

Trial Hearing
WITNESS: CAR-OTP-P-1838

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 21 March 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:16] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:40] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:47] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:04] Thank you.
21 The appearance of the parties.
22 Prosecution is unchanged, as I see it.
23 MS PRATHABAN: [9:32:10] We remain the same composition.
24 PRESIDING JUDGE SCHMITT: [9:32:13] Yes.
25 Ms Rabesandratana.

1 MS RABESANDRATANA: [9:32:14](Interpretation) Thank you, Mr President.
2 Today the team is made of up of Gabriella dos Santos and myself,
3 Elisabeth Rabesandratana.
4 PRESIDING JUDGE SCHMITT: [9:32:29] Thank you.
5 MR SUPRUN: [9:32:33] Good morning, Mr President. Good morning, your
6 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
7 Thank you.
8 PRESIDING JUDGE SCHMITT: [9:32:44] Thank you.
9 Ms Dimitri, it's not clearly obvious, like always, with your team.
10 MS DIMITRI: [9:32:48] Good morning, Mr President. Good morning,
11 your Honours. The team remains -- a slight change. Mr Suzuki joined us.
12 PRESIDING JUDGE SCHMITT: [9:32:54] Okay. Thank you.
13 And, of course, Mr Knoops is new in the courtroom.
14 MR KNOOPS: [9:32:56] Yes. Good morning, Mr President. Thank you. Good to
15 be back. Good morning, Mr President, your Honours. Good morning, everyone.
16 The Defence team of Mr Ngaïssona today comprises of Mr Michael Rowse,
17 Mr Mathias Goffe and Ms Myriam Hollant. And Mr Ngaïssona, of course, is also
18 present in the court today. Thank you.
19 PRESIDING JUDGE SCHMITT: [9:33:17] Thank you very much.
20 Before we continue with the examination, the Chamber would like to briefly address
21 the schedule regarding P-2927's testimony.
22 The Chamber has deliberated on that and, upon review of the witness's reports,
23 the Chamber is of the opinion that the duration of this witness's testimony could be
24 significantly shortened. In particular, the Chamber sees no need for the Prosecution
25 to question the witness beyond the requirements of Rule 68(3). Similarly, it does not

1 consider it necessary for the CLRV to examine this witness. Furthermore,
2 the Chamber expects the Defence to streamline its questioning, which is currently
3 estimated to last eight hours, Yekatom defence; one to two hours, Ngaïssona defence.
4 In that regard we appreciate the Yekatom defence's indication that it intends to do so.
5 The participants are further instructed to discuss the addition of another contingency
6 witness inter partes in order to fill the remaining time available in this block and
7 report back to the Chamber as soon as possible.
8 I know this is optimistic, but we -- we try. And -- and since -- and now really serious,
9 since there is -- which we appreciate a lot as a Chamber, a lot of good will with regard
10 to how the parties deal with it themselves, perhaps there is a possibility -- a
11 short -- perhaps even a short witness, one day witness, two day witness, maximum.
12 Okay. Thank you very much for that.

13 And before I give Ms Casiez the floor.

14 Good morning, Mr Witness. I hope you're feeling well today.

15 WITNESS: CAR-OTP-P-1838 (On former oath)

16 (The witness speaks Sango)

17 THE WITNESS: [9:35:11](Interpretation) Thank you. Good morning, your Honour.

18 I do feel very well today.

19 PRESIDING JUDGE SCHMITT: [9:35:16] That's very good to hear, Mr Witness.

20 We continue then with the examination, and Ms Casiez from the Defence of

21 Mr Yekatom has still the floor.

22 Instead Ms Dimitri is rising.

23 MS DIMITRI: [9:35:31] Indeed, Mr President. I believe you have in your hands
24 a request to add documents to the list.

25 PRESIDING JUDGE SCHMITT: [9:35:36] Yeah, yeah. Yeah, yeah, we've consented.

1 It's okay.

2 MS DIMITRI: [9:35:41] Thank you.

3 PRESIDING JUDGE SCHMITT: [9:35:42] It's okay. It's fine.

4 However, I have also seen that the Prosecution is not happy with too many last
5 minute additions. We understand that, but in this concrete instance, so we would
6 also appreciate it if -- if this would be reduced, at least. You never know and
7 instances can arise, but today it's fine.

8 Ms Casiez.

9 MS CASIEZ: [9:36:06] Thank you, Mr President.

10 QUESTIONED BY MS CASIEZ: (Interpretation) (Continuing)

11 Q. [9:36:15] Good morning, Mr Mongbandi. I hope you're feeling better since
12 yesterday. I see you arrived with a cap, so I hope the Dutch weather hasn't put you
13 out too much.

14 Now, the fact, based on the responses you gave yesterday, I have reduced my
15 questions. You will notice that I think that we will have completed by 11 o'clock
16 when there's a break.

17 Are you ready to continue?

18 A. [9:36:54] Yes, I am ready.

19 Q. [9:36:58] During your testimony yesterday, you said the Anti-Balaka were
20 the sons of the country. That was at 9.50.

21 And then at another point, and at 9.58, when talking about the description of
22 the mosques between Bangui and Mbaïki, you said that they were -- could be
23 destroyed. These were the young Central Africans.

24 Am I to understand that in Mbaïki, like elsewhere, many youths of Central Africa
25 self-proclaimed themselves as Anti-Balaka?

1 A. [9:37:45] Indeed. Many youths joined the Anti-Balaka groups with the aim of
2 looting and enrich themselves. Not all the youths who joined the group, but there
3 was a certain percentage. You must make the difference between the two.

4 Q. [9:38:23] And when you say -- thank you, Mr Mongbandi, for the clarification.
5 When you say they joined the Anti-Balaka groups, does that mean they used
6 the name Anti-Balaka; is that correct?

7 A. [9:38:46] Yes, they joined the group. They were in the group. They stole cattle
8 from the population. They racketeered. They joined the Anti-Balaka movement. I
9 think there's no procedure, there's no commitment when you join the Anti-Balaka
10 movement. The youth voluntarily went into the movement because they saw
11 the opportunity of earning easy money by stealing, by stealing from the population.
12 They didn't sign any sort of commitment like in the army when there's a recruitment,
13 that's done officially. But this was not the case for the Anti-Balaka movement.
14 There was no formalities, there were no requirements. Thank you.

15 Q. [9:39:50] Thank you very much for your answer, Mr Mongbandi. I am just
16 waiting for the English transcript to be completed.

17 When you said these are youths from Central Africa who destroyed the mosques
18 along the axis Mbaïki-Bangui, am I to understand that's not directly in your zone but
19 that you drew the conclusion that these were young Anti-Balaka youths but you don't
20 have any particular details on them or any particular specific information; is that
21 correct?

22 * A. [9:40:34] As I just said, the youths saw the Anti-Balaka group as an
23 opportunity. The sectors Bangui-Mbaïki, or even if I was in that particular zone,
24 sometimes I went to Bangui within the framework of my work and I notice that there
25 were youths who were behaving as if they were Anti-Balaka and claimed to be

1 Anti-Balaka. But I'm telling you that not all young people joined the Anti-Balaka
2 movement.

3 Q. [9:41:33] Thank you. It's really important that you make the distinction that we
4 don't put all the youths in the same block. I'm going to change topics now.

5 Yesterday you said that during the conflict there was no Central African soldiers, and
6 when you were talking about Mr Yekatom's group, they assumed the function of
7 force and security. You said that at 9.55 and you said, I quote, you had "... a lot of
8 respect for Mr Yekatom, and also he mutually respected me, and we worked together.
9 We greeted each other." You said that at 10.13.

10 I would like to know, Mr Mongbandi, whether Mr Yekatom participated at the
11 meeting at the church St Jeanne d'Arc as regards finding reconciliation with
12 the Muslims, because many young people, secondly, proclaimed themselves
13 Anti-Balaka.

14 A. [9:42:44] No. Let's be clear, there were the prefects, the sub-prefects, who made
15 them come, in order to discuss with him. So there was some mediation and peace
16 between the Muslims and the Anti-Balaka. It was to avoid clashes between
17 the Anti-Balaka and the Muslims. The aim was to enter. There was a certain tense
18 atmosphere. The authorities were concerned and, therefore, the local authorities,
19 the government and also Chad sent vehicles to evacuate the Muslims because there
20 was tension. The decision was taken to evacuate the Muslims from Mbaïki.
21 The aim of this meeting was simply to draw everybody's attention about the possible
22 exactions. The decision taken for the evacuation of the Muslims was discussed in
23 a very discreet fashion between the local authorities, with the aim of saving the lives
24 of the Muslims.

25 Those who left the subprefecture of Mongoumba, the others who were on the axis

1 Mbaïki, Mongoumba, there was a lot of tension because the Anti-Balaka had
2 the intention of attacking them. We therefore begged for mediation. We met
3 the authorities and the Chad and the CAR sent vehicles in order to facilitate
4 evacuation.

5 I don't know if I've been clear and whether I've answered your question. But
6 otherwise you can always ask me the question again in a different way.

7 Q. [9:45:27] No, you were very clear, Mr Mongbandi. You've answered my
8 question. I'm going to move on to another question.

9 Do you agree with me the meeting of the St Jeanne d'Arc church took place after
10 the Seleka left? The Seleka had left the day before. Does that -- does that match
11 your recollection?

12 A. [9:46:06](No interpretation)

13 MS CASIEZ: [9:46:22](No interpretation)

14 THE WITNESS: [9:46:26](Interpretation) The meeting occurred after the departure
15 of the Seleka. After the departure of the Seleka, the Anti-Balaka prepared to enter
16 the town. If you could repeat the question, I'd be grateful, please.

17 MS CASIEZ: [9:46:46](Interpretation)

18 Q. [9:46:52] I'm going to rephrase. You answered partially, but I will ask
19 the question again.

20 As far as you remember, the Seleka had already left when the meeting in
21 St Jeanne d'Arc church took place; is that correct?

22 A. [9:47:21] When we were in the meeting in the St Jeanne d'Arc church
23 the Muslims were present. During the first meeting all the Muslims were present,
24 including those who came from different areas. The Seleka were present. That was
25 the first meeting.

1 The Anti-Balaka, since they were based on the outskirts of Mbaïki, they were not in
2 the centre of Mbaïki. At that time the Muslims had left all the villages and had
3 gathered in Mbaïki. They wanted to attack them in the centre of the town and that is
4 why the local administration met in order to find a solution. What could they do to
5 help the Muslims who were present in the centre of Mbaïki town? That is what
6 happened.

7 Sorry, I would like to offer a clarification on one point. After the departure of
8 the Seleka, the route was open to the Anti-Balaka so they could enter into the town of
9 Mbaïki. The Anti-Balaka immediately entered into the town. That is why this
10 meeting was held. The first meeting was held when the Muslims were still there.
11 The leaders of the Muslims participated in that meeting. It was very difficult at that
12 time. That is why the prefect and the sub-prefect made the decision to call Rambo,
13 who was in Pissa, and asked him to participate in that meeting. That meeting was
14 held in the Catholic Church St Jeanne d'Arc. Together with him and the others, we
15 held a meeting to try and work things out during that meeting.

16 Q. [9:49:55] Thank you for the clarification.

17 I just -- a little bit unclear for me. Am I to understand that the Muslims are still
18 present but the Seleka have already left; is that what you're saying?

19 A. [9:50:12] That is what I am saying. The Seleka had already left. * And after
20 the departure of the Seleka, the Muslims felt there was no one to protect them. They
21 could sense the danger coming. And that's why we tried to do something to save
22 their lives.

23 The Seleka had left during the night. There was no one there to protect the Muslims.
24 At that moment, the Anti-Balaka benefitted from the situation to occupy the locations.
25 This happened very quickly. But there was a first meeting that was held well before

1 that, well ahead of that.

2 But if the Anti-Balaka had found those Muslims there in the town, it would have been
3 very serious. That's why we thought about it and felt we had to have that meeting
4 so that we could take steps to counter future dangerous situations. After
5 the departure of the Seleka, the Anti-Balaka occupied the different roadblocks that
6 were in different positions in the area.

7 Q. [9:52:00] Thank you, Mr Mongbandi. It's much clearer to me now.

8 In your statement, in paragraph 66, you said the meeting in the church
9 St Jeanne d'Arc took before the departure of the Seleka and the departure of Djotodia.
10 I think that that's an error maybe, in interpretation or somewhere else, but do you
11 agree with me that there is a minor error in your testimony, in your statement?

12 * A. [9:52:46] As regards Djotodia, there were not these two problems. After
13 the resignation of Djotodia, the Seleka also withdrew, there must have been
14 a problem between the Seleka and the Muslims, and that's why we held a meeting.
15 We increased the number of meetings to try and find a solution for this particular
16 problem. When Djotodia was still in power, there were no problems. The Seleka
17 arrived, occupied the town. There were no Anti-Balaka at that time. They were
18 around the time. But it is after the departure of Djotodia and the Seleka that
19 the Muslims saw and felt abandoned. There was no protection for them, they were
20 scared, they were scared that they would die. And at that moment they left the other
21 locations, the surrounding villages, to come together in Mbaïki.
22 During the transition, or when Samba-Panza came to power, we began to see these
23 problems arise.

24 Q. [9:54:20] Thank you for the details. I don't think you fully understand my
25 question, so I'm going to rephrase it so that we can understand each other better.

1 In your testimony yesterday, as has evidence by what you said yesterday, it doesn't
2 correspond completely with your statement. There are some errors, 66, 70 and 75,
3 where the meeting in the St Jeanne d'Arc church seems to have taken place when
4 the Seleka were still present in Mbaïki. I would like to know that there is an error,
5 because you have just confirmed to me that the Seleka have just -- already left.

6 PRESIDING JUDGE SCHMITT: [9:55:07] If I may, this is not completely correct.

7 If we look at today's transcript, page 8, 25, page 9, 1, 2, the witness said
8 the following: "When we were in the meeting in the St Jeanne d'Arc church
9 the Muslims were present. During the first meeting all the Muslims were present,
10 including those who came from different areas. The Seleka were present."

11 That was the first meeting. So it's not -- there is no discrepancy to paragraph 66 in
12 that regard.

13 MS CASIEZ: [9:56:02](Interpretation) Thank you, your Honour. In paragraph 66
14 the witness talks about the meeting where Mr Yekatom is present, and I wanted
15 a clarification so that the witness could confirm that at 9.46 the Muslims were present
16 when the Seleka left. And there I want a clear confirmation by the witness.

17 In any case, I am happy to change topics.

18 PRESIDING JUDGE SCHMITT: [9:56:39] This was not completely clear now. I
19 think there is, as I said, there is no discrepancy to paragraph 66 of the statement. It's
20 exactly what the witness also said today. You -- perhaps you're speaking of different
21 or of a later -- later meeting too, then we can clarify that. But this, with regard to this
22 meeting at the church of St Jeanne d'Arc, the witness has said in his statement
23 the Seleka were present, and he has said it today too.

24 MS CASIEZ: [9:57:09] Thank you, Mr President.

25 Q. [9:57:20](Interpretation) Mr Witness, I'm just going to put paragraph 66 aside.

1 In 70 you said The meeting took place in the bishop's meeting room at the church
2 while the Seleka were still in Mbaïki. Yekatom attended under MISCA's protection.
3 I just understood that the meeting where Mr Yekatom participated in the church
4 St Jeanne d'Arc took place once the Seleka had left. Have I understood you correctly?
5 Does your statement have a mistake as far as this is concerned? Is there a mistake in
6 your statement?

7 A. [9:58:15] The meeting in the St Jeanne d'Arc church, that meeting was held when
8 all the Muslims had gathered in Mbaïki, had sought refuge in Mbaïki. Everybody
9 was there. They were frightened. During that time, the Seleka had already left.
10 The Seleka had already left. The Muslims were still there. They were frightened.
11 There were rumours who were circulating, that's why we increased the number of
12 meetings so that we could make everyone aware. We called the Anti-Balaka, we
13 increased the meetings with the Anti-Balaka so that we could negotiate peace. We
14 didn't want the Anti-Balaka to attack them. The Anti-Balaka -- or, rather, the Seleka
15 had left and the path was open for the Anti-Balaka to attack them. That's why we
16 called the leaders to talk with them. During the negotiations with them, the local
17 administration also thought about this, to find out what we could do to evacuate
18 the Muslims who were still there. That was it.

19 PRESIDING JUDGE SCHMITT: [9:59:39] Ms Casiez, so you had your point, I think.
20 So you can continue.

21 MS CASIEZ: [9:59:47](Interpretation) Thank you, your Honour.

22 Two final questions.

23 Q. [9:59:55] Mr Mongbandi, there is one major meeting with the prefect in
24 the St Jeanne d'Arc church; is that correct -- also with Mr Yekatom; is that correct?

25 A. [10:00:18] We had several meetings. There were meetings between us, between

1 the communities without the prefect. There were many, many meetings. But
2 the meeting in the St Jeanne d'Arc church was the biggest meeting. And since
3 the prefect had called all the prefecture, they approached MISCA to make sure that
4 everything was safe so that everybody who came to the meeting would be safe, and
5 that's why Rambo accepted to participate in that meeting.

6 But as regards the other problems relating to the Muslims, we had small meetings
7 amongst each other. During that time, the Anti-Balaka had already left to their base
8 in Mbaïki and we held meetings, small meetings, amongst each other. But on that
9 day Rambo was present, that there was a meeting in St Jeanne d'Arc. And after that
10 meeting, we went to the bus station to -- to allow him to reassure the population, to
11 reassure the Muslim community who were so afraid, to tell them that there was no
12 reason to be scared.

13 After that, there was no conflict between us and this made it possible that the Mbaïki
14 population could resume, could continue their life, their normal life.

15 Q. [10:02:30] Thank you very much for the details and clarifications,

16 Mr Mongbandi. Now a last question and afterwards I will change subject.

17 At St Jeanne d'Arc church there was just one meeting with Mr Yekatom, have I
18 understood that correctly, Witness?

19 A. [10:02:55] That's it. The meeting at St Jeanne d'Arc also had the participation of
20 Yekatom. * But there was another meeting when he had already entered and when
21 they carried out the arrest of my deputy, at which I also intervened. I had to
22 intervene in order to get my deputy released, and afterwards we entered into
23 the conference room where we held a series of meetings with him and with his
24 elements. And the objective of the meeting was to speak about security. It was
25 indispensable that security comes back to the country and to the town. It wasn't

1 normal for there to be conflict between the different communities.

2 During this period my deputy was still alive, he was there. And the Muslims had
3 already left. However, my deputy was still in the town. The evacuation of all
4 Muslims had already taken place, they had already been evacuated from the town.
5 There was only my deputy, Mr Djido, that was it.

6 Q. [10:04:37] Thank you very much, Mr Mongbandi, for the clarification. I'm now
7 going to change subject.

8 Yesterday you testified that - and you have just spoken about the bus station - you
9 said when Mr Yekatom spoke he made it understood that the role of the Anti-Balaka
10 was not to kill but to make the country safe. And you testified that you had worked
11 together. That was at 10.13.

12 Now, I conclude therefrom, Mr Mongbandi, that you personally, you never heard
13 Mr Yekatom give an order to anyone to put the troops through -- or to create trouble
14 in the town; that is right, is it not?

15 A. [10:05:29] I cannot admit that automatically. You know, military instructions,
16 generally they are secret. Whether he gave an instruction to his men to act in
17 a particular way isn't something that I could know. All I know is that he was
18 the leader. He could give orders to his troops. By way of illustration, the meeting
19 that we had subsequently, after the St Jeanne d'Arc meeting, there he was the one
20 who designated his deputy such that he would participate in the meeting. So I know
21 that they had their own hierarchy. And when the leader wanted to give instructions
22 in a hierarchical way, then nobody outside that hierarchy could know the content of
23 that communication. That is what I can say by way of answer to your question.

24 Q. [10:06:39] Thank you very much for your answer, Mr Mongbandi. My
25 question was more precise. My question was: Would you agree that you

1 personally, you never heard anyone ordered to create or sow trouble; that's correct, is
2 it not?

3 A. [10:07:06] I repeat what I just said. What I said was I cannot know all
4 the instructions that are given. They were working in their camp. If they want to
5 give an instruction of any kind they don't have to publish their instructions, they've
6 got their own HQ. It was within the HQ, staff HQ that the instructions are given.
7 I was not there within the base. I could not know the content of what they were
8 saying.

9 So I gave you an example during a meeting in which the deputy participated. We
10 discussed matters at the meeting and we understood that he was the one who had
11 delegated the power to his deputy to participate in the meeting. I particularly could
12 not know what was happening within their camp. So, for example, myself, I was
13 the mayor, I was working with my staff, with my collaborators. I couldn't invite or
14 ask somebody else to come and participate in the meeting which brought together
15 only my collaborators. And that's how it would work.

16 Q. [10:08:32] I will try one last time, Mr Mongbandi. I'm not asking you to tell me
17 what you think of the hierarchy or how orders should be given. I just want to make
18 sure that you never heard him say to anyone, "Go ahead, stir up trouble." You
19 personally never heard him say that?

20 A. [10:09:04] That could be true, as it could not be true. What I said to you
21 a moment ago was that I wasn't within their HQ. I wasn't able to know all
22 the instructions that were given there.

23 PRESIDING JUDGE SCHMITT: [10:09:20] I think you can continue. He has
24 answered. I think you don't get another answer in that regard.

25 MS CASIEZ: [10:09:31](Microphone not activated)

- 1 THE INTERPRETER: [10:09:32] Microphone.
- 2 MS CASIEZ: [10:09:34] Yeah, the witness didn't answer the question and it's a 68(3).
- 3 PRESIDING JUDGE SCHMITT: [10:09:38] It's -- it's -- yeah, you can give it another
4 try, another try, but -- but between the lines, actually, this was -- especially the last
5 answer was an answer to your question, if you look carefully at the wording. But I
6 won't stop you here. If you think -- if you think it is -- well, you promise some
7 success, but I'm -- okay, but, yeah, continue.
- 8 MS CASIEZ: [10:10:03] Thank you, Mr President.
- 9 Mr President, may I have just one moment to confer.
- 10 PRESIDING JUDGE SCHMITT: [10:10:16] Yes.
- 11 MS CASIEZ: [10:10:18] Thank you.
- 12 (Counsel confers)
- 13 PRESIDING JUDGE SCHMITT: [10:10:23] So look specifically at 15 -- page 15,
14 line 17, following, the answer.
- 15 (Counsel confers)
- 16 MS CASIEZ: [10:10:41] Thank you, Mr President.
- 17 Q. [10:10:46](Interpretation) Thank you, Mr Mongbandi.
- 18 I'm going to change subject. Thank you.
- 19 New subject. Yesterday I mentioned a report, a governmental report of a mission
20 that took place in October 2013 after the events in Bangui. And at 12.57 there was
21 the part in the report where the Seleka were posted in Palmex.
- 22 Now, you would be in agreement with me that before Djotodia left, the Seleka were
23 based in Palmex and *Palme d'Or*; is that correct?
- 24 A. [10:11:40] Yes. I admit it, because at Pissa the Anti-Balaka had just relieved
25 the Seleka who were there, and afterwards they went to Mbaïki. Some of them went

1 to Mbaïki. That was at the entry of Palmex. There was Seleka at that location.

2 Afterwards, they left and they went to join those in Mbaïki before they departed
3 definitively from the town. That's the answer that I can give you.

4 Q. [10:12:31] So, Mr Mongbandi, thank you. When you say the Anti-Balaka had
5 just relieved the Seleka, I understand that the Anti-Balaka weren't posted in Palmex
6 and *Palme d'Or* when Djotodia was in power; that is correct, is it not?

7 A. [10:12:54] They were in Pissa. They were not at *Palme d'Or*. They were not
8 inside. The ones who were there were other groups. Certainly it was Anti-Balaka.
9 They were the ones who made secure *Palme d'Or*. The Seleka elements were based
10 in Pissa, alongside the road. They were also at the crossroad of the entry to Palmex.
11 But within Palmex itself, it was the Anti-Balaka who were there in order to make
12 the site secure.

13 Q. [10:13:51] What I understand from what you're saying is that at the time that
14 the Seleka were based in Pissa, it was the Anti-Balaka who were protecting *Palme d'Or*
15 or Palmex; is that what you've just said?

16 A. [10:14:07] Yes. Yes. Yes. This protection came within the competence of
17 the Anti-Balaka. It was they who were protecting the site. However, the Seleka
18 were in Pissa, and along the road from PK9 to Mbaïki going, of course, through Pissa.
19 Now, outside, that is to say inside the site it was the Anti-Balaka who were there.
20 They were the ones responsible for security within the site.

21 Q. [10:15:07] Thank you very much, Mr Mongbandi.

22 I have several documents that I am not going to show you directly, but I'm going to
23 mention one of them.

24 For the record, at tab 7 of the Defence binder, CAR-D29-0001-0087, which indicates
25 that Mr Yekatom was in the Central African armed forces and that he was a corporal

1 chief in the FACA in December 2011. Did you know that? Had you ever heard
2 anybody speak about that?

3 A. [10:15:53] I think where it concerns his status as a soldier, that's something that I
4 heard. I also heard that he participated in a war in the Democratic Republic of
5 Congo. I heard that. I heard people say that.

6 Q. [10:16:20] Did you know that he had been FACA for a long time until the Seleka
7 came to power?

8 A. [10:16:41] I don't know. I don't know a lot about his activity in the FACA. But
9 what I could tell you is that the leaders who were commanding the Anti-Balaka or
10 the small Anti-Balaka groups, that they were FACA.

11 They were leading these groups also with the aim of enriching themselves, and then
12 they turn themselves into Anti-Balaka groups. I would clarify here that
13 the Anti-Balaka, at the very start of the movement the objective was the protection of
14 the Central African population, because the army, Central African army had given up,
15 it didn't exist anymore. The people were without protection. So the creation of
16 the Anti-Balaka movement was done in order to protect the population.

17 Now, unfortunately, in reality they started to pillage, to steal, to do racketeering, to
18 enrich themselves. They changed their social status. And the mission that had
19 been entrusted to them at the start, they did not accomplish it quite simply because
20 they fell, they fell into easy gains.

21 I told you there was FACA. There were young people from the locality. And as I
22 already mentioned, it wasn't official recruitment as is done in the forces of order. It
23 wasn't like that. Thank you.

24 Q. [10:18:56] Mr Mongbandi, I understand that you don't know much about
25 FACA's activity or the FACA activities of Mr Yekatom. And in your statement,

1 paragraph 112, you state: "In 2010 or 2011, Yekatom's men were guarding
2 the production of oil ..."

3 * And I put it to you, Mr Mongbandi, that this is an error, because prior to the crisis
4 Mr Yekatom was FACA and was involved in his FACA role. Would you agree with
5 that, Witness?

6 A. [10:19:50] Well, you know, there is what you say and there is the reality of
7 the facts. I think that it was the Anti-Balaka who were protecting the plantations,
8 the palm oil plantations, and the manufacture of oil, palm oil. I think those -- there
9 are facts perhaps that I don't know. But it was the Anti-Balaka who were protecting
10 these companies. If you want to go into the subject in more detail, you can ask, I will
11 answer.

12 Q. [10:20:33] Thank you very much. I understand that it was the Anti-Balaka who
13 were protecting the manufacture of palm oil, but this was during the conflict, was it
14 not, because before the conflict there wasn't the Anti-Balaka who were involved in
15 the manufacturing of palm oil?

16 A. [10:21:00] No. Before the conflict there wasn't the Anti-Balaka movement. I
17 think it's because of the conflict that the Anti-Balaka movement came into existence.
18 And I agree with what you say, it was only after this conflict that the Anti-Balaka
19 movement came to life. I'm partially in agreement with what you say. But
20 the protection of *Palme d'Or*, there were two groups. I was in Mbaïki, I lived in
21 Mbaïki, and I know that it was the Anti-Balaka who were protecting *Palme d'Or*.

22 PRESIDING JUDGE SCHMITT: [10:21:50] So, with regard to paragraph 112, it is
23 clear that we are really speaking about a later period and not about the earlier period
24 2010, 2011 that is mentioned in this paragraph 112. I think this is, from the answer, is
25 clear by the witness, yeah?

1 MS CASIEZ: [10:22:09] Thank you, Mr President.

2 Q. [10:22:12](Interpretation) Mr Mongbandi, thank you very much. I'm going to
3 change subject.

4 * Yesterday, with my colleague, you spoke about the visit of Samba-Panza on
5 12 February 2014. Now I have a perhaps strange question to put to you, but you can
6 answer it just yes if you like. Could you confirm that on that day, the day of the visit,
7 nobody was killed?

8 A. [10:22:56] No, I can't answer yes or no to that. I have to give details to that,
9 because when Samba-Panza came she wasn't alone, she was accompanied. She was
10 accompanied by the French minister of defence and there were French soldiers there.
11 There was security which was re-enforced. You couldn't kill somebody in such
12 a security context. You saw the pictures. You've asked me questions about
13 the video and I reflected on that.

14 And where it concerns the weapons, it was the French forces who were working in
15 CAR who disarmed them. And they presented themselves to their minister of
16 defence. And they presented them to the minister of defence, because when he
17 visited Mbaïki, he also visited other localities and they presented what they had
18 confiscated when there was a disarmament of civilians, Anti-Balaka, and those who
19 illegally held weapons and war munitions.

20 I think that you put this question to me, but I forgot to mention it, I couldn't answer it,
21 so I'm taking advantage of this opportunity in order to give clarifications on that
22 particular point. It was the French army who disarmed these people and who
23 presented the weapons to the French minister of defence. Together with
24 Samba-Panza, they carried out a visit to the town of Mbaïki.

25 Q. [10:24:45] Thank you, Mr Mongbandi. Indeed "yes" wasn't sufficient. Thank

1 you for the additional details.

2 Now, yesterday we spoke briefly about the murder in Bangui-Bouchia. I just have
3 a clarifying question to put to you.

4 Yesterday you stated, at 12.44: "I don't have any information to give you concerning
5 these facts because this didn't happen in my area of jurisdiction."

6 And you also testified, when you were shown an ID card, but you were not able to
7 give clarifications with regards to the origin or identity of the person. That's 12.51.

8 Do I understand from the testimony that you neither know the identity of the person
9 or whether that person belonged to a particular group?

10 A. [10:25:44] Yes, I think I said that yesterday. I spoke about people who had
11 been killed, the bodies which had been evacuated to Mbaïki, and an identity card was
12 presented. And if investigations are carried out, we can find out who the people
13 were. In the statements of people who were in the field, they said that they were
14 people who had left Pissa and that they killed the father and his son and they lost
15 their identity cards. And I think that you could have used -- that these identity cards
16 would be given to you, they would make it possible for you to shed light on what
17 happened. I think that we can send people into the field to get information and I
18 think that contributes to the testimony which I am currently giving.

19 Q. [10:27:04] Thank you, Mr Mongbandi, for that clarification. I'm now changing
20 subject.

21 Yesterday, you stated during -- well, at 10.38 you stated that during your
22 conversation with Yekatom, he made a promise to you to pay for the burial of
23 Mr Djido. You stated he didn't say much about it. And then at 10.39, he didn't tell
24 you who was involved in the death of Djido, that wasn't the subject of your meeting.
25 Do I understand, therefore, from your discussion that you didn't speak about

1 the murder, but that the discussion went on to -- went into the logistics for the burial
2 of Djido instead; is that correct?

3 A. [10:27:59] You understood me well. That's indeed the case. It was about
4 logistics about the burial. But with regards to his murder, that's not something we
5 spoke about. He came and we discussed the logistics. And when we were
6 speaking, he got the message from the MINUSCA colonel and he went to meet that
7 colonel from MINUSCA -- from the MISCA.

8 THE INTERPRETER: [10:28:39] Corrects the interpreter.

9 THE WITNESS: [10:28:40](Interpretation) And I saw them discussing and they were
10 asked to leave the locality and to go to his base. So he therefore left for Pissa.

11 MS CASIEZ: [10:28:52](Interpretation)

12 Q. [10:28:55] Thank you, Mr Mongbandi.

13 Now, yesterday at 11.47 you spoke about CC, saying that the day of the murder of
14 Djido he was present. Now, I know that you had lost his name in your statement as
15 well. If I put it to you Bemaka-Soui, would that refresh your memory? CC
16 commander, company commander.

17 A. [10:29:24] Yes, that's quite possible, it could be that name, Bemaka-Soui.

18 Bemaka-Soui. Yes, that's possible. What is certain is that he was company
19 commander. In Lobaye there was only one company commander. So if you give
20 me that name, it could very probably be him.

21 PRESIDING JUDGE SCHMITT: [10:29:48] If I may, shortly.

22 Mr Witness, you said that after the killing of Djido Saleh you -- Mr Yekatom offered,
23 as you have explained several times, to pay for the burial.

24 In paragraph 99 of your statement you also said -- this is CAR-OTP-2100-0270,
25 "Yekatom" -- please listen: "Yekatom came to see me the next day and told me

1 the killing was an accident, which was nonsense."

2 Do you recall that?

3 THE WITNESS: [10:30:33](Interpretation) Yes, indeed, he did say that. He
4 said -- he promised to provide the logistics because the -- the corpse was in
5 the mortuary, we hadn't completed as regards the burial of Djido, when he was called
6 about the colonel of MINUSCA and he immediately went there. And after that we
7 didn't have any possibility of seeing each other again.

8 PRESIDING JUDGE SCHMITT: [10:31:12] Did he explain why he thought it was an
9 accident?

10 THE WITNESS: [10:31:28](Interpretation) I don't know that. Those are the terms he
11 used. I don't know what he meant by that. If he wanted to give me assistance for
12 the burial, it would have been a relief, because at that moment there was no one. He
13 promised to provide logistics, but then he suddenly received a call and left. I think
14 he showed his good will as regards the logistics, perhaps to find some money to get
15 a coffin, but we didn't complete our discussions because he had that emergency call
16 and he left immediately.

17 PRESIDING JUDGE SCHMITT: [10:32:24] I think we understand that. Yeah, I
18 think there is not -- that not more was said, so whatever "accident" means.
19 Okay, Ms Casiez.

20 MS CASIEZ: [10:32:34] Thank you, Mr President.

21 Q. [10:32:39](Interpretation) Mr Mongbandi, we're talking of Mr Bemaka-Soui. I
22 have a video of two seconds.

23 It is tab 19, CAR-D29-0008-0013.

24 And for the records, it's an extract of the total video CAR-OTP-2059-0384 from
25 the minute 1:39 to 1:41.

1 Mr Mongbandi, you're going to see this very short video and I would like to know
2 whether you recognise Mr Bemaka-Soui as regards the company commander on this
3 video.

4 (Viewing of the video excerpt)

5 THE WITNESS: [10:34:02](Interpretation) No. No.

6 MS CASIEZ: [10:34:04](Interpretation)

7 Q. [10:34:06] No problem. Go ahead.

8 A. [10:34:11] I think the commander would be in military attire. But in this video I
9 only see youths with trousers. Yes, it's an officer who should be in attire, because he
10 was working. The individual that I see, I only see his back. So it's very difficult for
11 me to identify him. I have difficulty in identifying him.

12 Q. [10:34:52] No problem, Mr Mongbandi. I was perhaps a bit overoptimistic.

13 You can remove the video.

14 We can remove the video and I'm going to ask you another question.

15 Yesterday, at 12.05, when you're answering the question of my colleague, and I quote
16 the question: "Did you ever learn that he killed Djido Saleh?"

17 And you answered, and I quote: "No, not at all, no one told me who had done it."

18 My question is as follows: Outside the women who you mentioned yesterday who
19 cut off the genitals, did you know who participated in the murder of Djido and where
20 they came from?

21 A. [10:35:59] Yes, it could be true, or it could not be true, because I wasn't there.

22 When he was killed I was still on my farm. I learned about it shortly thereafter.

23 The prefect called me. I ran there. And during that time I arrived at the bus station
24 there were detonations already. The MISCA had arrived to see what was going on.

25 As far as I was concerned, I hid somewhere. I called the prefect to tell him,

1 "Mr Prefect, look, I have arrived in the town somewhere. There has been
2 a detonation. What can I do?"
3 And the prefect asked MISCA to find out where I was. They made that area safe
4 where I was. I must say I didn't have the possibility to see the body. There were
5 detonations. The Anti-Balaka were almost everywhere in the town. They even
6 occupied -- from the town hall they occupied the entire neighbourhood. Even at
7 night I couldn't sleep.
8 In the morning, around 5 o'clock in the morning, we tried to investigate what had
9 happened. But, in fact, I was not in a position to find out who had carried this out.
10 Everybody was saying that it was the Anti-Balaka, the Anti-Balaka, because at that
11 time everybody knew about the disagreement between the Anti-Balaka and
12 the Muslims who wanted to kill Djido. If I had intervened in order to give him
13 advice, it's because there were problems. Unfortunately, he did not want to listen to
14 what he was being advised and that's why he died.
15 It is impossible for me to give you a name, to tell you who were the perpetrators of
16 this murder. What I learned is that it was an Anti-Balaka woman who was not in
17 the Mbaïki town, after which she left Mbaïki to go somewhere else.
18 After having cut off the genitals, they took him somewhere to bury him, or bury
19 the parts in Pissa. That's what I heard.

20 Q. [10:38:58] Thank you, Mr Mongbandi, for your clarification, which are very
21 useful for me.

22 Yesterday, as regards the burial of your deputy, you said there a Central African
23 Muslim could participate in the burial ceremony in 12.02 and you said you were
24 looking for a Muslim to help you. Am I to understand that some Central African
25 Muslims stayed in Mbaïki?

1 A. [10:39:36] Yes, some did, whose mother was Central African, who came
2 originally from Mbaïki stayed. This was the case of the one I mentioned. * I sent
3 for him to help with the burial according to Muslim rites. So he came and
4 administered the funeral rites, and after that, the Red Cross officials brought us a
5 body bag and we buried him in accordance with their rites in the presence of this
6 converted Central African.

7 Q. [10:40:35] I'm going to now change subject.

8 You said that at the roadblock, at the roadblock, the elements of Mr Yekatom were
9 ensuring security and were the forces protecting everybody. Did you ever hear
10 about cases of rape at the roadblocks?

11 A. [10:41:09] Indeed, I learned that. I learned that at the roadblocks that they held,
12 there were incidents like that. I heard that. The leader of Zanga in fact informed
13 me of this. When I asked him the question, he said that there was cases of rape, that
14 it was regular.

15 Q. [10:41:47] Am I to understand, Mr Mongbandi, the only person who talked to
16 you about this is André Ndangba (phon), who was head of the Zanga neighbourhood;
17 is that correct?

18 A. [10:42:11] Yes, that's true. I asked him the question and that's the answer he
19 gave me. But the other individuals spoke about it as well. It was something that
20 happened frequently. The investigator who asked me, this was something that we
21 discussed, because during those incidents you have to under -- girls went there, they
22 went to see them by themselves. We talked about it. We discussed this. Instead
23 of fleeing, some girls, some women went there themselves, and during that time they
24 were raped.

25 I also want to say - I said it yesterday - those who were raped couldn't talk about it,

1 because they were ashamed, they were ashamed to talk about it. They hid this. It's
2 very difficult to say publicly, "Look, I was raped." It's very difficult to say this
3 openly.

4 Q. [10:43:32] Thank you for the details.

5 So I understand this is information that you received from other individuals, but you
6 don't know who was raped where; am I correct?

7 A. [10:44:05] These cases recurred. This happened on several occasions. These
8 acts happened during the war. So it was very difficult to understand who was doing
9 what. * But what you have to bear in mind is that this is what those in uniform
10 habitually do. And during the conflict, cases of rape happened. You don't have to
11 be present to know this. As mayor, I sent people to question and find out what had
12 happened and gradually I received the information and this allowed me to reach my
13 conclusions.

14 Q. [10:45:18] Thank you.

15 I understand, Mr Mongbandi, I understand what you've saying. You're saying that
16 this occurred and that you received information via investigations. I also
17 understand that today you cannot say exactly who did what and at which roadblock.
18 Could you answer that particular question.

19 A. [10:45:57] No, I'm not in a position, because it wasn't a single incident. I cannot
20 narrate, I cannot give you a name. I can't give you any names.

21 Q. [10:46:14] Thank you. I'm going to change topics now, Mr Mongbandi.

22 Several times you spoke about MINUSCA. You also spoke about it this morning.

23 Am I correct in saying that despite the good will of MISCA it remained in Mbaïki and
24 couldn't go in the neighbouring villages to ensure protection and safety of that area in
25 Lobaye?

1 A. [10:46:56] MISCA was doing its work. I don't deny that. They did their work
2 in accordance with their instructions. I have no particular comment to make on
3 the activities of MISCA.

4 Q. [10:47:18] As far as you know, Mr Mongbandi, did Mr Yekatom work together
5 with MISCA to make Lobaye safe?

6 A. [10:47:37] Never. Not at all. Not at all. He never worked together with
7 MISCA. He went to the meetings where he participated, that's the only thing,
8 together with MISCA elements.

9 Q. [10:48:04] So you never heard it said that the MISCA asked Mr Yekatom to
10 patrol in the regions to try and re-establish public order?

11 A. [10:48:27] Not at all. We only saw each other once in St Jeanne d'Arc to talk
12 about restoring peace. That's all.

13 Q. [10:48:53] Thank you for your answer.

14 (Speaks English) Mr President, may I have just one minute to consult?

15 PRESIDING JUDGE SCHMITT: [10:48:58] Of course.

16 (Counsel confers)

17 MS CASIEZ: [10:49:14] Thank you, Mr President.

18 Q. [10:49:22](Interpretation) Mr Mongbandi, I'm going to show you a document.
19 This is tab 8 of the Defence binder, CAR-D29-0002-0086.

20 This is a report from Ndeke Luka, from Martial Boboya, of 15 April 2014. It's a bit
21 difficult to read it out, but I'm going to read it to you. I'm going to tell you what is
22 said:

23 "The fake Anti-Balaka were a danger for the restoration of peace and security in CAR.
24 This is the statement made by Alfred Rombhot, who is responsible for the Anti-Balaka
25 in M'Poko and Lobaye. He presented on Monday to the local authorities of Mbaïki

1 six men who claimed to be Anti-Balaka, as well as five hunting rifles and also
2 makeshift weapons at the residence of the Prefect of Lobaye."

3 A little further it's written:

4 "According to Alfred Rombhot, the aim of this operation was to disarm these fake
5 soldiers who are harming the population in the rural areas. They also are made up
6 and also hope to help the MISCA to allow the free circulation of people and their
7 goods. The local authorities appreciated this initiative."

8 My question is as follows, Mr Mongbandi: Firstly, when Mr Boboya, Ndeke Luka,
9 talks about the local authorities, is he talking about you in particular?

10 A. [10:51:30] Yes. But if he talks about local authorities, that means that I too was
11 involved, even if I wasn't quoted specifically. If they talk like that, it's to talk about
12 cooperation. They wanted the Anti-Balaka to stop their hostilities and contribute to
13 the restoration of peace in the country and in the town. That journalist no doubt
14 thought this was a vital point that should be raised and his role was also to work
15 towards the restoration of peace. Everybody knew that the Anti-Balaka laid down
16 their weapons so that we could have the rebuilding of our country.

17 Q. [10:52:40] Thank you, Mr Mongbandi.

18 Does this jog your memory as regards the fact that Mr Yekatom was -- went to
19 the Mbaïki authorities, in particular to you, and people who said they were
20 Anti-Balaka and handed over basic makeshift weapons and hunting rifles? Does
21 that jog your memory and do you recall this event?

22 A. [10:53:21] This must have been the moment when I had already left my position
23 as mayor, because I did not participate in such a ceremony. I left my position in 2015
24 and it was another individual who was carrying out those duties as mayor. From
25 2013 and 2014, I -- I carried out my duties as mayor. * Indeed, there was a good will

1 to work in such a way that his institution could fully perform its functions. That's
2 what I can say.

3 Q. [10:54:21] Mr Mongbandi, when you say "I can see that indeed there was good
4 will", I'm sorry, I don't understand what you mean by that.

5 PRESIDING JUDGE SCHMITT: [10:54:41] Yeah.

6 MS PRATHABAN: [10:54:42] It's just a clarification. Could we just sort out
7 the timeline, because the event is 15 April, but he talks about February. So just for
8 the record, it would be good.

9 PRESIDING JUDGE SCHMITT: [10:54:53] Yeah, yeah, that's clear. But that is -- it's
10 also unclear. Indeed there are two things that are unclear. This is one thing, but
11 first things first.

12 So your question first, please repeat it.

13 But you're right, of course, yeah.

14 MS CASIEZ: [10:55:10](Interpretation) Thank you for that. I was going to go back
15 to that.

16 Q. [10:55:16] Mr Mongbandi, you just said there was indeed a good will. Who are
17 you talking about when you say this?

18 A. [10:55:34] No, what I said was that, according to Boboya, the journalist, he
19 wanted Rambo act in good faith and that he gives up the bad practices and rather
20 contributes to the building up of the country. If there had been good will, he could
21 contribute to the building up the country, that would have been a good thing.
22 However, the ceremony where these materials or equipment were handed over took
23 place without me being present. At that time, there was the mayor who had
24 replaced me who no doubt attended. So I cannot comment on this. I cannot
25 comment on the ceremony.

1 Q. [10:56:37] Thank you. The article, Mr Mongbandi, this is the second
2 clarification, I said in the introduction, perhaps you didn't hear, dates from
3 15 April 2014. Since you said, when you talk about local authorities, amongst other
4 things, you are involved, so let's be clear, you have no recollection of this particular
5 event?

6 * A. [10:57:10] I didn't notice this. Perhaps I was away and one of my colleagues
7 participated in the ceremony. But, personally, I did not attend. Certainly I was in
8 Bangui at that moment and my adjutant, my deputy, had the possibility of attending
9 this -- this ceremony of handing over of the weapons.

10 Q. [10:57:49] Thank you. I'm going to show you another document. This is
11 tab 10 of the Defence binder.

12 PRESIDING JUDGE SCHMITT: [10:57:55] If I may, do you have already an idea of
13 how long it will take?

14 MS CASIEZ: [10:58:03] I think 10 minutes, but ...

15 PRESIDING JUDGE SCHMITT: [10:58:08] Okay. Then let's continue. Yeah.

16 MS CASIEZ: [10:58:10] Yes.

17 PRESIDING JUDGE SCHMITT: [10:58:12] If it takes longer, please let us know, then
18 we make a break, or even a short break and then we -- then we finish.

19 MS CASIEZ: [10:58:24] I was -- yeah, I was maybe just suggesting that we could
20 have the break now also.

21 PRESIDING JUDGE SCHMITT: [10:58:30] Let's have the break now and we continue
22 at 11.30. Thank you.

23 THE COURT USHER: [10:58:36] All rise.

24 (Recess taken at 10.58 a.m.)

25 (Upon resuming in open session at 11.32 a.m.)

1 THE COURT USHER: [11:32:51] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:33:14] Ms Casiez, you will not be surprised that
4 you still have the floor.

5 MS CASIEZ: [11:33:18] Indeed, Mr President. Thank you.

6 Q. [11:33:27](Interpretation) Mr Mongbandi, I'm going to continue with my
7 questions.

8 Now, just before the break I was going to show you another document.

9 Tab 10 of the Defence binder, CAR-D29-0013-0030. This is a discharge of the MISCA
10 commander Mbaïki who recognise having discharge in the gendarmerie on the day
11 before the article of Mr Boboya, who I showed you before, the same weapons, five
12 weapons of an artisanal nature, 12 machetes and a knife. And you can see
13 the document is signed by MISCA commander, brigade commander, and underneath,
14 by Mr Yekatom.

15 And what I wanted to know is if that refreshes your memory with regards to
16 the collaboration that took place between Mr Yekatom and the MISCA à Mbaïki?

17 A. [11:34:51] Yes. It's true. That shows that there was a certain degree of
18 collaboration through this document, this MISCA document. Personally, what I saw
19 with regard to what happened in the field was different.

20 Q. [11:35:15] Thank you very much.

21 I'm just going to go back to a question on a subject which we spoke about right at the
22 beginning of the morning and, namely, on the mosques which were destroyed along
23 the road that you spoke about this morning.

24 Now, what I understand therefrom is that you already saw them destroyed when you
25 went to Bangui. So I understand from that that you don't know exactly who

1 destroyed them and when they were destroyed; is that correct?

2 A. [11:35:56] Yes, that's correct. I wasn't present when the destruction took place,
3 but passing by I knew that this -- such-and-such a number of mosques had been
4 destroyed.

5 * Q. [11:36:17] And so, when you destroyed them, you didn't -- when you saw
6 them destroyed, you didn't have any information as to who was responsible for
7 destroying which mosque and when they were destroyed, you just saw them
8 being -- you just saw them once they had been destroyed; is that correct?

9 A. [11:36:46] I saw the destroyed mosques, as I said. But from the moment where
10 you know that there is a conflict between A and B, and if you see that the goods,
11 the houses, that the property B has been destroyed, then you can conclude that they
12 were destroyed by A.

13 THE INTERPRETER: [11:37:14] The English interpreter points out that the French
14 transcript appears to be frozen.

15 PRESIDING JUDGE SCHMITT: [11:37:19] Yes, we know -- we know that the French
16 (Overlapping speakers)

17 MS CASIEZ:

18 Q. [11:37:21](Interpretation) Thank you very much for the clarification.

19 PRESIDING JUDGE SCHMITT: [11:37:22] The French transcript is frozen at the
20 moment, but we simply continue. There was no translation issue, at the moment.
21 So I think we try to finish.

22 MS CASIEZ: [11:37:31] Thank you.

23 Q. [11:37:42](Interpretation) Mr Mongbandi, you testified yesterday that you had
24 a lot of respect for Mr Yekatom and that you were working together. Now, this
25 morning you stated, speaking about the meeting at the bus station, "We went to

1 the bus station to reassure the Muslim community that there was no reason to be
2 afraid." Do I understand from that that when you saw Mr Yekatom in Mbaïki, you
3 understood that he did not have the intention to kill the Muslims?

4 A. [11:38:22] No. He can give the impression of wanting peace. But in the spirit
5 of the Muslims, they had this fear, this fear of being attacked, this fear of being
6 mistreated.

7 PRESIDING JUDGE SCHMITT: [11:38:44] Yeah.

8 MS PRATHABAN: [11:38:45] I just wanted to raise an objection, that it's calling for
9 speculation. You're asking him to speculate on his intention.

10 PRESIDING JUDGE SCHMITT: [11:38:54] But the witness has answered. So please
11 continue.

12 MS CASIEZ: [11:39:08] Mr President, may I have just one second, please.

13 PRESIDING JUDGE SCHMITT: [11:39:11] Of course. Of course, yeah.

14 MS CASIEZ: [11:39:14] Thank you.

15 (Counsel confers)

16 MS CASIEZ: [11:39:59] Thank you, Mr President.

17 Q. [11:40:07](Interpretation) Mr Mongbandi, thank you for the details.

18 So I understand that your personal experience with Mr Yekatom, or the interactions
19 that you had with him during the meetings mean that your understanding is that he
20 did not have the intention of attacking Muslims; is that correct?

21 A. [11:40:57] His intention certainly was not to attack the Muslim community.
22 That's true. What is true is that if the decision had been taken before that, I think it's
23 difficult to know what the intentions of everybody is. If Yekatom really had this
24 intention, then I think he would have gone ahead with it and the authorities would
25 have taken measures in order to put an end to the abuses or exactions. You speak

1 about his intention. I cannot judge his intention or even know really what intention
2 he had.

3 Q. [11:41:55] Thank you, Mr Mongbandi. That was my last question.

4 Thank you, Mr President. (Speaks English) I have no further questions for this
5 witness.

6 PRESIDING JUDGE SCHMITT: [11:42:01] Any questions by the Prosecution?

7 MS PRATHABAN: [11:42:04] We have no further questions.

8 PRESIDING JUDGE SCHMITT: [11:42:06] Thank you.

9 Mr Mongbandi, this concludes your testimony. I would like to address you on
10 behalf of the Chamber. We would like to thank you for having yourself made
11 available as a witness in this case. The Court needs witnesses that come forward and
12 testify so that we are able to determine the truth. We appreciate it specifically that
13 you testified openly, which is a significant contribution to the transparency of
14 the proceedings.

15 On behalf of the Chamber, I wish you a safe trip back home.

16 THE WITNESS: [11:43:14](Interpretation) Your Honour, I would like to take this
17 opportunity to thank you. I would like to thank you for having invited me to testify.
18 I think that where there is a conflict in a country, you have to establish the truth in
19 front of the judges. I would like to thank you and to thank all persons in this
20 courtroom. For me, it has been a great experience. I am elderly and my life
21 expectancy for us black people is not high. I would like to thank you all of you, all
22 judges, everybody in this courtroom, and I wish you all all the best in
23 the continuation of the work that you are carrying out to render a judgment such that
24 those who are before your Court, *that you may let them leave such that we may
25 rebuild the country.

1 That's what I wanted to bring for your appreciation. Thank you.

2 (The witness is excused)

3 PRESIDING JUDGE SCHMITT: [11:44:47] Thank you.

4 We conclude also the hearing of today and we continue tomorrow with the next
5 witness, which is, I have to read it up, 2082.

6 THE COURT USHER: [11:45:02] All rise.

7 (The hearing ends in open session at 11.45 a.m.)

8 CORRECTIONS REPORT

9 The following corrections, marked with an asterisk * and not included in the
10 audio-visual recording of the hearing, are brought into the transcript.

11 Page 5, line 22 to Page 6, line 2

12 "A. [9:40:34] As I just said, the youths saw the Anti Balaka group as an opportunity.
13 The sectors Bangui Mbaïki, or even if I was in that particular zone, sometimes I went
14 to Bangui within the framework of my work and I notice that there were youths who
15 were enriching themselves, who were behaving as if they were Anti Balaka and claim
16 to be Anti Balaka. But I'm saying to you they were not all the young people who did
17 this and who joined the movement Anti Balaka."

18 Is corrected to

19 "A. [9:40:34] As I just said, the youths saw the Anti-Balaka group as an opportunity.
20 The sectors Bangui-Mbaïki, or even if I was in that particular zone, sometimes I went
21 to Bangui within the framework of my work and I notice that there were youths who
22 were behaving as if they were Anti-Balaka and claimed to be Anti-Balaka. But I'm
23 telling you that not all young people joined the Anti-Balaka movement. "

24 Page 8, lines 19-22

25 "And after the departure of the Seleka, the Muslims felt there was no one to protect

1 them. They could sense the danger. And that's why they tried to do something to
2 save their lives."

3 Is corrected to

4 "And after the departure of the Seleka, the Muslims felt there was no one to protect
5 them. They could sense the danger coming. And that's why we tried to do
6 something to save their lives."

7 Page 9, lines 12-14

8 "A. [9:52:46] As regards Djotodia, there was not this particular problem. After
9 the resignation of Djotodia, the Seleka also withdrew. There might be a problem
10 between the Seleka and the Muslims"

11 Is corrected to

12 "A. [9:52:46] As regards Djotodia, there were not these two problems. After
13 the resignation of Djotodia, the Seleka also withdrew, there must have been
14 a problem between the Seleka and the Muslims"

15 Page 12, lines 20-22

16 "But there was another meeting when he had already entered. When they carried
17 out the arrest of my deputy, there was also my intervention -- he also saw my
18 intervention. "

19 Is corrected to

20 "But there was another meeting when he had already entered and when they carried
21 out the arrest of my deputy, at which I also intervened. "

22 Page 18, lines 3-4

23 "And I would say, Mr Mongbandi, that this is an error, because prior to the crisis
24 Mr Yekatom and the FACA were involved in his FACA role."

25 Is corrected to

1 “And I put it to you, Mr Mongbandi, that this is an error, because prior to the crisis
2 Mr Yekatom was FACA and was involved in his FACA role. ”

3 Page 19, lines 4-5

4 “Yesterday, with my colleague, you spoke about the visit of Samba-Panza on
5 12 February 2012.”

6 Is corrected to

7 “Yesterday, with my colleague, you spoke about the visit of Samba-Panza on
8 12 February 2014.”

9 Page 25, lines 2-6

10 “I tried to find him. I called him so that he could help me to bury according to
11 Muslim rituals. So he carried out the rituals and, after that, the Red Cross individual
12 brought us a body bag so that we could bury him in the presence of everyone who
13 was there, converted locals.”

14 Is corrected to

15 “I sent for him to help with the burial according to Muslim rites. So he came and
16 administered the funeral rites, and after that, the Red Cross officials brought us a
17 body bag and we buried him in accordance with their rites in the presence of this
18 converted Central African.”

19 Page 26, lines 9-10

20 “But what you have to remember is that those who were at the -- at the roadblocks,
21 that they were carrying this out.”

22 Is corrected to

23 “But what you have to bear in mind is that this is what those in uniform habitually
24 do”

25 Page 27, line 25 to Page 28, line 2

1 "He said this on Monday to the local authority, six men were talking about it, as well
2 as five hunting rifles and also makeshift weapons who were found in the residence in
3 Lobaye." "

4 Is corrected to

5 "He presented on Monday to the local authorities of Mbaïki six men who claimed to
6 be Anti-Balaka, as well as five hunting rifles and also makeshift weapons at the
7 residence of the Prefect of Lobaye.""

8 Page 28, line 25 to Page 29, line 1

9 "Indeed, there was a good will to work so that these institutions could carry out their
10 functions completely."

11 Is corrected to

12 "Indeed, there was a good will to work in such a way that his institution could fully
13 perform its functions."

14 Page 30, lines 6-8

15 "A. [10:57:10] I didn't notice this. Perhaps I was somewhat ill and one of my
16 colleagues participated in the ceremony. But, personally, I did not attend. Perhaps
17 I was in Bangui"

18 Is corrected to

19 "A. [10:57:10] I didn't notice this. Perhaps I was away and one of my colleagues
20 participated in the ceremony. But, personally, I did not attend. Certainly I was in
21 Bangui"

22 Page 32, lines 5-6

23 "Q. [11:36:17] And so, when you destroyed them, you didn't -- when you saw them
24 being destroyed"

25 Is corrected to

Trial Hearing
WITNESS: CAR-OTP-P-1838

(Open Session)

ICC-01/14-01/18

- 1 “Q. [11:36:17] And so, when you destroyed them, you didn't -- when you saw them
- 2 destroyed”