

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 1 March 2022
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:21] Court officer, please call the case.
15 THE COURT OFFICER: [9:31:25] Good morning, Mr President, your Honours.
16 This is the second situation in the Central African Republic, in the case of The
17 Prosecutor versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case
18 reference ICC-01/14-01/18.
19 And for the record, we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:46] Thank you.
21 The appearances of the parties. Prosecution first.
22 MR VANDERPUYE: [9:31:51] Good morning, Mr President. Good morning,
23 your Honours. Good morning, everyone.
24 The Prosecution is represented today by Manochitra Prathaban, Yassin Mostfa and
25 myself, Kweku Vanderpuye. Good morning.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:32:02] Thank you.
- 2 And for the representatives of the victims, please.
- 3 MR FALL: [9:32:09](Interpretation) Thank you, Mr President.
- 4 The victims of the other crimes are represented today by Mr Enrique Carnero,
- 5 Orchlon Narantsetseg, Madam Evelyne Ombeni and myself, Yaré Fall. Thank you.
- 6 PRESIDING JUDGE SCHMITT: [9:32:26] I don't see Mr Narantsetseg, yet. Or is he
- 7 in the ...
- 8 MR FALL: [9:32:34](Interpretation) He was there a while ago. He was there while I
- 9 was writing something down. He didn't tell me that he was leaving the courtroom.
- 10 PRESIDING JUDGE SCHMITT: [9:32:45] No problem. So he was there and he
- 11 probably will resurface.
- 12 So, Mr Suprun, please.
- 13 MR SUPRUN: [9:32:52] Good morning, Mr President, your Honours. The former
- 14 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 15 Public Counsel for Victims. Thank you.
- 16 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.
- 17 I turn to the Defence. The Defence for Mr Yekatom, please.
- 18 MS GUISSÉ: [9:33:05](Interpretation) Good morning, Mr President. Good morning
- 19 to the Court.
- 20 Mr Yekatom is present in the courtroom. Today he is assisted by Mr Gyo Suzuki
- 21 and myself, Ante Guissé. Thank you.
- 22 PRESIDING JUDGE SCHMITT: [9:33:16] And Mr Knoops.
- 23 MR KNOOPS: [9:33:18] Yes. Good morning, Mr President, your Honours. Good
- 24 morning, everyone in the courtroom.
- 25 The Defence team of Mr Ngaïssona appears today before the Chamber with

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

- 1 Ms Marie-Hélène Proulx, Despoina Eleftheriou, Madam Chiara Giudici and Mr Ali
2 Alabdali. Mr Landry is following the proceedings from the field office. And the
3 defendant is present in the courtroom.
- 4 PRESIDING JUDGE SCHMITT: [9:33:37] Thank you, Mr Knoops.
- 5 And most importantly, of course, good morning, Mr Witness. I hope you are well.
- 6 And we welcome you again to the courtroom.
- 7 WITNESS: CAR-OTP-P-2049 (On former oath)
- 8 (The witness speaks Sango)
- 9 (The witness gives evidence via video link)
- 10 THE WITNESS: [9:34:06](Interpretation) Thank you, Mr President.
- 11 PRESIDING JUDGE SCHMITT: [9:34:09] We continue with the examination.
- 12 And just to inform the parties and participants, we cannot expect that the connectivity
13 problems that we had yesterday will be solved, so we have to live with the situation
14 as it was. We hope, of course, that it will be better today, but we have simply to be
15 patient and, yeah, also a little bit indulgent.
- 16 We continue with the examination by the Defence of Mr Ngaïssona.
- 17 Ms Proulx, you have the floor.
- 18 MS PROULX: [9:34:48] Thank you, Mr President.
- 19 QUESTIONED BY MS PROULX: (Continuing) (Interpretation)
- 20 Q. [9:34:54] Good morning, Mr Witness. How are you?
- 21 A. [9:35:05] Good morning. I'm fine. Thank you.
- 22 Q. [9:35:09] Today I will continue my examination, continuing from where we
23 stopped yesterday. Once again, I want to revisit a number of things you said last
24 Friday, particularly when talking about two persons known as Abo and Jano.
- 25 And for the record, I'm referring specifically to transcript T-100 at pages 11 and 12.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 On Friday, you provided a lot of detail on the meeting between Abo and Jano,
2 particularly relating to the fact that they had started recruiting youths together,
3 fabricating and selling *gris-gris*.

4 And so, Mr Witness, I was wondering whether at the time you had any direct contact
5 with Abo and Jano to be able to be so knowledgeable in detail about their activities, or
6 did you come by this information through various conversations in your community
7 or otherwise?

8 A. [9:36:49] I think Bossangoa is a small locality, and Bossangoa is made up of four
9 arrondissements. So when I talked about Jano and Abo, I can already say that I did
10 not have any specific contact with them. Jano was a senior person and we didn't
11 have any common interests. But if he were as young as myself, we may have been
12 friends. But he was a much older person, older than my father. Abo on the other
13 hand is someone who was not from Bossangoa, so I did not have regular contact with
14 him. But as I told you, Bossangoa is a small locality, and so that locality has less than
15 50 neighbourhoods.

16 So we were young people, and we used to share information, and there were
17 practically no secrets. And as I told you, in relation to the early days of the Balaka,
18 they were not bothering or killing people.

19 So if it happened that they killed anybody in those early stages, it could have been
20 done rather quite discreetly, because the goals changed at some point and other
21 people came into command positions. This was said over radio. And it is from that
22 time that the abuses began to be committed. I had no contact with Abo and I had no
23 contact with Jano. In fact, that's -- that's what I can say. I had no contact with them.

24 Q. [9:39:17] A short while ago I heard a Central African Republic expression which
25 I really like. So do I understand that you got this information from *radio trottoir*,

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 which is from general rumours?

2 A. [9:39:50] No. If you say that what I said is hearsay, it would mean that it is
3 meaningless. So that's my question to you. Is that what you're saying?

4 Q. [9:40:04] You said that you knew Achille Godonam as well very well. So the
5 same question for you: Did you have direct frequent contact with him and did you
6 have discussions with him at the time?

7 A. [9:40:28] Thank you for the question. When Achille Godonam was in
8 Bossangoa, his house was located in the 2nd arrondissement {PFR: (Redacted)
9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) }

13 However, we never had any discussions about the Anti-Balaka movement because I
14 wasn't interested in it. I am not Balaka and I'm not anything else. {PFR: (Redacted)
15 (Redacted)

16 (Redacted) }

17 PRESIDING JUDGE SCHMITT: [9:41:44] Perhaps we could for -- for further line of
18 questioning, if it goes in this direction, go to private session. What do you think?

19 Or can we -- can we continue in open session? We can also continue in open session
20 and do what has to be done.

21 MS PROULX: [9:42:02] I think it can remain public. I understand there was a bit of
22 a slip up, but --

23 PRESIDING JUDGE SCHMITT: [9:42:09] Okay. Yeah, okay. Then please
24 continue. Okay. Fine.

25 MS PROULX: [9:42:07] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:42:07] Thank you, Mr Vanderpuye.

2 MS PROULX: [9:42:19](Interpretation)

3 Q. [9:42:20] Witness, I do understand that you were not in direct contact with
4 Achille. Therefore, should I understand that the information you provided that he
5 received a weapon and a vehicle from Bozizé directly, that information did not come
6 from him? You obtained that information from elsewhere; is that correct?

7 A. [9:42:58] What I want to say is as follows: Is it possible for someone to drive a
8 vehicle, or in -- or a motorbike in their compound alone, or carry a weapon while not
9 being a police officer or a soldier and is going around with that in town? He had the
10 motorbike. He had the weapon. And he was mobile, moving around the city.
11 And everybody knew about it.

12 Therefore, I believe that in my -- in my thoughts, you are putting forth these
13 arguments because you are of the Defence. But this is information that was known
14 by everyone, by children and adults. Everybody knew that he had received a
15 motorbike, he had a weapon, and that he had direct contact with Bozizé. And
16 everyone in the neighbourhood knew about it.

17 Q. [9:44:04] (No interpretation)

18 PRESIDING JUDGE SCHMITT: [9:44:24] Perhaps we -- we just wait a second.
19 Perhaps we can have the English interpretation for the question.

20 THE INTERPRETER: [9:44:39] Sorry, the interpreter did not get the question,
21 Mr President.

22 PRESIDING JUDGE SCHMITT: [9:44:41] Please be so kind to repeat it, Ms Proulx.
23 The interpreter did not get your question.

24 MS PROULX: [9:44:53](Interpretation)

25 Q. [9:45:01] Witness, I think I spoke a little too quickly and the interpreters did not

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 get my question, so let me repeat the question.

2 Now, Francois Bozizé was the president at the time, and you know that at that time
3 he had an army, he had a presidential guard. And so I would like to find out from
4 you whether you know the reasons for which Francois Bozizé would have called on a
5 nurse, Mr Godonam, to defend his regime with a motorbike and a weapon.

6 A. [9:45:47] Thank you for the question. My answer will start with an example.

7 Today, the media is covering a conflict in Ukraine and the Ukrainian president has an
8 army. And there are friendly countries that are supporting him by providing
9 resources that can help him defend his country. I watched the news and heard that
10 civilians had been conscripted and some were volunteering to fight.

11 So, according to me, Bozizé, feeling that he was overwhelmed, wanted to trust or
12 assign some missions to the Anti-Balaka movement because he may have felt that the
13 army alone would not be able to stand up to the situation. That is why I make this
14 analogy with what is happening in the Ukraine. They have all the resources in the
15 Ukraine, they have an army, so why are civilians being used for the resistance
16 movement?

17 Q. [9:47:21] Last week you told us that when the Seleka arrived, Achille Godonam
18 had gone to Cameroon. At paragraph 26 of your statement you added that he
19 returned to the country when Djotodia left the presidency. So he came back to the
20 country around mid-January 2014; is that correct?

21 A. [9:48:09] Thank you. When the Seleka entered the city, Achille had already left
22 Bossangoa town. We had seen him on his motorbike called Apache, which was red
23 in colour, and he was with his daughter, whose age I don't know, but it was -- she
24 was a young girl. He took her with him as they left the town through Kaba
25 neighbourhood and headed towards the frontier or the borders with Chad.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Shortly thereafter -- and as I told you, Bossangoa is a small town. Achille at that
2 time was known by everybody. And so we got to learn that Achille had fled to
3 Cameroon. That is why I told you that everything that happened after 5 December,
4 at that time Achille was not in town and we hadn't seen ourselves for some time.
5 But then later on we found that he had returned, not to Bossangoa but to Bangui.

6 Q. [9:49:30] Do you know how long Achille stayed in Bangui?

7 A. [9:49:37] Maybe for a number of years because he came back a long time ago. It
8 is one of his neighbours who told me about it. You see, they -- he had good
9 communication with that neighbour. And that neighbour is in Chad and he is one
10 who told us that Achille had returned to the country, to the Central African Republic.

11 Q. [9:50:26] Witness, according to information available to us, Achille Godonam
12 was in prison in Cameroon from 30 January 2014. I don't know whether you are
13 aware of all of that information as well.

14 A. [9:50:57] Thank you. This is the first time that I hear this piece of information.
15 He has a sister from the same father and mother. She also was in Bowaye. Achille
16 is a native of Bowaye, which is some 60 kilometres from Bossangoa. His junior sister
17 got married to a Muslim and that Muslim is a refugee in a refugee camp in Chad
18 some 60 kilometres from the border. Some people do travel from the locality where
19 we are to that camp, and I learnt that he had returned to Bangui.

20 Now, as to how much time he had spent in prison, it's the very first time that I'm
21 getting this information from you.

22 Q. [9:52:13] Mr Witness, last week, when you were talking about Achille and the
23 others, you said that Achille had set up a headquarters in each of the neighbourhoods
24 in Bossangoa. You said they had some 50 quarters that they had been recruiting,
25 and that they had *gris-gris*, they had some potions and that they held meetings, and

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 you said that Bozizé had provided them with money.

2 So I put it to you, Mr Witness, that if that were the case, the Anti-Balaka would not

3 have been in hiding in the bushes for six months when the Seleka arrived. * But you

4 are saying that they simply fled, even though they were already very, very well

5 organised. Do you have an explanation for that, Mr Witness?

6 A. [9:53:23] I think I told you -- well, I am not here to defend neither the Balaka nor

7 the Seleka. That's not why I came here. I told you. Well, you're asking me a

8 question about something that happened, and now I am telling you what I saw

9 myself. You were not in Bossangoa. You see, you have just told me that the

10 Central Africans have an expression that -- that you like, and you mentioned *radio*

11 *trottoir*. But, yes you -- yet you were not in Bossangoa. You see, those who are used

12 to providing you with that information, those people, are they speaking, or did they

13 take the solemn declaration before this Court so that you can believe them?

14 Well, today I am here before you. You're not going to convict me of lying. No.

15 You have asked me a number of questions about the Anti-Balaka movement, and I

16 have told you that at the beginning Achille was not interested in the Anti-Balaka

17 movement. It is only -- it was Mr Jano who did not live in Bossangoa *centre* but was

18 in Ouham-Bac on the Bozoum axis some 40 kilometres away. He is the one who

19 travelled to and fro. And so there came a time when Achille abandoned his job as a

20 nurse and joined the Anti-Balaka. I saw that with my own eyes. No one told me

21 this. I wasn't told this by anyone else. And Bozizé gave him a weapon, which I

22 saw with my own eyes. So if you want to conduct your own investigations, please

23 do, and you will find out.

24 I can also mention the example of the gendarmerie company commander in

25 Bossangoa. Yes, I can do that. If he is sincere with himself, he can confirm what I

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 am saying.

2 I can also mention the example of Mr Bypo (phon), who was a prefect, a colonel in the
3 army who is now retired and who, in the meantime, became a prefect. He too can
4 confirm that Achille at the time was the leader of the Anti-Balaka towards the end of
5 Bozizé's regime. And as I have said already on Friday, Achille was the leader of the
6 Anti-Balaka in Bossangoa.

7 Now, when they learnt that the Seleka were coming, they prepared themselves, and
8 in each neighbourhood he set up Anti-Balaka groups to defend the town.

9 I told you also -- I told you about the Anti-Balaka and -- and the army, and you want
10 to know that the army is usually better equipped than the Anti-Balaka. But because
11 they could not resist an army, that is why they fell back.

12 And so my -- my point to the Defence team is as follows, or my question to you is as
13 follows: Are you trying to tell me that the Anti-Balaka movement was not a reality
14 and that I am here just to joke around? No. I don't think so. What do you think?
15 I'm asking this question to the Defence team.

16 PRESIDING JUDGE SCHMITT: [9:57:46] Mr Witness, it's understandable that -- that
17 when there are put critical questions to you that -- that you might get upset. But
18 please understand that the Defence has their own role in -- in such a procedure before
19 the law and they -- they ask these questions. So please stay calm, stay patient and do
20 exactly what you have done until now, and what you have said in your last answer.
21 Tell us what you saw, what you experienced and what information you have. And
22 when something is put to you that you think is wrong and you say, my opinion,
23 it's -- it's wrong, I have different information. And that's it, simply. And we
24 continue.

25 I have a question to you, Mr Witness, in that regard.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 When the Seleka entered Bossangoa in March 2013, what happened to the Anti-Balaka,
2 to -- to these groups that you said were set up by Achille Godonam? What did they
3 do?

4 THE WITNESS: [9:59:13](Interpretation) Thank you, Mr President. I'm sorry,
5 Mr President. Please kindly forgive me. I did not understand the role of the
6 Defence, and I thank you for those clarifications. Now I understand and I will
7 answer your question.

8 When Seleka entered on 5 December -- no, no, not 5 December. When they entered
9 the town of Bossangoa, in the morning we heard gunshots around Katanga on the
10 Bouca road. We heard those gunshots. And shortly thereafter we saw Seleka
11 elements in the city, and then we also heard people talking about it. Shortly
12 thereafter, we saw them in the city with vehicles and motorbikes.

13 Now, did they engage in any battle at the entrance to the city around Katanga? I
14 don't know.

15 Did they enter the city and at that time had combatants already fled? I -- I really
16 don't know.

17 So on that day -- from that day, nothing happened in the town. So it is only in the
18 morning that they had come into the city, and -- and that's all. That's all I know.

19 PRESIDING JUDGE SCHMITT: [10:01:01] Mr Witness, thank you for your answer.
20 And you don't have to be sorry.

21 THE WITNESS: [10:01:06](Interpretation) Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [10:01:08] Yeah, you don't have to be sorry,
23 Mr Witness. The Chamber knows how difficult it is to be a witness. So we
24 appreciate that, how difficult it is to make yourself available as a witness and answer
25 all these questions of -- from different parties and scrutinising what you're saying.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 So this is very much appreciated. And also your -- your attitude that you have
2 expressed in your last answer. Thank you very much.

3 Ms Proulx, please continue.

4 MS PROULX: [10:01:53](Interpretation)

5 Q. [10:01:53] Witness, this brings me quite naturally to the arrival of the Seleka
6 troops. If possible, I would like you to describe the appearance of the Seleka troops.
7 We have some information whereby some of them were wearing military uniforms,
8 others were in civilian attire. Can you describe the Seleka to us, please.

9 A. [10:02:40] Counsel, thank you for your question.

10 I think the Seleka were in military attire. Most of the men were in military attire,
11 military uniforms. Some of them had berets, red. Most of the berets were red.
12 Others had green berets. And some had gray turbans or yellow turbans.
13 So there were several attires, but most of them were in military uniforms. A few of
14 them were not in military uniforms, but the majority of them were in military
15 uniforms.

16 Q. [10:03:48] Did you ever see any Seleka with armbands?

17 A. [10:04:06] Are you talking about turbans? Yes, they were wearing turbans.
18 Some had turbans. Some of the turbans were yellow and other turbans were green.
19 Yes, I did see those. Yes, indeed.

20 Q. [10:04:27] The Seleka, they had *gris-gris*; is that correct?

21 A. [10:04:49] Yes, that is correct. They had *gris-gris*. Many of them had *gris-gris*.

22 Q. [10:05:06] Witness, there is an individual from your community who provided a
23 statement to the OTP.

24 For the record, document number 30 on Defence binder, CAR-OTP-2088-2146, at
25 paragraph 25.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 This individual explained that many inhabitants of Bossangoa had joined the Seleka,
2 both Muslims and Christians. Did you also observe that?

3 A. [10:05:56] Thank you for your question. I have come to this Court to tell the
4 truth. Today, we have suffered. People have died in the Central African Republic.
5 The suffering of the Central African people is a result of the actions of the Balaka and
6 the Seleka. I saw that, for the Seleka, a number of people joined the group. And it
7 is the same for the Balaka. Local inhabitants joined both groups. So that is the
8 truth and I cannot deny it. I believe that maybe I did not say this in my statement
9 because these things may have escaped my mind. I am a human being. But the fact
10 is that young people in our area joined both movements, and it is because of these
11 two movements that our relatives were killed, that our property was destroyed, and
12 we are in the situation in which we are today because of the Seleka and the
13 Anti-Balaka.

14 Q. [10:07:20] Mr Witness, when they arrived in Bossangoa, the Seleka elements
15 were blessed by Imam Naffi; is that correct?

16 A. [10:07:50] No, that is not correct. I say that it is not correct because the imam,
17 well, {ICR : (Redacted)
18 (Redacted)

19 (Redacted)}. But, please, I -- I urge you to contact the inhabitants, even the bishop,
20 they will tell you the truth. Many people -- well, he is a man of God and wherever
21 there are men of God, they do carry some measure of influence.

22 So as for the bishop, the bishop used to intervene whenever there were events
23 involving the Anti-Balaka. And as for the imam, he was a man of God and also had
24 influence and, therefore, could call for an end to the exactions. I don't think that the
25 role of the imam was to intervene in political matters. So if someone has provided

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 you with that kind of information, I think it is outright lying.

2 Q. [10:09:30] For the record, the information we are talking about is obtained from
3 the same document, document 30, paragraph 23. Now I'll move on to something
4 else.

5 Now, Mr Witness, would you agree with me that from the time they arrived in
6 Bossangoa, the Seleka were basically or practically the only authority in town? The
7 gendarmerie was dysfunctional, and so security was in the hands of the Seleka; is that
8 correct?

9 A. [10:10:21] Thank you very much. When the Seleka entered Bossangoa town,
10 even before they came in, the administration was in place, but they entered the city
11 and they took over all authority. Although there were some gendarmes and police
12 people in the town, they were no longer operational and they had sought refuge in
13 the FOMAC compound. So there was a point at which the Sangaris or the FOMAC
14 arrived, and they came with some gendarmes and policemen, if I do recall properly.
15 But at the beginning, for several months, the -- the authority of the state was absent.
16 Only Seleka was in charge.

17 Q. [10:11:28] Thank you. Now let me show you the map again, the map which we
18 looked at together yesterday, the map of Bossangoa.

19 That's document 5 in the OTP binder, CAR-OTP-2118-9140. And I would like this
20 document to be displayed for the witness. Thank you.

21 Please, would you -- yes. Okay. That's good for now.

22 Now, Witness, I would like us to talk about -- can you see the map, Mr Witness?

23 A. [10:13:14] Yes, I can see it. But it's not clear. Could you please zoom in.

24 Q. [10:13:32] I would like to start by asking you a question, and then we will see
25 what part of the plan to focus on.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 What I'm seeking to do with this map is to talk about where the Seleka bases were
2 located when they arrived in Bossangoa. An individual who was interviewed by the
3 OTP who was on ground at the time indicated that the Seleka forces had taken control
4 of the police station.

5 First of all, is that true? Did you see them at the police station? And can you
6 indicate to us where that would be located on the map, please.

7 A. [10:14:39] Thank you very much. Let me take it slowly and step by step so that
8 you can understand me.

9 Do you hear me? Can you hear me?

10 Q. [10:14:56] (No interpretation)

11 A. [10:15:02] Thank you. The Seleka, upon their arrival, occupied several
12 locations or sites. Some were at the residence of the prefect of Bossangoa. His
13 residence and office are located practically at the same level, and that was behind the
14 police station of Bossangoa. But at some point the wind destroyed the roof and he
15 moved to another residence that was then set up as an office. Some of the Seleka
16 were at the mayor's office, which is next to the prefecture that is, then there was
17 another group located in the FNEC compound, while some were stationed at the
18 police station. The Bossangoa police station is located opposite *École de la Liberté*.
19 Opposite that school.

20 But those whom I saw at the *École Liberté* -- or, rather, at the commissariat, were not
21 many in number. Most of the troops were at the prefecture, at the *mairie* or the
22 mayor's office, and then at the FNEC compound.

23 Q. [10:16:58] Mr Witness, I believe that the office where you are has shown you a
24 map of Bossangoa. I would like you to annotate or mark those locations which you
25 have identified as Seleka bases, please?

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 A. [10:17:31] Are you talking about the map that I'm looking at? Do you want me
2 to circle these locations, or what are you asking me to do specifically?

3 Q. [10:17:46] Yes, Mr Witness, I think it would be very useful for the Court if you
4 could circle those locations which you have mentioned as having been the locations at
5 which the Seleka troops were based. I think you have been provided with such a
6 map.

7 A. [10:18:16] Thank you. Okay. I'm going to circle the Seleka locations. But
8 now, you see, for the police station, there were based there, but shortly left. And
9 after the events of 5 December, they were no longer based at the police station.
10 Now, when the FOMAC arrived, they were forced to leave.

11 THE INTERPRETER: [10:18:53] Message from the Sango interpreter: The last
12 sentence of the witness was not understood by the interpreter.

13 PRESIDING JUDGE SCHMITT: [10:19:01] So how -- how is this going to unfold, this
14 procedure now? So we, I assume we -- do we see it also then on the screen, or what
15 is going on here? Help -- help an analog person, please.

16 MS PROULX: [10:19:24] Mr President, the way -- I mean, we -- we talked with the
17 Registry about this, we were told it was possible to have the witness mark the map.
18 And the map will then be, I believe, scanned at the location where the witness is and
19 sent to us.

20 PRESIDING JUDGE SCHMITT: [10:19:39] So can't -- can't we do that during the next
21 break? So it costs so much time now.

22 MS PROULX: [10:19:49] I understand. At the same time, I need to have him tell me
23 all of the locations, and I have further locations that I would like to suggest to him.

24 PRESIDING JUDGE SCHMITT: [10:19:58] Okay, so. But it -- it seems to be very
25 cumbersome procedure, but let's -- let's try it.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Mr Witness, do you feel ready to encircle all these locations? Or would you prefer to
2 do this during a break, where you have time and can think about and -- and take your
3 time and are not under the pressure of the ongoing questioning? Would you prefer
4 to do it when we have -- at 11 o'clock when we have our usual break?

5 THE WITNESS: [10:20:47](Interpretation) Thank you. I can do it now. And, by
6 the way, I think -- I think -- or I would like to ask the president, in fact, I -- I need to
7 have the map with me. I need to have it in hand. So if it's possible to have a hard
8 copy of the map, I would like to have it.

9 Well, are you asking me to put a circle around those bases where they were settled
10 and include those which they liberated, or do you simply want me to circle the bases
11 at which they were effectively resident, so to speak.

12 PRESIDING JUDGE SCHMITT: [10:21:59] That's a question for Ms Proulx.

13 MS PROULX: [10:22:05](Interpretation)

14 Q. [10:22:07] Mr Witness, what I wanted you to do is to put a circle around those
15 locations where the Seleka troops were based. You mentioned the police station,
16 FNEC, the prefect's residence, and I believe you also talked about the mayor's office.
17 So, please, could you put a circle around those locations on the map or on the plan.

18 THE INTERPRETER: [10:22:40] Says counsel.

19 THE WITNESS: [10:22:47](Interpretation) Thank you. That's what I'm doing right
20 now.

21 PRESIDING JUDGE SCHMITT: [10:23:36] Well, Mr Witness, you can tell us when
22 you are done.

23 MS PROULX: [10:23:54] Or, Mr President, maybe we simply go back to your
24 suggestion. I will just establish other locations and he can circle them at the break.

25 PRESIDING JUDGE SCHMITT: [10:24:02] Yes, if he -- if he thinks you are right, of

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 course, only. I think -- I think we should do it this way.

2 Mr Witness, please, we -- we give you the time during the break to think about it and
3 in all tranquility you can then encircle it, or is it not possible?

4 THE WITNESS: [10:24:29](Interpretation) Very well.

5 PRESIDING JUDGE SCHMITT: [10:24:30] I'm informed that we -- that we have to
6 wait for the end of the day for the document to be scanned, but that doesn't matter
7 because we continue tomorrow, so. And we have given it a try, but we -- the Court
8 does not exercise in waiting, so to speak. So, please continue.

9 MS PROULX: [10:25:02](Interpretation)

10 Q. [10:25:03] Witness, in addition to the locations that you have mentioned, there is
11 a source which holds that the Seleka had a base opposite the UNICEF. Do you
12 remember that base?

13 A. [10:25:24] Yes, that's true. However, on this map I don't see FNEC. I have
14 circled the other locations, but I'm not able to see FNEC on this map.

15 Q. [10:25:59] Yes, that's correct, Witness. I looked for it and I couldn't find it
16 myself either. But maybe you could identify approximately on the map where
17 FNEC was located.

18 PRESIDING JUDGE SCHMITT: [10:26:15] During the break.
19 Please continue.

20 MS PROULX: [10:26:27](Interpretation)

21 Q. [10:26:28] Mr Witness, another witness also indicated that for a very brief period
22 of a few days in September 2013, some Seleka elements were based at the *École Mixte*
23 *de Boro*. Do you agree with that?

24 A. [10:26:54] Thank you for the question. The *École Boro* (Redacted)
25 (Redacted). It is true that the Seleka had

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 a base there, but rather briefly. It was just a sort of a transit stop for them.
2 Now, if you are talking become the base, you should be referring to a place where
3 they remained for a while, over a number of days, over an extended period. That
4 would be understandable. But I think that when it comes to that location, they spent
5 only two days maximum.

6 Q. [10:28:04] Last question for you, Mr Witness, as to the locations where the Seleka
7 were based. According to the same individual who made a statement to the OTP,
8 Seleka also set up checkpoints, particularly at the entrance to the town, and in the
9 building of SEDIC (phon), or otherwise known as SODACA, which is the cotton
10 company. Do you remember that, Mr Witness?

11 A. [10:28:47] Thank you.

12 That base was known as SOCOCA or SOCADA, and it was also known as the *cellule*
13 *coton*. The checkpoint was at Katanga, at the entrance to Bossangoa after the bridge.
14 When we were still young, that checkpoint was already existing, and then there was
15 the gendarmerie just at the entrance when one came from Bossembélé. So there was
16 a checkpoint when one -- at the exit of Bossangoa towards the north. Then there was
17 also a checkpoint at Tamkoro, some 5 kilometres from Bossangoa. And since this
18 was far away from town, they brought it closer to the Kaba neighbourhood.
19 The Seleka themselves also set up two roadblocks, one at the entrance and one at the
20 exit. So the person who gave you that information is mistaken. It was not at the
21 SOCADA or SOCOCA. It was, rather, at Katanga.

22 Q. [10:30:13] Just to be clear and to wrap up this point, so there were no Seleka
23 troops at SODACA; is that correct?

24 A. [10:30:31] Well, when you talk about a checkpoint, it was not at the SOCOCA or
25 SOCADA, it was at Katanga, the checkpoint. So I also believe that these were rebels,

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 and we said that -- it was said over radio that the *cellule coton* was a factory and some
2 of them were there, Seleka or Balaka. And so what happens was that these rebel
3 groups would move from place to place to steal.

4 And when it comes to the checkpoint specifically, it was located in Katanga.

5 Q. [10:31:26] Thank you very much for your explanations. Now it is very clear.

6 * Would it be correct to say that the Seleka elements also occupied administrative
7 buildings in the city centre of Bossangoa?

8 A. [10:32:02] Thank you for the question. The prefecture or the residence of the
9 prefect is not a military base. Even the Seleka or regular troops which were not
10 rebels, those did not occupy the residence of the prefect or the mayor's office. But if
11 they did, well, as you said, yeah, they actually occupied the mayor's office and the
12 prefect's office. But it is not normal for a militia or a rebel group to occupy
13 administrative buildings. I am neither Seleka nor Balaka to contradict these details,
14 but I think that's the truth.

15 Q. [10:33:02] Mr Witness, the elements of the Seleka were armed; is that correct?

16 A. [10:33:21] Thank you. I understand it is your job, but of course they were
17 armed. They were armed. I think that if they had had no weapons -- well, they had
18 arms. They had motorbikes. They had vehicles. That's what happened.

19 Q. [10:33:43] Do you know what type of weapons they had? You have talked of
20 Kalashnikovs. But there were -- were there any heavy weapons, weapons mounted
21 on vehicles. Do you have any recollection of that?

22 A. [10:34:15] Thank you, counsel. I'm not a soldier. I do not -- I did not follow
23 any military training to have a mastery of weapons, but what you refer to as heavy or
24 small weapons, you may able distinguish between them. When it's small, it's small.
25 I believe that in our country, I know that it is true we have had a lot of conflicts, and

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 the most frequently used weapons were the Kalashnikov and I saw many Seleka
2 carrying Kalashnikovs. I saw a heavy weapon at the beginning.

3 When they invaded the town, I saw a vehicle on which was mounted a heavy weapon.
4 After that, I saw only Kalashnikovs and light weapons. I have not followed any
5 military training. I do not have any military knowledge, any knowledge about the
6 army, so I cannot be specific about that.

7 Q. [10:35:37] Mr Witness, I don't want to identify you, but I want to refer to where
8 you worked at that time. From your compound to your place of work, you had to
9 travel a good part of the town, through a good part of the town, so you were able to
10 come across the Seleka, to see what they were doing and who they were associating
11 with, or rather to associate with them; am I correct?

12 A. [10:36:23] Please, kindly repeat your question because I did not understand it
13 well.

14 Q. [10:36:34] Obviously, Mr Witness, I will repeat. I was simply pointing out to
15 you that from the location of your residence at the time, from your concession -- from
16 your compound to go to the location of your work, you had to cross through a good
17 part of the town each day. So while moving about at that time, you were able to
18 observe the Seleka, what they were doing, maybe even speak to them from time to
19 time. You were a witness to their daily activities; am I correct?

20 A. [10:37:19] I think that I really have to answer your questions. But to tell you
21 whether that is correct or not, I would like some -- I would like to give you some
22 explanations. When I leave from my house to where I work, it is a rather far
23 distance. I go by motorbike. I use the main road. And when you leave from my
24 house to go to my place of work, there are no roadblocks, because it is a main road,
25 and I told you that the FNEC compound was near the *liberté école* and the FOMAC

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 base was nearby. So I did not have the right or possibility to go and meet with them
2 or discuss with them. I did not have the opportunity, and I did not even have the
3 need. I did have any need to go and meet with them and discuss with them.

4 Q. [10:38:44] I would like to talk about life in Bossangoa and the vicinity during the
5 Seleka regime.

6 In your statement, paragraph 32, you stated that once the Seleka arrived, there were
7 no longer any problems. People realised that things were going on well and that the
8 situation was calm. Do you stand by that?

9 A. [10:39:40] Please kindly show me my statement so that I should be able to
10 refresh my memory on what I said precisely.

11 Q. [10:39:54] I am referring to document number 13 in the OTP list,
12 CAR-OTP-2088-2173. And it is on page 2178, paragraph 32.

13 Can you see your statement, Mr Witness?

14 A. [10:41:04] Yes. I am reading through it now.

15 I do not know whether you can hear me right now. Do you hear -- can you hear me?

16 Q. [10:42:01] I can hear you very well, Mr Witness.

17 A. [10:42:07] Thank you. In my statement it is possible, because I have told you
18 that when the Seleka entered the town, they started shooting and people were afraid.
19 There were gunshots and exchange of fire with the Anti-Balaka, which made the
20 population afraid. That was fighting between them and the Anti-Balaka or the
21 regular army. But when the fighting stopped, there were any further events, people
22 were initially afraid because of the gunfire. But as I say in my statement, after the
23 end of the explosions, the situation became calm. But I did not say that when they
24 arrived, they restored peace in the town. I simply said that, after the exchange of
25 gunfire, the town returned to calm. So there were no longer any gunshots.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 When I say that the situation was calm, I am referring to the end of the gunshots, the
2 end of -- the end of the explosions. That is the idea. I did not say that they had
3 restored peace, and that it is because they settled in Bossangoa that the situation
4 became stable and calm. No. I simply said that on that day, after the gunfire, calm
5 returned.

6 Q. [10:44:06] I would like to review with you some of the information concerning
7 the events that happened at that time under Seleka, and I want to know whether you
8 have heard of those events.

9 I would like to begin with document 6 of the Defence, CAR-OTP-2001-1870. And I
10 would like to start with page 1888. And it is a public document.

11 * What I'm showing you, Mr Witness, is a report of an NGO called Human Rights
12 Watch. It deals with several exactions allegedly perpetrated by the Seleka in the
13 Bossangoa area as of February 2013. I'll read an extract and I will put questions to
14 you later. I'll read in English and then you'll hear the interpretation:

15 (Speaks English) "Evidence indicates that Seleka fighters forced villagers out of their
16 homes in order to loot them. Some villagers reported that the attacks were designed
17 to create space for members of the Mbarara community -- nomadic pastoralists who
18 move their cattle between Chad and the Central African Republic and have recently
19 been allied with the Seleka."

20 (Interpretation) Mr Witness, did you ever hear of that alliance between the Seleka and
21 the Peuhl herdsmen in the area, that is the Mbarara Peuhl?

22 A. [10:46:53] I believe that to answer your question relating to the Seleka, I told you
23 that the Seleka were rebels. I believe that they took over the country. They took
24 over power. There were exactions, and then they left. When Mr Michel Djotodia
25 resigned in January, shortly after that, the Seleka left Bossangoa town. If they were

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 in the bushes and they created an alliance, well, you talked about Mbarara. Well,
2 Mbarara, well, the cattle is in the bushes. I lived in the town. So if they created
3 alliances in relation to transhumance, I would not be aware. I was in town. They
4 were in the bushes. When you talk about Mbarara, these were herdsmen who were
5 rearing the cattle in the bush because they could not live with their animals in the
6 town.

7 And I also think that in Bossangoa town after the events, it was difficult to find people
8 in the bushes. Because even the Peuhls who were in the bushes were compelled to
9 flee in order to seek refuge in Bossangoa centre. I do not know what was happening
10 in the bushes. I am not God to know what was happening. It is difficult to talk of
11 the alliance with the Mbarara or what the Mbarara were doing. I believe that
12 it -- there was a conflict, and it is quite difficult. It is true that I was in the locality,
13 but it was quite difficult to know what was happening a bit further away.

14 Q. (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:49:02] You were -- you were too quick. Please
16 start again.

17 MS PROULX: [10:49:11](Interpretation)

18 Q. [10:49:12] I will refer to another document, Mr Witness. It is

19 CAR-OTP-2001-3307. It is number 9 in the Defence list. And the excerpt is on
20 page 3308.

21 It is written testimony which was produced by somebody I mentioned yesterday,
22 Monsignor Aziagbia, and in that testimony the monsignor states that the Seleka forces
23 frequently attacked the villages to steal the cattle of the Christians and handed them
24 over to Peuhl cattle rearers.

25 Do you have any knowledge of that, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 A. [10:50:29] As I have just told you, during that period I was in Bossangoa centre,
2 but if somebody comes to you and tell you that the Seleka did not commit exactions,
3 that would be a lie. If somebody tells you that the Anti-Balaka did not perpetrate
4 any crimes, it is a lie.

5 Now, I was not in the bush. I was living in the town. If the acts of violence or
6 exactions were happening in the town, I could have been aware. But if the
7 monsignor is talking about that to you, it is possible that he is aware. But as far as
8 I'm concerned, I'm not here to defend the Seleka. I cannot tell you that the Seleka
9 did not commit exactions, no. I was not living in the bush. I was in Bossangoa
10 town centre. That is what I can tell you.

11 Q. [10:51:47] I would like to go back to the previous document, that is document 6
12 of the Defence list. I will summarise the excerpt, which is on page 1917 to 1920.
13 In that excerpt, it mentions an attack on the Boubou and Zere villages, and these are
14 villages that you have mentioned. And this was on 18 April 2013. * Seleka
15 elements are supposed to have shot at inhabitants indiscriminately, and burnt down
16 53 houses in Boubou and 46 houses in Zere. The inhabitants are supposed to have
17 taken refuge in the bush and some are supposed to have died because of the difficult
18 living conditions.

19 Have you ever heard of that event, Mr Witness?

20 A. [10:53:26] When we were still in Bossangoa, the Islamic population of Bossangoa
21 were there before the attack of 6 December in Zere. But I was not in Zere. Zere is
22 located 27 kilometres away from Bossangoa. I was not there. There was no
23 network there. I did not know anyone there.
24 Based on the information that reached us, there was fighting between the Balaka and
25 the Seleka. The population became afraid and fled to Bossangoa. And after that

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 there was an attack on the 6th. Well, I do not know specifically which event you are
2 talking about, so I cannot say anything, otherwise I would be lying.

3 Zere is 27 kilometres away from Bossangoa. And during that period there was no
4 network. I did not know anyone, and so I did not have any information.

5 Q. [10:54:49] Thank you, Mr Witness.

6 I will refer to an event that happened in Bossangoa, and it is document number 44 in
7 the Defence list, which is CAR-OTP-2114-0543, and specifically page 0547 and 0548.

8 It is a Facebook publication of a newspaper called the *Pays Centrafrique* of 12

9 August 2013, and this publication mentions that seven children coming from Bowaye
10 to come and write an examination in Bossangoa were abducted and killed by Seleka
11 elements.

12 Did you ever hear anything about those events, Mr Witness?

13 PRESIDING JUDGE SCHMITT: [10:56:09] Perhaps we -- we give the witness the
14 chance to read it, the portion.

15 Where is it exactly? Page 547 or what? And in the middle or -- because it's -- the
16 typo is very small.

17 MS PROULX: [10:56:31](Interpretation) You will need to scroll down a little bit.

18 The last paragraph on page 0547, and it concludes in the next page, 0548.

19 PRESIDING JUDGE SCHMITT: [10:57:48] So, Mr Witness, have you heard of such
20 an event, such a crime? Or do you have any knowledge about it?

21 THE WITNESS: [10:58:08](Interpretation) No, I have no information about these

22 crimes. If it had happened in the town, I might have been aware, but you will

23 understand that in the entrance to Bossangoa there was a roadblock. And you are

24 talking about something which was happening outside of Bossangoa, so to talk about

25 that would be difficult for me. Crimes that were perpetrated outside of Bossangoa, it

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 would be difficult for me to be aware of them.

2 PRESIDING JUDGE SCHMITT: [10:58:53] I think -- I think we'll have now the coffee
3 break and the witness has the chance to annotate and encircle during the break the
4 map that we have spoken before.

5 THE COURT USHER: [10:59:11] All rise.

6 (Recess taken at 10.59 a.m.)

7 (Upon resuming in open session at 11.32 a.m.)

8 THE COURT USHER: [11:32:38] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [11:32:59] Ms Proulx, you have still the floor. We
11 would appreciate it if we perhaps could stop, let's say, five minutes to 1, with the
12 second session I mean. And then we -- yeah? So -- because we are a little bit, the
13 judge is a little bit in a rush with their appointments, so it would be good. I remind
14 you when it comes to that point, when we are coming close to that point.
15 Please continue, Ms Proulx.

16 MS PROULX: [11:33:33] It's well noted, Mr President. I will be mindful of the time.

17 Q. [11:33:41](Interpretation) Mr Witness, I will continue from where we stopped.

18 You mentioned -- I mentioned some incidents, and you told me that you had not
19 heard about them. That is possible. But I would like to come back to something
20 you said last Friday, page 33 and 34 of the French transcript. You stated that, given
21 your position, and I will not mention the position in order not to identify you, you
22 were informed about whatever was happening.

23 Do you stand by the fact that you were informed about everything that was
24 happening, Mr Witness?

25 Can you hear me, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:35:09](Overlapping speakers) looks problematic.

2 THE WITNESS: [11:35:17](Interpretation) I understood, but not the entire thing. I
3 can only hear what you are saying very faintly.

4 MS PROULX: [11:35:31](Interpretation)

5 Q. [11:35:33] I can repeat, Mr Witness. I hope it is not the sound in your headset
6 which is too high. If that's the case, someone at that location can assist you.

7 But let me repeat my question. Last Friday you stated that, considering the position
8 that you occupied during that period in Bossangoa, you were informed about
9 everything that was happening. Do you stand by that, Mr Witness?

10 A. [11:36:17] Thank you. I think that -- well, I received information. There is a
11 difference. You have to make a distinction. I could not receive all the information
12 circulating in the bishopric. However, at the *École Liberté*, it was possible for me to
13 receive information because I was personally present there. But whatever was not
14 happening in our area or in the bush, it is possible that I could not receive such
15 information.

16 So I received information that came to our sector, but not the information from the
17 bishopric. I received information but not all information. I said it since Friday and
18 I repeated it this morning when you were putting questions to me on the Seleka. I
19 answered you about what I saw and experienced. I did not conceal anything. I am
20 talking to you about what I saw and experienced. I cannot start telling you stories to
21 which I was not a witness. I am telling you about things either at the level of the
22 Seleka or the Anti-Balaka where I was not a witness. I cannot tell you about such
23 things when I was not a witness myself.

24 Q. [11:38:21] Thank you, Mr Witness. I would like some further clarification to
25 the extent -- and to the extent possible, please be more concise in your answers

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 because we have time constraints.

2 Mr Witness, in 2018 when you met with the investigators of the OTP, did those
3 investigators ask you questions on the exactions perpetrated by Seleka, or did they
4 interview you only about the alleged crimes of the Anti-Balaka?

5 A. [11:39:11] Thank you for your question. As you know, since 2018 up till now, it
6 is about three or four years. I can no longer remember everything that happened in
7 2018. I may have made statements in 2018, but show me my statements and I will be
8 able to confirm them or deny them.

9 For the time being, I do not remember everything that happened in 2018. If the OTP
10 investigators asked me questions about the Seleka, you would be able to see it in my
11 statement. If they did not do so, it is not in the statement.

12 Now I'm in a refugee camp. I have problems of survival. So I cannot remember
13 everything that happened in 2018 between the Prosecutor and myself.

14 Q. [11:40:29] No problem, Mr Witness. I'm going to move on to something else.

15 I will go to the events of September 2013, which you talked about on Friday. You
16 talked about three attacks that were almost simultaneous on the villages of Zere,
17 Bowaye and Benzambe. I am not going to ask you to draw images on the map, but I
18 would like us to look at the Ouham sketch, document number 22 on the Defence list,
19 CAR-OTP-2075-1357 -- or, rather, 2075-1375.

20 Can this be displayed for the witness. Can you zoom in a little bit so that Bossangoa
21 can be at the very centre so that the neighbouring roads can be seen. If you can
22 scroll down a little bit.

23 Now, Mr Witness, can you see the sketch?

24 A. [11:42:28] Yes. Since Bossangoa is written in bold black letters, I can see it.

25 Now, regarding the other towns and localities, it is blurry. I cannot read anything

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 clearly, apart from Bossangoa, which is in bold black. I do not know whether
2 anyone around me can give me a hard copy of the map.

3 Q. [11:43:04] No problem, Mr Witness. It is -- this map is also as difficult as the
4 first one. I am not in a position to show you a better map.

5 THE INTERPRETER: [11:43:26] From the Sango booth: There was overlapping and
6 the Sango did not understand what the witness said.

7 PRESIDING JUDGE SCHMITT: Ms Proulx -- Ms Proulx, you have to be slower with
8 your questions.

9 THE WITNESS: [11:43:37](Interpretation) Well, in any case, *(Redacted)
10 (Redacted)

11 MS PROULX: [11:43:54](Interpretation)

12 Q. [11:43:54] Mr Witness, am I correct to say that Zere is located west of Bossangoa
13 on the road to Bouca?

14 A. [11:44:18] Yes. Zere is located on the road to Bouca, that is towards the east.
15 That is correct.

16 THE INTERPRETER: [11:44:29] Says the witness in French.

17 THE WITNESS: [11:44:37](Interpretation) And that is because the road from
18 Bossangoa to Bouca, you would find Zere about 27 kilometres from Bossangoa.

19 MS PROULX: [11:44:57](Interpretation)

20 Q. [11:44:59] Would I be correct to say that Bowaye is north of Bossangoa, about
21 70 kilometres away, almost as the crow flies to the north and above Nana-Bakassa?

22 A. [11:45:28] Yes, to go to Bowaye, it is a bit in the interior. So one could say it is
23 located towards the northeast.

24 Q. [11:45:47] And can you specify about Benzambe. Am I correct, Mr Witness,
25 that it is in the north, a little bit to the west, and almost at the same distance as Lere?

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 A. [11:46:17] No. Regarding Benzambe, * when you get to Bossangoa, you go
2 towards Tamkourou at the Bossangoa exit, and there is a roundabout there. And you go towards the
3 east, you arrive Benzambe. * And when you go towards the north, that's Lere. So from Benzambe to
4 Bossangoa, it's about 49 kilometres. * So when you arrive at the centre of Benzambe, opposite the
5 town hall, you can turn back and go west, you can continue going west to go to Bowaye. But on the
6 other hand, if you head north, you are moving towards Kakouda, Kambakota and Batangafo. And
7 when you go east, you are going towards Yoruba, and then you arrive at the Ouham river.

8 Q. [11:47:14] Thank you, Mr Witness. I'm done with geography.

9 Do you agree with me, on the other hand, that the Ouham, as the rest of the Central
10 African Republic at the time, was occupied by the Seleka forces?

11 A. [11:47:40] You know, in the Ouham prefecture, when Djotodia took power,
12 Bouca, Nana, Bouca.

13 THE INTERPRETER: [11:47:53] And a few other locations that the interpreters did
14 not catch.

15 THE WITNESS: [11:48:04](Interpretation) They are in the prefecture of Ouham.
16 And these were occupied by Seleka.

17 MS PROULX: [11:48:15](Interpretation)

18 Q. [11:48:16] Do you know where the Seleka had their base at Zere?

19 A. [11:48:22] No, I do not know. But based on what people were saying, based on
20 what the displaced people from Zere who came to Bossangoa said, these people said
21 that the Seleka had set up their base at the Zere school. I cannot confirm that. I
22 cannot say whether it is true or not. But that is what displaced people from Zere
23 said.

24 Q. [11:49:02] Do you know how many Seleka elements were in Zere?

25 A. [11:49:14] Madam, I cannot assist you on that. I have no idea.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Q. [11:49:21] No problem, Mr Witness.

2 Mr Witness, the attack of 6 September, during that attack of -- during that attack the
3 Anti-Balaka attacked Zere and they did not succeed to take Zere. This attack was
4 repulsed by the Seleka. Do you agree?

5 A. [11:49:55] On 17 September? Please cross-check your documents. I'm not sure
6 it was on the 17th.

7 Q. [11:50:08] Maybe it was poorly conveyed. I mentioned 6 September.

8 A. [11:50:21] Thank you. On 6 September, the inhabitants of Bossangoa -- well,
9 the Zere market was held every Saturday, if I'm not mistaken. Was 6 September a
10 Saturday? I am not sure. People took a vehicle to go to Zere. On their way, they
11 came across people who told them that Zere had been attacked. On that day, the
12 inhabitants of Zere who arrived Bossangoa said that the Anti-Balaka had chased out
13 the Seleka and had captured the Zere locality, that they had chased out the Seleka.
14 That is the information that we received from the inhabitants of Zere.

15 Q. [11:51:34] Mr Witness, on 6 September 2013, that was a Friday.

16 A. [11:51:47] It was a Friday. As I was saying a short while ago, I thought it might
17 have been Friday or Saturday, but I know that the weekly market of Zere was on
18 Saturday. Traders went there on Friday evening while others went there on
19 Saturday morning. All the attacks of Zere, Benzambe, and Bowaye took place on the
20 same day.

21 Q. [11:52:31] Do you know the number of civilian victims caused by the Seleka
22 during that attack?

23 A. [11:52:50] The victims of which locality?

24 Q. [11:52:57] I'm still talking about Zere, Mr Witness.

25 A. [11:53:09] For the time being, I no longer remember. Maybe you can

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 cross-check in my statement. As you are aware, I can no longer remember all the
2 details of what happened.

3 Q. [11:53:29] There's no problem. Last week you testified, and that is page 44 of
4 the French transcript, that 90 Muslims had been killed in the Zere attack.

5 Mr Witness, we have two other sources that gave us different figures. Let me tell
6 you what those two others said, and then I will put a question to you after that.

7 I'm referring to document 23 of the Defence list, CAR-OTP-2078-0132. And I don't
8 want it to be shown to the witness. And it is page 0134.

9 This person is someone who was living in your community and he said to the OTP
10 that there were less than 10 victims during that attack.

11 Now I will refer to the second source, document 29, CAR-OTP --

12 PRESIDING JUDGE SCHMITT: [11:55:03] May I -- may shortly?

13 MS PROULX: [11:55:03] Of course.

14 PRESIDING JUDGE SCHMITT: [11:55:07] What date are we talking about here?

15 Because it's -- we -- we are speaking now, if I understand you correctly, of a
16 September attack. Yeah? Am I correct, Ms Proulx? September 2013. And what
17 you put to the witness here is clearly referring to a December 2013 attack.

18 So please, please move to the other so we forget this -- this one. It's -- it's not the
19 same attack. This is misleading for the witness.

20 MS PROULX: [11:55:50] Mr President, it's true that the date given in this document
21 is wrong, but I believe we are talking about the Zere attack because this person puts
22 the simultaneous attacks of Zere, Benzambe and Bowaye. And I believe then that
23 the person had the date wrong, but that this is the same attack we're talking about.

24 PRESIDING JUDGE SCHMITT: [11:56:18] Okay. So this -- this -- whatever, there is
25 an uncertainty though. So I -- so it was not clearly misleading, so to speak, I see that.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Yeah, please then -- then put the second statement to the witness. But this is of
2 course quite some mistake by the -- the witness you -- that has been screened here,
3 frankly speaking.

4 MS PROULX: [11:56:54](Interpretation)

5 Q. [11:56:57] Mr Witness, I have a second source on that attack. Document
6 number 29, CAR-OTP-2088-1673, page 1704.

7 And this witness also talks about that attack and he mentions that the reprisals of the
8 Anti-Balaka caused nine victims. And the individual adds that the individual called
9 Bouba, which you mentioned as a victim of the attacks in Zere, was in fact an
10 accomplice of the Seleka.

11 So my first question is, Mr Witness, is it possible that the people who told you about
12 the events of Zere might have exaggerated the number of victims to you?

13 A. [11:58:18] Thank you. I think I have always been clear with you from the very
14 outset of my statement and testimony. I told you the various ways in which I
15 collected information. I told you that I'm not from Zere and I'm not from
16 Koro-Mpoko. I am from Bossangoa. There were people who went there for their
17 cattle and others went there for their businesses or traders. I know that there were
18 traders who went there for the weekly market.

19 I talked to you about the survivors who provided information to me. It was those
20 survivors who gave me information relating to the various massacres and sometimes
21 the number of dead. I was able to meet with certain victims or certain people who
22 witnessed or experienced the situation. I gave you the example of a man who had
23 three women and with whom I am in the refugee camp. Two of -- two of the women
24 were Muslims. That person was killed. But the women are still alive. This person
25 is not an accomplice of the Seleka. I know that the women and the children are still

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 alive with us. There was another called Djouli. He was burnt with his wife and
2 children. *Abdoulaye Abakar was a native of Bossangoa. He went there to trade.
3 He too was killed there. Mahamat also was killed there. He has women and
4 children in Bossangoa. He was killed there in Koro-Mpoko. I repeat, I received
5 that information thanks to the survivors.

6 So the source that you are referring to, I don't know whether that source is credible.
7 I don't know how the source collected their information, but I'm telling you that I got
8 my own information from the sources that I have talked to you about.

9 PRESIDING JUDGE SCHMITT: [12:01:10] Well, reading *Témoign 48*, I think it's
10 quite optimistic to say that we are talking about the -- the same events.
11 But Mr Vanderpuye, what do you want to ...

12 MR VANDERPUYE: [12:01:22] Well, there is - there is two things. One is that point
13 which is that it -- it doesn't appear that it's entirely clear.
14 The second thing is, and I think the witness effectively alluded to it in his answer,
15 which is the question is it possible that the information is, that he received, might not
16 have been accurate. I think it speaks for itself. Anything is possible, and it's not
17 particularly helpful. And at the end of the day, comparing his version of events to
18 another also is not particularly helpful, to the extent that the witness simply says this
19 is what I know, versus what someone else knows. And he doesn't know the basis for
20 it.

21 PRESIDING JUDGE SCHMITT: [12:02:01] Yeah, but - but -- yeah, so I would not
22 speak of a version of the witness. I would speak of the testimony of this witness, of
23 the evidence that he is giving. And what we have here is -- is a -- really, a very
24 summary, let's say, depiction of -- of a witness which is not clear what he is talking
25 about. We have to put that together. The witness has answered clearly what he

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 knows about the attack and what he knows about his sources, and we move on from
2 there.

3 Please continue.

4 MS PROULX: [12:02:47](Interpretation)

5 Q. [12:02:48] Mr Witness, in your statement you also said that the Zere mosque had
6 been destroyed during the attack of 6 September; is that correct?

7 A. [12:03:09] In my statement, I said that I had not seen the mosque. After the
8 Zere attack, I did not return there. So the information I'm giving you is information
9 that I received from inhabitants of Zere.

10 It is true that several houses were torched. The mosque, by the way, is not along the
11 roadside. Was it torched? Was it destroyed? I don't have any specific information
12 about that. The information available to me is what I got from the survivors. I
13 myself did not go to the location to see how things were.

14 Q. [12:04:10] Thank you very much for that clarification.

15 Indeed, at tab 5 of the Defence binder document CAR-D30-0008-0092, at page 0094,
16 this is an article by a European journalist who went to Zere in November 2013, and in
17 it he asserts that he observed that all the buildings had been destroyed, except the
18 mosque. So would you agree with me that the information that you received on the
19 destruction of the mosque appears to be incorrect?

20 A. [12:05:12] If the journalist saw this with his own eyes, then there's no problem
21 that I did not see it myself. You talked about the month of September, there were
22 events in September and in December. Was the mosque destroyed after those dates?
23 Only God alone knows.

24 So the first event occurred in September, and then there were others which followed.

25 So I don't know whether the mosque was destroyed in September or in December. I

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 am not able to know. Now, whether it was in 2018 or at another time, I don't have
2 any details on that point. And again, let me say, I myself did not go to that location.
3 You have mentioned that a journalist went there and has reported on the facts. That
4 is his version. I myself, I did not go there and I did not go there to see how things
5 were unfolding with my own eyes.

6 PRESIDING JUDGE SCHMITT: [12:06:18] Well, may -- I don't understand
7 some -- perhaps, you know it's difficult, of course, also for everyone who has not seen
8 these documents before, if you see them for the first time. So on page 0093, I think
9 for the record it's good to -- to notice the following sentence of this article: "Amidst
10 the rubble of the destroyed mosque of Zere, in the middle of the Central African
11 Republic, kids mock the Muslim mode of praying."
12 So there seems -- "rubble of the destroyed mosque" is on page 0093, and in November
13 it was not destroyed. So we have to put this together in -- in how far this may have
14 something to do with the testimony of the witness.
15 So it seems also to be that the mosque was at some point in time destroyed in Zere,
16 from this article, even from this article. And I see here I have to correct the ERN
17 number. It's D30-0008-0092. And of importance are 0094 and 0093.

18 MS PROULX: [12:07:55] Mr President, I was not trying to suggest that the mosque
19 was never destroyed, only that it was not destroyed at the moment that the witness
20 says it was.

21 PRESIDING JUDGE SCHMITT: [12:08:04] And the witness has said he doesn't know
22 exactly what happened and -- and when the mosque was destroyed. He has -- has
23 clearly answered that now.

24 And the witness has always made clear where his source -- where his sources were
25 coming from and he always has said when he had received information from some

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 people and from whom, and when he recognised himself something. So he has
2 differentiated clearly between his sources of information.

3 MS PROULX: [12:08:46](Interpretation)

4 Q. [12:08:48] Mr Witness, let me continue questioning you on the attack on Zere.

5 You mentioned somebody by the name of Djouli Djibrila, who allegedly was burnt

6 alive during the attack. You said that you had provided a video to the OTP in that

7 connection. You mentioned this in last Friday's transcript, T-100, at pages 40 and 41.

8 Now, Mr Witness, we tried to looked through all the material.

9 A. [12:09:36] Yes, I'm listening to you.

10 Q. [12:09:38] And we found several references to that video in the Prosecutor's

11 investigating material. I want to draw your attention to one of the references, which

12 is found at document 40 in the Defence binder, CAR-OTP-2110-0915, at page 0920,

13 paragraph 31.

14 Unfortunately, the excerpt is in English. I will explain to you what it is all about. It

15 is a UN document in which reference is made to a meeting with Seleka elements, and

16 the Seleka elements describe the video and say that the man, or the victim, and then

17 there is a part that is taken out, a very small part. I don't think that "Djouli Djibrila"

18 will fit into that space.

19 And then later on in the paragraph it is added that some other men who were met

20 later on talked about the same video, but identified the victim as being the village

21 chief.

22 So, Mr Witness, it appears to me that other persons have other versions about what

23 appears on this video. Do you agree with me?

24 A. [12:11:57] Thank you. If you have the video, please play it for me before I can

25 answer.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Q. [12:12:19] The video is not in our material, and I did not think it was necessary
2 for you to see it before you answer.

3 But with your leave, I will simply withdraw the question and move on to something
4 else.

5 A. [12:12:43] Please, don't give up your question, please. I can say something
6 about it. Don't abandon it.

7 You see, two things happened, and I want to hop back so that the Defence can
8 understand the problems in Zere. Bouba was the chief of the group in Zere. He
9 was killed and burnt within his compound. I also told you that (Redacted)

10 (Redacted) Djouli for now, well, I can say that

11 (Redacted)

12 The chief of group who was burnt alive - and I say chief of group, not village
13 chief - that he was burnt alive. But as for Djouli, he was burnt on the main road and
14 not within a house. He was thrown into a ditch and burnt alive in that ditch. So
15 those are two different situations.

16 Now everybody has watched these videos. Now why did we receive this video?

17 You see, the information that came to us at *École Liberté* was such that, when an
18 individual has a telephone with sufficient memory, they are able to record a video.

19 So I can provide you -- they can provide the video to someone else to forward to
20 someone else. So in Zere, most of the Muslims, the majority of Muslims had married
21 Gbaya women of Zere origin. So the communities were mixed and the women
22 followed their husbands.

23 There was no ethnic discrimination in Zere. So the chief in question was Chief
24 Bouba, the chief of group, not the village chief.

25 But as for Djouli, Djouli, he was burnt alive with his wife and children on the -- on the

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 road, not in his compound. So we are dealing here with two distinct situations.

2 Q. [12:15:42] Mr Witness, as I was saying, this video was very much in circulation
3 at the time, and among other things the OTP obtained some copies from people like
4 you whom they met. We were able to analyze two copies of the videos, yours and
5 another copy provided by another person.

6 And our analysis can be found in document 3, CAR-D30-0008-0087. And it's a bit
7 complex. I myself had difficulty processing this technological information, but what
8 our results point to, in summary, is that the two videos, namely, the one provided by
9 yourself and the one provided by another individual, in both cases they seem -- the
10 videos seem to have been created on 18 March 2011, well before the attack on Zere.
11 So I put it to you, Mr Witness, that it is very probable that this video has nothing to do
12 with the Zere attack and that -- but that it was broadcast at the time, and that in fact it
13 was somehow fake news.

14 PRESIDING JUDGE SCHMITT: [12:17:29] Of course, it's -- yeah, it's -- it's good to
15 put it to the -- you have to put it to the witness, it's perfectly clear. But for the
16 Chamber it's of course at the moment a little bit difficult to -- to verify that. So you
17 will -- we will have that in evidence. We will have to look it. And perhaps the
18 Prosecution will also have to say something to it. So the question that you draw out
19 of it is that you have information that the video that the witness provided the OTP
20 with, it's footage from 2011, not from September 2013.

21 When you hear that, Mr Witness, what would you say to that? To this question by
22 the Defence counsel.

23 THE WITNESS: [12:18:30](Interpretation) Thank you.

24 If you had shown me the video again, I would be able to tell you whether I am the
25 one who recorded the video or not. So I don't know which video you're talking

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 about now. Are you talking about one that I recorded myself, or about a video that
2 was recorded by someone else? I would like to know before I say anything, because
3 right now I don't know which video you are referring to.

4 PRESIDING JUDGE SCHMITT: [12:19:01] I think the witness has a fair point here,
5 frankly speaking, so ...

6 But, Mr Witness, do we understand it correctly, this video that you are speaking of, of
7 a person being burnt alive, has this been taken by yourself, or has somebody
8 provided you with this video?

9 THE WITNESS: [12:19:27](Interpretation) I am not the one who recorded the video.
10 The video was given to me by someone else, and I mentioned it in my statement.
11 However, if we are talking about the video that I handed over to the OTP, the video
12 on the person who was burnt, and you are saying that it was in 2011, I would really
13 be very surprised about that. The person in that video is called Djouli. I know that
14 person very well.

15 Now, did somebody tamper with the video? I don't -- I don't know. I know Djouli
16 and I'm not the one who recorded the video. But at the time I was in school when I
17 received the video. I know Djouli and I recognised that he was the one who was
18 being burnt.

19 PRESIDING JUDGE SCHMITT: [12:20:40] Mr Witness, when you know the person
20 and you reiterate it several times, you might also have information if in 2011 and 2012,
21 for example, he was still alive.

22 THE WITNESS: [12:21:11](Interpretation) Mr Djouli was alive in 2011, in 2012, all
23 until the events of Zere. Mr Djouli is not a member of my family. I have nothing to
24 gain from his death. I have no interest in Djouli's death.

25 So what I'm saying is that he was alive until after the Zere events. And I'm

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 wondering what benefit would I draw from -- from lying. Would I receive some
2 compensation by telling you that Djouli was killed during the Zere events? Really, I
3 don't have any interest in doing that.

4 PRESIDING JUDGE SCHMITT: [12:22:06] Please move on.

5 MS PROULX: [12:22:17](Interpretation)

6 Q. [12:22:20] Mr Witness, I would like now to talk about the attack on Bowaye, on
7 Bowaye, and you say that there was an attack on this village as well on 6 September
8 2013.

9 Mr Witness, do you know or are you aware that a few days before, on 28 August 2013,
10 Bowaye had been attacked by Seleka and taken 11 village chiefs as prisoners and only
11 left the Muslim village leaders free, and that the inhabitants of the village had to pay a
12 ransom for these people to be released?

13 Did you hear mention of any such thing, Mr Witness?

14 A. [12:23:28] Thank you. I swear before God that I was not aware of this.

15 Bowaye is some 60 or 70 kilometres away from Bossangoa. It is located along a
16 major highway. There was no connectivity, no network in Bossangoa.

17 THE INTERPRETER: [12:23:53] Interpreter corrects.

18 THE WITNESS: [12:23:54](Interpretation) So there was no connection in Bossangoa,
19 and therefore the -- Bowaye was not on a major road so that people could move freely.

20 So if I were going to tell you today that this is what happened in Bowaye, I would be
21 telling lies. So I swear before you that I am not aware of what happened in Bowaye.

22 However, the Seleka had motorbikes and vehicles and they were able to travel to
23 remote villages without anybody being aware of it. If the rebels want to attack a
24 village and kill someone, they are not going to broadcast it to the population and
25 announce that tomorrow we're going to this location to do such-and-such a thing.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 If the location is close to Bossangoa, for example, or the area where Christians or
2 Muslims lived was close to Bossangoa, it might be possible to receive some rumours,
3 some information, and what have you. But, you know, 70 kilometres is quite far
4 away and so it was difficult for us to know what was happening so far away in the
5 bush.

6 MS PROULX: [12:25:20](Interpretation)

7 Q. [12:25:20] For the record, the events I refer to are described in document number
8 8 in the Defence binder, CAR-OTP-2001-2308, at page 2325.

9 Witness, would it be correct to say that you do not know where the Seleka bases in
10 Bowaye were located and that you do not know how many Seleka elements were
11 there in Bowaye?

12 A. [12:26:11] Well, I have not been to Bowaye for more than 10 or 20 years. I don't
13 have any friend or family member in Bowaye, so I don't have any information. I am
14 not able to know what happened in Bowaye. I don't know where they might have
15 set up their base, nor do I know the number of Seleka troops that were in Bowaye. I
16 am not able to be aware of that information.

17 Q. [12:26:51] Am I therefore to understand that you did not hear about reprisals by
18 Seleka on 8 September 2013?

19 A. [12:27:10] Which locality are you referring to?

20 Q. [12:27:17] I'm still talking about Bowaye, Mr Witness.

21 A. [12:27:25] I have just told you that I was not aware. Maybe, maybe you're right
22 to be surprised about how it is that I am aware of certain things. I received some
23 information and I'm not aware of other things. But what I have told you is that
24 Bowaye is somewhat remote, and I've talked to you about people who were killed in
25 Bowaye. The events in question occurred on a market day. People had left

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Bossangoa to go to that market, and during that market event they were attacked and
2 they were victims -- and there were victims. That is how their wives and children
3 who had remained in Bossangoa were able to talk about the events.

4 So, you see, if something happened to you here today, and your relatives are in
5 France and something happens there, your relatives will be able to tell you about it.

6 But I am not able to tell you things that Seleka may or may have not done in a remote
7 location if I don't have anybody there to inform me. So it is possible that Seleka
8 would have done these types of things that you have mentioned without I myself
9 being aware of it.

10 MS PROULX: [12:28:49] Once again, for the record, the Seleka reprisals or
11 retaliations are included in document number 21, Defence binder
12 CAR-OTP-2074-0399, at page 0409.

13 PRESIDING JUDGE SCHMITT: [12:29:13] We wish you a good day and a good day
14 at another court.

15 MR KNOOPS: [12:29:19] Mr President, I will maintain the honours of the team in the
16 other court.

17 PRESIDING JUDGE SCHMITT: [12:29:23] Yeah, please do so.

18 MR KNOOPS: [12:29:25] See you tomorrow, Mr President, your Honours. Thank
19 you so much for your leave. Thank you.

20 PRESIDING JUDGE SCHMITT: [12:29:31] Yeah. Good bye.

21 MS PROULX: [12:29:45](Interpretation)

22 Q. [12:29:47] Witness, I'm sorry for the interruption, but following what you say, I
23 understand it will be the same for the Benzambe, the Koro-Mpoko and the Sadjo
24 attacks. You were not there and you do not know how many Seleka bases were
25 there and how many Seleka troops were present. Is that correct, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 A. [12:30:18] Yes, that is correct.

2 Please, I'm sorry, you mentioned Koro-Mpoko. But you see, in Bossangoa we knew
3 how people from Koro-Mpoko, Zere had come, and they had relatives in Bossangoa.
4 So as for Koro-Mpoko, I don't know whether there were Seleka there, but I did not go
5 to Koro-Mpoko myself in person to verify with my own eyes. What I know is that
6 there were Seleka elements in Bowaye, in Benzambe, but I don't know how many of
7 them were there and I don't know where their bases were set up. In fact, nobody
8 told me that there were any Seleka at Koro-Mpoko.

9 Q. [12:31:21] Mr Witness, since you were not present during any of these attacks,
10 you cannot know whether certain Muslim civilians were armed. Do you agree?

11 A. [12:31:38] That is correct. I was not there. I was not there. So I cannot know
12 that. Did they take up arms or not? I cannot know that. Only God knows. I
13 don't want to deceive you. I don't want to lie for nothing.

14 Q. [12:32:00] Last Friday, you gave a list of a certain number of victims of the
15 Benzambe attack. And I would like to ask you questions on some of those victims.
16 We carried out certain investigations and we collected information that we want to
17 tender into evidence in due course on some of those victims.

18 I will begin with Abou Khiress. You said this was one of the victims of Benzambe.
19 Do you remember?

20 A. [12:32:49] Yes, I do recall.

21 Q. [12:32:59] Mr Witness, based on the information that we were able to gather, this
22 gentleman is supposed to have died in Chad in 2004. Were you aware of that?

23 A. [12:33:21] I thank counsel for the Defence. I think this is your job. It is your
24 job to put questions to me, and I have to answer them. But I would like to say that I
25 don't want to be deceived. I don't want to be disoriented. The people who gave

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 you all that information simply deceived you. What am I -- why am I saying that?
2 The investigation that you carried out, you can understand that I do not know anyone
3 in Benzambe who can give you credible information.
4 As you know, the conflict took place in the Central African Republic between
5 Muslims and Christians. It was difficult to -- before the reconciliation, it was not
6 easy for a member of a community should give -- to give credible information about
7 the other side. There are survivors. It was not everybody who died during the
8 conflict. You have all the resources to carry out investigations. You can carry out
9 deeper investigation and discover that I am right.
10 Abou Khiress was the chief of the neighbourhood of Benzambe ever since the Bozizé
11 regime. If I am not mistaken, in 2006, when Ngaïkosset was still on duty in that
12 area - I know that you in the Court are aware - Ngaïkosset arrested and imprisoned
13 people in Bossangoa. Abou Khiress was afraid of this person. There was a
14 lieutenant of the gendarmerie called Dima, he was deployed as the sub-prefect in
15 Benz -- and it -- it is people from Benzambe who told us Ngaïkosset wanted to kill
16 Abou Khiress and that he was asking for money for him to survive. And he had to
17 flee that locality.
18 At this particular time that I'm talking to you, his children are in Chad. One of them
19 was a transporter. He is a young man, and I know him particularly. It was after
20 the change of regime, that means that when Djotodia took over power, that Abou
21 Khiress came back. During his absence, Mr Zakaria, like all the Muslims, well, came
22 back. After Abou Khiress returned, according to information, he even asked to
23 return to his position as a neighbourhood chief.
24 Sometime later, during the attack, he was able to flee with his companions. And
25 according to my source, he was killed, or he died in Chad. So the source that told

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 you that he died before deceived you.

2 Q. (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [12:37:19] (Overlapping speakers) Please start anew,
4 because the translation had -- had not finished. Please. I know, and I told you
5 when you started, don't feel under -- under pressure, because I think we -- we want to
6 get everything on the record. So take your time, please.

7 MS PROULX: [12:37:52](Interpretation) I apologise, Mr President. I cannot see the
8 interpreter opposite me, so I don't know when he finishes interpreting.

9 PRESIDING JUDGE SCHMITT: [12:38:03] No, the problem is sometimes they are
10 in -- in eyesight and sometimes they are behind you. So this could also be a
11 difficulty. Yeah.

12 Please proceed.

13 MS PROULX: [12:38:25](Interpretation)

14 Q. [12:38:26] Mr Witness, I was telling you that I have other examples to give you.
15 And when you don't agree with the information I give you, you can simply tell me
16 without going into too many details. I still have quite a few questions for you, and I
17 want us to go as far as possible before the end of the day.

18 You also mentioned --

19 A. [12:38:59] Thank you. Thank you for that observation. I have understood it
20 well and I will take it into account in my answers.

21 Q. [12:39:21] Mr Witness, still with regard to the victims of Benzambe, you
22 mentioned Yaya Zakaria. According to our information, this gentleman had joined
23 the Seleka in March 2013, and he was -- and he's living now in Kouki, 22 kilometres
24 away from Nana-Bakassa. Do you agree with that?

25 A. [12:39:57] That is a lie. It is true that he died, but his wife and children are

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 there. At the time of his death, his wife was pregnant, so this is a white lie. Since
2 you don't want me to give you details, I can simply tell you that this is a lie.

3 PRESIDING JUDGE SCHMITT: [12:40:20] No, no, no. No, no, no. This
4 is -- Defence counsel said you shouldn't give details, but when you -- when something
5 is put to you that you have probably said something wrong, you can correct it, of
6 course, with all the information that you have that could enable the Chamber to
7 decide on the matter. So we won't stop you here, from -- from the side of the judges.
8 So if you have further information about this person and about his death, you can
9 provide us with this information.

10 THE WITNESS: [12:41:03](Interpretation) Thank you.

11 {ICR: (Redacted)}

12 (Redacted)}

13 Later on she became pregnant and this gentleman did not have a lot of resources.
14 He settled in the Benzambe market to sell some goods. And during the events, he
15 was also killed. And when we arrived Chad, we heard that his wife had given birth
16 to a boy. The two children, the two boys are still there. The woman has just gotten
17 married, barely two years ago, and he has another child.

18 Yaya Zakaria was absolutely not a Seleka. If someone told you that he was a Seleka,
19 it is a lie. {ICR: (Redacted)} And since he found himself at the wrong
20 location during the events, he was killed. That is the information I can give you
21 about Yaya Zakaria.

22 PRESIDING JUDGE SCHMITT: [12:42:44] Thank you. Please continue.

23 MS PROULX: [12:42:51](Interpretation)

24 Q. [12:42:51] Mr Witness, you mentioned Defala Bourham.

25 According to our information, he is supposed to have been killed by the Seleka

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 during the summer of 2013 because he was trying to steal their cattle.

2 A. [12:43:21] That is wrong. Defala Bourham was approximately 30 years old

3 when he died. He never reached 40 years old. He was also selling goods in

4 Benzambe market. He was a native of Bossangoa. His father is still alive and he is

5 in a refugee camp in Chad. He was selling goods to another person in Bossembélé.

6 THE INTERPRETER: [12:44:06] And the Sango interpreter says he did not catch the

7 name mentioned by the witness.

8 MS PROULX: [12:44:14](Interpretation)

9 Q. [12:44:15] Mr Witness, can you mention the last name that you mentioned. The
10 interpreter did not catch it.

11 A. [12:44:32] Defala Gourhab (phon).

12 Q. [12:44:44] You also mentioned Abdelkarim Sair. According to our information,
13 during the events of Benzambe he was threatened by the Seleka for having
14 denounced the action and then he was taken away and hidden in a secure place by
15 the young people of Benzambe.

16 A. [12:45:16] In any case, I thank you very much, Defence Counsel, for this
17 information. But this is what I'm going to tell you: If you are in contact with the
18 bishop, I would like to ask you to ask all those questions to him and ask him whether
19 I am credible in my statement.

20 Abdelkarim, which -- or who you mentioned was someone less than 21 years old.

21 His father's name is Said. He went there to trade. The imam of Benzambe is called

22 Atahir Abdel Fakarun (phon). I told you that in 2006, President Bozizé paid

23 transport for him to go on a pilgrim in Mecca. He had three wives during the events.

24 And during those events, people were killed.

25 But let me point out that he was not the imam on Fridays because it was a small

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 mosque. This person had been living there for a long time. And during the events,
2 his children fled to take refuge in the bushes. And why am I telling you all that?
3 When he came back on board the vehicle of the bishop, I was one of the first
4 people -- the second person to greet him. He was in the farm of Mr Noël, if I am not
5 mistaken about the name. He was a Gbaya who was quite wealthy. He was a cattle
6 rearer. He was living peacefully with the other people. He spent three months in
7 the farm.

8 One day, the bishop went to Benzambe with a white person. When they arrived
9 there, he was taken with two women, if I'm not mistaken. One woman or two.
10 Subsequently, they returned. The bishop opened the door. They alighted from the
11 village. I greeted them and he introduced himself as the imam of Benzambe.
12 People became emotional. Some of them were crying and some were happy. You
13 can call the bishop to ask him, Monsignor Noubia Nestor (phon). You can ask him.
14 You can call him and ask for that information, and he can give you the necessary
15 information and clarification.

16 So you have to be careful of the sources who are giving you information. Thank
17 you.

18 Q. [12:48:44] I still have two names to suggest to you, and after we can break for
19 today. You mentioned Aladi Mahamat. And according to our information,
20 Mr Witness, he died in a motorcycle accident before the events of 2013. And I'm
21 talking about Aladi Mahamat, Aladi Mahamat.

22 A. [12:49:28] Now, the Aladi Mahamat that I know, I don't know any such person
23 who was involved in a motorcycle accident. The only information that I received
24 from the Benzambe survivors is the one that I gave you. Abdelkarim was born in
25 Bossangoa. He went there for trade. Yaya and Defala both are natives of

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

1 Bossangoa. All of them went there for trade. Abou Khiress is a native of
2 Benzambe.

3 But Aladi Mahamat, I'm speaking to you generally, Madam. I know the natives of
4 Bossangoa in particular and I can give you information about them.
5 Now, with regard to the others, it was the members of their families who gave me
6 information about them.

7 Q. [12:50:40] You also said that Dolé, his wife and his children, were amongst the
8 victims.

9 According to the information that we were able to gather, Mr Witness, they are all still
10 alive and Dolé is today a councillor at the Benzambe town hall.

11 A. [12:51:13] Thank you. Are you talking about Deré or Dolé? Please kindly
12 specify the name of the person.

13 Q. [12:51:27] Dolé.

14 A. [12:51:34] Dolé, Dolé. Well, because there is Dolé and then there is Deré. As I
15 have said, regarding Dolé I did not go to Benzambe. And the name Dolé is a Peuhl
16 name. I gave you information received from Benzambe. But if you are talking
17 about Deré, I can confirm to you that his wife and children were killed. He is
18 currently at a certain location.

19 I don't know why -- when you are talking to me about Dolé, adviser in the town hall.
20 How can you take a Mbororo from the bush, a Peuhl from the bush for him to become
21 a councillor at the *mairie*. It is beyond my understanding. I do not understand how
22 that can be done, take someone like that from the bush to make him a councillor at the
23 mayor's office. I leave that to your appreciation.

24 Q. [12:52:59] Thank you, Mr Witness.

25 (Speaks English) I think we can leave it at that for today.

Trial Hearing
WITNESS: CAR-OTP-P-2049

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [12:53:07] Yeah. Thank you very much, Ms Proulx.
- 2 So this is even one or two minutes --
- 3 THE WITNESS: [12:53:11] (Overlapping speakers)
- 4 PRESIDING JUDGE: [12:53:11] What did -- what did the witness say?
- 5 Okay.
- 6 Mr Witness, we conclude for today. And again, thank you very much for answering
- 7 the questions. That was more difficult than the other days. But we appreciate that
- 8 you -- that you still are ready to answer all the questions, that -- that you stay patient,
- 9 and we hope that this will also continue tomorrow.
- 10 We wish you a good rest of the day and we see each other tomorrow at 9.30,
- 11 Mr Witness.
- 12 Thank you.
- 13 THE COURT USHER: [12:53:48] All rise.
- 14 (The hearing ends in open session at 12.53 p.m.)