

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Thursday, 24 November 2022
9 (The hearing starts in open session at 10.31 a.m.)
10 THE COURT USHER: [10:31:05] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [10:31:26] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [10:31:30] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And we are in open session.
19 PRESIDING JUDGE SCHMITT: [10:31:44] Thank you.
20 I call for the appearances of the parties.
21 Ms Berdennikova first.
22 MS BERDENNIKOVA: [10:31:50] Good morning, Mr President, your Honours
23 and everyone in the courtroom. Today the Prosecution is represented by Sylvie
24 Wakchom, Kweku Vanderpuye, Yassin Mostfa and myself, Maria Berdennikova.
25 PRESIDING JUDGE SCHMITT: [10:32:04] I turn to the representative of the victims.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Ms Douzima.

2 MS DOUZIMA-LAWSON: [10:32:09](Interpretation) Good morning, Mr President,
3 your Honours. The victims of the other crimes are represented by myself today,
4 Ms Douzima. Thank you.

5 PRESIDING JUDGE SCHMITT: [10:32:21] Well, I also see Mr Narantsetseg,
6 but -- and I assume he's part of your team. Okay, no problem. He's not only
7 present, he's also on the record now.
8 Mr Suprun, please.

9 MR SUPRUN: [10:32:39] Good morning, Mr President, your Honours. The former
10 child soldiers are represented today by Ms Ludovica Vetrucchio, legal officer, and
11 myself, Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank
12 you.

13 PRESIDING JUDGE SCHMITT: [10:32:49] Thank you, Mr Suprun.
14 I turn to the Defence, Ms Dimitri.

15 MS DIMITRI: [10:32:53] About good morning, Mr President. Good morning, your
16 Honours. Good morning, everyone in the courtroom. Mr Yekatom is present in the
17 courtroom. He is represented today by Mr Tobie Raphaël Godue,
18 Mr Florent Pages-Granier, Ms Anta Guissé and myself, Mylène Dimitri.

19 PRESIDING JUDGE SCHMITT: [10:33:06] Thank you.
20 And Mr Knoops.

21 MR KNOOPS: [10:33:09] Very good morning, Mr President, your Honours.
22 Everyone in the courtroom, good morning. Our Defence team is in the same
23 composition as yesterday, Mr President. Thank you.

24 PRESIDING JUDGE SCHMITT: [10:33:21] Thank you.

25 And most importantly, good morning, Mr Witness, Mr Ndiaye. On behalf of the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Chamber, I hope you had a nice rest, a good rest after the hearing yesterday.

2 WITNESS: CAR-OTP-P-1528 (On former oath)

3 (The witness speaks French)

4 (The witness gives evidence via video link)

5 THE WITNESS: [10:33:38](Interpretation) Good morning, your Honour.

6 PRESIDING JUDGE SCHMITT: [10:33:39] We turn then to the examination by the
7 Defence and I give Ms Guissé the floor.

8 MS GUISSÉ: [10:33:48] (Interpretation) Thank you, your Honour.

9 QUESTIONED BY MS GUISSÉ: (Interpretation)

10 Q. [10:33:58] Good morning, Mr Ndiaye.

11 A. [10:33:59] Good morning.

12 Q. [10:34:00] We saw one another -- or, rather, you saw me during the courtesy
13 meeting because we met via computer screen, so to speak. I'll introduce myself.

14 I'm Anta Guissé, one of the lawyers representing Mr Yekatom and, as such, I will be
15 putting a number of questions to you today.

16 We both are speaking French and we both speak rather quickly, so if you could -- if
17 you could be so kind and so patient as to speak more slowly than your normal pace
18 so that our court reporters and court interpreters can capture and interpret what has
19 been said. I will endeavour to do the same thing. And furthermore, please pause
20 between the end of my question and the beginning of your answer so that the
21 interpreters can do their work.

22 A. [10:35:04] Very well.

23 Q. [10:35:05] Thank you. I'll also try to put short questions to you but, of course, if
24 something is not clear, please don't hesitate to ask me to repeat my question.

25 I do have a few questions and I must acknowledge that I will be putting you to work

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 today, because we'd like to take advantage of your in-depth familiarity with the
2 neighbourhoods of Cattin and Boeing so that the Court can be fully apprised of the
3 various locations that we don't know and that you are very familiar with. So once
4 again, please be patient with us. At times it might seem to be a bit of a nuisance for
5 you, but it's important for us to understand the background.

6 A. [10:36:02] Very well.

7 Q. [10:36:03] Thank you. Fundamentally I'll be referring to two statements that
8 you provided to the OTP investigators. And just to ensure that everything is clear
9 for the record, * I'll be talking about the statement of the 2017, CAR-OTP-2048-0757
10 and the French version is CAR-OTP-2102-0184. That's the first statement you gave,
11 and I'll be referring to this throughout the course of my questioning. And I'll -- I'll
12 refer to it as the first statement. If I have to quote from it, I'll work from the French
13 version.

14 The second version is the statement taken on 15 January 2020, CAR-OTP-2121-2831,
15 and in French, CAR-OTP-2122-4659. And I'll refer to that as the second statement.

16 If you agree, we can begin the questioning now.

17 A. [10:37:43] Very well.

18 Q. [10:37:46] Sir, I'd like to check a few items of information about the -- well,
19 having to do with the religious position that you occupied and your knowledge of
20 Cattin neighbourhood and Boeing neighbourhood.

21 First of all, Cattin, is that part of the Boeing neighbourhood or is it a neighbourhood
22 alongside Boeing?

23 A. [10:38:14] Cattin is beside Boeing. When you leave Kilometre 5 to head
24 towards Boeing, there are several roads that lead to Boeing, but the main road -- well,
25 if you go by the main road, first you reach Cattin. It's where the coffee factory is, it's

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 the Cattin coffee company. And that area around the factory is known as Cattin.

2 And then you continue along your way to Boeing. And so people living there will

3 say, "Well, I live in Cattin." There's a bit of a stream there as well. It's a -- so, in

4 other words, Cattin is adjoining Boeing.

5 Q. [10:39:11] Thank you. Just for information purposes, I'll be showing you some

6 maps, and you can show us these various places that you've just mentioned to us.

7 But before we get to that, you became the imam of the Boeing mosque in 2005 after

8 studying overseas, abroad. Before you were the imam at the mosque, you were

9 living in that neighbourhood, weren't you, the neighbourhood of --

10 A. [10:39:47] Yes, yes. Yes, I was living there well before.

11 Q. [10:39:51] Thank you for your answer. Please remember to pause five seconds

12 or at least three seconds before answering. Otherwise, we overlap a little bit.

13 A. [10:40:06] Very well. Very well.

14 Q. [10:40:10] Thank you. Now, you said that you were living in the

15 neighbourhood before you became the imam, and it also emerged from your

16 testimony that your family had a family compound in the neighbourhood in Cattin.

17 Could you tell us how long your family has been living in that neighbourhood, the

18 neighbourhood of Cattin?

19 A. [10:40:36] The family has been in Cattin since 1981.

20 Q. [10:40:47] And when you met the investigators, and up until now as well,

21 you've been the imam of the mosque. Now, during yesterday's hearing, you said

22 that you remember leaving the CAR with your family during the events late in

23 January 2014, T-1 -- I return to your -- T-178 at about 12.07. I looked at your

24 statement and you said it was in January that you left the CAR. Does that refresh

25 your memory as to the precise time when you left the CAR to have your family live

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 outside the country?

2 A. [10:41:46] Indeed. Indeed. When I came back, I was thinking about that.

3 You see, a lot of time has gone by. We left Cattin on 5 December and one month

4 later, we left the country. So, yes, indeed, it was early in January, not late in January.

5 Q. [10:42:17] We also agree that you came back to the Central African Republic

6 only in *June 2014 and that is when you became the imam at Lakwanga mosque,

7 correct?

8 A. [10:42:33] Yes. I came back in June 2014, I came back to Bangui, and when I

9 came back, I was in Lakwanga neighbourhood. That's where I was living. And

10 that coincided with the month of Ramadan, so the few Muslims who were there

11 called upon me to -- well, asked me to be the imam of that mosque. Most had left

12 and the ones remaining asked me to become the imam, and I said that since I had left

13 the Boeing mosque, I wanted -- well, I realised that becoming the imam was a great

14 responsibility and would take a great deal of time and -- and that is -- and a lot of

15 time, a lot of responsibility and you are not compensated, so in other words, it's

16 volunteer work.

17 So these people truly insisted. I declined the offer until the end of Ramadan, and

18 then they once again started asking me to become the imam. I refused again. But

19 the third time, once I saw that the people from Lakwanga who were in France -- you

20 see, some people had gone to France and these people managed to collect some

21 money which they sent to a Christian brother, and in turn, that money was for the

22 Muslims to be able to return to the mosque to prayer. Because the way they saw it,

23 their families were able to go back to worship at church and why shouldn't the

24 Muslims be able to go back to the mosque to pray. So ultimately I accepted the

25 position of imam at the mosque.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [10:44:51] Thank you for that information.

2 Now I'd like to ask you a question about your family. Am I correct in saying that
3 you have a brother by the name of * Ismaël- I'm sorry if I'm mispronouncing the
4 name - Nimaga, Nimaga I believe is the name, a brother, who was an ambassador of
5 the CAR to Morocco.

6 A. [10:45:19] I haven't understood your question. The microphone was sort of
7 hissing. I didn't quite hear. Could you repeat.

8 Q. [10:45:30] I will put the question again, but please pause. Sometimes if you
9 notice that I'm not responding immediately, it's because I'm waiting for the
10 interpretation to finish. But I've understood. I will repeat the question to you.
11 Am I correct in saying that you have a brother by the name of * Ismaël Nimaga,
12 Nimanga (phon), something like that? I'm so sorry if I've mispronounced the name,
13 but apparently he was the ambassador of the CAR to Morocco at one point in time?

14 A. [10:46:13] Yes.

15 Q. [10:46:16] Do you remember when he held that position?

16 A. [10:46:27] He was the ambassador -- that was in 2001, that was when he was
17 appointed ambassador.

18 Q. [10:46:40] I'd now like to return to the Boeing Cattin neighbourhood. Am I
19 correct in saying that Boeing Cattin is not a very large neighbourhood, and all in all
20 neighbours know one another, be they Muslim or Christian?

21 A. [10:47:06] Yes, indeed. Since we've been living in that neighbourhood for a while we
22 know one another. Sometimes we know each other rather well. * We talk to one another, we
23 spend time together, these are people from the neighbourhood that we know, we are always
24 travelling together, we take taxis together, we live in the same neighbourhood, we
25 know each other by sight without knowing names, without getting closer. Other

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 neighbours that we know better, we see them socially. So it depends.

2 Q. [10:47:44] I'd now like to ask you about the Boeing mosque before 2013, before
3 the events of 2013.

4 Now, yesterday the Prosecutor played some video footage with the remains of the
5 mosque, and we saw that there was a church close by, close to the place where the
6 mosque was. Am I to understand that in Boeing Cattin, the houses inhabited by
7 Muslims and the houses inhabited by Christians were side by side and it was a
8 mixture?

9 A. [10:48:23] Yes, that is correct. There was no separation between the two
10 communities. Some Muslims had their own houses in the neighbourhood, but other
11 Muslims hired -- or, rather, rented houses from Christians. So, yes, there were both
12 Christians and Muslims.

13 Q. [10:48:50] I'd like to ask you about when you learned about the destruction of
14 the mosque in Boeing. Do you know exactly when the Boeing mosque was
15 destroyed?

16 A. [10:49:14] No, not the exact date. As I told you, early in January I had gone by
17 then and the mosque was destroyed after that time. I don't know the exact date. I
18 can't tell you.

19 Q. [10:49:37] At paragraph 47 of your first statement, you said that it was about
20 two weeks after the 5 December 2013 * the date upon which you left the
21 neighbourhood, that a neighbour informed you about the houses being looted and
22 you said that, and I'll quote just to refresh your memory: "I had earlier learned that
23 the Nour Alyaguin mosque had been pillaged and subsequently destroyed. I
24 learned this from the deputy imam of the mosque, Hamid Abba and the 'Muezzin' Ali
25 Kamara." End of quote.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Am I to understand from your statement that when they told you about the
2 circumstances about what happened at the mosque, were there two events in actual
3 fact, first the looting and then the destruction of the mosque? Is that how -- is that
4 what happened?

5 A. [10:50:46] I can't give you a specific answer because there was the looting and
6 then the destruction. Even the destruction -- well, the doors and the windows and
7 the roofing, that was -- was it done at the same time or later on? I'm not in a position
8 to confirm either possibility.

9 Q. [10:51:12] Yesterday at 10:32, you mentioned some looting. You said that the
10 people had taken mats and they had removed the doors and the windows. And
11 once again, I'll try -- the people who told you about the looting didn't tell you when
12 that happened, the actual looting. Was it right as -- right as of 5 December or --

13 A. [10:51:44] Yes, they told me when, but my memory is not so fresh. Whether it
14 was the same day or whether it was one or two days later, I can't remember. It was a
15 while ago. I don't remember.

16 Q. [10:52:08] I entirely understand. That's normal. Now I'd like to hark back to
17 paragraph 14 of your second statement in which you said that Ali Kamara told you
18 that there was no longer any doors, windows or roof. And at paragraph 15 of your
19 second statement, you said that someone showed you photographs on his phone and
20 you, I quote, "only the walls were still standing, the doors and the windows had
21 disappeared." I understand that this description by Ali Kamara was confirmed by
22 these photographs that you saw on the mobile phone of this person. So let me ask
23 you this: Do you know or did the person who showed you the photographs know
24 when the photographs were taken?

25 A. [10:53:11] No.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [10:53:20] Well, if you didn't -- if the person didn't know when the photographs
2 were taken, did this person explain to you whether he took the photos or someone
3 else took --

4 A. [10:53:35] I didn't ask. I saw the photographs, but I didn't ask whether he took
5 the photographs or if someone else had taken the photos and sent them to him. I
6 didn't ask. I didn't really ask for details. I just saw the photographs. That's all.

7 Q. [10:54:02] I understand and I thank you for the additional information you're
8 giving us.

9 Now, about the time when you saw those photographs, were you at PK5 at the time?
10 Was that before you left the country?

11 A. [10:54:29] I believe it was before I left Bangui. If I remember correctly, it was
12 before leaving Bangui. But you know, it was quite a long time ago. It's hard to
13 remember all those details. It's difficult.

14 Q. [10:54:47] I understand. Sometimes we here in this courtroom ask very specific
15 questions because it's important for us to understand certain points, but it's not a
16 problem at all. We realise you don't always remember. So, yes, I realise sometimes
17 my questions are very specific, picky, even.

18 Now, this person mentioned the doors and the windows and the roof having been
19 removed, and I'd like to mention something that a witness who used to go to the
20 mosque said. And I'm referring to the *testimony of P-2682, T-17, time stamp 10.23,
21 and this person said regarding the destruction of the mosque, and I quote: "The
22 roofing was taken away and then gradually the bricks -- the bricks were removed.
23 After that, they began to scratch at the ground. Everything -- everything was used to
24 reinforce their fences." End of quote.

25 Now in relation to what you heard about the destruction of the mosque, does this

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 description correspond to what you heard?

2 A. [10:56:28] Not before when I left Bangui, not before early January. The
3 destruction of the walls might have been later, but before, I don't think I heard about
4 the walls being destroyed. I know that the roofing, the door and the windows had
5 been removed, but after stealing everything and -- I don't know if they broke down
6 the walls at the same time or later on. I don't know about that.

7 Q. [10:57:05] Thank you for that information.

8 Just to be clear, in relation to what you heard about the destruction in Boeing or
9 elsewhere, was it a common practice during that period of time for people to go and
10 get construction materials for their own houses or their own buildings? Was it
11 common for people to scavenge?

12 A. [10:57:41] Please repeat your question.

13 Q. [10:57:45] I'd like to know whether in relation to what you heard about the
14 various religious buildings that were destroyed during that period of time, was it
15 common practice for people to use materials from these buildings for their own
16 purposes, for their own houses as this other witness said, for their own fences, for
17 example? Did you hear about this regularly during your discussions, possible
18 discussions that you had with other people, or perhaps you saw that yourself when
19 you were there?

20 A. [10:58:33] When they would refer -- when they would remove doors or
21 windows or roofing, it was to rebuild their own houses. One example that I
22 experienced myself. I don't remember what date I left, but once, I think it was -- it
23 was in Cattin. Some people were breaking the very foundations of my elder
24 brother's house, and I said, "What are you doing with that?" And they said they
25 were going to build their own houses, and then they said that their father had told

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 them to go and scavenge these materials. They would then resell the materials or the
2 sheet metal for roofing, or they would take these materials for their own houses, to
3 rebuild.

4 Q. [10:59:43] Let's move on now to another topic altogether. The Lakwanga
5 mosque. Now, you -- how can I put it? You talked about the time at which you
6 were absent from Bangui, and I know that because of that you weren't at Bangui
7 when the mosque was destroyed. But in your statement, paragraph 15 of your
8 statement, you stated, and let me quote you, "It was just a destruction of a mosque as
9 one among many destroyed by the Anti-Balaka."

10 So would I be right in saying, Mr Witness, that in actual fact, since you were abroad at
11 that point, or at least outside of Bangui at that point, you didn't know exactly how the
12 mosque's destruction occurred, the Lakwanga mosque?

13 * A. [11:00:53] No I don't know anything about that because the information that I
14 retrieved was basically that Lakwanga mosque had been destroyed. Just like the other
15 mosques. Not just Lakwanga. Approximately 100 mosques were destroyed like that.
16 Who did it? We blamed it all on the Anti-Balaka. They were the ones destroying the
17 buildings. Were there some people among them with bad intentions who helped
18 them -- once the mosque was destroyed it was said that the Anti-Balaka destroyed the
19 mosques.

20 PRESIDING JUDGE SCHMITT: [11:01:40] I think, Ms Guissé, the witness always
21 makes clear where his source of information comes from and he distinguishes
22 between things that he immediately perceived, things that he has been told, or things
23 he has only heard. And this is also -- I think, can be derived also from the Rule 68(3)
24 statement and the wording from there. Just mention it.

25 So when the witness has made clear he was not there, it is clear that what he talks

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 about are things that he has been told. He is making this always very clear and we
2 appreciate that. He distinguishes between his own knowledge and things that he
3 has been told. Thank you.

4 MS DIMITRI: [11:02:25] Mr President.

5 PRESIDING JUDGE SCHMITT: [11:02:27] Ms Dimitri.

6 MS DIMITRI: [11:02:29] Yes, it's just that there's an important description between
7 French and English and I'm --

8 PRESIDING JUDGE SCHMITT: [11:02:36] Please.

9 MS DIMITRI: [11:02:36] So in French he said at line 7, page 14 (Interpretation) "We
10 blamed the Anti-Balaka." (Speaks English) And it was translated by "It was the
11 Anti-Balaka." But the distinction is important.

12 PRESIDING JUDGE SCHMITT: [11:02:59] I think also, if I recall, what -- the end of
13 the answer that has been clarified again so -- but thank you nevertheless. As I
14 always say, it's good to have interpretation issues solved immediately on the spot and
15 not in the cumbersome process afterwards.

16 Please, Ms Guissé.

17 MS GUISSÉ: [11:03:26] (Interpretation) Thank you, your Honour. Now, I've just
18 been -- my fingers have just been rapped because despite every advice which is given
19 to me, apparently I speak too quickly. So I'll try and slow down.

20 Q. [11:03:41] Mr Ndiaye, I did warn you, we're both speaking too fast, so I will
21 endeavour to slow down and I'm banking on your every effort to that same end.
22 Now I have quite understood that you weren't there and you don't know exactly how
23 the mosque met with its destruction. But what I want to establish with you, using
24 documents that we have on this mosque, I want to try and jog your memory based on
25 what you may have heard about that mosque since you've been imam at that very

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 mosque.

2 So, first of all, can you tell me, do you remember having heard that there was an
3 attack in May 2014 at the Notre Dame de Fatima church according to some press
4 articles that I'd like to go over with you. The Lakwanga mosque attack seems to
5 have been some sort of reprisal after the church's attack.

6 So, first of all, were you aware that there was a May 2014 attack against that church?

7 A. [11:05:04] During that particular period after 5 December, there were a number
8 of events that I can't exactly recall. Whether something happened in May 2014, the
9 Fatima attack or not, I mean, I can't -- I can't really recall. I do remember the attacks
10 when I was in Bangui of May 2018, however. That, I was -- that, I do remember
11 because I was in Bangui. But that of 2014, I don't recall.

12 Q. [11:05:40] All right then, can we please, court officer, with your assistance, this is
13 tab 1 in the list of materials of the Defence in our binder, this is CAR-D29-0002-0139.
14 Now, this is an article, a press article taken from the AFP, * 5 June 2014.
15 Now, in this article, in this article which is entitled "Bangui: final homage from the
16 population and the authorities to demoted priest." I don't know whether you can see
17 this, Mr Witness, in front of you.

18 A. [11:06:34] Yes, I can. Yes, I can.

19 Q. [11:06:36] I omitted to say, but I'll say this basically really, all the videos and the
20 all the documents that I'll be showing during my cross-examination can be shown
21 publicly, so this is just an umbrella -- an umbrella notice just to say that there's no
22 problem about having these shown publicly.

23 So, in this article we have an extract here. It might be worthwhile scrolling a
24 little further down in order to home in on the extract that is of interest me.

25 Abbé Paul-Emile Nzale is mentioned here. According to accounts, he was struck by

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 a bullet in the abdomen and he was *transported in a handcart, as there was no
2 ambulance.

3 THE INTERPRETER: [11:07:18] Can counsel slow down, please.

4 MS GUISSÉ: [11:07:23] (Interpretation)

5 Q. [11:07:26] At least 17 people were killed and 30 or so wounded in the Notre
6 Dame de Fatima attack by a group of armed individuals. This deadly attack sparked
7 a fresh round of violence between Christians and Muslims in the capital. The
8 Central African crisis has taken an interconfessional swing for a number of months
9 now between the former Seleka rebels, majority Muslim, and the Christian
10 Anti-Balaka militia.

11 I was going too fast. I do apologise.

12 PRESIDING JUDGE SCHMITT: [11:07:59] In the end the interpreter got it. So
13 please continue your question.

14 MS GUISSÉ: [11:08:05] (Interpretation)

15 Q. [11:08:08] So were you aware of this article? Does this refresh your memory
16 going to this matter or not? Mr Ndiaye, if it doesn't -- I mean, if the memories don't
17 come back, it's not a problem, I'm just -- I'm just making an attempt, but, I mean, if it
18 doesn't spark any memory ...

19 A. [11:08:54] No. I remember, however, that that abbé's murder was reported, but
20 I can't really tell you about the circumstances of that. I mean, I place every trust in
21 the article that you showed.

22 Q. [11:09:24] I'd like now to move -- I'd like now to move to a second article, please.
23 We have this at tab 2 in my list of materials, CAR-D29-0002-0144.

24 So before we address ourselves to this article, I'd just like to put this question based
25 on what you said about remembering having heard about the *murder of Father

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Paul-Emile Nzale.

2 So would it be right to say that at that particular point in time there were Seleka or
3 former Seleka or at least groups of armed Muslims who were also committing acts of
4 abuses and violence in clashes in interconfessional clashes during that particular
5 period of time? Is this something that you know or that you may have heard of?

6 A. [11:10:39] Could you take up your question again, please, Counsel.

7 Q. [11:10:46] Do you know whether during that particular period, so here we're
8 talking about a May 2014 event where there was an attack against Notre Dame de
9 Fatima church. So on the basis of this attack, did you know about groups -- Seleka
10 groups or former Seleka groups or -- or militia, armed militia, armed Muslim militia,
11 whether they also committed acts of abuses and acts of violence in Bangui? Do you
12 know?

13 A. [11:11:24] What I know about that particular period of time was that there was
14 a group of self-defence at PK5, a self-defence group. Now, was it that group that
15 went off to attack the Fatima church? I don't know. But what I can tell you is that
16 PK5, after the 5 December events, there was a self-defence group that was at that
17 place at PK5. And when I left, there was a group that had been established at PK5
18 to defend or protect PK5. * Were they former Seleka, were they state militia, I don't
19 know. But it was said they were a self-defence group.

20 Q. [11:12:13] All right. So as I understand it, the question of self-defence militia,
21 my question was slightly different, however. I mean, here this attack on this church,
22 on this Fatima church, this attack -- how can I put it? Perhaps I'll rephrase my
23 question.

24 The Notre Dame de Fatima church, is it located at PK5?

25 A. [11:12:41] Yes. It's near PK5. It's not at PK5, but it's maybe half a kilometre

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 away. So it's -- it's next door basically to PK5, that church. If I'm getting it right, the
2 Fatima church should be in the 3rd arrondissement, it must be there. Anyway, it's
3 about half a kilometre away from the PK5 market. That's the way I think the
4 arrondissements were built.

5 Q. [11:13:26] Thank you. All right, then, now I'd like to revert back to this article
6 that we have on our screens.

7 And if we can just scroll down and look at the bottom part of the picture, 0144, this is
8 what he says in the article here, and I read:

9 "A mosque in -- of the Lakwanga neighbourhood was also vandalised by angry
10 demonstrators. These latter took on the Burundi contingent of the MISCA that they
11 accuse of not protecting them." End of quote.

12 So the same question as earlier on: Are you aware of this article?

13 A. [11:14:11] When there were -- when there was the murder of the abbé and the
14 destruction of the mosque, it was through the media that we learnt of that. Often it's
15 the media or friends still in Bangui who sent us messages to say such and such a
16 person did this, such and such person was killed, such and such a mosque was
17 destroyed. This is something that we would learn by tracking things or friends
18 would tell us what was going on, would relay information about what was going on
19 in the locality.

20 PRESIDING JUDGE SCHMITT: [11:14:47] Really, to ask the witness or any witness
21 if he knows an article, well, that would be very surprising. The witness -- you can
22 ask the witness if he knows about the events that are described in the article. And
23 I think we have the impression that the witness does not know that. You can -- what
24 I think you are trying to establish is that you want to generalise a little bit from there
25 on. You could, let's say, steer a little bit more directly to that one, if I may say so.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 MS GUISSÉ: [11:15:27] (Interpretation) I'll do my -- make my best endeavours to that
2 end.

3 Q. [11:15:35] So on reading the article, it transpired, as I was saying earlier on, Mr
4 Witness, that demonstrators had vandalised the Lakwanga mosque following the
5 attack on the church, and it is specifically stated in this article that the people took on
6 the contingent, accusing the contingent of not protecting them.

7 So my question is: Had you already seen such scenes, in other words, an angry
8 population because they hadn't been protected, be it by -- be it the Muslims or -- or
9 the Christians?

10 A. [11:16:25] I didn't understand your -- your question. It was a problem with the
11 remote connection.

12 Q. [11:16:37] I can put it to you again, it's not a problem.

13 So based on this article, we see -- we learn that demonstrators vandalised the
14 Lakwanga mosque as a reprisal for the Notre Dame de Fatima church attack. And
15 based on the excerpt -- the press excerpt that I read out to you, we read that the crowd
16 was angry against the MISCA contingent, saying that this latter wasn't protecting
17 them.

18 So my question is the following: Did you yourself see any manifestations of anger
19 on the part of the population based on the fact that they didn't feel that they were
20 being protected during this particular time? Did you see this or did you hear
21 anything about that?

22 A. [11:17:30] I didn't see such things. I didn't see that. And demonstrations, it
23 really depends. Sometimes the Muslims feel they are not protected by the
24 MINUSCA or non-Muslims would say the same thing.

25 Now, during this period, in the May 2014 events, I wasn't there so I don't know

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 whether there were demonstrations or not.

2 For us, the information that we would receive and that we were following was that an
3 abbé had been killed, that was on everybody's lips, that the mosque had been
4 destroyed. We didn't seek to know how and who did the destruction. We didn't
5 seek to establish that. We received the blanket information, but we didn't look at the
6 details.

7 PRESIDING JUDGE SCHMITT: [11:18:30] If I again may say so, the witness has
8 several times rightfully underscored that he was not there and he said "*Je n'ai pas été*
9 *témoin*". Well, I think we have -- at some point in time we have to accept that. And
10 if you want, as I said, establish more a general pattern, I think it's not -- not easily
11 possible with a witness who has not been present. If you want to take my advice, it's
12 a little bit paternalistic, but my impression at least, my thoughts, if I want to share my
13 thoughts with you, to put it this way.

14 MS GUISSÉ: [11:19:11] (Interpretation) Yes, thank you, your Honour. In actual fact,
15 I mean, I understood -- I mean, I understood that the witness wasn't there, but of
16 interest to me was, since the witness today is imam of the Lakwanga mosque, he is in
17 the neighbourhood and it's possible that he received information.

18 Anyway, I'll move on, but this was the -- this was the foundation of my question, the
19 fact that he was -- he's very much part of the fabric of the local neighbourhood.

20 PRESIDING JUDGE SCHMITT: [11:19:45] I did not question the attempt, but I think
21 now it has been coming clear in the past I would say half hour that it does not lead to
22 anything. Let me put it this way. Not to more now, please move on.

23 MS GUISSÉ: [11:20:03] (Interpretation)

24 Q. [11:20:05] Mr Witness, more generally now, would I be right in saying, based, of
25 course, on your knowledge, would I be right in saying that between December 2013

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 and June 2014, at least, you learned that there were similar acts of violence across the
2 country between members of the Christian community and members of the Muslim
3 community, and that was why you said in paragraph 21 in your second statement
4 that from 5 December those who -- those who -- which began as a rebellion against
5 Bozize actually turned into an interreligious conflict.

6 A. [11:20:57] What's the question?

7 Q. [11:21:01] Well, it was long, my question, I admit. But between December 2013
8 and June 2014, would you agree with me when I say that you learned or at least there
9 were a number of acts of violence that were intercommunitary in nature between the
10 Christian community and the Muslim community and that you were a direct witness
11 to that?

12 A. [11:21:29] Yes. Initially the conflict was political in nature, opposing the
13 Seleka and the current regime. * Well, they were, I don't know, asserting their rights,
14 we don't know. Even if the Seleka were mostly Muslims, not all Muslims were
15 members of the Seleka. But from 5 December, it was then that I felt that this political
16 conflict had mutated into an interreligious conflict because the Anti-Balaka were
17 attacking Muslims. They weren't attacking the Christians. Even -- even the
18 Christians with the Seleka, they only focused on the Muslims and more specifically
19 the Muslim civilians. They had no relation or no link with Seleka or the Seleka's
20 president. They were being attacked and killed. They had -- you know, they
21 didn't even know the Seleka president. They were killed. Families were
22 decimated. And even the Christians themselves, the Seleka were killing the
23 Christians.

24 So, I mean, my level is very low, I'm not up where you are intellectually, but for me
25 the fact that one group from one religious confession kills another, other members of

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 another religious confession from my level, I would describe that as interconfessional.

2 * People said no, it's political. If it's political, why would the Christians kill you and
3 destroy the mosques and why would the Muslims kill the Christians and destroy the
4 churches?

5 Obviously I'm far away from you intellectually, but I don't know, maybe it's a
6 political one, I don't know, but at least from the 5 December it became an
7 interreligious conflict.

8 Q. [11:23:44] Thank you for those clarifications. And, Mr Ndiaye, nobody in this
9 courtroom, rest assured, feels that you have a very low intellectual level. Anyway,
10 thank you very much for your clarifications.

11 Now let me move on, this time to another area, referring to the Boeing Cattin
12 neighbourhood.

13 And here I turn to the President and the Prosecutor, I think we've spoken very openly
14 about where Mr Ndiaye lived. I imagine that we can broach this in open session, the
15 annexes?

16 PRESIDING JUDGE SCHMITT: [11:24:23] Yes, we can.

17 MS GUISSÉ: [11:24:25] (Interpretation) Okay.

18 So on that basis then, court officer, can I ask you, please, to bring up on our screens
19 tab 4 on our list of materials, this is annex 3 to Mr Ndiaye's statement,
20 CAR-OTP-2048-0773.

21 Q. [11:24:57] Do you recognise this document, Mr Ndiaye? Can you see it actually,
22 first off? Can you see it on your screen?

23 A. [11:25:05] Yes, I can see it.

24 Q. [11:25:07] All right. So what we see here is this sketch, is it, that you made for
25 the OTP's investigators?

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 A. [11:25:15] Yes, it is.

2 Q. [11:25:18] Here we see that you have showed the location of your family
3 compound?

4 A. [11:25:24] Yes.

5 Q. [11:25:25] With an "A" you've located that, the family compound. With "B",
6 another part of the family compound?

7 A. [11:25:34] Yes.

8 Q. [11:25:36] At "C" we see the Dameca factory?

9 A. [11:25:40] Yes.

10 Q. [11:25:41] And in "D" you specify the location of the house that you rented at the
11 time?

12 A. [11:25:46] Yes.

13 Q. [11:25:48] You also -- you've also drawn a road that is going towards the right
14 and you say towards PK5 --

15 A. [11:25:57] Yes.

16 Q. [11:25:58] -- in the direction of travel of the arrows.

17 So I'd just like to confirm with you, if we look at the road in reverse order, in other
18 words, going away from PK5, would you agree that this road goes towards the left,
19 therefore, it moves out of Cattin. And if we were to carry on, then we would reach
20 M'Poko-Bac. Would that be right?

21 A. [11:26:24] Yes, that's -- that's exactly right, that's right. That's right. If you
22 have your back to PK5, you will go off to M'Poko-Bac.

23 Q. [11:26:39] All right, then. So just to give you some background. I'm being
24 careful. And I would also like you to observe the break here, the pause because I'm
25 fortunate enough to see the English transcript here so I know when the interpreter is

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 finished, but sometimes we are still overlapping, so please help us with this.

2 So let's just stay with this annex for the time being on this map. You would agree
3 with me that the arrow that's pointing upwards, that goes towards Dameca, would
4 you agree with me that when I say that when you continue onwards, upwards you're
5 going to reach a junction which is called the Cattin junction; is that right?

6 A. [11:27:30] There was a break in the connection.

7 Q. [11:27:36] Can you hear me now?

8 A. [11:27:38] Yes, I can. I can hear you now.

9 Q. [11:27:43] That's fine, actually, because I put my question poorly. But would
10 you agree with me when I say that the arrow that's at the bottom of this sheet of
11 paper -- we have the arrow on the right, of course, but we also have the arrow in the
12 middle that is pointing up towards Dameca. Would you agree with me when I say
13 that it's at that particular location, that's what's called the Cattin crossroads or the
14 Cattin junction?

15 A. [11:28:15] Yes, that's right, it's the Cattin crossroads. When you come from PK5,
16 you turn right, there's a little crossroads that we call the Cattin crossroads, and if you
17 carry on, straight on, you'll enter into the Boeing neighbourhood.

18 Q. [11:28:32] All right, then. This time my colleague will be bringing up another
19 document. I'd just like to clarify, I did warn you that I was going to have you work
20 quite a lot today, Mr Witness, but I'm really drawing on your knowledge of the
21 neighbourhood to -- to help us see where things lie geographically.

22 So this is tab 5 in my list of materials, in my binder. This is a document that -- that
23 we have made, CAR-D29-0003-0057, that's the ERN. And I'll be asking my colleague
24 to bring up page 0058. And we'll see here -- well, look, this first page, here we've
25 retrieved a satellite photo, satellite image that you provided comments on to the OTP

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 investigators. But it's a bit dark, the picture. So here we've retrieved your
2 comments in the annex, and we've made it a bit lighter, this picture. And on the next
3 page, P-0059 that we're going to now bring up. All right, here it is. So this is the
4 same annex that you made. So can you see the document on the screen, for starters?

5 A. [11:30:12] Yes, I do, but it's not very clear.

6 PRESIDING JUDGE SCHMITT: [11:30:22] I think you can already -- you can already
7 go to the picture that has enlarged it. We understand what you have done so there's
8 no problem.

9 MS GUISSÉ: [11:30:31] (Interpretation) Very well.

10 PRESIDING JUDGE SCHMITT: [11:30:34] We have done this -- you do it again. I
11 don't know if you have really but with another witness. That was another location
12 though. But we understand what's going on. So I think it's better for the witness to
13 orientate himself if we have, let's say, for example, 0060 or something on the screen.

14 MS GUISSÉ: [11:30:52] (Interpretation) I'll move on to the following page, which
15 I think is a bit easier to make out. Please tell me if it's better. This is the page
16 reference number ending 0057 -- no, 00 --

17 PRESIDING JUDGE SCHMITT: [11:31:17] 60, I think 60 what I suggested it is.

18 MS GUISSÉ: [11:31:26] (Interpretation)

19 Q. [11:31:29] Is it clearer on your screen? Can you see the spot that is marked with
20 red ink? Do you see the Cattin crossroads there?

21 A. [11:31:47] Yes, I do.

22 Q. [11:31:48] Great. And when you go up this road, moving upwards on the
23 photograph, do you see a yellow spot that reads "family compound" and then a
24 symbol representing a building?

25 A. [11:32:08] Yes. Yes. That's Dameca.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [11:32:13] And then to the right slightly, there is another yellow marker -- or
2 symbol, rather, marked "Cattin." More to the right on the photograph, a bit of a
3 symbol showing a building representing Cattin on the right.

4 A. [11:32:42] Yes, that's more -- we're back on the main road. Yes, I can see that.
5 I see Cattin. Yes, I see where the arrow is.

6 Q. [11:32:56] That's right. And I'm being reminded once again that we are going
7 too fast and that I am forgetting to pause. I apologise once again and we will try to
8 do better.

9 Am I correct in saying that if we go *to the right, and I'm talking about the Cattin
10 crossroads in red, if we go more to the right, do we agree that we are heading towards
11 the Kina mosque, and if we go past *the Kina mosque, we are heading towards
12 Notre Dame de Fatima church? Is that correct?

13 THE INTERPRETER: [11:34:01] Coughing from the witness.

14 THE WITNESS: [11:34:08](Interpretation) Well, you go left and then you *keep on
15 going, and no more than 800 metres or 1 kilometre further on, to the right there is the
16 *Kina mosque, and then you go up a bit and then you find the Fatima church.

17 MS GUISSÉ: (Interpretation)

18 Q. [11:34:32] Thank you for that information. And I will continue to ask you
19 additional information about this area.

20 Now we're going to play some video footage and this document can be taken off the
21 screen.

22 Now, the footage is at tab 6, and my colleague will be -- will be showing it.

23 This is a video, your Honour. This is 2 minutes 47 seconds. I think we can view the
24 entire footage. This is a video of the Boeing market. And I'm hoping that you can
25 confirm that you are familiar with the location.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:35:34] Let's play the video and then ask the
2 witness.

3 MS GUISSÉ: [11:35:38] (Interpretation) As I was saying, all these videos are public.
4 All the documents I'll be showing today are public in nature, generally speaking.
5 (Viewing of the video excerpt)

6 MS GUISSÉ: [11:35:55] (Interpretation) There's no sound, as you can see. We're just
7 viewing the actual video images, not the sound.

8 (Viewing of the video excerpt)

9 MS GUISSÉ: [11:36:23] (Interpretation) I believe I forgot. For the record, this is
10 CAR-D29-0008-0017.

11 (Viewing of the video excerpt)

12 MS GUISSÉ: [11:38:23] (Interpretation) Could we stop the footage.

13 Q. [11:38:28] Witness, I wanted to show the entire footage to you so you could
14 situate yourself. Do we agree, sir, that at the beginning of the video we saw the Ali
15 church and the road that heads towards the Boeing market that goes along the airport
16 and then the Boeing market? Is that what you saw?

17 A. [11:38:51] That is what I saw.

18 Q. [11:38:55] Now, just to give us a better idea of what this is all about, I'd like to
19 rewind and then stop the footage, and if you could tell us exactly which locations
20 we're looking at.

21 If we could go to time stamp 7 seconds and then we'll look at the screenshot. Is this
22 the Ali church?

23 A. [11:39:40] Yes, it is. It's the church at the corner. The church is to the right,
24 you turn to the left and then you head towards the market.

25 Q. [11:40:01] My colleague will continue with the footage, and next we're going to

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 stop at time stamp 15 seconds. There we are.

2 Do you see the screenshot? Do you see this structure?

3 A. [11:40:19] Yes, yes. That's at the edge of the airport.

4 Q. [11:40:28] Do we agree that the road on the right of the screen in front of this
5 lookout tower is alongside the M'Poko airport, and if we continue along this road, we
6 will reach another road that will lead us to the centre of Bangui, going by way of
7 Combattant; is that correct?

8 A. [11:40:53] No, no. If you go to the right, you go back towards the
9 neighbourhood close to Kilometre 5. That's the road that heads towards Combattant
10 neighbourhood.

11 Q. [11:41:12] (Overlapping speakers)

12 A. [11:41:14] When you turn to the right, when you head right, that takes you to the
13 neighbourhood near Kilometre 5. There's a road that goes to the right --

14 Q. [11:41:31] (Overlapping speakers)

15 THE INTERPRETER: [11:41:31] Overlapping.

16 THE WITNESS: [11:41:34](Interpretation) But if you go to the right, that takes you to
17 the *Gbaya Doumbia neighbourhood, even though -- this is quite a restricted shot, but
18 if you go in the other direction of the vehicle, you go along the -- the boundary of the
19 airport, Bangui M'Poko airport, and you keep on going and that takes you towards
20 the Gbaya-Doumbia neighbourhood.

21 MS GUISSÉ: [11:42:13] (Interpretation)

22 Q. [11:42:14] Thank you for that information. But if we take this road and we go
23 past the Gbaya-Doumbia neighbourhood, can we get to another road that leads to the
24 centre of Bangui?

25 A. [11:42:30] Yes, indeed. Once you get to Gbaya-Doumbia and then you can

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 continue, then you get to the roundabout, then straight towards downtown.

2 Q. [11:42:48] And if you want to take another route to get to the centre of Bangui
3 without going by way of PK5, you can find another road?

4 A. [11:43:00] Yes. If you leave Gbaya-Doumbia neighbourhood and take
5 Koudoukou Avenue, then go right and then go down to the market at Kilometre 5,
6 then you get to the 5th arrondissement, and then you go all the way to another
7 crossroads, then that takes you to Independence Avenue, and then you go past the
8 National Assembly and that takes you right to the very centre of Bangui

9 Q. [11:43:34] Thank you. Thank you for that information.

10 We're going to continue with the video footage, and my colleague will now continue
11 to time stamp 55 to 57 and then we're going to look at a screenshot.

12 THE INTERPRETER: [11:43:56] Correction: 50 to 57. Then we'll look at the
13 screenshot.

14 MS GUISSÉ: [11:44:09] (Interpretation)

15 Q. [11:44:10] Can you see the image with the fence and the barbed wire? Do we
16 agree that this is the fence that goes along the airport and that the road, if we go
17 straight ahead on this road, that takes you towards Bercail neighbourhood?

18 A. [11:44:28] Yes, that is the fence surrounding the airport and the road does take
19 you towards *Bercail.

20 THE INTERPRETER: [11:44:48] Correction: Towards Bercail neighbourhood.

21 MS GUISSÉ: [11:44:54] (Interpretation)

22 Q. [11:44:55] We'll now move on and look at another screenshot at time stamp 59
23 seconds. And we see a sign and we see the entrance to the Boeing market.

24 A. [11:45:10] Yes, that's right. The market is located at a spot where there is a
25 bridge. We asked for this bridge to be built so we could have easy access to the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 market with vehicles.

2 THE INTERPRETER: [11:45:40] Message from the court reporters: The 5 second
3 rule is not being complied with.

4 PRESIDING JUDGE SCHMITT: [11:45:50] Again, we are -- I'm not too quick at the
5 moment, but you are a little bit too quick.

6 Mr Witness, again, please wait with your answer, perhaps two or three seconds or
7 five seconds even, so that the interpreters can catch up. Thank you very much.

8 THE WITNESS: [11:46:09](Interpretation) Very well. Thank you, thank you.

9 PRESIDING JUDGE SCHMITT: [11:46:12] Please move on, Ms Guissé.

10 MS GUISSÉ: [11:46:14] (Interpretation)

11 Q. [11:46:18] Thank you, your Honour. My colleague is now going to go to 1:28 to
12 1:37, time stamp 1:28 to 1:37.

13 Do we agree that at one point we were at a spot where the road hives off, and to the
14 right there's a bit of a road sort of that hives off and that leads you to a road with
15 some -- a fork in the road that takes you towards a number of dwellings?

16 A. [11:47:07] Yes, I agree.

17 Q. [11:47:11] My colleague will continue, and now we're going to view time stamp
18 1:37 to time stamp 1:51.

19 (Viewing of the video excerpt)

20 MS GUISSÉ: [11:47:43] (Interpretation)

21 Q. [11:47:45] Do we agree that the building that we see to the right with the Orange
22 money sign, do we agree that the building we see to the right -- well, these various
23 buildings are shops and this constitutes the Boeing market?

24 A. [11:48:12] Yes, indeed.

25 THE INTERPRETER: [11:48:20] Message from the interpreter: We have lost the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 sound from the remote location.

2 PRESIDING JUDGE SCHMITT: [11:48:26] So there's obviously a problem with the
3 sound. That is perhaps a good possibility since we have a longer session today and
4 we need to have a five-minute break anyway. Then we will have that now and we
5 hope that it is fixed afterwards.

6 Please, from the Registry side, please let us know and we can continue.

7 THE COURT USHER: [11:48:45] All rise.

8 (Recess taken at 11.48 a.m.)

9 (Upon resuming in open session at 11.55 a.m.)

10 THE COURT USHER: [11:55:06] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [11:55:25] So the technical problems have obviously
13 been fixed.

14 Ms Guissé, you have the floor. And we repeat that we have this session until 12.30
15 and then we have the lunch break until 2 o'clock and then a two-hour session until
16 4 o'clock. How does that sound, Ms Guissé?

17 MS GUISSÉ: [11:55:42] (Interpretation) Extremely promising, your Honour.

18 PRESIDING JUDGE SCHMITT: [11:55:49] Very good. So please continue.

19 MS GUISSÉ: [11:55:51] (Interpretation)

20 Q. [11:55:57] Sir, we're going to resume. We had a little technical problem. Now,
21 you were telling us that the road that the vehicle was taking was going towards the
22 Boeing market and to the right there were some dwellings. And then we continued
23 with the footage and we stopped at the spot where we saw the Orange money sign
24 and then we saw a line of shops and that is the Boeing market.

25 Do we agree that this shopping street where on -- to the right and the left where the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 small shops are all to be found, one beside another, this road, this is the centre -- this
2 is the centre of the market? Do we agree?

3 A. [11:56:54] Yes. The road crosses through the market and on the right one sees
4 the shops, but on the left there are stalls in contrast, stalls on which people place
5 vegetables, fish, what have you. * And to the left there are the products that women
6 sell.

7 Q. [11:57:25] You agree with me that it's not very broad really, because this is a jeep
8 that's going down the road and it seems to be occupying quite a bit of road. It's not a
9 big market?

10 A. [11:57:40] Quite right, you're quite right. It's not a big market. So actually the
11 road is too -- is too narrow. It's not broad enough.

12 Q. [11:58:01] With the assistance of my colleague, we'll now go from 1:53 to 2:13.
13 And we'll see the extension of the market and ultimately we'll get to the end.

14 THE INTERPRETER: [11:58:17] Time stamp 1:53 to 2:31.

15 (Viewing of the video excerpt)

16 MS GUISSÉ: [11:58:56] (Interpretation)

17 Q. [11:58:59] Sir, do you agree with me that we have now reached the end of the
18 Boeing market?

19 A. [11:59:10] I didn't see the footage on my screen.

20 Q. [11:59:14] Oh, I see. We'll rewind then.

21 Can you see the footage up on the screen now?

22 A. [11:59:28] Yes. I can see Orange money.

23 Q. [11:59:34] Very well. We'll take advantage of that landmark to put a question
24 to you that I had forgotten to ask, namely, at paragraph 39 of your first statement, you
25 mentioned *the shop that belonged to Hassan and his brother. And is that shop

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 located on this side of Boeing market?

2 A. [12:00:01] Yes, yes. There's about a dozen shops, one after another. Some of
3 the shops are further subdivided. So yes, that's the spot where his shop is -- or was,
4 rather. What we see now is the current -- the current market. These are new
5 images.

6 Q. [12:00:36] But we agree that in terms of the size of the shops and the way they
7 are laid out, we're talking about the same thing?

8 A. [12:00:45] Yes, yes, it's the same. The same thing. Same thing.

9 Q. [12:00:54] And for the record, it was paragraph 29 of the first statement of the
10 witness's that I was citing from.

11 All right, then. We're going to resume the footage 1:53 to 2:31, which will bring us to
12 the outer limit of the Boeing market.

13 (Viewing of the video excerpt)

14 MS GUISSÉ: (Interpretation)

15 Q. [12:01:59] Can you see on the screen, Mr Witness, this picture? So would you
16 agree when I say that we've reached the end of the Boeing market?

17 A. [12:02:09] Yes, that's right, we've reached the end of the market.

18 PRESIDING JUDGE SCHMITT: [12:02:16] May I ask when this footage was taken?

19 Because it's really -- we have been talking so much of the Boeing market, it's really
20 good to have the images there. I want to say that.

21 MS GUISSÉ: [12:02:30] (Interpretation) Well, I can't exactly remember the month,
22 but we're in 2019, 2019 this footage was taken.

23 PRESIDING JUDGE SCHMITT: [12:02:38] But you see, Mr Witness, for my remark,
24 as the Presiding Judge, that it is also important for us to have images in our head that
25 we can picture the locations where things have happened. So please bear also with

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 counsel that you have to go through this exercise, so to speak, with regard to your
2 geographical knowledge. But it's really important when you see these locations not
3 live but you have now an idea how it looks like.

4 Please continue, Ms Guissé.

5 MS GUISSÉ: [12:03:14] (Interpretation) Well, with the assistance of my colleague,
6 very valuable help it must be said, this was footage that was shot on
7 12 September 2019 for the exact date.

8 PRESIDING JUDGE SCHMITT: [12:03:28] So but then I have a question.

9 So, Mr Ndiaye, you have heard this footage was obviously taken some three years
10 ago. Do I take it, because you recognised everything, that not much has changed
11 since let's say 10 years ago, since 2013, 2014? Is my impression correct?

12 THE WITNESS: [12:04:00](Interpretation) Yes, that's right. Things haven't changed
13 much, with the exception that the shops have been rebuilt because it's not the ones
14 that I knew. But the rebuild has been done in the same location as the previous
15 shops.

16 PRESIDING JUDGE SCHMITT: [12:04:21] I thought this is also perhaps quite useful
17 information.

18 Please.

19 MS GUISSÉ: [12:04:27] (Interpretation) Now, my colleague will rewind somewhat to
20 help us home in at 1:43 a particular building.

21 Q. [12:04:42] Mr Witness, can you see this image on your screen, 42 seconds?

22 A. [12:04:47] Yes, I do see the picture.

23 Q. [12:04:49] So would you agree with me when I say that the building that we see
24 on the left with a metal door, a grey metal door and barbed wire above the barrier, is
25 this the OCRB, in other words, the *Central Office for the Repression of Banditry?

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 A. [12:05:12] This was built afterwards. It didn't exist at the material time. It
2 didn't exist then, it didn't exist at the time, that building.

3 Q. [12:05:32] Thank you for that clarification.

4 So can you tell us in the day on that side were there shops or was this a place where
5 you would simply set up stalls for selling goods from time to time?

6 A. [12:05:55] Are you talking about the building that you pointed out to me?

7 Q. [12:06:03] Yes, Mr Ndiaye. I wanted to know whether, where we see the OCRB
8 now today, in 2013 were there other shops or was it just simply the road or a place
9 where you might see market stalls and not -- and not permanent shops? I just want
10 to know what it looks like.

11 A. [12:06:24] When you cross the bridge and you move on a little bit, you see the
12 road that goes straight ahead, and on the left you have a -- two or three shops, you
13 have a road on the left plus a little workshop for crushing manioc. But that building
14 wasn't there. So when you move further on and go straight on, that's the road that
15 we saw with the shop on the right, and on the left the market or the market stalls are
16 at the corner between the two -- between the two streets. So this building, as I said,
17 that building didn't exist before the events in question. And on the left, there are one
18 or two shops that were there and one or two hangars for bringing manioc, rice or
19 peanut bags that they would then store on the left.

20 Q. [12:07:31] Thank you. Thank you very much for those clarifications.

21 Now, I've finished with this particular video, Mr Ndiaye. I'd like to know whether
22 you can give an approximation in 2013, how many shops, all types of shops, Muslims,
23 Christians, but as a total, how many shops would you see in the Boeing market?

24 A. [12:08:02] I couldn't tell you.

25 Q. [12:08:20] Now, when you were approached initially by the OTP investigators in

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 2017, you stated - and for the record, this is screening note CAR-OTP-2047-0112,
2 paragraph 23 - and here you state that there were a dozen or so shops belonging to
3 the Muslims. Does that figure jog your memory a little bit?

4 A. [12:08:51] Yes, that's right. There was about a dozen or so merchants there.
5 But Muslim or not, however, I wouldn't be able to tell you who the owners were.
6 But there were a dozen or so shops, Muslims who were there on the side which I
7 pointed out to you.

8 Q. [12:09:22] All right. I'll make a last-ditch effort and then I'll leave this.
9 Without remembering the exact figure, but would you say that there were pretty
10 much as many Christian shops as Muslim shops? Was it an equivalent number or
11 were there less? Just to give -- to have an order of magnitude. In all was it more 20
12 or 15 or more than 25? I don't know, just kind of a ballpark figure would be enough.

13 A. [12:09:58] It's very tricky, very difficult to give you exactly the number.

14 Q. [12:10:09] It's perfectly understandable and I'll move on. I'll move on to
15 another topic altogether.

16 So now I'd like to talk about the period prior to 5 December 2013 which corresponds
17 to the arrival of the Seleka in your neighbourhood.

18 In paragraph 20 in your first statement, you stated that the Seleka arrived in Bangui in
19 March 2013. And you talk about the arrival of Seleka elements *in your compound,
20 *led by a certain Ben Laden. *Just to give you some bearings and place a backdrop
21 for you.

22 Now, you say this was the day after your arrival, just to give you some bearings and
23 place the backdrop for you. This was the day after their arrival. And you say that
24 they asked you to point out to them Mr Laguerema's house, who was a former
25 director general of the tax office. And you also clarified that you were frightened,

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 you were frightened that he would come to some harm, and that was why you didn't
2 point out the house to them.

3 A. [12:11:25] That's right, yes.

4 Q. [12:11:29] (Overlapping speakers)

5 A. [12:11:32] Yes, I'm listening.

6 Q. [12:11:33] Here's my question, then. Do you know why they were seeking to
7 find Mr Laguerema?

8 A. [12:11:43] No. They didn't tell me the reason why they wanted to find
9 Mr Laguerema's house. *But as we knew, when they would come like that, it was in
10 order to -- I don't know -- use force, take belongings, vehicles. Did they have a special
11 mission against Mr Laguerema? I don't know.
12 Mr Laguerema was the -- was the friend of my elder brother, I knew him well, and we
13 frequented each other. And these people coming at night to point out somebody's
14 house, well, then you can, you can surmise what their intention is, to do some
15 malevolent act or take his belongings or whatever. So I said I didn't know -- I said I
16 didn't know him and I didn't know therefore, logically, where he lived.

17 Q. [12:12:40] And to the best of your knowledge, during that particular period,
18 Mr Witness, did other people holding governmental positions, functions within the
19 administration, such as soldiers or civil servants or what have you, do you know
20 whether they, like Mr Laguerema, were being sought, were being sought out by the
21 Seleka when they arrived in Bangui?

22 A. [12:13:15] I don't exactly know. Were there people who were targeted by the
23 Seleka? That, I don't know, I have no idea. But based on what happened, I saw, we
24 saw that when they came, they had information about some individuals that they
25 were going to see directly in their house. Were they informers? I don't know. Did

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 they have -- did they target people having some sort of official position? I don't
2 know. But they came up to me directly and they asked me where Mr Laguerema's
3 house was. This is somebody I know, everybody knew him, but I didn't want to
4 provide his address so that he wouldn't fall victim to people with malevolent
5 intentions. These people were armed. So I don't know whether other people were
6 targeted. I couldn't tell you.

7 Q. [12:14:24] Now, you stated also that you were bold enough not to reveal his
8 abode. Can you tell us why this group of Seleka, why did they come to see you
9 specifically? Why did they come to you specifically?

10 A. [12:14:48] Well, not me, but they came into the family compound. And I gave
11 you the layout. I lived there -- well, there's a little mosque that was built for the
12 family which would only accommodate 15 or so people, brothers, cousins and what
13 have you. We could do our daily prayers in that little mosque, so it's a family
14 mosque. So the morning prayers, the 1 p.m., 3 p.m., 5 p.m. and 7 p.m. prayers,
15 I would go there to pray and then 6 p.m., 7 p.m. with my nieces and cousins, we
16 would go there and then I would go back home. And then when I came back, they
17 came into the compound. And they no doubt used their weapons to ask. And
18 when they -- well, the eldest person in the group was me, so they concentrated on me
19 to get the information they wanted.

20 Q. [12:16:00] You also stated, this is paragraph 20 in your statement, that -- to
21 explain why you didn't know what they wanted, you said that you weren't the
22 neighbourhood chief?

23 A. [12:16:12] Yes, that's right.

24 Q. [12:16:14] So my question is this one: Who was the neighbourhood chief at that
25 particular time?

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 A. [12:16:21] The neighbourhood chief, he didn't live too far away from the Boeing
2 mosque. * Soroso was what we called him. That was the name that we used,
3 * Soroso, not too far away from the Boeing mosque. I don't know, 7, 800, a kilometre
4 away from our family compound where that neighbourhood chief was.

5 Q. [12:16:54] You described the violence with which the group of Seleka elements
6 came in, you even say that a pistol was put against your temple and your nephew
7 was threatened with death. Would I be right in saying that you weren't alone in
8 falling victim to such treatment at the hands of the Seleka in that neighbourhood?

9 A. [12:17:30] I wasn't -- I wasn't alone because the Seleka committed acts of abuses
10 in the neighbourhood. I don't know what they did exactly, but when they were
11 there, before -- well, when they came in, before 5 December, they would rush through
12 to the Boeing neighbourhood and we'd -- *and we would learn that they had gone
13 into someone's beverage depot. Maybe they did not find the owner but they took his
14 beverages away. This is an exaction. Or they may go back and did not find the person
15 they were looking for and then they took, let's say, property from that place. That's
16 an act of violence. Anyway, they came to our family place, that's what they did, they
17 came to get us to talk, to establish where Mr Laguerema's house was. He was a
18 brother, so we didn't -- we didn't give way. We didn't give in to their demands and
19 reveal where Mr Laguerema's house was.

20 PRESIDING JUDGE SCHMITT: [12:18:48] If I may comment, Mr Ndiaye, that was a
21 bold action and that is something you can be proud of, I think.

22 So please continue, Ms Guissé.

23 THE WITNESS: [12:19:06](Interpretation) My thanks, Mr President.

24 MS GUISSÉ: [12:19:10] (Interpretation)

25 Q. [12:19:11] You were bold enough to do that, yes, but would I be right in saying

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 that during that particular period of time, other members of the Muslim population in
2 that neighbourhood also, similarly as they tried to do with you, the Seleka tried to
3 extract information going to the people that they were looking for?

4 A. [12:19:37] That, I don't know about. I only know my experience and my
5 family's experience, but I can't -- I don't know about what happened to other people.

6 Q. [12:19:53] Now, talking about the Seleka specifically that came to your home,
7 what language were they speaking in?

8 A. [12:20:05] They were talking to each other in Sango, in the national language.

9 Q. [12:20:12] And amongst themselves were they speaking in a different language?

10 Were you able to see that some were from Chad, for example, or was it your
11 impression that they were Central Africans, they were simply Central Africans?

12 A. [12:20:37] Well, I learned afterwards that the boss was called Ben Laden. But
13 others arrived on motorcycles, they were Peuhls. But those who were in the vehicles
14 with Ben Laden, there were two of them, I believe, were Central African -- well, the
15 rest were Central Africans, the others were non-Muslims. And somebody told me
16 afterwards, I recognise that chap, he was a mechanic in Bambari, because my nephew
17 is a heavy truck driver. Anyway, he's a Bambari mechanic he said. He's Central
18 African, he's not a Muslim. But the others are Muslim Central Africans and they
19 were speaking in Sango. And it was only at the end, it was only at the end that they
20 spoke amongst themselves where they wanted to go, they spoke Chadian Arabic.
21 The others who were with Ben Laden, they spoke Arabic amongst themselves, and
22 the others, I could see from their faces that they were Peuhls.

23 Q. [12:22:02] Paragraph 21 in your statement, you also referred to the searching of
24 the sister of Samba-Panza's house. She was your neighbour. So tell me, do you
25 know of other searches, similar searches of homes that were made in the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 neighbourhood?

2 * A. [12:22:30] Well, I need to correct something, as I corrected it just now. They did
3 not search, they did not enter madam Samba Panza's house. They wanted too. It was
4 next door to our compound. I said no, she's a widow living alone, she goes to school
5 on foot. She's a school mistress. You shouldn't bother her. They asked if she had a
6 vehicle. I said, no, she's poor. She doesn't have a vehicle. Leave her alone. They did
7 not go into the compound. As to whether they went into other compounds in the
8 neighbourhood, I do not know. That's a correction I wanted to make.

9 Q. [12:23:30] Thank you. A last point on that particular point in time before
10 5 December. Now you've just stated, well, you talked about this incident that you
11 were a direct -- a witness of and victim to. You also talked about sometimes there
12 were Seleka groups that would just serve themselves in the shops and things like that.
13 Would I be right in saying that at that particular point in time the Cattin population
14 felt a certain degree of resentment about how they were being treated by the Seleka?
15 Did people manifest their unhappiness about that state of affairs?

16 A. [12:24:14] Yes. I think -- well, there were no open demonstrations, but -- or
17 manifestations, but people would speak amongst themselves. We would tell what
18 had happened to us. And when they came into the neighbourhood, we were
19 worried because armed people, they come into the neighbourhood and they go out,
20 you don't know what's going on. So obviously everybody is in a state of worry.
21 And I gave you an example when they went to -- went through to Boeing, they didn't
22 find somebody, they took all his belongings and load it into their vehicles and off they
23 went. So when you see them, obviously it's a source of anxiety. And if it's not your
24 turn today, it would be the turn of somebody else. And so when they were there, it
25 was a source of worry for the entire Cattin and Boeing populations.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [12:25:21] Do you know then that after their arrival in Bangui, do you know
2 whether the Seleka established bases or at least areas where they stationed themselves
3 within the Cattin neighbourhood?

4 A. [12:25:36] Not in Cattin, but when you leave PK5 market, when you go out of
5 that area and you move along, there's an area that we call Sagbado. It's not a base,
6 but it's where there are chiefs and colonels with elements at his place. Sagbado is the
7 place we call it, and there was a colonel who took a house there and he was there with
8 *his elements, I don't know, around 10, 15, or 5 or 8, I can't tell you, but we knew that
9 there was a Seleka colonel there with his elements. But towards Cattin, there was no
10 Seleka base there, no.

11 Q. [12:26:31] All right. I'd like now to show you a photo. This is tab 7 on my list
12 of materials. This is document CAR-D29-0010-0066.
13 Do you see the photo on your screen?

14 A. [12:27:07] Yes, I do.

15 Q. [12:27:09] Do you recognise this man?

16 A. [12:27:12] No, I don't.

17 Q. [12:27:24] So his face doesn't ring a bell at all?

18 A. [12:27:31] No, not at all.

19 Q. [12:27:37] My last question on this particular point: If I tell you that this person
20 was a -- he sold secondhand clothes and he came from the Cattin neighbourhood,
21 would this refresh your memory?

22 A. [12:27:53] No, not at all.

23 Q. [12:27:56] Let me now show you another photograph. This time it's tab 8 in the
24 Defence binder, this is document CAR-D29-0010-0052. Same question: Do you
25 recognise this person, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 A. [12:28:23] No, I don't recognise him.

2 Q. [12:28:32] Last photo now. And I think then we can probably move into our
3 adjournment. This is tab 9 in our Defence binder, this is CAR-D29-0010-0067.

4 Do you recognise the person who is in the foreground wearing the beret?

5 A. [12:29:06] No, I don't recognise him, but I recognise the location, that is in Cattin,
6 that's opposite Cattin. But the gentlemen we see in the shot, I don't know them.

7 Q. [12:29:23] Thank you very much, Mr Witness.

8 Now I'll move to another topic after, if you wish, your Honour, to take the break now.

9 PRESIDING JUDGE SCHMITT: [12:29:31] If you will move to another topic, I think
10 we'll have the break now until 2 o'clock. Thank you.

11 THE COURT USHER: [12:29:42] All rise.

12 (Recess taken at 12.29 p.m.)

13 (Upon resuming in open session at 2.05 p.m.)

14 THE COURT USHER: [14:05:55] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:06:14] Ms Guissé, you still have the floor.

17 MS GUISSÉ: [14:06:17] (Interpretation) Thank you, your Honour. I didn't look at
18 the most recent emails, but during the lunch break we did send an email with a
19 request to use a map in response to a (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:06:39] Agreed. Agreed.

21 MS GUISSÉ: [14:06:41] (Interpretation) Thank you, your Honour.

22 Q. [14:06:46] Mr Ndiaye, good day once again.

23 A. [14:06:49] Good day.

24 Q. [14:06:51] I hope you did take advantage of the lunch break.

25 I'll begin by saying that I certainly realise that we have made you suffer greatly and

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 the court reporters and the court interpreters, so once again, I will endeavour to speak
2 more slowly and to pause between question and answer and I will call upon you to
3 do the same.

4 A. [14:07:18] Agreed.

5 Q. [14:07:20] I'd like to hark back to two points that you touched upon before the
6 lunch break. At 12.16 you mentioned a neighbourhood chief, Chief * Soroso. And
7 I would like to ask you whether you have learned that he was abducted by the Seleka
8 before 5 December 2013. Did you know about that?

9 A. [14:07:50] No, I didn't hear about that.

10 Q. [14:08:01] Do you know that he had a son who was a soldier? Is that
11 something that you were aware of?

12 A. [14:08:10] I don't know about that either.

13 Q. [14:08:20] Earlier today you mentioned a position or a place, rather, where the
14 Seleka was posted in Sagbado. I'd like to show you a map and I'd like to ask you to
15 confirm whether -- well, to confirm the location for us. This is CAR-D29-0003-0051.
16 Can you see the document up on the screen?

17 A. [14:09:05] Yes, I do.

18 Q. [14:09:10] Are we in agreement that the place you mentioned earlier today is the
19 location indicated in yellow, Sagbado football pitch?

20 A. [14:09:24] Yes, it's beside. That's the pitch. That's the Sagbado pitch.

21 Q. [14:09:31] And that was indeed the location you mentioned earlier, namely, that
22 is where the Seleka were stationed?

23 A. [14:09:38] Yes, I said -- well, not stationed, but I said one of the colonels was
24 living there. I don't know whether he was renting a house, but with his -- well, he
25 had his bodyguards, but when I would go out, I would always see them there, not

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 very far from the Sagbado pitch.

2 Q. [14:10:04] Thank you very much for that information.

3 And I'd now like to return to another point, namely, the Boeing market and the
4 traders there.

5 You've made -- mentioned Hassan, a trader who had a shop at the Boeing market.

6 Am I correct in saying that he was the delegate of the shopkeepers and traders and he
7 was referred to as the delegate?

8 A. [14:10:49] Yes. He was the delegate representing the traders at the Boeing
9 market.

10 Q. [14:11:01] Is it correct that he was of Chadian origin like most of the other
11 Muslim traders in Boeing?

12 A. [14:11:11] Yes, I can confirm that.

13 Q. [14:11:21] Do you know what his profession was in Chad before he came to set
14 up operations in the Central African Republic?

15 A. [14:11:31] No, I don't know what he used to do in Chad. I just -- before he
16 came to the Central African Republic. I just knew him from the Boeing market
17 where he was a trader. I don't know about his past.

18 Q. [14:11:54] We did hear from a witness before this Chamber who told us that
19 Hassan, the delegate of the traders, was often visited by Seleka elements. Were you
20 aware of that?

21 A. [14:12:13] No, not at all, because I wasn't living aside the mosque or close by.
22 Whether he had visitors or not, I don't know about that.

23 Q. [14:12:35] I understand that you don't know exactly about Hassan's visitors.

24 On the other hand, at paragraph 29 of your first statement, you said that the Muslim
25 traders were of Chadian origin at the market and the Seleka would sometimes visit

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 the market and talk to the traders, but you didn't know if they had any link with
2 them.

3 My question to you is this: Going by your own experience, these contacts between
4 Seleka members and a number of traders at the Boeing market, did these contacts
5 displease the people in Boeing and cause them concern?

6 A. [14:13:32] I can't really tell you because I didn't really talk to the traders who
7 were there and how they assessed the presence of the Seleka at those people's
8 premises. I don't know what their viewpoints were.

9 Q. [14:14:03] And to conclude on this particular point, you didn't have an
10 opportunity either to hear about that -- or hear people saying that some traders had
11 been deemed to be accomplices or allies of the Seleka?

12 A. [14:14:27] No. To my knowledge, no one told me about any complicity
13 between them. It is true that when the Seleka came and as soon as they saw a
14 Muslim trader, they would stop and talk to the person, they would talk to the trader
15 and ask them what they were doing, particularly if it was a trader from Chad.

16 Q. [14:15:02] I'll move on to something else now, namely, the period just before the
17 attack of 5 December 2013, specifically the information you obtained from Jérôme, a
18 person you mentioned in your first statement and during your examination-in-chief
19 by the Prosecution.

20 Now the first thing is this: Do you have the family name of Jérôme?

21 A. [14:15:36] No, I don't know his family name. He was one of the young people
22 of the neighbourhood who would pass by. That's how I knew him. He would say,
23 "Hello, father". And I would say "Hi, son." That was about. I didn't even -- I
24 didn't really know his -- his wife or his family.

25 Q. [14:16:00] You said that he was 18 or 19. Do you know if he was studying or

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 working?

2 A. [14:16:09] No, he wasn't going to school any more. He was in the
3 neighbourhood.

4 Q. [14:16:26] Now, if I've understood correctly, you just knew him because he was
5 in the neighbourhood and he would pass by your house and greet you; is this -- that's
6 how you know him, that's it?

7 A. [14:16:40] Yes, exactly. Like most of the children or the kids in the
8 neighbourhood, he would -- they would greet me and say "Hello, father" and I would
9 say "Good morning, son", that sort of thing. * "papa imam, hello" and as I am a father
10 I would say here's some soap. We became closer. When things got difficult,
11 sometimes they would come to me and I would give them soap, just like that, just
12 something small.

13 Q. [14:17:23] Was Jérôme an Anti-Balaka member? You've explained that he
14 seemed to have access to all kinds of information. You even said at paragraphs 22
15 and 23 of your first statement that apparently he learned that there would be an
16 attack one month before the actual attack. So my question to you is this: Do you
17 know if he was an Anti-Balaka element or not?

18 A. [14:17:52] No. That child, I don't think he was an Anti-Balaka, no, not at all. If
19 he had been, he wouldn't have given me that information. So I don't suspect him of
20 being an Anti-Balaka member.

21 Q. [14:18:14] But we agree that you don't know the source of that information --

22 A. [14:18:20] No.

23 Q. [14:18:31] -- the information from him.

24 Also at paragraph 23, you mentioned that you learned about Jérôme's death from a
25 young Muslim fellow by the name of Omar, and do you have the full name of this

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 person, this fellow called Omar who told you about Jérôme's death?

2 A. [14:19:04] No, I don't know his full name. He was named Omar. He came by
3 at one point and he told us that there had been an exchange between the self-defence
4 group at Kilometre 5 and the group in Boeing and that's when I learned that young
5 Jérôme had died. I don't know if he had been hit by a stray bullet or something like
6 that, but I don't know. He was killed during that clash.

7 Q. [14:19:40] You mentioned a self-defence group at Kilometre 5, but am I to
8 understand that there was also a self-defence group in Boeing? The Boeing group,
9 was that a self-defence group of Muslims?

10 A. [14:19:55] No, no, no. In Boeing there weren't Muslims. Over there it was
11 Anti-Balaka people. There were exchanges between -- clashes, rather, between
12 different groups several times.

13 Q. [14:20:21] I'd like to ask you a bit more about Jérôme's death. When did you
14 learn that he had died?

15 A. [14:20:31] Once I got back from travelling.

16 Q. [14:20:37] So after June 2014, agreed?

17 A. [14:20:42] Yes.

18 Q. [14:21:12] I'd now like to turn to another topic, sir.

19 Yesterday you gave testimony about the palm fronds that you saw on the houses of
20 certain Christians. This was yesterday at about 11:36, and you also made mention of
21 this in your statement.

22 And you said yesterday, and I quote, that you had learned -- well, I won't quote you
23 immediately, in any event. You said, "It was only a few days later that people said
24 that no, no, no, already some instructions had been given to the effect that anyone
25 who was not a Muslim should put palm fronds at the front so that people could

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 distinguish between a Muslim house and a non-Muslim house." End of quote.

2 Now, when had you said "people said", do we agree that this is information you got
3 once you were at PK5 as part of the discussions you mentioned yesterday between
4 people who were exchanging information, that was when you learned about this; is
5 that correct?

6 A. [14:22:38] That is correct.

7 Q. [14:22:49] If I've understood correctly, it was other Muslims who also took
8 refuge at PK5 who gave you that information?

9 A. [14:22:57] Yes. Amongst us, us Muslims, after 5 December at Kilometre 5, there
10 were a few rare non-Muslims, but most people were Muslims and we would talk
11 amongst ourselves and we would hear rumours, we would get information and we
12 would share information among ourselves.

13 Q. [14:23:28] At paragraph 33 of your first statement, you said that you saw palm
14 fronds in front of Christian homes in your neighbourhood three or four days before
15 the attack. Do you remember any family -- any Christian families from your
16 neighbourhood who placed palm fronds in front of their homes? Can you give us
17 any names or can you give us any locations where this happened?

18 A. [14:24:09] Not all the houses. Most of the houses had palm fronds in front, but
19 the people who actually did this, I can't really recall. It was a long time ago. Some
20 people did place these palm fronds in front of their homes.

21 Q. [14:24:45] So you can't give us any names, names of families who did this?

22 A. [14:25:02] No.

23 Q. [14:25:04] I think there was a bit of an overlap, but did you --

24 PRESIDING JUDGE SCHMITT: [14:25:09] The witness answered no.

25 MS GUISSÉ: [14:25:16] (Interpretation) Yes, thank you, your Honour. There was a

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 bit of a delay in my transcript and I didn't see the answer on the English transcript.

2 Q. [14:25:26] Now, one last bit of information about the palm fronds. Could you
3 tell us where you saw them on the houses. Where were you they placed?

4 A. [14:25:41] Well, on a bush or something in front of the compound. They might
5 put the palm fronds there or against the wall -- against the wall. Most of the time, if
6 there were little shrubs in front of the house, they would put the palm fronds on the
7 bushes at the entrance. * Or when there was a death, they would plant them at the
8 entrance to their compound.

9 MS DIMITRI: [14:26:38] Mr President, just a slight bit, and I apologise for the
10 interpreter, I think it's not appearing in the transcript either, but I think I just heard
11 the witness saying that sometimes when there is a death, that's why they put these
12 palm trees.

13 PRESIDING JUDGE SCHMITT: [14:26:53] Okay. Yes.

14 Please continue.

15 MS GUISSÉ: [14:27:00] (Interpretation)

16 Q. [14:27:05] I'd like to move on to something else, specifically the attack of
17 5 December 2013. But before that, I'd like to go back in time a bit.

18 Now, in light of your knowledge of Boeing and the situation that prevailed at the time,
19 is it correct to say that the Muslim traders in the market had weapons in their shops?

20 A. [14:27:37] I wasn't in a position to know that. I don't know if they had
21 weapons or not.

22 Q. [14:27:50] At paragraph 24 of your second statement, you said that Muslim
23 traders were the first to be killed and do we agree that it was Ali who gave you that
24 information, correct, Ali Kamara?

25 A. [14:28:12] Yes, that is correct.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [14:28:15] At paragraph 28 of your first statement, you said basically that
2 you learned about the deaths of these traders only once you got a call from
3 Ibrahim Macole?

4 A. [14:28:37] Yes, he was one of the elders from the mosque. He -- I called him,
5 rather, and he confirmed that these people had been killed. The first victims were
6 the traders in Boeing.

7 Q. [14:28:58] Is it correct to say that you don't know exactly how the events
8 unfolded, these events that led to the death of the traders? You know that they died,
9 but you don't know exactly how the events unfolded?

10 A. [14:29:14] I was not in a position to know that. I was not actually present or
11 nearby.

12 Q. [14:29:29] I see a message saying that I'm still speaking too fast.
13 Ibrahim Macole, did he tell you that Hassan, the delegate of the traders, was bearing a
14 weapon that day or did you not have that detail?

15 A. [14:29:55] I didn't hear that -- about that detail or I didn't know about that detail.

16 Q. [14:30:09] Once again, regarding the events of 5 December and how they
17 unfolded, you said that at one point the Anti-Balaka withdrew after exchanging fire.
18 Did you see them withdrawing or was this something -- did you just hear that the
19 shooting had stopped, is that -- and then you realised that they had withdrawn?

20 A. [14:30:36] No. When they left, they began shooting. I don't know exactly
21 where. I was in my compound with my family, and I heard quite a sustained
22 gunfire for quite a while and then it stopped. * When it stopped, we thought that
23 things had settled down, and it was when the wife of my neighbour -- where I had
24 taken my family -- wanted to leave that I said to her: "Tell me what's going on, so that
25 I can leave. We are at your home. You are a Christian, we are Muslims. Why do you

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 want to leave?" She was the one who told me that her husband told her that the
2 Anti-Balaka had been stopped at R. Cattin, and they are turning back and applying
3 the instructions they were given to enter all the compounds in Cattin. If they find
4 Muslims in the home of Christians, they should kill both the Muslims and the
5 Christians. That's why she was obliged to go in order to leave us in the house. She
6 was the one who gave me that information. That's when I realized they were
7 retreating.

8 Q. [14:32:07] Now I've got questions on this very point. Now, you stated that you
9 didn't specify yesterday that it was the wife of your neighbour who gave that
10 information. Then subsequently then she handed that information on to you. So
11 we are in agreement that the husband of your -- of that woman, of your neighbour
12 wasn't in the family house at that time but actually telephoned his wife to give her
13 that information; is that correct?

14 A. [14:32:34] That's right.

15 Q. [14:32:38] And her husband, do you know where he was when he gave her that
16 information?

17 A. [14:32:53] No. I don't know where he was at that point.

18 Q. [14:33:00] Now, my next question may be -- how can I put it? Well, given the
19 circumstances, maybe it's not worth asking you, but I'll put it to you nevertheless.
20 But we're in agreement, you didn't ask how her husband knew that, how he knew or
21 how he would have learned that the Anti-Balaka had retreated and had stated that
22 they would be back, you don't have the source of the husband's information, do you,
23 Witness?

24 A. [14:33:39] No. At that particular point in time - how can I put it - the situation
25 was such that for us information that reached us could be right or wrong, but we had

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 to base ourselves on that. So it was, life was in danger, so we got information, but
2 we didn't seek to get back to the source of the information.

3 Q. [14:34:15] Can you give us the name of your neighbour, female neighbour?

4 A. [14:34:22] Unfortunately, I don't know her name because we don't interact with
5 her very much. It was a young man with his wife, so I don't know their names.

6 Q. [14:34:38] Do you know whether she still lives in the neighbourhood?

7 A. [14:34:42] Since 5 December, I haven't seen -- I haven't seen them since.

8 Q. [14:34:55] All right. Now I know that you didn't see the combat or the fighting,
9 but you heard the fighting, but I'm going to put the question to you nevertheless,
10 which is: In relation to the description that you provided in paragraph 32 in your
11 first statement, the fact that the Anti-Balaka had machetes, iron bars and knives, did
12 you understand that the Anti-Balaka had retreated because they were -- their arms
13 were inferior to the weaponry wielded by their opponents? Is this something that
14 you learned one way or another?

15 A. [14:35:47] No, not at all. I didn't make that observation.

16 Q. [14:35:53] All right. I'd like to return briefly to a point that you broached
17 earlier on in our hearing today, namely, problems flowing from the combat and the
18 interconfessional struggle that occurred. And in respect to that, I'd like to look at a
19 video. I point out and I warn you that these are pictures that may be very difficult
20 for you because you're a man of faith, but I really need to put questions to you on the
21 basis of this video footage. Now, what we're going to be looking at is a journalist's
22 report. It's France 2. This dates back to December 2013, and we find it at tab 11 in
23 the binder, the video is CAR-OTP-2074-0075. And for the interpreters the
24 transcription is at tab 35 and the ERN is CAR-D29-0006-0001.
25 All right, so if we could please broadcast this journalist report.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 THE COURT OFFICER: [14:37:46] Evidence channel 2.

2 MS GUISSÉ: [14:37:49] (Interpretation) Two minutes 14 seconds is its duration. So
3 we can look at it in its entirety and then I have one or two questions to put to you,
4 Mr Witness.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [14:38:08] (Interpretation of the video excerpt)

7 "This morning, some Christians are still wreaking damage on this mosque.

8 Yesterday, it was ransacked and looted. The highest insult, tearing apart, boiling
9 with rage, the Koran books. These Christians go by the name 'Anti-Balaka' - the
10 Anti-machetes. Formed into militia, they exact revenge on the Muslims, the
11 minority in power since last March.

12 When you throw down a rotten egg, it's over, you no longer have to eat it. The
13 Muslims are like rotten eggs.

14 So you're going to continue taking revenge on the Muslims.

15 Yes, right to the end, right up till the cleansing runs dry across the country.

16 ... doesn't exist here.

17 We don't want any Muslims around here anymore.

18 Here, hatred against the Muslims is growing daily. Reconciliation looks very
19 unlikely.

20 Christians fearing a backlash from Muslims have sought refuge in this makeshift
21 camp. More than 20,000 people jammed in together. Here, some think destroying
22 the mosque was wrong.

23 Places like that are sacred. And if it's sacred, we can't -- we can't -- as Christians, we
24 can't go into such -- can't enter such places and -- and do just anything.

25 For others, it's the Muslims' behaviour that's at fault.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 And you think that the Christians and the Muslims will soon resolve their
2 differences?

3 Absolutely, absolutely, as long as the Muslims behave and think differently.
4 Meaning?

5 Well, that they accept to live alongside everyone else, as the Bible states, in a spirit of
6 mutual understanding, brotherliness and working together.

7 And don't they do that?

8 Of course they don't. They don't.

9 The clergymen who run this camp, they devote themselves solely to making
10 everybody safe.

11 I don't propose to rake over the Christians' or the Muslims' past; all I want is peace.

12 That's what I'm asking for, peace. We need peace. Otherwise, it is exhausting.

13 We can't take it anymore.

14 Each day, new arrivals come in ever greater numbers. The camps are overflowing."

15 MS GUISSÉ: [14:40:19] (Interpretation) I do apologise if those pictures have made
16 painful memories well up in you. But I have one or -- questions to put to you based
17 on that report, a report which may be emblematic of what was going on at the time.

18 Now, the journalist in there -- in -- in her report says that these Christians call
19 themselves Anti-Balakas. Now, would you agree with me, based on the video
20 footage that we've just seen and the destruction of a mosque, footage going to that, it's
21 difficult to see whether these people are Anti-Balaka as the journalist herself states.

22 A. [14:41:05] Well, who are the Anti-Balaka? I haven't said the opposite.

23 They -- they say that they are Anti-Balaka and they are against the Muslims. I'm not
24 saying anything different. They're saying that.

25 Q. [14:41:26] Now, I omitted to mention something at the outset, namely, on the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 face of it, this journalist's report is dealing with the Fouh mosque. Does this jog your
2 memory?

3 A. [14:41:42] Yes, it's the Fouh mosque.

4 Q. [14:41:45] All right. So in this journalist's report, the journalist questions a
5 number of different people and perhaps we can stop the footage at 30 seconds. We
6 see the person who is the most virulent during this report who is wearing a blue top,
7 a very straightforward, simple top. Now, you yourself when you described the
8 Anti-Balaka that you saw on 5 December, you talked about *gris-gris*, fetishes that they
9 wore, and this is a member in normal dress. Do you know whether during that
10 particular period in time there were people -- there were civilians who -- who
11 self-proclaimed themselves or described themselves as Anti-Balaka, but without
12 being, in actual fact, Anti-Balaka? Were you aware of that, Mr Witness?

13 A. [14:42:50] No, I didn't know anything about that, but I told you that when the
14 Anti-Balaka left Boeing to leave, there was a crowd that went with them. It was a
15 crowd of the local population that -- that, I don't know, which -- I don't know how to
16 put it really. But there was a local crowd that was following them. And if they
17 offered a helping hand to the Anti-Balaka, well, that's it.

18 Q. [14:43:21] Now, on a different register, at 1:34, different register of what he says,
19 his language, this gentleman has taken refuge, it looks like, in the church, and he says
20 that the Muslims need to behave differently.

21 So here's my question: During this particular period that you experienced, did you
22 also hear that type of language on behalf of members of the population
23 who -- who -- openly wielding aggressive language, language which seems to suggest
24 that it was the Muslims' fault what was going on?

25 A. [14:44:06] Well, * what he says is right, but what I could surmise was there was

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 an amalgam and confusion in the heads and the minds of our non-Muslim brothers.
2 They muddled up the Muslims and the Seleka. They rolled them into one. If you
3 take the date of before 5 December or even between the time when the Seleka entered
4 Bangui, the Muslims and the non-Muslims, well, they -- they lived in a spirit of
5 mutual understanding. When there's a -- there was a deceased, then we would pay
6 our condolences. When there are problems and a helping hand was needed across
7 these confessional lines, then that was fine. But when -- when he says "Muslims",
8 he's painting everybody, he's tarring everybody with the same brush, you know, not
9 every Muslim is a Seleka. It may be in their language when they say Muslims. It's
10 not all Muslims.
11 Before this period, Muslims lived in peace with the non-Muslims, with the Christians.
12 We did stuff together. We did lots of stuff together. We -- you know, and then
13 after the entry of the Seleka, and then there was this change in -- in spirit. To the
14 best of my knowledge, the Muslims always helped their neighbours, because that's
15 part and parcel of being a neighbour in Islam. Whether your neighbour is a Muslim
16 or non-Muslim, whoever he is, you still need to offer him assistance. That's the duty
17 of a Muslim towards other people. This is what animates all Muslims today.
18 When Seleka arrived, they adopted a certain type of behaviour to the non-Muslims.
19 It's not all Muslims. There were even Muslims that fell victim to the Seleka as well.
20 So when they say changing their behaviour, I think everybody in the CAR needs to
21 change behaviour and their mentality and not only the Muslims.
22 Q. [14:46:27] Thanks very much for those clarifications. I'll now move on to
23 another -- another topic. But I'd like to revisit the matter of 5 December 2013 and,
24 namely, the time when you leave your home. Now, in your second statement, this is
25 paragraph 25, you tell us that you left your home towards 2 or 3 in the afternoon and

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 you're moving off to PK5. You tell us that you took your vehicle. Would I be right
2 in saying that at that particular time, you were able to leave because the gunfire had
3 stopped and that you fled in the direction of PK5 at a time when the Seleka had
4 mastery of the road leading into that particular neighbourhood?

5 A. [14:47:18] *Yes, 2 p.m. the gunfire had stopped, actually, before 1 midday. So the
6 gunfire had already stopped by 2 p.m. in the afternoon. And then at 2 p.m. or so, I
7 went out with my family, and it was by going out that I arrived in front of R Cattin
8 and opposite I was able to see a group of Seleka there with their weapons, opposite R
9 Cattin. That's where they were. And then towards Dameca, towards where I lived,
10 there weren't any Seleka. But when I got to that point, I saw the Seleka were there in
11 front of R Cattin. So they were there, I imagine, to sweep the road and so I -- I left.

12 Q. [14:48:19] Yes, but you would agree with me when I say that before 2 or 3 in the
13 afternoon you had heard exchange of gunfire in the morning. So at some point in
14 time there were indeed clashes between Anti-Balaka and the Seleka that you could
15 hear from your home; is that right?

16 A. [14:48:35] Yes, that's right.

17 Q. [14:48:38] Now, in paragraph 40 of your first statement, you say that your
18 brother's family had fled the area after you, three or four days after your departure.
19 Now, should I understand that it's the family of * Ismaël Nimaga, your ambassador
20 brother, who had a plot of land in that compound?

21 A. [14:49:11] Yes, it was his children and one of his cousins and one or two other
22 relatives in the family compound.

23 Q. [14:49:25] Now let me show you a photo now, Mr Witness, and I'd like you to
24 confirm whether this person is a member of your family. *It's at tab -- court officer,
25 at tab 12 in our Defence binder. This bears the ERN CAR-D29-0010-00 61.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:50:03] I think it's not necessary to display this to
2 the public.

3 MS BERDENNIKOVA: [14:50:09] That was the nature of my objection.

4 PRESIDING JUDGE SCHMITT: [14:50:11] Yes, yes. I -- I think so. I also thought by
5 myself. So, Mr Ndiaye, this will not be shown. Only to you and the parties and
6 participants because it's -- no, might be a member of your family, we don't know yet,
7 but still.

8 MS GUISSÉ: [14:50:27] (Interpretation) Yes, my mistake. Court officer may have
9 prompted me to go into private session. I had forgotten that photo so you did well
10 to place emphasis on (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [14:50:43] Well, it's enough -- it's enough if we do
12 not -- do not display it to the public, I think. So do you know this person, Mr Ndiaye,
13 that is now on the screen?

14 THE WITNESS: [14:50:55] (Interpretation) Yes, I do recognise him.

15 PRESIDING JUDGE SCHMITT: [14:51:04] If we're now saying the name, I think we
16 go into private session I would say. We go shortly to private session.
17 (Private session at 2.51 p.m.)

18 THE COURT OFFICER: [14:51:20] We are in private session, your Honours.

19 PRESIDING JUDGE SCHMITT: [14:51:23] Thank you. Ms Guissé, please.

20 MS GUISSÉ: [14:51:25] (Interpretation)

21 Q. [14:51:27] Now, would I be right in saying that this is your nephew and his
22 name is (Redacted)

23 A. [14:51:35] Yes. It's my -- it's my nephew (Redacted)

24 Q. [14:51:46] And would I be right to say that this is the (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Private Session)

ICC-01/14-01/18

1 A. [14:51:54] No, it's not his son. It's the (Redacted)

2 Q. [14:52:02] Would you mind identifying (Redacted) if you wouldn't mind?

3 * A. [14:52:10] It's the (Redacted). It's (Redacted)

4 Q. [14:52:26] Well, maybe it's a silly question, but he is of Muslim confession like
5 you; is that right?

6 A. [14:52:33] Yes, of course.

7 MS GUISSÉ: [14:52:39] (Interpretation) Your Honour, we can now move into
8 (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [14:52:45] Open session.

10 MS GUISSÉ: [14:52:46] (Interpretation) I do apologise, I had two photos in actual
11 fact. Mr Ndiaye recognised one, but I would like to put to him the other photo just
12 to ensure that we are talking about the right -- or the same person. This is tab 13 in
13 my Defence list of materials, this is ERN CAR-D29-0010-0060.

14 Q. [14:53:12] The picture is a bit blurred, but you agree, Mr Witness, this is the
15 same (Redacted) is it?

16 A. [14:53:27] Yes, it's him.

17 Q. [14:53:29] My thanks.

18 MS GUISSÉ: [14:53:30] And now, your Honour, we can now move back into open
19 session.

20 PRESIDING JUDGE SCHMITT: [14:53:34] And we do so. (Open session at 2.53 p.m.)

21 THE COURT OFFICER: [14:53:38] We are back to open session, your Honours.

22 MS GUISSÉ: [14:53:54] (Interpretation) Q. [14:53:56] Mr Witness, so we're back in
23 open session, and once again I'm going to have you do a little homework. Please
24 bear with me in respect of what I'm going to be putting to you, things that relate to
25 locations in Cattin. You've already stated

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 that there -- well, that you saw the Seleka in Cattin at a certain point of time when you
2 heard gunfire between the two camps.

3 So now I'd like to show you a video to you. This is tab 14 in our Defence materials.

4 This is CAR-OTP-2065-1320. This is a video that lasts 44 seconds. And according to
5 the Prosecutor's metadata that we see at tab 15, CAR-OTP-2065-6214, this is a video of
6 5 December 2013 at 8:25. And can I ask my colleagues to broadcast it?

7 THE INTERPRETER: [14:55:16] Message from the interpreter: Can the interpreters
8 know the tab, the Defence reference tab?

9 PRESIDING JUDGE SCHMITT: [14:55:22] Could we please have the Defence
10 reference tab.

11 MS GUISSÉ: [14:55:25] (Interpretation) It's 14, tab 14.

12 Let me clarify that there is no translation. In fact, we're interested in the location.

13 So I can see that the English booth is all in a flap, but anyway, it's the just the pictures
14 that we're interested in and the location.

15 PRESIDING JUDGE SCHMITT: [14:55:58] And I sense some sort of short-term
16 happiness in the interpretation booth.

17 Okay, please play it.

18 (Viewing of the video excerpt)

19 MS GUISSÉ: [14:56:54] (Interpretation)

20 Q. [14:56:56] Now, you will have seen this video, Mr Witness?

21 A. [14:57:00] Yes, I did.

22 Q. [14:57:01] And I think earlier on you recognised Cattin. And so we're in
23 agreement, are we not, that they are on that road that runs alongside the R Cattin
24 factory; is that right?

25 A. [14:57:20] Yes, that's right.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [14:57:21] And we would agree with each other when we say that, you know, in
2 terms of the layout that you provided comments to, and we'll be returning to that a
3 little later on, we're in agreement, are we not, that this is not very far away from your
4 compound? I mean, if we were to take up the road and we go back, we would reach
5 Dameca and your family compound, right?

6 A. [14:57:47] No, it's not too far away.

7 PRESIDING JUDGE SCHMITT: [14:57:50] Ms Berdennikova, you have a different
8 opinion where it is?

9 MS BERDENNIKOVA: [14:57:53] No. I'm sorry for the interruption. In fact, I just
10 wanted to go back to something that was said previously for clarification of the -- of
11 the record. So it's not an objection. But in relation to the two photographs that
12 were shown earlier, the metadata that we have indicates that they are screenshots,
13 and for the clarity of the record, we would like to know screenshots of what they are,
14 so the ERN of the original. Thank you.

15 PRESIDING JUDGE SCHMITT: [14:58:23] Actually, we can also -- how can we do
16 that? Is it easy to figure that out?

17 MS GUISSÉ: [14:58:28] (Interpretation) Well, I don't have that at my fingertips
18 because I was only interested in the photo, in actual fact, but I can try and see with
19 my learned colleague afterwards.

20 PRESIDING JUDGE SCHMITT: [14:58:38] Yes, actually, I think this -- if we can
21 figure it out later on and you can provide the information to the OTP, then I think you
22 would be fine with it too. Okay, good.

23 Please continue.

24 MS GUISSÉ: [14:58:53] (Interpretation)

25 Q. [14:58:57] Right. So in the video footage we have just seen -- I do -- we do

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 apologise, Mr Witness, but in the footage we've just seen, would you agree with me
2 when I say that the individuals that we see are firing in the direction of the Cattin
3 crossroads or Cattin junction; is that right?

4 A. [14:59:16] Yes, they are. They are firing in the direction of the Cattin crossroads,
5 that's right.

6 Q. [14:59:22] And would you agree with me when I say as well that PK5 is -- is
7 located behind them, in their back?

8 A. [14:59:33] That's exactly right. PK5 is behind them indeed.

9 Q. [14:59:39] My thanks.

10 Now I know that my questions may strike you as a bit self-evident, but once again, it's
11 really -- the approach -- my approach is really to help people following these
12 proceedings to properly understand the various locations.

13 So now I'm going to move on to another video. This is tab 16 in the Defence binder,
14 CAR-OTP-2065-1356. Now this video lasts 1 minute 17 seconds. It's the morning of
15 5 December still. And according to the metadata from the OTP, which you'll find at
16 tab 17 in the Defence binder, which bears the ERN CAR-OTP-2065-6232, what we
17 have is 5 December at 18 -- sorry, *8.39 in the morning.

18 And same as the previous video, there's no interpretation required. It's the location
19 which is of interest to the Defence.

20 (Viewing of the video excerpt)

21 MS GUISSÉ: [15:02:23] (Interpretation)

22 Q. [15:02:24] You saw the footage, sir. Do we agree that this group of Seleka
23 elements left Cattin and are moving up to the north heading towards Dameca by way
24 of the road that you saw on the video?

25 A. [15:02:47] Yes. They are actually in the concession itself, in the Cattin

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 compound.

2 Q. [15:02:53] But to the north, heading north, headed towards Dameca?

3 A. [15:03:01] Yes. Yes, that's parallel to the road that heads towards Dameca.

4 Q. [15:03:12] Once again, we're going to look at some more video footage, and I

5 thank you once again for your patience. So with all these ERN numbers and

6 snippets of video footage, your help is very useful.

7 If we could now move to tab 18, CAR-OTP-2065-1380, this lasts 19 seconds.

8 According to the OTP's metadata at tab 19, *CAR-OTP-2065-6244, according to this

9 metadata, this footage was shot at 8:46, in the morning of 5 December 2013 I inform

10 the interpreters that vacation is -- their vacation is over and I make reference to tab 20.

11 If you could please sight translate and read this into the record. This is

12 D29-0006-0270. And the dialogue is in Arabic and so we have prepared a translation

13 to assist.

14 This is a short piece of video footage, 19 seconds. And my colleague is about to play

15 it.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [15:05:19] (Interpretation of the video excerpt) Sight

18 translation of French translation from the Defence:

19 "Soldier 1: You mustn't fire on civilians.

20 Soldier 2: Has Hassan already left?

21 Soldier 3: Yes?

22 Soldier 2: Go and tell them to advance.

23 Soldier 4: Which one?

24 Soldier 4: Be careful.

25 Soldier 2: Abakar's son has gone. Mahamat is going to meet up with them -- no,

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Sanda is, go and meet up with them and look after yourself. Tell them to carry on
2 towards the road, there's nothing here."

3 End of sight translation.

4 MS GUISSÉ: [15:06:09] (Interpretation) Sorry, I was looking at the -- I was looking at
5 the English booth, but on the French channel we heard nothing. Could the French
6 booth read out what we find at tab 20.

7 THE INTERPRETER: [15:06:35] Message from the interpreters: We believe the
8 French booth is ready.

9 PRESIDING JUDGE SCHMITT: [15:06:44] So we simply repeat - to shorten the
10 whole thing - repeat this, 19 seconds are not so much. And now please with the
11 French translation so the witness can benefit from it.

12 (Viewing of the video excerpt)

13 PRESIDING JUDGE SCHMITT: [15:07:36] Please continue.

14 MS GUISSÉ: [15:07:38] (Interpretation) I thank both booths for their assistance.

15 Q. [15:07:46] Do we agree that in this footage we're still seeing the same sector but
16 we're moving closer towards Dameca?

17 A. [15:07:58] Yes, yes. I believe that the footage -- this is a house behind R Cattin,
18 ruined. I saw that, it must have been the house behind Cattin. A house in ruins
19 behind Cattin street.

20 Q. [15:08:23] Thank you for that information.

21 We'll now move to tab 21, and this is CAR-OTP-2065-1348. According to the OTP
22 metadata, this is tab 22, this is CAR-OTP-2065-6228, that's the metadata for the
23 previous item. And this is 5 December, 8.35 in the morning. This is footage that
24 lasts 38 seconds.

25 And for the interpreters, as we just did, could you please go to tab 23 of the Defence

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 and you will find a translation. This is CAR-D29-0006-1312.

2 And we're going to now play the footage.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [15:09:49] (Interpretation of the video excerpt)

5 Sight translation:

6 "A: There are some people a little way up there, they've taken weapons with them,
7 they've taken arrows.

8 B: Whereabouts are they?

9 A: There, just under there, over there.

10 B: No, these are just -- they're just guarding the shop so that people don't come in
11 and loot them.

12 B: Towards where?

13 A: They are ordinary people who are carrying things like that.

14 B: Like that?

15 A: Yes.

16 B: Are they Arabs?

17 A: Yes, they're Arabs.

18 B: It doesn't matter, it doesn't matter, they're Seleka.

19 A: Hmm.

20 B: They're not soldiers?

21 A: No, no. But I was over there. They came to arrest me at the house since they
22 let me go so as not to" -- (Overlapping speakers)

23 MS GUISSÉ: [15:10:51] (Interpretation)

24 Q. [15:10:51] You have seen the footage ...

25 PRESIDING JUDGE SCHMITT: [15:10:57] I think now. No problem. I fully

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 understand that. If you are -- so to speak, if you speak the right language, if I may
2 word it this way, it's really difficult. So please continue.

3 MS GUISSÉ: [15:11:17] (Interpretation)

4 Q. [15:11:19] Sir, my apologies, can you confirm that we're still seeing footage from
5 the Cattin neighbourhood. Do you recognise any of the people on the footage?

6 A. [15:11:32] I don't recognise anyone on this video footage.

7 Q. [15:11:41] Now, going by what we've understood from the dialogue, the
8 translation of this footage, we understand that -- well, there's one man wearing
9 civilian clothing and then a Seleka member wearing military garb, and it would
10 appear that the man wearing civilian clothing said that some Arabs had gone by, and
11 after discussion they say, "Oh, it doesn't matter, they're Seleka."

12 Can you confirm that on 5 December 2013, members of the Seleka went into houses in
13 Cattin after gunfire was exchanged?

14 A. [15:12:40] I don't know, because the entire morning I was in my house and then
15 I went to a neighbour's and then I was in the house of the neighbour behind.
16 Whether they went into people's houses or not, I don't know. I saw them at
17 their -- whether or not they entered private homes, I can't confirm that. I didn't see it
18 so I can't say.

19 Q. [15:13:14] Now, you didn't see these things, but did you learn -- because I
20 understand that you did glean information by calling people on the phone. Did you
21 hear that the Seleka, after the attack of the Anti-Balaka of 5 December, that on that
22 day they too committed acts of violence and abuse, including murders in the
23 neighbourhood of Cattin?

24 A. [15:13:46] No, I don't know.

25 Q. I'd like to move on to something else now, but it is related to the footage.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Yesterday during the hearing, you said regarding the word "Arab" or *Arabou* (phon)
2 in Sango, and that was at 11.40, that was the time stamp from yesterday's transcript,
3 you said: "In the Central African Republic, when you see a Muslim, you say that he
4 is an Arab."

5 In the footage that we've just viewed, we see that the civilian, the person wearing
6 civilian clothing, and I'll repeat from the transcript: "They are civilians wearing
7 things like that and the Seleka says well -- the Seleka says 'yes', and then the Seleka
8 person says 'Are they Arabs?' And the civilian says, 'Yes, they're Arabs.'"

9 So my question to you is this: Given that exchange, do we agree that the term "Arab",
10 or *Arabou*, was used in the Central African Republic to designate Seleka members and
11 that the Seleka themselves sometimes used that term "Arab", or *Arabou*?

12 A. [15:15:39] In general, in the Central African Republic, all Muslims are called
13 Arabs, be they Congolese, from Angola. As soon as they're Muslims, they are called
14 Arabs. Even amongst our own brothers from the Central African Republic, their
15 parents refer to them as Arabs and that means Muslim.

16 Q. [15:16:13] And so we agree that when someone speaks in Sango, even if it's a
17 Seleka or for someone from another country, they can use the word "Arab"?

18 A. [15:16:31] Well, given the question that was put to that gentleman, it was to
19 clarify, they were saying, was this person an *Arabou*, they were asking whether he
20 was a Muslim. That's all.

21 Q. [15:16:47] Thank you for that information.

22 MS GUISSÉ: [15:16:53] (Interpretation) Just a moment, your Honour, with your
23 leave.

24 (Counsel confers)

25 MS GUISSÉ: [15:17:04] (Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 Q. [15:17:10] Thank you for being so patient, sir.

2 If we could now play another item. No, this is not a photo -- no, this is a photograph,
3 not video footage.

4 So I'll now call upon the court officer for assistance, tab 24, CAR-D29-0010-0065.

5 THE COURT OFFICER: [15:17:42] (Interpretation) The metadata indicates that this
6 is a confidential document, ma'am.

7 MS GUISSÉ: [15:17:48] (Interpretation) It's a public document. There's no worries.

8 PRESIDING JUDGE SCHMITT: [15:17:53] It cannot be confidential. No, materially.
9 Formally everything can be confidential.

10 MS GUISSÉ: [15:18:08] (Interpretation)

11 Q. [15:18:12] Do we agree that we see the road that goes along Dameca and the
12 wall of the Dameca premises?

13 A. [15:18:23] Yes.

14 Q. [15:18:24] Thank you. Now I'd like for us to go to tab 25, and my colleague will
15 assist, tab 25, once again video footage, CAR-OTP-2065-1396. This is 22 seconds long.
16 And according to the Prosecution metadata at tab 26, CAR-OTP-2065-6252, this is 8.52
17 in the morning on 5 December.

18 No interpretation of the footage is necessary. It is the location that we are interested
19 in.

20 (Viewing of the video excerpt)

21 MS GUISSÉ: [15:19:50] (Interpretation)

22 Q. [15:19:51] Sir, you've seen the footage. Do we agree that the Seleka man on this
23 footage is at the Dameca wall that we just saw in the previous photograph, correct?

24 A. [15:20:08] Yes.

25 Q. [15:20:11] I'd now like to move to some more footage, 27, tab 27,

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 CAR-OTP-2065-1652. And this is 32 seconds long. According to the OTP metadata
2 to be found at tab 28 of the Defence binder, CAR-OTP-2065-6380, this is still
3 5 December at 10.32 in the morning.
4 For the interpreters, the translation is at tab 29, CAR-D29-0006-1313.
5 We will now play the footage.
6 (Viewing of the video excerpt)
7 THE INTERPRETER: [15:21:41] (Interpretation of the video excerpt)
8 "Unidentified soldier: That's good.
9 Unidentified person: Have they gone?
10 Unidentified soldier: Yes, they've gone. It's all over.
11 Unidentified journalist: Where exactly?
12 Unidentified soldier: We don't know.
13 Unidentified soldier: We don't know, we don't know, but they're already ...
14 Unidentified journalist: And now you're firing?
15 Unidentified soldier: Of course.
16 Unidentified soldier: Now we wait for our general's order.
17 Unidentified soldier: We're just waiting for the order ... for our general's order.
18 Nothing ahead of us."
19 MS GUISSÉ: [15:22:25] (Interpretation)
20 Q. [15:22:26] Mr Witness, you saw the footage. And do you agree that we have
21 just seen M'Poko-Bac, that the Seleka were at the M'Poko-Bac location? Do you
22 know that place? Do we agree on this point?
23 A. [15:22:46] I saw -- I just saw, well, the very middle. You can see the river and
24 the forest. I don't know whether it's that place. I can't confirm that. The
25 cameraman didn't really pan back and forth. It might have been there, maybe not.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 It wasn't a wide shot. It was quite narrow.

2 Q. [15:23:28] Thank you for that. And you're completely correct. Perhaps we
3 should have had another shot, but I thank you for helping us with that particular
4 point.

5 We have not finished with this task I have set for you. I'd now like to summarise the
6 various locations we've seen on the footage and place these locations on a map. And
7 I promise you, after that, that will be the last task I ask of you for today. If my
8 colleague could bring up tab 5 of the binder, Defence binder, CAR-D29-0003-0057.

9 And let me explain what I've done.

10 Here we see the -- well, we saw the various videos and we've tried to prepare
11 screenshots of the various locations that we've identified with you and we've tried to
12 place them on the map of the neighbourhood -- of the Cattin neighbourhood so that
13 we can better visualise the various locations mentioned in the footage.

14 The process was -- is somewhat a fussy one, but let us look at the first page. You'll
15 see first the map, the satellite image of the neighbourhood and the screenshot from
16 the footage you have seen earlier.

17 And the references, that's for the Chamber and parties, these are references to the
18 footage and the metadata from the OTP so that we can fully understand what place
19 we are -- what places we are talking about.

20 I will begin with the first location. So at location 61, the reference number ends with
21 61. First you see the Cattin neighbourhood. Can you see it up on the screen,
22 Mr Witness?

23 A. [15:26:22] Yes, I do.

24 Q. [15:26:24] So you see Dameca at the top in yellow and then at the bottom from
25 the satellite image you see the Cattin crossroads, and then to the right you see the

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 symbol representing the Cattin premises.

2 Now let's go to page 62, if we could, of the same document, and up on the screen you

3 should see a screenshot from the footage we saw earlier at tab 14 with the OTP

4 metadata, and we agree that we see the Seleka in front of the Cattin establishment.

5 Does this correspond to the blue pin that we see on the satellite photo that you have

6 before you?

7 A. [15:27:27] Yes, it does correspond.

8 Q. [15:27:36] If we could now move to the following page, reference number

9 ending with 63, and on the screen you see the screenshot from the footage at tab 16

10 with the metadata as well, and this is the moment when the person is -- he came

11 from -- he was moving up towards Dameca. Do we agree that this corresponds to

12 the blue pin on the map?

13 A. [15:28:13] Yes, yes, it does correspond.

14 Q. [15:28:17] Thank you.

15 If we could now move to the following page, 0064, and here you can see the

16 screenshot from the video footage at tab 18. Do you agree with me that the blue pin

17 on the map corresponds to the place where the Seleka were at that time as they

18 moved towards Dameca?

19 A. [15:29:11] Well, more or less, I think so. I can't be extremely specific, but

20 yeah -- yes.

21 Q. [15:29:21] Thank you so much.

22 I'd now like us to move to the next page, 0065, and here you see the screenshot taken

23 from the footage at tab 25, and we agree that this is when the Seleka man was at the

24 Dameca wall, which we saw earlier on the footage, we agree? And this corresponds

25 to the blue pin on the satellite image that you have before you?

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 A. [15:30:05] Yes, it does correspond.

2 PRESIDING JUDGE SCHMITT: [15:30:12] Well, and with regard to the last one, the
3 witness was not sure.

4 THE WITNESS: [15:30:17](Interpretation) Yes, it does correspond.

5 PRESIDING JUDGE SCHMITT: [15:30:22] I understand that you now move to
6 another -- not yet? Okay, no, because we have to have this five-minutes break.

7 MS GUISSÉ: [15:30:31] (Interpretation) Just -- just a final point, your Honour. It's
8 just a last picture which takes up everything, and then yes, we can move to a break.

9 If you -- if you -- if I can call upon your forbearance, it's the last picture. 0068 is the
10 reference.

11 Q. [15:30:56] So, Mr Witness, can you see the image on the screen? These are the
12 various plots, the various pins, if you will, that we have plotted on the satellite image
13 corresponding to the four video footages that we saw. Do you agree when I say that
14 this corresponds to what we've just viewed together when we take the videos one by
15 one?

16 A. [15:31:33] Yes, it does correspond.

17 MS GUISSÉ: [15:31:36] (Interpretation) Your Honour, if you wish to have the break.

18 PRESIDING JUDGE SCHMITT: [15:31:40] May I ask you before we go into the break,
19 do you think you can make it today?

20 MS GUISSÉ: [15:31:46] (Interpretation) Yes, I'm pretty much almost at the end, your
21 Honour. I would really like to thank the witness because I thought it was going to
22 take much, much longer than that.

23 PRESIDING JUDGE SCHMITT: [15:32:00] Very well. Of course we are pleased to
24 hear that. Then let's have, let's say, five minutes of break.

25 THE COURT USHER: [15:32:08] All rise.

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 (Recess taken at 3.32 p.m.)

2 (Upon resuming in open session 3.40 p.m.)

3 THE COURT USHER: [15:40:31] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [15:40:49] Ms Guissé, you of course have still the
6 floor.

7 MS GUISSÉ: [15:40:54] (Interpretation) My thanks, your Honour.

8 Q. [15:40:58] So, Mr Ndiaye, it's my pleasure to say that we are approaching the
9 final straight of my questions. And I'd just like to return to your statement, the
10 statement you made to the investigators. Paragraph 50 of your first statement, you
11 say, and let me quote: "I think that General Rombhot is responsible for the crimes
12 committed by the Anti-Balaka."

13 So my first question: Where did you hear that Rombhot was a general?

14 A. [15:41:40] After 5 December, around PK5. As I was saying, it was in that
15 vicinity that there was our discussions and it was there that I heard of General
16 Rombhot. And when people talked about General Rombhot, I didn't know who it
17 was. General Rombhot, it was in that particular location that we talked of General
18 Rombhot.

19 Q. [15:42:19] Thank you. Thank you very much for that clarification.

20 So as I understand it, this is information that was circulating when you were at PK5
21 when people were seeking shelter at the same point.

22 Now I put it to you that Mr Yekatom was never a general and that he always used his
23 military title, in other words, *caporal chef*. Did you hear that title in respect of him
24 beforehand?

25 A. [15:42:52] No, not at all. I knew that he was in the army, but I didn't know

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 which rank he held. But a mention was made of General Rombhot, but his -- his
2 actual rank in the army, I couldn't tell you.

3 THE INTERPRETER: [15:43:15] Master corporal, corrects the interpreter.

4 MS GUISSÉ: [15:43:23] (Interpretation)

5 Q. [15:43:26] So at paragraph 50 when you say, "I believe that General Rombhot is
6 responsible for the crimes," you're using the word "believe" to talk about
7 Mr Yekatom's responsibility, and as I understand it, you're offering your personal
8 view, your personal opinion. But are we in agreement that, based on the chronology
9 of your movements that you gave to us, that after your 5 December departure to go to
10 PK5 and subsequent to that for your going abroad beginning of 2014 and then later
11 into 2014, you weren't actually physically present at Boeing?

12 A. [15:44:10] I wasn't where?

13 Q. [15:44:12] In Boeing, in Boeing Cattin neighbour?

14 A. [15:44:16] No, on 5 December I left. I left my house and I didn't come back
15 until I came back from my trip abroad.

16 Q. [15:44:31] So if I followed your evidence, you're saying that -- that when you
17 believe that General Rombhot is responsible, you're basing yourself on what you
18 heard and you're not basing yourself on what you yourself was witness to?

19 A. [15:44:45] No. I was basing myself on what people were saying, General
20 Rombhot, that he was the head of the Anti-Balaka at Boeing. It was in respect of that.
21 It was based on what we were saying in the group, that General Rombhot was that
22 chief.

23 Q. [15:45:08] And when you say, Mr Ndiaye, that Rombhot led the Anti-Balaka,
24 this is paragraph 50 in your statement, I point out, he headed up the Anti-Balaka at
25 Cattin and Boeing and across the entire Bimbo area, you would agree with me that

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 this is only based on the rumours that you heard circulating; is that right?

2 A. [15:45:32] Exactly. It's the rumours that we heard that the person responsible
3 for the Anti-Balaka from Boeing to Bimbo was General Rombhot who was
4 supervising them.

5 Q. [15:45:50] So would I be right in saying that you, not being on site, that you
6 didn't know of the various Anti-Balaka bases that were there in Boeing, Cattin and
7 that were leading off towards Bimbo; is that right?

8 A. [15:46:05] No, I had no idea of those bases existence.

9 Q. [15:46:36] Now, we heard a witness that provided evidence before this Court.
10 And for the parties to the proceedings this is P-884, T-55, around 3.22 p.m. and
11 subsequent minutes.

12 This person said that there are various Anti-Balaka bases, and in his evidence he said
13 there were a number of groups in these bases. There were a number of groups, he
14 says, those that came from Bossangoa, those who came from Yaloke, those who came
15 from Bossembele, they were all grouped together in these various locations.

16 So my question is this: Okay, you weren't present in Boeing between
17 5 December 2013 and June 2014, but did you hear of various bases with different
18 chiefs coming from different origins? Is this something that you were told or is this
19 information that you never actually received?

20 A. [15:47:54] No, that information I didn't receive, namely, that there are various
21 bases with their various chiefs. All that I know was that there were Anti-Balaka at
22 Boeing and at Boy-Rabe (phon) but -- but without any further clarification that such
23 and such a chief was at such and such a base. There were no details such as that.

24 Q. [15:48:37] Now, I'd like now, Mr Witness, to come to the conclusion of my
25 cross-examination, and I'd like therefore return to what you said in oral evidence

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 yesterday at midday -- around midday you talked about the current circumstances.

2 You said that the situation was still tense and that currently, and let me quote what

3 you said: "Things are not on a solid footing. There's no solid footing. Things are

4 not solid." And you referred to relationships between Christians and Muslims and

5 the tensions, if I followed correctly, tension that can still pervade those communities

6 today.

7 So would I be right in saying that the reason why you are a little -- I mean, I don't

8 know whether the word "pessimistic" is the right one, but at least the reason why

9 you're worried is that after 2014, you yourself had knowledge, and I think in fact you

10 talked about this during your oral testimony, knowledge of fresh clashes between

11 Muslim and Christian communities, particularly in 2018 where, once again, there

12 were problems that flared up after this Notre Dame de Fatima church and the

13 Lakwanga mosque attack. So is this one of the reasons that would prompt you to be

14 concerned that even after 2014 there still have been interconfessional clashes?

15 A. [15:50:24] Yes, after 2014, things haven't stopped and not abruptly. There have

16 still been clashes between the Seleka and the Balaka and still attacks against Muslims.

17 And I talked about 2018 when the poor abbé, our brother, was killed in the Fatima

18 church, this was in 2018. And let me just recall that Todomali (phon), he was still at

19 PK5 among the Muslims, he was protected by the Muslims. He left his house, he

20 went to the market and he was with the Muslims. And when there was the -- when

21 he was murdered in the Fatima church, on that very same day, people were -- were

22 on edge. The faithful of the church, they were on edge. They had brothers in the

23 centre of the town near the palace and they took the body, and I don't know whether

24 it was MINUSCA or the regular army pushed them back. And when you come back

25 from the Fatima church, I said this is next to Kilometre 5, and then you can move off

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 from there to the centre of the town and between -- and you're basically between PK5
2 and the centre of the city. And then Lakwanga, you go past Lakwanga where the
3 mosque is when you come back to PK5. And when they reached that point at the
4 level of the mosque, in the meantime, my two neighbours had taken their car to go off
5 and buy something to eat, and at Lakwanga mosque there, they met that crowd that
6 was coming back with the body of the abbé -- with the body of -- the abbé's body.
7 And then they pointed them out, the people in their cars, and those young people
8 were stopped and they were murdered and they burned the cars and burned the
9 bodies.

10 And that's why I'm saying that the climate hasn't really changed. It's not all the
11 population that involves this, but be it on the Seleka side or the Balaka side, there are
12 individuals that are ready to make capital -- to capitalise on the situation, to flare up
13 again and envenom the conflict. There are extremists on both sides. So I -- if I was
14 in that car, then I wouldn't be here today to provide evidence. That's what I can say.

15 Q. [15:53:27] Mr Ndiaye, I've finished my questions, and I would very much like to
16 thank you very warmly for your assistance. You have -- your testimony has been
17 very valuable for us to understand and improve our understanding and I really
18 deeply thank you for your evidence.

19 A. [15:53:46] You're welcome, Counsel.

20 MS GUISSÉ: [15:53:50] (Interpretation) I've finished.

21 PRESIDING JUDGE SCHMITT: [15:53:51] Thank you very much.

22 Any questions by the Defence of Mr Ngaïssona?

23 MS PROULX: [15:53:57] We have no questions for this witness, Mr President.

24 PRESIDING JUDGE SCHMITT: [15:53:59] Okay. Thank you.

25 Mr Ndiaye, this concludes your testimony. On behalf of the Chamber, on behalf of

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

1 the judges, I would like to thank you that you have been -- you've taken it upon you
2 to testify openly. We all know that this brings back terrible memories. Even the
3 more so, we appreciate it. As I've explained at the beginning of your testimony, it is
4 extremely important for this Court and for the Chamber and the judges and all the
5 parties and participants to have witnesses coming forward that testify openly so that
6 we understand what happened during the crisis 2013, 2014, but also the public
7 specifically in your country understands that. We appreciate that, we thank you for
8 that and we wish you a safe trip back home.

9 THE WITNESS: [15:55:00](Interpretation) Thank you, Mr President. And my
10 thanks to all the parties and participants here in the courtroom. As I said, my
11 concern is that justice be done, justice be done, that justice is meted out. And our
12 thoughts need to go to the victims. I would like to say one more thing, with your
13 leave, your Honours.

14 I would like to draw on an example. In 2013, the child who was in first year
15 secondary school and who lost his parents, he's got nothing. Today he has gone to
16 university. What will that child come? These are vulnerable victims. And if at
17 your level you can -- you can think about offering compensation to victims and to
18 have an orphanage in the Central African Republic to gather up these orphans and
19 think about their education, because one fine day people lose their parents, they've
20 got nothing and they've got to muddle through as best they can. And a huge
21 number of children on both sides are in those circumstances.

22 So do we have to wait for the trial to finish to offer compensation to these victims?

23 I don't know, but these children are vulnerable. Is there not a way of coming to their
24 assistance and extracting them out of those -- their situation or even the widows that
25 are suffering?

Trial Hearing
WITNESS: CAR-OTP-P-1528

(Open Session)

ICC-01/14-01/18

- 1 I'd like to thank you for what you have done and I say goodbye.
- 2 PRESIDING JUDGE SCHMITT: [15:56:40] Thank you for your words and thank you
- 3 very much again.
- 4 (The witness is excused)
- 5 PRESIDING JUDGE SCHMITT: [15:56:44] This concludes the hearing also for today.
- 6 We resume, as I understand it, on Monday with P-1813.
- 7 THE COURT USHER: [15:56:55] All rise.
- 8 (The hearing ends in open session at 3.57 p.m.)