

Trial Hearing
WITNESS: CAR-OTP-P-2084

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Monday, 29 May 2023
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:52] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:17] Good morning everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:31:23] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice Edouard Ngaïssona, case reference ICC 01/14 01/18.
19 And for the record we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:37] Thank you. And I -- with a quick
21 overlook, I see that the Prosecution and the Representatives of the Victims teams are
22 unchanged, I think.
23 MR FALL: [9:31:54](Interpretation) Good morning, your Honour. Ms Mouhia Asso
24 is not with us this morning.
25 PRESIDING JUDGE SCHMITT: [9:32:02] That is correct. Thank you very much.

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1 I turn to the Defence which is absolutely impossible to oversee.

2 MS DIMITRI: [9:32:08] Good morning, Mr President. Good morning, your

3 Honours. This morning we have the addition of Ms Lena Casiez.

4 PRESIDING JUDGE SCHMITT: [9:32:15] Thank you.

5 Mr Knoops.

6 MR KNOOPS: [9:32:19] Good morning, Mr President, your Honours. Good
7 morning, everyone in the court. We are in the same composition as last week, Mr
8 President. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:27] Thank you. And a warm welcome again
10 to our witness, Mr Okoa-Penguia. Good morning. I hope you are feeling well after
11 the weekend. You had a good weekend I hope.

12 WITNESS: CAR-OTP-P-2084 (On former oath)

13 (The witness speaks French)

14 THE WITNESS: [9:32:36] (Interpretation) Yes, a very good weekend, actually. I'm
15 very happy to come here on behalf of the Central African Republic and give
16 testimony, your Honour.

17 PRESIDING JUDGE SCHMITT: [9:32:45] Thank you very much.

18 Ms Dimitri, you still have the floor.

19 MS DIMITRI: [9:32:51] Thank you, Mr President.

20 QUESTIONED BY MS DIMITRI:(Continuing)(Interpretation)

21 Q. [9:33:02] Good morning, once again, sir.

22 A. [9:33:04] Thank you, ma'am.

23 Q. [9:33:08] Before I resume questioning, sir, I would just like to remind you of
24 something. Tomorrow, we have another witness coming and I still have many
25 questions for you, so I'm going to ask you to try to be a bit more concise in your

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1 responses.

2 I spent the weekend reading your testimony, and I can -- and it was quite a thick
3 transcript. I can reassure you that all your testimony is recorded. I have some
4 additional questions -- quite a few actually. I'll be spending the day questioning you,
5 and in order to make sure I get a chance to ask you these questions, I'd like to ask you
6 to be more specific. We have recorded everything you have said, and the rest of the
7 questions are intended to elicit responses that are very important for us so that we can
8 take advantage of your knowledge.

9 A. [9:34:18] Very, well, ma'am.

10 Q. [9:34:20] I'd like to hark back to what you said on Friday about the Berengo *lycée*.

11 * We talked about the head teacher Élisée Yanguere, this is in transcript 234 at 10.18.

12 And could you confirm Mr Okoa-Penguia that his first name was Hermann?

13 A. [9:34:45] Mr Yanguere, Élisée, I think he was the head teacher of the lycée.

14 Q. [9:35:12] Yes, that's right. Thank you. Now, sir, you've been the mayor of
15 Pissa for 30 years, and am I correct in saying that your role at the time was also to
16 ensure social cohesion with the people who lived in your community, be they
17 Christian or Muslims or animists?

18 A. [9:35:37] That was my strength. I was the mayor for 30 years and I still am the
19 mayor, and that is because I play an important role for social cohesion and peace in
20 my community; that is why each time the authorities give me their trust.

21 Q. [9:36:05] And is it correct that you made no distinction between Muslims and
22 Christians and, furthermore, that is why at the St Jeanne d'Arc church you were
23 concerned about your constituents, be they Christian or Muslim and that is why you
24 said that everyone [...]

25 A. [9:36:32] Thank you, ma'am. You know, in Pissa there were many Muslim

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1 people and there was social cohesion. The proof of that is with the presence of the
2 Muslims, a mosque was built in Pissa and a Muslim lady from Saudi Arabia had the
3 mosque built and I was asked to the opening ceremony. So this shows you that the
4 Muslims in Pissa had married our sister. There was even one neighbourhood called
5 the Arab neighbourhood. There were no problems between Muslims and Christians
6 in Pissa.

7 If you go to Bossongo Cafe neighbourhood, you would also find a mosque there, and
8 in Kapou there was also a small mosque. In la Sabe, there was a mosque, ma'am.
9 We had social cohesion. The Muslims and the Christians were always together, be it
10 for ceremonies. We would invite them. They would invite us. There was a
11 leader -- two Muslim leaders in the commune of Pissa, and one was able to even join
12 the special delegation of Pissa. Moussa Ismael was his name. He was a member of
13 the municipal council. All this to say, there was social cohesion between the two
14 faith communities. There were no problems, ma'am.

15 Q. [9:38:21] Just one point about what you said on Friday. Time stamp 15:44,
16 transcript 234 -- you said that Muslim traders in Pissa had weapons and ammunition,
17 and when they left, young people said to them, "If you stay here, you're going to see."
18 My question: When you talk about these young people, are you talking about young
19 local people, local youth in Pissa?

20 A. [9:39:02] You have to look at this in context, ma'am. The Seleka context came
21 to Central African Republic, seized control of Bangui --

22 Q. [9:39:15] Sir, sir, truly --

23 A. [9:39:18] This is what --

24 Q. [9:39:19] I understand --

25 A. [9:39:27] The Pissa gendarmerie, which was a state institution, those mercenaries

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1 took over the brigade. They came with many weapons in a vehicle and now their
2 Muslim compatriots in the area started to receive support from their brothers because
3 those Seleka elements distributed weapons to the traders and the peasants of the
4 Muslim faith. For many years they had lived with us with no problems but once
5 these other people came in, they switched sides.

6 Q. [9:40:09] I understand. I apologise for being so rude, but what you have just
7 said, you have already said this. You said that on Friday, you see. I'm putting
8 specific questions because I truly need to make progress because I still have many
9 questions for you. Listen to my question carefully because I just want one specific
10 item of information.

11 You -- at paragraph 27 of your statement, you said -- you talked about reprisals. Am
12 I to understand from what you said that at one point because of the terror and
13 tyranny caused by the Seleka coalition, the Christian neighbours in Pissa became
14 more and more impossible to control and they were threatening reprisals?

15 A. [9:41:14] Yes, that's right, ma'am.

16 Q. [9:41:16] Thank you.

17 A. [9:41:20] But just to explain to you, ma'am, when the other one stepped down,
18 the mosques -- all over the country, wherever there were mosques, all the young
19 people were attacking the mosques and vandalising them.

20 MS DIMITRI: [9:41:48] If I can have a moment, Mr President. I am just trying to
21 skip some questions.

22 PRESIDING JUDGE SCHMITT: [9:42:13] Of course. Of course.

23 MS DIMITRI: [9:42:40](Interpretation)

24 Q. [9:42:41] Sir, once again you mentioned all the youth. Is that -- are you talking
25 about the young locals?

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1 A. [9:42:49] The young people of the Central African Republic -- throughout all the
2 prefectures one mosque was destroyed after another. The young people of the
3 Central African Republic who said, "No, we're not going to continue like this."
4 Try to understand, the young people suffered not just in our location, but throughout
5 the entire republic. I can tell you how many mosques that -- I can't tell you
6 many -- how many mosques there were before the events but consider how many
7 were left after.

8 Q. [9:43:29] Is it correct to say that when the members of the Seleka coalition left
9 Pissa -- I'm being very specific in terms of the time frame. When the Seleka coalition
10 left Pissa, is it correct, according to the information that you received, or your own
11 observations, did the Muslims in your location, were they afraid for their very lives
12 because of the anger and the fear of reprisals by their Christian neighbours? Was
13 there more and more anger every day? I'm talking about the Christian neighbours;
14 is that correct?

15 A. [9:44:15] When the events occurred I was in Bangui. I was in Bangui and the
16 messages were going here and there and everywhere. The Muslims in Lobaye were
17 told to gather in Mbaïki, to gather there for their own safety. So all the Muslims
18 from the 13 different communes and the five sub-prefectures quickly gathered in
19 Mbaïki, not just the commune of Pissa, the other towns in Lobaye. The people left
20 those places and gathered in Mbaïki. And on 30 January, we had to find -- it was
21 necessary to find a solution for their departure. And on 6 February, the President of
22 Chad sent 61 vehicles to Mbaïki to get all the Muslims from the area. Idriss Déby
23 sent the vehicles, so try to understand. There were large vehicles that could take 80
24 to 100 people, and you multiply that by 61 vehicles, so you can see there were many
25 Muslims transported. And now, today, the prefecture is calm. We have social

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1 cohesion. We have peace.

2 Q. [9:45:46] Now, when you say that, today, there is safety and social cohesion, is it
3 correct that in Pissa *some Muslims are still living there, *such as Alima Sabour,
4 Souleyman Fodé?

5 A. [9:46:03] Yes, they came back. Some Muslims came back to Pissa. They said,
6 "Well, there's no problem." When the members of the Seleka coalition came in, we
7 knew that they were thieves and that they would cause trouble. But once calm
8 returned, they returned. We have Djido, for example, who was part of the Lobaye
9 football team. He came back. Some Muslim traders did come back. There isn't a
10 problem.

11 *Q. [9:46:42] Now, when you said "Djido", are you referring to Djido Moctar (phon)?

12 A. [9:46:49] Yes, Moctar. He's a very good football player. He belongs to our
13 team. He is living in Pissa right now. He has a shop and he's doing well there with
14 his family.

15 Q. [9:47:22] We have a number of documents, sir, in our possession that were
16 written by a number of Muslim people in Pissa and these documents indicate that
17 amongst the various factors that led to them leaving Pissa for Mbaïki at the time,
18 there was in particular the fear of what they were hearing on the radio and seeing on
19 the television. Is this something that your fellow citizens told you about as well?

20 A. [9:48:01] Ma'am, perhaps -- well, you know, we are talking here. I am giving
21 testimony. You want light shed on the matters, but, you see, you have to understand
22 war, war, war. What kind of war came to the Central African Republic? Right in
23 the middle of the day, war. Crocodiles, snakes -- we didn't even know what their
24 nationality was. They came in and they did so much harm, so much evil. The
25 Muslims who were with us have come back. There's no problem. There's peace.

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1 There's social cohesion. Even Mrs Djido, who is on a committee, a mediation
2 committee, she is a Muslim lady, and she was appointed to this mediation committee
3 along with other Central African women. So they are doing this work together. So,
4 basically, I think the important thing is to understand that something happened that
5 we did not wish for, but gradually things improved slowly, bit by bit.

6 Q. [9:49:35] I'm very happy to hear that social cohesion has returned. Now, at the
7 time, during the crisis, it was a war. You've just said so. It was a crisis. It is true
8 that the tension with the non-Muslim neighbours was so high that this led the
9 Muslims to leave.

10 A. [9:49:59] No, the Muslims were informed, ma'am. The Muslims were informed
11 that ever since Djotodia left, when he stepped down from power, ever since then,
12 there were reprisals. The Christians were attacking. The young Christians were
13 attacking Muslims. So to avoid the worst, they themselves had received this
14 information, had been told to leave Pissa with their families, * and I think the lady
15 from the UNHCR, Elisabeth Marty, did a lot of work to ensure peace, and gradually
16 the message got out as far as N'Djamena to avoid a second bloodbath as what
17 happened in Bangui.

18 And so, they had to -- they had to send vehicles to get these people. If -- it
19 wasn't -- it wasn't complicated. I mean, he wouldn't -- he realised that the Muslims
20 needed to leave and he sent 61 vehicles, because he knew what had happened on 4
21 and 5 December in Bangui and he didn't want the same thing to happen again.

22 * Q. [9:51:35] Now, given that response, at 67 -- paragraph 67 of your statement you
23 mentioned that Elizabeth Marty negotiated with Mr Yekatom, is that correct?

24 A. [9:51:45] I beg your pardon?

25 Q. [9:51:47] Given that response that you have just given me...

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1 A. [09:51:47] Yes.

2 Q. [09:51:48] It was in this context that Elizabeth Marty negotiated with Mr
3 Yekatom...

4 A. [09:51:52] Yes.

5 Q. [09:51:54] ... as you have said...

6 A. [9:51:54] Yes, yes, yes.

7 Q. [09:51:58] ... in paragraph 67?

8 A. [09:51:59] Yes, she was the one who...

9 Q. [09:52:01] Thank you.

10 A. [09:52:02] Yes, she was the one who negotiated with Mr Yekatom. Mr Yekatom
11 was in Bangui, and this lady -- you see, the Yekatom elements were in the field, and
12 this lady went to see Yekatom to negotiate and to ask Yekatom if he could agree to
13 some kind of solution for the Muslims in Mbaïki. And before going to Mbaïki, this
14 lady called me and she -- the work was done on 4 January 2014, and you see a
15 solution was found, ma'am. What did that lady tell me? A few days later, she
16 asked me to have a coffee at the Grand Cafe, and she said, "Mr Mayor, the situation is
17 very difficult." But, thank God, she was successful in our mission; namely, she was
18 able to ensure the release of the Muslims.

19 THE INTERPRETER: [9:53:05] Interpreter correction: The person mentioned is
20 Elisabeth Mathy, M-A-T-H-Y.

21 MS DIMITRI: [9:53:18](Interpretation)

22 Q. [9:53:18] Regarding the meeting at the St Jeanne d'Arc church, you said -- you
23 said last Wednesday, time stamp 9:52 -- you said that the Sangaris men ensured your
24 security?

25 A. [9:53:40] Yes.

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1 Q. [9:53:41] And you had been told that Yekatom and his men were on their way?

2 A. [9:53:47] Yes.

3 Q. [9:53:49] Do you know whether the Sangaris forces also asked Mr Yekatom and
4 the entire delegation at the meeting at the church to go to Mbaïki?

5 A. [9:54:03] I don't know about that, but what I saw with my own eyes was that the
6 Sangaris were outside to ensure our safety, and the Sangaris forces also asked
7 Mr Yekatom to come with Mrs...

8 THE INTERPRETER: [9:54:20] Inaudible.

9 THE WITNESS: [9:54:22] (Interpretation) ... to ensure the liberation of the Muslims.
10 Some young French soldiers from the Sangaris group, when they came in, we worked
11 well with them. They were -- they did a great job and, you know, this is the world.
12 This is the world. Some of them -- I have to tell you the truth, some of them
13 deplored what their president was doing for the Central African Republic. We have
14 to say things like they are. These young fellows from the Sangaris forces, when they
15 came in, they saw people who were extremely poor, who had practically nothing, and
16 they saw that war had been brought to those people for no point. And, you see, the
17 development of the Central African Republic was being dogged. That was the
18 mistake of President Francois Hollande. That was the mistake he made.

19 PRESIDING JUDGE SCHMITT: [9:55:23] A small correction to the transcript -- or
20 not so small probably. We have on the English transcript "on 4 January 2014" -- page
21 10, line 23. But the witness said it was 30 January 2014; and, of course, we know that
22 it was 30 January 2014, but just to have it correctly on the transcript.

23 THE WITNESS: [9:55:47](Interpretation) Thirty January -- 30 January, 2014. That's
24 right. That's right -- 30 January 2014, your Honour. Thank you. We are already
25 talking about January 2014. We are already at that point.

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1 PRESIDING JUDGE SCHMITT: [9:56:02] Ms Dimitri.

2 MS DIMITRI: [9:56:04](Interpretation).

3 Q. [9:56:07] Now, at paragraph 66 of your statement, you said that the Seleka did
4 not attend the meeting at the church. Did you know -- if you don't know, just say
5 that you don't know. Did you know that there had been a meeting in Pissa between
6 Mr Yekatom and the prefect Alexandre Kouroupe-Awo, because, indeed,
7 Mr Yekatom wanted to ask for the Seleka to leave without any clashes so as not to
8 frighten the population. Did that knowledge come -- did that information come to
9 your attention?

10 A. [9:56:50] On 30 January -- you see, Djotodia had thrown in the towel on 10
11 January. He was no longer the President and so that's why the -- but, you see, he
12 had thrown in the towel so that wasn't possible. That's the first thing.
13 Now, secondly, I wasn't at that meeting. I did not attend that meeting. But going
14 by what I heard -- what the prefect said. That needs to be checked, that -- what
15 would the Seleka elements be doing in Pissa, because it was Catherine Samba-Panza
16 who was already -- had already become president. The former president had
17 thrown in the towel and then --

18 Q. [9:57:49] You have already answered.

19 A. [9:57:51] Great, great. Thank you.

20 Q. [9:58:01] Now, this prefect did come and give testimony here and he mentioned
21 about the rushed departure of the Seleka. I'm talking about the Seleka in Mbaïki.
22 He said, "The following morning, we no longer knew what to do exactly so I called
23 Mr Yekatom and I asked him to come to Mbaïki so we could find some way of
24 ensuring safety because the Seleka who were supposed to be the people protecting
25 the Muslims had left and many people were saying that they were Anti-Balaka or

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1 pretending that they were Anti-Balaka."

2 Now you said -- paragraph 66 of your statement, you said:

3 "A decision was taken to have the Muslims leave for their security, to avoid a blood
4 bath, to avoid the Muslims being killed by the Anti-Balaka."

5 Were you referring to the people who were pretending to be Anti-Balaka, as the
6 prefect mentioned?

7 A. [9:59:23] Ma'am --

8 PRESIDING JUDGE SCHMITT: [9:59:28] (Overlapping speakers) Please, please.
9 Ms Galupa.

10 MS GALUPA: [9:59:31] Thank you, Mr President. I just have a problem with the
11 formulation of the question, because we're asking this witness to say whether what
12 the prefect said is true or false, and I think just simply it could have been put -- the
13 question could have been put without actually mentioning the name of the witness or
14 someone that this witness is aware of in his region.

15 PRESIDING JUDGE SCHMITT: [9:59:53] If I recall the wording of the question, the
16 witness was not asked to comment on what the prefect said, it was just the foundation
17 for what -- for the question, so to speak. And the question is -- let me put it this way,
18 Mr Okoa-Penguia. When you spoke about a bloodbath and Anti-Balaka, what
19 people did you mean when you said Anti-Balaka?

20 THE WITNESS: [10:00:27](Interpretation) Thank you very much. For your
21 information, you know that between the Anti-Balaka and the Seleka elements, 4
22 December 2013 in Bangui there was a bloodbath. Okay. But with regard to the
23 situation becoming even more dangerous, all the Muslims were constrained.
24 I myself was in Bangui, and I came on 30 January 2014 on the vehicle of Madam
25 Elisabeth Mathy, and it was in Mbaïki that this decision was taken, and I parted again

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1 with this lady to Bangui.

2 I didn't stay in Pissa or Mbaïki. I left for Bangui and that's how, on 6 February, we
3 were told the Chadian president is sending vehicles to get all the Muslims who are in
4 Mbaïki so you have to pass the message to the young people in the locality to
5 leave -- let the convoy pass without any incident. That was 6 February 2014, your
6 Honour, and so I stop there.

7 PRESIDING JUDGE SCHMITT: [10:01:40] Ms Dimitri.

8 MS DIMITRI: [10:01:57] If I could have just a minute, Mr President, and I assure you,
9 it's -- it's because I'm skipping so many questions.

10 PRESIDING JUDGE SCHMITT: [10:02:04] Absolutely. Absolutely. It's normal,
11 when a witness has so much information and sometimes you have -- you thought you
12 get with one answer one chunk of information, but then you get such a lot of
13 information you might be able to skip one or the other question.

14 MS DIMITRI: [10:02:24] Thank you.

15 THE WITNESS: [10:02:25](Interpretation) Thank you. Thank you very much.
16 Thank you. Thank you.

17 MS DIMITRI: [10:03:06](Interpretation)

18 Q. [10:03:07] Mr Okoa-Penguia, we spoke about Cyrille of the Sangaris - that was
19 last week - and we established that Cyrille was in contact with you and he was in
20 contact with Mr Yekatom. Do you remember having heard -- and here I'm still
21 talking about Mbaïki on 30 January, during the meeting at the St Jeanne d'Arc church.
22 Do you remember having heard Mr Yekatom indicate during this meeting that what
23 he was doing in Mbaïki was under the authorisation of the Sangaris?

24 A. [10:03:44] I don't know the answer to this question, madam.

25 Q. [10:03:49] No problem, Mr Okoa-Penguia.

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1 Now, in paragraph 69 of your statement, you state that you were in Bangui on 6
2 February 2014, the day when the Muslims left Mbaïki. Do I understand from that,
3 that on the day of the departure of the Muslims from Mbaïki you didn't know who
4 exactly, which individual in particular, would have entered into the houses of the
5 Muslims that had been abandoned to take goods therefrom because it wasn't your
6 commune, it wasn't your town, Mbaïki?

7 A. [10:04:46] That's correct, madam. I was in Bangui.

8 Q. [10:05:07] And, so, it's correct to say that you didn't know if it was local youths
9 from the locality of Mbaïki or whether it was youths, Anti-Balaka or people who
10 called themselves Anti-Balaka? You don't know that?

11 A. [10:05:19] No, I don't have that information, madam.

12 Q. [10:05:22] Thank you. So, thank you, Mr Okoa-Penguia.

13 I'm now going to go on to a completely different subject with you and I'm going to
14 speak about the archives of Pissa town hall. And I've got a lot of questions to put to
15 you on this subject. You have given an enormous amount of information to my
16 colleague from the Office of the Prosecutor and I've reread that information in detail.
17 But now the exercise that I'm going to carry out with you, I'm going to go through
18 stage by stage so that we understand, all of us, very well the procedure and the
19 different documentation, that there was different caches, all these different aspects.
20 I'm going to put very precise questions to you which call for short answers because
21 I'm going to take advantage of your expertise on family law and on the establishment
22 of birth certificates or drawing up on birth certificates and the registers of your
23 commune and other communes in particular.

24 A. [10:06:35] Very well, madam.

25 Q. [10:06:45] So, you indicated on Wednesday, transcript -- that you had

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1 provided -- and this was in transcript 233 at 10:36. You said that you had
2 provided -- on the arrival of the Anti-Balaka, that the town hall in Pissa had started
3 working again, it started being functional once again. So is it correct to say that in
4 August -- several months after the -- in August 2014, so several months after that
5 meeting in St Jeanne d'Arc, the archives were accessible and the town hall was
6 already functional, Pissa town hall that is?

7 A. [10:07:32] Yes.

8 * Q. [10:07:37] So, in paragraph 19 of your statement, Mr Okoa Penguia, you talk
9 about the *chefs de quartier*, the neighbourhood chiefs. Could you explain to me how a
10 *chef de quartier* is appointed to this position?

11 A. [10:07:53] Well, the democracy base is that the *chef de quartier* isn't appointed.

12 He's elected by the people, and he has a mandate of 10 years and it's renewable once.

13 So, if you have a neighbourhood, you have a term of office for the chief -- of the

14 officers finishing. If he's been working well, well, people will carry out with

15 launching -- they'll put their candidacy forward.

16 If they want to become *chef de quartier*, they just have to provide a file and these files

17 will come to the town hall and afterwards they're going to send it to the gendarmerie

18 for an investigation. And once that has been done, then we can now programme on

19 the day of the election, and the day of the election is when you have the population of

20 the neighbourhood. They do their work. There could be two, three, four, five,

21 different candidates. There might be -- whoever gets the most votes is the one who

22 is elected *chef de quartier*, a neighbourhood chief.

23 So -- and then that's recorded officially. * It's sent to the sub-prefecture and the

24 sub-prefecture will take the decision of appointment of the neighbourhood chief, and

25 from the date of signature, that person is elected as the neighbourhood chief for a

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1 term of office of 10 years. And the note comes from the sub-prefecture and now we
2 will plan the ceremony -- the entering into office of the chief.

3 So, with the people, that will be carried out, and the sub-prefectural authorities will
4 come together and youth movements, everybody will come together in order to
5 participate in the ceremony -- entering into office of the new chief. And we sing the
6 national hymn -- the national anthem, and then the decision will be read out making
7 that person the neighbourhood chief. And afterwards that person will be given a
8 medal for being neighbourhood chief and then he'll be sent that in the exercise of his
9 functions. And that's what is normally done.

10 So the neighbourhood chief is not appointed; they are elected by their peers, by the
11 people they administer, by the people.

12 Q. [10:10:40] Thank you. Is there a difference between a *chef de quartier* and a *chef*
13 *de village*?

14 A. [10:10:47] Yes. A village is a bit bigger, because in a village you could have two
15 or three chiefs, but a neighbourhood is smaller. So if you look at the town of Pissa,
16 there -- there are eight chiefs, and each chief has his own neighbourhood which he
17 has to manage with the people administered therein.

18 Q. [10:11:16] Would I be right to say that it's the chiefs who at local level have the
19 best knowledge of the local people because they speak to them on a daily basis?

20 A. [10:11:33] Everybody, but the neighbourhood chiefs, the law says that the *chef de*
21 *quartier* or the *chef de village* are directly under the authority of the place. They are
22 collaborators with us. Even if they are close to the neighbourhoods, they send
23 reports to the town hall, and on our part we also have to inform the sub-prefecture
24 et cetera, et cetera. So the *chef de quartier* are placed under the authorities of the
25 mayor of the commune, madam.

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1 Q. [10:12:09] And when there is a programme which is made by an NGO or by the
2 UN, when there are programmes where there could be people who benefit from it,
3 beneficiaries, is it the chiefs who inform the people that there will be such-and-such a
4 programme -- "Those of you who are admissible for it, please come"?

5 A. [10:12:37] Madam, we have what we call a programme. We have a local
6 development plan -- a local development plan. And this plan is sent to the NGOs, to
7 the administration, and there are projects which have a priority in the local
8 development plan. And, for example, I'm here -- if an NGO wants to build a house,
9 a community house, for example, then the NGO which wants to build a community
10 house in Pissa, then it's a question of supporting the construction of a school or of a
11 health centre or a market.

12 Then the news comes to the town hall and the partners are called upon to help us.
13 And they have a meeting at the town hall in order to say that in such-and-such a
14 neighbourhood we have planned to have work carried out, and the construction chief
15 is informed of that -- "We want to do this. We want to do that." And the
16 communication goes to the entire population in order to receive the project
17 which -- well, all these projects come, which the government sends.

18 Now, the partners come and they sign the papers with the government, and the
19 government also has its action plan -- these areas where they're going to work, where
20 the NGOs are going to work. And they come to us and there's collaboration which is
21 there. The work is carried out and that's the reason why we have people helping us,
22 because the commune has its local development plan and sometimes the help -- the
23 aid stops.

24 And if -- sometimes you can see in Bangui, for example, I could send you this with
25 everything that we have been able to do for the commune.

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1 So the local development plan is the indispensable tool for the commune for its
2 development -- everything that we want to do, because we have a vision over 10 years,
3 so what does the commune want to do over 10 years in the interest of the population:
4 We want to do this, we want to do that and we want to do that. Well, we're going to
5 get into the realisation of the work phase by phase, year by year, because we have
6 what we call partnership.

7 The NGO that comes is going to say, "Very well. I'm going to help you, the
8 population. But, first of all, I have to be provided with the local materials, and you
9 can bring sand, you can bring gravel, you can make the bricks, and then I will come
10 with the different means in order to help you such that the construction of a
11 school" -- it could be for a health centre, it could be for anything.

12 So we have to bring the local population in to carry out these different projects which
13 are carried out by different partners, because you can't tell the population just to cross
14 their arms and do everything for them. No, there are partnerships. There are
15 acting partnerships for sustainable development because you know --

16 Q. [10:15:54] Mr Okoa-Penguia, you've answered my question. Thank you.

17 [...] certain questions about different *chef de quartier* in particular, is it true that

18 Mr Bangue, Jean Tansy, was the *chef* of Banda *quartier*?

19 A. [10:16:08] Yes. He is, at this time, deputy.

20 Q. [10:16:20] And he has a son called Bangue, Jean Tansy; is that correct?

21 A. [10:16:23] Bangue, Jean Tanys, at the moment he is the deputy of the nation.

22 Q. [10:16:33] I've understood that he's a member of Parliament for the nation, but
23 he's also got a son by the name of Bangue, Jean?

24 A. [10:16:41] Yes, I think so. I think that's correct. But you know that I said that
25 the mayor had more than 40,000 inhabitants, so you ask a question to have all

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1 these -- about all these different people, but I apologise --

2 Q. There's no problem, Mr Okoa-Penguia. If you don't know the answer, there is
3 no shame in that. Just say, "Listen, I don't know" and then we'll go further faster, if
4 we take this approach.

5 Is it correct that Mr Mongombe, Gaston, was chief of the Sangala 1 neighbourhood in
6 Pissa?

7 A. [10:17:20] Yes. He's already given up -- retired. He had the term of office
8 twice and so he was there 20 years, but he's no longer chief, madam.

9 Q. And he had a son by the name of Mongombe, Christian?

10 A. [10:17:43] Yes.

11 Q. [10:17:48] Is it correct to say that Mr Ignayema, Félix, is the *chef de quartier* in
12 Magouga in Pissa?

13 A. [10:17:57] Yes, yes. He no longer has a term of office. He died in 2018.

14 Q. [10:18:03] But he was in function in 2014?

15 A. [10:18:07] Yes. He was in function until 2018. He was killed in a traffic
16 accident, madam, and it was these chiefs who left Pissa for Bangui, because when it
17 wasn't working, Bangui and other places, the --

18 Q. [10:18:26] Mr Okoa-Penguia, please. We're going to focus on the chiefs and
19 their relationships.

20 Ignayema, Paterne, was he a member of his family?

21 A. [10:18:41] Yes, it's his son.

22 Q. [10:18:58] Mr Mokpian, Gabriel, was he also a *chef de quartier* in Ngbaka in Pissa?

23 A. [10:19:08] Yes. He already retired. He's no longer a *chef de quartier*. There's a
24 new one who's replaced him.

25 Q. And in 2014, he was in functions?

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1 A. [10:19:18] Yes. It was in 2018 that he retired.

2 Q. [10:19:23] And do you know if Mokpian, Abidas Paterne, was a member of his
3 family?

4 A. [10:19:29] Yes, it's his child.

5 Q. [10:19:43] Is it correct to say that you have a *chef de quartier* called Voyemakoa,
6 Celestin?

7 A. [10:19:46] Yes.

8 Q. [10:19:47] Chief of Mokotamba neighbourhood in Pissa?

9 A. [10:19:50] Yes.

10 Q. [10:20:09] And Voyemakoa, Debonheur, was he a member of the family -- of
11 Celestin's family?

12 A. [10:20:15] Yes.

13 MS DIMITRI: [10:20:17] Mr President, this line of question was in reference with
14 CAR-OTP-2115-0369.

15 PRESIDING JUDGE SCHMITT: [10:20:28] Thank you.

16 MS DIMITRI: [10:20:39](Interpretation)

17 Q. [10:20:40] Mr Okoa-Penguia, we've talked about the birth certificates; we spoke
18 about it with my colleague on Wednesday. I'll come back to the birth certificates
19 with you.

20 You indicated that normally these birth notices would be sent directly to the town hall,
21 which would put them into the register and would create a birth certificate therefrom
22 on the basis of the information which is contained in the birth notice. That's in
23 transcript 234, and I would ask my colleague to present you a birth notice which was
24 issued by the sub-centre of Pissa, and that's at tab 43, CAR-D29-0013-0082. So that's
25 transcript 234 at 09:49, tab 43 of the Defence binder.

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1 And just so that you are able to understand, you probably remember,
2 Mr Okoa-Penguia, that the Defence team of Mr Yekatom had sent a cooperation -- an
3 official cooperation letter, having informed the Office of the Prosecutor in 2020, if I'm
4 not wrong, and with a view to being able to consult the official document in Pissa
5 town hall. And it's within the framework of these consultations that we have
6 obtained, we've been able to photograph this birth notice which is in the register of
7 your commune, of the town hall of Pissa. And so I'm -- I want us to understand -- I
8 want us to be able to understand, we are not used to the procedure in the Central
9 African Republic. I want us to be able to understand what you're referring to when
10 you talk about birth notices, so I took that example. Do you understand?

11 A. [10:23:23] Very well, madam.

12 Q. [10:23:32] And before we look at this birth notice, Mr Okoa-Penguia, do you
13 remember? If you don't, it's not a problem, but if you do -- in 2014, the Defence of
14 Mr Yekatom sent a request for cooperation in June 2020 asking for access to the town
15 hall civil status registry to be able to verify certain documents that we had -- verify
16 their authenticity. Do you remember that or not?

17 A. [10:24:03] I don't know.

18 Q. [10:24:04] No problem.

19 A. [10:24:07] Well, the birth notices were sent. That's the procedure. That's the
20 normal procedure. That's what the minister of public health demands, because at
21 the level of the health centre, there's what is called the register of births -- the register
22 of births. And a birth which is carried -- which happens in one of those centres, the
23 midwife or the nurse who delivers the baby issues this birth notice to the parents, and
24 they will take it to the town hall such that it's -- such that the birth certificate is drawn
25 up. That's the normal procedure, madam. And for most of the compatriots, they

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1 don't respect certain procedures, madam.

2 Well, all births in a health institution should have a birth notice, because this woman
3 who gave birth -- who helped with the birth should issue the document issued by the
4 town hall. And I said the other day, for a birth certificate, there are three ministries.
5 There's the ministry of justice --

6 Q. [10:25:25] Mr Okoa-Penguia, you don't need to repeat that, really.

7 A. [10:25:27] Well, that's the normal procedure, madam.

8 Q. [10:25:30] So when you say that's the normal procedure, what you mean is that
9 you confirm that the birth notice, which is before you, corresponds with the normal
10 procedure?

11 A. [10:25:40] Yes.

12 Q. [10:25:42] And that's the reason why the town hall, Pissa town hall, keeps in its
13 register the birth notice having issued the birth certificate; is that correct?

14 A. [10:25:54] Yes, that's correct, madam.

15 Q. [10:26:04] And by way of curiosity, do you remember the signature of the
16 sub-chief and the stamp of the centre?

17 A. [10:26:15] Where is it? Where is it? Because the chief of the centre has his
18 own stamp and signature, but he can delegate his power to someone else, that is an
19 internal organisation of the health centre. But for us the essential part is to have the
20 birth notice. That's very important for us, because with all the -- information is given
21 on that -- on that day, 13 February 2012, all that, yes. That's the procedure, the
22 normal procedure, madam: 29 March 2000 -- or 29 March 1992, that's the normal
23 procedure, madam.

24 THE INTERPRETER: [10:27:04] 2012.

25 MS DIMITRI: [10:27:10](Interpretation)

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1 Q. [10:27:10] You can see "29 March 1992". My colleague is just enlarging it. Just
2 by way of your curiosity, there is a stamp and a signature, under the words "The chief
3 of the sub-centre." I just want to know if you remember the signature and the stamp.

4 A. [10:27:30] Well, it's Pissa health centre, madam. It's the Pissa health centre, but
5 this stamp is -- what is it?

6 Q. [10:27:42] If you don't recognise it, there's really no problem. It was just by
7 way of curiosity.

8 A. [10:27:50] Thank you, madam.

9 Q. [10:27:51] And so, would I be right to say that this type of birth notice that we
10 have on the screen, these are the official documents which were made available by the
11 ministry of health and social affairs, because this is what we see at -- on the top, on the
12 left of the document; namely, ministry of public health and social affairs? So they're
13 the ones -- these documents are official documents which are issued by the ministry
14 of public health and social affairs; is that correct?

15 A. [10:28:29] That's the logo, you see, and every health centre will print its notices
16 because the health centres are under the command of the ministry, and this is not the
17 ministry of social affairs, it is now the ministry of public health and the population,
18 and the social centre is another ministry, madam.

19 Q. [10:28:59] Mr Okoa-Penguia, I'm going to present another birth notice. Before
20 my colleague puts on the screen, I want to stress that the birth notice that we're going
21 to present wasn't obtained from Pissa town hall.

22 A. [10:29:20] Very well.

23 Q. [10:29:21] It was an individual who provided it directly to the investigators of
24 the Office of the Prosecutor. And what I would like is to study this birth notice with
25 you to take advantage of your knowledge on the subject, but it was not obtained from

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1 Pissa town hall; do you understand?

2 A. [10:29:41] Thank you. I understand you well, madam.

3 Q. [10:29:44] This is tab 1 in the Defence binder, CAR-OTP-2119-0905.

4 So my first question -- and I'm going to ask my colleague to enlarge it. Is it normal
5 that the year of birth that we see appearing after the month of September -- I don't
6 know if you're able to see it. My colleague is going to put the cursor on it.

7 A. [10:30:19] I see it. I see it.

8 Q. [10:30:22] There is a -- there was a "9" for 2019 and that has been -- and the "9"
9 has been printed but has been changed by hand into a "6". Now, my first question,
10 Mr Okoa-Penguia, is it normal to see that on a birth certificate?

11 A. [10:30:35] No, it's false.

12 Q. [10:30:39] And -- or on a birth notice?

13 A. [10:30:40] No, even on the left side, they have marked "Capou". That Kapou is
14 with a "K" and now I see it with a "C", so it's false. That's it. It's a false document,
15 madam.

16 The officer -- civil status officer puts the stamp at the bottom, so once all the
17 documents have been filled in at the bottom of the birth notice, so I think there it's a
18 forgery, madam. And who signed it? The midwife. Well, that's an organisation
19 of the Kapou health centre. It's at the entry of the commune, madam -- point of entry
20 of the commune. And that's what we often deplore to our collaborators is that we
21 tell them to respect the norms. And you print the birth notices. You have the
22 registry of births. Once there's a birth, you need to mark the date, the year and you
23 have to keep it to the end of the month and then we do a total of them, and you take it
24 to the town hall. And then how many -- during a month, how many births, how
25 many boys, how many girls. That's what we ask them to do. And you know that

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1 we are obliged to see things in that way while -- well, you can't just put the stamp of
2 the officer at the top on the left like that, madam.

3 So it's Kapou.

4 Q. [10:32:25] Just to make everything very clear. You're talking about the stamp
5 that reads "Commune de Pissa RCA" at the top?

6 A. [10:32:36] Yes. The Pissa commune. And, you see, that stamp is supposed to
7 be at the bottom, at the right. And the mayor puts his name "Officer of the civil
8 state". If you don't see the mayor's indication...

9 Q. [10:33:04] Now, Mr Okoa-Penguia, who was in charge of the Kapou health
10 centre in 2014?

11 A. [10:33:14] His name is there, ma'am.

12 Q. [10:33:17] No. That's why I'm asking you. But truly, if you don't know,
13 there's no shame in that. I don't expect you to be able to answer all my questions.

14 A. [10:33:32] Very well. But you see, when we had the senior health staff, we kept
15 an eye on what they were doing. But, you see, the budget of the commune was quite
16 low and the NGO hired some girls from the various health centres to help us do this
17 work for the citizenry. Even for the deliveries, women would travel five or seven
18 kilometres to give birth, and so there was a lot of problems. So you'd have to give
19 me the name of the lady who was there during the crisis and then maybe I might
20 remember, if I remember.

21 Q. [10:34:26] Once again, I'm going to ask you to call upon your memory. Do
22 you -- well we saw in bold -- in bold, it says "2019". Who was in charge of this health
23 centre in Kapou? Do you know?

24 A. [10:34:47] In 2019, up until now -- well, I know the girl, but her name escapes me.
25 She's still working there. She's in charge of the Pissa health centre. It's a girl -- a

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1 woman who manages the Kapou health centre.

2 Q. [10:35:15] Thank you. I'd like us to hark back to an earlier document that you
3 were already shown, and this is from the code of family law, tab 42,
4 CAR-D29-0001-0436, page 0447.

5 Sir, this is taken from the code of family law. I'd like to draw your attention to
6 article 138, which states that only qualified representatives of public authorities of the
7 child of the heirs, ascendants or other people with the authorisation of the president
8 of the court that has jurisdiction in the area, only these people can request a certified
9 copy of a birth certificate. What kind of person is this provision referring to?

10 A. [10:37:22] Thank you, ma'am. Article 138 of the family law code. You see,
11 please, for your information, ma'am, illiteracy in the Central African Republic is
12 67 per cent. If you take 100 people from our country, 67 will be illiterate. So this
13 code signed by the president and promulgated, if you look at this more closely, you
14 will see that there are more than 1,000 articles, and so, we respect the articles that are
15 relevant, but as for the rest, we can't -- we can't take all of it into account. I remind
16 you the illiteracy rate is 67 per cent, and so you may be able to show us this document
17 and we also -- we see the provisions, yes.

18 It's all very well and good, but let me reiterate: We respect the registry that is sent
19 by the president of the tribunal, and he looks at all of it and he sends back the
20 information and the town hall issues the birth certificate. So this is provided for,
21 ma'am. This provision makes mention of this. But, you see, a huge awareness
22 campaign would be necessary.

23 Even for marriages we just take two or three articles from this for the marriage -- for
24 marriages, even though this is a very large piece of legislation. We have a lot
25 of -- there are some people who, I'm sorry, but they're empty-headed. I'm sorry and

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1 I do apologise, ma'am, for having to say that.

2 Q. [10:39:54] No need to apologise. That's all right.

3 Now, in practical terms, do you agree with me that the mayor of a commune does not
4 have the authority to issue a birth certificate for a person who has been born in
5 another commune? For example, if I were born in Bimbo, I would not act -- I would
6 not ask the mayor of another commune to issue a birth certificate for me.

7 A. [10:40:27] Yes, that's right.

8 Q. [10:40:38] On Wednesday, OTP counsel made mention of the law
9 establishing -- * the family law code of 1997, and I think you'll agree with me, Mr
10 Okoa-Penguia, that the functioning of the civil registry in the Central African
11 Republic dates from well before 1997?

12 A. [10:41:14] Yes, yes, even before. The birth registry was held in the prefecture
13 by the regional chiefs and they were administrators, French administrators, and you
14 will see that if you look at a birth certificate of someone who was born before
15 independence, you will read territory of Ubangi-Chari, Equatorial -- this was the case
16 of -- if you go to Nantes, you will you see that if -- actually, the birth certificates for
17 people before -- people who were born before independence, their birth certificates
18 can be found in Nantes.

19 Now, the people of Central African Republic have taken over from the French when it
20 comes to these things and now we have this code of family law, which was approved
21 by the national assembly. But there are more than a thousand different provisions,
22 sections in the code of family law, so it's up to the mayors to be very careful when it
23 comes to transcribing information.

24 Q. [10:42:54] Indeed, you said that it's up to the mayor to be very accurate. * Now,
25 it's true that even before the family law legislation was passed even before 1997 as

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1 you've been the mayor for more than 30 years, there was also a 1988 order that at
2 article 69, read as follows, and I'm going to quote:

3 "The mayor and the deputies are officers of the civil state. The mayor may delegate
4 his authority to a number of other permanent employees aged at least 18. The mayor
5 may delegate these duties for reception of birth declarations, declarations of death,
6 recognition of biological children, and when it comes to transcription, marginal notes
7 may be made as well, all of this under the responsibility and oversight of the mayor."
8 I would imagine you remember this order.

9 A. [10:44:09] Yes.

10 Q. [10:44:10] And for the record, this -- article 10 also says that the village chief
11 must follow the appropriate schedule - that is to say, meet the appropriate deadlines
12 for the declaration of births.

13 Another question: When did you swear your oath as an officer of the civil state?

14 A. [10:44:36] Several times, several times. Each time I was appointed, I swore my
15 oath. And I can tell you, ma'am, that I am the only mayor that Kolingba had
16 appointed. We were elected to the town council in '84 and then further on there was
17 supposed to be an election, but the municipality didn't have the money to organise
18 elections. So there was special delegations set up in the meantime for a short period
19 of time. Unfortunately, the government is still short of resources and the
20 government authorised mayors and, gradually, the work was done. Even in my area,
21 we didn't have everything that you might imagine, but now we are a true town and
22 we have the proper procedures and the like. The mayor has been able to develop the
23 town. We have developed --

24 Q. [10:45:49] We've talked about social cohesion. Now, as for the rest, for the next
25 few hours with you, I'd like to ask about these registries. Did you take specific

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1 training or general training before you took up your duties as mayor?

2 A. [10:46:10] Yes, several times, several times. The government organises
3 workshops, training workshops to teach us how to do this work, and there's also the
4 help from the partners - the European Union, the French Development Agency.
5 They, too, organise information workshops and for capacity building. You need to
6 have the proper tools to do this kind of work, ma'am.

7 Q. [10:46:50] Sir, I'd now like to focus more particularly on the registers of birth
8 certificates. *You explained that these registers were initialled and given reference
9 numbers. You also said that the register is sent to the president of the tribunal of high
10 instance of Mbaïki to be numbered and initialled, and then it is sent back and the acts
11 are -- rather, the certificates are issued and provided to the parents.

12 I'm going to ask you some questions so that we can all understand these procedures -
13 the initialling and the reference numbers, the duties of the mayor versus the duties of
14 the president of the tribunal of high instance.

15 Am I correct to say that in administrative language, when we talk about numbering the
16 registers, is it correct to use the verb "*cote*" in French, meaning to number the register?

17 A. [10:48:16] Yes, that's right.

18 Q. [10:48:17] Now, specifically, the reference numbers or the numbering, you said
19 that this way of attributing numbers evolved over time. Last Wednesday, when you
20 were being questioned by the OTP, you said that first the registers were given
21 numbers at the office of the president before being sent to the tribunal, and because
22 later on, because this was too cumbersome, it was the presidents of the tribunals of
23 high instance who took responsibility for attributing reference numbers to these
24 registers, and they also added stamps and initials on each sheet of paper. Have I
25 correctly understood your explanations?

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1 A. [10:49:13] I was specific last time. You mentioned the 1988 government order
2 that was signed by General Kolingba, and for the stake of security, the government of
3 the day deemed it necessary to ensure that all birth registers go to the presidency in
4 Camp de Roux.

5 So each prefecture had to send these registers and then the official would assign the
6 reference number. And then after that, it would be sent back to the secretary or to
7 the staff of the town hall who would be sent to Bangui and then he would bring the
8 document back. So it was rather cumbersome when it came to issuing birth

9 certificates to citizens. So, you see, the family code, just to make things easier, the
10 president of the tribunal needed some time to initial these registers and attribute
11 reference numbers to them so that birth certificates could be issued to the people.

12 Now, during the crisis, the government saw that many children in the Central African
13 Republic did not have any birth certificates. Many citizens had no birth certificate,
14 so it was decided to issue birth certificates free of charge. That was one of the
15 recommendations, even in the day of Ms Catherine Samba-Panza. In some
16 prefectures, the Seleka coalition had gone by and all the records, all the archives had
17 been destroyed. So if a person didn't have a birth certificate, the town hall could
18 issue something and then the presidents of the tribunals of high instance could
19 officially occupy their positions.

20 You see, the government wanted children in the hinterland to have birth certificates.

21 In some cases, you see, the president of the tribunal of high instance wasn't present
22 and it wasn't possible to go into the hinterland because of what was going on. Even
23 now, some government officials -- teachers, for example, are not --

24 Q. [10:52:06] Sir?

25 A. [10:52:07] Yes, ma'am.

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1 Q. [10:52:17] You are giving a tremendous amount of information and it becomes
2 very difficult for us to follow. I have some specific questions for you and I'll give
3 you some very concrete examples, so, please, listen to my question.

4 My question was about the attribution of reference numbers and the initialling, and
5 we are going to go through this step by step. And we are going to look at how
6 things change. So, please, try to be more concise so that we can understand the
7 procedure for birth certificates.

8 This is important to me. I've understood your explanations, that first it was sent to
9 Camp de Roux and then it became too cumbersome and this procedure ended. Do
10 you remember when it was the tribunal who took over for the attributing of reference
11 numbers?

12 A. [10:53:20] If I recall correctly, it was before -- before the family code was issued.
13 It was before that. Before.

14 Q. [10:53:37] All right. And we agree that on the first page of a register -- and I'm
15 not talking about the cover, but inside the register, the first page has a mention made
16 of the president of the tribunal, and it says, "This register has been attributed a
17 reference number and has been initialled and it is the reference number that ensures
18 the authenticity of the document."

19 A. [10:54:15] Yes, that's exactly right, ma'am.

20 Q. [10:54:25] And just to make sure that this is very clear to everyone, to parties
21 and participants, that these registers that have been initialled and given a reference
22 number and provided to the town hall in Pissa are empty, there's no information, the
23 pages are numbered and gradually in chronological order of birth the statements of
24 birth are transcribed; is that right?

25 A. [10:54:58] Yes, that's exactly it.

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1 Q. [10:55:05] And the number of the birth certificate that we find on the birth
2 certificate itself, you also call this -- and I think you refer to this at 10:55, time stamp.
3 You mentioned that -- you also called this number a registration number?

4 A. [10:55:33] Where, ma'am? If it's for -- to transcribe a replacement birth
5 certificate, yes. But if it's the birth certificate, I under --

6 Q. [10:55:48] If it is the birth --

7 A. [10:55:51] That has a number.

8 Q. [10:55:54] If it's a birth certificate with a number, is that also -- is that also called
9 the registration number?

10 A. [10:56:04] Yes, it's also called a registration number. One copy stays in the
11 archives and one copy is issued to the parents.

12 Q. [10:56:29] As you said, sir, these registers of birth certificates have 100 pages.
13 They're all numbered, one after another. The numbers continue one after another,
14 consecutively.

15 A. [10:56:49] Yes, that's right, ma'am.

16 Q. [10:56:58] Could I just remind you of one point. This is very important.
17 Could I remind you of the three-second rule. Could you wait three seconds before
18 you answer, because we are overlapping and this makes things very difficult for the
19 English and Sango interpreters.

20 * Am I correct in saying that over the course of a number of years, 1994, '95, the
21 president of the tribunal of high instance was in Mbaïki?

22 A. [10:57:32] Yes, he was in post in Mbaïki.

23 Q. [10:57:39] Now, Mr Okoa-Penguia, I'd like to understand one specific example.
24 If we could look at this together in a very concrete way. This is something that was
25 issued in Pissa, and I'm referring to tab 7 of the Defence binder, CAR-D29-0013-0140.

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1 And this is also to be found at tab 13 of the OTP binder.

2 Now, up on the screen you can see that this reads "Register of Birth Certificates *à*
3 *Volet*", so it's various sheets, one after another -- "*à volet*" in French.

4 Now, I'd like to ask you to go on to another document so that we all can really and
5 truly understand how things are done. So this is tab 100, CAR-D29-0013-0248.

6 My first question to you: Sir, am I correct in saying that when -- that this document
7 has this title because there are individual sheets -- well, there's actually two sheets or
8 slips. One copy is given to the parent and one copy remains in the archives. And
9 you mentioned this in transcript 233. Just to make sure I've understood correctly,
10 this kind of register with these various sheets of paper, one copy remains attached
11 within the register, and this is the sheet of paper at the left, and this is the main one.
12 And then there's another birth certificate, which is identical, on a sheet of paper that
13 you can detach and you can provide to the person who makes the declaration of
14 birth?

15 A. [11:00:25] Yes, that's right, ma'am. That's the normal procedure. But you
16 just -- you can only change the part -- the sheet because the register itself has to have
17 two things like that, because we transcribe, we give a copy to the parent and then the
18 other copy remains with the main document for research purposes and the like.

19 PRESIDING JUDGE SCHMITT: [11:00:58] Do you want to finish that? Perhaps,
20 yeah, let's do it.

21 MS DIMITRI: [11:00:57] It's -- it's - mm.

22 PRESIDING JUDGE SCHMITT: [11:00:59] It's too long?

23 MS DIMITRI: [11:01:01] Yes.

24 PRESIDING JUDGE SCHMITT: [11:01:01] Okay. Then let's have the break now
25 until 11:30.

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1 THE COURT USHER: [11:01:08] All rise.
2 (Recess taken at 11.01 a.m.)
3 (Upon resuming in open session at 11.31 a.m.)
4 THE COURT USHER: [11:31:31] All rise.
5 Please be seated.
6 PRESIDING JUDGE SCHMITT: [11:31:59] Ms Dimitri, you have the floor.
7 MS DIMITRI: [11:32:08] Thank you, Mr President. I'm a bit -- oh, she's back.
8 Given this topic, I couldn't start without Ms Guissé.
9 PRESIDING JUDGE SCHMITT: [11:32:16] Okay.
10 MS DIMITRI: [11:32:26] (Interpretation)
11 Q. [11:32:27] Mr Okoa-Penguia, do you still have the picture on the screen?
12 A. [11:32:31] Yes.
13 Q. [11:32:38] Would we be in agreement that when, for one reason or another, a
14 page from the register was not used, * it had to state "*annulée*" in French, or void...
15 A. [11:32:54] Yes.
16 Q. [11:32:55] ...as we can see in this photograph; is that correct?
17 A. [11:33:02] Yes, that's correct, madam.
18 Q. [11:33:04] Mr Okoa-Penguia, during the break, I received complaints from
19 people who take notes, the stenographers who you can't see. You and I, we really
20 have to learn to leave a three-second pause.
21 Now, what you usually do is you speak and to say "yes," while I still haven't finished
22 my question.
23 Now, on the manner in which this page was made up, Mr Okoa-Penguia, you can see
24 that there is the first column on the left where it is indicated, "Margin reserved for
25 notes", and, afterwards, it's there that we can see the two examples of blank birth

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1 certificates alongside each other.

2 Now, my question is: Would you be in agreement with me that when the secretary
3 of civil status or the person responsible for the civil status transcribed the birth
4 certificate, normally he would write it by hand on both examples, both of which you
5 can see on the screen?

6 A. [11:34:28] Yes, it is indeed that. That is indeed the case, madam.

7 Q. [11:34:36] And because in the register you have the two examples of the birth
8 certificate and that concerns the birth of the same individual, the number of the
9 registration, or the number of the birth certificate -- the name, the date of birth, the
10 date of the declaration of the birth. They are the same on both of the examples that
11 we see on the screen, are they not?

12 A. [11:35:08] Well, I don't see what is written that the secretary would have made.
13 All of these pages are blank.

14 Q. [11:35:25] You are completely right, Mr Okoa-Penguia. I'm taking these two
15 examples because you can see them alongside each other, and it's to make it possible
16 for us to be able to understand your own words in a concrete way when you
17 explained how the secretary of civil status filled it in. And you explained at
18 10:55 that the counterfoil remained in the archives and that the other page was
19 provided to the parents.

20 What I'm trying to do here is to try and show the document which is on the screen,
21 what your words were; namely, that the two notes, the two pages, are identical, they
22 have both the same registration number of the birth certificate in the place that is
23 provided for and that's what makes it possible to find it again in the register. And
24 both pages, normally, when you draft a birth certificate will have the same
25 information on the date of birth, the date of the declaration of birth, the name; that's

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1 correct, is it not? That's how things are done?

2 A. [11:36:47] Yes.

3 Q. [11:36:56] And I'd ask my colleagues to zoom in to the number, the registration
4 number thereon. So if we look at the example on the screen, despite the fact that it's
5 blank, Mr Okoa-Penguia, would I be right to say that with regards to the civil status,
6 when the secretary has the number, puts the number on here at the place that is
7 provided for, that that birth certificate should have the same number as the one in the
8 register and that's how you can find it?

9 A. [11:37:33] Yes, that's correct. And you see the numbers, and before it was the
10 presidency of the republic in Bangui. And you have the number, the name of the
11 *arrondissement*, which has to be there. The civil status of the whatever, dot, dot, dot.

12 Q. [11:38:04] And so such that it's clear, Mr Okoa-Penguia, the number which is
13 pre-printed here that you see at the top and which is alongside the words "*ville de*" or
14 town of -- please wait -- that is the number, the pre-printed number and it is the same
15 reference number as appears on the counterfoil, which is on the left of the screen
16 and on the other page, which is on the right.

17 So the same number has to appear on both, the main page and the counterfoil; is that
18 right?

19 A. [11:38:39] Yes.

20 Q. [11:38:42] And the reference number that can be seen, the pre-printed one, that
21 is the reference number which was made at the time by the presidency; is that correct?

22 A. [11:38:54] Yes.

23 Q. [11:39:03] And if this reference number is only written by hand, then it's the
24 same number which will appear both in the counterfoil and in the main document?

25 A. [11:39:15] Both pages have the same number. It's the same number and you'll

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1 give the main document to the parents and the other document will go to the register
2 by -- as an archive thereof.

3 Q. [11:39:33] And you would agree with me that where it concerns the reference
4 number, the numbering is successive -- it's chronological. It's in chronological order
5 in the register; that is to say that the reference number of each page follows each other.
6 That's correct, is it not?

7 A. [11:39:55] Well, what I can see here, because up till now, it's true you presented
8 something, * but "*ville de Pissa*" in French has to be written there, the name of the
9 town of Pissa, birth certificate, number, name and number of the first, second or third
10 *arrondissement*. You see? Because there may be people who try to make false versions
11 and say that it is for this place or that place -- no, you have you to put the name of the
12 town of Pissa on there.

13 Q. [11:40:30] Yes, but that wasn't my question. We'll come back to that. We'll
14 come back to that. But what I'm showing to you here, I'm showing you a sheet that's
15 been cancelled. That's why you don't see "Pissa"; that's the reason why.
16 But my question wasn't on the *ville* -- town of Pissa or the *arrondissement*. My
17 question was when you received the blank register form which has been signed and
18 initialled, is it the case that each reference number, the printed number that you see in
19 the register, do these numbers follow each other in chronological order?

20 A. [11:41:10] Yes, the numbers follow each other. They're in chronological order,
21 these numbers. And that's like -- the president of the tribunal counts the pages.

22 Q. [11:41:31] (No Interpretation)

23 A. [11:41:46] *Voilà*.

24 Q. [11:41:47] There's nothing written there. But if you have a register, is the
25 registration number of the birth certificate -- well, do the numbers also follow on one

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1 from the other?

2 A. [11:42:03] Yes.

3 Q. [11:42:09] So -- so, two birth certificates cannot have the same registration
4 number or reference number, can they?

5 A. [11:42:19] What I see here --

6 Q. [11:42:20] No?

7 A. [11:42:21] Okay, very well.

8 Q. [11:42:28] Please listen to my question. You have just explained that the
9 reference numbers follow each other in a chronological order in the register, and
10 you've also said -- well, you've also explained that the registration numbers follow
11 each other in a chronological order.

12 Now, due to this state of affairs, is it correct to say that two birth certificates for two
13 different individuals can therefore not have the same reference number or the same
14 registration number?

15 A. [11:43:07] No, it cannot be done like that. Each one has its own number and its
16 own registration number and own reference number. There's a difference, madam.

17 Q. [11:43:26] You would also agree that it is the counterfoil of the birth certificate as
18 figures in the registry which is authentic because it has been kept in the archives of
19 your civil status office?

20 A. [11:43:43] That is correct, madam.

21 Q. [11:43:54] Is it also correct to say that each civil status service in the Central
22 African Republic has its own numbering procedure or birth certificate procedure for
23 the registers, but that whatever the case the principle is that it should be done in a
24 chronological way and in the order of registration; is that correct?

25 A. [11:44:20] Yes. There's training which took place not long ago. At the end of

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1 the year, you have to draw up a register, even for 100 sheets. If you've just used 50
2 of them, or you've used 60 of them, the rest are no longer going to be used.

3 So you have to file them away and say you write a report on it, and you wait for a
4 new register to appear, and that's what given by way of training to the civil status
5 officers. And that's so that when you're looking for something, you can find it
6 because usually in the register, you have the -- you have the number and then you
7 have the year to make it easier. Because if you want to carry out research, you just
8 have to look for the year, and the state issued it in such a year, and then you can
9 quickly find it, madam.

10 Q. [11:45:27] And we are also in agreement, Mr Okoa-Penguia, that in your civil
11 status service in Pissa, the birth certificates which were retranscribed into the register,
12 they are in a register of which the pages were in advance initialled and numbered by
13 the president of the tribunal of high instance of Mbaïki, with the stamp and initials?

14 A. [11:45:58] Yes, that's it, madam.

15 Q. [11:46:04] I'm going to ask my colleague to put the document back on the screen.
16 Mr Okoa-Penguia, if you could pay particular attention to the stamp and the initials
17 that we can see on the document which is on the screen.

18 * For the purposes of the record, this is still at CAR-D29-0013-0248. And this is the
19 stamp and the initial. This is the stamp and the initial of the president of the tribunal
20 of high instance in Mbaïki that we can see under the notice "cancelled". And that's
21 still at tab 100.

22 A. [11:46:50] Yes, madam, that is clear.

23 Q. [11:47:08] My colleague, who knows this much better than me, you indicated at
24 11:44 that at each end of year, you would give the registers back and even if all the
25 pages hadn't been used, you would get a new register.

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1 So my question is: Before -- and we talked about recent information, but prior to
2 that, could there have been several years in the same register?

3 A. [11:47:39] No, because once you finished a register, you buy another one, and
4 you send it to the president of the tribunal for the reference numbering and the
5 initials and then it happens on a continuous basis, because there are a lot of births
6 over the year. So you can't just do it all in one register of 100 pages, because there
7 are 2,000 or 3,000 births in the locality. Then you have to buy a new register, send it
8 to the president of the tribunal in order to initial it, and send it on to the town hall
9 such that the citizens can register their births therein.

10 Q. [11:48:15] And if for a specific year - let's take, for example, by way of discussion
11 1996 - you don't use the 100 pages of the register, would you start in the same registry
12 of 1996 to write or transcribe the births for the year 1997 or would you stop and then
13 you would start a new register, which would say 1997 on it? I'm talking previously
14 here.

15 A. [11:48:50] Madam, yes. You know that the procedures have changed. *
16 They've changed until we came up with a normal procedure, which is what we have
17 now, because lot of birth certificates were missing from households. A lot of them.
18 And the government considered it to be useful to hold several workshops for civil
19 registrars, prosecutors and the presidents of tribunals to say to them, "Look, we are
20 going to work in a normal framework, and when you have a register that you buy,
21 once you have not finished this register for the year, and/or when the year is finished,
22 the remaining sheets therein you will not use. You will buy a new register in order
23 to continue."

24 Those are the pieces of advice that were given, such that it's done in a chronological
25 way for the issuance of birth certificates because it makes it much easier to do

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1 research. It would be more difficult otherwise.

2 So, in principle, in each register, for example, you put "Town hall of Pissa" and you
3 put the year in each register. For example, 2001, 2010 or 2018. It makes it possible
4 for citizens who want to research this to have the document which was -- they just
5 have to speak about the year when they go to find it at the town hall.

6 So, when it was in 2018, and they get the register from 2018, and you quickly find
7 what you're looking for. That is what it is, madam. Well, it's all the same for death
8 certificates, marriage certificates, all of that is -- follows a chronological order with
9 regards to the years.

10 Q. [11:51:00] I understand. And just so that it's clear, my last question on this
11 subject is as follows. I understand that this is the procedure now, but before in the
12 '90s, were there registers which had two years?

13 A. [11:51:19] Just one register.

14 Q. [11:51:24] Before?

15 A. [11:51:25] Just one register for the civil status.

16 Q. [11:51:29] No, listen to my question, please. Before, in the '90s, were there cases
17 to the best of your knowledge, in the Pissa town hall of a register or registers which
18 covered two successive years? You've finished 1995, there were still 50 pages left,
19 and rather than buying a new one for 1996, they were continued with 1996 in the
20 same register writing the births of 1996.

21 * A. [11:52:10] That was given as an instruction. As there are still sheets left over,
22 you put the year 1990 and it finishes here. As there's still sheets left, you put 1991,
23 1992, so that when people are looking for it they can find it. So you have a birth
24 certificate that's drawn up but because the registers were not completely used up,
25 then you can also put the next year in to continue and that is the year that's important

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1 in the register. The years are very important.

2 Q. [11:52:47] That's very clear. Thank you very much.

3 Now, would I be right to say that, and I'm going to ask my colleague once again to
4 show tab 100 on the screen.

5 And when you look at what is on the screen, Mr Okoa-Penguia, would I be right to
6 say, Mr Okoa-Penguia, there is just one part which can be detached and provided to
7 the parents, and the other -- only one original of the birth certificate that is provided
8 to the declarer, and afterwards there are just *duplicata* that are issued; is that right?

9 A. [11:53:39] Well, the *duplicata* is referred to the original, because the number that's
10 given on the *duplicata* or copy, that takes into account the number of original act that
11 was issued. So a copy of the birth certificate, that's it.

12 Q. [11:53:59] I have understood that. I'll come back to that but you haven't
13 answered my question.

14 A. [11:54:05] I have answered.

15 Q. [11:54:06] No, please listen. We're going to come back to the procedure when it
16 comes to making copies. So I understand from your words, from what you've just
17 said, that the copies are transcribed with regards to the information that can be found
18 on the counterfoil.

19 So a citizen goes to the town hall of Pissa and they say "Mr Mayor, I have lost my
20 birth certificate. Please could you make a copy thereof and provide me with a copy."
21 You take the register and you are going to say, "Yes". You look at what year it was,
22 "1995, let me have a look." You find in the register the counterfoil of the birth
23 certificate and you find it for the purposes of the discussion in number 86 of your
24 register for the year 1995, and then you take a sheet, a copy sheet, and you fill it in
25 and you write the information, the name, the date of birth, et cetera and -- and the

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1 registration number of the birth certificate as is -- as appears on the counterfoil; is that
2 right?

3 A. [11:55:29] Yes.

4 Q. [11:55:38] Now please listen to my question. Would I be right to say that if you
5 look at the document which is on the screen, you have part on the right which can be
6 separated. The right part can be taken off, and that constitutes the original of the
7 certificate which you provide to the declarers and there is only one original. If the
8 child or the declarer has lost the original, then you no longer make a new copy. As
9 we can see on the screen, you will make a copy, and in front of the words "birth
10 certificate" you will see "copy of birth certificate"; is that right?

11 A. [11:56:29] Yes, copy of birth certificate. That is correct, madam.

12 Q. [11:56:45] Was there a specific register for copies in Pissa town hall?

13 A. [11:56:50] Well, there are even registers for copies. There are at the moment.
14 There are registers of birth certificates, registers of transcriptions of birth certificates,
15 registers of copies of birth certificates, registers of deaths, register of marriages. All
16 of that, that's all in the town hall, so the service of -- the civil status service. So
17 when -- I gave you the explanations. Somebody who's lost their certificate can come,
18 but when you carry out research you can see on the counterfoil it is marked "Copy of
19 the birth certificate". You can see that's marked there.

20 Q. [11:57:52] And the register of copies, are they stamped by the tribunal of high
21 instance?

22 A. [11:58:00] Well, before that wasn't the case, but now we have to ensure that the
23 president of the tribunal does that because there's a repetition. The president of the
24 tribunal has to put the reference number on and initial it so that it's authentic. But
25 the copy is a copy.

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1 Q. [11:58:24] So it's a copy which accords with the counterfoil. And when you say
2 "previously it wasn't the case" before, the president of the tribunal did not stamp the
3 register of copies. Are you able to give me a precise year? So when are we talking
4 about here?

5 A. [11:58:51] Well, for the moment, even with the registers that we have received, if
6 I remember correctly, the minister gave us registers, but apparently the register of
7 copies -- well, I think, that is something that has to be reviewed such that the
8 president can put it into circulation when it comes to a register of copies of birth
9 certificates.

10 No, I was informed about that. I think I had to take the copies of everything but to
11 give you the information.

12 Q. [11:59:38] So last Wednesday, in the transcript 223, you explained -- on
13 transcript 233 at 10:45, you said it was the secretary who prepared the certificates that
14 you signed afterwards.

15 * So since you started in your term as mayor, how many people, if you remember,
16 were in post at the registry office, other than Giscard Godomokoma whom you've
17 already mentioned?

18 A. [12:00:07] Well, some people have died. We had civil status secretaries, we had
19 accountants, we had a lot of people, but some of them are dead. So, there was the
20 administration. We made sure that things were respected such that it works
21 properly, madam.

22 Initially -- well, given the crisis, there were some shortcomings, and the government
23 had to help the municipalities make progress. But fortunately for us we had the
24 registers. We were able to help, and there was an NGO, a Norwegian NGO. They
25 also came and helped us with the various registers, and they provided training to the

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1 village chiefs and the neighbourhood chiefs, so that was a stroke of good luck for a
2 number of town halls. In other places in the Central African Republic, things are still
3 very difficult.

4 Q. [12:01:28] Now, very specifically, in relation to my question, I don't want to talk
5 about the finance department or anything like that. I'm talking about the civil
6 registry secretariat. How many were there?

7 A. [12:01:49] Where? Which ones?

8 Q. [12:01:51] In Pissa.

9 A. [12:01:59] Yes, how many?

10 Q. [12:02:00] (No interpretation)

11 A. [12:02:01] Godomokoma took up his duties fairly recently. But over the years
12 we've had four or five. Four have already passed away actually, and the normal
13 procedures is, as I explained it first, the parent goes to the hospital and --

14 Q. [12:02:22] Sir, please, truly, let's avoid repeating answers, answers that you've
15 already provided that are very clear.

16 Now, do you remember the names of the various secretaries at the Pissa town hall
17 who were working in this area for the civil registry?

18 A. [12:02:46] I remember their names. There was Ngoye. There was Ngoye.
19 There was Ngoivo, Pierre. At one point we even had Beninga, Jean-Claude. He
20 was there. So there was Ngoye, Hilaire; Ngoivo, Pierre; and Dieudonne Demba was
21 responsible for the civil registry; and there was the general secretary Mr Ndimboroli
22 (phon), Innocent, who's now working at the ministry of finance.

23 At the time there was also Stanislas -- Yama, Stanislas (phon). There was
24 Mr Mokamagbini, Patrice. There was Godomokoma, Giscard. And I think I've
25 forgotten one name; just give me a moment.

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1 So these were the various people who helped us with the civil registry duties.

2 We tried to do all we could to decentralise the service. We were asked to
3 decentralise operations so that the service, or the section, rather, would be closer to
4 the actual people, closer to the population.

5 Q. [12:04:56] Sir, I'll ask you to work on your memory a bit.

6 Now, what year was Beninga working at the town hall?

7 A. [12:05:13] That would have been around 1998. * He was there for two
8 years -- '95 -- as of 1994, 1995 -- 1994, 1995 and onward and then after that he left. He
9 was no longer working in that section.

10 Q. [12:05:48] I'd like us to hark back to a question about the *duplicata* register. It
11 was only recently that the tribunal of high instance stamped the --

12 THE INTERPRETER: [12:06:09] Overlapping.

13 THE WITNESS: [12:06:10] (Interpretation) The operational register.

14 MS DIMITRI: [12:06:25] (Interpretation)

15 Q. [12:06:26] Now the material provided to the secretary of the civil registry section,
16 there were the registers, the official stamp of the town hall, the stamp with your name;
17 is that correct?

18 A. [12:06:41] Yes. There was the stamp for correspondence --

19 Q. [12:06:50] I'm focusing on the civil registry matters or registers, and we agree
20 that only staff from the town hall had access to these stamps.

21 A. [12:07:09] Yes, only the registrar. The stamp of the mayor was different. If the
22 mayor was away, well, you see, he would initial the document. You see, once the
23 transcription was done, it would go to the general secretary of the town hall and then
24 on to the mayor for signature and stamping.

25 Q. [12:07:45] It is correct that only someone with the proper authorisation or

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1 someone from the ministry that you reported to or someone with a judicial
2 authorisation was entitled to review the records if it was not the person in question or
3 the parent?

4 A. [12:08:07] Well, if you want to do research, first you go to the town hall, you
5 explain the problem. You say, for example, "I've lost my birth certificate, please help
6 me do the research." And if the secretary is available, he or she goes to the room
7 where the various registers are and goes through the registers. That's how it works
8 at the town hall for these registers of civil status.

9 Q. [12:08:50] But my question was a bit more specific, sir. You agree with me that
10 not just any person could turn up at the town hall and say to the secretary, "Show
11 me -- let me get a copy of such-and-such birth certificate." Only a person with a
12 proper authorisation from your ministry, the ministry you report to, or the parent of
13 the child or the child himself or the declarant, only people like that could go to the
14 town hall and say, "I would like to get a birth certificate and look at" --

15 A. [12:09:36] Well, that is the -- the town hall is the public service of the state. All
16 citizens living in the community is fully entitled to go and ask for a copy of his birth
17 certificate -- maybe it's been lost or destroyed.

18 The town hall is for the people, the people who live in the location. If the
19 person -- let's say, if a person wants to travel abroad, the person goes to the town hall
20 and asks for the research to be done, and then once that's done, the person is put at
21 ease. You see, the town hall is a public service.

22 Q. [12:10:41] But we agree, sir, that other than the person in question, the actual
23 citizen, other people who could come and look at the records, those people need to
24 have some sort of judicial authorisation or a designation from your ministry?

25 A. [12:11:02] Well, not really. For example, if you are doing research, you come

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1 with authorisation --

2 Q. [12:11:08] Maybe you don't remember, but there was a judicial authorisation
3 when we came to do our research. That is why --

4 A. [12:11:20] Was I there? Was I there?

5 Q. [12:11:23] I'm putting the question to you.

6 PRESIDING JUDGE SCHMITT: [12:11:25] Ms Galupa.

7 MS GALUPA: [12:11:27] Mr President, I just want to object to counsel arguing a bit
8 with the witness. She's testifying on a procedure when --

9 PRESIDING JUDGE SCHMITT: [12:11:35] You're right. You're right, Ms Galupa.
10 Thank you.

11 MS DIMITRI: [12:11:36] I also agree.

12 PRESIDING JUDGE SCHMITT: [12:11:37] And Ms Dimitri knows it.

13 MS DIMITRI: [12:11:40] She does.

14 PRESIDING JUDGE SCHMITT: [12:11:42] She does. And I think the witness has
15 given the answer, so please move on.

16 MS DIMITRI: [12:11:46] Thank you, Mr President.

17 Q. [12:11:51] (Interpretation) I'd like to move to something a bit different and I'll be
18 more specific.

19 MS DIMITRI: [12:12:12] Mr President?

20 PRESIDING JUDGE SCHMITT: [12:12:08] Yes.

21 MS DIMITRI: [12:12:10] If I may suggest something that might save time. I am told
22 that the list of names that was -- were given by the witness are not very clear in the
23 transcript, and I don't want to make any mistake while suggesting to the court
24 reporters the spelling of these names, but I don't -- I also don't want to go through the
25 laborious task of asking the witness to spell them out. Could we ask him at the

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1 lunch break to probably write them down on a piece of paper and then we can just
2 give it a CAR registry number.

3 PRESIDING JUDGE SCHMITT: [12:12:49] Of course. But we have to have the
4 permission of the witness, so to speak.

5 MS DIMITRI: [12:12:53] Yes, of course.

6 PRESIDING JUDGE SCHMITT: [12:12:54] Mr Okoa-Penguia is so forthcoming, I
7 think he will do that.

8 You have heard that there is sometimes with the translation, there is problem with the
9 exact spelling of names and nobody knows better than you how to do that, and
10 Ms Dimitri would ask you perhaps during the lunch break to write the names down.
11 You can take your time then. Would you be amenable to do that?

12 THE WITNESS: [12:13:22] (Interpretation) I am amenable to that. I am at your
13 disposal, sir.

14 PRESIDING JUDGE SCHMITT: [12:13:27] Thank you so much, Mr Okoa-Penguia.
15 But now we continue until 1 o'clock. And then Ms Dimitri, you give the instruction,
16 so to speak, again. Please continue.

17 MS DIMITRI: [12:13:42] Thank you, Mr President.

18 Q. [12:13:51](Interpretation) Now, that we've understood the procedures for the
19 civil registers, I'd now like to take some actual examples taken from the Pissa town
20 hall.

21 Now, if we could look at tab 69, CAR-D29-0013-0080.

22 Now, what we see here on the screen, do you agree that this is a stub or a counterfoil,
23 because on the left we see a margin set aside for annotations. That's not the
24 detachable part; that is the stub or the counterfoil that is found, or that is kept, rather,
25 within the archives at Pissa town hall?

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1 A. [12:14:59] Yes, that's correct.

2 Q. [12:15:01] Sir, I'd now like to ask you some questions about this counterfoil, and
3 I'd like to draw your attention to something at the bottom, and we see your stamp,
4 your signature as registrar, civil registrar at the right?

5 A. [12:15:25] Yes, that's me.

6 Q. [12:15:27] And you'll notice that at the left we see "declarant". The declarant
7 did not sign. Do you agree that this document that we see on the screen is in good
8 order, even though it does not contain the signature of the declarant?

9 A. [12:15:54] You are completely correct, ma'am. I acknowledge all of that. That
10 is the writing of Mr Demba who has since passed away. He has passed away. He
11 has passed away, but, in principle, this part should be in the register there. You
12 don't detach it. Did you find this at the Pissa town hall? Did you photocopy it
13 there? I believe this is a photocopy.

14 * Q. [12:16:28] Yes. According to the metadata, Monsieur Okoa-Penguia, this is
15 indeed a photocopy...

16 A. [12:16:35] Yes.

17 Q. [12:16:37] ... taken by the Yekatom Defence team...

18 A. [12:16:39] Yes.

19 Q. [12:16:40] ... directly from Pissa town hall...

20 A. [12:16:45] Very well.

21 Q. [12:16:46] ... that was provided, unless I am mistaken, by Giscard Godomokoma.

22 A. [12:16:49] Yes, this is authentic. This is genuine. This is a photocopy and, yes,
23 it is genuine.

24 PRESIDING JUDGE SCHMITT: [12:16:56] You don't agree, Ms Galupa? Excuse
25 me.

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1 MS GALUPA: [12:17:02] Mr President, I would just ask simply to remain to the
2 questions and not necessarily influence the witness, but just by indicating where the
3 picture has been taken or --

4 PRESIDING JUDGE SCHMITT: [12:17:10] The witness has brought it up by himself.
5 He said this might be a photocopy. No, there is no problem here, Ms Galupa.

6 MS GALUPA: [12:17:22] It is generally maybe to put the questions without
7 indicating the provenance of documents would be helpful.

8 PRESIDING JUDGE SCHMITT: [12:17:25] Well --

9 MS DIMITRI: [12:17:26] I recall very specifically Mr Vanderpuye standing up and
10 asking for the provenance of birth certificates. So now that I'm bringing up the
11 provenance with the very specific witness that can testify in the matter --

12 PRESIDING JUDGE SCHMITT: [12:17:41] There's no problem.

13 MS DIMITRI: [12:17:42] -- we're complaining about the --

14 PRESIDING JUDGE SCHMITT: [12:17:43] And there's -- there are two things. First
15 of all, there's no need to get into any tension here. We have a witness that obviously
16 knows extremely much about the matter, about all the formalities, and it is no harm if
17 in any question you give the provenance at all here. So, please, we continue with
18 that.

19 Thank you, Ms Galupa.

20 MS DIMITRI: [12:18:07] Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [12:18:11] If I recall it correctly, the witness himself
22 has -- without knowing that it was a copy has said this must be a copy, if I recall it
23 correctly. As I said, Ms Dimitri, please continue.

24 MS DIMITRI: [12:18:31] Thank you, Mr President.

25 PRESIDING JUDGE SCHMITT: [12:18:32] Nobody puts into doubt the knowledge

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1 of the witness in these matters. Well, you never know, but he doesn't give the
2 appearance.

3 MS DIMITRI: [12:18:45] Thank you, Mr President.

4 Q. [12:18:49] (Interpretation) One last question, sir, about this document.

5 T-233, you said that normally the declarant signs the birth certificate and here we see
6 on this photograph of the counterfoil that the person did not sign. Do you agree
7 with me that that does not affect the authenticity of the birth certificate?

8 * A. [12:19:27] Normally when this is issued the declarant must sign saying, "Yes,
9 I am the one who declared the birth of such-and-such a child." This I can see is an
10 authentic birth certificate because it says « Koddoughimza », and then « chief medical
11 officer of Pissa health centre. If you go down a bit, you will see the number 194,
12 number 115/94. This is a completely genuine document. The only error is that the
13 declarant did not sign. That's the only thing. But other than that, the document is
14 entirely authentic.

15 Q. [12:20:10] And you also agree with me, sir, and I'll ask my colleague to
16 scroll -- or rather to zoom out -- that just because a birth certificate like the one here on
17 the screen does not contain the age or the profession of the parents, that it is irregular
18 as long as the birth certificate has the names, the date of birth, the names of the parent,
19 the signature of the civil registrar, the official stamp from the Mbaïki High Court that
20 we see at the top. If that information is on the birth certificate or the counterfoil, it's
21 an authentic certificate even if the profession or the age of the parents are not
22 mentioned?

23 A. [12:21:11] Yes, that's right. Here we see that the parent was a labourer at
24 Centrapalm, but the name of the father and the age are not mentioned. It depends
25 on the parents. At the town hall we have done our work. This is a genuine

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1 document. This is a genuine certificate, ma'am.

2 Q. [12:21:39] I'd now like to move on to another birth certificate.

3 A. [12:21:44] No problem.

4 Q. [12:21:46] This is something that the OTP showed you. T-223, 12:40 was the
5 time stamp, and this was taken from the Pissa town hall. This is tab 8 of the OTP list,
6 CAR-D29-0013-0097. This is equivalent to tab 76 of the Defence binder. So, please,
7 listen to my question carefully before you provide comments.

8 You said on Thursday last week, that you recognised this certificate and you
9 recognised the valid annotations of the birth certificate, but you don't remember
10 issuing a correction. And this is what my colleague is pointing out with the cursor.
11 You said, and I quote: "I don't see what we call a correction. That's not us. That's
12 not us."

13 I put it to you, sir, that you are completely correct, that it was not your section that
14 made the annotation correction. And I'll show you another document and you'll see
15 that this is about --

16 THE INTERPRETER: [12:23:33] Excessive speed.

17 MS DIMITRI: [12:23:36] (Interpretation)

18 Q. [12:23:38] Tab 97 now, CAR-D29-0013-0247.

19 I think you'll agree with me that now I'm showing you the stub, the stub for
20 Gracia-Bonheur.

21 And the previous document at tab 76 was the original provided to the declarant, to
22 the parent, and now we're looking at the stub with the same registration number.

23 And I'll draw your attention, sir, to the stamp that says "correction",

24 "*rectification*" -- "*rectificatif*" in French. Can you see that?

25 Wait for my question. Wait for my question.

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1 Now, on both there is a stamp that reads "correction" as was the case with the birth
2 certificate that you were shown last week. I put it to you, yes, this is correct -- you
3 are correct, this did not come from you. This stamp was not placed by you but,
4 rather, by the Mbaiki high court when the register was given a classification number
5 and initialled, because the black reference number was pre-printed. Do you see the
6 classification? It's a bit hard to make out, but it's pre-printed so the end of that
7 number - listen, listen - which is very important so that we can make sense of these
8 registers because the numbers must be consecutive.

9 The end -- the last few digits are not visible and they've been rewritten by hand. So
10 because they were written by hand, and I would put it to you, that is why the stamp
11 correction is to be seen, to indicate that this is official. Does this refresh your
12 memory as to the method used for placing classification?

13 A. [12:26:08] (Overlapping speakers)

14 Q. [12:26:09] Just a moment.

15 PRESIDING JUDGE SCHMITT: [12:26:10] Wait a second. Wait a second.

16 Ms Galupa.

17 MS GALUPA: [12:26:13] Mr President, I would like to object on two things. First of
18 all, I think it calls for speculation, and second of all, I think the question was
19 compound enough, so maybe counsel can break it down so we understand exactly --

20 PRESIDING JUDGE SCHMITT: [12:26:26] It calls not -- it does not call for
21 speculation.

22 Now, when we interrupt we have to repeat it. Of course, it was compound because
23 it was -- Ms Dimitri had to explain what we see here or what she sees and what she
24 wants to put to the witness.

25 So perhaps the last part, please do this again, Ms Dimitri, yeah.

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1 MS DIMITRI: Thank you, Mr President.

2 PRESIDING JUDGE SCHMITT: You understand what I mean by the last part.

3 MS DIMITRI: [12:26:55] Yes, of course. Of course.

4 Q. [12:27:02] (Interpretation) Mr Witness, I put it to you that the stamp that reads
5 "correction" has been placed officially on the document and that is intended to show
6 that the correction was done officially; namely, the correction of the last two digits of
7 the classification number 80. Does this refresh your memory regarding these
8 procedures?

9 A. [12:27:36] It's not from the town hall. As you said, it could be from the
10 president of the Mbaiki high court. But I can assure you that this is -- is an authentic
11 certificate from the Pissa town hall. I can see the writing of my secretary who has
12 now passed away. That is the handwriting of the secretary of the civil registry
13 section. It is a certificate from my town hall. I have -- the correction might have
14 been done in Mbaiki, but in my section I do not have a stamp like this one. But this
15 is authentic. And the number "080", and we see the correction "80" --

16 Q. [12:28:33] I can see that. Sir, I'm trying -- I'm going to try to show something.
17 I'm going to ask my colleague to place the two documents side by side. Tab 8 of the
18 OTP, CAR-D29-0013-0097, and beside it, tab 97 -- 0013-0247.
19 Here you can see both documents. You can see this counterfoil, the stub, and also
20 the copy provided to the declarant, to the parents. You agree with me that the sheet
21 of paper that was detached, 76, corresponds to the counterfoil that is found within the
22 civil records of the town hall?

23 A. [12:29:41] Yes. The handwriting is the same, the stamps are the same, the
24 signature of the mayor is the same, and this was issued nearly 30 years ago. This
25 was issued in '95. That's nearly 30 years ago. But all the same, I can see that this is

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1 indeed from the Pissa town hall. Over 30 years, I can say, well, fine, I'm entirely at
2 your disposal, ma'am.

3 PRESIDING JUDGE SCHMITT: [12:30:18] Mr Okoa-Penguia, I also have a question.
4 We have seen several of these birth certificates.

5 THE WITNESS: [12:30:25] (Interpretation) Your Honour.

6 PRESIDING JUDGE SCHMITT: [12:30:27] We have seen several of these birth
7 certificates and we note that obviously always different pencils are being used. So
8 we have here -- what we have here on the screen is blue and red, but sometimes we
9 have also black and blue. Is there some reason for this, some explanation for this,
10 why we have these different colours and different pencils used in these birth
11 certificates? Do you have an explanation? Or is there even some internal rule to do
12 it this way?

13 THE WITNESS: [12:31:03] (Interpretation) Yes. So the part of the year where it's
14 stated the birth of the child, that's in red, in red. And the part where you declare the
15 name of the father, the mother, that's in blue. So you can see the two different
16 colours being used. At top it's red and further down it's blue. And the ink that is
17 used is often the Bic blue, your Honour, so there's no problem -- with a Bic, a blue Bic
18 pen. So it's authentic, your Honour.

19 PRESIDING JUDGE SCHMITT: [12:31:47] Ms Dimitri.

20 MS DIMITRI: [12:31:49] Thank you, Mr President.

21 Q. [12:31:51] (Interpretation) Mr Okoa-Penguia, once again, and really it's not a
22 reproach, you see the declarant didn't sign either the counterfoil or the certificate, so
23 would you agree with me that doesn't make this birth certificate irregular as such, it is
24 authentic even though the declarer didn't sign it?

25 A. [12:32:16] Yes, the only -- it's just the major error of the parents. I spoke to you

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1 about the illiteracy that there was. So it's your child that you declare when it's
2 transcribed at the town hall. You declare that, yes, it's my child, yes, it's clear. I
3 know Ernest Godomokoma. That's the chief of the group, the chief of the group of
4 my neighbourhood, and his son is there, and he's a secretary of the town hall who
5 transcribed it. And you can see the mayor and the mayor puts the stamp on it; he
6 puts the stamp in his name. And then you have the declarer part. If the parents
7 don't do it there, it's not so much our fault, madam.
8 You know, it's true that we are in the hinterland, but the work that we're doing there
9 is very, very, very important. In front of us we have people -- well, because you
10 have to know that for civil servants it's quicker and for other people it's difficult.
11 And now if you see the parents expect that there is -- children go back to school so
12 they need to see that their births have been declared. And the NGO came and
13 provided them with the birth certificates which had been signed over 20 years ago.
14 But these birth certificates are at the town hall.
15 And perhaps it seems to you -- well, what you've tried to do is ask nothing more than
16 the evidence from the victims, but if you wanted to have a look at everything that we
17 say with regards to birth certificates which are duly signed by the mayor, and
18 they -- when the parents don't sign them, then, yes, that happens. We have to work
19 with the population. We have to -- we have to do so. It's not our fault.
20 * Q. [12:34:22] Thank you, Mr Okoa-Penguia. I'm now going to speak about the
21 transcription of the supplementary judgments.
22 During your testimony on Wednesday, you indicated towards 12:01 which elements
23 there were. You said which elements had to be in a transcription of a supplementary
24 judgment on a birth certificate. I'm now going to show you a supplementary
25 judgement which comes from the Boda civil status, not from Pissa but from Boda.

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1 But I'm going to use your knowledge which has been made available to us last
2 Wednesday in order to look at this transcription of the supplementary judgement
3 with a view to confirming with you that it does indeed have the necessary elements to
4 make an authentic document. This is at tab 10 of the Office of the Prosecutor's
5 binder, CAR-D29-0013-0128.

6 As you can see on this document, there's the date on which the birth certificate was
7 made and there's the number of the supplementary judgment under which the
8 transcription was made. * Is that correct?

9 A. [12:36:06] Mm-hm.

10 Q. [12:36:08] Is that correct?

11 A. [12:36:10] Yes, we often do that.

12 Q. [12:36:23] And then there's the signature and stamp of the Registry Officer. In
13 this case Aimé-Barthélémy Pilapété.

14 A. [12:36:30] O.K.

15 Q. [12:36:31] Once again, well, you explained that it was sometimes due to
16 illiteracy the declarer did not sign.

17 A. [12:36:40] Yes.

18 Q. [12:36:41] I conclude therefrom, from your reaction that doesn't -- doesn't mean
19 that this -- the age.

20 A. [12:36:49] The age of the parents, it's not written.

21 Q. [12:36:52] So I understand from your reaction that it doesn't make the document
22 irregular as such.

23 A. [12:36:59] That's right, that's clear.

24 Q. [12:37:02] Nevertheless, it is an authentic document?

25 A. [12:37:04] Yes, indeed. And if you go a bit down in the document -- okay, okay.

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1 Thank you. It's okay. It's an example among thousands of others.

2 Q. [12:37:22] Would you like my colleague to go to the bottom of the document?

3 A. [12:37:26] No, it's fine. It's fine.

4 Q. [12:37:35] Now I'm going back to the birth certificates issued by Pissa town hall,
5 because we've got several of them in the case file which are stamped by you, they're
6 signed by you, and I'm going to present them to you successively. And I would ask
7 you to pay a lot of attention to the notes that figure on this document because my
8 objective is to have you confirm if they are in accordance with the birth certificates
9 that you issued. And I'm also going to ask you to confirm to me if these people are
10 from Pissa, to the best of your knowledge. Do you follow me?

11 A. [12:38:15] I follow you very well, madam.

12 Q. [12:38:51] First of all, I'm going to present the birth certificate of Ngonde, Arnold
13 Levy, * and that's at tab 69 of the Defence binder, CAR-D29-0013-0080.

14 So you would confirm that this is an authentic document. This is a counterfoil from
15 Pissa town hall and you can see "Birth Certificate" at the top on the right and you can
16 see the stamp of the tribunal of grand instance of Mbaïki and you had can see the
17 number as well. I'm going to ask my colleague to go down to the bottom, show the
18 bottom of it. Do you recognise your stamp and your signature?

19 A. [12:39:36] Yes. And even the person, I recognise that.

20 Q. [12:39:48] And we can see that -- I'm sorry. Would you confirm to me that this
21 is an authentic document from Pissa registry, it's a counterfoil?

22 A. [12:40:01] Yes, it's an authentic document.

23 Q. [12:40:05] And you say that you know -- would you confirm that this is
24 somebody from Pissa?

25 A. [12:40:12] Yes. Emmanuel, he's in Pissa. He works -- he is now retired, but he

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1 worked at a centre.

2 Q. [12:40:23] I'm going to present --

3 THE INTERPRETER: [12:40:26] He worked at the Centrapalm centre.

4 MS DIMITRI: [12:40:30] (Interpretation)

5 Q. [12:40:31] So, Mr Okoa-Penguia, before you -- could you pay particular attention

6 to this document. You'll see that the son of Ngonde, Emmanuel, was born on 8

7 February 1994 -- on 12 February 1994. Please keep this document in mind.

8 A. [12:40:56] Yes, 8 February, but declared on 12 February 1994.

9 MS DIMITRI: [12:41:15] If I could just have a moment because I don't understand.

10 PRESIDING JUDGE SCHMITT: [12:41:16] Yes, yes.

11 MS DIMITRI: [12:41:18]

12 Q. [12:41:18] Just a minute, Mr Okoa-Penguia.

13 (Interpretation) Just a minute, please.

14 A. [12:41:22] Madam.

15 Q. [12:41:19] (Interpretation) Just one minute.

16 A. [12:41:20] Madam.

17 MS DIMITRI: [12:41:32] The ERN apparently is not clear in the transcript so I'm

18 going to repeat it. It's CAR-D29-0013-0080.

19 Q. [12:41:49] (Interpretation) Mr Okoa-Penguia, we spoke about the register of

20 baptisms and baptism cards. And I'm going to present to you tab 70,

21 CAR-D29-0013-0085.

22 Now, you can see it concerns the same child. It is the baptism card issued by the

23 parish of Pissa, *St Esprit de Pissa*. Now, you said that you were baptised in that place

24 and I'm going to ask my colleague to show you now the inside of the baptismal card

25 where you can see once again that the father that you know, Emmanuel Ngonde --

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1 A. [12:42:50] yes, I know him.

2 Q. [12:42:53] -- that he had a child called Arnold Ngonde and you can see the same
3 date, 8 February 1994. This is the same date as appears in your registry of the town
4 hall in Pissa.

5 Are these -- or does that correspond with the document or the baptismal card issued
6 by the parish *St Esprit de Pissa*?

7 A. [12:43:17] Not, because it's the birth certificate that's authentic. So if they're
8 going to take the baptismal card and the date of 1994 for the same child -- it's the same
9 child or is it a different one?

10 Q. [12:43:29] No, it's the same child.

11 A. [12:43:30] There you are. It's not good.

12 Q. [12:43:32] But it's not -- it's not a birth certificate?

13 A. [12:43:38] No, it isn't. So it's an error on the part of the parish.

14 Q. [12:43:43] Why is it an error?

15 A. [12:43:45] Well, I can't mix myself up in the work that they're carrying out.

16 That's another service. If the father got the authentic birth certificate and took it
17 there to say "This is the certificate that the town hall gave me," the parish, what it has
18 to do is write -- copy it. But if you see the birth certificate you showed a moment ago,
19 the red part, it is marked that he formally declares, even if the declarant hasn't signed
20 it at the bottom, nevertheless, the fact that he declares it formally that he recognises it,
21 that is reserved for the parents of the child.

22 Q. [12:44:31] I just want to understand what you're saying. If we take the copy of
23 the birth certificate which is at Pissa town hall, that's tab 69, if we take that document,
24 the document which is on the screen.

25 A. [12:44:54] Yes, nationality Central African, I declare that --

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1 Q. [12:44:58] (Overlapping speakers)

2 A. [12:44:58] Yes, madam.

3 Q. [12:44:59] You can see that Emmanuel Ngonde is the father of Ngonde Levy
4 who is born on 8 February 1994; you see that, don't you?

5 A. [12:45:13] Yes.

6 Q. [12:45:13] Now, are you able to say if during the baptism of this child, if we
7 take -- or if you have the baptismal card, we're going to show you the baptism card.
8 Again, it has the same information -- 8 February 1994, it's the same date of birth.

9 A. [12:45:39] But the name's different. The first name's different.

10 Q. [12:45:48] No, it's not. Look, Mr Okoa-Penguia, Arnold Ngonde is the child.
11 Now, if you look at the birth certificate, Arnold Ngonde, you see what I mean?
12 There's a name in the middle, "Lissassi", which doesn't appear on the baptism card.
13 But you see the name of the father, Emmanuel Ngonde, and you see that the child is
14 born on 8 February 1994?

15 A. [12:46:11] Well, in the --

16 PRESIDING JUDGE SCHMITT: Mr Witness --

17 THE INTERPRETER: [12:46:14] Overlapping speakers.

18 PRESIDING JUDGE SCHMITT: [12:46:17] Mr Witness, please.

19 Ms Galupa first.

20 MS GALUPA: [12:46:19] Thank you, Mr President. I just want to say that the
21 witness is not able to speak about the baptism certificate. He -- well, he already said
22 that he -- it doesn't come from his realm of knowledge (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [12:46:31] I agree with you. I agree with you.

24 Ms --

25 MS GALUPA: [12:46:34] And he seems to be confused about --

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1 PRESIDING JUDGE SCHMITT: [12:46:37] No, I agree with you.

2 Ms Dimitri, the witness has clearly stated that his realm, and we know that, is

3 the -- not the baptism, now I'm confusing it -- is the birth certificate. He knows that

4 exactly and he has given evidence on it. And everything else, if the -- if it -- if the

5 same dates are in there or if it is the same names, that is in the end up to us or up to

6 the parties to provide us with, let's say, with explanations or let's say objections or

7 whatsoever. But the witness has clearly said what his area of expertise is. Like he

8 always did since he came here. Thank you.

9 MS DIMITRI: [12:47:22] I understand, Mr President. My question was -- because

10 he said, "If the father brings the birth certificate to the parish," and my question is, to

11 his knowledge, because he got baptised at the parish --

12 PRESIDING JUDGE SCHMITT: [12:47:35] But you haven't worded it like that.

13 MS DIMITRI: [12:47:39] No, no, because -- because there was an interruption. I

14 was -- that was my next question.

15 PRESIDING JUDGE SCHMITT: [12:47:41] Yeah. So then please ask that question --

16 MS DIMITRI: [12:47:42] Yes. Of course.

17 PRESIDING JUDGE SCHMITT: [12:47:43] -- because then we are here again in an

18 area where the witness might or possibly knows something.

19 MS DIMITRI: [12:47:58] (Interpretation)

20 * Q. [12:47:59] Mr Okoa-Penguia, I'm going to show you tab 72, and I have a precise

21 question as to the procedure. If you don't know, it's fine.

22 A. [12:48:11] If we can go back to the birth certificate, I can give you a clarification

23 there.

24 Q. [12:48:16] Please let me put my question.

25 At 72, we have the baptismal register, number one, of the parish *St Esprit de Pissa*. So

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1 I'm going to ask my colleague to take this to the next page where we took a
2 photograph of the baptismal register, and you will see at number 2232 the name of
3 Arnold Ngonde with the date of birth 8 February 1994. Do you see that?

4 A. [12:48:48] Yes.

5 Q. [12:48:48] Do you see his father, Emmanuel Ngonde? My colleague is going to
6 put the cursor there.

7 My question is: Do I understand that you cannot speak about the authenticity of the
8 baptismal registers? But that's not my question. To the best of your knowledge,
9 when the baptismal registers in Pissa, when a child is baptised and the parish
10 indicates the date of birth of the child, is it the case that the parents go to the
11 baptismal ceremony and obtain a baptismal card having with them a copy or the
12 original of the birth certificate issued by Pissa town hall? That is my question, if you
13 know.

14 A. [12:49:42] Madam, the parents have the original birth certificate of their child
15 and the child goes to church for the catechism, and once that is finished, then they're
16 prepared for baptism and the parish is going to ask for the birth certificate, and on the
17 birth certificate, that will be taken to the church. And it has been marked on the
18 birth certificate, I see "Arnold Levy", et cetera. The parish also must write down the
19 name -- the names because the birth certificate is authentic. But the -- you just have
20 the first name here, Arnold, but they should have written down "Lissassi", "Levy", all
21 that. That should appear on the baptismal card as well, madam.

22 PRESIDING JUDGE SCHMITT: [12:50:43] Thank you, Mr Witness. I think we have
23 covered that. We have --

24 MS DIMITRI: Indeed; yes.

25 PRESIDING JUDGE SCHMITT: [12:50:46] We have a clear answer. And actually,

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1 it's also sort of logical, so let me put it this way.

2 MS DIMITRI: [12:50:53] Thank you, Mr President.

3 PRESIDING JUDGE SCHMITT: [12:50:55] That if the parents have the original and
4 the child is going to be baptised, that they take this document to the parish and that
5 the parish somehow deviates from this document, and there might be some
6 information that gets lost in the process, but the most important document is
7 obviously the birth certificate.

8 THE WITNESS: [12:51:23] (Interpretation) Thank you very much.

9 MS DIMITRI: [12:51:25] Thank you, Mr President. I'm just going to repeat for the
10 record, because I'm told I missed it, the ERN number for tab 72.

11 PRESIDING JUDGE SCHMITT: Fine, yeah.

12 MS DIMITRI: [12:51:32] It's CAR-D29-0014-0062.

13 Q. [12:51:45] (Interpretation) And Mr Okoa-Penguia, a last question. Just a
14 moment. You've already answered that.

15 I'm going to go on to another individual, another document, and that's at tab 73 of the
16 Defence binder, CAR-D29-0013-0079.

17 And I have another birth certificate, Mr Okoa-Penguia, to show you and once again it
18 is a birth certificate where there's a photo which was taken, according to the metadata,
19 at Pissa town hall in the presence of your colleague Giscard Godomokoma. And I'm
20 going to show you the birth certificate and ask you once again to carry out the same
21 exercise and to confirm to me whether it is authentic or not given the notes thereon,
22 or what is written on it. And that's at tab 73, Fulvio Madiosson, and we are going to
23 present it on the screen.

24 PRESIDING JUDGE SCHMITT: [12:53:06] And perhaps we -- I would suggest
25 because it's now very small, so -- yeah, that we go to the top and then -- yeah,

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1 thank you. And then slowly, slowly, down. Mr Witness, when you think you have
2 seen enough, you indicate and then we go showily down and then in the end you
3 might -- can provide us with the information if you think this is authentic or not. So
4 just for your benefit that we enlarge it a little bit.

5 MS DIMITRI: [12:53:37](Interpretation)

6 Q. [12:53:37] So you'll see, Mr Okoa-Penguia, it's very pale, but can you see the
7 reference number a bit above the words "Town of Pissa". So you can see the
8 reference number you spoke about, it's pre-printed, and you can see a stamp on the
9 top, "Tribunal of grand instance of Mbaïki". And my colleague is going to go down
10 in the document so you can see what is written on this document and you'll see right
11 at the bottom -- you will see the stamp with your first name, your surname, the stamp
12 of the civil status officer and a signature which I think is yours?

13 A. [12:54:37] Yes, it's still the same. I can see all of it. It's authentic, madam.

14 That is my service. That is my service. Those are my children there.

15 Q. [12:54:49] Thank you, Mr Okoa-Penguia. Is there another person who is from
16 Pissa?

17 A. [12:54:53] Yes, he's from Pissa. They're all citizens of Pissa.

18 Q. [12:55:00] Thank you. We'll go on to another document.

19 I'm a going to present another counterfoil of which the photo was taken in Pissa town
20 hall in the presence once again of your colleague Godomokoma, Giscard, according to
21 the metadata, tab 74, CAR-D29-0013-0081. And we'll put it on the screen in a
22 moment.

23 This is about Vomitiade, Genevaris. So, once again, Mr Okoa-Penguia, we can see
24 here there is a pre-printed part.

25 PRESIDING JUDGE SCHMITT: [12:56:05] Ms Dimitri, can't we do it -- can't we do it

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1 shorter? The witness knows exactly what he sees and we simply -- we have
2 now -- this is clearly visible, much better visible than the last example. And we
3 scroll it down slowly and, Mr Witness, you tell us if you think it's authentic, please.
4 That's quicker.

5 THE WITNESS: [12:56:25] (Interpretation) That's it. That's authentic, your Honour.
6 It's authentic.

7 PRESIDING JUDGE SCHMITT: [12:56:30] Look until the end. Please look until the
8 end and there you see again the stamp and the signature. So what ...

9 THE WITNESS: [12:56:38] (Interpretation) Okay, very well. Thank you.

10 MS DIMITRI: [12:56:43] (Interpretation).

11 Q. [12:56:44] Mr Okoa-Penguia, because this copy is a bit more legible, it's a better
12 photo, inside the stamp "Tribunal of grand instance", is that indeed the initials of the
13 president of that tribunal that we can see?

14 A. [12:56:58] Yes.

15 Q. [12:57:02] And the writing, it's a bit different from the certificates that we saw
16 previously. Do you remember which secretary -- civil status secretary had this
17 handwriting, if you remember?

18 A. [12:57:18] It was Demba Dieudonne. The first writing, but he's already
19 deceased. Now, that's Giscard -- that's Giscard's writing.

20 Q. [12:57:34] Thank you, we can withdraw the document.

21 PRESIDING JUDGE SCHMITT: [12:57:40] We could ponder, if you give now the
22 instruction what we would hope the witness to do during the lunch break.

23 MS DIMITRI: [12:57:47] Just one last question on the child, thank you.

24 PRESIDING JUDGE SCHMITT: [12:57:50] Absolutely. Okay.

25 MS DIMITRI: [12:57:52] (Interpretation).

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1 Q. [12:57:53] Mr Okoa-Penguia, a last question. Genevaris Vomitiade, is also from
2 Pissa, is he not?

3 A. [12:58:04] Yes, he's from Pissa.

4 Q. [12:58:19] So you'll be provided with a paper and I am going to ask you to write
5 the names of the secretary -- the civil status secretary that you mentioned a bit earlier.
6 You mentioned several, but I would like to make sure that I don't make any spelling
7 mistakes with regards to their names, so I'm going to ask you to do some work within
8 the lunch to do that.

9 A. [12:58:44] I am that -- I am here for that.

10 PRESIDING JUDGE SCHMITT: [12:58:46] Mr Witness, we thank you in advance for
11 that and we have now the lunch break until 20:30.

12 THE COURT USHER: [12:58:54] All rise.

13 (Recess taken at 12.58 p.m.)

14 (Upon resuming in open session at 2.31 p.m.)

15 THE COURT USHER: [14:31:33] All rise. Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:31:48] Well, we have an important addition to
17 the team of Mr Ngaïssona. Mr Knoops, please, for the record.

18 MR KNOOPS: [14:32:07] Mr President, finally we received the necessary
19 reinforcement by the presence of Mrs Knoops-Hamburger.

20 PRESIDING JUDGE SCHMITT: [14:32:17] Absolutely.

21 MR KNOOPS: [14:32:18] Thank you.

22 PRESIDING JUDGE SCHMITT: [14:32:19] And welcome.

23 Good afternoon.

24 And Ms Dimitri, you have the floor.

25 MS DIMITRI: [14:32:19] Thank you, Mr President.

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1 PRESIDING JUDGE SCHMITT: [14:32:33] I understand that Mr Okoa-Penguia, may
2 I address you? I understand that you have made these notes and have written down
3 the names, is that correct?

4 THE WITNESS: [14:32:46](Interpretation) That's correct, your Honour.

5 PRESIDING JUDGE SCHMITT: [14:32:48] And on behalf of the Court, a warm
6 thank you to you, and -- so there can be no doubt how things are spelt -- how names
7 are spelt.

8 Please, Ms Dimitri.

9 MS DIMITRI: [14:33:01] Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: [14:33:02] And we have it on the screen here,
11 obviously.

12 MS DIMITRI: [14:33:08] Thank you. Just for the record, Mr President, is there an
13 ERN number given to that document?

14 PRESIDING JUDGE SCHMITT: [14:33:17] That would be good at least, yes, so that
15 we -- yeah.

16 THE COURT OFFICER: [14:33:21] Yes, Mr President. The ERN is
17 CAR-REG-0001-0019.

18 PRESIDING JUDGE SCHMITT: [14:33:28] So just to explain it to you, Mr
19 Okoa-Penguia, this means that what you have written down here is part of the record,
20 so it will never be lost.
21 Ms Dimitri.

22 MS DIMITRI: [14:33:41] Thank you, Mr President.

23 Q. [14:33:42](Interpretation) This is a form of referencing here, sir.

24 MS DIMITRI: [14:33:45] We can move the document from the screen.

25 Q. [14:33:49](Interpretation) Mr Okoa-Penguia, good afternoon, first of all. I would

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1 like to go back to the birth certificate, which you just saw before the pause, which
2 is certificate CAR-D29-0013-0079. Mr Okoa-Penguia, you can see that -- do you have
3 it on your screen?

4 A. [14:34:34] No.

5 Q. [14:34:34] Sorry.

6 PRESIDING JUDGE SCHMITT: [14:34:37] Madam court usher, I think the witness
7 does not have it on his screen, so perhaps we would have to try to fix that.

8 THE WITNESS: [14:34:47](Interpretation) I haven't got it here. I haven't got it here.
9 Okay, now.

10 MS DIMITRI: [14:34:54](Interpretation)

11 Q. [14:34:54] Well, thank you very much. You can see that on the right-hand side,
12 you see the birth certificate. There's the number 81, but I don't see a slash with
13 another number, contrary to other birth certificates. Do you know why?

14 A. [14:35:17] Yes, I know why. I know why. Because we put a slash, that means
15 81/ and the year. Allow me to say that I'm really pleased to see that despite that you
16 went through the registry or archives in Pissa, you found certificates that had been
17 signed and stamped by myself. And it -- we have certificates there that date more
18 than 20 years ago, and that you found this one, so I really congratulate you.

19 Q. [14:36:02] I'm going to move on to another document.

20 A. [14:36:07] I know there's lots -- there are lots of documents.

21 Q. [14:36:08] Yes, there are many, many documents.

22 This is 77, CAR-D29-0013-0333. Before showing you the document, Mr
23 Okoa-Penguia, the document is D29-0013-0133. We spoke before lunch about the
24 way in which duplicates were entered, and you said also there was a register
25 specifically for duplicates of birth certificates.

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1 I'm going to show you one, and then I'll ask you to look at it. After that, I'll put some
2 questions to you.

3 A. [14:36:59] Yes, I see duplicate of birth certificate. Delivered by Pissa, the town
4 hall of Pissa. Okay, okay.

5 Q. [14:37:15] Once again, can you confirm that this duplicate of this birth certificate
6 has the referencing as regards its authenticity?

7 * A. [14:37:26] Yes. I'm trying to see the numbers written there 4895, OK. The
8 birth... Duplicate of the birth certificate, that's what we have. SEMOKONGALA,
9 Vianney. I know all that. These are the children from my commune. That's it. The
10 town hall.

11 Q. [14:38:01] So can you confirm that it's this form -- this is the way in which
12 duplicates of birth certificates are issued when an individual -- a citizen comes
13 forward and requests to have a duplicate, because he no longer has the original of his
14 birth certificate?

15 A. [14:38:22] That's correct, madam. That's correct.

16 Q. [14:38:28] I'm going to show you another duplicate, Mr Okoa-Penguia. This
17 time it's the one you saw with my colleague, 12:27 in the transcript 133. This is tab
18 59, CAR-D29-0013-0084.

19 I'm going to show you this duplicate once again. Then I'm going to show you
20 another document.

21 So I'm going to show you a duplicate to jog your memory, and after that I'm going to
22 show you the other document and following on from that, I am going to ask you
23 another question. So look at your screen very carefully, please.

24 A. [14:39:27] (Redacted). You still are on
25 the Pissa town hall with the signed birth certificate and stamped by the mayor. So

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1 I'm saying this is a document which I issued to my citizen.

2 Q. [14:40:01] Can you see: "DUPLICATA" – Duplicate of the (Redacted)

3 (Redacted) which is at

4 tab 60 of the Defence binder. Just one moment, Mr Okoa-Penguia, you can see that
5 on this duplicate which you had (Redacted).

6 (Redacted)

7 THE INTERPRETER: [14:40:33] (Redacted)

8 MS DIMITRI: [14:40:35](Interpretation)

9 Q. [14:40:36] Now just wait a moment, I'm going to show you another document
10 which is at tab 60 of the Defence binder, CAR-D29-0015-0010, and, here, once again, it
11 (Redacted).

12 I'm going to show you the second page of this document, the ID card which was
13 issued. Go back to the first page, please, in 2010. It was issued on 11 March 2010;
14 so there's a 13-year gap, and here, you can see the same reference as regards the birth
15 date; namely, 25 July 1981.

16 So the same date of birth which appears on the duplicate of the birth certificate which
17 you issued.

18 Can you see that?

19 A. [14:41:46] Yes, I can see that. It's the same person.

20 Q. [14:41:50] It's the same person?

21 A. [14:41:53] (Redacted).

22 Q. [14:42:00] I'm going to show you -- I showed you his photo in 98, CAR -- 00...

23 And I'd like to ask you whether you recognise him?

24 A. [14:42:15] Yes, I do recognise him. I'm telling you that everything that you've
25 done ... are ... These are children who belonged to (Redacted).

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1 (Redacted), she was also in that thing with the ESF.

2 I don't know if she's there as well.

3 Q. [14:42:41] Just wait, there's an objection.

4 PRESIDING JUDGE SCHMITT: [14:42:43] Well, we don't know if it's an objection
5 yet, but Ms Galupa, please.

6 MS GALUPA: [14:42:48] Thank you, Mr President. It was indeed an objection. I
7 wanted to say that the Prosecution sees no relevance in showing the witness that
8 photograph. He already explained why two birth certificates could exist for one
9 person, and the age of this person is not really relevant to these proceedings if I may
10 say --

11 PRESIDING JUDGE SCHMITT: [14:43:06] It does no harm at this stage, so it's -- and,
12 well, and with relevance it's always -- it's not so easy, I have to say. When you -- you
13 know, in this system where the parties present the evidence, I quite often -- if I may be
14 open, I quite often think, Well, where is the relevance? And I sometimes tried it with
15 the Prosecution, sometimes tried it with the Defence, and the answer is, "You will see
16 later."

17 So -- and I have to admit there is, of course, something in it, because we might not
18 have all the information -- all the evidence, all the documents completely now
19 available in our minds to assess that; so I let it simply pass. It was a long speech, but
20 well --

21 MS DIMITRI: [14:43:53] Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [14:43:54] Simply continue, Ms Dimitri.

23 MS DIMITRI: [14:44:05](Interpretation) You can remove it.

24 Q. [14:44:08] (Redacted)

25 (Redacted)

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1 A. [14:44:18] (Redacted)

2 Q. [14:44:25] I'm now going to show you a document which has already been
3 shown to you by the Prosecution, 58 of the Defence binder, CAR-OTP-2126-0413.

4 You said last week, transcript 133, at 12:28, (Redacted)
5 and you explained that somebody is 25 years old; that he asked for... who had a job
6 or... That he needed to have a certificate because he was looking for a job where
7 somebody had to be 18, and given the case of dire poverty, you were helping out.
8 And the mayor ended up by signing a document.

9 I'm now going to show you a document, and, once again, I'd like to draw your
10 attention to the name.

11 (Redacted)

12 (Redacted) with the photo.

13 Remember, Mr Okoa-Penguia, that on the national ID card, that it was said he was
14 born in '81. On the duplicate of the birth certificate which you acknowledged, it also
15 said that he was born in '81.

16 This time, on the document, which you see on the screen, he has 15 years' less because,
17 supposedly, he was born on 10 February 1996.

18 This document, Mr Okoa-Penguia, was not obtained by the Defence team when we
19 went to the town hall in Pissa. This was obtained three years ago in 2020 by the OTP.

20 Does it jog your memory on the moment when you signed this certificate?

21 I'm going to ask my colleague to go down.

22 It was obtained in 2020, and let me remind you it doesn't have the reference as
23 a duplicate. Does it jog your memory when you signed this particular certificate?

24 A. [14:46:58] Well, madam, please understand me, you know, the certificate I
25 issued in the beginning is clear. There is no problem with that. But right now, I'm

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1 going to --

2 Q. [14:47:11] Are you talking about the duplicate?

3 A. [14:47:15] Yes, I'm talking about the duplicate because the duplicate and the
4 identity card have the same year. However, the team was looking to have his
5 certificate and, therefore, I -- I asked the secretariat. They did what they could and I
6 must admit, it is not -- it is not in conformity to what we did before. That's it,
7 madam.

8 Q. [14:47:52] Fine. I'm going to go back to that a little later. But I want to show
9 you another document right now.

10 A. [14:47:58] But this doesn't come from the Pissa town hall. But everything as
11 regards the town hall of Pissa is something I'm aware of.

12 Q. [14:48:10] I'm going to show you another document, tab 57 of the Defence
13 binder, CAR-D29-0013-0138.

14 A. [14:48:31] Oh, we're going back *to that. Yes.

15 Q. [14:48:36] The first page is the register of the birth certificates *from the Pissa
16 town hall. It's the *register of birth certificates with the counterfoils and the
17 detachable sheets of paper. I want to go to the second page now, *0139, so you can
18 see the reference number 058/*98.

19 I'm going to zoom into that so you can see the registration number of the birth
20 certificate 58/98.

21 A. [14:49:13] *Yes.

22 Q. [14:49:14] And I'm going to ask my colleague to show you the title of the
23 document. You can see it's a counterfoil which has the stamp from the *Mbaïki High
24 Court, the initials of the *President of the Mbaïki High Court.

25 A. [14:49:31] Yes.

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1 Q. [14:49:32] Your stamp and your signature.

2 A. [14:49:36] Yes, authentic.

3 Q. [14:49:38] And here, I'm drawing your attention to the fact that this is for
4 "GONOFFEI Urbain Efiour". Do you see that?

5 A. [14:49:46] Yes.

6 Q. [14:49:46] Just remember 58/98, we'll go back to that.

7 So this is in *'98, and do you agree with me, Mr Okoa-Penguia --

8 MS DIMITRI: [14:50:08] I'm sorry, I got carried away and forgot about
9 interpretation.

10 PRESIDING JUDGE SCHMITT: [14:50:17] Well, but I think it's a good time to really
11 again thank the interpreters for -- well, specifically difficult days and you've managed
12 extraordinarily, and very rarely interrupting us and admonishing us. We appreciate
13 that, too. Thank you.

14 Ms Dimitri.

15 MS DIMITRI: [14:50:40](Interpretation)

16 Q. [14:50:42] Mr Okoa-Penguia?

17 A. [14:50:43] Madam.

18 Q. [14:50:43] It is a counterfoil. And do you agree that the detachable part, which
19 was given to the declarant, must also have the number 58/*98?

20 A. [14:50:58] Yes, I can see the certificate.

21 * Q. [14:51:56] The detachable part that at that time in -- you gave to the parents in
22 **'98...

23 A. [14:51:00] Yes.

24 Q. [14:51:01] ... to registrants...

25 A. [14:51:01] Yes.

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1 Q. [14:51:02] ... it should also have the number 58/*98. That's how you search in
2 the archives; is that right?

3 A. [14:51:11] Yes.

4 Q. [14:51:19] I'm going to show you tab 56 of the Defence binder now,
5 CAR-OTP-2126-0414. Can you see, Mr Okoa-Penguia, that it has the same
6 referencing as regards the registration 58/98. However -- however, it's not for him?

7 A. [14:51:54] That's correct, that's not for him.

8 Q. [14:51:55] (Redacted)

9 (Redacted)

10 A. [14:52:19] (Redacted)

11 Q. [14:52:22] (Redacted)

12 A. [14:52:24] (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [14:52:44] We're going to go back to the family with all the certificates. So do
16 you agree with me that there is a problem regarding this document on display and
17 the one that is in tab 56? Because they have the same referencing number,
18 which -- 56 -- tab 56.

19 A. [14:53:13] There is a problem, because it's not the same person. But the one
20 that is correct is the one where there is a counterfoil; so 58/*98, this one is not correct.
21 This is not his certificate. That is what I want to say.

22 Q. [14:53:30] So I'm going to draw your attention to the fact that at the top, you can
23 see there's a stamp, and there is written "73" and that's written by hand. Can you see
24 that? Can you see that?

25 A. [14:53:46] I can see that.

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1 * Q. [14:53:49] Now, I'm going to show you the first child, Mavode, again, which is
2 tab 58, CAR-OTP-2126-0413. There, you can see "74". Just bear those two numbers in
3 mind.

4 THE INTERPRETER: [14:54:16] And the reference is 2126-0413.

5 MS DIMITRI: [14:54:18](Interpretation)

6 Q. [14:54:19] I'm now going to show you another document, tab 7 of the Defence
7 binder, CAR-D29-0013-0140.

8 Once again, the photo of the first page is the photo from the Pissa town hall, the
9 counterfoil of the birth certificate. And here, is the second page. You can see here
10 is the counterfoil.

11 It's the counterfoil of Jean-Claude Beninga, and you spoke about this in
12 *midi* -- 12:37:39, saying that he was part of the ESF. Now, you can see that this
13 certificate has a reference number, 86/03. Do you agree with me, it's not very legible
14 because the photo is not very good, but I'm going to ask my colleague to zoom in.
15 You can see a stamp here. Here. You can see it says "the President". You can -- it
16 seems to be the High Court of Mbaïki. It's very, very pale, very difficult to see, but
17 it's there.

18 A. [14:56:11] Yes, 086/03 in May -- in -- it's clear. I can see it, madam. Yes, I can
19 see it, madam.

20 Q. [14:56:24] Wait a moment. Can you see there are two initials?

21 A. [14:56:32] Yes, yes, yes, I see.

22 Q. [14:56:35] On the right-hand side, there is an initial, that is the general
23 secretary --

24 THE INTERPRETER: [14:56:45] Says the witness.

25 THE WITNESS: [14:56:46](Interpretation) The secretary general, he's passed away.

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1 But the other one I don't know.

2 MS DIMITRI: [14:56:53](Interpretation)

3 Q. [14:56:57] Now at the bottom of that page, I want my colleague to show the
4 entire document so we can see your stamp and your signature.

5 A. [14:57:08] Yes.

6 Q. [14:57:09] So do you agree that this counterfoil is an authentic birth certificate
7 coming from the *mairie*, town hall?

8 A. [14:57:23] That is correct, madam.

9 Q. [14:57:26] Just bear it -- remember the number 86/03, that is the reference
10 number. I'm going to show you another document, tab 55 of the Defence binder.
11 Can you see we have the (Redacted)

12 (Redacted), 86/03, the same number, then the son of Jean-Claude Didier Beninga;
13 whereas, this is a different child.

14 A. [14:58:03] You are absolutely right, madam. You are right.

15 Q. [14:58:08] Am I right in saying that this certificate which you can see now,
16 (Redacted), there's a problem with that certificate as well?

17 A. [14:58:20] Yes. Because the number is the same, but no, no, no, you're
18 absolutely right, madam.

19 Q. [14:58:30] Once again, I'm going to ask you to look -- pay particular attention to
20 the number that's written, which is written within the stamp. There's a stamp with
21 a scale where it says "72". (Redacted)

22 (Redacted). Just remember that
23 because we are going to come back to that.

24 A. [14:58:57] Okay.

25 Q. [14:59:01] Mr Okoa-Penguia, with a scale --

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1 A. [14:59:20] This is not the stamp of the town hall of Pissa.

2 Q. [14:59:23] Have you seen this before?

3 A. [14:59:25] No. It's not part of our service.

4 Q. [14:59:31] Once again, just so that we are very clear, this certificate of birth, this
5 birth certificate on the screen as well as the two other certificates which I showed you
6 (Redacted) by the Defence

7 team, but by the OTP in 2020, on the very same day, and the three certificates were
8 obtained on the same day in 2020. This is tab 58 for -- CAR-OTP...

9 PRESIDING JUDGE SCHMITT: [15:00:11] In the meantime, Ms Galupa.

10 MS GALUPA: [15:00:20] Thank you, Mr President. I think in all fairness -- because
11 the witness said not to know this stamp, maybe we should also go -- scroll down
12 towards the bottom of the document to --

13 PRESIDING JUDGE SCHMITT: [15:00:27] No problem with that, indeed, yeah, we
14 do that. Thank you.

15 MS DIMITRI: [15:00:32] Can I just finish my ERN number because I got interrupted
16 before -- sorry.

17 PRESIDING JUDGE SCHMITT: [15:00:37] Yes, but I interrupted you, so it was --

18 MS DIMITRI: [15:00:46] No problem at all.

19 PRESIDING JUDGE SCHMITT: [15:00:47] -- on me.

20 MS DIMITRI: [15:00:48] No problem. Tab 68, CAR-OTP-2126-0385.

21 PRESIDING JUDGE SCHMITT: [15:00:55] And perhaps we can now scroll down.

22 MS DIMITRI: [15:00:59](Interpretation)

23 Q. [15:00:59] Well, just like the two other birth certificates from the Mavode family,
24 this certificate contains the stamp of the Pissa registrar, your name, your stamp and
25 also your signature. Can you see that?

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1 A. [15:01:20] Yes.

2 Q. [15:01:23] Does that jog your memory as regards the moment (Redacted)

3 (Redacted)-- does that jog your

4 memory when you signed those three birth certificates?

5 A. [15:01:40] That refreshes my memory, madam. And I can tell you that in 2020

6 already, there was -- there's the project of ESF and, by way of information, some of

7 those children were sent to (Redacted)

8 (Redacted) pressure on the NGO of *Enfants Sans Frontières* to say, "Quick, quick,

9 quick, do something quickly so that these children have the necessary documents."

10 So they moved outside the legal framework. It was because pressure was exerted

11 and we needed to have certificates, madam. That's why you have to understand the

12 situation, but the children from the same family and those who were

13 outside - because all the others who are there, who are delinquents,

14 unemployed - had wanted to leave the Central African problem. That was the

15 reasoning for these documents, madam.

16 Q. [15:02:57] They put pressure on the officials of *Enfants Sans Frontières*. Who do

17 you mean by the officials of the *Enfants Sans Frontières*, who are you talking about?

18 A. [15:03:22] Didier Beninga, who was the supervisor of the children -- or rather,

19 the supervisor of *Enfants Sans Frontières*. There was another fellow, I've forgotten his

20 name, but I saw his photograph the other day. But it was an opportunity for these

21 children who had been chosen by the NGO, to update their identity cards so they

22 could get the necessary papers, so that they could leave the Central African Republic,

23 ma'am.

24 You see, everything -- you see, the service of the municipality was doing all the work.

25 I didn't want -- you see, these were all children from the centre of Pissa, including

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1 these children of my niece, Marcelline.

2 Q. [15:04:24] You say everything was done, or you did everything because the
3 other ones who are out there are delinquents and unemployed, they'll have an
4 opportunity to leave the Central African Republic.

5 Am I to understand that anything was to be done to relocate these delinquents and
6 unemployed people?

7 A. [15:04:51] No, not exactly. They were recognised to be the NGO, and this was
8 a path that they could take so that they could leave. No, no, no. Delinquents and
9 unemployed people -- to get them out of the Republic, no, they were within the NGO.

10 Q. [15:05:18] You mentioned Didier Beninga and the other person. Could you try
11 to remember the name of this other person? Did that other person work for *Enfants*
12 *Sans Frontières*?

13 A. [15:05:36] I can't really remember his name. The one who was second in
14 command to the president of the association called *Enfants Sans Frontières*. He was
15 the person who was in charge of the NGO in Lobaye, and for them, they were
16 working for these children who were with the NGO, *Enfants Sans Frontières*.
17 Unfortunately, things didn't go all that well.

18 PRESIDING JUDGE SCHMITT: [15:06:03] Ms Dimitri, you may, to refresh the
19 witness's memory, you may put a name to the witness.

20 MS DIMITRI: [15:06:10] Thank you, Mr President.

21 Q. [15:06:12](Interpretation) Kevin Mborolo, does that ring a bell? Kevin
22 Mborolo?

23 A. [15:06:18] Yes, yes, yes, indeed. Yes, that's him.

24 Q. [15:06:24] I'd now like to show you another birth certificate, the fourth birth
25 certificate from this family, obtained under the same circumstances, the Mavode

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1 family. But before I show the birth certificate to you, I'll show you two other
2 documents, okay?

3 First of all, tab 54, CAR-D29-0016-0002.

4 Do you recognise your niece, Candide? I acknowledge that there's a lot of filters and
5 make-up.

6 A. [15:07:25] Yes, that's her. I know her.

7 Q. [15:07:28] Sir, I'd now like to show you tab 63, CAR-D29-0013-0100. And this is
8 the baptism card of Juliana Mavode, your niece. Were you present at her baptism?

9 I'll ask my colleague to go to the next page, born in 19 --

10 THE INTERPRETER: [15:08:08] Correction --

11 MS DIMITRI: [15:08:09](Interpretation)

12 Q. [15:08:10] -- in 1992. Remember that date. Were you at her baptism?

13 A. [15:08:16] The mayor goes to all such ceremonies. I'm sorry, maybe I was at the
14 baptism. The mayor is supposed to go. I'm a local authority. I didn't
15 necessarily -- I don't necessarily go to a baptism such as this one.

16 Q. [15:08:47] For the record, tab 64, we don't have to show it to the witness, actually,
17 but line 1524, CAR-D29-0014-0068. Now, sir, I would like to show you another
18 Facebook page, CAR-OTP-... Tab 66 of the Defence binder. Tab 66.

19 Do you recognise your niece, Juliana Mavode?

20 A. [15:09:38] Yes. Yes, that's her, that's her. Indeed, that is her.

21 Q. [15:09:51] Tab 65. Now, this is her Facebook page, and then at -- this is tab 66.
22 At the bottom of the page, you can see she indicates that she was born in 1992, the
23 same year as we saw on the baptismal card. So please remember that date -- that
24 year, 1992.

25 And I'd like to show you a document signed by a neighbourhood leader, tab 61 of the

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1 Defence binder, CAR-D29-0013-0145.

2 A. [15:10:59] "Je, soussigné, Voyemakoa Célestin, chef de village, que Mokotamba

3 [...] Atteste sa [décision]. Mavode Candide est née... âgée de (inaudible) Nom du

4 Père: Mavode Adrien. Nom de la Mère: Poutou Marcelline."

5 PRESIDING JUDGE SCHMITT: [15:11:05] Scroll it down, perhaps so...

6 THE WITNESS: [15:11:21](Interpretation) This is -- was this done by

7 a neighbourhood leader?

8 THE INTERPRETER: [15:11:25] Correction --

9 THE WITNESS: [15:11:27](Interpretation) -- statement. This was a document

10 prepared by a neighbourhood leader.

11 MS DIMITRI: [15:11:30](Interpretation)

12 * Q. [15:11:31] The date of birth is 31 May 2001, but the parish records show 1992...

13 A. [15:11:38] Yes

14 Q. [15:11:38] ... and the Facebook page of your niece, which you recognised, states

15 that she was born in 1992.

16 A. [15:11:41] That's right.

17 Q. [15:11:49] Why does this indicate that she was born in 2001?

18 A. [15:11:52] No idea. Am I to go and negotiate with a neighbourhood leader, go

19 out into the neighbourhood for that? These things are handled at the town hall.

20 (Overlapping microphones)

21 PRESIDING JUDGE SCHMITT: [15:12:10] Mr Okoa-Penguia, since it is your niece,

22 perhaps you do not know exactly the age, but how old is she? What do you think?

23 Or perhaps you know?

24 MS DIMITRI: [15:12:18] No, I was going to ask today or in 2014?

25 PRESIDING JUDGE SCHMITT: [15:12:21] Today.

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1 MS DIMITRI: [15:12:22] Today.

2 PRESIDING JUDGE SCHMITT: [15:12:23] Today, how old is she? If you know?

3 So Mr Okoa-Penguia, if you know the age of your niece, roughly, then please --

4 THE WITNESS: [15:12:43](Interpretation) *Oui* --

5 PRESIDING JUDGE SCHMITT: [15:12:44] -- tell us.

6 MS DIMITRI: [15:12:43](Interpretation)

7 Q. [15:12:44] The -- it's not me speaking to you, you may hear --

8 A. [15:12:45] I said -- I said this. You see, it's the same family, and what we see
9 here and there, it's because that one, through the NGO, she was able to get out and
10 the message stayed in the same family to tell the others, so on and so forth. That is
11 why they went so far as to go to the neighbourhood leader or chief to get this
12 attestation.

13 She was born in '92. This -- this makes me uncomfortable. This makes me
14 uncomfortable. If you leave the commune of Pissa and go out to the various villages,
15 there are more than 60 villages. This is all about some negotiations between
16 Mr Yekatom and the representative of *Enfants Sans Frontières*; so they had to negotiate.
17 And the kids had to get their birth certificates quickly.

18 So what can I tell you, ma'am? What sort of answer can I give you? You're there,
19 you have all the birth certificates of the children, and these are birth certificates for
20 kids born in Pissa. These are all kids from Pissa. But, you know, we have 61
21 different villages; so outside of Pissa, the villages, okay, I can understand.

22 PRESIDING JUDGE SCHMITT: [15:14:26] I think we have enough information on
23 that. You can move on.

24 MS DIMITRI: [15:14:31] (Interpretation)

25 Q. [15:14:33] If we could have a look at tab 24 of the OTP binder,

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1 CAR-OTP-2126-0415. This is a birth certificate, apparently issued by the Pissa civil
2 registry and it bears a number "68/01", and this is for your niece, Juliana Candide
3 Mavode.

4 You can see the mother's name, Marcelline Poutou. And she was born in -- in 2001.
5 Although, you have just told us that it was '92, and I can see your stamp and your
6 signature and the stamp of the civil registrar of Pissa.

7 If we could scroll up to the very top.

8 * Do you remember, sir, I asked you to remember various numbers...

9 MS DIMITRI: [15:15:42](Interpretation)

10 Q. [15:15:43] -- 72, 73, 74 written on the irregular birth certificates of other children
11 from the Mavode family which had the numbers 72, 73, 74 and the stamp which is the
12 scales, which you didn't recognize.

13 So do we agree that there's a problem with this birth certificate here?

14 A. [15:16:15] Yes. When I look at the stamp, I say to myself, no, no, no. On the
15 other side, I see the stamp of the President of the High Court. But to the right, no,
16 ma'am, no. The only family -- that's the only family for which there are irregular
17 documents and that's not a good thing, ma'am.

18 Q. [15:16:48] I would like to ask my colleague to put up the four birth certificates at
19 the same time so we can compare. The four birth certificates that you have up on the
20 screen in front of you.

21 A. [15:17:06] They are all from the Mavode family.

22 Q. [15:17:09] They are all from the same family.

23 THE INTERPRETER: [15:17:15] The witness says --

24 THE WITNESS: [15:17:16](Interpretation) Irregular stamps.

25 MS DIMITRI: [15:17:22](Interpretation)

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1 Q. [15:17:23] Irregular. And we see "71, 72, 73, 74".

2 Do you agree with me that now, given the irregularity of the stamps, it's also irregular
3 to see that four children born in different years --

4 A. [15:17:45] Mm-hmm.

5 Q. [15:17:46] -- have sequential numbers. We have gone through the procedure
6 for attributing reference numbers and the sheets of paper in a register --

7 A. [15:18:02] Not the same --

8 Q. [15:18:03] You agree with me that on the one hand, there is a problem because
9 four children born in different years should not all be found in the same register with
10 sequential numbers, am I right?

11 A. [15:18:22] You are right, but I don't think these are taken from the same
12 register -- not taken from the same register. You are correct, ma'am.

13 Q. [15:18:33] And you agree with me, Mr Okoa-Penguia, that the other irregularity
14 that we find on these four certificates is that when a child has -- or a citizen or
15 a parent goes to the town hall because here, she has lost the original birth certificate,
16 normally you issue a duplicate birth certificate, because we established during your
17 testimony, you can't have two originals. If you lose the original, you obtain
18 a duplicate certificate like the two duplicate certificates collected by the Defence team
19 that you recognised as being authentic. Am I right?

20 A. [15:19:29] You are right. All of this is irregular. I can see all of this, this
21 doesn't add up. All these children from the same family, this is not a good thing.

22 Q. [15:19:48] And out of curiosity, sir, do you recognise the writing on these four
23 irregular birth certificates?

24 A. [15:20:01] Yes, it's the same. It's the one who did -- it's the same person who
25 did all of this. I can see that.

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1 Q. [15:20:13] I want to be completely transparent with you, sir.

2 A. [15:20:19] Yes.

3 Q. [15:20:21] I've explained to you that these four birth certificates were provided
4 pursuant to an investigation report from the OTP, because the OTP investigators got
5 these four birth certificates in 2020. I referred to the report earlier, tab 68. And,
6 according to that report, Marcelline herself obtained these four birth certificates.

7 My question: Do you remember whether it was her who approached you to get these
8 birth certificates and your stamp and your signature, or was it someone else who
9 came and approached you to obtain these birth certificates, your stamp and your
10 sign- -- ?

11 A. [15:21:34] Thank you. You're talking about 2020. I spoke to the investigators
12 in Bangui in 2018. One thing came out: Mavode Candide. And then the
13 information, she asked her mother to approach the municipal service so that her
14 brothers and sisters could receive birth certificates for their files.
15 She did not approach -- she did not approach me. This work was done with the
16 section, but the register was submitted to the mayor and I signed and, once it went
17 further up, that's when it became irregular. But there was -- there wasn't any
18 negotiating.

19 (Redacted)

20 (Redacted)

21 (Redacted)-- travelling. So there's a problem, ma'am.

22 MS DIMITRI: [15:23:09] Mr President, if I could -- given the amount of information,
23 if I could have a moment, please, to --

24 PRESIDING JUDGE SCHMITT: [15:23:14] Of course, take your time, yes.

25 MS DIMITRI: [15:23:15] Thank you.

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1 (Counsel confers)

2 MS DIMITRI: [15:24:15](Interpretation)

3 Q. [15:24:16] Mr Witness, do you know whether -- well, we saw that the ages were
4 reduced. We saw that there was a difference between the various irregular birth
5 certificates that you have on the screen in front of you. And they are four -- well, the
6 ages have been reduced by nine years; 15 years for Raoul; in one case, the person was
7 born in '92.

8 Do you know whether the ages were reduced in the irregular birth certificates for the
9 needs of the NGO, *Enfants Sans Frontières*?

10 A. [15:25:04] Not at all. Not at all. It is the official of *Enfants Sans Frontières* who
11 could give you the information. The negotiations between --

12 Q. [15:25:15] So you don't know why?

13 A. [15:25:17] Exactly. I don't know why.

14 Q. [15:25:33] In recent years, sir, this year, or last year, have you learned about a
15 bus from Pissa full of children who were leaving Pissa? Young people leaving Pissa
16 to go to Bangui for meetings about the charges against Mr Yekatom? Have you
17 heard about that?

18 A. [15:26:07] The buses? From -- going from Pissa to Bangui? I didn't -- I didn't
19 know about that, ma'am.

20 Q. [15:26:16] Very well. I'd like to show you another document and given what
21 we've just said - and since you did not recognise the stamp with the scales, the blue
22 stamp - I'd like to show you something else and I want to be completely transparent.
23 This is another birth certificate and before we show you this birth certificate, I'd like to
24 tell you that it was not obtained at the Pissa town hall. It was obtained directly from
25 the person in question. The person handed over to my Defence team this particular

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1 birth certificate; so this is not a photograph that we took at the town hall like the
2 others ones. But I need you to help me understand this birth certificate. This is tab
3 75, CAR-D29-0013-0087.

4 This is a birth certificate of "GODOMOKOMA Horis". At the top, do you see the
5 same stamp? The blue stamp with the scales of justice that you saw. You said that
6 you didn't recognise this stamp, and it was also on the other birth certificates from the
7 Mavode family.

8 Isn't this a stamp that is available at the Pissa town hall? Do you agree?

9 A. [15:28:18] Yes, yes.

10 Q. [15:28:31] I'm not going to ask you whether this is authentic or not, but do you
11 agree with me that Godomokoma, Horis is from Pissa?

12 A. [15:28:44] Yes, he's from Pissa. All of these people are children from Pissa.
13 They're all kids from Pissa.

14 (Counsel confers)

15 Q. [15:29:05] Mr Okoa-Penguia, if we could just scroll down to the bottom. Do
16 you recognise your signature and your stamp?

17 A. [15:29:15] Yes.

18 Q. [15:29:16] Do you remember the circumstances under which you signed this
19 certificate which contains the same problematic stamp at the top?

20 A. [15:29:29] No, no, no. I can see the stamp of the town hall, yes.

21 Q. [15:29:36] That is indeed your signature?

22 A. [15:29:38] Yes, that's me.

23 Q. [15:29:42] The document can now be taken off the screen. Thank you.

24 You mentioned that in 2018, you were interviewed by the OTP investigators and I
25 suppose that you remember there was an English-speaking investigator who

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1 questioned you at the time. Do you remember?

2 A. [15:30:09] Very well.

3 Q. [15:30:10] At any time did this person ask to have access or to consult the
4 registers of the Pissa town hall?

5 A. [15:30:21] The one who came in 2018?

6 Q. [15:30:24] Yes.

7 A. [15:30:26] July 2018?

8 Q. [15:30:28] Yes?

9 A. [15:30:30] He consulted the Pissa --

10 Q. [15:30:34] No, that's not what I'm suggesting, not at all. I'm asking you
11 whether he asked you -- did he say to you, "Mr Mayor, can I look at...?" Or did he
12 not ask you?

13 A. [15:30:48] The registers are there. You've been there. You were able to consult
14 the registers and do research.

15 Q. [15:31:01] Yes, but you're not answering my question. I did consult the
16 registers, I did the research. Did the OTP make the same request? Did they go and
17 look at the registers at the Pissa town hall?

18 A. [15:31:20] (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [15:31:20] Mr --
20 (Overlapping speakers)

21 MS DIMITRI: [15:31:22] *Attendez, attendez, attendez.*

22 PRESIDING JUDGE SCHMITT: [15:31:21] Ms Galupa.

23 MS GALUPA: [15:31:25] Thank you, Mr President. I just want to make a precision
24 and an objection at the same time. We need to go through the formal channels to
25 request for assistance and this is not necessarily the procedure that the Office of the

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1 Prosecutor has in place when consulting --

2 PRESIDING JUDGE SCHMITT: [15:31:36] Well, let me ask the witness.

3 Mr Witness, there is a difference obviously, people can obtain these records without
4 involving you, is that correct? It's simply a yes or no? Or do they necessarily have
5 to involve you?

6 THE WITNESS: [15:31:56](Interpretation) The documents, it doesn't necessarily have
7 to go through -- through me. No, it has to go through me.

8 PRESIDING JUDGE SCHMITT: [15:32:06] So the question was, if you recall that
9 when you were interviewed by the Prosecution at the time, that they asked you for
10 these documents or that they have access to these documents? I personally have
11 understood that they have not asked you, but this leaves the possibility open that
12 they went through another channel; so -- but do you recall if they asked you --

13 THE WITNESS: [15:32:33] *Voilà*.

14 PRESIDING JUDGE SCHMITT: [15:32:34] Yes, okay.

15 THE WITNESS: [15:32:35](Interpretation) There we go. No, they didn't ask me the
16 question. They didn't ask me the question to have access to the archives of the
17 registry of the municipality.

18 PRESIDING JUDGE SCHMITT: [15:32:44] Thank you.

19 Ms Dimitri.

20 MS DIMITRI: [15:32:48] Thank you, Mr President.

21 Q. [15:32:53](Interpretation) Mr Okoa-Penguia, thank you very much for your
22 patience, for your cooperation. I have no further questions.

23 MS DIMITRI: [15:32:55] Thank you, Mr President.

24 PRESIDING JUDGE SCHMITT: [15:33:01] Thank you very much.

25 I just have to answer here, because it's about a redaction request. Let me have -- just

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1 give me a second.

2 Yes, Ms Galupa, do you have any further questions?

3 MS GALUPA: [15:33:14] I do have a few further questions, your Honour. It won't
4 take long, I --

5 PRESIDING JUDGE SCHMITT: [15:33:19] Yes, and we will observe that very
6 critically, to put it this way -- no, with a twinkle in my eye, but you -- yes, you're
7 aware. Okay, please start, simply.

8 MS GALUPA: [15:33:32] Thank you. I will just set some things up --

9 PRESIDING JUDGE SCHMITT: [15:33:35] Yes, absolutely.

10 MS GALUPA: [15:33:36] Thank you.

11 PRESIDING JUDGE SCHMITT: [15:33:37] Take your time.

12 No questions, please, about where -- I would say, where the information that could be
13 provided by the witness could be -- does not have so much to do with facts, but with
14 opinions and thinks like that. Mr Vanderpuye is nodding. You understand what I
15 mean by that. Okay, thank you. Because we have a witness -- it's for the witness
16 now who has a lot of information, strong facts to deliver and we will only allow
17 questions and we want only to hear questions in that regard.

18 THE WITNESS: [15:34:18](Interpretation) Thank you. Thank you, very much.

19 MS GALUPA: [15:34:20] Understood. Thank you, Mr President.

20 QUESTIONED BY MS GALUPA: (Interpretation)

21 Q. [15:34:28] Hello, again, I'm going to ask you some questions of clarification.

22 Well, firstly, to go back to the last point of the co-counsel for the Defence. Now, after
23 having taken contact with the OTP in July 2018, is it correct that you had to have
24 authorisation to meet and talk to the OTP?

25 A. [15:34:52] Yes, yes, yes. That's what I said in the beginning. They said the

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1 ICC team wants to meet me so that I can provide information. And I said to them, "I
2 am available." But because of administration, ... have ... given a written letter to the
3 ministry. And they wrote to the ministry. And the ministry provided
4 authorisation for the hearing, and once I received the authorisation, I approached
5 them.

6 For each question -- each time they came to me, we had an exchange, and each time
7 they asked me a question, I answered perhaps three or four times. And what I
8 noticed is that a team of ICC came to Pissa, and I received this team in my office, in
9 my bureau. We had exchanges with the ICC there. It was a good atmosphere, and
10 I saw they had come to work for the Pissa municipality; so -- well, I had no problems
11 with that at all.

12 Q. [15:36:15] Thank you very much.

13 I'm now going to talk about some topics which you already raised today with my
14 co-counsel for the Defence. Firstly, I would like to ask you a question very specific
15 as regards the birth notices.

16 Today at 10:30, you said that normally speaking, a registrar must put a stamp at the
17 bottom on a birth notice. Is that not what you said?

18 A. [15:36:50] No, it's not that.

19 Q. [15:36:53] Could you perhaps explain what you mean when you say an official
20 stamp from the civil registrar on the birth notice?

21 A. [15:37:01] I said that the birth, which is declared in a health environment, it's the
22 person who's the head of that or the midwife or the matron who helped with the
23 delivery who puts the stamp of their service at the bottom of the birth notice. We
24 call that a birth notice. And that birth notice is taken to the town hall for the
25 transcription so that there can be a birth certificate.

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1 That's the procedure, madam.

2 Q. [15:37:38] I also have your statement where you said that the civil registrar puts
3 their stamp at the bottom, once all the writing has been filled out, after that he puts
4 the stamp. What must I understand?

5 A. [15:37:52] There is a difference between a birth notice and a birth certificate.
6 Generally speaking, as I said in the beginning, the minister of public health
7 distributed in all the health centres what we call a delivery register, a registry for
8 delivery. It's a very bulky register; so each time there is a delivery, then it is
9 recorded there. And then the head of that health centre says on the birth notice all
10 their information and this is transmitted to the town hall, so that a birth certificate can
11 be issued. That's it.

12 Q. [15:38:46] Very well. I'd like to talk about the two documents which you saw
13 with my co-counsel for Defence at 12:21, which has a small stamp, with the
14 amendment or rectification in the beginning. The Defence explained to you the
15 similar elements of those two documents. I would like to display 66, from the
16 Defence binder, CAR-OTP- -- CAR-D29-0013-0087.

17 THE INTERPRETER: [15:39:34] Correction: 0077.

18 MS GALUPA: [15:39:50](Interpretation) Just to repeat the number of the document,
19 this is CAR-D29-0013-0097. And I think this is 67 of the Defence binder --

20 THE INTERPRETER: [15:40:40] Correction from the English booth: it is tab 76.

21 MS GALUPA: [15:40:48](Interpretation)

22 Q. [15:40:49] Can you see it displayed on the screen?

23 A. [15:40:51] *Oui*.

24 Q. [15:40:52] Very well. So on the right-hand side of the document, you can see
25 written "80" written by hand. And I would like to focus on the birth date of that

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1 document.

2 If we can go down a bit.

3 The birth date written by hand is 29 July 1994.

4 PRESIDING JUDGE SCHMITT: [15:41:23] So there seems to be "28 July 1995", yes,
5 indeed.

6 MS GALUPA: [15:41:32] For the declaration. (Interpretation) For the declaration of
7 the birth --

8 PRESIDING JUDGE SCHMITT: [15:41:37] For the declaration, excuse me, yes, you
9 are right.

10 MS GALUPA: [15:41:40] 1995, and for the birth date, it was 1994. And if we can go
11 now to --

12 Q. [15:41:48](Interpretation) If we could now go to 97. CAR-D29-0013-0247. So
13 there you go. Now, you have the second document about the same person where
14 you said earlier today that this is an authentic document of a certificate -- a genuine
15 birth certificate.

16 Now, all these documents with the rectifying stamp, can you -- how do you explain
17 that the birth date written by hand here is 29 July '95, so one year later?

18 A. [15:43:13] We say that this is a statement that's made after the birth. But I'm
19 telling you, if you look on the left-hand side, if you see that stamp, it is that from the
20 President of the High Court; so he initialled it and the rectifying information -- the
21 stamp is not from the town hall, because the stamp of the High Court takes
22 precedence. This is from the High Court of Mbaiki, and he issues also birth
23 certificates. But the corrective information comes from him. Let me say, for
24 example, right now, in CAR, there's a serious problem with the issuing of national
25 identity cards and the population has requested that swift action should be taking

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1 place and -- so they have access to an ID card.

2 But for that document, the services of the police who deal with immigration, they
3 have to look at all the files carefully. They did not want to deliver incorrect
4 documents so that foreigners can acquire Central African nationality.

5 Q. [15:44:50] I understand. But we just saw that here, we are talking about the
6 same person, Godomokoma; whereas, in two different documents, there's a date
7 which is different. I showed you this problem -- this irregularity. I would like to
8 know how it can happen and if both are valid? Or if you have some sort of
9 explanation for it.

10 A. [15:45:18] What I can tell you is that the High Court stamp is there and has been
11 transcribed and is signed by the mayor. Now, if you look at the previous certificate,
12 and it's outside the town hall, then it's no longer the problem of the town hall. You
13 can see here it's the stamp of the High Court. That shows you the authenticity. We
14 have trust in the President of the High Court, madam.

15 Q. [15:45:53] Fine. So the irregularity, you say, this is an irregularity on the
16 second document?

17 A. [15:46:02] Which one do you mean? I can see 80/95. I see 80/95. It's 29 July
18 1994. So this means that the birth was declared later, it was declared at a later stage
19 and that's where the problems crop up. And when this happens, you have to refer it
20 to the courts in order to have a supplementary judgment, because it is the court that
21 issues the certificate of a supplementary judgment and then they come to the town
22 hall so that we can transcribe the supplementary judgment.
23 But you know we are in a rural area, and it's difficult for people to understand what
24 they have to do for -- for them. There's a lot of criticism or... It's important for us to
25 make people more aware so that they know what's happened.

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1 Look, madam, what -- here, we had an attestation signed by a leader of
2 a neighbourhood. He doesn't have that necessary competence. He should send
3 that to the town hall so that they can issue a birth certificate to the daughter.

4 PRESIDING JUDGE SCHMITT: [15:47:30] Ms Galupa, so we have -- or we see that
5 it's not the same, you can label it an irregularity, we don't know why. So this a
6 known unknown.

7 MS GALUPA: [15:47:50] That's my last question to him --

8 PRESIDING JUDGE SCHMITT: [15:47:52] Okay.

9 MS GALUPA: [15:47:53] -- on this topic. I do have another small topic.

10 PRESIDING JUDGE SCHMITT: [15:47:54] Okay, good, please. But you know
11 it's -- actually, the witness has provided an explanation, if you will, yes, and this can
12 simply happen. Please, Ms Galupa.

13 THE WITNESS: [15:48:06](Interpretation) Thank you. Thank you. Thank you.

14 MS GALUPA: [15:48:09](Interpretation)

15 Q. [15:48:10] Mr Okoa-Penguia, if the date of birth is 1994 and the date is declared
16 in 1995, generally speaking, it has to have a different process which requires
17 a supplementary judgment?

18 A. [15:48:26] That's indeed the case. Let me tell you how you find the certificates
19 of the Pissa town hall, but if you have to go to the other -- Batalimo, Mbata,
20 Mongoumba et cetera, you won't have all that information which we have here.
21 Pissa did its utmost to have that information, and if you go to the archives of the town
22 hall of Pissa, we had made available the documents; that's why we have the
23 documents.

24 We have the goodwill to do that. Generally speaking, in the family, the birth of
25 a child must be declared two -- in the -- within two months after the birth, you have to

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1 go to the town hall. But there are children who would be even five years, 10 years,
2 20 years without their parents declaring their existence to the town hall.
3 Now -- if now, we could register these children in school, they will ask for their birth
4 certificate, and that's the problem. If they come towards us to ask us or to issue
5 a birth certificate so that the child can go to school, then they need the birth certificate
6 to go to school, and from that moment onwards, the government has said that we
7 have to issue a birth certificate to those children. We have to give it to them for free
8 because we noticed that during the crisis which we faced, many of the archives were
9 in disorder.

10 So if you arrive in the town hall of Pissa, you're lucky enough, you will have these
11 documents. So thank you very much.

12 Q. [15:50:26] I thank you.

13 This is my last question -- perhaps, two or three, but they are on the same subject.
14 Today, about noon -- *midi* -- 12:01, you talked of Giscard Godomokoma as your
15 registrar, your civil registrar. I would like to know when he started to work as a civil
16 registrar with you?

17 A. [15:50:55] Maybe 10 years ago. Maybe 10 years he's been with the town hall.

18 Q. [15:51:03] If I understand correctly, he didn't work in the town hall before?

19 A. [15:51:08] No, before that, he wasn't at the town hall. As regards staff for the
20 town hall, the central administration faces some problem. Generally speaking, it's
21 the central administration who must train the civil registrars and the heads of service,
22 also for accounting and the general secretaries for the municipalities and then
23 dispatch them. Because they need to understand the system, we need to help them,
24 and so when they go to the various municipalities, they can work their way in.
25 But unfortunately we have worries and the young people who are in these areas; for

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1 example, Godomokoma, he has his school leaving certificate. And we asked for new
2 recruits, we wanted new young people and so he was included in the town hall staff.
3 The same thing for the health centres.

4 In principle, it's the central administration who should train --

5 PRESIDING JUDGE SCHMITT: [15:52:20] You have answered the question.

6 THE WITNESS: [15:52:21] Okay.

7 PRESIDING JUDGE SCHMITT: [15:52:22] Mr Witness, you have answered the
8 question with a lot of additional information. Thank you very much.

9 Ms Galupa.

10 MS GALUPA: [15:52:29] Thank you.

11 Q. [15:52:30] (Interpretation) Sir, thank you very much.

12 The reason why I asked you this question is because earlier today, you recognised the
13 writing on a birth certificate which was admitted by the Defence today in -- at 12:57.

14 I'd like to show you the document again and I have a question I'd like to put to you.

15 So the document is tab 74, CAR-D29-0013-0081.

16 A. [15:53:19] Yes, that's his writing.

17 Q. [15:53:23] Thank you.

18 I'd like to know how is it possible that the writing of Giscard Godomokoma appears
19 on a document which was issued in '97, bearing in mind that he worked in the town
20 hall of Pissa since 2013, as you said, 10 years ago?

21 A. [15:53:48] As I said, madam, for births, because citizens who come and who
22 need to have a birth certificate, it means you have to do everything to do -- to provide
23 them with a birth certificate. Because the -- he wasn't declared on the date of his
24 birth, but here, they asked for the stamp and all that so that they could have a
25 certificate. And it is the health certificate that will give that certificate. You can see

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1 the parents fill it in and hand it over to the town hall. Even if he wasn't in the service,
2 it's -- it's the administration who does that. The essential bit is that the citizen has
3 some sort of birth certificate.

4 Q. [15:54:41] Thank you very much, Mr Okoa-Penguia.

5 This is my final question.

6 A. [15:54:48] Thank you very much.

7 PRESIDING JUDGE SCHMITT: [15:54:49] Thank you, Ms Galupa.

8 Now, the Presiding Judge is addressing you, Mr Okoa-Penguia.

9 This concludes your testimony, Mr Okoa-Penguia. On behalf of the Chamber, I
10 would like to thank you that you came to this Court and provided us with a lot of
11 information, answering patiently a lot of questions over several days.

12 It is important for this Court to have witnesses that not only are willing to testify, but
13 also, in your case, to testify openly so that other people can hear what is being said.

14 This contributes largely not only to the determination of the truth, but also to the
15 transparency of the proceedings.

16 On behalf of the Chamber, I would like to wish you a safe trip back home.

17 THE WITNESS: [15:55:44](Interpretation) Before leaving, I'd like to talk to you as
18 well.

19 I would like to give you all my compliments. I thank you. I really thank you.

20 Thank you very much. You know, on this earth, there is the justice from God, but
21 the institutions which you have the honour of being part of is the second line of
22 justice after God.

23 I think the people of the Central African Republic support you in your efforts and will
24 give a true rendition of what happened so that from now onwards, the international
25 court has opened its eyes to the crisis and the repeated crisis in the Central African

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1 Republic.

2 I wish you a lot of courage and success for this. I said this in the very beginning, I
3 was -- I know you asked me to return safely to my country, but if you allow me, since
4 I've arrived here, I've heard no one talk about Ngaïssona. I haven't heard anything
5 about Patrice Ngaïssona and -- but I, as a Central African, I see him, I see him here in
6 the court.

7 He is a good person. He did a lot of for the country. He was very responsible in
8 the jobs he did. He was an economic operator. It's a gentleman, who, within the
9 framework of sports, he did a lot that the sports in the Central African Republic went
10 forward. He was the president of the Central African federation of football, and I
11 was the president of the league of football in Lobaye.

12 He helped all the leagues in the Central African Republic. He did a lot for sports in
13 the Central African Republic. But I'm not going to force you in any direction. You
14 must do your work.

15 But please, hear our call for help. It's extremely important (remainder of
16 intervention inaudible).

17 PRESIDING JUDGE SCHMITT: [15:58:03] Thank you very much, Mr --

18 THE WITNESS: [15:58:04](Interpretation) It is extremely important that we have to
19 have peace back in the Central African Republic. An area like Ouham today, what's
20 happened to it? There's noble Central Africans somewhere who could return and
21 take part in the government because the government is trying to do something to
22 bring peace to the country, to have a peace agreement, to bring about national
23 reconciliation, justice, truth, reparations for the Central African Republic.

24 God will help you. God will help you. God will tell you, continue, because these
25 Africans have suffered too much. Those Africans have suffered too much. We've

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1 suffered too much.

2 Look, look, look at everything. Despite all the difficulties, I have reacted to your
3 invitation, but I congratulate you. I congratulate and thank the team in Bangui for
4 all the facilities they have provided, also here, and everything you've done for me.
5 Thank you very, very much. Thank you very much, your Honour. Thank you.

6 PRESIDING JUDGE SCHMITT: [15:59:16] We appreciate your words and your
7 thank you.

8 Mr Knoops shortly.

9 MR KNOOPS: [15:59:22] Yes, Mr President, it's his right -- actually, an unusual
10 situation that the witness at the end of his testimony mentions the name of
11 Mr Ngaïssona, and I ask permission from the Chamber to ask him one question,
12 because I think we are entitled to ask him a question now that he raises the person
13 and the acts of Mr Ngaïssona. Just one question.

14 PRESIDING JUDGE SCHMITT: [15:59:47] Yes, but, you know, yes, could you put it
15 as specific as possible.

16 MR KNOOPS: [15:59:54] Yes, actually, Mr President, the question to --

17 PRESIDING JUDGE SCHMITT: [16:00:03] And please, to induce a short answer --

18 MR KNOOPS: [16:00:06] Yes.

19 PRESIDING JUDGE SCHMITT: [16:00:07] -- that would be very nice of you --

20 MR KNOOPS: [16:00:08] Yes.

21 PRESIDING JUDGE SCHMITT: [16:00:09] -- because of the unusual situation,
22 indeed, I allow it, but I would really ask you to be --

23 MR KNOOPS: [16:00:11] Yes.

24 PRESIDING JUDGE SCHMITT: [16:00:12] -- as I said, as specific as possible.

25 MR KNOOPS: [16:00:13] Yes.

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1 PRESIDING JUDGE SCHMITT: [16:00:14] And you understand what I mean.

2 MR KNOOPS: [16:00:16] I understand, Mr President. Thank you very much.

3 QUESTIONED BY MR KNOOPS:

4 Q. [16:00:19] Mr Mayor, the reason why we didn't ask you any question about the
5 person, Mr Ngaïssona, is because you didn't went into his actions in your statement.

6 Now, at the end of your testimony, you --

7 A. [16:00:33] Okay.

8 Q. [16:00:33] -- you wondered why we didn't speak about Mr Ngaïssona. You
9 raised yourself his actions and you said he did much good for the country. Could
10 you very briefly --

11 A. [16:00:43] Mm-hmm.

12 Q. [16:00:44] -- tell the Chamber what you were referring at? If you say that
13 Mr Ngaïssona was a person who did --

14 PRESIDING JUDGE SCHMITT: [16:00:54] But he has done that already, Mr Knoops.
15 He has done that in his intervention --

16 MR KNOOPS: [16:00:56] Yes.

17 PRESIDING JUDGE SCHMITT: [16:00:57] -- I think.

18 MR KNOOPS: [16:00:58] It (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [16:00:59] He has mentioned it. No, I think that's
20 enough please, Mr Knoops, thank you.

21 So this -- and you know I have it on the transcript. He has said a lot. He has said a
22 lot in that regard.

23 So this concludes not only the testimony of this witness, also the hearing for today.

24 We continue tomorrow already with the next witness, which is P-1990. Thank you.

25 THE WITNESS: [16:01:30] *Merci beaucoup.*

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- 1 (The witness is excused)
- 2 THE COURT USHER: [16:01:31] All rise.
- 3 THE WITNESS: [16:01:34](Interpretation) Thank you. Thank you very much.
- 4 (The hearing ends in open session at 4.01 p.m.)