

Trial Hearing
WITNESS: CAR-D29-P-5014

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 16 January 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:24] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:44] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:56] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:11] Thank you.
20 I ask for the appearances of the parties. Mr Garcia first for the Prosecution.
21 MR GARCIA: [9:33:18] Good morning, Mr President, your Honours. Lucio Garcia
22 for the Prosecution again with Mr Pierre Belbenoit-Avich, Mr Kweku Vanderpuye,
23 Mr Tuomas Oja, and finally, Mr Yassin Mostfa. Thank you.
24 PRESIDING JUDGE SCHMITT: [9:33:30] Thank you.
25 I see Mr Suprun is back. But first Ms Massidda.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 MS MASSIDDA: [9:33:36] Good morning, Mr President, your Honours. For the
2 victims of the other crimes appearing today, Mr Enrique Carnero Rojo,
3 Ms Mouhia Asso and myself, Paolina Massidda.

4 PRESIDING JUDGE SCHMITT: [9:33:47] Thank you.

5 Mr Suprun.

6 MR SUPRUN: [9:33:49] Good morning, Mr President. Good morning, your
7 Honours. The former child soldiers are represented by Tayssir Othmani and myself,
8 Dmytro Suprun. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:34:05] Thank you.

10 I turn to the Defence.

11 We start with Ms Dimitri.

12 MS DIMITRI: [9:34:07] Good morning, Mr President. Good morning, your
13 Honours. Good morning, everyone. Good morning, Madam Witness.

14 Mr Yekatom is present in the courtroom this morning and the composition
15 of the team remains the same, except we, I believe, have the addition of
16 Mr Lionel Messi Tikpa.

17 PRESIDING JUDGE SCHMITT: [9:34:21] Mr Knoops.

18 MR KNOOPS: [9:34:22] A very good morning, Mr President, your Honours. Good
19 morning everyone in the courtroom. Our team is composed in the same -- with the
20 same members as yesterday, with the addition of Mr Mathias Goffe. Thank you.

21 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you very much.

22 And, of course, a very warm welcome again to Madam Witness.

23 Good morning, I hope you had a good rest since yesterday.

24 WITNESS: CAR-D29-P-5014 (On former oath)

25 (The witness speaks Sango)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 THE WITNESS: [9:34:56](Interpretation) Yes, indeed I did rest.

2 PRESIDING JUDGE SCHMITT: [9:34:59] Ms Dimitri, you have something to
3 propose or to say or to add?

4 MS DIMITRI: [9:35:05] To say. Just an ERN correction from yesterday, your
5 Honour.

6 PRESIDING JUDGE SCHMITT: [9:35:09] Yes, please do that.

7 MS DIMITRI: [9:35:10] Yes, so in yesterday's transcript at 12:14, I made a slight
8 mistake regarding tab 8. The correct ERN number of tab 8 is CAR-D29-0006-1352.
9 This is the correct ERN number. And I mistakenly said 1353. So
10 CAR-D29-0006-1352. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:35:43] Thank you very much. Much
12 appreciated.

13 And I give the floor now to Mr Garcia.

14 MR GARCIA: [9:35:56] Thank you, Mr President, your Honours.

15 QUESTIONED BY MR GARCIA: (Interpretation)

16 Q. [9:36:10] Good morning.

17 A. [9:36:12] Good morning.

18 Q. [9:36:15] Please listen, Madam Witness. My name is Lucio Garcia. I met you
19 briefly and today I'll be putting a number of questions to you, all right?

20 Now, if at any point in time you have any trouble understanding any of my questions
21 or if you need more detail in order to answer, don't hesitate, tell me so. And just say
22 "could you give more detail" so that you can properly understand my question and
23 answer. Do you understand?

24 A. [9:37:01] Yes, I've understood.

25 Q. [9:37:05] Madam Witness, I don't intend to question you for a long period of

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 time today, but I do have some important questions for you.

2 MR GARCIA: [9:37:22] Your Honour, if we could go in private session.

3 PRESIDING JUDGE SCHMITT: [9:37:24] Yes.

4 MR GARCIA: [9:37:25] I'm going to keep this short, obviously, but it's the

5 introductory part.

6 PRESIDING JUDGE SCHMITT: [9:37:31] Yes, absolutely. We go to private session

7 then.

8 MR GARCIA: [9:37:35] Thank you.

9 PRESIDING JUDGE SCHMITT: [9:37:35] And it's appreciated if you try to have at
10 least part of your examination in public session.

11 MR GARCIA: [9:37:41] I can already assure the Chamber that most of it will be in
12 public session and only in specific portions will I ask the Chamber to go into private.

13 PRESIDING JUDGE SCHMITT: [9:37:49] Thank you very much.

14 Private session.

15 Mr Knoops, you have a problem with that?

16 MR KNOOPS: [9:37:55] Yes, Mr President, I'm informed that the French transcript is
17 not working for at least the defendant -- for all of us it's the same.

18 PRESIDING JUDGE SCHMITT: [9:38:06] Well, actually, it's frozen everywhere.

19 Then I think we can -- we continue and we hope that this will be fixed during the
20 examination by Mr Garcia. And if not, we -- well, I will have also -- I have it also on
21 my screen, then we have to think further. But I think we can simply continue.

22 Are we in private session now?

23 (Private session at 9.38 a.m.)

24 THE COURT OFFICER: [9:38:41] We are in private session, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:38:43] Thank you.

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

1 Mr Garcia.

2 MR GARCIA: [9:38:47] Thank you.

3 Q. [9:38:51] (Interpretation) Madam Witness, we met briefly, but if I've understood
4 correctly, you did have an opportunity to meet other members of the OTP staff in the
5 past, in 2016 to be specific. Does that ring a bell?

6 A. [9:39:17] I met some people, but I don't know what unit they belonged to. They
7 called me, I talked to them, but I don't know exactly where they work or anything like
8 that.

9 Q. [9:39:32] Well, I just --

10 PRESIDING JUDGE SCHMITT: [9:39:34] Mr Garcia, you are speaking French. The
11 witness understands French, then we have the problem since Methuselah's time, so to
12 speak, that you might be a little bit too quick, so you have to wait perhaps also that
13 the interpreter can follow.

14 I interrupt you in the first instance so that this does not become a recurring theme, so
15 to speak. So, please, please wait a couple of seconds with your next question.

16 Thank you.

17 MR GARCIA: [9:40:02] That's very much appreciated, Mr President. And I will, of
18 course, take my time.

19 Q. [9:40:09] (Interpretation) Madam Witness, I have a screening note here from
20 investigators and this is exhibit number 5 on our list of exhibits. We call this a
21 screening note, all right? It's a note that the investigators of the ICC within the OTP
22 drafted with a view to meeting a person, a potential witness. Do you see what I'm
23 trying to tell you?

24 THE INTERPRETER: [9:40:55] Answer not heard from --

25 MR GARCIA: [9:40:59](Interpretation)

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

1 Q. [9:40:59] Now, this is dated 15 September 2016 and the ERN number is -- ends in
2 01. And here we see that you met two investigators from the OTP. Does that
3 refresh your memory?

4 THE INTERPRETER: [09:41:16] CAR-OTP-2037-0410.

5 THE WITNESS: [9:41:28] (Interpretation) I told you that many people contacted me
6 to ask me what had happened, but I don't know which people you're talking about.
7 I really can't remember exactly who you're -- who you might be talking about.

8 MR GARCIA: (Interpretation)

9 Q. [9:41:50] Yes, I realise that many people contacted you, but I'm talking about
10 investigators from the OTP, and this was a meeting that was held in Bangui. It was a
11 face-to-face meeting, you met these people personally, two investigators who
12 interviewed you. They introduced themselves to you and they asked you questions
13 about what happened during the crisis in the Central African Republic and you
14 provided some detail to these people. And what's more, after that, you met other
15 members of the OTP and you provided details about your status, whether you were
16 married, whether you had children. So it wasn't very brief, it took a while, and the
17 investigators gleaned quite a bit of information from you. Now, now that I mention
18 this to you, ma'am, does this refresh your memory?

19 A. [9:43:00] I don't deny what you're saying, but I'm telling you I met many people.
20 (Redacted). There were several of them. I don't
21 know whether they worked for the OTP. Many people contacted me and I gave
22 information at the police station, elsewhere. In a way I was very much in demand,
23 so to speak. All kinds of people were asking me questions. But I can't remember
24 these people's names. And I don't remember the period of time. I told you that
25 many people were asking me for information, but to tell you which particular day or

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

1 year, I don't remember.

2 PRESIDING JUDGE SCHMITT: [9:43:50] Thank you, Madam Witness.

3 First of all, the French transcript is working again, which is very positive news.

4 Ms Dimitri.

5 MS DIMITRI: [9:43:59] Yes, Mr President, just one point on the last question put by
6 my learned friend, in French he said -- he summarised the first meeting and then he
7 said "... *et par la suite, vous les avez encore rencontrés.*" So it's as if there's two meetings.
8 I just wanted to clarify because from the record there's only one.

9 PRESIDING JUDGE SCHMITT: [9:44:24] well, we have here the document that you
10 provided us with, the screening note - this is page 0410 - and it says that the meeting
11 was supposedly to be held on 15 September 2016 and that it lasted 2 hours and
12 25 minutes. That is what we can glean from this document.

13 Mr Garcia.

14 MR GARCIA: [9:44:47] That's correct, your Honour. What I am referring to, and
15 probably Maître Dimitri is well aware of it, is that there is always a portion of this
16 meeting that is concerning the personal facts or the personal information regarding
17 the witness. So that is indeed what I'm speaking about. And it's all in just the
18 intent of trying to refresh the witness's memory just so I can be clear on this matter
19 and then I can move on.

20 PRESIDING JUDGE SCHMITT: [9:45:13] And the witness has clearly answered that
21 she has met a lot of people and that she does not deny that this meeting has taken
22 place or she does not have recollection of it. You can take it on from there.

23 MR GARCIA: [9:45:25] Thank you, your Honour. Thank you, Mr President.

24 Q. [9:45:29] (Interpretation) I'll just return to this particular point. Ma'am, you're
25 able -- you are able to make a distinction between a meeting with members of the staff

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 of the ICC and meetings with other people, that is to say, journalists or other kinds of
2 people, NGO people, you can make that distinction, am I right?

3 A. [9:46:15] Yes, I can distinguish between these people. When you meet someone,
4 the person introduces himself to you and says what institution he works for. But
5 you're talking about many years ago. I've met many different kinds of people,
6 (Redacted). I'm not denying. But maybe if you tell me
7 what was said during the meeting and I might remember. That might refresh my
8 memory.

9 Q. [9:46:53] I think you're one step ahead of me, ma'am. That's exactly what I'm
10 going to do.

11 When you met with the people from the OTP, you said that you were (Redacted)

12 (Redacted)

13 (Redacted). You also mentioned, indeed, as you said here - and this is the part of the
14 account that I think is credible - that (Redacted)

15 (Redacted)

16 (Redacted)

17 Does that refresh your memory? Do you remember that conversation with the staff
18 members of the OTP in 2016?

19 A. [9:47:58] Yes, I remember.

20 Q. [9:48:03] You also told them -- and at the very beginning the investigators told
21 you that they were investigating crimes that occurred during the crisis in the Central
22 Africa, * remember, and that they were there to investigate both sides of the conflict,

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 (Redacted). Do you remember that?

2 A. [9:49:00] Yes, I remember.

3 Q. [9:49:04] (Microphone not activated)

4 THE INTERPRETER: [9:49:07] Microphone, please.

5 PRESIDING JUDGE SCHMITT: [9:49:10] Mr Garcia, microphone, please.

6 Although this has the advantage when you start anew that the interpreter can also
7 start fresh with the interpretation, to put it this way. Simply, you have to put the
8 microphone on.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted – private session

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Open session at 10.15 a.m.)

24 THE COURT OFFICER: [10:15:13] We are in open session, Mr President.

25 MR GARCIA: [10:15:39](No interpretation)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 PRESIDING JUDGE SCHMITT: [10:15:49] We need --

2 THE INTERPRETER: [10:15:49] Sorry, my microphone was off.

3 MR GARCIA: [10:15:52](Interpretation)

4 Q. [10:15:53] I'm going to ask you several questions about the events which took
5 place.

6 PRESIDING JUDGE SCHMITT: [10:15:57] You can continue now, Mr Garcia.

7 MR GARCIA: [10:16:03](Interpretation)

8 Q. [10:16:04] So I'm going to ask you questions on the context under which these
9 events took place, the ones you've just told us about, Madam Witness; is that okay?
10 Yesterday during your testimony we talked about 5 December 2013 and the attack on
11 Bangui.

12 And you spoke a bit about that and I will remind you of what you said.

13 Now I'd like to go a little bit more back before 5 December. If I understand correctly,
14 at that time, part of the time you spent in Bimbo; is that correct?

15 A. [10:16:51] That is correct.

16 * Q. [10:16:57] So you were in Bimbo, am I correct in saying that you did get
17 information from neighbours, from the media, from people who you spoke to about
18 the fact that the Anti-Balaka were attacking towns, villages, and people of Muslim
19 faith? Did you hear any information of that type?

20 A. [10:17:34] No, I never heard any talk about that, about a fight from the -- in the
21 provinces. Anyway, people didn't know that name. Personally, I didn't know
22 about the series of combats that took place. But nevertheless, afterwards, we knew
23 that something was afoot.

24 Q. [10:18:08] But, Madam Witness, surely you must have heard talk about this
25 before 5 December 2013 that the Anti-Balaka were attacking people of the Muslim

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 faith, that they were attacking them, not so? Do you agree with me?

2 A. [10:18:30] If I had received that information, I wouldn't have waited until they
3 came to find me. Of course I heard some talk about the Anti-Balaka, but I never
4 learnt that the latter were attacking Muslims. You know, in the Central African
5 Republic, the Muslims didn't -- didn't -- couldn't leave freely. I was new in that
6 neighbourhood. Neighbours who came to tell me that the Anti-Balaka were en route
7 to chase out the Seleka. That's what I learnt.

8 Q. [10:19:19] The question I put, the statement that I said that they attacked people
9 of the Muslim faith, is that the first time that you hear this? I just want to
10 understand the situation fully.

11 A. [10:19:39] Until the Anti-Balaka entered into the town, I didn't know at all that
12 they attacked Muslims. If it was like that, why would I have stayed in the Christian
13 surroundings? You know, the neighbourhood where I was, there were very few
14 Muslims. It was principally made up of Christians. What I learnt is that the
15 neighbours said that the Anti-Balaka were en route to chase out the Seleka, but it
16 wasn't against the Muslims at all. If that was the case, I wouldn't have stayed where
17 I was.

18 PRESIDING JUDGE SCHMITT: [10:20:19] Mr Knoops.

19 MR KNOOPS: [10:20:20] Mr President, I think the way this question is put is not
20 correct. It's a contentious issue. Prosecution can say if the information the witness
21 got indicates that Anti-Balaka were attacking Muslims, but Prosecution cannot
22 suggest it as a fact. It's a contentious issue.

23 PRESIDING JUDGE SCHMITT: [10:20:41] Yes, indeed. However, the witness has
24 clearly answered in a way that I think also leads me to the suggestion to Mr Garcia to
25 leave that issue. She has simply said she heard that the Anti-Balaka were supposed

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 to drive the Seleka out and not attack Muslims as such. That is how I understood it.

2 So we can take it from there and continue, please.

3 MR GARCIA: [10:21:19] (Interpretation)

4 Q. [10:21:22] So let's be clear. During the attack of 5 December 2013, did your
5 perceptions change? Was it at that moment that you became aware that yes, indeed,
6 the Anti-Balaka force also attacked people of the Muslim faith because of what you
7 saw or heard, et cetera?

8 A. [10:22:12] I told you that when I was in Bimbo, I never heard anything about
9 that Anti-Balaka would attack Muslims. I only heard that there were fighters who
10 were called Anti-Balaka who were en route to chase out the Seleka because all that
11 they had done to the population. That is what I learnt.

12 PRESIDING JUDGE SCHMITT: [10:22:38] Please, please move on, Mr Garcia. The
13 answer -- please move on, Mr Garcia. The answer is absolutely clear. It's now
14 I think the third time that the witness has expressed it in this or a similar manner.

15 MR GARCIA: [10:22:50] Your Honour, if the Chamber will permit, the question I
16 have, the following question is what the witness understood after 5 December and if
17 she heard about certain events, which is --

18 PRESIDING JUDGE SCHMITT: [10:23:02] That is something new, but actually, as I
19 have said several times in this court, you don't always get the answers that you
20 perhaps want to hear, that that is actually something relatively typical in a courtroom.
21 But this is indeed new information you want to glean and you may ask this question.

22 MR GARCIA: [10:23:26] Thank you, Mr President.

23 Q. [10:23:29](Interpretation) Madam Witness, am I correct -- Madam Witness, am I
24 correct in saying that 5 December 2013 during the attack, the Anti-Balaka in Bangui,
25 that individuals of the Muslim faith and in the market at Boeing were killed? Is that

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 information which you yourself heard? Did you get to hear that?

2 A. [10:24:16] The 5 December I was in Bimbo. On that day we learnt that the

3 Anti-Balaka entered into -- Balaka, and they were made up principally of Christians.

4 There was really no danger. In the evening individuals came from different

5 neighbourhoods to tell us that there were Muslims in that area and that the fighters

6 came to seek revenge against the Seleka. My neighbours learnt about this and they

7 took us and gave us shelter in their family. You know, they were Christians coming

8 from the side of Bimbo who told them that there was a Christian family who were

9 next to them in that area.

10 And after that, people with a kind heart took us in and gave us shelter at them. It

11 was our neighbours who were behind us. And when they arrived, they searched the

12 house and they didn't find us. You know, those people where we were staying, they

13 were respected in the neighbourhood and the youth couldn't accept that they would

14 be attacked by other individuals, so they searched through our house and then they

15 left. {ICR: (Redacted)}

16 (Redacted) }

17 PRESIDING JUDGE SCHMITT: [10:26:06] Ms Dimitri.

18 MS DIMITRI: [10:26:07] It's just -- I'm sorry for the interruption, it's just a Sango

19 correction. The witness said "*famille musulmane*", but it was translated at line 8 by

20 "*famille chrétienne*".

21 PRESIDING JUDGE SCHMITT: [10:26:23] Okay, I understand.

22 Mr Garcia. MR GARCIA: [10:26:40](Interpretation)

23 Q. [10:26:42] Madam Witness, you didn't answer my questions fully, but if I

24 understand you correctly, your answer is no, at that time you did not hear anything

25 about the fact that Anti-Balaka forces killed individuals of the Muslim faith during

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 the attack of 5 December and thereafter; is that correct, am I correct?

2 A. [10:27:06] You asked me as regards events of 5 December. It was only
3 afterwards that I learnt that the Muslims had been killed in Boeing. But before that
4 we did not know, we didn't know that they were killing Muslims. When our
5 neighbours arrived, they took us in, we panicked, but we said, "No, no, no, we must
6 follow this through and you must take us to my other big sister." And three or four
7 days later we learnt that Christians were killing Muslims. But on that day we had no
8 information about such killings. Afterwards we learnt that there was a struggle at
9 Kilometre 5. It was a few days later that we learnt that there were killings in the
10 Boeing neighbourhood on 5 December. We, we were at the Bimbo side, and it's only
11 afterwards, I repeat, that we learned that people had been killed in the Boeing area.

12 Q. [10:28:21] In fact, Madam Witness, you learned that the members, the
13 Anti-Balaka forces killed individuals in the Boeing market; is that correct?

14 A. [10:28:32] That is correct.

15 Q. [10:28:40] Am I right in saying that is the reason why there were so many
16 individuals of the Muslim faith who went to seek refuge in PK5 neighbourhood after
17 5 December 2013? Am I correct in saying this, Madam Witness?

18 A. [10:29:01] That's what I told you yesterday. Many individuals fled and sought
19 refuge in Kilometre 5. All the Muslims, it's true, there were a few that were still in
20 the Christian neighbourhood, but after 5 December, the majority of the Muslims
21 sought refuge in Kilometre 5.

22 Q. [10:29:29] Madam Witness, when you learnt, I think it was some days later,
23 that's what you said, that it was the Anti-Balaka forces who were involved and you
24 also learned, no doubt, that Mr Yekatom was a member of the Anti-Balaka group, was
25 also involved?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 A. [10:29:58] That's what they said, but I didn't see this for myself, not with my
2 own eyes.

3 Q. [10:30:09] If I've understood correctly, you already knew who Mr Yekatom was
4 at that time in the days following the attack of 5 December 2013.

5 A. [10:30:28] Yes, I had heard about him. I had heard his name before he came to
6 our area. I had heard about him, Yekatom, one of the Anti-Balaka leaders. I had
7 heard about him.

8 Q. [10:30:57] Am I correct in saying that when you went back to PK5, and we'll
9 come back to that point in a few moments, there were many people talking about
10 Mr Yekatom, saying that he was one of the leaders or he was involved in the attack
11 upon Bangui on 5 December 2013.

12 A. [10:31:22] Yes, that's right.

13 Q. [10:31:27] And those people were at PK5 because they were afraid, they were
14 afraid of the Anti-Balaka, they didn't want to die; isn't that so?

15 A. [10:31:48] On 5 December, Kilometre 5, it's true that everyone was talking about
16 the Anti-Balaka. But I told you, the Christian community, there had been killings
17 between the Christian community and the Muslim community. It's true that the
18 Anti-Balaka -- well, most of the killings were done by those two communities, that is
19 true.

20 Q. [10:32:17] Well, I'll be asking you about PK5 a bit later, but since we're on the
21 point right now, is it true that many people had been displaced, people had come
22 from other neighbourhoods, other provinces even, to take refuge in PK5 after
23 5 December 2013?

24 A. [10:32:41] Yes, that's right.

25 Q. [10:32:46] And when you went back to the city -- to PK5, rather, am I correct in

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 saying that there were far more people than when you had left, there were problems
2 with sanitary infrastructure, problems housing people; am I correct in saying that?

3 A. [10:33:17] Well, the whole issue of housing and sanitation, yes, but after the 5th,
4 there was not a huge influx. People were coming to PK5, but they were also leaving
5 gradually. At one point there were 500 people. One of the people who stayed at
6 PK5 until the end, yes, some stayed right till the end, but many left. The IOM
7 evacuated some people. The president sent some trucks as well to evacuate. So
8 people also were leaving. People were gradually leaving the area. People -- well,
9 many countries sent planes actually to repatriate their nationals. So Kilometre 5 was
10 almost empty. There was no more than 500 people who stayed in PK5.

11 Q. [10:34:26] But when you went back to PK5 ultimately, am I not correct in saying
12 that there were many refugees of the Muslim faith who had gone there from other
13 places in Bangui or from other provinces and that they had ended up there at
14 Kilometre 5?

15 A. [10:34:55] Yes, yes, that's correct.

16 Q. [10:34:59] This is something that you saw with your eyes; isn't that so, Madam
17 Witness?

18 A. [10:35:05] Yes, that's right.

19 Q. [10:35:06] Am I correct in saying that those people -- well, given there was a lack
20 of places for people to sleep, is it true that people were staying in the mosque?

21 A. [10:35:22] Yes, that's right.

22 Q. [10:35:30] And you, ma'am, did you see any corpses at the mosque, in
23 Ali Babolo mosque?

24 A. [10:35:43] Yes, I did see some.

25 Q. [10:35:53] How many did you see? Do you remember how many? How

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 many corpses are we talking about?

2 A. [10:36:01] I couldn't tell you how many had been killed, but many people had
3 been killed. But I couldn't tell you exactly how many.

4 Q. [10:36:15] Could we say that it was more than 50? Could you give us a general
5 idea? Dozens of corpses or tens of corpses?

6 A. [10:36:37] Many people had died, but I couldn't tell you exactly how many.
7 Many people had died.

8 Q. [10:36:46] Could you tell us when you saw those corpses at the Ali Babolo
9 mosque. What date was it approximately?

10 A. [10:37:08] I didn't go to Ali Babolo to look at corpses. I went there when one of
11 my relatives died. I went once or twice for the funeral. But I didn't see a lot of
12 bodies. I went once for the funeral of my sister, and after that, we met, but we did
13 not -- I didn't see a lot of corpses at the mosque. No, I didn't see a lot of corpses at
14 the mosque.

15 Q. [10:37:47] But when you did go, you did see corpses of civilians - men, women,
16 children - didn't you?

17 A. [10:38:07] Well, you know, within the Muslim community, a woman is not
18 allowed to go close to the body of a man. When I went to Ali Babolo, we were taken
19 there and we saw the body of my sister. We carried out the funeral rights. That
20 lady died after delivering a child. We went, we took part in the funeral rights, then
21 we went back home. I didn't go into the main compound to see what was going on
22 there because we Muslim women were not allowed to, we were not allowed to go
23 there.

24 Q. [10:38:58] Madam Witness, I'm correct in saying -- I realise that you didn't see
25 everything, but you said that there were -- there were women, children, civilians

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 whose bodies were lying there at the mosque; am I correct in saying that?

2 A. [10:39:21] Yes, I heard about that.

3 Q. [10:39:23] Thank you, Madam Witness.

4 I'd just like to move on to one point, namely, the events of 5 December 2013 and what
5 happened after that and what you told us. Is that all right, Madam Witness? Are
6 you in a position to continue answering questions?

7 A. [10:39:50] Yes, I can answer your questions.

8 PRESIDING JUDGE SCHMITT: [10:39:58] Well, there are no indicia that it could be
9 otherwise. And if we see any reaction by the witness, we address it also from the
10 side of the Bench.

11 Please continue, Mr Garcia.

12 MR GARCIA: [10:40:14] (Interpretation) Thank you, your Honour.

13 Q. [10:40:20] Madam Witness, yesterday, when you told us about an incident -- or,
14 rather, an event involving Mr Yekatom, that's what I'd like to revisit today. Now, we
15 are familiar with the details, we don't need to go over the details, but am I correct in
16 saying, if I understood your testimony properly, you didn't know Mr Yekatom at all
17 before that date that you allege he intervened to save your life; am I correct?

18 A. [10:41:21] I never met the man before. I met him the first time when he went to
19 our home and saved our lives.

20 Q. [10:41:33] If I've understood your testimony correctly, ma'am, you did not know
21 Mr Yekatom at all. You had never had any link to him, you didn't know his family,
22 nothing at all. * And all of that happened one or two months after being housed at
23 that place at PK9; is that correct?

24 A. [10:42:07] Yes, that's right.

25 Q. [10:42:13] If I've understood your testimony correctly, ma'am, you were there

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 for a month or two, you didn't know Mr Yekatom and he didn't know you either,
2 obviously, and the very day that an incident occurred, people -- you mentioned a
3 crowd of people attacking you, Mr Yekatom appears. Is that your testimony? He
4 appears and he saves your life?

5 A. [10:42:53] We left the place where we were before. We went to the home of my
6 sister. The Christian community was going after the Muslim community to kill them
7 and vice versa. I was inside. I didn't go outside. Neither did my children. At
8 one point my children began to go outside and they would go with their brothers to
9 the market, to the riverside, they swam in the river. And at the market with their
10 brothers -- you know, in our part of the world, the face of -- well, Christian faces and
11 Muslim faces don't look the same, people can tell by your face. And people started
12 to say, "Oh, those kids are Muslims." And people started to say, "There's Muslims
13 around. There's Muslims here. We can't have Muslims -- we can't be in this
14 neighbourhood with Muslims."

15 And so this happened when our children started to go to the market with their
16 brothers to go outside, go outside of the gate, to play outside, to go to the river.
17 That's when this began. That's when the population rose up and a crowd of people
18 came towards us. I told you yesterday that Mr Yekatom, his camp was behind the
19 bridge and from his camp he heard the crowd before he sent his elements to stop the
20 crowd who had come to kill us. They came and said, "Muslims are not our enemies.
21 We have come to save the population." I never knew Mr Yekatom before. I was
22 inside the house. I never went out for several months. After several months, the
23 children started to go outside and I saw him for the first time the day that he came
24 and he intervened and he saved us. I never knew him before. It was that day when
25 he came and saved us, that is when I saw him for the first time.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 Q. [10:45:19] But, Madam Witness, you've also added some things. You said that,
2 well, other than -- you said you didn't know him, he didn't know you, but you said
3 that he sent people to take care of you and apparently you got his phone number as
4 well. All of this with a person that you didn't know beforehand, that you had no
5 personal connection to and all of this happened in this manner? You even said that
6 he spent an hour with you explaining things to you, explaining his motivation. Is
7 that your testimony ultimately?

8 A. [10:46:10] He didn't give me his telephone number before. I didn't know him
9 before he intervened. It was his elements who intervened to block the road so the
10 crowd couldn't get to us. He knew that a crowd had come to threaten a family in the
11 house, so his elements came and stopped that. But then later on, he came. I heard
12 his voice. The compound is kind of like a double compound, you see. Inside I
13 could hear the crowd calling out. They got through the first gate and they were
14 trying to get to the second gate to get into the second compound. And I heard
15 somebody calling out, "Don't touch them, don't touch them." Already the attackers
16 had broken the gate, and when he got there, the gate was already broken. When he
17 came in, I saw him. I never knew him before that. I stressed that point. He said to
18 me, "Ma'am, don't be afraid. Don't be afraid. We're here to protect you."
19 When he came in, I gathered my children together, they were under my arms, and he
20 said, "Ma'am, don't worry, don't worry, don't be afraid." But I repeat, I didn't know
21 him. I had never seen him before. He reassured me. We were on the veranda. I
22 said sit down. He refused. He was reassuring me. He was saying, "Ma'am, calm
23 down. Don't be worried." He didn't give me his telephone number that day.
24 Then he left. Sometimes he would send his elements to see whether we were safe or
25 not. Then later on he gave us his number so that we could call him if we were in

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 danger. And he would always say to us, "Stay calm. Don't be worried."

2 PRESIDING JUDGE SCHMITT: [10:48:16] Ms Dimitri.

3 MS DIMITRI: [10:48:17] It's -- again, sorry for the interruption. It's the same

4 mistake. I know it's very difficult and I thank the cabin, but at line 8 she said

5 "*famille musulmane*", but it was again interpreted by "*famille chrétienne*".

6 PRESIDING JUDGE SCHMITT: [10:48:36] Indeed. And it's again the infamous

7 line 8.

8 Mr Garcia, please continue.

9 MR GARCIA: [10:48:49] (Interpretation)

10 Q. [10:48:54] Madam Witness, just to make sure I've understood your story, did

11 you know at the time that the brother of Vivien Beina was the deputy of Mr Yekatom

12 within the Anti-Balaka?

13 A. [10:49:18] That day he wasn't with him. I didn't see him with him.

14 Q. [10:49:26] But you knew?

15 A. [10:49:36] (No interpretation)

16 PRESIDING JUDGE SCHMITT: [10:49:41] Well, a translation would be good.

17 Madam Witness, there was a problem with the translation, your last answer. Could

18 you please repeat it. I'm sorry for that.

19 THE WITNESS: [10:50:02](Interpretation) He asked me if I knew Vivien and that he

20 was the deputy of Yekatom. I said I hadn't seen him that day. When he intervened

21 to save my life, Vivien was not with him. That gentleman asked me if I knew that he

22 was his deputy, but -- but I didn't see him together with him. How could I know

23 that he was his deputy given that many years had gone by?

24 MR GARCIA: [10:50:45] (Interpretation)

25 Q. [10:50:45] Just to clear this up, I asked you whether Habib Beina, the brother of

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 Vivien Beina, was the deputy of Mr Yekatom. That was my question.

2 A. [10:51:02] I haven't understood your question.

3 PRESIDING JUDGE SCHMITT: [10:51:08] Mr Garcia, give me a chance, perhaps.

4 Madam Witness, you said yesterday and also today that you knew the family Beina,
5 that you lived close to them, that you were friends with them, and also that you knew
6 the brothers Vivien Beina and Habib Beina. And the question is: Did you know
7 that Habib Beina was the deputy of Mr Yekatom? That is the question. Did you
8 know that? It doesn't matter if he was with him at the time, but the question of
9 Mr Garcia is if you knew that he was the deputy of Mr Yekatom.

10 THE WITNESS: [10:51:58](Interpretation) The one who died, I was told that he was
11 his deputy.

12 MR GARCIA: [10:52:08] (Interpretation)

13 Q. [10:52:11] When did you hear about that, Madam Witness?

14 A. [10:52:25] It was during one of my trips to Zila. The driver picked me up and
15 took me to the home of Mr Yekatom so that I might spend the night there in a safe
16 place. That's when I heard about it. It was at the home of his deputy.

17 Q. [10:52:53] Yes, you mentioned that yesterday. And when did that happen
18 exactly? If we take the attack of 5 December 2013 as our reference point, when did
19 that happen in relation to that date?

20 A. [10:53:15] I began -- I resumed trips well after. Because up until 2014, I wasn't
21 travelling. It was later. After I returned to Kilometre 5, that was when I was able to
22 meet him, during that trip when the car broke down.

23 Q. [10:53:36] If I've understood your testimony, you're telling us that despite your
24 links to the Beina family, it was only later on, after your return to PK5, not before, that
25 you found out that Mr Habib Beina was part of the Anti-Balaka and was the deputy

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 of Mr Yekatom?

2 A. [10:54:06] When I started to travel again, when I was in Bimbo, I was afraid. I
3 couldn't go out. I couldn't go out just any old way. It's when I resumed travelling,
4 that's when I learned that Habib was his deputy.

5 Q. [10:54:25] And Vivien Beina, did you know that he was part of the -- you knew
6 that he was part of the National Coordination, didn't you?

7 A. [10:54:37] No. I didn't know about Vivien being within the Anti-Balaka. I
8 knew him at Kilometre 5, but I didn't know about him being part of the Anti-Balaka.

9 Q. [10:54:49] You never knew when you spoke to Vivien Beina that he was part of
10 the National Coordination of the Anti-Balaka? This is the first time you've -- this is
11 news to you? You're just hearing about this today?

12 A. [10:55:10] I really don't know what to say. That's the only answer I can give
13 you for now.

14 Q. [10:55:18] Madam Witness, do you agree with me that this event that you've
15 described to us involving Mr Yekatom, who apparently saved your life, that's a rather
16 important event for you, isn't it?

17 A. [10:55:38] Yes, that's right.

18 Q. [10:55:43] But, ma'am, Madam Witness, I'm asking you the question because I
19 have the screening note from the OTP and this is the first time -- I'm talking about the
20 first time the OTP met with you, and the members of the OTP, the investigators told
21 you that they were there to investigate crimes that occurred in the Central African
22 Republic. You told them many things, but one thing that's missing here in this
23 screening note is this entire account about Mr Yekatom allegedly saving your life.
24 That event is not described in the notes. Am I correct in saying you never told the
25 investigators about that when you met them?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 MS DIMITRI: [10:56:35] Mr President.

2 PRESIDING JUDGE SCHMITT: [10:56:37] Ms Dimitri.

3 MS DIMITRI: [10:56:38] If I may, I object to the framing of the question because it's
4 based --

5 MR GARCIA: [10:56:43] If we're going to -- I'm sorry.

6 PRESIDING JUDGE SCHMITT: [10:56:47] First of all, Ms Dimitri and then I speak
7 and then you.

8 MS DIMITRI: [10:56:52] I'm not -- I'm not going to influence the witness. I'm going
9 to -- I understand what my ...

10 Two points. First, decision filing number 618 in which it was specified that a
11 screening note is a product of a preliminary investigative step.

12 And second of all, your own words, Mr President, in transcript 244, where you said at
13 12:16: "... from a screening note we cannot infer that something was not addressed.
14 Perhaps ... something was addressed if it is done faithfully, but not if something was
15 not addressed."

16 So on that basis --

17 PRESIDING JUDGE SCHMITT: [10:57:34] First of all, I'm really amazed that you
18 have that at hand immediately what has been said months ago, but -- this all is true,
19 but what is also true is that in this courtroom by the Defence screening notes have
20 been used to question witnesses, and they can be used to put certain questions to the
21 witness. And I think Mr Garcia was intending to ask the witness if she has
22 mentioned it or not, if she has a recollection. And that is absolutely an appropriate
23 question that he can ask and we listen to the answer and then we continue from there.
24 I think you would have to repeat it, Mr Garcia.

25 MR GARCIA: [10:58:22] (Interpretation)

Trial Hearing
WITNESS: CAR-D29-P-5014

(Open Session)

ICC-01/14-01/18

1 Q. [10:58:24] Madam Witness, is it correct that during your interview with the OTP
2 investigators on 15 September 2016 and you spent 2 hours and 25 minutes -- well,
3 several hours with them, did you ever mention that event, namely, that Mr Yekatom
4 saved your life? All the same, a very significant event. Is that correct, ma'am, you
5 never mentioned it?

6 A. [10:59:05] {ICR: (Redacted)}

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)}

16 PRESIDING JUDGE SCHMITT: [11:00:06] Madam Witness, do you have -- can we
17 take from your answer that you did not tell the investigators at the time about this
18 event with Mr Yekatom? And you might have had your reasons, but simply do you
19 have a recollection on that? So you did not tell them everything. And this is not
20 any reproach to you. Witnesses specifically in the situation when they are not in the
21 courtroom, they might have reasons not to reveal anything. That's not a reproach,
22 obviously not. But can we take from your answer that you did not mention this
23 during the first encounter with the investigators of the Prosecution?

24 THE WITNESS: [11:01:01](Interpretation) I didn't even want to talk about it. I
25 didn't even want to talk about it until some people asked me about it and that's when

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 I admitted. But I didn't -- I never wanted to talk about it. I didn't talk to them
2 about it.

3 PRESIDING JUDGE SCHMITT: [11:01:20] Okay.

4 I think we have the break now until quarter past 11.

5 THE COURT USHER: [11:01:31] All rise.

6 (Recess taken at 11.01 a.m.)

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

8 THE COURT USHER: [11:33:26] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [11:33:48] We are in open session, Mr Garcia, so
11 please keep that in mind when you continue with the examination.

12 Ms Dimitri, you have an issue? Yeah, please, first, before we -- in open session,
13 possible to do? Yeah.

14 MS DIMITRI: [11:34:02] Yes. It's in relation to your last question, Mr President. If
15 you look at your question, you specifically mentioned Mr Yekatom. This was not
16 picked up in French, neither in Sango. You'll remember that the witness spoke about
17 two events. So there was a translation issue. I just wanted to mention it on the
18 record in order to understand the response.

19 PRESIDING JUDGE SCHMITT: [11:34:23] Yes, absolutely, absolutely. Thank you
20 very much.

21 And, as I always say, when we can solve translation issues on the spot, we spare
22 ourselves a lot of time because always in the aftermath it's always much more
23 strenuous and complicated.

24 Mr Garcia, you still have the floor.

25 MR GARCIA: [11:34:45] Thank you, Mr President, your Honours.

Trial Hearing
WITNESS: CAR-D29-P-5014

(Open Session)

ICC-01/14-01/18

- 1 Q. [11:34:48](Interpretation) {ICR: (Redacted)}
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted).}
- 22 PRESIDING JUDGE SCHMITT: [11:37:38] Yes, of course.
- 23 Yes, we go to private session.
- 24 (Private session at 11.38 a.m.)
- 25 THE COURT OFFICER: [11:38:01] We are in private session, Mr President.

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [11:41:07] Am I correct also in saying that the main problem was the question of
5 free movement. That's to say people of Muslim faith in PK5 wanted to bury their
6 relatives who was of the Muslim faith but could not gain access in safety and in free
7 movements, they couldn't go to the cemetery which was located in Boeing; is that
8 correct?

9 A. [11:41:39] That is correct. That's because there was a conflict between the two
10 communities, the Christians couldn't have access to the Muslim-dominated
11 neighbourhoods and vice versa. So it wasn't a free -- there was no free circulation.

12 Q. [11:42:05] Okay, Madam. And I also follow your reasoning. But am I also
13 correct in saying, Madam, that the Anti-Balaka elements also prevented you to have
14 access to the cemetery? Is that not correct, Madam Witness? And that is from
15 5 December 2013 onwards. That's to say perhaps there was the population, or part
16 of the population, as you say, but there were also Anti-Balaka armed elements who
17 were there; is that correct?

18 A. [11:42:46] I didn't have an opportunity to move around, to take note of that.
19 All I know is that it wasn't possible to have access to the Boeing cemetery. I didn't
20 have an occasion where I could move out and see that for myself. But the access was
21 blocked. Today, I can't say whether it was the Anti-Balaka or the civilian population.
22 All I can say is that the two communities, no-one had any right to enter the space that
23 was occupied by the other side.

24 Q. [11:43:37] Just so that I'm quite sure I understand you fully, I'd like you to be
25 more clear. Are you telling us now, today, that as of today, you never heard about

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 the fact, and you never knew anything about -- you didn't hear it by the television, the
2 radio, or whatever, that the Anti-Balaka forces were preventing individual civilians of
3 the Muslim faith of PK5 to go and bury their friends or family in Boeing? Is that
4 what you are saying today or would you like to clarify the situation?

5 A. [11:44:24] I'm not denying the existence of the Anti-Balaka. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). I am not denying the fact that there were Anti-Balaka, but to say that it
16 was the Anti-Balaka who stopped us having access to the cemetery, well, I cannot
17 confirm that because at that time the population, all the population was against the
18 fact that we move around freely, that the Muslims move around freely to the
19 cemetery.

20 Q. [11:46:31] Thank you for your answer, Madam Witness. I just wanted to be
21 clear. Are you confirming that you do not reject the idea of the Anti-Balaka, but if
22 I understand you correctly, you are telling us now that never at that time, up to today,
23 you heard that it was the Anti-Balaka, whether with or -- against -- with the
24 population, that physically prevented anyone having access to the Muslim cemetery
25 Boeing from PK5? (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 (Redacted). I just want it to be crystal clear. Is that what

2 you're telling us?

3 A. [11:47:19] Yes, that is what I am saying. I don't deny the existence of the

4 Anti-Balaka, but at that time when you take a corpse to bury it and the Anti-Balaka

5 was against this, no, I never saw that. At that time, the two communities couldn't

6 move around freely. They couldn't see each other. But no Muslim could be

7 transported, no body could be transported to the cemetery. And that's why the

8 authorities came together to see what there could be done because they didn't want

9 that the Muslims continued to go there to bury the dead.

10 The authorities asked the Muslims to wait until there was an agreement between the

11 two communities so that they could go and bury the bodies. But I never saw the

12 Anti-Balaka prohibit access to the cemetery.

13 PRESIDING JUDGE SCHMITT: [11:48:26] Mr Garcia, please move on.

14 MR GARCIA: [11:48:39] I'm sorry, Mr President, I seem to have an issue with ...

15 PRESIDING JUDGE SCHMITT: [11:48:44] No, I simply think that the witness has

16 answered your question, and also your line of questioning with regard to the -- what

17 she knew, what she saw, what she heard of about Anti-Balaka might have prohibited

18 the population, she has answered that. I simply wanted to encourage you to move

19 to another subject.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted – private session

Trial Hearing
WITNESS: CAR-D29-P-5014

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Madam, I can assure you this is the final subject which I will discuss with you today.

14 Madam Witness, just to remind you that during your first interview which you had

15 with the OTP investigators, you said, amongst other things, that when you were

16 asked the questions which were of a personal nature, that you could be joined at a

17 telephone number. And the number you gave us, (Redacted). So that's the

18 telephone number which comes from the Telecel provider. Does this telephone

19 number -- is that the one that you used at that time in 2013, 2014 and thereafter?

20 A. [11:55:46] Yes, I even use this number today.

21 Q. [11:55:53] And how long have you had this telephone number, since when?

22 I'm not talking about the month, but do you know roughly when you started using

23 this number?

24 A. [11:56:06] It's a long, long time, I can't really give you the year. All I know is

25 that I've had this number for a long time, for more than 10 years.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 PRESIDING JUDGE SCHMITT: [11:56:19] Ms Dimitri, do you have an issue with
2 that?

3 MS DIMITRI: [11:56:25] Yes, Mr President. I'm just a bit confused, because my
4 learned friend said that when Madam Witness met with the investigator of the Office
5 of the Prosecution, she would have given that phone number. Unless I'm mistaken,
6 and I may well be, I haven't received any disclosure to that effect.

7 PRESIDING JUDGE SCHMITT: [11:56:47] Well, it's at least not in the screening
8 notes so we can see that here. But, well, the witness has confirmed that she used this
9 telephone number. We don't know exactly how long, but she says probably 10 years
10 or even longer.

11 MR GARCIA: [11:57:04] Your Honour, if I can just clarify with Defence counsel.
12 There was a courtesy copy that was sent to Defence counsel of an investigator's report
13 detailing that information actually, which was taken from a part of the interview, so it
14 is in.

15 MS DIMITRI: [11:57:19] Thank you.

16 PRESIDING JUDGE SCHMITT: [11:57:20] But still it's not a huge issue because the
17 witness has confirmed it, so it's not, in the end --

18 MR GARCIA: [11:57:26] I just wanted to (Overlapping speakers) --

19 PRESIDING JUDGE SCHMITT: [11:57:28] No, no. But you were asked so you may,
20 of course --

21 MR GARCIA: [11:57:34] Of course (Overlapping speakers) --

22 PRESIDING JUDGE SCHMITT: [11:57:35] -- answer, and you follow from there.
23 So -- but perhaps allow me.

24 Madam Witness, do you know, again more -- the events happened more than 10 years
25 ago. Did you -- do you have an idea if you used this telephone number already

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 when the events took place in 2013, 2014?

2 THE WITNESS: [11:58:20](Interpretation) I don't know, because at that time there

3 were troubles. It might have been that I used the number of (Redacted)

4 (Redacted). I recognise that number, but at that time I also could have used the

5 telephone number of (Redacted).

6 (Redacted)

7 Q. [11:59:00] Thank you for your answer.

8 At the very beginning, you confirmed that you had telephone contact with (Redacted)

9 (Redacted), and I can inform you that the Defence has also got this

10 information, that the telephone which appeared as the telephone which is phoning

11 is (Redacted).

12 The question I'd like to put to you: These are calls which took place between 2014,

13 (Redacted), but more than 40 calls in total. I know you said you

14 had the telephone number of Mr Yekatom at a certain point of time. Do you

15 remember all these telephone calls with Mr Yekatom in 2014, May until June 2014?

16 PRESIDING JUDGE SCHMITT: [12:00:12] Madam Witness, before you answer, we

17 listen to Ms Dimitri.

18 MS DIMITRI: [12:00:20] I'm a bit confused with the question.

19 PRESIDING JUDGE SCHMITT: [12:00:23] Yeah, me too.

20 MS DIMITRI: [12:00:24] Okay.

21 PRESIDING JUDGE SCHMITT: [12:00:28] You said no telephone calls with

22 Mr Yekatom. Is this established? I have -- I'm not ...

23 MS DIMITRI: [12:00:31] Because I thought we were talking about (Redacted)

24 (Redacted).

25 PRESIDING JUDGE SCHMITT: [12:00:36] Yeah. No, no. No discussions here so

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 we have to clarify this first. Mr Garcia, indeed, you have talked with the witness
2 today, in the morning, about the fact that she had telephone contact, 2015 and '16 with
3 (Redacted).

4 MR GARCIA: [12:00:49] Correct.

5 PRESIDING JUDGE SCHMITT: [12:00:49] Now, I think in the question there
6 appears to be 2014 telephone calls with Mr Yekatom.

7 MR GARCIA: [12:00:58] That's correct, your Honour.

8 PRESIDING JUDGE SCHMITT: [12:00:59] But perhaps you would have to ...

9 MR GARCIA: [12:01:04] I can rephrase, reformulate the question --

10 PRESIDING JUDGE SCHMITT: [12:01:07] Yes, please -- please. Yeah.

11 MR GARCIA: [12:01:10] -- so as not to -- so we don't have two elements.

12 PRESIDING JUDGE SCHMITT: [12:01:12] Yeah, yeah. Please do that.

13 MR GARCIA: [12:01:16] To settle any confusion, I'm going to shorten the question as
14 well.

15 PRESIDING JUDGE SCHMITT: [12:01:18] Yeah. Okay. Thank you very much.

16 MR GARCIA: [12:01:20] Just for your Honours' sake, the phone numbers that I'm
17 referring in are exhibits number 1, number 6 and number 7. That's

18 CAR-OTP-2008-0481, CAR-OTP-2054-1482 and CAR-OTP-2054-1483.

19 Q. [12:01:44](Interpretation) Isn't it correct, ma'am, that you used that telephone
20 number, the Telecel that ends in (Redacted) to establish telephone contact, the
21 incoming calls, outgoing calls with Mr Yekatom? Is that correct?

22 A. [12:02:21] That is my telephone number, but I think I told you that I used several
23 telephone numbers; for example, (Redacted)
24 (Redacted). But it wasn't just that telephone number.

25 PRESIDING JUDGE SCHMITT: [12:02:36] If I perhaps may add, my colleague

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 correctly reminds me that, I think -- I also think so that the witness yesterday said that
2 she was in telephone contact with Mr Yekatom, if I recall correctly. I think she said
3 that. I am just adding what we have in mind of her testimony from yesterday.

4 MR GARCIA: [12:02:59] Thank you, your Honour, and it's on that basis that I'm
5 questioning just to be precise on the date.

6 Q. [12:03:08](Interpretation) You agree with me, ma'am, that you had telephone
7 contact with Mr Yekatom, going by what I see here in the records, on the 9 May 20 ...
8 Do those dates refresh your memory -- 9 May 2014 to 17 August 2014?

9 A. [12:03:47] I believe I've told you several times that ever since our first meeting,
10 we have remained in touch over the phone, because we came to know one another
11 and we would call one another if it was necessary to do so, either I call him or he
12 called me.

13 Q. [12:04:11] So I take it that your answer is --

14 THE INTERPRETER: [12:04:16] Overlapping.

15 PRESIDING JUDGE SCHMITT: [12:04:21] Mr Garcia, please slow down.

16 MR GARCIA: [12:04:27](Interpretation)

17 Q. [12:04:27] Now, also going by the call records that we have, I've understood
18 your last answer, but we have records for your same telephone number showing calls
19 on July 2016 to 23 January 2018. Some calls -- more than 20 calls between
20 17 July 2016 and 23 January 2018.

21 Do you remember any such telephone contact in 2016, 2017 and 2018?

22 A. [12:05:10] I'm not sure what you're driving at, but I've never denied having had
23 telephone contact with him. I told you that after exchanging telephone numbers, we
24 did call one another. I don't deny that.

25 Q. [12:05:34] I've understood that, ma'am. But regarding these calls between 2016

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 and 2018, what was the reasons for these telephone calls, for this telephone contact
2 between you and Mr Yekatom? Do you remember?

3 A. [12:05:57] I know -- I don't know what answer to give you.

4 Q. [12:06:06] Am I correct in saying, ma'am, that after a while you became friends,
5 you and Mr Yekatom, and that is why we see these calls between 2016 and 2018.

6 You would call him or he would call you. You would leave messages on each
7 other's voice mails. Would you inquire about one another, how were things going,
8 so you became friends; isn't that so, ma'am?

9 A. [12:06:40] Yes, indeed. We came to know one another.

10 MR GARCIA: [12:06:52] Your Honours, just for that last one, that's exhibit 11,
11 CAR-OTP-2074-3122.

12 Q. [12:07:06](Interpretation) Madam Witness, you told us that you became friends.
13 Would you say very good friends? Am I correct in saying that you became very
14 good friends, a very good friend with Mr Yekatom with time and after all of these
15 various experiences?

16 A. [12:07:34] I really don't know how to answer your question. That's a difficult
17 question.

18 PRESIDING JUDGE SCHMITT: [12:07:52] (Microphone not activated) You have to
19 switch off your microphone, otherwise -- yeah. So, and if some -- you also have to
20 switch off.

21 So if someone is a very good friend, a friend at all, the witness has answered, you
22 know, the question, and she has confirmed that she continued telephone contact and
23 gave us a reference why this has happened, so please continue.

24 MR GARCIA: [12:08:17] Thank you, Mr President.

25 THE INTERPRETER: [12:08:20] The beginning of the question was not picked up by

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 the microphone, and then --

2 MR GARCIA: [12:08:39](Interpretation)

3 Q. [12:08:39] You're here because of your friendship with him, isn't that so?

4 THE INTERPRETER: [12:08:55] Message from the Sango booth: The Sango

5 interpreter did not hear the beginning of the Prosecutor's question.

6 PRESIDING JUDGE SCHMITT: [12:09:03] That -- Mr Garcia, that can happen. You

7 have to try a third time, and it was a short question so please repeat it.

8 MR GARCIA: [12:09:13](Interpretation)

9 Q. [12:09:13] Am I correct in saying that the main reason for your being here and

10 testifying is the friendship that you have with Mr Yekatom; isn't that so?

11 A. [12:09:37] *According to everything that I've told you, Mr Yekatom saved my

12 life, and if there was a chance of testifying *, why not do so. After everything that

13 happened, even though we *are not close friends, *after what he did for me, I had an

14 obligation to testify *.

15 MR GARCIA: [12:10:09](Interpretation) I have no further questions, your Honour.

16 PRESIDING JUDGE SCHMITT: [12:10:13] Thank you, Mr Garcia, any questions by

17 the representatives of the victims? Yes.

18 MR CARNERO ROJO: [12:10:47](No interpretation)

19 QUESTIONED BY MY CARNERO ROJO:

20 Q. [12:10:55] Good morning, Madam Witness.

21 A. [12:11:00] Good morning. We didn't have the opportunity to meet last

22 week during the courtesy meeting so I will introduce myself now. My name is

23 Enrique Carnero Rojo and I'm one of the lawyers representing the victims in this case.

24 You may know already that you have protective measures and I will try to put my

25 questions in public without making reference to information that may identify you.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 PRESIDING JUDGE SCHMITT: [12:11:40] Then we can go to open session. I think
2 we are still in private session.

3 MR CARNERO ROJO: [12:11:45] Thank you, Mr President.

4 (Open session at 12.12 p.m.)

5 THE COURT OFFICER: [12:12:01] We are in open session, Mr President.

6 MR CARNERO ROJO: [12:12:05]

7 Q. [12:12:06] So I will repeat, Madam Witness.

8 I will try to put my questions in open session without providing information that
9 may identify you. But if -- if you think that in your answer you will provide
10 information that may identify you, before you answer my questions, please let
11 me know and I will ask the Presiding Judge for leave to go back to private
12 session.

13 It is also possible that some of my questions are not clear to you. If that is the case,
14 please let me know and I will clarify them or explain.

15 Is all this clear to you, Madam Witness?

16 A. [12:12:51] Yes, completely.

17 Q. [12:12:53] Thank you very much, Madam Witness.

18 I will start with a few questions about your situation before you went back to PK5,
19 and that is before February, March 2014.

20 MR CARNERO ROJO: Now, for these questions, Mr President, we need to go back
21 to private session.

22 PRESIDING JUDGE SCHMITT: [12:13:14] Then private session.

23 (Private session at 12.13 p.m.)

24 THE COURT OFFICER: [12:13:32] We are in private session, Mr President.

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 Q. [12:13:35] Madam Witness, yesterday, after watching a video with people
2 destroying buildings and taking down roofs, you told us that, I quote, "after the
3 Seleka left, the Christians began going after the Muslims", end quote. This is on
4 page 52 of yesterday's transcript.

5 (Redacted)

6 (Redacted)

7 In this regard, Madam Witness, can you tell us what you saw or what you heard
8 about the situation of the Muslim population in PK9 while you were there -- that is, in
9 late January or early February 2014?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MR CARNERO ROJO: [12:15:27]

21 Q. [12:15:28] Thank you, Madam Witness. And do you know or did you hear
22 something about the situation in PK9 at that time?

23 A. [12:15:49] There was no interpretation into Sango.

24 Q. [12:15:53] So I'll repeat the question, Madam Witness.

25 At that time did you hear something about the situation of the Muslims in PK9?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 A. [12:16:11] I think I told you that I heard people talking about what had
2 happened at Kilometre 5. When I was in Bimbo, I heard it said that people had been
3 killed at Kilometre 5.

4 Q. [12:16:30] Yes, Madam Witness, I am --

5 PRESIDING JUDGE SCHMITT: [12:16:32] Well, but also -- please. You're asking
6 for hearsay and she has answered. I think you can move on so.

7 MR CARNERO ROJO: [12:16:44] Yes, Mr President, but I asked about PK9.

8 PRESIDING JUDGE SCHMITT: [12:16:47] Yeah, I know, but she is a very intelligent
9 lady and she grasps -- or was there a translation issue again?

10 MS DIMITRI: [12:16:56] Indeed. I am told -- I am told that PK9 is not translated to
11 her.

12 PRESIDING JUDGE SCHMITT: [12:17:03] Then, of course, then ... Well -- well, I was
13 wrong, but -- but it's not my fault.

14 So please continue then and ask again. So it's about PK9, yeah.

15 MR CARNERO ROJO: [12:17:19]

16 Q. Yes, once again, hopefully the last time I have to put this question,
17 Madam Witness. I was asking about the situation, if you know, if you were told, if
18 you heard of the Muslim population in PK9.

19 A. [12:17:51] When I was at PK9 I didn't hear people saying that there had been
20 violence against Muslims in -- of PK9, because while I was at PK9, I was inside the
21 house. But when I had an opportunity to go out, I did not hear about Muslims living
22 in PK9 being attacked in any way at all.

23 Q. [12:18:24] Thank you, Madam Witness. So does that mean that Muslims in PK9,
24 when you were there, could move freely around PK9, that they had access to food,
25 they could go to the doctor and things like that?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 A. [12:18:54] Ever since yesterday I've been telling you that when I was at PK9 and
2 after those events the Muslims continued to sell their goods, even the Peuhls. And
3 they continued to sell their goods in a market beside the town hall.
4 At the time I was inside. I couldn't know what was going on outside. But
5 two months later it was possible to move about and go to the market. But the acts of
6 violence and abuse from Petevo -- were to PK5. But in PK9 I didn't see anything
7 about acts of violence or abuse against Muslims. I didn't see any of that.

8 Q. [12:19:56] Thank you, Madam Witness. May I ask if you heard about people
9 who had to give some kind of money to anybody to remain secure in Bimbo or in
10 PK9?

11 MS DIMITRI: [12:20:08] Mr President.

12 PRESIDING JUDGE SCHMITT: [12:20:10] Yeah.

13 MS DIMITRI: [12:20:11] The first line of questioning was about the Muslims and
14 them. Now I think we're going beyond.

15 PRESIDING JUDGE SCHMITT: [12:20:18] Yeah, well, I think we should -- please be
16 more precise, Mr Carnero Rojo, and say that we are speaking about Muslims living
17 there and if she heard about that.

18 I have the impression that it's not -- it's not super promising this line of questioning,
19 but you can give it one or two more tries.

20 MR KNOOPS: [12:20:44] Mr President.

21 PRESIDING JUDGE SCHMITT: [12:20:45] Yeah.

22 MR KNOOPS: [12:20:46] I have another objection. The question asked by my
23 learned friend really goes outside the scope of the (Overlapping speakers) --

24 PRESIDING JUDGE SCHMITT: [12:20:54] Yeah, this is a -- it's a borderline question.
25 Since I have the impression I know the answer, let the witness answer this question,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 please.

2 So please repeat it. You have a point, but it's -- it's, as I said, it's borderline and I give
3 you one chance at it, let me put it this way.

4 MR CARNERO ROJO: [12:21:16] Thank you, Mr President.

5 Q. [12:21:17] So, Madam Witness, you have said that when you were in PK9 and
6 also in Bimbo the situation of the Muslims, they could go to the market, they could do
7 their usual business.

8 I have one question in particular: Did you hear that those people, the Muslims, had
9 to give money to anybody to ensure their security while they were in Bimbo or in
10 PK9?

11 A. [12:22:13] No, the Muslims -- on the Muslim side and on the Christian side, no.
12 I didn't hear that information.

13 PRESIDING JUDGE SCHMITT: [12:22:22] Well, that was, Mr Knoops, what
14 I expected.

15 And by the way, Mr Carnero Rojo said *quelqu'un*. So this is also something. So it
16 went from borderline to absolutely okay, the question. Please continue.

17 MR CARNERO ROJO: [12:22:41] Thank you, Mr President, can we go back into
18 open session?

19 PRESIDING JUDGE SCHMITT: [12:22:45] Yeah, we go back to open session.
20 (Open session at 12.23 p.m.)

21 THE COURT OFFICER: [12:23:01] We are back in open session, Mr President.

22 MR CARNERO ROJO: [12:23:06]

23 Q. [12:23:06] Madam Witness, yesterday you told us that you went back to PK5 at
24 least two months after January 2014 and that during your journey to PK5, I quote,
25 "my children and myself, we raised our veils. I had my girls wear shorts and skirts

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 I removed my veil and I wore shorts and a t-shirt", end quote.

2 That is in page 32 of yesterday's transcript.

3 Why did you dress like that when you went back to your home in PK5?

4 A. [12:24:06] During the events, the young boys in Fatima, there were someone
5 called Zegaba (phon) -- I don't know whether you've heard about him. He gathered
6 people together and they did a lot of harm to Muslim people. {ICR: (Redacted)
7 (Redacted)

8 (Redacted) }

9 This person did a lot of bad things, too, against the population. He had a group of
10 young people in Fatima and they committed acts of violence, abuse. They raped
11 people. They killed many people. When we wanted to go back, many people said,
12 "Be careful. Be careful" at that particular spot where Zegaba is. That is why we
13 disguised ourselves so that we could cross -- cross through that location.

14 Q. [12:25:19] So I understand, Madam Witness, that you had to change in your
15 clothing for security reasons, right?

16 A. [12:25:35] Yes. It was for our own safety.

17 Q. [12:25:40] So this fact, the fact that you could not dress in your usual Muslim
18 clothing when you went back home to PK5, how did that make you feel,
19 Madam Witness?

20 A. [12:26:20] I was uneasy. I didn't feel comfortable. You know, I'm a Muslim
21 women and I am not allowed to wear -- to behave like the other ones, to wear
22 ordinary clothes. I have to cover myself up. Because of those events, to save our
23 own lives, we had to disguise ourselves so that we would not be easily recognised.

24 Q. [12:26:52] Do you know of any other Muslim who had also to change their
25 clothing to come back to PK5?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 A. [12:27:24] No. I had to do that and, so, since I did that, the others had to do the
2 same thing as me.

3 Q. [12:27:38] The others, and you refer to your children or also to those that you
4 collected and transported to PK5?

5 A. [12:28:07] You asked me why I disguised myself and the others also disguised
6 themselves. I'm telling you if I went to the trouble of disguising myself, it means
7 that the others did the same thing.

8 Q. [12:28:30] So, Madam Witness, you went back to your home in PK5. How was
9 your home when you went back? Did anything happen to it while were you not
10 there?

11 A. [12:29:03] Our house remained intact. I had rented out the house before I went
12 to Bimbo. When I came back, there were tenants and they were getting ready to go
13 to Chad and they asked me to wait a bit until they could leave the house, and we
14 found ourselves in a small house beside, and after they left, I went back to my house,
15 to the larger house.

16 Q. [12:29:41] And do you know, perhaps, about the situation of other houses in
17 PK5 when you went back? Did anybody tell you about those houses, how they were
18 in PK5 when you went back?

19 A. [12:30:10] At Kilometre 5? Some houses had been occupied by self-defence
20 elements and upon their return, those elements didn't want to leave those houses.
21 That's what I can tell you. Many houses remained intact. The ones who came back
22 were able to go back to their houses. That's what I can tell you. Many houses at
23 Kilometre 5 remained intact and the self-defence elements who occupied those houses
24 asked for money sometimes from the owners before they could go back into their
25 houses.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 Q. [12:31:10] Madam Witness, you just mentioned money. Yesterday, you also
2 told us that when you were transporting some Muslims to PK5, I quote, "each person
3 had to pay a sum of 50,000 francs", end quote. And this is in page 35 of yesterday's
4 transcript. Madam Witness, why did these persons have to pay that amount of money
5 to go back to PK5?

6 A. [12:32:04] No, I was talking about transport there, in the vehicles. I spoke
7 about the lady who left Boda and was -- the group who was taken to the gendarmerie
8 of Bimbo. I know that they paid 50,000 from Boda to Bangui. That's the transport
9 price per person. It was a transport vehicle of the troops of the Central African
10 forces. They were transported from Boda to Bangui.

11 * Q. [12:32:53] You must have had to spend a certain sum of money to travel from
12 Boda to PK5? Did you also have to spend money?

13 A. [12:33:12] When I started my trips, it was fluid. But when I left Bimbo for
14 Kilometre 5, at that time, there were no barricades, everything went smoothly and
15 I didn't have to pay any transport costs.

16 Q. [12:33:41] So do I understand, Madam Witness, that some Muslims that went
17 back to PK5 - not you, but some others who came later - had to pay money to pass
18 those barricades?

19 A. [12:34:09] I don't know how to explain it to you. But, you know, at Kilometre 5
20 it's -- it's a phenomenon that is very common in the Central African Republic. In all
21 the barriers -- at all the barriers you have to pay some money, and that's even true
22 today.

23 Q. [12:34:41] Thank you, Madam Witness. I'm going to move to another topic.
24 Witnesses who have come here before you have told us that some mosques, some
25 mosques were attacked and destroyed in December 2013.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 And for the record, those were witnesses P-2682, transcript 17, page 41; and P-1339,
2 transcript 152, page 71.

3 Madam Witness, did you see any mosque being destroyed or did you hear about any
4 mosque being destroyed?

5 PRESIDING JUDGE SCHMITT: [12:35:25] Mr Knoops, I know. But we are not
6 talking about who destroyed them. I allow the question. Yeah.

7 As soon as we are -- you know that. As soon as you want to -- would want to, which
8 I would not allow, to inquire who destroyed them.

9 But the fact -- Madam Witness, did you see -- let's -- not hearsay. Hearsay is not
10 enough here in that context.

11 Madam Witness, did you yourself see that any mosques have been destroyed during
12 the events of 2013, 2014?

13 THE WITNESS: [12:36:10](Interpretation) I know that many mosques were
14 destroyed. * You know, one of the causes of the crisis was the destruction of houses
15 of prayer by the Seleka. And for revenge, when the Christians had the opportunity,
16 they started to destroy the mosques.

17 I'm saying this, I don't take part in that, but I'm just telling you the historical aspect of
18 what happened in the CAR.

19 If the mosques were destroyed, it is because initially there were churches which had
20 also been destroyed by the Seleka and, as a reprisal, the civilian population destroyed
21 the mosques.

22 MR CARNERO ROJO: [12:37:29]

23 Q. [12:37:30] Thank you, Madam Witness, for that explanation.

24 I have a question for you about those mosques: Did you yourself used to pray in
25 any of those mosques that were destroyed?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 A. [12:38:01] The mosques that were destroyed were rebuilt, reconstructed by
2 MINUSCA. Even if that hadn't been done, the Muslim community as well as the
3 international community tried to reconstruct, to rebuild the mosques. *Today, we can
4 say that in each neighbourhood there is at least one mosque which has been rebuilt.

5 Q. [12:38:47] As a Muslim, that you are, how did this, how does that still today, the
6 destruction of those mosques, make you feel?

7 A. [12:39:12] I feel a lot of anger and sadness. We felt a lot of sadness. {ICR:
8 (Redacted).} We made everyone aware, saying we are the cause
9 of what happened because if the Seleka had not destroyed the houses, the prayer
10 houses of the Christians, this would never have happened. {ICR: (Redacted)
11 (Redacted)} so that the anger
12 and sadness could be brought down.

13 Q. [12:40:12] Madam Witness, yesterday, you told us that Muslims who arrived to
14 the Jackson bridge and that you retrieved to lead them to PK5, and today you told us
15 that they were seeking refuge in PK5 and the conditions of housing and sanitation
16 that they encountered in PK5. Did you see or were you told about the conditions of
17 those people who arrived in PK5? When they arrived, how were they, in which
18 condition, in which situation?

19 A. [12:41:17] It was very sad, sad. They were homeless. Some sought refuge in
20 the mosque. Others were taken in by families. Others went into houses which had
21 been abandoned either because they had been evacuated or because they left
22 Kilometre 5. We who were at Kilometre 5 welcomed those who arrived, the
23 displaced persons, and houses who had been abandoned because the people inside
24 had left, * there was at least 26,000 Muslims and there were only 500 who remained in
25 Kilometre 5.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 Q. [12:42:16] And these Muslims who arrived in PK5, some of them that you had
2 taken off and that you housed or other people housed, did these people carry some
3 properties with them when they arrived?

4 A. [12:42:45] Not at all.

5 Q. [12:42:50] And how did they make you feel, because, Madam Witness, you're a
6 Muslim, so when you saw Muslim people coming to PK5 in the situation that you
7 have described, homeless, without property, how did that make you feel?

8 A. [12:43:22] I felt great sadness and anger as regards everything that had
9 happened.

10 Q. [12:43:34] I have just two questions for you, Madam Witness.

11 Yesterday, you told us in private session about your current profession and I have a
12 question -- please do not disclose your current profession.

13 The question for you is: If at the moment, at present, you can meet the needs of your
14 family or if because of what happened during the conflict, let's put it that way, in 2013,
15 2014, you have experienced any loss that you still suffer today?

16 A. [12:44:28] Yes, it's true. What happened is very sad. As far as I'm concerned,
17 in my religion, it is stated everything depends on the will of God. The most
18 important thing is to remain alive, and as long as we are alive, there is always the
19 possibility of saving oneself. Even with all that, it's not possible to go back to the
20 initial state we were in.

21 Q. [12:45:12] (Microphone not activated)

22 PRESIDING JUDGE SCHMITT: [12:45:14] Microphone please.

23 MR CARNERO ROJO: [12:45:17] Thank you, Mr President.

24 Q. [12:45:19] My final question, Madam Witness: Are you now better off or worse
25 off or in the same situation as you were before the events of 2013 and 2014?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 A. [12:45:50] No. I don't feel any better off than before the events of 2013, 2014.

2 Q. [12:46:01] Thank you, Madam Witness. I wish you a safe trip home.

3 MR CARNERO ROJO: [12:46:02] And, Mr President, I have no further questions.

4 PRESIDING JUDGE SCHMITT: [12:46:07] Thank you.

5 I don't assume -- further questions? One question. Okay.

6 QUESTIONED BY MS DIMITRI: (Interpretation)

7 Q. [12:46:27] Hello again, madam. It's almost over. I just have one question. A

8 clarification, madam, as regards the question of Counsel Rojo.

9 You said, and I quote, "at K5 some houses were occupied by self-defence elements"

10 and upon their return, the return of the Muslims these self-defence elements did not

11 want to give the houses up.

12 My question, madam, a simple clarification: Can you specify which self-defence

13 group are you referring to?

14 A. [12:47:25] During those events the youths of the neighbourhood organised them

15 as a self-defence group. From the 5th, those youths were not the same. Other men,

16 other armed men arrived who we didn't know, who we had never seen before, who

17 didn't speak Sango, they turned up and I even think there was a fight between the

18 youths, the self-defence group and the traders. In the beginning, very much in the

19 beginning, it was the youth of Kilometre 5. But after that, after the arrival of armed

20 individuals who were foreigners, and the traders themselves attacked them. Some

21 fled, but others, some others, remained in the neighbourhood.

22 MS DIMITRI: [12:48:32] That was it.

23 PRESIDING JUDGE SCHMITT: [12:48:34] Thank you very much, Ms Dimitri.

24 Mr Knoops, I don't assume questions arose.

25 MR KNOOPS: [12:48:42] No, Mr President. Thank you.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-5014

1 PRESIDING JUDGE SCHMITT: [12:48:43] Your client was mentioned once, but the
2 answer ...

3 MR KNOOPS: [12:48:46] Yes. Thank you, Mr President.

4 PRESIDING JUDGE SCHMITT: [12:48:48] So, Madam Witness, this concludes your
5 testimony. On behalf of Chamber, I would like to thank you that you have made
6 available yourself as a witness in these proceedings and have testified for two days,
7 including about traumatic events in your life. We appreciate that as the judges
8 responsible for this case. And we wish you a safe trip back home, Madam Witness.

9 THE WITNESS: [12:49:30](Interpretation) Thank you very much.

10 (The witness is excused)

11 PRESIDING JUDGE SCHMITT: [12:49:32] So this concludes also the hearing, of
12 course, for today.

13 We continue already tomorrow at 9:30 with Defence Witness 6036. Okay.

14 THE COURT USHER: [12:49:44] All rise.

15 (The hearing ends in open session at 12.49 p.m.)