

Trial Hearing
WITNESS: CAR-OTP-P-2049

(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
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 28 February 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:31] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:58] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:04] Good morning, Mr President. Good morning,
17 your Honours.
18 This is the Second Situation in the Central African Republic, in the case of The
19 Prosecutor versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case
20 reference ICC-01/14-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:33:23] Thank you.
23 The appearances of the parties.
24 Prosecution, Mr Vanderpuye, first.
25 MR VANDERPUYE: [9:33:30] Good morning, Mr President, your Honours.

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1 Good morning, everyone. Good morning, Mr Witness. Today, the Office of the
2 Prosecutor is represented by Manochitra Prathaban, Yassin Mostfa, and myself,
3 Kweku Vanderpuye. Good morning.
4 PRESIDING JUDGE SCHMITT: [9:33:44] Thank you.
5 Representatives of the victims, please. Thanks.
6 MR FALL: [9:33:57](Interpretation) Good morning, Mr President. Good morning,
7 your Honours.
8 The victims of the other crimes are today represented by Mr Enrique Carnero,
9 Ms Evelyne Ombeni, and myself, Yaré Fall. Thank you.
10 PRESIDING JUDGE SCHMITT: [9:34:14] Thank you.
11 MR SUPRUN: [9:34:19] Good morning, Mr President, your Honours. The former
12 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
13 Public Counsel for Victims. Thank you.
14 PRESIDING JUDGE SCHMITT: [9:34:28] Thank you.
15 For the Defence of Mr Yekatom, please.
16 MS GUISSÉ: [9:34:33](Interpretation) Good morning, Mr President, your Honours.
17 The Yekatom is present in the hall. It is assisted today by Mr Suzuki and myself,
18 Anta Guissé.
19 PRESIDING JUDGE SCHMITT: [9:34:47] Thank you.
20 And now Mr Knoops.
21 MR KNOOPS: [9:34:51] Good morning, Mr President, your Honours. Good
22 morning, everyone in the courtroom. The Defence team for Mr Ngaïssona appears
23 today before the Chamber with Ms Marie-Hélène Proulx, Despoina Eleftheriou,
24 Chiara Giudici and Mr Ali Alabdali. Mr Landry is, during the first session, absent
25 due to a doctor's appointment, but he will attend from the field office the hearings

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1 from the second session, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:35:21] Thank you very much.

3 And, of course, most importantly, good morning, Mr Witness, and welcome again.

4 The Chamber hopes that you could calm down a little bit over the weekend, that you

5 had a nice weekend, perhaps. We hope that, and we hope that you are ready to

6 answer the questions today.

7 WITNESS: CAR-OTP-P-2049 (On former oath)

8 (The witness speaks Sango)

9 (The witness gives evidence via video link)

10 THE WITNESS: [9:35:45] (No interpretation)

11 PRESIDING JUDGE SCHMITT: [9:35:48] I give now the floor again to

12 Mr Vanderpuye who has more questions.

13 MR VANDERPUYE: [9:35:55] Thank you, again, Mr President. Good morning.

14 QUESTIONED BY MR VANDERPUYE: (Continuing)

15 Q. [9:35:59] Good morning, Mr Witness. We are in open session, just to -- just to

16 remind you of that.

17 A. [9:36:05] (No interpretation)

18 Q. [9:36:20] All right. I didn't hear a translation of what you said, but I take it to

19 mean that you said good morning.

20 I wanted to ask you some questions about the attack on Bossangoa on 5 December

21 2013, where we left off on Friday. So my first question regarding that is: Did you

22 learn about -- other than what you talked about on Friday, did you learn about the

23 number of people that had been killed during the course of that attack?

24 A. [9:37:14] Thank you. There were -- there was a problem of network. And I'm

25 not sure -- are we in open session or in private session? I need to know before I

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1 speak.

2 PRESIDING JUDGE SCHMITT: [9:37:33] We are in open session. Do you think
3 you should provide the information in private session, Mr Witness?

4 THE WITNESS: [9:37:49](Interpretation) No.

5 PRESIDING JUDGE SCHMITT: [9:37:53] Okay. Good.

6 THE WITNESS: [9:37:56](Interpretation) I can speak in open session. There is no
7 problem.

8 PRESIDING JUDGE SCHMITT: [9:38:00] So, Mr Witness, the question was, if you
9 came to know how many people died during the attack of 5 December 2013, to your
10 knowledge, and you could also provide us with the information where -- if you have
11 any, where you got the information from.

12 Well, there seems to be a problem with the connection.

13 Mr Witness, did you hear me? Because I saw that you changed the headphones. So
14 could you hear my question?

15 Do you -- do you hear me now, Mr Witness, at the moment?

16 Obviously not. So we have a problem here.

17 They tried to fix it. So we have to be a little bit patient, but I -- I have the impression
18 that we need not leave the room.

19 Mr Witness, do you hear me now better?

20 THE WITNESS: [9:41:11](Interpretation) Yes, I can hear you now. A short while
21 ago, I couldn't hear you, but now I can hear you.

22 PRESIDING JUDGE SCHMITT: [9:41:19] So, then, please allow me to repeat the
23 question. The question was, if you have knowledge about how many people died
24 during the attack of 5 December 2013, and if you have this information, where you
25 got it from. Thank you.

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1 Well, if this is a principle problem, so I think I have now -- we have repeated the
2 question three times, so it's a little bit embarrassing. It's becoming embarrassing if
3 we have to do this every two minutes.

4 Has the witness -- is he now connected? Does he hear us?

5 Embarrassing not for you us. We are not important, but for the witness who does
6 not know what's going on.

7 Okay. Mr Witness, did you -- were you able to hear me question?

8 THE WITNESS: [9:43:12] (No interpretation)

9 PRESIDING JUDGE SCHMITT: [9:43:14] Okay. Then, please answer. I think now
10 the connection is better. So I think we hear you.

11 THE WITNESS: [9:43:29](Interpretation) Thank you. There must have been 19
12 victims of the 5th of December. As you know, some of the victims were from
13 Bossangoa centre, while others were from the villages in the vicinity, including Peuhls
14 and others. I do not know all the victims, so I don't want to lie to you. If I
15 remember correctly, I will say that there were 19 of them. As I said, including -- and
16 those were Peuhls and herdsmen.

17 PRESIDING JUDGE SCHMITT: [9:44:41] Thank you.

18 And I think, Mr Vanderpuye, you go more into detail which persons, and there are
19 also -- were injured persons, and so on and so forth.

20 MR VANDERPUYE: [9:44:53] Indeed. Indeed, Mr President. Thank you.

21 Q. [9:44:54] Among the victims of killings, that is, do you recall having given this
22 information during the course of your interview with the Office of the Prosecutor?

23 A. [9:45:32] I gave my statement, which included the number of dead and each
24 injured during the events of 5 December in Bossangoa town.

25 Q. [9:45:51] I have two questions. First is, do you remember the names of the

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1 individuals that you gave? And the second is, do you remember whether these were
2 civilians or fighters?

3 A. [9:46:28] Thank you for that question, Mr Prosecutor.

4 As I said last Friday, when the war -- when the war breaks out, there are always dead
5 in two -- in both sides. There were Seleka dead and Anti-Balaka dead, even amongst
6 the civilians. I'm not interested in the dispute between the Anti-Balaka and the
7 Seleka. I am a victim of those events. I am here to speak to you about the dead and
8 the injured. And I can tell you that all those dead and injured that I'm talking about
9 are civilians. I'm not talking about the combatants.

10 MR VANDERPUYE: [9:47:32] I would like to have in eCourt, please, the prior
11 statement that was given to the Office of the Prosecutor. It's CAR-OTP-2088-2173.
12 It's tab 13. And we'll need to go to paragraph 80 of the statement. It shouldn't be
13 broadcast. And that's at page ending 21 -- oops. Yes, that's at page ending 2189.

14 Q. [9:48:35] While that's coming up, I wanted to ask you, are you aware if
15 the -- among the people that were killed included women?

16 A. [9:49:14] There were three women.

17 Q. [9:49:17] I'm going to ask you about the names that you provided here as -- as
18 having been killed during the course of the attack, but I don't want you necessarily to
19 give information concerning any possible relationship to you or to others because that
20 may tend to identify you. But you've -- you've identified a Khadidja Adjaro, Adaye
21 Abakar, Koursi Abdelrahim, Atahir Abou, Atahir Djime, "C-17" Moussa, Halima
22 Hisseini, Ila Adjji, as well as Sali Adjji, Yaya Mokomzi, Abakar Moussa, Amadou
23 Bouba, Salamatou Madji, Ismael Amat, Hamid Ali, Ahamat Zakaria, Mahamat Adam,
24 Abdasamat Mounine and Ibrahim Hassan.

25 Does that accord with your recollection?

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1 A. [9:51:09] Yes. I recall those were the people.

2 Q. [9:51:19] And to answer the -- well, to pose, rather, the President's question:

3 Are you able to tell the Chamber how you know this in a manner that won't identify
4 you? If you are able to do so; if not, then let us know, and we can go into private
5 session, with the President's permission.

6 A. [9:52:12] I think it would be preferable to go to private session.

7 PRESIDING JUDGE SCHMITT: [9:52:18] I -- actually, I think that is correct. And,
8 yeah, we go to private session.

9 (Private session at 9.52 a.m.)

10 THE COURT OFFICER: [9:52:33] We're in private session, Mr President.

11 PRESIDING JUDGE SCHMITT: [9:52:37] And there are also not only, we know that
12 from the former statement, identifying remarks in the statement, but also there are
13 details about how the people died, what happened, and the Chamber wants to know
14 that, and the witness can provide us with this information.

15 So, perhaps, we can start (Redacted)

16 MR VANDERPUYE: [9:53:14] Thank you, Mr President.

17 Q. [9:53:15] Mr Witness, did you hear what Mr President was asking? If you
18 could start with, perhaps, the individuals (Redacted)

19 A. [9:53:39] Very well. I believe we are in private session, and I can speak freely;
20 is that correct?

21 PRESIDING JUDGE SCHMITT: [9:53:47] Yes.

22 THE WITNESS: [9:53:54](Interpretation) Very well. Thank you very much,
23 your Honours.

24 As I have already told you, all the information that I am conveying to you, I received
25 because of (Redacted). I talked about (Redacted)

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1 (Redacted) and (Redacted). The (Redacted) person is (Redacted). That is the
2 (Redacted) The (Redacted) were together in the same compound. And (Redacted)
3 (Redacted) was in front of our house.
4 When we left my mother's house to go to my cousin, that is, my uncle's house, it was
5 about 20 metres. So all these things happened in our area, so I was able to get all
6 that information.
7 I talked about (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted) And
11 there was a woman in -- from Bossangoa. And the third woman was a woman who
12 had come from a neighbouring village. The other people also came from
13 neighbouring villages. And, as I have told you, I received that information because
14 (Redacted) And, as regards the other victims, (Redacted)
15 (Redacted) * Now, as for (Redacted)
16 (Redacted)
17 Those are people that I knew very well. That is what I can say for now.
18 PRESIDING JUDGE SCHMITT: [9:56:53] Mr Vanderpuye, please.
19 Mr Witness, with regards to (Redacted) although we, the Chamber is fully aware
20 and everyone in this room that this brings back terrible memories for you, but in your
21 statement you provide with information that you got, obviously, how she died and
22 how (Redacted) died and (Redacted) with whom she might have
23 been. So, if you recall it, could you tell us what you came to know about how she
24 died.
25 THE WITNESS: [9:57:57](Interpretation) Can you please kindly repeat your question

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1 because, what you said and was interpreted to me, I did not quite understand.

2 Because there seemed to be a few technical issues. So, please, kindly repeat.

3 PRESIDING JUDGE SCHMITT: [9:58:17] Of course, Mr Witness. Do you hear me

4 now well so that I can repeat the question?

5 THE WITNESS: [9:58:27] (No interpretation)

6 PRESIDING JUDGE SCHMITT: [9:58:32] I asked you to -- we are fully aware, the

7 Chamber and everybody here in this room, that this brings terrible memories back to

8 you, but I -- the Chamber would be interested and would like to know what

9 happened to (Redacted)

10 with whom she were. You have given information to that effect in your statement,

11 and perhaps you can tell us now so that we hear it from you orally now in this

12 courtroom what happened to them.

13 THE WITNESS: [9:59:30](Interpretation) Thank you, your Honours.

14 When they were killed, I was not present.

15 THE INTERPRETER: [9:59:59] The Sango interpreters say that there was a sound

16 gap. However, they can hear now.

17 THE WITNESS: [10:00:09](Interpretation) She was struck by a bullet on (Redacted)

18 (Redacted)

19 (Redacted)

20 Regarding (Redacted) he was also struck by a bullet.

21 (Redacted) was -- (Redacted) was killed by a bullet.

22 Now, still with regard to (Redacted) everything was intact, apart from (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [10:01:28] Thank you, Mr Witness.

25 Mr Vanderpuye, do you think we can go back to open session for further

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1 information, or ...

2 MR VANDERPUYE: [10:01:39] I think we can, yes, Mr President. I have --

3 PRESIDING JUDGE SCHMITT: [10:01:42] Perhaps one question.

4 Mr Witness, you -- in your statement - that's for the parties and participants,

5 paragraph 83, on page 2189 - you say: (Interpretation) "(Redacted) had just

6 married (Redacted) He was killed by a bullet while he was trying to protect

7 (Redacted) injured by trying to guide her into the house of the neighbour of (Redacted)

8 (Redacted) The Anti-Balaka followed them into the house and killed both of them."

9 (Speaks English) Mr Witness, from this we would understand that they were killed in

10 the house. Is this the information that you got, what I read to you?

11 THE WITNESS: [10:03:16](Interpretation) Thank you. If I'm not mistaken, in my

12 statement, I believe that is what I stated. They left the house, given that everybody

13 was fleeing towards FOMAC and the *Liberté* school. The first attack on 7 September,

14 everyone took refuge at the imam's house. And when you left (Redacted) you have

15 to pass through imam -- the imam's place to go to the *Liberté* school. I think they

16 were a bit delayed. Everyone had fled, and they were coming in a group, because

17 the imam's compound is on the way to the Boro school and (Redacted) was close by

18 there.

19 So when they came out, right next to the house close to the (Redacted) they were

20 attacked. (Redacted) And when they fled in order to

21 hide in the compound next to (Redacted) house, people followed them into that

22 compound, and they were struck by bullets.

23 I think (Redacted) also received a bullet outside the compound because there was a

24 blood trail going right into the compound itself.

25 PRESIDING JUDGE SCHMITT: [10:05:01] Thank you, Mr Witness.

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- 1 Is everything in the transcript, I think. But I think so. I think we could put it
2 together, I would say. Because it's unfortunate -- it's really unfortunate when a
3 witness is speaking about such terrible events that we would have to let him repeat
4 everything, but I think -- let me have a look here.
5 Yeah, I think -- because I read out, when he says "they left the house," it's clear who is
6 meant, in my opinion.
7 So, Mr Vanderpuye, I think we can go back to open session, I would assume.
8 MR VANDERPUYE: [10:05:56] I have a couple --
9 PRESIDING JUDGE SCHMITT: [10:05:56] Please, then continue, of course.
10 MR VANDERPUYE: [10:05:58] Yes. I just have a photograph I'd like to show him.
11 It's a bit jarring.
12 PRESIDING JUDGE SCHMITT: [10:06:04] Absolutely.
13 MR VANDERPUYE: [10:06:06]
14 Q. [10:06:06] Mr Witness, I wanted to show you a photograph that is a bit
15 unsettling. I have two that I'd like to show you. So I think I will show them in
16 private session. If you feel comfortable enough to proceed in open session, we can
17 do that.
18 PRESIDING JUDGE SCHMITT: [10:06:20] I think also it would be good to ask him if
19 the witness would be able -- I think they are not identifying.
20 So, Mr Witness, the pictures seem to be -- I have not seen them also, until now -- seem
21 to be very graphic. If you feel more comfortable to look at them in private session,
22 it's okay. But if you say we can go to open session, and I think then the public
23 session could also see what happened, it's also fine. So what do you think,
24 Mr Witness? Can we do this exercise in open session?
25 THE WITNESS: [10:07:15](Interpretation) Thank you, your Honour.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [10:08:02] Very well, Mr Witness.

7 Mr Vanderpuye, please proceed.

8 MR VANDERPUYE: [10:08:07] Thank you, Mr President.

9 Q. [10:08:11] The first photograph I want to show you is at tab 8 of the Prosecution
10 binder, CAR-OTP-2088-2207. This is a photograph you've talked about in the course
11 of your interview with the Office of the Prosecutor wherein you identified some
12 people in it.

13 PRESIDING JUDGE SCHMITT: [10:08:55] It's not yet on the screen.

14 MR VANDERPUYE: [10:08:58] I'm just --

15 PRESIDING JUDGE SCHMITT: [10:08:58] But now it is.

16 MR VANDERPUYE: [10:09:01] Yes. I'm just trying to beat it to the screen so that
17 he's prepared for it.

18 Q. [10:09:08] Do you recognise this photo? If you could tell the Chamber when it
19 was taken, what it shows, and anybody that you recognise in this photograph.

20 A. [10:09:42] Thank you, Mr Prosecutor.

21 I have taken an oath to tell the truth, and nothing but the truth. The 5th of
22 December, on that particular day -- or the 17th of December, (Redacted) The
23 5th of December, (Redacted) I think (Redacted) the wife of

24 (Redacted) when she escaped, I wasn't there. I didn't take that photo. I was in a
25 terrible state. After that, (Redacted) who showed me the photo, and he said, "Look,

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1 this is the photo of the events which have taken place in the house," which we call the
2 (Redacted) house. I was traumatised. I didn't know if it was he who took the paper.

3 But in any case, on that day, I wasn't -- I was beside myself.

4 Q. [10:11:21] Do you recognise anyone in the photograph?

5 A. [10:11:43] Yes, I do recognise Issa Akoup (phon).

6 THE INTERPRETER: [10:11:50] If the interpreters understood correctly.

7 THE WITNESS: [10:11:54] (Interpretation) I do recognise him.

8 MR VANDERPUYE:

9 Q. [10:11:58] Which one is Issa Yacoub?

10 A. [10:12:14] Issa Yacoub is the individual who has a black shirt next to someone
11 who's wearing a shirt on the left-hand side.

12 Q. [10:12:40] Who are the individuals that are on the ground here that we can see?
13 There appear to be several individuals dead on the ground.

14 A. [10:13:08] Your Honour, as you can see on this photo, you only see the feet.
15 And as I said, I have taken an oath to tell you the truth. I didn't take the photo. I
16 was only shown the photo, saying, "Look, these are the bodies of people who were
17 killed on 5 September." Because each time I was asked to name the elements in my
18 testimony, and I was asked if I saw them. But all these individuals, their heads are
19 covered, and you only see the feet.

20 THE INTERPRETER: [10:14:05] The Sango interpreter corrects: It's 5 December.

21 MR VANDERPUYE:

22 Q. [10:14:13] Thank you. That's what I wanted to know, if these were people that
23 were killed on 5 December.

24 PRESIDING JUDGE SCHMITT: [10:14:22] May I ask a question in that regard?

25 MR VANDERPUYE: [10:14:25] Of course, Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:14:25] This house that we see here, is that the
2 house which you referred to a little while before where (Redacted) was killed? Is
3 this the compound next to (Redacted) or any other compound?

4 THE WITNESS: [10:14:59](Interpretation) No, no, no. No. My mother wasn't
5 killed here. (Redacted) was killed in the compound which neighbours or is adjacent
6 to (Redacted) No, no, (Redacted) wasn't killed here.

7 PRESIDING JUDGE SCHMITT: [10:15:19] And we didn't get it. It's our problem.
8 Apologies for that. Do you know who took the picture?

9 THE WITNESS: [10:15:42](Interpretation) Thank you, your Honour.
10 I think when we were in the school, we received several photos. And I if remember
11 correctly, in my testimony, when I mentioned this, and when I said there were photos
12 showing individuals who were killed in Zere, you know, there are people who have
13 smartphones or other photos where you can take photos. The person who gave me
14 this photo is called (Redacted)

15 PRESIDING JUDGE SCHMITT: [10:16:19] Thank you.

16 Mr Vanderpuye.

17 MR VANDERPUYE: [10:16:25]

18 Q. [10:16:26] There's another photograph I'd like to show you. But before I show
19 you that photograph, having looked at the photograph and commented on the one
20 that's in front of you now, do you think that that photograph would tend to identify
21 you if it were public?

22 A. [10:17:00] I haven't seen the photo yet. Can you display it on the screen, please.

23 PRESIDING JUDGE SCHMITT: [10:17:09] There is a misunderstanding, I think.

24 MR VANDERPUYE: [10:17:12] Thank you, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:17:13] I think Mr Vanderpuye is still referring to

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1 the photo we have talked about in the recent minutes. And the question was, if
2 it -- do you think this would identify you if this would be shown to the public?

3 Actually, I don't think so.

4 MR VANDERPUYE: [10:17:31] I don't think so either, but I ...

5 PRESIDING JUDGE SCHMITT: [10:17:34] So ...

6 MR VANDERPUYE: [10:17:36] So I would -- I'll show the other photo in private
7 session. Then I'll show both of them, I think, in public.

8 PRESIDING JUDGE SCHMITT: [10:17:42] I think -- for the transparency of the
9 record, I think it's good. So we go to open session.

10 (Open session at 10.18 a.m.)

11 THE COURT OFFICER: [10:18:14] We're back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:18:17] Thank you.

13 MR VANDERPUYE: [10:18:20] Thank you. I think we can publish the photo.

14 Q. [10:18:24] And with regard to the -- to that that period of time when the photo
15 would have been taken, and you describe being in a very difficult state, do you
16 remember where you were around that time? Were you at the school? Were you in
17 another location?

18 A. [10:19:11] I think on 5 December, I was -- I was at the school until we left to go to
19 the refugee camp.

20 Q. [10:19:30] By the school, you mean *l'École de la Liberté*?

21 A. [10:19:44] You asked me the question, where I was during those events, and I
22 said, on 5 December, we sought refuge at the *école*, at the school, until we left.

23 Q. [10:20:05] What's the name of the school, if you can recall, that you sought
24 shelter at, if you know?

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1 A. [10:20:21] *École Liberté*. Behind that establishment, there was the grand instance
2 court. And just a little to the side, there's the police. And on the other side, there's
3 the town hall of Bossangoa and the office.

4 Q. [10:20:46] I'm going to show you another photograph. This one I think we
5 have to go into private session for again, just so that you can give us some -- a little bit
6 of background and detail about it. And then I think we can publish it without
7 reference to anything that's identifiable.

8 PRESIDING JUDGE SCHMITT: [10:21:05] Why not show it now to the public and
9 then the comments in private.

10 MR VANDERPUYE: [10:21:10] Okay. We can do it that way.

11 PRESIDING JUDGE SCHMITT: [10:21:12] It might be quicker.

12 MR VANDERPUYE: [10:21:15]

13 Q. [10:21:16] Let me show you this photograph, and then we will -- we'll talk about
14 it in private session. It is at tab 15 of Prosecution binder, CAR-OTP-2085-5082.

15 Are you able to see the photograph on the screen in front of you, Mr Witness?

16 PRESIDING JUDGE: [10:22:13] Are we in private session now?

17 MR VANDERPUYE: [10:22:17] We're in open session.

18 PRESIDING JUDGE SCHMITT: [10:22:20] Mr Witness, do you see the picture on the
19 screen?

20 THE WITNESS: [10:22:32](Interpretation) Yes, I see it, and I recognise many of the
21 people who are seated.

22 PRESIDING JUDGE SCHMITT: [10:22:42] So we'll go into private session to discuss
23 that.

24 MR VANDERPUYE: [10:22:45] Just one second.

25 Q. [10:22:47] I wanted to ask if you recognise the location where it's taken.

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1 A. [10:23:06] Yes, I recognise the location very well. I recognise it, and I recognise
2 the individuals as well.

3 Q. [10:23:18] Is the location the school that you talked about just a moment ago?

4 A. [10:23:30] Yes. It is the *École de la Liberté*, where the Muslims from the centre
5 and the neighbouring village sought refuge. That is, indeed, the school.

6 Q. [10:23:50] All right. We can go into private session. I'll ask you about some of
7 the individuals in the photo.

8 PRESIDING JUDGE SCHMITT: [10:23:56] Yes. Private session.

9 (Private session at 10.24 a.m.)

10 THE COURT OFFICER: [10:24:08] We're in private session, Mr President.

11 MR VANDERPUYE: [10:24:16]

12 Q. [10:24:16] Mr Witness, we're in private session now. Can you tell us about the
13 individuals that you recognise in the photo. And it would be helpful if you could
14 indicate perhaps an article of clothing that they're wearing so that we can -- we can
15 see who you're referring to.

16 A. [10:24:52] Thank you, your Honours. I'm going to start by talking about the
17 Peuhl -- (Redacted) during the attack on 5 December, as I said before
18 yesterday, (Redacted) was (Redacted) and during the events of 5 December, the
19 Anti-Balaka were in the bush (Redacted)
20 (Redacted) and everybody else was scattered in all directions. From 5
21 December, (Redacted) wasn't there. They were the Anti-Balaka in Nana-Bakassa.
22 And (Redacted) left (Redacted)
23 On 5 December, when (Redacted) were killed, (Redacted) wasn't there. It
24 was only after that that he returned. And when he returned, there was no one at the
25 home. Everyone had sought refuge at the school. Everybody was crying.

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1 You can see in the picture, he's seated, and behind him, who is seated as well, who is
2 trying to comfort him. So the small one behind is Moussa. And the one who is
3 standing, facing (Redacted) is the imam. They were speaking to everybody. It's the
4 imam of Bossangoa, Ismael. And the one with the Lacoste shirt is Anadif (phon),
5 and it is (Redacted) And next to him are the inhabitants of Bossangoa.
6 The one who is crying is (Redacted) with the jacket on, when he learnt about the death
7 of (Redacted) You can see there he is crying. And the imam is just in front of him.
8 A little bit aside, praying on the bench, are FOMAC elements who were guaranteeing
9 our safety.

10 Q. [10:27:59] Thank you very much for that explanation.

11 I wanted to ask you now about some of the people that were injured during the
12 course of the 5 December attack.

13 Are we in private? Yes, we're in private session.

14 I think we will stay in private session for this. And maybe I will ask you, do you
15 know about how many people were injured -- or, rather, how many people do you
16 know about that were injured? Let me put it that way.

17 A. [10:29:01] If my memory is correct, as regards (Redacted) I can't forget that. I
18 can give you the exact number of (Redacted) who were killed.

19 Q. [10:29:33] Yes. Let's please start with that, please.

20 A. [10:29:51] Can I go ahead?

21 Q. [10:29:52] Yes. Yes, you can.

22 * A. [10:30:00] Thank you.

23 (Redacted) she was wounded. Her name was (Redacted)

24 (Redacted) and she was (Redacted) And then (Redacted)

25 (Redacted) with (Redacted)

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1 (Redacted) was wounded in a compound that was
2 uninhabited. The occupants of that house had already fled. And (Redacted)
3 fell in that compound, which is just next to the compound of
4 (Redacted)
5 *As regards (Redacted) when she received that bullet wound, she fled to enter into the
6 compound. (Redacted) was also was hit by a bullet in the leg. That's what I can say as
7 regards (Redacted) Bear in mind that (Redacted) who was a trader,
8 also received a bullet wound.

9 As regards (Redacted) I'll never forget what happened to them.

10 Q. [10:31:56] With respect to the other people injured during the course of the
11 attack, do you remember indicating in your statement to the Office of the Prosecutor
12 that you were aware of 14 Muslims that had been injured and taken to the university
13 hospital?

14 A. [10:32:39] Yes, I do remember. I'd like to tell you that these events took place a
15 while back, so I can't remember all the details. But if you refer to my testimony, you
16 will see all the details.

17 * (Redacted) and those other persons were taken to the hospital. (Redacted)
18 (Redacted) suffered and had problems a few days later. (Redacted) was not
19 hit by a bullet, no. Others, yes, (Redacted)

20 PRESIDING JUDGE SCHMITT: [10:33:27] (Redacted)
21 (Redacted)

22 MR VANDERPUYE: [10:33:38] Indeed, Mr President. Thank you.

23 PRESIDING JUDGE SCHMITT: [10:33:39] So it's paragraph 92, of course.

24 MR VANDERPUYE: [10:33:43] It's paragraph 92. It's tab --

25 PRESIDING JUDGE SCHMITT: [10:33:45] So we go to open session.

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1 MR VANDERPUYE: [10:33:48] Yes, please.

2 We'll put in eCourt tab 13, CAR-OTP-2088-2173, at page 2190. And while that's
3 coming up ...

4 (Open session at 10.34 a.m.)

5 THE COURT OFFICER: [10:34:12] We're back in open session, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:34:39] It should be there.

7 MR VANDERPUYE: [10:34:42] Yes.

8 Q. [10:34:42] I think at paragraph 92, now in front of you, you should see the names
9 that you referred to in the course of your statement. I'll read them out. You refer to
10 14 Muslims that were injured and taken to the university hospital by FOMAC
11 soldiers. And the names you refer to, among those injured, are Adjii Amdjalah
12 Mahamat, Bichara Issa, Batoul Naffi, Aladji Amide Oumar, Enfant Youssouf, Ahmat
13 Franko, Aldousalam et Saka. And then you refer to someone by the name of Herman.
14 Can you tell the Chamber what you know about Herman.

15 A. [10:35:55] Of course I can talk about that. Herman is a native of Bossangoa
16 who was living in the 2nd arrondissement, specifically in the Foulbé neighbourhood.
17 His father, mother and all his brothers lived in the Foulbé neighbourhood.
18 Subsequently, he moved to the Arab neighbourhood because he followed Nina, his
19 wife, with whom he had children.
20 Herman was a trader selling clothes in the neighbourhood. During the events, he
21 joined the Anti-Balaka group. One day he attacked the hospital. I do not
22 remember the precise date, but it was after the 5 December attack. We were at the
23 *École de Liberté*, and some people arrived and informed us that they had seen Herman
24 at the hospital. They told us that Herman had arrived at the hospital and wanted to
25 attack everyone there.

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1 After that explanation, {ICR: (Redacted)}
2 (Redacted)
3 (Redacted)}. And they said they had understood.
4 On the same day, around 3 to 4 p.m., we heard explosions in the direction of the
5 hospital. Herman and his elements had gone to attack the hospital. When they
6 went there to attack the injured, the FOMAC forces were present there. So they
7 arrived from the bishopric to the hospital. And when we heard gunshots, we stood
8 up and we saw a FOMAC Land Cruiser vehicle driving towards the hospital. And
9 when they returned, it was a lieutenant who was in command of the convoy.
10 When he returned, we asked him what had happened. He told us that they had
11 been fighting and three people had died. There was a child, one of the children of a
12 teacher, who was dead, and another person called Honoré Refio who died on that
13 day. There was another child living in the neighbourhood who also died on that
14 day. We were also told that a Congolese element of the FOMAC had been killed in
15 the vicinity of the bishopric.
16 During that -- those events, Herman was really well known, very notorious as an
17 Anti-Balaka because he was committing a lot of crimes. And I repeat once again, on
18 the day of the attack by Herman, there were three dead.
19 Now, I would like to add something. After his attack, as you know, the FOMAC
20 elements were at the bishopric and at the *École de Liberté*. Immediately after those
21 elements -- after those events, during which a FOMAC element was killed, their
22 superiors decided to move them out of the bishopric to go back to their base. And
23 the bishopric remained without security; whereas, there were FOMAC elements at the
24 *École de Liberté*.
25 We held a meet at the town hall. The FOMAC commanders talked about weapons

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1 that had been grabbed by -- from the FOMAC elements. And that is how it was
2 decided that they should return to their base. And the weapons had been grabbed
3 by the Anti-Balaka.

4 Q. [10:41:23] Thank you very much for that explanation and those details. They're
5 important.

6 I'd like to show you a video, just for you to identify what it depicts. There's two
7 videos I'll show you, but the first one is very brief. It's about, I think, a few seconds,
8 actually; 30 seconds or so. It's the video that we added to our list, so it doesn't have a
9 tab number. The ERN number is CAR-OTP-2108-1031. Just take a look at that. I'll
10 ask you what it depicts. And we can show it in public, I believe.

11 (Viewing of the video excerpt)

12 MR VANDERPUYE:

13 Q. [10:43:05] Were you able to see the video, sir?

14 A. [10:43:28] (No interpretation)

15 PRESIDING JUDGE SCHMITT: [10:43:33] We didn't get an interpretation, but the
16 witness has obviously said something. I heard at least something.

17 Mr Witness, the connection was again bad. We take it that you saw the video.

18 Mr Vanderpuye continues with his examination, with his questions.

19 MR VANDERPUYE: [10:43:52] Thank you, Mr President.

20 Q. [10:43:53] From the video, we can see that it refers to the -- the central mosque.
21 Is that the central mosque in Bossangoa?

22 A. [10:44:12] Thank you. I think it is the central mosque of Bossangoa, but the
23 person calling to prayer is known as Mr Toukroun (phon). He is calling the Muslims
24 to prayer. His name is Toukroun. And just by listening to his voice, I recognise the
25 person.

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1 Q. [10:44:47] That's also very helpful.

2 Is -- well, let me ask this: Before the 5 December attack, was the mosque in that kind
3 of condition, or was it in a different condition?

4 A. [10:45:32] The situation had always been like that. However, the colour of the
5 mosque was not in that way. A person of goodwill painted the mosque, both inside
6 and outside. But, unfortunately, the mosque was destroyed during the events.

7 Q. [10:46:02] I'd like to show you a different video. This one is
8 CAR-OTP-2088-2204. There is a transcript. However, we're not necessarily relying
9 on the transcript. In any event, it is CAR-OTP-2127-6408. The respective tabs are
10 tab 10 and tab 3.

11 For the video, I'd like to play you from 2 minutes 30 to 4 minutes 30. So just two
12 minutes. And I'd like you to take a look at it, and then I'll ask you some questions
13 about it.

14 (Viewing of the video excerpt)

15 PRESIDING JUDGE SCHMITT: [10:47:14] You have to play it from the beginning
16 again. I didn't see it. Just from the beginning again.

17 THE COURT OFFICER: [10:47:20] Your Honours, before they play the video, would
18 you kindly confirm that it can be played publicly.

19 MR VANDERPUYE: [10:47:28] Yes, it can be played publicly. Thank you.

20 (Viewing of the video excerpt)

21 MR VANDERPUYE: [10:49:50]

22 Q. [10:49:50] Were you able to see the video and hear it?

23 A. [10:50:05] Yes, I saw the video, and I heard what was said. That is the modern
24 mosque of Bossangoa.

25 THE INTERPRETER: [10:50:31] Says the witness.

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1 THE WITNESS: [10:50:31](Interpretation) The central mosque of Bossangoa.
2 I think that the first video showed the mosque before its destruction on 5 December,
3 and the second video was shot or captured after the attack. And I believe the
4 mosque was destroyed two or three days after 5 December. We were at the *École de*
5 *Liberté*. They saw that there was no one protecting the mosque, so they destroyed it.
6 * They took off the roofing tops and looted it.

7 I recognised the person on the video. He was saying, "You have to film the school,
8 the mosque," and so on and so forth. So I heard what was being said on the video.

9 MR VANDERPUYE: [10:51:36]

10 Q. [10:51:36] In terms of what we see before the footage, or whoever's filming it,
11 reaches the mosque, are you familiar with the area that it is being shown, where you
12 can see what appears to be destroyed buildings and signs that things had been
13 burned, ashes and things like that? Do you know what area that is?

14 A. [10:52:21] Thank you. If you look at the video closely, you will see the mosque.
15 And opposite the mosque, there is the main road from Chad towards Bossangoa,
16 Bossembélé and Bangui. And opposite the mosque is the main market of the Boro
17 neighbourhood. The mosque is located in the Bornou neighbourhood; whereas, the
18 market is located in a neighbourhood inhabited by the Peuhls, the Foulbés. At one
19 point you see main residential houses and that is in Bornou. And if you move a little
20 bit forward, there is a market and then there is a truck there next to the market. That
21 is the Foulbé market.

22 So all that you see there is in the Bornou neighbourhood and the Foulbé
23 neighbourhood. So that is where you see the residential houses, and those are
24 behind the mosque. You can see the fence of the mosque. You can see residential
25 houses. You will see a three-tonne truck on the video, but it is a truck which

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1 was -- which had broken down before the events. I cannot tell you here that this
2 truck was destroyed during the events, no.

3 Q. [10:54:23] And what about the condition of the houses that we can see or the
4 buildings we can see in the video? Were they in that state or in that condition before
5 the 5 December attack, to your knowledge? That's the first question. And second
6 is, to your knowledge, was that kind of damage limited only to that area, or was it
7 wider, spread out in the town?

8 A. [10:55:25] Thank you, Mr Prosecutor, and thank you your Honours. It is not
9 because I'm a Muslim that I'm going to come here and tell lies and to say that only
10 Muslims were victims of those events.

11 On the video, you will see that the Muslims in Bossangoa centre left their places of
12 residence and took refuge in the *École de Liberté*. Most of those residential houses
13 were set on fire during the attack of 5 December. And on the side of a Christian
14 brothers, around Bali, Boutili, houses were also burnt down. In certain zones
15 inhabited by Christian families, houses were also set on fire.

16 I cannot come here and tell you that only Muslims were victims. I would like to
17 state that houses were burnt on both sides, both on the sides of the Christians and on
18 the side of the Muslims. That is what I want to be clear about.

19 PRESIDING JUDGE SCHMITT: [10:56:55] Mr Vanderpuye, do you think we could
20 have coffee break now? You're not, I think -- I assume you're not extremely close to
21 the end, so I don't want to push you here. So ...

22 MR VANDERPUYE: [10:57:09] Okay.

23 PRESIDING JUDGE SCHMITT: [10:57:09] So I think we have the break now.

24 MR VANDERPUYE: [10:57:11] Thank you, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:57:13] But you've tried to finish as quickly as

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1 possible after the break.

2 MR VANDERPUYE: [10:57:17] Yes, I'll try. I'm thinking 15, 20 minutes.

3 PRESIDING JUDGE SCHMITT: [10:57:21] Okay. Fine. Good.

4 THE COURT USHER: [10:57:23] All rise.

5 (Recess taken at 10.57 a.m.)

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

7 THE COURT USHER: [11:31:34] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:31:58] Mr Vanderpuye, you still have the floor.

10 MR VANDERPUYE: [11:32:03] Thank you, Mr President.

11 Q. [11:32:09] Good morning, again, Mr Witness. I was asking you just before we
12 broke about what you knew or observed about the destruction in the -- in the area of
13 Bossangoa after the 5 December attack there, and you were talking about how also
14 buildings and houses on the Christian side were also damaged and burned, I think,
15 set alight.

16 Did you observe further damage to the Muslim areas of the town, the Muslim
17 communities?

18 A. [11:33:10] Thank you, Mr Prosecutor.

19 As I just said, before the Court, I will tell you the truth. There was fires and setting
20 alight of houses on both sides. Both sides lost members of their family. I am here
21 to tell you about what happened to me. During this conflict, (Redacted)
22 (Redacted)

23 As regards the houses, next to and around the mosque, near the market, and those
24 locations which were inhabited by Muslims, some Christians also lived in these
25 locations, but it was predominantly Muslims who lived there.

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1 Now, as regards the Arab, the Foulbé neighbourhood, in all those neighbourhoods,
2 the Muslims lost many houses. Also in Boro, the 2nd arrondissement, the place
3 called Boro. There were Muslims who lived there as well, and their houses were set
4 alight.

5 Q. [11:34:59] Are you able to estimate how many houses were set alight or
6 damaged in those areas?

7 A. [11:35:27] Mr Prosecutor, I'm not in a position to give you a number. I can't lie
8 to you. I didn't have time to work out how many houses were set alight.

9 In Bossangoa, more specifically at the *École de Liberté*, I didn't have the time to check
10 how many houses were burnt. I must say, there was no way house that I saw intact.
11 The majority of houses in the neighbourhood were burnt. There were only the walls
12 that remained standing. These were houses made of brick, of baked earth. And
13 sometimes the roofs were removed, and also the straw houses, it was very easy to
14 burn them down.

15 When we were at the *École de Liberté*, these houses were set alight. But I'm not in a
16 position to give you a number. I don't want to lie to you.

17 PRESIDING JUDGE SCHMITT: [11:36:48] Mr Witness, do you also have knowledge
18 about shops in Bossangoa, who owned them, and if you know if they were destructed
19 too or damaged too?

20 THE WITNESS: [11:37:22](Interpretation) Thank you, your Honours.

21 I would like to say something about the shops. In Bossangoa, 97 per cent of the
22 traders were Muslims and had shops where they sold clothes -- clothes, sugar.
23 That's the business of the Muslims.

24 On 5 December, in particular, when the attacks started, many fled and sought refuge
25 in the *École de Liberté*. In their flight, because there were explosions until 5 o'clock in

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1 the evening, people were worried and wanted to save what they could.

2 They also --

3 THE INTERPRETER: [11:38:27] Inaudible.

4 * THE WITNESS: [11:38:31](Interpretation) On 5 December .. before 5 December, the

5 market was spared. But on 5 December, during the fighting, many people lost their

6 goods on 5 December. The next day, after we had arrived at the école, many said that

7 during the night they had lost their belongings. I would like to tell you that in Boro, in

8 particular, the shops held by the Muslims, some managed to save their possessions.

9 Others lost their goods. That's what I can tell you.

10 PRESIDING JUDGE SCHMITT: Thank you, Mr Witness.

11 And another question, we talked about the grand mosque in Bossangoa. Do you

12 have knowledge about what happened on 5 December and in the aftermath with

13 other mosques in Bossangoa?

14 Mr Witness, could you hear the question? Or do we have, again, a connection

15 problem?

16 Obviously, there's a connection problem because I would have heard something from

17 the witness.

18 THE WITNESS: [11:40:29](Interpretation) I didn't understand fully what you said,

19 but I see that your Honour is speaking. But I, unfortunately, couldn't hear what you

20 were saying.

21 PRESIDING JUDGE SCHMITT: [11:40:48] So I try to repeat it. And, Mr Witness,

22 we spoke about the grand mosque and what happened to it on 5 December and

23 afterwards. Do you have knowledge about other mosques in Bossangoa, what

24 happened to them?

25 THE WITNESS: [11:41:22](Interpretation) Thank you, your Honour.

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1 In the centre of Bossangoa, there was the -- a grand mosque, which you saw in the
2 video. There was also smaller mosques in the neighbourhood. But the prayers
3 were not organised there on a Friday.

4 As I already said, there were houses set alight, and it was the same thing for the
5 mosques. We only had one single major mosque where we prayed on a Friday.
6 And the smaller mosques in the other neighbourhoods, those mosques were set
7 alight, just like the houses.

8 PRESIDING JUDGE SCHMITT: [11:42:33] Thank you.

9 Mr Vanderpuye, please.

10 MR VANDERPUYE: [11:42:35] Thank you, Mr President.

11 Q. [11:42:38] Do you have information about the markets that were there and what
12 happened to the -- what happened to the markets?

13 A. [11:43:04] Thank you, Mr Prosecutor.

14 In Bossangoa, generally speaking, we have a single central market, which is on the
15 axis which goes to the hospital, and this market remains open until 13 or 14 hours.
16 This is in Boro. Also in Katanga, towards the exit of Bossangoa, there is a market.
17 People come there in the afternoon. Also in the modern lycée, there is a small
18 market which is called Garadignan (phon). Broadly speaking, those are the markets
19 which we can find in that location. There is also the Banda market, if I remember
20 correctly.

21 At that time, we had five markets. The majority of them operated in the afternoon.
22 There were other small markets which remained open until late the evening for the
23 centre of town. People took articles which they would sell in those very small
24 markets.

25 During the conflict, there was no problem. People simply continued to sell their

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1 goods in the market. It is only in 5 December that the markets were affected.

2 Q. [11:45:14] How were they affected, to your knowledge? What happened?

3 A. [11:45:36] Thank you, Mr Prosecutor.

4 Before 17 September, there were markets that you had in the afternoon. Everything
5 was still operational. The 17th of September, the Christians regrouped themselves
6 around the lycée area, and no market worked as it did before. Those who were near
7 the church didn't really have a functional market.

8 The Boro market -- the Boro market was no longer operational. When the people
9 sought liberty in the *École de Liberté*, a small market set up where people sold what
10 they could.

11 I'm not sure I've answered your question. I'm not sure about that.

12 Q. [11:46:54] What I can tell you is that, I can see in the record here a couple of
13 references to 17 December -- September. I wanted to ask you about 5 December, if
14 there was anything that happened with respect to the markets then. If you know.
15 If you don't know, that's just fine as well.

16 A. [11:47:37] Thank you. The 5th of December, as I said before yesterday -- the 17
17 September, the fight was general. But on 5 December, the fight was in Kaba, and
18 then went to the markets around the *École de Liberté*. There was fighting in the
19 market itself. There was fighting around the market. I know that. Everybody
20 fled. The next day, or even then, many tried to retrieve some of their goods and
21 hurried to the *école*, the school.

22 I think I mentioned somebody who was killed at the school called C-17. He was
23 killed just in front of the mosque.

24 Q. [11:48:55] Just two more topics I'm going to ask you about. The first is, did you

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1 come to realise or come to know who led the 5 December attack on Bossangoa?

2 Which Anti-Balaka were involved in leading that attack?

3 A. [11:49:51] Thank you for that question.

4 I would like to answer in private session, please.

5 PRESIDING JUDGE SCHMITT: [11:50:06] We go to private session.

6 (Private session at 11.50 a.m.)

7 THE COURT OFFICER: [11:50:18] We're in private session, Mr President.

8 MR VANDERPUYE: [11:50:51]

9 Q. [11:50:51] All right. We're in private session. I think you can -- you can go
10 ahead and answer, Mr Witness.

11 A. [11:51:10] Thank you. The 5 December attack, which took place in Bossangoa,
12 the person who led that attack, one of the persons who I know and who led the attack
13 was Mr Charly. Before yesterday, I mentioned him. He's a native of Benzambe,
14 and he was in the presidential guard of Bozizé. And according to the information
15 we received, we heard it said that it was the Ngaïssona group, because there were
16 two, two groups. There was a Charly group who was in the Ngaïssona movement,
17 and he was on the ground. There was another one who was called Lakoiténé. He
18 was also part of the presidential guard. When Ngaikosset was in Bossangoa, he was
19 in the Ngaikosset team.

20 I think, Mr Prosecutor, that the group that attacked Bossangoa -- according to the
21 information which we received, there wasn't only one particular group. All the
22 elements from the Benzambe, Zere, Koro-M'Poko axis got together to attack
23 Bossangoa. Personally, I did not see them. I cannot say this or that person led the
24 attack. But according to the information which we received, it was Charly,
25 Lakoiténé and some of the other elements who came to organise themselves so that

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1 they could attack Bossangoa.

2 I think there was also Mr Bertin, who we saw in the photo. They organised
3 themselves to attack Bossangoa.

4 PRESIDING JUDGE SCHMITT: [11:53:45] Mr Witness, you said you have not seen
5 them. Where did you receive the information from about these people?

6 THE WITNESS: [11:54:13](Interpretation) Thank you, your Honour.

7 Let me say something so that it's clear. Before the 5 December attack, we knew that
8 the Balaka were attacking and carrying out exactions. When the Sangaris arrived in
9 Bossangoa, (Redacted) held a meeting with the Anti-Balaka. (Redacted) had a first meeting, as I
10 said. It was at the headquarters of FOMAC. You saw it on the photos. There you
11 can see Bertin. And he was there during the meeting on behalf of the Anti-Balaka.
12 I suppose he was the leader of the movement.

13 And once, when (Redacted) regularly had these meetings, the imam, the bishop was there.

14 They were in contact. (Redacted) At the

15 *École de Liberté*, we heard explosions taking place, because they (Redacted)

16 And as I said to you, (Redacted) to stay calm and

17 that it was an uncontrolled element that had started firing. And so that makes me

18 think that it was the leaders and that we thought they would be able to take

19 them -- put them under the control. But during the meeting -- in fact, the people

20 who were at the church had information which (Redacted) shared. (Redacted) also had links with

21 those in the church. (Redacted) shared information. Nothing was secret. Everybody

22 knew what was going on.

23 PRESIDING JUDGE SCHMITT: [11:56:11] Mr Witness, have I understood it

24 correctly that this meeting that you speak of took place before the attack on

25 5 December? Or am I wrong here?

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1 THE WITNESS: [11:56:43](Interpretation) Before the attack of 5 December, the
2 meetings (Redacted) were more of a religious nature. The bishop and the
3 Muslims and the FOMAC.

4 It was after the 5 December attack, the Sangaris arrived. So the first meeting held
5 with the Sangaris at the *École de Liberté* was when they told (Redacted) that they had an
6 intention to organise a meeting between the leaders of the Anti-Balaka, the leaders of
7 the Seleka, the imam, and the bishop. So (Redacted) that meeting in the Hotel de
8 Chasse.

9 And during that meeting - and the photo showed this - there were Seleka leaders, also
10 leaders of the Anti-Balaka. There was the bishop and his team, and the imam and
11 his team. So, in the first meeting, (Redacted) after the attack of 5 December, that
12 was the first meeting (Redacted)

13 PRESIDING JUDGE SCHMITT: [11:58:01] Thank you. So, I understand better. I
14 had not understand it correctly. Thank you for this clarification.

15 Mr Vanderpuye, there is perhaps additional information related to that in paragraph
16 103 of the statement. Perhaps you want to talk about that.

17 MR VANDERPUYE: [11:58:19] Yes, Mr President.

18 Q. [11:58:22] Now, in relation to the leaders of the Anti-Balaka, you mentioned
19 earlier in your testimony, you mentioned the name of Dedane and also the name of
20 Florent Kema and also the name of Dangba. And do you have any information
21 concerning them in relation to the 5 December attack on Bossangoa?

22 A. [11:59:11] Thank you, Mr Prosecutor.

23 I just said that, as regards the question put by the Judge, as regards who led the
24 Anti-Balaka, I did mention some names, but I also said there were elements who came
25 from Benzambe, Bowaye. That's to say, the group who attacked Bossangoa also had

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1 Dedane. There was Dangba. There was also Florent Kema who was part of that
2 group. I just generalised beforehand, because there were small groups who came
3 from small locations who attacked Bossangoa on that particular day.

4 Q. [12:00:06] And as Mr President had asked you -- oh, sorry.

5 A. [12:00:17] Florent Kema, Dedane, Dangba.

6 THE INTERPRETER: [12:00:21] The interpreter said, the Sango booth has lost part of
7 the statement of the witness. The Sango booth did not get all the statement.

8 PRESIDING JUDGE SCHMITT: [12:00:31] So I think then we should inquire that.

9 Mr Witness, unfortunately, there was a connection problem a little bit. So could you
10 perhaps please repeat, if you have knowledge, about certain persons that the
11 Prosecutor mentioned in his question and about their participation in the attack.
12 And if you don't know, you can also tell us that, like you always do. You always
13 differentiate between your knowledge and what you don't know.

14 THE WITNESS: [12:01:19](Interpretation) Thank you, your Honour.

15 The persons mentioned by the Prosecution, like Dedane, Dangba and Florent Kema,
16 according to the information I have, during the last question that was put to me, I
17 answered to say that the 5 December attack was organised and led by different
18 groups coming from different areas.

19 I'd like to remind you that in September 2013, there was called Hissène. We call him
20 Hissène Balaka, because he fell in an ambush. He was together with Bichara (phon).
21 He was killed. He joined the Balaka group, and he was initiated and was the driver
22 for the leaders. And it is he who gave (Redacted) the information as regards 5 December
23 attack.

24 His wife was also at the church and provided the information. And he worked there
25 as well. And he explained and gave (Redacted) the details of what happened and the

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1 participation of Dangba, Dedane in the attack in question.

2 PRESIDING JUDGE SCHMITT: [12:03:06] And, Mr Witness, in your statement, you
3 mentioned other names. Does the name, for example, Saint-Cyr Nambozouina and
4 12 Puissances ring a bell in that context? Two different names, two different
5 persons.

6 THE WITNESS: [12:03:48](Interpretation) If I remember correctly, these are two
7 different persons. 12 Puissances is a native of Bouca. Sometimes he used to go to
8 Benzambe. This is someone who was very well known in that movement. Even
9 some musicians sang his name in their songs in Bossangoa.

10 PRESIDING JUDGE SCHMITT: [12:04:32] Mr Vanderpuye.

11 MR VANDERPUYE: [12:04:35] Thank you, Mr President.

12 Q. [12:04:43] The video that I showed you a little bit earlier where you can see the
13 mosque that was destroyed, do you know who -- who shot that video?

14 A. [12:05:15] Thank you, Mr Prosecutor.

15 If you look closely in that video, it is as though the person who was speaking was
16 actually holding the telephone. And I saw and I heard in the video that he called
17 Ibrahim, if I heard well. And the person in question was speaking. And all the
18 people I saw in the video footage are people that I know. So the person in question
19 must have used his telephone to film the event. And towards the end of the clip, he
20 asked someone who take the phone and film him.

21 Q. [12:06:31] All right. Did you recognise anyone in the video as the person that
22 might have shot the video?

23 A. [12:07:02] The owner of the phone who was speaking, and at the end, he asked
24 that he should be filmed, I know him. If you show me his photograph, I will be able
25 to recognise him.

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1 Q. [12:07:27] Do you know his name? Or you just recognise him by looking, is
2 what you mean?

3 A. [12:07:46] His name? Yes. If you show me his photograph, I will be in a
4 position to recognise him.

5 Q. [12:08:08] All right. We can -- we can give that a try. Just hang on. We'll
6 pull the video up again.

7 PRESIDING JUDGE SCHMITT: [12:08:24] Perhaps in the meantime, I can ask a
8 question, while you try. I think this might take a while.

9 Mr Witness, do you have any information if --

10 By the way, could we go back to public session?

11 MR VANDERPUYE: [12:08:42] I think we -- I think so. The only thing is, if he's
12 going to discuss the video, then we'll probably have to do that in private. But for the
13 question --

14 PRESIDING JUDGE SCHMITT: [12:08:49] Okay. Then -- because the back and
15 forth causes too much time.

16 Let's say, Mr Witness, do you have any information if women or children participated
17 in the attack of the 5 December on the side of the Anti-Balaka?

18 THE WITNESS: [12:09:26](Interpretation) Mr Prosecutor, I am not in a position to
19 confirm whether there were children amongst the combatants or not. It is possible
20 that you can see a child or woman going to steal, but to see a child, a woman going to
21 fight, I cannot confirm that.

22 The women and children on that day were prepared to go and steal in the shops, to
23 loot items in the shops. But to say that they took part in the fighting, I cannot
24 confirm that. I'm not sure of that.

25 (Viewing of the video excerpt)

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- 1 THE INTERPRETER: [12:10:26](Interpretation of the video excerpt) "In the Central
2 African Republic, children and women, during such events, are always prepared to
3 go and steal or loot."
4 PRESIDING JUDGE SCHMITT: [12:10:42] Thank you.
5 Are we ready to put this portion?
6 MR VANDERPUYE: [12:10:47] We are ready, Mr President.
7 PRESIDING JUDGE SCHMITT: [12:10:48] It should be a still then or what?
8 MR VANDERPUYE: [12:10:51] I think so.
9 PRESIDING JUDGE SCHMITT: [12:10:52] So it's only the end, I think, or what is it?
10 MR VANDERPUYE: [12:10:56] Yeah, we may play just the last of the sequence so
11 we can see through it.
12 PRESIDING JUDGE SCHMITT: [12:11:01] Okay. Good. Then we do that.
13 So, please, Mr Witness, the last portion of the video is shown to you again and you
14 might perhaps identify a person.
15 (Viewing of the video excerpt)
16 THE INTERPRETER: [12:11:36] (Interpretation of the video excerpt)
17 "The Balaka really worked there.
18 Generatrices Parara (phon) ...
19 I'm going to revenge.
20 I've not yet taken revenge, eh."
21 (Viewing of the video excerpt)
22 PRESIDING JUDGE SCHMITT: [12:13:46] Is this the whole video then that we are
23 watching now?
24 MR VANDERPUYE: [12:13:52] This is the last sequence of the video, yes.
25 PRESIDING JUDGE SCHMITT: [12:13:54] How long does it last?

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- 1 MR VANDERPUYE: [12:13:56] I think it's a minute and something.
- 2 PRESIDING JUDGE SCHMITT: [12:13:59] Okay.
- 3 (Viewing of the video excerpt)
- 4 PRESIDING JUDGE SCHMITT: [12:14:59] So if not any -- if it comes more which
- 5 could identify a person, we stop it here.
- 6 MR VANDERPUYE: [12:15:12]
- 7 Q. [12:15:13] Do you recognise the person who shot the video?
- 8 PRESIDING JUDGE SCHMITT: [12:15:57] Obviously again a problem with the
- 9 connection.
- 10 Mr Witness, do you hear me?
- 11 No, it's -- today, sometimes it happens.
- 12 Mr Witness, do you hear me now?
- 13 So we have to wait on the technicians here.
- 14 Perhaps to fill a gap, I hope not the gap, Ms Proulx, do you have an estimate how
- 15 long it will take? Because it would be good, put it this way -- but it's not your fault;
- 16 obviously not. It would be good if we could finish midday tomorrow.
- 17 MS PROULX: [12:17:18] I agree with the sentiment. I will definitely try to limit
- 18 myself to three sessions with this witness, but I'm -- I'm not entirely sure how it's
- 19 going to go, especially with the connection issues.
- 20 PRESIDING JUDGE SCHMITT: [12:17:34] Okay. So perhaps we try to figure this
- 21 out at the end of the day and perhaps even continue a little bit beyond 4 o'clock, if
- 22 necessary.
- 23 So I think we should also not spend too much time on who shot the video. So I think
- 24 it's -- I wonder if the witness, if the witness, our witness knows it, it's fine, but ...
- 25 Do we have a connection now?

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- 1 THE COURT OFFICER: [12:18:14] Your Honours, at this moment, it's not clear.
2 Perhaps you could ask the witness if he hears us.
3 MR VANDERPUYE: [12:18:25] Mr President, I would just, you know -- we can elicit
4 this, obviously, but it's in his -- it's actually in his statement.
5 PRESIDING JUDGE SCHMITT: [12:18:31] Yeah. Then why not put it to him
6 simply, so this would be quicker.
7 MR VANDERPUYE: [12:18:39] We can do that. I don't know if he can hear.
8 PRESIDING JUDGE SCHMITT: [12:18:42] Yeah. That is of, course, the
9 precondition for everything else what we are going to do.
10 So I have the information that it takes now two minutes to re-establish the connection.
11 So we hope that this will be correct information.
12 Well, I think an alternative would be to have now the lunch break. I think we have
13 to do something principles about that. Can we shorten the lunch break a little bit,
14 until, let's say, quarter to 2? Is that okay with everyone? Always perhaps a little
15 bit -- quarter to 2, and then we really try -- and we can even, perhaps, in the
16 afternoon, have a, if need be, two hours, full two hours, perhaps, and even a little bit
17 longer, and have some five or ten minutes in between where we have a short break
18 too.
19 So we have to be flexible today. That's unfortunate, but I think it's the best to do
20 now, I would suggest.
21 Then until quarter to 2.
22 THE COURT USHER: [12:22:51] All rise.
23 (Recess taken at 12.22 p.m.)
24 (Upon resuming in open session at 1.48 p.m.)
25 THE COURT USHER: [13:48:41] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [13:49:03] Good afternoon, everyone.

3 Good afternoon, Mr Witness. We hope that the connection problems are solved for
4 this afternoon.

5 So we continue and, Mr Vanderpuye, you have the floor. And you can simply put a
6 name to him and ask him with regard to the video and then continue from there.

7 MR VANDERPUYE: [13:49:25] Okay. Thank you, Mr President.

8 Q. [13:49:28] Mr Witness, we were discussing -- are we in open session now?

9 PRESIDING JUDGE SCHMITT: [13:49:32] I think we are in open session. You
10 want to ask him this question in private session?

11 MR VANDERPUYE: [13:49:38] Yes.

12 PRESIDING JUDGE SCHMITT: [13:49:38] Then we go to private session.

13 MR VANDERPUYE: [13:49:44] Thank you, Mr President.

14 (Private session at 1.49 p.m.)

15 THE COURT OFFICER: [13:49:49] We're in private session, Mr President.

16 MR VANDERPUYE: [13:49:55] Thank you.

17 Q. [13:49:56] Good afternoon, Mr Witness. I was asking you before we broke
18 about the name of the person who -- who shot the video. May I ask you, do you
19 recall giving the name of that person in your -- in your statement to the Office of the
20 Prosecutor?

21 A. [13:50:36] Thank you. The person whom I saw speaking, a short person, is
22 called Massa Mewada (phon). Somebody even mentioned his name in the video,
23 that name. He was called Massa Mewada. Now, the one who entered the house
24 and asked -- he is the one who entered the house and asked to be filmed on the video.

25 Q. [13:51:17] That's very helpful.

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1 Can I ask you further how you came into possession of the video.

2 A. [13:51:38] Thank you. You know, as I said yesterday, I was able to record all
3 the information relating to these events because I knew that they might come before
4 the justice or the courts someday. Some people recorded some of these events on
5 their phones and that is how I was able to come by all this information and to keep it
6 with me, because I knew, and I know that someday it might be useful for the courts.
7 And that is why I am here before you.

8 Q. [13:52:36] Okay. Thank you very much for that. I want to go back into open
9 session because I want to ask you a few questions about your stay at the school, if we
10 can do that without necessarily identifying you.

11 PRESIDING JUDGE SCHMITT: [13:53:00] I think that could be possible. The living
12 conditions there, I think we would not need identifying information about that.
13 Okay. Open session.

14 (Open session at 1.53 p.m.)

15 THE COURT OFFICER: [13:53:24] We're back in open session, Mr President.

16 MR VANDERPUYE: [13:53:30] Thank you.

17 Q. [13:53:31] Mr Witness, a short while ago -- just before we go into this other
18 section, a short while ago I asked you questions about the damage and destruction of
19 property during the course of 5 December attack on Bossangoa. Were you aware of
20 instances in which things were stolen, taken, pillaged?

21 A. [13:54:14] Thank you for that question.

22 You see, when the events began, many people fled and abandoned their homes, and
23 that's what happens the world over. When war breaks out, people flee, and then
24 others, other people generally come in and loot. So the same thing happened in
25 Bossangoa. Some people were able to flee with their property while others were not

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1 lucky enough to flee with their goods.

2 Furthermore, you know that it is not possible to take away all the goods in a house on
3 one day. So there was quite some distance between some homes and the *École de*
4 *Liberté*. And so when the firing started, people could not move all their property out.
5 And that is why many people lost some of their property.

6 Some people were able to leave with some of their property, while others were not
7 lucky enough to take any of their property.

8 Q. [13:55:35] Do you know or did you hear if the Anti-Balaka were involved in the
9 looting or pillaging of goods and items during the course of the attack or after the
10 attack?

11 A. [13:56:03] Yes, of course, I heard about it. I heard that the Anti-Balaka also
12 looted property from individuals. How did I come by this information? You see, at
13 the *École de Liberté*, while we were there, it happened from time to time that we would
14 cross the road. And you see, in Bossangoa, you have mango trees along the roads
15 and so sometimes in the morning, we would cross the road and seek rest under the
16 mango trees. And so from the mayor's office to Boro neighbourhood, one had to go
17 down a little bit, and from that position, one could see the neighbourhood. And so
18 from that location, we were able to see people cart items away and cross over the
19 road.

20 Some people collected property and went behind the mosque crossing the Zoudam
21 stream. That is the road that the looters used to take the items away. So we could
22 see the looters, we could see people take property away and disappear with the
23 property into various neighbourhoods. And I did see some of these looters with my
24 own eyes.

25 Q. [13:57:44] Were you able to tell or did you hear that the Anti-Balaka were among

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1 the looters that you saw?

2 A. [13:58:07] Yes. The Anti-Balaka looted as well, and I can give you an example.

3 One day, after the attack of 5 December, there was a Gbaya woman who was with us

4 at the *École Liberté*. Her brother had been married to a Muslim and they had a

5 daughter who was about 18 years old. She used to buy cassava and sell it at the

6 school. One day she passed by the stadium and she was arrested by the Anti-Balaka.

7 When she came back, she explained what had happened to the imam. And the

8 imam told us that the Anti-Balaka had understood that this girl was a Christian but

9 went on anyway to arrest her. So it was necessary to call on the captain of FOMAC

10 to seek to release her.

11 {ICR: (Redacted)}

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)). That is how the vehicle

20 stopped. And these persons who were carrying property were wearing attires and

21 they were also carrying weapons. {ICR: (Redacted)}

22 (Redacted)

23 (Redacted)). And then (Redacted) went on back to the bishopric.

24 So what I can say is that {ICR: (Redacted)} armed Anti-Balaka carrying

25 property on their heads. Some of them were carrying items, while others were not.

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1 Q. [14:01:10] Thank you for that.

2 PRESIDING JUDGE SCHMITT: [14:01:12] We must come --

3 MR VANDERPUYE: I'm going (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [14:01:13] -- now to the end. And I think
5 perhaps --

6 MR VANDERPUYE: [14:01:16] A narrative is what I'm --

7 PRESIDING JUDGE SCHMITT: [14:01:19] Mr Witness, you said that you and many
8 others took refuge at the *École Liberté*. How were the living conditions there, if you
9 could describe to us, from the hygiene, foodwise? You know what I mean.

10 THE WITNESS: [14:01:53](Interpretation) Thank you. I think that before the
11 conflict, while we were still in our homes and in the neighbourhoods, the World Food
12 Programme provided some foodstuff to the refugees in Bossangoa, those who were at
13 the bishopric and at the *École de Liberté*. The foodstuffs were distributed also to
14 Muslims who had remained at their homes.

15 Now, after the attack of 5 December, we all were at the *École de Liberté*, and the World
16 Food Programme continued to assist us while the MSF provided health assistance and
17 ACF took care of our hygiene and general cleanliness. ICF also -- or, rather, UNICEF
18 also took care of the education component, having set up a programme for the
19 education of children. So that is how the children were kept busy. The HCR
20 distributed some badges and other accessories to women. Then there were also
21 humanitarian organisations that provided assistance to the displaced people who
22 were at the *École de la Liberté*.

23 PRESIDING JUDGE SCHMITT: [14:03:44] Thank you. And I think there is the last
24 topic, I would say, evacuation, that might perhaps be better in private session.

25 MR VANDERPUYE: [14:03:53] I wanted to get from the witness how many -- how

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1 many people were at the school.

2 PRESIDING JUDGE SCHMITT: [14:03:55] Yes, of course. Of course. Please do.

3 Please ask.

4 MR VANDERPUYE: [14:04:00]

5 Q. [14:04:01] Do you -- do you know approximately how many people were at the
6 school during the period of time that you stayed there?

7 A. [14:04:23] Thank you. The number of persons was about -- was 7,000 at the

8 *École de la Liberté*. This is including people who came from neighbouring

9 neighbourhoods, including Bossangoa. So that figure should be around 7,000.

10 Now the World Food Programme, which was providing assistance to those people,
11 had a figure of 7,000.

12 Q. [14:05:04] Just before we go into private session, can I ask, was it possible for
13 people to leave the school in safety during the time that you were there, up until the
14 evacuations occurred? And if not, why not?

15 A. [14:05:45] No. It was impossible to do so. I recall that once, after the attack of
16 5 December, the Sangaris organised or set up some kind of procedure. One needed
17 first of all to go to the bishopric, and then there were people in two vehicles who
18 would patrol various neighbourhoods where Christians were living to find out what
19 their state of living was. So the same was done for us. Two trucks were provided.
20 I was in that group myself. We went to Boro and visited the neighbourhood. Then
21 we were taken back to the *École de la Liberté*.

22 I think that it was not easy to move about freely. No, no. It was virtually
23 impossible to do so, almost impossible to do so.

24 PRESIDING JUDGE SCHMITT: [14:07:06] May I shortly --

25 THE WITNESS: [14:07:10](Interpretation) People were afraid.

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- 1 PRESIDING JUDGE SCHMITT: [14:07:16] Mr Witness, what would have –
2 Mr Witness, what would have happened if somebody had left the *École de Liberté*, had
3 gone outside, for example, moved freely?
4 THE WITNESS: [14:07:45](Interpretation) Thank you. I think that it was FOMAC
5 who provided security to the *École de la Liberté*. And they said that they only
6 provided protection for those who were within the school. So anyone who dared to
7 get out of the school would not benefit from their security protection. So if you went
8 to the neighbourhoods where there were Anti-Balaka, pillaging and what have you,
9 you might find yourself at the risk of death.
10 Let me give you an example. There was a young person who was called Yaya.
11 While we were at the school, he left and went to the Bornou school where the mosque
12 is and his house was located right behind the mosque. And I believe that on the
13 video, you can see the houses that were torched. So I don't know whether it was in
14 the morning or in the evening that this young person went to check on their house in
15 the neighbourhood. So in the evening, those who were at the bishopric called to say
16 that a young Muslim had been killed at the Bornou neighbourhood. So the next day
17 in the morning, we called the Sangaris, and they went and found out that the body
18 was there. And so they brought it back and it was buried within the Bossangoa
19 tribunal.
20 People were afraid to step out at the risk of death. FOMAC had informed us that
21 people should not leave the compound and that they could only provide protection
22 for those who were within the *École de la Liberté*.
23 PRESIDING JUDGE SCHMITT: [14:09:48] Thank you.
24 MR VANDERPUYE: [14:09:51] If we could go into private --
25 PRESIDING JUDGE SCHMITT: [14:09:55] We go to private session, yes.

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1 MR VANDERPUYE: [14:09:58] Thank you, Mr President.

2 (Private session at 2.10 p.m.)

3 THE COURT OFFICER: [14:10:04] We're in private session, Mr President.

4 MR VANDERPUYE: [14:10:08] Thank you.

5 Q. [14:10:09] Mr Witness, if you could, I'd like you to describe for the Chamber the
6 circumstances of your evacuation from the school, circumstances under which you
7 left. If you could tell the Chamber when you left and how you left and with whom,
8 that would be helpful. That's, essentially, going to be the last of the questions I have
9 for you.

10 A. [14:10:53] I'm sorry. I did not quite understand your question. You said
11 leave, leave, go, to where? I'm not sure that I understood the question.

12 PRESIDING JUDGE SCHMITT: [14:11:05] Mr Witness --

13 THE WITNESS: [14:11:09](Interpretation) Please kindly repeat your question.

14 PRESIDING JUDGE SCHMITT: [14:11:12] Mr Witness, the Prosecutor would like
15 you to describe how you were evacuated, under which circumstances, from the
16 *École de la Liberté*, and with whom and when that happened, if you recall it. That you
17 perhaps can give us an impression how that unfolded.

18 THE WITNESS: [14:11:57](Interpretation) I would like to ask the interpreter to tell
19 me whether the Prosecutor wants to talk about when I left the school for Chad, or
20 what is it that he is talking about? I didn't quite understand the Prosecutor's
21 question.

22 PRESIDING JUDGE SCHMITT: [14:12:19] That is exactly what interests the
23 Prosecutor and also the parties and participants, when you left the school, *École de la*
24 *Liberté* and under what circumstances, how this happened, and how long you stayed
25 at the *École Liberté*. You see? And when you were transported to Chad, of course,

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1 and under what circumstances.

2 THE WITNESS: [14:12:54](Interpretation) Thank you. I think that after those
3 events, after those attacks, we were at the *École de la Liberté* after the attacks of
4 5 December, and at that time the situation was quite difficult. Even though we got
5 food from PAM or the World Food Programme, but the World Food Programme
6 could not feed everybody. We had other problems. For example, such as soap, we
7 couldn't get soap. Within the inhabitants of Bossangoa, for example, there were
8 some Chadian nationals. The Chadian government dispatched some lorries to
9 Bossangoa to repatriate its nationals to Chad. When those lorries were about to
10 leave, some Central Africans joined the Chadians and left with them.

11 As for my case, in April, the OCHA organised a meeting with the HCR at which
12 arrangements were made for people to be taken to Bambari. But after that, the
13 authorities decided to send the displaced persons to Chad because it was not possible
14 to provide or guarantee security in Bambari.

15 So after several sessions of discussions, the imam of Bossangoa negotiated with
16 OCHA to instead take these people to Paoua. The conclusion again was that there
17 was no security in Paoua and that is how the decision was taken to repatriate the
18 people to Chad. And that's how OCHA and HCR took a group of 517 persons to
19 Chad, and (Redacted)

20 MR VANDERPUYE: [14:15:31] Thank you, Mr Witness. I don't have any further
21 questions for you at this time. I appreciate your indulgence and your patience.
22 Thank you, Mr President.

23 PRESIDING JUDGE SCHMITT: [14:15:39] Thank you, Mr Vanderpuye.

24 But since we are in private session, I think I would like to ask the witness one or two
25 additional questions.

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1 Mr Witness, how long did you live in the refugee camp in Chad?

2 THE WITNESS: [14:16:17](Interpretation) I think that as at today, I am still a refugee
3 in the refugee camp in Chad. Ever since my arrival in Chad, I am still at the
4 disposition of the UNHCR. At the beginning, when I arrived, I did not have the
5 statue of -- the status of a refugee. Today I have that status, and I am still living in a
6 refugee camp.

7 PRESIDING JUDGE SCHMITT: [14:16:59] Mr Witness, we have talked about what
8 happened to you and your family during these events. If I may ask you, how do you
9 today cope with what happened? Is this still with you? Do you get along with
10 your life, you and your family, if I may ask something personal in that regard?

11 THE WITNESS: [14:17:48](Interpretation) Thank you. I have not forgotten
12 anything because (Redacted) was also -- always very courageous, and she was
13 savagely murdered while still young. And even up till today, (Redacted) is still
14 crying, and he is not even able to (Redacted). And for myself, each day, each night, I
15 think about (Redacted) and I cry. That was a massive loss for me, the death of (Redacted)
16 (Redacted)

17 And I am saying, if I do not die -- well, I do not have the strength or the resources to
18 go and arrest anyone, but when I heard that Mr Ngaïssona and Rombhot were
19 arrested, I told myself that these people incited people, bought weapons, and incited
20 people to go and kill. And today, together with Seleka, they have agreed to do what
21 they are going to do. But those of us civilians, we suffered. But the perpetrators,
22 those who agreed with the Seleka, today they are living in harmony. But those of us
23 victims, what are we going to do? What is going to happen to us?
24 So that is why after the arrest of these people, I took the decision to come and testify
25 at this Court so that justice can be done. I know that (Redacted) cannot be

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1 resuscitated and (Redacted) cannot come back, but I came to testify
2 because I cannot forget (Redacted) One cannot forget one's (Redacted) You cannot
3 go to the market to buy (Redacted) No one can go to the market to buy another
4 person.

5 PRESIDING JUDGE SCHMITT: [14:20:25] Thank you.

6 We go to open session.

7 (Open session at 2.20 p.m.)

8 THE COURT OFFICER: [14:20:40] We're back in open session, Mr President.

9 PRESIDING JUDGE SCHMITT: [14:20:42] Thank you very much.

10 Are there any questions by the representatives of the victims, further questions? I
11 think I have already asked some which relate to today's situation of the witness.

12 MR FALL: [14:21:00] (Interpretation) Yes. Mr President, yes, indeed, we prepared
13 a series of questions, but in the final analysis, these questions have been put to the
14 witness already, almost word for word, either by the Prosecutor or by yourself. But
15 we have about two questions that we may still need to ask the witness, if you grant us
16 leave.

17 PRESIDING JUDGE SCHMITT: [14:21:32] Of course, Mr Fall, then I give you -- then
18 I give you the floor.

19 MR FALL: [14:21:35] (Interpretation) Thank you.

20 PRESIDING JUDGE SCHMITT: [14:21:42] We would hear you better if you
21 would -- when you speak, you could take off your mask. I would not force you, of
22 course, to take off the mask, but it's difficult to hear. You are difficult to hear.
23 Thank you very much, Mr Fall.

24 MR FALL: [14:21:54] (Interpretation) I will do that immediately, Mr President,
25 because I really hope that everyone should be able to hear me.

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1 QUESTIONED BY MR FALL: (Interpretation)

2 Q. [14:22:18] Good afternoon, Mr Witness.

3 A. [14:22:23] Good afternoon.

4 Q. [14:22:26] I have already had the opportunity to speak with you last week
5 during the familiarisation exercise. And I had notified you that I am a member of
6 the team of lawyers representing the victims admitted to take part in these
7 proceedings. And I will -- as I said a short while ago, we prepared a certain number
8 of questions to which you have already given answers, but I have two questions that I
9 would like to add.

10 The first is as follows: Which nationality do you consider as yours?

11 A. [14:23:43] Thank you for that question. I am of Central African Republic
12 nationality. The card that I have in my hand, if you see it, it is an identity card of the
13 Central African {ICR: (Redacted)}, so I am residing or living in {ICR: (Redacted)}
14 (Redacted)
15 (Redacted)}.

16 Q. [14:24:22] Thank you. The nationality is an administrative aspect. But what
17 do you really consider as your motherland or fatherland?

18 A. [14:24:43] My country, but I am a native of Bossangoa. I was born in
19 Bossangoa. My grandfather was born, died and was buried in Bossangoa. All my
20 grandparents were buried in Bossangoa. I do not have any other country.

21 Q. [14:25:24] Thank you.

22 You have told us that you are still {ICR: (Redacted)}.

23 The last question I would like to put to you is: Do you hope or plan one day to
24 return to live in your country, your village or town, that is, Bossangoa?

25 A. [14:26:04] Thank you.

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1 I really have that desire to return home. My country remains my country. Today
2 I'm living {ICR: (Redacted)}, and I am suffering. My town is Bossangoa. I have
3 my relatives. I would like to return to Bossangoa, but peace has not been restored in
4 Bossangoa. If I go back there now, I do not have a home. I have no way to survive.
5 So I prefer to stay in the refugee camp here. And when I shall have the resources to
6 rebuild a house in Bossangoa when security would have been restored in my country,
7 it will be with joy that I would return and resettle in my native town of Bossangoa.

8 Q. [14:27:09] Thank you. I have no further questions for you. And I will return
9 the floor to the President. And I thank him for giving me the opportunity to put
10 questions to you. Thank you.

11 PRESIDING JUDGE SCHMITT: [14:27:24] Thank you very much.

12 It's now the turn of the Defence of Mr Ngaïssona, Ms Proulx. And I want to
13 apologise in advance to have put you - as the Chamber of the whole situation - under
14 pressure that we don't want -- don't feel under pressure timewise. It's not your fault.
15 I will not say -- will not speak of fault anyway, but there seems to have been some
16 little bit of miscalculation of the needed time for the so-called direct examination. So
17 take your time and, yes, perhaps we make now half an hour, then a short pause, and
18 then we can continue, perhaps.

19 And you might perhaps at the end of this day provide us with more information how
20 you got along and how far you went. So don't feel under pressure, please.

21 I give you the floor.

22 MS PROULX: [14:28:21] Thank you very much, Mr President. And thank you for
23 the reassurance. I will take my time.

24 This being said, I will definitely try not to abuse anybody's patience, including the
25 witness.

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1 QUESTIONED BY MS PROULX: (Interpretation)

2 Q. [14:28:55] Good afternoon, Mr Witness. Can you hear me?

3 A. [14:29:01] Yes, I can hear you.

4 Q. [14:29:05] Good afternoon, Mr Witness. My name is Marie-Hélène Proulx. I
5 am one of the lawyers representing Mr Ngaïssona in these proceedings. We had the
6 opportunity to meet briefly last week during the courtesy exercise. And as I told
7 you last week, you gave a statement containing a lot of information. So I have a
8 certain number of questions to put to you in order to clarify certain aspects of your
9 statement.

10 If at any time my questions are not clear, please ask for me to repeat them. And as
11 you have done with the OTP, if you feel that my questions risk identifying you to the
12 public, please simply let us know, and we will go to private session.

13 Is everything clear so far, Mr Witness?

14 A. [14:30:28] Yes, everything is clear.

15 Q. [14:30:36] Thank you, Mr Witness. Now we can begin.

16 I would like to begin by asking certain details about your family, so I would request
17 that we go into private session.

18 PRESIDING JUDGE SCHMITT: [14:30:54] Private session.

19 (Private session at 2.31 p.m.)

20 THE COURT OFFICER: [14:31:10] We're in private session, Mr President.

21 MS PROULX: [14:31:19] (Interpretation)

22 Q. [14:31:19] Mr Witness, I would like to start by asking you a few questions on the
23 members of your family. You have already told us on Friday that your wife is called
24 (Redacted) How many children did you and (Redacted) have during the
25 events in 2013?

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1 A. [14:31:59] Thank you. With (Redacted) as I was able to tell you yesterday, she is
2 a lady with whom I became married in the traditional Islamic way. In 2013, we had
3 (Redacted) children. (Redacted)

4 (Redacted)

5 Q. [14:32:49] And how old were those children at the time?

6 A. [14:33:07] I didn't quite understand the question. Are you talking about the
7 (Redacted)

8 Q. [14:33:20] I was referring to the (Redacted) Do you know how old those (Redacted) children
9 were during that period?

10 A. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [14:34:03] There is no problem, Mr Witness. If at any time I put a question to
14 you which you cannot answer because you do not know the answer, you can simply
15 tell me so. There is no problem with that.

16 Last week you mentioned that you also had children (Redacted) Were these
17 children living with you in your compound in 2013?

18 A. [14:34:42] Thank you. In the compound where I lived, I can tell you that some
19 of my children were (Redacted) When I was in the
20 country, (Redacted) In my compound,
21 there were my children and (Redacted) So I repeat: In my
22 compound, there were several people.

23 Q. [14:35:34] You mentioned your father who was a (Redacted). Now, I would like to
24 know, is his name (Redacted)?

25 A. [14:36:11] Yes, that is his name. My father was a (Redacted) and a

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1 (Redacted) at the same time. He was also a (Redacted)

2 (Redacted)

3 Q. [14:36:41] Would I be correct to say that your mother, (Redacted) was the
4 daughter of (Redacted) So (Redacted) is your grandfather; is that correct?

5 A. [14:37:12] No. She is not the daughter of (Redacted) My mother is his niece.
6 She is the daughter of (Redacted) is the small daughter of my mother.

7 (Redacted) and my mother have the same mother and father. So my mother is not the
8 daughter of (Redacted)

9 THE INTERPRETER: [14:37:51] The Sango interpreter points out that the witness
10 called out several proper nouns at the same time which they did not catch

11 BY MS PROULX: (Interpretation)

12 Q. [14:38:08] Mr Witness, the interpreter has said that you pronounced several
13 names, but they did not catch all of it. Now for the clarity of the record, can you
14 please kindly repeat everything that you said.

15 A. [14:38:35] Thank you for this call to order.

16 My mother's name is (Redacted) (phon). Her mother is called

17 (Redacted) is the brother of (Redacted) is the name of

18 (Redacted) And the sister of (Redacted) is (Redacted) And (Redacted) is the
19 mother of (Redacted) is not the father of my mother. He is, rather,
20 the (Redacted) of my mother.

21 THE INTERPRETER: [14:39:32] Says the witness.

22 THE WITNESS: [14:39:34](Interpretation) The (Redacted) of my mother.

23 MS PROULX: [14:39:38](Interpretation)

24 Q. [14:39:39] Thank you, Mr Witness. That is much clearer.

25 So if I understand you correctly, is (Redacted) your grand-uncle?

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1 A. [14:39:58] Yes.

2 Q. [14:40:05] Thank you. You mentioned on a few occasions a sister who was

3 working (Redacted) Would I be correct to say that her name is

4 (Redacted)

5 A. (Redacted)

6 Q. [14:40:48] Mr Witness, is (Redacted) your sister or your cousin? Do you have the

7 same parents?

8 A. [14:41:03] No. My relationship with her is on the maternal side.

9 Q. [14:41:26] So if I understand you well, your mother (Redacted) was the sister of

10 (Redacted) mother whose name is (Redacted) is that correct?

11 A. [14:41:48] Yes.

12 Q. [14:42:01] You spoke about (Redacted) who died in (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [14:42:37] No. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:43:02] Thank you for that clarification, Mr Witness. I am sorry to have to

19 ask all those details. It's a bit complicated for us westerners sometimes to

20 understand the African family structure.

21 Now, coming back to (Redacted) is it correct that he was also a trader or businessman

22 before his death?

23 A. [14:43:35] No, no. He was still attending school.

24 Q. [14:43:59] Now, all the members of your family who are still alive, are they

25 living with you currently in the same refugee camp?

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1 A. [14:44:13] Yes, we are all together at the same location.

2 Q. [14:44:34] So you meet with each other frequently, even on a daily basis; is that
3 correct?

4 A. [14:44:47] Yes, of course. The women are with their husbands, and those who
5 are still with us, we meet. And we also call each other to have news of each other.

6 Q. [14:45:14] Do you still work with (Redacted)

7 A. [14:45:25] Yes, I'm still working with him. We live close together and we
8 continue to work together.

9 Q. [14:45:55] Mr Witness, as far as you know, do any other members of your family
10 (Redacted)

11 A. [14:46:13] I have not understood your question.

12 Q. [14:46:19] I'll repeat it, Mr Witness. I simply wanted to know whether, as far as
13 you know, there are any other members of your family who are (Redacted)
14 (Redacted)

15 A. [14:46:53] Let me mention the example of my wife, who suffered.

16 Q. [14:47:11] Okay. So your wife is (Redacted) Are you aware
17 of any other members of your family doing so?

18 A. [14:47:30] I have no idea. When it comes to the other members of the family, I
19 am not aware of anything.

20 Q. [14:47:46] Are you aware that some or other persons at the refugee camp who
21 are not members of your family are also (Redacted)

22 A. [14:48:11] No, I do not know them. But even in my own case, some members
23 of my family do not know that (Redacted) Even members of
24 my own family. Because this is a confidential matter.

25 Now, as for the other persons in the refugee camp, I don't know whether they are

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1 (Redacted) I am not able to say so.

2 Q. [14:48:52] Mr Witness, you have just said that some members of your family do
3 not know that (Redacted) Does this mean that other
4 members of your family know about it? Who knows, Mr Witness, that (Redacted)
5 (Redacted) Maybe your wife. Maybe (Redacted) I would think. Are
6 there any other persons who know?

7 A. [14:49:26] I did not come here to lie. I did not talk to anybody about (Redacted)
8 (Redacted) It is true, and I can confirm that my wife is aware of it.
9 There is no secret between husband and wife. So my wife knows that (Redacted)
10 (Redacted)

11 Now, if I were to tell you today that my wife was not aware, then I would be lying to
12 you. Yes, indeed, my wife is aware. And apart from her, no one else.

13 Q. [14:50:15] Did you have the opportunity to discuss (Redacted)
14 (Redacted) with your wife?

15 A. [14:50:35] No, never. At the beginning of the matter, I did not know that (Redacted)
16 (Redacted) But you know, with women, one cannot be sure of
17 anything. So I cannot dare to disclose everything to my wife, because you don't
18 know what will happen with the woman tomorrow. So I did not tell her, I did not
19 tell her that I was told this and that or that (Redacted) But all she
20 knows is that (Redacted) but I did not speak with her about (Redacted)
21 (Redacted) She is my wife, the mother of my children, but she is not involved in the
22 matter that concerns me and my family. So, no.

23 Q. [14:51:41] Thank you, Mr Witness. Last week you referred to a notebook that
24 you took to your interview with the OTP in 2018. At the time of that interview, did
25 the OTP interviewers or investigators take a look at your notebook?

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1 A. [14:52:18] No. No, they did not take a look at it.

2 Q. [14:52:34] Did they explain to you why they were not interested in taking a look
3 at your notebook?

4 A. [14:52:53] No, they did not say anything. I had the notebook visible before me.
5 They did not touch that notebook. It was some sort of an aide-memoire for me in
6 which I jotted down some information in order not to forget it. So that's what
7 happened.

8 Q. [14:53:30] Am I, therefore, to understand, Mr Witness, that because they did not
9 look at it, they did not make a copy of that notebook; is that correct?

10 A. [14:53:48] No, they did not photocopy it.

11 PRESIDING JUDGE SCHMITT: [14:53:52] If the Defence thinks this is important, and
12 it might be, then it could be fine that it is introduced via the bar table, for example, the
13 original, if the Prosecution can obtain it. If you -- because from the line of your
14 questioning, you can't reproach the witness from that, that this is not in evidence yet.

15 MS PROULX: [14:54:30] Mr President, I would rather not take a position on this at
16 this moment. We can revisit this issue later.

17 PRESIDING JUDGE SCHMITT: [14:54:37] Actually, I thought so. But sometimes
18 I'm putting something on the table. But you understand the point, no? But please
19 continue. We don't have to decide that at this stage.

20 MS PROULX: [14:54:59] (Interpretation)

21 Q. [14:55:02] Mr Witness, let me move on to another topic now. And I will be
22 seeking from you information relating to the victims of the attack of 5 December.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 answer, please point that out to me. Thank you.

2 MS PROULX: [14:55:36] Can we go into open session, please.

3 PRESIDING JUDGE SCHMITT: [14:55:39] We do that, of course.

4 Open session.

5 (Open session at 2.55 p.m.)

6 THE COURT OFFICER: [14:55:49] We're back in open session, Mr President.

7 MS PROULX: [14:56:00] (Interpretation)

8 Q. [14:56:01] Mr Witness, in your statement and once again this morning, you
9 provided a list of the persons who were killed during the attack of 5 December. Let
10 me briefly revisit some of those names to cross-check with you that I fully understand
11 who they are.

12 My first question then is as follows: Would it be correct to say that the person you
13 identified as Koursi Abdelrahim is also known as Koursi Mahamat?

14 A. [14:56:49] Thank you. Koursi Abdelrahim is different from the other Koursi
15 Mahamat. Koursi Abdelrahim was slaughtered during the attack of 5 December in
16 Bossangoa. Koursi Mahamat used to live in Bossangoa centre, but he had some
17 cattle herds in Zere, and that is where he was, and it is in Zere that he was killed. So
18 these are two different persons that you are mentioning. Koursi Abdelrahim was
19 killed in Bossangoa, he was slaughtered. And Koursi Mahamat was killed in Zere,
20 some 25 kilometres from Bossangoa.

21 Q. [14:57:46] Thank you for that very useful clarification.

22 Now, you also talked about Adaye Abakar. That person, was he also simply
23 referred to as Adaye or simply as Abakar?

24 A. [14:58:15] No. Let me explain.

25 In our country, and for Muslims, you usually provide an individual's name before the

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1 name of the father. So there was Adaye, which was his name, and Abakar, the name
2 of the father. And that is how we name our children according to our Muslim
3 traditions.

4 Q. [14:58:57] Once again, maybe I am mistaken, but was Adaye Abakar also
5 sometimes known as Adef (phon) Mahamat?

6 A. [14:59:16] No. Adef is different from Adaye. So Adef is written with an F at
7 the end, whereas Adaye is written with an H -- or with a Y-D.

8 THE INTERPRETER: [14:59:42] Correction from the interpreter.

9 THE WITNESS: [14:59:43](Interpretation) With a Y-E at the end. So those are two
10 different and distinct names, Adef and Adaye.

11 MS PROULX: [14:59:53](Interpretation)

12 Q. [14:59:54] Do you know anyone who was called Adef Mahamat?

13 A. [15:00:06] I don't know whether I made a mistake in my statement. You see, it's
14 possible because these events happened a long time ago, a very long time ago, and I
15 could have made a mistake. There was someone who lived in Koro-M'Poko whose
16 name was Idriss Adeif.

17 PRESIDING JUDGE SCHMITT: [15:00:44] I think we have again a problem with the
18 connection.

19 MS PROULX: [15:01:09] (Interpretation)

20 Q. [15:01:09] Mr Witness, can you hear me?

21 A. [15:01:18] Yes, I can hear you.

22 Q. [15:01:21] I'm sorry, Mr Witness, but there was a connectivity problem. So I
23 would like to ask you to repeat what you just said.

24 A. [15:01:46] Thank you. I told you that there are some people from Bossangoa
25 whom I knew very well. So if you mention someone's name, I might be able to

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1 identify them and provide their names. But I want you to know also that there were
2 other people who came from neighbouring villages to seek refuge in Bossangoa. It is
3 true that we were able to take down or mention the names of some of those people
4 who arrived, but I do not know all of them.

5 Now, when you talk about "Adef," there was an Idriss Adeif who came from
6 Koro-M'Poko and who was killed.

7 Q. [15:02:47] Thank you, Mr Witness.

8 Let me now put another name to you. You mentioned one Amadou Bouba. I
9 would like to know whether that person was also known as Amadou Oumarou?

10 A. [15:03:28] Well, you see, the father's names are different. Therefore, these must
11 be two different persons, different individuals. The surnames or father's names are
12 different. Therefore, these people are different individuals.

13 PRESIDING JUDGE SCHMITT: [15:04:10] So it will last a couple of minutes. So we
14 perhaps let's say a 10-minute break until a quarter past 3. And then perhaps
15 furthermore an hour, do you think that would be then enough with two sessions
16 tomorrow?

17 MS PROULX: [15:04:29] At this stage, it's really hard to tell. Depending on how
18 things unfold, it could.

19 PRESIDING JUDGE SCHMITT: [15:04:35] Okay. So let's have a break for
20 10 minutes.

21 THE COURT USHER: [15:04:40] All rise.

22 (Recess taken at 3.04 p.m.)

23 (Upon resuming in open session at 3.21 p.m.)

24 THE COURT USHER: [15:21:45] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [15:22:05] Before we continue, with regard to the
2 technical problems and the connectivity problems, whatever has to be done with
3 regard to these problems should be done. I cannot say more because the judges, it's
4 neither their expertise nor is it their responsibility. So when I'm asked if we should
5 approve of some technical issues, I simply can't give an answer. But the general
6 direction is, everything has to be done what secures a secure connection to the
7 witness and a smooth procedure here.

8 Ms Proulx, you can continue.

9 MS PROULX: [15:22:58] (Interpretation)

10 Q. [15:23:08] Mr Witness, before the break, I was asking you questions on a certain
11 number of people that you identified as victims of 5 December 2013. I still have two
12 names to put to you.

13 You mentioned someone as C-17 Moussa. And in your statement, you said that you
14 did not know his real name. Is it possible that the name of that person might be
15 Abakar Moussa? Does that ring a bell?

16 A. [15:23:59] No, I cannot say that.

17 Q. [15:24:07] No problem, Mr Witness.

18 And the last person is Ahamat Zakaria. You spoke about him, but to your
19 knowledge, was this person a young boy?

20 A. [15:24:37] Thank you. I thank you for your question, which I don't find -- well,
21 I have told you that some of these people (Redacted) So I'm not
22 in a position to know the ages of everyone in the town. These people are not
23 members of my family. How is it possible for me to know whether it is a young
24 person, an adult, or an elderly person? If I venture to give an answer to you, that
25 would be deceiving you.

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1 Q. [15:25:33] That is not a problem, Mr Witness. I will move on to something else.

2 And for my next series of questions, I would like to ask to go into private session.

3 PRESIDING JUDGE SCHMITT: [15:25:45] Private session.

4 (Private session at 3.25 p.m.)

5 THE COURT OFFICER: [15:25:56] We're in private session, Mr President.

6 MS PROULX: [15:26:08] (Interpretation)

7 Q. [15:26:09] Mr Witness, I would like to come back to certain aspects of your life in

8 Bossangoa. Last week you explained that you did not complete your studies in

9 (Redacted) because of the conflict. Now, I would like to ask you, when precisely did

10 you return to Bossangoa after having dropped out of school?

11 A. [15:26:46] Thank you.

12 If I'm not mistaken, I think I returned to Bossangoa in (Redacted)

13 Q. [15:27:11] Do you remember the month in (Redacted)

14 A. [15:27:26] I no longer remember the specific month.

15 Q. [15:27:34] Do you remember whether it was at the beginning of the year, the

16 middle of the year, or towards the end of the year?

17 A. [15:27:52] I no longer remember. I wouldn't want to lie.

18 Q. [15:28:00] I'm asking you this question, Mr Witness, because in (Redacted) there was

19 no conflict that had broken out in the Central African Republic. Do you agree with

20 me?

21 A. [15:28:19] Thank you.

22 In (Redacted) there was no war, but in the statement that I gave, in my testimony that I

23 gave the day before yesterday, as you know, in a country steeped in crisis, there are

24 always problems having resources to survive. In (Redacted) even though there was no

25 war, I did not have the necessary resources to continue with my studies. It is as

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1 simple as that.

2 Q. [15:29:03] Thank you. I have now understood. It was because of financial
3 problems, rather than problems linked to the conflict which emerged or broke out
4 later; is that correct?

5 A. [15:29:21] Yes, that is correct.

6 Q. [15:29:26] Thank you.

7 So you became (Redacted) And then later on, in 2013, am I
8 correct to say that Imam Naffi was the imam of the central mosque that is opposite
9 the Boro market?

10 A. [15:30:02] The mosque is opposite the Boro market, but the imam does not live
11 in the mosque. He lives in the quarters, in the neighbourhood. And I would like to
12 point out that indeed, the mosque is opposite the market.

13 Q. [15:30:27] Thank you, Mr Witness.

14 I didn't mean to say that the imam lived in the mosque. I simply want to be sure that
15 the Imam Naffi led the prayers in this central mosque and not at a different mosque.
16 Do you agree with me?

17 A. [15:30:51] Yes, I agree with that. I agree.

18 Q. [15:31:03] Mr Witness, I know that it was a bit complicated the other day when
19 you were asked to look at the map of Bossangoa, but I would like to try once again
20 with you to identify certain locations.

21 So I would like document number 5 in the OTP list to be displayed once again. And
22 that is CAR-OTP-2118-9140.

23 I would like to zoom in to the top -- top part of the town, the section at the top, please.

24 Can we zoom in a little bit more, please, so as to be able to see the writing, the
25 annotations. Please, if you can scroll up a little bit. Perfect. That is correct.

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1 Mr Witness, can you see this sketch in front of you?

2 A. [15:33:22] Yes, I can see the sketch.

3 Q. [15:33:26] Mr Witness, on this part that is on the screen you can see "mosquée"
4 and opposite you have "marché Boro". So this is in fact where it was located. Do
5 you agree?

6 A. [15:33:51] Yes. I have not seen it very clearly because it's a little bit blurred on
7 my side.

8 Yes, yes, I can see it well now. That is correct. I can see it now.

9 Q. [15:34:16] Very well. Thank you. And Imam Naffi had his compound in the
10 Arabe neighbourhood, the *quartier Arabe*, that is right next to the Boro market; is that
11 correct?

12 A. [15:34:41] If you look closely at the map, the Boro market is in the Foulbé
13 neighbourhood. The Boro market is not -- well, you can see that the mosque is
14 located in the Bornou neighbourhood and the imam lives in the *quartier Arabe*. And
15 you can see that there is a street separating the market from the mosque. So the
16 mosque is in the Foulbé neighbourhood, while the imam is in the Arabe
17 neighbourhood.

18 Q. [15:35:40] Mr Witness, the market is in the Foulbé neighbourhood and the
19 mosque is in the opposite neighbourhood; is that correct?

20 A. [15:35:50] Yes. The Bornou neighbourhood is opposite the Arabe
21 neighbourhood. As you can see, there is a small crossroads near the mosque. What
22 is indicated there in blue, I believe that is the crossroads in question. It's a bit blurry
23 from my end.

24 Q. (Overlapping speakers)

25 A. [15:36:32] I think that what I am seeing in blue is an intersection. When you

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1 leave there to go -- from ONAF to go to the motor park, you will see the market on
2 one side and on the other side is the Bornou neighbourhood. That is when you are
3 going towards the motor park. And if you go further, you will reach the Bornou
4 school.

5 So when you are coming back, the market is to your right and the mosque is to your
6 left. And if you go further up, there is a bar in that area that was renovated by
7 Mr Bozizé. And if you go a little further, you will reach a crossroads and the
8 residence of the imam is at that location.

9 Q. [15:37:47] If I understand you correctly, the residence of the imam is slightly
10 north of the Boro market; is that correct?

11 Now, can you estimate the time that you would need, perhaps, to walk between the
12 mosque, the market and the house of the imam?

13 A. [15:38:30] The main road coloured in red, as you can see, the imam does not live
14 by that roadside. That road leads towards the Boro school. If you reach the bar
15 that was renovated by Mr Bozizé and you go down about 400 metres, you will reach a
16 crossroads, and from there, if you go 40 metres, you will reach the imam's residence.
17 There is another road from that point that leads directly to the market. The small
18 road that you can see there in the right goes directly to the imam's place.

19 Q. [15:39:30] Thank you, Mr Witness.

20 I know it is not easy to describe locations with the map that I'm showing you now. I
21 thank you for your efforts.

22 Now, just to be more specific, how long would it take you on foot to walk from the
23 mosque to the imam's compound?

24 A. [15:40:07] Thank you. As you know, everyone has their own way of walking.
25 White people are in the habit of walking too fast, in an accelerated manner. But

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1 those of us black people, we walk more slowly.

2 Now, the black people, walking in our way, can take 10 minutes. But if a person is
3 walking very fast, a little bit like white people, they can cover that distance in about
4 seven minutes, at least, in less than 10 minutes.

5 Q. [15:40:53] Thank you.

6 On Friday, you stated - and that is page 80 in the French transcript - that between
7 (Redacted) and the imam's compound, there was about -- the distance was about
8 300 to 400 metres; is that correct?

9 A. [15:41:20] This was simply an estimate. It is my assessment, my estimate.

10 Q. [15:41:38] (Redacted) was also located in the (Redacted) neighbourhood; is
11 that correct?

12 A. [15:41:47] That is correct. (Redacted)

13 (Redacted) In fact, there was a (Redacted) house which was uninhabited. After that
14 house, there was a house (Redacted) So I can say that the (Redacted)
15 is -- (Redacted)

16 Q. [15:42:30] Thank you. I would like to come back to (Redacted) later, but before
17 that, I have another question on the sketch. There is a separation between the
18 neighbourhoods. You can see the road in red, and then it crosses over something,
19 but it is not a stream. Can you tell us what it is?

20 A. [15:43:04] At the beginning, the map was more visible, but right now, it is
21 blurred. If you can enlarge it a little bit, that may make it possible for me -- oh, well,
22 what you see there is a stream.

23 Can you hear me?

24 Q. (Overlapping speakers)

25 A. [15:43:41] What you see there is a stream, which is known as Zoudam. The real

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1 name is Zoudam, but we are in the habit of simply referring to it as "Dam". When
2 you pass the market, you will see that it is between ONAF and the mosque sector.
3 When you cross the bridge, you reach a crossroads. And from there, there is a path
4 leading towards the Zembe neighbourhood. So what you are seeing there is a
5 stream known as Zoudam. This stream goes -- flows right up to Ouham. Actually,
6 it is a tributary of the Ouham river.

7 I hope you have understood me well now.

8 Q. [15:45:08] Yes. Thank you very much. That's very clear.

9 I have a follow-up question. Were there trees or vegetation on the shores of the
10 stream?

11 A. [15:45:38] Thank you.

12 When you came from the upper side, there were not enough trees. There are
13 small -- there is some small grass growing there. When you are coming from the
14 upper side, you can travel along this street right up to Ouham. But there are no
15 large trees. There are only shrubs or little -- or small grass. In this area, there are
16 no large trees. But around, you just have grass.

17 Q. [15:46:22] Thank you very much for those details. But for now, let me go back
18 to the other compound, (Redacted)

19 You said a short while ago that (Redacted) there were (Redacted) children, (Redacted)
20 (Redacted) Could you now tell us, in very general terms, those who
21 were living (Redacted)

22 A. [15:46:54] Thank you.

23 (Redacted) is close to (Redacted) compound. The
24 road that runs in front of the (Redacted) is right nearby. (Redacted)
25 (Redacted) compound is situated along the road.

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1 And, you see, (Redacted) in our African compounds, children from other
2 compounds of other members of the family can also live with you. (Redacted)
3 (Redacted) those from (Redacted) compound could

4 come (Redacted)

5 Q. [15:47:56] I don't know whether I follow you clearly. Do I understand very
6 clearly that between (Redacted) compound (Redacted)
7 (Redacted)

8 (Redacted) is that correct?

9 A. [15:48:27] Yes, more or less correct. It is -- it is true that food can be cooked in
10 (Redacted) or in (Redacted) compound, but you know, (Redacted)
11 (Redacted)

12 (Redacted)

13 Q. (Redacted)

14 (Redacted)

15 A. [15:49:09] (Redacted) used to live in (Redacted) compound.

16 Q. [15:49:21] Let me hop back briefly to the imam's compound. How many
17 buildings were there in the imam's compound, Mr Witness?

18 A. [15:49:42] Thank you. The imam's compound was large. (Redacted)

19 (Redacted) And in the

20 compound, there was a big house with a door to the back. There was a place where
21 he would receive people and then there was another space for eating.

22 So when you entered the Imam's compound, what you would see first would be a
23 door, the first door, and then a second door. And I'm referring here to one house.

24 At the end of that house, you would find another door. So it was the same house
25 with three doors.

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1 Now, if you came in towards the right, then you would see a second house.

2 Opposite the main house, there was another house (Redacted)

3 (Redacted) And then there is another house in thatch. There is also a kitchen

4 somewhere and a toilet somewhere in there. As well as some mango trees within the

5 compound.

6 Q. [15:51:33] Thank you very much for the great detail that you have provided, and

7 I really appreciate that clarification that you have provided.

8 Now, within the imam's compound, (Redacted)

9 (Redacted)

10 A. [15:52:07] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 However, you must note that many people used to come to the imam's compound.

15 There were visitors, there were people who came to talk about religion. There were

16 many people who came. (Redacted)

17 (Redacted) There was another building in front or in

18 the front part of the compound where he used to receive his numerous visitors.

19 Q. [15:53:23] Mr Witness, Mahamat Adjaro was the imam's deputy; is that correct?

20 A. [15:53:36] Yes. Mahamat Adjaro is the deputy imam. He is the child of Batoul

21 Naffi, the imam's senior sister. (Redacted)

22 (Redacted) If you can recall from the France 24

23 video, you will see the vicar with someone next to him wearing a scarf, I think that

24 person is Mahamat Adjaro.

25 THE INTERPRETER: [15:54:32] Message from the Sango interpretation booth: The

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1 interpreters were unable to follow the last bit of the interpreter's answer.

2 MS PROULX: [15:54:44] (Interpretation)

3 Q. [15:54:46] Mr Witness, I'm sorry, the interpreters missed the last two sentences
4 that you made. Could you please kindly repeat them.

5 A. [15:54:58] All right. Thank you.

6 I said that Mahamat Adjaro is the son of the elder sister of the imam whose name is
7 Batoul Naffi. I told you that (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 And I also said that if you look at the France 24 video, you would see that there was
12 someone in it who was talking to the vicar general. That is Mahamat Adjaro. He's
13 the one -- he is the deputy imam of the Bossangoa mosque, and it is his nephew, the
14 nephew of the imam.

15 Q. [15:56:16] Thank you very much.

16 I have one last question on -- on Mahamat Adjaro. (Redacted)

17 (Redacted)

18 A. [15:56:34] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) And all these neighbourhoods, of course, I

25 found -- are found in the same arrondissement, namely, the 2nd arrondissement in

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1 Bossangoa.

2 Q. [15:57:48] Thank you very much, Mr Witness, for all that information.

3 Now, let me --

4 PRESIDING JUDGE SCHMITT: [15:57:55] May I shortly? I just -- because we are
5 very much into detail of the map of Bossangoa, and the one, Mr Vanderpuye, we have
6 here is too small to see anything on it. So is it possible to produce something which
7 is more detailed -- not more detailed, that's the wrong description. Which is more
8 visible?

9 MR VANDERPUYE: [15:58:19] Thank you, Mr President.

10 I'll enquire about it. We have a unit that can -- that can do these kinds of things. So
11 I'll see if that's possible.

12 PRESIDING JUDGE SCHMITT: [15:58:28] I think we would appreciate it, because
13 this would also make it easier for us later on to follow. Because, as you see, for the
14 witness and for our benefit, it had to be enlarged significantly. And specifically, this
15 area that we have been discussing now, I think might be of interest. So, of course, if
16 it's not possible, it's not possible. But if -- I think we would appreciate it. Thank
17 you.

18 Ms Proulx.

19 MS PROULX: [15:58:56] Mr President, I'm going to move to another area, and for
20 that we can go into open session.

21 PRESIDING JUDGE SCHMITT: [15:59:02] Open session.

22 (Open session at 3.59 p.m.)

23 THE COURT OFFICER: [15:59:14] We're back in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [15:59:16] I think we have agreed maps, have we?

25 Is this one of them?

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1 MR VANDERPUYE: [15:59:24] I believe that this is one of them. We have a series
2 of maps, I think six in all, not these ones, different ones, they are PDF ones which are
3 really quite huge. I'll check those to see whether or not we can maybe use that
4 instead or something like this, but ...

5 PRESIDING JUDGE SCHMITT: [15:59:39] And even if this map was not yet agreed,
6 I think there will be no problem to add this to another -- as another agreed map, I
7 would assume, simply.

8 Ms Proulx.

9 MS PROULX: [16:00:16](Interpretation)

10 Q. [16:00:17] Mr Witness, we'll now change topics, and I want to revisit some of the
11 information you provided last Friday, particularly in relation to the Anti-Zaraguina.
12 Do you agree with me -- or I believe you would agree with me, Mr Witness, that the
13 self-defence Anti-Zaraguina group had existed in the Central African Republic for a
14 very, very long time to fight against highway robbery, holdups and all such types of
15 attacks. Would you agree with me?

16 A. [16:01:03] Thank you. And I will provide you with some details.

17 The problem of the Zaraguina ended under former president Ange-Felix Patasse. I
18 believe that at the end of Patasse's mandate, the said Abdoulaye Miskine and his
19 elements fled to the bush from Ndjo all the way to Kaga-Bandoro. And that was in
20 2001 and 2002. So they were in the bushes and tracked down the Zaraguina and
21 destroyed them, destroyed them completely. Then some of those bandits joined
22 Baba Ladde's group. So in our area, we no longer had any problem of the
23 Zaraguina.

24 * So when the Anti-Balaka was set up -- it was not at that time that the Zaraguina
25 existed. At the beginning, they -- they had heard rumours about Seleka. And so the

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1 Anti-Balaka was created in order to mount resistance against the Seleka. But then
2 later on, the Anti-Balaka was transformed into a hurting machine, into something
3 else. So there was -- this had no link with the Zaraguina phenomenon which had
4 ended a long time ago under Patasse's regime.

5 Q. [16:03:16] Perfect. So the Anti-Zaraguina group had no connection with the
6 Anti-Balaka, which emerged in 2013. So these were two different types of groups
7 which had different motivations; do we agree on that?

8 A. [16:03:40] Yes, they were different. The Anti-Balaka, which we heard about,
9 were made up basically of the Peuhls. They were not Arabs, they were not Gbayas
10 in Bossangoa. The Anti-Zaraguina, rather, were -- were Peuhls. You see, under
11 Bozizé's regime, the Zaraguina continued to attack cattle belonging to Mbororo
12 people. Let me mention an example.

13 The Zaraguina carried out an attack near Bozoum on the Bossangoa-Bossembélé axis
14 in Angara village, some 70 kilometres away from Bossangoa. During that attack, the
15 head of the presidential guard, known as Ngakoutou Abdoulaye, went out there in
16 two vehicles to fight the Zaraguina and to ambush them. There was one sergeant,
17 who had a green beret and who belonged to Abdoulaye's contingent, died on that
18 occasion.

19 So what I am telling you is that the Zaraguina at the time were made up basically of
20 the Peuhls or the Mbororo people. That's what I can say.

21 Q. [16:05:25] Thank you, Mr Witness. I believe that you were referring to the
22 age-old conflict and tension between the nomadic Peuhl population, which often
23 came from Chad, and the sedentary peoples of the Central African Republic. Is that
24 what you are talking about, Mr Witness?

25 A. [16:06:01] Sorry, I did not understand your question. Can you rephrase it?

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1 Q. [16:06:09] Yes. I was simply stating that I hope I understood what you said,
2 and I was putting it to you that what you have just described is the long-standing
3 conflict between the nomadic Peuhl communities and the sedentary people of the
4 Central African Republic; is that correct?

5 A. [16:06:49] No, that's not how it was. You asked me a question about the
6 Anti-Zaraguina and you said that the Anti-Balaka were born from or of that
7 Zaraguina phenomenon. So I told you that the Anti-Zaraguina phenomenon ended
8 in 2001 thanks to the Miskine operations. So they fled, they went to Batangafo and
9 the Zaraguina disappeared. So the Anti-Balaka phenomenon emerged after the
10 disappearance of the Zaraguina.

11 Q. [16:07:41] Mr Witness, I think we are saying the same thing. But just to be
12 clear, I want to read an excerpt for your attention from a document, document
13 Defence finder tab 15, CAR-OTP-2071-2030. And the excerpt I want to read is at
14 page 2031, at the very top of the bottom -- of the page, rather.
15 And I'll wait for the document to be displayed, and then I will read a few lines for
16 you, Mr Witness.

17 Mr Witness, this is an article that was written by Monsignor Nongo Aziagbia in which
18 he says:

19 "In fact, the birth of the militia ordinarily known as the 'Anti-Balaka' can be situate
20 historically to the 1990s. They constituted themselves into self-defence groups to
21 fight armed groups ordinarily known as 'Zaraguina' in a local language of the Central
22 African Republic. These hoodlums caused havoc in the hinterland and made it
23 hazardous to travel by car. Beyond major banditry, these militia remained active in
24 the west and the northwest of the country. They were constantly engaged in
25 fighting against some Chadian cattle breeder, the 'Ahouda' and 'Mbarara' groups

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1 which do not respect the transhumance passages and therefore cause their cattle -- to
2 take their cattle to pasture in farms belonging to the local people."

3 Mr Witness, do you -- do you agree with this opinion?

4 A. [16:10:09] There was a little problem in the connectivity, so I was not able to
5 understand everything that you said. Could you please repeat what you have just
6 said.

7 PRESIDING JUDGE SCHMITT: [16:10:24] I think, Mr Witness, simply, you have, I
8 think you have the excerpt in front of you, the document. Then please, if you --

9 THE WITNESS: [16:10:36] (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [16:10:36] Yeah, please read from --

11 THE WITNESS: [16:10:42](Interpretation) Yes, it's -- it is on display, but it's -- it's a
12 bit blurry. I can't see it clearly.

13 MS PROULX: Mr President, I can summarise it.

14 PRESIDING JUDGE SCHMITT: [16:10:54] We should not -- I don't think it's
15 necessary to read the whole -- the whole thing again.

16 THE WITNESS: (No interpretation)

17 PRESIDING JUDGE SCHMITT: [16:11:08] Do you see it now better, Mr Witness?

18 THE WITNESS: [16:11:20](Interpretation) It is still blurry.

19 MS PROULX: [16:11:27] I can just give him the gist of what is important and --

20 PRESIDING JUDGE SCHMITT: [16:11:31] Yes, I would prefer that. Yes.

21 MS PROULX: [16:11:41] (Interpretation)

22 Q. [16:11:44] Mr Witness, I'm not going to read out the entire excerpt because we
23 are running out of time, but basically, what Monsignor Nongo Aziagbia is saying here
24 is that the self-defence militia remained active in the west and north of the country
25 and continued to fight against Chadian cattle breeders, particularly the Ahouda and

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1 Mbarara groups, which according to him did not respect the transhumance corridors.

2 Would you accept with -- will you accept that analysis of Monsignor Nongo?

3 A. [16:12:48] Thank you very much. I have something to say. I cannot believe
4 everything that the bishop has just said, but let me say that here you have talked
5 about farms and troops -- and herds, rather. So we have a number of committees of
6 stockbreeders which exist in -- in our country. So we are here before this Court to
7 talk about the victims.

8 I have a question for you: The ladies and the children, the women and the children
9 who were massacred, did they steal any cattle? Did they steal any cattle belonging
10 to those herdsmen? That's my question. The children and the women, did they
11 steal any cows? That's the question I would like to ask the lawyer.

12 PRESIDING JUDGE SCHMITT: [16:13:52] I think -- I think it's time to move on.
13 The witness has given an answer when he thinks this phenomenon has stopped and
14 we have now in evidence this opinion of the monsignor and the witness has given an
15 answer. Please move on.

16 MS PROULX: [16:14:27](Interpretation)

17 Q. [16:14:28] Mr Witness, I put it to you that reacting to some self-defence groups
18 that were active in the north and west, the Peuhl nomadic populations took up arms
19 or armed themselves. Would you agree with that?

20 A. [16:15:02] Thank you. You know, the Mbororo people were the ones who were
21 involved in the Zaraguina phenomenon. Then later on they became rebels, and then
22 they joined the Anti-Balaka to create what is known today as the CPC. Prior to that,
23 they were killing people. And today they have formed a coalition to continue their
24 killings. It is true, they took up arms, they became the Zaraguina and then later on
25 became the Anti-Balaka or rebels. So I cannot deny what you have just said. I don't

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1 deny that, they are rebels, yes.

2 Q. [16:16:02] Thank you, Mr Witness.

3 MS PROULX: [16:16:06] Mr President, I don't know until what time you would like
4 me to go. I can continue, but I am about to move on to another topic.

5 PRESIDING JUDGE SCHMITT: [16:16:14] Yes, I think you know already my
6 answer. How is it looking?

7 MS PROULX: [16:16:21] I am -- I would not be overly optimistic that I can finish in
8 two sessions tomorrow.

9 PRESIDING JUDGE SCHMITT: [16:16:26] Okay. Then what does that mean
10 concretely?

11 MS PROULX: [16:16:32] Again, it always depends on how it unfolds, but I would
12 think that I need two sessions and probably another hour and a half.

13 PRESIDING JUDGE SCHMITT: [16:16:44] Okay. Then we --

14 MS PROULX: An hour.

15 PRESIDING JUDGE SCHMITT: [16:16:45] Then we -- because there is -- there are
16 appointments tomorrow afternoon, then we would have to continue with the witness
17 on Wednesday morning.

18 MS PROULX: [16:16:57] I think that if the Prosecution holds their estimate for the
19 next witness, we can be very short on our side. So it would probably be okay.

20 MR VANDERPUYE: [16:17:11] Yeah, we'll do our best. Mr President, I don't know
21 what the situation is with respect to the Registry staff and all, but as long as the
22 Chamber is willing to sit, we are willing to sit today. So if counsel is prepared to
23 continue, we should --

24 PRESIDING JUDGE SCHMITT: Yes, but --

25 MR VANDERPUYE: -- probably just go until 4.30 at least (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [16:17:30] Yes, but obviously that doesn't help when
2 she says two sessions and another one hour or one and a half hours, even a further 15
3 minutes doesn't help.

4 So then we can finish for today.

5 (Trial Chamber confers)

6 PRESIDING JUDGE SCHMITT: [16:18:09] So then we conclude for today, and
7 tomorrow we have two sessions. And then on Wednesday, perhaps another one or
8 whatsoever.

9 So, Mr Witness, you could follow like always the discussions here in the room. So
10 we have to finish for today. We thank you again on behalf of the Chamber for being
11 so patient and answering all the questions that are put to you and also for staying
12 patient with regard to all the connectivity problems, which is, of course, unpleasant
13 for you and it's also not very comfortable for us. But thank you very much for your
14 understanding. We wish you a nice day.

15 And tomorrow morning at 9.30 we continue. Thank you.

16 THE COURT USHER: [16:19:00] All rise.

17 (The hearing ends in open session at 4.19 p.m.)