

Trial Hearing
WITNESS: CAR-D29-P-5015

(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 Ngaiissona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 13 December 2023
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:07] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:33] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:32:36] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaiissona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:54] Is there a problem, Ms Massidda?
21 MS MASSIDDA: [9:32:58] Yes, your Honour. I am unable to listen at anything, the
22 floor or translation or anything at
23 the moment.
24 PRESIDING JUDGE SCHMITT: [9:33:05] Well, I think it can easily be fixed, because
25 I think the volume is not okay, I would assume. Try the volume. It's the volume,

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1 Ms Massidda.

2 No problem.

3 Of course, also very important that -- good morning, Mr Perin. Do you hear us well?

4 WITNESS: CAR-D29-P-5015 (On former oath)

5 (The witness speaks French)

6 THE WITNESS: [9:33:32] *Oui*.

7 PRESIDING JUDGE SCHMITT: [9:33:33] Okay, so then everything is fine.

8 The appearances of the parties. First, the Prosecution, Mr Vanderpuye.

9 MR VANDERPUYE: [9:33:41] Thank you, Mr President. Good morning to you,
10 your Honours. Good morning, everyone. Good morning, Mr Perin. Today the
11 Prosecution is represented by Lucio Garcia, Yassin Mostfa, Tuomas Oja and myself,
12 Kweku Vanderpuye. Good morning again.

13 PRESIDING JUDGE SCHMITT: [9:33:54] And Ms Douzima or Ms Massidda?

14 MS DOUZIMA-LAWSON: [9:33:59](Interpretation) Thank you, your Honour, your
15 Honours. The victims of the other crimes are represented by Paolina Massidda,
16 Alexis Lariviere and Evelyne Komerwa Ombeni, and myself, Marie-Edith Douzima.

17 MS MARCHESI: [9:34:19] Good morning, Mr President, good morning, your
18 Honours, good morning, everyone in the courtroom. We are in the same
19 composition as yesterday. Thank you so much.

20 PRESIDING JUDGE SCHMITT: [9:34:24] Thank you. I turn to the Defence,
21 Ms Dimitri, next.

22 MS DIMITRI: [9:34:27] Thank you, Mr President. Good morning. Good morning,
23 your Honours. Good morning, everyone. (Interpretation) Good morning,
24 Monsignor Perin.

25 Mr Yekatom is in the courtroom, represented today by Ms Laurence Hortas-Laberge,

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1 Ms Anta Guissé, Ms Alexia Legault, Ms Sabine Bayssat, Mr Gyo Suzuki and myself,
2 Mylène Dimitri.

3 PRESIDING JUDGE SCHMITT: [9:34:52] Thank you.

4 Mr Knoops is next.

5 MR KNOOPS: [9:34:53] Good morning, Mr President, your Honours, good morning,
6 everyone. We are in the same composition as yesterday, thank you.

7 PRESIDING JUDGE SCHMITT: [9:34:59] Very well.

8 So -- and it's still the examination by Mr Vanderpuye. You have the floor.

9 MR VANDERPUYE: [9:35:10] Thank you, Mr President.

10 QUESTIONED BY MR VANDERPUYE: (Continuing)

11 Q. [9:35:13] Good morning again -- good morning, Mr Perin. Yesterday when we
12 left off, I had shown you a document. It was a news report regarding the visit of the
13 transition President to Mbaïki on 12 February 2014, and I told you that I would play
14 you her discourse on that day when you were present that she delivered in Sango.
15 So I would like to do that this morning.

16 For the record, it is tab 3 of the Prosecution binder, CAR-OTP-2023-1636. We'll play
17 from 19:05 -- 19:08 through 27 -- oh, you don't hear. Okay, one moment.

18 PRESIDING JUDGE SCHMITT: [9:36:06] The court usher will help you. Yeah, yeah,
19 okay, the court usher (Overlapping microphones)

20 THE WITNESS: [9:36:09](Interpretation) It's dropping.

21 PRESIDING JUDGE SCHMITT: [9:36:09] -- will help you, no problem.

22 Please wait a second, Mr Vanderpuye.

23 MR VANDERPUYE: [9:36:25] Can you hear me? All right.

24 So he's got the floor then I guess.

25 PRESIDING JUDGE SCHMITT: [9:36:30] It sounds promising, so -- but, of course,

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1 Mr Perin, when there are any problems, raise your hand and tell us, yeah, if there
2 are --

3 THE WITNESS: (Interpretation) [9:36:43] That is what I'm doing.

4 PRESIDING JUDGE SCHMITT: [9:36:45] Exactly.

5 Mr Vanderpuye, you were about to tell, also, I think, the interpreters where the
6 translation is, because I know for this one we have a translation.

7 MR VANDERPUYE: [9:36:55] Yes. For this one the translation is at tab 20 of the
8 Prosecution binder, CAR-OTP-00002254. Transcript pages should be -- it will go
9 from page 7 to page 9, beginning at line 179 and going through to line, I think it's 269.
10 So if the interpreters can let us know when they are ready, that would be good.

11 PRESIDING JUDGE SCHMITT: [9:37:28] Yeah, I see a thumbs-up, so we can start.

12 MR VANDERPUYE: [9:37:31] Also just for the witness because as I mentioned
13 yesterday, it's in Sango, so he, I believe, can listen to it in Sango. So he has the floor.
14 Ready, ready? Okay, we'll play it.

15 PRESIDING JUDGE SCHMITT: [9:38:03] Well, when you are ready, we can play it.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [9:38:06] (Interpretation of the video excerpt)

18 "The head of state of the transition has drawn the attention of the ANTI-BALAKA's
19 atrocities and has said that we need to consolidate peace in the CENTRAL AFRICAN
20 REPUBLIC.

21 Thanks to you, I was able to have the opportunity to come and express to this
22 population, which like the -- most of the populations of other prefectures has suffered
23 profoundly from the violence, the killing of these unconventional groups that are the
24 former SELEKA and the current ANTI-BALAKA. I am grateful to President
25 HOLLANDE for the accompaniment which has taken many forms that has been

1 provided to us continually, to try to stabilise this country, which has been profoundly
2 marked by several years of killing, of suffering of the people.

3 I would like now to address the people. I want to address the people in our national
4 language, because I have to awaken the people from their torpor. My dear children,
5 dear mothers, fathers, my heart is in great joy because today, thanks to our French
6 friends, I've been able to come here and be among you. My first time coming out to
7 the country, and I am here in Mbaïki to be with you for that first visit.

8 The events which took place in MBAÏKI, in LOBAYE, in the city of BODA and
9 BOGANAGOYE, the ones referred to by the prefect, were ones we have been
10 informed of, and it is with great sadness when the SELEKA arrived that they
11 mistreated you. Everyone was angry. Some of our compatriots mobilised to act
12 against what they were doing and they said that they could not accept to have you
13 suffer that way and they would mobilise as real patriots and they were given the
14 name ANTI-BALAKA ...

15 ... Now for some days, these compatriots have changed their behaviour. Now I have
16 learned that it is your brothers, the ANTI-BALAKA who are killing you, burning your
17 houses, or raping you, and mistreating you or looting you. Is that normal? Is that
18 normal?

19 You cannot continue to accept that all these different people will come and dominate
20 you, mistreat you, and then others will come back and crush you, make you suffer,
21 and then leave.

22 This peace we are speaking of that our friends, the white of the SANGARIS and the
23 MISCA, have come to help us re-establish, we have to be the first to feel concern in
24 our hearts, in our thoughts, in our families, all around us, when you see people killing
25 someone who is close to them with a machete, acting like a beast. Will you accept

1 this?

2 You cannot. Are you going to oppose this? We are opposed to this. These young
3 who are committing these atrocities of the ANTI-BALAKA, I have said when I came
4 here, I've been like a mother hen and the ANTI-BALAKA thought because I'm a
5 woman, I am weak. And now they are among you. They have become like a
6 resistance underground in the bush, and those who will do these things, they will pay.
7 Those who will commit atrocities on our compatriots, they will pay. I will ask the
8 SANGARIS and MISCA to go and seek them out, no matter where they are hiding.
9 If they will hurt you, we will hurt them ...

10 ... These ANTIBALAKAs are your brothers of each and every one of you, these
11 ANTIBALAKA. They are our children. When your child does something wrong,
12 do you not correct your child? So then why are you letting them do what they're
13 doing? React. Stand up. Refuse! It's not normal. These people who are
14 mistreating you, if you know their names, give me them. Once in my hands, we will
15 know what to do. The gendarmerie is lacking means. We will give them means.
16 The arrest house has been destroyed, and the SANGARIS, the MISCA, are here and
17 we -- (vous les ANTIBALAKA qui etes ici) the ANTIBALAKA who are here, we will
18 not mess around. I'm saying to the ANTIBALAKA, you have to stop! Stop! The
19 United Nations has given MISCA and the SANGARIS the power to kill you, to catch
20 you and throw you in jail. But I told them that we are all compatriots, and if they
21 began to kill, how can I manage this? We have to use diplomacy, using dialogue.
22 But I realise that they perceive this as weakness and there will be no clemency with
23 regard to them, and I want each and every compatriot to help the SANGARIS and the
24 MISCA to bring back peace and serenity to your country, to your communities.
25 Without peace coming back, foreign countries will not be able to help us. They will

1 say: Well, every time we provide them assistance, the next day the ANTIBALAKA
2 come and loot everything. When we want to do something, they will burn
3 everything.
4 They are not there to throw their money out the window. They will stop giving us
5 assistance. So I'm asking everyone. I don't have much to add. We're limited in
6 time, as you've heard, once here, where the mothers are giving advice, brothers giving
7 advice, children give advice, fathers give advice, so these events come to an end.
8 It is a disgrace that we see the ANTIBALAKA cutting people up with a machete, they
9 are eating human flesh and the entire world is aware of this. This is not normal.
10 That's what I wanted to tell you. I came here to just greet you. I cannot add much.
11 I will now give the floor to the minister of the administration of the territory. He
12 will see with the prefect ...
13 Everything will be done in keeping with law and order ... I have come with some
14 money. I have come with five million. We will give of this one million to the
15 prefecture, one to the city hall, one to youth, one to women. The rest will be a
16 million for defence, the gendarmerie, the police, so they can buy materials to
17 accomplish their missions. That's all I have to say."

18 MR VANDERPUYE: [9:46:21] Thank you to the interpreters. Thanks for that.

19 Q. [9:46:24] Mr Perin, you were able to hear the president's speech in Sango, and
20 you were present when she gave it, yes?

21 A. [9:46:41] Of course.

22 Q. [9:46:43] And what was your impression at the time that she gave that speech, in
23 terms of how she described the behaviour of the Anti-Balaka?

24 A. [9:46:51] I fully agree, the Anti-Balaka -- well, they had totally different realities.
25 They were acting very differently in the different areas, so I don't think it's said that

1 there was one chief; there were many groups. And so that every family had to be
2 able to give advice to their children, because it really was total chaos. Everyone was,
3 let's say, meting out, his or her own justice. That's what I knew. So I was delighted
4 to hear this statement once again. Thank you.

5 Q. [9:47:52] At the time that she gave this talk -- well, let me ask in a different way.
6 Since you had the meeting with Mr Yekatom and his people in January, had you seen
7 him again since he went outside and said the things you said, that if a Christian kills a
8 Muslim, I will kill him, and if a Muslim kills a Christian, I will kill him? Since then,
9 had you seen him again?

10 A. [9:48:27] No. After the meeting? Well, I saw him again once, but in a totally
11 different context. He had a beard and I thought I hadn't even recognised him. But
12 in terms of the events of why we had conducted that meeting, no.

13 Q. [09:48:43] Okay.

14 A. [09:48:44] And, moreover, that was not my problem, because I had just said the
15 situation was all over the place.

16 Q. [9:49:00] So he wasn't present when the president gave her talk on 12 February
17 where you were present, the *préfet* was present, and so on. Mr Yekatom wasn't there,
18 right?

19 A. [9:49:14] That is not what I said. I don't know. I don't -- I no longer remember.
20 Perhaps he was present. Perhaps he was present, but I did not speak to him.

21 Q. [9:49:25] Okay.

22 A. [9:49:26] I went to listen to the president of the transition, Catherine Samba.

23 Q. [9:49:35] Did you see any member of Mr Yekatom's group present when the
24 president was speaking?

25 A. [9:49:46] That was not my concern. How many times do you have to say this?

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1 My concern was that we be able to come to an agreement, so I was very happy, and I
2 spoke. There is my statement on that occasion. I spoke.

3 Q. [09:50:01] I don't --

4 A. [09:50:02] I said yesterday. So my concern was that the president come to give
5 advice to the people so that people would not continue to kill each other and not
6 continue to seek vengeance at all times any which way.

7 Q. [9:50:31] Mr Perin, my question is a simple one --

8 PRESIDING JUDGE SCHMITT: [09:50:30] No, Mr Vanderpuye, don't --

9 MR VANDERPUYE: [09:50:32] -- which is whether you saw him or not.

10 PRESIDING JUDGE SCHMITT: [09:50:34] No, no. Well, that --

11 MR VANDERPUYE: [09:50:35] And if you don't remember --

12 PRESIDING JUDGE SCHMITT: [9:50:36] No -- the witness has --

13 MR VANDERPUYE: [09:50:37] -- then you don't remember.

14 PRESIDING JUDGE SCHMITT: [09:50:39] Mr Vanderpuye, first of all, please don't
15 interrupt the witness.

16 The witness has clearly said that he did not see Mr Yekatom, did not speak to him,
17 and he has also clearly stated that the question, if someone of the group of

18 Mr Yekatom was present or not, it was not his concern. It is not difficult to deduce
19 from that a no, and you can be sure that the bench is able to interpret this correctly.

20 And, also, I say sometimes we interrupt witnesses when the answers get too long, but
21 in that case, the witness simply elaborated on why he said it was not his concern and
22 he might not have seen anybody of Mr Yekatom's group.

23 I think this is absolutely clear, so you might -- you may continue from there.

24 MR VANDERPUYE: [9:51:33]

25 Q. [9:51:33] You heard the President addressing the Anti-Balaka directly in her

1 speech just now?

2 A. [9:51:42] Yes, addressing the people and the Anti-Balaka who were present there
3 among the crowd. That's what she said.

4 Q. [9:51:55] Yes. So my question is at the time that she was addressing the
5 Anti-Balaka directly in the crowd, did at any point after the meeting, or after her
6 speech, did anybody follow up on that discourse in your presence? So, for example,
7 did anyone else come up after the meeting and talk about what she said about the
8 Anti-Balaka?

9 A. [9:52:23] I have no idea and I have no recollection of that.

10 Q. [9:52:39] Did you have any meeting after this among the members of the clergy
11 regarding the president's visit to Mbaïki?

12 A. [9:52:55] I don't remember having held specific meetings. I know that I greeted
13 the minister, Le Drian. I had something like that, and, of course, I greeted the
14 president, but the speech was very clear. I publicly spoke to everyone, so what else
15 was I supposed to do?

16 I cannot recall whether we spoke or say anything. It was just as it would have been
17 normally, but it was not a specific programme as a meeting that I would have
18 planned, for instance.

19 Q. [9:53:38] Okay. That's good to know as well. Now, I'd like to take you back to
20 something you said during the course of your direct examination. You were
21 describing your trip -- a trip you took where you picked up somebody. I think from
22 Boboua to bring to Mbaïki.

23 A. [9:54:00] It was not quite Boboua, it was near Boboua, before getting to Boboua,
24 leaving from Mbaïki.

25 Q. [9:54:13] Okay, so it's on the road, or the same road that goes between Boda and

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1 Mbaïki; is that right?

2 A. [9:54:26] Between Boboua and Mbaïki. It was past Boboua. There is Mbaïki,
3 Boboua and then Boda, 60 kilometres, or -- no, wait, 30 kilometres, 35 perhaps,
4 because Boboua-Mbaïki, that's about 60 kilometres. And altogether it's about
5 90 kilometres from Mbaïki to Boboua.

6 Do you want to know the distances? It's more or less that, but I see that in what I'm
7 being shown here, the distances are often wrong. It's not 80 kilometres between
8 Bangui and Mbaïki. There are many more kilometres.

9 Q. [9:55:20] I just want to know if it's on the same road or it's on a different road?

10 A. [9:55:23] It is the same. There are not 25 roads to go to Boda.

11 Q. [09:55:28] Okay.

12 A. [09:55:30] There's just one, it's Mbaïki-Boda, 90 kilometres.

13 Q. [9:55:38] That's exactly what I wanted to know, so thank you for that.

14 You describe picking up a Muslim on that road that you brought from wherever you
15 picked him up back to Mbaïki, yes?

16 A. [9:55:55] Yes. I said that on the way to Boda I was stopped and I was asked for
17 help. That was probably to pick up several people to bring them back to Mbaïki.
18 And I said "I cannot say, I don't know what the situation is in Boda."

19 And then in Boda, we did other things because we had gone not for those who had
20 stopped me, but for a program, what was on a program. And then on my way back,
21 they again stopped me and again asked me, and that's when this problem came up of
22 this man asking -- asking to bring him to Mbaïki, because the Chadian trucks had
23 already arrived in Mbaïki, or left Mbaïki, I don't know. But he -- given that he had
24 gone to Mbaïki with his family, and after that he then -- he went to Boboua to get
25 some things. So he was cut off, so he was asking for help so that I could take him

1 back to Mbaiki.

2 I didn't investigate this as to who he was. He was a Muslim, but what his name was,
3 where he lived, that was not my problem.

4 Q. [9:57:27] That's fine, but I'm going to try to be as specific as I can in my questions
5 so that you don't have to retell what you've already told.

6 You said that you went through a checkpoint and that the children recognised your
7 car and opened the checkpoint for you to pass. Where was that checkpoint?

8 A. [9:57:49] Yes. Yes. Well, there were checkpoints all over the place. Where
9 was it? I've already explained to you that this is a tree, a piece of wood, cut. That's
10 a checkpoint. Ha-ha. You can just imagine. So we stopped, like that.

11 So in this case, I, yes, was precisely scared, because if they are making this barricade,
12 it's not to check who's going by.

13 So, in my case, I knew myself and my car, especially -- well, people would recognise
14 that it's me. I'm always the one at the wheel of my car. So they did not stop me.
15 They opened it and I went through.

16 Is that clear? Is it clear? Must I repeat this, how many times, because I think it's
17 already the second time I'm saying this?

18 Q. [9:58:54] I think my question was where was the checkpoint. So I'm going to
19 try to be precise in my questions and maybe that will help so that you don't have to
20 repeat your answers.

21 You said now that there were several checkpoints. How many checkpoints were
22 there on the road between where you picked up this person and where you dropped
23 them off?

24 A. [9:59:16] I'm not going to say that every time you -- before you enter a village
25 there is a barricade or a barrier before you, you know, enter and then before you leave.

1 It was probably the first village before you enter the town. It was not my concern to
2 know exactly where the barrier was. It was to be able to get through without being
3 searched, without any investigation. That was it.

4 Q. [9:59:53] No, I -- I understand that. My question was how many checkpoints
5 did you go through, if you remember?

6 A. [10:00:00] I couldn't tell you. I think that it was the first checkpoint, the first
7 one was important. Afterwards, maybe they opened up the roadblocks before I
8 arrived, so I didn't even see if there was a roadblock or checkpoint or whatever. I
9 have no idea.

10 Q. [10:00:24] Okay. Were there checkpoints similar to the one you've described at
11 the entrance to Mbaïki, or closer to Mbaïki, coming from the direction of Boda?

12 A. [10:00:40] I told you, generally there was always a checkpoint before coming
13 into a village and leaving a village. Now, if there was one, where it was -- as I
14 was -- as I -- well, I have no idea, because there you could even change the place
15 where it was located if you put yourself in the situation I lived in. These were
16 checkpoints which weren't conventional ones; you could just put one up where you
17 wanted. A village which never had a checkpoint, you would arrive, and suddenly
18 you'd find they had put one up. That's the way it was. It's nothing written on
19 paper by the town hall or anything like that where you had to have a particular point
20 for one. It was done on the initiative of the villagers, and that shows all the more
21 that you couldn't control the whole situation because every village, every zone, was
22 doing what they thought to do or to get vengeance, or to do that sort of thing.
23 Furthermore, I think I said that it was the first car that went to Boda. There weren't
24 other cars at the time, because we stayed two months, I think, at the mission without
25 moving, in Mbaïki, and then I said, no, I'm going to Boda because I have to see what's

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1 happening. So I took up my courage and went.

2 Q. [10:02:27] Were checkpoints as the ones you've described found within the town
3 of Boda itself? Did they come up from time to time when you travelled within the
4 town?

5 A. [10:02:39] Well, entering Boda surely, definitely.

6 Q. Mbaïki I think I said.

7 PRESIDING JUDGE SCHMITT: [10:02:49] You said Boda.

8 MR VANDERPUYE: [10:02:51] Oh, then I'm mistaken.

9 PRESIDING JUDGE SCHMITT: [10:02:52] It's not -- it's not --

10 MR VANDERPUYE: [10:02:53] I will correct that.

11 PRESIDING JUDGE SCHMITT: [10:02:55] This is not a problem.

12 So the question is: In the town of Mbaïki, were there also several checkpoints, or
13 only, as far as you recollect, only at the beginning of the town and at the end,
14 perhaps?

15 THE WITNESS: [10:03:18](Interpretation) I think it was the entry. But within the
16 town, I didn't -- I have no idea. But even if there were any, given that I am from the
17 town myself, I can't be stopped. I wasn't stopped.

18 Now, thinking about it, I'm trying to remember if there was one next to the market, if
19 there was something. I can't -- I can't say that.

20 PRESIDING JUDGE SCHMITT: [10:03:46] Mr Vanderpuye, we would appreciate it
21 if you leave now the question of how many checkpoints were at a certain point,
22 because we have an abundance of evidence on that and the witness has made clear
23 that -- I think he has made clear what he can tell us about these checkpoints. So you
24 can now -- I think you have something in mind, you have a line of questioning, but
25 you can move on simply with that line of questioning.

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1 MR VANDERPUYE: [10:04:11]

2 Q. [10:04:11] You mentioned at the checkpoint you described that these children
3 came and opened it for you. How old were the children that you saw at that
4 checkpoint, and how many of them?

5 A. [10:04:23] You know, when it comes to the Central African Republic, you have
6 to be there, you have to know that those who were responsible for the checkpoints,
7 they're not the ones who are going to open it, they're going to lift up the wood, but
8 they send children, they send them, and they are the ones who go and take the wood
9 away when they've seen you. So, with regards to how old they were, that's
10 something I can't say. That's one of your questions, but I don't have the answer.
11 It's difficult. Normally these were young people, young people, because the
12 Anti-Balaka weren't old people, they were young people. They were the youth. So
13 I can say they were young people, youth.

14 Q. [10:05:20] Can you describe them? Were they small children or were they big
15 children, the ones you saw?

16 A. [10:05:33] When I say small children, they are running around everywhere and
17 they were the ones who were doing the work of taking away the roadblock, but they
18 weren't the ones who were commanding, it was the other ones who were sitting
19 behind their houses. They would tell the children "Go and open it up." It wasn't
20 my concern to know who they were, who it wasn't.

21 I don't know if I can better explain it, your Honour. I don't know how can I -- I can
22 better explain what it was. It wasn't my concern to know who they were. They
23 knew me. I didn't know them. Even yesterday -- just to go back to yesterday, why
24 I don't remember, it can help you understand because the work of a bishop isn't the
25 work of the curate, of my collaborators. They are the ones who are on the ground.

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1 They stay there. They are priests. They are in the villages, so they are with the
2 people, much more than me. I'd just see them in passing. I'd maybe see them once.
3 Even if I'm the authority, I see them once every six months and then it could be
4 another authority as well. Unless you have people with whom I work together,
5 that's --

6 PRESIDING JUDGE SCHMITT: Mr Vanderpuye --

7 THE WITNESS: [10:07:04] (Interpretation) -- such as Judith --

8 PRESIDING JUDGE SCHMITT: [10:07:14] -- let me just make an attempt.

9 Mr Perin, Mr Vanderpuye is not heading at the question who was sent these, as you
10 word it, children to the checkpoints and who was responsible for that. He asks if
11 you feel able to give an estimate about the ages. That is the question. And you can
12 answer -- you can say yes or no, or whatsoever.

13 THE WITNESS: [10:07:38](Interpretation) They were young people. They were
14 youth, but I can't set an age. What should I say? They were young people. What
15 age did they have? I don't know.

16 PRESIDING JUDGE SCHMITT: [10:07:47] Mr Perin, it's clear, you don't have to
17 say -- you don't have to say anything that you cannot responsibly say from your
18 conscience and from your recollection. You know, we have -- the question of age
19 plays a role in this case - you can perhaps imagine why - and we have asked several
20 witnesses, because birth certificates are often not available or they might, well, be not
21 the real thing, so to speak. So we ask specifically Defence counsel, also Prosecutor,
22 rightfully so, and they have to ask that, if a certain witness, when he speaks about
23 children he or she has seen, feels able to give an estimate about the ages. And that's
24 only -- this is what Mr Vanderpuye is heading at, not more, not less.

25 THE WITNESS: [10:08:44](Interpretation) I can't say that. I don't know. Is that

1 clear? I don't know. I don't know their age.

2 PRESIDING JUDGE SCHMITT: [10:08:50] Mr Vanderpuye, you can continue.

3 MR VANDERPUYE: [10:08:52]

4 Q. [10:08:54] You -- I heard it in French, I don't know if it's in the English
5 translation, but you said that -- you said the young people would send out, and I
6 think you said in French, *les petits enfants*. And my understanding of French is very
7 limited, as everyone knows, but there is a difference between *les jeunes* and *les petits*
8 *enfants*. So I would like to know what you mean when you say the young people, *les*
9 *jeunes*, would send out *les petits enfants* to move the peace of wood, or whatever.

10 What do you mean when you say *petits enfants*?

11 A. [10:09:35] Well, I'm trying to explain more. The checkpoints, that wasn't a new
12 element, simply during the period when there were the Anti-Balaka. In the Bokassa
13 period, over 10 years previously, there were always checkpoints there, in order to
14 know who was passing through into the villages, who was coming to the villages.
15 So this was something that we ordinarily saw. It wasn't specifically because of the
16 Anti-Balaka. So, to my mind, it wasn't an issue of knowing whether these
17 roadblocks were for the Anti-Balaka or whether they were put up just like that to
18 check the passage of people coming through.

19 So it was never in my mind to know what age the people were who were
20 commanding these checkpoints, but what I said was that to carry out the manual
21 work of lifting up the wood, they sent children. These children would run to take it
22 away. So what age the child had, what age the others had, I couldn't say that. The
23 children have 10 years, 12 years, the ones who are running around. They are there in
24 the villages, they are amusing themselves. They are having fun. That's what you're
25 interested in knowing for your aims. I respect that. But for my part, I don't know

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1 how I can help you any further.

2 PRESIDING JUDGE SCHMITT: [10:11:38] I suggest that you move on.

3 MR VANDERPUYE: [10:11:42] I have a couple -- not on this -- I have a couple of
4 questions related, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:11:47] Well, let's hear the questions.

6 MR VANDERPUYE: [10:11:49] One is a document I'd like to show.

7 PRESIDING JUDGE SCHMITT: [10:11:51] Well, that's something different. Okay.
8 You may show it to the witness.

9 MR VANDERPUYE: [10:11:55] The document is at tab 3 of the Defence binder, I
10 think it is. It's a -- it is a (Interpretation) message of the bishops. (Speaks English)
11 and it's dated 23 June 2013. The ERN number of it is CAR-OTP-2054-1403. Maybe
12 we can have that up on the screen just briefly.

13 PRESIDING JUDGE SCHMITT: [10:12:34] Well, that is -- Mr Vanderpuye, that is of
14 course a different matter. That is clear that you have to show this to the witness,
15 that's perfectly clear. I referred to the question of the estimates of the witness. This
16 subject is exhausted. This is my point.

17 MR VANDERPUYE: [10:12:50] Yes, Mr President.

18 Q. [10:12:51] This is a document -- I can't see it on the screen, just a second. Okay,
19 if we can just go to the very -- well, rather, to page 1403. I'll just show you and
20 then -- I'm sorry, 1406. At the bottom you can see a number of individuals. You
21 can see the date of 23 June 2013, a number of individuals there, including some of
22 your fellow clergymen. And on the next page you will see your name as well.
23 What I'm interested to ask you about is actually at page 1404 where it describes
24 (Interpretation) "At a security and military level". (Speaks English) If we go to the
25 very last part of that paragraph, it reads, I'll try in French:

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1 (Interpretation) "Well, we have just celebrated the Sunday, 19 June 2013, the Day of
2 the African Child, we condemn the practice of child soldiers which does not create
3 any climate which is right for the development of the child and youth in the Central
4 African Republic

5 (Speaks English) This is a document that was prepared by you and by your fellow
6 clergymen in 2013, but I wanted to ask you specifically what was meant there by the
7 reference to the practice of child soldiers?

8 A. [10:14:56] It was certainly not for the checkpoints. If you want me to talk about
9 the children at checkpoints, it wasn't that, because we knew that in the -- when we
10 had the conference, the first thing that we did was to talk about the situation in the
11 country. So we would come together and everybody would talk about the entire
12 Central African Republic and then we would -- we were aware that in certain places,
13 they were getting children, recruiting children, getting them to become soldiers, put
14 them into the army with weapons. It wasn't the case of what we were talking about
15 a moment ago, to be precise. This is a general case of things that were happening in
16 the Central African Republic. We knew that there were militias which were taking
17 children like that. That's it. So we reacted to those acts.

18 Q. [10:16:10] And do you know whether or not that phenomenon that you
19 complained about in this document, together with your fellow clergymen, continued
20 into 2014? This one here is from 2013, but was that a phenomenon that you were
21 aware of in 2014, and if it continued in 2014?

22 A. [10:16:34] Maybe. With regard to the Central African Republic, I'm not a
23 witness of it, but it could have happened -- it's possible that it could have happened in
24 certain places in the Central African Republic, somewhere there.

25 Q. [10:16:56] Did it happen in Lobaye where you were?

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1 A. [10:17:01] I didn't deal with the specific problem in Lobaye.

2 Q. [10:17:18] Did you discuss it? Even if you didn't deal with it, did you discuss it,
3 as you had in 2013, also in 2014, with the same members of the clergy?

4 A. [10:17:33] What I said was that in Lobaye I had no idea of child soldiers being
5 enlisted to be put into the militia, et cetera. We were speaking in general, because
6 there were cases here and there, above all. I think it was in the east of the country.
7 That was something that we were told, people told us about that. I didn't see it
8 directly. Sometimes we saw armed children.

9 Well, you heard the president, this was a concern of the authorities, the
10 administrative authorities, the civilian authorities, or civil authorities. But,
11 particularly, I couldn't say that we found child soldiers just like that who blocked the
12 road, who manned the checkpoint, who carried out actions like that. Quite simply,
13 we took measures because we had heard that there were child soldiers.

14 Q. [10:19:01] I'd like to show you a document. It's CAR-OTP-2128-1373.

15 MS DIMITRI: [10:19:29] Sorry, can we have the tab number, please?

16 MR VANDERPUYE: [10:19:32] It should be tab 10 of the Prosecution binder.

17 PRESIDING JUDGE SCHMITT: [10:19:38] And while we are now speaking,
18 discussing the Chamber has noted that the last document was from June 2013, and
19 also the context, just for the Defence, we have noted that.

20 MR VANDERPUYE: [10:19:58] Yes.

21 Q. [10:19:59] I'm showing you a document that is dated 4 August 2014. It's a
22 document that's signed by Mr Yekatom and it indicates Pissa, 2014. And it says:
23 (Interpretation) "Subject: Liberation of children associated with the movement, or
24 freeing of children associated with the movement."
25 (Speaks English) And in this document he describes recognising and taking resolution

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1 to liberate 153 children associated with the movement. And then he describes the
2 locations where these children are identified as Pissa, Mbata, Batalimo, Mongoumba.
3 These are all areas in Lobaye; isn't that right?

4 A. [10:21:02] Of course. You know very well.

5 Q. [10:21:06] At the top of the document, he says -- it says:

6 (Interpretation) "High command of the Anti-Balaka of the Ombella M'Poko area --
7 Lobaye"

8 A. [10:21:22] These are two regions, Ombella-M'Poko and Lobaye.

9 Q. [10:21:26] Lobaye.

10 A. [10:21:28] Yes.

11 Q. [10:21:31] So at the bottom, just under where it says, (Interpretation) "For the
12 command of the Anti-Balaka, south zone" (Speaks English) you see Mr Yekatom's
13 signature and his name.

14 A. [10:21:49] Yes.

15 Q. [10:21:52] Have you seen this document before?

16 A. [10:21:56] No. No.

17 Q. [10:22:02] Were you aware that Mr Yekatom had liberated 153 children from the
18 Anti-Balaka in the zone in which he purported to be the commander in 2014?

19 A. [10:22:23] No idea, particularly because Anti-Balaka, they have a point by which
20 you can recognise them everywhere.

21 Q. [10:22:30] There may have been a --

22 A. [10:22:37] So it could be true, but I can't give -- I can't confirm that, but I also
23 can't deny that, when it comes to that document, because I wasn't aware of it.

24 Generally, we heard people speak about child soldiers and we were aware of that in
25 our letter, but afterwards, whether to know where they were and what age they were

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1 and how they were dressed, whether they had Kalashnikovs, this sort of thing, and
2 that's something that we didn't know.

3 THE INTERPRETER: [10:23:24] There was a Sango expression the interpreter didn't
4 get.

5 MR VANDERPUYE: [10:23:34] All right.

6 Q. [10:23:36] Did you -- sorry, I messed up the tab number of that document. It's
7 tab 15, not tab 10, so I'm sorry about that.

8 Did you have the opportunity -- well, let me ask it a different way.

9 As you've described in the document that I showed you from 2013, your discussion of
10 the practice of child soldiers there was something apart from what you've described
11 here as the children going out to move things from the roadblocks, it's a different
12 thing; is that right?

13 A. [10:24:15] It's a different thing. It could be the same children, but I didn't carry
14 out an analysis to see if these children were Anti-Balaka or not.

15 Q. [10:24:30] Okay. All right.

16 A. [10:24:34] If you understand me. If you can also try to understand me. I'm
17 trying to understand you.

18 Q. [10:24:45] I am. I do understand you. I'm also trying to be as precise as I can.
19 So what I mean to say is you don't consider that the children that are involved in or
20 sent out to go move roadblocks are child soldiers?

21 MS DIMITRI: [10:25:09] Mr President --

22 THE WITNESS: (Interpretation) [10:25:11] I couldn't say it.

23 PRESIDING JUDGE SCHMITT: [10:25:13] Okay. The answer is already there, but,
24 Ms Dimitri, I know what you are going to say. But it's borderline, because child
25 soldiers, of course, is a legal term. However, we also can ask witnesses what their

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1 understanding of a child soldier is.

2 MR VANDERPUYE: [10:25:25] Yes, because -- (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [10:25:28] And this you -- I think this you referred to.

4 So it's --

5 MR VANDERPUYE: [10:25:30] It's in the document that's he authors (Overlapping
6 speakers) --

7 PRESIDING JUDGE SCHMITT: [10:25:34] Yes, absolutely. Absolutely.

8 MR VANDERPUYE: [10:25:38] That's the reason why I said it.

9 PRESIDING JUDGE SCHMITT: [10:25:40] However, the witness has made clear that
10 he doesn't have an idea and I think -- well, I said this several times before, sometimes
11 an examiner does not get the answer, does not get the desired answer, so to speak.

12 That happens in the courtroom. Every once in a while.

13 MR VANDERPUYE: [10:25:59] Sometimes they get it and nobody knows that they
14 get it.

15 PRESIDING JUDGE SCHMITT: [10:26:03] Well, that is --

16 MR VANDERPUYE: [10:26:04] That's okay.

17 PRESIDING JUDGE SCHMITT: [10:26:05] That's a nice one. That's to be assessed
18 in the end in the Chamber. Yes, please continue.

19 MR VANDERPUYE: [10:26:09] Indeed. Yes.

20 Q. [10:26:12] I would just like to show you one last document and that's document
21 number -- I'm sorry, it's at tab 6, CAR-OTP-2068-0558. This is a document -- it's a
22 report that was issued by a group called *Enfants sans Frontières*, ESF. (Interpretation)
23 Children without borders.

24 (Speaks English) It talks about -- it's a report, a mission report drawing out children
25 associated to armed groups in the prefecture of L'Ombella M'Poko, that's one, Lobaye,

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1 *et le lancement*, official launching of the project to take them in.

2 If we go to the bottom of the page we can see that this was an event that took place in
3 Mbaïki on 5 August 2014. It refers to an event there.

4 The first thing is, were you present at that event?

5 A. [10:27:35] I don't think so. I don't remember that. There are a lot of things
6 that happened.

7 Q. [10:27:50] Let me take you to page 0563 -- give me a second. No, actually -- yes,
8 0563. That's fine. And just, I want to -- maybe this will help you remember.

9 At the top, you can see it describes who is present there. It talks about the mayor of
10 the village. In the picture, I think on the left, you can see the *préfet*. Do you
11 recognise him? If we blow that up, the picture on the left side of the screen, in the
12 suit?

13 A. [10:28:34] Yes, the prefect. Yes, I can see him, prefect Alexandre.

14 Q. [10:28:40] Okay. And the woman on the right, do you recognise her?

15 A. [10:28:45] I can't say her name. The face -- I can't say the name.

16 Q. [10:28:51] Okay. Does that help you refresh your recollection as to whether
17 you might have been there at that time?

18 A. [10:29:02] I have no idea. Perhaps, because when you do something official
19 like that, the authorities are invited. So if I was -- if I was in Mbaïki at the time, I
20 don't know. Maybe I was, but I have no idea now.

21 Q. [10:29:22] Okay. That's fine. Do you know if you -- if you can remember, did
22 you discuss --

23 A. [10:29:29] Could you show me -- you could show me my photo there? Do you
24 have that?

25 Q. [10:29:36] No, I don't. I don't have your photo. That's why I'm asking you if

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1 you remember, otherwise I would just show it to you, I suppose.

2 A. [10:29:46] If I was there, I think somebody would have taken a photograph of
3 me.

4 PRESIDING JUDGE SCHMITT: [10:29:49] To put a little bit of tension out of this
5 interrogation, and since the witness was a figure of authority, his conclusion that he
6 might have -- might appear on one of the photographs is not so far-fetched, to put it
7 this way.

8 MR VANDERPUYE: [10:30:08] Indeed not.

9 PRESIDING JUDGE SCHMITT: [10:30:10] No, but, it's -- again, the witness does not
10 recollect if he was there or not.

11 MR VANDERPUYE: [10:30:15] Okay.

12 Q. [10:30:16] My question was did you discuss this ceremony, either at that time or
13 at any other time? Did you discuss it with the *pre préfet* or anybody else, this
14 ceremony that apparently happened on 5 August 2014?

15 A. [10:30:38] No idea. No idea. No idea. No recollection. That is to say,
16 ceremonies, these things were happening all over the place, because this was in
17 Mbaïki. It could have been in Mbaïki or Boda, Mongoumba, you know, in Lobaye.
18 I am the bishop of Lobaye, the entire region. As I said earlier and yesterday, that
19 yesterday, while there are certain things I don't know about, because I am an official,
20 and I work with the abbots. The abbots are the ones contacting people all the time.
21 I maybe will have greeted somebody once and after 10 years, you know, you expect
22 me to know this person?

23 Lobaye means five sub-prefectures. It's not just Mbaïki. And things were not only
24 happening in Mbaïki. That's what I mean.

25 Q. [10:31:40] No, that's fine.

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1 A. [10:31:45] So my work as a bishop was not the work of an abbot. There were
2 definitely abbots there -- the abbot of St Augustin or Joan of Arc, St Jeanne D'Arc.
3 They have almost daily contact with people, but that's not my role. That's not my
4 work. On the contrary, if I'm, let's say, taking more of an interest in a specific thing,
5 then I would be eclipsing someone else. I don't know if you understand the
6 difference between a bishop and the people with whom he collaborates. Perhaps I
7 sent the abbot. Perhaps he was there. I do not see him there.

8 Q. [10:32:43] No -- no, there's no trouble. I'm not asking you to guess or --

9 PRESIDING JUDGE SCHMITT: [10:32:45] No, no. (Overlapping speakers) --

10 MR VANDERPUYE: [10:32:47]

11 Q. [10:32:48] -- anything. If you don't remember, you don't remember. Like I
12 said, if you don't remember, you don't remember.

13 A. [10:32:52] There you go. There you go.

14 Q. [10:32:54] I'm only asking you if discussed it. If you didn't discuss it or you
15 don't remember, it's enough to say that.

16 PRESIDING JUDGE SCHMITT: [10:32:57] Yes, and this is answered. And I have a
17 question for you, Mr Vanderpuye.

18 MR VANDERPUYE: [10:33:01] Yes, Mr President.

19 PRESIDING JUDGE SCHMITT: [10:33:02] Yesterday, at the end of the session -- well,
20 I would not say you promised, but you gave us the --

21 MR VANDERPUYE: [10:33:08] I'm about to finish right now.

22 PRESIDING JUDGE SCHMITT: [10:33:09] Well, that's what I was asking.

23 MR VANDERPUYE: [10:33:10] But --

24 PRESIDING JUDGE SCHMITT: [10:33:12] Or what I was going to ask, so to speak.

25 MR VANDERPUYE: [10:33:17] I'm about to finish right now.

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1 PRESIDING JUDGE SCHMITT: [10:33:18] Yeah. Okay.

2 MR VANDERPUYE: [10:33:21]

3 Q. [10:33:21] The ultimate question I wanted to ask you is: Were you aware of the
4 demobilisation of children, aside from Mbaïki, in other areas in Lobaye in 2014, or
5 even later, in 2015, by the Anti-Balaka?

6 A. [10:33:36] That is to say, there were organisations such as this one, the children
7 without borders, that were seeking to -- to defend children's rights so they would not
8 be enslaved. Given that things were promised, well, the children might do
9 this -- you could just promise a child, to feed the child and the child will go ahead and
10 follow. So there were actions, for sure, in the Central African Republic in different
11 places, that's for sure, to try to extract these children from the claws of those who
12 were enslaving them. To a certain extent, they were using them for criminal actions.

13 Q. [10:34:45] You've answered all my questions, Mr Perin. I would like to thank
14 you for your patience and your forthrightness. It's been a pleasure, and you've been
15 very helpful.

16 A. [10:35:03] I, too, am glad. I have a great deal of respect for the representatives
17 of the victims, because if there are victims, that means things happened to them, and I
18 am very emotional because, to a certain extent, I was the defender of the victims in
19 my work.

20 I will tell you -- just a minute -- my motto as bishop is (Speaks Sango), that means
21 love and truth make justice for life and peace. That is my motto as a bishop. Thank
22 you.

23 PRESIDING JUDGE SCHMITT: [10:35:56] Thank you, Mr Vanderpuye.

24 Ms Massidda, or Ms Douzima, as representatives of the victims, do you have
25 questions?

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1 MS MASSIDDA: [10:36:00] Mr President, I think that my colleague, *Maître* Douzima,
2 will start with a first question and then I will conclude with the issue of victimisation.

3 PRESIDING JUDGE SCHMITT: [10:36:10] Yes. Then, Ms Douzima, you have the
4 floor.

5 QUESTIONED BY MS DOUZIMA:

6 MS DOUZIMA: [10:36:22](Interpretation) Thank you, your Honour.

7 Q. [10:36:24] Mr Witness, Monsignor Guerrino Perin. Once again, I introduce
8 myself. I am Marie-Edith Douzima. I'm one of the representatives of the groups of
9 victims. In simple terms, one of the lawyers, defenders of the victims.
10 You have just said that you have a great deal of respect for the victims, and yesterday
11 I said that I only had one question for you.

12 On Monday, especially, you sometimes expressed yourself with a lot of emotion, and
13 you asserted, whether it was on Monday or yesterday, that you were one of the
14 people who had the courage to move around -- that is, to take your car and drive
15 around -- because people were afraid, they feared for their lives.

16 A. [10:37:46] Of course.

17 Q. [10:37:47] Outside of what you have heard said and what you learned,
18 monsignor, the question is to know, as you have just said, as a bishop, the bishop of
19 Lobaye, living in Mbaïki, what were the atrocities which you personally saw being
20 committed, or ones where you were there in Lobaye; namely, in Mbaïki and its
21 surroundings?

22 That is my question. Thank you.

23 PRESIDING JUDGE SCHMITT: [10:38:33] Ms Dimitri, I know what you are going to
24 say. It's -- well, let me put it this way: You know that we have certain restrictions
25 to the questions that are allowed, so to speak, to be put by the victims representatives.

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1 However, let me put it this way.

2 Mr Witness, did you personally see -- not what you heard, we are not talking about

3 this anymore, because this is without limits. Did you personally see any crimes, let's

4 say, murder, looting, whatsoever, if you can tell us about that? This is what

5 Ms Douzima wants to know, if you are a personal eyewitness to it.

6 THE WITNESS: [10:39:31](Interpretation) I do not have a clear idea of this. I

7 cannot say that I heard or saw. I think if I had seen, I would remember, I think.

8 But at this point in time, I have no image to be able to say these are things that

9 happened before my eyes.

10 PRESIDING JUDGE SCHMITT: [10:39:56] Thank you. Thank you, Ms Douzima,

11 for the question.

12 Ms Massidda.

13 QUESTIONED BY MS MASSIDDA:

14 MS MASSIDDA: [10:40:04] Thank you, Presiding Judge. I have the intention of

15 only asking a few questions as follow-up, just for some more details. And before I

16 start, I would like to indicate that I will refer essentially to the transcript of the

17 hearing of Monday, 11 December 2023. So it's the transcript 254 in its edited French

18 version as notified yesterday, 12 December 2023. So I will only mention the page.

19 Thank you.

20 MS MASSIDDA: [10:40:46](Interpretation)

21 Q. [10:40:49] *Buongiorno*, Monsignor Perin.

22 A. [10:40:50] *Buongiorno*.

23 Q. [10:40:52] (Speaks Italian)

24 A. [10:40:54] (No interpretation)

25 Q. [10:40:56] So now I will be speaking in French. I will be the last to ask you

1 questions, but, as someone more important than I am said, the last will be the first.

2 So, I need a few details on something that you have already said. As you
3 understood, I am Counsel Massidda and with other counsels I represent the victims,
4 or certain groups of victims, in these proceedings.

5 I will ask you questions which may seem obvious to you. However, it is important
6 for us to ask you these questions and to know if you can help us to have emerge in
7 these proceedings some important issues for the victims.

8 And I will proceed by themes. The first theme I would like to broach is the arrival of
9 the Muslims in Mbaïki.

10 On Monday you testified that at a search point there were Muslims who were
11 arriving in Bangui -- oh, excuse me, they were coming from -- they were arriving in
12 Mbaïki from surrounding villages.

13 Could you name the villages, exactly which villages they were coming from? Could
14 you give us a few names of those villages?

15 A. [10:42:33] The Muslims -- well, in the Central African Republic, in Lobaye, there
16 are Muslims in every village. There are Muslims in every village. I would be
17 surprised to know that there is a village where there are no Muslims. So how am I
18 supposed to come up with this list? They came. Moreover, we had emphasised
19 that the cathedral where I live is not a centre, so when they were in the centre, I don't
20 know -- I didn't know if they had just come, if they had been there a few days. I was
21 about three kilometres from there, so I know they were coming from all villages. But
22 trying to tell you which villages, I don't know. I mean, they came from different
23 villages.

24 They were free to come, but they had this feeling they wanted to come together,
25 because if they remained isolated in villages, that was the feeling they would have. I

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1 don't know if I've answered you.

2 Q. [10:43:44] Yes, indeed. If I had said if they came from Bagandou, Batalimo --

3 A. [10:43:53] It is very possible.

4 PRESIDING JUDGE SCHMITT: [10:43:55] Ms Massidda, the three-second rule
5 applies also to you. I know that you are well -- a person, you know, very forthright
6 and animated, so to speak, if I may word it this way, but you have -- please, also,
7 otherwise the interpreters cannot follow and the transcript is distorted.

8 And the witness has answered. So you can take it from his answer that from
9 everywhere in the Lobaye, from these small villages, whatsoever. We don't need to
10 name them all because then we would sit in the evening still, I think.

11 So, please aren't could.

12 MS MASSIDDA: [10:44:33](Interpretation) Thank you.

13 Q. [10:44:36] So, still on Monday, you said -- and this is page 81 of the
14 transcript -- at a certain moment Mbaïki was full of Muslims. Can you tell us -- give
15 us an estimate of how many people? Hundreds, thousands? Just an estimate,
16 according to you.

17 A. [10:45:03] I think that there were not many Muslims who remained in the
18 villages, because those who were with me in the village, if I were a Muslim, I would
19 have left, and I don't think other Muslims would have stayed. So how many were
20 there -- how many Muslims there are in Lobaye, I don't know. I know they had
21 rushed to go to Mbaïki. I think there were about 30,000 inhabitants in Mbaïki, and
22 this was a problem. You know, how will we provide supplies to these people, feed
23 them? Where will they be given shelter? Where will they live? Overall, like, let's
24 say, their brothers might find a place to stay, but to eat, how are we going to do this?
25 There were hundreds. I think that we're talking about over a thousand, definitely.

1 Q. [10:46:13] Thank you. I will read you an excerpt of your statement from

2 Monday and I would ask you to specify something.

3 In answer to a question from the Defence asking you why Muslims were going to

4 Mbaïki, you answered, and I quote: "Because it is the *chef lieu*, like the capital. We

5 have the *préfet*, the authorities, et cetera. Three gendarme cannot respond if there are

6 attacks, and all that, so they felt more protected in Mbaïki because it is a city, it is the

7 capital, the *chef lieu*."

8 End of quotation.

9 You were referring to which attacks by saying this?

10 A. [10:47:10] Well, those who resented the Muslims. We saw the videos yesterday.

11 I cannot testify as to whether these videos are a representation of what happened or if

12 they have been put together, but I'm talking about this feeling against the Muslims.

13 It's not something that has happened the same way everywhere, but these were

14 attacks of those -- that we in general called the Anti-Balaka attacks.

15 Q. [10:47:51] Thank you. So, when you on Monday said that people were coming

16 to Mbaïki because they felt more protected there, is my understanding correct if I say

17 that they were coming to Mbaïki because they were fleeing Anti-Balaka attacks?

18 A. [10:48:15] I cannot affirm that. They also were coming to Mbaïki because they

19 knew that the Chadians were supposed to come and take them in Mbaïki, because

20 there was general insecurity for adults and others, so they wanted to be in Mbaïki. It

21 was easier, we had authorities, but also because they knew that they were supposed

22 to be taken on board. I was not told this specifically. The Chadians were talking to

23 the imams and talking to the authorities of the Muslims in Mbaïki. I did not know

24 the times, the logistics of things, but if they came to Mbaïki, it was not because they

25 were directly threatened by the Anti-Balaka, but because they could imagine that the

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1 Anti-Balaka or other people could attack them. I don't know if I have answered the
2 question?

3 Q. [10:49:28] Yes, but there's one thing I do not understand, monsignor. How do
4 you know that they were not directly threatened? You testified that you did not
5 say --

6 PRESIDING JUDGE SCHMITT: [10:49:38] Ms Massidda, no, you don't discuss with
7 the witness, and although I have not heard
8 Mr Knoops and Ms Dimitri, I agree with them. You know the restrictions in the
9 conduct of proceedings protocol that we have and already your last question was
10 borderline, but we let it pass. You have to move on now, you understand that, I
11 know.

12 MS MASSIDDA: [10:50:03] I understand that, your Honour, and I'm guided by your
13 comment. However, I would like to put on the record that my question was just
14 following one answer by the witness, because the witness was actually saying two
15 different things to two of my questions consecutively. I will move on, but I would
16 like to read on the record.

17 PRESIDING JUDGE SCHMITT: [10:50:25] Yes, please move on. Please move on.

18 MS MASSIDDA: [10:50:32](Interpretation)

19 Q. [10:50:33] Monsignor, you also talked about the living conditions of the Muslims.
20 I will not go back to that, but I have a question. At the time of the events, was there
21 a hospital in Mbaïki, a functioning hospital?

22 A. [10:50:44] The Mbaïki hospital -- we call it a hospital. Like schools, the name is
23 right but the reality behind it is slightly different. I know that I myself -- this is just
24 to try to give you the context. I myself tried to set up a hospital in Bagandou and
25 I know that people, expats, came to help us and they said to me sometimes it's better

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1 to go to Bagandou than to go to Mbaïki centre. So, was it working or not? And
2 even a matter of water, it was hard to have water, electricity. I don't know. So you
3 have to put yourself in the context, and especially in the context of war.

4 Q. [10:51:54] Thank you. You also indicated that Muslims who came to take
5 refuge in Mbaïki were given shelter in houses and concessions of other Muslims of
6 Mbaïki. And, if you know - and if you don't know - how were the Muslims of
7 Mbaïki able to meet the needs of their brethren Muslims? Do you have an idea
8 about this?

9 A. [10:52:24] Well, we ourselves at the mission were asked how we could help
10 them. So how they were hosted, welcomed, well, that's not something I saw.

11 Q. [10:52:42] Did someone tell you whether the Muslims given shelter in Mbaïki
12 were also given shelter at the Mbaïki mosque?

13 A. [10:52:53] It is possible, but I do not have a specific idea about that.

14 Q. [10:53:10] Monday, you indicated, if I'm not mistaken - this is on page 59 of the
15 hearing transcript - at a certain point traffic had become difficult, so I understood that
16 you could not move around freely. Did you know whether it was possible at that
17 time for Muslims to go to the mosque?

18 A. [10:53:41] When I talk about moving around, I was talking about driving around
19 in a car, because things were being stolen from cars. Walking around? Well, I
20 think that was -- there were no restrictions on that.

21 Q. [10:54:05] I know you've been asked many questions about your trip to Boda
22 and you brought someone back. So, yesterday - and this is transcript 255, real-time
23 in French, pages 23 and 24 - you said, and I quote, speaking of the person whom you
24 met on the road and who was asking for help.

25 A. [10:54:48] I was not alone.

1 Q. [10:54:50] And I quote:

2 "I took this person into my car. I brought the person. He knew the Djido mayor
3 family. I had no idea. He said he was going to go home. So I was beside the
4 mosque when arriving in Mbaïki. I left him there and that was it. So he was there
5 at the service, because he could have risked being recognised as a Muslim. So he
6 was risking something."

7 What do you mean "he was risking something"? What was he risking?

8 A. [10:55:36] That wasn't in Mbaïki. That was on the road.

9 Q. [10:55:47] Indeed.

10 A. [10:55:48] Because I said there was this checkpoint or roadblock. I said at this
11 roadblock they could, you know, search the vehicle. As the bishop, they would see
12 that I was transporting a Muslim. So I just said, "You don't say a word, stay behind",
13 and I'm there. So that was it. I had to take precautions. I did not want to have
14 difficulties along the road. I did not know what kind of opposition I would come up
15 against, because when I was asked how many checkpoints there were, well, as we
16 went -- well, you see, but these things could -- you could come up against very
17 spontaneously. It was not just the village checkpoint. I don't know if I properly
18 answered you. We had to take precautions so that he would not be recognised.

19 Q. [10:56:55] Thank you. Now, yesterday you said that someone had reported to
20 you. I guess it was one of your collaborators, because I understand very well what
21 your role is. You had been told about looting subsequent to the evacuation of
22 Muslims. Did your collaborators also tell you about acts of looting prior to the
23 Muslims' evacuation from Mbaïki, if you recall?

24 A. [10:57:35] Yes. Even the Seleka. You heard the president talking about the
25 Seleka, who also looted. Then the Anti-Balaka were, instead of defending the

1 population, they had become -- like the Seleka, they were becoming the invaders. So
2 it is indeed possible that they did talk to me about looting here and there, because at
3 the mission we had cars stolen at the time when the Seleka left. They left heading
4 north. So who was who, who has stealing what in Boda and in Ngoto. I had
5 already said this yesterday.

6 Q. [10:58:25] I have two last questions, and this is about the evacuation of Muslim
7 civilians from Mbaïki. So, I understand from what you said yesterday that you
8 yourself did not personally attend this evacuation because this was something that
9 was painful for you. Did you have a moment where you saw people going by?
10 Did you see how they were getting organised, or did you not see anything at all?

11 A. [10:59:00] They were already on the road, because the distance between where
12 they got into the trucks and where I was, there were some kilometres. So I saw them
13 passing by, because the asphalt is 100 metres from the road to go to Bangui, so we
14 waved to each other. We were all being waved to and they were using these white
15 handkerchiefs. We saw this mass of people on the trucks waving and making this
16 gesture of recognition.

17 Q. [10:59:44] Well, then, my last question - I will not ask the other question - it
18 seems that on Monday you had indicated that you had some of your fellow
19 clergymen, who are in Chad, from your congregation and after evacuation you got
20 news about the people who had been evacuated from your fellow clergymen in Chad.
21 This is page 84 of the transcript. What did your fellow clergymen tell you about
22 what had happened to the Muslims who had arrived in Chad?

23 A. [11:00:25] To be specific, I can say that they told me that there were some sites
24 created in the south and, there you go, and some were disappointed because they
25 thought they would be welcomed in a certain way. Sometimes they had family in

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1 Chad, but those who had no one in Chad, they were set up in these sites. You know,
2 it was not very pleasant for them. In general, that's what I can say.

3 Q. [11:00:58] Did your fellow clergymen telling you about the living conditions,
4 how these people were living, or not?

5 A. [11:01:05] It was in general, in general. In the Central African Republic, we
6 have many, many sites, and we know how people live on these sites. There is
7 nothing specific. It's just the people are suffering. They are there and they are
8 suffering, and that's it. That's all.

9 MS MASSIDDA: [11:01:23](Interpretation) Thank you very much. *Graze mille.*

10 PRESIDING JUDGE SCHMITT: [11:01:28] Thank you, Ms Massidda. I take it that
11 the Defence does not have further questions?

12 MS DIMITRI: [11:01:33] No, Mr President.

13 PRESIDING JUDGE SCHMITT: [11:01:35] This, Mr Perin, means that this concludes
14 your testimony.

15 On behalf of the Chamber I would like to thank you, that you have taken it upon you
16 to come to this court and testify as a witness, patiently, for several days -- most of the
17 time patiently, let me put it this way, most of the time patiently, for several days.

18 This Court needs witnesses who make themselves available, who testify openly and
19 thus help this Chamber to determine the truth. We would like to thank you for that
20 and wish you a safe trip back home.

21 THE WITNESS: [11:02:23](Interpretation) Thank you very much. If I may say a
22 word. When I was invited here, I felt that was a duty for the truth, such that we can
23 get further to the facts of what actually happened. So I felt that I had to give my
24 testimony. And now, if I can't remember everything -- it was 10 years ago -- but I've
25 tried, because I was in charge in Lobaye where it concerned these things.

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1 Thank you very much. Thanks to all of you. I have a great respect for everybody,
2 because you have to live in your own flesh, you have to experience certain things and
3 it's difficult to just talk about them. When you've experienced them, then words are
4 not sufficient.

5 PRESIDING JUDGE SCHMITT: [11:03:25] Thank you for your words. I think we
6 have enough empathy to be able at least to try to understand what people who were
7 at the time living in the Central African Republic were going through, had to witness,
8 had to process, to put it this way. And, if I may say so, you have remembered quite
9 something after 10 years, I have to say.

10 (The witness is excused)

11 PRESIDING JUDGE SCHMITT: [11:03:47] This concludes the hearing for today.
12 There might be an issue with the witness on Friday. We will know that on Thursday
13 and you will be notified, of course.

14 The court is adjourned. Thank you very much.

15 THE COURT USHER: [11:04:03] All rise.

16 (The hearing ends in open session at 11.04 a.m)