

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 Ngaissona - 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 Ngaissona, 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 Ngaissona 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

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 Adji, as well as Sali Adji, 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 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 9 (Redacted)
- 10 (Redacted)
- 11 (Open session at 10.18 a.m.)
- 12 THE COURT OFFICER: [10:18:14] We're back in open session, Mr President.
- 13 PRESIDING JUDGE SCHMITT: [10:18:17] Thank you.
- 14 MR VANDERPUYE: [10:18:20] Thank you. I think we can publish the photo.
- 15 Q. [10:18:24] And with regard to the -- to that that period of time when the photo
- 16 would have been taken, and you describe being in a very difficult state, do you
- 17 remember where you were around that time? Were you at the school? Were you in
- 18 another location?
- 19 A. [10:19:11] I think on 5 December, I was -- I was at the school until we left to go to
- 20 the refugee camp.
- 21 Q. [10:19:30] By the school, you mean *l'École de la Liberté*?
- 22 A. [10:19:44] You asked me the question, where I was during those events, and I
- 23 said, on 5 December, we sought refuge at the *école*, at the school, until we left.
- 24 Q. [10:20:05] What's the name of the school, if you can recall, that you sought
- 25 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 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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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
14 Herman.

15 Can you tell the Chamber what you know about Herman.

16 A. [10:35:55] Of course I can talk about that. Herman is a native of Bossangoa
17 who was living in the 2nd arrondissement, specifically in the Foulbé neighbourhood.
18 His father, mother and all his brothers lived in the Foulbé neighbourhood.
19 Subsequently, he moved to the Arab neighbourhood because he followed Nina, his
20 wife, with whom he had children.

21 Herman was a trader selling clothes in the neighbourhood. During the events, he
22 joined the Anti-Balaka group. One day he attacked the hospital. I do not
23 remember the precise date, but it was after the 5 December attack. We were at the
24 *École de Liberté*, and some people arrived and informed us that they had seen Herman
25 at the hospital. They told us that Herman had arrived at the hospital and wanted to

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

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1 We held a meet at the town hall. The FOMAC commanders talked about weapons
2 that had been grabbed by -- from the FOMAC elements. And that is how it was
3 decided that they should return to their base. And the weapons had been grabbed
4 by the Anti-Balaka.

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

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

12 (Viewing of the video excerpt)

13 MR VANDERPUYE:

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

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

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

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

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

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

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

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

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1 person.

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

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

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

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

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

15 (Viewing of the video excerpt)

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

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

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

21 (Viewing of the video excerpt)

22 MR VANDERPUYE: [10:49:50]

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

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

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

2 THE WITNESS: [10:50:31](Interpretation) The central mosque of Bossangoa.

3 I think that the first video showed the mosque before its destruction on 5 December,
4 and the second video was shot or captured after the attack. And I believe the
5 mosque was destroyed two or three days after 5 December. We were at the *École de*
6 *Liberté*. They saw that there was no one protecting the mosque, so they destroyed it.
7 * They took off the roofing tops and looted it.

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

10 MR VANDERPUYE: [10:51:36]

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

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

23 So all that you see there is in the Bornou neighbourhood and the Foulbé
24 neighbourhood. So that is where you see the residential houses, and those are
25 behind the mosque. You can see the fence of the mosque. You can see residential

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1 houses. You will see a three-tonne truck on the video, but it is a truck which
2 was -- which had broken down before the events. I cannot tell you here that this
3 truck was destroyed during the events, no.

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

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

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

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

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

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

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

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

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1 PRESIDING JUDGE SCHMITT: [10:57:13] But you've tried to finish as quickly as
2 possible after the break.

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

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

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

6 (Recess taken at 10.57 a.m.)

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

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

9 Please be seated.

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

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

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

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

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

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

24 As regards the houses, next to and around the mosque, near the market, and those
25 locations which were inhabited by Muslims, some Christians also lived in these

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1 locations, but it was predominantly Muslims who lived there.

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

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

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

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

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

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

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

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

24 That's the business of the Muslims.

25 On 5 December, in particular, when the attacks started, many fled and sought refuge

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1 in the *École de Liberté*. In their flight, because there were explosions until 5 o'clock in
2 the evening, people were worried and wanted to save what they could.

3 They also --

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

5 * THE WITNESS: [11:38:31](Interpretation) On 5 December .. before 5 December, the
6 market was spared. But on 5 December, during the fighting, many people lost their
7 goods on 5 December. The next day, after we had arrived at the école, many said that
8 during the night they had lost their belongings. I would like to tell you that in Boro, in
9 particular, the shops held by the Muslims, some managed to save their possessions.
10 Others lost their goods. That's what I can tell you.

11 PRESIDING JUDGE SCHMITT: Thank you, Mr Witness.

12 And another question, we talked about the grand mosque in Bossangoa. Do you
13 have knowledge about what happened on 5 December and in the aftermath with
14 other mosques in Bossangoa?

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

17 Obviously, there's a connection problem because I would have heard something from
18 the witness.

19 THE WITNESS: [11:40:29](Interpretation) I didn't understand fully what you said,
20 but I see that your Honour is speaking. But I, unfortunately, couldn't hear what you
21 were saying.

22 PRESIDING JUDGE SCHMITT: [11:40:48] So I try to repeat it. And, Mr Witness,
23 we spoke about the grand mosque and what happened to it on 5 December and
24 afterwards. Do you have knowledge about other mosques in Bossangoa, what
25 happened to them?

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

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

5 As I already said, there were houses set alight, and it was the same thing for the
6 mosques. We only had one single major mosque where we prayed on a Friday.

7 And the smaller mosques in the other neighbourhoods, those mosques were set alight,
8 just like the houses.

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

10 Mr Vanderpuye, please.

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

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

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

15 In Bossangoa, generally speaking, we have a single central market, which is on the
16 axis which goes to the hospital, and this market remains open until 13 or 14 hours.

17 This is in Boro. Also in Katanga, towards the exit of Bossangoa, there is a market.

18 People come there in the afternoon. Also in the modern lycée, there is a small
19 market which is called Garadignan (phon). Broadly speaking, those are the markets
20 which we can find in that location. There is also the Banda market, if I remember
21 correctly.

22 At that time, we had five markets. The majority of them operated in the afternoon.

23 There were other small markets which remained open until late the evening for the
24 centre of town. People took articles which they would sell in those very small
25 markets.

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1 During the conflict, there was no problem. People simply continued to sell their
2 goods in the market. It is only in 5 December that the markets were affected.

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

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

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

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

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

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

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

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

25 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 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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- 22 (Recess taken at 12.22 p.m.)
- 23 (Upon resuming in open session at 1.48 p.m.)
- 24 THE COURT USHER: [13:48:41] All rise.
- 25 Please be seated.

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

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

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

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

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

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

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

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

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

13 (Private session at 1.49 p.m.)

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

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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13 (Redacted)

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 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted). That is how the vehicle stopped.

20 And these persons who were carrying property were wearing attires and they were

21 also carrying weapons. (Redacted)

22 (Redacted)

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

24 So what I can say is that (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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(Private Session)

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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 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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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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(Open Session)

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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 (Redacted), so I am residing or living in (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 (Redacted). The last
23 question I would like to put to you is: Do you hope or plan one day to return to live
24 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 (Redacted), and I am suffering. My town is Bossangoa. I have my
3 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 Ngaissona, 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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(Private Session)

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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 (Redacted)

22 (Redacted)

23 (Redacted)

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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 are not members of my family. 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 (Redacted)

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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 toime 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 clear,
12 I want to read an excerpt for your attention from a document, document Defence
13 finder tab 15, CAR-OTP-2071-2030. And the excerpt I want to read is at page 2031, at
14 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 you,
16 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 answer.
6 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.)