

Trial Hearing
WITNESS: CAR-OTP-P-1666

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 22 May 2023
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:27] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:46] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:52] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:07] Thank you.
21 I ask for appearances of the parties. Ms Wakchom first.
22 MS WAKCHOM: [9:33:13](Interpretation) Good morning, your Honour. Good
23 morning to everyone in the courtroom. The Prosecution today is represented by
24 Manochitra Prathaban, Louis Rugambage, Kweku Vanderpuye and myself, Sylvie
25 Wakchom.

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- 1 PRESIDING JUDGE SCHMITT: [9:33:25] Ms Massidda next.
- 2 MS MASSIDDA: [9:33:28](Interpretation) Good morning, Mr President, your
3 Honours. For the victims of the other crimes appearing today, Mr Yaré Fall,
4 Ms Evelyne Ombeni, Mr Enrique Carnero Rojo and myself, Paolina Massidda.
- 5 PRESIDING JUDGE SCHMITT: [9:33:46] Thank you.
6 Mr Suprun.
- 7 MR SUPRUN: [9:33:48] Good morning, Mr President. Good morning, your
8 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
9 Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:33:53] I turn to Ms Dimitri next, please.
- 11 MS DIMITRI: [9:33:57] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.
13 He's represented today by Ms Anta Guissé, Ms Lionel Messi Tikpa -- Mr Lionel Messi
14 Tikpa, Ms Cassandra Oboussier, Ms Yousra Lamqaddam, Ms Lena Casiez, Mr Gyo
15 Suzuki and myself, Mylène Dimitri.
- 16 PRESIDING JUDGE SCHMITT: [9:34:16] Thank you.
17 Mr Knoops next.
- 18 MR KNOOPS: [9:34:19] Good morning, Mr President. Good morning, your
19 Honours. Good morning, everyone in the courtroom. The Defence of
20 Mr Ngaïssona, who is in the courtroom, appears today before the Chamber with
21 Ms Myriam Hollant, on my right side. And on the second row, Mr Mathias Goffe.
22 *Merci.*
- 23 PRESIDING JUDGE SCHMITT: [9:34:37] Thank you.
24 And, of course, a special welcome to our witness. Good morning. We hope you're
25 feeling well today.

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- 1 WITNESS: CAR-OTP-P-1666 (On former oath)
- 2 (The witness speaks Sango)
- 3 THE WITNESS: [9:34:50](Interpretation) Good morning, your Honour. I feel well.
- 4 PRESIDING JUDGE SCHMITT: [9:34:52] And we continue with the examination.
- 5 And I think it's now the turn of Ms Casiez.
- 6 MS CASIEZ: [9:34:59] Indeed, Mr President. Thank you.
- 7 QUESTIONED BY MS CASIEZ:(Interpretation)
- 8 Q. [9:35:15] Good morning, Mr Witness. My name --
- 9 A. [9:35:25] Good morning.
- 10 Q. [9:35:26] My name is Lena Casiez and I am working within the Yekatom
- 11 Defence team. We haven't had an opportunity to meet, not during the courtesy
- 12 meeting, but I do know that you did view my video message. And I have a number
- 13 of questions for you today. Often it will be the case I will just have a few questions
- 14 per topic, so I will explain to you each time I'm moving from one topic to another; is
- 15 that okay with you?
- 16 A. [9:36:02] Yes, that's fine.
- 17 Q. [9:36:11] I'll begin with a number of people whom you've already mentioned
- 18 and I just would like to ask you for a few clarifications about these people.
- 19 Last Tuesday, you mentioned Elisabeth who was present at the meeting at the St
- 20 Jeanne d'Arc church and this person worked for the Danish Refugee Council. Could
- 21 you confirm that we're talking -- that we're talking about Elisabeth Marty? Do you
- 22 know that person's surname?
- 23 A. [9:36:53] I know that person. I know her by her first name, but I don't know
- 24 her surname. (Redacted) and I also learned that that
- 25 lady -- well, I was told about that lady and I was told that her name was Elisabeth, but

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1 let me reiterate, I don't know what her family name is.

2 Q. [9:37:27] That's not a problem at all, Mr Witness. I'll keep on going, and if you
3 don't know something, just say so.

4 You also made mention of France (phon) Mondonga --

5 THE INTERPRETER: [9:37:45] Correction: Prince Mondonga.

6 MS CASIEZ: [9:37:47](Interpretation)

7 Q. [9:37:53] Is that the younger brother of Mrs Mondonga, the former councillor at
8 the Mbaïki city hall? Prince Mondonga.

9 A. [9:38:04] That's right. That's right. Prince Malonga (phon) is his name and his
10 grandmother is Malonga.

11 Q. [9:38:26] Thank you. You also mentioned Lieutenant Gouga, and we'll get to
12 this person in just a moment. But I do have a specific question for you. Could you
13 confirm that this person is the grandson of a teacher, a former history teacher that you
14 knew when you were a child -- a teacher of history and geography in Mbaïki.

15 A. [9:38:56] In actual fact, it's the same name -- the same name. I do know that
16 Mr Gouga was a teacher of history and geography when I was in Mbaïki, but I don't
17 know what the actual family tie is. I don't know whether he's the biological son or
18 not.

19 Q. [9:39:29] Thank you. Mr Witness, I mention that because at paragraph 40 of
20 your statement, you said that he was the son of a former teacher of history and
21 geography in Mbaïki. Perhaps there was a translation problem. Does that -- does
22 that refresh your memory or do you no longer recall the family tie between the two
23 people?

24 A. [9:40:04] When he introduced himself, I told {PFR: (Redacted)}
25 {ICR: (Redacted)} {PFR: (Redacted)}

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1 (Redacted)}

2 by that teacher of history and geography, but I don't know what the actual family tie
3 is.

4 Q. [9:40:36] That's not a problem. Thank you for that clarification.

5 Now, if we could move to something else now, something a bit different, and I'd like
6 to make reference to the statement you gave in 2017 when you met with the
7 investigators. It's not in evidence, but there are a few passages that are of interest to
8 me and I'd like to ask you to confirm what you said at that particular time.

9 The first passage is -- and since I mentioned the document, this is tab 4 of the OTP
10 binder, CAR-OTP-2059-0361.

11 Now at the time you said, and I quote:

12 "Only the Malian community had decided not to leave with the Chadians. But after
13 48 hours, the Malians called the Malian embassy in Bangui because they were afraid.
14 Indeed, when we left with the Chadians, the Christian population began to take all
15 the possessions belonging to the Muslims. I heard that some Christian women
16 walked about the streets disguised, wearing the clothing of Muslim women."

17 End of quote.

18 Can you confirm that, Mr Witness?

19 A. [9:43:00] Yes. That's what I said. I confirm that.

20 Q. [9:43:09] Thank you. You went on to say:

21 The Malian embassy asked the Congolese MISCA contingent to escort the Malians to
22 Bangui. This is what I was told once I got to Bangui.

23 Can you confirm that?

24 A. [9:43:38] Yes, I can confirm that, because when we left, some relatives of the
25 Muslims -- of the Malians who were in Mbaïki also lived in Bangui and, indeed, they

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1 called for help so that they would be evacuated from Mbaïki.

2 Q. [9:44:16] So, judging by what I've understood, and I don't want to give any
3 details about the place where you were living at the time in Bangui, but I understand
4 that you saw and you talked to some of the people from Mbaïki who were of Malian
5 origin and that these people explained to you what had happened; is that correct?

6 A. [9:44:49] Yes, indeed. I met with some of them. It's true that some of them
7 were evacuated to Mali; others remained in Bangui.

8 Q. [9:45:11] Thank you. At another spot in your statement you said, quote:
9 "There are Christians from the Boulata, Boeing and Combattant neighbourhoods in
10 Bangui who came and settled in the houses and in the shops of the Muslims in Mbaïki
11 and they don't want us to go back."

12 Can you confirm that you said this?

13 A. [9:45:43] Yes, that is what I said.

14 Q. [9:45:55] Thank you. You also stated at paragraph 66 of your statement, and
15 once again I quote:

16 "Coeur de Lion left for Boda and he was killed there. I saw his body when he was
17 brought back to Mbaïki."

18 Can you confirm that as well?

19 A. [9:46:20] Yes, I confirm that.

20 Q. [9:46:28] Just to make sure we've understood correctly, when you saw his body,
21 you were still in Mbaïki, that was before you were evacuated; is that correct?

22 A. [9:46:48] Yes, that's right. It was before the evacuation.

23 Q. [9:47:03] At paragraph 93 of your statement you made mention, and this
24 was -- you talked about the Ali Babolo mosque. You talked about a period of
25 time - 5 and 6 December 2013 - and you said that PK5 had not been attacked at that

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1 time. Can you confirm that?

2 A. [9:47:31] Yes. That's what I said. At that time, Kilometre 5 had not yet come
3 under attack.

4 Q. [9:47:53] Thank you. Now, since we're talking about the mosque, the Ali
5 Babolo mosque - and you mentioned that on Wednesday - at 10 o'clock, you said,
6 transcript 231 -- you said that the mosque was being used as a morgue, that is where
7 the lifeless bodies were brought to.

8 I just want to understand how it worked in Bangui. Am I correct in saying that the
9 only morgue in Bangui for Muslims was the Ali Babolo mosque?

10 A. [9:48:38] Yes, the Muslim community -- when a member of the community dies,
11 that person is taken to the Ali Babolo mosque. That happens in the entire country,
12 even before the crisis, before the burial. During the crisis, it was the only place
13 where we could take the body and prepare it before burial, so those things happened
14 at the Ali Babolo mosque. The same things happened before the war, and that is still
15 the case, that is still the custom today.

16 Q. [9:49:22] Thank you. It's much clearer to me now. Thank you.

17 I'd like to move to a different topic now, but once again I'll be referring to a paragraph
18 within your statement. Paragraphs 26 and 27, you made mention of the murder of
19 Mahmoud Baraka, and I will try to summarise what you said -- Mahmoud Adam
20 Baraka. So I will try to summarise.

21 Now, first of all, the place and the time frame. Do we agree that this person was
22 killed in Mbata just after Djotodia stepped down on 12 or 13 January; is that correct?

23 A. [9:50:23] Yes, that's right.

24 Q. [9:50:27] Have I understood your statement correctly, there were tensions in
25 Mbata because a Muslim called Rahma had thrown a grenade at a group of women

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1 and young people who were shouting out with joy because Djotodia had stepped
2 down? Was that the backdrop against which the incident occurred?

3 A. Yes, that's what happened. That's how the incident began.

4 Q. [9:51:09] Thank you. The prefect came to give testimony before this Court and
5 he also made mention of this incident. He specified, quote: "Young boys from Mbata
6 had shown their joy by going to the home of a number of Muslim people in Mbata."
7 Is that what you remember, namely, that young Christians had gone to celebrate the
8 departure of Djotodia, by going to the homes of certain Muslims in Mbata?

9 THE INTERPRETER: [9:51:54] Interpreter correction: The *préfet's* name was
10 Kouroupe-Awo.

11 THE WITNESS: [9:52:03](Interpretation) I was not informed about young Muslims
12 going to the Muslim homes. I do know that there were demonstrations of joy and
13 someone got worked up and threw a grenade at the demonstrators. I don't know
14 whether the demonstrators were celebrating their joy in -- on the main road or
15 whether they went to people's homes. I couldn't confirm that to you. I'm not in a
16 position to confirm that.

17 MS CASIEZ: [9:52:42](Interpretation)

18 Q. [9:52:42] That's not a problem at all, Mr Witness. If you don't know something,
19 just say so, and if you know something, you say so and --

20 MS CASIEZ: [9:52:51] Mr President, I just want to go in private session just for one
21 or two questions.

22 PRESIDING JUDGE SCHMITT: [9:52:57] Of course.

23 Private session.

24 (Private session at 9.53 a.m.)

25 THE COURT OFFICER: [9:53:12] We're in private session, Mr President.

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1 MS CASIEZ: [9:53:30](Interpretation)

2 Q. [9:53:30] I have another question about this, sir, but since this could identify you,
3 I thought it was better if we went into private session.

4 Now, once again regarding the same incident, in your statement you said, and I
5 quote:

6 (Redacted) Yacoub Tabar and Khalil Adam. (Redacted)

7 (Redacted) they heard the Seleka's shooting when they got into Mbata and
8 their brother Mahmoud Adam Baraka had thought that it was the Anti-Balaka and he
9 left with his cash and two apprentices, Christians, and went into the bush. The next
10 day and the day after that, the Seleka, along with other people from Mbata, went back
11 to Mbata out of solidarity with the family. The Seleka found his decomposed body
12 close to the exit out of Mbata in the direction of Mbaïki. They learned that he had
13 been killed by Christians from Mbata, not by Anti-Balaka, because there were no
14 Anti-Balaka in that town, and the Seleka brought his body back to Mbaïki where he
15 was buried." End of quote.

16 Can you confirm this statement, sir?

17 A. [9:55:32] Thank you. When we heard that -- when we heard what had
18 happened, that a grenade had been thrown at the demonstrators, the Seleka
19 commanders asked those who had vehicles to make them available to the elements to
20 take the Muslim people out. (Redacted)

21 (Redacted). We got there at 1900 hours, going to Mbata. When we got there the
22 Seleka started to shoot into the air and once we got to the town, I came across Yacoub
23 Tabar who was talking to Mahmoud at that the location, and also the child of the late
24 person, Khalil, (Redacted) when his
25 father had heard the gunfire, he thought it was the Anti-Balaka and he had fled to the

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1 bush, and they started to look for him and people didn't know how to find him. On
2 the day after, we went back to Mbaïki and then the Seleka headed towards Mbata
3 again and that is when they found the body. That is what I said in my statement.
4 I'd like to add that during those events, the Seleka were not there. The Anti-Balaka
5 were not in Mbata and -- the Anti-Balaka were not in Mbata. I can confirm that. So
6 it was other people who attacked this Muslim person.

7 Q. [9:58:12] Thank you very much, (Redacted), for all those details.

8 One last thing that seems to be missing in your clarification, something I would like to
9 ask you. Am I correct in saying that after this incident all the Muslims in Mbata
10 were evacuated by the Seleka and others -- you mentioned that -- evacuated to Mbaïki
11 that day; is that correct?

12 A. [9:58:47] Yes, that's right.

13 MS CASIEZ: [9:58:57] Yeah, I was just about to say that we can go back into open
14 session.

15 PRESIDING JUDGE SCHMITT: [9:59:01] Thank you, Ms Casiez.

16 Open session.

17 (Open session at 9.59 a.m.)

18 THE COURT OFFICER: [9:59:14] We're back in open session, Mr President.

19 MS CASIEZ: [9:59:32](Interpretation)

20 Q. [9:59:32] I'd like to move to a different topic, Mr Witness.

21 During examination by my colleague from the OTP, you mentioned the killing of the
22 imam. Transcript 231, 10:08 was the timestamp. I don't want to go into all the
23 details, but I do have two questions about the murder of Mustapha Mahtar, the imam
24 of Bagandou. In your statement you said that once the Muslims had been evacuated
25 to Mbaïki, the young Christians in Bagandou began to vandalise the Muslims' houses

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1 and they began a true witch-hunt against -- a true witch-hunt of the Muslims.

2 A. [10:00:35] Yes, I can confirm that.

3 Q. [10:00:44] And you declared in terms the young Bagandou Christians started
4 breaking the Muslim houses and killed the imam Mustapha Mahtar. The
5 Anti-Balaka weren't there. Would you also confirm that, Mr Witness?

6 A. [10:01:04] Yes, I do confirm that that is indeed what I said.

7 Q. [10:01:11] Thank you. I'm going to move on to a different area now. And I'd
8 like to return to the time when the Mbata Muslims were evacuated to Chad.

9 Now, you talked about last -- about this last week, Muslims of Chadian origin. I've
10 just spoken about the Mali origin Mbaïki Muslims.

11 Now, the Mbaïki mayor came to the stand and provided evidence to say that some
12 Muslims with a Chadian mother remained but it was very difficult for them.

13 Sorry, I muddled that up. I said Chadian mothers. Some Muslims with a Central
14 African mother remained but it was difficult for them. Sometimes the Boda locals
15 would come and shout, "Muslims, Muslims."

16 All right, here's my first question: Do you confirm, Mr Witness, that some Muslims
17 with a Central African mother stayed in Mbaïki, if you know, that is?

18 A. [10:02:49] Yes. There were Muslims whose mothers were locals and they didn't
19 leave. They stayed at Mbaïki, but they were in a difficult situation. They couldn't
20 move around freely. They couldn't wear Muslim dress. Fomasi Youssoufa (phon)
21 is an example. He's currently president of the Islamic community, and I think it's
22 been three or four years now that he hasn't been able to go to the mosque for prayers.
23 It was later on that they requested of the Bangui authorities to be able to open the
24 Baguirmi mosque. So during those events it was difficult for Muslims to go and
25 pray, to go to the mosque and move about freely.

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1 Q. [10:03:54] Thank you for those details, Mr Witness.

2 Now, do you have any knowledge of the Boda locals who would go to Mbaïki to
3 speak to the Muslims by pointing them out, by singling them out as Muslims? Is this
4 something that you ever heard about or was part of some discussions you had with
5 somebody?

6 A. [10:04:24] Now, when I left Mbaïki, I didn't go back during those events.

7 People came -- who had come from Boda had to go through Mbaïki to go to Bangui.

8 Muslims were still there and those people who went to Boda had to go through

9 Mbaïki and they said that the situation was difficult for Muslims in Bangui. Now, I

10 didn't have any personal experience of this, but I can tell you is that Muslims, young

11 people from Bangui, the Muslims were saying the circumstances were very difficult

12 for them.

13 Q. [10:05:10] All right. Now, I can understand things more clearly. Thanks very
14 much for those details.

15 Last week, transcript 231, at 10 past midday, you stated -- well, you're already now at

16 Mbaïki -- sorry Bangui, and you said that the interim president had blocked the road

17 and didn't want the last Muslim convoys to leave Central African Republic. So can

18 you tell us what Madam President did at that particular time? It's not very clear for

19 me.

20 A. [10:06:06] Now, the Muslims who were still at PK5 had to get onto trucks that

21 had come from Chad to go off again to Chad, and that's why the country's republic

22 asked the Central Mosque imam and Muslim dignitaries to tell them that she didn't

23 want these last Muslims to go because she didn't want to create an artificial divide in

24 the country. Apparently, the president paid money to reimburse the truck drivers

25 who had come from Chad to take the Muslims back to Chad, and so the luggage was

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1 offloaded from the trucks. And this is what I learned and the Muslims therefore
2 stayed at PK5 so that there wouldn't be a community divide in the country, and so
3 that the Muslims would not be in the south and the Christians in the other areas of the
4 country.

5 Q. [10:07:33] Thank you for those specifics, Mr Witness.

6 Now, once again, I'm going to move into a different area to talk about the meeting at
7 the Saint Joan of Arc Church. You have already talked about this, Mr Witness, but
8 I'd just like to have you revisit these events.

9 Now, first, you said that just prior to the meeting at the Saint Joan of Arc Church
10 organised by the bishop, some Muslims refused to go and they took the
11 Bouar-Berberati road, transcript 231 at 42 past midday. Now, clarification: When
12 you said that some Muslims had refused and went along that Berberati road, are you
13 referring to the Seleka there?

14 A. [10:08:37] I didn't talk about Muslims, I spoke about Seleka. The bishop's
15 initiative consisted in gathering Rambo's elements and the Seleka elements
16 to -- gather them together to avoid clashes between the two camps because that could
17 produce victims in the civil community -- civilian community, and that's why the next
18 morning, very early in the morning they left. I didn't talk about Muslims. I clarify,
19 I talked about Seleka elements.

20 Q. [10:09:24] Thank you. That's what I thought in actual fact, but in the transcript,
21 there was the wrong word that we see there, so thank you very much for clarifying
22 that point. Now, you also said - at least this is what we see in the transcript, T-230, at
23 12:42 - the prefect asked all the displaced persons who had come from Mbaïki to
24 ensure that they could be returned to their respective localities. And I can see in
25 paragraph 36 in your statement that the word "embassy" is used -- so that they could

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1 be returned to their respective embassies. Should I understand that that is the
2 embassy of their country of origin but not where they came from, the village that they
3 had been living in in Central African Republic? Tell me if you haven't understood
4 my question.

5 A. [10:10:39] Now, in the Central African Republic, you may know that most of the
6 authorities there don't have much judgment, really. In their minds they think that all
7 Muslims are foreigners. It's not true. And so they asked that the Mbaïki city be no
8 longer clogged up. It was difficult to safeguard their safety and so they had to go
9 back to their embassies. There were Malians, Nigerians, Chadians, but there was
10 also a minority of Cameroonians. And most of these people were people who had
11 spent 50, 60 years in the country, because they had been there prior to independence
12 and they had been there already for three generations. And so the prefect -- well, it
13 was -- said it was not a good idea to stay and that you're not able to maintain our
14 security, we are citizens of this city.

15 THE INTERPRETER: [10:11:52] They said to the prefect, clarifies the interpreter.

16 THE WITNESS: [10:11:56](Interpretation) So we needed to be put into a place of
17 safety and we need to go back to our homes and our cities. That's how things were.

18 MS CASIEZ: [10:12:14](Interpretation)

19 Q. [10:12:14] Thank you very much, Mr Witness. And I'm sorry to say that the
20 Central Africans had to ultimately leave to a country that wasn't their own.

21 Paragraph 36 of your statement, you stated that the prefect had said that the mayor
22 had stated that the Muslims should return home in their respective embassies. In
23 front of everybody, the mayor denied having said that. Now, do you confirm that
24 Mr Mongbandi denied having said that?

25 A. [10:13:10] That's what the prefect said. Alexander Kouroupe-Awo made that

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1 statement. He was the prefect. He had said that he couldn't ensure the safety of the
2 population, he said that. Yekatom was there and all the people attending the
3 meeting. It wasn't the mayor. It wasn't the mayor who made that statement, no, it
4 was the prefect. Even the company commander was in attendance.

5 Q. [10:13:52] Now, I understand now. It's clearer in my mind. Thank you very
6 much.

7 (Redacted), you offered a number of details about what

8 Mr Yekatom said. And as far as I've understood, (Redacted)

9 (Redacted), but I'll try and jog your memory with one or two additional

10 sentences that he allegedly said (Redacted)

11 The witness that came to the stand just prior to your testimony clarified that

12 Mr Yekatom had also said (Redacted) that without the gendarmerie,

13 without the police, this country can never enjoy peace. (Redacted)

14 (Redacted)

15 A. [10:14:56] (Redacted), a number of things can be said. We couldn't know when

16 justice would take hold of these events. If we'd known that that day would

17 ultimately come, (Redacted), but we didn't know. We were in a

18 state of distress. We were in a state of insecurity. (Redacted)

19 (Redacted) what he said is that he said that he was a soldier and that he had

20 taken up arms because the rebels had taken the country hostage, so he went into the

21 bush to free the country. And he said that he wasn't there to kill anybody or even

22 take private individual's belongings.

23 (Redacted) a number of people took the floor. What you've said, it's

24 possible that it's true, (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [10:16:15] Just a comment by me. Mr Witness,
2 that's perfectly understandable, and I must say that given that we are talking about
3 events 10 years ago, roughly, your recollection is remarkable.

4 Ms Wakchom, do you have an issue, Ms Wakchom?

5 MS WAKCHOM: [10:16:37] Yes, your Honours. It was just to make a clarification
6 and a correction in the English transcript, because when the witness was talking
7 about the presence of -- what was discussed (Redacted), he
8 mentioned that the local authority and Alfred Yekatom were unable to ensure the
9 security of the Muslims, but the name of Alfred Yekatom does not appear in the
10 English transcript.

11 PRESIDING JUDGE SCHMITT: [10:17:10] Okay. That's -- it's -- thank you very
12 much, Ms Wakchom. As I always say, if we can solve these issues on the spot, it's
13 much better than if we have the procedure afterwards. Thank you.
14 Yeah, Ms Casiez.

15 MS CASIEZ: [10:17:32](Interpretation) Thank you very much.

16 Q. [10:17:37] Mr Witness, indeed, you've offered a number of details about what
17 Mr Yekatom said on that particular day, and this is why with one or two additional
18 sentences I'm making an attempt. But there's no problem whatsoever. If you don't
19 remember, and you've already provided a lot of information, it must be said.

20 Now, a moment ago you clarified that Mr Yekatom introduced himself as a soldier.

21 You already said that, in fact, last week. One of the Mbaïki imams came to offer
22 evidence here before this Court and stated that Mr Yekatom had also said, and let me
23 quote:

24 "I call upon the Anti-Balaka in the city of Mbaïki to withdrew to allow the local
25 people to be in peace. Me, Rambo, I grew up among the Muslims. All those who

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1 wish to do harm must withdraw. I don't want the population to be affected

2 adversely." Transcript 106.

3 THE INTERPRETER: [10:18:45] Can counsel please repeat the reference? It was too

4 quick for the interpreters.

5 MS CASIEZ: [10:18:50](Interpretation)

6 Q. [10:18:51] Do you also remember this.

7 A. [10:19:04] You know, there are two things. Rambo may have said something to

8 two or three people, but I can't possibly know that in terms of what he said in public,

9 so I'm not aware of what you just said.

10 PRESIDING JUDGE SCHMITT: [10:19:21] Just, could you please repeat the reference

11 because the interpreters did not get it?

12 MS CASIEZ: [10:19:29](Interpretation) It was transcript 106 at page 8, and this is

13 witness P-1595.

14 (Speaks English) And if I can go in private session just for one or two questions,

15 Mr President.

16 PRESIDING JUDGE SCHMITT: [10:20:05] Of course.

17 Private session.

18 (Private session at 10.20 a.m.)

19 THE COURT OFFICER: [10:20:23] We're in private session, Mr President.

20 (Counsel confers)

21 MS CASIEZ: [10:20:58](Interpretation)

22 Q. [10:21:00] Do forgive me, Mr Witness. I'd just like to put an additional

23 question about your -- (Redacted)

24 (Redacted) came to provide evidence here and he said, (Redacted), he

25 congratulated what his elder brother Yekatom had said as a good thing at that

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1 meeting.

2 And for the record, this is the same transcript, 106, at 21 minutes past 3 in the
3 afternoon.

4 Mr Witness, do you remember (Redacted) what Mr Yekatom said on that
5 particular day at the church?

6 A. [10:22:02] Yes, I remember what he said in front of the crowd because that could
7 defuse the tension that was prevailing at Mbaïki.

8 Q. [10:22:26] Thank you for that clarification, Mr Witness.

9 MS CASIEZ: [10:22:33] And sorry for the back and forth, but we can go back in
10 public session.

11 PRESIDING JUDGE SCHMITT: [10:22:37] Yes, public session.

12 (Open session at 10.22 a.m.)

13 THE COURT OFFICER: [10:22:49] We are back in open session, Mr President.

14 MS CASIEZ: [10:23:07](Interpretation)

15 Q. [10:23:08] Mr Witness, paragraph 50 in your statement you refer to the period
16 after Mr Djotodia's resignation and you say:

17 "There were also the young Christians in the villages who took up machetes and
18 started hunting the Muslims that had remained and started taking their belongings."
19 End of quote.

20 Do you confirm what you stated at the time, Mr Witness?

21 A. [10:23:39] Yes, I do. It's true.

22 Q. [10:23:55] In your statement, paragraph 32, you refer to something that
23 happened just before the church meeting and you say that Monsignor Guerrino took
24 the initiative to organise a meeting between Colonel Anour Moussa and Rambo so
25 that there wouldn't be any clashes at Mbaïki.

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1 Forgive me, they should meet up at Pissa to talk and they were to meet up at Pissa.

2 That's of interest to me. So do you know whether the prefect Alexander

3 Kouroupe-Awo went to Pissa with the abbot Antarese you mentioned earlier on, to

4 talk with Mr Yekatom about the entry of the Anti-Balaka of his group --

5 THE INTERPRETER: [10:25:03] Corrects counsel.

6 MS CASIEZ: [10:25:06](Interpretation)

7 Q. [10:25:07] -- into Mbaïki?

8 A. [10:25:20] No, I don't know about that. It was the prefect who went around

9 because he had a car. He -- Antarese represented the religious platform, so it's

10 possibly true. But I wasn't part of the delegation, so I don't have enough information

11 to give you on that. But if the prefect said that, well, then it must be true.

12 Q. [10:25:56] Thank you. And in your statement, just after, you say that the Seleka

13 didn't go to Pissa for the meeting and the next day they left Mbaïki towards Bouar

14 and Berberati. So just to properly understand, the departure of the Seleka from

15 Mbaïki was a bit of a rushed departure. They left from one day to the next; is that

16 right?

17 A. [10:26:27] Of course. The next day there was nobody to be seen. Had they left

18 at two or three in the morning, it was difficult to establish, but we did know that the

19 Seleka had gone and in the direction of Bouar and Berberati. We couldn't really tell,

20 but we could simply see that they had gone by the morning.

21 Q. [10:27:06] Thank you. And the prefect, Mr Kouroupe-Awo, when he gave

22 evidence here, he also talked about the rushed departure of the Seleka, and he said,

23 and I quote:

24 "The next morning, we didn't know what to do exactly, so I called Mr Yekatom to ask

25 him to come to Mbaïki to see how we were going to provide safety given the fact that

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1 the Seleka who were purporting to be Muslim protectors, that the Seleka had gone
2 and that many people were improvising themselves as Anti-Balaka."

3 So does this also tally with the information that you had in respect of the
4 circumstances under which the church meeting was organised?

5 A. [10:28:14] Did the prefect call Yekatom? I just don't know. Had he called
6 him -- called upon him to provide safety in the city? I don't know. People were in
7 a state of expectation of the arrival of the Anti-Balaka, and Monsignor Guerrino
8 wanted me to organise the meeting to dissipate tension. But had he called to talk
9 about safety, I just don't know because I wasn't there.

10 Q. [10:29:11] That's not a problem, Mr Witness. I was, in fact, going to move on to
11 the matter of Monsignor Guerrino.

12 Last week at transcript 130, at 38 minutes past 2, you said, and I quote:

13 "There was tension well before that meeting. The people living the city wanted to
14 come to blows at whatever cost with the Muslims."

15 Now, this jogs my memory -- a written document written by Mr Guerrino, Monsignor
16 Guerrino, where we read -- well, look, in people's minds Rambo had come to give
17 them vengeance, but he in person said the contrary, so he disappointed them by what
18 he said in front of the crowd.

19 So, Mr Witness, given those circumstances, what I want to know is did you hear
20 anybody outside the church shout out that they were not -- that they didn't agree,
21 rather, with what Mr Alfred Yekatom Rambo said?

22 A. [10:30:48] Who was an Anti-Balaka? There were people who established the
23 Anti-Balaka in the first place and there were the members of the Anti-Balaka. Now,
24 most Muslim people were traders, cattle rearers. It wasn't the entire population.
25 There were ill-intentioned people, however, who were ready to loot people's goods,

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1 and so the arrival of the Anti-Balaka at Mbaïki was going to give them an opportunity
2 to attack the Muslim population and to steal their goods. But when Yekatom didn't
3 call upon the community to attack the Muslims, well, then we were happy. We were
4 happy. We were happy to hear him say that and we started to hear people, people
5 from outside saying, "No, no, our time has come, we need to attack the Muslim
6 leaders here." And when Yekatom took the floor, when he spoke to say what he said,
7 the tension fell because Rambo said that their objective wasn't to attack the Muslims,
8 it wasn't to attack the civilians, no. He wasn't there to attack the mosque or peaceful
9 citizens. That's what Rambo Yekatom said.

10 PRESIDING JUDGE SCHMITT: [10:32:29] Ms Casiez, do you have a reference for
11 this quote by Mr Guerrino?

12 MS CASIEZ: [10:32:39] Unfortunately, I don't have a reference. It's a Defence
13 investigation, Mr President. I'm sorry.

14 PRESIDING JUDGE SCHMITT: [10:32:45] Well, then we leave it at that. Okay.
15 And we have -- well, it was a reference and we have an answer, so please continue.

16 MS CASIEZ: [10:32:55] Thank you.

17 Q. [10:33:20](Interpretation) Thank you very much, Mr Witness, for all those
18 details.

19 Do you know whether amongst these ill-intentioned people outside the church who
20 were saying that they should start attacking the Muslim leaders, do you know
21 whether some of them had machetes that day?

22 A. [10:33:51] Well, you know, there was a crowd out there and (Redacted)
23 (Redacted). People had come, they were outside, and they were waiting for the
24 outcome, the decisions. Even the Christians from surrounding areas had come to
25 Mbaïki. I didn't know what those people had at hand. Did they have knives,

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1 hidden weapons? I didn't see any.

2 THE INTERPRETER: [10:34:32] Correction.

3 THE WITNESS: [10:34:33](Interpretation) I didn't see these people with weapons
4 with my own eyes. That is what they said and that is what I did here, but I did not
5 see them with bladed weapons or knives or anything like that.

6 MS CASIEZ: [10:34:57](Interpretation)

7 Q. [10:34:58] Thank you for your response.

8 You also said last Tuesday that after the meeting at the church (Redacted)

9 (Redacted) -- you had a -- a peaceful heart, so to speak, you were calm because

10 tensions had lessened, T-230, 14:08. And then on the -- transcript 231, 10:03, you said

11 in the centre of Mbaïki there were no crimes against the Muslim civilians.

12 Now, Mr Witness, am I correct in saying that to your knowledge there never were any
13 attempts to attack the Anti-Balaka with weapons in the centre of Mbaïki?

14 THE INTERPRETER: [10:36:02] Armed attack by the Anti-Balaka in Mbaïki.

15 THE WITNESS: [10:36:05](Interpretation) I haven't understood your question.

16 Could you please rephrase it, Counsel.

17 MS CASIEZ: [10:36:16](Interpretation)

18 Q. [10:36:16] Of course, that's not a problem at all.

19 Mr Witness, am I correct in saying that you never received any information from

20 anyone to the effect that there was an attack or an attempt to attack on the part of

21 Anti-Balaka on the town of Mbaïki?

22 A. [10:36:44] Yes. After the meeting in question, we organised ourselves. We

23 were not going to spend the night. We decided to ensure the safety of the

24 neighbourhoods where Muslims were living. But we didn't see any attack in of itself,

25 but we did hear that people were getting ready to attack. People were readying

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1 themselves, but we didn't see any attacks in neighbourhoods where Muslims lived.

2 Q. [10:37:42] Thank you very much for that detailed information. I realise you
3 didn't -- that you weren't present and the only thing you heard about potential attacks
4 upon Mbaïki were rumours; is that what you're telling us?

5 A. [10:38:00] Yes. I can confirm that these were rumours. We did not experience
6 or we did not see any attack whatsoever upon neighbourhoods where Muslims lived.

7 Q. [10:38:20] Thank you.

8 MS CASIEZ: [10:38:22] If I can have just one minute to consult, please.

9 PRESIDING JUDGE SCHMITT: [10:38:28] Of course.

10 (Counsel confers)

11 MS CASIEZ: [10:38:46](Interpretation)

12 Q. [10:38:47] Thank you, Mr Witness.

13 Now, last Wednesday, T-231, 12:43 was the timestamp, you mentioned some GBT
14 youth who were at a checkpoint. I'm trying to understand, was GBT a company
15 between Boda and Mbaïki; is that what you were talking about?

16 A. [10:39:22] Indeed. It's an organisation that is on the road to Ndolobo. It is
17 located 12 or 13 kilometres from Mbaïki. It was a sawmill in the past, and I don't
18 know what GBT stands for. People lived there and it's 2 or 3 kilometres before
19 Boukoko.

20 Q. [10:40:10] Thank you very much for that specific information about the
21 distances.

22 Is it a company and also a kind of a village; people live there?

23 A. [10:40:23] Yes. It was a company that sawed lumber. It was a sawmill during
24 the time of the colonisation. It used to be a sawmill and people lived there.

25 Q. [10:40:56] Thank you. And when you made mention of that last week, you

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1 explained that there were some young people who had got a hold of some machetes
2 and they were setting up illegal checkpoints. Is that what you were trying to tell us?
3 It wasn't very clear in the transcript. You had to go with the commander of the
4 gendarmerie, Mr Bemakassoui.

5 So could you confirm that there were people there and they had this -- who had set
6 up the checkpoint and they had machetes?

7 A. [10:41:37] In actual fact, it was around 1900 hours or 1930. That is when I
8 received a call from a brother who lived in Ndolobo, not far from GBT, and when he
9 went back -- you see, after the Seleka left, young people from the various villages set
10 up checkpoints.

11 MS CASIEZ: [10:42:08] I think, Mr President, it is safer to go in private session.

12 PRESIDING JUDGE SCHMITT: [10:42:12] Why not, and then we repeat it, please.

13 MS CASIEZ: [10:42:13] Yes, I'm sorry. Yeah.

14 PRESIDING JUDGE SCHMITT: [10:42:13] Because there was quite an overlap now.
15 We go to -- but shortly only, I assume -- very shortly, to private session and then we
16 ask and answer again, please.

17 (Private session at 10.42 a.m.)

18 THE COURT OFFICER: [10:42:37] We're in private session, Mr President.

19 MS CASIEZ: [10:42:55] Thank you, Mr President.

20 Q. [10:42:55](Interpretation) I apologise, sir, but (Redacted)

21 (Redacted) I thought it would be better

22 for us to go into private session. Perhaps you could explain to us what happened
23 with these young people at GBT. Apparently, you said that they had gotten hold of
24 some machetes and set up illegal checkpoints, but could you repeat what you told us?

25 A. [10:43:33] As I said, I was at home and it was 1930 or maybe 2000 hours. At

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1 that time, (Redacted). He said that he
2 had gone to drop off his family along the Kenzo road and when he went back he took
3 a passenger. He got to GBT and he saw that some young people from that area had
4 decided to search the vehicle, and the person who was with him had a weapon with
5 him, so the young fellows stopped them and wanted to kill them.
6 He said, and these young fellows said, "No, the driver had nothing to do with the
7 weapon that the other one had." And the company commander -- (Redacted) the
8 company commander, didn't have a vehicle. (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted). I can confirm that the checkpoint had been set up by the local youths at
12 GBT.

13 Q. [10:45:21] Thank you very much. That's very clear, Mr Witness.
14 Could you just tell me when this incident occurred? Were the Seleka still in Mbaïki?
15 Had Mr Djotodia already resigned? I just want to have a better idea of what the time
16 frame was.

17 A. [10:45:53] As I told you, when these young people set up these roadblocks or
18 checkpoints, the Seleka were no longer at that place. You know, I didn't know who
19 was going to be put on trial. (Redacted). I
20 can confirm that there were no Anti-Balaka, neither Seleka, in Mbaïki. It was only
21 later that the Anti-Balaka arrived. Those checkpoints were set up by local youths
22 from various locations. So I confirm that there was no Seleka, there was no
23 Anti-Balaka in Mbaïki. It was two -- one or two days later that (Redacted) meeting
24 (Redacted), so I don't remember exactly what the date was.

25 MS CASIEZ: [10:46:56](Microphone not activated)

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1 PRESIDING JUDGE SCHMITT: [10:46:59] Open session.

2 MS CASIEZ: [10:47:01] Yes, sorry. Open session.

3 (Open session at 10.47 a.m.)

4 THE COURT OFFICER: [10:47:17] We're back in open session, Mr President.

5 MS CASIEZ: [10:47:28](Interpretation)

6 Q. [10:47:29] Thank you for those details, Mr Witness.

7 I'm really trying to ask you to call upon your memory. It's quite normal that you

8 didn't take any notes at the time, but since you seem to know a lot about a lot of

9 things, I am putting these questions to you. But I can reassure you, we don't expect

10 you to have taken notes during that period of time, and it's also quite clear

11 whether -- it was very clear to me that we are talking about the day before, or two

12 days before, the meeting at the church.

13 But if we could review the timeline. You seem to remember things very well and I

14 have a number of dates for the various items already -- items of evidence already on

15 the case record.

16 Let's begin with the meeting at the St Jeanne d'Arc church. T-231, 12:39 -- you said

17 that the meeting was held late in January. Several witnesses in this case have said

18 that it was on 30 January, including someone who was able to take notes during the

19 meeting.

20 Now, 30 January 2014, is that a date that rings a bell? Does that match your

21 memories?

22 A. [10:49:13] I just told you that I don't remember the exact date. I don't know

23 whether (Redacted) people took notes. Those people -- I don't know. I don't know.

24 But I would advise you to consult Monsignor Guerrino, the bishop. He certainly

25 would have that information for you.

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:49:58] Well, if we compare late January and 30
4 January, well, there does not seem to be any contradiction. Well, if I heard, late
5 January, and someone would tell me 30 January, well, that would be late January.
6 Please continue. And you might have other information that you can provide us
7 with.

8 MS CASIEZ: [10:50:25](Interpretation)

9 Q. [10:50:31] Thank you, Mr Witness. Allow me to continue.

10 Now, T-231, 12:12 was the timestamp, you said that the Seleka did not remain for
11 more than two weeks after Djotodia stepped down. They left before the end of
12 February.

13 Several witnesses who testified here said that the Seleka left just before -- one day
14 before, or two days before the meeting at the church. Does that match with your
15 particular memory; in other words, the day before or two days before the meeting at
16 the church? Do you remember?

17 A. [10:51:27] I told you that the meeting was two weeks after Djotodia stepped
18 down. That is possible, but their departure from the town was somewhat rushed.
19 It was two days after, but I think if they said it was the day after, that is possible.
20 That could be true.

21 Q. [10:52:18] Thank you. Now, you said the day after the meeting at the church,
22 the group that arrived with Coeur de Lion came in, and in your statement you said 48
23 hours after, two days after -- paragraph 40.
24 If you can't remember, that's okay, but I'd just like to ask you, was it one day after or
25 two days after, because this is important to me? If you can manage to remember that,

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1 that's fine. Otherwise, that's okay too.

2 A. [10:53:04] That's what I said. I don't remember the date, but it was not more
3 than two days. It was not truly more than two days. I don't remember exactly, but
4 it was within that general time frame.

5 Q. [10:53:26] Thank you. That's fine.

6 I also understood that the evacuation of the Muslims from Mbaïki to Bangui or Chad
7 was on 6 February. Do we agree, Mr Witness, that this period of time during which
8 the Mbaïki Muslims and Muslims from the surrounding villages had gathered, and
9 that period of time during which they cohabited with the Anti-Balaka and Coeur de
10 Lion's elements, that that period of cohabitation was six days at the most? Is that
11 how you remember the events?

12 A. [10:54:26] That could be so. It wasn't a long period of time they left Mbaïki. It
13 was less than a week. I would say less than one week and then the Chadians came
14 into evacuate us.

15 Q. [10:54:51] Thank you, Mr Witness. Allow me to continue.

16 At paragraph 42 of your statement, you stated that two or three days after the arrival
17 of the Anti-Balaka there was a meeting at the Mbaïki city hall, you mentioned that,
18 with Gouga and Coeur de Lion. Can you confirm this? As you said in your
19 statement that the meeting at the town hall was two or three days after the arrival of
20 Coeur de Lion's group?

21 A. [10:55:33] Yes. I can confirm that since -- because that's how things happened.
22 One thing after another.

23 Q. [10:55:50] Thank you.

24 You also said, Mr Witness, that Mr Yekatom was not part of the first group, and a few
25 days later Mr Yekatom arrived. That was transcript 230, 14:46 timestamp. Have I

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1 understood the timeline correctly? First, the Seleka left, then there was the meeting
2 at the church, then the arrival of Coeur de Lion with a {PFR: (Redacted)}
3 (Redacted)} {ICR: (Redacted)}.

4 Have I understood correctly?

5 A. [10:56:57] I'll present it this way: First, there was the meeting at the St Jeanne
6 d'Arc church that Mr Rambo was at. The next day, or two days later, Coeur de Lion
7 arrived. One or two days after the arrival of those elements, Rambo arrived, and
8 after all of that, we were evacuated out of Mbaïki.

9 Allow me to sum up. First of all, departure of the Seleka, then meeting at St Jeanne
10 d'Arc, then arrival of Coeur de Lion, arrival of Rambo, meeting at the town hall. But
11 let me specify something, before the meeting at the town hall, {PFR: (Redacted)} {ICR:
12 (Redacted)}.

13 I think that's how things unfolded. I think that was the timeline.

14 PRESIDING JUDGE SCHMITT: [10:58:13] Since we have the timeline now, and I
15 think it seems to be very -- to me, very clear, I think we should have a break now until
16 11:30. Yeah.

17 MS CASIEZ: [10:58:24] Of course, Mr President.

18 THE COURT USHER: [10:58:26] All rise.

19 (Recess taken at 10.58 a.m.)

20 (Upon resuming in open session at 11.30 a.m.)

21 THE COURT USHER: [11:30:45] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:31:02] Ms Casiez, you have the floor.

24 MS CASIEZ: [11:31:07] Thank you, Mr President.

25 Q. [11:31:18](Interpretation) All right, then, let me carry on with my questioning,

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1 Mr Witness. But before I do so, I've got some good news, we should be finished
2 before lunchtime at the very latest. But you know, between there and now, we still
3 have one or two questions to cover.

4 Now, do forgive me, but I would like to refer back to the Joan of Arc Church meeting,
5 one further question.

6 I'm going to read out a portion of transcript. I've got a question going to that excerpt.

7 Now, you said - this is transcript 230 at 2:19 in the afternoon, where reference is made
8 to Alfred Yekatom, to say that he was accompanied by some of his deputies, and
9 (Redacted), Habib Beina." (Redacted)

10 (Redacted)

11 (Redacted)

12 Now, (Redacted) Mr Yekatom was accompanied by some of his deputies and when
13 Mr Yekatom (Redacted) Habib Beina as his deputy; is that right? Is that what I
14 should understand?

15 A. [11:32:53] (Redacted)

16 (Redacted)

17 Q. [11:33:19] Thank you for that clarification, Mr Witness.

18 Now, paragraph 40 in your statement, you stated that Mr Yekatom was only passing
19 through at Mbaïki. On Tuesday last you stated that he was only to patrol between
20 Bangui, Pissa and PK9. So have I understood things properly when I say that
21 Mr Yekatom wasn't stationed, wasn't based at Mbaïki and that you saw him
22 fleetingly?

23 THE INTERPRETER: [11:33:59] Corrects the interpreter.

24 MS CASIEZ: [11:34:03](Interpretation)

25 Q. [11:34:03] Rarely in that locality?

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1 A. [11:34:06] Yes, that's right. He controlled the PK9-Mbaïki axis and he patrolled
2 to inspect his elements. He wasn't based at Mbaïki. But when we were in this -- in
3 the town, he would -- he would to-and-fro, he would go away and come back again.

4 Q. [11:34:37] Thank you. And when you saw him at the bar, Madam Malonga's
5 bar, you said that he was with his aide-de-camp. So should I understand from that
6 that when he arrived and you saw him at the bar, he was with five or six people, but
7 no more than five or six?

8 A. [11:35:02] Yes, that's right.

9 Q. [11:35:18] Right. Mr Witness, I'm going to move to another area, and I'd like
10 very briefly to revisit the town hall meeting that -- {ICR: (Redacted)}.
11 There's something in your statement that I seek clarification from you about. Now,
12 I'm not going to ask you about your understanding of chain of command and military
13 hierarchy. I just simply wish you to confirm something that you've already
14 stated -- it's a sentence.

15 You said, and I quote:

16 "Gouga spoke on behalf of the Anti-Balaka. He said that he was the leader in the
17 presence of Coeur de Lion."

18 Would you confirm that that is indeed what Mr Gouga stated?

19 A. [11:36:23] Yes, I do confirm that. Gouga said that. He said that he was higher
20 in rank than Coeur de Lion and Alfred Yekatom. He did, indeed, say that he was
21 higher in the ranks than Coeur de Lion.

22 Q. [11:36:48] And at that point in time, you would confirm that Coeur de Lion nor
23 any other Anti-Balaka present contradicted what Mr Gouga had just said; is that
24 right?

25 A. [11:37:15] Nobody contradicted what Mr Gouga said. That's right.

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1 Q. [11:37:22] Thank you, Mr Witness.

2 Now, during the Prosecution's investigation -- this is P-0974 -- CAR-OTP-2078-0156 at
3 paragraph 97, stated that when Mr Gouga arrived at Mbaïki, he was travelling with
4 three pickups with Anti-Balakas. Is this something that you saw
5 also -- CAR-OTP-2058-0165, paragraph 87 is the reference.

6 A. [11:38:11] No. The person who came with three pickups and elements, it was
7 Coeur de Lion. I didn't see Gouga arrive. I only saw him at the town hall.

8 Q. [11:38:29] Thank you, Mr Witness.

9 I'm once again going to be moving on to another area.

10 You spoke with my colleague and you talked about Mr Djido's murder, the deputy
11 mayor, and you identified the company commander on some video footage.

12 MS CASIEZ: [11:39:02] Just to be safe, I think we need to go into private session,
13 Mr President.

14 PRESIDING JUDGE SCHMITT: [11:39:07] Private session.

15 (Private session at 11.39 a.m.)

16 THE COURT OFFICER: [11:39:26] We're in private session, Mr President.

17 MS CASIEZ: [11:39:34](Interpretation)

18 Q. [11:39:36] It's just a precaution, but I think it's worth taking to safeguard your
19 identity.

20 I'd like to know whether (Redacted)

21 I don't need his name. I just want to know whether (Redacted) or

22 other people about the fact that this was unacceptable behaviour for somebody who
23 represented the state, as was the case with the gendarmerie commander?

24 Perhaps -- I don't know whether you've understood.

25 A. [11:40:36] That's right. Djido wanted to take refuge at the gendarmerie. They

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1 weren't able to protect him and that's why he left. And I think it's sad to know really
2 that it was he himself in person who rejected him and then he was knifed, he was
3 attacked by other people.

4 Q. Now, when you say "he in person", you're talking about the commander of the
5 gendarmerie; is that right? Just for the clarity of the record.

6 A. [11:41:21] Yes, that's right. Yves Bemakassoui, the gendarmerie commander.

7 Q. [11:41:36] And during discussions you had about his behaviour with the various
8 people with whom you talked, you would agree with me that at no point in time did
9 anybody tell you that he had joined the Anti-Balaka; is that right?

10 A. [11:41:58] No, nobody told me that. I know that he is a company commander,
11 that he is -- is part of the gendarmerie. In this conflict, there were soldiers that joined
12 the ranks of the Anti-Balaka or the Seleka. What I do know is that he was a company
13 commander at Mbaïki.

14 Q. [11:42:28] Thank you. Now once again I'm going to change topic, and I've got
15 one or two questions to put to you about the slaughterhouse incident that you talked
16 about with my colleague. It will be very short, just two or three questions. And I'd
17 like to take up your statement at paragraph 64. You say, and I quote:

18 "Abdoulaye had disappeared after my departure from Mbaïki. He wanted to meet
19 up with his mother between Boda and Mbaïki and I learned that he had died, but I
20 don't know in what circumstances he died. I lost track of Alias. I no longer have
21 his contact details. All I know is that he had gone off to Ndele."

22 End of quote.

23 Now do you confirm, Mr Witness, what you stated at the time?

24 A. [11:43:36] Yes, I do confirm that that was my statement at the time.

25 Q. [11:43:54] Now, staying with your statement, this time paragraph 56, you state,

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1 when referring to Coeur de Lion, and let me quote:

2 (Redacted)

3 (Redacted)

4 A. [11:44:22] (Redacted)

5 (Redacted)

6 Q. [11:44:35] Now, again, in your statement, 54 and 56, those paragraphs, (Redacted)

7 (Redacted) Anti-Balaka at the entrance to the building and that

8 Coeur de Lion had come out of the bush with two or three men. Should I

9 understand from this, Mr Witness, that on that day at the time of this incident,

10 (Redacted) more than a dozen or so people at that particular location?

11 A. [11:45:11] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:45:58] Thank you.

16 I'm just checking that you answered all my questions on that particular matter.

17 Again, I'm going to move to another area.

18 Now, Tuesday last, you gave evidence, transcript 230 at 11:53, to the effect that you're

19 (Redacted) was to

20 (Redacted)

21 (Redacted)

22 (Redacted), is that right, to

23 behave peacefully and not to take up arms? Have I understood that right?

24 A. [11:47:11] (Redacted)

25 (Redacted)

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1 Q. [11:47:31] Yes, I've understood now more clearly. But one of the objectives of
2 the association, wasn't it also to raise awareness, Muslim traders or trader -- members
3 of that association not to take up arms and to be peaceful. Was that part of the
4 association's mandate?

5 A. [11:48:01] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 So the association emerged under the control of the mayor, and the city authorities
13 were informed -- were aware of the existence of that association, and the objective,
14 therefore, was to promote dialogue. At the time there was also the self-defence
15 elements at PK5 who were taking by force people's vehicles, and so this association
16 brought to the fore dialogue. (Redacted)

17 (Redacted)

18 (Redacted), and the members of the association came from

19 various districts, from various *arrondissements*. And if the acts of violence were to
20 continue, (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [11:50:20] Thank you very much for those details. I'd just like to pick up on
24 what you've just said. You just said that the idea was to prove to people that peace
25 was paramount, and then you spoke about self-defence groups. And several times

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1 in your testimony last week you stated that some people that you knew very
2 well -- I'm thinking particularly those at Bagandou who addressed the imam had
3 suddenly changed behaviour. So should I understand from this that the
4 raising-awareness approach was to make sure that civilians, Muslim or Christian
5 civilians wouldn't suddenly switch behaviour and all of a sudden take up arms?

6 A. [11:51:20] At the time, as you may know, (Redacted)
7 (Redacted). You know, it was -- when I came back to Bangui, I saw what was
8 happening, what had happened at Mbaïki, and when the imam was murdered,
9 (Redacted). Everybody was -- was
10 living on a knife edge and everybody may have had the same thoughts as we did.

11 Q. [11:52:16] Thank you very much. I just have one final topic for you,
12 Mr Witness, and I'm going to again take up your statement. This time paragraph 81
13 of your statement, as I say, where we read that you -- that you stated, again about
14 Mbaïki, and after the evacuation, the Muslim evacuation, you state here that -- that
15 houses of your Muslim brothers of the Yerima neighbourhood had been sold by the
16 neighbourhood chiefs without the approval of their owners. I just seek confirmation
17 from you.

18 A. [11:53:05] Yes, I confirm that. These houses were sold by the neighbourhood
19 leaders. There were many examples of this where complaints were filed before the
20 Mbaïki courts.

21 Q. [11:53:30] Thank you.

22 (Counsel confers)

23 MS CASIEZ: [11:53:43](Interpretation) Sorry, I wanted to make sure that we were in
24 private session.

25 Q. [11:53:52] Now, Mr Witness, would you be able to confirm that the vehicle that

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1 you left at Mbaïki was as you stated in your amendments, (Redacted)

2 (Redacted)

3 (Redacted).

4 A. [11:54:17] Yes, I confirm that.

5 Q. [11:54:24] And should I also understand from that, that that same pickup that

6 you see at PK5 after your departure was at that point in time, (Redacted)

7 (Redacted). Have I got that right?

8 A. [11:54:46] Yes, that's right. I do confirm that.

9 Q. [11:54:56] Now, (Redacted)

10 (Redacted)

11 Do you confirm that, (Redacted)?

12 A. [11:55:19] (Redacted)

13 They were my neighbours, and I learnt about that from my neighbours.

14 Q. [11:55:45] Thank you. And possibly, just I'd like to place emphasis on this,

15 because the answer isn't necessarily clear in respect of what I want. (Redacted)

16 (Redacted), is that the information

17 that was given to you by your neighbours?

18 A. [11:56:04] Yes, that's right. After my departure, they told me that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [11:56:58] And just to make sure that the record is accurate, when you (Redacted)

24 (Redacted); is that right?

25 A. [11:57:14] (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [11:57:35] That's exactly what I was looking for. Possibly I phrased my
4 question poorly.

5 Now, remember we're in private session so there's no problem whatsoever. Can you
6 tell me -- can you give me, rather, the name of the neighbour or the acquaintances, as
7 you stated, that had said that (Redacted)?

8 A. [11:58:01] I can talk about (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [11:58:39] Thank you. Now could I ask you to repeat the name of the person

12 (Redacted)

13 (Redacted)?

14 A. [11:58:51] (Redacted)

15 THE INTERPRETER: [11:59:04] "(Redacted)", corrects the interpreter from the Sango
16 booth.

17 MS CASIEZ: [11:59:09](Interpretation)

18 Q. [11:59:10] And for the avoidance of doubt, (Redacted)

19 (Redacted)

20 (Redacted)

21 I just want to understand where this information comes from?

22 A. [11:59:29] (Redacted)

23 (Redacted) the Anti-Balaka who had been in the house,

24 that they had vandalised the house. That they had taken away the bars -- protective

25 bars in front of the windows.

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1 And (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:00:18] Thank you for that information. Could you confirm that we're

6 talking about (Redacted)? Could you give us a bit

7 more information, an address, so that we can better understand which house we're

8 talking about?

9 A. [12:00:38] (Redacted)

10 (Redacted)

11 Q. Thank you very much.

12 MS CASIEZ: [12:01:01] Mr President, if I can have one minute please, to consult.

13 PRESIDING JUDGE SCHMITT: [12:01:04] Yes, of course.

14 MS CASIEZ: [12:01:05] Thank you.

15 PRESIDING JUDGE SCHMITT: [12:01:06] And when we can go back to open

16 session, please let us know.

17 (Counsel confers)

18 MS CASIEZ: [12:01:53] Thank you, Mr President.

19 Q. [12:01:58](Interpretation) (Redacted)

20 (Redacted), am I to understand

21 that they were Anti-Balaka elements, but it (Redacted)

22 (Redacted); is that what I'm to understand?

23 A. [12:02:29] No, that is the information that they gave me. I wasn't there. They

24 told me that they (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:03:11] Thank you.

4 PRESIDING JUDGE SCHMITT: [12:03:21] But just to be precise that we know it.

5 We understand your testimony, Mr Witness, that (Redacted)

6 (Redacted); is this a correct understanding?

7 THE WITNESS: [12:03:46](Interpretation) Yes, exactly. (Redacted)

8 (Redacted)

9 (Redacted). That is the information that was relayed to me.

10 PRESIDING JUDGE SCHMITT: [12:04:04] Thank you. I think we have covered that

11 sufficiently, I would say.

12 (Counsel confers)

13 MS CASIEZ: [12:04:17] Thank you, Mr President.

14 Q. [12:04:22](Interpretation) One last question. (Redacted)

15 (Redacted)?

16 A. [12:04:37] (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [12:04:59] Well, that's not so far away from

20 (Redacted), at least in the bigger understanding of the area.

21 MS CASIEZ: [12:05:17] Mr President, just one last minute to consult, please.

22 Thank you.

23 (Counsel confers)

24 MS CASIEZ: [12:05:47] Thank you, Mr President.

25 Q. [12:05:53](Interpretation) Mister --

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- 1 PRESIDING JUDGE SCHMITT: [12:05:58] Open session, I think it's better to have
2 this in open session.
3 We go to open session.
4 (Open session at 12.06 p.m.)
5 THE COURT OFFICER: [12:06:15] We're in open session, Mr President.
6 MS CASIEZ: [12:06:21](Interpretation)
7 Q. [12:06:25] Thank you for your answers, Mr Witness. These are all my
8 questions.
9 MS CASIEZ: [12:06:32] I have no further questions for this witness, Mr President.
10 PRESIDING JUDGE SCHMITT: [12:06:33] Thank you. Thank you very much.
11 Mr Knoops, no questions by the Defence of Mr Ngaïssona?
12 MR KNOOPS: [12:06:39] No questions. Thank you.
13 PRESIDING JUDGE SCHMITT: [12:06:40] I'm quite sure that there will be no
14 questions by the Prosecution. Ms Wakchom, am I right?
15 MS WAKCHOM: [12:06:49](Interpretation) Your Honour, I'm sorry to disappoint
16 you. I do have a number of questions.
17 PRESIDING JUDGE SCHMITT: [12:06:55] Then, please start.
18 MS WAKCHOM: [12:07:01](Interpretation) I just need a few moments to prepare.
19 QUESTIONED BY MS WAKCHOM: (Interpretation)
20 Q. [12:07:35] Good morning once again, Mr Witness.
21 A. [12:07:39] Good morning.
22 Q. [12:07:43] In the previous session, in response to a question from my friend
23 opposite, you said that there wasn't truly an attack upon Mbaïki during the time that
24 the Anti-Balaka were there and when you were there. And just to obtain one
25 clarification, can you confirm that during that period of time when you were in

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1 Mbaïki and the Anti-Balaka had already come in, were the Sangaris forces and the
2 MISCA forces present?

3 A. [12:08:30] Yes, when the Anti-Balaka came in, MISCA and Sangaris were present
4 in the town of Mbaïki.

5 Q. [12:08:44] Would it be fair to say that the Anti-Balaka did not attack the Muslims
6 because --

7 PRESIDING JUDGE SCHMITT: [12:08:53] Ms Dimitri.

8 MS DIMITRI: [12:08:54] It's a very bad start for a non-leading question, in my
9 opinion, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:08:59] Yeah, well, I tend to agree actually. And
11 it's also...

12 What did, Mr Witness...

13 So, Mr Witness, you stated that there were no attacks during this point in time. In
14 your -- in your mind, did you have an explanation for that?

15 THE WITNESS: [12:09:45](Interpretation) The explanation is this: They didn't
16 attack because their leader had given them instructions. During the meeting at
17 Jeanne d'Arc, he made a commitment. Secondly, the FOMAC and the Sangaris
18 forces were present; so I believe that those things taken together, kept -- or, rather,
19 ensured that no attack occurred.

20 At the time, (Redacted). Yekatom Rambo gave a speech with the presence of
21 the Sangaris forces and he said it was not possible to -- it was not possible to be
22 subjected to any attack.

23 MS WAKCHOM: [12:10:43](Interpretation) I have no further questions.

24 PRESIDING JUDGE SCHMITT: [12:10:45] Yes, thank you. But -- no problem, there
25 was this overlap because you're speaking French. No problem.

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1 And, well, that has shown that -- well, yeah, okay. So we have it all, let me put it this
2 way.

3 So, thank you very much, Ms Wakchom.

4 This concludes your testimony, Mr Witness. I would like to address you on behalf of
5 the Chamber.

6 On behalf of the Chamber and the Court, I would like to thank you, that you have
7 made yourself available as a witness in these proceedings and have taken it upon you
8 to come here for several days and answering patiently to the best of your knowledge
9 all of the questions. This Court needs witnesses like you to determine the truth.

10 We wish you a safe trip back home, Mr Witness.

11 THE WITNESS: [12:11:50](Interpretation) Thank you. Your Honours, Defence, the
12 legal representatives of victims, I thank everyone for the assistance provided.

13 (The witness is excused)

14 PRESIDING JUDGE SCHMITT: [12:12:14] This concludes also the hearing for today.

15 I understand that the next witness will start on Wednesday and it is P-2084, I think.

16 Yeah. Okay.

17 THE COURT USHER: [12:12:26] All rise.

18 (The hearing ends in open session at 12.12 p.m.)