

Trial Hearing
WITNESS: CAR-D30-P-4720

(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 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 Tuesday, 23 April 2024
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:18] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:38] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:44] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:59] Thank you very much.
20 I think Prosecution, Victims 1 and 2 are unchanged, we can say. So I turn to Ms
21 Guissé, you are unchanged too, your team of course?
22 MS GUISSÉ: [9:32:21](Interpretation) Yes, your Honour, we've got the same
23 composition as yesterday, and Mr Yekatom is present in the courtroom.
24 PRESIDING JUDGE SCHMITT: [9:32:26] However, Ms Proulx, you have significant
25 losses?

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1 MS PROULX: [9:32:34] Yes, indeed. I'm afraid lead counsel could not join us today,
2 so it's the same composition to that exception. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:32:42] Thank you very much.

4 A very warm welcome to our witness.

5 Good morning, madam.

6 WITNESS: CAR-D30-P-4720 (On former oath)

7 (The witness speaks French)

8 THE WITNESS: [9:32:49](Interpretation) Thank you, your Honour.

9 PRESIDING JUDGE SCHMITT: [9:32:51] We continue with the examination of our
10 witness and, Ms Proulx, you still have the floor.

11 MS PROULX: [9:32:55] Thank you, Mr President.

12 QUESTIONED BY MS PROULX: (Interpretation)(Continuing)

13 Q. [9:32:58] Good morning, Witness. How are you?

14 A. [9:33:10] I'm well, thank you, counsel.

15 Q. [9:33:15] I'd like to come back to something you said yesterday to start off with.

16 We talked about a radio programme, *Yeso alingbi ti inga*, and you said that one of the
17 radio announcers is Vele Faimindci was Muslim.

18 Now was it -- was it the only Muslim of the three or were there others?

19 A. [9:33:42] Thank you. Mr Abakar Piko is also Muslim.

20 Q. [9:33:54] Thank you.

21 We are going now to continue and I'm going to actually come back to something you
22 said yesterday. May I remind you that we are in open session, so please do not
23 reveal anything -- any identifying information. Thank you.

24 Yesterday, you spoke about the minister, Ndoutingai. I would like you to explain to
25 the Chamber what was Ndoutingai's role in the government?

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1 A. [9:34:29] Thank you, your Honour.

2 Well, Mr Ndoutingai was the minister of mines. He then became the finance
3 minister in addition to being the mines minister and the minister of town planning.

4 In the beginning, we thought he was close to President Bozizé. It's only then
5 subsequently we learned that he himself said that he wasn't Bozizé's relative. He
6 was one of the three coordinators of the mobile prospection unit. He was a very
7 influential minister, he was young and he was the president of the preparatory
8 committee of the general assembly, and it is in this context that I got acquainted with
9 him.

10 Q. [9:35:45] Do you remember his nickname?

11 A. [9:35:51] There were people who called him -- now, we would -- people called
12 him "Tout-Puissant". He was also called a demigod.

13 Q. [9:36:15] You said that he was very influential. Did he have a great influence
14 on Bozizé or others as well?

15 A. [9:36:29] He passed off as someone who is very knowledgeable, very close to
16 Bozizé. The best people would listen to him. And then he also had money and
17 resources. So there you go.

18 Q. [9:36:48] Yesterday, you alluded to Ndoutingai -- Minister Ndoutingai's actions
19 with regard to diamonds. Now I've got a more specific question, do you remember
20 an operation that was led to basically close down the diamond market in the Central
21 African Republic?

22 A. [9:37:19] I'm not aware of that, I don't know, but I -- {ICR: (Redacted)
23 (Redacted)} he was Muslim. And he was close to me.

24 We worked a lot together, we would talk often, and he explained to me that
25 Ndoutingai ordered searches at Muslim diamond collectors' houses.

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1 Now after these searches or raids, the collectors were unhappy because they searched
2 the houses. They even frisked the spouses, so the collectors were very annoyed.
3 And he was the one who facilitated the meeting with President Bozizé so that Bozizé
4 could actually listen to him and meet with them and explain what exactly happened.
5 So this is what I know with respect to the diamond affair. They -- the collectors were
6 actually received by Bozizé and each one told Bozizé about the number of diamonds
7 that were recovered and Bozizé realised that this was not what Ndoutingaï actually
8 told him.

9 So, this was one of the reasons why he basically separated from Ndoutingaï in 2012.

10 Q. [9:39:15] There's a witness that came in the beginning of the trial and he said
11 that there was an operation conducted by President Bozizé to close down the
12 diamond market and only -- and only operators who were sympathetic to him could
13 work in the Central African Republic.

14 Is this right to the best of your knowledge?

15 A. [9:39:45] I'm not privy to this at all. What I know is that we had many
16 procurement points in the Central African Republic and there was one point, one
17 bureau that people criticised because {ICR: (Redacted)}
18 (Redacted)}. And he was
19 a supplier of diamonds to the BADICA office. So BADICA was one of the main
20 collectors of diamonds and he wanted to be the only person on the spot. And the
21 director-general of BADICA was very close to the deceased, President Kolingba and
22 then Bozizé. And then we realised that all offices had closed down, there were only
23 a few offices that remained opened -- and BADICA is open today.

24 That is what I can tell you.

25 Q. [9:41:16] You said that it was after the diamond case that Ndoutingaï was

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1 removed from power. Now are there any other reasons why Ndoutingai, to the best
2 of your knowledge, was evicted?

3 A. [9:41:36] I don't know. I cannot be privy to that. I'm not part of the
4 government and I did not know what problems he had.

5 Q. [9:41:48] Now the same witness who came at the beginning of the trial also said
6 that Ndoutingai was removed from power because he opposed a constitutional
7 reform that would have allowed Bozizé to run a third mandate.

8 Did you hear anything to that effect?

9 A. [9:42:11] I'm not privy to that, but I knew that the -- that Minister Ndoutingai
10 had ideas, he wanted to be the president as well, and he actually said that out loud.
11 He did not get along with Jean-Francis Bozizé, who was also a minister, they did not
12 really get along well, and President Bozizé started his second mandate. So it was the
13 second year of his second mandate.

14 I never heard about any such constitutional reform. There were problems, road
15 blockades were there that -- there were people who were manifesting, who wanted to
16 be part of the government. All that, yes. But I wasn't aware of any plan to amend
17 the constitution. The constitution was voted in the beginning of his first mandate.
18 So I'm not aware about this at all. I've never heard anyone talk about this.

19 Q. [9:43:47] Thank you.

20 MS PROULX: [09:43:50] Mr President, just for the record, when I referred to another
21 witness, the first citation is transcript number 32 at page 49 in the French version.

22 And the second reference is to a report at CAR-OTP-2127-4289 at page 4292.

23 And at this point I would like to briefly go into private session.

24 PRESIDING JUDGE SCHMITT: [9:44:29] Private session.

25 (Private session at 9.44 a.m.)

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- 1 THE COURT OFFICER: [9:44:49] We are in private session, Mr President.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 I understand that you were not in Bangui during the end of December, but did you

16 hear about a speech given by Bozizé in PK0 on 27 December 2012?

17 A. [9:51:02] I heard about the speech, but I haven't listened to it myself. I heard

18 that when we returned from Libreville, when there was a summit that was supposed

19 to be held with all the players in Central Africa. He was -- he came back and he

20 really was -- there was an ovation for him. I did not hear the speech, I did not follow

21 the speech of the president that was given on that occasion.

22 Q. [9:51:41] I'm going to give you excerpts of the speech. We are going to do it in

23 public session, so please do not give any identifying information.

24 MS PROULX: [9:52:00] I would like to go into open session.

25 PRESIDING JUDGE SCHMITT: [9:52:04] Open session.

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1 (Open session at 9.52 a.m.)

2 THE COURT OFFICER: [9:52:09] We are in open session, Mr President.

3 MS PROULX: [9:52:19](Interpretation)

4 Q. [9:52:23] We spoke about PK0. I'd like to show you a photo, tab 2 in the

5 Defence binder, CAR-D30-0014-0046. It's going to come up on screen so please tell

6 me, Madam Witness, if you can see it or not.

7 Do you recognise this place?

8 A. [9:53:00] Yes. Almost. If you could just zoom in.

9 Q. [9:53:10] I don't think we can zoom in. Is that better now?

10 A. [9:53:14] Yes.

11 PRESIDING JUDGE SCHMITT: [9:53:15] We can.

12 MS PROULX: [9:53:19](Interpretation)

13 Q. [9:53:21] Is this PK0, Madam?

14 A. [9:53:28] Yes, it's PK0. This is the roundabout of PK0, where there's a fountain.

15 Q. [9:53:53] Now, when the president would go to PK0 to make a speech, how did

16 things take place? Where was he standing and where was the audience?

17 A. [9:54:08] I'm wondering how it would occur because I wasn't actually there.

18 And I'm asking you -- I'll ask you to zoom in because that way I will actually see

19 things better. I --

20 PRESIDING JUDGE SCHMITT: [9:54:28] Ms Proulx, since the witness was not there,

21 I think you should move on. At least with regard to the location of what happened

22 there, she can't say anything about that.

23 MS PROULX: [9:54:42] Yes, I was moving on, Mr President. Thank you.

24 Q. [9:54:47](Interpretation) I'm going to actually give you a few excerpts of the

25 speech and then I'll have some questions.

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1 Now, for the records, the audio of the speech in Sango is in document 4 of the Defence
2 binder, CAR-OTP-2000-0630. And we are going to go from 10:04 and 12:35. And
3 then we have document 10 in the Defence binder, CAR-OTP-2060-0623, and this is
4 the Sango transcription. And we also have a document in tab 13,
5 CAR-OTP-2060-0678. This is a French transcription. And for the moment we're
6 going to listen to a portion, line 191 to 214.

7 So when the interpreters are ready, please make a sign.

8 (Playing of the audio excerpt)

9 THE INTERPRETER: [9:56:28] (Interpretation of the audio excerpt)

10 "I'm asking you to organise your manifestations in peace. We have to respect the
11 decision of the head of state. I'm asking you to organise your manifestations
12 peacefully. We should organise them in respect of the decisions of the heads of state
13 in N'Djamena. They have asked for the restoration of peace and stability. They
14 have asked the rebels to go back to where they came from. So the rebels must go
15 back to their initial bases. I'm in touch with all the heads of states of Central Africa.
16 We must respect this decision, but the rebels are not respecting this -- the thieves are
17 not respecting us. They are basically creating trouble. These witches are not
18 respecting. They are not respecting it, and it's because they are foreigners. They're
19 all foreigners. There are so many Janjaweed amongst them. Too many Janjaweed.
20 No Central Africans amongst them. So they do not speak Sango, they don't speak
21 French. We are in touch with a certain person who is following them. We are
22 aware of everything that's happening, so please be careful. Please be careful in the
23 various districts. Above all, do keep an eye on the foreigners living in closed
24 compounds. They are -- they hide people and they are waiting for chaos before they
25 can actually take action. They want to kill people, kill people, so please, follow up

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1 on -- on compounds with fences. Vigilance, vigilance, vigilance. In the Damala
2 *quartier* -- district in Boeing, in the 8th district. There are so many of them in Mboko.
3 There are so many of them, so please be careful. Arrest them and give -- turn them
4 to the police. No one can come from a foreign country and make us slaves. Do not
5 sleep. It's not about just rebels; it's about foreigners who want to come and destroy
6 our country without reason and deliberately. During the manifestations that took
7 place yesterday..."

8 MS PROULX: [9:59:16](Interpretation)

9 Q. [9:59:17] Madam Witness, you just heard an excerpt of President Bozizé's speech
10 in which he is referring to foreigners who came, "who want to destroy our country."
11 Whom are we talking about? Whom are we alluding to when we talk about
12 foreigners here?

13 PRESIDING JUDGE SCHMITT: [9:59:41] Ms Henderson.

14 MS HENDERSON: [9:59:42] Thank you, your Honour. The witness has testified
15 that she heard of this speech, but was not present; and, in addition, it calls for
16 speculation. The witness cannot tell this Court anything that the Court cannot draw
17 from the speech itself, which speaks for itself.

18 MS PROULX: [09:59:54] Mr President --

19 PRESIDING JUDGE SCHMITT: [9:59:56] You don't -- I don't agree with
20 Ms Henderson for a certain reason. We have talked about this speech several times
21 and we have asked witnesses how they understood this speech. So you may ask
22 the -- if you really slightly reformulate it, you may ask also this witness how she
23 understood it.

24 And I explained why -- normally, indeed, you are right, Ms Henderson, this would
25 call for speculation, but since there are different interpretations which might also have

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1 something to do with the persons and their -- let's say, their role in society, to put it
2 this way, how they understand it. So I think it -- because of that, we allow it.

3 So you may ask the question with a slight change.

4 MS PROULX: [10:00:42](Interpretation)

5 Q. [10:00:45] Madam Witness, how do you understand this reference to foreigners
6 made by President Bozizé?

7 A. [10:00:56] What I understand from the speech is that -- first of all, President
8 Bozizé is a head of state. He has information that he receives on the infiltration by
9 foreigners into the country. And, secondly, we knew, because I was there, that there
10 were foreigners who had entered the country, who did not speak French, who did not
11 speak Sango; whereas, all Central African citizens speak Sango on all the -- in the
12 whole of the territory, they speak Sango. And we found out, we knew that these
13 were foreigners who had been brought in to destabilise the country.
14 Why did we know this? Because when they arrived, they would take over all
15 different offices. They would take televisions, cell phones, remote controls,
16 computers; and, in Bangui, everyone knows, even those who never went to school,
17 everyone knows that a television is different from a computer.
18 So these were foreigners.

19 And on top of this, I said to myself that when he says "Mongoumba", this is the name
20 of a river in the south, and there are no Muslims there as such. When he speaks
21 about "Mboko", this is when you -- when -- it's about 13 kilometres beyond Ouango
22 and there are no Muslims there at all.

23 So these must have been foreigners. These are the access points to
24 Bangui -- Mongoumba on the river, and Mboko, which is to the east towards Sudan.
25 So these are the gates of entry to Bangui. So that is what I've understood -- I

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1 understood from this message.

2 Q. [10:03:26] Now, when he speaks about fenced, gated areas, when he speaks
3 about having to guard them, be careful of them, what does he mean?

4 A. [10:03:43] Well, you know, Bangui is a city that is not very densely populated.
5 There were -- there were areas that were sold -- properties, land that was sold and
6 those who had the means to do so bought these parcels of land and they built fences
7 all around them before building houses on them. And we would usually say that
8 these were Muslims who were barricading themselves inside these fenced areas to be
9 able to be -- have their privacy to -- so that their wives couldn't be seen cooking and
10 so on.

11 But all Central Africans actually had erected these fences around their properties; it
12 wasn't just Muslims who built walls or fences around their property. So I also know
13 that there were many properties that were gated, where there were warehouses inside,
14 and then there's the bushes and there's grass growing -- or weeds. And there's a lot
15 of that in Bangui, and so that's what I think the president was alluding to, because if
16 a car drives into such a property, we don't know what brings them in, we don't know
17 what they're going out with, we don't really know. So that's what it's all about
18 I think. And here -- he's referring to Kilometre 5 -- Kilometre 5, which is a part of
19 town that we know is Muslim --

20 THE INTERPRETER: [10:05:24] Or, rather, correction by the interpreter: If he were
21 speaking of Kilometre 5 --

22 THE WITNESS: [10:05:27](Interpretation) -- then I'd understand. But here it seems
23 he's talking about what's happening in general, so that's what I can say on this point.

24 MS PROULX: [10:05:38](Interpretation)

25 Q. [10:05:40] Thank you very much.

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1 I'm going to let you listen to a second excerpt, the audio. This is document 4, 13:51
2 to 14:15. And in the transcript -- in the French transcript, it's document 13, and these
3 are lines 229, starting with the word "*alors*", to line 232 to the word "*tout*".

4 If you're ready in the booth, sir, we can start.

5 (Playing of the audio excerpt)

6 THE INTERPRETER: [10:06:25] (Interpretation of the audio excerpt)

7 "So why so many lies? Why invent this or that? Invent, 'Don't touch my
8 constitution'? Who touched the constitution? The constitution had two mandates
9 inscribed in it. These two mandates were respected and that's all. Plain and simple."

10 MS PROULX: [10:07:26](Interpretation)

11 Q. [10:07:26] Madam Witness, we can hear Mr Bozizé say that the two mandate
12 rule -- the two-term rule would be respected. But as far as you know, did Bozizé
13 after that publicly announce that he intended to present himself for a third term in the
14 2016 elections?

15 A. [10:07:47] I never heard this. {ICR: (Redacted)}

16 (Redacted)}

17 and were there to be a modification, I think they would have told us about it.

18 But to my knowledge, they didn't and we never had discussions about the president
19 presenting himself for a third term. We had just come out of an election. We had
20 just started the second term; so there was no plan for this.

21 Q. [10:08:40] At the end of 2012, early 2013, did you notice that Muslims had
22 become a target following this request by President Bozizé for people to remain
23 vigilant?

24 A. [10:09:00] No, not at all. I'm telling you that I lived among Muslims.

25 {PFR: (Redacted)}

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1 (Redacted)
2 (Redacted)} I never ever heard that Muslims were
3 targeted.
4 But I know that for -- always in the Central African Republic, even myself, when I'd
5 wear the Muslim veil, cars would stop me and they would say, {ICR: (Redacted)}
6 Take -- I want a coffee, a coffee, give me something for coffee." And they would ask
7 for a thousand francs and so -- and I would give them a thousand francs and they
8 would move on.
9 So everyone knew the Muslims when they wear the -- this garb, they know that those
10 people have money. So the police would stop them, and when they stopped them,
11 when they -- they don't even ask you for the vehicle documents. They just {ICR:
12 (Redacted)} we work for you. Can you give us some money for a coffee? We -- if
13 you have 2,000 francs, can you give us that? We work for you."
14 So I never heard of problems against them.
15 You know the Muslims and Central Africans, there was total cohesion. They played
16 together, they would play football together. They would even drink beer with each
17 other. They knew this because they grew up together.
18 They -- there was no problems with Christians attacking Muslims. To my
19 knowledge, there was no problem like that.
20 Q. [10:11:13] Had you heard about two groups called the COCORA and the
21 COAC?
22 A. [10:11:19] I'd heard these COCORA and COAC mentioned.
23 I knew that one was led -- it was led by Mr Levy Yakete and the other one was led by
24 Steve Yambete. But I didn't even have the time to find out what this or that was
25 doing.

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1 I didn't seek to find out because I didn't have the time to do so.

2 Q. [10:11:54] So if I understand you correctly, you don't know why these groups
3 were created?

4 A. [10:12:03] No, I don't know. I knew that at the time in 2005, if -- Levy Yakete
5 was maybe the one who created a group called the *cadres intellectuels centrafricains*.
6 Apparently, he created COCORA and COAC, but I don't know why he did that. I
7 don't know that. I don't know what they were for.

8 MS PROULX: [10:12:41] Mr President, I would like to go briefly into private session,
9 please.

10 PRESIDING JUDGE SCHMITT: [10:12:45] Private session.
11 (Private session at 10.12 a.m.)

12 THE COURT OFFICER: [10:12:51] We are in private session, Mr President.

13 MS PROULX: [10:13:06] (Interpretation)

14 Q. [10:13:07] Madam Witness, you talked to us about the leaders of these two
15 groups, Levy Yakete and Steve Yambete. I would like to talk about both of them,
16 starting with Levy Yakete. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:14:36] Afterwards, what was his occupation? What did he do?

2 A. [10:14:46] He was, I think, at the presidency as a -- as an adviser of youth issues,
3 and then he worked as a director-general of the national civil agents -- for a civil
4 aviation agency and I think he had the position until the end, until -- until he died.

5 Q. [10:15:09] Since you knew him personally, could you tell us what kind of person
6 he was?

7 A. [10:15:14] He was a young person. He was eloquent, who had good reasoning
8 and who would -- who would dare to take decisions. For example, once -- when
9 they'd come back, they had to perhaps name a minister of the opposition. We were
10 together with the representatives of the international community, with the opposition
11 parties and all the political players in the country. There was a meeting we had in
12 the palace, and, at this occasion, he took the floor in order to ask the president to -- to
13 say, "Well, this is my proposal, is that we need to name Mr Tiangaye from the
14 opposition as prime minister."

15 Since the -- since this meeting was broadcast on radio and television live, he said,
16 "Mr President, I propose he should be named since he is a member of the radical
17 opposition."

18 And the president decided to do this and he signed the decision there and it was
19 broadcast. And I was impressed because it was something that was done to defuse
20 the situation and he took this responsibility; whereas, many other people were trying
21 to avoid this. And Tiangaye was named prime minister.

22 Q. [10:17:05] I'd like to go back to this answer.

23 You said: It was once they'd come back that they were named prime minister of the
24 opposition. Where did they come back from?

25 A. [10:17:19] I think they'd come back from a meeting at Libreville.

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1 Q. [10:17:28] And when Levy Yakete suggested nominating Nicolas Tiangaye,
2 what forum was this in?

3 A. [10:17:43] I think it was a meeting that brought together everyone at the palace.
4 I can't remember exactly the reason for it, but it was a large meeting with
5 representatives of the UN, the ambassadors accredited to the Central African
6 Republic. There were the political parties, and, we, the -- and elected representatives,
7 and we were there as members of -- political members of the Kwa Na Kwa.

8 Q. [10:18:23] Did Levy Yakete have many opportunities to get close or to access
9 President Bozizé?

10 A. [10:18:32] I don't know their relationship. I just know the meetings we had.
11 When we'd be together, we'd say hello to each other, but the relationship between the
12 president and others, this is not something I could have knowledge of.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:19:37] A last question about Levy Yakete. Was this someone who preached
20 violence?

21 A. [10:19:56] To my knowledge, not. He's someone who liked to talk. He talked.
22 He explains things. He explains things; that's what I know about him. He
23 has -- that's what I know about him, but he's not someone I was with all the time.
24 But from what I know about him, he was someone that you could depend on. He is
25 competent, he had references, he had diplomas, he expressed himself well. He had

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1 good ideas -- constructive ideas to my knowledge; otherwise, I -- I don't know.

2 Q. [10:20:39] Thank you. I'd like to speak about Steve Yambete now, but I think
3 we can do this in open session.

4 PRESIDING JUDGE SCHMITT: [10:20:56] Open session.

5 (Open session at 10.21 a.m.)

6 THE COURT OFFICER: [10:21:03] We are back in open session, Mr President.

7 MS PROULX: [10:21:11] (Interpretation)

8 Q. [10:21:14] Now, Madam Witness, we are back in open session,
9 and I'd like you to talk to us about Steve Yambete.

10 What do you know about Steve Yambete?

11 A. [10:21:33] I don't really know him that well. I know that it's Steve Yambete
12 who was with President Bozizé during the 2002 rebellion, and I know he has a scar,
13 a scar on his head here, but I never sought to find out where he got this from.
14 But when Bozizé took power in 2003, I never saw him in military fatigues. Never.
15 He was more in church. He was more in the *christianisme céleste* church that
16 President Bozizé was at the head of.
17 That's all I know about him.

18 Q. [10:22:34] So if I understand correctly, he got close to the president through the
19 church?

20 A. [10:22:41] Yes, through the church.

21 Q. [10:22:52] And what reputation did -- what kind of reputation did Steve
22 Yambete have?

23 A. [10:22:57] I don't really know because he lived in the northern neighbourhood,
24 at the 4th arrondissement and I didn't really know what he did. But he is someone
25 who would always greet you with deference, he was very respectful and he also had

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1 many contacts or he knew many people.

2 When he would come to the party HQ, many people would come forward and would
3 greet him and he would greet them. That's all I know. He would talk to them.

4 Q. [10:23:52] Is this someone who wanted to be perceived or seen as being close to
5 power -- the power?

6 A. [10:24:00] This is not something I can know. But, you know, young people
7 have their own ambitions and they all do different things in order to show that they
8 are close and then it's up to the leader to see if they deserve to be close. So it's up to
9 everyone to show that they can be -- they are close -- to prove that they are close.

10 Q. [10:24:37] And to your knowledge, when Steve Yambete created his group, was
11 it in order to get close to the people in power?

12 A. [10:24:55] I can't know this because I didn't even know what the goal of his
13 group was. I don't know what its function was, I didn't read its statutes. I don't
14 know anything about COAC or COCORA. I can't even remember if its -- which one
15 Steve Yambete was the leader of and which one Levy Yakete was the leader of.
16 I really don't know how to distinguish between the two groups. I don't know.

17 Q. [10:25:29] Was Steve Yambete active within the KNK?

18 A. [10:25:37] No, he wasn't a member. He was maybe a fellow traveler, but he did
19 not -- or he was sympathetic to their cause, but he did not participate in meetings.

20 Q. [10:25:54] To your knowledge, was Steve Yambete and Mr Ngaïssona close to
21 each other?

22 A. [10:26:04] This is not something I have knowledge of. But like I said, Steve
23 Yambete is someone who would go towards people and when important people
24 would arrive, he'd go up to them, he'd welcome them, he'd speak to them -- he'd try
25 to speak to them, but nothing more. You'd just see him like that. But he's a young

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1 person, he didn't have the same -- the same status, the same clout as Levy Yakete. He
2 wasn't at the same level. * Most often, people would go and speak to these
3 personalities in order to get something from them, to benefit from their largesse. They
4 might approach Mr Edouard Ngaïssona perhaps -- to ask for help and things like that.
5 But I think that they didn't really -- their paths didn't really cross as such.

6 Q. [10:27:20] We had a witness here last year who said that it was public
7 knowledge that Mr Ngaïssona had become minister in February 2013 following his
8 collaboration with Steve Yambete and the COAC.

9 Have you heard this before?

10 A. [10:27:40] No, I've never heard this. Never.

11 Q. [10:27:59] One last question about Steve Yambete. When we -- when you met
12 him, when we ...

13 When you -- when we met you, you said that he was an opportunist. Does this
14 describe the personality of Mr Yambete?

15 A. [10:28:23] When I say an opportunist, I mean, it's the kind of people who do
16 business. They don't fight as such for something, but they work. They do business
17 that are lucrative; that's just my point of view.

18 And so since he doesn't work, since he is in church, he can meet people in order to try
19 and get favours. And this happened often. When you have the opportunity of
20 meeting business leaders and people like that, there weren't that many around us and
21 Mr Ngaïssona is a sort of pers- -- a member of this elite generation who would
22 promote business, who would travel, who would leave the country, who would go
23 to -- around the world, who would go to China, who'd bring things back from there,
24 who helps the youth. So it's normal that someone would approach them in order to
25 get something from them. Even giving someone a telephone or a watch, it's

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1 important for us. So these young people who entered the scene at that time, I think
2 they had a lot of work to do because they were spending -- because he would
3 spend -- spending more than what they earned. And since Yambete didn't work, it's
4 why I said he was an opportunist. An opportunist, he's -- he's in the elite and he
5 would be able to meet different people. And not everyone had access to these
6 people. I saw him welcome the late president of the DRC who had come to the KNK,
7 Désiré Kolingba, {ICR: (Redacted)}
8 (Redacted)}.

9 So these are people who are close to these important people, to businessmen and so
10 on, for reasons that I'm not familiar with.

11 Q. [10:31:09] Have you already heard that weapons were distributed to the young
12 COAC and COCORA?

13 A. [10:31:26] I've never heard of that.

14 Q. [10:31:31] Have you already heard that the youth of COAC and COCORA were
15 erecting road blockades and were intimidating and harassing the Muslim population?

16 A. [10:31:47] Now this is something fresh off the press. I've never heard of
17 anything to that effect. Roadblocks, you said? Where? In Bangui? Where are
18 you -- no, never.

19 Q. [10:32:05] Yet you said that when you were travelling in Bangui, you could
20 actually see from your clothes that you were Muslim.

21 A. [10:32:22] Everyone knows that. When I'm driving, people know {ICR:
22 (Redacted)}. People forget my name, they call {ICR: (Redacted)}. The young {ICR:
23 (Redacted)}. So I stop, so I'm -- I don't have a face cover, but my head is always
24 covered.

25 Q. [10:32:50] Did the COAC and the COCORA have links with KNK?

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1 A. [10:33:02] To the best of my knowledge, no. But I can also tell you that with
2 respect to your first question, I told you {ICR: (Redacted)}
3 (Redacted)}. So when I'm aware of
4 something that's not right with my community, I would be the first person to call it
5 out.

6 But I have never heard of roadblocks being erected against Muslims. I would have
7 never let that pass.

8 Q. [10:33:46] Have you ever heard of Mr Ngaïssona being associated in any way
9 with COCORA or COAC movement?

10 A. [10:34:00] Never. Never. Never. It's a big never. I've never heard of this.

11 Q. [10:34:09] I'd like to come back to what you just said on the role of Mr Yakete in
12 the selection of Nicolas Tiangaye as PM. Did he have a role in the transition
13 government after the Libreville accords?

14 A. [10:34:33] No, he remained the director-general and it's here that Mr Djotodia
15 was appointed minister of defence. There was also a general, he was a Seleka. It
16 was General Dhaffane who was appointed minister of forests, waters and the
17 environment. So they incorporated the Seleka into the government.

18 Q. [10:35:20] I would now like us to talk about 15 March 2013.

19 MS PROULX: [10:35:27](Interpretation) But your Honour, I would like to move to
20 private session.

21 PRESIDING JUDGE SCHMITT: [10:35:33] Private session.

22 (Private session at 10.35 a.m.)

23 THE COURT OFFICER: [10:35:43] We are in private session, Mr President.

24 MS PROULX: [10:35:50] (Interpretation)

25 (Redacted)

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15 (Redacted)
16 (Open session at 10.38 a.m.)
17 THE COURT OFFICER: [10:38:07] We are back in open session, Mr President.
18 MS PROULX: [10:38:18] (Interpretation)
19 Q. [10:38:21] So I'm going to ask you to listen to excerpts of President Bozizé's
20 speech. It's audio in the document 5 of the Defence binder, CAR-OTP-2000-0657.
21 And we are going to start off -- start off with the first extract from 2:51 to 5:1.
22 The transcription in French is in tab 7, CAR-OTP-2006-0654.
23 And we are going to read the extract on page 0655 as of line 21: But my dear
24 compatriots..." until line 36, "*mon serment*".
25 So when the interpreters are ready, we can start.

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1 Let's start the video -- the audio.

2 (Playing of the audio excerpt)

3 THE INTERPRETER: [10:39:32] (Interpretation of the audio excerpt).

4 "My dear compatriots, I'm really hurt to know that some of us are still having a frame
5 of mind which is eating into our social cohesion as a cancer and is throwing a spanner
6 at our development. This national cohesion is embodied, not just by a common
7 language, but also by this kaleidoscope of unions which goes beyond ethnic
8 belonging, race, religious conviction or political alliances, because the Central African
9 Republic is a mix. But where are these political claims stemming from -- based on as
10 belonging to certain regions of our country to justify attitudes that are jeopardizing
11 national cohesion and the development of the Central African Republic? The
12 diversity of regions is a wealth and should be the prime focus of the state. This is the
13 very meaning of these meetings organised by the state in our different provinces to
14 foster the sentiment of belonging to a same country, that is, the Central African
15 Republic.

16 In any event, this feeling of belonging excludes that region of ethnic race could be
17 used as an instrument of political combat -- doing so, and jeopardising the national
18 cohesion and the willingness to live together of Central Africans. The national unity
19 is the corner-stone of a political fight as it is for the patriots and this is the initial and
20 the deep meaning of my oath."

21 MS PROULX: [10:41:46] (Interpretation)

22 Q. [10:41:49] Madam Witness, when you listen to these words pronounced by
23 President Bozizé, do you understand that he is trying to exclude or stigmatize the
24 Muslim population?

25 *A. [10:42:05] On the contrary -- on the contrary, Today, this is what the entire Central

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1 African people deplore. The Central African people are lamenting because what the
2 president is saying illustrates his desire for national cohesion.
3 He speaks about this diversity, this mix, these marriages that have created families
4 and children. You have cousins from a Muslim father and mixed marriages. And
5 this has been so for years and years.
6 Now in his speech, I can actually see that he wants to preserve this and we have
7 actually lost it currently. We are being told of division. We are being told of origin
8 of bi-nationality and many things.
9 Bozizé in his speech is alluding to all this. He's alluding to national cohesion.
10 There is absolutely no stigmatization. Obviously people who brought in these ideas,
11 and they were saying Muslims, they were saying excluded -- and I don't know how,
12 because yesterday I spoke to you about {ICR: (Redacted)} who's Muslim and
13 who is part of the Muslim elite who was successful in this country. {ICR: (Redacted)}
14 (Redacted)} to the end of his days and -- till 2020.
15 Now, they have -- the Seleka came. They've taken the power. They want to
16 basically rule the country. And these are Christians, and what have they actually
17 contributed to the Muslim population? And today, it's the Muslim population who
18 is telling them that they, the Seleka, brought the division. It's the Muslim elite that
19 has taken power. They're the ones who basically brought in the division.
20 I mean, Bozizé's speech was a federating speech trying to unite everybody.
21 Q. [10:44:50] Thank you so much.
22 I'd like to now -- I'd like for you listen to another speech. The audio is at 25:46 until
23 28:01 and the transcription is page 06, line -- 0659, from line 194 till the last
24 word -- *jusqu'à la ligne* ...
25 (Playing of the audio excerpt)

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1 THE INTERPRETER: [10:45:30] (Interpretation of the audio excerpt)

2 "My dear compatriots, a country cannot develop if the energy is permanently drawn
3 by ethnic political combat and other movements. For me, I'm telling you that the
4 time of killing brothers is over because you expect from me that I respect my
5 engagements by ensuring the satisfaction of your needs and expectations. So I'm
6 measuring each day your impatience, which is translating into difficulties that you
7 face. I will spare no efforts so that all problems that are undermining your life are
8 removed. I also would like to remind you that the wealth of our country cannot be
9 built by magic. The only thing that counts is work, and this is why we need
10 determined men and women who are dedicated to their task, who can produce
11 wealth in the country,
12 I think, today, even more so than yesterday. And I would like to reaffirm that our
13 country can only - thanks to its resources and skills - considerably change the
14 standard of living of all its children, provided that we work together and change our
15 mentalities.

16 How does one understand that every time we are heart and soul in the development
17 actions of the country, we -- there are rebellions that start systematically under the
18 pretext of legitimate claims jeopardizing the future of the Central African Republic.
19 We cannot build a society found on -- founded on equality if the citizens do -- only
20 think of their personal interest and systematically forget their duties towards others
21 and the state."

22 MS PROULX: [10:47:43] (Interpretation)

23 Q. [10:47:47] Madam Witness, I've got basically the same question. This extract,
24 the way you understand it, did it intend to stigmatize or blame the Muslim
25 population?

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1 A. [10:48:03] Not at all. On the contrary, he is alluding to everyone without
2 making a distinction based on religion, ethnic belongingness. As you can see, the
3 Sango is the identifying language and he's saying that everyone -- the country needs
4 each and everyone of us.
5 The Muslims were given many opportunities to manage things.
6 Let me give you an example. There is an Hadja, a Muslim lady just like myself, who
7 is of Chadian extraction, but she was born in the Central African Republic and she's
8 a businesswoman, and she has been entrusted with a lot of responsibilities in her
9 business. She is in charge of importing machinery, to print the national I-cards.
10 Now that's a very, very high responsibility. It's a proof of cohesion. She is in
11 charge of importing this because that's her business. She was basically importing
12 military equipment, you know, military caps, and military attire and no one criticised
13 her.
14 On the contrary. She was contributing to the development of the country because I
15 told you that a Central African person is not used to travelling until 2013, where
16 everyone was actually forced to exile to -- he is used to -- the Central African is used
17 to living at home in his own country and people who were in trade, who were
18 travelling, were Muslims. They were the ones who were importing many things,
19 and we would like it.
20 Amongst the Central African persons, there were some people who stood out,
21 including Patrice Ngaiissona. I told him that he was an economic actor and part of
22 the rare Central African people who had the opportunity to travel and do imports,
23 because everything is imported, even matchsticks is something we import, we don't
24 manufacture it.
25 So I do not see any stigmatization. On the contrary, today, I can guarantee you that

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1 Central African people are all over the world. They are found in Australia, in
2 Canada, in the US, in Sweden, and they are people who are there and sometimes I'm
3 in touch with them. We've actually got back in touch. We have an WhatsApp
4 group, but they're the ones who -- they're crying. They want to go back to the
5 Central African Republic, they want to go back home. They're praying for that.
6 So this is what I can tell you on this subject. Thank you so much.

7 Q. [10:51:29] You are saying that you understand that Mr Bozizé is advocating for
8 unity - that's on the 15th of March - a week before the entry of the Seleka.

9 Now to the best of your knowledge, between the speech and after the arrival of the
10 Seleka, did President Bozizé hold another rhetoric, so to speak?

11 A. [10:52:01] Not at all because on the evening of 15 March --

12 Q. [10:52:09] We're in public session, would you like us to go to private session?

13 A. [10:52:13] Yes, please.

14 PRESIDING JUDGE SCHMITT: [10:52:15] Private session.

15 (Private session at 10.52 a.m.)

16 THE COURT OFFICER: [10:52:20] We are in private session, Mr President.

17 MS PROULX: [10:52:30] (Interpretation)

18 (Redacted)

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13 (Redacted)
14 (Open session at 10.54 a.m.)
15 THE COURT OFFICER: [10:54:45] We are back in open session, Mr President.
16 MS PROULX: [10:54:59] (Interpretation)
17 Q. [10:55:02] Madam Witness, I'm going to ask you to listen to a last excerpt of the
18 15 March speech. We are going to start of with 29:20 seconds until 31:04 seconds.
19 And in the transcription, it's at page 0659 from line 223, starting from "*dans ce contexte*"
20 until line 236, ending with the word "*pays*" or country.
21 We can start the speech.
22 (Playing of the audio excerpt)
23 THE INTERPRETER: [10:55:38] (Interpretation of the audio excerpt)
24 "Now in this context, emerges the major importance of the next legislative elections
25 with respect to the delicate climate and the considerable effects that emanate. This

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1 means that this is going to be a test of the credibility of the country, this is going to be
2 decisive for the restoration of constitutional order, where the majority will lead and
3 the opposition will be the counterweight. I would call on all categories of society to
4 express their choice and elect their representatives during these legislative elections,
5 that we want to be fair and transparent. For this, we really should work towards
6 favourable conditions that allows the Central African people to take ownership of
7 their nationality, to exercise their rights, accomplish their duties and contribute to
8 infusing a new momentum in the political, economic and social cultural processes
9 underway in the country. My wish today is that the success of legislative elections
10 should be -- to commensurate with the efforts made in their preparations and the
11 stakes that they imply. This is the only efficient way that will guarantee the rights of
12 our people and ensure the future of our country -- secure the future of our country."

13 MS PROULX: [10:57:23] (Interpretation)

14 Q. [10:57:25] Madam Witness, do you understand that in this extract, President
15 Bozizé has the intention of running a third term in 2016?

16 A. [10:57:42] Not at all. I'm really sorry, I don't see where is he talking about
17 presidential elections. He's talking of legislative elections in his speech. He's
18 talking about legislative elections.

19 Q. [10:58:05] Do you know why certain individuals in the Central African Republic
20 interpreted the 15 March speech as something that's hateful and that creates division,
21 and announcing his candidacy for 2016?

22 A. [10:58:30] I don't understand at all --

23 PRESIDING JUDGE SCHMITT: [10:58:31] Ms Henderson?

24 MS HENDERSON: [10:58:32] It's belated, your Honour, but the witness can't say
25 what is in the mind of others.

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1 PRESIDING JUDGE SCHMITT: [10:58:38] Well, this is always this borderline thing.
2 She might have talked with someone; she might have heard something in the media
3 or whatsoever, but she has answered already I think.

4 So let's have a break until 11.30.

5 MS PROULX: [10:58:55] Can I have one more question.

6 PRESIDING JUDGE SCHMITT: [10:58:57] Well, if you must. No, of course, yes.

7 MS PROULX: [10:58:58] Thank you.

8 Q. [10:58:58](Interpretation) Madam Witness, to the best of your knowledge - as
9 you were in the city on that day, the day of the 15th of March - did it worsen the
10 situation of Muslims in Bangui?

11 A. [10:59:12] Worsen, I don't know how it could worsen the situation.

12 Q. [10:59:18] Did you notice that there were more tension, more anxiety amongst
13 the Muslim population?

14 A. [10:59:28] Not at all. The Seleka were -- there were more Muslims in the Seleka
15 than Christians. They already had the idea of coming and seizing power. I don't
16 think there was any reason to be worried. It's the contrary, you see, this is what I
17 experienced as of the 24th of March. I experienced the same thing. I had to actually
18 dress differently so that I basically blended in with Muslims; so it was basically the
19 opposite.

20 PRESIDING JUDGE SCHMITT: [11:00:15] Break until 11.30.

21 THE COURT USHER: [11:00:24] All rise.

22 (Recess taken at 11.00 a.m.)

23 (Upon resuming in open session at 11.32 a.m.)

24 THE COURT USHER: [11:32:09] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [11:32:27] We continue with the examination of the
2 Ngaïssona Defence. Ms Proulx, you still have the floor.

3 MS PROULX: [11:32:40] Thank you, Mr President.

4 Q. [11:32:44] (Interpretation) Madam Witness, I have a follow-up question
5 regarding what we were talking about just before the break. So I would like to speak
6 about this 15 March speech a bit more.

7 You heard Mr Bozizé, President Bozizé say in his speech that every time you want to
8 speak for development, there is a rebellion. So I was wondering, within the context
9 of 2013, what is this referring to?

10 A. [11:33:18] I think this referred to the signing of the Seleka which happened in
11 December 2012, on 10 December to be precise. They signed an agreement. The
12 armed groups met with others, with other figures who got together to sign the Seleka.
13 And so they got together in order to talk, in order to take power, in order to continue
14 together and take power, that's it, together.

15 Q. [11:34:15] At the time, was there talk of giving the permission to the Chinese to
16 be able to exploit the petrol, to extract petrol -- oil?

17 A. [11:34:30] I don't really know. I can't say much about this, but I know that in
18 President Bozizé's social projects -- had promised to do everything in his power to
19 give the Central African people light, development to build roads, to give them the
20 minimum that a people should have. This is in -- was in his campaign promise.
21 And so they started the Boromata oil extraction project that was supposed to open up
22 the Birao area, which is in the far north. They built roads to make it accessible more
23 easily. And I think this was all part of his social project. He also built a cement
24 works so that the Central African people could have lower cost -- could have access to
25 cement at a lower cost in order to be able to live in more decent housing.

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1 Q. [11:35:57] Thank you.

2 MS PROULX: [11:35:59] Mr President, I -- can we go into a private session for a little
3 while?

4 PRESIDING JUDGE SCHMITT: [11:36:03] Yes, private session.

5 (Private session at 11.36 a.m.)

6 THE COURT OFFICER: [11:36:26] We're in private session, Mr President.

7 MS PROULX: [11:36:30](Interpretation)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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7 (Open session at 11.50 a.m.)

8 THE COURT OFFICER: [11:50:27] We are back in open session, Mr President.

9 MS PROULX: [11:50:33](Interpretation)

10 Q. Madam Witness, in the days before the Seleka entered Bangui, and once again
11 without identifying yourself, did you have the -- get a chance to either see the FACA,
12 the armed forces or the presidential guards preparing themselves in order to face the
13 Seleka.

14 A. [11:50:53] No, I did not see any movement of the kind.

15 Q. [11:51:05] To your knowledge, were there still members of the FACA or
16 presidential guards in Bangui when the Seleka arrived?

17 A. [11:51:16] Of course. Of course, there was the FACA present at the Camp Beal
18 and Camp Kassai, where there were -- Camp Kassai, there were FACA there, but we
19 didn't see them moving around the town. There's also Camp de Roux, which is in
20 the middle of town, on the hill which looks over Bangui. There were armed forces
21 there too, but we didn't see them moving around the city.

22 Q. [11:52:08] Did they run away?

23 A. [11:52:10] To my knowledge, I have no knowledge of this. I can't -- I don't
24 know this.

25 Q. [11:52:20] Now, I'd like to speak about the day when the Seleka entered Bangui.

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1 Without saying where you were, yourself, at that moment, can you describe what
2 happened, what you saw on that day?

3 A. [11:52:43] On that day, it's difficult to say. They arrived, they -- there were
4 explosions. From where we were we could hear explosions. We could hear heavy
5 weaponry from the 4th arrondissement and they were approaching the city, up to the
6 city centre. There was movements of vehicles. They -- and there were the ones
7 who were entering the city. They were wearing turbans and they were driving these
8 vehicles at full speed into the city centre. That's where the vehicles were, entering
9 that way. That's how they entered the area.

10 Q. [11:53:47] How did the Muslim population react when the Seleka arrived in
11 Bangui?

12 A. [11:53:54] There's no way I can know this because I was not around Kilometre 5,
13 Kilometre 5. I did not go out. I don't know how people were seeing this or reacting.
14 Maybe later I could talk about it.

15 Q. [11:54:19] In the following days, do you know what happened with the Muslim
16 population?

17 A. [11:54:28] Perhaps in private session I would be able to tell you this.

18 Q. [11:54:32] All right. In that case we'll go back to that later.

19 I'll ask you a couple more questions in open session and then we'll go back to that
20 point.

21 Did the Seleka target specific things when they arrived in Bangui?

22 A. [11:54:59] Well, they took over buildings in the centre city, offices, and they
23 were vandalised. They were entering everywhere, all the different buildings. Also
24 the villas on the avenues had also been attacked or taken over and they were pushing
25 people to tell them where the different wealthy people lived, and they started

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1 vandalising these peoples' residences and started looting everything that was there,
2 everything that was in the offices. They took everything.

3 Q. [11:56:01] Did you notice that they were more specifically or more particularly
4 targeting people that belonged to certain ethnicities?

5 A. [11:56:13] Yes, I know that they specifically targeted people who
6 were -- had -- had means or people who were close to President Bozizé. They would
7 attack their houses, take their vehicles and their property, everything.

8 Q. [11:56:35] Did -- did anything happen when it comes to the KNK headquarters,
9 anything specific?

10 A. [11:56:46] Yes, it was also vandalised and looted. They broke windows. They
11 tore curtains down. They ripped paintings off the wall. They -- they vandalised
12 even the roof. They took the tiling off the roofs -- not the tiling, the sheet metal off
13 the roofs. Everything was vandalised.

14 MS PROULX: [11:57:20] At this stage, Mr President, I will need to go into private
15 session, but for a very extended period of time I'm afraid.

16 PRESIDING JUDGE SCHMITT: [11:57:26] No problem. We go to private session.

17 For the audience, you have recognised that this is a protected witness and the counsel
18 is going to ask a series of questions which could reveal the identity of the witness and
19 because of that we have to go to private session.

20 (Private session at 11.58 a.m.)

21 THE COURT OFFICER: [11:58:03] We are in private session, Mr President.

22 MS PROULX: [11:58:14](Interpretation)

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- 7 (The hearing ends in private session at 3.57 p.m.)