

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Friday, 9 September 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:06] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:24] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:29] Good morning, Mr President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.
20 The Prosecution's presence, please. Mr Vanderpuye.
21 MR VANDERPUYE: [9:32:48] Good morning, Mr President. Good morning,
22 your Honours. Good morning, everyone. Good morning, witness.
23 Today the Prosecution is represented by Maria Berdennikova, Yassin Mostfa and
24 myself, Kweku Vanderpuye. Good morning.
25 PRESIDING JUDGE SCHMITT: [9:33:00] Ms Massidda.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 MS MASSIDDA: [9:33:02] Good morning, Mr President, your Honours, everybody
2 in the courtroom. For the victims of the other crimes, appearing today
3 Mr Dangabo Moussa, Ms Evelyne Ombeni and myself, Paolina Massidda.

4 PRESIDING JUDGE SCHMITT: [9:33:15] Thank you.
5 Mr Suprun.

6 MR SUPRUN: [9:33:18] Good morning, Mr President, your Honours. The former
7 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
8 Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:26] Thank you.
10 I turn to the Defence. Ms Dimitri next.

11 MS DIMITRI: [9:33:29] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom and
13 he's represented today by Mr Florent Pages-Granier, Ms Yousra Lamqaddam,
14 Mr Jean-Michel Kola, Mr Gyo Suzuki, Ms Lena Casiez. We have Ms Anta Guissé
15 who kindly went to get a document that I forgot for my first question and she's going
16 to join us in a few minutes.

17 PRESIDING JUDGE SCHMITT: [9:33:57] Thank you.
18 Mr Knoops.

19 MR KNOOPS: [9:34:01] A very good morning, Mr President, your Honours. Good
20 morning, everyone in the courtroom. The Defence team of Mr Ngaïssona today
21 appears before the Chamber with, on my right side, Ms Marie-Hélène Proulx; my left
22 side, Ms Barbara Szmatala; on the rear left side, our two interns, Saskia Afande and
23 Brianna Dyer; in the second row in the middle -- sorry, at the left side, Ms Sara
24 Pedroso. Thank you.

25 PRESIDING JUDGE SCHMITT: [9:34:27] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 And of course good morning, Mr Witness. I hope you're feeling well today.

2 WITNESS: CAR-OTP-P-1339 (On former oath)

3 (The witness speaks Sango)

4 THE WITNESS: [9:34:40](Interpretation) Yes, I am feeling well.

5 PRESIDING JUDGE SCHMITT: [9:34:44] Then we start with the examination by the
6 Defence, as I understand it, and I also understand that Ms Dimitri will start with the
7 questioning.

8 MS DIMITRI: [9:34:56] Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:34:58] I forgot to mention of course Mr Khalil,
10 excuse me, Rule 74 counsel. My apologies. But you want to address the Chamber?

11 MR KHALIL: [9:35:12] (Interpretation) Good morning, Mr President, your Honours.
12 Thank you for giving me the floor. The witness has called me, he has a slight
13 concern, he said, how this -- how will his cross-examination unfold. I told him that
14 the Court has given guarantees last Friday and during the cross-examine period these
15 are still valid. His major concern, Mr President, your Honours, he's very worried
16 that he is "the target" of the Defence. He would like that the Rule 74 is firmly
17 respected.

18 And secondly, last Friday, he wanted to give some clarifications to the Chamber as
19 regards mobile telephones. I don't know more than that because we are in open
20 session and he forgot to give that clarification, but he would like to give it to you.
21 Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [9:36:36] I think when it comes to mobile phones
23 and things like that we go to private session. And I also will address the witness for
24 these concerns.

25 (Private session at 9.36 a.m.)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 THE COURT OFFICER: [9:36:58] We are in private session, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:37:01] Thank you.

3 Mr Witness, please, I understand your concerns and also I think anxiety is -- that is
4 perfectly normal. The Rule 74 assurances apply throughout your testimony. They
5 apply also of course when the Defence is questioning you, so you don't have to worry
6 about that.

7 You also seem to be worried how a so-called cross-examination will unfold. Of
8 course I don't know the details because it's the part of the Defence, but you have to be
9 prepared that they will put into doubt what you said. But please listen to me now
10 carefully and keep that in mind. That is the rule of the game, that's absolutely
11 normal in a courtroom because they have other interests than the Prosecution. So
12 please don't let yourself be upset if something is put into doubt what you said. Stay
13 calm and tell us the truth, like you have sworn in the beginning, and tell us
14 everything you know and then nothing can happen.

15 So have you understood what I said?

16 THE WITNESS: [9:38:24](Interpretation) Yes, I've understood fully what you've
17 said.

18 PRESIDING JUDGE SCHMITT: [9:38:27] And also the judges are also here to make
19 sure that, you know, the -- your examination does unfold in a manner that, as far as
20 possible, does not upset you. We have counsel here, I think, who also know that.
21 But please be prepared that what you have told us already will be put into doubt, but
22 that is the obligation of the Defence. I think you have understood that.

23 You also told your counsel, Mr Khalil, that you wanted to amend or say something
24 about mobile phones. I give you the opportunity now to do that, Mr Witness.

25 THE WITNESS: [9:39:32](Interpretation) Thank you very much. The Prosecution

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

- 1 questioned me last Friday -- no, no, I made a mistake. It was Thursday, I believe.
- 2 He asked me the question on the removal of telephones. I thought about this
- 3 question in the last couple of days and I remember -- that was the concern that I had.
- 4 There was a question of removing all the mobiles of the new recruits.
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 PRESIDING JUDGE SCHMITT: [9:42:22] I don't know where this -- what you're
- 19 going to say, but just to be sure, I think we should give you also a Rule 74 assurance
- 20 with regard to this event that you are now describing. I don't know what you're
- 21 going to say, but to make sure so that you don't have to worry. So the assurance is
- 22 Rule 74(3)(c) and (7) it is, yes, so that you don't have to worry what you tell us.
- 23 Please continue. Excuse me that I interrupted you.
- 24 THE WITNESS: [9:43:00](Interpretation) I have understood what you said,
- 25 Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [9:43:55] Mr Witness, do you want to have a break
7 or can we continue?

8 I would have a couple of questions on that, if I may. Can you recall when this
9 happened? Sometime in December -- you understand what I mean? Perhaps as a
10 reference point, the attack on 5 December, if we take that, was it before? Afterwards?
11 Perhaps you give it a try to give us an idea of the time frame.

12 THE WITNESS: [9:44:32](Interpretation) It was before 5 December. It was the
13 moment when we were still in the bush. We had left Kalangoi for Kpato. When
14 they killed him, because they'd surprised him by finding him with a phone, the next
15 day they ordered us to move. We left Kpato which was alongside a stream. We
16 crossed it in order to go to Gbangba. And that is the reason why we left the base of
17 Kpato.

18 PRESIDING JUDGE SCHMITT: [9:45:13] Do you know what happened later to the
19 other boy that you mentioned whose left side was partially paralysed, as you said?

20 THE WITNESS: [9:45:31](Interpretation) He was tied up with a special rope. He
21 was crying out of fear because he thought he would be killed just like his comrade.
22 So we left the base to go to Kpato. After that he was very frightened and he left the
23 group. Up to today, his left arm still remains paralysed.

24 PRESIDING JUDGE SCHMITT: [9:46:01] Thank you very much, Mr Witness. This
25 was what you wanted to add to your testimony; am I correct?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

- 1 THE WITNESS: [9:46:16](Interpretation) Yes.
- 2 PRESIDING JUDGE SCHMITT: [9:46:18] So then I give Ms Dimitri the floor.
- 3 MS DIMITRI: [9:46:29] Thank you, Mr President.
- 4 PRESIDING JUDGE SCHMITT: [9:46:30] Ms Dimitri, I know I don't have to tell you
- 5 but I do it any way. But you see we -- we take it that you conduct your examination
- 6 in a manner that you have to do, of course, but also respectful with regard to the
- 7 witness. Yes?
- 8 MS DIMITRI: [9:46:49] Of course, Mr President.
- 9 PRESIDING JUDGE SCHMITT: [9:46:50] Thank you.
- 10 MS DIMITRI: [9:46:55] May I take this opportunity to make a request. I really -- I
- 11 don't want to upset the witness, so in order to perhaps reduce the tension when I start
- 12 and when there is objections, may I suggest that if ever my learned friend objects to
- 13 one of my question and intends to refer to a paragraph of the statement or the
- 14 transcript, we kindly ask the witness or the Sango interpreting booth not to interpret
- 15 the portion that my learned friend might read out. I'm asking it now to avoid -- to
- 16 avoid heating arguments when there's objections.
- 17 PRESIDING JUDGE SCHMITT: [9:47:44] Well, but why? Mr Vanderpuye, what do
- 18 you think? Perhaps Mr Vanderpuye will not object at all. We don't know yet.
- 19 MR VANDERPUYE: [9:47:55] There is that possible. As remote as it may be.
- 20 PRESIDING JUDGE SCHMITT: [9:48:00] Yes.
- 21 MR VANDERPUYE: [9:48:01] It's not my intention to influence the witness in any
- 22 way. I think she knows that. So if there's an issue that I have to refer to the
- 23 transcript or the statement, that's not a problem. We can do it however she wants.
- 24 Thank you, Mr President.
- 25 PRESIDING JUDGE SCHMITT: [9:48:16] And also, perhaps, Mr Witness, an

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 addition to what I told you before. I think Ms Dimitri and perhaps then, via
2 objections or whatsoever, Mr Vanderpuye will go back to what you have said in the
3 past here in this courtroom or in your statement, and this is simply to clarify things.
4 So you are sitting here now. You feel quite well, as you have told us, so once such an
5 issue arises, you simply say, "Now that I'm sitting here, this is the truth and that's it."

6 Yes? Understood?

7 THE WITNESS: [9:49:06](Interpretation) Very well.

8 PRESIDING JUDGE SCHMITT: [9:49:08] Ms Dimitri.

9 MS DIMITRI: [9:49:09] Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:49:13] And I think normally things are translated
11 when somebody says something. We will handle it. I'm also here so we don't
12 change any -- any procedure, I would say. I trust everyone here in the courtroom
13 and I know your role, and I think you can really say in the past I've always
14 underscored that.

15 MS DIMITRI: [9:49:35] Thank you, Mr President.

16 QUESTIONED BY MS DIMITRI: (Interpretation)

17 Q. [9:49:49] Good morning, Mr Witness. I'd like to introduce myself. I'm
18 Mylène Dimitri, the Defence for the counsel of Mr Alfred Rombhot Yekatom. I'm
19 going to ask you a series of questions and I'm going to first explain how it's going to
20 work. As you've noticed I speak French. I know that you understand French, so
21 it's important that when I ask you a question to pause, even if you understand what
22 I'm saying, so that the interpreters can interpret the questions before interpreting your
23 answer and also to ask the court reporters to write down your messages. Do you
24 understand what I'm saying?

25 A. [9:50:38] I understand what you're saying.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [9:50:42] I will also ask you questions according to topics and I will tell you
2 when I'm going to change the topics. So they are separated, they are divided in
3 different time periods, the Seleka period, the 5th December, the period after
4 5 December. And every time I change the subject, I will tell you so that you can
5 follow me and see the objective of my question and the time frame.
6 Do you understand what I'm saying?

7 A. [9:51:23] I understand you very well, Counsel.

8 Q. [9:51:30] Now I'm going to try to ask you some questions in open session, but
9 my questions in open session are not going to identify you. They are completely
10 different. I know we'll do something different in private session, but I don't know
11 what you're going to say. So at any moment one of the answers that you give us
12 could identify you, please tell me and I'll ask the President to go into private session.
13 Do you still understand what I'm saying?

14 A. [9:52:10] I understand.

15 PRESIDING JUDGE SCHMITT: [9:52:16] Open session. Didn't you ask for open
16 session? Oh, you're not finished. I was -- I was too -- I was too quick ahead of you.
17 So please continue. My fault. My fault.

18 MS DIMITRI: [9:52:30] No, I'm sorry, Mr -- no, I was explaining to him that I was
19 going to go back from open session to closed session and that if ever we're in open, he
20 can --

21 PRESIDING JUDGE SCHMITT: [9:52:38] It was more in a generic manner. Okay, I
22 understand.

23 MS DIMITRI: [9:52:49] (Interpretation)

24 Q. [9:52:50] The last thing I'm going to say, that at a certain point in time during my
25 cross-examination, my questions will be lengthy and let me explain why. I'm going

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 to read out statements that you made, either in your written statement or during your
2 testimony, so that you can understand the context so that you can understand my
3 purpose. And after the reading I will ask you a question.

4 Do you understand what I'm saying?

5 A. [9:53:25] I still follow fully what you're saying.

6 Q. [9:53:34] My first series of questions covers the Seleka period. So well before
7 5 December. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) So my first series of questions is before 5 December.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Do you understand what I'm saying?

15 A. [9:54:36] Of course I understand.

16 Q. [9:54:40] I'm now going to ask the president to go into public session. I'm
17 going to ask you some questions (Redacted)

18 (Redacted)

19 (Redacted), then let me know and we will go into private session.

20 Is that all right?

21 A. [9:55:19] That is fine with me.

22 PRESIDING JUDGE SCHMITT: [9:55:21] So I was not so wrong that the first series
23 of questions can be addressed in open session.

24 We go now to open session?

25 MS DIMITRI: [9:55:30] Thank you, Mr President, yes.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 (Open session at 9.55 a.m.)

2 THE COURT OFFICER: [9:55:45] We are in open session, Mr President.

3 MS DIMITRI: [9:55:54] (Interpretation)

4 Q. [9:55:56] Mr Witness, do you know an individual called Ali Mahamat who came,
5 obviously, from Boeing?

6 A. [9:56:15] I know him.

7 Q. [9:56:18] Am I correct in saying that he's the son of Mahamat Ibrahim?

8 A. [9:56:33] That is the name of his father.

9 Q. [9:56:40] Is it correct that Ali Mahamat had sisters, one of them was called
10 Mariam Mahamat?

11 A. [9:56:56] Yes. They lived -- they lived next to the Boeing market.

12 Q. [9:57:22] Mariam Mahamat had two girls called Zara and Souat or Souaad; is
13 that correct?

14 A. [9:57:43] Yes. The daughter had lived with a motorbike driver who was a
15 Christian. And she had a child with him.

16 Q. [9:58:06] And am I correct to say that Mariam Mahamat passed away before the
17 events of 2013?

18 A. [9:58:28] I can't remember that detail there. You know, these events took place
19 a long time ago. I wouldn't want to risk giving you an answer. If she died before
20 the events or after the events, I can't tell you.

21 Q. [9:58:48] Am I correct in saying -- I understand that you don't know when she
22 passed away, but did she die from an illness?

23 A. [9:59:08] Are you talking about the mother of Mariam? Are you referring to
24 the mother of Mariam? If you're talking about her, then I would say that the father
25 and the mother passed away before the events. But Mariam is still living. They

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 sought refuge at the central mosque.

2 Q. [9:59:49] Thank you. We talked about the daughters Zara and Souaad. Is it
3 correct, perhaps you don't know, but do you know whether Zara is living in France?

4 A. [10:00:40] I don't know. I don't know this Zara who would be -- who is
5 reported to be in France.

6 Q. [10:00:54] And last question on your knowledge of that family: Am I right in
7 saying that Mariam, Mariam Mahamat had brothers and sisters, including Houda and
8 Awa?

9 A. [10:01:18] Yes. There was Houda and Amada. Amada was born after Mariam.
10 Those are the two persons I know. But as for the one in France, I don't have
11 information. The Mariam who would be in France, I don't have information.

12 Q. [10:01:50] Thank you. My next series of questions is about Hassan, the
13 representative of the Muslims shopkeepers in Boeing. and just to allow you to follow
14 me precisely, my next series of questions has to do with the period after the Seleka
15 came in but before the attack of 5 December. We will be talking about the attack of
16 5 December later on in my questioning, but right now I'm looking at 2013 after the
17 Seleka came in. Do you follow me?

18 A. [10:02:30] Yes, I follow you.

19 Q. [10:02:34] When you testified, when you made your statement, you mentioned a
20 shopkeeper in Boeing market named Hassan. So this Hassan that you mention, is it
21 correct that this is someone that used to go by the name of Hassan Delegue.

22 A. [10:02:58] Yes, that's him.

23 Q. [10:03:07] In your statement, paragraph 72, you say, and I will quote: "I know
24 that Hassan was a member of the Seleka." End of quote.

25 My question is, how did you know that Hassan Delegue was a member of Seleka?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 A. [10:03:36] I said that Hassan was a member of the Seleka because {ICR:
2 (Redacted)}. When the Seleka
3 elements came into Boeing, they used to stop their cars in front of his house and go
4 there for coffee. And when he was killed, we received his card as a former Chadian
5 soldier. You know, when the Seleka came into the neighbourhood, they just upset
6 the whole neighbourhood. After that, the Seleka would come in and visit and stop
7 and sit down for coffee.

8 PRESIDING JUDGE SCHMITT: [10:04:31] May I shortly?

9 It was paragraph 73, for the record. At least in my -- I think it's paragraph 73 what
10 you quoted from. You don't believe me?

11 And what about this card, are you going to -- okay. Please continue.

12 MS DIMITRI: [10:05:00] (Interpretation)

13 Q. [10:05:03] And when you say you saw his card, former soldier's card, military
14 card, am I right in saying that he was a former soldier from the Hissène Habré regime
15 in Chad?

16 A. [10:05:24] On his card it said it was a soldier, it was a military card, but I cannot
17 tell you whether he was a soldier from the time of Hissène Habré or another president.
18 I can't confirm that.

19 MS DIMITRI: [10:05:58] I'm sorry if I'm slow, Mr President. I'm following the
20 English Transcend.

21 PRESIDING JUDGE SCHMITT: [10:06:04] No, you were still looking if it was
22 paragraph 72 or paragraph 73, I think, and wanted to prove that it was 72.

23 MS DIMITRI: [10:06:14] You were right. I was wrong.

24 Q. [10:06:23] (Interpretation) Mr Witness, there was a witness that testified before
25 you who said that Hassan Delegue had self-proclaimed himself colonel within the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Seleka. Were you aware of that?

2 A. [10:06:50] Well, I -- during that time I was in Zongo and I was not aware. So all
3 I can testify is what I know. When his house was burned down, I was in Zongo.
4 When apparently he would have said he was a Seleka colonel, I was not in the
5 neighbourhood, so I cannot confirm anything about that topic.

6 Q. [10:07:25] I am going to show you a photo and I'm going to ask you whether you
7 recognise Hassan Delegeu on the photo. I note that you have a binder next to you.
8 Mine might be different, so I am going to display the photo on the screen. Tab 37,
9 Defence binder, CAR-OTP-2126-0291.

10 You will have it on your screen, Mr Witness.

11 PRESIDING JUDGE SCHMITT: [10:08:24] I think it's already there, so you can ask.

12 MS DIMITRI: [10:08:30] (Interpretation)

13 Q. [10:08:33] So, Mr Witness, can you identify Mr Hassan Delegeu on the photo on
14 the right in red?

15 A. [10:08:45] Yes, that's him. The people who are accompanying him, you have a
16 person on the right, he's the head of Boeing market. And the woman who is next to
17 him is the general rapporteur of the market. The person in a suit is the former
18 mayor of Boeing. I know all of those persons.

19 THE INTERPRETER: [10:09:40] Interpreter correction: So the person on the right
20 with a necklace is the head of Boeing market.

21 MS DIMITRI: [10:09:57] (Interpretation)

22 Q. [10:10:00] We can take the photo off the screen now.

23 If I may, I'd like you to put your knowledge of Boeing to use. Have you heard -- did
24 you hear about former soldiers who took up residence in Boeing before the Seleka
25 came in and who became shopkeepers?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 A. [10:10:34] Not at all. Even Hassan, I met him for the first time on the 5th.
2 That's when I found out he was a soldier. Before that, I did not know he was a
3 soldier. So I found out on the 5th.

4 Q. [10:11:09] My next series of questions is also about the period way before
5 December 5 when the -- so the Seleka period but before December 5.
6 You indicated that the Seleka came to park their cars in front of Hassan Delegue's
7 shop, came over to take coffee or tea with the shopkeepers. You mentioned that the
8 day before yesterday and a few minutes ago as well.

9 Do I understand -- and I'm drawing on your visual information, what you know by
10 sight, but also what you may have heard talking about this with the population in
11 Boeing or hearing about it. Am I to understand that the Seleka had relationships
12 with the shopkeepers in Boeing at the time?

13 A. [10:12:19] What I know is that sometime after their arrival, after they took power,
14 they started frequenting him. They would come over to his shop and would share a
15 cup of coffee. That's how I saw that there was a relationship. Personally, I did not
16 know he was a soldier. Now, the Seleka had a lot of Chadian soldiers amongst them
17 and I thought that those soldiers could be part of his family, perhaps.

18 But the Seleka colonel, when he came in, I was in Zongo. It's only afterwards that I
19 heard about this colonel.

20 Q. [10:13:19] Which colonel is that? Which Seleka colonel are you talking about?
21 Because you did not mention a name.

22 A. [10:13:28] Yes, but you asked me a question about Hamad (phon). I meant
23 Hassan. I meant to talk about Hassan. You told me he was a colonel and that's
24 why I'm answering that I was in Zongo when he was named colonel.

25 PRESIDING JUDGE SCHMITT: [10:13:57] So the witness took the information that

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 you gave him up and -- so the colonel that he meant was Hassan.

2 And also, Mr Witness, you know, you recall what I said before we started the

3 examination. It is really correct what you are doing in general that if you don't know,

4 you tell us and simply you provide information that you have and you're not

5 speculating. That's absolutely okay this way. Thank you.

6 Ms Dimitri, please continue.

7 MS DIMITRI: [10:14:33] Thank you, Mr President.

8 Q. [10:14:35] (Interpretation) So you also indicated that the Seleka would park in

9 front of Hassan Delegue's shop and you said, I'll quote: "When the elements of the

10 Seleka came in the neighbourhood to commit the various abuses and lootings." So

11 those acts of violence and abuse that you mention in the neighbourhood, in the area,

12 is it correct that those are cases of violence and abuse committed by the Seleka in the

13 neighbourhood, the general neighbourhood of the Boeing market? I just am seeking

14 a clarification from you.

15 A. [10:15:33] They would enter the market. When you come into the market, the

16 shops, you go past Mariam's house, you see the shop immediately. And when they

17 came in, that's where they would stop. When they would enter the neighbourhood

18 and shoot in the air to disperse people before looting, they would stop there.

19 That's -- they would make a stop there. That's all I was trying to say.

20 Q. [10:16:10] Thank you, Mr Witness.

21 Now, for the court report, things need to be clear. So when you say "they", when

22 they came in the neighbourhood and they fired shots in the air in order to disperse

23 people, we are talking about the Seleka?

24 A. [10:16:38] Yes. At that time the Anti-Balaka weren't there yet. It's the Seleka

25 that were shooting and there were many of them, that's why I said "they" in the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 plural.

2 PRESIDING JUDGE SCHMITT: [10:16:52] If I may, Mr Witness. When you speak
3 of pillaging, did they -- what did they pillage? Did they pillage on the market or did
4 they pillage private houses? If you know, if you became aware of.

5 THE WITNESS: [10:17:15](Interpretation) They would fire shots in the air. People
6 would disperse out of the market. They would break down the doors of houses.
7 They would leave with televisions, they would take televisions or other objects.
8 People who owned precious objects were the main targets, and the Seleka would
9 pillage everything.

10 PRESIDING JUDGE SCHMITT: [10:17:44] Thank you, Mr Witness.

11 MS DIMITRI: [10:17:51] (Interpretation)

12 Q. [10:17:56] From the information in the case file and the investigation by my
13 colleagues, I got the information that Hassan Delegeue gave information to the Seleka.
14 He was sort of an informant for the Seleka. Did you know that?

15 A. [10:18:37] I said that when they came in, they would park in front of his shop, so
16 there was necessarily a relationship between them. That's why they came to park at
17 his shop before leaving. If there had been no relationship, they wouldn't have come
18 there and talked with him, chatted with him.

19 You know, there are several Muslims in Boeing market, so why did they not stop at
20 other Muslims' shops? It was only his. Every time they came, they would stop in
21 front of his shop, chat with him before going their way.

22 Q. [10:19:28] And you mention a relationship between Hassan Delegeue and the
23 Seleka. Did -- do you know whether Hassan Delegeue used that relationship to
24 threaten people in Boeing?

25 A. [10:20:20] What I know is that Mariam's daughter -- no -- yes, Zara, had a child

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 with a Christian before I left for Zongo. So she had a child with a Christian. She
2 called the Seleka who came in to take the child, tied him up because they considered
3 he was an enemy and they hit him, they beat him. Now, you know that love for
4 your spouse is very strong, so he came back -- she came back to tell the Seleka that if
5 they were planning to kill her husband, they should kill her instead. She would
6 prefer that. Now, the moto-taxi driver's name was SS. That's what I know.

7 Q. [10:21:23] Do you know or are there other -- are there other cases that you heard
8 about concerning Hassan Delegue or other shopkeepers in Boeing who would have
9 been involved in treason vis-à-vis some individuals, i.e., this person here has a lot of
10 money, this person there is a FACA. I'm not sure if you understand my question?

11 A. [10:22:28] When the Seleka came in to pillage Boeing neighbourhood, they went
12 through him, they would speak to him. I didn't understand Arabic. They spoke
13 Arabic together. They could show -- or he may have shown houses belonged to this
14 or that person, but I didn't know what he was talking about. They are the ones that
15 chose the houses ultimately to loot. I'm not God. I can't know what they were
16 saying fully.

17 PRESIDING JUDGE SCHMITT: [10:23:07] I think the witness has given the
18 information in that regard and of course -- well, you have other information,
19 obviously, and this would have to somehow be combined, added up, whatsoever,
20 evaluated. Please, I think you can move to another issue.

21 MS DIMITRI: [10:23:39] Mr President, I'm moving on in relation to the discussions
22 that the Seleka might have had with Hassan Delegue, but I still have two or three
23 questions that are a bit different, but still on him just to see if he knows, if that's okay.

24 PRESIDING JUDGE SCHMITT: [10:23:57] I would be surprised if he had further
25 information, because the witness is absolutely clear what he has seen and he does not

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 speculate. But of course let's hear the questions. And I think from the answers you
2 will also detect if you can move on.

3 MS DIMITRI: [10:24:15] Yes. Thank you.

4 Q. [10:24:17] (Interpretation) So we're still talking about the period before
5 5 December under the Seleka. Did you hear that Hassan Delegue would have
6 caused the death of a number of civilians?

7 A. [10:24:43] You mean the events before December?

8 Q. [10:24:49] Yes.

9 A. [10:24:51] No, I don't know about that at all because I was in Zongo.

10 Q. [10:24:59] In your statement you mention the fact that after Hassan Delegue's
11 death, the population started looting his store and I am -- I don't want to talk about
12 5 December now, Mr Witness. We will address that much later in your testimony
13 here. Do you agree with me that the Boeing population was very angry towards
14 Hassan Delegue and the shopkeepers?

15 A. [10:25:43] That's the truth, but I'm here before you today and (Redacted) against
16 him because what he was doing was not right. He was collaborating with the Seleka.
17 {ICR: (Redacted)} So I can't really like him.

18 Q. [10:26:13] And *does this anger explain why on 5 December the population
19 rushed towards the Boeing market after the attack? *Is that why the population
20 came and rushed towards the Boeing market?

21 A. [10:26:48] I'm not sure I understand your question. Could you repeat it, please.

22 Q. [10:26:55] Well, I have to say I didn't understand it myself. I agree with you.
23 I'll reformulate it. So you mentioned that anger, {ICR: (Redacted)}
24 against Hassan Delegue. From what you

25 heard, from your conversations with others, is it that anger by the population against

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Hassan Delegeu -- does that anger explain -- was that the triggering factor for the
2 population rushing in to Boeing market after the attack on the market? And I'm
3 talking about the civilian population.

4 A. [10:27:50] Yes, it's possible that that was the reason. Since he was already dead,
5 well, it was normal for his property to be looted. You know, the population had
6 some resentment towards him and that --

7 THE INTERPRETER: [10:28:06] Correction.

8 THE WITNESS: [10:28:07](Interpretation) Towards those people, and that he is why
9 some Muslims were in fact victims of this situation that was caused by the Seleka but
10 that they were not a party to.

11 Q. [10:28:20](No interpretation)

12 PRESIDING JUDGE SCHMITT: [10:28:22] May I shortly, please.

13 MS DIMITRI: [10:28:23] Sorry.

14 PRESIDING JUDGE SCHMITT: [10:28:26] I think there is -- "*été victimes de cette*
15 *situation, innocemment*", it was said. So the interpretation in English this
16 "*innocemment*" was not captured. Excuse me for interrupting so quickly, but, yes,
17 please. It's always good to have both working languages in the right transcript.
18 Please continue.

19 MS DIMITRI: [10:28:55] (Interpretation)

20 Q. [10:28:57] I'm going to change topics, Mr Witness. I'm no longer going to talk
21 about Hassan Delegeu but I will be talking about the other shopkeepers in Boeing.

22 And we're still talking -- referring to the Seleka period.

23 Paragraph 73 of your statement you say that a number of shop owners supported the
24 Seleka, some of the shop owners were supporting the Seleka. So I want to clarify
25 that. You were saying "some of the shop owners". Are you referring to some of the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 shop owners in the Boeing market?

2 A. [10:30:03] The shopkeepers in Boeing market were represented by Hassan and
3 since he committed the act, that is why I refer to "some of the shop owners".

4 PRESIDING JUDGE SCHMITT: [10:30:21] If I may. When you say "some of the
5 shop owners", so, to your knowledge, were all the shopkeepers members of the
6 Seleka?

7 THE WITNESS: [10:30:46](Interpretation) I spoke about shop owners. I didn't
8 speak about Seleka. Hassan was the representative of the shop owners. They
9 usually met with the shop owners to have tea together and chat. I am not aware of
10 their discussions, the discussions Hassan had with the other shop owners. I talked
11 about shop owners.

12 PRESIDING JUDGE SCHMITT: [10:31:16] Okay. Thank you.
13 Ms Dimitri.

14 MS DIMITRI: [10:31:24] Mr President, if I may have just one moment before I jump
15 to my other subject. Thank you.

16 PRESIDING JUDGE SCHMITT: [10:31:31] Of course.
17 (Counsel confers)

18 MS DIMITRI: [10:31:56] Thank you, Mr President.

19 Q. [10:31:58] (Interpretation) Mr Witness, I'm still talking about the Seleka period.
20 I'm going to tell you when we change time frame. I'm going to talk about the Seleka
21 in general, the civilians who joined the Seleka. I'm going to mention some names.
22 I think you know them rather well, shop owners who self-proclaimed themselves as
23 colonel or others in the Seleka and they came from the Boeing neighbourhood and
24 were known by a large part of the population. So that's the aim of my next topic.
25 Do you follow me?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 A. [10:32:53] I am following you very well.

2 Q. [10:32:57] Prime Minister Tiangaye came in front of the court and said that as
3 regards the Seleka, that gradually as they became closer to Bangui - we're talking
4 about March 2013 - that number of Seleka swelled considerably and when they came
5 to power, others joined as well. And that the Seleka were two or three times more
6 numerous in March 2013. The prime minister, Tiangaye said civilians of the Central
7 African Republic joined the ranks of the Seleka.

8 My question is as follows: Did you notice, either personally, directly or through
9 word of mouth, because you heard it said that many Central African civilians joined
10 the Seleka ranks and thereby doubling or tripling their numbers before *5 December?
11 *In Boeing, Cattin, Boulata?

12 A. [10:34:19] Yes, I was aware of this. Even in Boeing there was a young person
13 called Satou Satou, just behind the school of Kpangaba. This youth joined the Seleka.
14 Even in one of my statements {ICR: (Redacted)}.

15 I can confirm that many
16 Christians joined the Seleka ranks.
17 Even the lieutenant Davi who I talked about yesterday, I said that he was Seleka
18 before joining the Yekatom group. He was in the Seleka group. I don't know what
19 he did there. They tied him up and they damaged his -- or injured his right arm.
20 That's why he fled and joined the Yekatom group.

21 Q. [10:36:08] Are you talking about Davi Yekatom who we saw with the blue
22 T-shirt?

23 A. [10:36:18] Yes.

24 Q. [10:36:19] Amongst the civilians who joined the Seleka ranks, can you
25 remember -- I'm going to ask you to try and jog your memory. Do you know

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 someone who was called Bichara, Bichara who used to sell shoes and he was a trader
2 in Cattin?

3 A. [10:36:43] Bichara, no, he didn't live in Cattin. He lived in Kina. I know him
4 well. He sold shoes. Yes, I know him. He -- yes, I know also somebody who was
5 called Abatom. I know him as well.

6 Q. [10:37:19] We go back to Abatom, that's part of my next subject, but I want to
7 talk about Bichara so that the judges understand. Do you agree that Kina is just next
8 to Cattin?

9 A. [10:37:42] That is correct.

10 Q. [10:37:45] And am I right in saying if you take the main dirt road who goes to
11 PK5, you pass Cattin and then Kina, if you go in the direction of PK5?

12 A. [10:38:05] Yes. When you arrive at the football pitch, if you're coming from
13 Cattin, you will, on the right-hand side, see this road which leads to Kina and a
14 school.

15 Q. [10:38:31] And the football pitch, I'm perhaps mistaken but I'm going to try, is
16 that Sagbado?

17 A. [10:38:41] Yes, that is the name of the football pitch, Sagbado. {ICR:
18 (Redacted)}.

19 PRESIDING JUDGE SCHMITT: [10:38:55] Mr Vanderpuye.

20 MR VANDERPUYE: [10:38:56] We might consider going into private session.

21 PRESIDING JUDGE SCHMITT: [10:39:01] Well, yes, okay, then -- you have your
22 reasons obviously.

23 (Private session at 10.39 a.m.)

24 THE COURT OFFICER: [10:39:33] We are in private session, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:39:35] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Mr Vanderpuye, I assume because it's so detailed with the locations and so I
2 understand.

3 Also, I can address this openly, the witness mentioned a couple of mention ago the
4 (Redacted) Yes?

5 Okay. So that we don't -- we can agree on that, I think.

6 Ms Dimitri.

7 But it might very well be that if you are finished with the locations that we can go
8 back to open session, but Mr Vanderpuye is right, I think.

9 MS DIMITRI: [10:40:12] No, I agree. He just mentioned that (Redacted)

10 So I have no issue with that. But now I'd like to continue talking about Bichara and
11 then Abatom and others. My questions are framed in such a way that we could
12 remain in public session with your leave.

13 PRESIDING JUDGE SCHMITT: [10:40:30] Yes. Yes, yes, but it was good to go back
14 to private session to address these issues, so that's why.

15 And then these both things will be redacted, Mr Witness, so no problem. It will not
16 be publicised and nobody can hear it outside.

17 Go back to open session.

18 (Open session at 10.40 a.m.)

19 THE COURT OFFICER: [10:41:00] We are back in open session, Mr President.

20 MS DIMITRI: [10:41:08] Thank you.

21 Q. [10:41:10] (Interpretation) Mr Witness, I'm going to show you photos. It's
22 going to appear on your -- and it's tab 9, CAR-D29-0010-0005. I'd like to know
23 whether you recognise the person on the photo.

24 PRESIDING JUDGE SCHMITT: [10:41:47] I think the tab escaped my attention.
25 Could you please repeat it for me.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 MS DIMITRI: [10:41:53] Yes, of course, Mr President. It's tab 9.

2 PRESIDING JUDGE SCHMITT: [10:41:54] Thank you.

3 MS DIMITRI: [10:41:57](Interpretation)

4 Q. [10:41:57] Do you recognise him, Mr Witness?

5 A. [10:42:03] Yes, I recognise him.

6 Q. [10:42:07] Is this Bichara?

7 A. [10:42:10] Yes, that is him.

8 Q. [10:42:22] You can take the photo from the screen. Thank you.

9 Is it correct that when the Seleka arrived in 2013, Bichara self-proclaimed himself
10 soldier, he started wearing a uniform with the ranking of colonel and moved around
11 with armed elements?

12 A. [10:42:50] Yes, it was like that. He moved around with many elements in his
13 vehicle. I know him because he was the former president of the supporters of the
14 Fatima team. After that, everybody hated him.

15 Q. [10:43:20] Can you explain, after what he did, everybody hated him. What did
16 he do?

17 A. [10:43:35] You see, Bichara was -- was aggressive. He did a lot of bad things.
18 Despite the fact that he learned to live with Christians, he behaved badly at a certain
19 point in time.

20 Q. [10:44:09] You said that he moved around with his vehicle with a lot of armed
21 people. Am I correct in saying that he installed himself and was close to the border
22 of Cattin, Kina?

23 A. [10:44:42] When the Seleka shot in Boeing, Bichara was part of the group.
24 When the Seleka came with eight vehicles, there was also the Bichara vehicle and also
25 the vehicle of Abatom. They were part of the elements that shot. They moved

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 around towards Kilometre 5, towards Cattin, towards Fatima. They moved around
2 in neighbourhoods which they knew very well. So you see, residents who were near
3 his vehicles were scared. They had heads of the horns and they hit the people who
4 were alongside the road. And if it hit them in the head, it could also affect the
5 passers-by, to the point they lost consciousness. This person was really blood
6 thirsty.

7 PRESIDING JUDGE SCHMITT: [10:46:00] Mr Witness, do you think it would be
8 good for you to have a break? Can we do that? I think we do that. How -- it's
9 difficult, you know, and we are not in a hurry. We can cope anyway. So let's have
10 a longer coffee break, I think, until 11.30.

11 Mr Witness, we hope very much that you will be then able to continue in the same
12 manner, calmly, like you did until now.

13 THE COURT USHER: [10:46:34] All rise.

14 (Recess taken at 10.46 a.m.)

15 (Upon resuming in open session at 11.31 a.m.)

16 THE COURT USHER: [11:31:37] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [11:31:57] Ms Dimitri.

19 MS DIMITRI: [11:31:58] Thank you, Mr President.

20 Q. [11:32:05] (Interpretation) Mr Witness, I hope that you feel better. And I
21 unfortunately have to continue with my questioning. And if at any other time you
22 need a break, please do not hesitate to tell us. Thank you.

23 A. [11:32:36] All right. Thank you. Please, I apologise. {ICR: (Redacted)}

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)). I do apologise.

4 PRESIDING JUDGE SCHMITT: [11:33:21] Are we in open session? Okay. Then
5 we know it.

6 Well, we go to private session first.

7 (Private session at 11.33 a.m.)

8 THE COURT OFFICER: [11:33:37] We are in private session, Mr President.

9 PRESIDING JUDGE SCHMITT: [11:33:41] Mr Witness, you don't have to excuse
10 yourself for anything. This is only -- your reaction is only human. I wanted to tell
11 you that. So when you need a break, for whatever reason, as also Ms Dimitri has
12 said, raise your hand and we will give you the break. Yes? Thank you.

13 Ms Dimitri, can we continue in open session, then, perhaps, or we stay in private
14 session?

15 MS DIMITRI: [11:34:05] Mr President, if I could just elaborate this -- his answer and
16 then we can go back --

17 PRESIDING JUDGE SCHMITT: [11:34:13] I -- actually I would also -- yes, I fully
18 understand that you want to elaborate on that, so please do that.

19 MS DIMITRI: [11:34:20] Thank you, Mr President.

20 Q. [11:34:23] (Interpretation) So, Mr Witness, as the President was saying, you do
21 not have to apologise. I understand fully. But unfortunately I do still need to
22 continue talking about Bichara.

23 Do I understand that when you say that amongst those killed there was (Redacted)
24 am I to understand that Bichara is responsible for the death of several civilians?

25 A. [11:35:08] Yes. (Redacted) Bichara very well

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 from the area where he sold. Was there a specific issue, I don't know, (Redacted)

2 (Redacted)

3 Q. [11:35:34] Mr Witness, in 2013, right after the Seleka came in, did Bichara set up
4 a small base with his elements at the border between Cattin-Kina? When I'm talking
5 about a base, I'm not talking about a huge formal military base, but do we agree that
6 in a small location, maybe residential or other, at the Cattin-Kina border, did he set up
7 a base where he had his elements and that he left from to commit the violence and
8 abuses and killings against the population -- civilian population?

9 A. [11:36:30] Yes. He -- it was impossible to walk past his property because there
10 were several Seleka protecting his property. But in the sector where he lived, well, it
11 was difficult to go through it easily.

12 Q. [11:37:02] Thank you. And do you have an idea of the number of men that
13 Bichara had, the number of soldiers under his command, under his authority?

14 A. [11:37:26] No. I wasn't very close to him. I can't know the number of men
15 under him, but he had at least two vehicles where there were elements under his
16 command. But I can't give a number.

17 Q. [11:37:51] And am I right to say that Bichara's victims, the many people that he
18 killed or harassed, were namely people from Boeing and from Cattin, from among the
19 population of Boeing and of Cattin?

20 A. [11:38:18] Yes, I think that he committed his violence and abuse in the sector
21 going through to -- all the way to Boeing, including all the way to Fatima.

22 MS DIMITRI: [11:38:30] Mr President, I completely forgot that we could go back to
23 public session, open session.

24 PRESIDING JUDGE SCHMITT: [11:38:36] Yes. Well, but, you know, the one or
25 two follow-up questions would have to be asked in private session.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 We go back to open session now.

2 (Open session at 11.38 a.m.)

3 THE COURT OFFICER: [11:38:57] We are in open session, Mr President.

4 MS DIMITRI: [11:39:03] Thank you.

5 Q. [11:39:06] (Interpretation) If I suggest to you that Colonel Bichara had bought
6 many weapons and had brought them to Bangui and distributed them to the Muslims,
7 is that something that you've heard about?

8 A. [11:39:40] No, I haven't heard talk about this.

9 Q. [11:39:50] Do you know whether Colonel Bichara would come to Boeing market
10 to encourage shopkeepers to follow him or to act like him; is that something you're
11 aware of?

12 A. [11:40:18] No, I didn't know that. He spoke Arabic and as I do not know
13 Arabic, I could not know this.

14 Q. [11:40:38] To your knowledge, based on what you've -- you heard, and my
15 understanding is that Bichara initially was a shopkeeper, many shopkeepers with no
16 military past, do you understand that -- do you know that a number of shopkeepers
17 had self-proclaimed themselves soldiers like Bichara did himself?

18 A. [11:41:20] At Kilometre 5, many shopkeepers had weapons. To give you an
19 example, there was one young man, his name was Michael, he sold clothes. And
20 when the Seleka came to power, he joined the group, he became part of the group and
21 he was armed.

22 Q. [11:41:53] Earlier we talked about Hassan Delegue that had -- who had a
23 relationship with the Seleka. Do you know whether Hassan Delegue called Colonel
24 Bichara to come and resolve a dispute or to come and commit violence and abuse?
25 To your knowledge, is there some kind of relation between Hassan Delegue and

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Colonel Bichara?

2 A. [11:42:43] I think there was a relationship between the two, otherwise he
3 wouldn't have come to the shop to talk. I think they had a shared interest and that is
4 why he would come regularly to his shop to chat with him.

5 Q. [11:43:05] Earlier you talked about Abatom and that's going to be my next line of
6 questioning. I have a series of questions about Abatom. Was it -- is it correct that
7 he was a tailor and his shop was close to Koudoukou monument, and after the Seleka
8 came in, he was based in Cattin with his men?

9 A. [11:43:43] Yes, that's correct.

10 Q. [11:43:51] Am I right in saying that in 2013, and we're still talking about the
11 period before December 5, Mr Witness, Abatom committed a lot of violence and
12 abuse against the population of Cattin?

13 A. [11:44:14] Indeed, Abatom did kill many persons and I think he mostly had
14 issues with the young people in Fatima. In that sector, most of the young people
15 sold clothes at Kilometre 5 and he committed a lot of acts of violence and abuse.

16 Q. [11:44:47] And I suppose that Abatom was armed and that he had armed
17 elements at his disposal?

18 A. [11:45:07] Yes, he did have elements at his disposal. He had vehicles. The
19 soldiers were in the vehicles and sometimes they patrolled from Kilometre 5 to Cattin
20 through to the M'Poko-Bac river.

21 Q. [11:45:30] So they -- he patrolled the entire dust road that you mentioned that
22 runs from Kilometre 5 to M'Poko-Bac and that goes through Kina-Cattin?

23 A. [11:45:45] Yes, that's it.

24 Q. [11:45:58] I'd like for us to watch a video together.

25 The interpreters do not need to interpret the audio.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Tab 10, CAR-OTP-2065-1312. Metadata under tab 11, CAR-OTP-2065-6210. We're
2 going to watch an excerpt from 1 minute to 1:22.

3 So please watch this video closely and later on I will ask you questions about the
4 location in the video.

5 And I would like to thank our colleagues from the OTP that have provided us with an
6 HD version, so the image is very clear, the video is very clear.

7 And, Mr Witness, before we begin, can you confirm that you have the video on your
8 screen before we go any further?

9 A. [11:47:13] Yes, I can see it. I see an armed soldier.

10 (Viewing of the video excerpt)

11 MS DIMITRI: [11:47:58] (Interpretation)

12 Q. [11:47:59] Do you recognise the location where this video was shot?

13 A. [11:48:03] Yes, I recognise the location. Yes, I recognise the location. It's the
14 former company called Cattin. It's a coffee company in Cattin sector. That's where
15 he was based.

16 Q. [11:48:48] When you say, "That's where he was based," you were talking about
17 Abatom, the Seleka?

18 A. [11:48:59] Yes, I wanted to talk about Abatom. Sometimes his elements were
19 based there.

20 Q. [11:49:14] Now I would like you to look closely at the video footage at 1:08,

21 1 minute 08, and I'd like to run this exercise with you, Mr Witness, just so that

22 everyone can understand. So you see the man on the screen holding a rocket

23 launcher -- holding a rocket. Do you agree with me that the road where he is

24 standing is the dust road from -- that runs from PK5 to the Cattin roundabout. PK5

25 is opposite the rocket, so behind the man, and the rocket is pointing towards Cattin

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 roundabout. Do you agree?

2 A. [11:50:02] Yes. He's standing opposite the premises of the Cattin company.

3 Apparently -- so the big road there goes all the way to M'Poko-Bac river. When you

4 get to Dameca crossroads, there's a lane that goes down behind him and you can get

5 to PK5. And so he is facing Cattin. And so looking towards or going towards

6 M'Poko-Bac. That's it.

7 Q. [11:50:49] So you just mentioned Dameca. Dameca is in the direction that the

8 rocket is pointing towards; is that right?

9 A. [11:51:07] When you get to the roundabout ahead of him, you can go forward

10 about 30 metres.

11 THE INTERPRETER: [11:51:17] Says the witness.

12 THE WITNESS: [11:51:20](Interpretation) That's the Dameca roundabout. If you're

13 coming from PK5 and you're at the roundabout, towards the right you're going to

14 Boeing. If you go straight, you get to M'Poko-Bac river. When you continue

15 straight, there's a Catholic church called *Foyer de Charité*. At the time the population

16 took shelter there.

17 MS DIMITRI: [11:52:08] (Interpretation)

18 Q. [11:52:10] Am I right in saying that behind him, so opposite from the rocket, you

19 explained that there was PK5, but Yekatom bridge is also behind the soldier?

20 A. [11:52:22] Yes, towards the end. If you go on, you will get to the Yekatom

21 bridge. After the bridge there is the house of Yekatom senior, the father, just by the

22 bridge there.

23 Q. [11:52:56] Just so that this is clear for the report, when you say, "Yes, towards the

24 end. When you continue, you will find Yekatom bridge," that means that the soldier

25 holding the rocket launcher would have to turn around 180 degrees, go towards PK5

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 to reach Yekatom bridge; that would be correct?

2 A. [11:53:19] That's it. He would need to turn around in order to go towards the
3 bridge. And that's the only bridge there. The house of Yekatom senior is there at
4 the bridge on the left.

5 Q. [11:53:49] I'm going to display another photo, tab 12 of the Defence binder.

6 This is a screenshot from a video from the OTP, CAR-OTP-2065-1316. The still
7 image, the screenshot was recorded under ERN CAR-D29-0010-0052.

8 So, Mr Witness, you're going to see a photo on the screen, a still image. Please tell
9 me if you recognise him. And this is a Seleka general that had settled at the base
10 near Cattin -- near the building of the Cattin company.

11 Mr Witness, do you have the photo on screen?

12 A. [11:55:30] Yes, I see it. You see the house on the other side of the road where
13 he's standing, behind that -- behind him there is a house that the Nigerian
14 ambassador's driver was living in and he used that house as his base. But I don't
15 know his name.

16 Q. [11:56:02] Thank you very much.

17 So for the report, the base of that Seleka fighter is the house behind the yellow and
18 green container?

19 A. [11:56:28] Yes. You see there's a fence around the house. That's where he
20 established his base. In fact he lived there.

21 Q. [11:56:48] I am going to show you another video. Tab 13, Defence binder,
22 CAR-OTP-2065-1396. The video lasts 22 seconds. Metadata under tab 14,
23 CAR-OTP-2065-6252.

24 And again, no interpretation necessary. And so the interpreters will not have to
25 work.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Please pay specific attention to the video. You're going to see a white building
2 behind the individual in the video. I'll let you watch this, then I will ask you some
3 questions and we can run the video again should the need arise.

4 (Viewing of the video excerpt)

5 MS DIMITRI: [11:58:22] (Interpretation)

6 Q. [11:58:26] Am I correct in saying that the building that we can see there is
7 Dameca or just beside Dameca? At the end of the building you can see Dameca?
8 We can display -- run the video again.

9 A. [11:58:45] No, that's not Dameca. It's after the fence that you can reach Dameca.
10 So it's in the same alignment, Dameca is just at the end of the fence, just after the
11 fence.

12 Q. [11:59:13] I'll re-explain my mistake. So you have the white building. It runs
13 along the road that leads to Dameca, correct?

14 A. [11:59:24] Yes. The Dameca company is -- like I said, you see that building,
15 right at the end of that there's Dameca company. And it's because of the company
16 that the neighbourhood is known as Dameca. The sector is known as Cité Dameca.

17 Q. [11:59:55] If you look at the image, we've stopped it at 1 second, you see the end
18 of the gun. Where the gun is pointing, am I correct in saying that he is pointing
19 towards the building of Dameca company? Dameca is a few metres away from the
20 soldier who is on the screen?

21 A. [12:00:29] No, it's not far from Dameca. If you take that road and you continue
22 straight, you will end up in Boeing. It will take you to Boeing.

23 Q. [12:00:42] And so the soldier is a few metres away from Dameca; is that correct?

24 A. [12:00:53] Yes.

25 Q. [12:01:10] If I'm not mistaken, I think some moments ago, I don't know if you

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 know his name, but you said Assamani (phon). Does that refresh your memory, the
2 soldier that you see on the screen, is it Assamani, a Muslim clothes trader who was in
3 Cattin, as you said?

4 A. [12:01:42] No. Are you talking about Michael or Abatom? Because I gave two
5 names, Michael who sold clothes at a thrift shop, he is -- and Michael is dark brown
6 and he had a much clearer skin.

7 Q. [12:02:11] No, I don't think we understand what I'm saying. I apologise, I
8 wasn't very clear. The person who is on the screen, I think he's still on your screen,
9 is that person called Assamani? Or am I correct in saying he was a salesperson of
10 clothes before becoming included and integrated in the Seleka?

11 A. [12:02:41] Yes, that's correct. Except I cannot confirm the name.

12 Q. [12:02:52] Thank you. I'd like to change subjects now.

13 I am going to talk about a Muslim soldier in the 3rd arrondissement and PK5 who is
14 called Texas.

15 MS DIMITRI: [12:03:21] Mr President.

16 PRESIDING JUDGE SCHMITT: [12:03:22] Yes.

17 MS DIMITRI: [12:03:23] I'm sorry. If I could have just one moment, because I
18 apparently forgot a question, before we change subjects.

19 PRESIDING JUDGE SCHMITT: [12:03:31] No, no problem. No problem at all.

20 MS DIMITRI: [12:03:35] Thank you very much.

21 Q. [12:03:40] (Interpretation) My apologies, Mr Witness.

22 Before we talk about Texas, a final question on the traders you just talked about who
23 self-proclaimed themselves as military officers in Seleka. We spoke about Bichara,
24 we spoke about Abatom, we saw the individual in the video close to Dameca. What
25 I'd like to know, and I hope that you can use your general knowledge, not necessarily

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 what you saw, what were these trade -- or shopkeepers who self-proclaimed
2 themselves as Seleka, what were they doing vis-à-vis the FACA soldiers before
3 5 December 2013?

4 A. [12:04:47] What I know, the first day when they entered during the night, the
5 first persons who they looked for were the FACA, and many FACA fled from their
6 houses. They were looking for the FACA and wanted them to give up their
7 weapons. I'm talking about Gotias. You asked me the question as regards Gotias,
8 who was a captain and who was a liberator. He was in Boeing. He was kidnapped,
9 he was tied up and he was asked to hand over his weapon. God be willing, I think
10 he was not killed. He was released and is still living. 2013, when they entered,
11 their first target was the FACA.

12 Q. [12:06:11] You've just said, "God the merciful, he was not killed." Am I to
13 understand that it often happened that when a FACA was found, the FACA was
14 killed?

15 A. [12:06:28] Yes, a Seleka, when he caught a FACA, it was rare that he didn't kill
16 him. This person was lucky, because his destiny meant that he wasn't going to be
17 killed on that particular day.

18 Q. [12:06:54] We're now going to change subjects. We're going to talk about Texas.
19 And as I explained to you, I'm going to call upon your general knowledge, not
20 necessarily what you saw yourself.

21 There's an imam who came to give his statement here and this imam came before you,
22 and he said that Imam Bashir Modibo was the leader of the young Muslims who
23 owned weapons. Is that something you're aware of?

24 A. [12:07:45] It's the first time that I hear this name. I don't have any information
25 about this, about this individual.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

- 1 Q. [12:07:55] Don't worry. I'm going to show you a document. Tab 5,
2 CAR-OTP-2003-1654, and firstly I'd like to go to page 1756.
3 I'm going to wait until you see it on the screen and then I'll ask you some questions.
4 This is a special information bulletin.
5 Could we go down a bit. Go down a bit more, bit more. Yes, that's good. Thank
6 you.
7 This document is a special bulletin for information which was addressed to minister
8 of public security and immigration in Bangui. This document talks about the soldier
9 or militia Texas that was set up in February 2013 and it appoints -- mentions some
10 individuals who were the founders of this militia. You can see the names of the
11 individual in bold. There is in particular -- I'm going to call them out so that it's in
12 the records and then I'll put my question.
13 There is Amadou Tidani Moussa Naibi, Dr Abdoulaziz Meriga, Dan Assabe Ali,
14 Ali Ousman, Abdoulaziz Ali, Salehou Ndjaye, and Mohamed Riyad Ben Moussa.
15 The document says that these individuals which I've just mentioned are the founders
16 of the Texas militia, which is armed. Have you ever heard about this militia?
17 A. [12:11:29] As regards Texas, it's on reading this document that I remember that
18 Mohamed -- for example, Mohamed Riyad Ben Moussa, we usually called him Doctor.
19 They were based on the road going -- heading towards Kilometre 5. It was on that
20 road in laterite. But as regards their activities, I don't know very much about them.
21 Q. [12:12:10] Okay. As the document suggests, is it correct that this was set up in
22 February, 24 February to be more specific, 2013, before the arrival of the Seleka, before
23 the arrival of the Seleka in Bangui, obviously?
24 A. [12:12:46] Yes, this existed before. If you go to Kilometre 5, if they didn't like
25 your face, then they would take you there in order to torture you or hurt you. And if

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 you heard that your relative had been taken to this area, then you knew he would die.
2 So if you walked from Sambo, there is a path that goes close to another path that goes
3 to the Malimaka school. That can be found in this neighbourhood which they called
4 Texas.

5 Q. [12:13:46] You have given us an example a Texas defender who you knew. Am
6 I correct in saying that you also knew another founder, namely Salehou Ndjaye?

7 A. [12:14:12] No. No, no, I don't know. (Redacted) {ICR:
8 (Redacted)}. But as regards
9 the other Muslims, I see their names here, but I don't know them.

10 Q. [12:14:45] I want to show you another document, tab 16 of the Defence binder,
11 CAR-OTP-2087-0 --

12 THE INTERPRETER: [12:14:54] Sorry.

13 MS DIMITRI: [12:15:01](Interpretation) Page 9051 of document 2087.

14 THE INTERPRETER: [12:15:10] And the interpreter unfortunately didn't get the rest
15 of the number.

16 MS DIMITRI: [12:15:16] (Interpretation)

17 Q. [12:15:19] Here again you see the Texas group. At the head of the column you
18 have the Muslim armed group. I'm going to read it to you. It's -- I'm going to read
19 it out and then I'll put my questions to you.

20 (Speaks English) Muslim armed groups, Texas group, COMUC president

21 Ali Ousmane, COMUC legal adviser Mahamat Ousman, youngsters controller Fadoul,
22 youngsters controller Haroun Gaye, youngsters controller COMUC coordinator

23 Hamit Tidjani and 28 armed groups on order of Texas.

24 (Interpretation) My question is as follows: The document suggests in the

25 penultimate 28 armed groups on order of Texas, that that there were many armed

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 groups under Texas, 28 apparently. Is that something that you are aware of?

2 A. [12:17:04] No, I don't know anything about this information. But I see a name

3 here, for example, Fadoul. Fadoul was the president of the group. {ICR:

4 (Redacted)}.

5 He represented the Muslims. It's the only name which I can

6 recognise. I don't know whether they set up the movement, but the only person that

7 I know is Fadoul.

8 PRESIDING JUDGE SCHMITT: [12:17:52] The correct ERN of this item is

9 CAR-OTP-2087-9033.

10 Mr Vanderpuye.

11 MR VANDERPUYE: [12:18:10] The first thing is I don't know -- all right. There

12 may be some issue that we may have to go to private session about.

13 The second issue is the time frame that we're talking about. Because I can see on the

14 document here, it refers to former President Djotodia and the former minister

15 Nouradine Adam.

16 So I want to be clear on the time frame.

17 PRESIDING JUDGE SCHMITT: [12:18:34] And I think also the document before that

18 there was mention of Anti-Balaka and so this -- you see, in February 2013, whatever.

19 You see? So I understand the point.

20 So are you going to address this, the time frame, and what about going to private

21 session?

22 MS DIMITRI: [12:18:52] I understand Mr Vanderpuye's concern regarding private

23 session. I'm not going further so that's why we could stay in public. I think there's

24 going to be redaction request which we obviously won't oppose.

25 As regard to the time frame of when they had 28 groups under their order, I'm not

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 addressing it because he was not aware. So it's for me a --

2 PRESIDING JUDGE SCHMITT: [12:19:17] Absolutely. No, I understand. Yes,
3 yes.

4 MS DIMITRI: [12:19:19] Yes. But he answered -- his previous answer was very
5 clear in regard to Texas. But now the fact that they had 28 groups he's not aware of,
6 I wasn't going to go further with this. I was going to move on.

7 PRESIDING JUDGE SCHMITT: [12:19:33] Okay. Yes. Actually, yes.

8 MS DIMITRI: [12:19:36] Thank you.

9 Q. [12:19:38] (Interpretation) Mr Witness, my next question, if the answer might
10 identify you, tell me, and we will go into private session.

11 I would like to know whether you know an individual Maji Oumarou Hissene. I'm
12 going to give you some pointers in order to jog your memory. He lived in
13 Gbaya-Doumbia in 2013. He had a family home in Makamon (phon) near the
14 international preparatory school, and he worked in construction company called
15 *Société Africaine de bâtiment* and public works.

16 A. [12:20:50] I don't know.

17 Q. [12:20:51] For my next series of questions --

18 (Speaks English) Mr President, for the next series of questions, I think, to play it on
19 the safe side, it's better to go --

20 PRESIDING JUDGE SCHMITT: [12:20:58] Then we go to --

21 MS DIMITRI: [12:21:00] -- in closed session, with your leave.

22 PRESIDING JUDGE SCHMITT: [12:21:03] Yes, we go to private session then.

23 (Private session at 12.21 p.m.)

24 THE COURT OFFICER: [12:21:44] We are in private session, Mr President.

25 MS DIMITRI: [12:21:55] (Interpretation) Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [12:21:59] During your testimony you spoke about the fact that (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [12:22:34] No, that's not right.

6 THE INTERPRETER: [12:22:35] Says the witness.

7 THE WITNESS: [12:22:37](Interpretation) (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MS DIMITRI: [12:23:24](Interpretation)

13 Q. [12:23:25] I think there might be a translation -- I'm going to repeat my questions

14 more slowly.

15 What I was saying is (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [12:23:55] (Redacted)

19 (Redacted)

20 Q. [12:24:19] You spoke about your children in your statement. (Redacted)

21 (Redacted)

22 A. [12:24:35] (Redacted)

23 Q. [12:24:47] (Redacted)

24 (Redacted)

25 A. [12:25:08] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 Q. [12:25:39] In paragraph 24 of your statement you say, and I'm quoting you:

3 "Many of the houses were destroyed by the Seleka." End of citation. (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [12:26:23] Some houses were not destroyed. It was only the roofs. Other

7 houses were put -- were burnt, but still the walls did not fall down.

8 Q. [12:26:39] In paragraph 26 of your statement, which you signed with the OTP,

9 you say, and I am here about 20 December, here you say:

10 "During the first two attacks by the Seleka, there were some neighbourhoods which

11 the Seleka burned like near Boeing market."

12 Can you confirm that? Is that the statement -- is that statement which you made

13 correct?

14 A. [12:27:33] Yes.

15 Q. [12:27:36] Am I right in saying that the Seleka destroyed houses in Boeing

16 neighbourhood, Kette-Goussa, Gbaya-Doumbia and Boulata?

17 A. [12:28:02] Yes, that's true. They destroyed many houses. Some of these

18 houses, they only took the roofing. Even today the owners have not been able to

19 access their own homes. From Kokoro 1 behind the Boeing market, many houses

20 were set alight. But after -- but from the church to Ali Boulata, but since it is in

21 Boeing, all the houses that were there were destroyed. I can mention the

22 neighbourhood Gbaya until Sagbado, Kina. Many of the houses there were

23 destroyed in that neighbourhood.

24 Q. [12:29:08] You talked in your statement and you said even -- you're talking

25 about the Boulata church, even this church was burnt down. Can you confirm that

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 church Boulata was burnt down by the Seleka?

2 A. [12:29:34] They completely burnt down the Boulata church. And in front of
3 that, their elements -- some of their elements were killed. I can confirm that.

4 THE INTERPRETER: [12:29:49] In front of the church -- correction: In front of the
5 church they buried some of their elements.

6 MS DIMITRI: [12:29:55](Interpretation)

7 Q. [12:30:02] Am I correct in saying that they fled -- that the residents fled because
8 of the repeated attacks by the Seleka on them and their houses?

9 A. [12:30:25] Before the Seleka attack, people had not yet fled. It was after the
10 fighting on the 5th that people left to go to the airport and some at the *Foyer de Charité*.

11 Q. [12:30:58] I'm going to change topics. I do still want to talk about the Seleka,
12 but just so you can follow me, I want now to talk about the period after the
13 5 December attack and talk about reprisals about the Seleka. We will come back to
14 the time of the attack on 5 December at a later stage, but right now I'd like to focus on
15 reprisals on 5 December and the following days. Do you follow me?

16 A. [12:31:32] Yes, I do.

17 PRESIDING JUDGE SCHMITT: [12:31:36] Could this be discussed in open session?

18 MS DIMITRI: [12:31:41] I think so.

19 PRESIDING JUDGE SCHMITT: [12:31:42] Then we give it a try at least.

20 Open session.

21 (Open session at 12.31 p.m.)

22 THE COURT OFFICER: [12:32:00] We're in open session, Mr President.

23 (Counsel confers)

24 MS DIMITRI: [12:32:11] Thank you.

25 Q. [12:32:15] (Interpretation) So Seleka reprisals, 5 December. You say in

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 paragraph 27 of your declaration, I'll quote you: "The Seleka burned all the houses
2 in the Boulata area in Boeing."

3 So I want you to confirm and then we'll do an exercise together based on a map. So
4 can you confirm your statement according to which the Seleka torched the majority of
5 houses in the Boulata sector in Boeing?

6 A. [12:33:08] I confirm. That's a truth. Up until today, you will not find any
7 houses standing in the Boulata area. Almost no houses are to be found.

8 Q. [12:33:32] You testified, transcript 252 -- T-152 at 1156, that the Seleka attacked
9 and committed violence and abuse on the population as reprisals. On Wednesday
10 you were a little more precise and you said, using the map -- you remember the map
11 that you annotated? You said and I will quote you from the French: "Look at this
12 distance from the crossroads at the corner of the airport through to that other place.
13 After the 5th, all of the houses that you see here were destroyed. The roofs were
14 destroyed. Even that church was burnt down. That church is called Boulata."
15 So just so that you can follow, I'm just repeating what you said so that you can refresh
16 your memory on what you said, because after the exercise I want to take you through
17 is for you to identify it on the map.

18 So last Wednesday you continued and said, I'll quote: "That day", referring to
19 5 December, "the Muslims also destroyed houses and property belonging to others.
20 You see the line I drew all the way to Boulata, that is the place where all the houses
21 were destroyed or at least the roofs removed." End of quote.

22 So those are the words that you said describing the damage committed by the Seleka
23 and the Muslims. And when you use the term "Muslims", are you referring to the
24 Seleka, the Muslim civilian population or both, when you said "the Muslims
25 destroyed"?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 A. [12:36:17] Well, you know the Seleka, since the majority of them are Muslims,
2 they're assimilated to the Muslims. So for any person in Central Africa, seeing a
3 Seleka, they will say that it's necessarily a Muslim.

4 Q. [12:36:57] Also on -- or last Wednesday, you said: "Later on the Muslims started
5 to torch the houses, started to kill and to commit so many other acts of violence and
6 abuse." End of quote.

7 When you say "later on", do I understand from your statement that on December 5
8 and on the days that followed, the Seleka and Muslims subjected the civilian
9 population in Boulata, Cattin and Boeing neighbourhoods to extensive reprisals?

10 A. [12:37:43] Yes.

11 Q. [12:37:51] And the Seleka or civilian Muslims, did they also torch down the
12 Gbaya-Doumbia church?

13 A. [12:38:02] Yes. The Gbaya-Doumbia church was also burnt down.

14 PRESIDING JUDGE SCHMITT: [12:38:15] Mr Vanderpuye.

15 MR VANDERPUYE: [12:38:19] Two things. One is are we still talking about
16 5 December or are we talking about after 5 December?

17 And the second thing is in relation to the distinction between the civilian Muslims
18 and the population, I'm not sure what that is supposed to mean, but I don't know if
19 it's clear on the record either.

20 PRESIDING JUDGE SCHMITT: [12:38:43] Well, I think actually it's relatively clear
21 that we're speaking about the aftermath of the 5 December. I think that's clear from
22 the record and the witness has spoken about that. And Ms Dimitri has referred him
23 to, I think, paragraph 27 and here he speaks about the 20 December, if I have it
24 correctly in my mind. And I think he has -- he has given an answer,
25 whatever -- however this would be interpreted what he meant when he said Muslims.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 I think.

2 So please continue.

3 MS DIMITRI: [12:39:17] Thank you, Mr President.

4 Q. [12:39:24] (Interpretation) And could you locate -- correction, we want to locate
5 all those places that burned down on a map. And this is a map that was produced
6 by an expert who has come to testify.

7 (Speaks English) For your reference, Mr President, it's P-2193. No. P-2193.

8 (Interpretation) Now, I'm a little like you, it's difficult to do things on screen. I need
9 to look at paper. So I'll display this on screen, but if you prefer to do this exercise
10 from a paper version, don't hesitate to ask me. I can provide you with a paper
11 version.

12 A. [12:40:23] All right.

13 Q. [12:40:27] So CAR-D29-0003-0021. We will display this. Page 0023.

14 THE INTERPRETER: [12:40:47] Interpreter correction: CAR-D29-0003-0011.

15 PRESIDING JUDGE SCHMITT: [12:40:56] The tab was?

16 MS DIMITRI: [12:41:05] (Interpretation) Tab 7.

17 PRESIDING JUDGE SCHMITT: [12:41:13] Thank you. That's not so easy, I think,
18 from this for the witness. I think you're going to help him?

19 MS DIMITRI: [12:41:23] Of course I will. I will. It's not -- it's not --

20 PRESIDING JUDGE SCHMITT: [12:41:25] You will orientate him, so to speak. Yes?
21 Okay. Thank you.

22 MS DIMITRI: [12:41:28] Yes, of course. Of course. It's not a trap. I will help him.
23 I will guide him.

24 PRESIDING JUDGE SCHMITT: [12:41:34] Of course it's not a trap. No, no. But
25 actually --

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 MS DIMITRI: [12:41:36] And I have a paper copy for him if it's easier for him to
2 navigate from one page to another.

3 PRESIDING JUDGE SCHMITT: [12:41:44] Let's see.

4 MS DIMITRI: [12:41:46] If I could actually have just one moment because I'm very,
5 very bad with maps so I need to refresh my memory.

6 PRESIDING JUDGE SCHMITT: [12:41:58] We have something in common here.

7 For -- just for us and especially for me to understand this map that we have, 0022, and
8 then what we have, the satellite image, 0023, they match or they seem to match, or am
9 I wrong here?

10 MS DIMITRI: [12:42:28] You're correct, and faster than me.

11 PRESIDING JUDGE SCHMITT: [12:42:31] Okay. Thank you.

12 MS DIMITRI: [12:42:33] So 0023 is -- the red dots is where all the habitation are
13 destroyed or burnt down. And now what I want to do, because 0023 is obviously
14 very difficult for someone to understand when you don't know Bangui and when you
15 don't know the areas and when you're not good with maps, like me, so the idea is that
16 0022 explains the various areas and 0025 delimitates them even more.

17 PRESIDING JUDGE SCHMITT: [12:43:18] That's fine. I think since the witness
18 obviously knows the region, the areas, I think that this will help him.

19 Perhaps you show him first - it's up to you - 0022 and tell him what is important, then
20 is 0023.

21 MS DIMITRI: [12:43:35] I will. Yeah, yeah.

22 PRESIDING JUDGE SCHMITT: [12:43:36] Something like that. Okay, but -- may I
23 suggest.

24 MS DIMITRI: [12:43:39] I'll follow your guidance.

25 Q. [12:43:46] (Interpretation) So, Mr Witness, I'd like you to look at 0022 and first

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 I would like us to establish the various neighbourhoods that are below the airport.

2 That is south of the airport. So we can see Boulata, Cité Boeing, Gbaya-Doumbia,

3 Cité Dameca, that's Cattin, Kokoro 2. You see these on the map?

4 A. [12:44:27] Yes, I see them.

5 Q. [12:44:31] Now, an expert came to testify and submitted a satellite image that

6 shows that on December 8, 2013, and that corroborates somewhat you said, a certain

7 number of homes, houses in that sector that were burnt down or destroyed in a fire.

8 You can see those on page 0023 which we are now displaying for your purposes,

9 Mr Witness. You see all the red dots represent homes that were destroyed or

10 torched. That essentially corresponds to the testimony you gave.

11 Now I would like to confirm the sectors. And so please look at 0025. Now, what

12 my team did was that it outlined those neighbourhoods that were -- where you find

13 the red dots or squares. And according to the expert, those red dots are those homes

14 that were destroyed as at the date of 8 December.

15 And so, Mr Witness, just so that you understand what I'm saying, the expert is not

16 saying that they were destroyed on December 8, just the image is dated 8 December.

17 There are no images for the 7th, 6th or the 5th. The image was dated from the 8th.

18 And all he could say was as at the date of 8 December, those homes were destroyed.

19 Do you follow me?

20 A. [12:46:47] Yes, I follow you.

21 Q. [12:46:49] Now, if we look at 0025, do you agree that those neighbourhoods we

22 see are those areas where the Seleka went to destroy and burn down homes on

23 5 December and the following days, December 6 and 7?

24 A. [12:47:27] Yes, but it was on the 5th, not on the 8th. It started on the 5th. The

25 reprisals started on the 5th. The next day, well, if they didn't come in the morning,

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 they came in the afternoon. That's -- that's what happened. They came either in the
2 morning or at 1300 or in the evening. When they came in, they would shoot in the
3 air. And after their withdrawal, they would torch down and destroy the homes, and
4 that's why you saw all those homes without roofs. That's how things happened.

5 Q. [12:48:16] And just for things to be clear, Mr Witness. The Seleka reprisals, do
6 you agree with me that they impacted the neighbourhoods of Boulata, Kokoro 2,
7 Dameca, Cité Dameca, Cité Boeing, Gbaya-Doumbia 1, Gbaya-Doumbia 2, Kokoro 4,
8 Kokoro 5 and Okoro Dameca. Those neighbourhoods that are visible on page 0025
9 of the document?

10 A. [12:49:09] The sector you see, I think that I said before, you see the Boeing
11 roundabout, that was the red line between Muslims and Christians when they came
12 in. Now, it's true all those neighbourhoods were in Boeing. But there was a road
13 between us, the road to Cattin was a dividing line. And in that sector there were
14 Muslims blended, mixed in with Christians. But in that area when people fled on
15 the 5th, the Seleka took possession of the sector right up to the crossroads and were
16 shooting there. But when they retreated, they took the opportunity to commit that
17 damage I mentioned. So for example Kokoro and Cité Dameca, I see Okoro on the
18 map. Cité Dameca, Kokoro 2, Boulata, *église* Boulata, the Boulata church itself.
19 Right behind the church there were Muslims. Right next to the church there lived
20 some Muslims after the Christians fled. And in fact some Christians even came back
21 to get their belongings and they were killed. They were ambushed and were killed.
22 They were killed in the ambush. That's all I can say.

23 PRESIDING JUDGE SCHMITT: [12:51:01] May I shortly.

24 Mr Witness, these areas we see here Boulata, Cité Dameca, and all the others, were
25 they inhabited mainly by Christians or by Muslims or by a mixed population, with

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 regard to their religion?

2 THE WITNESS: [12:51:29](Interpretation) Mr President, I'll give you the example of
3 Gbaya-Doumbia, the majority were Muslims. Gbaya-Doumbia, you know, is not far
4 from Kilometre 5. So the neighbourhood was mostly populated by Muslims. If you
5 take Gbaya-Doumbia church next and behind the church Muslims were living there.
6 In that neighbourhood precisely there were Muslims living side by side with the
7 Christians. But because of the reprisals, the Christians fled and the Muslims, well,
8 started destroying after that.

9 PRESIDING JUDGE SCHMITT: [12:52:15] Thank you.

10 Ms Dimitri.

11 MS DIMITRI: [12:52:18](Interpretation)

12 Q. [12:52:26] Mr Witness, to make things clearer, what was destroyed by the Seleka
13 and the Muslims corresponds to the neighbourhoods that were subjected to the
14 harshest attacks, the neighbourhoods we see on page 0025, which I think you still
15 have on screen.

16 A. [12:53:02] Yes. If you take, for example, Boulata, Kokoro, Cité Dameca and
17 Gbaya-Doumbia, Gbaya-Doumbia is in the 3rd arrondissement, it's not in the Boeing
18 sector. If you take Kokoro 4 and 5, Cité Boeing and others, those belong to the
19 Boeing sector. So if you take out the two Doumbia, you see that those sectors are
20 part of the 3rd arrondissement and are mostly inhabited by Muslims. In
21 Gbaya-Doumbia there's one church. There's a church and it also was burned down.

22 PRESIDING JUDGE SCHMITT: [12:54:07] If you would change -- want to change
23 subject or move on, since it's Friday, I don't know, I haven't asked my colleagues, but
24 could we perhaps shorten the lunch break a little bit? Go to lunch now until
25 2 o'clock and then we can finish a little bit earlier because it's Friday? Or is

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 there -- no huge enthusiasm with Ms Dimitri, obviously.

2 MS DIMITRI: [12:54:34] I am changing subjects so it's a good time to break. But to
3 be honest, to shorten the lunch break really limits my -- the time my team has with --

4 PRESIDING JUDGE SCHMITT: [12:54:48] Understood. It was an attempt. So let's
5 have now the lunch break until 2.30.

6 THE COURT USHER: [12:54:53] All rise.

7 (Recess taken at 12.54 p.m.)

8 (Upon resuming in private session at 2.31 p.m.)

9 THE COURT USHER: [14:31:25] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [14:31:51] Ms Dimitri.

12 MS DIMITRI: [14:31:52] Thank you, Mr President.

13 PRESIDING JUDGE SCHMITT: [14:31:54] And we are in private session.

14 MS DIMITRI: [14:32:23](Interpretation)

15 Q. [14:32:27] Good afternoon, Mr Witness.

16 A. [14:32:35] Thank you. And good afternoon to you as well.

17 Q. [14:32:44] Thursday, during your testimony -- and I'm changing topics now,

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [14:35:37] Yes, that's it.

13 THE INTERPRETER: [14:35:39] Responds the witness in French.

14 MS DIMITRI: [14:35:43](Interpretation)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [14:38:48] (Redacted)

10 Now, I'd like to briefly speak about your conversation with the OTP. When you
11 began your testimony, the Prosecutor questioned you about your statement and your
12 conversation with them. I have a few additional questions.

13 Is it correct that you met the OTP's investigators more than once, since 2016?

14 A. [14:39:26] That's correct.

15 Q. [14:39:36] And do you remember that your first meeting took place before you
16 were assigned a lawyer; is that correct?

17 A. [14:39:54] Yes, that's correct.

18 Q. [14:39:58] And that meeting took place on (Redacted) And at that meeting,
19 at a certain point during the conversation, investigators ended the conversation to
20 inform you that you had the right to receive assistance from a lawyer;
21 is that right?

22 A. [14:40:31] Yes.

23 THE INTERPRETER: [14:40:33] In French.

24 MS DIMITRI: [14:40:36](Interpretation)

25 Q. [14:40:38] And up until that moment when you were informed of your rights, is

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 it correct to say that the investigators were taking notes based on the statement, on the
2 narrative that you were giving them?

3 A. [14:40:55] That's true. They -- first of all, they wanted to record me using a
4 recorder and I refused. And I said that I preferred that they took written notes of my
5 statement.

6 Q. [14:41:20] I'll let you pour yourself a glass of water.

7 On the day of your first meeting with the investigators of the Office of the Prosecutor,
8 so you met them (Redacted) one first time. And I noted, paragraph 120 of your
9 statement, that on that same day, you had a meeting (Redacted) So
10 my question is the following: Did that meeting at (Redacted) place before or
11 after your meeting with the investigators from the Office of the Prosecutor?

12 A. [14:42:31] It was before. First I went to the meeting and only the next day did
13 they call me to -- asking me to join them. When I went for the first time, I did not
14 know they were investigators. They introduced themselves to me -- or they came to
15 me. On the first day when they asked me questions, I was afraid. I thought they
16 were going to arrest me. And it's when I went back (Redacted) that they introduced
17 themselves and that we then had the conversation.

18 Q. [14:43:29] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [14:44:29] So later on, you saw the investigators again in October 2016 in the
25 presence of your legal counsel and that meeting ended in your making a signed

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 statement. Do you remember first having a two-day interview and then seeing the
2 investigators once again one month later, (Redacted)

3 THE INTERPRETER: [14:45:08] The interpreter caught the dates properly.

4 MS DIMITRI: [14:45:12](Interpretation)

5 Q. [14:45:12] So one month between the two. The interview with the OTP in the
6 presence of your lawyer took place in two parts, (Redacted)

7 (Redacted)

8 A. [14:45:25] That's correct.

9 Q. [14:45:31] And during that one-month hiatus between the two parts of the
10 interview, is it also correct that you had another meeting (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE INTERPRETER: [14:46:04] In French.

15 MS DIMITRI: [14:46:10](Interpretation)

16 Q. [14:46:13] Between the time that you met the investigators from the Office of the
17 Prosecutor first time -- pardon me. I'll start again.

18 Between the moment when you went -- you met with the legal counsel from the OTP
19 on (Redacted) and the one-month hiatus leading up to (Redacted) did you tell anyone,
20 either to (Redacted) -- or other persons or places, did you inform
21 them that the investigators from the OTP had come to see you?

22 A. [14:47:01] I spoke of this to no one.

23 Q. [14:47:11] Yesterday when you testified, you confirmed that your telephone
24 number showed up in one of the documents presented to you by the Prosecutor. So
25 for the record, telephone number was (Redacted) Can you tell me starting in what

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 year you got that telephone number.

2 A. [14:47:48] For that phone number, now I think that I bought the telephone after
3 we came out of the bush. After the events, I bought -- that's when I bought the
4 telephone with the SIM card. So it wasn't more than a year.

5 Q. [14:48:18] Do you remember the phone number you had before that number?

6 A. [14:48:32] No, I don't remember -- I can't remember anymore.

7 Q. [14:48:41] I'm going to give you three telephone numbers. Tell me if one of
8 them jogs your mind as to a phone number that may have been yours. First of
9 all, (Redacted).

10 A. [14:49:11] That was my first phone number. I lost the telephone, so I can't
11 remember that number anymore.

12 Q. [14:49:29] When you said that was your first number, can you be a little more
13 accurate? When did you get that number and until what date did you use it?

14 A. [14:49:54] I used that telephone for a long time, but I can't remember when I
15 bought it. No, I can't remember the dates anymore, but I did use it for a long time.

16 Q. [14:50:17] In 2013, before your flight to Zongo, was that the phone number that
17 you used?

18 A. [14:50:32] I used it far before 2013, before I fled. But I can't remember the year
19 when I bought it.

20 Q. [14:50:49] No, I understand that completely and I'm not asking you to be that
21 accurate. What I'm trying to get to is whether in 2013 you were still using that
22 number before (Redacted). That's my question.

23 A. [14:51:19] Yes, I used (Redacted) way before (Redacted).

24 Q. [14:51:38] I'll give you another number. Please tell me if this refreshes your
25 mind, if this is one of your phone numbers, (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 A. [14:52:11] (Redacted)

2 (Redacted)

3 A. [14:52:41] That goes back a long time, so I can't remember.

4 Q. [14:52:48] That doesn't matter, Mr Witness. I will give you one last one, and
5 perhaps that will jog your memory as to one of your numbers. (Redacted).

6 A. [14:53:41] I can't remember anymore.

7 Q. [14:53:50] No worries. You testified to the fact that your

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [14:57:06] Okay. So you're talking about the Facebook pages that I mentioned.
4 I'm not getting upset with you, but do you mean -- do you use these Facebook
5 pages -- you're saying WhatsApp, but you mean you use that to make calls, Facebook
6 calls?

7 A. [14:57:40] No, no, I did not use them for calls.

8 Q. [14:57:43] So can you tell me what you meant by, "I used them for WhatsApp"?
9 I'm sorry, I don't have a Facebook page, and that's why I'm not really clear on your
10 answer, on what it means.

11 A. [14:58:03] Well, when you open an account with your phone number, you use it
12 for WhatsApp calls.

13 Q. [14:58:20] Right. So if I understand you, you use your phone number for
14 WhatsApp communications and you have the WhatsApp - correction - the Facebook
15 pages that we mentioned including one (Redacted)
16 (Redacted)

17 A. [14:58:44] Yes.

18 Q. [14:58:51] Since you have relocated outside of Central Africa - and I'm not
19 asking where you've relocated - can you tell me whether you have followed the
20 broadcast of Mr Yekatom's trial.

21 A. [14:59:15] Since I have been relocated, the telephone I use is small. (Redacted)
22 And I can't use it for WhatsApp. That's what I use. I even have
23 it with me here. And though -- (Redacted)

24 So the entire trial here, I can't follow it. It's here that I learned that you have heard
25 many witnesses and that I was number 44.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 This WhatsApp number that you see, that's the one I used when I was still in Bangui.

2 Q. [15:00:18] We spoke about your meeting with the OTP. You mentioned a little
3 earlier that the first time that you met them -- am I right in saying in October 2016,
4 when you saw them for the second time, they informed you that they have reasons to
5 believe that you are associated with an armed group that committed crimes, but they
6 assured you by saying to you that you are not part of the individuals who are being
7 followed by the ICC? Am I correct in that?

8 A. [15:01:12] Yes, yes.

9 Q. [15:01:18] Could you explain to me what -- how did they reassure you? What
10 did they say to you?

11 A. [15:01:33] During the first meeting, (Redacted) They greeted me. He or she
12 spoke English, and the interpreter interpreted the statements for me. And at that
13 day, I said I couldn't answer. They insisted that I should answer, and I refused. I
14 asked -- and asked them the question, how they found my number. The person said
15 they couldn't reveal to me the identity of the person. And so I said to them, "Well, I
16 am not going to answer then."

17 After that, this person asked me what was going on. And a few days later, that
18 person phoned me -- phoned me. I said I was in a meeting and I couldn't move from
19 there. I promised them that the next day I would pass by. After the meeting, the
20 next day, they phoned me, and I accepted the invitation.

21 When we met, I don't remember the hour anymore, the person introduced themselves
22 and said they came from the International Criminal Court, (Redacted)

23 (Redacted) The person asked me to remain calm and tell them all
24 the truth about the events, and that measures of security and safety had been taken to
25 protect me.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 In the beginning, I wasn't very sure about this, when I answered them. The person
2 said to me, "Believe me, I understand that you are scared, and therefore, I will get a
3 lawyer to help me." And it is the presence of that lawyer that convinced me that I
4 was able to talk.

5 Q. [15:03:53] You said, "Some days later, they called me, and I was in a meeting."
6 Is this the famous meeting at (Redacted)

7 A. [15:04:15] Yes. When they phoned me, I was in a meeting (Redacted).
8 I told them that I couldn't move and they should phone me the next day. And the
9 next day, they did call me so that I could go to the meeting place.

10 Q. [15:04:41] Just so that I've -- make sure that I've understood you fully, they
11 called you. They meet you (Redacted) for the first time. You don't want to
12 answer them. You ask them, "Who gave you my number?" They refused to tell
13 you. You are stressing that you don't want to answer. They say you must answer
14 the questions.

15 After that, you heard talk about them when you were in a meeting (Redacted)
16 (Redacted) then they phoned you for a second time to have a
17 meeting the next day; is that correct, Witness?

18 A. [15:05:35] Yes. They called me, I think it was (Redacted) But since I was in a
19 meeting, (Redacted) I went to the meeting. And then we started moving
20 things along.

21 Q. [15:05:55] And it's only after, in October, when you had been assigned a lawyer
22 that you started to talk; am I correct in that? (Redacted) there are discussions where
23 they explain that you will be protected, but it's only in October when you had a
24 lawyer assigned to you that you started your statement; is that correct?

25 A. [15:06:28] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [15:06:38] Now, once you'd been reassured that the OTP lawyers or
2 investigators by saying to you that you are not the object of the OTP, the ICC, I think
3 they said that they offered me some certitude. Did they explain to you that they are
4 looking for your seniors, those superiors above you?

5 A. [15:07:19] Yes, they explained to me, saying they were looking for the leaders,
6 that they were not interested in the elements. I must tell you the truth there. I have
7 to tell them the truth, and it is at that moment that I started to talk.

8 MS DIMITRI: [15:07:56] Mr President, may I have a moment, please.

9 PRESIDING JUDGE SCHMITT: [15:07:58] Of course.

10 (Counsel confers)

11 MS DIMITRI: [15:08:39](Interpretation)

12 Q. [15:08:42] Am I correct in saying that in (Redacted) when you saw them, the
13 investigators of the OTP, they explained to you that there is a possibility that you
14 (Redacted)

15 A. [15:09:08] Yes.

16 Q. [15:09:13] When did they speak to you for the first time, in the presence of your
17 lawyer or did they speak to you about that previously?

18 A. [15:09:35] It was at the end of our interview that they asked me whether I would
19 agree to be moved somewhere else. In the beginning, they promised -- they didn't
20 promise anything to me. They asked me questions and I answered. Then they
21 called the lawyer. And at the end, they asked me to sign my statement. The
22 investigator asked me why -- why I wanted to be a witness, even though I'm a
23 member of the group. I answered them that the leaders of the group were not
24 grateful. This is my motivation. That's why I wanted to give my statement.
25 They then asked me whether I agreed to be relocated, to be sent somewhere else,

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 and I accepted.

2 Q. [15:11:03] I'm now going to go back to your stay in Zongo. Well, am I correct

3 when I say that when you left to go to Zongo, (Redacted)

4 (Redacted)

5 A. [15:11:42] Yes. I introduced myself, and I registered myself as a refugee.

6 Q. [15:11:57] And when you said you were registered as a refugee with the HCR,

7 am I correct in saying that you had to fill in a form so that you could get a statement

8 saying you were a refugee?

9 A. [15:12:22] Yes, they made me sign and fill in a form, and three or four days later,

10 they gave me a badge. There were many of us. There were many Central Africans

11 in Zongo over there. They moved us from Zongo (Redacted)

12 (Redacted)

13 Q. [15:13:07] And your statement refugee card or statement, where is it?

14 A. [15:13:16] I don't have it anymore. Since 2005, I don't know where I put that

15 card.

16 PRESIDING JUDGE SCHMITT: [15:13:41] Well, I heard 2005.

17 Mr Witness, you said "since 2005", but Ms Dimitri was talking with you about 2013,

18 when you became refugee in the DRC. So this refugee card, I think -- or did you

19 receive it in 2013?

20 THE WITNESS: [15:14:17](Interpretation) No. I crossed the river after the arrival of

21 the Seleka. The Seleka took power in 2012. No, I think they came to power in 2013,

22 and that's when they carried out the exactions and that's the moment where I fled to

23 Zongo. It was around 2013 when I got the refugee card. But I don't remember the

24 date when I got the card.

25 PRESIDING JUDGE SCHMITT: [15:14:50] Of course. That would be

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 really -- nobody can expect that that, that you recall that. And this is the refugee
2 card that you don't have anymore; is that correct?

3 THE WITNESS: [15:15:18](Interpretation) I lost my badge as a refugee. You know,
4 we recrossed the river to CAR. And other refugees like me, (Redacted)
5 (Redacted) for example, and I was feeling very
6 discouraged. And since I was active in the Anti-Balaka movement, I couldn't go to
7 Zongo anymore and ask for a new refugee card. So I stayed in Bangui, and I really
8 don't know where the card is anymore.

9 PRESIDING JUDGE SCHMITT: [15:16:06] You don't have to apologise for that.
10 That's absolutely understandable too. But thank you for the information.
11 I think we can leave that point.

12 MS DIMITRI: [15:16:26](Interpretation)

13 Q. [15:16:28] I am going to show you a document, it's tab 60 of the Defence binder,
14 CAR-D29-0007-0035. It's an answer to a request for cooperation of the Defence
15 which is in tab 59, CAR-D29-0007-0033. I'm going to show you tab 60 only. I'm
16 going to read it out to you, and I'd like to ask you to comment.

17 This is an answer from the commissariat for refugees of the United Nations, where I
18 asked whether they had a trace of your registration request. (Redacted)
19 (Redacted)

20 (Redacted) After having consulted
21 the archives of HCR at the headquarters and in the ground, I can confirm to you that
22 the HCR does have no evidence of any such document being requested."
23 Could you comment on that?

24 PRESIDING JUDGE SCHMITT: [15:18:04] No, he has not to comment on that. I
25 think we have discussed that the last time. The witness sees this for the first time.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 You have asked him, he has said he has received such a document. And you can ask
2 him, for example, (Redacted)

3 (Redacted) But we are

4 not -- don't let witnesses comment on other witness's statement and on press articles
5 and on things like that. I think that's not appropriate.

6 MS DIMITRI: [15:18:42] Mr President, my only -- my only point was whether he
7 wanted to give an explanation. I used the word "comment". I'll change the word
8 for the next time.

9 PRESIDING JUDGE SCHMITT: [15:18:56] Yes. Do you have an explanation for
10 that -- but, actually, you don't have to have an explanation for that because it's not in
11 the witness's realm, so to speak. It's ten years -- that could for -- for whatever reason.
12 Actually, I would prefer if you put it on the table and we see it and what shall the
13 witness say to it. You know, he -- they don't have like, said in French, "*une trace*", I
14 think, "*aucune trace*". Well, for whatever reason, he has said he had such a document,
15 he has lost it and we have now this document. And that is what we have. And the
16 witness cannot comment on it, actually, I would say.

17 If you want -- if you want to be to the point and if you want to (Redacted)

18 (Redacted)

19 (Redacted)

20 MS DIMITRI: [15:20:04] My only point, Mr President, was to give him an
21 opportunity to give an explanation. I used the word "comment". I can rephrase.
22 There's no --

23 PRESIDING JUDGE SCHMITT: [15:20:11] But also an --

24 MS DIMITRI: [15:20:13] But it's a document that speaks -- it's a document that
25 mentions him, which is why I ask asked him, "Do you want to comment? Do you

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

- 1 have anything to say?" I can rephrase it. There's no -- there's no problem.
- 2 PRESIDING JUDGE SCHMITT: [15:20:24] Yes, you can -- yes, Mr Vanderpuye.
- 3 MR VANDERPUYE: [15:20:27] Mr President, I would object anyway. I mean, at
- 4 the end of the day, what explanation can he give as to how they keep their records or
- 5 how they searched their records or what they've done with it or what hasn't been
- 6 done with it. Asking for him to comment on it is essentially inviting him to
- 7 speculate on why they say they can't find the record. But that is not within his -- he
- 8 doesn't work for them. That's not within his realm.
- 9 If counsel wants to put to him the proposition that when he says he had a card, that is
- 10 not true, she can put that to him --
- 11 PRESIDING JUDGE SCHMITT: [15:20:56] Yes.
- 12 MR VANDERPUYE: [15:20:56] -- and he can answer it. But I don't see what value
- 13 his comment has on this document, which is inadmissible, in any event.
- 14 PRESIDING JUDGE SCHMITT: [15:21:06] I agree with Mr Vanderpuye. You can
- 15 put the proposition. If this is the position of the Defence, you can put this to him,
- 16 and then we continue from there.
- 17 MS DIMITRI: [15:21:15] Yes, Mr President. I had agreed to rephrase. It's -- it's --
- 18 PRESIDING JUDGE SCHMITT: [15:21:18] Yeah.
- 19 MS DIMITRI: [15:21:19] I said could rephrase.
- 20 PRESIDING JUDGE: [15:21:21] Yes, but also not explanation. He -- he --
- 21 MS DIMITRI: [15:21:23] No explanation, I took it from you.
- 22 PRESIDING JUDGE SCHMITT: [15:21:26] Explanation is also -- yes, that was also
- 23 not correct.
- 24 MS DIMITRI: [15:21:25] Sorry. I'll rephrase.
- 25 PRESIDING JUDGE SCHMITT: [15:21:25] So the only -- I agree -- as I already said, I

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 agree on that point with Mr Vanderpuye, that if you want to draw, which is perfectly
2 your right, so to speak, as Defence, if you draw out of this document what you draw
3 the -- put the proposition to him, (Redacted)
4 (Redacted)
5 (Redacted) Yeah.

6 MS DIMITRI: [15:22:06] May I have a moment, Mr President.

7 PRESIDING JUDGE SCHMITT: [15:22:09] Yes.

8 (Counsel confers)

9 MS DIMITRI: [15:22:19](Interpretation)

10 Q. [15:22:19] So you've seen the document, Mr Witness. I suggest to you --

11 A. [15:22:28] Yes, I saw the document. And I've read it.

12 Q. [15:22:35] I put it to you that (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [15:24:16] Okay, yeah. Thank you, Mr Witness.

24 So when something -- Mr Witness, when something like this -- you will recall what I

25 told you before we started today, that sometimes things are put to you and the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Defence has to do that, especially when they have such a document. When they put
2 something to you that puts into doubt what you are saying, you can react, for
3 example, like you said now, (Redacted)
4 (Redacted) You could also say, of course, the opposite, "Now seeing that,
5 okay, perhaps it was different." But these are the opportunities that you have. But
6 don't be upset about that. I think you are not, but this might also happen several
7 times. But as I have explained to you, it is the duty of the Defence to put -- when
8 they have such a document, to put that to you, and I think you understand that.
9 Yeah.

10 MS DIMITRI: [15:25:14] Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [15:25:15] We were in the past perhaps not always
12 so clear about when it comes to commenting on, explanation, but I think it is good to
13 keep in mind that, indeed, when commenting on, let's say, other evidence that is not
14 in the -- let's say, in the realm, as I word it, of the witness, it indeed invites for
15 speculation. So I will prefer it, and I think everyone will prefer it, if we then put the
16 proposition to the witness. And you can do that absolutely properly by saying,
17 (Redacted) And I think it's also better.

18 And we don't have that back and forth. And this applies, of course, for everyone.

19 MS DIMITRI: [15:26:10](Interpretation)

20 Q. [15:26:12] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

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Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

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Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

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24 PRESIDING JUDGE SCHMITT: [15:38:50] You'll have to put paragraph 30,

25 otherwise I'll do it. (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [15:38:54] I will. Yeah, that's my next question.

2 PRESIDING JUDGE SCHMITT: [15:38:56] And here, because he has said it, then he
3 can explain why. Then you can ask, "Explain." You see?

4 MS DIMITRI: [15:39:01] I understand. I understand, yeah.

5 Q. [15:39:06](Interpretation) Mr Witness, at paragraph 30 of your statement, the
6 statement that you read over with your lawyer before signing it, a statement that you
7 recently read over here in The Hague, you indicated, and I quote: "I remember
8 Rombhot, Freddy, Habib and Bodios were arrested by the Congolese when they
9 arrived to Zongo."

10 Can you explain to me why you didn't correct this sentence when you had an
11 opportunity to do so?

12 PRESIDING JUDGE SCHMITT: [15:40:32] Mr Witness, I think you have understood
13 the question. There are -- it's also the possibility that what has been read out to you
14 by Ms Dimitri simply is wrong. That is one possibility. That it was taken wrong, or
15 whatsoever. And you are here now, a live witness, and you can say, "What I said
16 during my examination, during the hearing, is correct." Or what also could be, that
17 this jogs your memory. But please answer the question. So there are all these
18 possibilities, like always. We are all human, and there might be -- mistakes are made.
19 Recollections are not perfect. Everything is possible. But please be so kind and
20 answer the question.

21 THE WITNESS: [15:41:33](Interpretation) (Redacted)

22 (Redacted)

23 (Redacted)

24 Is it my French? Was it the way I -- was it the way I phrased something in French?

25 Did I -- was that wrong?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 So when Habib got there, he too was arrested. When he got there, he did not register.

2 But he didn't come the same day.

3 Now you are saying something to the effect that they all came at the same time, the
4 same day, but no.

5 PRESIDING JUDGE SCHMITT: [15:42:31] No, I think Ms Dimitri has not said that.

6 It's only about -- you said, "Mr Yekatom was arrested upon arrival." And we're not
7 talking about that they arrived together. Yeah? And then you said now that,

8 "Mr Habib, when he arrived, was also arrested." And the question is of Freddy and

9 Bodios also have been arrested upon arrival, whenever that was. And I understood

10 your answer that this was not the case, despite we are having it here, then we have to

11 move on, because we have different information here. Yeah.

12 MS DIMITRI: [15:43:08] Mr President, before we move on, just one last question.

13 PRESIDING JUDGE SCHMITT: [15:43:11] No, no. I've --

14 MS DIMITRI: [15:43:12] Oh, sorry. Yes.

15 PRESIDING JUDGE SCHMITT: [15:43:12] I've asked if I've understood it correctly.

16 So Mr Yekatom was arrested upon arrival. Then at another time, Mr Habib arrived,

17 was arrested. And Freddy and Bodios, when they arrived, were not arrested. Is

18 that -- have I understood this correctly?

19 THE WITNESS: [15:43:38](Interpretation) (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [15:44:06] Thank you. That makes it clearer, and I

24 think we have an answer now.

25 Ms Dimitri, but you want to follow up on that.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [15:44:18](Interpretation)

2 Q. [15:44:20] Mr Witness, I now understand that you're saying that (Redacted)

3 (Redacted) And, apparently, there's a mistake in

4 paragraph 30 of your statement.

5 What I'd like to know is this: Last Thursday, at 13:55, the Prosecutor read back

6 paragraph 30 to you to refresh your memory saying, "'Freddy, Habib and Bodios were

7 arrested by the Congolese when they arrived to Zongo.' Does that refresh your

8 memory?"

9 And your answer at 13:56, and I quote:

10 "That's true, those people came before the arrival of Yekatom. And since they were

11 soldiers, they were supposed to report to the authorities. And that is why they were

12 arrested."

13 That's what you said last Thursday.

14 Can you explain to me why we now have a different version in connection with

15 Bodios?

16 A. [15:45:51] I did not give divergent versions about Bodios. (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [15:46:14] Please move on, I wanted to say.

19 MS DIMITRI: [15:46:18] I'm sorry. I keep switching from French to English. Yes,

20 I'm going to my next topic.

21 Q. [15:46:26](Interpretation) Now, regarding the arrest of Mr Yekatom, you

22 testified to the effect that Mr Yekatom got to Zongo (Redacted) and that he was

23 arrested by the authorities. What I'd like to know is this: (Redacted)

24 (Redacted) Before he was detained, during, or after his detention?

25 A. [15:47:09] He was arrested on the same day as he arrived in Zongo. As soon as

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 he arrived, the following day, he was released, and (Redacted)

2 (Redacted) But I didn't

3 know where he was. And I did not go to see him.

4 Q. [15:47:56] Am I to understand that you heard people saying that Mr Yekatom
5 was arrested, then released, (Redacted)

6 (Redacted) Have I understood you correctly?

7 A. [15:48:18] (Redacted) It's true that when he arrived, the

8 same day, he was arrested, and he was put in prison where they were. (Redacted)

9 They -- correction. He arrived and they took him directly to prison. And the
10 following day, he was released.

11 Q. [15:48:56] The Prosecution asked you a question, and you still really haven't
12 answered, so I'll put the question to you again. Freddy and Habib, were they
13 arrested before or after Mr Yekatom?

14 A. [15:49:21] Habib got there before Yekatom. The person who came later on was
15 Yekatom, unless I'm mistaken.

16 Q. [15:49:45] I understand that it was after Mr Yekatom's release by the Congolese
17 authorities, it was then that you learned that he had been arrested and then released.
18 It was after that you learned about it, once he had been released.

19 A. [15:50:28] I didn't say that. I said that he arrived (Redacted)

20 (Redacted) After he crossed, the Congolese arrested him and put him in prison.

21 (Redacted) He was released only the following day. And the following day,
22 the day he was released, (Redacted) When he came, (Redacted)

23 (Redacted) He was arrested (Redacted) The Congolese authorities
24 arrested him and he was put in prison.

25 (Redacted) And people were talking. People

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 were talking, they were saying Corporal Rambo has arrived. He crossed the river.
2 He didn't register. He had the Congolese -- he -- the Congolese authorities arrested
3 him. He was arrested alongside the river. (Redacted)

4 (Redacted) that is when I learned the news. The following day, he was
5 released, and (Redacted)

6 PRESIDING JUDGE SCHMITT: [15:51:58] Also I would -- otherwise, I would have
7 asked, so we know now the source of information, so to speak. Thank you,
8 Mr Witness.

9 Please, Ms Dimitri.

10 MS DIMITRI: [15:52:11](Interpretation)

11 Q. [15:52:13] I'd now like to move to another topic, and I'd like to talk about a
12 number of locations that are mentioned in your testimony. Could you tell me, what
13 is the distance between Samba and Kalangoi?

14 A. [15:52:53] I don't know the distance, but I do know that between Kalangoi and
15 Samba, it's quite a large distance because, if you go -- well, if you take an unpaved
16 road -- well, I can say -- I can tell you it's quite a -- quite a distance, but I can't tell you
17 how many kilometres.

18 Q. [15:53:23] Could you tell me how much time it takes to walk between the two
19 places, approximately?

20 A. [15:53:59] I believe that we already have walked that distance, and unless I'm
21 mistaken, it was about an hour and a half or two hours to get to the forest. It's quite
22 a distance, but I don't know the number of kilometres.

23 Q. [15:54:26] (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 That's paragraph 31 of your statement. When you read it over, when you got to The
6 Hague, you struck out that entire paragraph, the entire paragraph.

7 Am I to understand that you never told the investigators about that at the time? Is
8 that why you struck out the paragraph?

9 A. [15:55:43] I scratched it out because it wasn't written properly. I explained that
10 we had talked about our departure. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MS DIMITRI: [15:58:17] Mr President, I'm in your hands. I'm going to jump on

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 another part because I --

2 PRESIDING JUDGE SCHMITT: [15:58:20] I already thought so. And I think we
3 have two minutes before the hour, so I suggest that we call it a day, so to speak, and
4 we conclude the testimony of the witness for today.

5 Thank you very much, Mr Witness, and everyone, after a long week. And we
6 resume on Monday at 9.30.

7 THE COURT USHER: [15:58:40] All rise.

8 (The hearing ends in private session at 3.58 p.m.)