

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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 22 November 2022
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:10] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:31] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:30:35] Good morning, Mr President, your Honours.
16 The situation in the Central African Republic II, in the case The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:30:51] Thank you.
20 I see that the Prosecution bench is unchanged.
21 The victims bench is unchanged.
22 Because there are so many I think, Ms Dimitri, can we shorten this? Do you have the
23 same composition than yesterday?
24 MS DIMITRI: [9:31:12] My apologies. I was distracted.
25 PRESIDING JUDGE SCHMITT: No, no --

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1 MS DIMITRI: [09:31:13] But yes, it's the same composition, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:31:19] Okay, good. Thank you.

3 And Mr Knoops, finally.

4 MR KNOOPS: [9:31:22] Good morning, Mr President, your Honours, everyone in
5 the courtroom. We have the same composition except for Mr Alexandre Desevedavy.
6 Thank you.

7 PRESIDING JUDGE SCHMITT: [9:31:30] Thank you.

8 And of course good morning, Mr Witness. I hope you had a good rest tonight and
9 you are fit to continue with your testimony.

10 WITNESS: CAR-OTP-P-2419 (On former oath)

11 (The witness speaks Sango)

12 (The witness gives evidence via video link)

13 THE WITNESS: [9:31:52](Interpretation) Yes, I'm well rested and I'm ready to
14 testify.

15 PRESIDING JUDGE SCHMITT: [9:31:57] Thank you.

16 Then I give the floor to the representative of the victims.

17 MR CARNERO ROJO: [09:32:05] Thank you very much, Mr President. With your
18 leave, I will remain seated during my examination. Thank you.

19 QUESTIONED BY MR CARNERO ROJO:

20 Q. [9:32:16] Good morning, Mr Witness. We did not have the chance to meet last
21 week during the courtesy meeting.

22 A. [9:32:27] (No interpretation)

23 Q. [9:32:28] So I will introduce myself now. My name is Enrique Carnero and
24 I am one of the lawyers representing the victims in these proceedings.

25 I will have a few questions for you today and I will try to put them as much as

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1 possible in public session. But if you think that any answer that you may give may
2 reveal your identity, please let me know and I will ask the Presiding Judge for leave
3 to go into private session.

4 Also it is possible that some of my questions may not seem clear to you. If that is the
5 case, no problem, just let me know and I will rephrase them or repeat them.

6 Is all this clear to you, Mr Witness?

7 A. [9:33:29] Yes, I have properly understood.

8 Q. [9:33:32] Perfect. Thank you very much.

9 So for the record, Mr President, I will be referring to the English version of the
10 statement and the ERN is CAR-OTP-2112-0036.

11 Mr Witness, I have, as I told you, a few questions today concerning the harm that you
12 and your family suffered during the events that you told us about yesterday.

13 I will start with some questions about the harm that you suffered during the attack in
14 Bimon. And you said to the investigators - and I refer to paragraph 50 of your
15 statement - that on 11 January 2014, you saw people burning down the house where
16 some of your relatives lived in Bimon. To whom did this house belong to?

17 A. [9:34:49] The house that was burned belonged to me. And it was the daughters
18 of my maternal aunt who lived in that particular house.

19 Q. [9:35:06] And was all the property inside that house also burned down,
20 Mr Witness?

21 A. [9:35:25] Yes, all the belongings burned. Even the clothes. Everything.
22 Everything went up in smoke.

23 Q. [9:35:32] And to whom did all these things that were burned belong?

24 A. [9:35:46] All these things belonged to my sisters, {ICR: (Redacted)}. They
25 were the ones who lived in that particular house.

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1 Q. [9:36:01] Mr Witness, I remind you if you need to refer to people, don't mention
2 names, okay?

3 My next question, Mr Witness, concerns any compensation that you may have
4 received for the loss of the property that was burned. Have you received any
5 compensation for the property that was burned inside the house? Or do you know if
6 anybody has received compensation for that?

7 A. [9:36:40] No, we've received absolutely nothing.

8 Q. [9:36:48] So does that mean, Mr Witness, that you have received no
9 compensation neither for the house itself?

10 A. [9:37:12] That's right.

11 Q. [9:37:13] Thank you very much, Mr Witness.

12 I will move on now to the house where you yourself lived in Bimon. You told the
13 investigators that you saw people taking your belongings from your house.

14 And for the record, this is in paragraph 56 of your statement.

15 Can you tell us which goods in particular you saw being stolen from your house?

16 A. [9:37:49] I was able to see property looted from my house such as the bed. This
17 is what I saw. My bed was carried off, my clothes, my books, my prayer books, my
18 religious books basically and belongings of my children and my wife. I even saw
19 them taking away the hens. They took away everything.

20 PRESIDING JUDGE SCHMITT: [9:38:20] Ms Dimitri.

21 MS DIMITRI: [9:38:21] Mr President, just for the record, it's a 68(3) statement. The
22 answer is already there in paragraph 56. It's the same answer.

23 PRESIDING JUDGE SCHMITT: [9:38:30] Okay. So I would also appreciate it if we
24 then come to the end because the witness has already in his Rule 68(3) statement a lot
25 of information in that regard and also the Prosecutor, Madam Prosecutor has elicited

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1 a lot of information. So we don't want a duplication here.

2 MR CARNERO ROJO: [9:38:51] Thank you, Mr President. I will -- I will do so.

3 Q. [9:38:56] Moving on, Mr Witness, have you been compensated for the loss of the
4 property that they took from your house?

5 A. [9:39:06] I have received nothing, Counsel.

6 Q. [9:39:24] I will move on now to questions about the harm that you suffered after
7 the attack in Bimon.

8 Yesterday when answering questions from the Prosecution, you explained that after
9 the attack in Bimon, you fled and were hiding with other people in the bush in the
10 forest. You stated to the investigators to some extent how your living conditions
11 were there. But I would like to know more about those living conditions. Could
12 you tell us in more detail. Could you elaborate to what extent you had enough food,
13 how was your accommodation, if you felt safe when you were hiding in the bush.

14 A. [9:40:31] I left Bimon at night to go to the village États-Unis. At that time it was
15 difficult for me to stay living in that village. We were like ghosts. Nobody wanted
16 to see us. They gave us food secretly. They couldn't give us food in public. And
17 when I was in the bush, my life was extremely difficult. It was cold, didn't have
18 enough to eat. Sometimes we had nothing to eat whatsoever. And those are the
19 circumstances that we had in the bush. We had a very, very difficult time of it.

20 Q. [9:41:17] You also told the investigators and also yesterday that you were -- you
21 walked from the bush to Bangui and that you had to cross some Anti-Balaka
22 barricades. In order to cross them, you had to pay some money. Could you tell us
23 what is the amount of money that you yourself had to pay to go through these
24 barriers?

25 A. [9:42:07] Now, just let me tell you the truth. *With regard to the barricades

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1 from Bimon to Bangui, we paid 100 francs at the Sekia barricade. We paid nothing at
2 the other barricades. It was only at the Sekia barricade that we paid 100 francs.

3 Q. [9:42:28] And have you recovered this money since that time, Mr Witness?

4 A. [9:42:45] No. Nobody gave me money by way of compensation.

5 Q. [9:42:54] And you explained yesterday, Mr Witness, that when you reached the
6 Central Mosque in Bangui, you met many Muslims who were hiding there and that
7 you spoke to them.

8 For the record, this is in the English transcript from yesterday, pages 25 to 26.

9 Mr Witness, what did the people you spoke to tell you about their experience crossing
10 Anti-Balaka barriers? Did they have to pay for them themselves?

11 PRESIDING JUDGE SCHMITT: [9:43:30] Ms Dimitri.

12 MS DIMITRI: [9:43:31] Thank you, Mr President. I think we're crossing a thin line
13 here now. What the other people went through in terms of other Anti-Balaka groups,
14 I think we're now embarking in what, in my respectful opinion, is prohibited by the
15 direction on the conduct of the proceedings.

16 PRESIDING JUDGE SCHMITT: [9:43:51] I agree.

17 Please move on.

18 MR CARNERO ROJO: [9:43:55]

19 Q. [9:43:56] Mr Witness, my last questions concern the harm suffered by your
20 family. And I remind you that if any of the answers that you may give may reveal
21 your identity or the identity of your family, please let me know and I will ask the
22 Presiding Judge to go into private session.

23 Is it okay?

24 A. [9:44:34] I don't know. If I mention a name, it will -- it will come out. I'm here
25 to tell the truth because I've taken a solemn undertaking to tell the truth.

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1 PRESIDING JUDGE SCHMITT: [9:44:48] Private session.

2 (Private session at 9.44 a.m.)

3 THE COURT OFFICER: [9:44:58] We're in private session, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:45:02] You can answer the question now.

5 Or you have to formulate the question. But I reiterate that this has been covered
6 already by the Prosecution. So if you don't have a new angle, I will not allow it.

7 MR CARNERO ROJO: [9:45:16] Thank you, Mr President.

8 Q. [9:45:17] Mr Witness, yesterday you told the Chamber that your family was in
9 the bush for six months and that they did not have the resources or the opportunity to
10 go to the hospital.

11 This is in the English real-time transcript, pages 33 to 34.

12 Could you tell us why your family had to go to the hospital?

13 A. [9:45:52] Let me tell you. During the events that occurred in Bangui, it was
14 extremely difficult. And I emphasise this, it was extremely difficult. My family
15 fled. I also fled. Everybody fled where they could go and they -- and they took
16 refuge in the bush and they spent six months in the bush. Now, in the bush there is
17 no school, there's no hospital, and it was a very difficult time for them in the bush.
18 And it was by the grace of God that we all met up in Bangui. And children had
19 malformations. MSF, Doctors Without Borders, came to the mosque to offer health
20 care. When *you saw these children when they left the bush, it was so sad. But by
21 the grace of God and thanks to the Doctors Without Borders personnel, they received
22 care and they are still alive today.

23 This is my answer. And if you have another question, I can offer an answer to that
24 one too.

25 Q. [9:47:19] Thank you very much, Mr Witness.

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1 Could you tell the Chamber now how your wife and children are doing. Do they
2 suffer any harm or any negative consequences from what you told us that happened
3 to them?

4 A. [9:47:46] My children were ill. Even my wife today is still ill. She hasn't
5 recovered her health. They have got a number of problems.

6 Q. All right. Could you tell us which problems --

7 A. [09:47:56] As well as my children, for that matter.

8 Q. [9:48:03] Could you tell us, Mr Witness, which problems those are? We're in
9 private session.

10 A. [9:48:31] I'm waiting for your question.

11 Q. [9:48:44] Mr Witness, could you elaborate and tell us which problems in
12 particular your wife and children still have today?

13 A. [9:48:58] All right. As regards my wife, she's never had hemorrhoids before the
14 events, but after the events -- well, she had to eat anything and everything in the bush,
15 so she had -- she contracted illness and she still has hemorrhoids to this day. And as
16 regards my boys, they had never a particular illness, but when they went into the
17 bush, they had skin disorders. And others also had skin disorders after their period
18 spent in the bush. And even to this day, they suffer from skin disorders. And my
19 wife still suffers from hemorrhoids. So it was those particular illnesses that afflicted
20 my family.

21 Q. [9:50:05] Thank you very much, Mr Witness.

22 My final question for you today: Do you have the resources, the money to provide
23 treatment to your family for these health problems?

24 A. [9:50:32] This is a good question. You see me here today on the screen and it's
25 very different to my body weight beforehand, but I don't have means, financial means

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1 to school my children now. (Redacted). I have no family at (Redacted). I find it difficult
2 sometimes to find food. And it's because (Redacted), I don't have parents or
3 relatives at (Redacted). I have money--I don't have money to school my children. And
4 this is why -- why I don't have any money.

5 Q. [9:51:41] Many thanks for answering my questions today.

6 MR CARNERO ROJO: [09:51:41] Mr President, I have no further questions.

7 PRESIDING JUDGE SCHMITT: [9:51:46] Thank you very much.

8 We go to open session.

9 (Open session at 9.51 a.m.)

10 THE COURT OFFICER: [9:51:53] We are in open session, Mr President.

11 PRESIDING JUDGE SCHMITT: [9:52:01] Thank you.

12 And I give the floor to Ms Casiez.

13 MS CASIEZ: [9:52:08] Thank you, Mr President.

14 QUESTIONED BY MS CASIEZ: (Interpretation)

15 Q. [9:52:16] Good morning, Mr Witness. We met briefly, but let me introduce
16 myself. My name is Lena Casiez and I work within Alfred Yekatom Rombhot's
17 Defence team. Good morning, sir.

18 A. [9:52:32] Good morning.

19 Q. [9:52:35] Now, I've already told you I'll have one or two questions to elicit some
20 clarifications based on the written statement that you made with the Prosecutor.
21 And based on what we've just heard, I feel certain empathy with you for the medical
22 consequences that flowed from what you said and the problems of schooling for your
23 family.

24 Now, let me start in private session to -- because I would like to elicit some personal
25 details.

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1 So can we move into private session, please.

2 MS CASIEZ: Mr President, may we go into private session just for a couple of
3 questions.

4 PRESIDING JUDGE SCHMITT: [9:53:27] Yes. Private session.

5 (Private session at 9.53 a.m.)

6 THE COURT OFFICER: [9:53:33] We're in private session, your Honours.

7 MS CASIEZ: [9:53:44] Thank you.

8 Q. [9:53:47] (Interpretation) Mr Witness, in your statement that was made reference
9 to yesterday, you talked about (Redacted). Now, I'd just like to
10 make sure that it is (Redacted) that we're speaking of?

11 *A. [9:54:07] No. (Redacted)

12 Q. [9:54:22] (Redacted) and his
13 name is not (Redacted); is that right?

14 A. [9:54:35] No, that's not his name.

15 Q. [9:54:46] Thank you.

16 MS CASIEZ: [9:54:52] I think we can go back in public session.

17 PRESIDING JUDGE SCHMITT: [9:54:55] Public session.

18 (Open session at 9.55 a.m.)

19 THE COURT OFFICER: [9:55:03] We are back to open session, Mr President.

20 MS CASIEZ: [9:55:12] (Interpretation)

21 Q. [9:55:14] Let me now turn to the period during which the Seleka were in Bimon.

22 In paragraph 18 in your statement -- and for the record, here is the ERN:

23 CAR-OTP-2122-5012, the French version.

24 Now, at that point you say that the Seleka didn't have any base in Bimon, but they
25 came from Pissa to Bimon to have a drink.

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1 Now, another witness in this case -- this is P-2388 for the purposes of the parties and
2 proceedings, CAR-OTP-2122-4525, paragraph 36. This other witness said "[...] they
3 came on a daily basis and they demanded food. They would ask goats and manioc
4 of us. We couldn't refuse, and we gave them what they called for. They gave us no
5 compensation. And they imposed themselves by force; we had no choice."

6 Now, does this tally with your -- does that accord with your memory and with what
7 you observed, Mr Witness?

8 A. [9:56:39] When the Seleka arrived in Bimon, they came to drink alcohol. They
9 would ask us whether there were people of *low moral standards in the village and
10 I would say no. These were our cousins. The bad people were the Anti-Balaka who
11 didn't come from the village. People in the village were our cousins. And I never
12 said that they came to take goats. That, I never said.

13 Q. [9:57:33] No, I understand that you never said that. Indeed, it's not in your
14 written statement, Mr Witness. Before me I have the witness statement of another
15 Bimon resident who made that statement and I was just seeking to establish whether
16 that corresponded to what you yourself had observed, Mr Witness. But apparently
17 it's not the case. So let me move on.

18 Now, when they came to drink alcohol, as you say, how many of them were they?

19 A. [9:58:08] When they came to drink alcohol, they were still in a position of
20 strength. We didn't have the wherewithal to establish their exact number. They
21 came in at least two vehicles. We didn't know how many people were in those
22 vehicles and we couldn't go up to them because they were in a position of -- of
23 strength.

24 Q. [9:58:38] Thank you. And how regularly did they come? Every day?
25 Several times in a given day? If you could shed light on this particular point,

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1 Mr Witness.

2 * A. [9:58:53] They would go from Pissa to Bangui and then Bangui to Pissa. On the
3 way they would stop in Bimon, but not every time. They would stop once, but not
4 twice or three times a day in Bimon. They would just stop once sometimes.

5 Q. [9:59:26] Thank you for offering that clarification.

6 Now, there's another witness in this case that I'm going to refer to now. It's the same
7 reference as I cited previously, but this time paragraph 42, who says that "The Seleka
8 commander at Pissa was a former FACA soldier known by the name Alkanto. Now,
9 I bumped into him when he came to Bimon when he came to pray on Friday. He
10 also had relatives in Bimon."

11 All right. Now, I know it's not you yourself who said this. Here I'm referring to
12 what somebody else said. But to the best of your knowledge, Mr Witness, the
13 commander, the Seleka Pissa commander came to pray on Fridays and had relatives
14 in Bimon; do you know?

15 A. [10:00:20] Well, that's a very good question, a very good question. Commander
16 Alkanto had his elements and he also had his vehicles. When he came by and it was
17 a Friday, he would stop in Bimon in order to pray at the mosque. I could not know
18 who his relatives were. I was not in a position to know.

19 Q. [10:00:52] Thank you. And when you say that he came with his vehicles, did
20 his elements also go and pray in his company in the mosque?

21 A. [10:01:08] Yes, they also came to pray in the mosque. And after the prayer
22 session, they took their vehicles and left. But we didn't seek to ascertain how many
23 they were or where they were going. We didn't know anything about that.

24 Q. [10:01:31] Thank you. The very same witness who was questioned by the
25 Prosecution, whom I mentioned just before at paragraph 43, said:

1 "I know three Muslims in Bimon who had family in the Seleka and who had received
2 weapons from them. This was Imam Moussa, a young man by the name of
3 Doumtoum [...] and Ali Moumine [...] They received Kalashnikovs."

4 Now, does that correspond to what you heard also?

5 A. [10:02:17] Well, you know, in life one can defend oneself when one is in the
6 firing line. But {PFR: (Redacted)} and {ICR: (Redacted)}
7 {ICR: (Redacted)} to attempt to ascertain who was a relative to whom or not.

8 Now, what I do, generally speaking, in the morning is that {ICR: (Redacted)}

9 {ICR: (Redacted)}. Why don't you ask me questions about myself. I can't

10 talk about other people as such.

11 Q. [10:03:05] Thank you for that specification and for establishing the limits of this
12 questioning.

13 This brings something to mind. To your knowledge and according to your personal
14 experience, was there a difference of understanding amongst the Chadian Muslims
15 *from Bimon, who were perhaps closer to the Seleka, as opposed to those who had
16 become Islamised, as it were?

17 A. [10:03:42] Well, you know, I would detest -- or I used to detest the Seleka. I
18 have come here before this very Court to tell the truth. I was not in agreement with
19 what the Seleka were doing, but I didn't approach them at the time. I was very
20 unhappy. And when I left, I didn't attempt to ascertain what had -- what happened
21 after I had left. I do not know what happened between the Chadians and others.
22 I would not be in a position to tell you that.

23 Q. [10:04:28] Thank you. Did you hear, even if you were not trying to gain this
24 information, that Imam Moussa was a member of the Seleka family Bichar or Bichara?

25 A. [10:04:54] I do not know.

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1 Q. [10:04:58] Thank you. In order to be sure, I know that you yourself are not
2 aware of this, but is it something that you heard speak of in Bimon?

3 A. [10:05:38] I tell you, Counsel, that I was not attempting to glean all of this
4 information. You know that when the Seleka were still in power, everyone
5 was -- you know, everything that brought us together was prayer at the time. We
6 were on alert. I would go to pray and then I would go to my work. But I didn't
7 hear anything of what was being said or anything about what was going on.

8 Q. [10:06:16] I thank you. I shall start on the basis of your statement in order to
9 attempt to refresh your memory and see whether you can provide us with any further
10 details.

11 At paragraph 17 of your statement, you talk about four Muslim men from Bimon who
12 joined the Seleka. You talk about Yaya Bamba, Babele Elysee, Venitien and Dié.
13 So I understand that these are the people that you are aware of. Now, to your
14 knowledge, were there any others?

15 A. [10:07:06] Well, if I was aware of any others, I would talk to you about them. I
16 only talked to you about the cases that I am aware of, those that I am aware of.

17 Q. [10:07:23] Very well. I understand. So you do not know if there were any
18 others because you were not attempting to glean that information, is that correct?

19 A. [10:07:35] That is correct.

20 Q. [10:07:49] As you know those four Muslim men from Bimon a little better, did
21 the Seleka give them any weapons?

22 A. [10:08:02] They joined the elements in Bangui, but when they were leaving -- or
23 when they came back to Bimon, they did not have anything. They were not armed.
24 Were they armed in Bangui? Well, I would not be in a position to know, but when
25 they came back, they were not armed.

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1 Q. [10:08:29] Thank you. There is a witness in this case who says that "Six months
2 approximately after power was taken by the Seleka, Imam Mahamat organised
3 community patrols and we were also in possession of firearms. After Djotodia
4 resigned, the Kalashnikovs of the family members of the Seleka were brought out
5 once again and we set up guard with our brothers from Bimon."

6 Now, to your knowledge, did any Muslims from Bimon set in place community
7 patrols after Djotodia came to power?

8 A. [10:09:21] I do not know, Counsel.

9 Q. [10:09:24] Thank you. We spoke about and then you spoke about in your
10 statement of certain individuals who had joined the Seleka. We spoke about the fact
11 that Alkanto and his elements came to prayer -- to pray in the mosque with the
12 Muslims in Bimon.

13 How did the Christians, the local Christians from Bimon react in the face of that
14 situation?

15 A. [10:10:18] Well, it is a mosque. After having prayed, they would go on their
16 way. But I can't tell you what the Christians were thinking. But when they came to
17 pray and after they had prayed, they would go on their way.

18 Q. [10:10:40] And to your knowledge, was it something that was discussed in the
19 village -- as to whether it was true or not, was it something that was discussed by the
20 Christians that there were Muslims from Bimon *who had helped or joined the Seleka?
21 Were these discussions that you heard or that you heard about?

22 A. [10:11:20] To say to you that I heard that from somebody, no, I did not hear
23 anything like that. I did not have the time to take part in discussions and talk to
24 other Christians about things. I went to {ICR: (Redacted)} in the evening, I would go
25 and {ICR: (Redacted)}. I didn't have the time to attempt to ascertain who was saying

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1 what.

2 Q. [10:11:53] Thank you. I just have one question remaining on this subject.

3 At paragraph 37 of your statement you say that some young people from the village

4 had said that the Chadians would be targeted because they had assisted the Seleka. I

5 understood that you weren't part of the discussions and that you did not have much

6 time to talk about this, but were I to put it to you that the Christian population of

7 Bimon called the Chadian Muslims of Bimon who were armed "Seleka Muslims,"

8 would you be in agreement with that suggestion? Is that an expression that you

9 heard, "Seleka Muslims," to talk about the Muslims -- the Chadian Muslims from

10 Bimon?

11 A. [10:12:51] Well, I don't know what I said in my statement. It was after the

12 resignation of Djotodia. After he had resigned, the -- the people would talk in that

13 manner. But when the Seleka were still in power, they did not say that. I did not

14 hear that.

15 Q. [10:13:21] I do understand. Thank you for that point of clarification with

16 regard to the period.

17 Now, I'm going to change tack entirely here.

18 At paragraph 20 of your statement, you speak of Mahamat, a Muslim in Yombo.

19 I don't know whether I'm pronouncing things correctly here. In Yombo. And then

20 you remembered his family name, because when you reread your statement, you

21 added Mahamat Kaka. And then at paragraph 23, when speaking of the same

22 incident, you struck through "murder" in order to *replace it with "after burning the

23 vehicle". It's not very clear for me, but have I correctly understood that you did not

24 glean the information to the effect that he was killed on that day with the incident

25 upon the vehicle?

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1 A. [10:14:26] I believe that when my statement was read back to me, I told the
2 individual who was assisting me in reading it back, is that Mahamat Kaka was in
3 Bimon and was going to Yombo for business. The vehicle of the Muslim was seized
4 and burnt, but nobody was killed. The vehicle belonging to the Muslim was burnt
5 and it was the population of the village who had saved or assisted the Muslim in
6 fleeing. I did not talk about a case of any murder in Yombo.

7 Q. [10:15:10] I thank you. That is what I thought I had understood from your
8 amendments, but now at least it is clear.

9 I'm going to change subject once again.

10 Now, after this episode in Yombo and before 5 December once again, you talked
11 about a murder in Bangui-Bouchia. That is at paragraph 23 of your statement. I
12 understood that you were not in attendance at the time of the murder and that you no
13 longer recall the name of the individual killed, but I'm going to be showing to you a
14 document. I would like to know whether that event that you are -- to know details
15 about that event that you're speaking of. So that's CAR-D29-0016-0056 and that's
16 tab 1.

17 Now, it should be coming up on the screen.

18 If you could please scroll down somewhat. Very good.

19 I'm going to be reading to you what is written here of the screen. In the middle of
20 the first page it is written: "It was the night of 2 October 2013, when two armed men
21 came into the Bangui-Bouchia village and killed two Chadians: Zacharia Hamid and
22 Abdoulaye Tair."

23 If you hear the name Zacharia Hamid, can you remember that murder a little better
24 and does it indeed correspond to the event that you mentioned?

25 A. [10:17:07] Well, as I said in my statement, I did not see that murder. It was the

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1 Muslims of Bangui-Bouchia who came to pray in Bimon and they informed us that
2 people had gone out and that they had committed a murder. But I do not know the
3 name of the individual who was murdered.

4 Q. [10:17:48] I thank you.

5 (Speaks English) Mr President, may I have just one minute to consult.

6 (Counsel confers)

7 MS CASIEZ: [10:18:22] Thank you, Mr President.

8 Q. [10:18:25] (Interpretation) A person who was met in the investigation by the
9 Prosecutor said that in response to that crime, the Seleka based in Pissa had
10 committed acts of reprisal upon the Christian population of Bangui-Bouchia. Is that
11 something that you have heard about?

12 A. [10:18:59] I just heard speak of the murder itself, but I did not hear speak of any
13 acts of violence committed other than that.

14 Q. [10:19:18] Thank you. I believe that my question was rather clumsily phrased.
15 I understand that you heard speak of the murder, but did you hear talk of any
16 reprisals *against the Christian population of Bangui-Bouchia on the part of the
17 Seleka?

18 A. [10:19:43] Please, could you please repeat that question slowly.

19 Q. [10:19:53] Of course. I have understood that you heard speak of the murder
20 itself. My question to you is whether you heard speak of any reprisals on the part of
21 the Seleka upon the Christian population of Bangui-Bouchia in response, if you like,
22 to that murder?

23 A. [10:20:28] No, I have not heard anything of the sort.

24 Q. [10:20:34] No problem, Mr Witness. I'm going to change subject.

25 Now, at paragraph 25 of your testimony, you make mention of the murder of a local

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1 Muslim in Gboundokoro. Now, this is a murder that you also heard speak of but
2 that you did not assist or that you were not in assistance when it occurred; is that
3 correct?

4 A. [10:21:00] I was not there when that Muslim person was killed, but I did go to
5 his funeral.

6 Q. [10:21:12] Very well. Had you already seen that person before he was killed?

7 A. [10:21:26] No. I never saw him.

8 Q. [10:21:33] Thank you. And the fact that that individual was not linked to the
9 Seleka is something that was -- that you were told; is that correct?

10 A. [10:21:49] At the time when he was killed in Gboundokoro, when there was a
11 murder, everyone would come to assist the population in order to bury the person
12 who had been murdered, and that is how we went to Gboundokoro to assist the
13 population there to bury the person who had been murdered.

14 Q. [10:22:33] So everything that you learnt on the subject of that murder was
15 around the funeral itself and you do not know yourself whether that person was
16 linked in any way to the Seleka or not; have I understood you correctly?

17 A. [10:22:57] That person had no link whatsoever with the Seleka. He was just a
18 trader who was conducting business in Gboundokoro. He was not Seleka.

19 Q. [10:23:12] Thank you. And so that piece of information was something that
20 you gleaned from the people who have said that he had been killed; is that correct?

21 A. [10:23:25] Yes, that is correct.

22 Q. [10:23:32] I thank you. In your statement ...

23 MS CASIEZ: [10:23:43] Sorry, I think we -- we have to go in private session.

24 PRESIDING JUDGE SCHMITT: [10:23:46] Well, let us allow for five minutes, a short
25 break and then -- but please stay in the room.

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- 1 MS CASIEZ: [10:23:53] Okay.
- 2 THE COURT USHER: [10:23:56] All rise.
- 3 (Recess taken at 10.24 a.m.)
- 4 (Upon resuming in open session at 10.29 a.m.)
- 5 THE COURT USHER: [10:29:22] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE SCHMITT: [10:29:36] Are we in private session?
- 8 We are in open session.
- 9 But you wanted us to go into private session.
- 10 Yeah, private session, then. But only shortly I understand?
- 11 MS CASIEZ: [10:29:49] Yes, just for a couple of questions.
- 12 PRESIDING JUDGE SCHMITT: [10:29:52] For the audience only, when we go to
- 13 private session, this means that questions are put to the witness where the answer
- 14 could reveal his identity, and since it is a protected witness, we have to question him
- 15 in private session.
- 16 Private session shortly.
- 17 (Private session at 10.30 a.m.)
- 18 THE COURT OFFICER: [10:30:06] We're in private session, your Honours.
- 19 MS CASIEZ: [10:30:24] (Interpretation)
- 20 Q. [10:30:27] So, Mr Witness, I would now like to talk about a subject where there
- 21 weren't many of you present, so I don't want to reveal your information. This is the
- 22 murder of (Redacted), 26 to 31, those are the paragraphs in your statement.
- 23 Now, I know that (Redacted)
- 24 (Redacted) I've only got five questions on this particular area.
- 25 First, can you confirm that you weren't there at the time of the murder itself?

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1 A. [10:31:15] When (Redacted) was killed in the bush, I was at Bimon at that particular
2 time. (Redacted) was killed *one day, he was buried, and it was the following day
3 when his body was discovered. Now, when he was killed, however, I wasn't
4 actually there.

5 Q. [10:31:40] You spoke about (Redacted)
6 (Redacted), who went to retrieve (Redacted) body.

7 A. [10:32:07] They went to help the father *of the deceased, "they" being (Redacted)
8 (Redacted), those are the people who went with the father to retrieve
9 the body.

10 He was unearthed because it was a shallow grave and the body was half buried
11 (Redacted) unearth the body.

12 PRESIDING JUDGE SCHMITT: [10:32:36] It's indeed difficult for the interpreter to
13 get a sequence of these names. That's not easy, I understand that. Perhaps to
14 shorten things, paragraph 27 of the statement, you quoted all of them.
15 Please continue.

16 MS CASIEZ: [10:32:52] Thank you, Mr President. And sorry for the --

17 PRESIDING JUDGE SCHMITT: [10:32:56] You don't have to be -- you have
18 mentioned them, but I feel for the interpreter because it's really difficult to get them
19 all in a row.

20 MS CASIEZ: [10:33:02] Okay. Thank you, Mr President.

21 Q. [10:33:16] (Interpretation) Mr Witness, now you told us that there (Redacted)
22 (Redacted). Can you tell us -- can you give me an approximate number
23 of how many there were of you, please.

24 A. [10:33:32] We were numerous, but I can't give you an exact number. (Redacted)
25 was with his cows in the bush to have his cows graze and that's why he was in the

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1 bush and his body was found the next day. But (Redacted)

2 (Redacted), but I can't give you an exact number, no.

3 Q. [10:34:06] That's not a problem.

4 What about (Redacted)

5 A. [10:34:17] Yes, (Redacted)

6 Q. [10:34:31] And last question on this particular topic. You said that there was a
7 fight between the Peuhl and the Anti-Balaka during which two Peuhls were killed
8 and six Anti-Balaka died. So lest there be any doubt, you yourself, you weren't part
9 of the group that left to be engaged in that combat; is that right?

10 A. [10:34:58] That's right.

11 Q. [10:35:08] My last question, which is not connected, but I would like to put it in
12 private session before we move back into open session. I'll just take this opportunity
13 since we are in private session.

14 Right at the beginning of my questions we spoke about (Redacted)

15 and you told me that that -- that the name I offered wasn't the right one. So would
16 you mind clarifying his family name, please.

17 A. [10:35:38] I don't know his family name. (Redacted)

18 (Redacted), but I don't know, I don't know his family
19 name.

20 PRESIDING JUDGE SCHMITT: [10:35:59] Open session?

21 MS CASIEZ: [10:36:00] Yes, please.

22 PRESIDING JUDGE SCHMITT: [10:36:02] Yeah, open session.

23 (Open session at 10.36 a.m.)

24 THE COURT OFFICER: [10:36:06] We are back to open session, Mr President.

25 MS CASIEZ: [10:36:26] If I may have one minute, Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:36:30] Of course, yes, yes.

2 MS CASIEZ: [10:36:33] Thank you.

3 (Counsel confers)

4 MS CASIEZ: [10:37:32] Thank you, Mr President.

5 Q. [10:37:36] (Interpretation) Mr Witness, let me carry on. I would like to stay

6 with this topic of Mathias. You refer to him, he was to become neighbourhood chief.

7 {PFR: (Redacted)}

8 but let's just have a geographical clarification.

9 Now, to go to his house, I mean, if I'm coming from Bangui and I want to go to his

10 house, I would arrive at the Bimon school, and then I would turn right and I would

11 take a track for about a kilometre or so, and then at that point I would arrive at his

12 house. Is that -- is that right? Have I got that right?

13 A. [10:38:29] That's -- that's exactly where his house is located, yes.

14 Q. [10:38:33] Thank you. And you would agree with me when I say that there is

15 only one single school at Bimon, right?

16 A. [10:38:45] Yes. There's only one school. But the first house that you referred

17 to is a new house. His -- his house is -- his first house was right next to Bimon

18 market. Before, he married a woman {ICR: (Redacted)}

19 (Redacted)}

20 THE INTERPRETER: [10:39:19] The Sango interpreter didn't hear the name.

21 THE COURT OFFICER: The French interpretation didn't hear the last name

22 pronounced by the Defence counsel. The French interpretation just said that they

23 didn't hear the last name pronounced by the counsel.

24 PRESIDING JUDGE SCHMITT: [10:39:29] So the French interpreter -- actually, the

25 French interpreter did not get the last name, obviously.

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1 Could you repeat that, Mr Witness?

2 THE WITNESS: [10:39:51](Interpretation) {ICR: (Redacted)

3 (Redacted)) in the house alongside the road. And

4 then a little after, he bought a house that you made reference to, Counsel.

5 PRESIDING JUDGE SCHMITT: [10:40:12] Thank you.

6 MS CASIEZ: [10:40:16] (Interpretation)

7 Q. [10:40:18] Thank you very much, Mr Witness. Paragraph 41 now in your

8 written statement, please. Here you talk about Pacome and Ozo who went to the

9 Bimon mosque to break down the door and take the *bouta*. Now, you tell us they

10 were two Catholics from Bimon, right?

11 A. [10:40:45] They even lived next to the Catholic church in Bimon, that's what I

12 said.

13 Q. [10:41:02] Thank you. And in paragraph 47 of your statement you talk about

14 Dara who climbs on the mosque's roof. This is during the Bimon attack. So is this

15 the same Dara who told you -- who said to you in paragraph 41, "One day your house

16 will become mine"; is that right?

17 A. [10:41:25] Yes, it's the same Dara.

18 Q. [10:41:32] Thank you. All right, then tell me, did I properly understand your

19 testimony when you say that during the attack more than 50 youths using staves,

20 breaking down windows, and used fuel to burn down the mosque's roof, and these

21 are the only tools that you saw to destroy the mosque, sticks and pestles were used

22 you say?

23 A. [10:42:04] Yes, those were the only tools that were used.

24 Q. [10:42:15] Thank you. Paragraph 51 in your written statement. Here you talk

25 about Fred Mando, who appeared to be the chief. This is the same day. And you

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1 say that he was armed with a machete. People that we met describe the Bimon
2 attack like you have and they have said that there was never any rocket fired on the
3 mosque. Would you confirm that, Mr Witness, as well?

4 A. [10:42:44] No, there was never a rocket fired on the mosque.

5 Q. [10:42:56] Thank you. Now, paragraph 47 you talk about these 50 or so people
6 who were there to destroy the mosque. And then in paragraph 48 and 50 you say
7 that Dara and others are burning the houses. And then in paragraph 54 you say that
8 there was looting. All right. So have I understood how the attack unfolded when I
9 say that they started by destroying entirely the mosque, and then they burn the
10 houses, and then lastly, people come to loot? Is that how things went
11 chronologically?

12 A. [10:43:34] Yes, that's how it went.

13 Q. [10:43:39] And so now when you say in paragraph 53 that "After a while, the
14 group that was burning went away and I decided to come out from my hiding place
15 to go back to my home," so I understood -- understand here that you waited for things
16 to calm down before going out to make sure that you were safe, basically, so you
17 waited for things to calm down to leave your hiding place; is that right?

18 A. [10:44:17] Yes, I took shelter. I hid in the toilets that belonged to a particular
19 lady. And from my hiding place I could see what was going on. But it was only
20 afterwards that I left my hiding place to go back home.

21 Q. [10:44:41] Thank you. And when you say "it was only after that I left," do you
22 mean by that when things had calmed down?

23 A. [10:44:51] Well, they continued committing their acts. They were looting and
24 what have you. Because they had already gone beyond the point where I was hiding,
25 then I could come out. Once they had gone by, I came out to go back home.

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1 Q. [10:45:14] Thank you. Thank you very much for that clarification, Witness.

2 Paragraph 118 now in your statement, please. Here you talk about Rambo's cousins
3 who are Fulata, and you give their names, Ali Garga and Souleyman Sidiki, those are
4 the names, as well as Sadjo Sidiki. And in paragraph 49 you talk about people who
5 have the same names whose houses were burned down during the attack.

6 So I just want to be clear that I am properly understanding whether they are the same
7 people. In other words, these are the houses of Rambo's cousins that were burnt
8 during the attack. Have I got that right, Witness?

9 A. [10:46:05] Yes, that's right, it's the same people.

10 Q. [10:46:10] My thanks.

11 MS CASIEZ: [10:46:21] May we go in private session, Mr President, please? Sorry.

12 PRESIDING JUDGE SCHMITT: [10:46:27] Yes.

13 (Private session at 10.46 a.m.)

14 THE COURT OFFICER: [10:46:30] We are in private session.

15 MS CASIEZ: [10:46:50] Thank you, Mr President.

16 Q. [10:46:57] (Interpretation) So, Mr Witness, paragraph 103 and following in your
17 statement, and we talked about this briefly this morning, you talk about your flight
18 from Bimon and you were pushing a *pousse-pousse* cart with firewood on it and you
19 had removed your pair of trousers, and if I've properly followed your evidence, you
20 were disguised because normally Muslims don't do that type of work; is that right?

21 A. [10:47:36] Yes, that's right.

22 Q. [10:47:45] Thank you. And in paragraph 122, you say that you crossed the
23 Ndangala, Yamboro, Sekia, Ngyabourou and Samba barricades. Now, have I
24 properly understood when I say that you went on the tar macadam road that goes
25 from PK9 to Mbaiki? Were you using that road, Mr Witness?

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1 A. [10:48:14] Yes, I was.

2 Q. [10:48:20] And you never met Congolese that guided you on foot through the
3 forest all the way through to PK9; is that right?

4 A. [10:48:39] No, I didn't meet any.

5 Q. [10:48:54] And for the avoidance of doubt in my proper understanding of your
6 written statement and your oral testimony yesterday, during your flight, you were
7 with (Redacted) and only with (Redacted); is that right?

8 A. [10:49:18] Exactly so, only with him.

9 Q. [10:49:22] So you didn't go to Bimon, PK9 with (Redacted); is that right?

10 A. [10:49:40] No. (Redacted) had left before I did.

11 Q. [10:49:55] Thank you. Paragraph 38 now in your written statement. Here you
12 say that the Muslims come from several ethnic groups and they didn't necessarily
13 have very good relationships with the Chadians and the Fulata. So can you tell me
14 what you meant by that, please.

15 A. [10:50:22] There are many Muslims in Bimon, the Chadians and the Fulata
16 among them. Now, the Chadian embassy had sent people to evacuate all the
17 Muslims, the Chadians in Bimon, to evacuate them with the attack in mind. And
18 they went to Pissa, but they came back to Bimon and then they went off into the bush.
19 This is the--this is the (Redacted) family I'm talking about and there were ultimately 29
20 such refugees in the bush.

21 Q. [10:51:13] Thank you. And just to make things absolutely clear, the 29 Fulata
22 who had left and then who came back, those 29 fled Bimon, as you state in paragraph
23 104 of your statement, on the day of the attack once they heard the *gun fired by
24 Jean-Florent; is that right?

25 A. [10:51:47] Yes, that's -- that's right. On the Saturday, it was the night when the

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1 gunshot was fired and they all left then. That was the trigger point which made
2 them all leave.

3 Q. [10:52:21] Thank you.

4 MS CASIEZ: [10:52:24] Mr President, may I have just one minute? Last one.

5 PRESIDING JUDGE SCHMITT: [10:52:27] Okay. Has not necessarily to be the last
6 one, but of course.

7 (Counsel confers)

8 PRESIDING JUDGE SCHMITT: [10:53:19] Or if you need a little bit longer, we can
9 also have the coffee break, if you tell me you finish at 1 o'clock.

10 Well, that's a mild pressure, I would say.

11 MS CASIEZ: [10:53:35] Sorry, Mr President. Actually, it's for my last question, but
12 I think I need the break to be sure I ask it or not.

13 PRESIDING JUDGE SCHMITT: [10:53:44] So then do I understand correctly, if we
14 make the break now and then afterwards we wrap it up, so to speak?

15 MS CASIEZ: [10:53:53] Yeah, thank you.

16 PRESIDING JUDGE SCHMITT: [10:53:56] Okay. Break until 11.30.

17 THE COURT USHER: [10:54:00] All rise.

18 (Recess taken in open session at 10.54 a.m.)

19 (Upon resuming in open session at 11.31 a.m.)

20 THE COURT USHER: [11:31:22] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:31:37] We are in open session, Ms Casiez.

23 MS CASIEZ: [11:31:41] Thank you, Mr President.

24 So after 31 minutes' discussion within the team, we have no further questions for this
25 witness. I just will thank him.

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1 PRESIDING JUDGE SCHMITT: [11:31:53] Please do that.

2 MS CASIEZ: [11:31:55] Thank you.

3 (Microphone not activated)

4 THE INTERPRETER: [11:32:03] Microphone, please, Counsel.

5 MS CASIEZ: [11:32:06] (Interpretation)

6 Q. [11:32:08] Mr Witness, I would like to thank you for all the clarification that you
7 brought this morning. And in reality, I have no further questions to put to you.

8 Thank you very much.

9 A. [11:32:18] I thank you.

10 PRESIDING JUDGE SCHMITT: [11:32:20] And I've been informed that the

11 Ngaïssona Defence has no questions. That would have been surprising.

12 This means that this concludes the testimony of this witness.

13 Mr Witness, I would like to address you on behalf of the Chamber. On behalf of the
14 Chamber, I would like to thank you for having yourself made available as a witness
15 in these proceedings. Without witnesses, this Court and specifically this Chamber
16 cannot fulfil its obligation to try to determine the truth. Thank you very much for
17 that and we wish you a safe trip back home.

18 THE WITNESS: [11:33:07](Interpretation) I thank you very much.

19 (The witness is excused)

20 PRESIDING JUDGE SCHMITT: [11:33:09] Well, that's -- for the audience who has
21 come now after the break it's a little bit -- it's not satisfying, but this was not
22 foreseeable.

23 So this concludes also the hearing for today. I would appreciate or the Chamber
24 would appreciate it if we could start with 1528 tomorrow morning already. Is this
25 possible, Mr Vanderpuye?

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- 1 MR VANDERPUYE: [11:33:29] Good morning, Mr President. Yes, I believe it is.
- 2 PRESIDING JUDGE SCHMITT: [11:33:32] So then we conclude for today and
- 3 resume tomorrow at 9.30.
- 4 THE COURT USHER: [11:33:39] All rise.
- 5 (The hearing ends in open session at 11.33 a.m.)