

Trial Hearing
WITNESS: CAR-OTP-P-2389

(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
5 and Patrice-Edouard 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 Tuesday, 27 June 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:02] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:24] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:31:29] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:46] Thank you.
21 I ask for the appearance of the parties. We start with the Prosecution first.
22 MR BELBENOIT-AVICH: [9:31:52](Interpretation) Good morning, your Honour.
23 Good morning, members of the Bench. Today the Prosecution is made up of
24 Mr Kweku Vanderpuye, Mr Lucio Garcia, Mr Yassin Mostfa; myself, Belbenoit-Avich.
25 PRESIDING JUDGE SCHMITT: [9:32:10] And we turn to the representatives of the

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 victims. Ms Massidda first.

2 MS MASSIDDA: [9:32:16] Good morning, Mr President, your Honours. For
3 victims of the other crimes appearing today, Mr Abdou Dangabo Moussa, Madam
4 Evelyne Ombeni, Madam Gabriella dos Santos, Mr Merouane Chenaifa; myself,
5 Paolina Massidda, here in The Hague. And we also have our field counsel attending
6 in the location where the witness will testify, Mr Innocent Mpoko. Thank you very
7 much.

8 PRESIDING JUDGE SCHMITT: [9:32:41] Thank you.
9 Mr Suprun.

10 MR SUPRUN: [9:32:41] Good morning, Mr President. Good morning, your
11 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
12 Thank you.

13 PRESIDING JUDGE SCHMITT: [9:32:51] Ms Dimitri next for the Defence.

14 MS DIMITRI: [9:32:55] Good morning, Mr President. Good morning, your
15 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom and
16 he's represented today by Ms Doriane Huet, Mr Lionel Messi Tikpa, Ms Lena Casiez,
17 and myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:33:10] Thank you.
19 And Mr Knoops next.

20 MR KNOOPS: [9:33:13] Good morning, Mr President, your Honours. A very good
21 morning. Good morning, everyone in the courtroom. Our Defence team today
22 consists of Ms Chiara Giudici, on my right side. In the second row, Mr Mathias
23 Goffe, Lina Taki. And Mr Ngaissöna is also available, Mr President.

24 PRESIDING JUDGE SCHMITT: [9:33:30] Thank you very much.
25 So we turn to the next witness.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

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

2 WITNESS: CAR-OTP-P-2389

3 (The witness speaks Sango)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:33:51](Interpretation) Yes, I can see you and I -- I can hear you
6 perfectly.

7 PRESIDING JUDGE SCHMITT: [9:33:56] That is good to hear.

8 On behalf of the Chamber, Mr Witness, I would like to welcome you to the courtroom.

9 You are called to testify to assist this Chamber in the case of the Prosecutor versus

10 Mr Yekatom and Mr Ngaissöna. You first have to take -- make the solemn

11 undertaking. I will read it to you and please listen carefully and repeat after me: I

12 solemnly declare.

13 THE WITNESS: [9:34:33](Interpretation) I solemnly declare.

14 PRESIDING JUDGE SCHMITT: [9:34:39] That I will speak the truth.

15 THE WITNESS: [9:34:43](Interpretation) That I will speak the truth.

16 PRESIDING JUDGE SCHMITT: [9:35:08] The whole truth and nothing but the truth.

17 THE WITNESS: [9:35:12](Interpretation) The whole truth and nothing but the truth.

18 PRESIDING JUDGE SCHMITT: [9:35:24] Thank you very much, Mr Witness. You

19 are now under oath. We can start with the examination by the Prosecution.

20 Mr Belbenoit-Avich, you can explain the practical matters so we don't have to do this

21 twice. So I give you the floor for your examination.

22 QUESTIONED BY MR BELBENOIT-AVICH: (Interpretation)

23 Q. [9:36:09] Good morning, Mr Witness. You probably remember that we met

24 briefly Thursday last. My name is Pierre Belbenoit-Avich. I am a trial lawyer.

25 And I am going to be putting questions today on behalf of the Prosecution.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Private Session)

ICC-01/14-01/18

1 So, before I turn to my questions, let me remind you that you benefit from protective
2 measures for the purposes of your oral evidence. This is designed for your safety.
3 So your name won't be disclosed to the public and your image and your voice will be
4 distorted.

5 Now, to ensure you are properly protected, I'm going to be putting questions to you,
6 questions that may reveal your identity in private session, which means that people
7 who are outside this courtroom will be unable to follow what we say.

8 Now, from a practical perspective, everything that we say is interpreted in Sango, in
9 French and in English, which means it's very important that we speak slowly to
10 facilitate the work of the interpreters. And can I ask you to wait one or two
11 moments, one or two seconds after my question is put before you answer.

12 And it could be that the questions that I put to you don't come across clearly for you,
13 and then just tell me and I will either rephrase or I will repeat the question.

14 So let me start by putting one or two questions just to confirm your identity, then I'll
15 be putting some basic questions going to the written statement you made in 2019 to
16 the OTP investigators, then I'll be putting one or two questions to you to get from you
17 some clarifications or additional information. Is that all right?

18 A. [9:37:57] Yes, that's all right.

19 MR BELBENOIT-AVICH: [9:38:07] Your Honour.

20 PRESIDING JUDGE SCHMITT: [9:38:08] We go to private session for identification
21 of the witness.

22 (Private session at 9.38 a.m.)

23 THE COURT OFFICER: [9:38:24] We are in private session, Mr President.

24 MR BELBENOIT-AVICH: [9:38:36](Interpretation)

25 Q. [9:38:37] Mr Witness, would you mind stating your first and last name, please.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Private Session)

ICC-01/14-01/18

- 1 A. [9:38:45] My name is (Redacted).
- 2 Q. [9:38:56] And what is your date of birth and place of birth, please?
- 3 A. [9:39:06] I was born on (Redacted) in (Redacted).
- 4 Q. [9:39:27] Is your nationality Central African?
- 5 A. [9:39:31] That's exactly right, yes.
- 6 Q. [9:39:40] What is your ethnic group, please?
- 7 A. [9:39:43] I am (Redacted).
- 8 Q. [9:39:52] Thank you, Mr Witness.
- 9 MR BELBENOIT-AVICH: [9:39:54](Interpretation) Your Honour, we can now revert
- 10 back into open session, please.
- 11 PRESIDING JUDGE SCHMITT: [9:39:57] Open session.
- 12 (Open session at 9.40 a.m.)
- 13 THE COURT OFFICER: [9:40:14] We are back in open session, Mr President.
- 14 MR BELBENOIT-AVICH: [9:40:23](Interpretation)
- 15 Q. [9:40:23] So, Mr Witness, the investigators took your statement in March 2019.
- 16 You signed a record which contained the information you offered; is that right?
- 17 A. [9:40:42] That's right.
- 18 Q. [9:40:52] So, as I've understood, you've been able to reread that statement on 21
- 19 June last. You made some amendments; is that right?
- 20 A. [9:41:04] That's right, yes.
- 21 Q. [9:41:14] Can you confirm that the information in your statement with the
- 22 amendments made, would you confirm that that statement is now accurate and true?
- 23 A. [9:41:34] Yes, I do confirm that the information that I provided, with the
- 24 amendments, are indeed true.
- 25 Q. [9:41:50] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Now, would you agree that your statement be used as evidence in this case?

2 A. [9:42:05] Yes, I do agree.

3 PRESIDING JUDGE SCHMITT: [9:42:11] I think we can state for the record that the
4 conditions for the application of Rule 68(3) are fulfilled with regard to -- the English
5 version of the statement is CAR-OTP-2104-0033, and I think the French translation
6 2122-4458, and this is all under the condition with the corrections made by the
7 witness.

8 You can continue now, Mr Belbenoit-Avich.

9 MR BELBENOIT-AVICH: [9:42:54](Interpretation)

10 Q. [9:42:54] Mr Witness, you gave information to the investigators. They are
11 exhaustive, clear and accurate, so there's no point in me asking you to repeat them
12 because they, the Judges, can use that information.

13 Now, I have one or two questions for you now, and the entirety of my questions
14 won't go beyond an hour.

15 So, first of all, perhaps I can put one or two questions relating to the Anti-Balaka's
16 arrival in Mbaïki and how they comported themselves. You already talked about
17 that in your statement.

18 Second, I'm going to be putting questions to you on the circumstances surrounding
19 your evacuation from Mbaïki.

20 And then, lastly, I'll be putting some questions about the Sido camp in Chad where
21 you were a refugee.

22 So, I turn to my first questions. In paragraph 54 of your statement you said that you
23 saw the Anti-Balaka arrive in Mbaïki. You clarified that you were in the market next
24 to the road and that you could see them very clearly. So, for the avoidance of
25 doubt - thank you, Mr Witness - but for the avoidance of doubt, you saw the

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka while they were entering the town of Mbaïki; is that right?

2 A. [9:44:40] Yes. I was by the road when I saw them enter the town of Mbaïki.

3 Q. [9:44:59] And to be perfectly accurate in respect of the time when you saw them
4 arrive, was it before or after the cathedral meeting, the meeting that was held at the
5 cathedral?

6 A. [9:45:15] I was by the roadside and I heard said that they had come and that
7 they were at Jeanne d'Arc. And it had been asked of the Muslim representatives to
8 meet at St Jeanne d'Arc, but I wasn't a member of the delegation that went to the
9 Jeanne d'Arc church.

10 Q. [9:45:54] Thank you, Mr Witness.

11 So you've just told us that you saw the Anti-Balaka enter the town. Now, I know
12 that these events go back a long way in time and it's difficult for you to conjure up an
13 accurate memory, but, nevertheless, can you give us an approximate idea of the
14 number -- of the numbers of Anti-Balaka that you saw arriving in Mbaïki, how many
15 they were?

16 A. [9:46:20] I can't give you an approximate or an accurate number, but I can
17 confirm that they came into Mbaïki on board two pickup vehicles, Hilux brand
18 pickups.

19 Q. [9:46:50] Thank you, Mr Witness.

20 Now, paragraph 56 in your statement you say, and I quote: "Later I saw the
21 Anti-Balaka arriving in the centre of Mbaïki with two vehicles."

22 In the next paragraph you state that: "They were very aggressive and were
23 threatening the Muslims. I saw them pointing to Muslims and showing gestures of
24 drawing their finger across the throat suggesting that they were going to cut our
25 throats."

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 So just to be absolutely clear --

2 THE WITNESS: (Overlapping speakers)

3 MR BELBENOIT-AVICH: (Interpretation) Thank you.

4 THE WITNESS: (No interpretation)

5 THE INTERPRETER: [9:47:28] The witness is speaking.

6 Prosecution continues.

7 MR BELBENOIT-AVICH: (Interpretation)

8 Q. [9:47:34] To be absolutely certain that you saw these -- these Anti-Balaka that
9 you saw making these threatening gestures, were these people who were originally
10 on board the vehicles you described earlier or were these other Anti-Balaka elements?

11 A. [9:47:46] No, it was the elements on board the two pickups that I mentioned a
12 moment ago.

13 Q. [9:48:07] And to be absolutely clear, at what particular place in Mbaïki did you
14 see these Anti-Balaka making said gestures?

15 A. [9:48:16] It was towards Baguirmi, at the location of the big market.

16 Q. [9:48:34] At that particular point in time, apart from you, were other Muslims
17 present?

18 A. [9:48:45] I wasn't alone. There were other Muslims with me.

19 Q. [9:48:57] And so you, yourself, were you among the Muslims
20 menaced -- threatened, rather, by the Anti-Balaka making these gestures?

21 A. [9:49:12] Yes. There was a group of us by the road when those Anti-Balaka
22 were threatening us with these gestures. But I repeat, they were on board their
23 vehicles and they were just driving by.

24 Q. [9:49:39] Thank you, Mr Witness.

25 In paragraph 58 of your statement you say that the Anti-Balaka that you saw arriving

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 in the centre of Mbaïki got out of their vehicles and started walking around in the
2 neighbourhood. And you also stated that they went to see the Muslim traders to ask
3 money of them. The traders, who didn't want any trouble, did as they were told.
4 So, my question is the following: Did you, yourself, see with your own eyes these
5 Anti-Balaka asking money of these traders?

6 A. [9:50:19] Yes, I saw them with my own eyes. I was with a Muslim brother who
7 was a trader, and when the Anti-Balaka came to ask money.

8 Q. [9:50:44] So, to be absolutely sure that I have understood your evidence, these
9 Anti-Balaka that were asking money from the traders, were they the same
10 Anti-Balaka who exited the vehicle or were they other Anti-Balaka altogether?

11 A. [9:51:16] It was the Anti-Balaka who had been on board the vehicle and it was
12 the first time that we had seen them.

13 Q. [9:51:40] Would you mind telling us, Mr Witness, how the Anti-Balaka asked
14 money of these traders. How did it happen exactly?

15 A. [9:52:07] Some came to introduce themselves to say that they were hungry and
16 they needed money to find food, and the Muslims, who were frightened, had to give
17 them what they were being asked of. It was simply to establish some sort of mutual
18 trust and confidence.

19 Q. [9:52:35] Mr Witness, so there are these Anti-Balaka threats with the finger slid
20 across the throat. At Mbaïki, did you see other hostile conduct from the part of the
21 Anti-Balaka in respect of the Muslim population?

22 A. [9:53:05] Yes, I did. Their objective was to create upheavals to get what they
23 wanted, but, thank God, nothing happened. They said that they would do bad
24 things to us if night fell. Fortunately, God made it such that the situation didn't go
25 sour.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Q. [9:53:47] Now, you said that they would do bad things to you and they would
2 attack you if night fell. So would you mind telling us who exactly told you that?

3 A. [9:54:15] The people who'd been on the vehicles. When they got out of the
4 vehicles, they -- well, as they were going by, they threatened us in that way. There
5 were a lot of -- a lot of them and they were threatening us, but they were asking
6 money.

7 Q. [9:54:36] And so that happened at what particular point in time exactly? Was it
8 when the vehicles arrived in the centre or was it later on?

9 A. [9:54:47] It was well before the vehicles arrived, the evacuation vehicles arrived,
10 before we could be evacuated. It was well before.

11 Q. [9:55:16] Thank you, Mr Witness. But my question was to establish whether
12 the Anti-Balaka said this when the two vehicles entered in Mbaïki's centre. When
13 did the Anti-Balaka say this to you exactly?

14 A. [9:55:53] It was when the vehicles arrived, those vehicles. It was at that
15 particular point that the Anti-Balaka started to threaten. Let me reiterate, it was
16 immediately upon their arrival in the town. That's when the threats started.

17 Q. [9:56:13] Thank you, Mr Witness. And in the few days that followed the
18 Anti-Balaka's arrival, before your departure for Chad, were there any other threats
19 made?

20 A. [9:56:44] No, not at all. It was only when they arrived. And, let me say,
21 before their arrival, before they arrived in the town, there were no problems at all to
22 speak of.

23 Q. [9:57:10] Thank you, Mr Witness. Now I'm going to change area and I'm going
24 to be putting some questions to you surrounding the circumstances of your
25 evacuation from Mbaïki.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 So, in your statement you provide a lot of detail. You say that these were vehicles
2 that came with the Chadian army. Now, can you tell us, how did -- how did it
3 exactly go, the evacuation process? Could the family stay all together when they
4 were -- when they boarded the vehicles?

5 A. [9:57:58] Thank you for your question. When we were assembled at Mbaïki,
6 the Chadian soldiers arrived with their vehicles and they parked them by the
7 roadside and they -- they made it obligatory for everybody to get on the vehicles,
8 irrespective of whether you were with your family or not.

9 Q. [9:58:35] And you, yourself, Mr Witness, I've understood that you had members
10 of your family who were there at Mbaïki at the time. So, without revealing their
11 names - because remember we're in open session - were you able to get on the same
12 vehicle as your family?

13 A. [9:59:05] No. No, no. We only met up at the airport. We got to the airport
14 separately. I was with two children and the soldiers gave us the order to get on
15 board the vehicle. My wife and other members of the family, they left separately
16 and then we all met up again at the airport.

17 Q. [9:59:45] Thank you, Witness. To the best of your knowledge, were -- among
18 the people who were evacuated from Mbaïki, were there Seleka as well?

19 A. [10:00:08] The Seleka left a long time before the arrival of the Anti-Balaka in the
20 town of Mbaïki.

21 Q. [10:00:25] Witness, among the people, the Muslims who were evacuated from
22 Mbaïki, I know that it's a long time ago, but could you give us an idea of the
23 proportion of the number of women and children that there were among these
24 displaced persons?

25 A. [10:00:55] Thank you. In total, there were 20 vehicles. Each could transport

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 almost 80 persons without their luggage. These vehicles just transported persons.

2 Q. [10:01:21] Thank you, witness.

3 What I would like to know, among the refugees, there were women, there were
4 children, there were the elderly as well. I would like to know, were there a lot of
5 women, were there a lot of children?

6 A. [10:01:52] A lot of children, a lot of small children. And there were a lot of
7 women, and some of them fainted in the vehicles.

8 Q. [10:02:11] And were there more women than men among the displaced persons?

9 A. [10:02:30] There were a lot of women and children. They were more numerous
10 than men.

11 Q. [10:02:43] So, witness, I'm going to the last theme in my examination, the
12 conditions in -- of life in the camp.

13 Now, first of all, in the refugee camp of Sido, now could you give us a general idea of
14 the number of people who had taken refuge in the camp?

15 A. [10:03:20] It's difficult for me to estimate the number. There were a lot of
16 people. I can't give an exact number.

17 Q. [10:03:39] I understand that it's a very difficult exercise. I know you can't give
18 an exact number, but was it approximately a hundred, a thousand, more than a
19 thousand?

20 A. [10:04:04] It was a lot. It was beyond a hundred. It was definitely over a
21 hundred. I can't estimate the number of people. But I wasn't calm; I didn't have the
22 opportunity to count the number of refugees.

23 PRESIDING JUDGE SCHMITT: [10:04:29] Well, I think this is absolutely
24 understandable.

25 I know it's in your statement, but if you recall it today, because it fits well with what

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 we are discussing now, how many trucks were there to transport you and the other
2 citizens, Muslim citizens, to this refugee camp?

3 THE WITNESS: [10:05:07](Interpretation) There were approximately 20 -- 20
4 vehicles, I would say, which were requisitioned to transport refugees.

5 PRESIDING JUDGE SCHMITT: [10:05:20] And I understand from your written
6 testimony, which is part of your testimony today, too, that these were big military
7 trucks. Do you have an idea how many people were put into one of these trucks?
8 Only roughly, of course, only an estimate. If you are not able to do so, please tell us,
9 but if you have an estimate how many people were in one truck, perhaps can you tell
10 us this number.

11 THE WITNESS: [10:06:17](Interpretation) I would estimate the number that can be
12 transported by a vehicle at 80 persons.

13 PRESIDING JUDGE SCHMITT: [10:06:26] Thank you very much. And all these
14 people, were they transported to this refugee camp in Chad?

15 THE WITNESS: [10:06:48](Interpretation) Firstly, they were put in a given space,
16 situated in a military camp in Sido. And we spent the night there and it was the next
17 day that a vehicle came to take care of us.

18 PRESIDING JUDGE SCHMITT: [10:07:13] Thank you, Mr Witness. I think --

19 THE INTERPRETER: [10:07:17] Correction from the interpreter: The HCR came to
20 take care of us.

21 PRESIDING JUDGE SCHMITT: [10:07:22] Yeah, I thought so. Thank you very
22 much.

23 Mr Belbenoit, I think that's enough on that, no? There might also be UN reports on
24 how many people ended up there, but at least we have an estimate, you know, how
25 many were transported from the region to Chad.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Please continue.

2 MR BELBENOIT-AVICH: [10:07:45](Interpretation)

3 Q. [10:07:46] Witness, among the refugees who were present in the camp, did some
4 of them come from other localities, other than Mbaïki?

5 A. [10:08:20] Yes. When we arrived, people from Boali were already in place and,
6 afterwards, those from Bambari came.

7 Q. [10:08:33] And these people from Boali and Bambari when they came, what
8 religious denomination were they?

9 A. [10:08:55] They were all Islam.

10 Q. [10:08:58] Did you have the opportunity to have any discussions with these
11 people?

12 A. [10:09:13] Yes. There wasn't really a great degree of familiarisation, but we did
13 play football together and we also would have some fun together. But with regards
14 to familiarisation, that wasn't really deep.

15 Q. [10:09:41] Did these people tell you why they left their houses in Boali and
16 Bambari to come to Chad?

17 A. [10:10:04] They said nothing. But it was clear, everybody knew that it was
18 because of the Anti-Balaka that we were there. Everybody knew that.

19 Q. [10:10:20] Thank you, witness. You explained in your testimony that the
20 conditions in the camp were poor. Could you explain what the conditions of life
21 were like in the refugee camp that you were in?

22 A. [10:10:46] Yes. At the beginning we were looked after by the HCR. What the
23 HCR would give us, I could give an example. I'm a family father, I have several
24 children, and they would give the products, but they weren't sufficient for us and that
25 was the reason why we had to leave the camp.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Q. [10:11:12] And what were the conditions, the health and sanitary conditions?

2 Were there toilets? What were the hygienic conditions like?

3 A. [10:11:39] Well, we were deported to Kaidama (phon). That was a seat which

4 had no toilets and the HCR helped us to build them ourselves, to build latrines.

5 PRESIDING JUDGE SCHMITT: [10:11:54] Mr Belbenoit.

6 Mr Witness, was there schooling for your children?

7 THE WITNESS: [10:12:18](Interpretation) No, there was a -- well, there was a school

8 in the camp, but when it comes to the conditions for learning, they weren't at all

9 viable. They were not at all agreeable. The children were sat on the ground, so you

10 couldn't hope that they would get a good schooling with this type of education.

11 PRESIDING JUDGE SCHMITT: [10:12:55] And do you recall how long you and

12 your family stayed in the refugee camp?

13 THE WITNESS: [10:13:10](Interpretation) Family and myself, we spent several

14 months -- several years there. And, currently, I have children who are still in that

15 refugee camp.

16 PRESIDING JUDGE SCHMITT: [10:13:25] Mr Belbenoit-Avich.

17 MR BELBENOIT-AVICH: [10:13:34](Interpretation)

18 Q. [10:13:35] Witness, I'm coming to my last question. Could you explain to us,

19 without giving identifying information of course, what the impact of your

20 displacement and your leaving Central African Republic was for the life of your

21 family?

22 A. [10:14:10] Yes. There was a very negative impact. We lost everything. We

23 were sleeping in difficult conditions and the children had problems when it came to

24 accessing health care. We were confronted with lots of different problems.

25 Q. [10:14:41] Thank you, witness.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Private Session)

ICC-01/14-01/18

1 MR BELBENOIT-AVICH: [10:14:43](Interpretation) And just an issue by way of
2 clarification, in private session, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:14:48] Yes, we go to private session.
4 (Private session at 10.15 a.m.)

5 THE COURT OFFICER: [10:15:09] We're in private session, Mr President.

6 MR BELBENOIT-AVICH: [10:15:21](Interpretation)

7 Q. [10:15:22] Witness, could you give us the age of your children at the time that
8 you had to leave Mbaïki?

9 A. [10:15:38] The older one was -- or the oldest one was (Redacted) years old. Do
10 you want me to give the ages of all the children?

11 Q. [10:15:50] Yes, if you would, witness; the ones that were with you.

12 A. [10:16:01] One child was (Redacted) another (Redacted) another (Redacted)
13 another (Redacted) another (Redacted) and with regards to the others, I can't
14 remember. I would have to consult their birth records.

15 PRESIDING JUDGE SCHMITT: [10:16:39] Well --

16 MR BELBENOIT-AVICH: [10:16:42](Interpretation)

17 Q. [10:16:43] Witness - and this really is my last question - you explained that some
18 of your children are still in the refugee camp. How many children of yours are still
19 in the refugee camp?

20 A. [10:17:01] I still have (Redacted) children in Chad in the refugee camp.

21 MR BELBENOIT-AVICH: [10:17:10](Interpretation) Your Honour, we can go back
22 into open session.

23 PRESIDING JUDGE SCHMITT: [10:17:15] Open session.
24 (Open session at 10.17 a.m.)

25 THE COURT OFFICER: [10:17:34] We're back in open session, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 MR BELBENOIT-AVICH: [10:17:43](Interpretation)

2 Q. [10:17:43] Witness, I'd like to thank you very much for your patience and for
3 your answers. I've finished with my examination-in-chief.

4 PRESIDING JUDGE SCHMITT: [10:17:51] Thank you very much.

5 I have one question as the Presiding Judge, Mr Witness.

6 What are your wishes for yourself, personally, and for your family, your children, for
7 the future?

8 THE WITNESS: [10:18:28](Interpretation) My greatest wish is to be able to live with
9 my entire family, those who are in Chad. We've been separated since '96.

10 THE INTERPRETER: [10:18:48] Says the witness.

11 THE WITNESS: [10:18:50](Interpretation) We are living in perfect harmony and my
12 greatest wish is that we should be able to be together once again and to live as we
13 were doing at the time.

14 PRESIDING JUDGE SCHMITT: [10:19:06] Thank you very much, Mr Witness.

15 I give the floor, if you have further questions, to Ms Massidda as representative of the
16 victims.

17 MS MASSIDDA: [10:19:19] Yes, your Honour, I have -- despite the fact that both the
18 Presiding Judge and the Prosecution has already covered some, I have three or four
19 more questions.

20 QUESTIONED BY MS MASSIDDA: (Interpretation)

21 Q. [10:19:37] Good morning, sir. I am very pleased to see you. You know that
22 myself and Maître Dangbo, we represent you in these proceedings as well as other
23 victims participating in the case. You have already spoken about your victimisation
24 and that of your family as well. I just have two or three questions by way of
25 clarification. The first concerns your evacuation from Mbaïki.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 How many members of your family were evacuated? How many of you left

2 Mbaïki?

3 A. [10:20:34] There were 13 of us.

4 Q. [10:20:38] There were also your two wives; is that correct?

5 A. [10:20:51] That's correct.

6 Q. [10:20:52] Now, in paragraph 13 of your statement, your witness statement, you
7 indicated that prior to the events you had a certain financial stability and that your
8 life was quite comfortable. You had financial stability and a comfortable life. And
9 you also said in your witness statement that the losses that you suffered in your
10 village of which -- the village which you are from, but also after Mbaïki and thereafter,
11 you describe those. Are you able to estimate the amount of losses due to your
12 displacement, the total amount?

13 A. [10:21:54] At that time I had {ICR: (Redacted)}. And because I entrusted it to {ICR:
14 (Redacted)} I lost everything. That was the first fact. And in {ICR: (Redacted)}
15 at least, and I had {PFR: (Redacted)} I had {PFR: (Redacted)}
16 {PFR: (Redacted)}. Those -- that's what I kept -- well, that's what I
17 remember. But where it concerns smaller materials, I no longer remember. But
18 what I do remember is that I lost a considerable amount.

19 Q. [10:22:49] And how many houses did you have at the time before the events?

20 A. [10:22:59] I had two houses and two wives.

21 Q. [10:23:08] What was your feeling when you left Mbaïki on 6 February 2014?

22 A. [10:23:37] I thought I would come back within a month, or a week. I never
23 imagined that I would stay such a long time far from Mbaïki.

24 Q. [10:23:51] You indicated that certain members of your family are still in Chad
25 and that you would like to be reunited with them, and you also described the

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 conditions of life when you arrived in Chad. Have these living conditions changed
2 in the meantime?

3 A. [10:24:29] No, no. These living conditions have not improved.

4 Q. [10:24:38] And my last question, witness. How many dependants do you have
5 today? For how many people do you have to provide for in terms of economic or
6 financial aid?

7 A. [10:25:05] So, there are 13 people I'm responsible for, including both my wives,
8 my mother, and my younger brother.

9 Q. [10:25:18] And how can you face the needs of your family?

10 A. [10:25:38] I try to find some money so that I can take care of the ones who are
11 abroad, and those who are with me, with the little that I am able to find.

12 Q. [10:25:54] Thank you very much, Witness.

13 MS MASSIDDA: [10:25:58] Thank you, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:26:00] Thank you, Ms Massidda.

15 I assume, Mr Suprun, you don't have questions? No.

16 It's now the turn of the Defence of Mr Yekatom. You know my question, you can
17 anticipate it, Ms Dimitri.

18 MS DIMITRI: [10:26:13] I do. I do, Mr President. Thank you.

19 Our suggestion, because obviously we're going to cut down substantively, and we all
20 would like to finish before the lunch break, so our suggestion is if we take the break
21 now and resume at the normal 11:30, we will be done before 1 o'clock for sure.

22 PRESIDING JUDGE SCHMITT: [10:26:29] Break until 11:30.

23 MS DIMITRI: [10:26:30] Thank you.

24 PRESIDING JUDGE SCHMITT: [10:26:31] Thank you.

25 THE COURT USHER: [10:26:32] All rise.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 (Recess taken at 10.26 a.m.)

2 (Upon resuming in open session at 11.33 a.m.)

3 THE COURT USHER: [11:33:06] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [11:33:29] So we turn now to the examination by the
6 Defence of Mr Yekatom. I give Ms Casiez, I assume, the floor.

7 MS CASIEZ: Thank you, Mr President.

8 QUESTIONED BY MS CASIEZ: (Interpretation)

9 Q. [11:33:51] Good morning, Mr Witness. We met briefly last week during the
10 courtesy meeting, but let me introduce myself again. My name is Lena Casiez and I
11 work within Mr Alfred Yekatom Rambo's Defence team.

12 I am going to be putting some questions to you this morning and you'll see it'll be
13 very short. Just as the Prosecution said, your statement is replete with detail, so I'm
14 just going to home in on one or two points for which I seek clarification. Is that all
15 right?

16 A. [11:34:38] Yes, I agree.

17 Q. [11:34:49] Now, I should be able to put all my questions in open session, but if
18 you want to give information that may reveal your identity, then just warn me and I'll
19 ask leave of the Presiding Judge so that we can move into private session.

20 So let me begin. I'm going to be referring to your statement most of the time, in fact,
21 as you'll see. So paragraph 19 in your statement, you say, when talking about the
22 Seleka at Pissa and you say they would -- they would interact aggressively with
23 everybody. So when you say "everybody", do you mean the entire population
24 without any distinction, indiscriminately; is that right?

25 A. [11:36:01] Yes, that's right.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Q. [11:36:07] Thank you.

2 In your statement you also explain that {ICR: (Redacted)
3 (Redacted)}, but you also said in paragraph 23 that some Muslims collaborated with
4 the Seleka. And you also spoke of the chief of the Arab neighbourhood in Pissa who
5 was a butcher. So are you referring to Chief Barbadi? Is that the person you're
6 referring to, Mr Witness?

7 A. [11:36:47] Yes, I am indeed talking about him.

8 Q. [11:36:57] Thank you. Do you know whether the Seleka ate or slept at that
9 person's house?

10 A. [11:37:15] Yes, they interacted with him regularly.

11 Q. [11:37:24] Thank you. Do you know whether Chief Barbadi was an informant,
12 acted as an informant for the Seleka?

13 A. [11:37:46] I'm not able to confirm that. I cannot confirm that.

14 Q. [11:37:57] Not a problem, Mr Witness. That's perfect. If you know, then you
15 say so, and if you don't, well, that's not a problem at all.

16 Do you know whether weapons were stored at Chief Barbadi's house or do you know
17 whether the Seleka would sometimes leave their weapons at his house?

18 A. [11:38:28] No, I knew nothing about that.

19 Q. [11:38:37] Thank you. Now, my last question on this particular area: Did you
20 ever hear that Chief Barbadi had a weapon?

21 A. [11:39:00] *I did hear about it, but I didn't see it with my own eyes either.

22 Q. [11:39:17] Thank you. So a moment ago you said that the Seleka interacted
23 with Chief Barbadi, so I surmise from that that they were in his house from time to
24 time -- so they were at his house regularly, rather than from time to time. So do you
25 recall anything else that Chief Barbadi did with the Seleka, another form of

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 collaboration between the two?

2 A. [11:40:06] No. I'm not well informed. I saw them going to his house, but I'm
3 unable to tell you what they said to each other.

4 Q. [11:40:32] Thank you. It's clearer in my mind than a few moments ago at least.
5 Let me move on.

6 In paragraph 29 of your statement you talk about a clash between the Anti-Balaka and
7 the Seleka at Pama about a month after hearing about the Siriri. Now, I don't need to
8 revisit the clash per se, that comes across pretty clearly in your statement. I'd simply
9 like to have some sort of time frame for this particular incident. Do you know
10 whether that clash at Pama was prior to 5 December?

11 A. [11:41:32] I wasn't an eyewitness. I only heard about it.

12 Q. [11:41:45] So, as I've understood, you weren't an eyewitness and that you heard
13 talk of that, but do you remember whether you heard about it before 5 December?

14 A. [11:42:10] I heard about it before 5 December.

15 Q. [11:42:19] Thank you for rummaging around for those dates. Much
16 appreciated. Let me move on to another area.

17 In paragraph 34 and 35 in your statement, you talk about a video report by France 24
18 TV channel. You saw that on the TV and you say that you saw a clash between the
19 Anti-Balaka and the Seleka at PK9. Now, thanks to the description you offered, I
20 was able to retrieve the report that you were referring to and I'd just simply like us to
21 look at this so you can confirm that it was -- that it is, indeed, the same TV report that
22 you're referring to.

23 This is tab 1 in the Defence binder, CAR-OTP-2118-0723. It's two minutes 16. We
24 can play it in its entirety.

25 And the transcription for the interpreters, it's tab 2 in the Defence binder,

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 CAR-D29-0006-0761.

2 We can broadcast this in open session.

3 And, Mr Witness, I'll let you look at it and then we'll return to our
4 question-and-answer exchange.

5 A. [11:43:55] very well.

6 PRESIDING JUDGE SCHMITT: [11:44:28] May I? What's the problem? Is it not
7 available?

8 THE COURT OFFICER: [11:44:40] The video is not available in Nuix. It's the
9 metadata, but it's too large and we cannot download it.

10 PRESIDING JUDGE SCHMITT: [11:44:49] So, you want to show it, perhaps you can
11 help us, what we can do. And if not, we have to make do without the video. We
12 can't solve this now.

13 MS CASIEZ: [11:45:03] If I can just have one minute.

14 PRESIDING JUDGE SCHMITT: [11:45:05] Of course. Of course.

15 (Counsel confers)

16 PRESIDING JUDGE SCHMITT: [11:45:42] So could you play it from your position,
17 or is it not possible?

18 MS DIMITRI: [11:45:49] We could, but I was told I was off duty today so I didn't -- I
19 didn't put it on this computer, but if you give us a few seconds the team is sending it
20 to us and then I can do that.

21 PRESIDING JUDGE SCHMITT: [11:46:02] Absolutely. Yes, absolutely. No,
22 no -- no problem.

23 MS CASIEZ: [11:48:01] It's really a question of seconds, now, so it's coming.

24 PRESIDING JUDGE SCHMITT: [11:48:06] Okay. Good.

25 THE INTERPRETER: [11:48:23](Interpretation of the video extract) "Beyond this

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 roadblock, the PK9 Bridge is the" --
2 MS CASIEZ: [11:48:41] Okay, normally it's on the screen --
3 PRESIDING JUDGE SCHMITT: [11:48:44] Well, at least we have a picture on the
4 screen, so this is a huge development.
5 MS CASIEZ: [11:48:48] And this is the video.
6 PRESIDING JUDGE SCHMITT: [11:48:49] And once the picture starts moving, we
7 would really be on a good side here.
8 (Playing of the video excerpt)
9 THE INTERPRETER: [11:48:55](Interpretation of the video extract)
10 "Beyond this roadblock, the PK9 Bridge is the principal supply chain for Bangui and,
11 henceforth, a focal point for the clashes between the Seleka and the Anti-Balaka
12 militia.
13 Since their president's resignation, these fighters are leaderless but they still offer an
14 effective resistance against their enemies.
15 For three days now, we're watching each other, but when they don't fire on us, then
16 we mustn't respond. But yesterday they decided to open fire on us and so we
17 riposted.
18 On the other side of the bridge, the Anti-Balaka fighters.
19 Hello, sir, how are you?
20 All right.
21 All right?
22 Yeah?
23 For the time being, both groups are watching each other, but these home-made
24 rockets are ready to be used. Less than 200 metres separate the two lines of
25 combatants.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

- 1 The *caporal-chef* Rambo is in command of this small group.
- 2 No, no, no. No, no, no. We didn't attack. There wasn't even a shot fired here.
- 3 They were firing upon us.
- 4 These mercenaries need to leave. We, straightaway -- they want to push those
- 5 people back and we're going to take PK9 and then it will be finished. We're working
- 6 with the French army.
- 7 Working with the French army, a project for both camps, but for the time being, not
- 8 very realistic.
- 9 We have to make sure that given -- there's no government, they have done the most
- 10 they can to reach peace.
- 11 You have to open up the roadblock. I'm going to cross. I'm going to be going with
- 12 two vehicles. I'm going to explain them this evening. I'm here, and if there's firing,
- 13 I will respond.
- 14 The Seleka have warned us, whoever uses weapons will suffer -- receive fire from the
- 15 French. And for the Anti-Balaka, the same message.
- 16 They have to go through here, but it had to be said, they mustn't shoot on us, such as
- 17 yesterday night, they fired."
- 18 THE INTERPRETER: [11:51:11] The interpreter hasn't finished the sight translation.
- 19 Will I continue, your Honour?
- 20 PRESIDING JUDGE SCHMITT: [11:51:17] Yes, please.
- 21 THE INTERPRETER: [11:51:19](Interpretation of the video excerpt)
- 22 "There -- they know what it will cost and it will be the same for everybody. The
- 23 person who makes the first aggression will be eliminated. All right?
- 24 Okay.
- 25 What?

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 What happened around this bridge is symptomatic of the crisis which today is tearing
2 Central African Republic apart. On the one side, there are Anti-Balaka militia people;
3 on the other, we have the Seleka forces; and, in the centre, the international force
4 which is trying to avoid a bloodbath."

5 PRESIDING JUDGE SCHMITT: [11:51:49] Thank you. And, for the record, a small
6 correction of the transcript. The English version of the transcript is
7 CAR-OTP-2118-0723.

8 Please, Ms Casiez.

9 MS CASIEZ: [11:52:12](Interpretation)

10 Q. [11:52:12] Mr Witness, I think now you will have seen the video extract. Does
11 this tally in your memory with the -- the TV footage that you saw and that you made
12 mention of in your statement?

13 A. [11:52:33] Yes, yes; it's that one.

14 Q. [11:52:46] In terms of the date, in the metadata we have 12 January, and at a
15 given point in time one of the Seleka says, "For the last three days, we've been
16 watching each other". Does that accord with your memory -- in other words, that
17 this TV report dates back to 12 January?

18 A. [11:53:11] I can't remember the exact date but, quite obviously, it is indeed this
19 TV report that I was referring to.

20 Q. [11:53:33] Thank you. I can quite understand that the exact date is difficult to
21 recall. But a last question: Paragraph 35 in your statement, you say, and let me
22 quote:

23 "The Sangaris [officer gave the order to Rambo] and his group to remain where they
24 were and if there was any shooting the Sangaris will react. The France 24 report
25 ended here."

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Now, should I understand from this that the report we've just seen corresponds to
2 everything that you saw at that particular time?

3 A. [11:54:24] Yes, it's indeed what I saw.

4 Q. [11:54:34] Thank you, Mr Witness.

5 Now, I'm going to move on to another topic now. In paragraph 65 of your statement,
6 you say that Salam Abdoul, the president of the young Muslims in Mbaïki, met
7 Mamazen, a representative of the Mbaïki traders, who called the Chadian embassy so
8 that this latter would send vehicles to collect people because the situation in Mbaïki
9 was fraught.

10 So, my first question: When you talk about Salam Abdoul, are you talking about
11 Mr Abdoul Salam Amousamil who is president of the young Mbaïki Muslims? Is
12 that the person you're referring to, Mr Witness?

13 A. [11:55:31] Yes. He had returned from Bangui and he then became their
14 chairman or president, so it is indeed him.

15 Q. [11:55:51] Thank you. And when you talk about Mamazen, you're talking
16 about Mahamat Zene; is that right?

17 A. [11:56:07] Mamazen. Maybe you didn't transcribe it properly.

18 Q. [11:56:21] Thank you. Mamazen is his first name, his second name, his family
19 name?

20 A. [11:56:35] That's what I can tell you -- Mamazen.

21 Q. [11:56:41] All right, thank you.

22 Mahamat Hissène, alias Debat, a Muslim trader in Mbaïki, do you know that person?

23 A. [11:57:04] Yes, I do know that person. Yes, I do know him.

24 Q. [11:57:18] Thank you. Did you ever learn that he had been rejected by the
25 Mbaïki community because he had supported a rather bloodthirsty Peuhl group?

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 A. [11:57:45] I never heard talk of that.

2 Q. [11:57:51] That's not a problem. Thank you.

3 Perhaps I can move on to another area. In paragraph 45 of your statement you talk
4 about the point when the Sangaris forces leave Mbaïki for Boda. Now, would you
5 agree when I say that the Sangaris left for Boda several days before you, yourself,
6 were evacuated on 6 February; is that right?

7 A. [11:58:29] Yes, that's right.

8 Q. [11:58:39] Thank you. Once again, I'm going to move to another area. You'll
9 see my question is a bit lengthy. I will try to shorten it as much as I can. In
10 paragraph 55 of your statement you said that When Rambo and his men arrived in
11 Mbaïki they wanted to go to the centre of town immediately but the Sangaris troops
12 and Bishop Rino stopped them at the Cathedral.

13 Now, I've got a written document here before me written by Mr Abdoul Salam, the
14 representative of the Muslim youth that we talked about earlier on, and here I read
15 that the person who summoned that meeting was the bishop of the St Jeanne D'Arc
16 church in Mbaïki, Mr Rino. Lots of things occurred in the country and he didn't
17 want him -- he didn't want to see war break out in Mbaïki, and when the Seleka left
18 Pissa, Rambo's elements took over. The bishop, therefore, summoned a meeting that
19 should gather together both communities, including Rambo's elements. Does this
20 tally with what Mr Abdoul Salam explained to you, if you recall?

21 A. [12:00:33] Yes. That's the way it was.

22 Q. [12:00:46] Thank you.

23 MR BELBENOIT AVICH: [12:00:47](Interpretation) I'm sorry.

24 PRESIDING JUDGE SCHMITT: [12:00:50] Yes.

25 MR BELBENOIT-AVICH: [12:00:53] (Interpretation) It would be useful to have the

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Private Session)

ICC-01/14-01/18

1 reference to this document in the transcript, your Honour.

2 PRESIDING JUDGE SCHMITT: [12:01:02] Yes. Could you provide us with the
3 reference?

4 MS CASIEZ: [12:01:06] *Oui*. Sorry, I have it, but I didn't...
5 (Interpretation) Document T-230 at 12:42.

6 Q. [12:01:25] Witness, this morning you spoke about the fact that you had seen
7 Anti-Balaka witnesses who had asked for money from Muslims in Mbaïki and you
8 said that --

9 MS CASIEZ: [12:01:49] Maybe just for -- to be sure, maybe we could go to private
10 session just for that question, Mr President.

11 PRESIDING JUDGE SCHMITT: [12:01:54] Yes.

12 Yes, we have a protected witness and, therefore, we have to go, for this question, into
13 private session.

14 (Private session at 12.02 p.m.)

15 THE COURT OFFICER: [12:02:25] We're in private session, Mr President.

16 MS CASIEZ: [12:02:33] Thank you, Mr President.

17 Q. [12:02:41](Interpretation) Witness, I prefer to go into private session because
18 we're speaking about a specific moment when you were present, so I would prefer to
19 avoid any risk of identifying you.

20 So, this morning - and also in your statement in paragraph 58 - you spoke about the
21 fact that at a certain time, Anti-Balaka were asking for money from Muslims and you
22 said that you were there with a brother, if I remember what you said this morning.
23 Were you speaking about Mr Abdoul Salam?

24 A. [12:03:29] Abdoul Salam. I was speaking about certain Muslim brothers. I
25 was with them and -- at the time when the Anti-Balaka introduced themselves to

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Private Session)

ICC-01/14-01/18

1 present their demands; so it was not Abdoul Salam.

2 Q. [12:03:53] Could you, witness, give me the name of the persons with whom you
3 were with, if you remember them, or certain persons who you were with?

4 A. [12:04:24] Well, as it was a long time ago, I can't remember the details, but I was
5 with my Muslim brothers next to their shop. We were together when things
6 happened, but I can't remember their exact names.

7 Q. [12:04:52] No, problem.

8 MS CASIEZ: [12:04:54] Mr President, we can go back into public session.

9 PRESIDING JUDGE SCHMITT: [12:04:57] Open session.

10 (Open session at 12.05 p.m.)

11 THE COURT OFFICER: [12:05:15] We're back in open session, Mr President.

12 MS CASIEZ: [12:05:27](Interpretation)

13 Q. [12:05:29] Witness, I'm going back a moment to the time frame of events to be
14 able to understand your statement and what you've said this morning to the Office of
15 the Prosecutor.

16 So, in your statement, in paragraph 54, you speak about the meeting at St Jeanne
17 d'Arc cathedral at which Mr Yekatom attended. And then, afterwards, you say - and
18 this is still in the same paragraph - "I didn't see the delegation leave the cathedral after
19 the meeting -- "I didn't see the delegation leaving the cathedral after the meeting."
20 And later, you say: "Later I saw the Anti-Balaka arriving in the centre of Mbaïki [...] I
21 did not see Rombhot."

22 Now, here I have a document written by Mr Abdoul Salam. So we spoke about him.
23 And he said - speaking about the meeting at the cathedral - the elements of
24 Mr Yekatom's movement were not numerous. There were about 10 of them. It was
25 after this meeting, the next day, that the Anti-Balaka entered into the town of Mbaïki.

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 Yekatom was not one of the people in this group.

2 The document is T-230, 14:18 and 24.

3 Witness, does this also correspond with your memory, what I have just read to
4 you -- 14:18 and 14:24?

5 A. [12:07:24] On that day I didn't see Rambo myself and when Abdoul Salam was
6 in the meeting, the imam of Mbaïki and the president of the youth was at the meeting.
7 It was after the meeting that the Anti-Balaka came into the town and it was the first
8 time that I had seen them.

9 So I would repeat: I didn't see Rambo on that day but it was -- it was when they had
10 the meeting close to the big market.

11 Q. [12:08:02] It's a bit clearer for me, witness. I'm just going to put a question, an
12 additional question, to you: Do I understand correctly from what you say that, first
13 of all, there is the meeting in the cathedral and then the Anti-Balaka arrive? So there
14 were these two pickups that you saw as well. Would I be right to say that there's the
15 meeting in the cathedral and then the pickups arrive. That's the next day -- that that
16 takes place the next day or at least not on the same day?

17 A. [12:08:50] On the morning of the meeting, well, first of all, it was in the
18 afternoon, after the meeting that we went back home, and the next day, the two
19 pickups arrived and the population went there to see them.

20 Q. [12:09:30] Thank you, witness. It's a lot clearer for me, now.

21 I know that you didn't participate in the meeting, and that is what you say in your
22 statement where you say it's Abdoul Salam who stated what had happened -- I'm
23 sorry, the meeting in the Cathedral St Jeanne d'Arc. Would I be right to say that
24 Mr Abdoul Salam also reported to you that just after the meeting in St Jeanne d'Arc
25 cathedral, that Mr Yekatom left, just after the meeting, to go to Pissa?

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 A. [12:10:18] Yes, it's true, because Rhombot wasn't in the town.

2 Q. [12:10:30] Thank you for this additional clarification. Now, I just have one
3 more subject for you, witness. And in paragraph 62 of your statement you said, and
4 here I quote you: The attitude of the Christians in the town changed when the
5 Anti-Balaka arrived. They supported them. In reality it was the local population,
6 in particular, the young people, who were loading the vehicles at the bus station who
7 provoked us and they were trying to get the Anti-Balaka to come and attack us.
8 So the local youths used to load the vehicles at the bus station, in particular were the
9 ones who were provoking us.

10 Now, was it certain members of the local population? Were they mixed with the
11 Anti-Balaka when they arrived and were you able to see or did you hear that some of
12 them got into the vehicles when they arrived?

13 PRESIDING JUDGE SCHMITT: [12:11:35] Before you answer, Mr Witness,
14 Mr Belbenoit.

15 MR BELBENOIT AVICH: [12:11:44](Interpretation) I'm sorry, but, Mr President,
16 the question is quite complicated. There are two questions, so it would be good to
17 cut them in half, your Honour.

18 PRESIDING JUDGE SCHMITT: [12:11:53] Well, actually I agree. So perhaps you
19 can simply make two out of this one question.

20 MS CASIEZ: [12:12:01] Yes, of course, Mr President. Thank you.

21 Q. [12:12:15](Interpretation) I'm going to reformulate it in a more simple way,
22 witness.

23 In paragraph 62 of your statement, you stated that the attitude of the Christians in the
24 town changed when the Anti-Balaka arrived. They supported them. In reality, it
25 was the local population and, in particular, the ones who used to load vehicles at the

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

1 bus station, in particular, who were the ones who were provoking them, trying to get
2 the Anti-Balaka to come and attack us.

3 Do I understand that certain members of the local population were mixed up with the
4 Anti-Balaka from the moment they arrived?

5 A. [12:13:00] When the Anti-Balaka arrived, the people were courageous enough to
6 demonstrate, and they joined the Anti-Balaka and we started to be afraid. Things
7 became much more tense at this time.

8 Q. [12:13:43] Thank you very much for this clarification.

9 And among those who received them as -- received the Anti-Balaka, as you said, did
10 you see or hear that young local people from Mbaïki got onto the vehicles when they
11 arrived?

12 A. [12:14:07] I haven't understood your question.

13 Q. [12:14:13] No problem. I'll reformulate it, and then it's my last question.

14 Now, you saw the two pickups and you clarified that these were Hilux pickups.

15 You saw them when you were at the roadside.

16 Now, my question is: Did you see or hear that on these pickups some young local
17 people from Mbaïki had got onto them at the time when they arrived in the town?

18 A. [12:14:50] No. I didn't see them get into the pickups, but they were running. I
19 didn't see any local people who were standing in the vehicles, but they were running
20 alongside the vehicles as they were moving.

21 Q. [12:15:18] *Merci*.

22 MS CASIEZ: [12:15:19] Mr President, if I can have just one minute to consult --

23 PRESIDING JUDGE SCHMITT: [12:15:21] Of course, of course. Take your time.

24 (Counsel confers)

25 MS CASIEZ: [12:15:45](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-2389

(Open Session)

ICC-01/14-01/18

- 1 Q. [12:15:46] Thank you, witness. No further questions.
- 2 MS CASIEZ: [12:15:49](Overlapping speakers) Mr President, I have no further
- 3 questions for this witness.
- 4 PRESIDING JUDGE SCHMITT: [12:15:51] Thank you very much, Ms Casiez.
- 5 Mr Witness, this concludes your testimony. On behalf of the Chamber I would like
- 6 to thank you that you have made yourself available as a witness. We need witnesses
- 7 to establish the truth, who come forward, and for that we thank you; we appreciate
- 8 that.
- 9 We wish you and your family all the best for the future and a safe trip back home.
- 10 THE WITNESS: [12:16:29] (Interpretation) Thank you, to you.
- 11 (The witness is excused)
- 12 PRESIDING JUDGE SCHMITT: [12:16:32] The Court is adjourned.
- 13 THE COURT USHER: [12:16:35] All rise.
- 14 (The hearing ends in open session at 12.16 p.m.)