

Trial Hearing
WITNESS: CAR-D29-P-6036

(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
5 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 Wednesday, 17 January 2024
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:41] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:05] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:11] 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: [9:32:29] Thank you.
21 The appearance of the parties.
22 Mr Wakchom, first, for the Prosecution.
23 MS WAKCHOM: [9:32:33] Good morning, your Honour. Good morning to
24 everyone in the courtroom. Today the Prosecution is presented by Lucio Garcia,
25 Yassin Mostfa, Kweku Vanderpuye, and myself, Sylvie Wakchom.

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- 1 PRESIDING JUDGE SCHMITT: [9:32:44] Ms Massidda.
- 2 MS MASSIDDA: [9:32:47] Good morning, everybody. For the victims of the other
3 crimes appearing today, Ms Mouhia Asso, and myself, Paolina Massidda.
- 4 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you.
- 5 Next is Mr Suprun.
- 6 MR SUPRUN: [9:32:58] Good morning, Mr President. Good morning, your
7 Honours. The former child soldiers are represented today by Tayssir Othmani,
8 Anne Grabowski and myself, Dmytro Suprun. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:33:06] Thank you.
- 10 And now I turn to Ms Dimitri. You are changed a little bit.
- 11 MS DIMITRI: [9:33:15] I am.
- 12 PRESIDING JUDGE SCHMITT: [9:33:16] Not you, of course. You see what I mean.
- 13 MS DIMITRI: [9:33:19] We share responsibilities.
- 14 Good morning, Mr President. Good morning, your Honours. Good morning,
15 everyone. Mr Yekatom is present in the courtroom. He's represented today by
16 Ms Sabine Bayssat, Ms Laurence Hortas-Laberge, Mr Lionel Messi Tikpa,
17 Ms Charlotte Floquet, Ms Anta Guissé, myself Mylène Dimitri. And I believe we
18 have Mr Régis Tiangaye following remotely.
- 19 PRESIDING JUDGE SCHMITT: [9:33:49] Yeah, I think we have allowed that. So I
20 recall that, yes.
- 21 Mr Knoops next.
- 22 MR KNOOPS: [9:33:51] Good morning, Mr President, your Honours. Good morning,
23 everyone in the courtroom. You find on the second row the team for today,
24 Mr Mathias Goffe, Alexandre Desevedavy. And may I introduce the Court to our
25 new intern, Ms Kenza Ayadi, on the right side.

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1 PRESIDING JUDGE SCHMITT: [9:34:07] Thank you very much. Welcome to the
2 courtroom.

3 And, of course, most importantly we have a new witness.

4 Good morning, Mr Witness. Do you hear and understand me well?

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6 (The witness speaks Sango)

7 (The witness gives evidence via video link)

8 THE WITNESS: [9:34:23](Interpretation) Yes. Good morning. I hear you very
9 clearly.

10 PRESIDING JUDGE SCHMITT: [9:34:29] Welcome, Mr Ngbaba. You are here to
11 testify to assist this Chamber in the case of the Prosecutor versus Mr Yekatom and
12 Mr Ngaïssona.

13 First, we have to make the solemn undertaking. You have to take the oath. I will
14 read to you the oath. Please listen carefully and speak after me, kindly.
15 I solemnly declare.

16 THE WITNESS: [9:35:08](Interpretation) I solemnly declare.

17 PRESIDING JUDGE SCHMITT: [9:35:11] That I will speak the truth.

18 THE WITNESS: [9:35:21](Interpretation) That I will tell the truth.

19 PRESIDING JUDGE SCHMITT: [9:35:24] The whole truth and nothing but the truth.

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

21 PRESIDING JUDGE SCHMITT: [9:35:38] Thank you very much, Mr Witness. You
22 are now under oath. You know what this means. You have to tell us everything
23 you know, and everything what you tell us has to be the truth.

24 With regard to the practical guidance, I think to avoid repetition, I give the floor
25 already to Ms Guissé, I assume.

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1 MS GUISSÉ: [9:36:17] (Interpretation) Thank you, your Honour.

2 QUESTIONED BY MS GUISSÉ: (Interpretation)

3 Q. [9:36:19] Good morning, Mr Witness.

4 In one or two moment's time you'll see me more clearly on the screen. Can you see
5 me? I'm speaking. Sometimes it's a bit tricky to get used to the fact that you're a
6 hearing a voice in your headphones which is the interpreter's voice, whereas
7 somebody else is addressing you physically, if you will. But, no doubt, you'll
8 become accustomed to it.

9 Let me introduce myself to you once again, because we've already met, and that in
10 Bangui. My name is Anta Guissé and I am one of the defence lawyers in Mr Alfred
11 Yekatom's case. And it's in that capacity that I'll be putting questions to you going to
12 your experience, your life, during the events that you encountered in your country
13 between 2013 and 2014.

14 Now, this is a remote connection, so obviously sometimes we need to be careful about
15 who's speaking to you. You should see that person on the screen. Generally
16 speaking, people who are standing, are lawyers, such as I, and they should feature in
17 zoom format for you.

18 And then there are housekeeping matters that I think we need to abide by. As you
19 would have understood, we're from different walks of life, different origins here and
20 we have interpretation for you. So you're going to be speaking in Sango, I'm going
21 to be speaking in French, but there are people in the courtroom who are English
22 speakers and everything is transposed simultaneously, language-wise, of course,
23 which means that we need to observe certain rules: to speak slowly, to make sure that
24 the interpreters can interpret everything that you say, as well as mine.

25 I need to abide by the same rule, of course. And I know that you speak a little

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1 French, so you need to observe a pause between the time when I have finished
2 putting the question to you and the time that you offer an answer, because in addition
3 to the interpretation, we also have people who are responsible for noting down
4 everything that's said in the courtroom.

5 So slowness of speech and observing a pause, those are two important points.

6 Have you understood what I have said, Mr Witness?

7 A. [9:38:48] Yes, I've fully understood.

8 Q. [9:38:51] Can you see the screen clearly? Can you see the courtroom clearly, sir,
9 and can you see me on your screen?

10 A. [9:39:02] Yes, everything is very clear.

11 Q. [9:39:08] Now, among the other recommendations I can make: I'm going to be
12 putting questions to you. Now, if one of these questions doesn't come across clearly
13 to you, then please don't hesitate to ask me to repeat or rephrase and I'll do that for
14 you.

15 Another important point: Similarly, if you don't know the answer to a question I put
16 to you, that's quite possible. There's no shame in that. We're here to put questions
17 to you based on your knowledge, based on what you experienced. If there's
18 something that you don't know or you're not cognisant of or something that you don't
19 remember, then simply say so and we understand full well. I mean, these are events
20 that are way back in the past. Is that clear, Mr Witness?

21 A. [9:39:53] Yes, I've fully understood.

22 Q. [9:39:59] Well, if everything is crystal clear, sir, then perhaps we can start the
23 questioning.

24 Perhaps I can start, therefore, by asking you to tell the Court your name in full, first
25 and last name.

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- 1 A. [9:40:16] Ngbaba Auguste is my name.
- 2 Q. [9:40:33] And your date and place of birth, please.
- 3 A. [9:40:40] I was born on 28 August 1995.
- 4 Q. [9:41:00] And your place of birth, sir.
- 5 A. [9:41:05] Ngoubia commune, that was where I was born.
- 6 Q. [9:41:19] And the name of your father, please.
- 7 A. [9:41:26] Ngbaba Elie is my father's name.
- 8 Q. [9:41:43] And your mother?
- 9 A. [9:41:46] Dokomgo Yossoge Clémentine.
- 10 Q. [9:42:02] Are your parents still alive, Mr Witness?
- 11 A. [9:42:13] They are both dead.
- 12 Q. [9:42:19] When did they pass away, Mr Witness?
- 13 A. [9:42:30] It's been a while. I was still a child when they died.
- 14 Q. [9:42:37] And when they died, you were taken in by somebody?
- 15 A. [9:42:54] When my father died and when my mother died, it was the big sister
- 16 or my -- the elder sister or the elder brother of my mother who took me in.
- 17 Q. [9:43:06] Now, I understand that big sister and big brother comes down to the
- 18 same thing, so perhaps you could clarify, were you taken in by a man or a women
- 19 and then could you give that person's name?
- 20 A. [9:43:24] Nado Cécile, my mother's elder sister. That was the woman's name.
- 21 Q. [9:43:39] Do you have brothers and sisters; and, if you do, how many siblings?
- 22 A. [9:43:51] Yes, I do have brothers and sisters. There are seven of us.
- 23 Q. [9:44:04] And all the siblings were taken in by your aunt when your parents
- 24 both died?
- 25 A. [9:44:23] Yes. Exactly.

- 1 Q. [9:44:31] And your aunt, Cécile Nado, what do you call her today; in other
2 words, do you see her as your adopted mother?
- 3 A. [9:44:54] We always call her "mum".
- 4 Q. [9:45:01] All right then, so to make things very clear for what comes next in my
5 examination, when I refer to Cecile Nado, perhaps we can use the word "mother" or
6 "mum" because that's the way you perceive that lady. We can both do that to avoid
7 any doubt, is that clear?
- 8 A. [9:45:31] Yes, I fully understand.
- 9 Q. [9:45:37] Before the events surrounding the Seleka and the Anti-Balaka, where
10 were you living with your mother?
- 11 A. [9:45:50] At Sica II, at her house.
- 12 Q. [9:45:58] And at that particular time were you going to school?
- 13 A. [9:46:10] Yes. Yes, I was attending school.
- 14 Q. [9:46:16] And you attended which school exactly?
- 15 A. [9:46:29] It was called *le lycée des Martyrs*, upper secondary school.
- 16 Q. [9:46:38] Are you familiar with the town of Pissa?
- 17 A. [9:46:45] Yes, I know it perfectly.
- 18 Q. [9:46:54] Do you have any family members at Pissa?
- 19 A. [9:47:02] Yes, I do, I have relatives in Pissa.
- 20 Q. [9:47:15] And the relatives you have at Pissa, what's their surname, please?
- 21 A. [9:47:27] Yes, can I give you the name, with your leave.
- 22 Q. [9:47:33] Please go ahead.
- 23 A. [9:47:39] Thank you for giving me leave to do so.
- 24 I was with my uncle, Endjio Evariste is his name. Endjio Eric, Endjio Emmanuel, or
25 two others. There's Endjio Etienne, Endjio Ezzechiel, Endjio Euphrasie, Endjio

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1 Eurodiade and Endjio Manuela. There's also Endjio Eugénie. Many, many Endjios,
2 I can't cite them all here.

3 Q. [9:48:46] And what are your family links with them. What are your family ties,
4 your blood ties to that Endjio family?

5 A. [9:49:14] Well, it's a -- it's a complex relationship. The proper person to ask that
6 question really is my mother. She has given us one or two points of information
7 about that. The person who lodged or housed Endjio was my -- in fact, the father
8 Endjio was my grandfather.

9 Q. [9:49:48] Thank you very much for that clarification.
10 I've got follow-up questions, but just a moment, please, my colleague is encountering
11 a technical problem. She's got a problem with her headphone, so I don't know
12 whether anybody can help her. She's got a problem with her --

13 PRESIDING JUDGE SCHMITT: [9:50:18] The question is if we should make a short
14 break or if we simply call somebody and we try to do it while you are continuing
15 your examination. I prefer the latter. But we can call somebody who helps
16 Ms Dimitri. Thank you.

17 THE INTERPRETER: [9:50:40] Could the English booth just note that there's a
18 constant white noise hum.

19 MS GUISSÉ: [9:50:49](Interpretation) And there's no Transcend either. I mean,
20 we're really struggling technically here on our bench.

21 Q. [9:50:55] Sorry, Mr Witness. As you can see, our courtroom is very high tech,
22 and with technical features that can sometimes pose one or two problems, so we need
23 to iron out that technical hiccup. And do forgive us for interrupting the flow of
24 questions.

25 Now, you stated that your mother told that you Endjio father, if you will, was housed

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1 by your grandfather. Now, when you say "Endjio father", who are you -- who are
2 you in fact referring to, sir?

3 A. [9:51:35] I'm referring to Endjio Evariste's father.

4 Q. [9:51:43] And what's his full name, Evariste's father?

5 A. [9:51:56] If I can name the name, I will do so with your leave.

6 Q. [9:52:01] Yes, please go ahead. When I ask you a question you can answer
7 directly. You don't need my permission. Your role here is to answer questions, so
8 please don't think twice about it.

9 A. [9:52:20] Thank you very much. Endjio Fidele is his name.

10 Q. [9:52:30] And so if I've followed your evidence, Endjio Fidele is the father of all
11 those people that you stated earlier on, Evariste, Emmanuel, Etienne, Ezekiel, and
12 what have you; is that right?

13 A. [9:52:47] Yes, that's exactly right.

14 Q. [9:52:57] Now, do you know, Mr Witness, if Endjio Evariste has any brothers
15 who have died?

16 A. [9:53:14] Yes, I do know that. Some of his brothers have already died, yes.

17 Q. [9:53:23] Can you name those deceased brothers?

18 A. [9:53:31] Yes, I can. Endjio Edgar, Endjio Edmond.

19 Q. [9:53:59] And did you know them, those uncles, your uncles that have died?

20 A. [9:54:18] Endjio Edmond, that was the person I knew. Edgar, he in fact died
21 when I was still very small, a small child.

22 Q. [9:54:27] And that particular uncle that you call Edgar Endjio, did he have any
23 children?

24 A. [9:54:41] Yes, of course. He had children. He has children.

25 Q. [9:54:50] Can you give the names of those children, please?

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1 A. [9:54:58] Yes. He had two boys, the eldest is called Endjio Oscar, and the
2 second one Endjio Ecclésiaste.

3 Q. [9:55:18] And those particular children, do they live in Pissa?

4 A. [9:55:30] Yes, they do, they all live in Pissa.

5 MS GUISSÉ: [9:55:41](Interpretation) Now, one or two questions, your Honour, and
6 for these, your Honour, for one or two questions --

7 PRESIDING JUDGE SCHMITT: [9:55:49] Yes, we go to --

8 THE INTERPRETER: [9:55:56] Overlapping speakers.

9 PRESIDING JUDGE SCHMITT: [9:55:59] We go to private session.

10 (Private session at 9.56 a.m.)

11 THE COURT OFFICER: [9:56:14] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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12 (Open session at 10.06 a.m.)

13 THE COURT OFFICER: [10:06:38] We're in open session, Mr President.

14 MS GUISSÉ: [10:06:44](Interpretation)

15 Q. [10:06:46] Witness, I'm going to come back later to your family from Pissa. But

16 for the moment, I would like to go into another subject and to come back to your life

17 in Sica II before going into the state of the Seleka. You said at this time you were

18 living with your mother and your siblings in Sica II and that you were at school.

19 And we know that the Seleka entered Bangui in March 2013. Did you stay in Sica II

20 until the arrival of them in Bangui?

21 A. [10:07:39] When I was in Sica II, I heard people speak about the Seleka who were

22 getting close to the town of Bangui. My mother who was in Sica II said that our

23 uncle from the Miskine neighbourhood had evacuated his family and children and it

24 would be better for us to join them and to leave with them and it wouldn't be good to

25 stay alone. And that's why we went back to our uncle's, who was in Miskine, as our

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1 mother had asked us to do.

2 Q. [10:08:27] So the first question that I'd like to put to you: What's the name of
3 your uncle in Miskine who you joined before the arrival of the Seleka?

4 A. [10:08:44] Ndokonbo Gustave is his name.

5 Q. [10:08:55] And you joined him in Miskine. And when you joined him in
6 Miskine, did you continue to go to the school, to the *lycée*?

7 A. [10:09:11] Yes, I continued to go to school.

8 Q. [10:09:14] It means that it was only when you went to sleep there in the evening
9 that you would spend the night at his place?

10 A. [10:09:31] At the time, when there was the crisis, with the Seleka, we didn't go
11 there because I did -- well, I didn't go there at the time because at the time there was
12 total disorganisation in the school as well.

13 Q. [10:09:49] So you went to -- with your brother to set yourselves up in Miskine
14 with your uncle. What was the atmosphere in Miskine just before the arrival of the
15 Seleka there?

16 A. [10:10:13] The situation wasn't serious in Miskine before the arrival of the
17 Seleka.

18 Q. [10:10:24] Were there Muslims or non-Muslims in the neighbourhood?

19 A. [10:10:36] Yes. There were Christians and there were Muslims in Miskine, in
20 the same neighbourhood.

21 Q. [10:10:51] And so it was in Miskine with your uncle that were you staying when
22 the Seleka entered Bangui?

23 A. [10:11:04] Yes. I was at his house when the Seleka entered Bangui.

24 Q. [10:11:16] Did you personally see the Seleka in Miskine?

25 A. [10:11:24] Yes, I saw the Seleka in Miskine. When they entered into Bangui,

1 I was at my uncle's house. I was -- between my older brother and I, I was the only
2 one who went out to see the Seleka passing at the crossroads.

3 Q. [10:11:49] And what did you see exactly?

4 A. [10:12:01] At the bakery I saw another lady and there were Muslims who had
5 come out of the neighbourhood and they met some of their brothers who were in the
6 Seleka and they had weapons and they started to fire in the air, and they were firing
7 into the air and my brothers went to get me and they said why did I go out on to the
8 main road? They said it's better to stay at home. And they were concerned, we
9 know who's coming, and then they got me to go back home.

10 Q. [10:12:43] Could you clarify a point. When you said that people gave weapons,
11 who gave weapons to whom?

12 A. [10:12:59] The Seleka who entered Bangui, they were in their vehicle and they
13 distributed arms to their brothers, their Muslim brothers who were in the Miskine
14 neighbourhood, and they started to fire in the air. And that happened at the bakery
15 Notre Dame, in front of a mini-market shop. And in front of that shop, the Seleka
16 distributed weapons to their Muslim brothers who they knew -- who they knew at the
17 time.

18 Q. [10:13:37] And how did you know that it was their Muslim brothers who were
19 distributing weapons?

20 A. [10:13:57] Yes, I knew some of them. When I went to my uncle's on holiday,
21 we played football, so I knew some of them.

22 Q. [10:14:12] So I understand that that was the day on which you saw the Seleka
23 arrive in Miskine.

24 After the arrival of the Seleka, how did the cohabitation work in the neighbourhood
25 between the Seleka and the population?

1 A. [10:14:40] There was a change. It wasn't the situation as there was before
2 where the Christians and Muslims got on well and talked to each other. There was a
3 change of posture. The Christians were living in fear and the Muslims were in a
4 position of force. The relations were no longer what they were before.

5 Q. [10:15:13] Were there particular incidents, the fact that this -- due to this change
6 of relations?

7 A. [10:15:29] Yes, it's true. It's true. A lot of things happened after the Seleka
8 took over power. A lot of things happened. There were a lot of exactions and
9 I know one of the victims of these exactions in the Miskine neighbourhood.

10 Q. [10:15:53] Could you explain to the Chamber what happened?

11 A. [10:16:08] In terms of what happened, one day we were in front of the market in
12 Miskine, and on that day we found out that one of the vehicles of a Seleka colonel had
13 been stolen. So in -- some people came and they started to fire in the air in front of
14 the market. They had come from KM5 and they broke down the door and they were
15 firing into the air. They were breaking down doors and firing in the air and we were
16 close to the crossing, the crossroads, my older brother and I, the Ben-Zvi crossing.
17 And we were with my uncle and brother and we decided to get away from this area
18 because there were shootings everywhere. We decided to leave because, given that
19 they had started to smash down doors, we had to leave the area.
20 We left, we fled, though he was behind me, my older brother, and he was saying, "My
21 younger brother, I'm behind you to protect you. Even if they fire, I will be there to
22 cover you. And I would prefer to die than to leave you alive." And when he said
23 this to me, I had pity for my older brother who had chosen to protect me in a difficult
24 situation.

25 And as we moved along, we arrived at *d'manguier*. And when we heard the noises

1 of the troops of the general, he told us to get in and I was the first to get in and then
2 he pushed me towards the top of the mango tree, and he said that he would prefer to
3 stay at the bottom of the tree to be able to cover me.
4 And when they arrived, he spoke in their language. He was speaking in a language
5 that I did not understand. And at a particular moment, my brother made a sign to
6 get down from the tree. I got down and then we continued to move towards a safer
7 area.
8 We had decided to go to Sica at another time. We were discussing which way we
9 should go, but he was the one who led the way. And when we arrived at the
10 Ben-Zvi crossroads, we were like children who were trying to save themselves. We
11 wanted to cross the main road, and a brother from the neighbourhood, an older
12 brother from the neighbourhood, he questioned us and he said, "Stop there" because
13 it was dangerous to cross the main road. You had to be prudent. And he said,
14 "Look over there, can you see who's there? Well, that's a body without life. That's
15 somebody who has been killed by these attackers, so you have to be very careful."
16 And they also asked us to look in front of -- to see the -- the friends. And they also
17 showed us another body in front of the bakery Notre Dame. And they showed us
18 many bodies, many bodies. Some of them were on the road that goes towards Sica
19 and others were around us, close to us. And myself, I started to panic. I started to
20 cry and I said to my older brother, "It's finished for us. Certainly we're going to die
21 today." And he comforted me saying that we had to believe in God and that he was
22 going to protect us. And on that day, I was really panicked. I was really
23 traumatised.
24 And he advised me to stay next to me and to wait for there to be a certain calm before
25 crossing the main road. So we stayed next to that kiosk. Thank God, a vehicle of

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1 Sangaris arrived, a tank, and as they came along, we hid behind this vehicle in order
2 to cross the main road, and we went towards our place of refuge. And that is what
3 happened to me when I was in Miskine.

4 Q. [10:21:15] And so I understand -- I understand that you managed to get back to
5 your mother's home in Sica II; is that right?

6 A. [10:21:34] That's correct.

7 Q. [10:21:36] Just by way of precision, you state that when you fled, a brother from
8 the neighbourhood showed you a body and you saw bodies. This person -- were
9 these people who were in military uniform or were they civilians from what you saw?

10 A. [10:22:03] There was no military clothes. They were in civilian attire. There
11 was even the body of a woman who was wearing a dress, and the man was wearing
12 jeans. That's what I saw. There was no person who was wearing military uniform.

13 Q. [10:22:36] Thank you for these clarifications. Now I'm going to go to another
14 subject.

15 You indicated that you know the town of Pissa, that you went there on holiday to see
16 your family. Did you ever live there?

17 A. [10:23:03] To tell the truth, I spent a lot of time in Pissa. I would say even eight
18 years.

19 Q. [10:23:21] When did you leave Sica II in order to go to Pissa?

20 A. [10:23:38] When I arrived in Pissa, the next day we received information from
21 our brothers that the Balaka had come to Bangui.

22 Q. [10:23:59] The Balaka had come to Bangui. So the Anti-Balaka entered Bangui
23 on 5 December 2013. Does that mean that you arrived in Pissa the night before, on
24 4 December?

25 A. [10:24:22] Yes, I arrived on the 4th in Pissa.

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1 Q. [10:24:30] Now, you've just indicated that you learnt about the entry of the
2 Anti-Balaka from your brother. Could you indicate which brother you're talking
3 about?

4 A. [10:24:50] It was my older brother, Alban Rodrique. He was the person who
5 called us, my mother as well -- Ngbaba Alban Rodrique. The Anti-Balaka had the
6 control of Bangui and we had -- or I had to stay in Pissa until the situation had calmed
7 down before returning to the capital.

8 Q. [10:25:23] Before continuing with this question, could you indicate to the
9 Chamber why you went to Pissa on 4 December 2013, so the day before the attack?

10 A. [10:25:44] Very well. I'm going to speak about the reasons why I moved. I left
11 with the grey card of my Uncle Endjio which my mother had given me to take it to
12 him. You know, the grey cards are established in the capital of Bangui.

13 So, firstly, he sent all the different items to my mother in order to get the document
14 made. So my Uncle Endjio, he's somebody with whom I have a lot of fun and it was
15 an occasion for me to visit him, and when my mother gave me this document, I took
16 advantage of that in order to go to Pissa.

17 Q. [10:26:38] Perhaps for the people who do not know, or are not familiar with the
18 expression "grey card", would we agree that this grey card is the official document to
19 register a vehicle; is that correct?

20 A. [10:26:59] That is, indeed, correct. It is like a birth certificate for a vehicle.
21 When you purchase a car or a vehicle, you have to get it registered such that your
22 vehicle can obtain a numberplate.

23 Q. [10:27:25] And so this grey card that you were meant to bring to Pissa, that was
24 for the vehicle of which uncle?

25 A. [10:27:39] My uncle Endjio Evariste.

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1 Q. [10:27:49] So I'll now come back to the information that you received from your
2 brother and your mother when the Anti-Balaka entered.

3 How did you get this information? What did they do to keep you informed of that?

4 A. [10:28:11] Well, they called my uncle by phone and they spoke to him, and
5 afterwards they asked for the telephone to be given to me to be able to talk to him.

6 And they said, "So my younger brother, are you aware of the takeover of Bangui by
7 the Anti-Balaka? And so I prefer that you stay there and you mustn't leave from the

8 home, from the uncle's home. When things have calmed down, we'll give you

9 authorisation to return to Bangui." That was the information that was given to me

10 that made it possible for me to understand that the Anti-Balaka had indeed taken

11 control of the town of Bangui?

12 Q. [10:29:11] So it was your family in Bangui, your brother and your mother, who
13 took the decision that you would stay in Pissa for your security; that is it, is it not?

14 A. [10:29:21] That is indeed correct.

15 Q. [10:29:29] A moment ago when I asked you if you lived in Pissa, you indicated
16 that you stayed there for eight years. Was it from that moment that you stayed

17 eight -- that you moved to Pissa and stayed there for eight years?

18 A. [10:29:48] That's correct.

19 Q. [10:29:56] I'm now going to go on to another subject; namely, when you arrived
20 in Pissa. You wanted to say something?

21 PRESIDING JUDGE SCHMITT: [10:30:08] Yes. Mr Witness, you want to say
22 something? Please, you have the floor.

23 THE WITNESS: [10:30:17](Interpretation) I would like to go to the toilet, is that all
24 right?

25 PRESIDING JUDGE SCHMITT: [10:30:26] Of course, let's have five minute's break.

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- 1 Let us know when we can continue, please.
- 2 THE WITNESS: Thank you very much.
- 3 THE COURT USHER: [10:30:37] All rise.
- 4 (Recess taken at 10.30 a.m)
- 5 (Upon resuming in open session at 10.42 a.m.)
- 6 THE COURT USHER: [10:42:36] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE SCHMITT: [10:42:52] Ms Guissé, you have the floor.
- 9 MS GUISSÉ: [10:42:57](Interpretation) Thank you, your Honour.
- 10 Q. [10:43:04] So, Mr Witness, we're going to resume. I am going to take up my
- 11 line of questioning again. Are you all right? The instructions for observing a pause
- 12 and speaking slowly, is that something you can apply?
- 13 A. [10:43:23] Yes.
- 14 Q. [10:43:27] When you arrived in Pissa, where did you live?
- 15 A. [10:43:39] At my uncle's house, Endjio Evariste.
- 16 Q. [10:43:51] At that particular point in time, what other members of the family
- 17 were living with that uncle?
- 18 A. [10:44:03] There was his wife and his children, under the same roof.
- 19 Q. [10:44:20] And the house, your Uncle Evariste's house, where was it located
- 20 exactly?
- 21 A. [10:44:35] We lived in the Magouga district.
- 22 Q. [10:44:50] Now, you spoke of brothers, and your Uncle Evariste. Were there
- 23 any other Endjio family members living nearby?
- 24 A. [10:45:08] Yes, they lived pretty much in the same compound.
- 25 Q. [10:45:20] You've just talked about a compound. How many houses were there

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1 in that compound and who lived in them?

2 A. [10:45:39] There was, well, his mother-in-law and his little brothers who were
3 living in another house, and there was his house with his wife, his children and
4 myself.

5 Q. [10:46:00] And in this compound, the houses, were they next door to each other,
6 was there was a certain distance from one to the other? Could you give us greater
7 clarity on that, please?

8 A. [10:46:19] The houses were opposite each other. They weren't too far away
9 from each other. They were quite close.

10 MS GUISSÉ: [10:46:31](Interpretation) Your Honour, for my next questions, I'll need
11 to move very swiftly into private session, please.

12 PRESIDING JUDGE SCHMITT: [10:46:37] For how long, because we have some
13 people in the audience?

14 MS GUISSÉ: [10:46:47](Interpretation) Not very long at all. Maximum of
15 10 minutes or so.

16 PRESIDING JUDGE SCHMITT: [10:46:51] Okay. Then we are close to the break,
17 but, nevertheless, let's go to private session.

18 (Private session at 10.47 a.m.)

19 THE COURT OFFICER: [10:47:13] We're in private session, Mr President.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Open session at 10.51 a.m.)

4 THE COURT OFFICER: [10:51:45] We are in open session, Mr President.

5 MS GUISSÉ: [10:51:53](Interpretation)

6 Q. [10:51:54] And just a clarification, sir: Your cousin, so here I'm referring to

7 Oscar, when you arrived in Pissa, was he already there?

8 A. [10:52:16] Yes, he was already in Pissa. He was born in Pissa.

9 Q. [10:52:33] I move to another area, Mr Witness. I'd like to talk about what you
10 did in Pissa once you had arrived. So how would you spend your day?

11 A. [10:52:59] When I arrived in Pissa, I started up a trade in my uncle's shop.

12 That's what I did in Pissa.

13 Q. [10:53:20] And what uncle are you referring to, Mr Witness?

14 A. [10:53:27] Evariste Endjio. He was the person who was running the shop, but it
15 belonged to the family and at some point in time I was entrusted with running that
16 particular family business.

17 Q. [10:53:51] And in that particular shop belonging to Evariste Endjio, what was he
18 selling?

19 A. [10:54:07] Well, basic goods, basic commodities, sugar, coffee and salt, also some
20 clothes. We sold pretty much everything.

21 Q. [10:54:34] That was the only business that your Uncle Evariste had at Pissa?

22 A. [10:54:51] Yes. That was his job. He was a trader, a shopkeeper. Maybe he
23 did something else that I'm not aware of. But to the best of my knowledge that's
24 what he did. He did that beforehand, and when I arrived, he trained me up and
25 then I started also selling goods in his shop.

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1 Q. [10:55:21] And that particular shop, was it open in the evening?

2 A. [10:55:34] Yes. We would start business in the morning all the way through the
3 evening. Yes, so we did sell things in the evening. We were open in the evening.

4 Q. [10:55:53] Now, you stated that that shop sold pretty much everything. Did it
5 sell drinks as well?

6 A. [10:56:13] In the shop we sold wine like Peñasol, the Baron de Madrid. But
7 behind the shop, in the back of the shop, we had cellars where we would sell bottled
8 wine.

9 Q. [10:56:41] And when you say a cellar, does that mean it was only for alcohol and
10 people would come and sit and drink there or was it simply a place where you would
11 store and stock alcohol? Could you clarify, please?

12 A. [10:57:05] Yes, people would come, they would order and then we would serve
13 them. Next door there was also an *auberge*.

14 Q. [10:57:23] And where exactly was the shop belonging to your Uncle Evariste?

15 A. [10:57:40] It was in the Pissa market, in the first row.

16 Q. [10:57:51] And the rest of the market, was it also operating at that particular
17 period of time?

18 A. [10:58:00] Yes, it was. There were traders, many traders who were selling their
19 goods in Pissa market.

20 MS GUISSÉ: [10:58:10](Interpretation) Your Honour, I can see the time has come
21 almost for the midmorning adjournment. I'm going to move onto another point, so
22 I don't know whether you wish to take the break now.

23 PRESIDING JUDGE SCHMITT: [10:58:21] I take up this suggestion and we have the
24 break now until 11:30.

25 THE COURT USHER: [10:58:28] All rise.

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1 (Recess taken at 10.58 a.m.)

2 (Upon resuming in open session at 11.30 a.m.)

3 THE COURT USHER: [11:30:52] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [11:31:04] Ms Guissé, you still have the floor. We
6 are in open session, yeah.

7 MS GUISSÉ: [11:31:14](Interpretation) Thank you very much, your Honour.

8 Q. [11:31:17] So, Mr Witness, we're back, so I can continue with my examination.

9 I'd like to move on to another area, it's still linking in with your arrival in Pissa. So
10 when you arrived in Pissa, were the Seleka present in the town?

11 A. [11:31:46] Sorry, I didn't understand your question, counsel.

12 Q. [11:31:51] That's not a problem, I'll just repeat it.

13 When you arrived in Pissa, were the Seleka at that point present in the town?

14 A. [11:32:08] Yes, they were. The Seleka were present in the town of Pissa.

15 Q. [11:32:19] Did you see any Anti-Balaka present in Pissa when the Seleka were
16 also present in that town?

17 A. [11:32:36] No. I didn't see any Anti-Balaka at the time when Seleka -- when
18 the Seleka were in Pissa.

19 Q. [11:32:49] All right. That clarification will help us understand the time frame.
20 So, for the next questions I'm interested in the period where the Seleka are present in
21 Pissa; is that clear, Mr Witness?

22 A. [11:33:20] Yes, that's clear.

23 Q. [11:33:24] So here's my first question, Mr Witness. Where were the Seleka
24 stationed in Pissa?

25 A. [11:33:44] The Seleka were stationed in the vicinity of the health centre in Pissa.

1 The -- the outpatients suffering from HIV/AIDS, that particular centre, they were
2 stationed in proximity to that centre.

3 Q. [11:34:21] Do you know who their chief was, who their leader was?

4 A. [11:34:36] Alkanto was the name of their leader.

5 Q. [11:34:47] How did you learn of his name?

6 A. [11:35:00] I knew his name because he came to buy things in the shop where
7 I was working. He would often come with some of his soldiers and that's how I
8 learned that he was their leader.

9 Q. [11:35:25] Now, based on what you were able to observe, what were
10 the relations like between the Seleka and the local population in Pissa?

11 A. [11:35:52] I think it was a situation similar to what was -- similar to that in
12 Bangui. They behaved, the Seleka that is, the Seleka behaved in respect of
13 the civilian population -- how can I put it? The -- it wasn't -- it wasn't a situation of
14 perfect harmony, the cohabitation.

15 Q. [11:36:35] So to understand what you mean by the fact that there wasn't
16 a perfect harmony, can you make reference to certain incidents that may have
17 occurred in Pissa involving the Seleka, to illustrate what was going on at the time?

18 A. [11:37:05] Yes, yes, I can. I can give you a number of examples. One of
19 the friends of my brother's was working, or at least had a -- had a, a kind of a kiosk
20 for recharging electronic devices and Alkanto gave him his telephone to recharge.
21 And when the aide-de-camp brought back the telephone to Mr Alkanto, he claimed
22 that the memory card had disappeared and so he arrested him, he was sequestered
23 and we had to pay 50,000 for his release.

24 So there was no sense of, of ease within the population. The population was
25 threatened, racketing, and vehicles would be loaded up with belongings to go off to

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1 Bangui and the Pissa inhabitants didn't like this, which prompts me to say that there
2 wasn't a good atmosphere prevailing in Pissa at all.

3 Q. [11:38:42] And you, yourself, Mr Witness, did you encounter any problems with
4 the Seleka at Pissa?

5 A. [11:38:59] Yes, I did. I had problems with the Seleka in Pissa because I was
6 selling goods in the shop. I had a motorbike for selling retail goods. I would go off
7 into small localities and I would be stopped along the way and they would -- they
8 would accuse me or people of carrying ammunition that they themselves planted on
9 us or other people. And, you know, that we're trafficking in ammunition. And that
10 was for racketeering. And that would prompt me to say that things weren't going
11 well because they would send them off to trade in certain localities, but ultimately
12 they would be racketeered and blackmailed. And that's an example that I could
13 give.

14 Q. [11:40:22] And for the avoidance of doubt, Mr Witness, if I followed your
15 evidence, you're saying that there was a person who was on a motorbike and who
16 worked for your shop and your uncle's shop and he would go off and sell goods in
17 small villages; is that right? It's that particular person who met with problems with
18 the Seleka? Have I got that right, Mr Witness?

19 A. [11:40:44] Yes, that's right. He was given goods that he was to go off and sell,
20 and when there were incidents, I was the person who was first to step in. I would
21 talk to my uncle. And -- and all of the responsibility fell on my shoulders because
22 I was the first person to step in, to manage things before I actually tell it -- tell about it
23 to my uncle. So I felt responsible and I felt personally involved.
24 Now, the other incident, rather, was they would use counterfeit bills, banknotes and I
25 couldn't complain. And this was the type of incident that would occur in my shop.

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1 Q. [11:41:52] Earlier on you said that at the back of your shop, there was a cellar
2 where people would go and drink. The Seleka, would they sometimes frequent that
3 cellar?

4 A. [11:42:11] Yes, they did. The Seleka would frequent that cellar.

5 Q. [11:42:22] And did you ever see that there were incidents in the cellar that
6 would occur?

7 A. [11:42:38] Yes, yes, I did see that there were incidents. For example, one of
8 the Seleka leaders, he was called Japonais and he would come, he would come to
9 drink and he would refuse to pay. And so the management complained and I was
10 asked to say to my uncle -- to report to my uncle that Japonais would come, he would
11 drink, but he wouldn't pay. And so we made a loss on our -- on our sales of drinks
12 because of how the Seleka behaved in this way.

13 Q. [11:43:43] When you arrived in Pissa, Mr Witness, were there any Muslims and
14 non-Muslims in the town?

15 A. [11:44:01] Yes, there were. There were Muslims and non-Muslims.

16 Q. [11:44:15] Once again I'm going to put a question to you about the prevailing
17 atmosphere with these two communities. Because the Seleka were there -- no, hang
18 on, perhaps I'll talk about this beforehand.

19 Now, you said that you would go holidaying on a regular basis to Pissa before
20 the material time. All right, the two communities, when you would -- when you
21 were younger and before the events in question, at that particular time did
22 the communities get on well at Pissa?

23 A. [11:45:00] Yes, they did. Both communities got on very well. The Muslims,
24 on the one side, and the Christians on the other, they -- they did the same things.
25 For example, cattle rearing or farming. The Christians would have shops,

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1 the Muslims also had shops. So the atmosphere, the ambiance was positive before
2 the crisis hit.

3 Q. [11:45:36] All right. Now I'd like to come back to the period where the Seleka
4 were present in Pissa. Now, the Seleka's presence and the incidents that you've just
5 reported to the Court, did that have any impact on the relationship between the two
6 communities?

7 A. [11:46:03] Yes. Yes, it did. When the Seleka arrived, the Muslims and
8 the Muslim traders started making threats. Physically, the traders who -- who led
9 the non-Muslims to the Seleka, there was a prevailing sense of distrust, there was
10 a total -- a radical sea change in the -- in the atmosphere. People were worried.
11 And even us, we who were shopkeepers and traders, we were also concerned because
12 they were in a position of strength. Before that, there were regular customers that
13 would come to us. And because of the Seleka's attitude, those customers would no
14 longer come. So that's one type of incident or -- or form of impact coming from,
15 deriving from the presence of the Seleka in the vicinity.

16 Q. [11:47:55] Thank you, Mr Witness, for that clarification.

17 I'm now going to move on to another area, but still linking in with your presence in
18 Pissa and still during this particular time, the time when the Seleka were on site; is
19 that clear?

20 A. [11:48:18] Yes, that's -- that's abundantly clear.

21 Q. [11:48:24] All right, then. So during that particular period, over and beyond
22 the members of your family, did you frequent young people at Pissa?

23 A. [11:48:46] I frequented young people.

24 Q. [11:48:55] And what were those young people that were your friends and that
25 you would see most often?

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1 A. [11:49:10] When I arrived at Pissa I -- I would see Okoa-Penguia and Loïc, his
2 elder brother. I was friends with Koussagale. Those are the people that I would
3 hang out with at the time.

4 Q. [11:49:45] Now, you said, where you talked about the Okoa-Penguia brothers,
5 the two brothers, did they have any family tie with -- any blood link with the town's
6 mayor?

7 A. [11:50:10] Yes, they were the mayor's children.

8 Q. [11:50:20] You also stated in your evidence, you talked about Geoffroy
9 Koussagale. So when you weren't working in the shop, what type of things would
10 you do with your friends, can you tell us?

11 A. [11:50:47] In terms of Obi (phon), they went to school and played football,
12 because I myself played football. Now talking about Geoffroy, he was a footballer.
13 He was called Ocema and not Geoffroy. That's what we called him. And he would
14 sell *méchoui* and he would also sell cold water.

15 Q. [11:51:21] Now, I'd like to return to those points in greater detail later on. You
16 gave a first name, I don't think I caught it. Could you repeat the name of
17 the -- the first names of the Okoa-Penguia children, the name that you used.
18 The Christian name that you used, or the first name.

19 THE INTERPRETER: [11:51:46] Corrects the interpreter.

20 THE WITNESS: [11:51:48](Interpretation) The person that we were playing football
21 with was Okoa-Penguia Loïc, that was the elder brother. And the younger brother
22 was Okoa-Penguia Obi.

23 MS GUISSÉ: [11:52:06](Interpretation)

24 Q. [11:52:08] Now, you talked about football. Where would you play football?

25 A. [11:52:21] We would play on the area of land next to the school in the Magouga

1 district.

2 Q. [11:52:39] And how often would you have matches?

3 A. [11:52:54] We would play matches between the various districts. It was an
4 inter-district kind of system of matches.

5 Q. [11:53:14] Thanks very much for that answer, but in fact my question was how
6 regularly, how frequent was it, how regular were these matches, was it on a daily
7 basis, did you organise them many times in a given week? Do you see what I'm
8 driving at? I just want to have an understanding of how many matches you would
9 play during the given period?

10 A. [11:53:47] Sometimes in a given week we would play three or four matches. It
11 really depended. It depended on the person who was organising the matches. So
12 the organiser would schedule the matches, you know, the days where we should all
13 turn up to play. Three or four times a week. It really depended on the organiser.

14 Q. [11:54:23] You also said in your evidence that you worked in your uncle's shop.
15 So when did you have time to play football exactly?

16 A. [11:54:46] Well, I would work in the shop and then I would take my shower and
17 then catch something to eat and then I would use that time to go off and play football
18 because that was the -- that was my preferred sport.

19 Q. [11:55:11] All right, then, so if I followed your evidence, you weren't in the shop
20 throughout the entire day, sometimes you would have things to do in the day and
21 what would you do, would you close the shop when you went off?

22 A. [11:55:37] Yes, that's right.

23 Q. [11:55:47] Now, you talked about inter-district matches, inter-district fixtures,
24 does that mean that the teams were made up of districts -- made up of people from
25 the same district and then the various districts would play it out on the pitch?

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1 A. [11:56:13] Yes, that's exactly it. Each district had its own team and then we
2 would battle it out on the football pitch.

3 Q. [11:56:27] And you yourself, you belonged to which district's team?

4 THE INTERPRETER: [11:56:50] The Sango interpreter says that he didn't catch
5 the answer from the witness. Would he mind repeating.

6 PRESIDING JUDGE SCHMITT: [11:57:03] Mr Witness, there was an interpretation
7 issue, it's not your fault. Could you please repeat your last answer. That would be
8 kind.

9 THE WITNESS: [11:57:20](Interpretation) Mabouga Espoir (phon), that
10 was -- Magouga Espoir, that's the name of the team.

11 MS GUISSÉ: [11:57:36](Interpretation)

12 Q. [11:57:36] It was called that because you were from the Magouga district; is that
13 right?

14 A. [11:57:48] That's exactly right.

15 Q. [11:57:50] The Okoa-Penguia children with whom you were playing, or at least
16 Loïc, because you were saying that it was him that you would play the most, so Loïc
17 was a member of which team?

18 A. [11:58:08] Loïc was in the Mokotamba team.

19 THE INTERPRETER: [11:58:15] Message from the Sango interpreters: If we heard
20 the name correctly.

21 MS GUISSÉ: [11:58:25](Interpretation) It was Mokotamba, Loïc's team, because we
22 didn't hear it very clearly, Mr Witness?

23 A. [11:58:40] Asmokotamba -- Mokotamba. Asmokotamba (phon), that was
24 the team that he would play for.

25 Q. [11:58:52] And Geoffrey Koussagale, he play in which team?

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1 A. [11:59:05] Sous-Antenne, that was the name of the team that he played for,
2 Sous-Antenne.

3 Q. [11:59:22] You talked about somebody who would organise the matches. Was
4 it a young person who organised the fixtures and he was from which district exactly?

5 A. [11:59:39] He lived in the Bamba district, he worked in the Pissa health centre.

6 Q. [12:00:04] In the translation we heard Bamba, the Bamba district. It's
7 the Bamba district or is it another name altogether? Would you mind clarifying,
8 Mr Witness.

9 A. [12:00:24] The president lived in the Banda district.

10 MS GUISSÉ: [12:00:34](Interpretation) Your Honour, for my next questions I'm
11 going to have to move into private session. I think for about 10 minutes or so.

12 PRESIDING JUDGE SCHMITT: [12:00:45] For the audience, you have heard that we
13 will have 10 minutes of private session, but this also means that in, let's say,
14 10 -- between 10 and 15 minutes we will be back in open session. But for now we
15 have to go to private session.

16 (Private session at 12.01 p.m.)

17 THE COURT OFFICER: [12:01:15] We are in private session, Mr President.

18 (Redacted)

19 (Redacted)

20 (Redacted)

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19 (Open session at 12.16 p.m.)

20 THE COURT OFFICER: [12:16:06] We are back in open session, Mr President.

21 MS GUISSÉ: [12:16:17](Interpretation)

22 Q. [12:16:20] Witness, I'm now going to move to another subject and I'm now

23 particularly interested in the time -- well, a bit before the arrival of the Anti-Balaka.

24 Now, my question is as follows: When the Anti-Balaka arrived in Pissa, were there

25 still Muslim inhabitants who were present in the town?

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1 A. [12:16:54] When the Anti-Balaka arrived in Pissa, there were no Muslims, there
2 were no Seleka in Pissa.

3 Q. [12:17:15] At what time did they leave? Or perhaps I have to be more precise
4 with my question. Did the Muslim population and the Seleka leave at the same
5 time?

6 A. [12:17:37] Where it concerns Muslims, they left well before the departure of
7 the Seleka. The Seleka were last to leave -- the Seleka were perhaps the last to leave
8 the town.

9 Q. [12:17:55] Do you know where the Muslims left for?

10 A. [12:18:05] The Muslims left for Mbaïki. They came together in Mbaïki.

11 PRESIDING JUDGE SCHMITT: [12:18:19] Ms Wakchom.

12 MS WAKCHOM: [12:18:20] Yes, Mr President. Can my learned counsel ask
13 the witness when exactly this happened, when the Muslim was leaving (Overlapping
14 speakers)

15 PRESIDING JUDGE SCHMITT: [12:18:33] Yeah, I think she might have done this
16 anyway, but it's a suggestion I think we would also be interested. Otherwise I
17 would do it, yeah.

18 But you can also address it now.

19 MS GUISSÉ: [12:18:46](Interpretation)

20 Q. [12:18:49] Now, you indicated, Witness, that you arrived in Pissa on
21 5 December 2013 and at the time that you arrived there were still Muslims there, there
22 was the Seleka there. And you indicated afterwards that the Seleka left -- first of all,
23 the Muslim population and thereafter the Seleka. Could you state how much time
24 after your arrival in Pissa, so how much time after 5 December the Muslims left.
25 Was it still in December? Was it January, February? Was it a few weeks, months

1 afterwards? I understand that you can't give a precise date, but could you give an
2 estimation, an evaluation of the time.

3 A. [12:19:50] Well, this is a story that dates from a long time ago. I can no longer
4 remember the month. You know, I'm not able to remember what month I arrived in
5 Pissa. So I've just said to you that I arrived in Pissa the day before, Bangui was taken
6 by the Anti-Balaka, so I cannot tell you exactly when they left Pissa.

7 Q. [12:20:26] No problem, Witness. You just answer in terms of what you
8 remember and you're right to tell us when you can't answer. That's exactly what
9 needs to be done.

10 Whatever the case, without knowing the exact duration or the exact time that they left,
11 we are in agreement, are we not, that there were several days that passed. If we take
12 as point of reference the number of -- or the amount of football matches that you
13 played, if we take the amount of incidents that you mentioned with the Seleka, we
14 would agree that that went over several days or several weeks?

15 A. [12:21:13] Indeed.

16 Q. [12:21:21] How did you learn about the departure of the Muslims from Pissa?

17 A. [12:21:35] Well, some who were working in the market, you know that young
18 people, we speak to each other, we know each other and some would say that they
19 were coming and they would leave in small groups. And it was only afterwards that
20 we noticed that there were no Muslims anymore in the town. And when we called
21 some of them to ask them the question as to why are you leaving without informing
22 us, they told us that it was because we're in Mbaïki because there are MINUSCAs
23 there and they felt threatened. And that's the reason why they withdrew. Some of
24 the Muslims were not happy with the behaviour of the Seleka and that's the reason
25 why they went to protect themselves, to save their skins. They had to leave and go

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1 to Mbaïki to be in -- to be safe.

2 Q. [12:22:52] Now, you indicated that you had the opportunity to speak with
3 Muslims who had left for Mbaïki. Do you remember the names of certain people
4 you spoke to and how did you manage to speak to them?

5 A. [12:23:14] We spoke on the phone.

6 Q. [12:23:24] And who did you speak to, in particular?

7 A. [12:23:35] The person with whom I spoke was called Absoul (phon), that's
8 the person who I called.

9 Q. [12:23:51] Could you repeat the name of the person with whom you spoke?
10 We haven't heard it well in the interpretation.

11 A. [12:24:01] Absour, Absour.

12 PRESIDING JUDGE SCHMITT: [12:24:07] Ms Guissé, if you allow me a question.
13 Mr Witness, a question by the Presiding Judging. You mentioned that the Muslim
14 population felt threatened. Could you please clarify by whom the Muslim
15 population thought to be threatened.

16 THE WITNESS: [12:24:42](Interpretation) We didn't know what was happening
17 between the Muslims and the Seleka. You know, the Muslims, they withdrew
18 quietly without us knowing. And then afterwards we noticed that there were no
19 more Muslims. They weren't threatened. We don't know what there was between
20 them so that they would leave like that, calmly. It was only afterwards that we
21 called them and they told us that. But when they were in the town, they weren't
22 threatened at all.

23 PRESIDING JUDGE SCHMITT: [12:25:22] Ms Guissé.

24 MS GUISSÉ: [12:25:30](Interpretation)

25 Q. [12:25:32] A moment ago you mentioned the name of Barabati, the owner of

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1 the market stall, saying that he was a Muslim and that was why Leger and his
2 nephew were selling *méchoui*. Did he stay in Pissa?

3 A. [12:26:03] They were some of the ones -- they were among those who left.

4 Q. [12:26:12] And did he leave before the Seleka or after the Seleka, to the best of
5 your knowledge?

6 A. [12:26:36] He left before the Seleka.

7 MS GUISSÉ: [12:26:51](Interpretation) I would need five minutes in private session,
8 your Honour.

9 PRESIDING JUDGE SCHMITT: [12:26:54] Then we go to private session.

10 (Private session at 12.27 p.m.)

11 THE COURT OFFICER: [12:27:09] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

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21 (Redacted)

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23 (Open session at 12.28 p.m.)

24 THE COURT OFFICER: [12:28:52] We are back in open session, Mr President.

25 MS GUISSÉ: [12:28:59](Interpretation)

1 Q. [12:29:02] Witness, I'm now coming back to the arrival of the Anti-Balaka in
2 Pissa.

3 Now, you indicated to us that you were present in Pissa. Were you there on the day
4 that they arrived?

5 A. [12:29:25] I was indeed present. I was present. After the departure of
6 the Seleka in the morning, one morning we noticed that there were no longer Seleka
7 elements there. We didn't know exactly what time. And at this time we were
8 afraid. I opened a door of the shop because we didn't know where they were. We
9 were afraid. And at that time the Anti-Balaka arrived in the town. I was indeed
10 present.

11 Q. [12:30:02] Once again I would like to try with you, if you could give an
12 assessment of the time, so -- or an estimation of the time. Was it one day or several
13 days after the departure of the Seleka that the Anti-Balaka came?

14 A. [12:30:28] Now, if memory serves, the Anti-Balaka arrived the day following
15 the departure of the Seleka.

16 Q. [12:30:46] All right then. Perhaps you can tell me, perhaps you can give me
17 greater detail on what actually happened on that particular day. Now you just told
18 the Court that you were in your shop, you were frightened. So how did you know
19 that the Anti-Balaka had arrived in Pissa?

20 A. [12:31:14] I was in my shop, there was one door which was ajar, so I could hear
21 cries, shouts, acclamations coming from Sakolongo, and so we were wondering
22 what's going on. Some people told us that it was the arrival of the Anti-Balaka. So
23 there was an expression of joy all the way through to the market. So I closed
24 the shop. I'd heard of the Anti-Balaka. I hadn't seen them. So I said to myself,
25 right, I need to go out and see what they look like.

1 Q. [12:32:06] And where did you go? What particular location did you go to see
2 what they looked like?

3 A. [12:32:21] I had closed the shop, and because the brigade wasn't too far away, I
4 went to the edge of the road in front of the -- in front of my shop and then I saw
5 Geoffroy Koussagale and we talked about these Anti-Balaka and how, how they
6 looked with their haircuts and Okoa-Penguia Robinson said, "Now don't talk about
7 them, we don't want to draw their attention." We were talking about their attire, we
8 were talking about how they came across, they wore beards. We talked about that,
9 all three of us.

10 Q. [12:33:21] So you talked about Robi Okoa-Penguia, that's Loïc's brother; is that
11 right?

12 A. [12:33:45] Yes, it's Loïc's younger brother.

13 Q. [12:33:49] And you also saw Geoffroy Koussagale on that day, right?

14 A. [12:33:56] Yes, we were all together. The first person that I started talking with
15 was Geoffroy Koussagale. And Robi, I only saw him after. And so we talked about
16 them. We talked about how they wore beards and Robi said, "No, no, don't talk
17 about them because, you know, we don't want to attract their attention." Even
18 Geoffroy was saying, "Look, look at their dense hair." But because these were close
19 friends, all -- you know, all three of us in our -- in our group, we were basically
20 talking about the arrival of these people, basically what we could see, what we could
21 see happening.

22 Q. [12:34:56] Over and beyond your group of three, were there anybody else on
23 the roadside at that particular -- on that particular day?

24 A. [12:35:12] I can tell you it was the entire town, the entire town had assembled to
25 see what was going on. The Seleka had gone, people no longer went into the fields.

1 They had set up a 6 p.m. curfew. We spent the night. And the next morning we
2 didn't feel their presence. So everybody, everybody in the town was wondering,
3 now what's going on? Why have the Seleka gone? But I can tell you and I can tell
4 the Court with absolute certainty that it was the entire town that had come out and
5 that was alongside the road to see the arrival of the Anti-Balaka.

6 Q. [12:36:05] And when you say the entire population, how was the population
7 behaving? What was it doing along the roadside? What were people doing or
8 saying specific things on that particular day?

9 A. [12:36:27] Yes, they were singing. There was acclamations. They were saying
10 that, you know, irrespective of the time, we're going to be coming. The women were
11 there with their clothes and -- and were claiming and welcoming the Anti-Balaka.
12 And they were singing.

13 Q. [12:37:06] All right. I'd just like to revert back to something that you've just
14 said a little beforehand. You talked about a curfew that had been set up by
15 the Seleka. And a little earlier on still you talked about this cellar that was in
16 the back of the shop, to say that it was open in the evening. So can you give us some
17 clarification there. Was the -- did the curfew apply to your shop as well and
18 the -- the cellar where people could have drinks?

19 A. [12:37:54] Thank you for your question, counsel.
20 So when we heard that in the villages, that the Anti-Balaka had assembled in some
21 villages, it was then that they set up the curfew and we abided by the curfew in our
22 shop. And the shop and even the cellar was closed at 5 p.m. The Seleka would
23 come and find the manager so that he could -- he would sell them drinks. But at
24 5 p.m., 6 p.m. the curfew was in force and it was abided by by the inhabitants, by
25 the town's inhabitants.

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1 Q. [12:38:56] So if I followed your evidence, what you're saying is that things
2 changed as time went by. Initially there wasn't a curfew and it was when it was
3 heard that the Anti-Balaka were getting closer that it was at that point that the curfew
4 was set up. Have I understood your evidence, Witness?

5 A. [12:39:20] Yes. Yes, you've understood fully what I was saying.

6 Q. [12:39:28] All right. Now let me return to the day of the Anti-Balaka's entry.
7 So the local population welcomes them warmly, this is what you've stated in your
8 evidence at least. And over and beyond having seen some Anti-Balaka who are
9 wearing beards and had this dense haircut, but did you see them more closely, these
10 Anti-Balaka?

11 A. [12:40:15] Sorry, I didn't understand your question.

12 Q. [12:40:22] It was too long. You're absolutely right.

13 You stated that you had a discussion with your friends Geoffroy, Robi, talking about
14 the Anti-Balaka. Yeah, you saw them and you saw that some were bearded and had
15 this particular specific hairstyle. Right, you saw them at that point.

16 Now, my question is to know did you have any opportunity to see them at another
17 point on that particular day, the Anti-Balaka?

18 A. [12:41:01] Yes, we were close up to them. When -- when we made our
19 comments, we were quite close. We were all quite close to the brigade's checkpoint.
20 There are lots of people there and they could see from the buildings where they could
21 see what was going on. People would climb up into the upper storeys to see what
22 was going on.

23 Q. [12:41:33] And can you estimate the number of Anti-Balaka that you saw on that
24 particular day?

25 A. [12:41:41] No. No, no, I couldn't, I couldn't offer an estimation.

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1 Q. [12:41:50] All right. So I can hear what you've said, but I'll give it another stab.
2 Were they 10, were they more than 10, were there twenty of them, were there more
3 than twenty? You know, in those that you saw, of course. Among those that you
4 saw, I mean were there more than 10 of them? Let's start with that.

5 A. [12:42:17] Yes, there were more than 10 of them.

6 Q. [12:42:27] Right, you saw them. And were they moving on foot or were they
7 on -- were they in vehicles?

8 A. [12:42:40] They were in vehicles. They were in vehicles.

9 Q. [12:42:52] Did you know who their leader was?

10 A. [12:43:04] No. At that particular point in time we didn't know who the leader
11 was. But what we did see was a leader, a leader who was giving orders and
12 the orders which were followed by the soldiers, and that's -- that led us to understand
13 that he was the leader.

14 Q. [12:43:32] So you say that you saw a leader, a leader who was giving
15 instructions to his soldiers. Where did you see that leader and did you learn his
16 name?

17 A. [12:44:07] It was only afterwards, actually, that I learned that it was the person
18 that we had spoken about. It was only afterwards that I learned his name.

19 Q. [12:44:20] And what name was that that you learned ultimately?

20 A. [12:44:31] The name, Rambo. It was only afterwards that I learned that he was
21 called Alfred Yekatom Rambo. But at that particular time he was called Rambo.

22 Q. [12:44:57] And that was next to the brigade checkpoint; is that where you saw
23 him?

24 A. [12:45:09] Yes, that's right. The -- the gendarmerie brigade's checkpoint, at the
25 brigade's location specifically.

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1 Q. [12:45:20] You said that he was giving instructions. So what did he say
2 exactly?

3 A. [12:45:33] He was on board a vehicle and he said, "Population of Pissa, all
4 the soldiers that you see here are fathers of households who have sacrificed
5 themselves to liberate the CAR. God has seen fit that we should arrive at Pissa. But
6 if ever one single of my soldiers doesn't behave as he should, then don't be frightened,
7 report that to me and I will know how to sanction that behaviour, because we are here
8 for the population. If one single member of -- of my company behaves badly, do not
9 be frightened, report that to me."

10 That was the message that he gave to the local population.

11 Q. [12:46:41] He talked to the population, did he also talk to his troops?

12 A. [12:46:53] He also talked to his troops. After having spoken to the local
13 inhabitants, he spoke to his men, by saying, "Listen, I don't want you -- see you
14 moving around in the districts. I do not want to have complaints to say that
15 such-and-such a person, such-and-such a person went to the market. Stay where
16 you are. If you need for something to eat, then call me. Call in and we'll bring you
17 food. But don't go wandering around in the market and in the districts. Any
18 person who dares wander around in these districts will have to report to me, have to
19 account to me. So you have to -- there has to be a prevailing sense of trust with
20 the local population and you have to trust the local population."

21 PRESIDING JUDGE SCHMITT: [12:48:02] Mr Witness, a question by
22 the Presiding Judging. Can you describe a little bit in more detail the situation when
23 Mr Yekatom gave this speech or speeches? You know, where was it? Was he in
24 the car? Yeah, where was he standing? You know, can you -- so that we can
25 picture it for ourselves because we haven't been there at the time.

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1 THE WITNESS: [12:48:45](Interpretation) When he spoke to the local inhabitants he
2 was in his vehicle and he was surrounded by his men. We didn't have time, we
3 didn't have any opportunity to see him close up. Those who could do so were those
4 who were immediately next to him. But there were lots of people. There was a,
5 you know, a huge crowd at that particular point.

6 PRESIDING JUDGE SCHMITT: [12:49:13] Were you close enough to hear
7 everything when he stayed in the vehicle?

8 THE WITNESS: [12:49:28](Interpretation) Yes. Yes, I was close. They were in
9 front of the brigade location where, where there's the checkpoint. You could hear
10 him clearly, you could see him and he was -- he was speaking out loud. And
11 the population was calm and you could hear what he said. It was clear. You could
12 hear clearly what he was saying.

13 PRESIDING JUDGE SCHMITT: [12:49:56] Did you make notes of what he said at the
14 time? Because you seem to recall in very much detail what has been said.

15 THE WITNESS: [12:50:15](Interpretation) No, I didn't take any notes.

16 PRESIDING JUDGE SCHMITT: [12:50:18] Thank you.

17 Excuse me, Ms Guissé, but I was interested in -- to have an idea how the situation
18 was.

19 Yeah, Ms Guissé.

20 MS GUISSÉ: [12:50:29](Interpretation)

21 Q. [12:50:37] Right, to round off on this particular point, and in the line of
22 the Presiding Judge's question, your recollection of what was said on that day, was it
23 a specific day for you, that particular day? Is there a specific reason why you should
24 remember what was said?

25 A. [12:51:06] Well, it's no happenstance that I remember that. You know, you

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1 should understand, you should appreciate we had gone through a difficult period
2 before the Anti-Balaka arrived. So once they arrived, everybody, the entire
3 population, was -- was happy. It was like new year's day and everybody was happy,
4 everybody could move freely. So, you know, I mean if you ask a shopkeeper to stop
5 selling things at 6 p.m., you know, a shopkeeper is not going to be happy. But once
6 the Anti-Balaka arrived, we could move around, we could walk around, we could go
7 about our business freely.

8 Q. [12:51:57] And the last point, Mr Witness, on what you saw and heard. You
9 told the Court that Mr Yekatom was in his vehicle at the time that he -- he spoke.
10 Was he sitting inside a vehicle or was he positioned differently on a vehicle and what
11 type of vehicle, if you recall, was it?

12 A. [12:52:25] I can't -- I can't remember. I can't remember what -- what
13 vehicle -- what brand of vehicle it was.

14 Q. [12:52:33] Yes, but when he was speaking, was he inside the vehicle or was
15 he -- or could you see him outside the vehicle?

16 A. [12:52:49] He was standing, he was standing up in a vehicle when he was
17 speaking to the local inhabitants, surrounded by his men. And the local population
18 were listening -- was listening to him. Nobody could make a sound. I mean
19 the population was calm. Okoa-Penguia, the mayor, went up to him to wish him
20 welcome. There were also other representatives of -- of local authorities and
21 high-ranking officials. And after that he got out and he met the mayor, while
22 the others around were claiming him as he was moving forward. That's what
23 happened on that -- on that day.

24 Q. [12:53:50] And a last clarification, Mr Witness, on this specific point. Even
25 without remembering the brand of the vehicle, do you remember whether it was

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1 a pickup? Because you say that he was standing up, he was standing.

2 PRESIDING JUDGE SCHMITT: [12:54:03] Ms Wakchom.

3 MS WAKCHOM: [12:54:04](Interpretation) Yes, your Honour, I think my learned
4 colleague perhaps should let the witness -- should give the witness an opportunity to
5 answer the question, but an open-ended question because she is offering an answer to
6 her question.

7 PRESIDING JUDGE SCHMITT: [12:54:21] Well, actually, I appreciate the question,
8 because it was not clear for me, the situation, if he was sitting in the -- in the vehicle.

9 And I allow the question. It's -- it sort of follows from what the witness has already
10 said, but --

11 So, Mr Witness, what was -- of course you don't know the brand of the vehicle, you
12 have said that already. But was it a vehicle where -- where the top could be
13 removed, you know? You understand what I mean? Or an open, open vehicle also
14 possible.

15 THE WITNESS: [12:55:08](Interpretation) It was a small vehicle. They were on
16 board a small-size vehicle. Not with a sunroof. No, I don't -- I don't remember
17 the brand, in fact.

18 PRESIDING JUDGE SCHMITT: [12:55:26] I think we leave it at that. We have
19 tried.

20 MS GUISSÉ: [12:55:32](Interpretation) Your Honour, I'm going to move on to
21 another area. Perhaps it's an opportune moment to move to the luncheon
22 adjournment, even though it's slightly before time.

23 PRESIDING JUDGE SCHMITT: [12:55:50] Indeed, it's a good suggestion.

24 So we'll have the break now.

25 THE COURT USHER: [12:55:59] All rise.

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- 1 (The hearing ends in open session at 12.56 p.m.)