

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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 Thursday, 18 January 2024

10 (The hearing starts in open session at 9.32 a.m.)

11 THE COURT USHER: [9:32:19] All rise.

12 The International Criminal Court is now in session.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [9:32:31] Good morning, everyone.

15 Before -- first of all, good morning, Mr Witness. Are you fine today?

16 WITNESS: CAR-D29-P-6036 (On former oath)

17 (The witness speaks Sango)

18 (The witness gives evidence via video link)

19 THE WITNESS: [9:32:49](Interpretation) Good morning. I'm doing fine,

20 thank you.

21 PRESIDING JUDGE SCHMITT: [9:32:56] Well, that sounded promising, at

22 least from the -- let's say, from the tone.

23 Court Officer, please call the case.

24 THE COURT OFFICER: [9:33:05] Good morning, Mr President, your

25 Honours.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 The situation in the Central African Republic II, in the case of the Prosecutor
2 versus Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference
3 ICC-01/14-01/18.

4 And for the record, we are in open session.

5 THE COURT OFFICER: [9:33:20] Thank you. I ask for the appearance of the
6 parties.

7 Ms Wakchom first for the Prosecution.

8 MS WAKCHOM: [9:33:25] Thank you, your Honour. Good morning, your
9 Honours. Good morning to everyone. The composition of the Prosecution
10 team is the same as yesterday.

11 PRESIDING JUDGE SCHMITT: [9:33:38] Ms Massidda for the representatives
12 of the victims.

13 MS MASSIDDA: [9:33:40] Good morning, Mr President, your Honours. We
14 are in the same -- for the victims of the other crimes we are in the same
15 composition as yesterday, Ms Mouhia Asso and myself, Paolina Massidda.

16 PRESIDING JUDGE SCHMITT: [9:33:51] Mr Suprun is next.

17 MR SUPRUN: [9:33:52] Good morning, Mr President. Good morning your
18 Honours. Our team is in the same composition as yesterday. Thank you.

19 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you.

20 And I turn to Ms Dimitri.

21 MS DIMITRI: [9:34:03] Good morning, Mr President. Good morning, your
22 Honours. Good morning, everyone. Mr Yekatom is present in the
23 courtroom and is represented by the same team as yesterday.

24 PRESIDING JUDGE SCHMITT: Thank you.

25 Mr Knoops.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 MR KNOOPS: [9:34:16] Good morning, Mr President, your Honours. Good
2 morning everyone in the courtroom. We are in the same composition as
3 yesterday and Ms Ngaïssona is here in the courtroom as well. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:34:31] We continue with the
5 cross-examination by the Defence of Mr Yekatom. Ms Guissé has the floor.
6 May I ask you if you have an estimate, how long it will take?

7 MS GUISSÉ: [9:34:53](Interpretation) Your Honour, do forgive me. I was
8 just waiting for the interpretation to finish.

9 Well, on -- I should have finished in this morning's session, possibly
10 beforehand. But, well, it will really depend on how smoothly things go. But
11 that's the idea.

12 PRESIDING JUDGE SCHMITT: [9:35:11] Okay. Please continue.

13 MS GUISSÉ: [9:35:17](Interpretation) Thank you very much, your Honour.

14 QUESTIONED BY MS GUISSÉ: (Continuing) (Interpretation)

15 Q. [9:35:21] Good morning, Mr Witness. How are you today?

16 A. [9:35:26] Good morning. I am doing very well, thank you very much.

17 Q. [9:35:31] Perfect. All right, then, we will continue with the questions
18 that I have lined up for you. And as I was saying a moment ago to the
19 Presiding Judge, I should have finished in this morning's session.

20 Yesterday we stopped at the arrival of the Anti-Balaka in Pissa. So now I
21 would like to embark upon another topic altogether, namely the relationship
22 between the Anti-Balaka and the Pissa population, based on what you have
23 seen, what you saw. How did that go, exactly?

24 A. [9:36:03] The Anti-Balaka arrived in Pissa. There was no serious matters
25 between them and the local populations. Business was slow and that was to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 pick up. People started going to the river to fish, to hunt, and go to the fields,
2 and people were going about their daily business, and our matches, our
3 football matches resumed. So, basically, activities resumed. Mr Yekatom
4 Rombhot, when we played in the final, he came to hand over the trophy with
5 the mayor. When the Anti-Balaka arrived there was no serious matter to flag
6 up, there was nothing between the Anti-Balaka and the local population.

7 Q. [9:37:17] A brief clarification, please, Mr Witness. You just said that you
8 resumed your football matches, but yesterday you said that even under the
9 Seleka the football matches took place. So could you provide a clarification on
10 that point, Mr Witness?

11 A. [9:37:43] Yes, I can. When the Seleka were there, we would continue
12 with our football fixtures. When the Seleka left, all activities were -- well,
13 ground to a halt, basically, people stopped going into the fields. You know,
14 we lived with -- with people, and all of a sudden they -- they left the town. So
15 we were worried, and so things started slowing down, very much so. But
16 when the Anti-Balaka arrived, business activities resumed, and so we resumed
17 with our football championship.

18 Now, when the Anti-Balaka arrived in Pissa, Mr Yekatom was there at a final
19 that we played, and he was there to award the trophy to the winners, in
20 conjunction -- or alongside, rather, the mayor, and that was after activities had
21 resumed, during a period of tranquility.

22 Q. [9:38:44] So here again perhaps I can refer you back to your evidence
23 yesterday. I asked you how long it was between the Seleka's departure and
24 the arrival of the Anti-Balaka. I haven't got the exact reference, but
25 I remember from memory you said that if memory serves, it was the following

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 day. So when you talk about slowing down of business or activities, per se,
2 was that -- did that just elapse over one single day, or were there several days,
3 in actual fact, between the departure of the Seleka and the arrival of the
4 Anti-Balaka?

5 A. [9:39:28] Several days went by before the Anti-Balaka arrived, because
6 once the Anti-Balaka had arrived, we were still worried. We were saying to
7 ourselves, if the Seleka were to come back, how were things going to go? The
8 Anti-Balaka arrived. They talked about peace, but people were still a bit
9 reticent. And then activities resumed normally.

10 Q. [9:40:04] All right. Now, for the avoidance of doubt, if I've followed
11 your evidence, what you're saying is that things slowed down, the activities
12 slowed down after the arrival of the Anti-Balaka because people didn't know
13 whether problems would arise or not. Have I understood your evidence
14 accurately, Mr Witness?

15 A. [9:40:29] Yes, that's exactly it.

16 Q. [9:40:44] Yesterday we talked about a certain number of young people in
17 Pissa that you were with at the arrival of the Anti-Balaka. You talked about
18 the shop where you worked, your uncle's shop, you talked about the football
19 matches. Now, partially you've already answered this, but after the arrival of
20 the Anti-Balaka, did you continue the same activities, in other words keeping
21 your uncle's shop and playing in your football matches?

22 A. [9:41:21] Yes, I continued to work in my uncle's shop and continued to
23 play football as I did beforehand.

24 Q. [9:41:37] And did you continue to hang out with the same young people
25 in Pissa? Did you have the same set of friends?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 A. [9:41:47] Yes, I did. That's it. We were still -- we still formed a group of
2 friends. Nobody fell ill. And we were always together. There was no need
3 to broaden the circle of friends, we were always together.

4 Q. [9:42:18] Among the young people in Pissa that you knew, did some join
5 the ranks of the Anti-Balaka?

6 A. [9:42:30] I didn't see one single young person in the locality join the ranks
7 of the Anti-Balaka. It was just the Anti-Balaka who had entered into Pissa in
8 the first day that we went to see, and they lived alongside us in the locality, but
9 I didn't see one single young person join the ranks of the Anti-Balaka.

10 Q. [9:43:12] Yesterday you spoke in your evidence of the checkpoint in the
11 vicinity of the gendarmerie. Can you tell us, is it at that particular location
12 that the Anti-Balaka arrived and they stayed in that particular location during
13 their stay?

14 A. [9:43:35] Yes. When they arrived, they stationed themselves there and
15 then some people came to say that there was a house that dated back to
16 President Bokassa's days. So then that house became the office for them and
17 then the population went to clear out the house, and clear it up, and then a
18 short while after the Anti-Balaka went to that house and established their camp
19 in that house that had been built originally by Bokassa.

20 Q. [9:44:29] And do you know where that house is located?

21 A. [9:44:35] It's in the Magouga district, the house, in the school compound.
22 It's a big house. It's almost on the -- alongside the major road, the
23 Mongoumba crossroads on the left. The house had been the post office
24 offices.

25 Q. [9:45:21] Do you know, Mr Witness, whether young people in Pissa

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 would -- no, perhaps I'll rephrase my question. No, the checkpoint -- you
2 talked about the checkpoint yesterday. Were there Anti-Balaka people who
3 stayed manning that checkpoint?

4 A. [9:45:47] Yes, there were Anti-Balaka at that particular location that were
5 manning the checkpoint.

6 Q. [9:45:58] Now, the members of the population, would they go to that
7 checkpoint, to the best of your knowledge?

8 A. [9:46:15] Of course. There was traffic and people would move around
9 freely. At the checkpoint -- no, it's true that there were incidents, but people
10 went up to the Anti-Balaka so that they could remedy certain polemics or
11 disputes.

12 Q. [9:46:46] When you say that people went up to the Anti-Balaka to remedy
13 certain disputes, what disputes are you talking about, Mr Witness?

14 A. [9:46:55] There were problems that were -- that arose, like -- like palaver.
15 At that time the gendarmerie weren't operating, it was the Anti-Balaka who
16 could remedy certain disputes that -- that were kind of running sores or that
17 emerged in the population. They would offer advice that would -- to people
18 coming up to them to ensure that -- that peace would be manifest and visible in
19 the town.

20 Q. [9:47:48] And young people, did they also go up to that checkpoint where
21 there were Anti-Balaka elements?

22 A. [9:47:59] Yes. Young people would go up to them. The head of the
23 Anti-Balaka had asked them to not move, to not leave their base, and so the
24 young people in the locality, they would go up to them to sell them water in
25 plastic containers and other things. That's how it went.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [9:48:35] Now, you say that young people would sell them water in
2 plastic containers. Do you know any young person, young people who sold
3 that water in these plastic containers? Did you know them personally,
4 Mr Witness?

5 A. [9:48:52] There were many of them, but I do know them. They were
6 very numerous.

7 Q. [9:49:06] Can you give us some names, names of those who -- who traded
8 in this way with the Anti-Balaka, who sold them water?

9 A. [9:49:16] Yes, I can. I can give some names. There was Endjio Eric.
10 He sold them water in containers. Ocema, he also sold them water. There
11 was Fernand, there was Geoffroy Koussagale. There were many of them,
12 many people. Fernand. I repeat, there were many young people who did
13 this type of business. They offered water in exchange for money. Many of
14 them were involved in this type of transaction.

15 Q. [9:50:09] Now, you've just referred to Fernand. Do you know that
16 person's family name, that person's surname?

17 A. [9:50:20] Warakoche.

18 Q. [9:50:32] Do you know whether -- my apologies to the interpreters, I
19 forgot.

20 Do you know whether there were young people who did other sorts of
21 transactions, other forms of business instead of selling water at that particular
22 checkpoint?

23 A. [9:51:11] No, no. It was just that particular trade in water. When the
24 Anti-Balaka arrived in Pissa, young people would only sell them water.
25 Now, in terms of foodstuffs, initially they didn't eat anything and everything.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 They would eat *méchoui* much more than anything else. They didn't eat fish
2 *méchoui*, for example, and similar foodstuffs.

3 MS GUISSÉ: [9:51:58](Interpretation) Your Honour, for what comes next I'll
4 need to move very briefly into private session, at least for 10 minutes, I think.

5 PRESIDING JUDGE SCHMITT: [9:52:06] Yes.

6 Private session.

7 (Private session at 9.52 a.m.)

8 THE COURT OFFICER: [9:52:25] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [9:56:23] Now, I'd just like to dissipate some doubt, because I want to be
11 absolutely clear about the time frame. Yesterday I asked you questions about
12 the period where the Seleka were present, all right? Now my questions bear
13 upon the time when the Anti-Balaka are at Pissa, yes? Is that clear,
14 Mr Witness?

15 A. [9:56:47] Yes, I've fully understood. I told you that once the town had
16 been taken over by the Anti-Balaka, there were no worries at all. Businesses
17 operated smoothly in the town, except those outside - in other words, fishing
18 and hunting - those activities had stopped. And it was only afterwards when
19 people resumed, you know, came back to buy things, they would then take up
20 their -- retake up their hunting and their fishing. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:01:38] Did you continue to play football with him after the arrival of
5 the Anti-Balaka?

6 A. [10:01:51] As I have already said, when the Anti-Balaka were there we
7 continued to play football. At a certain point in time, Mr Yekatom Rhombot
8 and the mayor of Pissa came in order to award the trophies to the victors. We
9 sent them a letter to ask them to -- to invite them to join the finals and we got a
10 favourable answer and he came to look at the finals and he gave us the trophy.
11 And at that point of time, I had the moment to shake his hand, because we all
12 greeted him before when he handed over the trophy.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:04:07] I now want to talk about a different person. And before that,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 I'd like to ask you the following question: Any members of your family -- did
2 any member of your family join the Anti-Balaka ranks under Yekatom?

3 A. [10:04:32] No, no one.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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14 (Open session at 10.15 a.m.)

15 THE COURT OFFICER: [10:15:26] We are in open session, Mr President.

16 MS GUISSÉ: [10:15:47](Interpretation)

17 Q. [10:15:48] Now I would like to talk about another topic, another subject.

18 Did you hear anything said about an NGO called *Enfants sans Frontières*?

19 A. [10:16:12] At that time, there were several NGOs who came to Pissa.

20 The activities go back quite a while, so I can't remember the details.

21 Q. [10:16:38] Without remembering the name of a NGO, did you hear about

22 an association who was dealing with children?

23 A. [10:16:52] Obviously, I heard about it after the arrival of the Anti-Balaka.

24 Activities resumed and there were associations who came to take care of the

25 children.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [10:17:11] Do you know those who were in charge of the association who
2 took care of children?

3 A. [10:17:24] Yes. I know some of them.

4 Q. [10:17:38] Could you give their names, if you remember?

5 A. [10:17:42] The person where I still have the names, is Didier. He was
6 responsible for the children, but I don't remember his family name anymore.

7 Q. [10:18:03] Do you know people in Pissa who participated in the activities
8 of this association?

9 A. [10:18:19] Yes, I know many of them.

10 Q. [10:18:35] I'd like to go back a little later on the individuals that you know
11 who participated in activities, but could you tell the Chamber what sort of
12 activities were put forward by the association, as far as you know?

13 A. [10:19:01] As far as I know -- you know, I wasn't really close to the
14 activities, but I learnt that this association came after the events in the Central
15 African Republic to care for the children so that they would have some sort of
16 training and would assist them to have some small activities so they could get
17 some income, like mechanics, sewing and other trades. They were told that
18 after the training they would have a kit so they could get some work. That's
19 the information that I got at that point in time.

20 Q. [10:20:08] And how did you get that information about the training which
21 was proposed?

22 A. [10:20:24] I got that information because people came to the mayor
23 of -- town hall of Pissa to talk about it. It was before they could take the
24 children to Mbaïki. A few days later, they came back to take the children, to
25 take them to Mbaïki.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [10:20:57] You spoke about a meeting in Pissa. Were you present at that
2 meeting?

3 A. [10:21:13] No. I wasn't part of any association other than my football
4 club.

5 Q. [10:21:34] Another clarification which I forgot to ask you: Do you know
6 the conditions that needed to be fulfilled in order to have the training provided
7 by that association? What were the requirements?

8 A. [10:21:53] As far as I know, the parents had to provide the birth certificate
9 of those children. I didn't approach these associations to get details on the
10 requirements. I just asked the question -- I asked, "What's happening in the
11 town hall?" And I was told there was an association who had arrived to help
12 children and to send them to get training, and it was said that the parents
13 provided the birth certificate of those children in order to facilitate recruitment.
14 Outside that, I don't know any other criteria that had to be followed.

15 Q. [10:22:54] You just talked about the town hall. Am I to understand that
16 the meeting took place in the town hall of Pissa?

17 A. [10:23:08] Yes. As soon as the NGO arrived, they stopped at the town
18 hall of Pissa.

19 Q. [10:23:25] Do you know who was present at the meeting? Even if you
20 weren't present, do you know who was at the meeting?

21 A. [10:23:37] There were many people. During the first meeting, the NGO
22 was welcomed by the mayor and his services. The mayor convened the head
23 of the group and the heads of the other surrounding villages. After that, I
24 asked the question to my friends to get more information as regards that
25 particular meeting.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 You know, the town hall is a bit far away. It's a certain distance away from
2 the market, so I couldn't go over there to follow what was going on, but that's
3 the information which I got later on.

4 Q. [10:24:45] You said a little earlier that you knew people who participated
5 in this training. Could you tell us their names?

6 PRESIDING JUDGE SCHMITT: [10:25:00] Ms Wakchom.

7 MS WAKCHOM: [10:25:04] I'm sorry to interrupt, Mr President. It's just
8 to -- just to have a clarification. It would be good to know how the witness
9 had this information so that we have a (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:25:15] I think -- I think Ms Guissé will
11 address that. I'm sure she will. Okay, but thank you for the reminder.
12 Please, Ms Guissé. It's of course also in your interest.

13 MS GUISSÉ: [10:25:36](Interpretation)

14 Q. [10:25:37] Mr Witness, the question I'm going to ask you is do you know
15 people who participated in this training and could you provide us with their
16 names?

17 A. [10:25:47] I know them, but I no longer remember the name. I don't
18 remember their names anymore. I can perhaps mention some names, but not
19 all the names.

20 Q. [10:26:16] No problem. Just mention the names which you remember?

21 A. [10:26:26] One of the persons who I knew was called Tita, but I don't
22 know his family name. Geoffroy Koussagale was also there -- Koussagale.
23 There was Warakoche Fernand who participated in the training. There was
24 also Sena. But these are all nicknames. I no longer remember their proper
25 names, their family names. There were many of them.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [10:27:11] Were there members of your family who participated in this
2 training?

3 A. [10:27:24] Warakoche, I could say that he was my cousin, my cousin. He
4 too participated in this training.

5 Q. [10:27:52] Fernand, who you thought was your cousin, how are you
6 linked to him? What's the relationship between you two?

7 A. [10:28:07] Is one of the younger children of Endjio Fidele. It is one of the
8 children of Endjio Fidele, who has passed away quite a while back and gave
9 birth to Fernand. It is the first son of Endjio Fidele.

10 Q. [10:28:41] So my next question, in order to clarify the situation for the
11 Prosecution, did you have any discussions with those people who participated
12 in the training as regards the content of the meeting in the town hall?

13 A. [10:29:15] As regards the town hall meeting, we didn't really talk about
14 that because the mayor invited only the heads of the villages. However, as
15 regards those who participated in the training in Mbaïki, I did have some
16 discussions with them and they gave me some information as regards what
17 happened over there.

18 Now, as regards the meeting, I repeat, that only was with the leaders.

19 Q. [10:29:57] So my next question, then, since you received information
20 about the fact that there had been district leaders and village leaders who had
21 attended that first meeting, so how did you receive that information, through
22 whom did you get that information, Mr Witness?

23 A. [10:30:20] I received that information through some people -- well, some
24 people who were at 5 kilometres away from Pissa. They also came. They
25 would often come and then we would see each other. And they said, "Look,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 there's this meeting at the town hall, the leaders and their deputies". And so
2 people in the periphery of Pissa, those leaders came. And there was, "Okay,
3 how things are going? How are you? I saw lots of vehicles, and all these
4 officials, high-ranking officials." And he answered to say, "Look, there's a
5 meeting at the town hall and the mayor has asked us to come to say that there
6 are certain NGOs that have come to provide training to kids from Mbaïki, to
7 give them kits. And so, you know, if there are children from where we come
8 from, then we can have these children join that training". And I said, "Thanks,
9 thanks for the information. Since I had seen a number of people at the town
10 hall, that's why I asked you about this information". He said, "Don't worry,
11 don't worry, my son, it's not a problem".

12 Q. [10:31:43] Right. You've used the -- an abbreviation, AGR. We're not
13 all familiar with that abbreviation. Can you tell us what that stands for, AGR?

14 A. [10:32:01] Are you talking about activities that generate income? What
15 AGR?

16 Q. [10:32:22] Thank you for the clarification. In the -- in the translation we
17 heard AGR, the abbreviation.

18 Mr Witness, you talked about Tita, Koussagale, Warakoche Fernand, Sena.
19 You say of them that these are people that joined that training program. Now,
20 talking about these people, since these are the names that you recall, can you
21 tell us that you were -- you frequented them during the Seleka period and
22 during the Anti-Balaka period when those two groups were located at Pissa?

23 A. [10:33:10] Well, I lived in the same compound as Fernand. He slept in
24 the big house when the Seleka were there. He would recharge telephone
25 batteries. Once the Anti-Balaka arrived, he continued that battery recharging

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 activity. We lived in the same compound. He lived in the big house and I
2 lived in Evariste Endjio's house. And he would go off fishing, he would
3 continue the activities that he did prior. And I always saw him in the locality.

4 Q. [10:33:58] So I remain on this topic, Tita, Koussagale Geoffroy, Fernand
5 Warakoche, Sena, to be precise. These individuals at a given point in time,
6 were they child soldiers within a particular group and, more specifically,
7 within Mr Yekatom's group?

8 PRESIDING JUDGE SCHMITT: [10:34:49] Well, we have -- obviously we
9 have to wait until the connection has been reestablished.

10 (Pause in proceedings)

11 PRESIDING JUDGE SCHMITT: [10:35:02] Or shall we have a -- we have to
12 have a short break anyway at -- shortly before 11. Let's have it now. And
13 please tell us when we can continue.

14 THE COURT USHER: [10:35:14] All rise.

15 (Recess taken at 10.35 a.m.)

16 (Upon resuming in open session at 10.58 a.m.)

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

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [10:58:40] Sorry for the delay, Mr Witness,
20 but there were some technical issues.

21 Ms Guissé, I think it makes sense that you repeat your last question.

22 MS GUISSÉ: [10:59:02](Interpretation) Thank you, your Honour.

23 Q. [10:59:06] Mr Ngbaba, before the interruption, I asked you this following
24 question: Amongst the people who you mentioned that they participated in
25 the association's training, Tita Koussagale, Fernand Warakoche, Sena, amongst

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 those, are there any individuals at any point in time who was a member of the
2 Anti-Balaka group of Mr Yekatom?

3 A. [10:59:48] No, none of them.

4 Q. [11:00:01] I would like a clarification on Fernand Warakoche. Are his
5 family -- is his family still alive, his parents? Are they still alive?

6 A. [11:00:23] His father has passed away. His mother as well.

7 Q. [11:00:38] As far as you know, Fernand was how old?

8 A. [11:00:46] I don't know how old he was, but he's older than I am.

9 Q. [11:01:00] During the events, what did he do, what type of activity did he
10 carry out?

11 A. [11:01:20] He used to recharge portable telephones and also loaded songs.
12 (Counsel confers)

13 MS GUÍSSE: [11:01:52](Interpretation)

14 Q. [11:01:52] My apologies.

15 A question for you: At any point in time did you participate in a training
16 of -- provided by the association that looked after the children?

17 A. [11:02:10] Not at all. I wasn't really interested in that. I was only
18 interested in my football and my business. I didn't have the requirements so
19 that I could have the training. I didn't have enough time to --

20 THE INTERPRETER: [11:02:50] The interpreter in the Sango booth says: I
21 didn't have enough time to follow through the training.

22 MS GUISSÉ: [11:02:57](Interpretation)

23 Q. [11:02:58] Mr Witness, I'm now going to show you some photos and ask
24 you whether you recognise the individuals on those photos. To be clear,
25 there's no good or bad answer; either you know them or you don't, and that's it.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Okay?

2 A. [11:03:21] I understand.

3 Q. [11:03:24] Firstly, I would like to show you a photo of at tab 7 of the
4 Defence binder, CAR-D29-0010-0028.

5 And I'd like to tell the Chamber this is a photo that was taken from a report
6 that has been put into the ERN, CAR-OTP-2068-0568, page 0581. Let me
7 know when you see the photo on the screen.

8 A. [11:04:31] I can see it perfectly, but could you enlarge it a bit?

9 Q. [11:04:39] We will do that, and, as you can notice, there are circles with
10 numbers so that it's easier to identify the individuals concerned. So, first of all,
11 I'm going to ask you --

12 A. [11:04:56] Yes, I see.

13 Q. [11:04:59] Be careful, because we are speaking at the same time.
14 So, first, listen to my question. So, initially, by indicating the number of the
15 individual who you see on the photo, could you tell us who you recognise and
16 whose name you know?

17 PRESIDING JUDGE SCHMITT: [11:05:42] Leave it at that. That's good. I
18 think it is also big enough.

19 And, Mr Witness, if you want that we zoom in, then please tell us.

20 MS GUISSÉ: [11:05:59](Interpretation)

21 Q. [11:06:00] Can you see the photo clearly on your screen?

22 A. [11:06:05] Yes, but could you drop it a bit so that I can also see the
23 numbers?

24 No, not yet. That's fine. That's good. Stop here. 1, I know him, but I don't
25 remember his name anymore.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [11:06:57] Mr Witness, just listen to me. I'm going to repeat the question
2 so that it's clear. I'm going to ask you, first, to look at the photo and see who
3 you recognise and where you know the name, where you remember the name,
4 and afterwards we'll talk about the others. So people where you have the
5 names, tell us what number corresponds to the person whose name you know
6 and then I'll talk to you about the others. Is that clear to you?

7 A. [11:07:30] Fine, I've understood.

8 Can you go up a bit, please? Go up a bit more?

9 PRESIDING JUDGE SCHMITT: [11:07:58] That's too small, I think. Perhaps
10 you can tell us whom you recognise, and if you recognise the person, if you
11 recall the name.

12 THE WITNESS: [11:08:26](Interpretation) It's not clear. It's too small for me.

13 MS GUISSÉ: [11:08:42](Interpretation)

14 Q. [11:08:43] Mr Witness, if you could describe the clothing and then we will
15 look at the numbers. I think that will be easier.

16 PRESIDING JUDGE SCHMITT: [11:08:50] Indeed, that's a good suggestion.

17 MS GUISSÉ: [11:08:59](Interpretation)

18 Q. [11:08:59] So on this photo do you recognise someone and you know the
19 name?

20 A. [11:09:06] The one who's wearing a T-shirt in white and underneath blue,
21 that's Tita. If we go down --

22 Q. [11:09:28] Are you talking about number 12?

23 A. [11:09:34] Yes, that's him.

24 Q. [11:09:40] Do you recognise anybody else?

25 A. [11:09:47] The one -- just go up a bit. The one with yellow T-shirt, who's

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 wearing a bracelet -- who's wearing a bracelet, is called Geoffroy. Geoffroy
2 Koussagale.

3 Q. [11:10:20] Is that number 8 on the photo?

4 A. [11:10:24] Yes, that's correct.

5 (Counsel confers)

6 MS GUISSÉ: [11:10:34](Interpretation)

7 Q. [11:10:34] So, be clear, when you say "Geoffroy", it is Geoffroy Koussagale
8 with the nickname Ocema?

9 A. [11:11:00] Yes, that's correct.

10 Q. [11:11:03] Do you recognise anyone else on the photo?

11 A. [11:11:07] I recognise some faces, but I can't remember their names
12 anymore.

13 Q. [11:11:22] Without remembering the names - thank you for that
14 clarification - can you say did you play football with any of them?

15 A. [11:11:37] Yes, with some of them. I did play football with them. We
16 played together.

17 Q. [11:11:51] Was it during the Seleka period or during the Anti-Balaka
18 period?

19 A. [11:12:01] At the time of the Seleka, we played together; even when the
20 Anti-Balaka were present.

21 Q. [11:12:19] Without lingering on each individual, if we are going to start
22 with the line on the top, can you tell us who you know and can you tell us who
23 you played football with during the Seleka period and the Anti-Balaka period?

24 Can you indicate the number if, again, you can see the photo on your screen?

25 A. [11:13:12] Number 1, I played with him during the Seleka period and also

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 the Anti-Balaka period. Number 2, he, too, we played together during the
2 Seleka and also the Anti-Balaka. That's also true for number 3. Number 5, I
3 played with him during the Seleka time and also during the Anti-Balaka period.
4 Number 6, the same. Number 7, he, too, we played together during the
5 Seleka and the Anti-Balaka period.

6 Can you now go up with the photo?

7 Number 12, we played together during the Seleka period and the Anti-Balaka
8 period. Other number? The one who's wearing a white shirt --

9 THE INTERPRETER: [11:14:50] The Sango booth says he hasn't followed fully
10 the description given by the witness.

11 MS GUISSÉ: [11:14:58](Interpretation)

12 Q. [11:14:59] Mr Witness, could you clarify the description that you made?
13 We didn't understand what you said. You spoke about shorts, a shirt with the
14 colour white. Are you talking about number 11?

15 A. [11:15:33] He's wearing a blue shirt and shorts that are white. He's
16 behind the one with the ball.

17 Q. [11:15:48] Okay.

18 PRESIDING JUDGE SCHMITT: [11:15:58] Do you recognise more players?

19 THE WITNESS: [11:16:01](Interpretation) It's number 11.

20 Number 8, we played together. It's my friend Geoffroy Koussagale. That's
21 the one who's wearing blue with long sleeves, and also the one who's wearing
22 white, we played together.

23 MS GUISSÉ: [11:16:48](Interpretation)

24 Q. [11:16:49] Is that number 10; is that correct?

25 A. [11:16:52] Yes, that's him.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [11:16:56] Okay, you can withdraw the photo. I have finished with it.
2 For those individuals which you saw at that time, as far as you know, are there
3 any that were part of the Anti-Balaka group of Mr Yekatom?

4 A. [11:17:25] I never saw any of them be integrated in the Anti-Balaka group
5 of Mr Yekatom. I've never seen a single one of them wear a military
6 outfit -- never.

7 Q. [11:17:53] I now want to show you another photo. This is tab 15 of the
8 Defence binder, CAR-OTP-2068-0558, but just like with the other photo, I'm
9 going to take the extract from the page where there are numbers so that it is
10 easier for us to identify. That is CAR-D29-0010-0023.

11 Mr Witness, I'm not so sure that the quality is as good as the other, but let's
12 give it a go. Let's try -- I'm going to do it in a different way. Let's look at
13 number 14 first. Let's zoom in on number 14. Do you recognise this
14 individual?

15 A. [11:19:16] That's Warakoche Fernand.

16 Q. [11:19:33] I am going to show you another individual. Can we go up a
17 bit. Now, there's no circle surrounding this person but the individual -- you
18 can see number 9 at the top. Can you see that? And next to him there is
19 somebody with a blue polo shirt with a white collar. Do you know that
20 individual?

21 A. [11:20:08] I don't know him.

22 Q. [11:20:22] on the right-hand side of this individual there's another person
23 with a red shirt and another person with a blue shirt. So that is number 12.
24 Do you recognise that person?

25 A. [11:20:44] I don't know him.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [11:20:51] I'm now going to go to number 17. Do you recognise this
2 individual?

3 A. [11:21:30] The photo is a bit blurry, so I can't really identify the face
4 properly.

5 Q. [11:21:59] Don't worry about that. I'm showing you the photos. If you
6 know people, that's good; and if you don't, so be it. Can we go and see the
7 photo in its totality, and particularly what's written on the photo, "Hotel De
8 Ville". Do you recognise that building?

9 A. [11:22:24] Yes. That is the town hall of Pissa.

10 Q. [11:22:35] I'm going to try and show you some clearer photos. We can
11 withdraw this photo from the screen. Could you display two photos: Firstly,
12 a photo which is tab 7 of the OTP binder, CAR-OTP-2095-5468; and after we
13 show the second photo, which is tab 6 of the OTP binder, CAR-OTP-2095-5254.
14 I'm going to show you two photos and I'd be grateful if you could tell me if you
15 know these individuals or not. So, can we display this photo first. This is in
16 tab 7. Can you tell me when you see it on the screen. Could you zoom in on
17 the individual who is at the back with the torn jeans and a black T-shirt?

18 Could you go up a bit? And with a cap. Then I'll show you the second
19 photo. * This photo, it is the same person, wearing the same clothes, he has a
20 *gris gris* on his arm, by way of reference. Do you recognise that individual?

21 A. [11:24:40] I don't recognise him.

22 Q. [11:24:45] We can withdraw the photo. I also have other photos that I
23 want to show you, but, your Honour, with your leave, may we go into private
24 session for the next set of photos.

25 PRESIDING JUDGE SCHMITT: [11:24:56] Private session.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 (Private session at 11.24 a.m.)

2 THE COURT OFFICER: [11:24:59] We are in private session, Mr President.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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14 (Redacted)

15 Q. [12:36:38] And did you know him at the time 2013, 2014, the time frame
16 where the Seleka and the Anti-Balaka were in the locality?

17 A. [12:36:50] Yes. Yes. I know him very well. At a given point of time he
18 was also selling *méchoui*, pork *méchoui*.

19 Q. [12:37:14] At what particular place?

20 A. [12:37:17] In the market, he would sell pork meat *méchoui*. Subsequently,
21 he sold beef *méchoui*.

22 Q. [12:37:30] To the best of your knowledge, Mr Witness, did he join the
23 Anti-Balaka's ranks at any particular point in time, more specifically
24 Mr Yekatom's group?

25 A. [12:37:40] Never. I never saw him in -- within the ranks of the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Anti-Balaka movement.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Open session at 12.38 p.m.)

6 THE COURT OFFICER: [12:38:17] We're in open session, Mr President.

7 MS GUISSÉ: [12:38:21](Interpretation)

8 Q. [12:38:24] Can we now display on our screens tab 6 in my list of materials.

9 This is CAR-D29-0016-0109.

10 Mr Witness, you'll be seeing a photo appearing on your screen. Can you tell
11 me when it's displayed and can you tell me -- when you see that photo can you
12 tell me whether you recognise that individual.

13 A. [12:38:54] I can see the photograph and I recognise the person appearing
14 in the image.

15 Q. [12:38:59] Who is it, please?

16 A. [12:39:03] Didier is his first name. I can't remember his family name.

17 Q. [12:39:21] Is this the Didier that you referred to earlier on? You said that
18 he was responsible for the child association; is that right?

19 A. [12:39:34] That's exactly so. He was responsible for the child training at
20 Pissa.

21 Q. [12:39:50] Do you know whether he had other duties or other functions at
22 Pissa?

23 A. [12:39:59] He was a PE teacher at the Berengo *lycée* upper secondary
24 school. But I don't know whether he had any other activities. "PE" standing
25 for physical education.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Q. [12:40:22] Thank you very much for that clarification. Perhaps now we
2 can move on to another area. I've finished with the photos.

3 Yesterday, in your evidence you stated that you spent eight years in Pissa and
4 that now you have returned to Bangui. Do you sometimes return to Pissa?

5 A. [12:40:52] The last time I went to Pissa dates back to the time when my
6 uncle Endjio Edmond died. That's why I went back to Pissa.

7 Q. [12:41:15] And do you remember when that was exactly?

8 A. [12:41:20] I don't remember.

9 Q. [12:41:39] Earlier on in your evidence you referred to Candide.

10 MS GUISSÉ: [12:41:50](Interpretation) Your Honour, I'm sorry, perhaps we
11 could go back into private session for one or two moments.

12 PRESIDING JUDGE SCHMITT: [12:41:57] Of course, private session.

13 (Private session at 12.42 p.m.)

14 THE COURT OFFICER: [12:42:14] We're in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

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12 (Redacted)

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18 (Redacted)

19 (Redacted)

20 (Open session at 12.52 p.m.)

21 THE COURT OFFICER: [12:52:32] We are in open session, Mr President.

22 MS GUISSÉ: [12:52:36](Interpretation) My thanks.

23 Q. [12:52:37] Now, I'd like to bring up on our screens but not for public

24 display -- not for public display. This is the document that I mentioned earlier

25 on. This is tab 14 in our list of materials, CAR-D29-0019-8020.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 And, Mr Witness, when we are talking about this conversation, please do not
2 mention any first names of individuals.

3 So in this conversation with your friend, he states that he is in a particular
4 country.

5 For the parties -- I don't know whether you can see that conversation displayed
6 on your screen, Mr Witness.

7 A. [12:53:39] Yes, I can see it, but it's not very clear. The definition isn't
8 very clear.

9 Q. [12:53:49] Well, perhaps I can be of assistance. In this conversation we
10 see here, your friend tells you that he's in a particular country. And this is
11 what you say to him: "Make an effort to put me in the circle, STP". And then
12 you say further on, "in the circle of the child soldiers".

13 PRESIDING JUDGE SCHMITT: [12:54:29] And the question is?

14 MS GUISSÉ: [12:54:37](Interpretation)

15 Q. [12:54:38] So you ask him, "Please" -- well I'm paraphrasing -- "help me to
16 get into the child soldier circle".

17 So here's my question: What did you mean by the "child soldier circle" and
18 what are you asking him exactly during this specific conversation, Mr Witness?

19 A. [12:55:06] Thank you. I thought you had other questions to put to me.
20 But it's by no happenstance that I put this question to him, by no coincidence.
21 If I'm saying it to him, it's because he went through a training programme and
22 everybody knew full well that there was the crisis and, in relation to that,
23 children had been trained, and as a child soldiers, and that's why I put this
24 question to him. And so I reminded him, because he was within that group,
25 because after that training programme he travelled abroad. And so I asked

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 him to do as much as he could to help me to get me within that group. So
2 I used that particular wording. It was worded that way, but it was just -- it
3 was just my way of putting it, if you see what I mean.

4 PRESIDING JUDGE SCHMITT: [12:56:04] Ms Guissé, perhaps.

5 So do we understand it correctly, Mr Witness, that for you and the fact that you
6 knew, it was -- would have been desirable to be in that circle, is this what we
7 have to understand from your answer?

8 THE WITNESS: [12:56:20](Interpretation) All I wanted was to ask him to help
9 me because he was abroad. He had had that privilege to travel, and that's
10 why I put the question to ask whether he could use his position to help me
11 benefit from the same -- from the same circumstances as he did. And that's
12 why I-- I put that question to him.

13 PRESIDING JUDGE SCHMITT: [12:57:06] Thank you. That is -- makes it
14 clear.

15 MS GUISSÉ: [12:57:10](Interpretation)

16 Q. [12:57:15] Now what I want to understand, Mr Witness, is this: You
17 asked to get into the child soldier circle, but you would agree with me when
18 I say that you weren't, and you had never been, a child soldier, so how could
19 you possibly imagine that you would be included in the circle of child soldiers?

20 A. [12:57:40] Well, no, all -- I was just asking him for some help. That's
21 what you need to understand because he had benefited from that -- that
22 advantage to travel abroad. So I wanted to take that as an opportunity,
23 benefit from the same opportunity that he had had. Do you understand? All
24 I wanted to do was to ask him for help, given his position, given his
25 circumstance. Maybe it wasn't -- I shouldn't have done it. But, you know,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 when we were together, "Ah look at these soldiers, these little soldiers", and
2 that's why I was accustomed to speaking to him in that way, and that's why
3 I used this language, this wording. But at the time I was struggling, so it, for
4 me this was a way of asking him to help me and to benefit from the things that
5 he had benefited from, the same advantages that he had enjoyed.

6 PRESIDING JUDGE SCHMITT: [12:58:42] Mr Witness, from the Presiding
7 Judge, this is not a reproach when Ms Guissé is asking and I'm asking for
8 clarification.

9 And I think, Ms Guissé, it's clear enough now.

10 MS GUISSÉ: [12:59:05](Interpretation) I have almost finished, your Honour,
11 but I would like to put -- I'd like to seek additional clarification.

12 Q. [12:59:11] Now, you say that they were called child soldiers, but earlier
13 on when I asked you whether there were youngsters in Pissa that had joined
14 the Anti-Balaka ranks and when we cited names et cetera, you told me no, they
15 never -- they never joined the Anti-Balaka ranks. So given that in mind, why
16 were they called "child soldiers"?

17 PRESIDING JUDGE SCHMITT: [12:59:38] Ms Wakchom, let the witness
18 answer. I don't see anything objectionable in the question.

19 MS GUISSÉ: [13:00:11](Interpretation)

20 Q. [13:00:12] Would you like me to take my question up again, Mr Witness?

21 PRESIDING JUDGE SCHMITT: [13:00:15] I would not insist, because I think
22 we have the testimony of the witness during two days now and he has
23 said -- he has talked about the knowledge of these people that he knew, and if
24 they were in the Anti-Balaka or were not in the Anti-Balaka, and he has given
25 an answer, an explanation, clarification why he used that language in the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 conversation with this certain person, so I think that is really enough.

2 MS GUISSÉ: [13:00:54](Interpretation) No problem.

3 Q. [13:00:57] I've finished my questioning, and I thank you very much,

4 Mr Witness, for your time and for being so patient when answering my

5 questions. There'll be more questions coming your way. Thank you very

6 much.

7 PRESIDING JUDGE SCHMITT: [13:01:14] Thank you, Ms Guissé. It's now

8 the turn of Ms Wakchom. You have the floor.

9 MS WAKCHOM: [13:01:30](Interpretation) Thank you very much, your

10 Honour. Given that there won't be a hearing tomorrow and I'll need more

11 than two hours to finish my cross-examination, could I ask the Chamber if it

12 might be possible to begin on Monday instead, if that might be possible.

13 PRESIDING JUDGE SCHMITT: [13:01:54] We have already a delay, but we

14 have also one witness less, I think, during this... I would only want, or the

15 Chamber would only want to agree to that if we can really fit, then, every

16 witness in. So I need a little bit of help, specifically from you, Ms Dimitri.

17 This would definitely mean -- and, Ms Wakchom, we understand and we have

18 given, and I think that it is really also a matter of fairness to the person who has

19 to conduct the examination by the Prosecution. We did it last time.

20 However, we have also questions by the victims representatives -- no, by

21 Mr Suprun, I assume.

22 Perhaps we start with that. Mr Suprun, what do you envision? How long

23 would your questioning be?

24 MR SUPRUN: [13:02:46] Thank you, Mr Suprun. I wish to inform the

25 Chamber that my intention is to address only the part of the testimony of this

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 witness related to Witness V45P2. I don't intend to ask any questions in
2 relation to 2475, although this is also a participating victim, but I leave it to the
3 Office of the Prosecutor to object to this. So my estimation is not more than
4 one hour, Mr President.

5 PRESIDING JUDGE SCHMITT: [13:03:13] So I have to say that you can read
6 my mind, obviously, because I would have addressed it like this. I would
7 have encouraged you only to address this witness. I can already tell,
8 specifically Defence, since this is a witness that was called by the victims, the
9 victims have a little bit more leeway to address the matter, yeah? So please
10 keep that in mind, and I think you understand that. This is a unique situation.
11 It is not a Prosecution witness and I appreciate that -- I would, indeed, have
12 told Mr Suprun to leave all the Prosecution witnesses out of -- out of the
13 picture.
14 So, how long, Ms Wakchom, do you think you would need? More than two
15 session or something?

16 MS WAKCHOM: [13:04:02] I think two sessions would be more than enough,
17 Mr President.

18 PRESIDING JUDGE SCHMITT: [13:04:05] Okay, okay. Then, Ms Dimitri,
19 that would mean that we would anyway -- we could if we are really -- if we
20 squeeze everything in, we could finish on Monday, but this would be very
21 tough, I have to say. So we would need the Tuesday, and then we
22 have...yeah.

23 (The Trial Chamber confers)

24 PRESIDING JUDGE SCHMITT: [13:04:37] I know that we have only one
25 session on Monday. I know that's a problem, a two-hour session.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

1 Yeah, Ms Dimitri, I will let you speak.

2 MS DIMITRI: [13:04:48] {ICR: (Redacted)}

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) }

11 PRESIDING JUDGE SCHMITT: [13:05:33] No, but that could be a significant
12 detail, obviously, yeah.

13 MS DIMITRI: [13:05:37] My other concern is, and I apologise, I do not recall
14 what's the scheduling -- the time for Monday.

15 PRESIDING JUDGE SCHMITT: [13:05:45] Well, on Monday, we have
16 unfortunately only one two-hour session and that's the problem because there
17 was a -- a development and we have only. So -- so we have, if Mr Suprun
18 needs an hour and Ms Wakchom needs two session, we couldn't squeeze it in
19 anyway. This is the problem.

20 How quickly can we figure that out with the witness? And perhaps also take
21 action that the witness could -- could be also called on Tuesday.

22 I'm now informed that the witness is scheduled until Tuesday, half day, the
23 first two sessions. Yes? Is that correct? Well, that should be enough. That
24 should be okay. So excuse me. Sometimes it takes a bit.

25 This means, Mr Witness - there was a long discussion - we continue with your

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-D29-P-6036

- 1 examination on Monday only. That's for reasons inside of the Court, that is
2 not your fault. We thank you for having patiently answered until now. But
3 we will continue, as we said, and on Monday then 2 o'clock, with the
4 examination by Ms Wakchom and, of course, we have -- we have definitely
5 then to finish on Tuesday midday. And then I suggest that we start already,
6 court officer, with the next witness on Tuesday. Or am I wrong? Or on
7 Wednesday. Also fine with me. Okay. So -- but we have to finish until
8 midday Tuesday.
- 9 This concludes the hearing for today. Thank you very much. A long speech,
10 but we have solved it in the end.
- 11 THE COURT USHER: All rise.
- 12 (The hearing ends in open session at 1.07 p.m.)