

Trial Hearing
WITNESS: CAR-OTP-P-2657

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 4 March 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:02] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:26] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:32:34] 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 are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:49] Thank you.
21 The appearance of the parties.
22 Prosecution first, Mr Leddy.
23 MR LEDDY: [9:32:55] Good morning, Mr President, your Honours. Today, the
24 Office of the Prosecutor is represented by Kweku Vanderpuye, Manochitra Prathaban,
25 Yassin Mostfa and myself, Nicholas Leddy.

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1 And I think we might be having a bit of an audio problem on this bench here because
2 neither Mano nor myself can hear the parties.

3 PRESIDING JUDGE SCHMITT: [9:33:13] Well, It's always advisable, if we have a
4 court hearing, that everybody hears what's going to be said. So it would be -- it
5 would be, of course, very good to fix that. And I think also the Defence would
6 appreciate it if you heard what they are saying and asking.

7 MR LEDDY: [9:33:36] I think it's fixed, your Honour, actually.

8 PRESIDING JUDGE SCHMITT: [9:33:39] Okay. Good.

9 MR LEDDY: [9:33:40] Thanks, yeah.

10 PRESIDING JUDGE SCHMITT: [9:33:41] I have a suspicion what it was because it
11 happened to me too at the moment -- at the same moment, okay, but we don't have to
12 specify that.

13 Now to the representatives of the victims, please, their presence.

14 MR FALL: [9:34:01](Interpretation) Good morning, Mr President. Good morning,
15 your Honours.

16 The victims of the other crimes are represented today by Mr Narantsetseg and myself,
17 Yaré Fall. Thank you.

18 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.

19 MS LAU: [9:34:13] Good morning, Mr President, your Honours.

20 Today, the former child soldiers are represented by myself, Fiona Lau, associate legal
21 officer at the Office of Public Counsel for Victims. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:34:24] Thank you.

23 And I turn to the Defence. Ms Dimitri is back, please.

24 MS DIMITRI: [9:34:28] Indeed. Good morning, Mr President. Good morning,
25 your Honours. Good morning, everyone.

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1 Mr Yekatom, who is present in the courtroom, is represented this morning by

2 Ms Wilhelmina Whittingham and myself, Mylène Dimitri.

3 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you. And Mr Knoops, of course.

4 MR KNOOPS: [9:34:42] Yes. Good morning, Mr President. Good morning,
5 your Honours. Good morning, everyone in the courtroom.

6 Today, the Defence of Mr Ngaïssona consists of Ms Marie-Hélène Proulx, Ms Chiara
7 Giudici and Mr Ali Alabdali. And Mr Landry is following the proceedings from the
8 field office.

9 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you, Mr Knoops.

10 And, of course, a welcome again and good morning to Madam Witness.

11 Do you hear and understand me well?

12 WITNESS: CAR-OTP-P-2657 (On former oath)

13 (The witness speaks Sango)

14 (The witness gives evidence via video link)

15 THE WITNESS: [9:35:19](Interpretation) Yes, I can hear you clearly.

16 PRESIDING JUDGE SCHMITT: [9:35:22] So -- thank you,
17 so we continue with your examination, questioning.

18 And I give the Defence of Mr Ngaïssona the floor.

19 Ms Proulx.

20 MS PROULX: [9:35:44] Thank you, Mr President.

21 QUESTIONED BY MS PROULX: (Interpretation)

22 Q. [9:35:52] Madam Witness, can you hear me clearly?

23 A. [9:35:58] Yes, I can follow you.

24 Q. [9:36:05] Good morning, madam. My name is Marie-Hélène Proulx. I'm one
25 of the lawyers of Mr Ngaïssona's Defence team. And you will recall that we met

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1 briefly last week. I have a few questions for you today by which I seek to clarify

2 some aspects of your testimony.

3 Last week I told you this, but maybe I should repeat it. By the very nature of my

4 duties, it is possible that some of my questions might not be pleasing to you or might

5 upset you somewhat. That would not be out of lack of respect for you, but simply

6 because I want to clarify and I need to clarify a few points.

7 So if my questions are not clear to you, please tell me, and it will be a pleasure for me

8 to repeat them for you.

9 Do you understand me clearly? Is it clear for you so far?

10 A. [9:37:12] Everything is clear.

11 Q. [9:37:19] So let me start by asking you a few questions about your family.

12 And for this reason, I would like to apply that we go into private session.

13 PRESIDING JUDGE SCHMITT: [9:37:33] We go to private session, yes.

14 (Private session at 9.37 a.m.)

15 THE COURT OFFICER: [9:37:49] We are in private session, Mr President.

16 MS PROULX: [9:38:01](Interpretation)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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11 (Redacted)

12 Q. [9:41:59] Thank you very much, madam. Now, I would like to know whether
13 you know someone known as (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [9:42:44] So I understand that you knew him in Bossangoa. Was he someone
17 that was close to your family? Was he a friend of your families or of your in-laws at
18 the time?

19 A. [9:43:13] Well, he had no relationship with my own family, but when it comes to
20 his relationships with the members of my in-laws, I really don't know, and I cannot
21 make any assertions in that connection[s] to you.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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24 MS PROULX: [9:52:24](Interpretation)

25 Q. [9:52:24] Madam, I will put questions to you about your life in Bossangoa in

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [9:59:01] Can you describe for us an ordinary day at the time in 2013, that is,

16 before the crisis. Did you take care of the children and then cook and then go to the

17 market and -- or were you involved in other activities?

18 PRESIDING JUDGE SCHMITT: [9:59:41] Could you explain to the Court what this

19 line of questioning, where it's heading at. You know, you might say it's about

20 testing the credibility, yeah, but then we could discuss her whole life from birth to

21 now and what she did when she was 10, when she was 15, when she was 20 or so.

22 So I would be interested, I think.

23 MS PROULX: [10:00:17] Mr President, I'm simply trying to assess what her sources

24 of information were at the time, where she was getting her information from, what

25 were her contacts like.

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1 PRESIDING JUDGE SCHMITT: [10:00:29] Yeah but -- okay, we have discussed this
2 already in so-called direct examination, so let her answer her daily -- how --
3 You have heard, Madam Witness, what the question was. Perhaps you can describe
4 [to] us how your daily -- how a normal day - at the time, if you recall it - went on.
5 And we understand of course you have said that -- just shortly, you have said that it
6 is clear as a woman you did not have perhaps so much contact with the outside world,
7 but please tell us what happened. And I think we have understood this even
8 without this question, but please tell us if you can, if you can provide us with this
9 information.

10 THE WITNESS: [10:01:42](Interpretation) When I left this morning, I did household
11 works, and (Redacted) And
12 then I would return home. That's what my day consisted of.

13 PRESIDING JUDGE SCHMITT: [10:01:58] And perhaps a shortcut would be to
14 simply ask the witness the question that you're interested in, meaning, for example,
15 where did you have this information from? Where did you have that information
16 from? That would be I think a more direct way and it would perhaps also shorten
17 the proceedings.

18 MS PROULX: [10:02:29](Interpretation)

19 Q. [10:02:30] Madam Witness, you said clearly that your interactions with men
20 were limited because you were on the woman's side. So I was wondering, did you
21 have interaction with people outside your community? With Christians, for
22 example.

23 A. [10:03:05] We cohabited very peacefully. It's only when the Seleka events took
24 place and when they clashed with the Anti-Balaka that things changed.

25 Q. [10:03:22] That wasn't exactly my question. I was interested in knowing

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1 whether you had any interaction -- whether you had any discussions and talks or
2 friends, colleagues, amongst the Christians.

3 A. [10:03:52] No, I didn't have any friends. But I did have neighbours and
4 sometimes we chatted together. But it wasn't really my friends. We -- I didn't
5 really have friends amongst them.

6 PRESIDING JUDGE SCHMITT: [10:04:13] Could we go to open --

7 MS PROULX: [10:04:18](Interpretation)

8 Q. [10:04:19] Thank you.

9 PRESIDING JUDGE SCHMITT: [10:04:21] -- excuse me for the overlap to the
10 interpreters.

11 Could we go to open session at some point in time? Not that I'm forcing you, you
12 know your line of questioning better. But perhaps you will refer to identifying
13 information, so then we stay in private session. Okay. Please continue.

14 MS PROULX: [10:04:45] Actually, Mr President, now is a good time to go back to
15 open session.

16 PRESIDING JUDGE SCHMITT: [10:04:54] Then we go back to open session.

17 (Open session at 10.05 a.m.)

18 THE COURT OFFICER: [10:05:03] We are back in open session, Mr President.

19 MS PROULX: [10:05:15](Interpretation)

20 Q. [10:05:16] Madam Witness, before the events, do you agree with me there were
21 Christians that lived in the Arab neighbourhood?

22 A. [10:05:37] Yes, there were some.

23 Q. [10:05:46] I'd like to talk about the arrival of the Seleka troops in Bossangoa.

24 Do you remember how the Seleka were dressed? What sort of clothes did they wear?

25 Did they *wear headgear, or did they have any other distinctive *features on their

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1 outfits?

2 A. [10:06:22] Some were in military outfits. Others wore turbans. *And also had
3 particular headgear.

4 Q. [10:06:39] You said "some" had military attire. Does that mean that others were
5 wearing a different type of outfits, civilian clothing, for example?

6 A. [10:07:02] Yes, yes. Others were wearing civilian clothing. That's what I said.

7 Q. [10:07:14] Thank you. Do you remember any distinctive elements, what you're
8 talking about?

9 A. [10:07:38] How do you want me to describe the situation? I haven't understood
10 your question.

11 PRESIDING JUDGE SCHMITT: [10:07:46] I think the word "distinctive" was
12 perhaps -- perhaps you can word it a little bit differently or be more specific. I think
13 you can simply put it to the witness if they had a certain clothe or not.

14 MS PROULX: [10:08:20](Interpretation)

15 Q. [10:08:20] Did you see the Seleka wearing *gris-gris* or amulets, for example?

16 A. [10:08:39] Yes, they were wearing *gris-gris*.

17 Q. [10:08:45] Yesterday you told us, madam, that you didn't notice anything as
18 regards the treatment of the civilian population by the Seleka, but you said that you
19 also noticed at that time that the Christian residents of the Arab neighbourhood
20 gradually left that neighbourhood.

21 *So, according to you, is there a link between the arrival of the Seleka and the
22 departure of the Christians?

23 A. [10:09:32] The fleeing of the Christians is due to the clashes between the Seleka
24 and the Anti-Balaka, but when the Seleka arrived, there were no * abuses against the
25 civilians, neither the Christians or the Muslims. However, I can't say anything about

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1 what happened in the small surrounding villages around Bossangoa. But in

2 Bossangoa itself, I didn't notice anything. I don't want to lie to you.

3 Q. [10:10:25] Madam, in your statement, which you gave to the OTP investigators

4 two years ago, in 2020, and in paragraph 18, you said that at a certain moment, the

5 Seleka started to loot both the Muslim and the Christian civilians. Do you remember

6 having said that?

7 A. [10:10:57] It's true. There was pillaging, but it wasn't downtown. It wasn't in

8 Bossangoa. It was in the surrounding villages.

9 Q. [10:11:14] Thank you for that clarification. Now I would like to talk about the

10 first attack on Bossangoa in the month of September. And initially we can remain in

11 public session. You said that the attack started in about 5 o'clock in the morning.

12 Do you remember where you were and with whom were you?

13 A. [10:11:57] *During the first attack, I was with my children at home. And when

14 the gunshots started, we fled. We sought refuge (Redacted)

15 Q. [10:12:20] So I understand you were only with your children. Your husband

16 wasn't there?

17 A. [10:12:39] Yes.

18 Q. [10:12:45] Do you know where your husband was on the morning of the attack?

19 THE INTERPRETER: [10:13:08] The interpreter in the Sango booth did not hear the

20 answer of the witness.

21 MS PROULX: [10:13:15](Interpretation)

22 Q. [10:13:16] Madam, could you repeat, please, because it wasn't clear.

23 Where was your husband on the morning of the attack?

24 A. [10:13:35] He was with the other wife. That's to say, the second wife.

25 Q. [10:13:48] So when you heard the gunshots, you went (Redacted) for refuge; is

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1 that correct?

2 A. [10:14:01] That's correct.

3 Q. [10:14:03] Did you find your husband (Redacted) on that day?

4 A. [10:14:27] Yes. I saw him there.

5 Q. [10:14:40] Madam, I understand that when you heard the gunshots, you went

6 directly (Redacted) So am I right in saying that on that day, you didn't see the

7 people who were attacking Bossangoa?

8 A. [10:15:11] Yes, that's correct. I didn't see the assailants during the first attack.

9 MS PROULX: [10:15:30] Mr President, I would like now to go into private session,
10 please.

11 PRESIDING JUDGE SCHMITT: [10:15:38] Okay.

12 Private session.

13 (Private session at 10.15 a.m.)

14 THE COURT OFFICER: [10:15:50] We are in private session, Mr President.

15 MS PROULX: [10:16:00](Interpretation)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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7 PRESIDING JUDGE SCHMITT: [10:22:47] When you are young you're sometimes
8 more mobile than we're getting older and settled.

9 Actually, I don't think -- really, I don't think that there is a lot in this line of
10 questioning, frankly speaking, but -- because we always have to listen to the next
11 question and to the next question. But the witness, first of all, she was not there
12 when he left. So she has heard that later, and she says she has heard that. And
13 now she has explained - over five minutes - that a person can live in two different
14 places, sort of.

15 I really, really don't see what, what could there be in for Defence in this specific point.

16 I would simply suggest to move on.

17 MS PROULX: [10:23:54](Interpretation)

18 Q. [10:23:55] This is the last question on this subject. Madam, do you know the
19 (Redacted)

20 A. [10:24:12] * I don't know what her name was. She and I were not familiar with
21 each other. I never went to her place. I think I only saw her once. I don't really know
22 why I should know her name.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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24 PRESIDING JUDGE SCHMITT: [10:28:21] Mr Leddy.

25 MR LEDDY: [10:28:21] Well, the Prosecution would object to this particular question.

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- 1 The form of the question asks her to speculate on a different --
- 2 PRESIDING JUDGE SCHMITT: [10:28:28] I agree. I agree absolutely. I agree
- 3 absolutely. She has answered the question. She has simply said she thinks he was
- 4 (Redacted) And we have five other possibilities. Please move on.
- 5 MS PROULX: [10:28:53] We could go back to open session, please.
- 6 PRESIDING JUDGE SCHMITT: [10:28:54] Open session.
- 7 (Open session at 10.29 a.m.)
- 8 THE COURT OFFICER: [10:29:09] We are back in open session, Mr President.
- 9 MS PROULX: [10:29:18](Interpretation)
- 10 Q. [10:29:20] Madam Witness, have you heard it said or did you see yourself
- 11 Muslim traders giving money to Seleka elements?
- 12 A. [10:29:42] I am a woman who stays at home. I am not aware of that type of
- 13 thing. I cannot lie to you.
- 14 Q. [10:30:00] Did you from time to time see any Seleka elements when -- or while
- 15 you were at the market?
- 16 A. [10:30:11] Yes. One used to see them on the road.
- 17 Q. [10:30:27] Did you also see them in the market?
- 18 A. [10:30:33] No, I did not see them within the market.
- 19 Q. [10:30:53] Did you go to pray at the central mosque from time to time?
- 20 (Pause in proceedings)
- 21 MS PROULX: [10:31:40] Mr President, I think we have a sound problem.
- 22 PRESIDING JUDGE SCHMITT: [10:31:42] I also think so.
- 23 Perhaps we can try to figure out what's going on, and if we can fix it quickly, if there
- 24 is a problem.
- 25 Madam Witness, do you hear me?

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1 Obviously not. So that's the proof.

2 We have -- I think we wait two or three minutes, if it can be solved on the spot.

3 Otherwise, we will have a break. Obviously, somebody is trying his best at the
4 video-link location. So let's be optimistic.

5 (Pause in proceedings)

6 PRESIDING JUDGE SCHMITT: [10:34:05] So we have a break now. Yes. Should
7 a meaningful coffee -- be a meaningful coffee break, but Ms Proulx, can you give me a
8 figure or us a figure -- an "estimate", better to say?

9 MS PROULX: [10:34:23] I am exactly halfway through, your Honour. So probably
10 another hour.

11 PRESIDING JUDGE SCHMITT: [10:34:27] Okay. Then it's fine. Then let us have a
12 break until quarter past 11.

13 THE COURT USHER: [10:34:33] All rise.

14 (Recess taken at 10.34 a.m.)

15 (Upon resuming in open session at 11.16 a.m.)

16 THE COURT USHER: [11:16:53] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [11:17:16] I think we are in open session. So can
19 we stay there, Ms Proulx?

20 Okay. Then please continue.

21 MS PROULX: [11:17:37](Interpretation) Thank you, your Honour.

22 Q. [11:17:40] Madam, before the break, I asked you a question. I don't know if
23 you heard it, so I'm going to repeat it. My question was, in 2013, did you have the
24 possibility to pray at the central mosque?

25 A. [11:18:14] * You know, with the Muslims, it's true, adult women or menopausal

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1 women can go and pray in the mosque, but the other women who, like me, continue
2 to give birth, we usually pray at home.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) a journalist, Imam Naffi is cited

7 saying that he was perhaps too closely associated with the Seleka. Did you observe
8 or -- any interactions or contacts between the imam and Seleka elements?

9 A. [11:20:09] Are you talking about a meeting? Well, sometimes where they met,
10 he met the Seleka, to give them advice. That's what I know.

11 Q. [11:20:35] Do you know whether the Seleka guaranteed or assured the
12 protection of the imam?

13 A. [11:20:59 * No. They only went to the imam for meetings. When there were
14 problems, the imam gathered them to give them advice. That's what I know. * They
15 didn't have the habit to guarantee his safety, no.

16 Q. [11:21:22] Madam Witness, at this stage, I would like to talk about the second
17 attack on Bossangoa.

18 But for that, I would like to go into private session.

19 PRESIDING JUDGE SCHMITT: [11:21:34] Private session.

20 (Private session at 11.21 a.m.)

21 THE COURT OFFICER: [11:21:48] We are in private session, Mr President.

22 MS PROULX: [11:22:00] (Interpretation)

23 Q. [11:22:01] Madam, I want to ask you two small questions, so I'm going to ask
24 them now, and then we will talk about the second attack. (Redacted)

25 (Redacted)

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4 (Redacted)

5 (Redacted)

6 Q. [11:23:20] Thank you for that clarification. Now, we are going to arrive at the
7 moment where I want to talk about the second attack on Bossangoa.

8 Yesterday, you said when the attacks started, you were alone in your compound.

9 Do you remember where your children were?

10 A. [11:23:54] My children were with my mother-in-law. That's to say, their
11 grandmother.

12 (Redacted)

13 A. [11:24:18] Yes. My children were there.

14 Q. [11:24:24] And where was your husband when the attack started?

15 A. [11:24:52] He was at the mosque, and it was when they were leaving the mosque
16 that the attack started.

17 Q. [11:25:10] Did you see your husband at the beginning of the attack?

18 A. [11:25:26] When he heard the explosions, he ran to give me information,

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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3 (Redacted)

4 Q. [11:44:50] Madam, did you know that Seleka troops, armed elements, had gone
5 towards mosque and the imam's residence at the beginning of the attack?

6 A. [11:45:18] No. I am not aware of that.

7 Q. [11:45:30] Thank you. Madam, I now have a few questions on the aggression
8 that you were subjected to - and I am sorry that I have to put a few of these questions
9 to you - just a few of them. It wouldn't be very long.

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)

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1 (Redacted)

2 (Redacted)

3 Q. [11:48:06] Thank you for that clarification.

4 Yesterday at page 22 of transcript T-104, you said that after they found you in the
5 house, they started to talk among themselves about what to do with you, and you
6 said that during that conversation, they talked about the possibility of taking you to
7 their leader, whom you identified as Ngaïssona.

8 Did you understand, Madam Witness, from that conversation, that the leader in
9 question, the leader to whom they wanted to take you was in the neighbourhoods
10 nearby, probably in Bossangoa, or not too far away? Was that what you understood,
11 madam?

12 A. [11:49:13] Yes. But many people talked about it, that he was the leader. And
13 that is why they too talked about it. They wanted to take me to his place. And they
14 mentioned him.

15 Q. [11:49:41] Madam Witness, do you know where Patrice-Edouard Ngaïssona was
16 on 5 December 2013?

17 A. [11:50:01] No, I did not know where he was, and I cannot lie about that. But he
18 is a figure of authority who spoke from time to time, who introduced himself on the
19 airwaves as the leader of the Anti-Balaka. And even those who attacked me talked
20 about it as well.

21 Now, they did not mention where he was. So I am just an ordinary woman, and so
22 ordinarily, I -- I really quite honestly do not have any information in relation to this
23 question.

24 At the time, I did not know where he was.

25 Q. [11:50:50] Madam, you also said at paragraph 102 in your statement that during

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1 this very conversation, these men mentioned some of their other leaders, including
2 (Redacted) Madam, with all due respect, I put it to you that the men who -- that
3 men who are about to rape a woman do not outline a list of their leaders in her
4 presence. So, madam, do you maintain that this conversation took place?

5 PRESIDING JUDGE SCHMITT: [11:51:29] No. No, I don't allow the question in
6 this manner. We are not talking about a list. We are talking about two names. So
7 what we can ask the witness, is, if she is sure that these two names have been
8 mentioned in her recollection.

9 Madam Witness, so it was a long time ago and we have of course also your statement
10 and what you told us yesterday. So it is obviously very difficult to call back this
11 memory, so to speak, but if you try to do so, did these men mention the two names,
12 (Redacted) and Ngaïssona?

13 THE WITNESS: [11:52:44](Interpretation) Well, if they had not mentioned their
14 names, I would not talk to you about it. If they had not mentioned those names, I
15 would not be aware, I would not have been aware that they -- these were part of them.
16 What they said is, Let us take her to our leader. But when they found me, they
17 said -- some of them said, Let us take her to our leader, Ngaïssona. And this is what
18 I heard.

19 MS PROULX: [11:53:30](Interpretation)

20 Q. [11:53:31] * Madam Witness, once again, with all due respect, I put it to you that
21 if this conversation took place, you misunderstood the name that was mentioned,
22 because Mr Ngaïssona was not the commander of those elements and he had never
23 met them. Is it possible, madam, that you misunderstood the name?

24 A. [11:54:16] If I had not heard it, I would not have told you. I heard that name.
25 Why should I lie? Why would I lie? It is what I heard that I am talking about. It

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1 is what I saw that I am talking about. I am not here to lie on whoever's behalf. I
2 saw and I heard, and that is why I am talking about it.

3 Q. [11:54:54] Madam, in your statement, you explain that the men -- the men who
4 raped you were wearing *gris-gris* during the rape; is that correct?

5 A. [11:55:10] Yes, that is correct. They were wearing *gris-gris*.

6 Q. [11:55:21] Yesterday, in your testimony you said that the attackers who killed

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [11:56:20] No, I did not see. All I saw was the dead body. I did not see the
12 person who killed him.

13 Q. [11:56:37] Yesterday, madam, at pages 22 and 23, transcript T-104, you said that

14 (Redacted)

15 (Redacted)

16 A. [11:57:10] I told you that I did not spend the night there. The same night, we
17 left and went to the base of the FOMAC soldiers.

18 Q. [11:57:33] Maybe there is an interpretation error, but, madam, in yesterday's

19 transcript, it is written, you said, (Redacted)

20 That would be a mistake?

21 A. [11:58:01] I don't think that I told you yesterday that we spent the night. Well,
22 the next day in the morning, they came and took the corpses away. That's what I
23 said.

24 Q. [11:58:19] Thank you. So you arrived at the *école* the very evening of the attack;
25 is that correct?

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1 A. [11:58:43] Yes, the same night.

2 PRESIDING JUDGE SCHMITT: [11:58:46] Can we go back to open session? What
3 do you think?

4 We trust you on that. So please continue.

5 MS PROULX: [11:59:04](Interpretation)

6 Q. [11:59:05] Since you arrived at the school that evening, that was the same
7 evening when you were reunited with your husband and your children; is that
8 correct?

9 A. [11:59:34] We did not meet each other that night. It was the next day that I met
10 my children and their father.

11 Q. [11:59:56] Madam, there's an individual who was questioned by the OTP who
12 said that you were -- you were found the next day by the Seleka forces; is that correct
13 or incorrect?

14 A. [12:00:33] No, that's a lie. On that day I didn't see a Seleka element. I couldn't
15 have seen a Seleka element.

16 THE INTERPRETER: [12:00:47] The Sango interpreter says again.

17 MS PROULX: [12:00:51](Interpretation)

18 Q. [12:00:51] Madam Witness, who did you talk to about the rape that you were
19 subjected to in the days following that?

20 A. [12:01:22] After the rape, the next day, I didn't say it to anybody. I didn't talk
21 about it. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [12:04:59] Yes. My report -- they did me a report, but since we were evacuated,
13 I think I have lost it during the journey.

14 Q. [12:05:28] Thank you. I asked you the question because the OTP asked to
15 receive those documents from the hospital but apparently did not receive anything.
16 So I was wondering whether you had any additional information as to why these
17 documents got lost.

18 PRESIDING JUDGE SCHMITT: [12:05:55] Well, paragraph 92, this is 0072, is exactly
19 what she said today: "I had my medical report, but I lost it when I left Bossangoa."

20 THE WITNESS: [12:06:13](Interpretation) The report was in my luggage. And
21 when we carried out the journey, they said they would only save lives. The
22 (Redacted) said they'd only save lives, not luggage. So that report remained in our
23 baggage in Bossangoa.

24 MS PROULX: [12:06:36](Interpretation)

25 Q. [12:06:37] Thank you.

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1 I have a final question or subject which we can deal with in public session.

2 PRESIDING JUDGE SCHMITT: [12:06:42] Public session.

3 (Open session at 12.06 p.m.)

4 THE COURT OFFICER: [12:06:59] We are back in open session, Mr President.

5 MS PROULX: [12:07:10](Interpretation)

6 Q. [12:07:11] Madam, could you describe the assailants which you saw during the
7 second attack. Could you describe the type of clothing they were wearing, their
8 headgear, or other particular features.

9 A. [12:07:52] They were wearing *gris-gris* and they also had red head banners.

10 Q. [12:08:05] And do you remember how they were dressed?

11 A. [12:08:24] What I saw, they were many. There were -- there were some in
12 military outfits, but many were wearing civilian clothing. At least that's what I saw.

13 Q. [12:08:43] Thank you. I want to show you some photos. It's a video extract, in
14 fact. It's document 27 in the Defence binder, *CAR-OTP-2112-1385, and we are going
15 to start *at second 31, after that, I'm going to ask you some questions.

16 (Viewing of the video excerpt)

17 MS PROULX: [12:09:54](Interpretation)

18 Q. [12:09:55] Could you see the images, madam?

19 A. [12:10:04] Yes.

20 Q. [12:10:08] The men who pursued you *during the second attack, are they similar
21 to those men that you saw on the images?

22 A. [12:10:32] * According to the headbands I saw, they are very similar.

23 Q. [12:10:45] Thank you. Thank you. I asked you to describe the Seleka earlier.
24 I would like to know, how can you make the difference -- how could you recognise
25 and make the differences between Seleka and an Anti-Balaka?

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1 A. [12:11:27] The Anti-Balaka, I must admit I only saw them during the second
2 attack. They had bands. The Seleka also, I only saw them, they had turbans and
3 berets. That enabled me to make a distinction. {ICR: (Redacted)}.
4 Those who were in the towns and walking around,
5 because I didn't leave the compound very often,
6 were wearing red bands.

7 PRESIDING JUDGE SCHMITT: [12:12:19] For the record, I think it's important to
8 have the correct ERN number of the last -- of the video. It's CAR-OTP-2112-1385.

9 MS PROULX: [12:12:42](Interpretation)

10 Q. [12:12:42] Could you explain to us, how can you make a distinction between a
11 Christian civilian and an Anti-Balaka?

12 A. [12:13:11] The civilians didn't have anything special. They didn't carry
13 weapons. Those who weren't civilians, the Anti-Balaka had *gris-gris*. They had
14 their outfit. They had their weapons. Some had knives. The Seleka also had their
15 outfits. They had turbans and their weapons. This helped us to make a distinction,
16 but the civilians, they didn't have weapons. They didn't carry or bear *gris-gris* either.

17 Q. [12:13:54] Thank you. I'd like to show you two photos and ask you your view
18 and, after that, we'll be finished.

19 Firstly, it's document 8 of the Defence binder, CAR-OTP-2073-0097. I'm going to
20 wait until the document is displayed, and then I have a question about it.

21 Can you see the photo?

22 A. [12:14:40] Yes, I see the photo.

23 Q. [12:14:43] Madam, based on their appearance, do you think that the people who
24 you see on this photo are Anti-Balaka, civilians, or are they another category of
25 persons?

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1 A. [12:15:13] Just by looking at them, those who are wearing a *gris-gris*, that is a
2 sign of an Anti-Balaka. The civilians couldn't wear a *gris-gris* or a knife, but if they
3 are carrying a knife or a *gris-gris*, then they are part of those who committed
4 exactions.

5 Q. [12:15:42] Thank you. Madam, have you already heard about the existence of
6 fake *gris-gris*?

7 A. [12:16:06] No, * No. I never heard of it. The civilians we saw were not wearing
8 were not wearing *grigris*.

9 Q. [12:16:17] I'm going to show you a last photo. It's document 11 in the Defence
10 binder, CAR-OTP-2073-0107.

11 Can you see the photo?

12 A. [12:16:57] Yes, I see the photo.

13 Q. [12:17:01] I'd like to -- if you want to look at the people who are standing in the
14 background, and I'll have the same question: On the basis of their appearance, can
15 you tell me whether these people are civilians, Anti-Balaka, or something else?

16 MR LEDDY: [12:17:26] I'm sorry, your Honour. Could I just ask for more
17 specificity as to which individuals in the photo Defence counsel would like the
18 witness to identify as a civilian or a combatant.

19 PRESIDING JUDGE SCHMITT: [12:17:34] Oh, well, I think we have a lot of people
20 in the background and there are women amongst them, but I think the witness
21 understands the question.

22 So Madam Witness, if I may put it to you.

23 So we have a lot of people standing behind these dignitaries, so to speak, who are
24 sitting. According to you, from their appearance, do they seem to you to be civilians
25 or do they seem to be - to you - Anti-Balaka amongst them or Seleka or whatsoever?

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1 If you have any idea by looking at that picture.

2 THE WITNESS: [12:18:28](Interpretation) According to what I see, those who are
3 behind the man who's wearing a black robe are not civilians. The one who is
4 wearing *a cossack, those who are behind the man who is wearing a cossack are not
5 civilians.

6 MS PROULX: [12:18:57](Interpretation)

7 Q. [12:18:58] * So are you saying that the other men, who are not behind the man
8 wearing the cassock are civilians. Is that what you are saying?

9 PRESIDING JUDGE SCHMITT: [12:19:05] She cannot know or -- if they are civilians
10 or not, she can only say they appear to be. You know, she is guessing. I assume she
11 has not seen the persons.

12 She has given an answer. I think that should be enough so we can conclude from
13 that, that she thinks at the moment looking for the first time to these people whom
14 she probably has never seen, that two of them seem to be not civilians, which could
15 perhaps lead us to the conclusion that the others in her opinion, looking at that, are
16 civilians.

17 MS PROULX: [12:20:01](Interpretation)

18 Q. [12:20:01] I have a final question for you, madam. Are you aware that during
19 these events several Christian civilians were armed?

20 A. [12:20:27] I didn't see that. I didn't hear anyone talk about it in any case as
21 regards the civilians.

22 Q. [12:20:38] Thank you for having answered my questions today. I have finished
23 my examination.

24 MS PROULX: [12:20:45] Thank you.

25 PRESIDING JUDGE SCHMITT: [12:20:46] Thank you.

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- 1 Mr Leddy, I don't think there will be a redirect.
- 2 MR LEDDY: [12:20:51] That's correct, your Honour. We have no further questions.
- 3 PRESIDING JUDGE SCHMITT: [12:20:53] Okay. Thank you very much.
- 4 Madam Witness, I would like to address you on behalf of the Chamber as the
- 5 Presiding Judge. The Chamber is aware how difficult and painful it must be to talk
- 6 about these terrible experiences in front of people that you don't know. The
- 7 Chamber appreciates it a lot that you have done that; that you have made yourself
- 8 available as a witness in these proceedings to help the Chamber to establish the truth.
- 9 We wish you well.
- 10 So this concludes the hearing for today.
- 11 We continue on Monday with the next witness - and I'm just informed, I had
- 12 forgotten actually the figure, it's P-1595. Okay. Thank you.
- 13 THE COURT USHER: [12:22:17] All rise.
- 14 (The hearing ends in open session at 12.22 p.m.)