

Trial Hearing
WITNESS: CAR-OTP-P-2050

(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, 14 August 2023
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:28] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:34:52] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:35:01] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:35:13] Thank you.
21 Like always, nothing has changed over the recess, I ask for the appearances of the
22 parties first.
23 We start with the Prosecution.
24 MS HENDERSON: [9:35:20] Good morning, Mr President, your Honours. The
25 Prosecution is represented today by Mr Pierre Belbenoit-Avich, Mr Yassin Mostfa,

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- 1 Mr Kweku Vanderpuye and myself, Claire Henderson.
- 2 PRESIDING JUDGE SCHMITT: [9:35:33] Thank you.
- 3 I turn to the representatives of the victims.
- 4 MR CARNERO ROJO: [9:35:38] Good morning, Mr President, your Honours.
- 5 The victims of the other crimes are today represented by my colleague,
- 6 Gabriella dos Santos, Mouhia Asso, Chenaifa Merouane and myself, Enrique Carnero.
- 7 Thank you.
- 8 PRESIDING JUDGE SCHMITT: Thank you.
- 9 And Mr Suprun.
- 10 MR SUPRUN: [9:35:53] Good morning, Mr President. Good morning, your
- 11 Honours. The former child soldiers are represented by Diletta Marchesi, just behind
- 12 me, and myself Dmytro Suprun. Thank you.
- 13 PRESIDING JUDGE SCHMITT: [9:36:05] Thank you.
- 14 Now, turning to the Defence, like always we start with the Defence of Mr Yekatom.
- 15 Ms Dimitri first.
- 16 MS DIMITRI: [9:36:10] Good morning, Mr President. Good morning your Honour.
- 17 Good morning, everyone.
- 18 Mr Yekatom, who is present in the courtroom, is represented today by Ms Anta
- 19 Guissé, Ms Alexandra Baer, Ms Doriane Huet and myself, Mylène Dimitri.
- 20 And, Mr President, if I may just take a moment to, on behalf of Mr Yekatom's team,
- 21 offer our deepest condolences to especially the interpreters for the loss of their
- 22 colleague, Désiré Bango Sambia, who was for us one of the very, very professional
- 23 interpreters, always precise and always very -- conveying the witness's demeanour or
- 24 intonation and he was truly appreciated here on the Defence bench.
- 25 PRESIDING JUDGE SCHMITT: [9:36:53] And we as a Chamber appreciate very

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1 much what you said and we join you as a Chamber in these condolences.

2 Next is Mr Knoops.

3 MR KNOOPS: [9:37:03] Very good morning, Mr President, your Honours.

4 Good morning, everyone in the courtroom.

5 The Defence team of Mr Ngaïssona appears today before the Court with the following

6 composition. On my right Ms Marie-Hélène Proulx, Ms Melissa Beaulieu. In the

7 second row, Barbara Szmatala, Madam Lina Taki and Mathias Goffe. Mr Ngaïssona

8 is present.

9 And also we offer our condolences to the colleagues of the interpreter who sadly died

10 and we wish them all the best and strength with the loss of their colleague.

11 Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:37:48] Thank you very much, Mr Knoops.

13 We turn now to the testimony of Prosecution Witness P-2050.

14 WITNESS: CAR-OTP-P-2050

15 (The witness speaks English)

16 (The witness gives evidence via video-link)

17 PRESIDING JUDGE SCHMITT: [9:37:52] Witness, can you hear and understand me

18 well at the video-link location?

19 THE WITNESS: [9:37:59] Yes, I do, thank you, my lord.

20 PRESIDING JUDGE SCHMITT: [9:38:01] So, first of all, good morning and welcome

21 to the courtroom via video-link. You are called to testify in the case of the

22 Prosecutor versus Mr Ngaïssona and Mr Yekatom.

23 I think you are aware that protective measures are put in place to protect your

24 identity. This has been explained to you. That's voice distortion, face distortion.

25 We're using a pseudonym also, so nobody can identify you.

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1 When something is discussed during these proceedings with regard to the content
2 which could identify you, then we go to private session also to protect your identity.
3 There should be a card in front of you, Madam Witness, with a solemn undertaking to
4 tell the truth. Please be so kind to read out this card aloud.
5 THE WITNESS: [9:38:56] There is no card to read anything out, I'm sorry. Your
6 Honour, I'm very sorry, but I did not hand -- be handed over any card to read out.
7 PRESIDING JUDGE SCHMITT: [9:39:03] That's not a problem. Then I speak and
8 you speak after me and declare that you want to tell the truth.
9 I solemnly declare, please speak after me.
10 THE WITNESS: [9:39:17] I solemnly declare.
11 PRESIDING JUDGE SCHMITT: [9:39:19] That I will speak the truth.
12 THE WITNESS: [9:39:21] That I will speak the truth.
13 PRESIDING JUDGE SCHMITT: [9:39:22] The whole truth and nothing but the truth.
14 THE WITNESS: [9:39:25] The whole truth and nothing but the truth.
15 PRESIDING JUDGE SCHMITT: [9:39:30] Thank you very much.
16 This can happen because it's a video-link location. Normally, of course, when you
17 are here in the courtroom this would be in front of you, but that's no problem at all.
18 This means you are now under oath. You have understood that, obviously.
19 Before we start with your testimony, I would like to tell you to speak slowly, perhaps
20 more slowly than you would normally do because everything we say here is written
21 down and interpreted, and to allow the interpreters to follow what you said and to
22 have a complete transcript we have to speak at a relatively slow level. And also
23 please only start speaking when the person who has asked you a question has
24 finished and perhaps wait two or three seconds. Thank you very much for the
25 moment.

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1 I will give then the floor to Ms Henderson from the Prosecution. You're aware that
2 you have to establish the Rule 68(3) requirements. Thank you.

3 MS HENDERSON: Indeed. Thank you, Mr President.

4 QUESTIONED BY MS HENDERSON:

5 Q. [9:40:24] Good morning, Madam Witness.

6 A. [9:40:29] Good morning.

7 Q. [9:40:30] We haven't yet met each other, so I'll first introduce myself. My name
8 is Claire Henderson. I'm a trial lawyer with the Office of the Prosecutor. I think
9 you can see I have Mr Pierre Belbenoit-Avich here to my left. So I'll be asking some
10 questions of you today. We know you've already given a statement, but I'll have
11 some additional questions.

12 If we could perhaps first go into private session for the
13 biographic details of the witness, please.

14 PRESIDING JUDGE SCHMITT: [9:41:02] For the audience, this will for the moment
15 be only very short, because it's about the identification of the witness. Private
16 session.

17 (Private session at 9.41 a.m.)

18 THE COURT OFFICER: [9:41:28] We are in private session, Mr President.

19 MS HENDERSON: [9:41:31] Madam witness, could you please confirm, firstly, your
20 name for the record?

21 A. [9:41:37] My name is (Redacted)

22 Q. [9:41:40] And could you please confirm your date of birth and place of birth?

23 A. [9:41:45] The (Redacted), and the place of birth is (Redacted) in
24 (Redacted)

25 Q. [9:41:56] Thank you. And since we are in private session, there is some

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1 information that I will give you now. I will take advantage of this time. As you've
2 heard, you have protective measures, so it is very important that the two of us do not
3 say anything that might reveal your identity. So you might have heard that I'm
4 calling you "Madam witness." That's not out of disrespect, that's because I don't
5 want to say your name, especially when we are in open session, and also to protect
6 your identity.

7 There are some points in the questions where I perhaps might be a bit more helpful or
8 expansive. I might normally say, for example, (Redacted)
9 (Redacted). I won't be saying it quite that way because that might give away that
10 (Redacted), so I will be putting it a bit more vaguely than that.

11 And, in particular, just to prepare you, I'll be taking you a few times to an (Redacted)
12 (Redacted)

13 (Redacted)

14 So that's what you'll be seeing, just so that that doesn't come as a surprise.

15 Now, if at any point you want to go into private session to give more details or
16 anything you think that might otherwise give away your identity, please just do let us
17 know.

18 Is that all clear? Thank you. The witness is nodding. I think we can go into open
19 session.

20 PRESIDING JUDGE SCHMITT: [9:43:25] Well, nodding is, I think, internationally
21 accepted, so we can -- and we appreciate it, as a Chamber, that you try to elicit as
22 much information as possible in open session. We go to open session now.

23 (Open session at 9.43 a.m.)

24 THE COURT OFFICER: [9:43:56] we are back in open session, Mr President.

25 MS HENDERSON: [9:44:00] Now, Madam Witness, firstly, do you recall giving a

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1 statement to Office of the Prosecutor investigators between 9 and 11 May 2018?

2 A. [9:44:10] Yes, for sure.

3 Q. [9:44:12] And you also provided various annexes to that statement, including
4 electronic material; is that right?

5 A. [9:44:20] Yes.

6 Q. [9:44:22] Just as a matter of procedure, can I confirm that you have no objection
7 to your statement and the annexes being submitted in this proceeding?

8 A. [9:44:33] No. I'm strictly agreeing to what I have said before.

9 PRESIDING JUDGE SCHMITT: [9:44:39] Okay. Then already I think the
10 pre-conditions for the application of Rule 68(3) with regard to the former statement of
11 the witness are fulfilled.

12 There is, however, this small issue with the late disclosure of some items and, as a
13 Chamber, we have a short ruling to make on that, which is a little bit boring, but I
14 have to read it out.

15 Noting, furthermore, the Chamber recalls that it deferred its decision concerning the
16 items discussed in paragraphs 168 to 175 of P-2050's statement, given that at the time
17 they were not disclosed to the Defence, and noting that the Prosecution disclosed
18 these items on 9 June 2023, that the Yekatom Defence informed that it does not intend
19 to file observations and that none were received by the Ngaïssona Defence, the
20 Chamber therefore decides to introduce the items discussed in paragraphs 168 to 175
21 of P-2050's statement into evidence, pursuant to Rule 68(3) of the rules.

22 These are: CAR-OTP-2001-7581, 2001-7616, 2001-7626, 2001-7635, 2001-7642,
23 2001-7675, 2001-7844, 2001-7646, 2001-7655, 2054-1311, 2067-0553, 2047-0355,
24 2048-0368, 2074-0746 and 2075-2001.

25 And I think the statement that we are speaking about which is the English translation

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1 is CAR-OTP-2076-0911, if I'm right.

2 Is that correct, Ms Henderson?

3 MS HENDERSON: [9:46:54] Only that it's not a translation; that's the original.

4 PRESIDING JUDGE SCHMITT: [9:46:58] That's the original, indeed, and you have a
5 French translation too. Well, it was a little bit longer thing, and this means, Madam
6 Witness, that your former statement that you have given to the Prosecution is already
7 part of your statement today, your evidence that you are going to produce today. Is
8 there an objection?

9 MS PROULX: [9:47:20] Sort of, Mr President. We note that in the documents that
10 are annexed to the witness's statements, there are documents that are not available in
11 a working language of the court. They are either entirely or in majority in {PFR:
12 (Redacted)} so at this stage we would just indicate that we will object to the
13 submission of these items.

14 PRESIDING JUDGE SCHMITT: [9:47:40] Ms Henderson.

15 MS HENDERSON: [9:47:43] Your Honour, in relation to the items where there are
16 no translation in English or French, the Prosecution takes no position on that. We
17 leave that in the court's discretion. I won't be referring to them today or otherwise
18 relying on them.

19 PRESIDING JUDGE SCHMITT: [9:47:56] Well, that's already something we can rely
20 on, so if you say you -- I understood it, with your introduction, you want to rely on
21 specifically one piece of evidence that has been translated, and this is the important
22 matter on that, so I think we can settle this by this declaration of the Prosecution.
23 You can continue, Ms Henderson.

24 MS HENDERSON: [9:48:17] Thank you, Mr President.

25 If we could go very briefly into private session for me to just set up my first line of

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1 questioning.

2 PRESIDING JUDGE SCHMITT: [9:48:24] But just to mention it, it's absolutely okay
3 that you bring this on the table, because we have two working languages, it's
4 absolutely okay, but we can settle it as we have done now. We go how long for
5 private session?

6 MS HENDERSON: [9:48:36] I'd say less than a minute.

7 PRESIDING JUDGE SCHMITT: [9:48:38] Less than a minute. That sounds good.
8 So private session.

9 (Private session at 9.48 a.m.)

10 THE COURT OFFICER: [9:49:02] We are in private session, Mr President.

11 MS HENDERSON: [9:49:05] Madam Witness, after that quite administrative
12 introduction, we are now going to get to the substance of your testimony, and I first
13 want to ask you about a meeting that you refer to in your statement that you had with
14 (Redacted) and with (Redacted) at (Redacted)
15 on (Redacted), and particularly to (Redacted).

16 That's the first question that I have.

17 And, Your Honour, having now set that up, I think we can go into open session.

18 PRESIDING JUDGE SCHMITT: [9:49:43] Open session.

19 (Open session at 9.49 a.m.)

20 THE COURT OFFICER: [9:49:59] We are back in open session, Mr President.

21 MS HENDERSON: [9:50:01] Now, Madam Witness, you talk in your
22 statement -- and for the record that's tab 4 -- you refer to {ICR: (Redacted)} saying that
23 the *chef* had been calling, that he was talking to the *chef*, and my question is whether
24 you know who he was referring to when he was speaking about the *chef*?

25 A. [9:50:28] Well, as well as {ICR: (Redacted)} confirmed to me later,

1 as I concretely asked them the question "Who's your boss", as the *coordonateur* in
2 French, as the function, let's say, of the position, and mentioned Mr Ngaïssona
3 personally with his name. And the moment {ICR: (Redacted)} received a phone call,
4 he made a lot of -- I remember there was a lot of body language to {ICR: (Redacted)},
5 signalling him that he should take over us, as entertaining us, while he's on the phone.
6 And I not reflect that clearly because it's 10 years ago, if I saw with my own eyes the
7 display of his phone saying either *chef* or *coordonateur*, something like that, and him
8 saying -- like sign-languaging around, as well his whole habits, his body language,
9 was very submissive. It was super clear, analysing his body language and all the
10 scenario around it, that it was a superior in the chain of command calling, and that he
11 was very submissive as well on his way, how he talked in French.
12 And I think on some of my audio files, which I provided to the Court, you can even
13 listening exactly the words he used in this phone conversation, especially at the end
14 as he said "*C'est moi qui vous remercie alors*", meaning, "I am the one who thanks you,
15 instead of you thanking me", means as well it's a very superior on the phone, where
16 he is the submissive person on that conversation.

17 Q. [9:52:11] Thank you. And still referring to your conversation with {ICR:
18 (Redacted)} in your statement, paragraph 108, you said that {ICR: (Redacted)} said
19 that fake Anti-Balaka were the ones responsible for exactions. Did he at any point
20 explain to you what the fake Anti-Balaka were?

21 A. [9:52:39] Well, there were certain elements who joined the Balaka, once they
22 either become powerful in terms of controlling certain areas or advancing towards a
23 post or a position, meaning they started with so many hundreds of people in their
24 troops, but in the end of the time, going down the road, there ended up being so
25 much more elements than there actually were in the original, the start of the militia, or

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1 however you call it.

2 So that means that they have a bit of loss of control over the elements in the -- from
3 the command chain perspective, and that they wanted to clarify who's who under
4 which command chain and which control.

5 That's why as well they set up this idea with the ID cards to say only the real Balaka
6 get the ID cards which are "registered under my command chain", and this moment
7 was referring now to {ICR: (Redacted)} units, and I think respectively other
8 Anti-Balaka leaders did the same in their troops to figure out who's the real and the
9 not so much real Balaka elements.

10 Q. [9:53:54] If I could take you to an image, to be shown privately, please, and for
11 the court officer it's tab 16, CAR-OTP-2076-1282.

12 Now, Madam Witness, you'll see a document hanging from the neck of this person
13 here, and if we could zoom in on that, please, Madam Court Officer. You refer in
14 your statement to this person showing you a new badge. Is that the badge that he
15 showed you?

16 A. [9:54:47] Yes. This is {ICR: (Redacted)} on the picture and that's, I guess -- I'm
17 guessing, because I can't read it, his badge, his ID card.

18 Q. [9:55:00] Thank you. And if I see properly, it's a bit hard on this image, but
19 perhaps you can recall from seeing it, is that a lion in a photo to the left part of that
20 badge?

21 A. [9:55:12] You mean the -- not the picture, but the left side, like the symbol?

22 Q. [9:55:20] Yes, that's correct.

23 A. [9:55:22] I'm very sorry, but this was, as well as the original pictures, when that
24 was printed out, the quality was so bad that I could not identify if this is any label or
25 symbol or flag as well. Now, seeing it so unclear on the computer, I cannot confirm.

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1 Q. [9:55:43] That's not a problem, thank you. You said in your statement,
2 paragraph 99, that these Anti-Balaka cards were similar to Seleka identification cards
3 that you also learnt about?

4 A. [9:55:56] Mm-hmm.

5 Q. [9:55:57] Is that -- is that the case?

6 A. [9:56:01] Yeah. The year before this event, I had seen similar cards printed by
7 the Seleka, concretely by the ministry of internal security, General Adam. And the
8 size of the card that I mentioned of it, it was for me the assumption that it's even the
9 same printing machine, let's say, which they used and it is a similar ID card, of course,
10 not the identical one.

11 Q. [9:56:30] Right, thank you. And in which ways is it similar?

12 A. [9:56:35] In the shape of it, the whole kind of badge, the shape, the square, the
13 size, and as well the information which is given, similar in terms of what's the -- what
14 it contains as the information. The name of the person who's carrying the card, the
15 portrait picture, of course. The -- an ID card number, a troop number. I think, if I
16 reflect right, either one or both of them had, like, even the name of the commander of
17 the unit on it, and the signature and the, let's say, stamp, I think it was more a stamp,
18 plus a signature of the so-called *coordonateur* in this moment of the Anti-Balaka cards.
19 I remember reflecting quite clearly that it was -- at least they told me that it is
20 Ngaïssona's signature. I could not confirm that myself because I've never seen his
21 signature before, and it's a bit tricky to identify the letters, let's say, but everyone was
22 referring to this signature as Ngaïssona's signature.

23 Q. [9:57:51] Thank you. And because you're commenting on the image which is
24 no longer on the screen -- or maybe it's back now? No.

25 Could we have that image back? Thank you. And if the court officer could zoom

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1 in on the signature that appears to the left of the photograph.

2 It may not be that this changes anything.

3 PRESIDING JUDGE SCHMITT: [9:58:12] No. No, no, this is not visible, I think.

4 Ms Dimitri, visible for you?

5 MS DIMITRI: [9:58:24] I didn't want to interrupt my colleague, but she's asking
6 questions in English, the witness is answering in English. The French booth is not
7 struggling, but there's a lot of overlap. She's coming in before the French answer
8 comes in.

9 PRESIDING JUDGE SCHMITT: [9:58:39] So I remind everyone to speak slowly, and
10 specifically in that regard, because when we have a witness speaking English and we
11 have the French translation, which takes a bit longer, also, language-wise, that we
12 indeed perhaps pause two or three seconds before we ask a question and also before
13 we answer it.

14 Ms Henderson.

15 MS HENDERSON: [9:59:00] Yes. My apologies to the interpreters. I will count
16 out the seconds in my head.

17 Q. [9:59:07] Madam Witness, just the last point on these badges. I understand
18 from your statement, paragraph 61, that you were told that the Seleka without badges
19 were also fake. Can you tell us a bit about that conversation, please.

20 A. [9:59:27] I refer to a conversation that what happened between me and

21 {ICR: (Redacted)

22 Redacted)) and he was

23 giving me as well rough calculations of elements which he thought they are like
24 so-called *faux* Seleka -- wrong Seleka.

25 He referred to me on -- to a number, which was roughly 3,000, 3,500 elements, which

1 the Seleka alliance, it's the so-called march to Bangui with. And on the way towards
2 Bangui, coming from the far north, a lot of elements, left and right, sent their troops
3 marching towards Bangui. Especially in the last moments of entering Bangui, I think
4 from kilometre 55, where they stopped shortly their advancement, a lot of elements
5 joined. He was even referring to children, youth and women. Meaning at the end
6 of the time when they took Bangui, March 2013, he referred to a number, about 7,000
7 elements in total, which he thinks is now the total effective force of the Seleka.
8 But he said as well that, among these, he estimates half of them are not actually really
9 Selekas, as they started the Seleka movement, or alliance, in the north, meaning half
10 of the elements are so-called elements which you took advantage of and joined for
11 personal maybe interests. He referred to the lootings a lot, that this had been done
12 by opportunistic elements who wanted to steal for their own benefits. And that's
13 why he wanted as well to set up this real and *faux* Seleka categories, listing everyone
14 into units, writing them down in lists and then issuing ID cards to the ones which are
15 registered, including the name of the commander, so who is responsible for who, as
16 well for which crime committed at the end, and to getting, let's say, order into the
17 chaos. That was as far as I remember this conversation about the Seleka, *faux*
18 Selekas.

19 Q. [10:02:26] So, to wrap that up, Madam Witness, his position was that if they
20 didn't have these IDs, then they were fake Seleka? Was that your understanding?

21 A. [10:02:40] Yes, exactly. So since there was still at that moment nightly lootings
22 happening, or things disappeared where NGOs, for example, claimed "our cars were
23 stolen", in the time of -- in the process of investigation, he was as well looking for the
24 commander in chief of these actions and it was -- so far as I understood, they found
25 many Seleka elements which didn't have registered ID cards, which then they called

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1 the *faux* Seleka and not claiming the crime on their own Seleka elements.

2 Q. [10:03:30] And moving on to a different topic now,
3 you refer in your statement to Anti-Balaka that looked young, including under the
4 age of 15. Firstly referring - and this is paragraph 96 of your statement - to the
5 meeting, let's say, with the man who we just saw in the photograph. You refer to
6 seeing, in particular, one boy who looked between about 10 and 12 at the entrance to
7 Boy-Rabe. If you can remember, can you tell us what you saw him doing?

8 A. [10:04:17] I recall the moment as they entered Boy-Rabe at this very day. There
9 was a cordon spanned like a blocking street, barricade thing, hanging on the entry
10 point coming from the boulevard into Boy-Rabe's main road, which was I think not
11 tarmacked, it was a murram road, where every car has to stop and getting checked.
12 And I remember there a bunch of elements of Anti-Balaka around on this control
13 checkpoint, and I remember a young kid which looked significantly younger than the
14 other elements, but unfortunately, since it's almost 10 years down the road, I can't
15 recall his actions right now. I don't want to come up with any fantasy here in this
16 court.

17 Q. [10:05:15] We appreciate that, thank you. Perhaps I could ask you if you
18 remember did any of the Anti-Balaka who you met say anything about this boy?
19 Did they comment on him in any way?

20 A. [10:05:30] No. I can't recall any further information on this boy, except that I
21 have visibly him in memory that there was a young kid which -- younger than the
22 other ones, and the other ones were already young.

23 Q. [10:05:47] When you say the other ones were already young, can you estimate
24 how young they were?

25 A. [10:05:57] Frankly speaking, it is, for me in my experience in different *voisins* in

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1 Africa, always very tricky to figure out the correct age. Some ethnic tribes are very
2 much taller than the others, so the size of a person is not really significantly telling
3 you something about their age. Sometimes these young militia boys, when they are
4 recruited into a militia, for a long time they look older than they are, out of their, let's
5 say, traumatised experiences, that the person -- their look, their features in their face
6 become -- tricky to tell their real age.

7 So most of the time I check, for my own analysis, is that somehow category child
8 soldier, let's say, less than -- look younger than 16 age, yeah, or something between
9 age 16 and 18 or 20 where you say it's very young, adolescent kind of (inaudible) kind
10 of -- age, it is very --

11 PRESIDING JUDGE SCHMITT: [10:07:12] I think we have at the moment, we have a
12 connection problem. We would have to try to fix this before we continue.

13 Madam Witness, do you hear me?

14 THE WITNESS: [10:07:39] Yes, I hear you.

15 PRESIDING JUDGE SCHMITT: [10:07:41] Perhaps you can try to repeat the last
16 couple of sentences that you said, because there was an interruption in the connection.
17 So you were still elaborating on how you tried to figure out the age of young persons,
18 young soldiers, and perhaps you can elaborate on that and you can repeat what you
19 said, summarise it.

20 THE WITNESS: [10:08:06] Let me try to repeat. As I said, it is very, very tricky to
21 figure out the real age of certain young elements. What I do mostly is to try to
22 estimate is that someone below 16, because 16 is mostly the age where you would
23 refer as child soldier. Not child soldier in this moment of you see an armed
24 young -- young boy or girl. And for me it is mostly that I think, okay, younger or
25 older than 16 makes for me a kid, a child, in my category, or a young man. And it is

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1 sometimes very tricky to realise what's the real age.

2 PRESIDING JUDGE SCHMITT: [10:08:55] Thank you, Madam Witness.

3 I think, Ms Henderson, we leave it at that. So we -- during these whole proceedings
4 we have also heard many times it's difficult to assess it. So we have to -- with this
5 witness I think we do not get further in that regard.

6 MS HENDERSON: [10:09:17] Yes, thank you, your Honour.

7 Q. [10:09:16] And then also going to another point in your statement where you
8 saw an Anti-Balaka under -- well, you said that you found out that he was aged 7, in
9 Sibut. This is paragraph 132. Can you tell us whether you remember what that
10 particular child was doing when you saw him?

11 A. [10:09:43] Unfortunately not very much. I remember that there was a person
12 called {ICR: (Redacted)}, who was working for the {ICR: (Redacted)} in Sibut at that
13 time, and I spent -- almost the entire time I spent in this location, which was not long,
14 maybe a few hours maximum, almost with him. So we walked through the more
15 like a bigger village town, and we met several people on the road. And he was
16 referring to this little kid as one of the youngest Anti-Balaka he has seen and he is
17 trying to convince him to leave the Anti-Balaka group and to come into a project
18 which {ICR: (Redacted)} was trying to set up in this area, and that this {ICR:
19 (Redacted)} person referred to this little boy, that he knew his family and he knew the
20 age, somehow very certain. I think he remember -- he even said his name or not, but
21 that is just slight memory I have on this little kid.

22 Q. [10:10:54] Thank you, Madam Witness.

23 Moving to a different topic now, you refer in your statement to going to the Ali
24 Babolo mosque and seeing dead bodies there. Can you first tell us exactly what did
25 you see? Describe what you saw to do with the dead bodies.

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1 A. [10:11:16] I was visiting this mosque on a Friday, {PFR: (Redacted)}
2 (Redacted)}

3 The mosque was packed and crowded with mainly -- or almost certainly male
4 Muslim people who prayed. The mosque itself, the praying area, was quite full,
5 packed; so even some were outside on the main entry door, and did not have space to
6 get inside. That's where I and, I guess, my colleagues, we were waiting in front of
7 the mosque for the Friday prayers to be finished.

8 A lot of other Muslims joined us on the road while we were waiting. I had lots of
9 chats here and there, small conversations here and there.

10 As the prayer time was finished, I don't remember if me or one of my colleagues went
11 into the mosque, looked out for the imam, to talk to him while the other ones were
12 still waiting outside on the road.

13 At one point, the imam gave us a sign that he was available to talk. Still up to this
14 moment we were mostly outside on the main road, outside the building. Then, as
15 we entered the building, we were first in the prayers -- prayer area, sitting down with
16 the imam and talking, {PFR: (Redacted)}
17 (Redacted)}.

18 In this conversation, he mentioned that his biggest problem was that they were not
19 able to enter or to access the cemetery where they bury the dead bodies. It was just a
20 few kilometres far away from the mosque, but it was occupied, or the road leading to
21 this destination was blocked and occupied, and I think the area was as well under
22 Anti-Balaka control, meaning, he said to us, that there were now a lot of dead bodies
23 which they washed in the mosque and did the official Muslim rituals.

24 But nobody could go to bury these dead bodies; so that he was relying on the Red
25 Cross, which (inaudible) and dump them in the mass grave. Red Cross came not on

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1 a daily basis. They had stockpiling, if I am allowed to say that, bodies in a room on
2 the very back-end side of the building, and then I'm not sure, I can't recall if it was the
3 imam himself or one of his aides who then led us to this section of the building where
4 there was literally empty rooms -- not sure which they was used before -- but where
5 they put the dead bodies in white body bags to wait till the Red Cross is coming to
6 pick them.

7 I remember clearly, vividly, the smell of rotting flesh and bodies which was very, very
8 penetrating. Yeah, it penetrated the memory effect as well, including the amount of
9 flies flying there around, so, yeah, it smelt very bad and I can't recall the exact
10 numbers of the bodies. There were probably, let's estimate, a dozen, but I remember
11 he named or he said the number of bodies which are there right now in this moment
12 as we spoke, in this Chamber. He named the figure; so in my audio statement you
13 can definitely look back how many there were at this point, very day, still there.

14 Q. [10:15:47] And did you find out from anyone there how these bodies had died?

15 A. [10:15:53] As far as I remember the conversation with the imam, he mentioned
16 that most of the bodies had been very badly cut with either machetes or other knives
17 or gardening tools, which were very typical for the Anti-Balaka at this time. And I
18 even remember that he mentioned that at least one, or maybe more bodies, were
19 minor children, like below 16.

20 Q. [10:16:33] And did he know who had killed them?

21 A. [10:16:38] He referred, as the perpetrating -- perpetrating party of these crimes,
22 to the Anti-Balaka. He even showed me, as I remember right, a video which was
23 either on his phone or on the phone of his aide, where he showed us how Anti-Balaka
24 were killing someone, which -- that was not really visible, the body itself, cut
25 off -- was it an arm or a leg? -- if I remember right, and bite into it. So that was a

1 moment where I first saw signs of cannibalism, which was a lot of rumours at this
2 time, but not clear evidence on it, was on this video, where he referred to the
3 Anti-Balaka as the people committing this crime.

4 Q. [10:17:41] Now, you spoke a few minutes ago about mainly male Muslims being
5 in the mosque, and then some other Muslims being outside as well. Were there any
6 women or children around at this time or were they all men?

7 A. [10:17:59] It can happen that there was another prayer room which only females
8 are allowed to enter. This is -- this might be at this point. I was not looking for a
9 female prayer room and I did not enter and see any. So, first of all, it might exist, but
10 I remember clearly, too, {ICR: (Redacted)}
11 (Redacted)}

12 I spoke to many male Muslims. Some of -- one of them was even official youth
13 leader of the Muslims. I think the other one was the leader of the youth
14 Muslim/Christian organisation, who referred to me that they sent their children and
15 wives, which were with them in Bangui before, a long time ago with trucks or other
16 means of transport to the north, even all the way to Chad, or Sudan, to evacuate
17 children and women from town.

18 Meaning at this time I was at Bangui twice; a lot of women and children were already
19 gone in terms of the Muslim part of the population. They evacuated their children
20 and women towards other parts of the country, or outside the country, and the other
21 non-Muslim population wasn't there -- the children and women, mostly in IDP camps
22 inside or around Bangui, where at different *quartiers*, which I visited, was full of men,
23 but almost no children and the -- the elderly people and women visible anymore on
24 any street or any shop or whatever.

25 Q. [10:20:01] Do you know the locations of these IDP camps inside or around

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1 Bangui?

2 A. [10:20:09] As I arrived the first time in 2013, the biggest IDP camps were around
3 the airport area. I don't remember clearly the name of the commune. Is it either
4 Boeing or Combattant, something like that, a region which was very typical for these
5 IDP camps, and I visited another IDP camp seeing what food distributions happening.
6 It was somewhere on the outskirts of the town, towards, I think, north-west, if
7 I remember right the direction, but unfortunately I can't remember the district or the
8 commune, or whatever, where it was located, but I'm very sure in my notebooks I
9 provided as an evidence to the Court, it was written in there, the exact
10 location -- Mole, Mole IDP camp if I remember right, yeah.

11 Q. [10:21:22] And you referred to having chats with some of the people around the
12 mosque. Firstly, did you -- can you tell us what was your understanding of the
13 living situation of the people who were around the mosque?

14 A. [10:21:32] They lived literally on a small piece of island of a halfway secure area
15 around the mosque. It was not even all the -- the district, let's say, the PK5 was
16 shrunk into an island which was hardly protected around the mosque. I remember
17 the Rwandan peacekeeper being permanently deployed along the main road, which
18 was the -- the mosque was located and they had roadblocks on both sides of the main
19 road. Mostly men I spoke to on this very moment. They referred to me that they
20 can't go to the end of the road without being scared to be killed; that there's hardly
21 any shops anymore who has food or other items available for daily necessary, like,
22 eating or washing; that there was literally no safe place anymore to sleep. Most of
23 them did not sleep properly since many weeks and complained about stress-related
24 symptoms of non-sleeping, or not eating and other stress and fears.
25 Most of them referred as well that they have packed their last belongings that they

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1 own, or that are still available within their range of movement which they can pack
2 into a bag and waiting for any option to get out of this town via either UN means or
3 MINUSCA means or whatever means of safe transport.

4 And as I've -- as I remember, a few days after my visit there was a convoy going to
5 the north that a lot of the people left in PK5, went on that convoy, and that that area
6 was literally halfway empty afterwards.

7 Q. [10:23:48] And did you find out what the access, if any, to medical care was like
8 for these people?

9 A. [10:24:00] Unfortunately not. I can't recall that I've asked this question to the
10 imam or anyone else there. I just know in general that the health-care situation in
11 the whole country was before the war already very disastrous; during the war, super
12 disastrous, and, in this very time as -- 2013, and '14, as I was there, there was literally
13 no health facility functioning much anymore.

14 Q. [10:24:35] And --

15 A. [10:24:36] So even if there would have been a health centre, most of the time
16 they were not functioning.

17 Q. [10:24:46] Yes, thank you. And in this ever-shrinking island of PK5 where the
18 Muslims could live, do you have any idea how many Muslims were there,
19 approximately?

20 A. [10:25:06] Let me say it like this: I did not do a door-to-door count. The only
21 thing I could see was the moment the mosque was packed, and I don't recall how big
22 the mosque was, but this prayer room, which the people gathered and then did not
23 have enough space and had to squeeze in the door outside, let me estimate between
24 50 and 100 who fit in this prayer-room session area in -- in total, and that was halfway
25 full, or it was full.

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1 Q. [10:25:47] Now, among the people who you chatted to, was one of them a man
2 {ICR: (Redacted)}?

3 A. [10:26:01] I'm very sorry, but my memory of names is in general very bad. So
4 this doesn't have too much to do with the difference of 10 years' time since then and
5 now, that I am not good in recalling names in general. And it is most likely, and I'm
6 very sure in my notebooks I have a name which I talked to is listed in there. So I'm
7 very sorry, but I should -- I would need to look in my notebooks to be very sure.

8 Q. [10:26:28] That's okay, Madam Witness. I can perhaps refresh you on that, that
9 you'd put that name on a conversation that you had with a man who talked about
10 attacks by the Anti-Balaka every day. Does that sound familiar?

11 MS PROULX: [10:26:44] Can we have a reference?

12 PRESIDING JUDGE SCHMITT: [10:26:46] Yeah, indeed.

13 Just a second, Madam Witness. We want to have a reference where Ms Henderson
14 has it from.

15 Please tell us for the record.

16 And then you can answer, Madam Witness.

17 MS HENDERSON: [10:26:56] Yes, that's what I was getting to, your Honours,
18 because it's on the Ngaïssona Defence list. The reference is tab 4 of that list,
19 CAR-OTP-2076-1117, with the transcript available at tab 1 of the Ngaïssona Defence
20 list, CAR-OTP-0000-1437.

21 Q. [10:27:25] Madam Witness, that was the more administrative part, but does that
22 refresh your memory, speaking to a young man who referred to being attacked every
23 day by the Anti-Balaka in PK5?

24 A. [10:27:37] I recall {PFR: (Redacted)}, but since I spoke to at least five, or maybe
25 even 10 people at around this mosque on this very morning in a short time,

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1 I remember as well that at one moment there were like probably four or five people
2 standing around me and I just manoeuvred my microphone, whoever spoke. I -- it is
3 most likely that he was among them, but I don't recall his face really clearly.

4 Q. [10:28:16] Thank you very much, Madam Witness. Those are all the questions
5 that I have for you today. Thank you.

6 PRESIDING JUDGE SCHMITT: [10:28:29] Thank you.

7 Any questions -- I don't assume it -- by the representative of the victims? No.

8 I would suggest when we -- so perhaps I ask first who wants to start from the Defence?

9 You start.

10 My next question would be would it be better to have now a short break, or --

11 MS GUISSÉ: [10:28:53](Interpretation) Your Honour, I think I have about 10 minutes
12 worth of questions, in any event. There will be time for a break.

13 PRESIDING JUDGE SCHMITT: [10:29:04] Then we start with you, and you have the
14 floor and we have the break afterwards. Thank you.

15 QUESTIONED BY MS GUISSÉ: (Interpretation)

16 Q. [10:29:15] Good morning, Madam Witness. I don't know whether you can see
17 me on your screen, but my name is Ms Guissé. We didn't have an opportunity to
18 meet one another, so I will introduce myself. I am one of Mr Yekatom's lawyers and,
19 as I said to the Presiding Judge, I only have a few very brief questions for you related
20 to some photographs that you commented upon with the Prosecution.

21 Of course, please be careful and try to pause between my questions and your answers,
22 for the sake of interpretation -- I realise that you understand French -- and I will try to
23 do the same. And, in particular, I will be very careful about the protective measures
24 that have been implemented for you.

25 Now, for the Chambers and the parties, I may be referring to the witness's statement,

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1 and the English version is CAR-OTP-2076-0911, and in French, CAR-OTP-2118-4377.
2 So, Madam Witness, I will begin with my first question.
3 Now, you made mention a few moments ago at 9:56, to be precise -- you made
4 mention of Seleka cards that had been prepared that you yourself saw in April 2013,
5 and you made some comments about a photograph during your interview with the
6 OTP investigators. Now, these photographs did not automatically go into evidence,
7 because they were not mentioned in the paragraphs we've mentioned today, so I
8 would like to put the ERN numbers on the record, and I'm speaking of tabs 3, 4, 5 and
9 6 of the Defence binder. Now, tab 3 is CAR-OTP-2076-1428. At tab 4 we find
10 CAR-OTP-2076-1435. At tab 5 we find document CAR-OTP-2076-1449. And,
11 finally, at tab 6 we find document CAR-OTP-2076-1450.
12 Madam Witness, I'm sorry for these administrative matters. I'll move to my first
13 question.
14 Now, at tab 3, we find a photograph. If the court officer could kindly put the
15 document up on the screen, tab 3, document ending in 1428.
16 you mentioned this photograph when you were interviewed by the OTP Prosecutors,
17 and this was paragraph 146.
18 If we could zoom in, please, and look more closely at the photograph -- oh, I see the
19 document is not quite up on the screen yet.
20 If we could begin by viewing the entire photograph, this is tab 3, Defence binder, and
21 the ERN number ends with 1428, CAR-OTP-2076-1428.
22 PRESIDING JUDGE SCHMITT: [10:34:21] I think we have now something on the
23 screen.
24 MS GUISSÉ: [10:34:25] (Interpretation)
25 Q. [10:34:25] Can you see the photograph up on the screen, ma'am? This is a

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1 photograph that you commented upon when you were interviewed by the OTP
2 investigators. If we could look more closely at the card that the Seleka element is
3 wearing in this photograph, my first question to you is this: You recognise this
4 photograph, and we agree that these are the Seleka elements that you made mention
5 of earlier when questioned by the Prosecutor. You said that these ID cards had been
6 put into practice as a way to distinguish between real Seleka and fake Seleka?

7 Correction -- true?

8 A. [10:35:28] Yes, so that's true.

9 Q. [10:35:35] Did you have an opportunity to actually handle one of these ID cards,
10 or did you just see them worn by Seleka members?

11 A. [10:35:50] I remember the -- {ICR: (Redacted)}

12 and to {ICR: (Redacted)} 2013, and he told me about the ID cards.

13 Then after the {ICR: (Redacted)} was finished, I went outside and I saw {ICR:

14 (Redacted)} parked there waiting around the pick-up trucks in the parking of the {ICR:

15 (Redacted)} That's where the first time they showed me these ID cards.

16 One of his direct bodyguards or, let's say, personal escorts - at least one - was a family
17 member. Was it his brother, if I recall it right, and he was the one showing me these
18 Seleka ID cards the first time.

19 Then later this picture was taken in front of the Radio Ndeke Luka, {PFR: (Redacted)}
20 (Redacted)}

21 and in front of this radio station there was a car, I think even car parked, but for sure
22 these two elements of Seleka were literally guarding the radio station's compound
23 and that's where I saw the Seleka ID cards again.

24 Q. [10:37:23] With the assistance of the court officer, I'd like us to move to another
25 photograph and this is tab 4, CAR-OTP-2076-1435, the item with a number ending

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1 in 1435.

2 Now, here we see a group of Seleka members and the person wearing sunglasses is
3 wearing this Seleka ID card quite clearly, and this time I believe we are seeing the
4 other side of the ID card.

5 So my first question is this: We only see one person in the group with this ID card
6 around his neck. Do you know whether all the people in this photograph had these
7 ID cards? Did each particular person have one? Was it a requirement for all Seleka
8 members to wear such an ID card on their very person, even though we don't
9 necessarily see all of them wearing such cards on this photograph?

10 A. [10:39:08] First of all, this is the moment I spoke about, as I came from {ICR:
11 (Redacted)} of the {ICR: (Redacted)} with {ICR: (Redacted)}.

12 This person wearing his ID card is {ICR: (Redacted)}
13 (Redacted)}

14 For sure, he was the only one visibly wearing this ID card. I could not -- I did not do
15 a cross-check of other elements in these photos on this group, were carrying them
16 below their other fatigues and had them, yet not visibly on display. This is what
17 I can't confirm. But I was very much -- but I was -- I'm very much aware that the
18 process -- the moment I spoke to {ICR: (Redacted)} about these ID cards, {ICR:
19 (Redacted)} {PFR: (Redacted)}

20 (Redacted)

21 (Redacted)} and I was very much concluding out of this that not yet all elements were
22 registered in the lists and not all of them had been issuing ID cards yet. That was
23 still an ongoing process.

24 Q. [10:40:42] Thank you for that information, ma'am.

25 Now, what I've understood from your discussion with him, it was a process that was

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1 under way and the goal was to provide ID cards to all Seleka elements; is that correct?

2 A. [10:41:05] The Seleka elements, each commander on different levels of hierarchy
3 would state that these are his elements in his unit. This is how I understood that
4 they went from commander to commander, and the commander gave the list of
5 names of how many elements he has in his unit. A battalion commander gives them
6 50 names only, and so that was the level how they established the real Seleka units
7 and hierarchies. It started literally from the commanders reporting to his superior
8 the names of the elements he has in his unit.

9 Q. [10:41:52] I'd like to ask you to comment on one final photograph, tab 5 of the
10 Defence. This is CAR-OTP-2076-1449. So the ERN number ending in 1449.
11 Now, this is a photograph that you commented upon when you were interviewed by
12 the OTP investigators. So, once again, we see the same element who is wearing the
13 sunglasses and an ID card; to the left we see a person who is in civilian attire. Now,
14 I understand your explanations about you not being good with numbers -- or, rather,
15 with names, but could you tell us whether this person is a Seleka member or not?

16 A. [10:43:07] It is for me not easy to answer that clearly, because there is -- the
17 definition of Seleka member is for me -- or was for me at that moment on the civilian
18 side not very clear. Militarily it was easier to say a commander confirms this
19 element is in his unit, then he gets a real Seleka card. I know this person to him
20 closest is definitely a biological brother, first or second degree to General Adam, as
21 the one which wearing the Seleka card is as well, a brother to Nouredine Adam.
22 He has, in total, if I remember correctly, 17 brothers, first degree or second, I'm not
23 sure, {ICR: (Redacted)}

24 (Redacted)

25 (Redacted)

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1 (Redacted)}

2 a brother to Nouredine, mostly on the business financial side of the Seleka, meaning
3 that he was a diamond trader {ICR: (Redacted)}

4 (Redacted)

5 (Redacted)

6 (Redacted)}

7 to the main *quartier* in the city centre where there was as well Lebanese and other
8 clients sitting there, and he was literally about to sell the stone.

9 If this financing the Seleka as the organisation, or if that was a personal family
10 business of the Adam family, which is more than just a family, it's like a whole clan,
11 this was not really clearly said and mentioned to me, and I can just assume and
12 conclude.

13 Q. [10:45:27] Thank you for that information, Madam Witness, and I have
14 concluded my questioning, your Honour.

15 PRESIDING JUDGE SCHMITT: [10:45:38] Thank you very much. I think we have a
16 break, then. Let's say, why not, 11.30, a little bit longer than usual.

17 (Recess taken at 10.45 a.m.)

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

19 THE COURT USHER: [11:32:37] All rise.

20 Please be seated.

21 PRESIDING JUDGE SCHMITT: [11:32:58] Ms Proulx, you have the floor.

22 MS PROULX: [11:33:04] Thank you very much, Mr President.

23 I realise it's unfortunate, but I think I will have to go immediately into private session.

24 PRESIDING JUDGE SCHMITT: [11:33:14] Private session.

25 For long -- for a long period?

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1 MS PROULX: [11:33:18] I'm afraid for most of my examination.

2 PRESIDING JUDGE SCHMITT: [11:33:21] Then private session.

3 That's unfortunate for the audience, but we have a protected witness and when issues
4 are discussed that could reveal the identity of the witness we have to do this in
5 private session.

6 We go to private session.

7 (Private session at 11.33 a.m.)

8 THE COURT OFFICER: [11:33:52] We're in private session, Mr President.

9 QUESTIONED BY MS PROULX:

10 Q. [11:33:59] Madam Witness, good morning.

11 First of all, let me introduce myself. I apologise that I was not present last week at
12 the courtesy meeting. I think you met my colleagues. My name is Marie-Hélène
13 Proulx. I am one of the lawyers for Mr Ngaïssona and I will be asking you a few
14 questions today. We don't have very long, so I hope you will have the patience to
15 answer my questions.

16 I'll remind you - you and I both - that we need to speak slowly and make a pause
17 between question and answer. And on this note let me get straight into it.

18 Madam Witness, I would like to start by a few questions in relation to your first trip
19 to the Central African Republic in 2013. Is it correct, Madam Witness, that this trip
20 only lasted about nine days?

21 A. [11:35:08] I have not counted the days exactly, but the first trip was -- I think,
22 working days, excluding the arrival and the departure time, was roughly a week.
23 And so, yeah, within the amount of 10 days I think would -- it's somehow correct.

24 Q. [11:35:31] Thank you very much.

25 In your statement at paragraph 17, you speak about information that you obtain

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1 through a woman named (Redacted) about an alleged distribution of machetes at the
2 stadium. I would like to know where did Ms (Redacted) get that information
3 from?

4 A. [11:36:03] Actually, I don't recall if she mentioned any source or if she, as well,
5 referred it from her own, let's say, experience in this country. She's -- I think she's
6 either born there or raised there as a young child. She speaks Sango, at least, very
7 fluently and she's familiar with this country I think more than with her own home
8 country. But I have no memory or recollection of the original sources where this
9 information came from.

10 Q. [11:36:41] Do you know if she checked that information herself? Did she have
11 any proof?

12 A. [11:36:49] I can't remember and recall our conversation about that and how
13 many cross-checks I asked her and what she gave as an answer to me. I just know
14 that she's very familiar with the inside of the politics and the who's who in that
15 country since long time. So I -- and she has very good connections to international
16 sources as well, French and whatsoever. So I was not in the position to do a big
17 question mark on this information to get -- as one of this informations you take -- you
18 get preserved -- reserved as in the beginning of a new country where you -- you start
19 the settling in.

20 Q. [11:37:45] At paragraph 88 of your statement you recount that at the beginning
21 of your second trip you were told by someone else, who was a local boat pilot, that
22 the French also distributed machetes.

23 Now, Madam Witness, are these different distributions or different versions of the
24 same story?

25 A. [11:38:15] The boat person, I don't remember his name very clearly, but referring

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1 somehow to the same incident, it was all mentioned, the same situation, that there
2 was a mass gathering in a stadium, mostly -- probably the most biggest stadium in
3 Bangui, and that there was somehow French involvement involved. But as I said
4 before, I cannot -- I don't have any evidence. I don't know what is the original
5 source. I just heard the same story, let's say, from different sources and also just
6 writing it down in my notebook.

7 Q. [11:39:01] Thank you for that. I'll move on.

8 At paragraph 19 of your statement you explain that (Redacted)
9 in (Redacted) on (Redacted).

10 I would like to show you some of the pictures that I think you took, starting my
11 document number 7 in the list of material of the Defence.

12 And the reference is (Redacted).

13 Madam Witness, do you see the picture?

14 A. [11:39:42] Yes.

15 Q. [11:39:43] And is this (Redacted)?

16 A. [11:39:52] Yes. Well, there were so many different rooms. It was a huge
17 compound and all rooms, they looked differently in, let's say, all the same
18 chaos -- different chaos in different rooms. And that must be one of them -- of the
19 storage rooms, I guess, on the office side of the building, not ...

20 Q. [11:40:21] I'll show you two more pictures.

21 First document number 10, (Redacted).

22 Do you also recognise that picture (Redacted)?

23 A. [11:40:51] Yes, very much. This -- as I said, the compound was huge and there
24 was a private house apart and there was as well, it looks from more like garage
25 settings of buildings (Redacted).

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1 The remaining details which were on the floor, (Redacted)

2 (Redacted) indicated clearly that this is (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [11:41:42] Thank you very much.

6 Let me show you one last picture. It's document 11, (Redacted).

7 Can you once again please confirm that this isn't (Redacted)?

8 A. [11:42:09] Yes, very much. It's probably the (Redacted) just from a different

9 angle, the picture taken from a different angle. There's the main table, which is lying

10 there, seems to me, for me, the same like in the previous picture.

11 Q. [11:42:32] Based on these pictures, Madam Witness, is it fair to say that

12 (Redacted)?

13 A. [11:42:45] Let's say it like this, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [11:43:36] At paragraph 47 of your statement you speak about a guard who told

20 you that he was paid by (Redacted) to protect the property. Did you check that

21 information? Did you check that this was indeed true?

22 A. [11:43:51] No. The guard gave me a phone number of (Redacted), which I tried

23 to call several times, but I could not go through. Either it was ringing and not being

24 picked or the network was not even letting me pass.

25 Q. [11:44:14] Or, potentially, it wasn't (Redacted) phone number;

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1 do you agree?

2 A. [11:44:20] Well, that was in the end as well one option which was potentially
3 possible, but I could neither confirm nor dismiss this information.

4 Q. [11:44:36] Is it correct, Madam Witness, that the Seleka had largely destroyed
5 and looted civilian property in Boy-Rabe?

6 A. [11:44:50] Yes. As many people, population living in Boy-Rabe as well from
7 other sources, UNOCHA and what, everybody confirmed at the beginning of my visit
8 that Boy-Rabe was the most affected *quartier* from all Bangui, probably from the
9 whole country, where the systematic looting was more severe than in other *quartiers*.

10 And in Boy-Rabe for me, visiting, seeing the roads and the area was more a
11 residential area than a business area, with (Redacted)

12 (Redacted)

13 and probably as (inaudible) --

14 PRESIDING JUDGE SCHMITT: [11:45:44] Again, we have --

15 THE WITNESS: [11:45:46] -- (Redacted)

16 PRESIDING JUDGE SCHMITT: [11:45:49] Madam Witness, could you please repeat
17 the last couple of sentences because there was just an interruption of our connection?

18 That would be very kind. Thank you.

19 THE WITNESS: [11:46:01] Thank you, your Honour.

20 As far as I recall from my visits in Boy-Rabe was that it was more a residential area
21 than a business area and that (Redacted)

22 (Redacted)

23 And there was, (Redacted)

24 (Redacted)

25 (Redacted) But, as far as I recall, this *quartier* was more residential in general and it

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1 was highly looted. At the beginning of my first visit, I could hardly see any intact
2 housing. Lots of doors had been broken in, shops were looted, and so, yeah, it
3 was -- the visible impression was of destruction and looting.

4 Q. [11:47:15] Thank you for that, Madam Witness. Moving on, at paragraph 44 of
5 your statement, you mention that a woman from (Redacted) whose name is
6 (Redacted), she told you that Mr Ngaïssona had ordered to set up a militia before
7 leaving Bangui. Do you know where she got that information from?

8 A. [11:47:43] I recall that she gave me this information, but I don't recall if I asked
9 her for the original source of it or not and if she even gave me a -- an answer or not.
10 The information is clearly in my -- let's say, my memory because I wrote it down
11 and -- but how this information came together and what sources she was relying to, I
12 don't recall now.

13 Q. [11:48:19] So do I understand correctly that you did not seek to confirm or
14 infirm that information yourself?

15 A. [11:48:28] Well, in the beginning I got a lot of informations which I
16 decided -- well, I had on my, let's say, confirming list, but I could not get any second
17 or third sources to confirm this with. That's why I decided in the end of the day as
18 well to talk to Seleka and Anti-Balaka elements themselves and asking who's their,
19 let's say, chief of command to see what's the hierarchy structure of these two groups
20 and who is actually able to -- to organise things like that.

21 Q. [11:49:20] And when you were questioning individuals around town, were you
22 made aware that Mr Ngaïssona was in fact a civilian and had no military background
23 at all?

24 A. [11:49:37] I was aware that Mr Ngaïssona is a politician, let's say, in first place as
25 his function of a minister of youth and, let's say, an engaged person within the sports

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1 and football organisation of the country. Apart from that, the Anti-Balaka itself, as I
2 meet them later on, almost all of these people were not like the top, top people, were
3 civilians in the first place. Nobody really went through any military training or
4 signed up with any military institution. So, that -- the fact that Mr Ngaïssona is not a
5 military person did not exclude him from personally, let me say, like my
6 interpretation of playing a role in these organisations. And as far as I know from
7 other countries in Africa, lots of militias or rebel movements or however you call
8 them have a civilian and a military side of the organisation, and like this is not
9 (inaudible) any extraordinary thing that there are civilians in the top hierarchy of, let's
10 say, a movement or rebel group (inaudible) don't have military background. This is
11 more than usual or normal to see.

12 Q. [11:51:04] Well, that is your interpretation, right? It's an interpretation that
13 you're making?

14 A. [11:51:11] As I said, I studied many rebel groups. For example, in Congo
15 (Redacted) a Congolese rebel group and a Rwandan rebel group where they have
16 clearly a military and a political wing of the high leadership that is established in
17 (inaudible). There are militias which have military and civilian sides of their
18 leadership.

19 Q. [11:51:37] Thank you for this. I'll move on now to your second trip to the
20 Central African Republic. This one in 2014 lasted, all included, about 10 days; is that
21 correct?

22 A. [11:51:53] Yeah, more or less; roughly 10 days.

23 Q. [11:52:03] So together, your two trips, we're talking about less than two weeks or
24 just over two weeks in the country; is that correct?

25 A. [11:52:13] No, and excuse me, please. The first trip we established that it was

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1 at least six or seven working days plus arrival and departure day. In the second trip,
2 I remember clearly it was definitely nine or 10 working days on the ground, and I did
3 my arrival and my departure via (Redacted), meaning I (Redacted)
4 (Redacted).

5 And on the arrival and on the departure, I spent several time -- most days in
6 (Redacted) where I talked to refugees and (inaudible) from Central African Republic.
7 So my total trip was definitely longer than two -- two weeks in total when you
8 calculate everything together.

9 Q. [11:53:13] So three weeks then?

10 A. [11:53:16] You can count. You have my exact dates in my statement so just add
11 them up.

12 Q. [11:53:30] At paragraph 90 of your statement, you recount that you (Redacted)
13 (Redacted)

14 no money to pay the salaries of the gendarme (Redacted).

15 Is it fair to say, based on this, that the gendarmerie was not really effective at that
16 point?

17 A. [11:53:59] I have not witnessed their effectivity in terms of daily work, yeah. I
18 can just say that in general I think the country's situation before the war broke out, the
19 payments were not done regularly, probably even before. So for gendarmes being
20 out of their salary for a few months, it's probably not the first time they experienced
21 this, and yet the gendarmerie as an institution was at least somehow existing
22 throughout these non-payment weeks. So how effective it is into -- to implement
23 their work, I could not -- I'm not the one giving evidence on this.

24 Q. [11:55:01] Thank you -- thank you for this. Is it fair to say that since gendarme
25 were not paid, they were therefore vulnerable to bribes and to corruption in general?

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1 Is this something that (Redacted)?

2 A. [11:55:19] I cannot recall that (Redacted)

3 (Redacted)

4 (Redacted)

5 securing certain areas of -- for providing security for the local population. That was

6 a lack. And that there was as well no means of further recruitment and for the

7 potential set-up of the institution as a gendarmerie, which was functioning and

8 workable for the nearest future. So what I concluded out of it was like a vacuum of

9 security for the local population day in and day out, and a kind of helplessness of the

10 people in Chad how to overcome the security vacuum.

11 Q. [11:56:21] (Redacted)

12 interactions the gendarmerie had with the Sangaris or the MISCA, the international

13 forces? Do you know if they were working together?

14 A. [11:56:37] Unfortunately, I can't recall the details and all information (Redacted).

15 I'm very sure (Redacted)

16 (Redacted) That is somehow available (Redacted). So in case there is information

17 which will answer this question, I'm very sorry, but since the time distance is so long,

18 I just can't recall the details of it.

19 Q. [11:57:13] That is no problem. It is very normal not to remember every detail,

20 Madam Witness.

21 I'll just move on now to (Redacted)

22 on (Redacted). When you saw it again, is it fair to say that (Redacted)

23 (Redacted)?

24 A. [11:57:42] Yeah, unfortunately, it was shocking how much it looks quite -- it

25 looked quite the same. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [11:58:20] You didn't see (Redacted); is that correct?

6 A. [11:58:28] No, for sure, not. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [11:58:49] And do I understand your statement correctly that you also never
11 spoke to (Redacted)?

12 A. [11:58:59] As I said before, I was asking for his number. Too, as well, I wanted
13 to confirm what I have heard from information. I was given a number which was
14 meant to be his, and I tried it several times at different occasions and I never had any
15 success to go through or to talk to him directly.

16 Q. [11:59:28] Now, Madam Witness, this morning my colleague from the Office of
17 the Prosecutor asked you a few questions about the conversations you had on
18 (Redacted) and, in particular, on the fact that (Redacted) was on the phone with
19 someone and which you allege was Mr Ngaïssona. But you recognise yourself in
20 your statement, Madam Witness, at paragraph 112 that it cannot be (Redacted)
21 that (Redacted) actually says he was on the phone with the boss.

22 Do you recognise that?

23 A. [12:00:11] No. (Redacted), (Redacted) is not saying clearly that -- no.

24 (Redacted) was not confirming clearly that (Redacted) was on the phone with

25 Mr Ngaïssona. But the body language, including what I recalled, saw and recalled

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1 was for me clear that it must be a superior, superior person on the phone. And since
2 I asked (Redacted) directly after the communication or conversation, "Who is the
3 *chef?*" and later on (Redacted) as well, and both confirmed that he is the *coordonateur* of
4 the Balaka, at least at this fraction. I concluded out of it that this person on the
5 phone was Mr Ngaïssona. And as I said, there was, for me, from the visibility of his
6 body language, and I slightly recall that I saw the display of his phone, that he was
7 in -- talk with someone very high up.

8 Q. [12:01:29] Madam Witness, I suggest to you that if (Redacted) had actually said
9 it was the boss on the phone, (Redacted).

10 Do you concede that?

11 A. [12:01:45] Yeah, sure.

12 Q. [12:01:53] Now, you're talking about (Redacted) being submissive and obviously
13 talking to someone higher up. But let me -- let me refer to (Redacted)
14 (Redacted).

15 It's at document 14 in the list of material of the Prosecution. The full ERN is
16 CAR-OTP-2087-8960 and I will refer to page 8970.

17 And this morning you were saying that you had heard (Redacted) say:

18 (Interpretation) "Thank you. I thank you."

19 But the transcript clearly shows that (Redacted) was using "*tu*", the informal way of
20 addressing someone in French. I suggest to you, Madam Witness, that this familiar
21 language is not compatible with a hierarchy as strong as you suggest in your
22 testimony, that if (Redacted) had indeed been on the phone with Mr Ngaïssona, he
23 would have said "*vous*", the formal way of addressing someone in French. Do you
24 agree?

25 PRESIDING JUDGE SCHMITT: [12:03:31] Ms Henderson.

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1 THE WITNESS: [12:03:34] Potentially, yeah.

2 PRESIDING JUDGE SCHMITT: [12:03:36] Just a second --

3 THE WITNESS: [12:03:34] Potentially, yeah.

4 PRESIDING JUDGE SCHMITT: [12:03:37] Madam Witness, there is an objection by
5 Ms Henderson, and please wait a second with your answer.

6 Ms Henderson.

7 MS HENDERSON: [12:03:44] Mr President, the question calls for speculation. It's
8 about what would be in the mind of Mr Ngaïssona or in his way of speaking, and the
9 witness, in my submission, can't answer that.

10 PRESIDING JUDGE SCHMITT: [12:03:55] I agree. However, we -- for the record,
11 line 350: "... *c'est moi qui te remercie, c'est moi qui te remercie.*"

12 So what you could ask the witness is if this changes her assessment. But not the way
13 you did it. Yeah?

14 MS PROULX: [12:04:18] Thank you, Mr President.

15 Q. [12:04:23] Madam Witness, let me rephrase.

16 Clearly (Redacted) is using an informal level of French. Do you still -- do you still
17 believe that he was being very submissive and speaking to someone very high in the
18 hierarchy based on the use of that language?

19 A. [12:04:49] I can -- I don't know their relationship so I have no evidence or
20 whatever information on their personal level of relationship, if they know each other,
21 if they're either related or whatsoever. So out of this "*te*" or "*vous*" I cannot conclude
22 anything on or if it makes more difference to come -- which comes to my conclusion
23 that he was still very much in touch with a superior person. And whoever was on
24 this other side, I cannot finally, like 100 per cent confirm that this was Mr Ngaïssona
25 (inaudible) -- this much distinction out of it. As long -- I don't know the personal

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1 relationship between those two people, I would not draw (inaudible) --

2 PRESIDING JUDGE SCHMITT: [12:05:44] So again, Madam Witness, I have to

3 apologise. We have had a short interruption again with the connection. Can you

4 repeat the -- yeah, the last -- last portion of your answer. That would be kind. If

5 you hear me. Otherwise we have to reestablish --

6 THE WITNESS: [12:06:03] Yes, your Honour, I hear.

7 PRESIDING JUDGE SCHMITT: [12:06:05] Okay. Please repeat --

8 THE WITNESS: [12:06:06] I hear you. We have --

9 PRESIDING JUDGE SCHMITT: [12:06:07] I have to apologise for that back and forth,

10 but that sometimes happens. You're not sitting in the courtroom here so you

11 understand that sometimes the connection is a bit bad.

12 So, please, just repeat the last portion, perhaps, of your answer.

13 THE WITNESS: [12:06:25] Sure. There seems to be an internet cable down in Africa.

14 That's why the connection today is very bad in this continent. Anyway, I am

15 repeating now my conclusion.

16 I said since I'm not knowing any -- the quality of the relationship between (Redacted)

17 and the person he spoke to, I would not draw any conclusion out of the changing of

18 "te" or "vous" as a word, the term being used. I'm concluding still -- still the whole

19 habitat of body language was very clear he speaks to a superior person in the

20 hierarchy of his chain of command, and that was what I concluded out of the

21 situation.

22 PRESIDING JUDGE SCHMITT: [12:07:18] Thank you. Now we have heard you.

23 You are back in full and now we see you again.

24 So, please, Ms Proulx, also for you it's not a comfortable situation, but still we have to

25 adapt. Please continue.

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1 MS PROULX: [12:07:30] Thank you Mr President. In any event, it's not going to be
2 very long now.

3 Q. [12:07:35] Madam Witness, I will refer to (Redacted).

4 It's at document number 2 in the list of material of the Office of the Prosecutor. The
5 reference is CAR-OTP-2001-4441. And at page 4442, (Redacted) that (Redacted)
6 (Redacted).

7 Now, at paragraph 122 of your statement, you explain that (Redacted)
8 (Redacted).

9 So here's my question: Madam Witness, do you agree that at no point in
10 (Redacted)
11 (Redacted)?

12 A. [12:08:50] I am very sorry, but just for making it clear, I don't understand the
13 question really clearly, because even when you have (Redacted)
14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:09:27] Okay. That wasn't clear from your statement. But you also say
18 (Redacted), plural. Are you aware of any (Redacted)
19 (Redacted)?

20 A. [12:09:46] He was referring to us as the commander, let's say, like -- like a
21 military commander kind of style, yet it was not a military trained person himself and
22 the structure of the Anti-Balaka was maybe not out of -- coming out of a military
23 sophisticated background. But him saying, (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:10:25] So that was your assumption?

3 A. [12:10:29] Like I said, when he's (Redacted)

4 (Redacted)

5 An operation does not automatically mean I'm combating a military search-or-destroy
6 mission.

7 Q. [12:10:59] Madam Witness, I will ask you now a question about (Redacted).

8 It's at tab 15 in the OTP binder. I think my colleague already gave the full ERN, but
9 for the record I'm going to refer to a passage that is on page 1747.

10 And in (Redacted) and that (Redacted) "... leads a militia to reclaim power for the
11 Bozizé clan."

12 Now, I have two questions about that, Madam Witness. First of all, do you agree
13 that at no point in your interactions with (Redacted) he ever told you that he was
14 leading the militia?

15 A. [12:11:57] I'm very sorry, but (Redacted) was (Redacted)

16 (Redacted) so please provide me with (Redacted)

17 (Redacted) so I can see if I have chosen the right vocabulary or not.

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

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [12:12:25] Well, I think -- I think it's enough -- do
21 you we have a document where -- do we have the document in (Redacted)? I think
22 we have. Yeah. So then let's display it to the witness and the witness can read by
23 herself. (Redacted)

24 Ms Henderson.

25 MS HENDERSON: [12:12:42] Your Honour, just for the record, because I actually

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1 didn't use this document - I had planned to but I didn't need to. For the record, the
2 ERN of the English translation is (Redacted).

3 PRESIDING JUDGE SCHMITT: [12:12:55] And can we pull up now the (Redacted)
4 version. Do we have the ERN number of it, please, for the court officer?

5 MS HENDERSON: [12:13:03] Yes, it's tab 3 of the Prosecution binder,
6 CAR-OTP-2076-0717.

7 PRESIDING JUDGE SCHMITT: [12:13:18] And then, Ms Proulx, you tell me what
8 you're referring to in the English version (Redacted)
9 (Redacted) We do it this way, perhaps, yeah?

10 MS PROULX: [12:13:31] Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [12:13:36] You said 1747.

12 MS PROULX: That's right. In English.

13 PRESIDING JUDGE SCHMITT: [12:13:35] And which paragraph?

14 MS PROULX: [12:13:38] So it's the paragraph just under the title "Reclaiming power".
15 And it's the last sentence of that paragraph.

16 PRESIDING JUDGE SCHMITT: [12:13:45] Yeah, okay. Then we show to
17 Madam Witness page 0724.

18 And we are talking, about -- Madam Witness, about the last sentence of the first
19 paragraph here on this page.

20 Do we have it already or am I too quick? We have it now.

21 Look at it. This is exactly above the photograph: (Redacted)

22 (Redacted)

23 And this is translated in: (Redacted)

24 (Redacted)

25 And this is what Madam Proulx is referring to.

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1 So perhaps you simply repeat the question, Ms Proulx, so we can ...

2 MS PROULX: [12:14:49]

3 Q. [12:14:49] My question, Madam Witness, was: Do you agree that (Redacted),
4 or (Redacted), actually did not lead the militia; (Redacted)
5 he led the militia?

6 A. [12:15:05] No, (Redacted) he's (Redacted) of this militia and among the leading
7 figures in the militia. The word "leading" in this (Redacted) original document is
8 definitely, I have to confess, misleading a bit. But the process of (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 But he clearly said he's among the leaderships, and mostly (Redacted) is even a
16 member of the -- let's say, leadership circle in a lot of militias.

17 PRESIDING JUDGE SCHMITT: [12:16:16] Yeah, thank you, Madam Witness.

18 Ms Proulx.

19 MS PROULX: [12:16:22]

20 Q. [12:16:23] Thank you for these clarifications, Madam Witness.

21 I have now another question (Redacted)

22 they were trying to reclaim power for the Bozizé clan, and I'd like to put that in
23 contrast with (Redacted).

24 And I'm referring to the transcript which is at tab 13 in the OTP binder, (Redacted).

25 And the excerpt in question is at page 8946 and 8947.

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1 Madam Witness, (Redacted) told you the exact opposite. Do you recall? He told
2 you actually that the Anti-Balaka were absolutely not supported by Bozizé. Do you
3 recall that?

4 A. [12:17:33] No, not out of my memory now.

5 PRESIDING JUDGE SCHMITT: [12:17:36] Can we put it word by word to the
6 witness perhaps, and please tell us exactly where you have it from. It's
7 894-something.

8 MS PROULX: [12:17:46] The excerpt starts at page 8946, and I can read it in
9 French --

10 PRESIDING JUDGE SCHMITT: [12:17:47] Yes, please.

11 MS PROULX: [12:17:47] -- for you, Madam Witness.

12 PRESIDING JUDGE SCHMITT: [12:17:48] Please.

13 MS PROULX: [12:17:49] It will be interpreted into English.

14 PRESIDING JUDGE SCHMITT: [12:17:56] Yes, please do that.

15 MS PROULX: [12:18:01]

16 Q. [12:18:01] So (Redacted) says:

17 (Interpretation) "(Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)."

23 (Speaks English) And I will stop here.

24 You don't recall (Redacted) telling you this, Madam Witness?

25 A. [12:18:56] Not out of my memory after 10 years. If you read it to me and it's in

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1 (Redacted), it must be the (Redacted), yeah.

2 PRESIDING JUDGE SCHMITT: [12:19:12] But this is obviously what (Redacted) said
3 at the time.

4 What was the reason why you spoke that it -- the whole thing is about bringing
5 Mr Bozizé back to power? Do you recall that?

6 THE WITNESS: [12:19:28] Well, I recall that in Boy-Rabe people were very, let's say,
7 friendly to Mr Bozizé as the president because he came -- he's not born in the area, but
8 he was a deputy for it for a while, so people in Boy-Rabe were very, like, considering
9 him as one of theirs, let's say, in the leadership of the politics of the country. And it
10 was clearly that these people who were, let's say, kicked out of their positions while
11 the Seleka took over the government and the whole state that these people wanted to
12 claim back their previous powers.

13 So that boy, (Redacted), is saying nobody was behind us -- was more complaining
14 that they have not probably done as much as they're financially able to do to support
15 them, and, for me, it sounded like a -- like a *lance un appel pour ma support* by that.

16 MS PROULX: [12:20:47]

17 Q. [12:20:47] Just to conclude on this point, Madam Witness, is it fair to say that
18 (Redacted)
19 (Redacted)?

20 A. [12:21:02] Well, (Redacted)
21 (Redacted).

22 Q. [12:21:21] During (Redacted)
23 (Redacted) that their objective was to bring back the peace in the country, that they
24 wanted to work together with the president of the transition, that they were asking to
25 be billeted and disarmed, to participate in the DDR and so on.

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1 And I'm referring again to the same document - document 13 in the OTP binder - at
2 page 8950 and 8957.

3 But, Madam Witness, none of that (Redacted)
4 (Redacted)?

5 A. [12:22:16] As I said before, as (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:23:47] (Redacted)?

18 A. [12:23:53] (Redacted)

19 (Redacted).

20 Q. [12:24:04] Thank you. I have only one last question, Madam Witness, on a
21 completely different topic, and I will be referring to document 1 in the Defence binder,
22 CAR-OTP-00001437. And the excerpts I'm referring to are at page 8 and 9.

23 And it's -- the document I'm referring to is (Redacted)

24 Muslim civilians, and (Redacted)

25 that President Djotodia had suggested to split the country into two parts, to partition

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1 the Central African Republic.

2 Do you -- could you please tell us what you know about these partition plans?

3 PRESIDING JUDGE SCHMITT: [12:25:40] Do you recall the issue at all,

4 Madam Witness?

5 THE WITNESS: [12:25:45] Excuse me, your Honour. I don't see this on this French

6 transcription now. I don't see this paragraph now which she's referring to in terms

7 of splitting or dividing the country.

8 PRESIDING JUDGE SCHMITT: [12:25:59] Yeah, yeah. Okay. Then perhaps then

9 we -- we have not told you exactly which part it is.

10 Ms Proulx, please do that.

11 MS PROULX: [12:26:08] Yes, no problem.

12 Q. [12:26:09] (Redacted)

13 (Redacted)

14 (Redacted): (Interpretation) "President Djotodia suggested splitting the country in

15 two ... A Muslim part and a Christian part."

16 (Speaks English) And then at the next page, page 9, line 260, (Redacted)

17 (Redacted):

18 (Interpretation) "... if the solution is not the partition of the country?"

19 (Speaks English) So my question was for you: (Redacted)

20 (Redacted) what you know about these partition plans?

21 A. [12:27:01] Well, first of all, (Redacted)

22 (Redacted)

23 And second of all, the country is, or was before the whole thing started in 2013,

24 practically divided a bit in two because the rainy season which lasts for six months,

25 several roads into the north were totally cut off, meaning people behind -- towards

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1 Birao and Ndele this side, the Muslim side of the country was literally living in a -- in
2 a part of the country which was not accessible for most of the time of the year.

3 So this kind of dividing the country was not my political solution for that conflict. It
4 was more a practical thing I've heard from many Muslim sides, that they live in a -- in
5 a divided country from the beginning on.

6 And then later on as General Adam and Djotodia's government and all people pulled
7 back from Bangui in the beginning of 2014, as Djotodia was then literally removed
8 from power, as they withdraw towards the north, the country in -- even the
9 MINUSCA and other peacekeeping operations said it's much more like a divided
10 country.

11 So that was used, this terminology of a -- of a separated part of the country (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:28:50] Let me reassure you, I didn't mean to imply that it was your solution
15 and, actually, maybe I misrepresented or wasn't clear enough, because (Redacted)
16 (Redacted) specifically that it's President Djotodia who suggested the partition of the
17 country.

18 And my question to you was: What do you know about Djotodia's proposal? Do
19 you know when this was made, in what context? Do you know any more than that
20 and how this partition plan came about?

21 A. [12:29:27] I can't recall that anyone referred to me as a plan of the Seleka or
22 Djotodia himself to divide the country. That was not, let's say, a military goal of the
23 final -- the final stage of what they wanted to achieve.

24 I can't recall as well what Djotodia said himself about it. I just recall that during the
25 time of my visit, he had a lot of radio speeches in this time and a lot of these speeches

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1 were talking about a potential future for all of them, Muslims and Christians, in a
2 country or in a non-divided country and so on.

3 So the division of the country, practically, not constitutionally, more practically
4 is -- was a topic which the Seleka referred to a lot, especially during rainy season that
5 they say, "Khartoum is closer for us than Bangui and we are not allowed or not
6 welcomed by our own -- in our own capital much."

7 It was a big topic for the Seleka faction in their political claims.

8 Q. [12:30:51] I thank you very much, Madam Witness. That was all my questions
9 for you today.

10 MS PROULX: [12:30:56] Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [12:30:58] Thank you. We go to open session.

12 (Open session at 12.31 p.m.)

13 THE COURT OFFICER: [12:31:13] We're in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [12:31:16] Thank you.

15 Madam Witness, this concludes your testimony. On behalf of the Chamber I would
16 like to thank you, that you made yourself available as a witness and have answered
17 all our questions today, and we wish you a safe trip back home. Thank you.

18 (The witness is excused)

19 PRESIDING JUDGE SCHMITT: [12:31:31] And the Court is adjourned.

20 THE COURT USHER: [12:31:33] All rise.

21 (The hearing ends in open session at 12.31 p.m.)