

Trial Hearing
WITNESS: CAR-OTP-P-2419

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 21 November 2022
10 (The hearing starts in open session at 9.38 a.m.)
11 THE COURT USHER: [9:38:51] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:39:08] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:39:12] Good morning, Mr President, your Honours.
17 The 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 We are in open session.
20 PRESIDING JUDGE SCHMITT: [9:39:26] Thank you.
21 I ask for the appearances of the parties.
22 We start with the Prosecution, please.
23 *MS WAKCHOM: [9:39:35](Interpretation) Thank you, your Honour. Good
24 morning. The OTP is represented by Mr Pierre Belbenoit Avich, Mr Yassin Mostfa,
25 Mr. Kweku Vanderpuye and myself, Sylvie Wakchom.

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- 1 THE INTERPRETER: [9:39:47] Message from the interpreter: We have some
2 unusual background sound coming from the remote location.
- 3 PRESIDING JUDGE SCHMITT: [9:39:55] Please wait a second. Obviously, there is
4 some sound coming through from the remote location, which should not be there,
5 and that makes the task of the interpreters even more difficult than it is usually.
6 Perhaps we give it a try. We continue, and we continue with the representatives of
7 the victims, please, for their presence.
- 8 MS DOUZIMA-LAWSON: [9:40:36](Interpretation) Good morning, your Honours.
9 The victims of the other crimes are represented today by Enrique Carnero and myself,
10 Edith Douzima.
- 11 PRESIDING JUDGE SCHMITT: [9:40:54] Thank you.
12 Mr Suprun next.
- 13 MR SUPRUN: [9:40:59] Good morning, Mr President, your Honours.
14 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the
15 Office of Public Counsel for Victims. Thank you.
- 16 PRESIDING JUDGE SCHMITT: [9:41:05] Thank you.
17 We turn to the Defence. Like always, we start with Ms Dimitri for Mr Yekatom.
- 18 MS DIMITRI: [9:41:11] Good morning, Mr President. Good morning,
19 your Honours. Good morning, everyone.
- 20 Mr Yekatom is present in the courtroom, and he is represented today by Ms Yousra
21 Lamqaddam, Mr Jean-Michel Kola, Ms Alexandra Baer, Ms Lena Casiez and myself,
22 Mylène Dimitri.
- 23 PRESIDING JUDGE SCHMITT: [9:41:30] Thank you.
24 Mr Knoops next.
- 25 MR KNOOPS: [9:41:32] Good morning, Mr President. Good morning,

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1 your Honours. Good morning, everyone in the courtroom.

2 Our team is today represented -- our team consists today of Ms Sara Pedroso,

3 Ms Saskia Afande and Mr Alexandre Desevedavy.

4 Mr President, Mr Ngaïssona is today present, and I would briefly like to address the

5 Chamber for one minute, if the Court allows me, on the presence.

6 PRESIDING JUDGE SCHMITT: [9:42:05] Yeah, please.

7 MR KNOOPS: [9:42:06] We believe it's important for the Chamber to be aware that

8 until yesterday, it was quite unclear whether Mr Ngaïssona could appear. On

9 12 November, this year, his second father, Mr Joseph Feindirongaï, passed away on

10 the age of 102 years. Mr Feindirongaï was important. He raised Mr Ngaïssona.

11 The oldest brother of his father. He was buried last Thursday, and for Mr Ngaïssona

12 it was emotionally very difficult to accept that he couldn't pay his respects to the

13 second father who raised him during his childhood.

14 Emotionally, Mr Ngaïssona has a very difficult time, but still, out of respect for the

15 Chamber, the parties and participants, he appears today. We advised him actually

16 to potentially ask the Chamber to postpone the hearing, but he said, "No, I appear

17 today. I would like the trial to be continued."

18 We would like to ask the Chamber if there is a chance that Mr Ngaïssona is not

19 feeling well today that we might perhaps early adjourn. But I think it's important for

20 the Court to know that the mental condition of Mr Ngaïssona is quite fragile. It was

21 very difficult to prepare for the hearing today, the next hearings because we couldn't

22 visit him last week because of his situation. And we believe that for everyone in the

23 courtroom who should be aware, Mr Ngaïssona is in detention. Conditions are

24 heavy. And he is a human being. He suffered a lot. One of his best family

25 members passed away. And for his -- for himself, it's very difficult to be here, but

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1 out of respect for the Court, he is here today for you.

2 Thank you, Mr President.

3 PRESIDING JUDGE SCHMITT: [9:44:10] Thank you, Mr Knoops. Three things.

4 First of all, the Chamber is sorry for the loss of Mr Ngaïssona. It is, of course,

5 difficult to imagine such a loss if you are not directly involved, but I think we have

6 enough empathy here, the judges, to understand what you are talking about and to

7 understand what your client is going through.

8 Secondly, the Chamber appreciates it a lot that, as you said, out of respect for the

9 Chamber and all the participants, Mr Ngaïssona has appeared today. We can only

10 say we appreciate that.

11 Thirdly, with regard to an early adjournment, we simply have to wait how things

12 unfold. And let me take this opportunity to say, if I look at the expected testimony

13 of the witness, I would not see a huge problem. Actually, I cannot imagine that the

14 envisioned - that's my point of view - after preparation for this hearing, that we need

15 for this witness the time that the parties and participants have indicated that they

16 would need. Let me put it this way, with all caution.

17 Thank you very much, Mr Knoops.

18 And now we welcome Mr Witness. We start with the testimony of P-2419.

19 Mr Witness, good morning. Can you hear and understand me well?

20 Well, it seems to be ...

21 WITNESS: CAR-OTP-P-2419

22 (The witness speaks Sango)

23 (The witness will be testifying via video link)

24 THE WITNESS: [9:45:57](Interpretation) Yes, I can see you.

25 PRESIDING JUDGE SCHMITT: [9:45:59] Very important is also that you can hear us,

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1 Mr Witness. Do you hear and understand me?

2 THE WITNESS: [9:46:12](Interpretation) Yes, I can hear you just fine.

3 PRESIDING JUDGE SCHMITT: [9:46:15] Thank you.

4 On behalf of the Chamber, Mr Witness, I would like to welcome you to the courtroom
5 via video link. You are called to testify to assist this Chamber in the case of the
6 Prosecutor against Mr Yekatom and Mr Ngaïssona.

7 Mr Witness, you know, I have been informed that protective measures have been put
8 in place for you; face distortion and voice distortion. And you are also testifying
9 under a pseudonym. That is the reason why I address you as "Mr Witness".
10 I don't have to explain in depth what this means. This has been explained to you by
11 the VWU.

12 There should be, Mr Witness, a card in front of you with the solemn undertaking to
13 tell the truth. Would you please be so kind to read this card out aloud.

14 THE WITNESS: [9:47:22](Interpretation) I solemnly declare that I will tell the truth,
15 the whole truth and nothing but the truth.

16 PRESIDING JUDGE SCHMITT: [9:47:52] Thank you, Mr Witness. You are now
17 under oath.

18 Since this is always repetition when I speak about speaking slowly, and so on, and I
19 assume that Madam Prosecutor will address that too, I spare that myself.

20 Just an additional information for the parties and participants, there is also a person
21 in the room with the witness. The field officer of the VWU, just out of transparency I
22 would like to -- well, and somebody appears in the background, even visible now.

23 So I think that's enough for the moment. And I give the floor now to the
24 examination by the Prosecution, and you have to establish, as you know, the
25 preconditions of Rule 68(3).

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1 MS WAKCHOM: [9:48:47](Interpretation) Thank you, your Honour.

2 QUESTIONED BY MS WAKCHOM: (Interpretation)

3 Q. [9:48:58] Good morning, Mr Witness.

4 We met briefly on Thursday during the familiarisation meeting, but I will introduce
5 myself once again.

6 A. [9:49:17] Yes, I remember.

7 Q. [9:49:19] I will introduce myself. I'm Sylvie Wakchom, and today I will be
8 asking you some questions on behalf of the OTP.

9 First of all, as the Presiding Judge mentioned, you have been granted protective
10 measures. That means that your identity will be known only to the people who are
11 here in this courtroom.

12 A. (No interpretation)

13 Q. (Overlapping speakers)

14 THE INTERPRETER: [9:49:53] Message from the interpreter: Could the Prosecutor
15 wait until the answer from the witness has been interpreted into French.

16 PRESIDING JUDGE SCHMITT: [9:50:04] Madam Prosecutor, I said I can spare
17 myself the usual speech, so to speak, that we have to speak slowly. It's not a
18 problem that you don't speak slowly. The problem is that you speak French and that
19 you have to wait until the witness has answered and then -- please then start only
20 again. Thank you. I've been admonished by the -- I have been admonished by the
21 interpreters. So thank you.

22 THE INTERPRETER: [9:50:31] Many thanks from the interpretation team.

23 MS WAKCHOM: [9:50:38](Interpretation) Thank you, your Honour, for that
24 reminder. I will be more mindful.

25 Q. [9:50:46] As I was saying, Mr Witness, you will not be called by your own name

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1 during your testimony. Rather, we'll be using a pseudonym. Your voice and your
2 image will be distorted during the broadcasting of the hearing.

3 A. [9:51:11] All right.

4 Q. [9:51:14] That way the people listening to the trial will not be able to recognise
5 you.

6 Parts of your testimony that could identify you will be heard in private session.

7 When we are in private session, only the people who are here in the courtroom can
8 hear you, not the general public.

9 A. [9:51:52] I agree.

10 Q. [9:51:55] As much as possible, I'll be trying to put questions to you in open
11 session while avoiding making any mention of information that could identify you.

12 If you believe that some information that you might give could allow people to
13 recognise you when we are in open session, please let me know, and in that case I will
14 ask the Presiding Judge for permission to go into private session.

15 A. [9:52:33] I understand.

16 Q. [9:52:35] And if any information that would identify you is provided in open
17 session, I can assure you that we do have measures to halt the video broadcasting of
18 the trial.

19 A. [9:52:54] Very well.

20 Q. [9:52:56] It is also possible that some of my questions may not seem clear to you.
21 If that's the case, tell me so, and I will rephrase them or repeat them.
22 Is all of this clear to you?

23 A. [9:53:15] Yes, it's clear, ma'am.

24 Q. [9:53:20] First of all, I'll put some questions to you about your identity, and then
25 I will be asking some basic questions about the statement that you gave to the

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1 investigators from the OTP in 2019. And, finally, I'll be putting a few questions to
2 elicit further clarifications.

3 A. [9:53:49] Very well. Okay.

4 PRESIDING JUDGE SCHMITT: [9:53:50] For the personal information, we go to
5 private session.

6 (Private session at 9.54 a.m.)

7 THE COURT OFFICER: [9:54:08] We are in private session, your Honours.

8 MS WAKCHOM: [9:54:16](Interpretation) Thank you.

9 Q. [9:54:19] Mr Witness, could you give us your full name.

10 A. [9:54:29] My name is (Redacted) I have another name. I also have the name
11 (Redacted)

12 Q. [9:54:48] What is your date of birth and where were you born?

13 A. [9:54:54] I was born on (Redacted) in (Redacted)

14 Q. [9:55:06] And what is your nationality?

15 A. [9:55:11] I'm a citizen of the Central African Republic.

16 Q. [9:55:17] And what is your religion?

17 A. [9:55:22] I am of the (Redacted)

18 Q. [9:55:27] Which ethnic group do you come from?

19 A. [9:55:32] I'm from the (Redacted) ethnic group.

20 MS WAKCHOM: [9:55:40](Interpretation) Your Honour, I believe it is possible for
21 us to go back into open session for the formalities of the Rule 68(3).

22 PRESIDING JUDGE SCHMITT: [9:55:49] Open session.

23 (Open session at 9.56 a.m.)

24 THE COURT OFFICER: [9:56:01] We are back to open session, Mr President.

25 MS WAKCHOM: [9:56:09](Interpretation)

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1 Q. [9:56:10] Mr Witness, the investigators of the OTP took a statement from you in
2 April, May and June 2019. And during these meetings, they drew up a statement, a
3 formal statement as part of these discussions, correct?

4 A. [9:56:38] That is correct.

5 Q. [9:56:40] And while you were heard by the investigators, you signed the
6 statement -- or, rather, you signed a calendar from 2014 which was appended to your
7 statement; is that correct?

8 A. [9:57:04] Yes, that is correct.

9 Q. [9:57:07] Now, I understand that you have reviewed this statement over the last
10 few days with the assistance of an interpreter, and the interpreter read to you a
11 French version of your statement and translated it into Sango for you.

12 A. [9:57:34] That's right.

13 Q. [9:57:35] Furthermore, you made a number of corrections, and these corrections
14 were sent to us by the Victims and Witnesses Section; is that correct?

15 A. [9:57:44] That's right.

16 MS WAKCHOM: [9:57:47](Interpretation) Your Honour, for the transcript, we are
17 talking about the following documents: First of all, CAR-OTP-2112-0036. That is
18 the original version of the statement. This is at tab 4 of the OTP binder. The second
19 document is CAR-OTP-2122-5012. That is the French version of the witness's
20 statement, at tab 7. And the third document is CAR-OTP-0000-0611. And this
21 document provides the corrections that the witness made during familiarisation.
22 And the final document is CAR-OTP-2112-0063. And this is the calendar that has
23 been attached to the witness statement.

24 Q. [9:59:08] Mr Witness, could you confirm --

25 A. [9:59:15] Yes, I'm listening.

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1 Q. [9:59:18] Could you confirm that the information found in this statement in its
2 entirety are truthful as you have corrected them with the assistance of the Victims and
3 Witnesses Section?

4 A. [9:59:38] Yes, I confirm that.

5 Q. [9:59:43] Do you agree that this statement and the annex be used as evidence in
6 this trial?

7 A. [9:59:56] I agree.

8 MS WAKCHOM: [9:59:59](Interpretation) Your Honour, I put it to you that the
9 conditions of Rule 68(3) have been met.

10 PRESIDING JUDGE SCHMITT: [10:00:08] I agree with what you say. So the
11 conditions for the former statement with the corrections made by the witness for
12 Rule 68(3) are met.

13 Please continue.

14 MS WAKCHOM: [10:00:34](Interpretation) Your Honour, to facilitate the taking of
15 the evidence, I'll be making reference to the French version of his original statement
16 that we see in our tab. And for the purposes of the record, I'm referring to the
17 document which is at tab 7 in the Prosecution binder, CAR-OTP-2122-5012.

18 Q. [10:01:10] Mr Witness, I'm now going to be putting questions to you to elicit
19 clarifications and to flesh out the information provided in your written statement. It
20 shouldn't last more than two hours. It may last less long. I'll endeavour, in any
21 case, to make it less lengthy.

22 It's not my intention to ask you to repeat what you've already stated in your written
23 statement made to the investigators. That won't be necessary because your written
24 statement is pretty much exhaustive and is currently in evidence in this case.

25 So my questions will be bearing upon five points, five points that emerge from your

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1 statement.

2 The first area that I'd like to broach with you, Mr Witness, is Rambo's visit to Bimon.

3 MS WAKCHOM: [10:02:21] But before addressing this point, Your Honour, I would
4 like us to move very swiftly into private session. That will help me put the requisite
5 questions that may lead to identification of the witness.

6 PRESIDING JUDGE SCHMITT: [10:02:35] Private session.

7 But why? Why is this necessary?

8 MS WAKCHOM: [10:02:43](Interpretation) Your Honour, the questions that I'm
9 going to be putting to the witness may identify him in terms of the location where he
10 was during that particular visit.

11 PRESIDING JUDGE SCHMITT: [10:02:56] Okay. Yeah, private session.

12 (Private session at 10.03 a.m.)

13 THE COURT OFFICER: [10:03:11] We are in private session.

14 MS WAKCHOM: [10:03:17](Interpretation)

15 Q. [10:03:18] So, Mr Witness, one or two clarification questions, therefore, based on
16 what you saw and what you heard when Rambo visited Bimon and in (Redacted)
17 (Redacted) courtyard.

18 *Now, you explained to investigators in paragraph 71 of your statement that (Redacted)
19 (Redacted) when Rambo and his men arrived into (Redacted) and this was
20 on 12 January 2014, around 5.30 in the afternoon (Redacted)
21 (Redacted)

22 And for the purposes of the court record, this is page 5026 of the witness statement.

23 Now, staying on that particular page, Mr Witness, you detailed (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [10:04:45] So let me say good morning once again and pay my thanks. I accept
2 to answer your questions.

3 (Redacted) So how was

4 that the case on Sunday? Oh, sorry, it was not Sunday. It was Saturday.

5 Now, the events occurred on Saturday, (Redacted)

6 (Redacted) This was around 4, half past 5, at which point, Rambo and

7 his elements came from Bangui and arrived.

8 (Redacted) There were women that welcomed him, young

9 people welcomed him. And so Rambo and his men arrived, they came into

10 Mathias's compound. (Redacted)

11 (Redacted)

12 Q. [10:06:06] Thank you very much for that information, Mr Witness.

13 Now, you made reference a moment ago to Bimbo. (Redacted)

14 (Redacted)

15 THE INTERPRETER: [10:06:23] Overlapping speakers. Overlapping speakers.

16 THE WITNESS: [10:06:28](Interpretation) I was talking about Bimon and not Bimbo.

17 I clarify.

18 MS WAKCHOM: [10:06:35](Interpretation)

19 Q. [10:06:36] My thanks, Mr Witness.

20 Now, when I put my questions in open session, (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 MS WAKCHOM: [10:07:47](Interpretation) Your Honour, perhaps now we can
7 move back into open session.

8 PRESIDING JUDGE SCHMITT: [10:07:51] We can do that. In the meantime, you
9 have to wait until the English interpretation is through. That's the thing. It's not
10 enough to wait until the witness has answered. You have also to wait until the
11 interpretation has been unfolded. Perhaps with somebody -- it's extremely -- that's
12 not -- absolutely no criticism because you don't know when they have finished, but
13 perhaps you can have a little bit of help here or simply think that it takes a couple of
14 seconds. Yeah. Thank you.

15 Open session.

16 (Open session at 10.08 a.m.)

17 THE COURT OFFICER: [10:08:41] We are in open session, Mr President.

18 MS WAKCHOM: [10:08:51](Interpretation)

19 Q. [10:08:52] Mr Witness, now, in paragraph 90 of your statement, you said that
20 you heard Coeur de Lion and Alkanto say that it was their intention to go to Mbaïki
21 and Boda upon leaving Bimon.

22 A. [10:09:16] I heard his voice, but I also saw him.

23 Q. [10:09:27] And when you heard Alkanto and Coeur de Lion, were they speaking
24 to the crowd assembled there?

25 A. [10:09:47] They were in the courtyard and they were speaking to the crowd and

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1 {PFR: (Redacted)}, and I could see them from where I was and I could hear their voices.

2 Q. [10:10:00] Over and beyond this intention to go to Mbaïki and Boda, did
3 Coeur de Lion and Alkanto say anything else?

4 A. [10:10:15] No. They didn't say anything else. They only asked the people to
5 stay where they were because they had to continue on to Mbaïki and then Boda.
6 That's what they said to the crowd that was there.

7 Q. [10:10:38] And Rambo, did he say anything in terms of a potential move
8 towards Mbaïki and Boda?

9 A. [10:10:54] No. Only Coeur de Lion and Alkanto spoke. Rambo at that point
10 was sitting down in a chair. He was comfortably installed in a chair.

11 Q. [10:11:16] And did Rambo also speak to the crowd?

12 A. [10:11:25] Yes, he did. In fact, he separated out the people. He appointed
13 Fred Mando. He had to operate in a particular sector. He found coffee and some
14 food supplies to fulfil their mandate properly.

15 Q. [10:11:52] Thank you, Mr Witness.

16 I'm not going to hark back over the details of what Rambo said because we have it
17 already in your written statement. But over and beyond Rambo, Coeur de Lion and
18 Alkanto, over and beyond those three individuals, did another member of Yekatom's
19 group address the crowd?

20 A. [10:12:22] It was slightly dark, but I only gave you the names of the people that I
21 heard and saw. I would be wholly unable to give you the names of all those who
22 spoke on that particular occasion.

23 Q. [10:12:41] Does that mean that other people did speak on that particular day,
24 over and beyond the three people I mentioned?

25 A. [10:12:56] Yes. People spoke, but I didn't really properly discern what they

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1 said. I was focusing on the leaders. I wanted to hear what the three leaders were
2 saying. But I didn't properly hear what other people were saying.

3 Q. [10:13:25] Thank you, Mr Witness. Now, turning to paragraph 100 in your
4 statement. Here you state that Rambo left Bimon on the same day of his visit. So
5 how do you know that Rambo left on that very same day?

6 A. [10:13:55] Well, I was still there {PFR: (Redacted)} I hadn't yet at that point {PFR: (Redacted)}
7 {PFR: (Redacted)} When I did leave, it was after their departure, around 8 p.m., so that I
8 could flee. So I was {PFR: (Redacted)} I could see them leave. And it was only
9 after their departure that {PFR: (Redacted)}

10 Q. [10:14:25] So I understand that full well, but I was just seeking to establish how
11 you knew that he had left the village of Bimon on that particular day.

12 A. [10:14:42] Would you mind rephrasing your question.

13 Q. [10:14:47] Yes, I'll -- I'll try and rephrase.

14 As I -- I understand that he left the place where you were located on that same day,
15 but how do you know that he left the village on that day? How do you know that he
16 didn't spend longer in that location?

17 A. [10:15:11] Well, I told you that I was {ICR: (Redacted)}
18 They held the meeting in Mr Mathias's compound. It was only after their departure
19 that {ICR: (Redacted)} and that's how I knew that they had gone, that they had
20 left the village. Nobody told me anything. I knew by my own means {PFR: (Redacted)}
21 Redacted}}

22 Q. [10:15:45] Thank you, Mr Witness. Do you know whether Rambo returned to
23 Bimon after that visit?

24 A. [10:16:11] Would you mind taking up your question again, please,
25 Madam Prosecutor.

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1 Q. [10:16:18] Yes, of course. You just told the Court that Rambo left, he left Bimon
2 on 12 January. So I wanted to know whether during the events in question at a
3 given point in time, after 12 January, I wanted to know whether you know if Rambo
4 returned to Bimon.

5 A. [10:16:46] After the 12th, I couldn't possibly know what was going on because I
6 had already fled. I went into the bush to seek shelter. I couldn't know whether he
7 had returned to the village or not.

8 Q. [10:17:09] I understand, Mr Witness. We will now move on to another area,
9 namely, your stay in the bush.

10 So, Mr Witness, at paragraph 104 of your statement, you explained that since you
11 couldn't stay hidden in Bimon, you fled into the forest in the direction of the village
12 États-Unis.

13 A. [10:17:50] That's exactly so.

14 Q. [10:17:55] And in the forest, you met a group of 29 Muslims from Bimon.

15 So here is my question, Mr Witness: Did you learn that the Anti-Balaka were based
16 in that village, États-Unis, at a given point in time?

17 A. [10:18:26] No, I didn't know.

18 Q. [10:18:31] And among these 29 Muslims that you encountered in the forest, were
19 there women and children?

20 A. [10:18:55] Yes, there were. There were women, there were children and there
21 were the elderly.

22 Q. [10:19:02] And can you tell the Court how many women, children and the
23 elderly were among those 29 Muslims.

24 A. [10:19:21] Well, in terms of the elderly, I can tell you that there was only one
25 *elderly person. There was a man who was a senior citizen, and there was a woman

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1 who was a senior, in fact. The two belonged to the same family. But as for the
2 women and children, I am unable to give you a number, to quantify their number.

3 Q. [10:19:48] So I understand, it must be difficult to provide an exact number, but
4 could you give us an order of magnitude? Less than 10? Less than five?

5 A. [10:20:09] Well, you are asking me about the women, the young people, or the
6 elderly? What's your question bearing upon?

7 Q. [10:20:24] You're absolutely right. My question wasn't clear enough.

8 So let's start with the women. How many women did you see in that group of 29
9 Muslims?

10 A. [10:20:49] I would put it at about five or six women. I could even give you
11 their names.

12 Q. [10:20:59] Remember, we are in open session, Mr Witness. No need to take
13 those names now. If that's necessary, we can return to them later on.

14 Now turning to the young people and the children, how many of them were there as
15 well?

16 A. [10:21:25] There were numerous children. There were girls and boys, but it
17 would be difficult to give you an exact number.

18 Q. [10:21:37] Very well. And what became of these children, if you know, those
19 two old people and these women? What became of them?

20 A. [10:22:02] It was when Rambo and his elements arrived in the village, it was
21 because of their presence that they fled.

22 Q. [10:22:18] Do you know what became of them once they had fled the village?

23 A. [10:22:35] Well, I met them, and we spent two weeks together in the bush, we
24 were together. {ICR: (Redacted)}

25 (Redacted)}

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1 Q. [10:23:08] When you say that they{ICR: (Redacted)}

2 where did they meet up with you, Mr Witness?

3 A. [10:23:16] At the PK5 Central Mosque.

4 Q. [10:23:26] All right then. Perhaps we can return to that matter in a moment.

5 In the meantime, do you know whether, among the 29 Muslims that you met in the

6 bush, whether some returned after the events to take up their lives again in Bimon?

7 A. [10:24:08] No. They all left to Garam-Boulai. And with the elderly -- well, the

8 elderly died.

9 Q. [10:24:26] Are you still in touch with these people?

10 A. [10:24:33] Yes. I receive news from them.

11 Q. [10:24:38] And did they tell you why they didn't return to Bimon?

12 A. [10:24:48] No, they didn't tell me why they never returned, but it remains the

13 case that they were frightened and they didn't feel up to the -- up to it to return to

14 Bimon.

15 Q. [10:25:09] Thank you, Mr Witness. We will now move to the third point that I

16 wish to put to you this morning. I make reference to your trip from Bimon to

17 Bangui.

18 Now, I'm mindful of the fact that a lot of time has gone by since these events, and it

19 may be that you don't have a full memory of all the details, which is absolutely to be

20 expected.

21 A. [10:25:56] That's right.

22 Q. [10:25:58] But it remains the case that the Court would particularly appreciate if

23 you could provide additional clarification going to the matter of your journey to

24 Bangui upon leaving Bimon and the bush.

25 So, your Honour, given the fact that this series of questions and answers may identify

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1 the witness, I would prefer if we moved into private session.

2 PRESIDING JUDGE SCHMITT: [10:26:32] Yeah, private session.

3 (Private session at 10.26 a.m.)

4 THE COURT OFFICER: [10:26:44] We are in private session, your Honours.

5 MS WAKCHOM: [10:26:55](Interpretation)

6 Q. [10:26:57] Mr Witness, in paragraph 121 of your written statement -- and for the
7 record, this is page 5035, at the page 36 of your written statement. * At this juncture
8 in your statement, you said that once you left for Bangui, you said that you traveled
9 with (Redacted)

10 A. [10:27:43] (Redacted)

11 Q. [10:27:47] Thank you. You also clarified that you made this journey by
12 pushing a cart, a *pousse-pousse* that was filled with wood.

13 A. [10:28:01] Yes.

14 Q. [10:28:02] So here is my question, Mr Witness: Did you make this journey on
15 foot? Have I understood that properly?

16 A. [10:28:16] Yes, I did everything by foot.

17 * Q. [10:28:22] And have I got it right when I say that this journey lasted the entire
18 night of 26 to 27 January 2014 -- this journey by foot?

19 A. [10:28:36] Yes, that's right.

20 Q. [10:28:39] Over and beyond (Redacted) and (Redacted), was there anybody else with you
21 during that journey?

22 A. [10:28:54] No, there was no one else. It was just the three of us.

23 Q. [10:29:02] This journey was long, done by foot. Did you meet any other
24 travellers along the way?

25 A. [10:29:24] No. No one. Some were pushing *pousse-pousse* carts, others were

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1 travelling by foot. But there was only the three of us moving along the road.

2 Q. [10:29:39] You also stated that some were pushing *pousse-pousse* carts. In other
3 words, there were other people on the road aside from your particular group of three,
4 right?

5 A. [10:29:53] Well, yes. This is a major artery. People were going to Bangui to
6 buy firewood at Bimon. There were lots of people on the road at that point.

7 Q. [10:30:31] Did you recognise any people amongst these others on the road?

8 A. [10:30:35] No, not at all. I didn't recognise anyone.

9 MS WAKCHOM: [10:30:40](Interpretation) Your Honour, I believe we can go back
10 into open session.

11 PRESIDING JUDGE SCHMITT: [10:30:43] Then we are do that.

12 Open session.

13 (Open session at 10.30 a.m.)

14 THE COURT OFFICER: [10:30:58] We are back to open session, Mr President.

15 MS WAKCHOM: [10:31:05](Interpretation)

16 Q. [10:31:06] Mr Witness, we are now going to move to the second last point that
17 I'd like to discuss with you today, and I'm talking about the time that you spent at the
18 Central Mosque in Bangui. As you explained in your statement, paragraph 125, you
19 got to the mosque in Bangui, and when you got there, you met up with a large
20 number of Muslims; is that correct?

21 A. [10:31:45] Yes, that's right.

22 Q. [10:31:46] You also said that, after that, the number of people grew even more.

23 A. [10:32:01] Yes.

24 Q. [10:32:02] Amongst the many Muslims that you met at the Central Mosque,
25 were there women, children, or elderly people?

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1 A. [10:32:14] Yes. There were many of them. It was impossible to count them all
2 and to determine the exact number of men and women. That was difficult.

3 Q. [10:32:34] I realise that it must be difficult to give exact numbers, but could you
4 give us an estimate of the proportion of women and children amongst all the Muslims
5 at the mosque. For example, did the women, children, elderly represent half of the
6 Muslims there or less than half?

7 A. [10:33:10] When we were at the mosque - well, I swore to tell the truth - and the
8 entire time, be it day or night, people arrived from everywhere. I estimate the
9 number at more than 10,000. You see, the mosque has a very large compound, so
10 people were occupying the entire location.

11 Q. [10:33:55] I understand that you've made an estimate of 10,000 people. I'd like
12 to ask you, of these many people, how many were women or children -- just an
13 estimate of the numbers? Were there more women?

14 A. [10:34:21] As for the number of men and women and the elderly, I would say
15 more than 20,000. But when I say 10,000, I meant just the women and the children.

16 Q. [10:34:50] Do you know whether the children received any schooling while you
17 spent -- during that time that you spent at the Central Mosque?

18 A. [10:35:01] Yes, it was difficult then. There were no schools, no hospitals. All
19 there was, was people from Doctors Without Borders who came to help us. It was
20 difficult for children to go to school.

21 Q. [10:35:29] When you went to the Central Mosque, I would imagine you weren't
22 able to -- I would imagine you talked to the other mosque -- Muslims there.

23 A. [10:35:43] Yes, we did have opportunities to talk to one another because we
24 were together.

25 Q. [10:35:53] Do you know where these Muslim people came from?

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1 A. [10:36:01] They came from everywhere. Some came from Miskine, from Yaloke,
2 from Boda. They came from everywhere. I'm telling you what I know.

3 Q. [10:36:29] These Muslims whom you spoke to, did they tell you why they had
4 fled their homes?

5 A. [10:36:42] They fled their homes just like I fled from my village, from Boda, from
6 Yaloke. People fled because of what I told you about. They suffered the same fate
7 as I had.

8 Q. [10:37:06] I understand what you mean by your reference to what you said, but
9 for the record, it would be better if you could explain to us more what you meant by
10 that.

11 A. [10:37:28] Only the person -- only a person who has gone through such a thing
12 can tell you what happened. They didn't tell me that it was because of the
13 Anti-Balaka that they fled, but we found ourselves -- all of us, we were at the mosque
14 because of the acts of violence and abuse of the Anti-Balaka.

15 Q. [10:38:02] Thank you, Mr Witness. * You also said - and I'm making reference
16 to paragraph 131 of the witness's statement, at page 5037 - you said that many
17 Muslims also took refuge at the Central Mosque, then went on to other places, such as
18 Mali, Chad, Cameroon. Could you tell the Chamber under what circumstances did
19 these Muslims flee the country. Page 5037 of your statement.

20 A. [10:38:48] I can tell you that -- let's take the example of Chad, Cameroon, Mali.
21 They sent an aeroplane to repatriate nationals. The UNHCR came and drew up a list
22 of people and helped them get out. Some people took vehicles to get to
23 Garam-Boulai and the other members of their families who were outside would send
24 vehicles to come and repatriate them. As for Mali, they sent a plane to repatriate
25 their nationals. That's what happened.

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1 Q. [10:39:40] Thank you, Mr Witness. And what about the people who went to
2 Chad, how did they manage to get there?

3 A. [10:40:01] I was at the Central Mosque. Beyond Kilometre 5, I was not in a
4 position to know what road they took, but some went to Chad. When we were still
5 at the mosque, that was within a compound and we couldn't leave. We couldn't go
6 beyond Kilometre 5, so I couldn't know what was going on beyond that location.

7 Q. [10:40:32] Thank you, Mr Witness. And the Chamber is grateful to hear from
8 you as a person who experienced the events at that time. Thank you for sharing
9 with the Chamber what you have been through and what you saw at the mosque.
10 You made reference to the fact that Mali sent a plane to evacuate their nationals.
11 Could you try to explain to the Chamber how these evacuations unfolded from the
12 time when the people were informed that they would be evacuated. What happened?
13 How was it organised?

14 A. [10:41:23] Thank you. I saw a white lady and a black lady, and they put a table
15 in front of the Central Mosque, and that is where they took the names of people who
16 wanted to be evacuated. And then a vehicle came to pick up the people and leave
17 with them. That is what I saw with my own eyes.

18 Q. [10:42:01] You mentioned a vehicle. Could you describe the vehicle that came
19 to pick up the people -- to pick up the men.

20 A. [10:42:15] It was difficult for me. I can't tell you the exact kind of truck. I can
21 confirm that it was a big truck that came to get the people who were eligible for
22 evacuation.

23 Q. [10:42:40] Was that the only time that you saw some people leaving the mosque
24 in a truck?

25 A. [10:42:54] It was the first time for me to see such a thing.

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1 Q. [10:43:06] Could you explain to the Chamber whether you saw several
2 departures of people from the mosque.

3 A. [10:43:25] Yes, I saw several departures. I even see the Chadians leave right in
4 front of me. I saw the people eligible for evacuation to Cameroon leave as well, and
5 also some other people that I went with to the ONAF so that they could leave.

6 Q. [10:43:55] When you saw people leaving, did they leave in several different
7 trucks or just in one truck?

8 A. [10:44:11] There were several trucks. There were military vehicles, large trucks,
9 sort of dump trucks. I saw all these people leaving with my own eyes.

10 Q. [10:44:43] As these evacuations were being organised, were there any spots
11 reserved for a certain category of person? For example, were there spots reserved
12 for children, for women, for the elderly?

13 A. [10:45:08] No distinction was made amongst the various people eligible for
14 evacuation. It was just a matter of being able to get into a truck. There was no
15 particular distinction made.

16 Q. [10:45:27] Did the people being evacuated have the opportunity to bring their
17 possessions with them, their personal effects?

18 A. [10:45:42] Some people only left with the clothes on their backs. Many people
19 had to leave their possessions behind.

20 Q. [10:46:08] You explained that it was difficult to organise the spots or places in
21 the trucks. Did families leave together? Do you know about that?

22 A. [10:46:30] People who were lucky were in a single truck, but some people who
23 were unlucky -- well, families were split up and sometimes people would leave in
24 different trucks. The important thing was to have the good luck to be able to get into
25 a truck.

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1 Q. [10:47:00] Mr Witness, you mentioned that some of the evacuees came from
2 Mbaïki. How do you know that they came from Mbaïki?

3 A. [10:47:18] That's a very good question. How did I know that? When the
4 Muslims from Bimon, the ones who were of Chadian origin, were evacuated to
5 Mbaïki, and that was after, from Mbaïki, they were taken to Bangui so that their
6 evacuation could be organised. I knew those people. First, they were in Bimon
7 before they went to Mbaïki.

8 Q. [10:48:00] Does that mean that the Muslims from Mbaïki were evacuated at the
9 same time?

10 A. [10:48:16] No. We went to get the displaced people from Mbaïki when the
11 truck came from Chad. The truck went directly to Mbaïki and picked up the people
12 there, took them to the airport so that they could leave the following day and go to
13 Chad. Some Chadians who had taken refuge at the Central Mosque left in other
14 trucks, by other means of transport.

15 THE INTERPRETER: [10:48:48] Message from the Sango booth: Could the witness
16 be encouraged to speak more slowly when he gives his account with a great deal of
17 information.

18 MS WAKCHOM: [10:49:03](Interpretation)

19 Q. [10:49:03] Mr Witness, the interpreters are having some -- are having some
20 difficulty. Could you please speak more slowly when you provide us with
21 information.

22 A. [10:49:18] Understood.

23 Q. [10:49:31] Mr Witness, the Muslims who had taken refuge at the Central Mosque,
24 were they Muslims living in the Central African Republic? Isn't that the case?

25 A. [10:49:46] That's right.

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1 Q. [10:49:51] And what about the Chadians you mentioned who were evacuated
2 from Mbaïki?

3 A. [10:50:05] Yes, they were all in the same situation. Some of those Muslims had
4 mothers who were from the Central African Republic and fathers who were from
5 Chad.

6 Q. [10:50:33] Mr Witness, you also said in your statement, paragraph 132, that only
7 four, five Muslims from Bimon went back to Bimon. Are you still in contact with
8 those Muslims who did go back to Bimon?

9 A. [10:51:07] We are still in contact with one another.

10 Q. [10:51:25] Are you in a position to tell us about their current living conditions?

11 A. [10:51:37] Yes. They've explained their current living conditions to me.

12 Q. [10:51:49] Without giving any names, because we are in open session, could you
13 tell the Chamber what they have told you about their current living conditions.

14 A. [10:52:15] Yes. They've told me that they were living well, but, you know, they
15 were people -- they have their problems. They weren't going to tell me everything
16 about their lives, but they've told me that they are doing well. That's all.

17 Q. [10:52:44] Mr Witness, we are going to conclude your examination-in-chief by
18 moving on to another topic, namely, the impact of these sad events on yourself and
19 your family.

20 You told the investigators that after the Bimon attack, you did not have any news
21 about your children and your wife for many months.

22 A. [10:53:18] That's right.

23 Q. [10:53:22] What was that separation like for you?

24 A. [10:53:37] The separation for me? I thought my wife and my children were
25 already dead. I fled, and I had no information about my family. I would like to tell

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1 the judges that, when I was at the Central Mosque, sometimes I couldn't even eat
2 because all I could think about was my family. And thank God, thank God my
3 family was able to flee and take refuge *in {PFR: (Redacted)} before trying to rejoin me.
4 And then they were able to make their way to the Central Mosque.

5 MS WAKCHOM: [10:54:36](Interpretation)

6 Q. [10:54:36] I realise that you must have gone through some very difficult
7 moments, Mr Witness. Could you explain to the judges how your family, how your
8 wife and your children experienced this separation. What was it like for them?

9 A. [10:55:12] You know, the separation was the source of great sadness. My
10 family was in the bush for six months. They didn't even have the resources or the
11 opportunity to go to the hospital. Each time, each time my family heard that there
12 was fighting or battles, they thought that I was already dead, but thanks to the grace
13 of God, we were able to find one another again. This separation was the source of
14 great sadness to my family and to me as well.

15 Q. [10:56:04] Thank you for sharing that with us, Mr Witness.

16 You also said in your statement that you stayed at the mosque until 2016, 2017
17 because you were afraid to go back to Bimon. Were you able to go back to Bimon
18 after that time?

19 A. [10:56:40] I have not gone back to Bimon. Not even now.

20 Q. [10:56:54] Why have you not gone back to Bimon?

21 A. [10:57:05] You know, you understand Sango. * There is a proverb in Sango that
22 says that if a snake bites you, when you see a rope, you run away. So what
23 happened -- that's what happened to me in Bimon village. If I go back there, I don't
24 know, I'll start to think about all those things, about everything that happened to me.
25 I don't have the strength or the courage to go back to Bimon and remember

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1 everything that happened to me during that time.

2 Q. [10:57:52] Mr Witness, before the Bimon attack, did you live in another place,
3 any place other than Bimon?

4 A. [10:58:14] Are you talking about the events before the attack?

5 Q. [10:58:19] Well, I would like to know whether you have lived in any other place
6 than Bimon ever since your birth.

7 A. [10:58:39] I was born in {PFR: (Redacted)} {ICR: (Redacted)} * My family – my
8 father used to live in {ICR: (Redacted)} but I have {ICR: (Redacted)} and I grew up there.

9 MS WAKCHOM: [10:58:59](Interpretation) Your Honour, could we briefly go into
10 private session?

11 PRESIDING JUDGE SCHMITT: [10:59:02] Yes, we can.

12 MS WAKCHOM: [10:59:17](Interpretation)

13 Q. [10:59:17] Mr Witness, we are --

14 (Private session at 10.59 a.m.)

15 THE COURT OFFICER: [10:59:21] We are now in private session. Thank you.

16 MS WAKCHOM: [10:59:30](Interpretation)

17 Q. [10:59:30] Mr Witness, we are back in private session because you were
18 providing some information that could identify you personally and --

19 PRESIDING JUDGE SCHMITT: [10:59:51] Well, but we know that's not a problem.
20 We will expunge it from the record, and we are in private session. So it's not a
21 problem, Mr Witness, not at all.

22 We have now 11 o'clock, but I have at least a sensation that you are coming to the end.

23 MS WAKCHOM: [11:00:18](Interpretation) Yes. I will finish in a few moments,
24 your Honour.

25 PRESIDING JUDGE SCHMITT: [11:00:21] Okay.

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1 MS WAKCHOM: [11:00:27](Interpretation)

2 Q. [11:00:28] Mr Witness, I understand that it's difficult for you to return to Bimon.
3 But I would ask you, nevertheless, whether, if it had been possible, would you have
4 returned to your house in Bimon?

5 A. [11:01:03] If peace returns to the country, if Muslims return to Bimon as before,
6 it's only if those circumstances were to occur that I could do that. Otherwise, I'd
7 prefer to remain with the Muslims in Bangui rather than to return to Bimon.

8 Q. [11:01:33] Thank you, Mr Witness. I've reached the end of my questions.

9 MS WAKCHOM: [11:01:39] Thank you, your Honour.

10 PRESIDING JUDGE SCHMITT: [11:01:41] And I can say that the Chamber
11 appreciates the concentrated and focused questioning by the Prosecution.
12 Ms Douzima, I think, also with respect to the Rule 68(3) statement that is on the
13 record, that the Prosecution has covered a lot, but do you have any further questions?

14 MS DOUZIMA-LAWSON: [11:02:23](Interpretation) Yes, your Honour, the witness
15 will be questioned. This will be done by Mr Enrique, and this will happen a little
16 later on.

17 PRESIDING JUDGE SCHMITT: [11:02:42] Okay. Thank you.
18 May I suggest something. Well, with regard to what Mr Knoops has said and the
19 situation of his client, I would suggest, if you are fine with that, that we continue
20 tomorrow at 9.30. I cannot imagine a lot of questions by the victims representatives,
21 and I'm also sure that Ms Dimitri can finish tomorrow. Is that okay with everyone?

22 MS DIMITRI: [11:03:11] Thank you, Mr President. It was bit -- we were about to
23 make that suggestion. It's going to be Ms Casiez, but we can guarantee you that
24 she'll be done, I'm pretty sure, by 1 p.m., at the latest.

25 PRESIDING JUDGE SCHMITT: [11:03:23] I appreciate that for everyone and with

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- 1 regard to what Mr Knoops has said.
- 2 So this concludes the hearing for today, a little bit early, but we were very quick, and
- 3 this is due to the questioning by the Prosecution, I have to say. And we continue
- 4 tomorrow at 9.30.
- 5 THE COURT USHER: [11:03:40] All rise.
- 6 (The hearing ends in private session at 11.03 a.m.)