

Trial Hearing
WITNESS: CAR-OTP-P-1962

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 27 June 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:17] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:41] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:48] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:02] Thank you.
21 I ask for the appearances of the parties.
22 Mr Vanderpuye, first.
23 MR VANDERPUYE: [9:32:08] Good morning, Mr President. Good morning,
24 your Honours. Good morning, everyone. Good morning, Mr Witness.
25 Today, the Prosecution is represented by Pierre Belbenoit Avich, Yassin Mostfa and

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- 1 myself, Kweku Vanderpuye. Good morning, again.
- 2 PRESIDING JUDGE SCHMITT: [9:32:24] Thank you.
- 3 I turn to Ms Rabesandratana.
- 4 MS RABESANDRATANA: [9:32:30](Interpretation) Good morning, Mr President.
- 5 Good morning, your Honours. Good morning, everyone.
- 6 The representative of victims today are represented by Enrique Carnero, Mouhia
- 7 Asso and myself.
- 8 PRESIDING JUDGE SCHMITT: [9:32:49] Mr Suprun.
- 9 MR SUPRUN: [9:32:52] Good morning, Mr President, your Honours. The former
- 10 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 11 Public Council for Victims. Thank you.
- 12 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you.
- 13 Ms Dimitri, next.
- 14 MS DIMITRI: [9:32:59] Good morning, Mr President. Good morning,
- 15 your Honours. Good morning, everyone.
- 16 Mr Yekatom is present in the courtroom. He's represented today by Ms Daniela
- 17 Mvougou Police; Ms Anta Guissé; Mr Gyo Suzuki; I believe Ms Alexandra Baer is
- 18 going to join us later; and myself, Mylène Dimitri.
- 19 PRESIDING JUDGE SCHMITT: [9:33:20] Thank you.
- 20 Mr Knoops.
- 21 MR KNOOPS: [9:33:23] Good morning, Mr President. Good morning, your
- 22 Honours. Good morning, everyone in the courtroom.
- 23 The Defence team of Mr Ngaïssona is today appearing before the Chamber with
- 24 Ms Marie-Hélène Proulx, Ms Despoina Eleftheriou, Ms Sara Pedroso, and Mr Ali
- 25 Alabdali. *Merci.*

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- 1 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.
- 2 And, most importantly, we have our witness here today.
- 3 Good morning, Mr Witness. Do you hear and understand us well?
- 4 WITNESS: CAR-OTP-P-1962 (On former oath)
- 5 (The witness speaks Sango)
- 6 (The witness gives evidence via video link)
- 7 THE WITNESS: [9:33:58](Interpretation) I can hear you very well.
- 8 PRESIDING JUDGE SCHMITT: [9:34:01] That is very promising.
- 9 I also welcome your counsel -- your counsel, Mr Diarrassouba, who seems to be
- 10 sitting next to you.
- 11 Good morning, Mr Diarrassouba.
- 12 I say this is promising because we have court-wide a little bit of an issue technically,
- 13 but in this courtroom, everything works. Even I'm on the English, not the Chinese
- 14 channel, so we can simply continue.
- 15 Mr Vanderpuye, you have the floor.
- 16 MR VANDERPUYE: [9:34:31] Thank you very much, Mr President. I appreciate
- 17 that. Not everything works though because I can't see the witness. But aside that, I
- 18 can see him on the screen, and I can proceed that way.
- 19 PRESIDING JUDGE SCHMITT: [9:34:40] Yeah. Okay, but, you know, under the
- 20 circumstances, we have to be grateful for what we have, yeah?
- 21 MR VANDERPUYE: [9:34:44] We most definitely are.
- 22 PRESIDING JUDGE SCHMITT: [9:34:46] Yes. Please continue.
- 23 QUESTIONED BY MR VANDERPUYE: (Continuing)
- 24 Q. [9:34:55] Good morning, Mr Witness. Can you hear me okay?
- 25 A. [9:34:59] I can hear you very well.

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1 Q. [9:35:03] Thank you. Good morning, again.

2 On Friday, when we left off, I was asking you some questions concerning the sort of

3 attitude that you observed that certain Anti-Balaka had with respect to Muslims. In

4 a document that you provided - it's at tab 25, we shouldn't broadcast it, but it's at tab

5 25, CAR-OTP-2071-0093 - you note a remark, basically, that there was a general

6 sentiment that Chadians and Sudanese Muslims had to leave CAR.

7 Is that something that was prevalent in your interactions with the Anti-Balaka during

8 that period of time?

9 I give the precise page number. It's at 0147 of tab 25, if we want to show it.

10 Can you see that there, sir? It's in the -- it's in the second sentence, I think, where it

11 says (Speaks French) --

12 A. [9:36:49](Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [9:37:01] I think there was an overlap, but did the

14 interpreters catch anything?

15 Please repeat your answer, Mr Witness. It didn't get through. Apologies.

16 THE WITNESS: [9:37:32](Interpretation) I do not understand the question. You

17 asked me a question, but I did not quite hear it.

18 MR VANDERPUYE: [9:37:41]

19 Q. [9:37:42] No problem. I'll repeat the question.

20 In this document here, you can see that it's written:

21 (Interpretation) "We simply want the departure of Muslims. Just that."

22 (Speaks English) And my question was, whether that was an attitude towards

23 Muslims in the CAR that was prevalent in your interactions with the Anti-Balaka?

24 A. [9:38:42] Yes. In the current context, at that time, that was a shared opinion.

25 Q. [9:38:53] And when you say there was a shared opinion, do you mean among

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1 the group that you were in, or do you mean more broadly in your interactions with
2 the Anti-Balaka, including the National Coordination or other groups that were under
3 the National Coordination?

4 A. [9:39:30] I think that was the feeling in the group in which I -- to which I
5 belonged. That was the feeling circulating amongst them.

6 Q. [9:39:48] And if I can just ask, is that what underpins what you say in paragraph
7 65 of your statement - that's at tab 14, ERN is 0051 - where you say that all Christians
8 thought that even if someone was married to a Muslim, they should be killed?

9 A. [9:40:32] Initially, that was the case.

10 Q. [9:40:38] Now, in your statement, you talk about certain crimes that occurred.
11 At paragraph 61, you talk about an incident concerning 45 women and children that
12 was taken to be killed and the participation of certain members of the group. At
13 paragraph 66, you talk about -- you describe rapes that you heard that were
14 committed by members of the Anti-Balaka. And at paragraph 70, you describe a
15 particular incident in which a woman was beaten -- stripped and beaten for selling
16 manioc to Muslims. I wanted to ask you about that one in particular.
17 Do you know or can you explain what the reason is that she was treated in such a
18 harsh way for selling manioc to Muslims?

19 A. [9:42:06] That lady wanted to sell cassava to Muslims, and it is for that reason
20 that she was beaten up.

21 Q. [9:42:21] And what was the -- what would have been so wrong in her selling
22 manioc to Muslims that would explain why she should be beaten up and stripped for
23 doing that?

24 A. [9:42:58] I believe that everybody was unhappy because the Muslims were
25 burning down houses and killing Christian children. That is why they were

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1 dissatisfied, and they inflicted that treatment on that lady.

2 Q. [9:43:20] All right. You describe some other crimes that you became aware of,
3 but that's already in your statement, so I won't go over those. But you also describe
4 certain {ICR: (Redacted) } that were undertaken.

5 Can you tell the Chamber whether the {ICR: (Redacted)} {PFR: (Redacted)}
6 (Redacted)} -- that you came to know of had a -- an effect on the kind of violence that
7 you describe in your statement and the crimes that you describe in your statement.

8 A. [9:44:28] I would like you to specify the mission that you are talking about.

9 Please be more precise.

10 {PFR: (Redacted)}

11 (Redacted)}

12 Private session.

13 (Private session at 9.45 a.m.)

14 THE COURT OFFICER: [9:45:02] We are in private session, Mr President.

15 MR VANDERPUYE: [9:45:10] Thank you.

16 Q. [9:45:11] In 2014, (Redacted)

17 (Redacted)

18 A. [9:45:36] (Redacted)

19 Q. [9:45:41] Was the purpose of those missions, among other things, to sensitise the
20 Anti-Balaka and the population to the crimes and events that were occurring in that
21 period of time?

22 PRESIDING JUDGE SCHMITT: [9:46:17] Well, we understand this, of course --

23 THE WITNESS: [9:46:21](Interpretation) Yes, absolutely.

24 MR VANDERPUYE: [9:46:25]

25 Q. [9:46:26] So my question is, as a result of those missions, did that have an impact

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1 on the crimes that you describe in your statement, such as, with Lydie or the crimes
2 that concerned the 45 women and children that were to be killed at the church?

3 Did it have an impact in lowering the incidence of those crimes?

4 MR KNOOPS: [9:46:56] Mr President, I --

5 PRESIDING JUDGE SCHMITT: [9:46:57] Yes.

6 MR KNOOPS: [9:46:58] I think this witness is not an expert in chronology, and he's
7 not a statistical expert. So how could he give an objective answer?

8 PRESIDING JUDGE SCHMITT: [9:47:09] No. I respectfully disagree, Mr Knoops.

9 He has, of course, not done any research, and he will not have been writing a paper,
10 but (Redacted)

11 (Redacted) he could observe perhaps what has happened before and after,

12 so he can make a statement on what he has observed in that regard.

13 I think he can answer the question.

14 So please answer the question, Mr Witness.

15 THE WITNESS: [9:48:01](Interpretation) I believe that there was an impact from
16 those sensitisation missions. I think there was a great deal of impact.

17 PRESIDING JUDGE SCHMITT: [9:48:19] And I may perhaps add that we have

18 heard several times the witness saying, if I recall it correctly, that initially these

19 attitudes were like that. So -- and this implies a little bit that something might have
20 changed in the course of events.

21 Please continue, Mr Vanderpuye.

22 MR VANDERPUYE: [9:48:35] Thank you.

23 Q. [9:48:36] I'd like to refer you to paragraph 36 of your second statement. I

24 believe that's at tab 23. Let me just double-check that.

25 PRESIDING JUDGE SCHMITT: [9:48:59] If you give us a key phrase or catchphrase,

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1 I could tell you.

2 MR VANDERPUYE: [9:49:06] I'm sorry. Paragraph 36, right? Yeah.

3 Q. [9:49:11] It's the second sentence, which begins with: (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [9:50:16] (Redacted)

12 (Redacted)

13 Q. [9:50:30] (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [9:51:13] Those who committed crimes, those who committed rapes, those who
17 tried to kill children. Those are the people I'm referring to.

18 Q. [9:51:34] To your knowledge, was -- were those kinds of crimes limited to the
19 group that was in Boda, or did you hear about those kinds of crimes being committed
20 by other groups within the Anti-Balaka?

21 A. [9:52:10] These types of crimes were not only committed in Boda. I heard that
22 those acts of violence and crimes had been perpetrated in other localities as well.

23 Q. [9:52:30] (Redacted)

24 (Redacted)

25 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:00:23] And do you know if the incident involving the 45 women and
14 children that were taken to the church, the one that you said that Mr Soussou wanted
15 to kill them, do you know if that happened before or after this (Redacted)

16 (Redacted)

17 A. [10:01:16] I believe -- well, when these children were arrested, well, other
18 Anti-Balakas wanted to harm them, but it was not Soussou himself in person.

19 Q. [10:01:36] All right. Let me ask you then about paragraph 50 of your statement.
20 It's at tab 14. I'm sorry, paragraph 61 of your statement, which is an ERN ending
21 page 050.

22 You say, towards the end of that paragraph:

23 "YAMINI, SOUSSOU, (Redacted) see them. Many other leaders were also gathered.

24 [...] *Huit and SOUSSOU wanted to kill them, (Redacted)

25 (Redacted) should not be killing women and children in war. (Redacted)

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1 (Redacted) decided to call the Sangaris who came

2 to pick them up."

3 Does that accord with your recollection today?

4 A. [10:03:24] Yes, that is what happened, indeed.

5 Q. [10:03:28] In your statement, at paragraph 124 and 123, you note that Habib

6 Soussou wanted to keep fighting. He did not want to -- he did not want to stop.

7 You noted both in paragraph 124 and 123 where you say that he wanted to keep

8 fighting, as did Rambo.

9 And my question, first, is: Was that before or after (Redacted)

10 (Redacted), or both, before and after?

11 A. [10:04:35] I think before that is what he was thinking.

12 Q. [10:04:45] Now, in paragraph 123, which is in front of you, you can see that you

13 referred to him leaving Boda to work with Rambo in September or October 2014.

14 And then you describe the circumstances of that.

15 Do you see that paragraph in front of you -- well, I'm sorry, you probably have it in

16 the English, so I better give you the French. I believe the French is at tab 31. And

17 we're talking about paragraphs 123 and 124.

18 PRESIDING JUDGE SCHMITT: [10:05:32] Ms Dimitri.

19 MS DIMITRI: [10:05:34] Just while my learned friend is looking for the paragraph,

20 my English Transcend is frozen on the English channel.

21 PRESIDING JUDGE SCHMITT: [10:05:44] Well, that's unfortunate, but we know are

22 referring him to the French one. Perhaps we can fix it in the meantime and can

23 simply continue.

24 MR VANDERPUYE: [10:05:53] Thank you. We now have it up on the screen. By

25 the way, for the record, the ERN is CAR-OTP-2104-0656, and we're at page 0682.

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1 Q. [10:06:09] Are you able to see that, sir?

2 A. [10:06:22] I see it. I repeat, I see it.

3 Q. [10:06:29] What this paragraph seems to suggest is that, in October, or
4 September or October 2014, Mr Soussou continued to fight, as did Rambo, and that he
5 continued in that effort at that time, which is after (Redacted)
6 (Redacted)

7 Does that refresh your recollection?

8 A. [10:07:26] Yes, that refreshes my memory. I remember it well.

9 Q. [10:07:30] It's right what's in your statement here?

10 A. [10:07:47] It's correct.

11 Q. [10:07:52] I want to ask you about some missions to Boda by (Redacted)
12 Anti-Balaka leaders. At paragraph 117 of your statement - in the French, that is just
13 the preceding page, I think, 0681 - you refer to Boda being visited by Wenezoui,
14 Kokaté and Rambo, Yekatom, as far as you could recall. You say here that they came
15 in vehicles after 5 February, maybe in March. And you talk about Wenezoui and
16 Kokaté coming, and also Rambo coming on several occasions.
17 I wanted to ask you about, in particular, a mission that occurred in March 2014
18 involving Mr Kokaté.

19 First of all, do you recall that?

20 A. [10:09:08] Yes, I remember.

21 PRESIDING JUDGE SCHMITT: [10:09:12] (Redacted)

22 (Redacted)

23 MR VANDERPUYE: [10:09:19] No, no, no. I think we can go to open session
24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [10:09:25] Okay. It's good to be as often in open

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1 session.

2 Open session shortly.

3 And in the meantime, we have still I think the changed hours today. Yeah, we
4 understand that. So we're going until 11.30 with a short five-minutes' break before
5 11, and then from 12.30 until 2.30.

6 I think that will be okay with your client, Ms Dimitri. Okay.

7 (Open session at 10.10 a.m.)

8 THE COURT OFFICER: [10:10:09] We are in open session, Mr President.

9 MR VANDERPUYE: [10:10:12] Thank you.

10 Q. [10:10:13] Mr Witness, we're in open session. Just to be mindful of that, so that
11 you don't inadvertently reveal your identity.

12 I want to play you a short audio tape concerning an interview that was done by
13 Mr Kokaté in March 2014. I just want you to have a listen to it, and then I'll ask you
14 some questions about it in a moment.

15 Let me make sure I've got everybody queued up. So the audio is at
16 CAR-OTP-2042-3463. The transcript is at tab 32, CAR-OTP-2107-1526. And -- one
17 moment. Okay. It's the whole transcript. So it's at ERN starting page 4595
18 through 4596, lines 1 through 54.

19 So if you just let me know when we're ready in the booth.

20 Okay. Are we ready in the booth?

21 THE INTERPRETER: [10:12:11] Message from the English booth: We have the
22 audio file, but we don't have the transcript on the screen.

23 (Playing of the audio excerpt)

24 THE INTERPRETER: [10:12:22](Interpretation of the audio excerpt)

25 "It's in January 2014, the elements of the Seleka coalition withdrew from the town of

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1 Boda. And some hours later, there was an attack. The Christians say that their
2 Muslim brothers took arms to attack them, and this means that they are no longer in a
3 position to be together, and, therefore, do not want to live with the Muslims anymore.
4 They simply ask that the Muslims leave the town of Boda. They do not want to see a
5 single Muslim in Boda.

6 The aim of our mission was difficult. It was difficult to convey this message to our
7 Christian brothers. Our Muslim brothers are prepared to cooperate and to seek
8 reconciliation with their Christian brothers. The meeting took place in three phases.

9 We had the time to discuss with the Muslims, and, in the afternoon, we discussed
10 with the Christian community and we also discussed with the Anti-Balaka.

11 The Christian community are not prepared to seek reconciliation, and they are not
12 prepared to live with the Muslims. At the end of our discussions with the Christian
13 community, we decided that we would continue the conversation with the leading
14 personalities of the town. The other group said they would not attack both the
15 Christians or the Muslims. They took this commitment to cooperate and provide
16 information to the Sangaris."

17 THE INTERPRETER: [10:13:57] Note from the English booth: This was a sort of ad
18 hoc translation. We didn't have the text.

19 PRESIDING JUDGE SCHMITT: [10:14:04] Well, it sounded very good. Thank you
20 very much.

21 I think we can stay in open session, Mr Vanderpuye, or what do you think?

22 MR VANDERPUYE: [10:14:18] I think so.

23 PRESIDING JUDGE SCHMITT: [10:14:20] Yeah.

24 MR VANDERPUYE: [10:14:22] I'll try.

25 PRESIDING JUDGE SCHMITT: [10:14:23] Give it a try, yes.

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1 MR VANDERPUYE: [10:14:26]

2 Q. [10:14:27] First, Mr Witness, did you hear this recording before, or did you hear
3 of this event before?

4 A. [10:14:54] I only heard what people around me were saying.

5 Q. [10:15:02] In this recording you hear Mr Kokaté refer to an engagement that was
6 taken to no longer attack the Muslims in -- in this context.

7 Did you hear of any such engagement that was undertaken?

8 A. [10:15:43] I think I heard somebody talking about it during the meeting with the
9 Anti-Balaka. This ended in -- didn't end in any conclusive results.

10 Q. [10:16:00] Thank you. That's very helpful.

11 I want to show you another document. It's at tab 6, CAR-OTP-2001-6708.

12 Yeah. That's very good.

13 I want to take you to the -- just beneath the picture, please. Yes.

14 If you can see there, it says:

15 (Interpretation) "We succeeded in signing the agreement of peace with the
16 Anti-Balaka who cooperated with the Sangaris so that we could have a beginning of
17 trust in the town."

18 (Speaks English) And it's attributed to Mr Kokaté. I think it refers to a 17 March
19 press conference, if I'm not mistaken.

20 So what I wanted to ask you was, first of all, do you know anything about a signed
21 agreement?

22 A. [10:17:32] This agreement was signed where? In Boda? Where was this
23 agreement signed?

24 Q. [10:17:41] That's what the article seems to suggest, yes, that there was an
25 agreement that was signed between the Anti-Balaka in Boda, among the Sangaris and

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1 so on in order to -- as a confidence measure in the town.

2 Did you hear anything about that?

3 A. [10:18:17] No, I didn't hear anything about this agreement, {ICR: (Redacted)}
4 (Redacted)}.

5 Q. [10:18:34] All right. Do you know somebody -- well, actually, you do know
6 somebody, but let me just confirm. Was Jeremie Kotte, Aimé Jeremie Kotte, was he
7 {PFR: (Redacted)}, to your knowledge?

8 A. [10:19:10] Jeremie Kotte {PFR: (Redacted)}

9 Q. [10:19:16] And you refer to someone by the name of Edgar Flavien. Was he
10 {PFR: (Redacted)}, to your knowledge?

11 PRESIDING JUDGE SCHMITT: [10:19:38] Ms Dimitri.

12 MS DIMITRI: [10:19:40] I'm sorry for the interruption. I'm a bit lost. {ICR:
13 (Redacted)}

14 MR VANDERPUYE: [10:19:45] (Redacted)}.

15 PRESIDING JUDGE SCHMITT: [10:19:48] Well, we go into private session, indeed.
16 {PFR: (Redacted)}

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)}

22 (Private session at 10.20 a.m.)

23 THE COURT OFFICER: [10:20:28] We are in private session, Mr President.

24 MR VANDERPUYE: [10:20:30] Thank you.

25 And I just want to apologise to counsel for the ambiguity in it. It was just a --

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1 Q. [10:20:35] The meeting that I'm referring to, just so that everybody is on the
2 same page, is the meeting concerning this visit by Mr Kokaté that's reported in
3 the -- in the newspaper and is also indicated in the -- the radio interview that I played
4 you.

5 So, with respect to that meeting, (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [10:21:26] There were three meetings. The first with the Sangaris present
9 between Christians and Muslims. The second meeting was held with the Christians
10 and the Anti-Balaka. The first meeting that was held in the town hall where Jeremie
11 and Flavien participated, (Redacted)

12 (Redacted)

13 Q. [10:22:01] That's extremely helpful.

14 Do you know who it is that Mr Kokaté met with then on the Anti-Balaka side?

15 A. [10:22:29] Kokaté had meetings with Alfred Yekatom. He was present. Some
16 people from Boda were present, if I remember correctly.

17 Q. [10:22:52] When you say "some people from Boda were present", do you mean
18 members of the Anti-Balaka from Boda?

19 A. [10:23:17] I didn't understand your question.

20 Q. [10:23:22] It may be an interpretation issue, but in your answer previously, you
21 said that some people were present. So I'm asking whether the "some people" you're
22 referring to were people that were members of the Anti-Balaka in Boda that were
23 present at a meeting with Kokaté.

24 A. [10:24:05] Yes, they were members of the Anti-Balaka.

25 Q. [10:24:12] All right. I want to show you another document, if I can. And this

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1 one is at tab 11, CAR-OTP-2064-1015. And we're going to need to go to page -- well,
2 the first page is okay, 1015. I want to refer you to the second paragraph which reads:
3 (Interpretation) "The spokesman of a group of Anti-Balaka fighters of the town of
4 Boda, who presented themselves under the name of Edgar Flavien, said herein on 19
5 March that they could not tolerate the continued presence of the Muslims in the
6 town."
7 (Speaks English) This one is dated 26 March 2014. And if you read a little bit into
8 this article, you'll see that it refers to this same meeting concerning Mr Kokaté and so
9 on. But my first question is, what Mr Flavien -- what is attributed to Mr Flavien here,
10 (Interpretation) "who could not tolerate the continued presence in the town", (Speaks
11 English) that is something that was expressed by the members of the Anti-Balaka in
12 Boda, is that right? (Redacted)
13 A. [10:26:10] (Redacted)
14 (Redacted)
15 Q. [10:26:21] (Redacted)
16 (Redacted)
17 A. [10:26:45] (Redacted)
18 Q. [10:26:53] If you read the next sentence, it says that Flavien Edgar is
19 commenting --
20 (Interpretation) "Flavien is commenting on a government adviser that the Anti-Balaka
21 of Boda are committed not to attack the Muslims and to cooperate fully with the
22 peacekeeping soldiers, the French peacekeeping soldiers."
23 (Speaks English) So did the Anti-Balaka in Boda agree to do that, that is, not to attack
24 the Muslims and to cooperate with the French forces that were there, or your position
25 is that that never happened?

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1 A. [10:28:03] What I think is that at the beginning, it wasn't easy. It wasn't easy at
2 all. It is only afterwards that things developed in a more positive fashion.

3 Q. [10:28:18] Okay. Let me go over the page then to ERN 1016, and I want to ask
4 you a couple of questions there. All right. There, I think you can see the reference
5 to the name Joachim Kokaté as the *conseiller gouvernemental* that we just referred to.

6 We can see Mr -- you can see his recitation that an agreement had been reached.

7 Further down, after, it says:

8 (Interpretation) "The French troops favour security", (Speaks English) if you go down
9 there in the page. Yeah. You will see in the middle of the page:

10 (Interpretation) "Mr Flavien denied all implication of his group in the grenade issue."

11 (Speaks English) They're talking about people that had been killed by a number of
12 grenades.

13 Beneath that, he says:

14 (Interpretation) "'We only have knives and machetes. We do not have grenades or
15 arms, weapons.' He also said that he's recognised Patrice...Ngaïssona as the national
16 coordinator of the Anti-Balaka, and not Mr Kokaté."

17 (Speaks English) So my question is: At that time - now this is in March - was it the
18 case that the Boda leadership recognised Mr Ngaïssona as the coordinator, the
19 national coordinator of the Anti-Balaka?

20 A. [10:30:31] Yes, he was recognised, but I don't remember the exact date. What is
21 sure is that the Anti-Balaka recognised Ngaïssona as the sole coordinator. They
22 distrusted people who presented themselves or individuals who came forward as
23 coordinator or anything of that nature.

24 Q. [10:31:07] All right. Let me ask you about another document I have here. It's
25 at tab 4, CAR-OTP-2001-4818. And we're going to need to go to page 4819. I have a

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1 couple of questions about -- I'd like to put to you about that.

2 PRESIDING JUDGE SCHMITT: [10:31:37] Now the question's again, if we can go to
3 open session.

4 MR VANDERPUYE: [10:31:45] We can try, Mr President. You know, my concern
5 is -- my concern is that the answer may --

6 PRESIDING JUDGE SCHMITT: [10:31:52] Okay. Then let's stay in private session.
7 Ms Dimitri.

8 MS DIMITRI: [10:31:57] I note that the document is still in French. When
9 Mr Vanderpuye goes from French to English ... You're not taking a break. And the
10 transcript is a bit of a mess because you don't give a chance to the interpreters.

11 MR VANDERPUYE: [10:32:09] Okay. Thank you for that. Thank you. I'll try to
12 remember that. It's much appreciated.

13 PRESIDING JUDGE SCHMITT: [10:32:15] We stay in private session, and we slow
14 down a little bit.

15 MR VANDERPUYE: [10:32:19] Yes, please.

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

17 MR VANDERPUYE: [10:32:22]

18 Q. [10:32:22] We have a document now on the screen. This is an interview of
19 Mr Ngaïssona. The document is dated, looks like, 1 April 2014, or at least it's
20 published on that day. So I want to ask you a couple of questions.

21 The first is, if we go down the page some to where it reads in French: "Pourquoi les
22 anti-balaka ..."

23 (Speaks English) That's how it start. If we could just go down the page, we'll find
24 that.

25 PRESIDING JUDGE SCHMITT: [10:33:14] Can you repeat, please, Mr Vanderpuye.

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1 MR VANDERPUYE: [10:33:18] Yes. This is -- we're in the right spot now.

2 In French, the question is put as follows:

3 (Interpretation) "Why are the Anti-Balaka, who are in Boda town, do not allow the
4 Muslims who are still there to move about; whereas, these Muslims very clearly are
5 not armed."

6 (Speaks English) I wanted to refer you to the response you see, and, in particular, the
7 second sentence -- the second paragraph, which reads as follows, in French:

8 (Interpretation) "If we do -- are not given the opportunity to discuss with the
9 government and to reach out to those children so that our Muslim brothers should be
10 free to move about, it will always be difficult."

11 (Speaks English) My question on this, is, is this accurate, to your knowledge and
12 experience, having been there in Boda at the time?

13 A. [10:34:53] I believe that what you have just said is correct.

14 Q. [10:34:59] Let me ask you about the following question then that's put to him in
15 answer, which reads, in French:

16 (Interpretation) "If you, you go there, the results will be different. Is that what you
17 want to say?"

18 (Speaks English) And the answer is:

19 (Interpretation) "Clearly different."

20 (Speaks English) Is that accurate, to your knowledge and experience, having been
21 there at the time?

22 A. [10:35:50] Yes. If it had been Ngaïssona who went there, there would have
23 been changes because he was listened to more.

24 Q. [10:36:06] Now, I'd like to go up the top of the page where it reads, in
25 French -- that's it, right there. It reads in French:

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1 (Interpretation) "A part of the Anti-Balaka are represented in the government. It is
2 the wing of Mr Joachim Kokaté, a wing which you do not recognise. According to
3 you, would it be necessary, should the people of your own coordination, they too,
4 should they go into the government?"

5 A. [10:37:06] (No interpretation)

6 Q. [10:37:07] Could you repeat that, please.

7 A. [10:37:23] I did not understand the question. What are you talking about?

8 PRESIDING JUDGE SCHMITT: [10:37:31] There was no question yet, Mr Witness.

9 I think you have to continue with the answer. I think you were put to him parts of
10 the answer, and then you can ask him the same question you did with the -- in two
11 instances before that.

12 MR VANDERPUYE: [10:37:45] Yes.

13 Q. [10:37:45] I just put to you the question that was asked to Mr Ngaïssona, and I
14 want to ask you about his answer, which reads in part, in French:

15 (Interpretation) "The Anti-Balaka that I am coordinating are the same and a single
16 movement who are distributed everywhere throughout the entire territory. When I
17 give an order to these children, I believe it is immediately followed by an effect."

18 (Speaks English) So my question to you is: Being that you were there in Boda at the
19 time, is that accurate, to your knowledge?

20 A. [10:38:48] That is correct.

21 Q. [10:38:51] I want to ask you some questions about a report, which I think we can
22 do in public, in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:39:02] Open session.

24 (Open session at 10.39 a.m.)

25 THE COURT OFFICER: [10:39:26] We are in open session, Mr President.

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1 MR VANDERPUYE: [10:39:29] Thank you.

2 Q. [10:39:30] Mr Witness, we're in open session. So, once again, just be mindful of
3 not revealing information that might tend to identify you.

4 I'd like to take to you tab 5. It's a report that was issued by the FIDH. It's
5 CAR-OTP-2001-6437. I'd like to take you to a couple of different parts of that
6 document, and then I'll ask you some questions I think.

7 So the first is at page 6446, towards the bottom of the page, and it reads in the relevant
8 part -- this report was issued in June, I believe, 2014, and, it says:

9 "At present, between 15,000 and 20,000 people remain trapped in 18 enclaves in
10 northwest and southwest CAR, surrounded and threatened by armed [groups]."

11 And then it refers to the situation being especially alarming in the PK12 and the PK5
12 districts of Bangui and in the cities of Boda, Bouar, Bozoum and Bossangoa.

13 I want to take you to another one, which is at page 6459 of the same report. And at
14 the top of the page, it refers to the southwest of the country, and the situation in the
15 town of Boda as being one of the most alarming. And that since January -- "Since 29
16 January 2014 the town had been split into two parts with more than 11,000 [...]
17 blocked in an enclave that is subjected to anti-balaka attacks."

18 And then it develops that and talks about the situation there, the situation facing
19 Christians there. The -- at the very bottom of this page, there's a screen that's in front
20 of the Chamber now, you can see the reference to Mr Kokaté going there on a mission.

21 So I want to ask you just very briefly, first of all, with respect to the disposition of
22 these 11,000 Muslims blocked in that area, is that something that you were familiar
23 with? Did you hear about it or know about it?

24 A. [10:42:26] With regard to Boda, I saw it with my own eyes.

25 Q. [10:42:36] With respect to -- there are a couple of incidents referred to on this

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1 page. One is the burning down of the market in around January-February 2014. Is
2 that something that you were aware of?

3 Were you able to hear my question?

4 A. [10:43:56] Yes, I saw -- I saw that personally. I observed that.

5 Q. [10:44:05] Right at the top of this screenshot, the screen that we have in front of
6 us now, it says that:

7 "However, as the International Organisation for Migration (IOM) was unable to
8 organise the safe departure of some many people to other parts of the country, Boda's
9 anti-balaka resumed their regular attacks on the Muslim enclave."

10 And then it refers to soldiers being deployed there at the end of March from DRC.

11 Is that something you were aware of or familiar with?

12 A. [10:45:08] That is correct.

13 Q. [10:45:16] I'd like to take you to page 6497 of this same document. And we'll
14 go to the bottom of the third paragraph. That's fine. That's -- stop, stop, stop, stop,
15 stop. Up, please. Perfect.

16 In this paragraph, the report discusses, again, the events concerning the Anti-Balaka
17 in that period of time and what it says, is:

18 "The FIDH mission [...] observed [that] this anti-balaka group [...]" -- and it refers to
19 individuals such as Dieudonné Ouhmti, we believe it's "Ouronti", Captain Richard
20 and other -- other members of the Anti-Balaka, it says:

21 "The FIDH [...] observed this anti-balaka group attacking Muslims at the airport
22 displaced persons camp on 7 February 2014 [...]"

23 And then it says:

24 "Corporal Rambo, based in Bangui, has become known for his 'groups' violation of
25 human rights, especially in the capital. Moreover, the tragic situation prevailing in

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1 the town of Boda can be traced largely to the anti-balaka chief in that city." And they
2 name, "Aimé Jérémie Kotte, called Captain Jérémie."

3 We've talk about Jeremie Kotte and his leadership or his position in the leadership of
4 the Boda group.

5 Were you aware that the Anti-Balaka in Boda were contributing to the condition,
6 what they describe here as "the tragic situation" in the town at that time?

7 A. [10:47:42] As I have said in my statements, at the beginning, it was not easy
8 because people were angry for having lost their relatives and/or their property.

9 Q. [10:48:02] With respect to the assertion that's here about Corporal Rambo having
10 become known for his group's violation of human rights, especially in the capital, was
11 that something that you were aware of?

12 A. [10:48:31] Yes, I got to know about it.

13 Q. [10:48:37] And is that what underpins what you say in your statement at
14 paragraph 122, that Yekatom's men were violent and committed killings and burned
15 houses from PK9 to Pissa? And that is at tab 14 -- no, actually, it should be tab 23 in
16 the French. Yes. And we're looking at paragraph 122.

17 I'm sorry. I messed up the tab number. In fact, you're right, it's tab 31. It should
18 be paragraph 122, which is at ERN page 0682.

19 Are you able to see that there, at paragraph 122?

20 Are you able to see that, sir?

21 A. [10:51:04] Yes.

22 Q. [10:51:08] In your statement, you indicate that -- yeah, this was not a secret, that
23 they were violent and committed killings and burned houses. That everybody knew
24 that. Both before Coeur de Lion's death and after Coeur de Lion's death; is that
25 right?

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1 A. [10:51:48] That is correct.

2 Q. [10:51:52] Okay. I'd like to ask you -- I'd like to ask you some questions.

3 MR VANDERPUYE: [10:52:09] But I think we have to go into private session for this,
4 Mr President.

5 PRESIDING JUDGE SCHMITT: [10:52:12] Perhaps we can have this short break
6 before we extend the hour, a couple of minutes.

7 How long will your examination take you?

8 MR VANDERPUYE: [10:52:21] I think I've got about seven pages of questions left;
9 so it should not be too long.

10 PRESIDING JUDGE SCHMITT: [10:52:26] But I can't -- actually, I don't know what
11 seven pages means in your framework.

12 MR VANDERPUYE: [10:52:30] I think I'll finish -- I think I can finish in half an hour,
13 if -- half an hour, I'd say 40 minutes, something like that.

14 PRESIDING JUDGE SCHMITT: [10:52:39] Yeah. So then we can --

15 MR VANDERPUYE: [10:52:40] Maybe less, actually.

16 PRESIDING JUDGE SCHMITT: [10:52:42] Yeah. Let's have, really, a short pause,
17 four or five minutes maximum, and then we continue.

18 MR VANDERPUYE: [10:52:50] Okay.

19 THE COURT USHER: [10:52:52] All rise.

20 (Recess taken at 10.52 a.m.)

21 (Upon resuming in open session at 11.02 a.m.)

22 THE COURT USHER: [11:02:58] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:03:22] Mr Vanderpuye, you can continue. It
25 would, of course, be good if you could finish until 11.30, so we then have the break.

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1 MR VANDERPUYE: [11:03:33] Yes, Mr President, I'm going to try to do that. I

2 think we need to go into private session for the next few ...

3 PRESIDING JUDGE SCHMITT: [11:03:43] Private session.

4 (Private session at 11.03 a.m.)

5 THE COURT OFFICER: [11:03:53] We are in private session, Mr President.

6 MR VANDERPUYE: [11:03:56] Thank you.

7 (Redacted)

8 (Redacted)

9 (Redacted)

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16 Q. [11:21:33] Let me ask you some questions about Mr Yekatom now.

17 In your statement, you refer to a number of checkpoints that Mr Yekatom controlled,
18 in particular, PK9, Bangui, Sekia and Pissa, which you indicate at paragraph 116 of
19 your statement.

20 First thing is, I want to know, how do you know that he controlled those areas? Did
21 you go through those -- did you go through those checkpoints yourself? How did
22 you come to that information?

23 A. [11:22:32] Personally, I did go through some of those checkpoints. And I know
24 it's he who installed those checkpoints and managed them.

25 Q. [11:22:49] When was it, if you recall, that you went through those checkpoints?

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1 I don't need dates, but the period. Was it in 2014, the beginning, the middle, the end,
2 throughout?

3 A. [11:23:23] In the beginning of the year, when I left (Redacted) to go to Boda,
4 those checkpoints existed. Similarly, when I left Boda to (Redacted)
5 (Redacted), those checkpoints were still in existence.

6 Q. [11:23:48] At these checkpoints, were there elements that were armed? Or if
7 you could describe what they were doing at the checkpoints, that would be helpful as
8 well.

9 A. [11:24:20] They asked for papers, for documents.

10 THE INTERPRETER: [11:24:31] The Sango interpreter has not heard, for technical
11 reasons, the end of the answer of the witness.

12 MR VANDERPUYE: [11:24:43]

13 Q. [11:24:43] Can you please repeat your answer. We lost the last part of it
14 because of the transmission.

15 THE INTERPRETER: [11:25:11] Sango booth: Inaudible.

16 THE WITNESS: [11:25:14](Interpretation) They asked money, and they asked for ID.

17 MR VANDERPUYE: [11:25:24]

18 Q. [11:25:25] Were they armed?

19 THE INTERPRETER: [11:25:47] Inaudible, from the Sango booth.

20 THE WITNESS: [11:25:53](Interpretation) And then they ...

21 THE INTERPRETER: [11:25:56] Sorry. Inaudible.

22 PRESIDING JUDGE SCHMITT: [11:25:59] So it -- so I think we have to fix that. We
23 cannot force matters.

24 So we have now the break until 12.30.

25 We try to fix that. And you finish without any time -- yeah, but nevertheless, it

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1 doesn't make sense to -- I think now.

2 So who will start from the Defence then? Is it Ms Proulx? Yeah, okay.

3 And do you have a -- you know, again, no -- no pressure on you. What is your
4 estimate?

5 MS PROULX: [11:26:27] I think I will be just over two hours with this witness.

6 PRESIDING JUDGE SCHMITT: [11:26:38] Okay.

7 Ms Dimitri? Or Mr Suzuki? Excuse me.

8 MR SUZUKI: [11:26:43] Good morning, Mr President, your Honours. For the
9 moment, we think we'll need about two sessions. Maybe a little bit more.

10 PRESIDING JUDGE SCHMITT: [11:26:50] So I think we can fairly assume that we
11 will finish the witness tomorrow, even if we are a little bit in delay.

12 The victims' representatives, do you have questions?

13 MS RABESANDRATANA: [11:27:01](Interpretation) Yes, Mr President. I know
14 time is marching on, but if you could give us some time. We have three specific
15 questions. And I leave it up to you.

16 PRESIDING JUDGE SCHMITT: [11:27:16] Yes, I can imagine what -- but you know
17 the instructions - and we had already these encounters, so to speak - there is
18 something in the Rule 68(3) statement also for child soldiers, which is not to be
19 addressed here. So you're aware of that? Okay. Good.

20 Then we have 12.30.

21 THE COURT USHER: [11:27:46] All rise.

22 (Recess taken in open session at 11.27 a.m.)

23 (Upon resuming in private session at 12.32 p.m.)

24 THE COURT USHER: [12:32:52] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [12:33:08] Good afternoon.

2 Mr Vanderpuye, you have the floor.

3 MR VANDERPUYE: [12:33:14] Thank you, Mr President.

4 Q. [12:33:19] Good afternoon to you, good afternoon, Mr Witness. We're still in
5 private session. I have just, I think, a couple more questions in private session and
6 then hopefully we can go on to open session.

7 Mr Witness, when we left off, I asked you about the checkpoints that you had gone
8 through that you said you travelled through. And I'd asked you whether the
9 elements that you encountered at those checkpoints were armed and we didn't get an
10 answer because of some technical reasons.

11 Are you able to -- do you remember whether the elements that you encountered there
12 at those checkpoints were armed?

13 A. [12:34:05] They were armed, particularly with knives and machetes.

14 Q. [12:34:33] (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [12:34:58] (Redacted)

18 (Redacted)

19 Q. [12:35:19] (Redacted)

20 (Redacted)

21 A. [12:35:36] (Redacted)

22 Q. [12:35:43] At the checkpoints that you passed through under -- under

23 Mr Yekatom's control that we talked about - PK9, Pissa, Sekia - were those children
24 that manned those checkpoints? Did you see any?

25 A. [12:36:17] Yes, of course. There were many children.

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1 Q. [12:36:24] And of the children that you saw at those checkpoints, are you able to
2 approximate the ages or age range of, say, the children that you saw?

3 A. [12:36:49] There were children of 16 and 17 years.

4 Q. [12:36:58] And when you say "there were many children", how many children
5 would you say that you -- you saw over the period of time that you travelled through
6 those checkpoints?

7 A. [12:37:18] But it would have been difficult to make a headcount of them. There
8 were many people.

9 PRESIDING JUDGE SCHMITT: [12:37:42] That's understandable, I think.

10 MR VANDERPUYE: [12:37:44] I guess so.

11 Q. [12:37:46] But is it fair to say you saw, you know, more than two?

12 A. [12:38:06] There were more than two. There were some at the checkpoint,
13 while others were behind cooking, making coffee.

14 Q. [12:38:25] That's very helpful. And were they carrying weapons or did they
15 have any particular type of insignia, *gris-gris*, anything like that when you saw them?

16 A. [12:38:40] But you know that all the Anti-Balakas were having *gris-gris* and
17 knives. Rather, machetes.

18 THE INTERPRETER: [12:39:07] Corrects the Sango interpreter.

19 MR VANDERPUYE: [12:39:11]

20 Q. [12:39:11] Thank you for that. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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10 A. [12:43:03] Yes, there were NGOs, for example, Children Without Borders had
11 asked us to identify children. Other groups went to villages to identify children. In
12 any case, this sort of work did not only take place in Boda town.

13 Q. [12:43:32] Are you able to tell the Chamber where else these activities or efforts
14 took place, to your recollection? And which groups were involved?

15 A. [12:43:44] It was the Anti-Balaka groups who were carrying out these activities.

16 Q. [12:44:09] Do you know of any groups, in particular, within the Anti-Balaka
17 carrying out such activities? Did you learn about that?

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:46:17] (Redacted)

5 Mr President, we can go to open session, I have just I think a few questions I'd like to
6 ask.

7 PRESIDING JUDGE SCHMITT: [12:46:25] Yeah, open session.

8 (Open session at 12.46 p.m.)

9 THE COURT OFFICER: [12:46:35] We are in open session, Mr President.

10 MR VANDERPUYE: [12:46:51]

11 Q. [12:46:51] Mr Witness, we're in open session, so just be mindful in your answers
12 to try not to identify yourself.

13 In your statement you refer to Mr Yekatom in a couple of different areas. In
14 particular, at paragraph 106 of your first statement, you indicate that he controlled
15 many areas, including Fatima, Boeing, Bimbo, Petevo, Kpetene, Cattin, Pissa,
16 Bossongo, Ndangala, Sekia and Samba.

17 The first thing I'd like to ask you about that, is, in what period are you referring to
18 there?

19 A. [12:47:57] I'm referring to the period after the attack of 5 December.

20 Q. [12:48:09] And how do you know that he controlled those areas - mindful that if
21 the information you'll give will identify you, then we can go into private session.

22 But otherwise, how would -- how did you know that he controlled those areas?

23 A. [12:48:27] But I think that {PFR: (Redacted)}, {ICR: (Redacted)} - afterwards I went and
24 lived {ICR: (Redacted)} - so I could know what was happening. And even if -- when
25 I was -- when I was travelling to Boda, I could see what was happening on

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1 the road to Boda.

2 PRESIDING JUDGE SCHMITT: [12:49:09] No problem with that. I think we all
3 know what to do.

4 Please continue, Mr Vanderpuye. I think you come to the end quickly.

5 Microphone, please.

6 MR VANDERPUYE: [12:49:27]

7 Q. [12:49:27] Do you know or have you heard -- or had you heard approximately
8 how many elements Mr Yekatom had under his control or within his group?

9 A. [12:49:53] No. I cannot have an idea of their numbers. There were many of
10 them.

11 Q. [12:50:02] In your statement you discuss Yekatom's deputy,
12 Mr Coeur de Lion - and that's at paragraph 43, 33, 34 of your statement - but in
13 general you note that -- you note how he was killed, but you also note that he chased
14 away the Muslims from the area from PK9, down towards Mbaiki.

15 What I wanted to ask you was, first of all, how did you come to that information?

16 A. [12:51:07] I had that information because {ICR: (Redacted)
17 (Redacted)}}. That is how come I got to know that information.

18 Q. [12:51:25] And you indicated in your statement that on the way to Mbaiki you
19 could still see houses burning - and that's at paragraph 35 of your statement - where
20 you were told that all the Muslims left because of Coeur de Lion.

21 Do you recall what you were told more specifically?

22 A. [12:52:04] The Muslims did not flee because of Coeur de Lion alone. They fled
23 because of all the Anti-Balaka. Alone Coeur de Lion could not frighten all the
24 Muslims. It is because all the Anti-Balakas were involved.

25 Q. [12:52:42] Okay. In respect of what I've asked you concerning Mr Ngaïssona

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1 and Mr Yekatom, is there anything that you want to add to your statement besides
2 what I've asked you?

3 A. [12:53:25] No. I have nothing further to add, except that I know that Ngaïssona
4 was our coordinator, our coordinator was not Yekatom. During my statement, I was
5 asked questions on Yekatom and that is why I gave them answers, but I confirm that
6 our coordinator was Ngaïssona.

7 Q. [12:53:58] Okay. Thank you very much, Mr Witness. I don't have any further
8 questions for you at this time.

9 MR VANDERPUYE: [12:54:04] Thank you very much, Mr President, for your
10 indulgence. That concludes my direct examination.

11 PRESIDING JUDGE SCHMITT: [12:54:11] Thank you very much.

12 We have already the indication that Ms Rabesandratana for the victims'
13 representatives wants to put some questions to the witness.

14 You have the floor.

15 MS RABESANDRATANA: [12:54:21] (Interpretation) Thank you, Mr President.

16 QUESTIONED BY MS RABESANDRATANA: (Interpretation)

17 Q. [12:54:27] Good afternoon, Mr Witness.

18 A. [12:54:32] (Overlapping speakers)

19 Q. [12:54:37] My name is Elisabeth Rabesandratana and I am a lawyer in France. I
20 represent victims in this case and my questions will relate to the harm and whatever
21 happened and the sufferings of the victims.

22 Now, regarding family life - in response to the Prosecutor's questions - you said that if
23 someone was married to a Muslim, that person had to be killed. My question is, if
24 you know, what happened to Christian women married to Muslims?

25 A. [12:55:48] Those women who married Muslims suffered a great deal at the

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1 beginning of the events.

2 Q. [12:56:04] What do you mean by "suffered"?

3 PRESIDING JUDGE SCHMITT: [12:56:10] Ms Dimitri, do you have an objection.

4 MS DIMITRI: [12:56:12] No, I'm really sorry to interrupt, but my client wants
5 to -- needs to step out for just a few minutes.

6 PRESIDING JUDGE SCHMITT: [12:56:18] Not a problem at all. Of course not.

7 No, no. We stay in the room and then the witness can answer the question. No
8 problem. And there's also no reason to apologise for things like that. Everything is
9 okay.

10 (Mr Yekatom exits the courtroom)

11 MS RABESANDRATANA: [12:56:51] *Je reprends ma question ?*

12 PRESIDING JUDGE SCHMITT: [12:56:52] No, no, please wait until the witness is
13 back, Ms Rabesandratana -- the "witness" I say, Mr Yekatom is back, excuse me.
14 So I think we can - because I can't stand the silence - we can take it that until further
15 notice, we always have these kind of sessions on Monday.

16 Ms Dimitri, yeah.

17 MS DIMITRI: [12:57:24] Yes, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:57:26] Is this something that you can work with
19 and your client also?

20 MS DIMITRI: [12:57:31] Yes.

21 PRESIDING JUDGE SCHMITT: [12:57:32] It's okay?

22 MS DIMITRI: [12:57:36] Yes.

23 PRESIDING JUDGE SCHMITT: [12:57:38] Okay, good.

24 MS DIMITRI: [12:57:39] Thank you, Mr President.

25 (Mr Yekatom enters the courtroom)

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1 PRESIDING JUDGE SCHMITT: [12:58:23] Thank you for your patience, everyone.

2 Ms Rabesandratana, please repeat your question.

3 MS RABESANDRATANA: [12:58:34] (Interpretation)

4 Q. [12:58:38] Mr Witness, you said that those women suffered a great deal. What
5 do you mean by that term, that word "suffered"? Can you be more specific.

6 A. [12:59:04] They suffered because they were with their husbands living
7 peacefully. Their husbands bought them property in their houses, but the
8 Anti-Balaka came and pillaged everything and those women found themselves with
9 nothing left at all.

10 That's why I'm saying they suffered a lot.

11 Q. [12:59:39] Mr Witness, did they suffer any bodily harm?

12 A. [12:59:57] Yes. Many of them suffered from violence and many of them were
13 even raped.

14 Q. [13:00:08] Thank you, Mr Witness.

15 PRESIDING JUDGE SCHMITT: [13:00:13] Mr Knoops.

16 MR KNOOPS: [13:00:14] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [13:00:17] Yes.

18 MR KNOOPS: [13:00:18] Thank you, Mr President. The questions of my colleague
19 are so general, referring to all the Christian women in the CAR; so I think it's justified
20 that at least a foundation is asked for this accusation.

21 PRESIDING JUDGE SCHMITT: [13:00:41] Yeah, you see, I think it's more an issue of
22 the probative value of such general utterances, I would say. You know, everybody
23 can be asked, you know, Have you heard something? What do you know about
24 that?

25 I think we leave it at that, Mr Knoops.

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1 And you know, foundation -- well, the witness has spoken about mixed couples, if
2 you allow me this -- to use this term in that context; so it is not farfetched to ask the
3 other way around.

4 Ms Rabesandratana, please continue.

5 MS RABESANDRATANA: [13:01:22] (Interpretation) That was my last point
6 regarding the loss of family life and private life.

7 Q. [13:01:36] What happened to the Muslim men who were married to Christian
8 women in Boda in February 2014?

9 A. [13:02:28] All the Muslims withdrew to their various areas. The Muslims could
10 not stay in areas where there were Christians.

11 PRESIDING JUDGE SCHMITT: [13:02:50] And Mr --

12 Perhaps shortly, Ms Rabesandratana, if you allow me.

13 And Mr Witness, you're referring to the situation around Boda, am I right in
14 assuming that?

15 THE WITNESS: [13:03:13](Interpretation) That is correct.

16 MS RABESANDRATANA: [13:03:22] (Interpretation)

17 Q. [13:03:25] So the Muslim men fled, is that your answer?

18 A. [13:03:39] That's right.

19 Q. [13:03:44] Very well, Mr Witness. I'd like to move on to another topic now, and
20 this has to do with the murder, if we could put it that way, of descendants. In your
21 statement of February 2018, *CAR-OTP-2107-6814, paragraphs 32 and 33, you make
22 reference to the murder *committed by Anti-Balaka forces in April 2014, in Bolaye.

23 *A woman was killed for putting a spell on the child of the murderer.

24 Do you remember this event?

25 A. [13:05:02] I remember.

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1 Q. [13:05:06] What sort of condition was the victim in, this woman who had been
2 killed?

3 A. [13:05:27] The event occurred 9 kilometres from Boda. The Anti-Balaka
4 element accused the woman of *putting a spell on his child. Since the child died,
5 they also killed the woman, accusing her of being a witch.

6 Q. [13:05:58] Was this woman pregnant, Mr Witness?

7 PRESIDING JUDGE SCHMITT: [13:06:04] Well, I think this is answered. This is in
8 the Rule 68(3) statement, Ms Rabesandratana, you know -- and when it is in the
9 Rule 68(3) statement, it's part of the evidence already, yeah? So we don't -- please,
10 we don't repeat that then.

11 What you --

12 Perhaps it might be interesting, do you know how far advanced the pregnancy was, if
13 you know it?

14 THE WITNESS: [13:06:37](Interpretation) I couldn't tell you what stage of
15 pregnancy she was at.

16 PRESIDING JUDGE SCHMITT: [13:07:21] Thank you.

17 Ms Dimitri.

18 MS DIMITRI: [13:07:23] Just an interpretation error that occurred more than once.

19 The French interpreter is using the word *envoûté* and the English interpreter is
20 incorrectly interpreting it by "carrying a child", which is a complete different
21 meaning.

22 *Envoûté* is ... it's not carrying a child.

23 PRESIDING JUDGE SCHMITT: [13:07:45] But what is it?

24 MS DIMITRI: [13:07:50] In French, it's *ensorcelé*, but in English, it's ...

25 (Counsel confers)

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- 1 MS DIMITRI: [13:07:57] "Cursed".
- 2 PRESIDING JUDGE SCHMITT: [13:07:58] Well, that's --
- 3 MS DIMITRI: [13:07:59] Very different.
- 4 PRESIDING JUDGE SCHMITT: [13:08:01] That is indeed very different, yeah.
- 5 Thank you, Ms Guissé, Mr Suzuki for helping out here.
- 6 Ms Rabesandratana, further questions?
- 7 MS RABESANDRATANA: [13:08:14] Yes, one last question on this point.
- 8 Q. [13:08:18] Mr Witness, do you know whether other Muslims were killed for
- 9 bewitching or casting a spell upon someone?
- 10 MR KNOOPS: [13:08:35] Mr President, I (Overlapping speakers)
- 11 PRESIDING JUDGE SCHMITT: [13:08:36] Mr Knoops.
- 12 MR KNOOPS: [13:08:37] -- believe this goes outside the scope of the (Overlapping
- 13 speakers)
- 14 THE WITNESS: [13:08:42](No interpretation)(Overlapping speakers)
- 15 PRESIDING JUDGE SCHMITT: [13:08:43] I think he can answer that. I think
- 16 there's not a problem because it's not so specific. It does not relate specifically to
- 17 your client and to the client of Ms Dimitri. I think we -- if I may say something
- 18 general, we interpret it, and I think the parties know why, and -- we have reason that
- 19 this kind of questioning by the victims narrowly -- but we should also not put it so
- 20 narrowly that they don't have any room any more.
- 21 So, Mr Witness, please answer the question.
- 22 THE WITNESS: [13:09:37](Interpretation) What was the question, Mr President?
- 23 PRESIDING JUDGE SCHMITT: [13:09:40] The question was, Mr Witness, if, to your
- 24 knowledge also other Muslim women have been killed because they were accused of
- 25 being sorcerers - I think that's the right interpretation - or witches.

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1 THE WITNESS: [13:10:14](Interpretation) No, I don't know about any other events
2 like that.

3 MS RABESANDRATANA: [13:10:20] (Interpretation)

4 Q. [13:10:21] Thank you, Mr Witness.

5 Now the murderer of this woman was found guilty and had to pay a fine. Do you
6 know who benefited from this fine, to whom was it paid?

7 A. [13:10:50] No one took -- benefited from the fine. The money was used to buy
8 food, which was distributed to the various elements in the various sections.

9 Q. [13:11:16] Anti-Balaka sections or squads? Could you be more specific.
10 Which elements?

11 A. [13:11:26] The Anti-Balaka sections or groups.

12 Q. [13:11:34] The money was not paid to the family of the victim now, was it?

13 A. [13:11:50] That's right.

14 Q. [13:11:53] Thank you, Mr Witness.

15 I have concluded my questioning.

16 PRESIDING JUDGE SCHMITT: [13:11:59] Thank you, Ms Rabesandratana.

17 And we turn now to the Defence and all indicia point to Ms Proulx starting.

18 MS PROULX: [13:12:21] Thank you, Mr President.

19 QUESTIONED BY MS PROULX: (Interpretation)

20 Q. [13:12:32] Mr Witness, can you hear me?

21 A. [13:12:37] Yes, I can hear you just fine, ma'am.

22 Q. [13:12:45] We met briefly last week, Mr Witness, during the courtesy meeting,
23 but I'll introduce myself again. I'm Marie-Hélène Proulx and I'm one of the lawyers

24 within the Defence team of Mr Ngaïssona. I'll be asking you some questions today

25 for the rest of the afternoon and probably tomorrow morning. If my questions aren't

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1 clear to you, just tell me and I will repeat them. We'll also be in closed session for
2 some of your testimony to protect your identity and please remember to pause from
3 time to time between my questions and your answers so that the interpreters can
4 interpret everything correctly.

5 Is that clear?

6 A. [13:14:04] Yes, I've understood.

7 MS PROULX: [13:14:13] (Overlapping speakers) Mr President, at this stage, I would
8 like to go in private session.

9 PRESIDING JUDGE SCHMITT: [13:14:17] Yes.

10 MS PROULX: [13:14:17] And unfortunately, I will have quite some time in private
11 session this afternoon (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [13:14:20] Yeah, but thank you for telling us because
13 we have some audience here; that's very kind. Yeah, so we go to private session.
14 (Private session at 1.14 p.m.)

15 THE COURT OFFICER: [13:14:33] We are in private session, Mr President.

16 MS PROULX: [13:14:53] (Interpretation)

17 Q. [13:14:56] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [13:15:33] (Redacted)

23 Q. [13:15:36] In your statement, you explained that the provisional coordination
24 had been set up in response to the many events of looting and the complete lack of
25 government authority. Am I correct -- have I understood correctly that in

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1 February 2014, chaos reigned in Boda? Is that what I am to understand from your
2 statement?

3 A. [13:16:24] That's right, what you just said.

4 Q. [13:16:32] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [13:16:58] (Redacted)

9 Q. [13:17:06] This *provisional structure that was set up late February or early
10 *March 2014, you explained in your statement that somewhat later it became a more
11 of a permanent structure. Do you remember when the transition towards a
12 permanent structure occurred?

13 A. [13:17:32] (Redacted)

14 (Redacted). But I should mention that I didn't
15 remember the -- I don't remember the specific dates.

16 Q. [13:18:06] Very well. Thank you. If you don't know the answer to one of my
17 questions, you can just tell me that. There's no problem with that.

18 Now last Friday, Mr Witness, page 78, real-time transcript 138, you explained -- can
19 you hear me? Real-time transcript 7 -- 138, page 78.

20 A. [13:18:40] Yes, I can hear you. The sound is coming through just fine now.

21 Q. [13:18:44] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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6 (Redacted)

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8 Q. [13:27:43] In your statement you said that Habib Soussou, who was a soldier,

9 ordered the ComZones to engage in pillaging, but the orders were not always

10 followed. This is in the first statement, paragraph 112. Would you agree that this

11 example does illustrate the fact that there was a lack of -- that the structure -- that the

12 coordination, rather, in Boda was not particularly effective?

13 THE INTERPRETER: [13:28:22] Interpreter correction: The order was not -- was to

14 stop looting, to stop pillaging.

15 THE WITNESS: [13:28:32](Interpretation) I think that is the truth.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [13:30:46] There is an individual who gave a statement to the Prosecutor - and it
5 is tab 22 of the Defence, CAR-OTP-2118-9860 and page 9873 - and that individual said
6 to the OTP that there were many Anti-Balakas in Boda, elements and ComZones who
7 had refused to be under the authority of the coordination. You have said that they
8 received instructions from the coordination, but that in fact they did not want to be
9 under the authority of Mr Ngaïssona.

10 Am I to understand that the coordination of Boda had limited influence on the
11 elements and ComZones; others accepted their authority, while the rest did not?

12 A. [13:32:08] That is correct.

13 Q. [13:32:13] Thank you for your answer. Let us now talk about some individuals
14 that you mentioned in your statement. From your statement, were there a good
15 number of chiefs and elements of the Anti-Balaka in Boda who were, in fact,
16 uncontrollable?

17 A. [13:32:52] That is correct.

18 Q. [13:32:59] In your statement you speak quite a great deal about Songolet and
19 "Huit", also known as Wilité. Now am I to understand that those two individuals
20 did not have any positions within the Boda coordination?

21 A. [13:33:26] Yes, that is correct.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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9 (Redacted)

10 (Redacted)

11 A short while ago you told me that Songolet and "Huit" were not members of the
12 coordination bureau of Boda. Did that also apply to Dopani? He too was not a
13 member of the coordination of the Anti-Balaka in Boda; is that correct?

14 A. [13:36:03] I think he was not a member of the coordination.

15 Q. [13:36:14] (Redacted)

16 (Redacted)

17 A. [13:36:47] (Redacted)

18 (Redacted)

19 Q. [13:36:58] There is a witness who testified in the past, and he talked about
20 Dopani and he said that the threats by Dopani and other individuals in Boda against
21 Muslims were not necessarily implemented. So the language, which was very
22 aggressive towards Muslims, does not reflect what necessarily happened in reality.
23 Do you agree with that person?

24 A. [13:37:41] Please kindly rephrase your question.

25 Q. [13:37:56] No problem. Maybe it was a bit long. I'll try to break it down a

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1 little bit.

2 I said that there was a witness who came here last year and he talked about Dopani.

3 That person said that the threats made by Dopani and other people against Muslims

4 were not necessarily implemented in reality. So Dopani had very aggressive

5 language, but -- which was not necessarily followed by action.

6 Do you agree with that?

7 A. [13:38:46] Yes, I agree.

8 Q. [13:38:48] And I was referring to P-0884 and transcript number 056, page 85.

9 Last Friday, Mr Witness, you said that some subordinate Anti-Balakas were using a

10 language that could incite violence against Muslims, pages 82 and 83 of the transcript.

11 Am I to understand, Mr Witness, that the Boda coordination - just like the National

12 Coordination in Bangui - that they were trying to educate the Anti-Balaka to control

13 them to prevent words being transformed into crimes?

14 A. [13:40:03] Yes, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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1 Q. [13:42:07] I would like to show you a document, Mr Witness, tab 18 on the
2 Defence list, CAR-OTP-2100-1699.

3 Can you see the document, Mr Witness?

4 A. [13:42:56] Yes, I can see the document.

5 Q. [13:43:03] Mr Witness, in your statement, the first, paragraph 117, you said that
6 the National Coordination of the Anti-Balaka of Bangui came to Boda to talk about
7 peace and national cohesion.

8 I put it to you, Mr Witness, that it was not the National Coordination that sent that
9 mission, it was Prime Minister Nzapayeke. Does that refresh your memory?

10 A. [13:43:44] I think that I did not say that they came on behalf of the coordination,
11 no. They came as part of a delegation despatched by the government, by the state.

12 Q. [13:44:17] This morning, you listened to an audio of Joachim Kokate, and I have
13 another one for you. It is tab 9, Defence list CAR-OTP-2042-3464, one minute, 42
14 seconds and I would like all of it to be played and it is tab 1, CAR-D29-0006-0053
15 please listen to that audio and then I will put questions to you after that.

16 PRESIDING JUDGE SCHMITT: [13:45:15] Open session is not possible, I assume?
17 With regard to the questions, I assume, and potential answers, yeah?

18 MS PROULX: [13:45:29] Unfortunately not at this stage, Mr President.

19 PRESIDING JUDGE SCHMITT: [13:45:31] No problem. Just investigating.
20 (Playing of the audio excerpt)

21 THE INTERPRETER: [13:46:18] (Interpretation of the audio excerpt)

22 "They explained to us -- 'Why do you no longer want to collaborate with Muslims?'

23 They said that they are natives of Boda town and they accepted to receive Muslims.

24 The Christians, according to them, right now, they do not understand why it is only
25 on 28 January that an unfortunate event happened in Boda, and they are wondering

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1 why, why that -- why were houses burnt? Why were people killed? And they're
2 not ready to reconcile without any clear and -- any clear explanations to reconcile
3 with them.

4 We discussed with the Christians, we tried to go further, but the message was very
5 difficult. According to them, they accepted Muslims in their place. The Muslims
6 came, they did everything. They became rich. They had children with Muslims,
7 and even when the Seleka arrived, Boda, the Muslims were well -- received the Seleka
8 well in Boda.

9 And even the natives, they received the Seleka in Boda. They were living in perfect
10 harmony. There were no problems in Boda. But to our -- to their great surprise, on
11 28 January, after the debate -- the departure of the Seleka coalition, a few hours
12 afterwards, the Muslims took up arms to attack them and burnt their house and they
13 were obliged to defend themselves. And, a few days later, the Anti-Balaka were
14 compelled to group together and defend themselves."

15 MS PROULX: [13:48:11] First of all, I would like to thank the court officers for
16 making -- for facilitating this audio. I understand that we were on very short notice;
17 so apologies from us.

18 Q. [13:48:27] (Interpretation) Mr Witness, you heard Mr Kokate there.

19 A. [13:48:37] Yes, I heard him.

20 Q. [13:48:41] Do you agree with Mr Kokate that, in fact, it was the population of
21 Boda which was demanding the departure of Muslim civilians?

22 A. [13:49:14] I think that at the beginning, many people were angered. They were
23 revolted because these people lost a lot of property, and I think it was in that context
24 that Kokate made his statement.

25 Q. [13:49:38] (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [13:50:07] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [13:50:40] I will refer to an article that you saw this morning from the OTP. It is
8 tab 6 of the OTP list, CAR-OTP-2001-6708 and you will remember, Mr Witness, that
9 that article mentions that after Kokate's mission -- Kokate's missions, the Anti-Balaka
10 supposedly accepted to sign a peace agreement, but this was denied by other people
11 in Boda who, on the contrary, had demanded the departure of the Muslims.

12 Do you agree that that article illustrates very well that opinions were very divided in
13 Boda. Some people wanted to sign a peace accord, but others were demanding that
14 all the Muslims should leave the town?

15 A. [13:51:59] Yes. What you have just said is correct.

16 Q. [13:52:16] And subsequently, after Kokate's visit in the media, people like
17 Dopani or Flavien were mentioned, who had inflammatory words, very aggressive,
18 and -- stating that all Muslims should be killed or chased away.

19 Do you agree that the media contributed in making a sensation out of the speeches or
20 statements of those individuals?

21 A. [13:53:12] Yes, all you have just said is correct.

22 Q. [13:53:25] (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [13:53:55] (Redacted)

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14 (Redacted)

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17 (Redacted)

18 (Redacted)

19 MS PROULX: [14:04:37] (Interpretation)

20 Q. [14:04:40] Thank you very much for your response, Mr Witness.

21 (Redacted) Mr Soussou (Redacted)

22 as the head of the Anti-Balaka in Boda, but in actual fact, he had imposed himself as
23 chief of the Anti-Balaka in Boda since February.

24 This is what you've told us, isn't it?

25 PRESIDING JUDGE SCHMITT: [14:05:12] Correct.

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- 1 (Overlapping speakers)
- 2 THE WITNESS: [14:05:12] (Interpretation) That is correct.
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
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10 (Redacted)

11 (Redacted)

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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [14:29:31] Thank you.

18 I think we can adjourn for today, but of course I will allow the Presiding Judge to do

19 so.

20 PRESIDING JUDGE SCHMITT: [14:29:40] (Overlapping speakers) Well, on time

21 exactly.

22 So thank you very much, Mr Witness. Have a good rest. We see each other

23 tomorrow morning at 9.30.

24 Thank you very much to the interpreters also for their indulgence today.

25 THE COURT USHER: [14:29:55] All rise.

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- 1 (The hearing ends in private session at 2.29 p.m.)