24 (Private session at 11.53 a.m.)

25 THE COURT OFFICER: [11:53:31] We are in private session, Mr President.

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1 PRESIDING JUDGE SCHMITT: [11:53:46] Thank you.

2 Mr Vanderpuye, once you think you have arrived with the examination at the -- how
3 the attack unfolded, I think we can try to induce a narrative that could perhaps
4 expedite things a little bit. And for everyone, of course, Rule 74 assurances apply for
5 that. And we are in private session.

6 MR VANDERPUYE: [11:54:08] Thank you. Thank you, Mr President.

7 Q. [11:54:10] Mr Witness, I apologise. I stopped you because I heard that you
8 were saying things that might tend to identify you. So that's going to be redacted
9 from the transcript so there will be no public record. Just to assure you of that.

10 So if I could just continue with some questions about the attack.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [11:55:01] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 THE INTERPRETER: [11:59:56] Correction.

25 THE WITNESS: [11:59:57] (Interpretation) -- and when they got to the church of

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1 Boulata, they reported that they had run out of ammunition. So they organised
2 a retreat.

3 The Seleka intervened with the Muslims from PK5. They launched a counterattack
4 in reprisal against the civilian population. There was a young man named
5 Begoto Nicolas, and (Redacted)

6 (Redacted)

7 (Redacted)

8 When the Seleka arrived, there was no one there. They started breaking down doors.

9 They also found an elderly man somewhere between the ages of 75 and 80, his entire
10 family had fled, he could not, so he had stayed in his home. So the combatants
11 broke down his door, executed the old man. And after that, they met up or crossed
12 paths with Nicolas. They broke the door of the house down and saw Nicolas, which
13 they later killed. They progressed all the way to the bridge. * There's a small
14 stream behind Boeing school, toward Yamwara. They stopped there. Had they
15 progressed any further, they would have met up with us at the school, but they
16 stopped at that point to go back. Those are the events of the 5th.

17 PRESIDING JUDGE SCHMITT: [12:02:10] Mr Witness, you mentioned that at the
18 Boeing market, you mentioned a person by the name of Hassan who was killed. Did
19 you know this person before, because you knew his name?

20 THE WITNESS: [12:02:29](Interpretation) Thank you, Mr President. (Redacted)
21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:02:59] And I understood that he also fired, that
25 he also had a weapon. Did I understand this correctly, Mr Witness?

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1 THE WITNESS: [12:03:09](Interpretation) Yes.

2 PRESIDING JUDGE SCHMITT: [12:03:20] Was your understanding that this
3 shopkeeper, Hassan, was a member of the Seleka?

4 THE WITNESS: [12:03:42](Interpretation) I don't know, Mr President. When the
5 Seleka entered the town of Bangui, many Muslims were amongst the Seleka and they
6 gave weapons. This gentleman, I knew him as a shopkeeper. But when the attack
7 started, he -- he had a weapon.

8 PRESIDING JUDGE SCHMITT: [12:04:14] You also mentioned -- I think we can be
9 a bit more direct here. You also mentioned the brother of this Hassan. Do you
10 know -- do you recall that?

11 That is in paragraph 72 of your statement, that's CAR-OTP-2102-0119.

12 Does Mahamat ring a bell?

13 THE WITNESS: [12:04:52](Interpretation) Yes, Mahamat Amada (phon). I didn't
14 mention that name in my statement. He wasn't killed. He went and found his
15 family in Kilometre 5.

16 PRESIDING JUDGE SCHMITT: [12:05:13] This Mahamat, did you encounter him, so
17 to speak, also the group, when you attacked the Boeing market?

18 THE WITNESS: [12:05:26](Interpretation) He's a Muslim. He didn't participate in
19 the attack. During the fight, he and his sister only sought to flee. They're all born
20 in Boeing. And during the fight, they fled and sought refuge in Kilometre 5.

21 PRESIDING JUDGE SCHMITT: [12:06:13] Mr Witness, I'm just reading one sentence
22 from your statement, that I already mentioned for the participants, 72, and perhaps
23 you -- this jogs your memory. That's the second sentence of this paragraph:

24 (Interpretation) (Redacted)

25 (Speaks English) And this refers -- this refers to Hassan.

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1 (Interpretation) "... he started shooting (Redacted) with a machine gun. Hassan's
2 brother, Mahamat, also shot (Redacted)."

3 (Redacted)

4 (Redacted)

5 THE WITNESS: [12:07:08](Interpretation) Yes, yes, I remember.

6 THE INTERPRETER: [12:07:30] Says the witness in French.

7 THE WITNESS: [12:07:33](Interpretation) Mahamat shot (Redacted) with a weapon.

8 (Redacted) his brother (Redacted)

9 (Redacted)

10 *Cheveux de la mort* who got the weapon of Mahamat. This machine gun which you
11 can see in the hands of *Cheveux de la mort* was his.

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:08:18] Yes.

14 MS DIMITRI: [12:08:20] Is it possible to remove the statement from the screen

15 because the witness is reading two big paragraphs that are on the screen

16 (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [12:08:25] I wasn't aware of that. Of course. But

18 he has not said the same -- exactly the same --

19 MS DIMITRI: [12:08:27] Oh, that I agree. I was just --

20 PRESIDING JUDGE SCHMITT: He has -- he has provided --

21 MS DIMITRI: -- my point was just that --

22 PRESIDING JUDGE SCHMITT: [12:08:28] He has provided additional information.

23 And as you can see, sometimes it's -- you know, it can go either way, if you refer back
24 to the statement, to put it in a neutral way.

25 Mr Witness -- and before, Mr Vanderpuye, I just continue with one or two questions

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1 and then ...

2 Mr Witness, to your recollection, were other people at the Boeing market, other
3 shopkeepers killed during the attack?

4 THE WITNESS: [12:09:20](Interpretation) You know, (Redacted)

5 It's possible that there were victims. The Red Cross agents came to collect the bodies.

6 I cannot remember the number of people who died. Until the church Boulata, there
7 was a certain lengthy distance, so it's quite possible that there were some
8 bodies.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [12:10:49] Mr Witness, were the other shopkeepers,
16 again, according to your recollection, were they also armed or were they not armed at
17 the Boeing market?

18 THE WITNESS: [12:11:03](Interpretation) No, I don't know.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:12:06] Mr Witness, you mention in your
25 paragraph 72, and this immediately is after you speak about Mahamat having shot at

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1 the group:

2 (Interpretation) "The other Muslim owners who were not armed fled from the market
3 in the direction of PK5."

4 (Speaks English) When I read that to you, what you have said at the time, does that
5 jog your memory about the other shopkeepers at the Boeing market?

6 THE WITNESS: [12:12:49](Interpretation) In my statement here, I said that those
7 who were unarmed fled and sought refuge in Kilometre 5 where they thought they
8 would have protection by members of their family. You know, some of them were
9 helped by the Red Cross so that they could arrive at PK5; otherwise, the civilian
10 population would stop them along the road.

11 PRESIDING JUDGE SCHMITT: [12:13:55] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: [12:14:20](Interpretation) Let me take the example of Hassan. He
16 was killed in front of his shop. He left his shop with a weapon and he shot. He
17 received a bullet, he fell, he continued to shoot. And Habib said that they'd given
18 him a grenade. I don't know who gave him the grenade. Habib went around the
19 house from the back and threw the grenade which fell into the house. And then, the
20 grenade propelled him outside the shop. After his death, the population started to
21 loot his shop. That is how we continued our fights. Habib died before his
22 shop -- in front of his shop. Hassan --

23 PRESIDING JUDGE SCHMITT: [12:15:36] Hassan.

24 THE WITNESS: [12:15:36](Interpretation) -- found his death before his own shop.
25 He was not killed somewhere else.

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1 PRESIDING JUDGE SCHMITT: [12:15:47] Yes. My question was not clear enough.
2 Apologies for that. You said that (Redacted) so -- and my question was - we have
3 talked about Hassan now - the other five, where have you seen them? At the
4 market or later at any other place? And which people were they, if you
5 know?

6 THE WITNESS: [12:16:59](Interpretation) I cannot remember their names. I don't
7 know whether I put their names in my statement, but I can't remember anymore.

8 PRESIDING JUDGE SCHMITT: [12:17:23] But did you -- did you -- please turn
9 off -- yes, thank you.

10 Did you see these people, that they had been killed? That was my question. And I
11 made the mistake to compound the question, which is always not advisable.

12 THE WITNESS: [12:17:51](Interpretation) (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:19:48] I think we might do that later on, I

25 assume, Mr Vanderpuye. And these others, apart now from Hassan, these other

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1 Muslims (Redacted) that had been killed, did they have weapons? If you know, if
2 you recall it.

3 THE WITNESS: [12:20:32](Interpretation) It's so long ago, because I can't -- and I
4 can't remember very well anymore.

5 PRESIDING JUDGE SCHMITT: [12:20:40] I think we have to accept that. And I'm
6 harking back a little bit when I started putting these questions to you, I asked you if
7 you knew if Hassan was a member of the Seleka, and if I'm -- bear with me and the
8 other participants, but you seemed not to be sure anymore. So I put one or two
9 sentences in paragraph 73 of your statement to you, which -- if I don't do it,
10 Ms Dimitri will do it anyway, I think. So please listen to what you have said at the
11 time.

12 (Interpretation) "I know that Hassan was a member of the Seleka and the
13 representative of the Muslim traders of Boeing. He was openly selling weapons and
14 everyone knew about that."

15 (Speaks English) So when I read this to you, what you said, I think, in 2016, to the
16 investigators, does that bring back the memory of what you know about the person,
17 Hassan?

18 THE WITNESS: [12:22:10](Interpretation) Mr President, I know Hassan as a shop
19 owner. You know, during those troubles, he continued to carry out his commercial
20 activities. And when the Seleka elements arrived at that area and carried out various
21 lootings and exactions, the Seleka parked in front of his shop. But the history of
22 selling weapons, I don't know.

23 Perhaps I didn't express myself very well to the investigators, perhaps. And perhaps
24 that's why it's written like that. But I know that he had a weapon and he left his
25 shop with this weapon to defend himself, but I didn't see him selling weapons.

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1 MR VANDERPUYE: [12:23:15] Mr President, if I could just refer you perhaps --

2 PRESIDING JUDGE SCHMITT: [12:23:16] Yes.

3 MR VANDERPUYE: [12:23:17] -- to the correction that the witness made in

4 CAR-OTP-00000015-000001, at the same paragraph, paragraph 73. And in that

5 paragraph, he --

6 PRESIDING JUDGE SCHMITT: [12:23:40] I know.

7 MR VANDERPUYE: [12:23:41] Okay.

8 PRESIDING JUDGE SCHMITT: [12:23:42] I know, but some things I want to

9 have -- to be addressed because --

10 MR VANDERPUYE: [12:23:45] It's not a problem (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [12:23:46] Why should we talk around it? That

12 could be potentially a significant point, and we have now heard it from the witness

13 that we have in the courtroom. So corrections is one thing. It's important so that all

14 the parties and participants and the judges are advised what might be of interest in

15 the courtroom, but some things I think could and should be addressed in the

16 courtroom directly.

17 MR VANDERPUYE: [12:24:14] No, I appreciate that. I just wasn't --

18 PRESIDING JUDGE SCHMITT: [12:24:17] I was -- please bear -- I have to apologise

19 that I put so many questions. I was a little bit carried away by the situation, but

20 please continue, Mr Vanderpuye.

21 MR VANDERPUYE: [12:24:27] It's not a problem, Mr President, and -- at all.

22 PRESIDING JUDGE SCHMITT: [12:24:29] I think we would have anyway tried to

23 clarify about who was a victim or how things unfolded or whatsoever, and -- yes, the

24 Defence, you, the judges or -- everybody would have to figure that out.

25 MR VANDERPUYE: [12:24:45] Indeed. There are a few things I have to clarify

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1 anyway, so thank you very much, Mr President.

2 Q. [12:24:51] Thank you very much, Mr Witness.

3 There are a few things I would like to clarify about that part of the operation.

4 Now, you mentioned that the shopkeepers were the subject of the attack. To your
5 knowledge and recollection, who started shooting first, the shopkeepers or the
6 Anti-Balaka elements? Let's start with that.

7 A. [12:25:21] During the attack, the Muslims were still inside their shops. They
8 weren't outside. At 6 o'clock, a single shop owner got out of his shop. And when
9 they started hearing the detonation of the weapons, then they left their shops.

10 It's Yekatom who gave the time of the attack, and he took out his automatic pistol and
11 he shot into the air. He returned to all those behind him who were armed and they
12 started to advance together. So those who had weapons, they were shooting, they
13 moved forward in order to cover the elements who were positioned in the rear.
14 You know, these were persons who were Muslims, they were Christians who sold
15 goods for quite some time in the Boeing market. And when the Seleka arrived, they
16 had the habit of coming to the Boeing market and to park their cars in front of his
17 shop, and that is how sometimes he gave them tea. And that is how the population
18 regarded those shopkeepers as accomplices of the Seleka. That's how you can
19 understand the situation.

20 Q. [12:27:40] Thank you for that. I put my hand up because what I'm hearing in
21 the interpretation of what you're saying is very confused. So the question was:
22 Who started shooting first, the Anti-Balaka or the shopkeepers? From what you said,
23 I understand that the Anti-Balaka started shooting first, those are the detonations that
24 you referred to, but if you could clarify that specific point, that would be very helpful.

25 A. [12:28:27] The Anti-Balaka. What I said and I'm going to repeat now, when I

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1 say "we", I am referring to many Anti-Balaka elements, several Anti-Balaka elements.

2 Q. [12:28:48] That's very helpful. Just so you know, even though you said "we",
3 we received the interpretation of "they", which is non-specific. So that's -- that's why
4 I'm asking you to repeat that part of your question.

5 The second thing is, before the attack, are you aware of whether the shopkeepers had
6 themselves carried out any attack against the population or the Anti-Balaka, that is, in
7 the days before, earlier that day, the month before, anything like that?

8 A. [12:29:41] We were in the bush before that. We didn't go out. So the shop
9 owners couldn't attack us. As regards the civilian population, they were attacked by
10 the Seleka. It wasn't the Muslims. Unfortunately, the civilian population regarded
11 the Muslims as being part of the Seleka. Even in Bangui, when they see a Muslim,
12 they call them Seleka. So that it's the idea that we have of the Muslim. So they
13 started to consider all Muslims as being part of the Seleka.

14 Q. [12:30:38] When you say -- and again, this may not be what you're saying, but
15 bear with me. When you say that they started to consider that all Muslims were
16 Seleka, who is "they"?

17 A. [12:30:55] The Anti-Balaka. Even the population, it considers all Muslims as
18 anti -- as Seleka -- as -- it considers the Muslims as Seleka.

19 Q. [12:31:38] And you say they started to consider all Muslims as Seleka. Do you
20 mean that that was how they were considered before the 5 December attack or even
21 before that? When do you say that they started to consider all Muslims as Seleka in
22 your understanding?

23 A. [12:32:31] I don't know. But even after we went out, after we left the bush,
24 soon as you said "Muslim", even people who were not Anti-Balaka and who were
25 part of the civilian population would go out to kill.

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1 Mr President, the Christians had a certain intent when we left the bush. I'll give you
2 an example. When we were still in the bush, there was a Muslim shopkeeper, his
3 name was Mandra (phon). He lived close to Boulata church. He was going away
4 on a trip, but at the airport, the population who was there killed him. Were they
5 Anti-Balaka? No. They were members of the civilian population who had gone to
6 the airport to gain shelter. And when they saw him and realised that he was
7 a Muslim - he sold jewellery - they killed him, under the eyes of the French soldiers.

8 Q. [12:34:16] All right. I'd like to ask you a couple of questions about what
9 you started out with regarding the attack, and you said something about:

10 (Redacted)

11 (Redacted)

12 Do you recall having said that a little bit earlier today?

13 A. [12:34:38] Yes, that's what I said.

14 Q. [12:34:48] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:36:10] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [12:36:46] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:38:16] That sounds about right.

11 Okay. (Redacted) at a certain point you said that there was a direction to launch the
12 attack, is that right, around 6 o'clock in the morning or so?

13 A. [12:38:44] We left Proget at 0400 hours and launched the attack at 0600 hours.

14 Q. [12:39:01] Was there an order to leave Proget given at 0400 hours, one; and two,
15 was there an order to launch the attack given at 0600?

16 A. [12:39:21] No, that's not how things happened. When we arrived, the chief said
17 to start, as it were, gave a signal and the fighting started. We were not told that the
18 next day we were going to launch an attack, no. On the morning, at 0600 hours, we
19 just started the attack at that time.

20 Q. [12:40:11] How did you know that the attack would go toward the market, as
21 opposed to any place else near Boeing, near Proget? How did you know that it was
22 going to go to that market, that day, at that time? Or was it just spontaneous?

23 A. [12:40:51] I don't know what to tell you. All I can say is that we attacked the
24 market because there were Muslims in that location. So we had to start there, with
25 them, in order to advance. But to say that there was a predisposition to go to the

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1 market, no. (Redacted)

2 (Redacted) I could not know what was going to happen afterwards. All I knew
3 was that there were Muslims in that market.

4 The goal of the Anti-Balaka was to progress, to advance to Kilometre 5, but it was not
5 easy. The Seleka had equipment superiority. We tried everything without success.
6 There were also helicopters shooting at us.

7 So you see, the whole progression was very difficult and it's only thanks to God that
8 our lives were spared. And actually there was some dissent within the group
9 because we were disorganised. Our goal was to get to Kilometre 5 but we -- up until
10 the end of the war we were not able to reach that point. PK5 was a real powder keg.

11 Q. [12:43:03] Let me ask you something that appears in your statement. It's at
12 paragraph 68. It's at tab -- I think I said it was 7, tab 7. In the English, it's
13 paragraph 68, but it's one line. And it says at the beginning of that paragraph:
14 "Rombhot told us that we would attack the Muslims and Seleka at Boeing Market."
15 So my question is, when did he say that, if he said it at all?

16 PRESIDING JUDGE SCHMITT: [12:43:55] Ms Dimitri.

17 MS DIMITRI: [12:43:56] Mr President, first, before the statement is put on the
18 screen -- thank you.

19 I -- it's leading. He's going back to the statement. The question was asked several,
20 several times and I didn't object, even if it was asked and answered. Now, if the
21 witness says something in his statement that's different in his testimony, you can ask
22 why. Why is there a difference? But you can't refresh the memory by simply
23 reading a line.

24 PRESIDING JUDGE SCHMITT: [12:44:24] No, but you have to do it somehow, you
25 have to do it somehow. And again, we have established that -- and this is practice in

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1 any Chamber here at the Court, that when a witness says something, I put it in a very
2 generic way, says something here in the courtroom that does not comport with what
3 the witness has said in the statement, it's -- I think we have a duty, any counsel and
4 the judges, we have to establish the truth to ask the witness why is that so. And to
5 do that, you read, of course, what the witness has said. I even have done it
6 because -- I've deliberately done it, actually, a couple of minutes ago just to test what
7 the witness really knows and not knows. So you can always discuss if counsel can
8 word it a little bit differently, but I don't see actually no -- nothing objectionable in
9 what Mr Vanderpuye is doing.

10 MS DIMITRI: [12:45:25] Mr President, if I may, for the record, I think it's very unfair.
11 You have -- you have a witness who's telling his story, what he went through, and
12 then when important elements are missing or different, such as the number of people
13 who would have died at the Boeing market, or an order given by the accused, when
14 we read out those elements to the witness, we completely lose the spontaneity of the
15 witness -- of the witness's answer. And rather than telling him, "We asked you the
16 question, you said no, you said you don't recall, why did you write this in your
17 statement?" rather than confronting him with a contradiction or an important
18 omission, we are now -- we are now reading the sentence and asking him, "Well,
19 when did he say that, because it's written in your statement?"

20 MR VANDERPUYE: [12:46:17] (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [12:46:17] Now I understand. Now I understand.
22 This is the issue that you have. Now I understand that -- how Mr Vanderpuye
23 addressed it. Yes. Okay.

24 MR VANDERPUYE: [12:46:30] If I could just respond for a second, I can make it
25 very clear.

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1 PRESIDING JUDGE SCHMITT: [12:46:31] Yes, yes.

2 MR VANDERPUYE: [12:46:32] I think in the absence of the witness having adopted
3 and confirmed the accuracy and completeness of his prior statement, Ms Dimitri is
4 100 per cent correct. But her arguments are dependent and ignore the fact that the
5 witness has testified already under oath that the contents of the statement that he
6 made, reviewed, corrected, twice, at the time that it was made and again recently,
7 were accurate and reliable. There's no -- no possible suggestiveness or inappropriate
8 suggestiveness -- it's as if he had -- by the putting the question. It's as if he had
9 handed somebody a picture of his mother three years ago and today comes to court
10 and says, "I don't remember what she was wearing, but it was my mother", and then
11 showing the photograph is somehow inappropriately suggestive of who the person is.

12 PRESIDING JUDGE SCHMITT: [12:47:29] I -- well -- well --

13 MR VANDERPUYE: [12:47:30] It's confirming specifically what he has already
14 testified to. It's not that it's just some statement sitting out there. It's a statement
15 that he has recognised under oath already before the Court --

16 PRESIDING JUDGE SCHMITT: [12:47:39] Yes. Yes. Yes.

17 MR VANDERPUYE: [12:47:39] -- so there's nothing suggestive about it.

18 PRESIDING JUDGE SCHMITT: Yes.

19 MR VANDERPUYE: [12:47:41] And that is -- that is a fundamental problem with the
20 approach that she's taking. It ignores the fact that the witness has specifically
21 adopted it. That's why I spent 20 minutes to half an hour going over the specifics of
22 the statement. And she knows it.

23 PRESIDING JUDGE SCHMITT: [12:47:59] Yes, yes, but there is no -- and we have
24 enough exchange on that. So it's perfectly clear, and we will do that in all future,
25 when we have witnesses in this courtroom, if witnesses show a lack of memory, we

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1 refer them back to the witness statement. If we might have some contradiction or
2 seem to have detected a contradiction, we can address that too.

3 It is preferable - and that is the issue that Ms Dimitri obviously has with the
4 question - it is preferable to introduce such questions not as if what has been said in
5 the statement must definitely be the truth so -- because it's not a Rule 68(3) and
6 not -- anyway.

7 So -- well, I would suggest, for example, in that case, we simply tell the witness:

8 Mr Witness, you have now told us you don't recall that there have been any further
9 instructions at that time. You have said in paragraph 68 that - what you have read to
10 the witness - what do you say today to that?

11 And that's fine. And so in the substance you are right, Mr Vanderpuye, we have
12 to -- even we have to, it's our duty, our obligation even, to try to figure out if there are
13 discrepancies, where they come from. There might be all sorts of reasons for that.
14 Yes, please continue, and I think we -- I hope we can have also this figured out for
15 future controversies.

16 MR VANDERPUYE: [12:49:35] Okay.

17 Q. [12:49:36] Mr Witness, I have referred to your statement at paragraph 68, in
18 which it is written: "Rombhot told us that we would attack the Muslim and Seleka at
19 Boeing Market."

20 So my question to you is, one, if he said it, that's question one; question two is that if
21 he said it, when did he say that?

22 I hope that satisfies counsel.

23 MS DIMITRI: [12:50:06] Yes, but again, can we please not have the entire page of the
24 statement on the screen.

25 PRESIDING JUDGE SCHMITT: [12:50:11] Yes, yes, we have agreed on that. We

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1 don't put the statement -- and I think we don't need to put the excerpts of the
2 statement to the witness on the screen if we are talking about one sentence. We have
3 an intelligent witness here who also understands what is going on. I think
4 procedurally a clever witness -- if you read one sentence to him, he will grasp what
5 it's about.

6 MR VANDERPUYE: [12:50:43] I read it -- I didn't ask -- I'll read it again, just the
7 sentence.

8 Q. [12:50:47] At paragraph 68 -- it doesn't have to be shown to the witness.

9 At paragraph 68 of your statement, it is written: "Rombhot told us that we would
10 attack the Muslims and Seleka at Boeing Market."
11 That's what it says. My question is, one, did he say that; and two, if he did, when
12 did he say it?

13 MS DIMITRI: [12:51:16] Mr President --

14 PRESIDING JUDGE SCHMITT: [12:51:18] No further objections now. The witness
15 answers now. We have --

16 MS DIMITRI: [12:51:23] It's the same question. It's the same question I objected to
17 and you --

18 PRESIDING JUDGE SCHMITT: [12:51:25] Yes, but the objection is overruled now.

19 The witness answers now. This is enough back and forth now. We don't show
20 anything to the witness. We reread it to the witness. And this was not the fault of
21 Mr Vanderpuye, nobody's fault. Sometimes we also ask if it is a longer passage, but
22 in that regard, we reread this or have it read this one sentence to the witness twice.

23 So, Mr Witness, I have to apologise for this back and forth.

24 Please answer the question.

25 Do you recall any such order or not?

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1 THE WITNESS: [12:52:20](Interpretation) Before answering, I'd like to say that I am
2 a human being. I may have made a statement today and then forget it six years later.
3 We are talking about six years, not six weeks or six days. And in clarifying my
4 previous statements, I may use different pathways, routes to get to the same goal.
5 I'll repeat, no other individual was giving instructions. Even Ouandjio, who was his
6 deputy, did not issue instructions. It was Rombhot himself who gave instructions
7 when we left the bush. Have I forgotten the details of my statement I gave at the
8 time? As a human being, please, I hope you will not object to that.

9 PRESIDING JUDGE SCHMITT: [12:54:05] Mr Witness, I think I have said that
10 already, and I gladly repeat it, that is absolutely normal. Nobody in this room
11 would be able, after years and years, to recall everything. And there are
12 always -- and especially not recall the same story in the same way, like you have did
13 years and years ago. So that's perfectly normal and we absolutely appreciate that
14 and understand that, Mr Witness.

15 The question here was if you recall Mr Yekatom having given the order to attack
16 specifically the market of Boeing, specifically, this specific order.

17 I think that was the question of Mr -- we could have shortened this significantly.
18 But do you recall that? And if not, it's not a problem. Then it's fine.

19 THE WITNESS: [12:55:10](Interpretation) I -- I have said that the first location that
20 he targeted was Kilometre 5, to get to Kilometre 5, where the Seleka were. But the
21 Muslims located in Boeing, we couldn't leave them behind and attack Kilometre 5.
22 They could have attacked us from behind. That's why the instructions were given so
23 that we could start with the Boeing market before moving ahead, moving farther.

24 PRESIDING JUDGE SCHMITT: [12:56:08] I think we leave it at that. We have an
25 answer and it's -- may I say, it is different, it is more, let's say, more detailed than in

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1 the statement. So it's not -- and we don't have a witness here, and I have to
2 underscore that, who is -- when being referring to the statement always says, "Oh, yes,
3 yes, yes, this is the right thing." It's not that way. The reaction of the witness when
4 referred to his former statement is very differentiated, if I may make this remark.

5 Yes, Mr Vanderpuye.

6 MR VANDERPUYE: [12:56:47] I just want to show him a document that I think he
7 mentioned, and that's at tab 10, Prosecution binder. And then --

8 PRESIDING JUDGE SCHMITT: [12:56:57] The drawing you mean?

9 MR VANDERPUYE: [12:57:00] Yes, the drawing. And then I have maybe one or
10 two questions and then I think we are at the time for the break, unless the Chamber
11 wants to sit a little bit longer. I can do it either which way.

12 PRESIDING JUDGE SCHMITT: [12:57:13] Well, if we start with the drawing, I think
13 we will come far beyond 1 o'clock. Perhaps we can -- what about shortening the
14 lunch break and then we have a two-hour afternoon. Would it be able for you to
15 finish then?

16 MR VANDERPUYE: [12:56:26] No.

17 PRESIDING JUDGE SCHMITT: [12:57:31] Okay. Then I already fear that --

18 MR VANDERPUYE: [12:57:32] I can pretty much say that with certainty. I don't
19 think so.

20 PRESIDING JUDGE SCHMITT: [12:57:37] But then I would really like -- and you
21 have in mind you have been allocated a certain total amount of time so --

22 MR VANDERPUYE: [12:57:41] Yeah.

23 PRESIDING JUDGE SCHMITT: [12:57:41] Yes, you have to adjust that too, then.
24 You're aware of that?

25 MR VANDERPUYE: [12:57:50] I am, Mr President, certainly. What I would

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1 propose - and I don't want to impose on anybody - is to shorten the lunch break

2 anyway. Uh-oh.

3 PRESIDING JUDGE SCHMITT: [12:58:03] Ms Dimitri is against it.

4 MS DIMITRI: [12:58:05] I'm normally for it, but I have a session with Mr Yekatom,
5 my computer and some videos. I made the specific request which was facilitated by
6 the court reporter with security. So I would need the -- I was counting on the full
7 lunch session.

8 And may I take the opportunity to apologise to the court reporter, Mr President. I
9 was on channel 2 and I kept seeing the statement coming up. They just sent me an
10 email --

11 PRESIDING JUDGE SCHMITT: [12:58:33] Yes. I would have --

12 MS DIMITRI: [12:58:34] -- informing me that the witness does not have channel 2, so
13 I -- I'm sorry.

14 PRESIDING JUDGE SCHMITT: [12:58:39] Yes, I would have addressed that too.
15 So what we are doing now, since, Mr Vanderpuye, you don't finish anyway today,
16 so we -- and you have shown good cause, as I have learned we word these things, we
17 have now the lunch break until 2.30, and then, yes, you continue. And perhaps you
18 finish after the first session tomorrow?

19 MR VANDERPUYE: [12:59:00] If we can go to 4.30 today, again imposing on
20 everyone, that would be good. And then -- yes, then I would say I would finish in
21 the first session tomorrow.

22 PRESIDING JUDGE SCHMITT: [12:59:06] I think you detect enthusiasm in the
23 Presiding Judge with this -- well, let's try to keep with two further sessions.
24 2.30.

25 THE COURT USHER: [12:59:20] All rise.

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1 (Recess taken at 12.59 p.m.)

2 (Upon resuming in private session at 2.32 p.m.)

3 THE COURT USHER: [14:32:54] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [14:33:07] Good afternoon, everyone.

6 I give not Mr Vanderpuye the floor, I give first Ms Dimitri the floor.

7 MS DIMITRI: [14:33:18] Thank you, Mr President. I have again a procedural issue
8 to address. During the course of the break, I saw my learned friend Mr Khalil with
9 the witness together with the witness's statement. My understanding of the role,
10 and unless I'm wrong, of Rule 74 counsel is not to go through the witness's statement
11 during the course of the testimony but rather to provide him with an explanation of
12 what the assurances are. I believe, unless I'm wrong, that the statement is still in
13 front of the witness.

14 So I object to two issues here, Mr President, the discussion about the substance of the
15 evidence and the statement and showing the witness what's said in this and this
16 paragraph and, of course, having the statement in front of the witness.

17 PRESIDING JUDGE SCHMITT: [14:34:10] Mr Vanderpuye.

18 MR VANDERPUYE: [14:34:12] I don't know about the circumstances of it, but
19 I would say that Mr Khalil's role under Rule 74 is to advise the witness about any
20 potential matters concerning self-incrimination as well as any potential issues that
21 might arise under Article 71 or Article 70. And to the extent that that may involve
22 prior statements of the witness or his testimony, I don't know that necessarily, at least
23 on its face, that there's anything problematic with it.

24 PRESIDING JUDGE SCHMITT: [14:34:46] Mr Khalil, of course you are the bone of
25 contention, so to speak, you understand my wording. What was the purpose of the

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1 exercise that you undertook with your client?

2 MR KHALIL: [14:35:05] (Interpretation) Yes, your Honour. I asked the court
3 officer whether the file before the witness existed with the documents. She said yes.
4 And I asked the court officer if the statement in French was there. It was my duty to
5 ensure that the statement was in the file and it is -- he didn't -- he didn't realise that
6 the statement was indeed right before him. Thank you.

7 PRESIDING JUDGE SCHMITT: [14:35:37] So now the statement -- Mr Witness, do
8 you have your statement, your former statement, you know the one you gave 2016 to
9 the Office of the Prosecutor, do you have that in front of you now?

10 THE WITNESS: [14:36:00](Interpretation) Yes.

11 PRESIDING JUDGE SCHMITT: [14:36:01] Is this the normal procedure that we have
12 here?

13 MR VANDERPUYE: [14:36:08] Are you asking me, Mr President?

14 PRESIDING JUDGE SCHMITT: [14:36:11] Anybody, anybody in the courtroom.

15 MR VANDERPUYE: [14:36:12] I'm happy to volunteer at all times. I'm not sure
16 what the normal procedure is. I think it varies from courtroom to courtroom,
17 frankly, and almost from counsel to counsel in my previous experience. But I think
18 it's important that counsel raise it. I think it's important that the Chamber is aware.
19 And I think it's important that everyone knows that the statement is there. It's a
20 question of whether or not the witness has had an opportunity to review it, to what
21 extent his testimony may have been based upon that review.

22 But I think, based on what Ms Dimitri has pointed out, that he's only recently
23 discovered that the statement was even before him and doesn't necessarily impact his
24 statement.

25 I should also add that there's nothing in that statement that may be before him which

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1 wasn't in the statement when he reviewed it during the familiarisation process.

2 PRESIDING JUDGE SCHMITT: [14:37:00] Yes. So this was obviously a rhetorical

3 question by the Presiding Judge. This is not the procedure that we have agreed

4 upon. So we have a procedure in place that the witness is able to read or the

5 statement is read to him during the familiarisation process and that should be it,

6 actually. So this -- since we also trust Counsel Khalil when he says the witness was

7 not aware that it was in front of him, so there is no harm being done. But this should

8 not happen. I don't know how it -- I think we would have to perhaps inquire how

9 this came to pass. Perhaps I may ask.

10 (Discussion between the Chamber and the court officer)

11 PRESIDING JUDGE SCHMITT: [14:38:06] No, we should not -- we should not

12 follow such a procedure that the witness during the testimony can look into the -- can

13 look into his former statement. That would overdo it.

14 So, Mr Witness, for the moment, please, if you say you have it in front of you, we

15 would -- we would immediately recognise if you looked at it or if you flipped

16 through it. Simply, you are here in the courtroom to provide live testimony, and if

17 there is any issue with your former statement, we will refer to it, but please don't

18 read it.

19 And we have to -- I think we have to inquire how this -- how this happens and it

20 should not happen again. It's not -- in this concrete circumstance, it's not a huge

21 issue for the reasons that I have explained, but this is -- this is nothing what we have

22 agreed upon as a familiarisation process.

23 Ms Dimitri.

24 MS DIMITRI: [14:39:08] Thank you, Mr President. Just two points. I didn't say it

25 was recent because, to be honest, I have no idea since when the statement is there.

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1 I don't know if it's there since the beginning of his testimony or not. I'm not aware.

2 Second --

3 PRESIDING JUDGE SCHMITT: [14:39:21] Me neither.

4 MS DIMITRI: [14:39:22] Second, can we -- can we now take it away?

5 PRESIDING JUDGE SCHMITT: [14:39:26] Well, yes, of course we can also -- yes.

6 (Discussion between the Chamber and the court officer)

7 PRESIDING JUDGE SCHMITT: [14:39:35] So it is -- it's obviously in the binder that
8 the OTP provides the witness with, if I understand it correctly, Mr Vanderpuye.

9 MR VANDERPUYE: [14:39:48] The witness has a binder of all documents normally
10 that are before the Chamber in the exhibit list, just as everyone else does.

11 Normatively, the witness does not have access or accesses that binder without either
12 express instruction or permission of the Chamber, or something like this. And the
13 reason for it is for convenience purposes because the eCourt is not always the most
14 efficient way to present the evidence --

15 PRESIDING JUDGE SCHMITT: [14:40:20] No, but then we have to --

16 MR VANDERPUYE: [14:40:22] But that's the reason. So the only issue I think -- I'm
17 sorry to interrupt, Mr President.

18 But the one thing I think that we can resolve easily is to ask the witness, one, when
19 did he discover and look at the statement, if ever, and what, if anything, he has
20 looked at since he discovered that it was before him. And that I think -- then at least
21 we'll be clear and then we can know what impact, if any (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [14:40:49] I think -- I think also it would be a better
23 procedure than if -- if the reason for providing a witness with a binder is that
24 eCourt - and this is true of course, we had these instances - does not always work,
25 then it would be sufficient if this binder would exist, so to speak, and in case such an

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1 eCourt problem arises would be provided with the respective document. I think
2 that would be the correct -- the correct procedure.

3 Mr Witness, it's not your fault at all. Please don't -- please don't misinterpret this.
4 But my question to you, you have also heard Mr Vanderpuye, since when did you
5 realise that this -- your former witness statement is also in the binder?

6 THE WITNESS: [14:41:52](Interpretation) Thank you. When we began this
7 trial -- well, ever since yesterday the binder's been here, but I didn't know that my
8 statement was beside it. I didn't know. It's just now when I came in. My lawyer
9 opened the binder and I didn't even have a chance to glance at it. Everything I've
10 told you is what I experienced and what I have told you about. There were some
11 parts I might have forgotten about. For example, the machines in front of you.
12 Sometimes the machine might break down. But I'm telling you, I know for sure that
13 I never had an opportunity to glance at that binder.

14 PRESIDING JUDGE SCHMITT: [14:42:51] Okay. That answers the question. So
15 our initial -- my initial assessment, so to speak, that there is no causality to anything
16 seems to be correct.

17 I don't think it's good to have included in these binders the witness statements,
18 frankly speaking, for future procedure. I don't think that's a good idea. This might
19 pop up again, this problem, so to speak.
20 Mr Vanderpuye.

21 MR VANDERPUYE: [14:43:17] Yes, Mr President. I understand that. And to my
22 recollection, it has popped up before, where witnesses have sat down and looked at a
23 binder because it's there. But I was under the impression that there was an
24 instruction given to witnesses not to consult the binder, even though it's there, unless
25 and until the Chamber directs that they do that. So --

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1 PRESIDING JUDGE SCHMITT: [14:43:39] That's true. No, that is correct. That is
2 correct, yes.

3 MR VANDERPUYE: [14:43:41] So if that's happened outside of the Chamber's
4 instruction, that's not something I was aware of or necessarily anticipated. But I will
5 see if there's a better way of dealing with it.

6 PRESIDING JUDGE SCHMITT: [14:43:53] What happens to the binder once we
7 finish this session, to this binder that is in front of the witness? It will be returned to
8 you?

9 MR VANDERPUYE: [14:44:03] Yes, normally that's what happens. Normally what
10 happens is, at the break, the binder comes back up to the Registry. When the witness
11 returns to the courtroom, the binder is brought back to the --

12 PRESIDING JUDGE SCHMITT: [14:44:14] So then -- then -- so --

13 MR VANDERPUYE: [14:44:15] To the witness.

14 PRESIDING JUDGE SCHMITT: [14:44:17] I get additional information.

15 (Discussion between the Chamber and the court officer)

16 PRESIDING JUDGE SCHMITT: [14:44:17] Yes, it's only returned to the OTP at the
17 end of the testimony.

18 So what we are doing now is, please, Mr Witness, please close the binder. Don't look
19 at it unless I'm asking you to do it. So we can solve it this way. Yes? Please be so
20 kind to do that.

21 THE WITNESS: [14:44:56](Interpretation) That's fine by me.

22 PRESIDING JUDGE SCHMITT: [14:44:58] Okay. So please close the binder. Just
23 put it down so that we see that you can -- yes, thank you.

24 THE WITNESS: [14:45:20](No interpretation)

25 PRESIDING JUDGE SCHMITT: [14:45:22] Mr Witness, you are getting help. Wait a

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1 moment.

2 And, court usher, please have a look that everything is in the binder.

3 Actually, I was also not aware what happens to these binders during breaks.

4 I would have been actually badly astonished if it would have remained with the
5 witness, but obviously it comes back to the Registry, to the court officer, and at the
6 end back to OTP. And we keep it the way we have done it before, that only on
7 instruction by the judges, the binder is to be opened, and this is in case of if there is
8 any problem with the eCourt, namely. There might be other instances that I'm not
9 aware of at the moment, but that's clear.

10 And I fully understand the -- actually, let's say, the concerns of the Defence here, I
11 have to say. But I think we can continue from there. It's not lost time because this
12 might happen again, and we all know now where we are.

13 And actually, yes, I think in the familiarisation process, it should also be mentioned to
14 the witnesses that this binder has to be closed unless they are ordered to open it.

15 Yes?

16 MR VANDERPUYE: [14:46:45] Thank you, Mr President. It's also -- from the angle
17 that we are, Defence and, I guess, you as well, you can't actually see the binder.

18 Normally it sits up like this, vertically, and you can see if it's open or closed,
19 obviously. But if it's lying flat, you can't and that's --

20 PRESIDING JUDGE SCHMITT: No, but this had -- this had to be figured --

21 MR VANDERPUYE: [14:47:00] -- part of the issue. It's not a problem.

22 PRESIDING JUDGE SCHMITT: [14:47:05] This had to be figured out.

23 And thank you very much, Mr Witness, also for providing us with this information
24 and -- so you have also heard. So we have you live here, you have a lot of

25 recollection and if you don't remember something very well, we are referring you first

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1 orally to your former statement and only if need be to the statement that is in the
2 binder.

3 Mr Vanderpuye, please continue with the examination.

4 MR VANDERPUYE: [14:47:31] Thank you very much, Mr President.

5 Q. [14:47:34] Good afternoon to you, Mr Witness. And I can see that you're a little
6 taken aback but don't worry. These sorts of things happen all the time during trials,
7 and you have not done anything untoward or problematic. So we'll just continue
8 where we are.

9 PRESIDING JUDGE SCHMITT: [14:47:50] If I may.

10 MR VANDERPUYE: [14:47:51] Yes, Mr President.

11 PRESIDING JUDGE SCHMITT: [14:47:51] I think I have made it clear already, but,
12 Mr Witness, I want to reinforce what Mr Vanderpuye said. Everything what was
13 discussed now, there was no fault by yourself in any way in it. So it was a back and
14 forth which had nothing to do with you as a person. So I wanted to assure you that.
15 So my apologies also for this back and forth.

16 Mr Vanderpuye.

17 MR VANDERPUYE: [14:48:23] Thank you, Mr President.

18 Q. [14:48:25] So if I could just show you Tab 10, and that is CAR-OTP-2041-0767.
19 We're in private session, yes. That will come up on the screen in front of you in just
20 a minute. Just have a look at it and I'll ask you some questions about it.

21 Do you see the document in front of you now?

22 A. [14:48:51] Yes.

23 Q. [14:48:52] And can you tell the Chamber what this is? What does it represent?

24 A. [14:49:11] This is a document I did myself. This is a sketch of the Boeing
25 market.

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1 Q. [14:49:22] At the bottom of this document, towards the bottom you list -- you
2 write: "*les Éléments avec des armes*". Beneath that you have "Abib, Rambo, Fredy."
3 You wrote that?

4 A. [14:49:48] Yes. Those were their positions during the fighting.

5 Q. [14:50:05] Now, are you able to estimate the number of elements that took part
6 in the attack of the Boeing market?

7 A. [14:51:10] Unless I'm mistaken, the number of elements that we were with for
8 that operation was 611, 611 people. Once we got to Proget during the night, unless
9 I'm mistaken, that would have been a total of 1,500 elements. And in the morning,
10 the morning of the fighting, some soldiers and civilians joined the ranks of the
11 elements who were ready to fight. So I can't tell you exactly how many there were.
12 I can't give you a grand total.

13 During the clashes, there were other people who joined the group. Unless I'm
14 mistaken, the number of elements that we -- the elements that we left with the day
15 before, on the 4th. The other elements were in the bush and they came out. And so
16 we set up at Proget and there were even more of us. The following -- that was the
17 day after, the 5th, the elements who had remained in the bush came out and joined up
18 with us in Proget.

19 Q. [14:53:06] Okay. I'll come back to that a little bit later, but on this screen I can
20 also see where you have written "*Boutique*", "*La Buvette*", and it says "*Boutique des*
21 *musulmans*", and it says "Ashan" in one of them. Do you see that on your screen
22 there?

23 A. [14:53:40] Yes. Where I wrote Hassan, that's his shop. That's Hassan's shop,
24 where he was.

25 Q. [14:53:55] In the bank of shops where you've written his name, were there other

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1 shopkeepers as well also Muslim?

2 A. [14:54:26] All the shops alongside Hassan's all belonged to Muslims. Where I
3 wrote "drinking establishment" or "bar", that was -- well, it was a bar and there was a
4 road between the bar and a series of shops. And in that group of shops, there were
5 at least two shops belonging to Muslims and the remaining ones belonged to
6 Christians. During the clash, the Christians did not open their shops.

7 Q. [14:55:21] How were you able to tell which shops were owned by the Muslims
8 and which shops were owned by Christians or run by Christians?

9 A. [14:55:51] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: [14:57:11] The Sango interpreter specifies that this is according
18 to what's been drawn by the witness.

19 PRESIDING JUDGE SCHMITT: [14:57:20] Mr Witness, do you know why the
20 Christians had not opened their shops?

21 THE WITNESS: [14:57:35](Interpretation) No, I don't know why. Because people
22 were still sleeping. It was very early in the morning, 6 a.m. That is when the attack
23 occurred. They hadn't opened up their shops, but I couldn't know that. All the
24 people who had those shops had not yet opened them.

25 PRESIDING JUDGE SCHMITT: [14:58:00] Thank you.

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1 Mr Vanderpuye.

2 MR VANDERPUYE: [14:58:03] Thank you, Mr President.

3 Q. [14:58:09] Do you know if any Christian merchants or traders were injured
4 during the attack on the market that day, that is, by the Anti-Balaka?

5 A. [14:58:36] No, I don't know about that, because we were on the move, moving
6 forward, and I couldn't know what was going on behind us.

7 Q. [14:58:55] Did you, that is the group, take any steps to make sure that the
8 Christian merchants in the market were not attacked by accident, for example?

9 A. [14:59:41] No, I don't know. They were still in their shops. Some of them
10 opened at 6.30, but since the attack was at 6 a.m., that's when the attack occurred.
11 Were they in their shops? Were they injured? I have absolutely no idea. I
12 wouldn't want to tell a lie or get something wrong. When the shooting occurred, we
13 didn't stay at that location. When Hassan died and when there was the shooting, we
14 took advantage of that opportunity to move ahead. And so I wasn't in a position to
15 know what was going on further back.

16 Q. [15:00:34] Do you know if the Christian shops or shopkeepers were attacked,
17 that is, whether they were the object of the attack?

18 A. [15:01:09] I don't know how to answer that question. I've told you, I've always
19 told you that during an attack, when there is shooting, you can't stay put. When
20 you're being shot at, you have to move. So what happened afterwards is something
21 I don't know. Whether the shops were broken down or looted, I don't know. I
22 didn't stay there. I didn't stay in the Boeing market. After the fighting, we all
23 withdrew and went to Proget. So regarding the balance of the fighting on that day,
24 I don't know what the outcome as regards the number of deaths, as regards the
25 number of shops destroyed or looted.

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1 Q. [15:02:08] All right. Let me phrase it a different way. My question is: Did
2 you set out, that is the group, set out to attack the market and all the traders or to
3 attack the Muslim traders in the market? That's my question. Not what happened
4 after, but what was planned before.

5 A. [15:03:15] Let me repeat. I just told you in my statements that the Muslims
6 were regarded as Seleka. How could we not attack them and leave them behind us?
7 They could attack us from behind if we did that. Which meant that the Muslims
8 who were there were killed.

9 PRESIDING JUDGE SCHMITT: [15:04:08] I think -- please move on.

10 MR VANDERPUYE: [15:04:09]

11 Q. [15:04:09] What I'd like to show you is tab 60, CAR-OTP-2118-9146. It should
12 be a map which I don't think you've seen before.

13 But what I'd like to do, and hopefully -- hopefully we can do, is -- if we can just go
14 down the page a little bit, keep going, now at the bottom corner of the airport there on
15 the left, left corner of the airport, if you can blow up that area, yes, that's good, maybe
16 a little bit more.

17 And I think you should see towards the middle of the screen "*Marché Boeing*". Can
18 you see that on the screen there?

19 A. [15:05:28] *Oui*.

20 Q. [15:05:28] And are you able to orient yourself a little bit on this map as to where
21 that is relative to other areas you have talked about, such as Kette-Goussa, Proget,
22 and so on? Are you able to sort of see where that might be on this map? Because
23 what I'd like you to do is to mark it, if we can, mark out the progression of the attack
24 as you've described it. So where you started out, where the market is, where you
25 went after the market and so on. Do you think you're able to do that on this map?

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1 A. [15:06:18] As you can see on this map, there is a Fundamental Baptist church.
2 After the church is the mosque. If you go past the church, you will find the mosque.
3 Next to the Boeing market there is a hotel. You see, there is a red mark there.
4 I don't know if that's a road. Before the town hall there is a road, a route. There is
5 Ali Thomas. But the route which goes towards Kilometre 5, I don't see it, it goes up
6 to Boulata. I see Dameca. Yes, I can recognise Cité Boeing. That is just next to the
7 place where we stopped. We stopped in front of a church which does not appear on
8 this map. It is the Boulata church.

9 Q. [15:08:29] All right. Let me just see if we can have you mark this map so that
10 we can -- you can indicate at least the direction where you set out and the direction of
11 the attack and the places you went.

12 The second thing is I can hardly hear the interpreter. I think she's sitting far away
13 from her microphone, so I apologise for that. Maybe it's just something wrong with
14 my headphones.

15 But if we could do that -- I'm not sure exactly how to set up the monitor for him to
16 mark it, but that would be --

17 PRESIDING JUDGE SCHMITT: [15:09:01] Well, we -- really, I don't want -- but we
18 could use the binder, if we had -- if we had the map there and it was big enough.

19 MR VANDERPUYE: [15:09:10] It's too small.

20 PRESIDING JUDGE SCHMITT: [15:09:13] Too small. Then forget about this
21 wonderful idea. But that would have been something, no, if we could have used the
22 binder for that.

23 MR VANDERPUYE: [15:09:23] Yes, indeed, indeed. That's sort of the idea. But
24 unfortunately I don't have --

25 PRESIDING JUDGE SCHMITT: [15:09:35] Yes, yes -- no, no, but we have to -- really,

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1 we have to blow it up.

2 Thank you very much for court usher to help the witness. Perhaps you can show
3 him also, if you hear me, you can show him really how to do that. I know perfectly
4 if I were in his situation, I would fail miserably.

5 MR VANDERPUYE: [15:09:52] And also, Mr President, we can -- as he may require,
6 we can zoom in or out so that he can see what he can't see or --

7 PRESIDING JUDGE SCHMITT: [15:09:57] Absolutely.

8 MR VANDERPUYE: [15:09:58] -- in any case.

9 PRESIDING JUDGE SCHMITT: [15:10:02] Yes, yes.

10 So, Mr Witness, really, we require a lot from you today, but if you could try to show
11 on the map where you set out and where you went along, if you recall it, that would
12 be very kind. And you have assistance, assistance there at your side how technically
13 to manage it.

14 Ms Dimitri.

15 MS DIMITRI: [15:10:29] Can I suggest perhaps -- because this is also saving some of
16 my questions, so I'm -- could we print it in A3? Because I have an A3 copy in my
17 office and it's much easier to see. Now it's too small, but on A3 maybe he can -- can
18 mark it.

19 PRESIDING JUDGE SCHMITT: [15:10:49] Well, the analogue judge actually finds
20 this appealing, to say the least.

21 MR VANDERPUYE: [15:10:56] I think we can. I mean, it's -- we certainly can.
22 There's some -- yes, we can. There's some key locations that I would ask him about
23 (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [15:11:09] We can -- we can do this tomorrow
25 morning, can't we, then?

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1 MR VANDERPUYE: [15:11:14] Yeah, we can. Yes.

2 PRESIDING JUDGE SCHMITT: [15:11:17] Yes, I think that might be easier than to
3 ask him to --

4 MR VANDERPUYE: [15:11:23] Yeah, okay.

5 PRESIDING JUDGE SCHMITT: [15:11:25] Because -- because the big picture is also
6 the big picture for the witness. The witness has only -- and actually, I expected also
7 that Defence counsel will bring that up, so I think -- I think it's a good idea, frankly
8 speaking. So you could align from the team with each other and we get a printout
9 and then we can --

10 MR VANDERPUYE: [15:11:49] We can -- we can do that. I mean, the thing is that
11 the advantage of the screen is you can blow it up much more, a very small area much
12 more than you could see it on (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [15:12:01] Well, I -- I trusted now Ms Dimitri that
14 A3 might be big enough, but I'm not actually -- if I'm mistaken, then that's on me,
15 then.

16 MR VANDERPUYE: [15:12:10] It's okay. We give it a try. I'll move -- I think I can
17 move ahead a bit and we'll come back to it.

18 PRESIDING JUDGE SCHMITT: [15:12:15] Or we can -- yes. Or somebody of your
19 team can now speedily --

20 MR VANDERPUYE: [15:12:21] Somebody speedily attends to it.

21 PRESIDING JUDGE SCHMITT: [15:12:25] Someone speedily makes a printout and
22 then we come back to the issue even today.

23 MR VANDERPUYE: Okay, that's fine. We can leave this on the screen, though, at
24 least for the moment.

25 PRESIDING JUDGE SCHMITT: [15:12:32] Yes. Yes, yes.

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1 Mr Witness, I think this is easier if you have a paper in front of you, so we are trying
2 to get a huge map where you can annotate it and show it easier. We think, at least, it
3 would be easier for you. Thank you very much for your indulgence.

4 Mr Vanderpuye.

5 MR VANDERPUYE: [15:12:48] Thank you, Mr President.

6 Q. [15:12:49] You indicated that at a certain point the group went towards the
7 mosque, the Boeing mosque. Was that after the attack on the market?

8 MS DIMITRI: [15:13:13] Again, I'm sorry, and this time maybe I'm wrong, but I don't
9 recall this. Do you have a reference?

10 MR VANDERPUYE: [15:13:19] He said, I think, yesterday that the group attacked
11 the mosque and then he named a couple of other ones as well. Including one in
12 Mr Yekatom's neighbourhood (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [15:13:33] Well, yes, yes -- well, I'm
14 not -- Mr Witness, did -- let me put it this way: Did, at some point in time, did the
15 group come across the mosque?

16 THE WITNESS: [15:13:55](Interpretation) No, I think I told you that when we were
17 fighting, we moved forward and we were shooting at the same time. During that
18 time, the mosque was already behind us, behind us. It wasn't in front of us. If you
19 look on the map, the Boeing market is in front. And after having moved past the
20 church, we went to the market, and then we were shooting. We advanced gradually
21 and when we withdrew, we realised that the mosque had been destroyed.

22 I must specify that the mosque was destroyed by the Boeing population. Next to the
23 mosque there is the house of the imam and his son and up to today it's in that
24 position.

25 PRESIDING JUDGE SCHMITT: [15:14:55] So this answers the question that we

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1 cannot speak of an attack on the Boeing mosque by this Anti-Balaka group, I think.

2 MR VANDERPUYE: [15:15:02] Just one moment with that, Mr President.

3 PRESIDING JUDGE SCHMITT: [15:15:04] I know what you would have to do next,
4 but I think you will do it.

5 MR VANDERPUYE: [15:15:09] Well, I have a reference, actually, for everyone.

6 PRESIDING JUDGE SCHMITT: [15:15:13] Yes.

7 MR VANDERPUYE: [15:15:14]

8 Q. [15:15:14] And that's at yesterday's, 2 September, transcript, page 83, lines 1
9 through line 9. And this is in response to Mr President's question and that was
10 discussing the directions they received from Mr Yekatom. And it reads as follows,
11 in line 1:

12 "Did he mention, apart from doing harm to people, did he mention anything with
13 regard to, let's say, in a very generic manner with regard to property?"

14 That was the question put to you by the Presiding Judge. And your answer was:

15 "He said to destroy the houses of [...] Muslims. And I'll give you an example. In
16 Boeing, we destroyed the mosque of the Muslims. What's more, the destruction of
17 the mosques, that wasn't just in Boeing, also in Boy-Rabe, Combattant, Kimba (phon)
18 which was Rambo's neighbourhood. We destroyed the mosque."

19 So my question then is, as you say now that the population destroyed the mosque, I'm
20 unclear on what your previous answer to Mr President was intended to mean.

21 MS DIMITRI: [15:16:39] Two things, Mr President. In French it's not "*nous*", it's not
22 "we", there's a discrepancy. It's "*on*", which excludes the person who is talking.

23 And second, the rest of the sentence, which I believe Mr Vanderpuye didn't read, say
24 that it's the population.

25 MR VANDERPUYE: [15:16:59] (Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [15:17:00] Well, again, we have the witness here.

2 So, Mr Witness, you seem -- there seems to be some confusion on what has been done
3 with regard, as said, before the attack and done then during the attack and in the
4 aftermath with regard to the mosque and the property of Muslims' houses, and so on
5 and so forth. Could you please -- could you please repeat or tell us what happened,
6 according to your recollection, to the mosque and the houses of the Muslims and the
7 property of the Muslims.

8 THE WITNESS: [15:18:15](Interpretation) The houses and the mosque destroyed in
9 Bangui town were not done by the Anti-Balaka. Majority was done by the Christians,
10 because in their mind, the Muslims should not return to the country. That was in the
11 mindset of the population.

12 The Anti-Balaka chief gave instructions and when we were in that area, there were
13 lots of events in the Central African Republic, and what the Seleka committed as
14 exactions on the Christians made them feel that all the Muslims were Seleka. There
15 was a confusion between Seleka and Muslim. And that's why the houses of the
16 Muslim, the mosques were destroyed, because to them, in their mind, the Muslims
17 should no longer live in their country. They didn't realise that there were Muslims
18 who were born in the country, who grew up in the country.

19 PRESIDING JUDGE SCHMITT: [15:19:45] Well, nevertheless, this is not exactly
20 what he said on Friday, I have to say.

21 MR VANDERPUYE: [15:19:50] I'd like to add to that, then.

22 Q. [15:19:51] And I'm going to refer you to your statement at paragraphs 52 and 53,
23 one of which you corrected. You indicated that: "We attacked the mosque" --

24 MS DIMITRI: [15:20:09] I'm sorry. Again --

25 MR VANDERPUYE: [15:20:11]

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- 1 Q. [15:20:12] -- "on the 20th of September", which you correct --
- 2 MS DIMITRI: [15:20:15] I'm objecting to this process. This is not something a
- 3 witness can forget. It's not a detail.
- 4 Now Mr Vanderpuye --
- 5 MR VANDERPUYE: [15:20:20] We don't need a narrative.
- 6 MS DIMITRI: -- is going to read --
- 7 MR VANDERPUYE: If you have a legal objection --
- 8 MS DIMITRI: [15:20:21] -- the narrative of the statement --
- 9 MR VANDERPUYE: [15:20:23] -- make it.
- 10 PRESIDING JUDGE SCHMITT: [15:20:23] No, no --
- 11 MS DIMITRI: [15:20:25] I'm talking, please.
- 12 PRESIDING JUDGE SCHMITT: [15:20:25] No --
- 13 MR VANDERPUYE: [15:20:26] You're making a narrative.
- 14 MS DIMITRI: [15:20:26] It's a 68(3) witness -- it's not a 68(3) witness. How can
- 15 you -- the statement is not in evidence, Mr President. It's not because he's sworn that
- 16 the statement was true and correct that we can now take evidence in the statement
- 17 and file it into the case file.
- 18 PRESIDING JUDGE SCHMITT: No, nobody --
- 19 MS DIMITRI: That's what happening.
- 20 PRESIDING JUDGE SCHMITT: [15:20:45] -- files -- first of all --
- 21 MS DIMITRI: [15:20:47] But he's going to read --
- 22 PRESIDING JUDGE SCHMITT: No, no, now I'm --
- 23 MS DIMITRI: -- paragraph 52 --
- 24 PRESIDING JUDGE SCHMITT: [15:20:49] Now I'm speaking.
- 25 First of all, I give -- people only speak in this room when I give them the floor.

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1 That's the first thing.

2 The second thing is we had this several times when a former statement and
3 discrepancy arises, not -- the former statement is not put in evidence. That is simply
4 not true. It is simply a tool to figure out what really the witness now wants to say as
5 his testimony.

6 Thirdly, not only have we a discrepancy here with -- to what the witness now said, it's
7 also a discrepancy to what he said on Friday. So there is every -- every reason to put
8 this to the witness.

9 Please continue, Mr Vanderpuye.

10 MR VANDERPUYE: [15:21:30] Thank you, Mr President. And I apologise for
11 interrupting my colleague and also the Chamber. I apologise (Overlapping
12 speakers)

13 PRESIDING JUDGE SCHMITT: [15:21:40] It was not -- Ms Dimitri also blurt out, so
14 to speak, without having the floor. That is not only, let's say, not so respectful, but
15 it's also the reason that we had -- in the past why our transcript had its problems. So
16 we really need to be -- I know tension might rise high during the course of
17 proceedings, but we have to discipline ourselves, and only one person speaks at a
18 time and only when the floor has been given to the person by the Presiding Judge.
19 So please continue.

20 MR VANDERPUYE: [15:22:14] Thank you, Mr President.

21 Q. [15:22:15] The statement that you made back in 2016 that I referred to
22 you -- referred you to at the beginning of your testimony you read and corrected.
23 And at paragraph 52 of that statement you say, I will read it in French:
24 (Interpretation) "Rombhot and Freddy told us to break their mosques if the Muslims
25 flee, but they didn't say why. Rombhot personally ordered us to attack the mosque

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1 at Boeing."

2 (Speaks English) At paragraph 53 you say:

3 (Interpretation) "I believe we attacked the mosque at about 10 a.m. on 20 December",
4 which you corrected to 5 December. "We used rocket and grenades to destroy the
5 walls of the mosque. We burned down the roof using gasoline and matches. I saw
6 people with canisters of gasoline bought in Boeing. I watched the mosque burn
7 down. Rombhot, who was the most senior Anti-Balaka, ordered us to destroy the
8 mosque. Freddy, Habib" --

9 PRESIDING JUDGE SCHMITT: [15:24:02] That's enough. That's enough.

10 MR VANDERPUYE: [15:24:04] Okay.

11 Q. [15:24:05] You've now heard what is in your statement from 2016 which you
12 corrected to reflect the date of that attack. So my question is, I'm a little confused
13 now about when you say that the Anti-Balaka didn't destroy the mosque and didn't
14 attack the mosque, how you reconcile the two, what you said in your statement and
15 what you're saying today. Do you have an explanation for it?

16 A. [15:24:55] As I said to you, it wasn't the 20th. The Boeing mosque was
17 destroyed as well as the imam home on the 5th. But the reading out which you've
18 just done, perhaps at the transcription level or the way in which it is worded some
19 problems have arisen. But what was -- the instruction that was given was that. As
20 I said, we were in the market and I'm telling you what I personally experienced.
21 The statement that you have, no, it's not completely correct. We were in the market
22 of Boeing and when we attacked, we moved forward. Fighting stopped at 10 o'clock.
23 And upon our return, we noticed that the roof and the mosque had been destroyed.
24 I said "we", and perhaps it's because of that that there is some misunderstanding and
25 confusion with the Anti-Balaka.

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1 What happened on the 5th, there was also the intervention and action of the
2 population. You know there were youths who sought refuge at the airport, who
3 spent the night there. And the next day in the morning, for example, they went out
4 to destroy and break things. And that wasn't because they were Anti-Balaka. The
5 house was destroyed. When we set out, it's true that the house was attacked by
6 rockets, but as regards the rest, it is the population, it is they who destroyed. But it is
7 not the elements who came in groups with the aim of destruction.

8 The person who had the rocket during the clash of the 5th ...

9 Q. [15:27:43] So there are a couple of questions that arise from that that I'd like to
10 pose to you.

11 PRESIDING JUDGE SCHMITT: [15:27:47] Yes, Mr Witness, you may speak.

12 THE WITNESS: [15:27:59](Interpretation) I was thinking about * the name. I was
13 thinking about * the name of the person who shot this rocket. The person who *fired
14 the rocket and threw it at the church was Alkanto. He's a soldier. I don't know his
15 * name -- but his first name is Bienvenu. He -- he's a soldier * who converted to
16 Islam. He held the rocket and threw it at the house. As regards the other houses, it
17 is the Boeing population that destroyed them.

18 PRESIDING JUDGE SCHMITT: [15:28:48] May I shortly.

19 Mr Witness, I have to say what you said and what was written -- read to you by
20 Mr Vanderpuye in this paragraph 53 is a very specific narrative with a lot of details.
21 You even say you saw the mosque burning and you said who ordered you to do that,
22 and this is full of details. And these details largely comport with what you said on
23 Friday on my question. Now you say something, have a complete different
24 interpretation. I really would appreciate an explanation for that.

25 It is a difference if the population has completely destroyed the mosque or if, as you

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1 have said on Friday and also in your statement, if it was the Anti-Balaka on orders by
2 certain persons and if you saw how the mosque was destroyed. So you recognise
3 yourself that there is a difference. So what is the right story here?

4 THE WITNESS: [15:30:40](Interpretation) Mr President, I can't answer your question.
5 You asked me several questions and I'm completely confused. I really don't know
6 what answer to give you right now.

7 PRESIDING JUDGE SCHMITT: [15:30:57] Mr Witness, then I -- I may have put
8 several questions to you but the simple question is, and I refer you again to your
9 paragraph 53, and you said there at the end: (Interpretation) "The Boeing mosque is
10 the only mosque that we destroyed."

11 (Speaks English) So we have not -- we have not been there. You have been there.
12 You -- and I think this is something very specific. And we always say it's hard to
13 remember after such a long time, but we simply want to know what is the truth.
14 According to your recollection, who destroyed the mosque?

15 Please be so kind to answer the question, Mr Witness.

16 Mr Witness, have you understood the question?

17 THE WITNESS: [15:33:25](Interpretation) I've understood. I believe I've told you
18 the truth on Friday, and the Prosecutor asked me a question and in my answer
19 I -- now I'm confused, so give me some time to think about it. You must realise that I
20 swore to tell the truth. But give me a second or two to remember some events and
21 that way I'll be in a position to tell the truth. That's what I can tell you.

22 PRESIDING JUDGE SCHMITT: [15:34:07] Okay. Mr Witness, that's absolutely
23 understandable. We give you the time. We make a short break, and please think
24 about -- yes, Mr Vanderpuye.

25 MR VANDERPUYE: [15:34:16] I don't know if there's a Rule 74 issue that obtains in

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1 the circumstance, but (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [15:34:25] No, no, no. We have -- he has -- with

3 regard to 5 December, we have the Rule 74 assurance and -- well, so this is clear.

4 So there is no problem with that, Mr Witness. And please, the question is simply,

5 what we ask you to do, please, take your time and think about how in your

6 recollection what happened to the mosque, who was involved, who gave perhaps an

7 order or not. You see what I mean? So these questions. And when we come back,

8 perhaps you can please answer that.

9 So let's say five minutes or 10 minutes. We can leave it -- but not more than

10 10 minutes. Leave it up to the witness when he feels ready to answer.

11 THE COURT USHER: [15:35:16] All rise.

12 (Recess taken at 3.35 p.m.)

13 (Upon resuming in private session at 3.45 p.m.)

14 THE COURT USHER: [15:45:50] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [15:46:14] Mr Witness, thank you for thinking about

17 that and I -- the problem is sometimes, perhaps I have to explain this to you, that in

18 such court proceedings things are repeated, questions are repeated from different

19 angles. And the best advice that I can give you is simply to stay calm and tell us

20 everything what you recall at the moment, and there is no reproach in that at all.

21 So we have given you this time, so can you answer now my question: Do you recall

22 now, picturing yourself back in time to 5 December 2013, how the mosque was

23 destroyed in Boeing? Do you recall how that came to pass?

24 THE WITNESS: [15:47:32](Interpretation) As I already told you, I told you that

25 Alkanto fired a rocket at the mosque. Alkanto was an Anti-Balaka member. He

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1 was a Christian who had converted to Islam. And gasoline was used to torch the
2 roof of the mosque, but the walls were destroyed by the civilian population.

3 PRESIDING JUDGE SCHMITT: [15:48:15] Okay. So thank you very much for this.
4 So we have here a differentiated story now.

5 Mr Witness, did anybody order Alkanto to do that, to attack the mosque? Did
6 anybody tell him, or did he do it on his own volition?

7 THE WITNESS: [15:48:45](Interpretation) Alkanto on his own initiative would not
8 have shot a rocket at the mosque. The instruction was given by the leader, the
9 commander, Yekatom. Alkanto only complied with the instructions that Yekatom
10 gave him.

11 PRESIDING JUDGE SCHMITT: [15:49:06] Did any other Anti-Balaka participate in
12 the attack or destroying of perhaps - "destroying" is perhaps better than "attack" - of
13 the Boeing mosque, before the civilian population also stepped in and participated?

14 THE WITNESS: [15:49:59](Interpretation) Yes.

15 PRESIDING JUDGE SCHMITT: [15:50:01] Okay. Thank you.

16 Mr Vanderpuye. I think we can leave that at some point in time. We have given it
17 a back and forth. We have given him time to think about it. I think at some point
18 in time we would -- if we could leave the issue. And we have now the map
19 available.

20 MR VANDERPUYE: [15:50:21] We have it.

21 PRESIDING JUDGE SCHMITT: [15:50:23] Would it shorten the whole thing, is there
22 any problem if we give it to the witness and he can -- overnight he can -- with some
23 advice what he perhaps could do --

24 MR VANDERPUYE: [15:50:35] Yeah, there's no -- there's no problem with that,
25 Mr President.

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1 PRESIDING JUDGE SCHMITT: [15:50:38] Yes, but I ask Defence specifically --

2 MR VANDERPUYE: [15:50:39] Sorry.

3 PRESIDING JUDGE SCHMITT: [15:50:39] -- if they have an issue with that. He is
4 not getting the binder with him.

5 MS DIMITRI: [15:50:49] Would you allow me to consult with my client,
6 Mr President?

7 PRESIDING JUDGE SCHMITT: [15:50:56] Why not.

8 MR VANDERPUYE: [15:51:04] I just wanted to add that I have this A3 printout.
9 The locations are marked. They're very -- it's hard to see, but hopefully the witness
10 is familiar enough with the area that he can do it anyway.

11 PRESIDING JUDGE SCHMITT: [15:51:21] Mr Witness, yes, I see you raise your
12 hand. What do you want to tell us, Mr Witness? You have the floor.
13 Mr Vanderpuye, may I have a look at it.

14 THE WITNESS: [15:51:39](Interpretation) What I would like to say is that I would
15 like to say -- I would like to say this: You see where it's written "Boeing police
16 station", during that conflict, during that fighting, that police station wasn't there.
17 The Anti-Balaka aligned themselves here and that is where they attacked from. In
18 the MINUSCA nonaggression pact, we asked that a police station and a city hall be
19 built in Boeing, and I believe that that place is the location that was used to build a
20 police station. But at that time, that police station did not exist. So here we see the
21 market and you see from here, this is where we --

22 THE INTERPRETER: [15:52:52] Correction.

23 THE WITNESS: [15:52:53](Interpretation) This is -- this is the position from which
24 the market -- the shop was attacked. There's an alley as well. This alley is there
25 now. And yes, I realise now that that alley allows you to go from Goussa market

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1 and -- from Kette-Goussa, and then you can see where you see city hall, you see the
2 roundabout, the Boeing roundabout is at the market. The red spot
3 represents -- that's the road that leads directly -- this is the road that leads to Boulata.
4 And you can see a cross that represents the Ali church. After the Ali church, you get
5 to Kokoro 2. The map reads Kokoro 2. At that time there was no one. It was
6 much more the Christians than later on -- further on, rather. All the houses were
7 destroyed, no roofs remained. So the red dot continues on towards Kilometre 5.
8 The church where we stopped, where there was no ammunition, where we had to
9 withdraw, if you continue along that road you find yourself at the Boulata church,
10 which is not shown on this map.
11 So the police station, we were posted there at night. An old man, an aged person
12 had a fence made of flowers, and from there, we were able to carry out observations.
13 And the next day, where you can see the spot, that is where we were set up, just
14 before the attack.

15 PRESIDING JUDGE SCHMITT: [15:55:35] May I shortly?

16 Well, this was very detailed, and of course if we could visualise it, it would always
17 benefit. But nevertheless, wouldn't it be enough to have maps, agreed maps, for
18 example, and then have the witness's testimony? And we know the locations that
19 the witness mentions and then we can put the dots together.

20 MR VANDERPUYE: [15:56:02] I think we can. This is an agreed map.

21 PRESIDING JUDGE SCHMITT: [15:56:05] I thought so.

22 MR VANDERPUYE: [15:56:06] And so -- and I think it would be helpful, as you
23 suggested, that he takes this hard copy to mark --

24 PRESIDING JUDGE SCHMITT: [15:56:15] We have to ask Ms Dimitri if she has any
25 problems with it.

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1 And of course the reasons, if you have problems with it.

2 MS DIMITRI: [15:56:23] Mr President, my client has no problem with it. It's not a
3 problem.

4 I have one slight -- I'm always overcautious. If he's assisted by a Sango interpreter,
5 can we make sure that no -- I mean, the idea is for him only to draw on the map, not
6 to discuss the evidence or --

7 PRESIDING JUDGE SCHMITT: [15:56:43] Absolutely.

8 MS DIMITRI: [15:56:44] Either on the phone or -- I don't know if he has access to a
9 phone. If it can be made very clear to him that the only purpose is for him to recall --

10 PRESIDING JUDGE SCHMITT: [15:56:53] Yes, yes. I think the witness
11 understands that and I -- he is in the care of the VWU, so I think there's no problem.

12 So, Mr Witness, you have heard, we have now a map in an analogue fashion. I have
13 looked at it. It's smaller than we have -- what we have now on the screen, but even
14 the Presiding Judge with his glasses can see it enough.

15 And I see the witness also has glasses to help himself.

16 So, Mr Witness, if you could perhaps take your time, when we finish the session for
17 today until tomorrow, to mark where you went, for example, with a red marker or
18 whatsoever you have. Is this possible for you to do? This would be easier for us to
19 visualise it. Do you think you could do that?

20 THE WITNESS: [15:58:05](Interpretation) Yes, I can do that.

21 PRESIDING JUDGE SCHMITT: [15:58:07] We very much appreciate this,
22 Mr Witness.

23 And, Mr Vanderpuye, perhaps you really fix it down to what you think the witness
24 should do. So we can perhaps word it in a sentence so that it is absolutely clear to
25 him.

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1 MR VANDERPUYE: [15:58:24] What I would like for him to do --

2 Q. [15:58:24] What I would like you to do, sir, is to simply indicate where you
3 started out on the map, as you can recall, and the direction that the group took in the
4 context of the attack. So from where to where and how you got there.

5 So that is what I would like for him to do. One.

6 And two, to indicate, you know, certain landmarks like -- as you have done. So
7 where is the church, where is the mosque, where is Kokoro 2, where is Dameca,
8 where is Cattin and where -- and the direction that you went. That's what I would
9 like you to do.

10 PRESIDING JUDGE SCHMITT: [15:59:12] Okay. That's quite a lot. Mr Witness,
11 really I have to apologise for that, but also we appreciate it a lot that we -- that you
12 want to undertake this exercise. But it would really help everyone because we don't
13 know the locations, and if we -- we can follow your testimony and where you went
14 with the group much better if we have this before our eyes, so to speak.

15 I think it's 4 o'clock, so we will have -- we finish for today and we continue tomorrow
16 at 9.30. And I'm absolutely sure we will have to adjust somehow, but we will see
17 that later on how we do that.

18 Thank you very much, Mr Witness, and thank you for your patience and for your
19 indulgence and for your help, of course. See you tomorrow at 9.30.

20 THE COURT USHER: [16:00:06] All rise.

21 (The hearing ends in private session at 4.00 p.m.)