

Trial Hearing
WITNESS: CAR-OTP-P-2018

(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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 18 April 2023
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:20] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:41] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:48] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:03] With regard to the appearances, the
20 Prosecution is unchanged for the record. Good morning.
21 Ms Massidda is unchanged, but you are alone. Yes.
22 Mr Suprun also the same composition.
23 Well, it's always difficult to tell with Ms Dimitri who is next already. Yes, we are
24 quick. We -- we want to --
25 MS DIMITRI: [9:33:25] Yes, I'm sorry. Not a lot of sleep last night. Same

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 composition, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:33:32] And Mr Knoops, also you have one person
3 less, I think.

4 MR KNOOPS: [09:33:37] The first row is the same, Mr President. The second row
5 is now accompanied by Ms Myriam Hollant. Good morning, everyone.

6 PRESIDING JUDGE SCHMITT: [9:33:48] Good morning.

7 And, of course, a very warm good morning to our witness. I hope you are feeling
8 well and ready to continue with the examination.

9 WITNESS: CAR-OTP-P-2018 (On former oath)

10 (The witness speaks French)

11 (The witness gives evidence via video link)

12 THE INTERPRETER: [9:33:58] Indiscernible response from the witness.

13 PRESIDING JUDGE SCHMITT: [9:34:04] Well, but his body language was clear
14 enough, I think, so we don't need that.

15 Mr Vanderpuye, you have recognised that the Defence wants to add four items to the
16 list of evidence. Any comment to make on that?

17 MR VANDERPUYE: [9:34:16] No, Mr President, not at this time. We don't object to
18 it.

19 PRESIDING JUDGE SCHMITT: [9:34:21] Yeah, I would -- actually, we would
20 have -- we would have talked about it, the Chamber. We grant it, obviously, so you
21 can add them, that -- and let's say this is a consequence of what happened yesterday
22 simply.

23 So, Mr Vanderpuye, you have still the floor.

24 MR VANDERPUYE: [9:34:36] Thank you, Mr President. Good morning, your
25 Honours. Good morning, everyone.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 QUESTIONED BY MR VANDERPUYE: (Continuing)

2 Q. [9:34:43] Good morning, Mr Witness.

3 PRESIDING JUDGE SCHMITT: [9:34:45] We are in open session, I think. I just
4 wanted to remind you.

5 MR VANDERPUYE: [9:34:48] Actually, I was just about to ask to go into private
6 session.

7 PRESIDING JUDGE SCHMITT: [9:34:52] Then we have to go to private session.
8 (Private session at 9.34 a.m.)

9 THE COURT OFFICER: [9:35:00] We are in private session, Mr President.

10 MR VANDERPUYE: [9:35:14] Thank you.

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [09:39:07] Okay.

13 PRESIDING JUDGE SCHMITT: [9:39:08] May I shortly. At least, I don't know if

14 I'm the only one, my French transcript is frozen. I don't know why, but just wanted

15 to -- yours is fine? Now it works. Magic, you know, sometimes you only have to

16 name things. Okay.

17 Madam court officer, it's fine. In the instant when I mentioned it, it came back.

18 Mr Vanderpuye, excuse me for the interruption.

19 MR VANDERPUYE: [9:39:40] Thank you, Mr President.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [9:44:54] Okay. If we go down this page, (Redacted)

9 (Redacted) And if we go down to the next paragraph, it refers to

10 these 153 children that were associated with the group, the agreement of which I

11 showed you yesterday as well.

12 But what I want to ask you about this particular paragraph --

13 A. [9:45:33] Yes.

14 Q. [9:45:34] On this particular paragraph, you can see it says that 70 children were

15 unaccompanied, as opposed to 68, which we saw on (Redacted)

16 (Redacted)

17 Are you able to understand or explain why there was a difference between the 68 (Redacted)

18 (Redacted) and the 70 that we see here in this report?

19 A. [9:46:18] Thank you. (Redacted), it was a

20 UNICEF strategy when we had to look after these child soldiers. You also had to

21 take into consideration the other children that had been marginalised in the

22 community. So we had children, therefore, who didn't have their biological children

23 in the vicinity. This is why I said that among the 153 children (Redacted)

24 (Redacted) but 60 unaccompanied children who were

25 former child soldiers who didn't have their biological family in the -- in the immediate

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 vicinity.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [9:47:47] So should I understand that the list of 60 children that I showed you

9 yesterday includes only the children that were identified and verified -- identified,

10 rather, first by the ComZones or zone commanders of the Anti-Balaka and verified; is

11 that right?

12 A. [9:48:11] Yes.

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [9:50:52] (Redacted)

6 (Redacted)

7 I see counsel on her feet.

8 PRESIDING JUDGE SCHMITT: [9:51:00] Yes, Ms Dimitri.

9 MS DIMITRI: [9:51:02] Yes, Mr President, if that can be helpful, because I'm looking
10 at the time and to save time, especially since yesterday it took a lot of time to identify
11 (Redacted) could we use perhaps Defence tab 16 which has the
12 numbers so you can swiftly go through the names he just mentioned.

13 PRESIDING JUDGE SCHMITT: [9:51:18] Because if Mr Vanderpuye wouldn't do
14 it -- exactly, yeah. Okay, perhaps we can -- since Mr Vanderpuye is at it --

15 MR VANDERPUYE: [9:51:28] Yes.

16 PRESIDING JUDGE SCHMITT: [9:51:29] And still -- still in between his 40 minutes,
17 he has indicated -- no, I'm joking.

18 MR VANDERPUYE: [9:51:35] Yes.

19 PRESIDING JUDGE SCHMITT: [9:51:36] Let's pull up indeed this enhanced version
20 of the picture, please.

21 MR VANDERPUYE: [9:51:50] Yeah, that's good. Thank you very much.

22 Q. [9:51:52] All right. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted) the children that were identified by the Anti-Balaka zone commanders
12 which had then to be verified (Redacted)
13 A. [9:56:46] Those children had been identified by the ComZone commanders.
14 (Redacted), among the 153 children, (Redacted) taken 60 (Redacted)
15 (Redacted) and the others remained on location in their communities (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 Q. [9:57:30] All right. I'd like to go back to the report, if I could. And that was - I
21 have to say I've forgotten the tab - tab 24, CAR-OTP-2068-0558.
22 We were on page 0562, looking at the photographs, and at the bottom of this page or
23 bottom half of the page you can see a discussion in this report about the 5 August
24 ceremony. And in this part in particular it indicates that there were representatives
25 of the (Interpretation) "National High Command of the Anti-Balaka".

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 A. [9:58:46] Yes.

2 Q. [9:58:50] You mentioned previously Ngaya that was there; is that right? Do
3 you have that recollection?

4 A. [9:58:56] Yes, 5 August Mbaiki, Alfred Legrand was the high representative of
5 the Anti-Balaka command. Rambo, he wasn't there, but he was at Pissa. But at the
6 5 August ceremony, Rambo was not there.

7 Q. [9:59:20] If we go to the next page, we see another set of photographs. If we
8 start on the top, do you recognise the individuals in the photographs on the top half
9 of this page?

10 PRESIDING JUDGE SCHMITT: [9:59:41] Is nothing possible in open session?

11 MR VANDERPUYE: [9:59:45] I just -- one second.

12 PRESIDING JUDGE SCHMITT: [9:59:51] Please take your time.

13 MR VANDERPUYE: [9:59:54] I think it's possible. (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [10:00:06] (Redacted)

16 (Redacted)

17 MR VANDERPUYE: [10:00:07] (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:00:09] (Redacted)

20 (Redacted)

21 MR VANDERPUYE: [10:00:14] Thank you, Mr President.

22 (Open session at 10.00 a.m.)

23 THE COURT OFFICER: [10:00:24] We are in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [10:00:31] Thank you.

25 Mr Vanderpuye.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [10:00:34] Thank you, Mr President.

2 Q. [10:00:35] Mr Witness, we're now in open session, so that's just something for
3 you to be aware of so that you avoid identifying yourself.

4 The first thing I'd like to ask you is do you recognise the individuals in these
5 photographs?

6 A. [10:00:54] Yes. That's the préfet of Lobaye, at the time Alexandre
7 Kouroupe-Awo, and the regional director of social affairs. So the prefect on the left
8 and on the right the regional director of social affairs.

9 Q. [10:01:31] Thank you. If we go to the bottom of this page we see another set of
10 photographs. On the -- on the right, can you tell us who that is?

11 A. [10:01:50] * So in blue it's the coordinator of Enfants sans Frontières giving a
12 speech and Alfred Legrand Ngaya, the representative of the high command of the
13 Anti-Balaka.

14 Q. [10:02:05] And in both of those pictures you can see some individuals sitting on
15 some mats. Who are those -- those individuals sitting on the mats behind the two
16 speakers we see here in these photographs?

17 A. [10:02:32] These are the 60 child soldiers who were taken from Pissa and {ICR:
18 (Redacted)} to the transit centre and {ICR: (Redacted)} mats, sheets and clothing, and
19 these are the children who are seated on the floor -- on the ground.

20 Q. [10:02:55] Let me show you the next page, 0564, and there's some photographs
21 there as well.

22 Can you see the photographs in front of you now?

23 A. [10:03:17] Yes, I can see them.

24 Q. [10:03:21] Are these the same group of children that you previously referenced,
25 that you just referenced now?

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 A. [10:03:31] These are the same children.

2 Q. [10:03:35] What I'd like to do is to focus on the left photograph and blow it up as
3 much as you can.

4 What I'd like to do is to ask you if you recognise any of these children, and if you do,
5 then let us know and we can go into private session.

6 PRESIDING JUDGE SCHMITT: [10:04:04] I think -- I assume that the Defence has
7 again an enhanced version so that we can perhaps do the exercise with this version
8 which spares us time.

9 MS DIMITRI: [10:04:18] Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: [10:04:21] Ms Dimitri, where is it?

11 MS DIMITRI: [10:04:23] Tab 19.

12 PRESIDING JUDGE SCHMITT: [10:04:25] Tab 19, so we pull that up, please, of the
13 Defence binder.

14 MR VANDERPUYE: [10:04:30] Indeed. I've forgotten about this.

15 Q. [10:04:37] What I'd like to do is just to ask you if you recognise --

16 PRESIDING JUDGE SCHMITT: [10:04:44] Microphone, please.

17 MR VANDERPUYE: [10:04:45]

18 Q. [10:04:46] What I'd like to do is to just to ask you if you recognise any given
19 person, indicate the number and then we'll go into private session if you can recall the
20 names and so on.

21 So let's start with the ones right in the middle of the screen. They look like
22 numbers 2, 3, 4 --

23 A. [10:05:10] Yes. I know number 1. Yes, number 1 I know. Number 3 I know.
24 Number 4 I know. Number 6 as well. All those -- these are the child soldiers, I
25 know them all.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 Q. [10:05:43] All right.

2 MR VANDERPUYE: [10:05:44] Mr President, can we go into private session.

3 PRESIDING JUDGE SCHMITT: [10:05:48] Yes.

4 He's a protected witness and unfortunately -- so we tried that you can at least listen a
5 little bit live, but now things are going to be discussed that would reveal the identity
6 and that's the reason why we go to private session.

7 Private session.

8 (Private session at 10.06 a.m.)

9 THE COURT OFFICER: [10:06:16] We are in private session, Mr President.

10 PRESIDING JUDGE SCHMITT: [10:06:29] Thank you.

11 And thank you, Mr Vanderpuye, for at least trying. I know it's difficult in these
12 circumstances.

13 MR VANDERPUYE: [10:06:36] Thank you, Mr President.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [10:08:30] Mr Witness, that's no problem at all. On
5 the contrary, I would like to say it's remarkable that you recall so many names still.
6 It would be superhuman, so to speak, if you recalled every name.

7 Mr Vanderpuye.

8 MR VANDERPUYE: [10:08:48]

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted) two animaters per locality to be with them and to
5 take care of these children. And that's the reason why you have this table.
6 Q. [10:14:47] So the number that we see, 60 associated with (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted) to check to see who could take care of them and (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 And that's what I can tell you with regards to that.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 This is another document I'd like to show you at tab 15 of the Prosecution binder,
- 23 (Redacted)
- 24 This is a - how shall I put this - a PDF version of an Excel table of electronic data. (Redacted)
- 25 (Redacted) with electronic data

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 concerning the children that were demobilised or with whom (Redacted) dealt with?

2 A. [10:20:56] Yes.

3 Q. [10:21:00] In this material you can see there's a lot of information, family

4 information, function within the group, the location where the child was from, the

5 gender of the child, the date of birth, (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [10:22:07] Mr Witness, do you know who produced

9 this, to put it this way, perhaps in a more simple way, who produced this Excel sheet?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [10:22:48] Thank you, Mr Witness.

15 MR VANDERPUYE: [10:22:50]

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [10:23:30] All this data were taken during -- from the identification sheets that

23 were provided, included during the implementation. There were questions that

24 were put to the children, so it was all that, that was compiled together with a view to

25 making these tables.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 MS DIMITRI: [10:27:13] Mr President.

4 PRESIDING JUDGE SCHMITT: [10:27:14] Ms Dimitri.

5 MS DIMITRI: [10:27:16] It's a very leading question and it doesn't correspond at all

6 to what he just said. He just said exactly the opposite.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [10:28:49] I think, Mr Vanderpuye, we can leave it at

22 that.

23 MR VANDERPUYE: [10:28:51] Yes, Mr President. Thank you for that.

24 Q. [10:28:56] I have a few things I would like to cover, but I don't think I need to,

25 so --

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:29:03] Yeah -- and if -- always think about the
2 possibility to go to open session. But if you don't need to, then even better, I --

3 MR VANDERPUYE: [10:29:11] I'm just about to wind up, but I understand that the
4 names that the witness had given previously did not -- with respect to the
5 identification of those children -- did not make it into the record nor in French nor in
6 English.

7 PRESIDING JUDGE SCHMITT: [10:29:24] That's, of course, not good. Then we
8 have to -- unfortunately, we have to repeat the exercise somehow.

9 MR VANDERPUYE: [10:29:31] Yes, maybe Ms Dimitri can help me with the tab
10 number again. I would appreciate that.

11 MS DIMITRI: [10:29:41] 19.

12 PRESIDING JUDGE SCHMITT: [10:29:52] I have on this tab 19, which is, if I recall it
13 correctly, the children sitting on -- on -- yeah, on the ground. He mentioned five
14 names, I think we can -- can we please go again to this tab 19 --

15 MR VANDERPUYE: [10:30:19] Defence tab 19.

16 PRESIDING JUDGE SCHMITT: [10:30:22] Defence tab 19, yes, exactly.

17 Mr Witness, you have heard that there was a problem with the translation of the
18 names that you identified. I have to apologise for that. Could we please do this
19 again and please tell us exactly what the names are. I recall that you identified
20 number 1. (Redacted)

21 THE WITNESS: [10:30:51](Interpretation) This is (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:31:30] And these were the five that he identified,
2 I think, so we have them on the record. But thank you, Mr Vanderpuye. This is, of
3 course, really important.

4 MR VANDERPUYE: [10:31:39] (Overlapping speakers).

5 Q. [10:31:43] The five children that you named, you had an opportunity to speak
6 with them during the course of either this process of other?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MS GUISSÉ: [10:37:49](Interpretation) Your Honour, the Prosecutor has repeated
11 the same question several times and the witness has offered an answer a number of
12 times. I think at some point in time you have to stay with what the witness provides
13 by way of an answer.

14 PRESIDING JUDGE SCHMITT: [10:38:06] I understand that. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [10:38:34] That is something additional I allow.

22 MR VANDERPUYE: [10:38:37] Thank you, Mr President. Well, I think you posed
23 the question so I think -- (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [10:38:43] Mr Witness, contrary to (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [10:39:34] Okay. Really now we leave it at that,
7 please.

8 MR VANDERPUYE: [10:39:38] Thank you, Mr President.

9 And that concludes my direct examination. I very much appreciate your patience,
10 Mr President.

11 PRESIDING JUDGE SCHMITT: [10:39:48] Thank you very much.

12 MR VANDERPUYE: [10:39:49] And you were patient, Mr Witness. I have no
13 further questions for you at this time.

14 PRESIDING JUDGE SCHMITT: [10:39:54] Thank you, Mr Vanderpuye.

15 Mr Suprun, do you have any questions to the witness? And if so, can we have them
16 in open session?

17 MR SUPRUN: [10:40:01] Yes, Mr President, with the Chambers' leave I have a few
18 questions for this witness. And I think I can ask my questions in open session.

19 PRESIDING JUDGE SCHMITT: [10:40:12] I thought so.

20 We appreciate that. We go to open session.

21 (Open session at 10.40 a.m.)

22 THE COURT OFFICER: [10:40:31] We're in open session, Mr President.

23 Questioned by Mr Suprun: (Interpretation).

24 Q. [10:40:42] Good morning, Mr Witness. We have already met very briefly, and
25 for the record my name is Dmytro Suprun and I represent the group of victims that

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 are former Anti-Balaka child soldiers.

2 First of all, I have one or two questions going to the content of the ESF programme.

3 My first question is this one: This particular programme, did it also deal with the
4 offering of medical care for these children?

5 Mr Witness, did you hear my question?

6 A. [10:41:33] Yes. Would you mind taking your question up again, Mr Dmytro?

7 Q. [10:41:38] My first question was this: The ESF programme, did it involve a
8 component designed to offer medical assistance to the children?

9 A. [10:41:51] Initially there was a mission involving offering medical care to the
10 children, but once the children -- the 60 had been sent to Mbaiki, they just had a
11 medical examination and then we asked the doctor to give us an apparent age for
12 each child, each child that said the ESF had sent to Bangui.

13 Q. [10:42:22] Mr Witness, so if I followed your evidence, you're saying that looking
14 after the children from a medical perspective was addressed to the matter of age; is
15 that right?

16 A. [10:42:35] Yes, that's right.

17 Q. [10:42:40] Now, according to your memory, Mr Witness, some of the children
18 involved in this ESF programme, had they sustained physical injuries?

19 A. [10:42:54] No. No, there was nothing like that.

20 Q. [10:43:03] Now, again, if I followed the objective of this ESF programme was to
21 look after the children from a psychosocial perspective, but could you tell us what did
22 that consist in exactly, could you elaborate on that, please?

23 A. [10:43:24] Well, counsel, the psychosocial dimension involved offering
24 psychological support to the children, because we realised that these children had
25 consumed drugs and they had to do activities that a child shouldn't normally do,

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 hence the recruitment of social workers so that these latter could debrief the children
2 and offer them psychological support and hence that particular psychosocial
3 dimension involved in the entire programme.

4 Q. [10:44:04] Of particular interest to me is the psychological dimension of this
5 assistance. Could you please expand on what that exactly involved please?

6 PRESIDING JUDGE SCHMITT: [10:44:15] Just wait a second, Mr Witness. We give
7 Defence Counsel Dimitri the defence counsel the floor -- (Overlapping speakers)

8 MS DIMITRI: It's not an objection, Mr President --

9 PRESIDING JUDGE SCHMITT: [10:44:21] I would have wondered -- (Overlapping
10 speakers)

11 MS DIMITRI: [10:44:22] -- it's just a plea for the interpreters. They're both speaking
12 French, it's going very fast and there's overlap.

13 PRESIDING JUDGE SCHMITT: [10:44:28] You are right. Mr Suprun, you have to
14 be admonished, I have to say because not the witness but it's no problem. I think
15 everything still came through but thank you very much for reminding us. So the
16 question was -- I think the last question was what does this psychological help
17 involve. Mr Witness, could you please answer. Thank you.

18 THE WITNESS: [10:44:59](Interpretation) Thank you. As I was saying, the
19 psychological support was offered because we realised that those children, given their
20 environment, they were involved in activities they shouldn't have been involved in,
21 tobacco, drug consumption. That's why we recruited social workers with whom the
22 children could work, psychological care for their children. So they listened and they
23 debriefed and they did recreational activities with the children as well. And hence
24 the various dimensions involved in providing psychological care.

25 MR SUPRUN: [10:45:43] (Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 Q. [10:45:44] Thank you very much for that clarification, Mr Witness.

2 I do have a follow-up question, nevertheless. Within the ESF team that was
3 responsible for this programme, were there one or two trained psychologists whose
4 role would be to provide psychological care or dealing with emotional problems
5 among the children?

6 A. [10:46:08] Thank you, counsel. At the time, it was very difficult to find
7 psychologists, but we had recruited four social workers to whom the children were
8 entrusted and they did this work, psychological support for the children. And they
9 drew up reports to track the psychological status of the children and that's what their
10 job involved.

11 Q. [10:46:46] Thank you. Now, if I've understood your evidence, the objective of
12 the ESF programme, the second part, if you will -- the second prong of this objective,
13 if you will, was social reintegration, assistance for these children to get them back into
14 the community. So can you expand on the content of that side of the programme,
15 helping the children to get back into their communities?

16 A. [10:47:12] Thank you, counsel. I think that was the ultimate purpose actually.
17 When we did this psychological and social work, the social workers offered an
18 orientation for the children. Some children decided to go back to school and
19 therefore we enrolled them and we offered them papers for their schooling. And
20 therefore -- and otherwise, they were directed to vocational work. So we trained children in
21 sewing, in mechanics, in construction work and we gave them papers to that purpose.

22 Q. [10:48:11] Now, under this programme, to the best of your knowledge, did ESF
23 take concrete measures or undertake measures to avoid stigmatisation for having
24 been child soldiers and being involved with the Anti-Balaka?

25 A. [10:48:34] The programme was a bit limited in time given the budget, we

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 couldn't do everything that the programme was intended for. Given the budget, the
2 various dimensions of the project couldn't be properly addressed, namely, the risk of
3 stigmatisation upon their return to the community because the budget at that point
4 had already been exhausted.

5 Q. [10:49:13] At the beginning of your evidence yesterday, Mr Witness, you stated
6 that for a number of years, and even lately, you were in contact with the former
7 Anti-Balaka child soldiers to keep yourself abreast of their current circumstances.
8 Can you tell us a little bit -- would you mind telling us what are the current
9 circumstances of these former child soldiers that have now become adults?

10 A. [10:49:49] * Thank you, counsel. I think that as a result of the activities that we carried out for
11 these children to date, we have enrolled some children in school, others are now continuing with their
12 schooling. I've met with other child soldiers who are currently continuing their studies; others we
13 opted to place as apprentices in small trades, others have now become excellent carpenters, others have
14 become excellent dressmakers. So, you know, if you go to Pissa, or you go to Kapou, they are there,
15 carrying out the activities with their own hands. So, that's what I could tell you in terms of the contact
16 that I usually have with the children.

17 Q. [10:50:37] To the best of your knowledge, Mr Witness, these former Anti-Balaka
18 child soldiers, do they even today -- are they stigmatised by their respective
19 community?

20 A. [10:50:50] It's true, sometimes stigmatisation occurs, but I think lots of outreach
21 has been given, and I think therefore the risks have been played down -- have been
22 minimised.

23 THE INTERPRETER: [10:51:09] Corrects the interpreter.

24 MR SUPRUN: [10:51:12] (Interpretation)

25 Q. [10:51:13] To the best of your knowledge, the sociocultural context of these

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 individual communities on the basis of your own opinion, why do the former child
2 soldiers still suffer stigmatisation within their communities whereas they were part of
3 a group that were based -- that were trained in such a way to protect their
4 communities?

5 A. [10:51:41] You know, these children -- well, the communities thought they were
6 acting very negatively and were their torturers, if you will, and that's why you can't
7 minimise this risk of stigmatisation. And as time has gone by -- as time goes by in
8 the long-term, at least, this can be ...

9 THE INTERPRETER: [10:52:15] Witness doesn't finish sentence.

10 MR SUPRUN: [10:52:18] (Interpretation)

11 Q. [10:52:20] Thank you. My last question for you, Mr Witness, on the basis of
12 your knowledge within the social cultural context in that particular area, on the basis,
13 of course, of your experience because a number of child soldiers are still stigmatised.
14 So in your personal view, what would be the best way to put an end to this
15 stigmatisation and to ensure reconciliation between these young adults and their
16 individual communities?

17 A. [10:52:48] Well, it's a relevant question and I'll try and answer. I think the best
18 way to see a better reconciliation is to make sure that these people can get involved,
19 these children can get involved in activities enjoyed by other children, they can get
20 involved and they can forget what they suffered at the time. This would be the
21 strategy that I would offer to get them involved in activities where the attempt would
22 be to get them involved with children who weren't involved in these armed conflicts
23 and then that should make sure that all these children all muddle up together.

24 Q. [10:53:42] Thank you, Mr Witness.

25 MR SUPRUN: [10:53:44] Your Honour, I've finished.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:53:46] Thank you very much, Mr Suprun. We
2 have now the break, I would say, until 1130 and then we start with the examination
3 by the Defence.

4 THE COURT USHER: [10:53:55] All rise.

5 (Recess taken at 10.53 a.m.)

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

7 THE COURT USHER: [11:31:52] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:32:15] Ms Guissé, I give you the floor and we
10 are in open session.

11 MS GUISSÉ: [11:32:24](Interpretation) Thank you, your Honour.

12 QUESTIONED BY MS GUISSÉ: (Interpretation)

13 Q. [11:32:31] Good morning, Witness.

14 A. [11:32:33] Morning.

15 Q. [11:32:34] I'm introducing myself, because we didn't have the opportunity to
16 meet during the courtesy meeting. My name is Anta Guissé, and I can see on the
17 screen you can see still Mr President, perhaps you don't see me on the screen yet.

18 There we are. So I am Anta Guissé and I am one of the lawyers for Mr Yekatom, and
19 it is on this basis that I'm putting questions to you following the Prosecution. And
20 these will be questions by way of clarification with a view to what you've said to the
21 Chamber but also questions which are related to evidence that we also have.

22 Now, as the President -- Presiding Judge indicated to you and the prosecutor at the
23 beginning of your testimony, it is important that we both make pauses between my
24 questions and your answers in order to ensure that the interpreters can do their work
25 correctly. And it's all the more important given that we both speak French.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 I will make an effort not to speak too quickly. That's a fault that I do have and I will
2 also ask for you to help me in that as well. I have a lot of questions to put to you,
3 and I would ask for your help so that we don't spend too much time in the hearings,
4 but I will make a great effort to ask precise questions which give rise to short answers,
5 and I will also organise my questions in terms of different time periods and subjects.
6 So I will ask you to answer in terms of this chronological framework given that I will
7 be addressing different periods, such that everybody can follow your testimony.
8 Obviously you've already done it spontaneously, but if a question isn't clear, please
9 do not hesitate to ask me to repeat it or to reformulate it.
10 I will, of course, respect your protective measures and ensure that in open session I do
11 not put any questions that could identify you, but if you notice that one of my
12 questions put in open session requires explanations which could identify you, then
13 please stop me and point it out to me, and then I can ask the Presiding Judge to go
14 into private session.
15 Finally, I am susceptible to -- I may refer to your previous statements, and for the
16 parties and participants I would like to call the reference of this statement which is
17 from 12 March 2018 the ERN in English is CAR-OTP-2071-0259.
18 And the ERN in French is CAR-OTP-2118-0945. And I'll just give these references
19 once, and in the framework of my questions, I will refer to them saying Mr Witness,
20 your statement.
21 Your Honour, as you will have been able to see, we have a lot of documentation to be
22 shown. And such that it's as fluid as possible so that we can really go into the
23 relevant point, I would ask in a general way for my colleague to present the
24 documents and would call upon court usher exceptionally to do so and then I will
25 mention it. But in principle it will be my colleague who will deal with that, knowing

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 that it will be faster.

2 So there's just some -- now we finished with the administrative aspects -- internal
3 aspects, I think that it's clear and I hope that you're ready to start.

4 A. [11:37:02] Yes, I'm ready.

5 Q. [11:37:05] For this first part, I'm going to stay in open session, with -- as I said, if
6 you notice that you can't answer, please tell me, but I'm going to put questions to you
7 which are quite short on the context at the time when there was the Seleka and what
8 you spoke about yesterday with the Prosecutor on the arrival of the Anti-Balaka in
9 Mbaiki. Now, you knew of the murder of a young man by the Seleka, Emmanuel
10 Mbouliano?

11 A. [11:37:57] Yes.

12 Q. [11:38:00] And in the same circumstances, 60 houses were set on fire by the
13 Seleka in that locality and I'm speaking about Mbata here?

14 A. [11:38:12] Yes.

15 Q. [11:38:22] That caused the fleeing into the bush of the Mbata inhabitants, did it
16 not?

17 A. [11:38:29] Yes.

18 Q. [11:38:32] So for a small part I will need to go into private session, your Honour,
19 for about 10 minutes, I think.

20 PRESIDING JUDGE SCHMITT: [11:38:42] So for the audience, this is a protected
21 witness, and when issues are discussed with the witness that could reveal the identity,
22 we have to do that in private session and the counsel has indicated this will now have
23 to be done for round about 10 minutes.

24 So we go to private session.

25 (Private session at 11.39 a.m.)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1 THE COURT OFFICER: [11:39:19] We are in private session, Mr President.
- 2 MS GUISSÉ: [11:39:25](Interpretation)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. [11:40:51] And to put these events in context, it was at the time when Djotodia
- 20 was in N'Djamena around January 2014; is that correct?
- 21 A. [11:41:03] Yes.
- 22 Q. [11:41:06] I'm now paying attention to (Redacted)
- 23 (Redacted) During the period when Seleka was in power, would I be right to say that
- 24 because of their abuses a lot of people were displaced; is this correct?
- 25 A. [11:41:29] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 Q. [11:41:31] Within the framework of this displacement, children were separated
2 from their parents, were they not?

3 A. [11:41:43] Yes.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [11:42:09] Yes.

8 Q. [11:42:16] And to the best of your recollection, how many displaced children
9 (Redacted) during this period when the Seleka were in power?

10 A. [11:42:26] Well, there were a lot of them because (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [11:43:48] And did you know children, boys, girls, who were enlisted by force
22 into the Seleka?

23 A. [11:43:57] Yes.

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:46:35] Okay. Your Honour, I think for the following questions, I can try to
23 spend some time in open session?

24 PRESIDING JUDGE SCHMITT: [11:46:49] Well, if we continue like that in this
25 velocity, short, sharp questions, short answers -- no, I'm just saying.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 So we go to open session, obviously, then.

2 (Open session at 11.47 a.m.)

3 THE COURT OFFICER: [11:47:21] We are in open session, Mr President.

4 MS GUISSÉ: [11:47:27](Interpretation)

5 Q. [11:47:30] Witness, so I'd remind you that once again we're in open session, so
6 please be careful in terms of what you say.

7 Now, other than the two weeks which we mentioned a moment ago in which you
8 spent away from your home, would you agree that you stayed during the whole
9 period in your domicile in Mbaiki?

10 A. [11:47:54] Could you repeat the question, please.

11 Q. [11:48:03] So apart from the two weeks that we mentioned a moment ago, the
12 two weeks which you had spent away from your home, would you agree that during
13 the time when the facts occurred, 2013, 2014, that you were always in your domicile
14 or you stayed in your domicile in Mbaiki?

15 A. [11:48:25] Yes.

16 Q. [11:48:36] Between the arrival of the Seleka and 5 December 2013, did you leave
17 Mbaiki?

18 A. [11:48:50] No. I was in Mbaiki.

19 Q. [11:49:00] And after 5 December, at what time did you go outside Mbaiki or
20 when did you leave Mbaiki for the first time? I know you went to Bangui, but do
21 you remember when you started to leave Mbaiki or get out of Mbaiki?

22 A. [11:49:19] I no longer remember that.

23 Q. [11:49:29] When you went {ICR: (Redacted)} in Bangui, was that the
24 first time that you left Mbaiki?

25 A. [11:49:47] The question is badly put. I don't know how to give an answer to it.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:49:53] Mr Vanderpuye.

2 MR VANDERPUYE: [11:49:54] I said you may know why I'm rising, but it's just a
3 signal to counsel that we're in open session, as far as I can see.

4 PRESIDING JUDGE SCHMITT: [11:50:09] Well, but this, you know, the domicile
5 thing is very unspecific, I would say. Actually, at the moment I don't see any issue
6 there.

7 So could you repeat the question.

8 MS GUISSÉ: [11:50:23](Interpretation)

9 Q. [11:50:25] When you went to Bangui -- well, you spoke to us about a trip to
10 Bangui, approximately March 2014. Before March 2014, did you leave Mbaiki?

11 A. [11:50:45] No, I was in Mbaiki.

12 PRESIDING JUDGE SCHMITT: [11:50:50] And the one small -- Mr Vanderpuye, the
13 one small chunk of information can be redacted.

14 Ms Guissé.

15 MS GUISSÉ: [11:51:04](Interpretation) I'm now going on to another subject.

16 Q. [11:51:10] You indicated yesterday during your testimony, and this was
17 transcript 222 at 10:13:41, that the Anti-Balaka set themselves up in Mbaiki in a
18 telecommunications building at 50 or 100 metres from the town hall. Would you
19 confirm that this building was the Socatel building?

20 A. [11:51:41] Yes, it was the Socatel building.

21 Q. [11:51:47] Now, we heard from several witnesses who were in Mbaiki during
22 this period, including the former mayor of Mbaiki, and they agreed to say that there
23 was not much destruction of Muslim houses in Mbaiki, the rare examples were ones
24 that belonged to the Seleka. Does that correspond with your memories?

25 A. [11:52:20] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 Q. [11:52:23] Now, still at yesterday's hearing, at 10:07:53, you indicated -- and I
2 here I quote you in the text: "Yes, I think that Mbaiki central mosque was
3 destroyed."

4 And I quote you again: "Yes, I think that the destruction of the central mosque was
5 carried out by the Anti-Balaka mixed with some Christians."

6 Now, my question is as follows: When you say "I think", do I understand therefrom
7 that you were not a direct witness of these facts but these are things that were
8 reported to you?

9 A. [11:53:18] Yes, these are things that were reported.

10 Q. [11:53:24] I'm now going on to another subject.

11 Now, you testified that you had been in Mbaiki at the time of Djido Saleh's murder.

12 And you spoke to the Prosecutor at 10:18 about that and you spoke about the fact that
13 this happened at the roundabout opposite the town hall of Mbaiki. Was it close to
14 the office of the commander of the gendarmerie?

15 A. [11:54:05] Yes.

16 Q. [11:54:14] Would I also be right to say that Yvon Bemaka-Soui was the
17 commander of the gendarmerie in Mbaiki at the time of Djido's murder?

18 A. [11:54:29] I knew the commander of the gendarmerie, but I don't know his
19 name.

20 Q. [11:54:35] So perhaps to help you, with the aid of my colleague I'm going to
21 show you a photograph which is at tab 167 of the Defence binder. And the ERN is
22 CAR-D29-0010-0013.

23 So it's true that the photograph isn't of the best quality, but do you recognise - I don't
24 know if we can change the contrast a bit - do you recognise the face?

25 A. [11:55:46] It's too blurred.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 Q. [11:55:52] We'll grant you that, but in terms of the corpulence, is that what you
2 would recognise from the commander of the gendarmerie?

3 A. [11:56:05] Perhaps his corpulence, but I can't see the face in particular. In terms
4 of his body weight, yes.

5 Q. [11:56:16] Thank you for your assistance.

6 MS GUISSÉ: [11:56:29](Interpretation) Your Honour, for the follow-up of my
7 questions I am going to have to ask to go back into private session and I think I will
8 be there for a little while.

9 PRESIDING JUDGE SCHMITT: [11:56:40] Private session.

10 (Private session at 11.56 a.m.)

11 THE COURT OFFICER: [11:57:00] We're in private session, Mr President.

12 MS GUISSÉ: [11:57:05](Interpretation)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [11:57:53] At yesterday's hearing, at 10:37, you indicated that you went to Pissa
21 and it was at that time that you saw the children at the *barrière* and you said that you
22 saw approximately 50 of them. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:04:20] Thank you.

23 MS GUISSÉ: [12:04:22](Interpretation)

24 Q. [12:04:24] In yesterday's hearing, Mr Witness, at 10:41:01, you talked about that
25 time when you went to the roadblock (Redacted) where you saw children. And you

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 stated, and let me quote you, "It wasn't easy to talk to those children."
2 So my question - at 10:38:14 you talked about the roles undertaken by those children
3 within the Anti-Balaka group - would you agree with me when I say that you
4 mentioned that on the basis of identification sheets and verification sheets that were
5 filled out afterwards (Redacted), but actually on the day itself
6 when you went to the checkpoint, you didn't talk to those children to establish what
7 role they performed within the Anti-Balaka? Have I understood your evidence,
8 Mr Witness?

9 A. [12:05:33] Yes.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 THE INTERPRETER: [12:07:17] Request from the interpreters: Could the witness
25 be requested to speak more slowly.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 MS GUISSÉ: [12:07:24](Interpretation)

2 Q. [12:07:25] Now, yesterday you said to the Prosecutor that you saw that some of
3 the children on that day were wearing *gris-gris* and were wearing uniforms?

4 A. [12:07:34] Yes, military uniforms.

5 Q. [12:07:39] Now, I would ask you to observe a pause between my question and
6 your answer, otherwise we're going to overlap.

7 My question -- Mr Witness, on a previous answer I think there was a problem of
8 distance. You would agree with me that the distance between the checkpoint and
9 the former (Redacted) was 50 metres and not 50 kilometres? It's 50 metres, is
10 that right?

11 A. [12:08:25] Yes, I didn't say -- yes, 50 or 60 metres. I didn't say kilometres. 50
12 or 60 metres, but not kilometres.

13 Q. [12:08:37] Sorry, it was me, it was my mistake. I wanted to talk about the
14 town hall, in actual fact, and not -- and for the purposes of the clarity, because my
15 question wasn't phrased very well, the checkpoint was 50 metres away from the
16 (Redacted) is that right?

17 A. [12:09:03] Yes.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [12:09:26] (Redacted)

22 (Redacted). They were at the (Redacted)

23 (Redacted)

24 Q. [12:09:45] Which means that the rest of the children, 45 or so, if you stay with
25 this figure of 50, they were just wearing civilian dress, normal dress; is that right?

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 A. [12:10:00] Yes.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 UNICEF and ESF. Have I got that right?
- 13 A. [12:19:27] No. At the time, UNICEF had signed one contract (Redacted) for
- 14 protection in Bangui. (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [12:31:53] Thank you very much, Witness. I was nearly there.

8 I would now like to speak about the budget that -- Your Honour, I'm going to try to

9 go into open session.

10 Witness, if you pay attention to the way in which you answer the next questions, then

11 they can be done in open session.

12 PRESIDING JUDGE SCHMITT: [12:32:22] Open session.

13 (Open session at 12.32 p.m.)

14 THE COURT OFFICER: [12:32:37] We are in open session, Mr President.

15 MS GUISSÉ: [12:32:48](Interpretation)

16 Q. [12:32:48] So, Witness, we are once again in open session. Do you know how

17 the budget for the programme was negotiated and who it was negotiated by? Was it

18 the minister of social affairs who negotiated with UNICEF?

19 A. [12:33:12] What I know is that at the start {ICR: (Redacted)}, but

20 now the UNICEF said because ESF had two contracts, two partnerships for activities

21 in Bangui for Lobaye, they have to involve the ministry of social affairs and they

22 called ESF and that's the way it was done. {ICR: (Redacted)}

23 Q. [12:33:52] So in a document that was signed by Madam Condomat who took

24 over from Madam Seremandji in the ministry of social affairs, she indicates -- and this

25 is in a document CAR-OTP-2122-4578, paragraph 28 thereof, she indicates that

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Open Session)

ICC-01/14-01/18

1 UNICEF had allocated a set amount, whatever the number of children concerned, and
2 I wanted to know if that was correct, because earlier today you spoke about
3 budgetary envelope, but was this a fixed set amount which was accorded to the
4 project?

5 A. [12:34:42] Could you put the question again, please.

6 Q. [12:34:47] In a document signed by Madam Condomat who was the director of
7 social affairs in office number 1 following Madam Seremandji. So in a document she
8 indicates that UNICEF within the framework of a project had allocated a set amount,
9 an overall amount, whatever the amount of children concerned, and as a moment ago
10 you spoke about a budget which was allocated thereto. I wanted to know if you
11 would confirm that there was an overall amount, a set amount that was allocated to
12 it?

13 A. [12:35:40] No. Madam Condomat arrived after the project had finished. She
14 arrived when the project had already been finished, so she in no way knew how this
15 activity was carried out. When she came, the project had already finished.

16 Q. [12:36:03] Very well. But even if she arrived after the project was finished,
17 could you indicate to us, to the best of your knowledge, what amount was allocated
18 to the project and what the payment modalities were? I think that -- was there a
19 minimum number of children to obtain the granting of the funding? Do you know
20 the financial modalities?

21 A. [12:36:52] No. {ICR: (Redacted)}
22 (Redacted)}, so it was the director Madam
23 Seremandji {ICR: (Redacted)} planned everything concerning the financial aspects,
24 {ICR: (Redacted)}.

25 MS GUISSÉ: [12:37:22](Interpretation) Your Honour, for the follow-up of my

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 questions, I'm going to have to ask to go into private session.

2 PRESIDING JUDGE SCHMITT: [12:37:29] Again, since we have audience in the
3 room, this is a protected witness and when questions are asked where the answer
4 would potentially reveal the identity of the witness, we have to do that in private
5 session.

6 Private session.

7 (Private session at 12.37 p.m.)

8 THE COURT OFFICER: [12:38:04] We are in private session, Mr President.

9 MS GUISSÉ: [12:38:07](Interpretation)

10 Q. [12:38:09] Witness, just to reassure you, you mentioned -- how do I put this?

11 (Redacted) and I can say that

12 things are done such that these mentions will be redacted from the transcript and
13 because there's a 30-minute time delay on the broadcast of the picture and sound,
14 then the public will not have any knowledge thereof. I just wanted to share that
15 with you.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) And I'm asking you this question, Witness, because

21 yesterday at 15:45 you mentioned that there had to be (Redacted) 40 children

22 unaccompanied, and afterwards the children had to be taken away such that we
23 could complete the number of 60 for (Redacted). So my question is precise:

24 Was there a minimum number of 60 -- 60 children that you had to have in order for

25 (Redacted) by UNICEF?

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 A. [12:39:54] * Thank you. I think the number of 60 children as said among the
2 153 -- (Redacted)
3 (Redacted)
4 these children didn't have their biological parents (Redacted)
5 (Redacted)
6 (Redacted) and that made a total of 60 children during the verification phase. Now, the
7 issue was ensuring that the 60 children without biological parents, they had to be
8 taken away to be put in the transit centre -- (Redacted)

9 Q. [12:40:57] I'm sorry for interrupting you, Witness, but I think my question
10 wasn't clear or at least I must have misformulated it. We're going back to the figures
11 a bit later. My question, which was a precise question, was whether there was a
12 minimum number (Redacted) whether that was a set condition for
13 UNICEF?

14 A. [12:41:27] * Indeed. (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)

19 Q. [12:42:09] I'm going to try something different because I don't think I'm being
20 clearly understood.
21 Now, here you're talking about (Redacted)
22 (Redacted) but at the time (Redacted) this project with UNICEF before going to carry
23 out the identification in the field, et cetera. (Redacted) a number of children that was a
24 set number, the objective of which was to cover 100, 200, 300 or 60 people within the
25 programme? Do you understand?

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1 I'm not asking you at the time when it was (Redacted)
- 2 (Redacted) was there a
- 3 minimum number of children that (Redacted) I hope that I was clear.
- 4 A. [12:43:08] (Redacted)
- 5 (Redacted) That was it. 150 -- 150 to 200 children. That was it. (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) and

16 everything that was communicated to UNICEF went necessarily (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:54:45] I put this question to you, Witness, because in the Defence team we

23 have attempted to obtain precise documents, in particular with regards to this issue of

24 what the budget was, what all the different elements were, for example, verification,

25 identification, and when we went to the ministry or we saw that there weren't

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 archives or at least we haven't been able to obtain them, and we also attempted to get
2 information from UNICEF and for the Chamber and the parties, we made several
3 requests for cooperation between 2019 and 2021.

4 I'm just mentioning them because Presiding Judge, you showed your interest in
5 documents for which we are interested as well, but without success because you will
6 see at tabs 5, 6, 7, 8 and 9 in the Defence binder, the different requests for cooperation
7 that we formulated and the answers, the very general answers that we got from
8 UNICEF from 18 February 2021 which are at tab 9, ERN CAR-D29-0007-0047. That's
9 the ERN of the answer which gives the general documentation on collaboration with
10 UNICEF with the NGOs, but it doesn't answer our specific questions (Redacted)

11 (Redacted) So it's

12 important to mention it for the record to say that it's not because we didn't try to
13 obtain documentation from them.

14 So just by way of reminder, we have three reports in the file which were drafted by

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [12:57:39] * These are all the documents that were sent to UNICEF.

20 Q. [12:57:45] So I understand that it was (Redacted) had a specific link with
21 UNICEF. Do you know if he received documents other than the identity check
22 sheets and the sheets (Redacted)

23 A. [12:58:10] No. (Redacted) the verification work, UNICEF

24 would get them from time to time, (Redacted) they would

25 take that as and when it was going on. (Redacted) to have the

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 original -- well, UNICEF would do it bit by bit. (Redacted) make
2 the drafts and UNICEF would get the originals over time.

3 Q. [12:58:46] Thank you. Wasn't exactly the object of my question, but it's useful
4 information.

5 Now my question was different. Other than these identity sheets to verify the
6 identity, (Redacted) documents from UNICEF?

7 A. [12:59:09] No.

8 PRESIDING JUDGE SCHMITT: [12:59:12] I think it's -- if you think it's an
9 appropriate time and you don't have any questions that are directly connected, then
10 we will have the lunch break until 2:30.

11 THE COURT USHER: [12:59:27] All rise.

12 (Recess taken at 12.59 p.m.)

13 (Upon resuming in private session at 2.34 p.m.)

14 THE COURT USHER: [14:34:03] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:34:22] Good afternoon.

17 We are still in private session. And I assume we will stay there.

18 So, Ms Guissé, you have the floor.

19 MS GUISSÉ: [14:34:30](Interpretation) Thank you, your Honour.

20 Q. [14:34:33] Good afternoon again, Mr Witness. We will continue. I'll continue
21 my questions for you.

22 I want to go back to a point which was already raised. I asked you the question to
23 know where there was a minimum of children that were required so that UNICEF
24 would take on board (Redacted) But I'm not quite sure that I had its answer in
25 its entirety, so I'd like to come back to that.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 My first question: Do you agree with me that UNICEF is an organisation who
2 usually works on programmes which has several beneficiaries, it's a large
3 organisation as regards funding and programmes?

4 A. [14:35:25] Thank you. I think UNICEF works with a lot of beneficiaries, but
5 often it depends on the funding which UNICEF itself receives. So there's no
6 specific -- if there's no specific programme, they will look at the children and they will
7 look at the breakdown and then decide on the funding. That's, I think, how they
8 operate.

9 Q. [14:36:01] (Redacted)

10 (Redacted) with UNICEF centred 150 children who should be looked after

11 (Redacted) So my specific question is as follows: These 150 to 200

12 (Redacted) and is that the amount that

13 you were discussing?

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [14:37:51] Could you clarify the question a bit because I don't quite understand
22 it.

23 PRESIDING JUDGE SCHMITT: [14:37:57] It was quite complicated, the question, I
24 have to admit. Actually, I had to read it also twice to understand what it meant. So
25 perhaps break it down a bit.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 MS GUISSÉ: [14:38:08](Interpretation)

2 Q. [14:38:11] Yes, Mr Witness, you're quite right, it wasn't very clear.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [14:51:03] (Redacted) from UNICEF to not provide (Redacted)

6 (Redacted) to the ministry of social affairs and to management, the regional

7 management.

8 A. [14:51:19] I've already told you that the activity was done in partnership and

9 there was a breakdown of duties, and within that framework there was a breakdown

10 so that what the social affairs should do. So the report was a joint report, so there

11 were people responsible in the ministry who also had involvement, and that's why we

12 had the report of (Redacted) There wasn't a refusal, but

13 there was only a breakdown of duties and activities. But as regards the

14 identification and verification process, it was UNICEF that took that on board.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 Q. [14:57:31] (Redacted)

3 (Redacted)

4 (Redacted) the first phase of the programme. (Redacted) agree with

5 that?

6 A. [14:57:49] No, there are documents available for the (Redacted) through the

7 reports relating (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [14:58:31] Thank you for that clarification. Could you be very careful in

11 listening to my questions. It's true, perhaps, my questions are a bit long, but here I

12 did say very clearly there is no similar document to this (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) Do you agree with that?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [14:59:27] And that's why I say in the report there is no additional single sheet

20 document?

21 A. [14:59:36] * Yes, there's no separate document, because in (Redacted)

22 (Redacted) with UNICEF, (Redacted) You know, he was taking it one step at a time.

23 Q. [14:59:54] And do you agree with me that what we have in the report is what

24 was drawn up by (Redacted) of the prefectural service, but there is no document that

25 was countersigned with this type of table by the regional department. It is only the

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted) that signed the document.

2 A. [15:00:22] I find it difficult to understand your question.

3 Q. [15:00:41] Now, the synopsis tables that we're talking about, the verification
4 assignments and the identification missions, those feature in the reports (Redacted)
5 (Redacted) that's right, isn't it, it's in the
6 report?

7 THE INTERPRETER: [15:01:02] Answer indiscernible from the witness.

8 MS GUISSÉ: [15:01:07](Interpretation)

9 Q. [15:01:07] And the initial document (Redacted)
10 (Redacted) under the ministry, it's
11 only in the report (Redacted) There is no countersigned document going to
12 this identification process; is that right?

13 A. [15:01:30] Can I speak?

14 Q. [15:01:36] Yes, please, go ahead.

15 A. [15:01:39] You may know that UNICEF, its working principle was working on
16 demobing and reinserting children and it had done a number of programmes. It's
17 the overriding principle within the United Nations. So the government -- well, if
18 you like, social affairs, were there to represent. I mean, the databases -- there's a
19 principle with regarding to managing the database. That's why (Redacted)
20 (Redacted) It's a secret document that UNICEF had within its
21 holdings. Everything going to identification and verification procedures.

22 Q. [15:02:42] And so to be very clear, and this will be my last question on this
23 matter, you talk about the secrecy of the database and what have you. So would you
24 agree with me when I say that UNICEF (Redacted) not to hand on that information,
25 these were instructions (Redacted) common

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 practice?

2 A. [15:03:05] It's not a principle, but it's a -- it's practice that UNICEF use for the

3 reason is (Redacted) UNICEF enters data based on that. (Redacted)

4 (Redacted)

5 (Redacted) and this is how it's done as things go.

6 Q. [15:03:37] I'd like now to move on. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [15:08:48] The document here dates back to June 2022. If it was about 2014,

23 I could enlighten you, but I can see 2022, that date there, so I don't know how

24 I can -- I don't know how I can talk about that.

25 PRESIDING JUDGE SCHMITT: [15:09:06] Mr Witness, it's clear that the document is from 2022,

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 but it might be that you recognise some of the names (Redacted)

2 (Redacted) And that is the question, if you recognise one or several names on this list.

3 THE WITNESS: [15:09:38](Interpretation) * Yes, I recognise the names... (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [15:10:05] I think we can take it from what we

9 already heard from your testimony that you also know (Redacted) We

10 simply -- I think we simply take this as your evidence. So at least, Ms Guissé,

11 I think there are three persons still -- that are still there (Redacted)

12 (Redacted)

13 MS GUISSÉ: [15:10:29](Interpretation) Thank you, your Honour.

14 Q. [15:10:32] Now, among those three people that you identified and worked (Redacted)

15 (Redacted) can you tell us, all those people were based in (Redacted)

16 some who were based (Redacted) or who shuttled back and forth?

17 (Redacted)

18 (Redacted)

19 Q. [15:11:05] Now, yesterday at 9:50 in your evidence, you stated that you worked

20 for (Redacted) all the way (Redacted) So why did you decide to stop working for

21 (Redacted)

22 A. [15:11:22] Well, for the time being -- well, there's a funding problem for (Redacted) and

23 in 2022, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 A. [15:12:21] Yes. (Redacted) there was a financing problem, and so there was
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted) You may be familiar with this
20 abbreviation.
21 Perhaps we could bring down the document ever so slightly -- sorry, bring it up,
22 rather, to see the top here.
23 It's the Central African Agency for Vocational Training and Employment. And we
24 have -- this is where you receive a registration number to employ somebody.
25 So this is what we read here. (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [15:16:32] I think this question is -- should be put more (Redacted)

18 (Redacted) who is better placed I would say to give you an answer. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [15:17:00] That's fine. You need to offer answers based on what you know.

23 All right. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [15:32:45] (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [15:32:45] Please wait.

4 Mr Vanderpuye first.

5 Please wait a second, Mr Witness. Thank you very much. Mr Vanderpuye.

6 MR VANDERPUYE: [15:32:51] I'm not sure what the reference is that counsel is

7 saying that the witness said that these were names for him to contact, but if we have it,

8 that would be good.

9 PRESIDING JUDGE SCHMITT: [15:33:03] Well, but -- okay, Ms Guissé, but the

10 question as such is not at all objectionable.

11 MS GUISSÉ: [15:33:11](Interpretation) Especially because I have just quoted the

12 transcript. So I'm going to repeat. In 222, the transcript --

13 PRESIDING JUDGE SCHMITT: [15:33:25] No, we have -- we have listened to the

14 transcript, so I think we don't -- we don't have to have this a second time.

15 So, Mr Witness, we are speaking about (Redacted) Was (Redacted),

16 was he present at (Redacted) during this (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [15:34:05] So he was -- first he was present and then

21 he left; do we understand this correctly, Mr Witness?

22 THE WITNESS: [15:34:18](Interpretation) Yes.

23 PRESIDING JUDGE SCHMITT: [15:34:19] (Redacted)

24 (Redacted) these names, all these names, who

25 provided you with these names during that meeting, (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [15:34:41](Interpretation) It was (Redacted) who was there and he
2 gave me the name of all (Redacted)

3 PRESIDING JUDGE SCHMITT: [15:34:47] Thank you.

4 Ms Guissé, you can quickly -- I think we know what you're heading at, because it was
5 already apparent yesterday, but you can -- I think you can go directly to the point, if
6 you want.

7 MS GUISSÉ: [15:35:02](Interpretation) (Redacted)

8 Q. [15:35:05] So today you say it's (Redacted) Yesterday at 12:10 you said that
9 (Redacted) who gave you the names. And I, I suggest that it's not
10 possible because on (Redacted) had already died some weeks ago.
11 So you could not give his name as an element to be involved (Redacted)
12 Let me say it's not even some weeks ago that he passed away, but some months had
13 passed. So can you give an explanation of how can you give a name in (Redacted) of
14 someone who had already passed away?

15 A. [15:35:59] Well, you know, I was there. If I'm told that these are the names,
16 I would just take them down, I would just copy down the name (Redacted) said.
17 But outside that, I didn't know anything about any other aspects.

18 Q. [15:36:25] And yesterday you said (Redacted) was present at the
19 (Redacted) and he remained about one and a half hours and then he left.
20 That's not the only problem. The name of (Redacted) as regards the meeting of
21 (Redacted) because in your statement -- and I would like that to be displayed on the
22 screen. Tab 3 of the binder of the Prosecution, (Redacted)
23 (Redacted) you have given a different version of what happened, different from what
24 you said in the court, and we're going to display it to you so that you can see is quite
25 clearly and that I'm not altering anything.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 You said: (Redacted) organised a meeting in (Redacted) with (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) was not present (Redacted)

6 (Redacted)

7 So in 2018, you clearly stated that (Redacted) was not present at that meeting. My

8 question is as follows: Do you agree that you have made a mistake and that on

9 (Redacted) contrary to what you said in the court, (Redacted) was not present?

10 A. [15:38:23] Well, you know, it's a long time ago, so I don't know, I haven't got the

11 report or the documents in front of me, so everything I provided as document as

12 regards (Redacted) and the people who were present is what I said in my statement.

13 But sometimes there are other aspects which I can't recall.

14 Q. [15:38:57] But in fact, Mr Witness, the document which was shown to you by the

15 Prosecution and which I've just showed you as well mentions (Redacted) in the list and

16 also (Redacted) who had passed away a while back. So apart from that, he's not

17 there. So my question to you is: After having reread your statement of 2018, does it

18 jog your memory and can you agree with me that Mr Yekatom was not present at the

19 meeting of (Redacted)

20 A. [15:39:36] I don't know. (Redacted)

21 (Redacted) and I did the documentation, but I don't know what the

22 time frame was of different meetings, who was there and -- who was there and who

23 was not there. I can't remember all that.

24 Q. [15:40:08] So should I remember from your statement is that you can't

25 remember?

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 A. [15:40:14] Yes.

2 Q. [15:40:21] I want to show you another document which is about another
3 meeting.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Page redacted

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

- 1 And you said yesterday Mr Yekatom gave you this telephone (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 THE WITNESS: [15:57:22](Interpretation) (Redacted)
- 12 (Redacted)
- 13 (Redacted) You know, (Redacted)
- 14 (Redacted) sometimes I cannot remember, but it was meetings that we organised
- 15 with them. So sometimes I can't remember exactly what happened when, but that's
- 16 basically what happened.
- 17 PRESIDING JUDGE SCHMITT: [15:57:59] Thank you.
- 18 Ms Guissé.
- 19 MS GUISSÉ: [15:58:02] (Overlapping speakers)
- 20 PRESIDING JUDGE SCHMITT: [15:58:07] I think only questions that are now
- 21 related to this, before -- before we break, I would say. No new topic I would
- 22 suggest.
- 23 MS GUISSÉ: [15:58:14](Interpretation) No new subject, but I have to complete this
- 24 for the sake of completion.
- 25 PRESIDING JUDGE SCHMITT: [15:58:21] Obviously, yes.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MS GUISSÉ: [16:00:45](Interpretation)

20 Q. [16:00:46] But like for the previous meeting, can you give us more specifics?

21 Okay, you don't remember exactly whether (Redacted) was present or not. So that

22 we have something that's unambiguous.

23 A. [16:01:01] Well, I don't remember, but I do know that there was a meeting

24 organised (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 Q. [16:01:20] Perhaps I can jog your memory.
2 Once again, this is a document which is part of the fresh round of documents that we
3 communicated to the Court and to the parties. And I'll finish on this point,
4 Mr President.
5 Can I refresh your memory to the effect that (Redacted) wasn't there on that
6 particular day. And perhaps we can show you a document that we find at tab 170 in
7 our list of materials, CAR-D29-0007-0190. And perhaps I can tell you this is similar
8 to the document I showed you earlier on. This is a follow-up from a request from
9 our Defence team. And we talked to the (Redacted) organisation that you say was there
10 on (Redacted) at this meeting with the Anti-Balaka and we asked them about the
11 presence or not of (Redacted) at said meeting. And this is what (Redacted)
12 (Redacted)
13 And let me read out an excerpt. A little higher in the document in the first
14 paragraph, please. Thank you.
15 "Concerning the period going from December 2013 through March 2014 ..." and then
16 we can go down a few lines "... to the best of our knowledge, we had never had any
17 direct contact with (Redacted) ..."
18 And a little further on, in the last paragraph before the signature, we read what's
19 written by the (Redacted) chief: "We do not recognise or we have no knowledge of the
20 fact that there was a meeting on (Redacted) between (Redacted) and members of
21 (Redacted)." End of quote.
22 And this will be my last question for the day: Does this jog your memory somewhat
23 about the fact that on (Redacted) wasn't present at that meeting?
24 PRESIDING JUDGE SCHMITT: [16:03:27] Before you answer, Mr Witness,
25 Mr Vanderpuye.

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [16:03:31] Again, Mr President, this does not support the
2 contention that the Defence is putting to the witness. It simply reflects that they
3 don't have that information. It doesn't reflect that (Redacted) was or was not there.

4 PRESIDING JUDGE SCHMITT: [16:03:46] No, I don't agree here. Well, I don't
5 agree.

6 MR VANDERPUYE: [16:03:49] There's no stone to indicate that (Redacted) was
7 there on that day either.

8 PRESIDING JUDGE SCHMITT: [16:03:54] Yeah, but that is -- no, that is -- that
9 is -- no. We understood -- no, Ms Guissé, please no discussion. Please don't get
10 excited. It's late.

11 I understood from the testimony of the witness that this (Redacted) was present. We
12 can ask that again to make it clear for the record.

13 So, Mr Witness, have we understood you correctly that according to your recollection
14 on (Redacted) this organisation (Redacted), or representatives of them, the
15 organisation was not present, the representatives were present during that meeting?
16 Do you recall that?

17 THE WITNESS: [16:04:38](Interpretation) Thank you, your Honour. I think that
18 I can say (Redacted) It wasn't the (Redacted)
19 members that took part in that meeting. For a better clarification, and so it's UNICEF
20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [16:05:40] But still, you see this document and that

Trial Hearing
WITNESS: CAR-OTP-P-2018

(Private Session)

ICC-01/14-01/18

1 this organisation called (Redacted) said they don't know anything about contacts of this
2 organisation with (Redacted) direct contacts, and they don't have any knowledge of
3 an encounter of their representatives (Redacted) So the question
4 is if that somehow jogs your memory.

5 THE WITNESS: [16:06:18](Interpretation) Yes. I told you that (Redacted) -- it was only
6 UNICEF that wrote to (Redacted) two verifiers. It was UNICEF and (Redacted)
7 (Redacted) And we didn't have any partnership with COOPI, but only with UNICEF.

8 PRESIDING JUDGE SCHMITT: [16:06:40] Ms Guissé, I think you have follow-up.

9 MS GUISSÉ: [16:06:43](Interpretation) Yes.

10 PRESIDING JUDGE SCHMITT: [16:06:45] We finish that obviously. We finish that.

11 MS GUISSÉ: [16:06:49](Interpretation)

12 Q. [16:06:50] Just a last point and then, if necessary, return to this tomorrow.

13 The telephone number that we see (Redacted)

14 (Redacted) did you use that or not, that number?

15 THE INTERPRETER: [16:07:12] 72-15-47-07.

16 THE WITNESS: [16:07:17](Interpretation) Sorry, I didn't understand the question.

17 MS GUISSÉ: [16:07:23](Interpretation)

18 Q. [16:07:24] I was asking whether you used the number, the telephone number
19 that you attribute to (Redacted) Have you already -- have you
20 ever called that number?

21 A. [16:07:34] * I think in 2014 when I had that number. But I think that, on that
22 number, myself and (Redacted) we even called him twice on the same number.

23 MS GUISSÉ: [16:07:51] I've finished for today, your Honour.

24 PRESIDING JUDGE SCHMITT: [16:07:54] Thank you.

25 Thank you to everyone.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2018

- 1 Especially thank you to Mr Witness for patiently answering the questions the whole
- 2 day. This is really -- I know this is not an easy procedure so on behalf of the
- 3 Chamber we thank you for your patience, and we wish you and everyone else in the
- 4 courtroom -- we don't have a rest day, but the rest of the day that we can perhaps
- 5 relax a little bit.
- 6 And see each other tomorrow at 9:30.
- 7 THE COURT USHER: [16:08:27] All rise.
- 8 (The hearing ends in private session at 4.08 p.m.)