

Trial Hearing
WITNESS: CAR-OTP-P-1576

(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 Wednesday, 12 July 2023
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:55] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:34:20] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:34:29] 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: [9:34:44] Thank you very much.
21 I ask for the appearances of the parties.
22 We start with the Prosecution, Ms Henderson.
23 MS HENDERSON: [9:34:52] Good morning, Mr President, your Honours. The
24 Prosecution is represented today by Caroline Neithardt, Kweku Vanderpuye, Yassin
25 Mostfa, and myself, Claire Henderson.

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1 PRESIDING JUDGE SCHMITT: [9:35:04] Thank you.

2 I turn to the representatives of the victims next, please.

3 MR DANGABO MOUSSA: (Interpretation) Good morning, your Honour. The
4 representatives of victims are represented by *Mademoiselle* Gabriella dos Santos,
5 Mr Orchlon Narantsetseg and Chenaifa Merouane, and myself, *Maître* Dangabo
6 Moussa. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:35:28] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [9:35:31] Good morning, Mr President. Good morning, your
10 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
11 Thank you.

12 PRESIDING JUDGE SCHMITT: [9:35:40] We turn to the Defence. First of all, the
13 Defence of Mr Yekatom.

14 MS DIMITRI: [9:35:44] Good morning, Mr President. Good morning, your
15 Honours. Good morning, everyone.
16 *Rebonjour, Monsieur le témoin.*

17 The Defence of Mr Yekatom is represented today by Mr Florent Pages-Granier,
18 Ms Doriane Huet, and myself, Mylène Dimitri. And, as usual, Mr Yekatom is
19 present in the courtroom.

20 PRESIDING JUDGE SCHMITT: [9:36:00] Thank you.

21 Mr Knoops next.

22 MR KNOOPS: [9:36:03] Yes. Good morning, Mr President, your Honours. Good
23 morning, everyone in the courtroom.
24 Good morning, Mr Witness.

25 The Defence team of Mr Ngaïssona appears today before the Chamber with

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1 Ms Marie-Hélène Proulx, Mr Alexandre Desevedavy, Ms Sorenza Bangaya and

2 Ms Myriam Hollant. And Mr Ngaïssona is also present in the courtroom,

3 Mr President. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:36:27] Thank you very much.

5 We now start with the testimony of Prosecution Witness P-1576.

6 Good morning, Mr Witness. I welcome you to the courtroom. You are here to

7 assist the Chamber to determine the truth in the case of the Prosecutor against

8 Mr Ngaïssona and Mr Yekatom.

9 I address you as "Mr Witness" because your identity is protected -- that is the reason,

10 that is not because I'm impolite. So you are figuring here under a pseudonym, and

11 also your face is not to be seen on the screen. And when we are addressing issues

12 that could address your identity we also go into private session, as we call it, meaning

13 that the outside world cannot hear what you are saying.

14 Mr Witness, there should be a card in front of you with a solemn undertaking to tell

15 the truth. Please be so kind and read this out aloud.

16 WITNESS: CAR-OTP-P-1576

17 (The witness speaks French)

18 THE WITNESS: [9:37:28](Interpretation) I solemnly declare that I will tell the truth,

19 the whole truth and nothing but the truth.

20 PRESIDING JUDGE SCHMITT: [9:37:34] Thank you very much, Mr Witness.

21 Just a technical matter before we start with the questioning by the Prosecution. You

22 are aware that everything we say here is written down and interpreted. To allow for

23 the interpretation, please speak at a relatively slow pace, perhaps slower than I do,

24 and please wait before you start speaking until the person that asks you something

25 has finished. So, you know, in the course of events, sometimes there is an overlap of

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1 speakers and then the interpreters cannot follow.

2 I think that's all for that for the moment.

3 I give the floor to Ms Henderson.

4 QUESTIONED BY MS HENDERSON:

5 Q. [9:38:21] Good morning, Mr Witness.

6 A. [9:38:24] Good morning.

7 MS HENDERSON: [9:38:25] I would like to start today by, your Honours, going into
8 private session to cover the biographical details.

9 PRESIDING JUDGE SCHMITT: [9:38:38] Of course, we do. We go to private
10 session.

11 (Private session at 9.38 a.m.)

12 THE COURT OFFICER: [9:38:49] We're in private session, Mr President.

13 MS HENDERSON: [9:38:53]

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [9:39:21] Indeed.

23 Q. [9:39:22] Thank you, Mr Witness.

24 MS HENDERSON: [9:39:28] We can now go back into open session, your Honour.

25 PRESIDING JUDGE SCHMITT: [9:39:27] Back to open session.

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1 (Open session at 9.39 a.m.)

2 THE COURT OFFICER: [9:39:46] We are back in open session, Mr President.

3 MS HENDERSON: [9:39:49]

4 Q. [9:39:50] Mr Witness, do you recall giving a statement to members of Office of
5 the Prosecutor between 11 and 13 September 2017?

6 A. [9:40:00] Yes, of course.

7 Q. [9:40:01] And that you provided various annexes, including 377 documents that
8 {ICR: (Redacted)}, I should say?

9 A. [9:40:17] Yes. Well, {ICR: (Redacted)}

10 Q. [9:40:23] Thank you. And I understand that over the past few days you've had
11 the opportunity to look over your statement and the documents that you provided,
12 and that you made a correction to one part of your statement; is that correct?

13 A. [9:40:39] Indeed it is.

14 Q. [9:40:40] Thank you. And can I confirm that you have no objections to the
15 Chamber receiving your statement and the documents that you provided into the file
16 in these proceedings?

17 A. [9:40:52] No, of course, I have no objection.

18 Q. [9:40:58] Thank you, Mr Witness.

19 PRESIDING JUDGE SCHMITT: [9:40:59] Mr Witness, the reason for that is simply a
20 procedural one. We have a provision which allows us to introduce your statement
21 via this, let's say, shortened path. That means that you don't have to repeat
22 everything what you have already said.

23 That is the only reason why this is -- sounds a little bit formal.

24 So this means the conditions for Rule 68(3) are fulfilled where the corrections are

25 made by the witness. Thank you. Just for your -- that you understand what's going

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1 on here.

2 MS HENDERSON: [9:41:32] And just for the record, your Honours, that would be
3 statement at CAR-OTP-2060-0280, with corrections at CAR-OTP-0000-1673. The
4 annexes run from CAR-OTP-2060-0348 through to CAR-OTP-2060-0372.

5 There's also a compilation document, I'll call it, that is at CAR-OTP-2075-0074.

6 And, your Honours, I noted in your decision that there were certain documents
7 where the decision was deferred, whether to include them or not. I'm in your
8 Honours' hands as to which individual documents, if I could put it that way, of the
9 377 -- if they all go in, or whether it's simply the ones that were disclosed in the first
10 instance.

11 PRESIDING JUDGE SCHMITT: [9:42:34] Please start with your examination. We
12 will think about it. You will understand that I am not able to tell you which we
13 would exclude or not, if any. Okay. Thank you.

14 MS HENDERSON: [9:42:46] Thank you, your Honour.

15 PRESIDING JUDGE SCHMITT: [9:42:51] At this stage.

16 MS HENDERSON: [9:42:52]

17 Q. [9:42:52] I turn back to you, Mr Witness.

18 As your statement is now submitted, as the President said, we don't have to go
19 through all the details, but I will have some questions on certain points from your
20 statement today.

21 PRESIDING JUDGE SCHMITT: [9:43:02] No, problems. I'm just told no problems,
22 because the Defence did not object, so it's fine.

23 MS HENDERSON: [9:43:13] Just to confirm, that's the entirety of the 377
24 documents?

25 PRESIDING JUDGE SCHMITT: [9:43:15] Yes, Yes.

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- 1 MS PROULX: [9:43:16] Excuse me --
- 2 PRESIDING JUDGE SCHMITT: [9:43:18] You do object?
- 3 MS PROULX: [9:43:19] With regard to two discrete documents, Mr President, we
- 4 have noticed that they were not on the list of evidence of the Prosecution, so we
- 5 would object to these two.
- 6 PRESIDING JUDGE SCHMITT: [9:43:28] Yes. Well, since I don't know which
- 7 two you mean, and -- if you can tell now for the record, it's fine, but we would have to
- 8 look into that and then make a decision. But you can put them on record so we know
- 9 what we are talking about.
- 10 MS PROULX: [9:43:44] For the record, it is document number 16 on the list of
- 11 material of the Prosecution, CAR-OTP-2060-0418, as well as document number 30 on
- 12 their list of materials, CAR-OTP-2061-4304. Thank you.
- 13 PRESIDING JUDGE SCHMITT: [9:44:00] Thank you. That will do for the moment.
- 14 We will come back to that later. Ms Henderson.
- 15 MS HENDERSON: [9:44:08] Yes. I will need to also maybe discuss that in the
- 16 break, so --
- 17 PRESIDING JUDGE SCHMITT: [9:44:11] Absolutely. Perhaps even --
- 18 MS HENDERSON: [9:44:12] I don't want to go into it now.
- 19 PRESIDING JUDGE SCHMITT: [9:44:14] Yes.
- 20 MS HENDERSON: [9:44:16] The Prosecution will have something to say.
- 21 PRESIDING JUDGE SCHMITT: [9:44:18] Perhaps even you can *inter partes* discuss
- 22 it.
- 23 MS HENDERSON: [9:44:19] Yes, thank you.
- 24 PRESIDING JUDGE SCHMITT: [9:44:20] And perhaps this resolves itself like, I
- 25 have to say in a very positive way, quite often during these proceedings. Thank you.

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1 MS HENDERSON: [9:44:27] Thank you, your Honour.

2 Q. [9:44:28] Mr Witness, turning back to you, again, sir. As you have heard, you
3 have measures of protection, which means that it's very important that in the way
4 that I ask questions and also in the way that you respond, that you don't say anything
5 to reveal your identity.

6 If you feel like I've asked a question that requires a response that would go into
7 details of who you are, then please do tell us, because we can go into private session
8 for that part to be heard.

9 And I would note for all those in the courtroom, particularly the Registry, that the
10 documents that I'll be showing today, I would ask them not to be broadcast to the
11 public as they may reveal the witness's identity.

12 Now, Mr Witness, I'd like to go straight to a part of your statement that's found at tab
13 2 of the Prosecution binder. I've already cited the ERN, but CAR-OTP-2060-0280.

14 Now, Mr Witness, you said there that you decided to go to the Central African
15 Republic, referring to the growing tensions between the Seleka and the Anti-Balaka at
16 the time, and I wanted to ask you what exactly you knew about the situation in the
17 Central African Republic at that time that you decided to go?

18 A. [9:45:53] So, from my first day, from November 2013, the Anti-Balaka weren't
19 being talked about a lot, but I saw that there was a complicated situation with the
20 Seleka who'd taken power a few months ago. There were a lot of acts of violence,
21 there were a lot of people who were displaced, and I thought that this was something
22 important to cover and I was interested in it. And I went there.

23 Q. [9:46:21] And you said that there wasn't a lot said at the time about the
24 Anti-Balaka, but what was being said at the time that you went? What did you
25 know at that time?

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1 A. [9:46:32] Well, I think there's some misunderstanding, what I said just before,
2 that when I left they weren't speaking a lot about the Anti-Balaka, {ICR: (Redacted)}. I
3 had heard people speak a lot about Seleka, but not much about the Anti-Balaka. I
4 heard about it in the articles, but there wasn't much and that was something that I
5 discovered later when I arrived.

6 Q. [9:46:55] Thank you, Mr Witness.

7 MS HENDERSON: [9:46:56] For this next part, I wish to go into private session. I
8 hope it's one of the few parts where we will go into private session, your Honour.

9 PRESIDING JUDGE SCHMITT: [9:47:03] We go to private session. We appreciate
10 it that you try to conduct your examination as far as possible in open session.

11 (Private session at 9.47 a.m.)

12 THE COURT OFFICER: [9:47:31] We are in private session, Mr President.

13 PRESIDING JUDGE SCHMITT: [9:47:34] Before we continue, Ms Dimitri?

14 MS DIMITRI: [9:47:36] Thank you, Mr President.

15 I didn't want to interrupt earlier, but now that we are in private session, I noticed that
16 my learned friend indicated that (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [9:47:56] Absolutely. Absolutely. I think this
21 should be possible. I agree with you, Ms Dimitri.

22 I think this is a matter of how we word it.

23 You know, I'm sure you can conduct -- you can put questions to the witness.

24 Sometimes, perhaps, it is connected to the fact that the witness was the person who
25 took the pictures, I understand that. But there might be instances where you can

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- 1 (Redacted)
- 2 Because, otherwise, indeed, I tend to agree with Ms Dimitri, (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 MS HENDERSON: [9:49:00] Your Honour, I did consider taking an approach
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [9:49:27] No, but this is circular, I think, what you're
- 13 saying now. If what you want -- let me put it this way. (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 So what you want to elicit additionally to the statement we have introduced already
- 17 in open session is, that's my understanding, what the witness has observed in
- 18 (Redacted)
- 19 (Redacted)
- 20 MS HENDERSON: [9:50:09] I'll do my best, your Honour.
- 21 PRESIDING JUDGE SCHMITT: [9:50:12] (Redacted)
- 22 (Redacted)
- 23 (Redacted) So this is the point
- 24 that we are making.
- 25 Ms Henderson, please continue. Thank you, Ms Dimitri.

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- 1 MS HENDERSON: [9:50:30]
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted) something
20 was underway, but they didn't want to completely (Redacted)
21 (Redacted)
22 (Redacted)
23 Q. [9:52:25] And could you tell us a bit about the people who took you out there to
24 the camp?
25 A. [9:52:34] Yes, indeed. Furthermore, it's written in the statement. It was

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1 Anti-Balaka, but I don't know if we can really use the term "Anti-Balaka" to describe
2 them. These are people -- so some of them I'd already met on several occasions.
3 They were obviously Christians and they knew the organisation of -- the resistance, if
4 you like, the Anti-Balaka, and they accompanied us there.
5 Perhaps there's a correction that I could have made. *I don't know that it's the right
6 term to use, to say "Anti-Balaka" for the people who took us to the Anti-Balaka, who
7 in contrast, certainly did refer to themselves as Anti-Balaka.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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12 (Paged redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:59:15] Thank you, Mr Witness.

20 And we can now go back into open session for the next part.

21 PRESIDING JUDGE SCHMITT: [9:59:20] And just a remark, this is, of course –

22 (Redacted) that is, of course,

23 something that cannot be done in open session.

24 Yeah, but now we are going to open session.

25 (Open session at 9.59 a.m.)

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

2 MS HENDERSON: [9:59:55]

3 Q. [9:59:55] Now, Mr Witness, I want to come to a bit later on, 6 December, and to
4 the events at Ali Babolo mosque on that day.

5 I want to display the photo CAR-OTP-2074-0074, so tab 61 once more, at ERN
6 page 0152.

7 Now, Mr Witness, I understand that you saw the bodies at the mosque on that day.

8 Could you please describe to us what the bodies looked like?

9 A. [10:00:50] Yes, that day, along with several colleagues, we went to the mosque
10 and there were several dozens of corpses there, and I don't remember the exact
11 number of corpses. The corpses were in such a state that it was -- we could see that
12 there had been extremely violent acts perpetrated. We could see that the people had
13 been struck by machetes.

14 Q. [10:01:30] Thank you, Mr Witness. And I understand that in addition to --

15 PRESIDING JUDGE SCHMITT: [10:01:30] Please. You were too fast. You know,
16 the overlap was by you now. The witness is really abiding with the slower speaking,
17 but you have to be careful, no, because we didn't hear the last -- we have it now on
18 the record so you can continue, but please wait also.

19 MS HENDERSON: [10:01:50] I apologise to the interpreters.

20 Q. [10:01:55] Mr Witness, I understand that -- from your statement that some of the
21 bodies included women; four women you said. That's at paragraph 21. Did you
22 also observe the bodies of that -- those women, if you can remember?

23 A. [10:02:21] No, I don't remember. If you hadn't said that right away, I would
24 have said no, that I just remember the bodies of men. And I should specify that it
25 was a few months after.

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1 Q. [10:02:37] We appreciate that.

2 Just one moment.

3 I would like to show the witness another image in the same document at tab 61.

4 Now going to ERN page 0288.

5 PRESIDING JUDGE SCHMITT: [10:03:01] Could you specify a bit more because it's
6 not the tab in the binder.

7 MS HENDERSON: [10:03:07] Yes, for the record, that's CAR-OTP-2075-0074, and
8 we're at page 0288.

9 Q. [10:03:27] Now, Mr Witness, I understand that this image relates to what you
10 describe in paragraph 33 of your statement, which is Muslims being loaded onto
11 trucks to leave PK5 in early April 2014.

12 Firstly, is that your understanding?

13 A. [10:03:55] Yes, exactly so. That's right.

14 PRESIDING JUDGE SCHMITT: [10:04:02] When we see -- if I may.

15 Mr Witness, when we -- we see this photograph, how -- how -- did you also see the
16 trucks drive away? Because it looks as if it has -- must have been very difficult for
17 the people not to fall down. Or is this only something, the impression from this
18 photograph? It must have been very difficult for them to hold on to the truck, so to
19 speak.

20 THE WITNESS: [10:04:37](Interpretation) Yes, but I didn't see anyone fall. I didn't
21 see the trucks leave because that day there were several trucks, unless I'm mistaken,
22 dozens of trucks that were attempting to leave Bangui. I no longer remember
23 exactly why. I think it was a possible MISCA escort at the time. MISCA was the
24 name of the mission -- the international mission that was on site at the time. But
25 they didn't have the green light to escort the trucks so the trucks did not actually

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1 leave. I just saw this -- well, for a good part of the afternoon I saw people climbing
2 up onto these trucks and staying like that, in the sun, but I didn't actually see the
3 trucks leave.

4 PRESIDING JUDGE SCHMITT: [10:05:29] Thank you.

5 Ms Henderson.

6 MS HENDERSON: [10:05:33]

7 Q. [10:05:33] I'm just going to take you to something that's in your statement, as it
8 is already submitted, at paragraph 33 where you said that the trucks did not depart
9 because there was no escort to ensure their security.

10 Mr Witness, if you remember, what was your understanding of why an escort was
11 necessary to ensure the security of these people?

12 A. [10:06:05] There had already been several convoys that had left that had been
13 attacked along the way, and that happened several times, many times.

14 Q. [10:06:17] To your knowledge, were those previous convoys populated by
15 civilians?

16 A. [10:06:31] To my knowledge, yes. I wasn't able to see with my own eyes, but
17 what I saw was a group of civilians.

18 Q. [10:06:41] And with the previous convoys, did you receive any information on
19 who had attacked them?

20 A. [10:06:58] Could you repeat? I think there was a problem with the
21 interpretation. I didn't hear.

22 Q. [10:07:09] Yes, my question was: To your knowledge, who had attacked those
23 previous convoys, if you received any information on that?

24 A. [10:07:22] I got the information from other people, but I wasn't able to confirm it
25 for myself. But many people were saying that the convoys had been attacked by a

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1 Christian group, because, you see, the Muslims were in the convoy fleeing from

2 Bangui; in particular, they had been attacked by Anti-Balaka militia groups.

3 Q. [10:07:53] We can go into private session, if you would like to answer this
4 question, but I will let you hear the question first. Who gave you this information?

5 A. [10:08:07] (Redacted)

6 (Redacted) I don't remember exactly whom, but I do recall there was a report
7 done by someone I remember -- I don't remember, but Anti-Balaka militia groups
8 were attacking the trucks. And there was also -- I was also told the story of someone
9 who fell off a truck and who was lynched and the truck went along its way. They
10 were quite horrid stories. Then there was another account of a grenade close to a
11 truck. I can't be a hundred per cent sure of that. My memory may be somewhat
12 faulty. But since we're in private session --

13 Q. [10:09:00] Sorry, Mr Witness, to interrupt you, we're -- we're not in private
14 session at the moment.

15 PRESIDING JUDGE SCHMITT: [10:09:04] We go -- yeah, then let's perhaps discuss
16 this further in private session.

17 (Private session at 10.09 a.m.)

18 THE COURT OFFICER: [10:09:20] We're in private session, Mr President.

19 PRESIDING JUDGE SCHMITT: [10:09:24] Well, that's -- you can explain that this is
20 not a problem.

21 MS HENDERSON: [10:09:29] Yes.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 MS HENDERSON: [10:10:05]

4 Q. [10:10:06] Sorry, Mr Witness, we interrupted you there. But you can continue
5 with what you were saying. I can give you your last words if you like. Just one
6 moment.

7 You were referring to an incident that you heard about with a grenade and a truck.

8 A. [10:10:34] Yes, I heard about that. (Redacted)

9 (Redacted)

10 Q. [10:10:51] Thank you, Mr Witness.

11 I'm now going to go into another topic where we can go back to open session.

12 PRESIDING JUDGE SCHMITT: [10:10:58] Open session.

13 (Open session at 10.11 a.m.)

14 THE COURT OFFICER: [10:11:11] We are back in open session, Mr President.

15 MS HENDERSON: [10:11:18]

16 Q. [10:11:18] I'd like to show you another image from the same document at tab 61,
17 that's CAR-OTP-2075-0074 at ERN page 0374.

18 It will just be on the screen shortly.

19 Mr Witness, I think you recall that scene; is that correct?

20 A. [10:11:59] Yes, I do.

21 Q. [10:12:04] Can you tell us anything about the people in this photo?

22 A. [10:12:18] At that time in the west of Central African Republic there were many
23 enclaves, places where people had gathered, hundreds if not thousands of Muslims,
24 actually, who were trapped in these areas and who could have been killed if they left
25 these enclaves. This was in Yaloke, a town somewhat north of Bangui, and it was

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1 one of those enclaves. I can't read the caption, actually, but I believe there were
2 several hundred Muslims, Peuhl people, who were there, and they were suffering
3 from a lack of food. And I think this photograph does show the problems of
4 nutrition. I believe that the child was not able to breastfeed, and here we see the
5 grandmother preparing some milk and trying to feed the child milk, goat milk to be
6 specific. And we can see that the child is very poorly nourished.

7 Q. (Overlapping speakers) I'm just going to take you forward to paragraph 41 --

8 THE INTERPRETER: [10:13:36] Overlapping.

9 PRESIDING JUDGE SCHMITT: [10:13:38] Ms Henderson, please slow down.

10 MS HENDERSON: [10:13:46]

11 Q. [10:13:46] I'll just take you forward to paragraph 41 of your statement, where
12 you talk about going with a colleague to meet Mr Ngaïssona. And I have some --

13 PRESIDING JUDGE SCHMITT: [10:13:57] But that would be private session, I think.

14 Or not?

15 MS HENDERSON: [10:14:00] I'm very happy for it to be, your Honour. I was
16 going to attempt to do it in a way that didn't require it, but I --

17 PRESIDING JUDGE SCHMITT: [10:14:07] Okay. Then give it a try. Yeah, okay.

18 MS HENDERSON: [10:14:10]

19 Q. [10:14:10] Again, Mr Witness, if there's anything in your answer that would
20 require going into private session, please tell us and we can do that.

21 But I was going to ask you, firstly, when was the first time that you heard about

22 Mr Ngaïssona?

23 A. [10:14:33] Specifically, I'm not so sure. But I suppose early 2014, or late in 2013,
24 that name was coming up often. 2014, I would say. But, you know, this was 10
25 years ago, so I don't remember specifically what was doing -- what I was doing on a

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1 specific day at a specific time. But I would say early, early 2014, that's the first time I
2 heard about him; namely, as a prominent person. So there you have it. From the
3 Boy-Rabe neighbourhood. It was only later, a few months later, that I met him.
4 More towards the end of 2014, that is when I met him.

5 Q. [10:15:41] And you said you heard about him as an important person. In what
6 sense important?

7 A. [10:15:58] I'm afraid to use the words that I heard. It's a bit sensitive. But one
8 of my contacts in Boy-Rabe spoke to me about Mr Ngaïssona and said that he was
9 a -- a hope. This was early in 2014. The situation was still rather complicated
10 between the Seleka -- the Muslims on one side and the Christians on the other, to put
11 it very broadly. But he was described as a hope that things might work themselves
12 out, at least for the Christian community.

13 Q. [10:16:40] And then going again back to the time that you went to meet with
14 him, with your colleague, why did you and your colleague want to speak to him and
15 what did you want to speak to him about?

16 A. [10:16:55] I think it's important to specify that it was later, December 2014.
17 During all of 2014, many things happened. There were all those enclaves and the
18 United Nations spoke of ethnic cleansing in actual fact. That's not my terminology.
19 It was theirs. So that was the context in 2014 - it's important to make that
20 point - December 2014, the person that I could speak to with Mr Ngaïssona, because
21 now it is well known that he played an important role within the Anti-Balaka militia
22 and the various groups.

23 Q. [10:17:38] And when you and your colleague went to meet him, did you speak
24 to him about the enclaves?

25 A. [10:17:50] It was mostly my colleague who was doing the talking. I don't

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1 remember us talking about the enclaves specifically. What's more, late in 2014, there
2 were no longer many enclaves. There were fewer. There was one in Carnot late in
3 2014. I suppose that he talked about that. I don't remember. I can't tell you
4 specifically what the content of their conversation might have been.

5 Q. [10:18:21] I appreciate you might not remember, from the answer that you just
6 gave, but was there any discussion with Mr Ngaïssona on that occasion about crimes
7 that had been alleged against the Anti-Balaka?

8 A. [10:18:43] No. Not the Anti-Balaka.

9 Q. [10:18:51] Sorry, there might be a misunderstanding, Mr Witness. Shall I
10 repeat the question about -- so, the question is whether there was any discussion
11 between you, your colleague and Mr Ngaïssona about crimes that had been
12 committed by the Anti-Balaka?

13 A. [10:19:12] The interpretation said the contrary. Surely, but I can't confirm that.
14 Surely, I don't remember. And once again I wasn't the one leading the discussion. I
15 was more in the background.

16 Q. [10:19:33] Moving forward in your statement, at paragraph 42 you talk about
17 Anti-Balaka names that kept recurring in this period, which I take to be late 2014.
18 And you give some names and I'd like to ask you now what information was
19 circulating about them at the time.

20 Firstly, 12 Puissances, in what context did you hear his name?

21 A. [10:20:13] Well, for the most part, the leaders of the Anti-Balaka, my answer is this:
22 *I don't remember who, or exactly when or at what time of day, but there were names
23 that always were coming up around Bangui -- Rombhot, 12 Puissances. Rombhot
24 was a nickname that I always understood to be a reference to the American movie.
25 Mr Ngaïssona, that name was coming up as well.

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1 Emotion was a name that also came up.

2 Perhaps others, but for the time being those are the ones I remember.

3 Q. [10:20:58] And do you remember what was being said about Rambo, or
4 particularly what you heard about Rambo?

5 A. [10:21:11] Well, I heard about extortion, about roadblocks. But it wasn't
6 specifically him. It was quite common amongst the Anti-Balaka, many of them. I
7 think it's important to make that point. There were all kinds of similar things going
8 on on the Seleka side. I hope to have an opportunity to talk about that later. But
9 there were various stories about people being extorted at the checkpoints, the
10 roadblocks, towards the west, the south-west. I think he was based more there. I'm
11 not a hundred per cent sure, but several times I heard about such things.

12 Q. [10:22:03] I'm just waiting for the translation.

13 You've mentioned individual leaders such as Rambo, Ngaïssona, Wenezoui, Emotion.
14 Did you hear anything about the relationship between any of those leaders? Did
15 you have any information on that at the time?

16 A. [10:22:32] No.

17 Q. [10:22:35] Mr Witness, I'm now going to take you to some of the annexes to your
18 statement, as well as some other documents.

19 If I could ask the court officer to bring up tab 9. That is CAR-OTP-2060-0354,
20 starting at the first page, please.

21 Now, it's a little hard to read this document on the screen, I appreciate, especially
22 because of the white text there, but if we could please zoom in on the text that's in the
23 bottom left corner.

24 Thank you. That's perfect.

25 Now, Mr Witness, I'll just give you a moment to look at what's written there, and I

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1 have a question about a specific expression.

2 While you're reading, can I confirm with the court officer that this is being shown
3 confidentially. Thank you.

4 Have you been able to situate yourself, Mr Witness?

5 The expression that I want to ask you about -- and if we could please scroll up to the
6 start of the text, please. It's around line 11. There is a reference to Anti-Balaka
7 militia being "drunk with vengeance" or "revenge", depending on how you translate
8 it.

9 My first question is whether these were words that you used or whether they came
10 from someone else, if you can recall?

11 A. [10:25:41] No. As you can see rather easily, the words are -- the words are in
12 quotation marks. I was not the one --

13 Q. [10:25:56] If I can ask then, a spirit of revenge --

14 THE INTERPRETER: [10:25:57] Overlapping.

15 PRESIDING JUDGE SCHMITT: [10:25:59] Ms Henderson, please start again. There
16 was an overlap again, please.

17 MS HENDERSON: [10:26:10]

18 Q. [10:26:10] If I could ask you, Mr Witness, if the spirit of revenge was something
19 that you observed in relation to the Anti-Balaka?

20 A. [10:26:27] That's not the same question as a few moments ago. I'll answer. To
21 be perfectly clear, I was not the one who wrote that. So the expression is in
22 quotation marks. It didn't come from me. But the desire for vengeance was
23 certainly something motivating all the Anti-Balakas who I saw every day. * It was a
24 word that, to my surprise, seemed to make everything completely legitimate. Some
25 people said very, very tough things. They said, "We'll kill them all." And then

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1 others would say "You can't say such a thing." And they would say, "But it's normal.

2 This is vengeance. This is the search for vengeance, revenge."

3 Q. [10:27:26] I appreciate that it's multiple incidents you're referring to and that it

4 was a long time ago, but are you able to give us more details of these interactions with

5 Anti-Balaka individuals - so time, place, situation, details on these

6 interactions - where they said these types of things?

7 A. [10:27:53] For example, one photograph that is on the file -- you see, along the

8 road, we came across a group of Anti-Balaka who had come from a village. There

9 were several of them in a vehicle, and they said they had attacked a village of Peuhl

10 people, of Muslims, and that they were going to seek out other missions. And they

11 said, "It's normal. This is a matter of seeking vengeance." And so, you see, that

12 simplified things. And to our astonishment, they kept on saying: "This is normal.

13 This is vengeance."

14 So if you want any other example, if I can remember any specific location -- I can't

15 remember a specific moment, but I can guarantee to you that I heard those words

16 very often. I often heard talk of vengeance. It's something that -- well in my

17 profession, we're surprised at first because -- after -- well early 2014, when the ethnic

18 cleansing began, most people that we came across said in a very straightforward way,

19 a very simple way. But after a few months, I think people started to realise that we

20 were going to relate these accounts and it became more difficult to hear. But people

21 would clearly say things like -- for several months it was very clear that -- well, I think

22 it's important to specify that these people who were talking about vengeance had

23 gone through several extremely tough months, subjugated by the Seleka.

24 Q. [10:29:57] And through these interactions with Anti-Balaka individuals, with

25 talk of revenge, did you understand who that revenge was directed to?

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1 A. [10:30:23] Exactly. And that was a very important point of discussion. Since
2 some people wanted to take revenge against the Seleka, and that was valid, or
3 understandable; others wanted to get revenge in a very general way against the
4 Muslim people, and that included civilians, women and children.

5 Q. [10:30:51] I want to take you to another document at tab 12,
6 CAR-OTP-2060-0365.

7 Mr Witness, I'll just let you see that first page so you know what we're looking at.
8 And now if we could go to the next page, so 0366.

9 And if we could zoom in, please, on the fourth column, the text in the fourth column.
10 A little bit down. That is great, thank you. Perfect. No, I'm sorry, slightly to the
11 right. Sorry, it's the -- yes. So that we can see the text that is to the right now,
12 please. Yes, thank you. Yes.

13 Now, Mr Witness, this is not being displayed to the public, but we can see from the
14 text in that column that this involves an interaction that you had. I'm looking
15 particularly at the end of that column. I'll just give you a moment to read.
16 So this relates to a person described as an Anti-Balaka fighter, referring to all Muslims
17 as Seleka and saying that he wants to attack the Seleka.

18 Mr Witness, I'd like to ask you for some details of that conversation, if you recall,
19 firstly, who it was with?

20 A. [10:33:34] I don't remember particularly, but if it was written in this text -- this
21 text was put to me so that I could confirm the words that are attributed to me in the
22 text and, yes, it did happen, but today I no longer remember.
23 Can I add something?

24 Q. [10:33:59] Yes, of course.

25 A. [10:34:02] When it comes to this type of sentence, I've heard it many times from

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1 people who would say it, because what I said before, this was a point in the
2 discussion which came up a lot of the time with militia. And when I would say to
3 them, "Well, I don't understand. You want to take vengeance against those who
4 have done harm to you, the Seleka, but I see a lot of acts of violence against civilians."
5 And a lot of people I would hear this sort of sentence, "Well, they're all Seleka."
6 I don't think that you have to consider as being what everyone thought, but I did hear
7 that phrase said a lot by Anti-Balaka militia.

8 Q. [10:34:47] And just to clarify, where you're talking about lots of acts of violence
9 against civilians, you're referring to Muslim civilians there; is that correct?

10 A. [10:35:02] In the case in point, for that period which is being referred to there, in
11 this article, yes. * But I also saw many acts of violence against the civilian Christian
12 population -- and against people linked to the Christian community.

13 Q. [10:35:33] This phenomenon that you've talked about over the last few minutes
14 of Anti-Balaka militants not just attacking Seleka but also Muslims, is this something
15 that -- that was well-known in the Central African Republic at the time? I'm looking
16 at the -- the article that I've shown you is February 2014 --

17 PRESIDING JUDGE SCHMITT: [10:35:59] Ms Proulx is rising and I understand why.
18 This is too general, actually speaking. The witness -- the witness has said
19 that -- what he came to know at the time, what his impression was. I think we can
20 leave it at that.

21 MS HENDERSON: [10:36:24]

22 Q. [10:36:24] I want to take you to another document, Mr Witness. This is at tab
23 11. The ERN is CAR-OTP-2060-0362. And if we could zoom in on that first page to
24 the text, please, on the bottom left. And again, Mr Witness, you'll see that this relates
25 to you and something that you're quoted as saying about religion serving as a pretext,

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1 and the conflict being equally or also ethnic and political. What did you mean by
2 that, Mr Witness?

3 A. [10:37:34] That is to say that I think something that is important at this time to
4 make public is that it's not just about religion in the sense that there are different
5 parties who are fighting in the name of religion, but they're fighting, rather, against
6 another group and, in the case in point, defines themselves by another religion is not
7 on the name of religion.

8 I've seen other wars which are really religious conflicts, but I think this wasn't really
9 the case here. And, ultimately, the criteria of religion was a pretext to bring people
10 together against another group, but I think it was much more ethnic, political.

11 It's also a way of -- to correct the problems when it comes to the sharing of wealth.

12 That's a lot of it as well. All that.

13 I think that's all above religion, but when they speak, when -- the words are always
14 about religion. I hope I'm clear on that.

15 Q. [10:38:48] Yes. Thank you, Mr Witness.

16 MS HENDERSON: [10:38:52] Your Honours, I'm on to my last topic, which relates
17 to a document that is disputed on the list of materials.

18 PRESIDING JUDGE SCHMITT: [10:38:58] Well, if I understand it correctly, there
19 were some -- some deadlines and the information was that there will not be any
20 objections with -- if within 10 days of disclosure there would be none. So is this
21 really a problem to -- or would you prefer that we have now a break and then we
22 figure this out after the break? Perhaps I would prefer to do that. Please talk with
23 each another.

24 Break until a quarter past 11.

25 THE COURT USHER: [10:39:42] All rise.

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1 (Recess taken at 10.39 a.m.)

2 (Upon resuming in open session at 11.28 a.m.)

3 THE COURT USHER: [11:28:14] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [11:28:36] So, have the parties solved this huge,
6 huge problem *inter partes*?

7 Ms Henderson.

8 MS HENDERSON: [11:28:47] Yes, we have, and it's my understanding that we can
9 proceed with the use of the document. That's my last topic today.

10 PRESIDING JUDGE SCHMITT: [11:28:53] That would also have been, in case it
11 would have been to be decided, also the stance of the Chamber.

12 Please continue, Ms Henderson.

13 MS HENDERSON: [11:29:06] Thank you, your Honour.

14 Q. [11:29:07] I would like to -- well, first let me ask you, Mr Witness, if you recall at
15 the time of giving your statement to the Prosecution investigators -- if you recall
16 giving phone numbers for certain individuals at that time as well?

17 A. [11:29:22] No.

18 Q. [11:29:25] I'd like to refresh your recollection.

19 I'd like for the witness to be shown tab 16. That's CAR-OTP-2060-0418.

20 And just to tell you what you're looking at here, Mr Witness.

21 PRESIDING JUDGE SCHMITT: [11:29:46] That's, of course, not to make public.

22 MS HENDERSON: [11:29:50] Yes, that's definitely confidential, your Honour.

23 PRESIDING JUDGE SCHMITT: [11:29:54] I'm just saying.

24 MS HENDERSON: [11:29:57]

25 Q. [11:29:57] Here we have some notes that the Prosecution investigators took

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1 when they met with you.

2 If we could go to the second page, please - so 0419 - and down to the bottom. So,

3 yes -- yeah, where it starts with the witness code, please. So up a little bit. Yeah,

4 that's fine. Thank you.

5 Now, (Redacted)

6 And there are some dot points. And I'd like to refer to the second, third and fourth

7 dot points with phone numbers for Wenezoui, Ngaïssona and 12 Puissance, with

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [11:31:06] Would you accept that that's, in fact, what appears {ICR: (Redacted)}

14 (Redacted) Prosecution investigators?

15 A. [11:31:22] Yes, of course, if it's written there, {ICR: (Redacted)}. But I

16 don't remember. It was six years ago.

17 Q. [11:31:30] And given your last answer, you might not remember, {ICR:

18 (Redacted)} (Redacted)

19 A. [11:31:43] Some, yes, others, no. I even think that there's some numbers that I

20 never used. They were given to me by colleagues or acquaintances, but I didn't

21 actually use them. Perhaps some of them might not even be correct because in the

22 Central African Republic everyone has several phone numbers.

23 Q. [11:32:04] I'll be specific about the number. So, firstly, the number that's there

24 for Ngaïssona, do you remember the circumstances of obtaining that number?

25 PRESIDING JUDGE SCHMITT: [11:32:19] We can -- we can stop this.

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1 THE WITNESS: [11:32:22](Interpretation) No.

2 PRESIDING JUDGE SCHMITT: [11:32:23] The witness has already said that he
3 doesn't remember. And that's, actually, absolutely understandable after so many
4 years. I think we have to live with -- you have to live with what the witness said in
5 that regard.

6 MS HENDERSON: [11:32:38] Yes, thank you, your Honour. In that case, that
7 concludes my examination.

8 Q. [11:32:43] Thank you very much, Mr Witness.

9 MS HENDERSON: [11:32:46] The last thing, your Honours, that I wanted to just go
10 back to was the documents, particularly {ICR: (Redacted)} that have been submitted
11 under 68(3) because, as I stated earlier before the conversation diverted, there was a
12 deferral of the decision in relation to certain of {ICR: (Redacted)}. So if I could just
13 confirm whether the submitted {ICR: (Redacted)} are those that were disclosed prior
14 to the decision or the full set of 377.

15 PRESIDING JUDGE SCHMITT: [11:33:17] My understanding is the full set of what
16 you said.

17 Ms Proulx?

18 MS PROULX: [11:33:37] I was just going to suggest that if there is any doubt, this
19 could be dealt with in the usual procedure by email after the hearing.

20 PRESIDING JUDGE SCHMITT: [11:33:39] Indeed.

21 But I can already say my understanding is the whole batch, so to speak, which was in
22 two -- no, halves is not the right thing. I think 83 {ICR: (Redacted)} afterwards or
23 disclosed afterwards, after a decision by the Chamber.

24 But indeed, thank you, Ms Proulx, we do it -- we do it this way.

25 I have one question before we continue.

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1 Mr Witness, in the time when you -- in 2014, 2013, when you were in the CAR, did
2 you notice any children amongst the Anti-Balaka? Children would mean, in our
3 understanding, so to speak, under the age of 15.

4 THE WITNESS: [11:34:26](Interpretation) It's very difficult to assess the age of a
5 young person, so I'm really having a hard time responding clearly to your question.
6 Quite often I saw some people who seemed to be more or less in that range - perhaps
7 a bit younger - around or with Anti-Balaka groups. I can't confirm that they were
8 actually engaged as Anti-Balaka. I can't give you 100 per cent certainty. There was
9 a child under 15 with -- everyone had a machete, so it's hard to think of a machete as
10 actually a weapon for waging wars. I don't have a specific recollection of a child
11 with a Kalashnikov or anything like that. There weren't many Kalashnikovs. But I
12 often did see children hanging around with combatant groups.

13 PRESIDING JUDGE SCHMITT: [11:35:43] I had to ask that because otherwise it
14 would have been asked by other participants and there would have perhaps been
15 discussions. That is an answer, of course. We fully understand that.
16 So you could not be specific to say you had a specific interaction, specific contact with
17 a person that you would have identified for yourself as a child in that regard; is my
18 understanding correct?

19 THE WITNESS: [11:36:11](Interpretation) Yes, that's right. I now remember at one
20 point I did meet some young people who were being assisted by UNICEF, I believe.
21 They were with UNICEF and they were deemed to be former child soldiers, and I
22 spent an afternoon with them, looking at -- well, sharing some activities that had been
23 organised to help them reflect about violence and the like. But I don't remember
24 being with child soldiers.

25 PRESIDING JUDGE SCHMITT: [11:36:46] And speaking about that, did you verify

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1 at that time -- I think I know the answer, but I have to ask you that -- did you verify at
2 that time that indeed these young people - these children, if you will - had been child
3 soldiers?

4 THE WITNESS: [11:37:07](Interpretation) I couldn't verify for myself, but I think
5 that there was no doubt about that. That's why they were there. They were part of
6 the UNICEF program.

7 PRESIDING JUDGE SCHMITT: [11:37:18] So I think we can take this as an answer.
8 Are there further questions now by the CLRVs?

9 It's not the case, as I understand it. Thank you.

10 Then, Ms Proulx, the typical question at this stage, so to speak: Do you want to -- do
11 you want to start immediately now? Then please do that, then you have the floor.

12 MS PROULX: [11:37:48] Indeed, I can start now, Mr President. I would just beg
13 your patience while I set up --

14 PRESIDING JUDGE SCHMITT: [11:37:54] Of course.

15 MS PROULX: [11:37:56] -- for a few moments.

16 PRESIDING JUDGE SCHMITT: [11:37:57] Of course. Then it's your turn.

17 Ms Henderson?

18 MS HENDERSON: [11:37:58] Sorry, your Honour, a slightly delayed reaction. I
19 apologise to my learned friend as well. But I wonder if there could just be a
20 follow-up question about the events that the witness described with UNICEF to
21 localise the location and time frame.

22 PRESIDING JUDGE SCHMITT: [11:38:15] Yeah, I think that is okay. I think we can
23 do that. I pick it up from here.

24 So when you spoke about a UNICEF program, do you recall when and where this
25 happened? It's difficult, of course, but perhaps you have a recollection.

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1 THE WITNESS: [11:38:39](Interpretation) I think it was 2014, but

2 I wonder – {ICR: (Redacted)}

3 {ICR: (Redacted)}

4 PRESIDING JUDGE SCHMITT: [11:38:48] Please take your time.

5 And, Ms Proulx, you can arrange yourself in the meantime.

6 THE WITNESS: [11:39:27](Interpretation) No, I can't find any such {ICR: (Redacted)}

7 I think -- well, it was a long time ago. I worked in the Central African Republic quite
8 a long time ago -- 2014 and 2015. Perhaps September -- September 2014. Perhaps.

9 PRESIDING JUDGE SCHMITT: [11:39:46] Yeah, I think that will do for the moment.

10 And we assumed -- I do not want to be disrespectful to Ms Dimitri, but I assume that
11 the first take should be by the Ngaïssona Defence this time.

12 MS DIMITRI: [11:40:03] Indeed, Mr President.

13 PRESIDING JUDGE SCHMITT: [11:40:05] Ms Proulx, you have the floor.

14 MS PROULX: [11:40:08] Thank you, Mr President.

15 QUESTIONED BY MS PROULX: (Interpretation)

16 Q. [11:40:13] Good morning, Mr Witness. We met yesterday during the courtesy
17 meeting. I'm not going to introduce myself once again, but just -- if I could remind
18 you that since we're both speaking the same language, I think you are getting into the
19 habit of pausing between question and answer, and I'll try to get into that habit as
20 well.

21 Now, I don't have a great many questions for you, but I think I do have questions for
22 you until lunch and perhaps a bit longer than that. As much as possible, I will try to
23 put most of my questions in open session, and I'll be careful, of course, not to reveal
24 any information that could reveal your identity. And, similarly, if you think that an
25 answer might identify you, please let me know and we can go into private session.

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1 Now, without any further ado, I would like to begin by taking you back to
2 November 2013, when you arrived in Bangui. Just to be very clear, do we agree that
3 you got to Bangui and the Seleka had been in power for about a month?

4 A. [11:41:36] Yes, the Seleka were still in power when I got to Bangui. They had
5 been in power for -- since March, so it was about eight months. I don't have the
6 exact date, though.

7 Q. [11:41:52] Once you got there, did you have any opportunity to talk to the local
8 people?

9 A. [11:41:59] Yes, of course, a great deal. I heard a lot of anger, I heard about
10 suffering, after the acts of violence and abuse committed by the Seleka on a very
11 regular basis.

12 Q. [11:42:28] When you talk about exaction, acts of violence and abuse, what do
13 you mean?

14 A. [11:42:33] A great deal of violence, a great deal of torture, targeted murders as I
15 documented in {ICR: (Redacted)} that were provided during the investigation. At one
16 particular point, as well, during an altercation, I don't know how it started, but a
17 Seleka member threw a grenade randomly and it fell into the garden of a family, and
18 a girl of 20 was killed.

19 I heard a lot of talk about torture and also many cases of theft. So many Seleka
20 members felt that they could do whatever they wanted to, so there were many thefts,
21 rapes, and so on and so forth. I should specify that this was one of the major causes
22 of what happened afterwards. * Everything, you see, all these acts of violence and
23 abuse were directed at the Christian community and not at the Muslim community.

24 Q. [11:44:00] During your discussions with local people, did you hear people
25 complain about complicity between the Muslim civilian population and the Seleka?

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1 A. [11:44:12] Yes. That was a common recurring topic since -- I think many
2 Christians were angry at the Muslims and suspected that they had been complicit.
3 I'm not going to go into whether or not there was complicity between Muslim
4 civilians and the Seleka, but many had suffered a great deal and were very angry.
5 And when they saw that the Muslim population were not being subjected to abuse or
6 violence, they very quickly easily made the link between the Muslim people and the
7 Seleka.

8 Q. [11:45:00] At the time, unless I'm mistaken, the FOMAC troops were on the
9 location. Were these troops able to protect the civilian -- the Christian civilians?

10 A. [11:45:15] I don't remember the FOMAC troops very well, because very quickly
11 it became MINUSCA, but, in any event, any sort of international forces to restore
12 peace had a great deal of difficulty protecting the local people no matter what side
13 they might have been on.

14 Q. [11:45:45] And did you hear people express any feeling that they had been
15 abandoned by the international community?

16 A. [11:45:57] Yes, of course, every day. All the time.

17 Q. [11:46:01] At the time, were you told that the Seleka forces were mostly from
18 neighbouring states such as Chad and the Sudan?

19 A. [11:46:10] Well, people were actually saying that the heart of the Seleka were
20 from the north of the Central African Republic, but there were many elements who
21 had come from Chad or Sudan who had come to help the Seleka and they were
22 mercenaries in a way, and they were the ones who were mostly responsible for the
23 violence and abuse.

24 Q. [11:46:42] And did the presence of these foreign elements contribute to this
25 panic and feelings of anguish within the local community?

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1 A. [11:46:53] Yes; yes, you could say that, certainly.

2 Q. [11:47:04] You've said very clearly that it was mostly Christians who were
3 targeted by the Seleka. Amongst these Christians, did you notice any particular
4 groups of individuals being targeted specifically?

5 A. [11:47:23] That's a rather vague question. Not especially. I think it would -- it
6 depended on the locations, the areas where one was. It depended.

7 Q. [11:47:39] It's true my question was vague. Now, I'll be a bit more specific. I'd
8 like to show you a photograph, and this is at tab 55, CAR-OTP-2061-4524. And I
9 think it's coming up on the screen. This is a photograph in which we see FACA
10 soldiers with a comrade who had been killed by the Seleka.

11 My question is this: Did you notice, or did you hear that the national Army, the
12 FACA, were specifically targeted by the Seleka?

13 A. [11:48:26] I wouldn't say especially the FACA. In this occasion, yes. But I
14 think they were rather close to former President Bozizé, and my understanding of the
15 event was that he had been targeted for that reason. The FACA, of course, were for
16 the most part Christian, so obviously they belonged to the camp opposed to the
17 Seleka -- that's logical. I don't know if it was the FACA being targeted or whether it
18 was the -- some kind of family tie that led to the person being killed. If I could have
19 a look at the caption of this photograph, I think I could provide more information. I
20 don't remember off by heart what I wrote at the time.

21 Q. [11:49:22] That's not a problem. I can show you the caption. This is at tab 61
22 of the OTP list, CAR-OTP-2067-1287, and this is the correct page, I believe.

23 A. [11:49:38] Yes, yes. If you put up the photograph on the screen that could help,
24 but I can't see the caption. That would be helpful.

25 Yes, yes, indeed. I remember that this man told us that -- the person was a nephew

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1 of President Bozizé. And at the time what I understood was that the Seleka certainly
2 targeted people who might be likely to rebel against them. So this person being
3 related to Bozizé, he was important in the rebellion.

4 Q. [11:50:38] Thank you.

5 MS PROULX: [11:50:43] Mr President, I don't want to show the witness all of the
6 relevant pictures every time because I think it's going to take a significant amount of
7 time if I show everything. But just for the record, I will give the references to other --

8 PRESIDING JUDGE SCHMITT: [11:50:51] That's fine. We appreciate that. That's
9 fine.

10 MS PROULX: [11:50:55] So the other pictures that relate to the murder of this FACA
11 soldier can be found at -- in the Defence binder at tabs 56 to 60, at ERNs
12 CAR-OTP-2061-4525 until 2529 -- 4529.

13 Q. [11:51:35](Interpretation) You mentioned people close to Bozizé who had been
14 targeted. Did you also hear, or did you notice that in general terms the ethnic group
15 of Mr Bozizé, the Gbaya group, was particularly targeted by the Seleka?

16 A. [11:51:52] I don't remember hearing about that, but I think it was somewhat
17 obvious at the time. I think you could say that, yes.

18 Q. [11:52:05] I'd like to show you something else. This is at tab 10,
19 CAR-OTP-2061-4399. And the caption reveals that this is the funeral of a judge,
20 Judge Bria, who allegedly was attacked and killed by the Seleka.

21 Do you know why the judge had been targeted by the Seleka?

22 A. [11:52:42] People said that he had been compiling lists of acts of violence and
23 abuse perpetrated by the Seleka as evidence, and that is why he was killed. This was
24 something that really affected the local people, the population.

25 Q. [11:53:05] I'd like to show you something else. This is tab 14 of the OTP binder,

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1 CAR-OTP-2060-0371. And, according to the caption, this is a photograph of a crowd
2 in Bangui who were demonstrating and calling for the departure of the Seleka.

3 Did you see this particular scene, or something like this, of the population rising up
4 and demanding that the Seleka leave?

5 PRESIDING JUDGE SCHMITT: [11:53:50] Yes, Mr Witness --

6 MS PROULX: [11:53:53](Interpretation) Could we go into private session?

7 PRESIDING JUDGE SCHMITT: [11:53:56] Yes, yes, indeed. Of course.

8 THE WITNESS: [11:54:01](No interpretation)

9 (Private session at 11.54 a.m.)

10 THE COURT OFFICER: [11:54:13] We are in private session, Mr President.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Please, continue, Ms Proulx.

3 MS HENDERSON: [11:55:34] Sorry, briefly, your Honour, can I ask from the

4 Registry (Redacted)

5 (Redacted) Okay, thank you for that.

6 PRESIDING JUDGE SCHMITT: [11:55:42] (Redacted)

7 No, then we have no -- then it's not a problem.

8 (Redacted)

9 (Redacted) Mr Witness, yeah, we go to open session and you

10 can answer, but again don't reveal your identity. (Redacted)

11 (Redacted)

12 MS PROULX: [11:56:10] Unless the witness has a preference to put himself in --

13 PRESIDING JUDGE SCHMITT: [11:56:13] Well, preference -- he is -- he is not a

14 complicated witness, I think. If it is -- we have started it this way. I think it would

15 be unnatural to go back and forth now. (Redacted)

16 (Redacted)

17 (Open session at 11.56 a.m.)

18 THE COURT OFFICER: [11:56:57] We are back in open session, Mr President.

19 MS PROULX: [11:57:01](Interpretation)

20 Q. [11:57:01] Mr Witness, I'll put my question to you again. Do you have

21 knowledge or did you witness demonstrations by the crowd, by the people in Bangui,

22 calling for the departure of the Seleka troops?

23 A. [11:57:14] I was a witness to that.

24 Q. [11:57:20] Do you remember how the demonstrations ended?

25 A. [11:57:25] It would depend which one. Ask me which one.

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1 Q. [11:57:37] For example, in the photograph that I showed you, (Redacted)

2 (Redacted)

3 (Redacted) Does that remind?

4 A. [11:57:55] Yes, yes, it does.

5 Q. [11:58:08] During these times do you remember international forces or the police
6 trying to intervene and protect the population?

7 A. [11:58:17] No.

8 Q. [11:58:24] Thank you. Let us now turn to Bossangoa.

9 I don't want to give specific dates, but once again we're talking about late
10 November 2013. And, first of all, I would like to show you three photographs, and
11 then after that I'll show -- I'll play some video footage and I'll ask you some questions.
12 But, first, I'd like to show you the document at tab 51 of our binder -- 51,
13 CAR-OTP-2061-4517.

14 I'm going to show you a second photograph, which is at tab 53, CAR-OTP-2061-4519.

15 So, I wanted to show it to you to refresh your memory, and now we'd like to play a
16 small extract from a report. It's tab 62 in our binder, CAR-OTP-2073-1299, and we
17 are going to play from 00:11:10 until 00:12:22. Just to put you back in the time, this is
18 a report from 5 October 2013, so approximately six weeks before what you were able
19 to observe.

20 And for the interpreters, we have distributed a transcript because they exist, and I
21 think you must have received them. It's in French.

22 And, your Honour, if you accept, we shall disclose it after the hearing and ask the
23 admission of this transcript.

24 Do -- are the interpreters ready?

25 THE INTERPRETER: [12:01:11] Yes, we are your Honour.

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1 PRESIDING JUDGE SCHMITT: [12:01:13] I don't see any problems at this stage.

2 MS PROULX: [12:01:17] Thank you, your Honour. I think we are ready, so we can
3 start with the video.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [12:01:25](Interpretation of the video excerpt)

6 "[...] Houses were pillaged and burnt. The population fled. In one of the villages
7 we stopped to take some photographs. Suddenly a group of men appears. One of
8 them speaks.

9 [...] There were clashes in Bossangoa. The men from Seleka came here and they
10 accused us of having attacked Muslims and they burnt our houses. We had nothing
11 to do with what's happening there so we fled into the bush.

12 [...] See the Seleka come back, we will once again have to leave into the bush and if
13 they find us, it's definite they will kill us.

14 [...] These villagers say they're not part of any armed group, they're just there to look
15 after their goats and pigs. They show their ransacked houses and a decomposing
16 body devoured by pigs.

17 [...] There's a body killed by the Seleka. There's a man from the village who was
18 killed by the Seleka.

19 [...] How many people in the village were killed?

20 [...] I think 10s or 20s of them. There are lots of them killed in the bush. Some of
21 them were killed in the bush."

22 MS PROULX: [12:02:49](Interpretation)

23 Q. [12:02:55] Witness, in this report -- the pictures in this report, do they
24 correspond with your experience in terms of what you saw on the road between
25 Bangui and Bossangoa?

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1 *A. [12:03:04] It does resemble that, but I cannot confirm that it is exactly the same place,
2 because the villages are very similar. In the Central African Republic, a lot of villages were
3 destroyed, so it could be the same but that's not something I can confirm.

4 Q. [12:03:20] But if I understand from your statement, on the road you did see, and
5 particularly when you got closer to Bossangoa, you saw a lot of houses which had
6 been destroyed, burnt, pillaged?

7 A. [12:03:33] Yes, indeed, a lot.

8 Q. [12:03:37] And were you told, as in this video, that it was the Seleka who had
9 perpetrated these crimes?

10 A. [12:03:44] Yes, of course.

11 Q. [12:03:51] On the subject of the men that we can see on the video excerpt -- well,
12 you've heard the journalist say that these men present themselves as civilians. In
13 terms of their appearance, can you determine whether they are civilians or
14 Anti-Balaka?

15 A. [12:04:09] It's not so easy because I think that it's not so simple. The origin
16 Anti-Balaka are civilians who have decided to defend their villages, so how can you
17 define when somebody is no longer a civilian but is now a combatant? It's not so
18 simple to say that. So they say they're non-combatants. I have a tendency to
19 believe them. They're not armed. Perhaps later they took up arms. Perhaps they
20 never took up arms. I don't know. What's sure is that during that period I think
21 that there were relatively few Anti-Balaka, or people who declared themselves to be
22 Anti-Balaka, and afterwards there were a lot more. So I think this is something -- a
23 lot of people became Anti-Balaka.

24 Q. [12:04:59] Were you able to note at the time when you arrived in Bossangoa that
25 the town was completely under the control of the Seleka?

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1 A. [12:05:07] Under the control of the Seleka? Yes, there's no doubt about that
2 completely. Yes, I think that could be said, yes. Yes, definitively. I'm sorry, I just
3 needed to refresh my memory.

4 Q. [12:05:26] No problem. And, like in Bangui, were you able to talk to the local
5 population in Bossangoa?

6 A. [12:05:34] Yes, of course. I spent four days there, five days perhaps.

7 Q. [12:05:44] So were you able to note a difference between the treatment of the
8 Christian population and the treatment of the Muslim population with regards to the
9 Seleka?

10 A. [12:05:53] Yes. It was principally the Christian population that was targeted by
11 the Seleka and, furthermore, there was, I think, if I'm not wrong, 40,000 people who
12 were displaced. I mean, the whole town was displaced, in fact. So I met displaced
13 persons who were Christians. I think there were 40,000 of them, I'll have to check
14 what I wrote. And I also saw Muslim displaced persons, but a lot fewer, just a small
15 group -- perhaps a few hundred, maybe a thousand, some thousands.

16 Q. [12:06:30] And in terms of the acts of violence you've spoken about, was it more
17 or less the same thing as the acts of violence that you heard about in Bangui?

18 A. [12:06:39] Well, it depends what you mean. Is it the nature of the actions or is it
19 the --

20 THE INTERPRETER: [12:06:46] Overlapping speakers.

21 MS PROULX: (Interpretation)

22 Q. [12:06:50] I'm really focusing on the acts of violence committed by the Seleka
23 against the Christian population. Were they of the same nature or type as that in
24 Bangui?

25 A. [12:06:59] Yes, I think they were. I think so.

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1 Q. [12:07:03] But in terms of the scope, or in terms of the extent, was -- were there
2 just isolated cases or was it a lot?

3 A. [12:07:13] I -- it's difficult for me to answer because I was particularly interested
4 in the humanitarian situation in the refugee camp.

5 I remember having had testimony -- people speak about targeted murders, people
6 who were tortured, people who were tied up, their hands were tied behind them. So
7 without having confirmation and proof of it, stories about people who had been
8 thrown into the river and drowned by the Seleka.

9 So there's a high probability that they could be true, but I can't confirm them a
10 hundred per cent because I don't have any evidence. That's the sort of thing that I
11 heard people speak about.

12 Q. [12:08:04] And do you know if the civilian Muslim population were aware of
13 what was happening to the Christians, what the Christians were suffering in the
14 hands of the Seleka?

15 A. [12:08:18] I don't know.

16 Q. [12:08:26] Were you able to see in Bossangoa that the Seleka were mixing with
17 the Muslim population -- they were going to the markets, they were going to the
18 mosque, that they would stay in places to drink, cafes, et cetera?

19 A. [12:08:43] I don't particularly remember having seen that. I remember that the
20 Seleka were quite well identified. At least most of them were in uniform, military
21 uniform, and I met several of them on Seleka bases, so not mixed up with the
22 population. I don't remember having seen them mixing with the population. The
23 memory I have of the town, it was like a massive refugee camp where the vast
24 majority, 95 per cent, were Christian.

25 Q. [12:09:20] And did you see or hear people speak about the fact that certain

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1 Muslim civilians had been armed by the Seleka?

2 A. [12:09:33] Not as far as I remember.

3 Q. [12:09:38] And did you hear people speak about the fact that weapons had been
4 put in the mosque or weapons had been stored in the mosque?

5 A. [12:09:50] No. No, I don't remember the mosque in Bossangoa. I don't
6 remember that, to be honest.

7 Q. [12:10:03] Thank you.

8 Now, at this stage I'm going to show you three photographs and we're going to go to
9 the camp. And, first of all, in the Defence binder, CAR-OTP-2061-4347, and this is at
10 camp -- in document number 3 in the Defence binder.

11 This is the first photograph.

12 I'm going to show you a second one, tab 5, CAR-OTP-2061-4349.

13 And, finally, a last one in tab 7, CAR-OTP-2061-4351.

14 And for the record, I have to add that the photographs which are in tabs 4, 6 and 8 in
15 the Defence binder are photographs of the same place and of the same type, and they
16 are very relevant to the discussion.

17 But for the moment I want to do what I did a moment ago and I'm going to show you
18 an additional excerpt from the same report. So we'll go back to the document 62,
19 CAR-OTP-2073-1299, and there I'm going to show you from 00:12:25 to 00:16:02 and
20 then I will have questions to put to you.

21 So, for the interpreters, that's the same transcript as a moment ago. It's just the end
22 of the document.

23 I understand that we are ready to go, so we can go.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [12:12:32](Interpretation of the video excerpt)

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1 "[...] So we're coming to Bossangoa. Here, it's the native region of the former
2 President Bozizé. In the close village of Zere, on 7 September, those called the
3 Anti-Balaka, the 'anti-machetes' in Sango, attacked Muslims. The Seleka launched
4 reprisal operations. All the region went up in flames, the villages were emptied,
5 people speak about hundreds -- a hundred deaths. In Bossangoa, as well, people
6 fled. The Christians who are the majority for the most part group together around
7 the Cathedral *Saint-Antoine de Padoue*. Protected by the pan-African forces, several
8 thousands of refugees, there's one tap, two toilets. The *abbé* Frédéric Tonfio, a vicar
9 of the diocese, is completely lost for words.
10 [...] We have more than 36,000 displaced persons. And, yesterday, we were at 36,700.
11 And what I'm concerned about is the toilets. People are stopped here and they do
12 everything here. They eat, they sleep, they do everything here. It's very dangerous,
13 that.
14 [...] The major question is, who is responsible?
15 [...] It's the Seleka.
16 [...] So for you, that's absolutely clear?
17 [...] It's absolutely clear. Because they're the ones who must ensure security. And
18 they're the ones who are firing at people. They're the people who are responsible for
19 it.
20 [...] For decades in the Central African Republic, Christians and Muslims have been
21 cohabiting peacefully, which means that all of a sudden inter-religious tension has
22 broken out, but how is that?
23 [...] It's not religious tension. I've always said that there's -- to those who say there's
24 a conflict between Muslims and Christian, I say no. This is a conflict which has been
25 sparked off, triggered, and provoked by the arrival of the Seleka who are with the

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1 Muslims, and for them we are Muslims. So they are with Muslims and then against
2 those who are not Muslims, that's it. We have lost trust, the two communities have
3 lost trust in each other, and now people have to be reconciled; that is to say, it's a
4 work on the heart. It's going to be long term. It's going to be difficult.
5 [...] On the day we come, a first convoy of aid comes. Father Dieudonné hopes that
6 there will be more arriving soon.
7 [...] So, here we have buckets, we have toiletries, we have towels, toothbrushes, just
8 for the women who have left their houses without being able to take anything. That
9 doesn't respond to all their needs, but it's a start, and the women are very happy with
10 the donations.
11 [...] Everybody has accounts of fear, violence, incomprehension.
12 [...] I was in the field with my two children. They killed both of them and I fled.
13 [...] How do you explain that violence all of a sudden?
14 [...] I don't understand. We were surprised by the events. It was approximately
15 4 o'clock in the morning. They started firing everywhere and we didn't understand
16 what had happened.
17 [...] Me, I was living in -- I've been living in the Arab neighbourhood for a long time,
18 but recently it's become unbearable. They threaten us all the time with knives, with
19 weapons, and I had to flee to come here."
20 PRESIDING JUDGE SCHMITT: [12:16:17] Before we continue, this was really
21 simultaneous. Thank you very much to the interpreter. It was very, very quick.
22 Please, Ms Proulx, continue.
23 MS PROULX: [12:16:29](Interpretation)
24 Q. [12:16:32] Witness, with regard to the photographs that we've seen, and also in
25 this video excerpt, are they -- do they accord with your memories of what happened

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1 in Bossangoa? Are you able to estimate the size of this camp, displaced people?

2 A. [12:16:52] No, I wouldn't risk that. I don't have a notion of the scale of it. But
3 I can confirm to you that the figures that were used were approximately 40,000. I
4 think in the video they talk about 36,000.

5 Q. [12:17:09] Well, the video was taken a few weeks before, so, indeed, the figures
6 went up. We can imagine -- well, you will tell me what you remember, but 40,000
7 people, that's a lot of people. That really is a lot of room to -- you need a lot of room
8 for 40,000 people.

9 A. [12:17:30] Yes, that's why I say that I remember that the whole town had become
10 a refugee camp. It's not really that, though. The camp was building up around
11 Christian buildings and -- but 40,000 is a lot, so it would go outside the borders of the
12 town. And there were areas that were quite empty, so you basically got the
13 impression that the whole town had become a refugee camp of displaced persons,
14 rather, I should say.

15 Q. [12:18:03] So I'm not going to have you speculate, but when you spoke about
16 people outside the camp, they were aware that the camp existed; you couldn't be in
17 Bossangoa and not know about this camp?

18 A. [12:18:17] Of course not.

19 Q. [12:18:25] You heard at the end of the video there was a lady and a man who
20 were speaking about what had brought them to the camp. Now, these accounts, are
21 they of the same type as what you heard yourself when you were there?

22 A. [12:18:43] Which people are you speaking about in the video? There were
23 several different people who were speaking.

24 Q. [12:18:51] So I wanted to speak to you about the two people at the end: The
25 lady who said that she woke up in the fields at 4 o'clock, she was woken up by and

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1 attack, and the man who said that he was living in the Arab neighbourhood but it had
2 become unbearable.

3 A. [12:19:08] Yes, that does recall testimony that I also heard.

4 Q. [12:19:15] And, as in Bangui, did you also hear people speak in the population
5 about the same feeling of betrayal that the Christians had towards the Muslim
6 community?

7 A. [12:19:29] Of course.

8 Q. [12:19:38] Were you able to meet the friar, Frédéric, who we see in this
9 report -- Frédéric Tonfio, the abbot, Frédéric Tonfio?

10 A. [12:19:48] I don't think so. Perhaps I just quickly said hello to him, but I don't
11 remember really spending time having discussions with him.

12 Q. [12:19:59] I want to show you another photograph, and it is at tab 9 in the
13 Defence binder, CAR-OTP-2061-4353.

14 In the caption of this picture it is stated -- and this is on page -- well, it's in the
15 document 61 in the Office of the Prosecutor binder, page 0092, it's said that, and I will
16 read it to you in English: (Speaks English)

17 "Weapons, mostly knife, arc and local made gun, are shown by FOMAC (central
18 Africa peace force) who took them from Anti-Balaka while they tried to disarm the
19 population in Bossangoa. They can only collect arms from the Anti-Balaka, and not
20 from the Seleka, as they run the country. The Seleka has weapons like RPG, mortar
21 [and] Kalashnikov [...]"

22 (Interpretation) The photograph is dated from 20 November 2013.

23 A. [12:21:41] Can I see the document in front of it and read the caption myself,
24 because I hear part you in French and I hear part of the translation and [...]

25 Q. [12:21:50] No problem.

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1 Can we show the caption which is at tab 61, 0092?

2 A. [12:22:14] Could it be zoomed in on because I can't read it?

3 Well, I think there's a problem with regards to the translation.

4 Q. [12:22:40] I think we're speaking about the same thing. We said that the
5 weapons were seized from the Anti-Balaka when they were trying to disarm the
6 population; but, in fact, where did these weapons come from? Are they from the
7 Anti-Balaka who were hiding in the bush or do they come from the civilian
8 population?

9 A. [12:23:02] Well, it's a sensitive subject, because you have a lot of weapons that a
10 civilian could have with them. So I don't know how to tell you who they come from,
11 but they do indeed come -- well, they were taken not from the Seleka, because the
12 English version of this -- well, this English isn't very good. (Redacted) I don't
13 know if we understood well that you can't touch the Seleka because they were the
14 people who run the country. So they'd take weapons just from the non-Seleka, so
15 that would be necessarily Christians. So those are some of the weapons that they
16 recovered -- their bows, knives, machetes. But, once again, a machete -- a machete
17 can be used for everything. It could be a weapon, but it could also be an object for
18 everyday life.

19 And I just take this opportunity to speak about FOMAC. When I said that
20 MINUSCA was there straight afterward -- so, in one of my first days in Central
21 African Republic, it was still the FOMAC who was there.

22 Q. [12:24:19] Thank you very much for this clarification. I just have another
23 question that I wanted to put to you about that. So the FOMAC was disarming the
24 Christians, and we're speaking about Anti-Balaka, we're talking about Christian
25 civilians, but, afterwards, was it able to ensure security of the people that it had

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1 disarmed with regards to the Seleka?

2 A. [12:24:42] I don't think so.

3 Q. [12:24:51] So -- so, the FOMAC was taking away the local population -- the
4 possibility to defend themselves?

5 A. [12:25:02] One could conclude that.

6 Q. [12:25:06] Were you able to observe that this disarming of the Christian
7 population and not of the Seleka had -- was able to create a sense of injustice among
8 the Christian population?

9 A. [12:25:18] Of course.

10 MS PROULX: [12:25:32] Mr President, out of an abundance of caution, I would like
11 to ask my next question in private session.

12 (Private session at 12.25 p.m.)

13 THE COURT OFFICER: [12:25:52] We are in private session, Mr President.

14 MS PROULX: [12:25:59](Interpretation)

15 (Redacted)

16 (Redacted)

17 So, in your statement, and in paragraph 16 thereof, you say that on the return towards
18 Bangui, having left (Redacted) you came across Anti-Balaka who told you that they
19 were defending their village. (Redacted)

20 (Redacted) , it would seem that

21 there were complete families that were hiding in the bush. Would I be right to say
22 that?

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Just another question. There are complete families, there are people who say they
2 are Anti-Balaka. Did you note that that could create a confusion among the Seleka
3 who regularly attacked civilians or who were accused -- who they wrongly accused of
4 being Anti-Balaka?

5 A. [12:28:11] Yes, that could create confusion. But women and children? I think
6 that one is capable of realising and knowing that they are not combatants.

7 And I just want to say that there is this child (Redacted). I don't know how
8 old that child is, but just to go back to the question of a moment ago, in my opinion, I
9 think he's under 15 years and he has little amulets that the Anti-Balaka wear.

10 MS PROULX: [12:28:47] Mr President, we can go back into open session.

11 PRESIDING JUDGE SCHMITT: [12:28:50] Open session.

12 (Open session at 12.29 p.m.)

13 THE COURT OFFICER: [12:29:03] We are back in open session, Mr President.

14 MS PROULX: [12:29:11](Interpretation)

15 Q. [12:29:11] So, witness, I would like to take you back to Bangui. Now, you
16 described in your statement, and this is in paragraph 17 thereof, that at the start of
17 December, on 3 December, that you were informed that Peuhl children were
18 wounded during the attack on their village by the Anti-Balaka and that they were
19 taken to a military garrison to be seen by the journalists, and before they were taken
20 to hospital - and, if you can give the information publicly - how were you informed
21 about the presence of these children?

22 A. [12:29:56] Sincerely, I no longer remember.

23 Q. [12:30:00] No problem. Did it seem odd that injured children would be
24 displayed like that before taken to the hospital?

25 A. [12:30:09] Completely. We found several people there, invited to that event,

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1 and it was very, very -- it seemed to be very much of a communication thing, even

2 though the children were clearly injured. There was no doubt about that.

3 Q. [12:30:30] Did you think that it was perhaps propaganda by the Seleka regime?

4 A. [12:30:38] Yes, without a doubt.

5 Q. [12:30:43] Indeed. We see that the children were injured, but you weren't able
6 to check the veracity of the allegations?

7 A. [12:30:51] Yes, exactly. That is exactly right.

8 MS PROULX: [12:31:02] Mr President, I apologise for back and forth, but I have one
9 more question that I need to ask in private session.

10 PRESIDING JUDGE SCHMITT: [12:31:09] No problem. Private session.

11 (Private session at 12.31 p.m.)

12 THE COURT OFFICER: [12:31:25] We are in private session, Mr President.

13 MS PROULX: [12:31:31](Interpretation)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted), you said that you noticed that

25 rumours spread extremely quickly. How did you notice that?

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1 A. [12:32:52] Well, you could see it every day. Every day you would -- all kinds of
2 astounding things. *Médecins Sans Frontières* is a good example. It's an organisation
3 that's done many things in the Central African Republic. I think every family has a
4 child that was saved by MSF physicians, and I heard all kinds of people saying, "Oh,
5 well, MSF is there for the diamonds", and "On the top of their 4x4s they have shovels."
6 Things like that would be said.

7 PRESIDING JUDGE SCHMITT: [12:33:35] A little bit late, but I did not want to
8 interrupt the witness. Ms Henderson?

9 MS HENDERSON: [12:33:41] This question has been asked and now there's an
10 answer being given, although, I just note in relation to the formulation, (Redacted)
11 (Redacted)
12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:33:53] Well, now --

14 MS HENDERSON: [12:33:54] It's just on the procedure a bit there.

15 PRESIDING JUDGE SCHMITT: [12:33:56] Very strictly, you are right, but we have
16 the witness here. (Redacted)
17 (Redacted) I think we can continue from there.
18 Ms Proulx.

19 MS PROULX: [12:34:09](Interpretation)

20 Q. [12:34:10] Just to conclude on this point. The rumours, did you ever notice or
21 did you ever learn about crimes committed and the identities of the perpetrators?

22 A. [12:34:24] Of course, all the time. All the time.
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:35:00] I'll move on to something else, still in private session. I believe we're
4 in private session? Yes.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 A. [12:38:43] I don't know what you mean by "sticks". I see some traditional sort
- 15 of shotguns, hunting rifles, machetes. I remember one Kalashnikov.
- 16 (Redacted) But it was the only one. I'm not
- 17 sure that we can consider the sticks. I'm not so sure that we can say that they can be
- 18 used as weapons. They could be more walking sticks actually.
- 19 Q. [12:39:21] Thank you.
- 20 MS PROULX: I think we can go back into open session, your Honour.
- 21 PRESIDING JUDGE SCHMITT: [12:39:29] Open session.
- 22 (Open session at 12.39 p.m.)
- 23 THE COURT OFFICER: [12:39:42] We are back in open session, Mr President.
- 24 MS PROULX: [12:39:52](Interpretation)
- 25 Q. [12:39:54] Let's talk about the victims of the attack of 5 December. I know that

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1 this is a difficult topic for you, and I apologies to you, but I believe you saw many
2 bodies of victims.

3 Am I to understand, Mr Witness, that the corpses of the victims, the Muslim victims,
4 were at the mosque and the bodies of the Christians were sent -- were taken, rather, to
5 the morgue of the community hospital?

6 A. [12:40:27] Yes, that's right.

7 Q. [12:40:34] Often people say that the attack upon Bangui was directed against the
8 Muslim population. But at paragraph 21 of your statement you made mention of 91
9 bodies at the morgue, Christian bodies, and the caption of the photograph mentions
10 400; is that correct?

11 A. [12:41:01] Well, those are the numbers that we saw over the days after the attack.
12 I don't know where this expression came from that you used, "attacks upon Muslim
13 victims". You see, the attack turned against them. They were under-armed, and I
14 think you saw that in earlier documents. So the first day, the first victims were
15 Muslims at the mosque. But very quickly we learned that Christians were victims as
16 well and their bodies were at the morgue. And that number, 91, was for the first day.
17 And the numbers increased by 100 every day and reached 400 after a while and,
18 ultimately, reached a number along the lines of 1,000. And the great majority, I
19 believe, were Christians.

20 MS PROULX: [12:42:12] Mr President, I don't think we need to show these pictures,
21 they are pretty gruesome, but I will give you the references for the record.
22 They are to be found at -- in our binder at tab 11 through to tab 19. And the ERNs
23 are CAR-OTP-2061-4414 through to 4422.

24 Q. [12:42:53](Interpretation) Mr Witness, after the attack - and when I say "after the
25 attack" I'm thinking not so much about the days after, but, rather, all the way into

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1 January and February - would you agree that chaos prevailed in Bangui?

2 A. [12:43:10] Oh, yes. Yes, that's the right word. Yes.

3 Q. [12:43:18] Did you see after the attack any Seleka reprisals against Christian
4 civilians?

5 A. [12:43:33] I don't know whether they were truly reprisals for the attack or not.

6 Amongst the bodies, there were many civilians. At the morgue, I saw some

7 Anti-Balaka bodies, but also the bodies of many civilians. I remember the bodies of

8 women. Were they targeted or did they just happen to find them? Were they hit

9 by stray bullets? I couldn't tell you that. But I remember seeing the bodies of

10 women, of pregnant women, bodies of people whose heads had been split open by

11 machetes. Elderly people. I saw many bodies that did not seem to be the bodies of

12 Anti-Balaka members. There are various images on the record. I don't know

13 whether these were reprisals for the battle or not.

14 Q. [12:44:37] I'd like to show you a photograph at tab 61 of the OTP binder,

15 CAR-OTP-2075-0074, at page 0069.

16 THE INTERPRETER: [12:45:01] Correction: 0619. Tab 61, CAR-OTP-2075-0074,
17 page 0169.

18 MS PROULX: [12:45:11](Interpretation)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:47:30] No problem. Thank you.

17 I'd like to continue along the same line of questioning but a somewhat different
18 approach.

19 Now, we were talking about chaos reigning in Bangui and the country. And I'd like
20 to draw a parallel with the Brazzaville agreement that was entered into in July 2014.

21 Now, I don't know whether you know this or not, but 14 armed groups signed the
22 Brazzaville agreement and people tend to talk about the conflict as one between
23 Anti-Balaka and Seleka. But you have to realise that there were 14 armed groups.
24 Could you recognise them, distinguish them from one another?

25 A. [12:48:30] Not at all.

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1 Q. [12:48:33] Very well. I'd like to move on to a number of photographs that we
2 have in which we see the destruction of the Boy-Rabe mosque.

3 And tab 20 to 22 of the Defence binder, CAR-OTP-2061-4427, all the way to 4429.

4 Thank you for putting it up on the screen. But I think I'd like to show the metadata
5 as well, and this is at tab 61 of the OTP binder, 0196.

6 Mr Witness, do you agree that the people we see destroying the Boy-Rabe mosque
7 seem to be civilians?

8 A. [12:50:00] Could I see the entire document? Thank you.

9 Yes, you could say that they appear to be civilians. Could we zoom in, please.

10 Yes, I think we can say that these are civilians. Other than the man who's in the
11 forefront of the photograph, the others seem to be very young.

12 Q. [12:50:49] So these seem to be young people taking advantage of the chaos to
13 commit minor crimes?

14 A. [12:50:57] Well, I don't know whether we can say "take advantage of", but, yes,
15 this is something that happened throughout the city at the time, the destruction of
16 mosques. Nearly all the mosques of the city were destroyed during that period of
17 time, mid-December.

18 Q. [12:51:21] I'd like to show you another photograph.

19 This is tab 23 in our binder, CAR-OTP-2061-4432. And perhaps we could display it
20 with the metadata, tab 61, OTP binder, and this would be the ERN number ending in
21 7-5. 0175. And this is tabs 23 to 28 of the Defence binder.

22 Here, Mr Witness, we see the destruction of the Fouh mosque which occurred on 10
23 December.

24 So I'll put the same question to you: Would you agree with me that the people we
25 see here seem to be civilians?

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1 A. [12:52:24] Yes, indeed.

2 Q. [12:52:36] Thank you.

3 (Redacted)

4 (Redacted)

5 Tab 31 to 34 in the Defence binder. But for the witness (Redacted)

6 corresponds from tab 61, tab 61 of the OTP binder.

7 PRESIDING JUDGE SCHMITT: [12:53:22] With the end numbers of?

8 THE INTERPRETER: [12:53:27] Message from the interpreter: The numbers were
9 read out at great speed.

10 MS PROULX: [12:53:32] Mr President, the -- so the same document, the page 0260.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [12:54:13] No, I couldn't tell you that.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [12:54:41] Yes, of course. The looting was quite often done by civilians.

19 MS PROULX: [12:54:53] Mr President, I wonder whether this is a good moment to
20 break for lunch. I will have probably about 10 to 15 minutes more after lunch.

21 PRESIDING JUDGE SCHMITT: [12:55:02] Yes. Yes. I think that's the fine.

22 Ms Dimitri, do you have already -- I don't assume you have a lot of questions?

23 MS DIMITRI: [12:55:12] Thank you, Mr President. I have one session, or a bit less
24 than one session.

25 PRESIDING JUDGE SCHMITT: [12:55:22] We could perhaps finish this afternoon.

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1 MS DIMITRI: [12:55:26] Yes, I think so. I mean I -- I don't want to make any
2 promise, but I --

3 PRESIDING JUDGE SCHMITT: [12:55:32] Yeah, okay. Okay.

4 MS DIMITRI: [12:55:33] I'm in your hands. But, yes, I have one session, or
5 maybe -- it all depends, because I think my questions are a bit more open, so the
6 discussions will be a bit more lengthy.

7 PRESIDING JUDGE SCHMITT: [12:55:44] Okay, so we simply have to see.

8 Then a break until 2.30 and then we continue.

9 THE COURT USHER: [12:55:52] All rise.

10 (Recess taken at 12.55 p.m.)

11 (Upon resuming in open session at 2.33 p.m.)

12 THE COURT USHER: [14:33:02] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [14:33:25] Good afternoon.

15 Without further ado, it's still the time for questioning from Ms Proulx.

16 MS PROULX: [14:33:35] Thank you very much, Mr President.

17 Q. [14:33:39](Interpretation) Good afternoon, Mr Witness, once again. We're
18 going to continue where we left off just before lunch, and I'd like to ask you to look at
19 some photographs.

20 For the record, the relevant photo -- this is tab 35 to 38 on our binder. But perhaps,
21 for the witness, it might be easier to look at tab 61 of the OTP binder, 0074, at
22 page 0244. OTP binder, tab 61, CAR-OTP-2075-0074 at page 0244.

23 Mr Witness, I think you can see the photograph up on the screen.

24 Perhaps we could zoom a bit and the witness will be able to have a look at the caption
25 of the photograph.

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1 And I'd also like to ask the next page to be shown to the witness, page 0245.

2 Mr Witness, according to the description, this is a case of looting close to Camp Kassai
3 that had been evacuated by the Seleka troops. Do you agree with me that the people
4 we see in these photographs are civilians?

5 A. [14:35:37] Yes, indeed.

6 Q. [14:35:48] Thank you.

7 Now, the next tabs are tabs 39 to 50 in the Defence binder.

8 And, Mr Witness, I'd like to show you just a few photographs. And if we could
9 begin with 0720 in the OTP binder, tab 61 there, page 0270. 0270. And if we could
10 look at page 0272 as well. And 0274, please.

11 Mr Witness, judging by the description of these photographs, these are cases of
12 looting at Miskine. Do you agree with me that the people we see in these
13 photographs are civilians?

14 A. [14:37:35] Yes.

15 Q. [14:37:36] Thank you.

16 If we could now show the witness the previous page, 0273, and could we zoom in on
17 the vehicle that is on the road.

18 Thank you.

19 This is the same series of photographs you've taken from Miskine. We see an armed
20 vehicle here and we see a light-skinned person. That must be a French soldier. Is it
21 true that the looting in Miskine occurred in front of the peacekeeping forces and they
22 didn't intervene?

23 A. [14:38:30] They did intervene at some times, but later on I think we do see some
24 photographs of them stopping looters. * And my reading of the event was that there
25 was so much looting going on that they couldn't control all the looting, but I can

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1 understand the dismay of the people whose possessions had been looted

2 Q. [14:38:57] Now, in the caption, "looting in Miskine", we read the following:

3 "The looters said that these houses belong to Muslim people, but in actual fact some
4 belong to Christians."

5 Would you agree with me that this looting was actually rather opportunistic in
6 nature?

7 A. [14:39:22] Yes, I do think so, quite so.

8 Q. [14:39:35] Thank you. I'd like to move to something somewhat different.

9 At paragraphs 23 and 27 of your paragraph you said that after the attack of
10 5 December, particularly in January and February of 2014, it became more and more
11 dangerous for Muslim people to move about Bangui. Would you agree that that
12 corresponds to the time when the Seleka were confined to barracks and partially
13 disarmed?

14 A. [14:40:09] Yes, indeed. In any event, the Muslim community had no means of
15 defence.

16 Q. [14:40:20] Were you aware that during that same time, as of January 2014, there
17 were repeated requests by Anti-Balaka leaders to put Anti-Balaka forces in barracks
18 and those demands or requests, rather, were rejected by the government?

19 A. [14:40:46] Could you repeat your question. I think there's something that was
20 not quite right there.

21 Q. [14:40:53] My question was rather long. I was asking you whether you were
22 aware that despite repeated requests from Anti-Balaka leaders as of January 2014, that
23 the transitional government of Ms Samba-Panza and international forces had rejected
24 those repeated requests to include them in a disarmament and demobilisation process
25 and place them in barracks?

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1 A. [14:41:23] January 2014?

2 Q. [14:41:25] The requests were as of January 2014, but I'm asking you about all of
3 2014.

4 A. [14:41:33] I think there's some mistakes with your dates, but I was not aware of
5 that.

6 Q. [14:41:43] But did you notice yourself that Anti-Balaka forces were not confined
7 to barracks or handled or treated in any way?

8 A. [14:41:53] Yes, indeed, that is so.

9 Q. [14:41:58] Do we agree that armed men who were not being assisted, who had
10 very few means of subsistence with that sort of thing going on, that there was
11 a greater risk of looting and pillaging?

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

13 PRESIDING JUDGE SCHMITT: [14:42:20] That was a borderline question, but you
14 know that, yeah.

15 MS PROULX: [14:42:24] I'm well aware.

16 PRESIDING JUDGE SCHMITT: [14:42:26] Okay, good.

17 MS PROULX: [14:42:31](Interpretation)

18 Q. [14:42:33] I'd now like to show you some more photographs.

19 Once again, tab 61 of the OTP binder, 021 -- no, 0201, if we can move to that page,
20 please. 0201.

21 And if you could please read the description.

22 I'd also like to show you another photograph, page 0207. The descriptions speak of
23 a Muslim man who had been attacked by dozens of Christians and that they accused
24 him of being a Seleka member. And am I to understand that these dozens of
25 Christians were civilians?

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1 A. [14:44:07] Going by what we see on the photograph, yes.

2 Q. [14:44:16] And what was Sangaris doing, what was MISCA doing when these
3 things happened, when civilians were attacking civilians?

4 A. [14:44:26] (Redacted)

5 the man was already protected by the peacekeepers. They protected him, but as they
6 protected him, people were able to throw things at him. (Redacted)

7 There were bodies of other people who had been killed -- there were bodies

8 around this person. They were trying to protect the man. The French came with

9 a medical team, not so much to protect the man, but he died, actually. He died a few

10 seconds or minutes after the -- after this, {ICR: (Redacted)}.

11 Q. [14:45:23] Thank you.

12 I'd like to change topics. Did you notice -- after the attack of 5 December, did you
13 notice that Anti-Balaka had a certain amount of popularity?

14 A. [14:45:39] The Christian population, yes.

15 Q. [14:45:45] Were you -- did you hear that some Christian civilians said that they
16 were Anti-Balaka members? Out of solidarity they wanted to say that they were
17 Anti-Balaka even though they weren't?

18 A. [14:46:00] Yes. That boundary was never very clear. Some were Anti-Balaka
19 from time to time; some claimed to be Anti-Balaka but weren't; some weren't but
20 didn't want to say so. But I think some people did want to exaggerate their
21 participation, particularly young people who wanted to show that they were brave,
22 that they were patriots.

23 Q. [14:46:30] Did you learn about or did you see any civilians wearing fake *gris-gris*?
24 We saw some civilians in photographs previous wearing some *gris-gris*, did you hear
25 about that?

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1 *A. [14:46:48] I really can't answer that question. I can't tell you what's a real
2 *gris-gris* and what's a fake *gris-gris*. I don't know what to tell you.

3 Q. [14:46:57] Very well, thank you.

4 I have one last topic for you today. And I think that -- (Speaks English) by
5 abundance of caution, maybe we do it in private session.

6 PRESIDING JUDGE SCHMITT: [14:47:13] I -- since I think to know what you are
7 asking about, I think we go to private session, yeah.

8 (Private session at 2.47 p.m.)

9 THE COURT OFFICER: [14:47:41] We are in private session, Mr President.

10 MS PROULX: [14:47:43](Interpretation)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [14:48:57] Do you remember whether Mr Ngaïssona (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [14:50:00] (Redacted) what did you know about

12 the operations of the National Coordination of the Anti-Balaka?

13 A. [14:50:12] That's quite a broad question, quite vague. What could -- what

14 should I know or what could I know or not know?

15 Q. [14:50:21] Did you know whether it was a unified movement? Were there

16 different factions?

17 A. [14:50:27] There were certainly different factions. Some names came up quite

18 regularly. For example, Mr Ngaïssona was mentioned as a leader rather often.

19 I can't tell you whether he was the commander of all those people, so, well ...

20 Q. [14:50:55] Were you aware of the various positions that Mr Ngaïssona took in

21 favour of peace and disarmament in 2014?

22 A. [14:51:02] Yes. All the people who were related to the conflict or involved in

23 the conflict were in favour of peace.

24 Q. [14:51:13] But did you know specifically?

25 A. [14:51:15] No, I didn't hear everything that he might have said. I didn't hear.

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1 During the course of the year I was not in a position to hear what everyone had to
2 say.

3 Q. [14:51:28] Thank you, Mr Witness. That was my last question.

4 (Speaks English) Thank you, Mr President.

5 PRESIDING JUDGE SCHMITT: [14:51:30] Thank you.

6 We go to open session.

7 (Open session at 2.51 p.m.)

8 THE COURT OFFICER: [14:51:48] We're in open session, Mr President.

9 PRESIDING JUDGE SCHMITT: [14:51:50] Thank you very much.

10 So, again, thank you very much, Ms Proulx, this concludes the questioning by
11 the Defence of Mr Ngaïssona.

12 I give now the floor to Ms Dimitri for the questioning by the Defence of Mr Yekatom.

13 And I see you are motivated and, yeah, we are hopeful.

14 MS DIMITRI: [14:52:11] Thank you, Mr President.

15 QUESTIONED BY MS DIMITRI: (Interpretation)

16 Q. [14:52:22] Good afternoon, Mr Witness. I'll introduce myself once again. We
17 met yesterday. I'm Mylène Dimitri and I'm one of the Defence counsel of Mr Rambo
18 Yekatom Alfred.

19 Now, for the record, I'll be referring to several things that are listed at tab 61 of
20 the OTP binder. CAR-OTP-2075-0074.

21 And, Mr Witness, just so that you can follow me, when I refer to tab 61, I mean it's
22 the binder that's on your left.

23 * I will also, and once again for the purpose of the record, I'll be referring {ICR:
24 (Redacted)} from the statement that you gave to the OTP investigators And I'll just
25 give the reference once, CAR-OTP-2060-0280.

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1 Your Honour, for my first questions and for the introduction, I would like for us to go
2 into private session, please.

3 PRESIDING JUDGE SCHMITT: [14:53:47] Ms Dimitri, also because we have
4 audience here on the gallery, will it be long, so -- I don't think so, I would not assume.
5 Okay, then we go --

6 MS DIMITRI: [14:53:59] No, just a -- just a few, five, six questions, then I have a short
7 portion in public. I'm going to go back and forth, but never, never more than
8 15 minutes.

9 PRESIDING JUDGE SCHMITT: [14:54:09] Okay. Then we go to private session.
10 (Private session at 2.54 p.m.)

11 THE COURT OFFICER: [14:54:29] We are in private session, Mr President.

12 MS DIMITRI: [14:54:34] Thank you.

13 Q. [14:54:36](Interpretation) Mr Witness, just a few things before we get going.

14 Now, as you noticed I'm speaking to you in French, despite my Canadian accent, and
15 I'd like to ask you to pause three seconds between my question and your answer.

16 And I did notice that the proceedings were very fast today for the interpreters and
17 court reporters. (Redacted)

18 (Redacted)

19 (Redacted) In contrast, since most of this

20 will be in open session, because it is important to have proceedings held in open court
21 as much as possible, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) and I'd like to reassure you as well that what we see on the screen is

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1 one thing, but there's a 30-minute time lag and there were emails exchanged because
2 there were things mentioned, so the OTP has asked that certain things be cut out
3 during the 30-minute time lag.

4 So if ever you make a mistake, that's not a problem, you -- we go into private session,
5 emails will be exchanged and the material will be removed from the record, taken out
6 of the broadcast.

7 (Redacted)

8 (Redacted) We've talked a lot about the Anti-Balaka

9 this morning and I think you'll realise that I'd also like to hear what you have to say
10 about the suffering of the people and the Seleka regime, in actual fact.

11 You also said that it would be simplistic to say that it was a conflict between Muslims
12 and Christians, between Anti-Balaka and Seleka, and that will be the point of my
13 initial questions. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) Do I understand that in 2013,

8 during the Seleka regime, the international community had abandoned the Central

9 African Republic public (Redacted)

10 A. [15:00:05] Well, by the international community, yes, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [15:00:35] That feeling -- well, let me rephrase, not feeling. That perception that

15 (Redacted) that Central African

16 Republic (Redacted), and I'm referring here to your first trip in

17 November 2013, is this something that was brought to your attention by

18 the population?

19 A. [15:01:00] Yes. And this is an interesting point. I'm happy to address it.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [15:01:59] Open session.

5 (Open session at 3.02 p.m.)

6 THE COURT OFFICER: [15:02:15] We are back in open session, Mr President.

7 MS DIMITRI: [15:02:19](Interpretation)

8 Q. [15:02:22] Mr Witness, this morning - and this was in reference to

9 the assassination of Judge Bria, an event that significantly impacted the people of the

10 Central African Republic - I want to ask whether you know through your

11 consultations and discussions that the Central African people were so deeply affected

12 because, in spite of the sufferings of the Central African people under the Seleka

13 regime, the suffering was further exacerbated by the fact that the person who was

14 the image of justice and who wanted to document the crimes of the Seleka was

15 silenced because they were assassinated? Was this something you heard at the time?

16 A. [15:03:11] Yes, I think so, I think it significantly impacted the population. By

17 the way, several demonstrations occurred thereafter, one involving all the judges or

18 magistrates, and then the ordinary people of Bangui who had a major demonstration

19 the day after the murder of the judge. So this was a significant event that affected

20 many people.

21 Q. [15:03:54] Can you tell us, following your observations or what you heard from

22 the population, why they were angry? Why was there so much anger and such

23 demonstration following that assassination? What is it that justified that, from what

24 you may have heard at the time?

25 A. [15:04:12] It must be the same thing that one hears whenever there was

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1 a demonstration against Seleka. Not only this particular point, people had had
2 enough of suffering under Seleka, they had had enough of the abuses of Seleka. But
3 I don't remember any specific message or hearing any specific message, apart from
4 the fact that the day after -- there was a demonstration by the magistrates the day
5 after, which was -- the demonstration had a specific message relating to
6 the magistrates. But as for the population, they had had enough of the Seleka, they
7 didn't want anything to do with Seleka anymore, they wanted Seleka out, and so on
8 and so forth. *Well, there might have been other messages of a slightly more general
9 nature that were addressed to the Muslim community. Yes, from time to time, there
10 were some messages of that type addressed to the Muslim community.

11 MS DIMITRI: [15:05:19] Mr President, for the next two topics, it has to be in private
12 session. I'm sorry.

13 PRESIDING JUDGE SCHMITT: [15:05:25] Private session.

14 (Private session at 3.05 p.m.)

15 THE COURT OFFICER: [15:05:42] We are in private session, Mr President.

16 MS DIMITRI: [15:05:44](Interpretation)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 *A. [15:06:58] I am not entirely sure about that, because in (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [15:09:03] You have to enlarge it, what is written
18 down at the bottom of the -- yes, exactly. Thank you. I think now it's readable
19 enough.

20 MS DIMITRI: [15:09:21](Interpretation)

21 Q. [15:09:22] I'm listening to you, Mr Witness, can you tell the Court (Redacted)

22 (Redacted)

23 (Redacted) Seleka

24 members had killed two people, a man and a woman. And that's it. So a few

25 (Redacted) before, in (Redacted) which is not very far from Grimari, a small village near

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1 Grimari. The Seleka official whom I met later confirmed that those people had been
2 killed, when I asked him.

3 So we are in -- (Redacted)
4 as well and he also acknowledged that the Anti-Balaka -- that two men had been
5 killed, Anti-Balaka, and he told me that this was collateral damage.

6 Q. [15:10:34] (Redacted)

7 (Redacted)

8 (Redacted) am I to understand that this is

9 not an isolated case, namely that many people in the population had had enough of
10 those crimes perpetuated by the Seleka?

11 A. [15:11:07] Oh, I'm going a bit too fast. Yes, we talked about it. (Redacted)

12 (Redacted), we could see, for example, all

13 the Christians who had been displaced in Bossangoa, (Redacted)

14 (Redacted) So in the following months things seemed to go in the same

15 direction, namely that it was the Christian community that suffered. But later on, in

16 2014, in 2014, in April 2014, if I'm not mistaken, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [15:12:33] I will move on to something else, but I will remain in private session

25 to ask my question.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [15:13:17] Mr Witness, again, since you both speak
8 French, please wait two or three seconds with your answer.

9 THE WITNESS: [15:13:23] *Pardon.*

10 PRESIDING JUDGE SCHMITT: [15:13:24] No, no, this happens. We are sitting
11 here for over two years and this always happens to us. So you are only here one day,
12 two days, we don't know. So it is no reproach at all, but it is simply to help
13 the interpreters, although I have to say he is catching up, but I think it's really difficult
14 for him. Thank you.

15 Ms Dimitri, please.

16 MS DIMITRI: [15:13:54](Interpretation)

17 Q. [15:13:56] Would it be correct to say -- and I'm looking at the time before
18 the attack of 5 December, would it be correct to say that (Redacted)
19 (Redacted), the individuals whom you met, the Anti-Balaka, Seleka, and
20 what have you -- the Anti-Balaka, rather, they were very poor, they had no clothing,
21 they had no -- they barely wore sandals, they had no accommodation, they had no
22 transportation, is that the case?

23 A. [15:14:33] Yes, yes, I agree with you entirely, yes. That's what I observed.

24 Q. [15:14:43] Would it be correct, and do you know, that some of them did not have
25 medication? (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [15:15:07] I'm not sure I understood the question.

4 Q. [15:15:11] (Redacted) well, we've already talked about the fact

5 that they didn't have enough resources or they had very few resources. Did that

6 mean that they had very little medication as well, because (Redacted)

7 (Redacted)

8 A. [15:15:31] Yes, certainly. Yes, yes, I think so, yes. Medication, they gave them

9 medication, yes, I think so.

10 Q. [15:15:39] (Redacted)

11 (Redacted)

12 (Redacted) Now, do you know and would

13 I be correct to say that, given the lack of resources that the self-defence groups

14 experienced, would it be correct to say that some of them used plastic bottles to make

15 noise and frighten away the adversary as a way of making up for the lack of resources

16 and lack of heavy weaponry?

17 A. [15:16:56] I have no clue, not at all, I never heard that.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [15:17:32] Next topic, Mr Witness, I want to talk about the very first hours of

25 the attack of 5 December and (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [15:18:20] Open session.

7 (Open session at 3.18 p.m.)

8 THE COURT OFFICER: [15:18:31] We are back in open session, Mr President.

9 MS DIMITRI: [15:18:34](Interpretation)

10 Q. [15:18:37] At paragraph 20 of your statement you say that on 5 December you
11 were woken up early in the morning and you learned that there had been some
12 clashes.

13 I want to situate the beginning, the time of the beginning, and I know that this has
14 happened a long time ago. I put it to you that it happened between 5 a.m. and
15 10 a.m. in the morning; does that correspond with what you recall?

16 A. [15:19:08] Yes, yes, yes, I think so. We received some phone calls at dawn, but I
17 think the attacks started before dawn, so before 5 a.m. one might say.

18 Q. [15:19:24] Let me now show you a televised report which shows images of
19 the attack of 5 December. My objective here is simply to try and determine the time
20 from this report. The person who recorded has metadata that is erroneous and I
21 want to show you that report and then later on ask you a few questions.

22 Tab 3 of Defence, CAR-OTP-2012-0523, from 16:10 to 16:39.

23 The transcription, for the interpreters, is at tab 4, but you have received a written
24 document that was brought up by the court usher.

25 So it's CAR-OTP-2118-5547, from lines 433 to lines 441. And once you indicate that

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1 you are there, we will show the excerpt.

2 Thank you.

3 (Speaks English) I'm sorry, Mr President, we did a test during the lunch break and it
4 was working just fine.

5 PRESIDING JUDGE SCHMITT: [15:21:45] Well, it's not now.

6 MS DIMITRI: [15:21:53:](Interpretation) Apologies, Mr Witness, we have a small
7 technical issue.

8 PRESIDING JUDGE SCHMITT: [15:22:22] So now it's on the screen.

9 Thank you very much, Court Officer.

10 MS DIMITRI: [15:22:27](Interpretation)

11 Q. [15:22:31] Mr Witness, do you see it on your screen now?

12 Mr Witness?

13 A. [15:22:34] Yes. Can you -- oh, I don't have the image.

14 Okay, it's okay now, thank you.

15 Q. [15:22:46] Please watch and listen and then I have some questions for you.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [15:23:11](Interpretation of the video excerpt)

18 "MJ: Bangui is holding its breath, the French intervention is only a matter of days
19 away. But an unexpected event would change everything. [...]

20 To the surprise of everyone, Bangui was attacked. The Seleka were taken off guard,
21 and it's confusion."

22 MS DIMITRI: [15:23:42](Interpretation)

23 Q. [15:23:46] So, you may have noticed, and there's a screenshot there, you noticed
24 Bangui, 5 December. Does that correspond to what you observed at the time -- at the
25 time of the attack?

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1 A. [15:24:04] Yes, that's correct.

2 Q. [15:24:12] Once again, I would like to jog your memory, and I know these things
3 happened a long time ago. Would we agree that around 9.30 the Seleka had
4 successfully warded off the attackers?

5 A. [15:24:32] That's a question I cannot really answer, because at 9.30 I don't think
6 we had -- we had come out of 9.30. I don't know. I had not observed that it was
7 over by that time.

8 Q. [15:24:59] Would I be correct to say that following what you observed, Seleka
9 was by far better equipped than those who had attacked the Seleka positions?

10 A. [15:25:13] Yes, absolutely. They had military equipment, unlike
11 the Anti-Balaka who had only a few Kalashnikovs and some traditional weapons
12 such as machetes and guns and -- and daggers and some bows and arrows and what
13 have you.

14 Q. [15:25:47] This morning around 12.40, I'm talking about the victims of
15 5 December, you said that most of the victims were Christians, and we saw this on
16 a number of pictures in the case file. I also know that you already stated that you
17 did not know whether the Seleka were acting based on reprisals, because you did not
18 know the intentions of the various groups. But I have a different question to ask you
19 stemming from a -- an excerpt of the same -- or two excerpts where we see something
20 relating to the Seleka.

21 So I will put some questions to you and this will be from minute 18:30 to 19:37. And
22 that will be from lines 465 to 487 in the document you received.

23 Could we -- could the booth indicate when they are ready.

24 PRESIDING JUDGE SCHMITT: [15:27:11] I saw a thumbs up, which seems to be
25 generally accepted as a sign of consent.

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1 MS DIMITRI: [15:27:20] Thank you.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: (Interpretation of the video excerpt)

4 "INI: Bit by bit, they will all escape because they have been searching for us, we

5 didn't say anything. The international opinion should see what is happening here.

6 They came with machetes but we have weapons and it is not us who started, they are

7 the ones, but Seleka will destroy. We will put forth security.

8 INI: *Moral, moral* [...] *moral* [...] the Seleka are progressing slowly. [...]

9 MJ: The commander is a young soldier, 36 years old, General Yaya, part of

10 the former regular army who joined the Seleka in the *coup d'état* of March 2013.

11 Suddenly, some people appear at the end of the road and the Seleka fires a rocket to

12 clear the terrain, it's a false alert, they were civilians. The militias target anything

13 that moves."

14 MS DIMITRI: [15:28:42](Interpretation)

15 Q. [15:28:42] Now, a second excerpt before I put my question to you, and this will

16 be at 21:20 to 21:42. That will be lines 530 to 531 in the interpreter's text.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [15:29:06](Interpretation of the video excerpt)

19 "MJ: In the Muslim neighbourhood of PK5, the population welcomes the victorious

20 militia. There's a gunshot right before us, and a militia shoots at a man who is tied

21 and on the ground."

22 MS DIMITRI: [15:29:37] And, Mr President, for abundance of caution, I would like

23 to ask the question in private session, please.

24 PRESIDING JUDGE SCHMITT: [15:29:47] Private session.

25 (Private session at 3.29 p.m.)

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1 THE COURT OFFICER: [15:29:58] We are in private session, Mr President.

2 MS DIMITRI: [15:30:06](Interpretation)

3 Q. [15:30:07] We're in private session. Now, you heard -- (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) -- oh, I apologise, I'm speaking quickly -- but as I said this

13 morning, I saw many civilian victims, so I wouldn't be surprised that that was

14 the case. But I didn't actually see them do that.

15 Q. [15:31:42] I appreciate the fact that you're making that distinction between what

16 you saw and what you didn't. But this time my question is a bit different.

17 (Redacted)

18 the Seleka were shooting indiscriminately at anyone and everything, not determining

19 whether or not the person was a civilian?

20 A. [15:32:11] Not especially. That day, we're talking about 5 December itself, there

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 I took note of what you said this morning about it being difficult to distinguish an

5 Anti-Balaka fighter from a civilian. (Redacted)

6 (Redacted)

7 Now my question is specifically about this question.

8 (Redacted)

9 (Redacted) Anti-Balaka bodies?

10 A. [15:34:20] (Redacted)

11 (Redacted)

12 you can see the amulets, the *gris-gris* on their bodies. Those were worn by

13 the Anti-Balaka.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [15:36:12] Yes, but it wasn't just that. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) of Anti-Balaka fighters. In some cases

4 they had been hiding up in a tree and the body was down on the ground or

5 the person had been hiding elsewhere. (Redacted)

6 These Anti-Balaka groups took -- came to take control of the city and they fell into

7 their own trap. And those cases, we see the opposing forces were stronger, better

8 armed. Many -- some fell into the trap, others retreated and fled into the jungle.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) now, am I to understand that a great many Christians

21 fled because of the violence and the heavily weaponed Seleka on 5 December and

22 the days following?

23 A. [15:39:27] Yes, that's right. And also because there's a lot more Christians in

24 Bangui. There were Christians who had been displaced, Muslims who had been

25 displaced. (Redacted) * The Muslim

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1 people who were in the areas close to PK5 went to the centre of PK5 or to the mosque.
2 The Christians fled to churches, for example, Saint Jean church, and also they went to
3 a training centre that was associated with a church, the Don-Bosco centre. So I think
4 it's important to specify that there were many more Christians living in Bangui than
5 Muslims.

6 Q. [15:40:49] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 We have some information on the case record, particularly information from
14 President Samba-Panza, that Seleka were going door to door and firing; do you
15 remember hearing about that? Did anyone tell you that?

16 A. [15:42:02] I did not hear that. I did not hear that.

17 Q. [15:42:31] I'd now like to move to -- I'd like to switch to a different topic before
18 we go into open session. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 I don't want to talk about Anti-Balaka members per se, but I'd like to ask you about
3 the anger of the local people (Redacted) and I'd like to ask
4 you about the anger, the lynching.

5 If you'd rather us going into private session, just let me know and we can do that. Is
6 that okay with you?

7 PRESIDING JUDGE SCHMITT: [15:44:19] Open session.

8 And I think we can manage to do that. (Redacted)

9 (Redacted)

10 (Open session at 3.44 p.m.)

11 THE COURT OFFICER: [15:44:43] We are in open session, Mr President.

12 MS DIMITRI: [15:44:48](Interpretation)

13 Q. [15:44:50] Mr Witness, we've talked about the suffering of the Christian
14 population and the next -- well, the point of my question is to ask you about
15 the Christian population. We talked about this this morning and you talked about it,
16 and I looked at several documents on the case record that make mention of Christians
17 lynching Muslims. Am I correct in saying that, judging by what you saw at the time,
18 that that anger that had built up during the many months of tyranny by the Seleka,
19 that this anger was expressed by way of lynching of Muslim civilians, that not only
20 was chaos created, but also the population was totally out of control?

21 A. [15:45:58] Yes, indeed. Exactly.

22 Q. [15:46:04] Am I correct in saying that in January 2014 this hatred and anger had
23 not ceased, because you saw once again in January 2014 a number of Muslims who
24 had been lynched by Christians?

25 A. [15:46:25] Yes. I would even say that that's when it began, with the arrival.

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1 With the fact that the French army started to oppose the Seleka, the Muslim people
2 had less protection. And the Christian population, they were very angry after eight
3 months and they could easily take revenge against the local population. So I would
4 say actually that's when it began, that's when the anger began to take expression,
5 January.

6 Q. [15:47:10] Am I also correct in saying -- and I don't want to show them to you,
7 because we've seen them several times during the course of this trial, but we've seen
8 many pieces of footage in which Christians, Christian civilians, in front of
9 international forces such as MISCA and Sangaris, and I'm still talking about Christian
10 civilians were not ashamed to say some very, very harsh things, tough things about
11 Muslim civilians? Is that something that you saw? In other words, despite
12 the presence of international forces, did this anger take expression in front of
13 the international forces, words or actions?

14 A. [15:48:07] Yes, certainly in the form of words, people were expressing this anger
15 everywhere. Of course.

16 Q. [15:48:22] A bit earlier this morning you made mention of houses being
17 destroyed, of places of worship being destroyed, mosques being destroyed. I'm not
18 going to show you the photographs we have on the record, but would I be correct in
19 saying that this anger on the part of the Christians took the form of destruction of
20 the houses of Muslim neighbours by destroying the mosques and places of worship;
21 was that also something you saw?

22 A. [15:49:04] Yes. Yes, of course. It was the direct expression of that anger
23 against the Seleka through civil society, if you would like to put it that way, against
24 the Muslim civil society, against Muslims in general. Anything that related to
25 anything linked to Muslims was targeted.

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1 MS DIMITRI: [15:49:50](Interpretation) Unfortunately, I'll have to go into private
2 session for the last series of questions, Mr President.

3 PRESIDING JUDGE SCHMITT: [15:50:00] Private session.
4 (Private session at 3.50 p.m.)

5 THE COURT OFFICER: [15:50:16] We are in private session, Mr President.

6 MS DIMITRI: [15:50:24](Interpretation)

7 Q. [15:50:25] Now, at the time when you were present - and we're in private
8 session, Witness - did some members of the Christian population tell you that they
9 felt betrayed by their Muslim neighbours during the Seleka reign? Was that one of
10 the things that you heard? I don't try -- I'm not trying to justify the anger, not at all,
11 I'm just trying to determine whether that was one of the things that you heard.

12 A. [15:51:09] I don't remember specifically that word or that expression, but I think
13 that it was amongst the feelings of the Christian population. How could it be?
14 Well, I heard that, but before getting -- well, (Redacted), late 2013, I
15 heard people saying that the Seleka only attacked Christians, that I can understand.
16 *But how can it be that no Muslims were opening their mouths and saying, "no, this
17 is not right!"? And this was not completely true, because some did say so, very few,
18 but there were some who did say something.

19 Q. [15:52:01] And when you talked about revenge this morning at 10.26, am I
20 correct in saying that the Christian population -- well, some people, I don't want to
21 make -- I don't want to generalise, but some members of the Christian population
22 wanted to get their revenge?

23 A. [15:52:21] Yes, yes, that's what we've been saying ever since this morning.

24 PRESIDING JUDGE SCHMITT: [15:52:28] Ms Dimitri, indeed this, we have I think
25 covered this enough.

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1 MS DIMITRI: [15:52:36] Yes. But this morning it was specific to the Anti-Balaka, so
2 that's why I came back on the question, yes.

3 PRESIDING JUDGE SCHMITT: [15:52:42] Yeah, but also this afternoon it has been
4 covered. So it has been covered by the witness this morning, with a certain angle,
5 and this afternoon.

6 MS DIMITRI: [15:52:59](Interpretation)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Redacted) *Now, I can tell you today that I

21 still think that the MINUSCA had a -- well, not a simple role, because in the final analysis,

22 they weren't frightening anyone. So they were not frightening the Seleka, they weren't

23 frightening the Anti-Balaka, who did not hesitate to continue their acts of violence and abuse.

24 And the French army --- I can say this openly --- did a lot of stupid things. They intervened

25 improperly, they did not intervene proportionately. Maybe they, maybe they frightened

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1 the belligerents a bit more, more than the MINUSCA. I can say that. (Redacted)
2 (Redacted)
3 PRESIDING JUDGE SCHMITT: [15:55:00] (Redacted) it's about
4 what the witness said today. And this is much, let's say, sober, neutral and,
5 therefore, perhaps usable information (Redacted)
6 (Redacted)
7 (Redacted)
8 MS DIMITRI: [15:55:33](Interpretation)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 Q. [15:59:13] Thank you. Thank you, that was my last question.
- 13 (Speaks English) I mean we can go back in public session and I can say that that was
- 14 my last question.
- 15 PRESIDING JUDGE SCHMITT: [15:59:24](Overlapping speakers) No, no, it's fine.
- 16 So it was your last question in, not only in private, but also in open session.
- 17 We go back to open session to finish the session for today.
- 18 (Open session at 3.59 p.m.)
- 19 THE COURT OFFICER: [15:59:47] We are in open session, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [15:59:49] Thank you.
- 21 Mr Witness, this concludes your testimony.
- 22 Ms Henderson, if you have further questions, we continue tomorrow, because we
- 23 have -- we have an event, very important event for this Court the judges have to go
- 24 to.
- 25 MS HENDERSON: [16:00:08] It's very quick, your Honour. It's just one question.

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- 1 PRESIDING JUDGE SCHMITT: [16:00:11] Okay. One question is okay.
- 2 MS HENDERSON: Thank you, your Honour.
- 3 QUESTIONED BY MS HENDERSON:
- 4 Q. [16:00:14] Mr Witness, hello again. I would like to take you to some images
- 5 that my learned friend from the Defence just showed you.
- 6 Tab 61, CAR-OTP-2075-0074. And if we could go to page 0139, please.
- 7 Now, Mr Witness, you answered questions in relation to that image and you referred
- 8 to an image that was immediately following.
- 9 If we could just go to the next page, 0140.
- 10 Is this the image that you were referring to?
- 11 A. [16:01:13] Yes.
- 12 Q. [16:01:14] If you could just -- it's my last question, just observe what you see in
- 13 terms of clothing on the person in the forefront of that photo.
- 14 A. [16:01:31] Well, he has *gris-gris* on his left arm, on his waist. But I don't see
- 15 what he has in his hair. I don't know whether it's some kind of disguise. But one
- 16 could think that this was an Anti-Balaka fighter.
- 17 Q. [16:01:52] Thank you. That's all, Mr Witness, no further questions.
- 18 PRESIDING JUDGE SCHMITT: [16:01:53] Well, that was a clarification. That's fine,
- 19 Ms Henderson. I was already worried a little bit.
- 20 Thank you very much.
- 21 Mr Witness, this concludes your testimony. On behalf of this Chamber and
- 22 this Court I would like to thank you that you came to this Court and testified today,
- 23 and we wish you a same trip back home. Thank you.
- 24 THE WITNESS: [16:02:16] *Merci*.
- 25 (The witness is excused)

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- 1 PRESIDING JUDGE SCHMITT: [16:02:18] Before the summer break, maybe a short
2 notice on the scheduling in the coming months. This is not set -- this is simply to
3 give you a sort of an orientation, it is not set in stone. It also is pending upon
4 information from the Prosecution on the witness scheduling in the next block, which
5 we are hopeful to get perhaps tomorrow or Friday. It's just to give everyone some
6 advance notice for planning purposes.
- 7 The Chamber would be minded at this stage, and of course only if - and I underline
8 if - it grants the CLRVs leave to present any evidence, to hear that evidence in
9 the hearing weeks currently scheduled as hearing block 25, starting with
10 11 September 2023.
- 11 So this concludes the hearing also for today and the Court is adjourned.
- 12 THE COURT USHER: [16:03:22] All rise.
- 13 (The hearing ends in open session at 4.03 p.m.)