

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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 Monday, 19 September 2022
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:01] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [09:33:25] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [09:33:31] Good morning, Mr President, your Honours.
16 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: [9:33:25] Thank you.
20 I ask for the appearances of the parties.
21 First the Prosecution, please.
22 MS BERDENNIKOVA: [9:33:52] Good morning, your Honours and everyone in the
23 courtroom. This morning the Prosecution is represented by Ms Irina Galupa, by
24 Kweku Vanderpuye, Yassin Mostfa and myself, Maria Berdennikova.
25 PRESIDING JUDGE SCHMITT: [9:34:06] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Ms Massidda.

2 MS MASSIDDA: [9:34:07] Good morning, Mr President, your Honours. For
3 the victims of the other crimes appearing today, Maître Dangabo Moussa,
4 Ms Evelyne Ombeni, Mr Enrique Carnero Rojo, myself, Paolina Massidda. And our
5 field counsel, since this witness is a dual --

6 (Discussion between the Chamber and the court officer)

7 PRESIDING JUDGE SCHMITT: [09:34:31] Please continue.

8 MS MASSIDDA: [09:34:34] And since this witness is a dual status witness, our field
9 counsel, Maître Innocent Mpoko, is at the location with the witness. Thank you very
10 much, your Honour.

11 PRESIDING JUDGE SCHMITT: [9:34:40] Thank you. I'm informed and I have also
12 heard it, that the French translation is in the English channel so we have to switch that,
13 but no -- no problem. So interrupting you had nothing to do with you, Ms Massidda,
14 obviously.

15 Mr Suprun.

16 MR SUPRUN: [9:34:59] Good morning, Mr President, your Honours. The former
17 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
18 Public Counsel for Victims. Thank you.

19 PRESIDING JUDGE SCHMITT: [9:35:12] I turn to the Defence.

20 Ms Dimitri first.

21 MS DIMITRI: [09:35:13] Good morning, Mr President. Good morning, your
22 Honours. Good morning everyone in the courtroom. Mr Yekatom is present in the
23 courtroom this morning. He is represented by Ms Lena Casiez, Ms Alexandra Baer,
24 Mr Jean-Michel Kola and myself, Mylène Dimitri.

25 PRESIDING JUDGE SCHMITT: [9:35:28] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Mr Knoops.

2 MR KNOOPS: [9:35:30] A very good morning, Mr President, your Honours.

3 Everyone in the courtroom, good morning. Our Defence team today on behalf of

4 Mr Ngaïssona is appearing before the Chamber with Ms Barbara Szmatura and

5 Brianna Dyer, and myself, Alexander Knoops. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:35:53] Thank you very much.

7 We will now start with the testimony of Prosecution Witness P-2353.

8 Mr Witness, good morning. Can you hear and understand me well?

9 WITNESS: CAR-OTP-P-2353

10 (The witness speaks Sango)

11 (The witness gives evidence via video link)

12 THE WITNESS: [9:36:17](Interpretation) I can hear you very well.

13 PRESIDING JUDGE SCHMITT: [9:36:19] And the same is with us, we can hear you

14 also very well.

15 Mr Witness, on behalf of the Chamber, I would like to welcome you to the courtroom.

16 You're called to testify to assist this Chamber in the case of Mr Yekatom and

17 Mr Ngaïssona. You have already been informed about the protective measures, so

18 I am shortly mentioning them. There is face distortion so that nobody can see your

19 face outside of this courtroom, and we are also using a pseudonym, meaning that I do

20 not address you with your real name but with -- I'm addressing you as "Mr Witness".

21 Mr Witness, you have to give a solemn undertaking to tell the truth, so please listen

22 carefully to me and speak after myself.

23 THE WITNESS: [9:37:28](Interpretation) I understand you.

24 PRESIDING JUDGE SCHMITT: [9:37:30] I solemnly declare.

25 THE WITNESS: [9:37:40](Interpretation) I solemnly declare that I shall speak the

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 truth.

2 PRESIDING JUDGE SCHMITT: [9:37:46] The whole truth.

3 THE WITNESS: [9:37:55](Interpretation) I shall speak the truth, the whole truth and
4 nothing but the truth.

5 PRESIDING JUDGE SCHMITT: [9:38:00] Thank you very much, Mr Witness. You
6 are now under oath.

7 And before we start with your testimony -- thank you, we -- I would like to inform
8 you about some technical aspects of your testimony. You see we have this
9 connection of -- to a faraway place from here, so sometimes it is not easy to figure out
10 if everybody has understood everything, but at the moment everything is okay.

11 Furthermore, everything we say here, Mr Witness, is written down and interpreted,
12 and especially to allow for the interpreters to follow everything and to interpret
13 everything, we have to speak at a relatively slow pace. And that means for everyone
14 also that we only start speaking when the person asking a question has finished and,
15 perhaps, then wait a couple of seconds so that the interpreters can catch up.

16 Do you follow me, Mr Witness?

17 THE WITNESS: [9:39:23](Interpretation) I understand you very well.

18 PRESIDING JUDGE SCHMITT: [9:39:25] Thank you. We start now with the
19 testimony.

20 I give you the floor.

21 MS BERDENNIKOVA: [9:39:32] Thank you, Mr President.

22 QUESTIONED BY MS BERDENNIKOVA:

23 Q. [9:39:40] Good morning, Mr Witness.

24 My name is Maria Berdennikova --

25 A. [9:39:51] Good morning, Prosecutor.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Q. [9:39:56] -- and I'm a lawyer at the Office of the Prosecutor who will be asking
2 you some questions today, this morning. You may remember that we had an
3 opportunity to very briefly meet each other, that was a few days ago already. So I
4 only have a few questions for you today, so I shouldn't be taking too much of your
5 time.

6 The Presiding Judge has already mentioned that we have interpretation in this
7 courtroom, so we have a mix of different languages that will be spoken. As you can
8 tell, I'm asking you questions in English, so we'll need to take our time and make a
9 little pause between my question and your answer and use a slower tempo than
10 normal conversation.

11 You will have noticed that I'm referring to you as "Mr Witness," as will be the others
12 in this courtroom. Of course, this is not out of disrespect, so it's just to preserve your
13 protective measures and to protect your identity.

14 Are you with me so far?

15 A. [9:41:23] I can understand you very well.

16 Q. [9:41:28] All right. So then just before we start, I will ask you also to listen to
17 my questions very carefully, and if ever you don't understand something or if
18 something is not clear from what I'm saying, please feel free to let me know and, you
19 know, I will rephrase or I'll repeat the question so that it helps the understanding
20 between us.

21 Finally, if you do need a break at any time, please let the judges know, all right?

22 A. [9:42:07] All right.

23 MS BERDENNIKOVA: [9:42:21] Your Honours, I'll ask to go into a brief private
24 session.

25 PRESIDING JUDGE SCHMITT: [9:42:26] Yes, of course. Private session.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 (Private session at 9.42 a.m.)

2 THE COURT OFFICER: [9:42:51] We are in private session, Mr President.

3 MS BERDENNIKOVA: [9:42:56]

4 Q. [9:42:58] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. (Redacted)

12 Q. (Redacted)

13 A. (Redacted)

14 (Redacted)

15 Q. [9:44:38] And could you confirm that you're a national of the Central African

16 Republic?

17 A. [9:44:52] Yes, I'm a citizen of the Central African Republic.

18 Q. [9:44:58] And the last couple of questions on identity. Could you just tell the

19 Chamber what is your ethnicity?

20 A. [9:45:20] My father's -- my father belonged to the ethnic group Runga.

21 Q. [9:45:28] And is this your ethnic group as well?

22 A. [9:45:42] Yes.

23 Q. [9:45:44] And finally, what is your religion?

24 A. [9:45:57] I'm Muslim.

25 Q. [9:46:04] All right. Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 MS BERDENNIKOVA: [09:46:06] Your Honours, we can go back to --

2 PRESIDING JUDGE SCHMITT: [9:46:10] Yeah, I thought so.

3 We go back to open session.

4 THE WITNESS: [9:46:30](Interpretation) Thank you, everybody.

5 (Open session at 9.46 a.m.)

6 THE COURT OFFICER: [9:46:33] We're in open session, Mr President.

7 MS BERDENNIKOVA: [9:46:41]

8 Q. [9:46:42] Mr Witness, I will now ask you a few questions about your statement.

9 Is it correct that you were interviewed by the investigators of the Office of the

10 Prosecutor back in January 2019?

11 A. [9:47:13] Yes, indeed. I was interviewed in 2019.

12 Q. [9:47:21] All right. And just for the record, the ERN of the statement is at tab 2
13 of the Prosecution list, it's at CAR-OTP-2100-0226, and we have a French translation
14 which is at tab 4 at CAR-OTP-2122-4377.

15 Now, did you make that statement voluntarily?

16 A. [9:48:14] Yes, I made the statement on a voluntary basis.

17 Q. [9:48:21] And is it correct that you recently had the opportunity to reread the
18 statement?

19 A. [9:48:48] I did not hear you properly -- or, rather, I did not understand your
20 question.

21 Q. [9:48:55] No problem, I'll -- I'll repeat it again.

22 Is it correct that you had the opportunity to go over and to read again the statement
23 that you made more recently, just before your testimony?

24 A. [9:49:30] Yes, I had the opportunity to reread my statement. And I can also
25 provide details on certain aspects of my statement if the questions are asked.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Q. [9:49:49] Thank you, Mr Witness. I will be asking you --

2 PRESIDING JUDGE SCHMITT: [9:49:52] Well, that's the reason why I think you will
3 some additional questions, I assume.

4 BY MS BERDENNIKOVA:

5 Q. [9:49:58] Indeed. You have anticipated that I will have a few questions for you
6 on your statement.

7 But before we get to that, can you just confirm for the record that your statement that
8 you gave is true and accurate to the best of your knowledge and recollection?

9 A. [9:50:34] I said -- I spoke the whole truth.

10 Q. [9:50:40] And then would you agree for the Chamber to use your statement as
11 evidence in this case?

12 A. [9:51:03] Yes, I agree to it.

13 PRESIDING JUDGE SCHMITT: [9:51:05] Thank you very much. So that fulfills the
14 requirements for Rule 68(3) for the witness statement that you have already put with
15 the ERN numbers on the record.

16 You can continue from there. Thank you very much.

17 MS BERDENNIKOVA: [9:51:19] Thank you, your Honours.

18 Q. [9:51:22] Now, Mr Witness, your statement is already quite complete, but as you
19 have already anticipated, I will be asking you a few clarification questions on what
20 you previously told the investigators. And I will try to cover these various topics in
21 chronological order just so that it's more clear. And I will use the English version of
22 the statement at tab 2.

23 So my first question relates to the changes in the security situation on the roads
24 between Bangui and Mbaiki, so I will ask you to listen carefully because I will quote
25 some parts of your statement before posing my question. Okay?

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 So you describe in your statement at paragraph 12 that prior to the conflict - so this is
2 during the Bozize regime - your trading activities led you to make frequent trips
3 between Mbaiki and Bangui. You then explain, at paragraph 26, that from August to
4 November of 2013, there was no security on the roads but that you managed to
5 continue your economic activities with difficulties. And then finally, at paragraph 33,
6 you explain that, I quote from your statement: "From 5 December on it was
7 completely impossible to travel over the road to Bangui."

8 So what I would like to ask is why did it become completely impossible, in your
9 words, to travel over the road to Bangui from 5 December on?

10 A. [9:53:40] As of 5 December, the road was free. I left Mbaiki on 9 December
11 and -- or between the 9th and the 10th and I went to Bangui {ICR: (Redacted)
12 (Redacted)
13 (Redacted)}}. At that point of time, the
14 road was free.

15 Q. [9:54:21] Okay. Thank you. And I will touch upon the trip that you just
16 mentioned in one of my subsequent questions. But could you clarify why is it that in
17 your statement you mentioned that from 5 December it was completely impossible to
18 travel over the road to Bangui. Could you describe what the security situation was
19 on the roads between Mbaiki and Bangui at this time.

20 A. [9:55:14] During that period of time, people were free to travel from -- from
21 Mbaiki to Bangui, but after the 5 December attacks, everyone was scared, and people
22 who were in Bangui sought refuge in Mbaiki. At that point of time, there were very
23 few goods. {ICR: (Redacted)
24 (Redacted)
25 (Redacted)}}. And this was after 5 December.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 MS BERDENNIKOVA: [9:56:15] Your Honours, could we go into a brief private
2 session?

3 PRESIDING JUDGE SCHMITT: [9:56:18] Of course.
4 (Private session at 9.56 a.m.)

5 THE COURT OFFICER: [9:56:33] We are in private session, Mr President.

6 MS BERDENNIKOVA: [9:56:40]

7 Q. [9:56:42] I'd like to discuss in a little bit more detail this trip that you made to
8 Bangui on the -- on 9 or 10 December you mentioned. So, in fact, at paragraphs 35
9 and 36 of your statement, you describe this trip which took place just few days after
10 the 5 December attack. And when describing it, you say, so again I'm quoting, you
11 know, your words from your statement: "There was chaos everywhere in Bangui. I
12 noticed that the 'temperature' was not right. It felt very tense."

13 Now, can you provide more details and explain what you mean when you say that
14 the temperature was not right and that it felt very tense in Bangui during this trip?

15 A. [9:57:52] Yes, indeed. You know that after an attack where there were deaths,
16 there was a lot of violence and people were scared. There was a lot of insecurity in
17 the city between Mbaiki and Bangui. But in -- but during the 5 December attacks,
18 the clashes were terrible. There were so many casualties. When we reached Bangui,
19 we saw how the corpses were transported in the vehicles and I think it was -- (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [9:59:15] We will talk about Mbaiki as well. At the moment, I want to still

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 discuss a little bit about this trip to Bangui that you made.

2 (Redacted)

3 (Redacted)

4 A. [9:59:54] I took the Mbaiki axis. I went to -- I reached Sabe, and after Sabe,

5 Pissa, and then I reached Boyali (phon). From Boyali, I went to Kapou. And after

6 Kapou, I reached Bimon. After Bimon, it was Ndangala and then Sekia, and then I

7 reached PK9. PK9 is almost Bangui.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:01:24] And did you go through any Muslim areas, predominantly Muslim

14 areas when you were in Bangui during that trip?

15 A. [10:01:48] When I got to Bangui all the Muslims were at Kilometre 5. They

16 were nowhere else. Those who were in Petevo gathered at PK5. All the Muslims

17 were at PK5.

18 Q. [10:02:08] And do you know why all the Muslims were in PK5?

19 A. [10:02:28] At that time people were killing one another, the Seleka were fighting

20 the Anti-Balaka, but at that time the Anti-Balaka were not yet operational, but people

21 did talk, people were talking about the Seleka and the Anti-Balaka. So people fled

22 and took refuge at Kilometre 5. The Christians stayed in their area and the Muslims

23 had to retreat to Kilometre 5.

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 you there?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:04:42] Could you repeat your question. I didn't really understand it.

10 Q. [10:04:51] Of course.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Now, could you just provide some more clarification on why did you say that, that it

18 would be too dangerous for you as a Muslim, why you felt it was too dangerous for

19 you as a Muslim and you did not go back to Bangui since then until the evacuation?

20 A. [10:06:12] It was just because people were being killed. But I mean, someone

21 might offer you a hundred thousand and you couldn't accept that and maybe die

22 because of a hundred million. I was afraid for my life.

23 Q. [10:06:41] And why is it that you say that as a Muslim specifically it was

24 dangerous for you?

25 A. [10:07:14] Just because people were being killed. For example, one of the

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 Muslims was killed and actually his body burnt in Petevo. After the events of
2 5 December, some Muslims in taxis were killed and their bodies were actually burnt.
3 That's why I was afraid.

4 Q. [10:07:49] And how did you know that some Muslims in taxis were killed and
5 that their bodies were burned? How did you know that?

6 A. [10:08:17] The people concerned came from Bagandou. They spent some time
7 in Mbaiki, and the next day they took a vehicle to get to Bangui. Once they got to
8 PK9, they took a taxi to get to Kilometre 5. Then they were caught and killed. One
9 managed to get away. And, you know, during those events, not everyone was
10 willing to kill. Some people were willing to protect the Muslims and the Muslims
11 might also protect Christians. So this fellow was protected, and he was able to come
12 back and tell people that other Muslims had been caught, killed and their bodies
13 burnt. Someone called Chat Noir was able to take the arm of the person who was
14 killed and he brandished it and that news went around. It even was to be seen on
15 Facebook.

16 Q. [10:09:28] And were you also told of who did this -- of who killed these people?

17 A. [10:09:53] During those events, it was difficult to determine who had done what.
18 It was difficult to identify the perpetrators of those acts of violence and abuse.
19 Even -- well, each person was trying to protect himself. Everyone was fleeing, trying
20 to protect himself. We got the information because it was published. For example,
21 the story about Chat Noir, he even ate the human flesh of people who had been killed.
22 That was shown on television stations. And to tell you the truth, I don't
23 know -- I don't know those people.

24 Q. [10:10:42] All right. Thank you. And that's fine, if you don't know something,
25 that's perfectly -- it's good that you tell us that you don't know.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 Now, was it just you who was afraid or was it also other Muslims in your community
2 who were also afraid?

3 A. [10:11:25] Yes, people were afraid in my community, in my family, and the
4 internally displaced people who had come from small villages and ended up
5 elsewhere had a hard time even managing to get food to eat. Everyone was afraid.
6 Not just me, everyone.

7 Q. [10:11:54] I will in fact ask you a few questions about the internally displaced
8 people that you just mentioned. Before that, I have one or two more questions on
9 the 5 December attack. So you do refer to that -- you've just referred to that attack,
10 you refer to that attack in your statement --

11 PRESIDING JUDGE SCHMITT: [10:12:21] May I shortly.

12 Ms Dimitri.

13 MS DIMITRI: [10:12:22] Thank you, Mr President. I apologise for the interruption,
14 but maybe we could go back in public session.

15 PRESIDING JUDGE SCHMITT: [10:12:29] Yes, indeed. Of course. Actually, it
16 escaped my attention. You're right.

17 Mr Knoops.

18 MR KNOOPS: [10:12:36] Yes, Mr. President, I object to the words "internally
19 displaced" persons. That's a legal term, and it's not used by the witness in his
20 statement.

21 PRESIDING JUDGE SCHMITT: [10:12:43] Yeah, okay.

22 MR KNOOPS: [10:12:46] It's suggestive.

23 PRESIDING JUDGE SCHMITT: [10:12:49] Well, we can -- strictly speaking, you are
24 right, but we can also word a little bit around it. But sometimes it's -- it's even
25 better -- we can let the witness speak about it, about people who could not -- people

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

- 1 who could not stay at home, who left their home, who left to any other -- left
2 someplace and the reasons for that and how this unfolded.
3 We go to open session and we -- we hope that we can stay there for a while.
4 MS BERDENNIKOVA: [10:13:18] Your Honours.
5 PRESIDING JUDGE SCHMITT: [10:13:21] Yes.
6 MS BERDENNIKOVA: [10:13:21] May I just shortly address the objections and the --
7 PRESIDING JUDGE SCHMITT: [10:13:27] No. Please continue. It's not -- it's
8 really not -- not worth a longer discussion.
9 MS BERDENNIKOVA: [10:13:33] Okay.
10 (Open session at 10.13 a.m.)
11 THE COURT OFFICER: [10:13:42] We are in open session, Mr President.
12 PRESIDING JUDGE SCHMITT: [10:13:44] Thank you.
13 We all know what we are talking about and it's *terminus technicus*, like the Latins
14 would say -- yes, but -- and you can -- and the witness has not used it. It's also
15 correct, but I don't see it's -- don't see a big issue in using it, but perhaps to just avoid
16 further objections, please circumscribe it.
17 MS BERDENNIKOVA: [10:14:06] Of course. It's just that I -- I took it word from
18 word from the English transcription, translation of what --
19 PRESIDING JUDGE SCHMITT: I know.
20 MS BERDENNIKOVA: -- the witness's answer. So I'm -- I'm actually trying to use
21 the words of the witness's answer.
22 PRESIDING JUDGE SCHMITT: [10:14:21] I follow the -- so it's an English transcript.
23 Okay, then. Please continue. I follow the French transcript normally, so -- yeah,
24 please continue.
25 MS BERDENNIKOVA: [10:14:35]

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Q. [10:14:36] Mr Witness, so just one last question about the 5 December before we
2 move on to the other evacuations.

3 Now, at paragraph 40 of your statement, you state, and I quote: "I first heard the
4 name Rambo as being concerned in the 5th December attacks in Bangui." And you
5 also briefly mentioned that you heard Yekatom was involved in this attack at
6 paragraph 49 of your statement.

7 So can you just give a little bit more details about what you know or what you heard
8 of Yekatom's involvement in the 5 December attack in Bangui?

9 A. [10:15:55] Indeed. I didn't know him before, Yekatom, Rambo. I was born in
10 Mbaiki, I grew up there, but I never saw him. I heard about him. With the events
11 that occurred, I heard that he was the leader of the Anti-Balaka. Personally, I didn't
12 see him in operation, but everyone talked about him. Mbaiki people said that
13 Rambo had done this, had done that, but I never saw him. I don't know him. And
14 at that time I didn't know him even. I never saw him kill anyone. I never heard
15 him say that he killed people. I just heard that he was the leader of the Anti-Balaka
16 at the time of the events. Personally, I didn't see him.

17 Q. [10:16:58] And what did you hear specifically about his involvement in the
18 5 December attack, which you do mention in your statement?

19 A. [10:17:27] The attack of 5 December was actually -- well, the attack of the 5th in
20 Boeing and in areas of Bangui, I heard that he led the fighting. I didn't see that
21 myself. I heard people talking about that, and it was on social networks, on
22 Facebook. We had that information. I heard about it, but I didn't see it.

23 PRESIDING JUDGE SCHMITT: [10:18:03] Mr Witness, when you said you heard
24 about it, can you perhaps specify a little bit. Were these people that you knew or
25 was it on -- was it on radio or whatsoever? Can you specify where the information

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 came from that you received?

2 THE WITNESS: [10:18:40](Interpretation) {ICR: (Redacted)}, I know a lot of
3 people. I have a lot of friends. And some people I talk to on the phone who
4 provide information, information from Bangui or Mbaiki, because at that time
5 everyone wanted -- well, everyone was hiding and so information would go around.
6 I wasn't the only one to hear that information.

7 PRESIDING JUDGE SCHMITT: [10:19:14] Thank you, Mr Witness.

8 And at the moment the French transcript gets a little bit cryptic. I think we can
9 perhaps solve that. At least it's not "no, no, no," that we had the week before.

10 Please continue.

11 MS BERDENNIKOVA: [10:19:32] Your Honours, I do have one particularly
12 identifying topic.

13 PRESIDING JUDGE SCHMITT: [10:19:38] Then we have to address that in private
14 session, indeed.

15 (Private session at 10.19 a.m.)

16 THE COURT OFFICER: [10:19:55] We are in private session, Mr President.

17 MS BERDENNIKOVA: [10:20:09]

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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 PRESIDING JUDGE SCHMITT: [10:27:58] Please move on.
- 11 MS BERDENNIKOVA: [10:28:01]
- 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-2353

(Private Session)

ICC-01/14-01/18

1 night. And the next day, the ones who had remained took the motorcycle. The
2 man was no longer able to go out and he was killed, and I heard about that. Other
3 people wanted to leave Bagandou by foot were caught and killed.

4 Q. [10:31:29] Do you know who caught them and killed them?

5 PRESIDING JUDGE SCHMITT: [10:31:34] Ms Dimitri.

6 MS DIMITRI: [10:31:37] I'm sorry, I didn't want to interrupt, but there's a few
7 translation issues from Sango to French. Bangasou was not pronounced by the
8 witness. It's Bagandou, if you look at the first sentence. And in English he said
9 "*cet homme âgé*", and it was translated in English by "*cet homme âgé*", as if it was a name.
10 It's "the old man".

11 PRESIDING JUDGE SCHMITT: [10:32:04] Well, okay. I think that that that can be
12 figured out later on.

13 Please continue. Can we go at some point in time back to open session?

14 MS BERDENNIKOVA: [10:32:16] One question and then the topic will be --

15 PRESIDING JUDGE SCHMITT: [10:32:20] Yes.

16 MS BERDENNIKOVA: [10:32:22]

17 Q. [10:32:23] Mr Witness, I'll repeat my last question.

18 Do you know who was it that caught and killed the people you mentioned just in
19 your previous answer?

20 A. [10:32:49] The person who was killed was an Imam. He was a religious leader.
21 He was in Bagandou (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) The elderly man with his children came, and during that time, they

25 were caught. The Imam was tied up. In fact, he fled to seek refuge, the old man I

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 spoke to you about. And subsequently, he came out and he was at the banks of the
2 river, he was caught and killed. If you go to Bangasou and ask about this, people
3 can actually tell you what happened. He was actually buried in a compound there.

4 THE INTERPRETER: [10:34:26] The Sango interpreter corrects himself: It was
5 Bagandou and not Bangasou.

6 MS BERDENNIKOVA: [10:34:36]

7 Q. [10:34:36] All right. So you mentioned that these people were caught, that the
8 Imam was tied up. Do you know who and -- or, you know, members of which
9 group would have done this -- did this?

10 A. [10:35:03] In fact, at that point of time (Redacted) We really didn't know who
11 did what. It was the inhabitants of Bagandou who did that. You can actually
12 inquire and they will tell you more. I cannot tell you who did that because I wasn't
13 present. I did not witness it with my own eyes (Redacted)

14 I wasn't present. And after the death of Muslims, (Redacted)
15 (Redacted)

16 Q. [10:35:51] Thank you. I have only one last question on this topic, and then we
17 can move back into public session and I'll switch to a different issue.

18 So just one last clarification. When you say -- and this is again at paragraph 41 of
19 your statement, (Redacted)

20 (Redacted) that these Muslims did not wish to stay in
21 locations, fearing attack and being killed by the Anti-Balaka.

22 Now, (Redacted)

23 A. [10:36:49] I haven't understood the question, please.

24 PRESIDING JUDGE SCHMITT: [10:36:55] Well, I think it's relatively clear what the
25 witness says in 41. Or you seek to have more specificities on that, I think? So

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 perhaps you can try.

2 MS BERDENNIKOVA: [10:37:10] Indeed.

3 PRESIDING JUDGE SCHMITT: [10:37:11] You know, Mr Witness, you said that the

4 Muslims did not want to stay because they feared attacks. (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: [10:38:02](Interpretation) May I speak?

8 PRESIDING JUDGE SCHMITT: [10:38:03] Of course, Mr Witness, you may speak.

9 THE WITNESS: [10:38:14](Interpretation) You see, at that point of time, everyone

10 wanted to protect themselves. It was very hard to know who said what. And I'm

11 repeating this. All the people were scared. The villagers who could not have access

12 to a vehicle would flee and travel to Mbaiki on foot and that's what I know.

13 PRESIDING JUDGE SCHMITT: [10:38:55] Thank you.

14 I think that's enough information on that. We can go to open session? Yeah, open

15 session.

16 Thank you, Mr Witness.

17 (Open session at 10.39 a.m.)

18 THE COURT OFFICER: [10:39:17] We are in open session, Mr President.

19 MS BERDENNIKOVA: [10:39:24]

20 Q. [10:39:26] So I'll move on to -- to another topic. And we just discussed the

21 evacuation of Muslims from villages surrounding Mbaiki -- into Mbaiki. So now

22 you talk a little bit about the living conditions of these people once they arrived in

23 Mbaiki, and at paragraph 46 you say that: "Refugees from the villages stayed in

24 Mbaiki on porches of people's houses." Adding: "These were difficult living

25 conditions."

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 So can you just describe in a little bit more detail what you saw and what made it
2 difficult for these displaced people?

3 A. [10:40:30] When they reached Mbaiki, it was very difficult. They could barely
4 eat. A person who has a house and who has fled from his house, he is not used to
5 living like this. He has children, he was hungry. And, in fact, people who fled,
6 abandoned their shops and their plantations to seek refuge somewhere. So they
7 came and they had nothing on them. Fortunately, the bishop of the Catholic church,
8 Father Rhino, who helped these people and fed them. He gave them food to eat.
9 And we also had our own reserves, even though it wasn't enough, given the size of
10 the family. We did our best to help them, to feed them. Father Rhino would give
11 them rice and soap in order to help them out and make their ends meet, but they were
12 living in very difficult conditions. That's what I can tell you.

13 Q. [10:41:59] And aside from lack of food, how else did these difficult living
14 conditions manifest themselves? Was there an impact in terms of sanitation, in
15 terms of crowding or other things?

16 A. [10:42:33] Yes. There were health problems as well, because the hospitals and
17 the health centres were not working. We did not have enough reserves of medicine
18 to treat people. It was very difficult at that period of time.

19 Q. [10:42:58] And how long did people remain in these living conditions?

20 A. [10:43:19] What I'm telling you is, it is very difficult for someone to remember
21 dates because we -- our heads were not properly working, so to speak. If we were
22 living in peaceful conditions, we could try and recollect dates. I don't know how
23 long or what was the exact date of evacuation. I really cannot give you an estimate
24 on that.

25 PRESIDING JUDGE SCHMITT: [10:43:54] Please move on. I think it is very

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 difficult for the witness, and we have information in the statement, Rule 68(3)
2 statement. We have to accept -- we have to accept that. And that's not the first
3 witness and it's absolutely understandable that after all those years and also given the
4 psychological conditions under that, the perception was made at the time, I think it's
5 understandable.

6 Please continue.

7 MS BERDENNIKOVA: [10:44:21] Of course. Thank you.

8 Q. [10:44:24] Mr Witness, you already referred recent -- just a few moments ago to
9 Bishop Rhino, so my next question actually relates to him. You state in paragraph 52
10 of your statement where you describe a meeting that took place at the church of
11 St Jeanne d'Arc in Mbaiki and you state, so: "There was a meeting convened at the
12 church of St Jeanne d'Arc in Mbaiki. I do not remember the date. The Sangaris and
13 Rhino called this meeting for Rambo to give strong instructions to his elements not to
14 cause disorder."

15 So I just want to ask you to clarify, how do you know that it was the Sangaris and
16 Bishop Rhino or Guerrino Perin who called this meeting for Rambo to give strong
17 instructions to his elements not to cause disorder?

18 A. [10:45:44] Because at that period of time, there was a climate of fear. There was
19 very less traffic. We were living * {ICR: (Redacted)}
20 (Redacted)} were Muslims in the district of Bangui. I was also scared and I wasn't
21 doing a lot of things. However, some people had the courage -- in fact, our delegate
22 Youssouf, Habib, Mahamat Issaka took part in this meeting convened in the church.
23 It was at the St Jeanne d'Arc church and they attended this meeting.

24 In this meeting there was Father Rhino, the Sangaris, not Ngaïssona, no. It was
25 Yekatom. Rambo was there. He came and he accepted. He told everybody -- in

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 fact, our delegates that he was the leader of the Anti-Balaka. He introduced himself
2 as being the leader of the Anti-Balaka. And he said that he was not in the locality to
3 hurt neither the Muslims nor the Christians and he was there to protect the civilians.
4 And this is how I got to know that he was the head of the Anti-Balaka. And he gave
5 instructions to the Anti-Balaka. He threatened them in public and said the
6 Anti-Balaka who would commit exactions on the civilians would personally be killed
7 by him. So it's our delegates who actually attended this meeting and told us how
8 things panned out in the meeting. And this is how I obtained all the information.

9 Q. [10:48:03] So I understand that you personally were not present at that meeting?

10 A. [10:48:17] No, I wasn't present.

11 Q. [10:48:21] Just a very specific question, because you do mention in your
12 statement that it was the Sangaris and Rhino that organised for this meeting. So as
13 I -- as I quoted, they "called this meeting for Rambo to give instructions." Do you
14 know specifically how -- how do you know specifically that it's Sangaris and Rhino
15 that called for this meeting?

16 A. [10:48:54] I told you that I had attended this meeting. At that point of time we
17 had delegates. When there were events like this, you must organise yourself and
18 choose a delegate or a representative. We sent representatives to the meetings, and
19 they gave us an account of what happened during these meetings. And it is from
20 this information that I knew that it was him.

21 Q. [10:49:47] All right. So you then -- you then go on and you start to describe the
22 behaviour of the Anti-Balaka elements in Mbaiki. And you say at paragraph 53 of
23 your statement: "The Anti-Balaka later seemed to disregard completely what Rambo
24 said. It seemed like his words were like throwing petrol on a fire. The Anti-Balaka
25 were threatening our children, women and elders with their machetes. They said

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 they were going to kill us, [and] cut us in pieces. They threatened that they would
2 destroy our houses. They threatened me as well."

3 Now, obviously, you were there and, you know, people in the courtroom, we were
4 not there, so could you just describe what you yourself saw and how -- how did these
5 threats manifest themselves. Just provide us a little bit more detail about that.

6 A. [10:51:07] During that period it was very hard. The Anti-Balaka had
7 completely invaded the city of Mbaiki. They had machetes and weapons. They all
8 had weapons. And when you saw them, you were scared. It was really difficult to
9 have any appetite at all. Women and children were suffering. We were a bit older,
10 so we could put up with that. And someone who shows you a machete and says
11 "I'm going to slit your throat today", it was hard. And they actually did that several
12 times. It wasn't -- it was a threat. It was a real threat. Someone who had a
13 weapon and said that they would hurt you, it wasn't just a single person but there
14 were hundreds who would threaten us. And the -- this is what I know.

15 Q. [10:52:42] How often were you yourself threatened?

16 A. [10:53:01] I was threatened on several occasions. I don't know how many times,
17 but it was too much. They would come, they would insult you, they would call you
18 names. And what could you do? You would just go away without saying
19 anything.

20 Q. [10:53:25] Could you give more details about how Anti-Balaka elements
21 threatened you specifically?

22 A. [10:53:50] They would forcibly take away the belongings of others. There was
23 no market, we couldn't go to the markets, you couldn't walk freely. We would use
24 our reserves at home to cook food for our children so that they don't die out of
25 starvation. There were several types of threats issued.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Q. [10:54:26] What other types of threats were issued, if any, aside from the ones
2 you already mentioned?

3 A. [10:55:02] Death threats, invariably death threats. It was not about suggesting
4 something. They would say they would kill you and do away with you. So it was
5 such type of threats.

6 Q. [10:55:26] Were you personally subject to death threats by the Anti-Balaka?

7 A. [10:55:52] They came to my house several times. They threatened me. I was
8 always there at home. They would insult me, and there were times when -- when
9 we would give them money to calm them down and get rid of them. And when the
10 threats were severe, you would actually give them some money to avoid things from
11 going overboard.

12 Q. [10:56:41] All right. So my next question to you relates to the deputy mayor,
13 Djido Saleh, that you --

14 PRESIDING JUDGE SCHMITT: [10:56:47] I think that's a different topic. Perhaps
15 I would suggest that we have now the break and that we continue after the break
16 with that topic, yes?

17 Break until 11.30.

18 THE COURT USHER: [10:57:02] All rise.

19 (Recess taken at 10.57 a.m.)

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

21 THE COURT USHER: [11:31:33] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:31:53] You have still the floor, obviously.

24 MS BERDENNIKOVA: [11:31:56] Thank you.

25 Q. [11:32:00] So hello again, Mr Witness. As I mentioned just before the start of

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 the break, my next question is related to the deputy mayor of Mbaiki, Mr Djido Saleh.
2 And at paragraph 61 of your statement when you describe the evacuation of Muslims
3 from Mbaiki, you mentioned Djido Saleh stating, and I quote: "When the trucks
4 came, everybody left with the convoy. One Muslim brother stayed behind, Adam
5 Saleh Djido, the third deputy to the mayor, and he was killed by the Anti-Balaka."
6 Now, can you just elaborate a little bit more on what you know about what happened
7 to Djido Saleh?

8 A. [11:33:21] Thank you. When he was killed, I was already in exile. I was no
9 longer in the Central African Republic. I was already in Chad by then. I was at the
10 border, and the murder occurred after me. He was killed by the Anti-Balaka. I still
11 have a video of the video on my telephone. The people who were present at the
12 scene filmed it, and I have the video of the scene on my telephone. On the day of his
13 murder, I repeat, I was no longer there, and I learned that he had been killed by the
14 Anti-Balaka.

15 MS BERDENNIKOVA: [11:34:13] Your Honours, could we go into a private session,
16 please?

17 PRESIDING JUDGE SCHMITT: [11:34:16] Yes. Private session.

18 (Private session at 11.34 a.m.)

19 THE COURT OFFICER: [11:34:32] We are in private session, Mr President.

20 MS BERDENNIKOVA: [11:34:40]

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 Ms Massidda.
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 be provided.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MS MASSIDDA: [11:38:07] We can try to sort it out during the lunch break.

6 PRESIDING JUDGE SCHMITT: [11:38:10] Yes, yes, during the lunch break so we
7 don't have to do that now.

8 Okay. Please continue, Ms Berdennikova.

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-2353

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS BERDENNIKOVA: [11:44:30]

5 Q. [11:44:31] Mr Witness, did you recognise the locations that appear in the
6 footage?

7 A. [11:44:56] Yes, I was able to recognise the place where the footage was shot.

8 I was born in Mbaiki and I grew up there. And if a video was filmed somewhere

9 else, I would have known that, but I do know that the video footage was shot in

10 Mbaiki in front of the gendarmerie company, the scene occurred there. And I saw

11 the body on the video. You can see the body being dragged along the ground from

12 the gendarmerie company to the roundabout where there's a road that goes to the

13 market. And there was also the Mbaiki hospital on the other side. And the police

14 are right beside that location as well.

15 So the body was abandoned at the roundabout and then they started to cut it up into

16 pieces with machetes. You know, it is a video and it's difficult to identify the people

17 who were carrying out these acts about him. I am from Mbaiki and I'm familiar with

18 all the places, and when you view the video, you can see many things.

19 MR KNOOPS: [11:46:34] Mr President, sorry.

20 PRESIDING JUDGE SCHMITT: [11:46:36] Mr Knoops.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:46:55] Yeah, yeah.

2 MR KNOOPS: [11:46:55] Thank you.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [11:48:42] Thank you.

18 Please continue.

19 MS BERDENNIKOVA: [11:48:45]

20 Q. [11:48:46] One last question about this incident. You mentioned several times
21 during your testimony today and in your statement that Djido Saleh was killed by the
22 Anti-Balaka. How do you yourself know that? Is this something you were told,
23 and if so, by who?

24 A. [11:49:25] When we fled and went into exile, the Anti-Balaka were running the
25 show in Mbaiki. We saw them with our own eyes. They were the ones who ruled

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 over the city. They were the ones who looted, who committed massacres and other
2 acts of violence and abuse. There were some Muslims in the town and then they
3 were then evacuated to Bangui, and Djido was the only one who stayed behind in the
4 town of Mbaiki. It was the Anti-Balaka who killed him. No one else. They were
5 the ones who had control over the town. They threatened people with death. It
6 was very tough and we had to flee and go into exile. And you see, since Djido had
7 remained behind, they killed him.

8 Q. [11:50:46] Thank you for that clarification.

9 I only have a couple of topics left so I --

10 PRESIDING JUDGE SCHMITT: [11:50:55] Open session?

11 MS BERDENNIKOVA: [11:50:57] No, we still --

12 PRESIDING JUDGE SCHMITT: [11:51:00] Please continue.

13 MS BERDENNIKOVA: [11:51:02]

14 Q. [11:51:02] So I'll be done soon.

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-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [11:52:43] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) Once we got to Zila -- well, Rambo asked me and I said

10 to him that I was going to Bangui. Rambo said to me that I should not leave the

11 country, not to go into exile and that I should just go stay in Bangui. Rambo said to

12 me, "I would advise that you not leave. Why did you leave? Why did you leave?"

13 And I said it was a very tough situation, that's why I didn't want to stay.

14 I was afraid. He had many elements in his vehicle. I just wanted to get to Bangui.

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-2353

(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 (Redacted)
- 13 (Redacted)
- 14 A. [11:58:06] (Redacted) Another person did not have
- 15 power over the Anti-Balaka. Only Rambo had true power over the Anti-Balaka.
- 16 (Redacted) I talked
- 17 to my father about that and my father said no, that it wasn't possible for a Muslim to
- 18 go outside, and any Muslims who went outside were killed systematically. He
- 19 asked me -- well, he said (Redacted) was worth nothing in comparison with my life
- 20 and he advised me just to drop the matter.
- 21 Q. [11:59:05] All right. Thank you for those clarifications. I would like --
- 22 MR KNOOPS: [11:59:12] Sorry. I believe the question of the Prosecution was the
- 23 approximate time frame and that the question is not yet answered by the witness.
- 24 PRESIDING JUDGE SCHMITT: [11:59:21] Well, we can -- we can give it a try, but
- 25 I think the witness might have -- perhaps let me give it a try.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

- 1 Mr Witness, what you told (Redacted) do you have an approximate idea
2 when this happened? I know it's very difficult, and you if don't, tell us. But if you
3 have some reference for the time frame, it would be good to know.
- 4 THE WITNESS: [12:00:05](Interpretation) When we left Mbaiki, it was when the
5 Chadian army went to Mbaiki to drive the people out. (Redacted)
6 (Redacted) towards PK9. I was
7 threatened with death there. Thanks be to God, the (Redacted) escorted me to
8 Kilometre 5. Once I got to Kilometre 5, the day after my arrival, that following day
9 my friend called me to inform me (Redacted) And that was
10 when I tried to get the number of the person (Redacted)
11 It was (Redacted) And later I
12 spoke with him and (Redacted)
13 (Redacted)
14 (Redacted) There was no -- he said there was no problem. He said meet me at
15 (Redacted) And that was when my father strongly advised me against going
16 there. That is what happened.
- 17 PRESIDING JUDGE SCHMITT: [12:01:47] Thank you, Mr Witness.
18 Do you have further questions?
- 19 MS BERDENNIKOVA: [12:01:50] I have just a couple of -- I have just a couple of
20 further questions.
- 21 PRESIDING JUDGE SCHMITT: [12:01:55] I can't imagine too many anymore,
22 frankly speaking.
- 23 MS BERDENNIKOVA: [12:02:00] Not too many, no.
- 24 PRESIDING JUDGE SCHMITT: [12:02:03] Okay. And still in private session?
- 25 MS BERDENNIKOVA: [12:02:04] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [12:02:05] Okay.
- 2 MS BERDENNIKOVA: [12:02:06]
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 PRESIDING JUDGE SCHMITT: [12:08:39] (Redacted)
- 21 MS BERDENNIKOVA: [12:08:42]
- 22 Q. [12:08:44] And are you aware of other Muslims who were left in the same
- 23 situation and who are no longer able to come back to their properties in Mbaiki?
- 24 A. [12:09:23] Yes, all Muslims left Mbaiki. You have many people who are in the
- 25 same boat as I am. With the tensions -- with the tensions calming down, some

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 Muslims have started going back to Mbaiki, but these weren't the natives of Mbaiki,
2 these were Muslims that had come from other villages who tried to set up in Mbaiki.
3 They were about 10 or 20 people. I do not have the courage to go back to Mbaiki.
4 I'm really sad. If I go back to Mbaiki, where will I go? Where will I live? I do not
5 have the courage to do so.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [12:13:35] Thank you very much, Mr Witness, for providing these additional
4 details. And this concludes my questioning for you. So thank you again.

5 PRESIDING JUDGE SCHMITT: [12:13:45] Thank you.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 I can already inquire, Ms Massidda, if you have additional questions?

14 MS MASSIDDA: [12:14:27] Yes, your Honour. I have actually it will take, I think,
15 not more than 15 minutes.

16 (Redacted)

17 (Redacted)

18 MS MASSIDDA: [12:14:39] If this can help, my question are only on the
19 victimisation and I have two follow-up questions on something that --

20 PRESIDING JUDGE SCHMITT: [12:14:48] Okay. Then please continue.

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:14:53] And perhaps if I can get, Marisela, from
23 you, an idea how long this might -- how much time this might cost us.

24 (Discussion between the Chamber and the court officer)

25 PRESIDING JUDGE SCHMITT: [12:15:18] So there are some uncertainties but the

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 better so that you perhaps start your questioning, Ms Massidda, first.

2 MS MASSIDDA: [12:15:25] Thank you, your Honour. Since I have the floor, for the
3 record, Ms Gabriella dos Santos Batista joined the CLR2 team as of this session.

4 Thank you.

5 QUESTIONED BY MS MASSIDDA: (Interpretation)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:18:27] Thank you. My second question. Now this is a subject that was
25 raised in page 27, line 24, and page 28, line 27.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 You said that people who came to Mbaiki were and -- were living in difficult
2 conditions. Now was this also the case for people who were already living in
3 Mbaiki?

4 A. [12:19:23] I haven't really followed your question.

5 Q. [12:19:28] This morning you said that the people who came to Mbaiki were in
6 difficult conditions and you described certain difficulties. There was lack of food.
7 They had to leave or flee with very limited belongings. So my question is, the
8 people who were already living in Mbaiki, were they also living in difficult
9 conditions?

10 A. [12:20:08] It was hard for everybody. What happened was hard for everybody.
11 For instance, if you were a farmer or a shopkeeper and if this was your stream of
12 revenue and you had to leave this place and go to another place, you will only
13 encounter problems. Even ourselves who were natives could no longer exercise our
14 day-to-day activities to even feed our children. So there were two major problems; it
15 was hunger and the death threat that weighed on the populations. When you are
16 hungry, when you've got nothing to eat and you've got the death threats as well, life
17 becomes terrible.

18 MS MASSIDDA: [12:21:08] Mr President, I just realised that we are still in private
19 session, but we can certainly have all these questions in public.

20 PRESIDING JUDGE SCHMITT: [12:21:14] That's true, of course.

21 MS MASSIDDA: [12:21:15] Apologies for that. I just realised.

22 PRESIDING JUDGE SCHMITT: [12:21:18] I also didn't realise it, actually.

23 We go to open session.

24 (Open session at 12.21 p.m.)

25 THE COURT OFFICER: [12:21:27] We are in open session, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:21:36] Thank you.

2 Ms Massidda.

3 MS MASSIDDA: [12:21:42] (Interpretation) Thank you.

4 Q. [12:21:46] Witness, I'm going to ask you a question that concerns you and your
5 family directly, and we're going to try and do this in public session. So I'm going to
6 ask you questions and please do not mention names of anybody whatsoever. Just
7 reply with general answers.

8 Do you understand what I'm saying?

9 A. [12:22:20] Yes, indeed.

10 Q. [12:22:22] You described your current conditions and the difficulties that you're
11 facing in your day-to-day life. Can you describe your life before the events?

12 A. [12:22:54] Thank you so much for this question. Before, I was a father, a
13 responsible father. I had a lot of property. I had my house. The children of some
14 of my family members were schooled at my place, I was paying for their schools.
15 And everything was fine. After these events, you could no longer take care of the
16 children of other family members. I'm no longer in position to fend for my children,
17 my wives. I've lost everything. As I'm speaking, we are actually living by the grace
18 of God. I have a lot of problems, housing issues, problems in paying for my
19 children's school. You see, it's very difficult. At some point of time children drop
20 out of school, and I've got three or four children who have dropped out. Some have
21 to work as cobblers, others work as loaders, and it is terrible.

22 Q. [12:24:27] Thank you, Witness.

23 In your witness statement you said that you had to leave Mbaiki. I'm not going to
24 ask you questions on how it happened because it's already described in your witness
25 statement. Can you tell me how many members of your family had to leave Mbaiki?

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 A. [12:25:06] Now, with regard to my immediate family, if I don't include the members of
2 the extended family, I can say that {ICR: (Redacted)
3 (Redacted)}. And my father was also with me and we moved and went abroad.

4 Q. [12:25:42] In your witness statement, it appears that at some point of time you
5 were estranged from your family, you were away from your family during the
6 evacuation. Now, after how long could you meet up with your family?

7 A. [12:26:09] When the vehicle of the military personnel came to evacuate us, I
8 asked my wives to climb onto the vehicles. Two women and some children -- two
9 wives and some children boarded the vehicle and the soldiers evacuated them. I
10 didn't know where they were going. Then I had one wife who was with me and
11 some of my children and my father. So we left for Bangui and we spent about 12 or
12 13 -- no, I don't remember, but we did spend a few days, a certain number of days in
13 Bangui. So we were escorted to the border, mainly to Sido. We met a few members
14 of our family and we spent three months before moving along. It was hard in Sido.
15 It was hard to get potable water, and there were also other problems. And then we
16 were evacuated to Moundou. And once we got there, I could set up. And since
17 I had a vehicle, I worked with that to get -- to earn some money and take care of my
18 children. From Moundou I saw that things were really difficult and I decided to
19 move back to Bangui, and this was in 2016, but my children stayed there.

20 Q. [12:28:23] After 2016, did -- certain members of your family, after 2016, could
21 they come back to the Central African Republic?

22 A. [12:28:51] Now, after I returned to Bangui, I would go and see them from time to
23 time, and I would buy goods to sell back here. I went to the Cameroon border to
24 buy some goods. It was very difficult to stay there. Subsequently, one of my wives
25 came back because her family was here and currently I'm here with her in Bangui.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 The other children stayed on there -- the two other children stayed on there. I also
2 got some other children to return to Bangui.

3 Q. [12:29:36] Thank you, Witness. I've got a last question for you. Could you
4 describe how did you feel when you left Bangui -- sorry, when you left Mbaiki?

5 A. [12:30:09] Mbaiki, I wasn't supposed to leave Mbaiki. I did not know where to
6 go. Mbaiki was where I invested, it was the centre of my business. And it was
7 about choosing between life and death and I couldn't stay on. I had to leave. It was
8 very difficult. I was forced to leave. There were too many problems. It's with a
9 lot of worry and bitterness that we left, my family and myself.

10 Q. [12:30:47] When you reached Chad, you said some -- some minutes ago that you
11 had certain problems. Can you explain what were these problems?

12 A. [12:31:10] Let me give you a detail. If you have your own house and you're
13 driven out of your house and someone takes all your possessions, what can you do?
14 You can only be sad. Once we got to Chad, we got there because it was war. There
15 was a war going on in our country. Once we got there, our children lived under the
16 trees. But those children were not born under the trees. We spent three months
17 there. And three months later, it was very difficult there, so we had to leave that
18 place and move onward.

19 Q. [12:31:51] Thank you very much for your answer. Thank you very much for
20 sharing your feelings with us.

21 MS MASSIDDA: [12:31:59] This completes my questions, Your Honour. Thank
22 you very much.

23 PRESIDING JUDGE SCHMITT: [12:32:02] Thank you, Ms Massidda.

24 We will now have the lunch break until 2 o'clock. In the meantime, we try to obtain
25 this video by the Registry. You know, it's nice if you're a judge, you can simply say

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 that you expect that, but there might be technical problems that I personally and my
2 colleagues will not have to deal with. If, I say this because if it takes a little bit longer,
3 please let us know, then we could perhaps start at 2.30 or whatsoever. But at the
4 moment let's try 2 o'clock.

5 THE COURT USHER: [12:33:11] All rise.

6 (Recess taken at 12.33 p.m.)

7 (Upon resuming in open session at 2.02 p.m.)

8 THE COURT USHER: [14:02:19] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [14:02:40] We have been informed that the video
11 can be played on evidence channel 2. And -- evidence channel 1, however. And we
12 are going to watch it. It's 14 minutes. Let's have a look what is on it, if we can
13 adjust to that a little bit, but I would do that. And, yes, I think we can -- we can play
14 it. And we are in open session, but that doesn't matter. We can play it in open
15 session. Thank you.

16 (Viewing of the video excerpt)

17 PRESIDING JUDGE SCHMITT: [14:17:52] Ms Massidda.

18 MS MASSIDDA: [14:17:53] Thank you, Mr President.

19 With your indulgence, we have a concern about the wellbeing of the witness at this
20 moment. I am fully aware that this is a video that the witness had in his phone, but
21 he is now in a vulnerable position. He's testifying. So, with the indulgence of the
22 Chamber, I would ask the Presiding Judge, if possible, just to check with the witness if
23 he's okay in continuing. Thank you very much for your indulgence.

24 PRESIDING JUDGE SCHMITT: [14:18:20] Well, actually, I observe all witnesses
25 very closely, and if I have the impression that the witness needs a break, then I will, of

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 course, give him the break.

2 So, Mr Witness, you have heard it. So if you think you will need a break -- let's just
3 make a break, five minutes.

4 And for the Prosecution, in the meantime, CAR-OTP-2059-0384, is there an overlap?

5 Is it the same? Please tell me afterwards.

6 Five minutes' break.

7 THE COURT USHER: [14:18:59] All rise.

8 (Recess taken at 2.19 p.m.)

9 (Upon resuming in open session at 2.25 p.m.)

10 THE COURT USHER: [14:25:40] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:26:02] So is my information right with regard to
13 the video, Mr Vanderpuye, or whoever wants to answer?

14 MS BERDENNIKOVA: [14:26:11] Yes, your Honours. It appears to be the same
15 video as CAR-OTP-2059-0384. I can also cite the transcript and translation references
16 for the record.

17 PRESIDING JUDGE SCHMITT: [14:26:27] Yes, why not, for the completeness of the
18 record.

19 MS BERDENNIKOVA: [14:26:30] So the transcript reference is CAR-OTP-2107-3014.
20 And the French translation reference is CAR-OTP-2118-5633. Thank you.

21 PRESIDING JUDGE SCHMITT: [14:26:47] Thank you very much.

22 Mr Witness, thank you very much that you provided us with this video. I have one
23 question, just to make it sure, now that you have also watched it again. Do you
24 know any of the persons who have been in the video?

25 THE WITNESS: [14:27:23](Interpretation) No, I don't know anyone in this video.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:27:27] Thank you very much.

2 It would now be the time for the Defence for questioning. Ms Dimitri, you might
3 want to start now, however, but I would also give you, as always, let's say, the option,
4 but this depends, of course, on if you could finish tomorrow anyway. Also,
5 assuming that the Defence of Mr Ngaïssona will not have many questions, frankly
6 speaking. Mr Ngaïssona is not mentioned at all in the testimony of the witness.
7 Ms Proulx, perhaps shortly that we can figure this out first.

8 MS PROULX: [14:28:05] Yes. Thank you, Mr President. We will not have any
9 questions for this witness.

10 PRESIDING JUDGE SCHMITT: [14:28:09] Thank you.
11 Ms Dimitri.

12 MS DIMITRI: [14:28:11] Thank you, Mr President.

13 I think Ms Casiez wants to start now, if that's okay. And just for the clarity of the
14 record, if -- if ever you need this information, my understanding is {ICR: (Redacted)
15 (Redacted)} the
16 CAR-OTP that was provided to the Prosecution.

17 PRESIDING JUDGE SCHMITT: [14:28:30] Yeah, you know, I have very capable
18 people here who sent me that it might be -- have been provided {ICR: (Redacted)}.

19 MS DIMITRI: [14:28:38] Indeed.

20 PRESIDING JUDGE SCHMITT: [14:28:39] So thank you very much.
21 So, Ms Casiez, you have the floor.

22 MS CASIEZ: [14:28:46] Thank you, Mr President.

23 QUESTIONED BY MS CASIEZ: (Interpretation)

24 Q. [14:29:15] Good afternoon, Witness. I think you can hear me. I'm Lena Casiez.
25 We met a few days ago. I work for Mr Alfred Rombhot Yekatom's Defence team,

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 and I've got a few questions for you, and probably even tomorrow morning.

2 Can you hear me?

3 A. [14:29:42] I can hear you very well.

4 Q. [14:29:51] I've got several subjects to raise with you, and I'm going to try and tell
5 you that I'm going to change the subjects that you can keep up with me. I'm going to
6 try and cover most of my interrogation in public session, but we have to go into
7 private session from time to time in order your identity to be protected. So my
8 first -- initial questions will be in private session.

9 (Speaks English) So Mr President, if we can go in private session. Thank you.

10 PRESIDING JUDGE SCHMITT: [14:30:33] Well, private session. I was -- a message
11 has been sent to me and I -- I wanted to digest it.

12 Private session, yes.

13 (Private session at 2.30 p.m.)

14 THE COURT OFFICER: [14:30:47] We are in private session, Mr President.

15 MS CASIEZ: [14:30:50] Thank you, Mr President.

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-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [14:32:46] (Redacted)

6 I'm going to page -- to paragraph 33 of your witness statement. When you're talking
7 of 5 December, "(Redacted)

8 (Redacted) And then you say, "There was no fighting in the PK5 district at that
9 time, but he gave me general information about what was happening in Bangui."

10 Now, I just wanted to know that in this part, what I just read out, "There was no
11 fighting in PK5 at that time," this is what your friend told you with respect to the
12 situation in -- on 5 December, right?

13 A. [14:33:44] No. On 5 December, there was an attack on the whole city of Bangui,
14 so all the localities of Bangui were under attack. In Kilometre 5, there was combat,
15 but there was -- it wasn't that serious. (Redacted)

16 (Redacted)

17 the situation was volatile. It was not good at all. And in the city of Bangui, there
18 was a lot of fighting and many dead bodies were transferred to the mosque of Ali
19 Babourou. * People in Boeing had been killed. People in PK10 were also killed, and
20 the bodies were moved to the PK5 mosque. (Redacted)

21 Q. [14:34:54] Thank you so much. I'm going to now move on to another topic.

22 So, again, we are going to stay in private session for a few questions. I'm going to
23 now talk about the Seleka in Mbaiki. In paragraph 15 of your statement, you say
24 that the objective of Seleka was to make money at the expense of the inhabitants, if
25 I've understood you well, they had put in place a taxation system.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Did I understand you well? Did I understand the witness statement well?

4 A. [14:35:48] Yes, indeed. At that point of time, there were several problems.

5 When the President Bozizé was in power, (Redacted) did not

6 have problems. (Redacted)

7 (Redacted) When the Seleka arrived, the situation deteriorated. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted) of problems at that time with the Seleka.

14 Q. [14:37:34] In the transcript, you said that if (Redacted)

15 (Redacted) I did not understand what you said. Can you explain what you mean.

16 A. [14:37:56] (Redacted) you would have problems.

17 I think the person in the video, when the people came -- when they came to the city,

18 he was arrested. He was kept in custody for two days, and it's his brother Moussa

19 who paid him 200,000 francs before he was freed. And I am talking about the (Redacted)

20 who was killed. And this was during the period of the Seleka. And I think you do

21 not have this information.

22 PRESIDING JUDGE SCHMITT: [14:38:42] Indeed. That's new information.

23 Thank you.

24 MS CASIEZ: [14:38:52](Interpretation)

25 Q. [14:38:53] I was actually about to say the same thing, and thank you so much for

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [14:41:34] (Redacted) the person who

24 died, Mr Djido. They -- he was required to pay the mayor's tax, and he said that he

25 did not have money. And he took him to their base in Socatel. He was arrested

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 and he remained there. And he had a brother called Moussa who lived in Berberati.

2 And when Moussa wanted to intercede, he was beaten up. And he -- they

3 demanded 200,000, and their parents gave the money to the Seleka, and then both of

4 them were freed up. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [14:44:37] Counsel, at that point of time, there were no chiefs, but any person

17 who had a weapon was a chief. We really did not know who was the person in

18 charge. The commander or the person who was in front of you with a weapon,

19 (Redacted)

20 person.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(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 MS CASIEZ: [14:46:54] I think we can go back in public session for a while.

11 PRESIDING JUDGE SCHMITT: [14:47:01] I understood. We can go to open session,
12 yes.

13 (Open session at 2.47 p.m.)

14 THE COURT OFFICER: [14:47:23] We are in open session, Mr President.

15 MS CASIEZ: [14:47:28] Thank you, Mr President.

16 Q. [14:47:30](Interpretation) You -- Witness, you say in paragraph 29 of your
17 witness statement that the gendarmes and the police could not work and this was
18 during the Seleka periods in Mbaïki. The imam of Mbaïki gave witness before the
19 Court, and he said that when the Seleka came in, the gendarme and the prefect and
20 the sub-prefect wanted to hide. Everyone was afraid, and the population wanted to
21 hide in the fields. Now, does this correspond to your experience as well?

22 A. [14:48:24] Yes, that's it. When the Seleka was present, the gendarmes and the
23 police had no authority.

24 So even if they actually observed non-compliant behaviour, they couldn't do anything,
25 and they had actually taken -- they had actually fled when

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 the Seleka came.

2 Q. [14:49:02] So you agree with me that without the gendarme, the police, the
3 prefect and the sub-prefect, there was no one to protect the civilians, right?

4 A. [14:49:27] Yes, that's exactly it.

5 Q. [14:49:35] I've got a last question on the subject. In paragraph 48 of your
6 statement, you said that the Seleka basically robbed you of everything before they left.
7 So do I understand that they've actually done it several times? And when they say
8 they robbed you, what do you exactly mean?

9 A. [14:50:07] Which period are you speaking about? Can you please rephrase
10 your question.

11 Q. [14:50:21] By all means. In your statement, you say that, "When the Seleka
12 from the Pissa gathered at Mbaïki, they robbed us again before they left. The Seleka
13 did not intend to protect us. They only came for their own interest to take what they
14 could before leaving."

15 So my question is: What happened before the Seleka left, and what do you mean by
16 saying that, "They robbed us once again. They took what they could before
17 leaving"?

18 A. [14:51:14] The Seleka had taken a lot from us. They would come today,
19 tomorrow, and the next day. They had asked money from us, and sometimes they
20 would come home and ask for petrol. And we had to actually get the petrol out of
21 our tanks to give it to them. And sometime when we were going to Bangui, when
22 we would meet them in the way, we would give them money. And sometimes they
23 even would come right to our doorstep to rob us. So when I learnt about all this, I
24 had to flee. They -- when they came home, they met my father in the compound.
25 And my father was an elderly man, and he basically welcomed them, offered them

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 tea and coffee, and spoke to them.

2 They also went to my father-in-law, {ICR: (Redacted)}. They broke in an entry and took
3 money. They even wanted to take the motorcycle he had. And this is how the
4 civilians came out and opposed. And they left. And after a few days, the
5 Anti-Balaka came in. That's how things panned out.

6 Q. [14:52:52] Thank you. When you say that "they came -- they came to my
7 doorstep to rob me", do I -- do I understand that this is not an isolated incident and
8 it's happened to you several times and it's also happened to other people?

9 A. [14:53:24] They don't have too many people. They -- if you have a shop, they
10 could come and take an article from you. Take -- this was robbery. It was a kind of
11 robbery.

12 Q. [14:53:45] I understand. I'm going to now change the subject, Witness, and I'm
13 going to talk about the Christian population of Mbaïki. I'm going to talk about the
14 Anti-Balaka later, but I really would need to ask you certain questions on the
15 population.

16 Do you follow me?

17 A. [14:54:13] Yes, I'm with you.

18 Q. [14:54:17] In paragraph 15 of your witness statement, you said that before the
19 arrival of the Seleka, the Muslims and the Christians lived in perfect harmony in
20 Mbaïki and then the change happened rather quickly. Mbaïki's imam said that
21 before there was -- we all lived like a single family. There was cohesion. When the
22 Seleka came, this cohesion was no longer there. Now, there was a distinction
23 between Christians and Muslims because of the Seleka. Is this what you observed
24 and experienced as well?

25 A. [14:55:04] Yes, the imam spoke the truth. I was born in Mbaïki. I grew up

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 there with the other inhabitants, and we were living in perfect harmony. It is true
2 that there was small problems amongst us, but we would sort them out at the police
3 station or the gendarmerie. But clashes between communities never happened, we
4 were living together. So this is how we used to live in the past. I'm speaking to you
5 today. {ICR: (Redacted)
6 (Redacted)}, so we had become a single family. So there was a lot of
7 intermingling that started a long time ago.

8 Q. [14:56:11] Thank you so much for your answer. Aboubakar left, and the imam
9 also said that the Christians would insult Muslims. They said that they did not want
10 Muslims in the sector. And at one point of time, they wanted Muslims to leave
11 permanently. Did you actually observe this yourself?

12 A. [14:56:45] Now, you see, when something happens, no one is -- everyone is not
13 going to say the right thing. Some people would stoke the fires just to complicate
14 things. There are people who would cry. They did not want to leave, but we
15 couldn't stay on because the rumours were such that we couldn't. The inhabitants of
16 the district with whom we had lived did not have such a rhetoric. The people who
17 came threatened us, and they -- sometimes people were not sure. But we, the
18 inhabitants of Mbaïki, we did not have problems. The -- both communities got along
19 well. And sometimes when the Seleka behaved badly with the Christians, we would
20 intercede. And that's how we lived.

21 MS CASIEZ: [14:58:11] May I have one moment, Mr President.

22 PRESIDING JUDGE SCHMITT: [14:58:14] Of course.

23 MS CASIEZ: [14:58:15] Thank you.

24 (Counsel confers)

25 MS CASIEZ: [14:58:36] Thank you, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 Q. [14:58:41](Interpretation) Mr Witness, I understand that you were living in
2 harmony and that there were mixed families and Christians and Muslims were living
3 together, but I also understood from your answers that after the arrival of the Seleka,
4 you said that you also observed, and I quote you, "that the communities fought
5 between themselves and some were fuelling the fire." So I understand that it's not
6 the entire population, the local population of Mbaïki that wanted the Seleka to leave,
7 but were there some members of the community that fuelled the fire, as you had just
8 said earlier?

9 A. [14:59:45] Could you please repeat the question.

10 Q. [14:59:48] Of course. What I said is, I understand that there was harmony
11 between Christians and Muslims before the events, but I also understand that you
12 said that fighting between the communities, you had said that some fuelled the fire.
13 So do I understand that there was a part of the population, the local population, that
14 wanted the Muslims to leave at a certain point in time?

15 A. [15:00:29] You know, in that type of event, the population and the -- the heads at
16 the time did not want the Muslims to leave. But among them, there were youth,
17 there were delinquents, and with the Anti-Balaka, they became allied with the
18 Anti-Balaka and they began making threats, insulting and saying, "We don't want to
19 see you here. We will kill you." And they were using this type of term. And that
20 is what pushed us to leave, because we could no longer stand the pressure.

21 Q. [15:01:24] Thank you. You speak about youth and the local delinquents.
22 Another thing from the prosecutor -- said that the young -- the youth of Mbaïki
23 would -- would harass the Muslims. "I think that they wanted to provoke them so
24 that they would fight. They were trying to find any opportunity to loot them."
25 Does this correspond to what you have experienced with regard to the local youth

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 and delinquents in Mbaïki?

2 A. [15:02:15] In this conflict, what you have to know is that the city of Mbaïki is
3 separated in two, there are two neighbourhoods. I had grandchildren, wives, I had
4 property, goods, and I could not leave my house to check my activities. I preferred
5 to stay home to ensure that my family would be okay.

6 What happened between *Baguirmi and the big market, that's not something that I
7 experienced, to be honest.

8 Q. [15:03:14] Thank you. And this morning you said: "Everyone was afraid.
9 Even if you have been served a dish, you would not have been able to eat. Everyone
10 was afraid. I was not the only one." Did I understand this correctly? So that
11 everybody was suspicious of everyone, even one's own neighbours? Is that what
12 you meant?

13 A. [15:03:46] No. No, not your own neighbours. Everyone was afraid because
14 there were people who had come from elsewhere, from other municipalities, and they
15 had gone with these young delinquents and been threatening. At that time, we had
16 insomnia. It was -- we barely had an appetite. We had a lot of problems, but it was
17 not because of our problems -- our neighbours, rather. We just felt threatened.

18 Q. [15:04:50] Thank you. I understand that you distinguish between the young
19 delinquents and youth in Mbaïki and the population in general in Mbaïki. But the
20 Mbaïki imam had said before the Court, "As an imam, I know how the inhabitants
21 behaved toward each other in the past. And after the rumours, I noticed that their
22 attitude had changed. For instance, I realised that people were not looking at us the
23 same way as they had in the past. And I think it's because I am an imam and I pray
24 with the Muslims, I was seen as a part of the Seleka. The Christians who used to
25 speak to me in the past began to avoid me."

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

1 As far as you know, was this also the case? So this was an imam. Was this also the
2 case for Muslim traders?

3 A. [15:06:12] There were people for and those with whom we had grown up, and
4 they were against our departure, but there was not the possibility of protecting us.
5 They were sad because we were leaving, because there were people who had come to
6 the town, and they became allied with the local youth of Mbaïki. And the
7 population, those for us, they just could not bear it any more. And I think what the
8 imam said, well, was true. He said the truth in terms what happened. It wasn't
9 something that was a generalised situation. There were people who were against the
10 departure of the Muslim community. The imam has his own point of view. He
11 was in the Baguirmi neighbourhood, and I was living in another neighbourhood, {ICR:
12 (Redacted)}.

13 THE INTERPRETER: [15:07:21] This is the specification of the interpreter.
14 And the English interpreter would like to specify that she missed the first part. She
15 had not switched the button.

16 MS CASIEZ: [15:07:32](Interpretation)

17 Q. [15:07:32] Thank you, Mr Witness.

18 (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [15:07:34] There was an overlap - could you please
20 repeat - with the translation.

21 MS CASIEZ: [15:07:44] Sorry, may we go in the private session.

22 PRESIDING JUDGE SCHMITT: Okay, yes.

23 MS CASIEZ: [15:07:46] Sorry, I had the French in between.

24 PRESIDING JUDGE SCHMITT: [15:07:48] Yeah, yeah, yeah. No problem. No
25 problem.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 Private session.

2 (Private session at 3.08 p.m.)

3 THE COURT OFFICER: [15:08:01] We are in private session, Mr President.

4 MS CASIEZ: [15:08:08] Thank you.

5 Q. [15:08:09](Interpretation) Mr Witness, I get the impression you have not fully

6 answered my question. The imam of Mbaïki, when he came before leaving, he

7 explained that the Christians with whom he had been living, as he was a Muslim, put

8 him into the same category as the Seleka. He was perceived as a Seleka. So I would

9 like to know if it was the same thing (Redacted) At

10 some point, were you perceived as part of the Seleka from the population? By a part

11 of the population, the youth and the delinquents you were mentioning earlier.

12 A. [15:09:10] But I think I have told you that during this crisis, not everyone had

13 the same attitude. And this is not just during the conflict. This can even happen in

14 times of peace. We cannot like everyone. I was in a neighbourhood where I had no

15 problem with the neighbours. And even when there were events or rumours,

16 neighbours would come and warn me to watch my house, to not leave home, to

17 (Redacted) But to say that there was any animosity amongst

18 ourselves, no, that had not happened to me. But I had said that there were

19 delinquents in Anti-Balaka and those who came and who had made us uncomfortable

20 or were making us uncomfortable.

21 Q. [15:10:23] Thank you. I will now change topic.

22 In paragraph 38 of your statement, and this morning as well, you spoke of the murder

23 of the imam of Bagandou. Could you simply confirm that you were talking about

24 Imam Matar of Bagandou.

25 A. [15:10:57] Yes, yes. I am talking about Imam Mamatar (phon).

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 THE INTERPRETER: [15:11:05] If the interpreter has heard correctly.

2 MS CASIEZ: [15:11:12](Interpretation)

3 Q. [15:11:13] And you say that those who killed the imam of Bagandou - this is in
4 your statement - were youth of Bagandou who were acting as if they were
5 Anti-Balaka. And you said this morning, you had specified that these were
6 inhabitants of Bagandou. And do I understand the situation well when I say that
7 they did this in a group with machetes, when they attacked this imam of Bagandou
8 and killed him?

9 A. [15:11:50] I was not present during this event, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) The information that was circulating was that it was the youth of

19 Bagandou who had killed him.

20 Q. [15:13:49] Thank you. Of course, I was not saying that you had seen the
21 murder. Simply in your statement, you say that youth who were behaving like
22 Anti-Balaka. So I just want to clarify with you that when you say they were
23 behaving like Anti-Balaka in this situation, it's because they attacked the imam; is that
24 correct?

25 A. [15:14:24] Yes, indeed.

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 Q. [15:14:34] Thank you. In paragraph 54 of your witness statement, you speak of
2 the Muslims who are harassed at the market and you say, "When we heard about the
3 old man who was killed in Bagandou in front of his children, by young people from
4 Bagandou [...] that only increased my fear." Do I understand from that excerpt,
5 when you say "that only increased my fear," that the Muslims were harassed at the
6 market before the imam of Bagandou had been killed?

7 A. [15:15:34] Yes. It was long before. There was already this fear when we got
8 this information. We were already afraid, and when there was this death, it was
9 more serious. When there was this murder, the fear increased and the situation
10 became more serious.

11 Q. [15:16:09] Thank you. Still on that same topic of the youth of the village, in
12 paragraph 39 of your statement, you say, (Redacted)
13 but even in small villages the local youths, delinquents decided to become and act like
14 [them]." Do I understand that this phenomena of youth behaving like Anti-Balaka,
15 just as the delinquents in Bagandou, there were also such youth around Mbaïki?

16 A. [15:17:04] Before Bagandou, something had happened. There was a case that
17 happened in Bangui-Bouchia. There were some traders. An old man had come to
18 Bangui-Bouchia. He had spent about 40 years there, almost his entire life. He was
19 killed in Bangui-Bouchia. His brother's name was Abdoulaye, and both of them
20 were killed before the murder of Bagandou happened. So that's it. In the
21 surrounding villages, these types of things -- these types of murders happened.

22 Q. [15:18:18] I understand that you're talking about Abdoulaye and his father -- or
23 his brother, rather, Zakaria. We will talk about them later. But we're talking about
24 the youth of Bagandou wanting to act as Anti-Balaka, namely, by killing the imam of
25 Bagandou. But in your statement you say, "even in small villages the local [...]"

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 delinquents had decided to become and act like [them]." So I would like to clarify
2 with you and to be sure that I have understood, you want to say that in the small
3 villages around Mbaïki, there are youth who decided to act like Anti-Balaka. Is that
4 it? Young delinquents who decided to act as though they were Anti-Balaka. Is that
5 what I am to understand from your statement?

6 A. [15:19:19] I did not understand the question. Could you please repeat it.

7 PRESIDING JUDGE SCHMITT: [15:19:28] Well, perhaps, if I may, if you will allow
8 me.

9 MS CASIEZ: [15:19:31] Of course, Mr President.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE WITNESS: [15:20:21](Interpretation) Okay. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

- 1 MS CASIEZ: [15:21:47] Thank you.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 THE INTERPRETER: [15:25:14] Really, please, could we ask the witness to slow
4 down his pace, because it's difficult for the interpreter to follow his thread or his train
5 of thought.

6 PRESIDING JUDGE SCHMITT: [15:25:30] Mr Witness, the interpreters asked you to
7 slow down a bit so that they can follow with the interpretation. I mentioned that we
8 are still in open session, but I think everybody has recognised that -- oh, we are not?
9 Then I'm wrong. Even the better. So we can continue now.

10 I was wondering why I didn't see any activities, and now I know the reason, because
11 we are in private session.

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-2353

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [15:28:39] Thank you, Mr Witness.

8 We are -- we have shortly before we have one and a half hours. I don't know how

9 long your examination will last tomorrow, or ...

10 MS CASIEZ: [15:28:53] We will definitely have enough time to finish tomorrow. So

11 if -- I mean, we can -- we can stop for now if you --

12 PRESIDING JUDGE SCHMITT: [15:29:00] Yeah, it depends if you want to go into a

13 new subject or not, I would say.

14 MS CASIEZ: [15:29:06] Yeah, I was almost changing subjects. So I think, yeah.

15 PRESIDING JUDGE SCHMITT: [15:29:11] Okay. Then I think we go shortly back

16 to open session, and then we finish for today.

17 (Open session at 3.29 p.m.)

18 THE COURT OFFICER: [15:29:32] We are in open session, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:29:34] Thank you very much.

20 Do you have an -- do you have an estimate already for tomorrow? Like always,

21 this is provisionally. I won't hold you accountable for what you are saying now.

22 MS CASIEZ: [15:29:48] I will finish before lunch for sure, but I can't really estimate

23 when before.

24 PRESIDING JUDGE SCHMITT: [15:29:55] Thank you very much.

25 So, Mr Witness, this concludes the testimony for today, but we have not finished your

Trial Hearing
WITNESS: CAR-OTP-P-2353

(Open Session)

ICC-01/14-01/18

- 1 testimony. We thank you for today and wish you a good rest until tomorrow.
- 2 And we continue tomorrow at 9.30. Thank you very much.
- 3 THE COURT USHER: [15:30:11] All rise.
- 4 (The hearing ends in open session at 3.30 p.m.)