

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 Thursday, 20 April 2023
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:18] 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: [9:33:01] Thank you.
20 Since I see some changes for the presence, please, we start with the Prosecution.
21 MR VANDERPUYE: [9:33:07] Thank you, Mr President. Good morning to you.
22 Good morning, everyone. Today the Prosecution is represented by
23 Pierre Belbenoit-Avich, Yassin Mostfa and myself Kweku Vanderpuye. Good
24 morning, again.
25 PRESIDING JUDGE SCHMITT: [9:33:18] And We turn to the representatives of the

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- 1 victims. Ms Douzima first.
- 2 MS DOUZIMA-LAWSON: [9:33:25](Interpretation) The victims of the other crimes
- 3 are represented by myself Ms Douzima.
- 4 PRESIDING JUDGE SCHMITT: [9:33:33] Thank you.
- 5 Mr Suprun.
- 6 MR SUPRUN: [9:33:35] Good morning, Mr President, your Honours. The former
- 7 child soldiers are represented by myself, Dmytro Suprun. Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:33:41] We turn to the Defence. Ms Dimitri next.
- 9 MS DIMITRI: [9:33:44] Good morning, Mr President. Good morning, your
- 10 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.
- 11 He's represented today by Ms Anta Guissé, Ms Laurence Hortas-Laberge,
- 12 Ms Fiona Houdin, Ms Sabrine Bayssat and Ms Yousra Lamqaddam, as well as myself
- 13 Mylène Dimitri.
- 14 PRESIDING JUDGE SCHMITT: [9:34:01] Indeed, thank you very much.
- 15 Mr Knoops.
- 16 MR KNOOPS: [9:34:04] A very good morning, Mr President, your Honours.
- 17 Good morning, everyone in the courtroom. Our Defence team today comprises of
- 18 Ms Chiara Giudici, right side, second row, Mr Mathias Goffe and Myriam Hollant.
- 19 Mr Ngaïssona is present in the courtroom, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [9:34:26] Thank you. And most importantly, we
- 21 have again our witness in the courtroom.
- 22 Mr Witness, how are you feeling today? Did you have a good rest?
- 23 WITNESS: CAR-OTP-P-2018 (On former oath)
- 24 (The witness speaks French)
- 25 (The witness gives evidence via video link)

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1 THE WITNESS: [9:34:41](Interpretation) I'm feeling very well.

2 PRESIDING JUDGE SCHMITT: [9:34:44] Well, that's always good to hear. We are
3 in open session. We have a little bit of a hope, Ms Guissé.

4 MS GUISSÉ: [9:34:56](Interpretation) I'm sorry, your Honour, but this is a hope I
5 have to dash. The next subject that I'm going to broach, unfortunately is very
6 sensitive so we cannot do it in open session.

7 PRESIDING JUDGE SCHMITT: [9:35:10] And since we have an audience here, I
8 want to explain. You recognise that this is a protected witness, and we try to -- even
9 when we have a protected witness -- to be as much in open session so that the
10 audience can follow as possible. But this is only possible when we tackle issues
11 during the examination where the information that the witness provides us with does
12 not reveal his identity and, obviously, the next questions that the Defence wants to
13 ask deal with such issues, so unfortunately we have to go into private session. That
14 means you can only follow visually, but you do not hear what is going to be said. I
15 beg for your understanding.

16 We go to private session.

17 (Private session at 9.36 a.m.)

18 THE COURT OFFICER: [9:36:07] We are in private session, Mr President.

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

20 Q. [9:36:29] Good morning, Mr Witness. I'm going to continue from where I left
21 off. I'm specifically interested in some individuals who (Redacted)

22 (Redacted). I would like to start with (Redacted). You called him that in the
23 transcript 222 at 16:04, and with the assistance of my colleague, I would like to
24 display tab 116 of the Defence binder, document CAR-OTP-0000-0827.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [9:38:17] On the DDR list, the large table, and this is tab 132 of the Defence

9 binder, and on page 12 it says (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [9:39:08] (Redacted)

16 before the court and said (Redacted)

17 And for the Chamber and the parties, I'm referring to the transcript 213, 12:47 and it

18 was witness -- (Redacted)

19 (Redacted). Is that what you're saying?

20 A. [9:39:46] Yes, that's what I'm saying.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [9:41:13] As we saw yesterday in several moments, (Redacted), there were 60

9 children (Redacted)

10 (Redacted)

11 A. [9:41:36] (Redacted)

12 I said there were many children, (Redacted)

13 (Redacted) because there were so many of them?

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [9:42:22] (Redacted)

18 (Redacted) but it's a long time ago

19 (Redacted) I cannot remember each child.

20 PRESIDING JUDGE SCHMITT: [9:42:45] So we have to take this as a no, there's no

21 recollection.

22 MS GUISSÉ: [9:42:53](Interpretation)

23 Q. [9:42:55] A point of clarification, because I'm not sure I understood fully as

24 regards this. Is it your testimony that the 60 children (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted) Can you remember whether (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 Q. [9:45:15] How much time lapsed where (Redacted)
- 21 (Redacted)
- 22 A. [9:45:30] I can't remember. I really don't remember but it took some time.
- 23 Q. [9:45:39] But it's a bit clearer than your answer yesterday. (Redacted)
- 24 (Redacted)
- 25 (Redacted) So you agree with me that there were not 60

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1 children (Redacted)

2 A. [9:46:08] What I told you yesterday is that after (Redacted)

3 (Redacted) and they completed the number and so -- then

4 they -- all together there were 60 children (Redacted)

5 (Redacted) That's what I told you yesterday.

6 Q. [9:46:34] Am I to understand that (Redacted) there

7 were -- there wasn't 60 children there?

8 A. [9:46:56] You know, (Redacted) as the children were

9 numerous, (Redacted) They were

10 all (Redacted) now, without -- to consider those as

11 non-accompanied that the others of the -- other children in -- (Redacted)

12 (Redacted)

13 Q. [9:47:32] I understood that there were two categories of children, the

14 non-accompanied ones and the other children who were accompanied who had

15 family (Redacted) I'm not interested in those who had family (Redacted)

16 (Redacted) I am interested in the 60 names who had to go to (Redacted)

17 (Redacted) I'm only interested in those children. Out of the 60 who were

18 non-accompanied children, do you agree that they were not all present (Redacted)

19 (Redacted)

20 A. [9:48:11] That's why I'm telling you the 60 weren't (Redacted) because

21 there were some (Redacted) maybe

22 (Redacted) about 40 children or so who were non-accompanied and (Redacted)

23 (Redacted) So that included the other

24 children who had their -- also their biological parents, (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [9:48:47] I think the Bench would be happy if we
2 could move on with this. You have an answer now. Okay. So --

3 MS GUISSÉ: [9:48:56](Interpretation) Your Honour, no worry, when I have an
4 answer to my question, I will move forward.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [9:50:02] I've told you, there were the children themselves who gave us their age.

14 In the identification forms, that included information about the children, but in the
15 certification form, it was an individual form for each child. As I told you for the
16 certification. When a child was certified, UNICEF automatically collected the forms.
17 So those children themselves gave us their age.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [9:51:00] If I may. So that we understand this,

22 Mr Witness, we know also from your statement that you gave to the Office of the
23 Prosecutor in 2018, paragraph 60, I have the English version here,

24 CAR-OTP-2071-0259 that under certain circumstances also a doctor saw these

25 children who had, if I understand correctly, somehow given an assessment of the age

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1 of the child. So when did that happen? Did that happen in any case or only when
2 the children (Redacted) -- with an age
3 themselves?

4 THE WITNESS: [9:51:56](Interpretation) Thank you. I think the certificates which
5 the doctors assessed were for children (Redacted)
6 Those children had a medical examination, and there was a UNICEF team who was in
7 Bangui and (Redacted) provided a certificate and which UNICEF
8 retrieved to take to (Redacted)

9 PRESIDING JUDGE SCHMITT: [9:52:29] And coming back to the -- as it was nicely
10 labelled by Ms Guissé yesterday, the list of 60, you see the -- this list of 60 children. I
11 understood from -- from your evidence yesterday that with regard to these 60
12 children, the age that appears (Redacted) Is
13 that correct? So this -- can we -- can we take this as a -- as, let's say, as your
14 testimony? You know, on the list of 60, I think I don't have to show it now the fifth
15 time to you. They all have -- there is -- (Redacted) is
16 that correct?

17 THE WITNESS: [9:53:22](Interpretation) Thank you. It's the children (Redacted)
18 (Redacted) and now the 60 children of (Redacted) I told you that a UNICEF team
19 came, (Redacted) a certificate of their apparent age of those
20 children (Redacted)

21 PRESIDING JUDGE SCHMITT: [9:53:43] Still it's not -- it's not clear to me. So my
22 question probably was not clear enough.
23 So when we have -- let's -- I think I have to -- let's look at the -- at this list. It's
24 (Redacted) -- please pull it up -- (Redacted)
25 Perhaps we can turn it around so that it is better visible for the witness.

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1 Yeah, thank you very much.

2 So Mr Witness, this is the list that we have looked at several times, and we have 60
3 names on it, we also have established that, and then we have in the fourth column we
4 always have age. And when we have, for example, number 1, number 2, I asked you
5 yesterday, 13, 14 years. (Redacted) only
6 come from (Redacted) I really want to know that.

7 THE WITNESS: [9:55:00](Interpretation) Thank you. These children who gave us
8 their age.

9 PRESIDING JUDGE SCHMITT: [9:55:09] Okay. So then -- yeah. Still I don't
10 understand really what role the doctors had, but we have now the answer and we
11 have it several times. But please bear with me that because of this paragraph 60,
12 there is a little bit of uncertainty. Also Mr Vanderpuye, I think you understand that
13 this has to be clarified somehow. Thank you.

14 Ms Guissé.

15 MS GUISSÉ: [9:55:38](Interpretation) Thank you, your Honour.

16 Q. [9:55:41] To go back to the last question of the President, as you said that all the
17 children (Redacted) had a certificate of apparent age, (Redacted)
18 (Redacted) but that certificate went directly to UNICEF; is that what we are to
19 understand?

20 PRESIDING JUDGE SCHMITT: [9:56:15] We have to wait until the connection is
21 re-established, please.

22 So we don't have the information or the reason for this connection problems are. We
23 expect soon a call which clarifies the issue and we hope that we can then continue.

24 Well, jingles are always are a good sign. Yes, indeed. Thank you very much.

25 Mr Witness, there was a problem with the connection, so it seems to be reestablished.

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1 Do you hear me, Mr Witness?

2 THE WITNESS: [9:57:35](Interpretation) Yes, I hear you very clearly.

3 PRESIDING JUDGE SCHMITT: [9:57:37] Thank you. Then we can continue.

4 Ms Guissé, you have the floor.

5 MS GUISSÉ: [9:57:44](Interpretation)

6 Q. [9:57:45] I understand, Mr Witness, that the certificate of apparent age (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)

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1 (Redacted)
2 (Redacted)
3 A. [10:00:25] No, I don't remember anymore. *I can't remember the distribution,
4 because it was Social Affairs that did the repairs. The building belonged to Social
5 Affairs ; therefore, it was Social Affairs that organized these children (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
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24 (Redacted)
25 (Redacted)

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8 (Redacted)
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14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 Q. [10:08:32] So your answer is -- is you simply don't remember. That's not a
25 problem, all you have to do is say it without going into other explanations.

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1 PRESIDING JUDGE SCHMITT: [10:08:44] Indeed, Mr Witness. Don't
2 misunderstand the questions of Ms Guissé that she wants to reproach you when you
3 don't have an exact recollection. That would be impossible for anybody of us here in
4 the courtroom to remember so many names and all the details. So indeed like she
5 said, if you don't recall it, then simply tell us. Thank you.
6 Ms Guissé.
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
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23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 Now, in your verification process, did you call up Gervais Bomassa (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [10:12:28] Mr Vanderpuye.

14 MR VANDERPUYE: [10:12:29] I think the witness has stated that he doesn't have a

15 specific recollection about this, so I don't know how he could possibly explain --

16 PRESIDING JUDGE SCHMITT: [10:12:40] I agree with you. Actually I agree with

17 Mr Vanderpuye on that point.

18 Ms Guissé, you -- simply you have the information and you have, I assume

19 documents for that and we leave it at that. So the witness cannot -- the witness

20 cannot comment on that. Because he has several times said that he does not really

21 have a recollection of (Redacted)

22 MS GUISSÉ: [10:13:10](Interpretation) Your Honour, well, perhaps I can offer an

23 explanation. Yes, would it be possible -- yes I would like to answer your observation,

24 your Honour, but I would like to cut the link -- the sound link with the witness

25 because otherwise how can I put it, that will reveal where I'm going with my

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1 questions possibly too much.

2 PRESIDING JUDGE SCHMITT: [10:13:54] So we're going to cut it shortly and you
3 explain what you're heading at.

4 I know the microphone was on but it's clear when it -- normally it helps when you
5 were speaking English, would have been not a problem, but since you're speaking
6 French -- sometimes it's a problem when you speak French but very rarely. So
7 please, Ms Guissé.

8 MS GUISSÉ: [10:14:32](Interpretation) Rest assured there will be a major problem if I
9 start speaking in English. Anyway, your Honour, this line of questioning is -- is
10 highly specific. We're currently talking about a witness that has come to offer
11 evidence before this Court, that stated (Redacted)

12 (Redacted) We're not in Paris and New York, (Redacted)

13 (Redacted). So the questions about people knowing each other, people know
14 who is who in that locality. So I think it's legitimate to put a question to the witness
15 about simple checks when we know (Redacted) I mean,
16 it's not coming out of the blue from the list, if you will. (Redacted)
17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:15:23] I accept that so I change my mind,
19 however -- okay, I predict the answer.

20 MS GUISSÉ: [10:15:30](Interpretation) Possibly, your Honour, but my duty is to put
21 my suggestions to the witness by explaining the foundation upon which my
22 suggestions rest.

23 PRESIDING JUDGE SCHMITT: [10:15:41] Since we are -- this is -- no -- no, let's
24 say -- no rocket science but I understand it. It's not -- he might -- he might know it,
25 but at some point in time we have to accept, not we, specifically you as

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1 questioner -- examiner, you have to accept when the witness does not have
2 recollection. So this was the reason why I, in the first place, agreed with
3 Mr Vanderpuye. So we reconnect and you put the question again. But please don't
4 insist if he says he has no clue about the persons, please because then we waste our
5 time here.

6 Thank you, court officer.

7 Mr Witness, we had to discuss a procedural issue and that was the reason why we
8 had to disconnect you.

9 Ms Guissé, please put your question to the witness.

10 MS GUISSÉ: [10:16:57](Interpretation)

11 Q. [10:16:58] Now, I had paused, Mr Witness on the suggestion that (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Does this jog your memory somewhat about the (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:17:46] Well, perhaps we were both -- all three
20 were right, so to speak. Rare instance.

21 Please, Ms Guissé.

22 MS GUISSÉ: [10:17:55](Interpretation)

23 Q. [10:17:57] And I put it to you additionally, Mr Witness, (Redacted)

24 (Redacted)

25 Once again, does that jog your memory?

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1 A. [10:18:18] I want to say that that information I don't know, I have no -- I don't
2 know anything about that.

3 Q. [10:18:28] (Redacted) to
4 establish the provenance of the child's family, (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)

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1 (Redacted)

2 (Redacted)

3 Q. [10:21:12] And you agree that this verification process to verify the provenance
4 of the child, that was part (Redacted) to make sure that he did meet the criteria of
5 non-accompanied child, right?

6 A. [10:21:34] Yes, I'm saying that the criteria for non-accompanied children, I'm
7 saying there was a sheet, there was a form -- a certification form, and it was UNICEF
8 that (Redacted) the names of the non-accompanied children. Unfortunately, if UNICEF
9 made * the individual verification sheets available to us, then we would know -- we
10 would clear up this matter. But that's the problem.

11 PRESIDING JUDGE SCHMITT: [10:22:06] Mr Vanderpuye, I let the witness speak
12 because you did not -- I had the impression that you would not insist on speaking
13 immediately.

14 MR VANDERPUYE: [10:22:14] It's not an objection. The issue for me is -- and
15 maybe -- maybe counsel or somebody can help me with this, is that I'm hearing the
16 question posed (Redacted) So I wanted to be sure
17 that when he's saying -- when the question is being posed, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [10:22:43] Well, Of course, this is very important
22 and I think this is exactly what Ms Guissé also wants to find out. So I think you
23 would agree with Mr Vanderpuye that it is advisable that we know exactly who was
24 acting in that regard.

25 MS GUISSÉ: [10:23:01](Interpretation) Well, perhaps to clarify for the Prosecutor

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1 and also for the witness, when I talk about this list, the ESF list, the 60 names and the
2 information taken as a draft, (Redacted)
3 (Redacted)
4 (Redacted) So for me it's totally clear. I'm talking about (Redacted)
5 PRESIDING JUDGE SCHMITT: [10:23:30] And I must say that I also have
6 understood it this way I have to say.
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [10:25:42] Perhaps I may ask -- in the meantime I
3 may ask a question which is not related to your line of questioning, but we had it in
4 our minds, the Bench.

5 Mr Witness, we understood it that the condition to be incorporated in the programme
6 was that the children were under the age of 18, so I think you said that. Is this
7 correct, yeah?

8 THE WITNESS: [10:26:11](Interpretation) Yes, to be integrated (Redacted)
9 you had to be an under 18-year-old.

10 PRESIDING JUDGE SCHMITT: [10:26:20] I just wanted -- this is the basis for my
11 next question.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [10:27:41] So, you see, we have this discussion what
24 is a child, I think, in the first day of your -- of your testimony and, of course, there
25 is -- there are definitions by the UN and UNICEF and you can say a child is under the

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1 age of 18, but you are also aware that there is this -- this limit with regard to certain
2 crimes, so to speak, where the child has to be under 15. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) the only interesting point, so to speak, with regard to the age

7 that they were under 18?

8 THE WITNESS: [10:28:42](Interpretation) All the children under 18 years old (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [10:28:51] I think it was not a real interruption,
11 because you were involved in a sort of a discussion, so I think -- you bear with me.

12 MS GUISSÉ: [10:29:00](Interpretation) Thank you, your Honour.

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)

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1 PRESIDING JUDGE SCHMITT: [10:30:20] I think we have heard many things about
2 that now and, indeed, it's -- this happens that the -- well, that such a project has, let's
3 say, a (Redacted)
4 (Redacted)
5 (Redacted)
6 MS GUISSÉ: [10:30:56](Interpretation) (Redacted)
7 (Redacted) so that we understand the first
8 phase, who was involved in the project, so I'm really interested (Redacted)
9 PRESIDING JUDGE SCHMITT: [10:31:21] Absolutely. And what I addressed
10 during this small interruption was not directly related to your line of questioning, so
11 it was, let's say, something going in between, I have to say.
12 Please continue.
13 MS GUISSÉ: [10:31:39](Interpretation)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 Q. [10:39:42] Are you saying to the Court that you (Redacted)

2 (Redacted)

3 A. (Redacted) if

4 there was no need, we didn't carry out (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [10:41:06] (Redacted)

14 Ms Guissé.

15 MS GUISSÉ: [10:41:09](Interpretation)

16 Q. [10:41:13] I'm going to go back, Mr Witness, to (Redacted) In theory at

17 least, if (Redacted) had family in (Redacted) generally speaking -- usually

18 speaking, he shouldn't have been included in the non-accompanied children's group.

19 Do you agree with that?

20 A. [10:41:43] Yes. If he had family, he shouldn't be included in that group, yes.

21 Q. [10:41:50] And in particular, if he had a biological parent in the family, in an

22 area, there was no reason for him to go into a host family; do you agree?

23 A. [10:42:05] Yes.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [10:45:45] Perhaps I wasn't very clear on my question so I'm going to rephrase it.

3 The list DDR, the database mentions that (Redacted) My

4 question is as follows: If on that list it states place of certification (Redacted)

5 do you agree that this means that the information (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [10:46:32] Mr Vanderpuye.

8 MR VANDERPUYE: [10:46:33] Now I do have an objection. First the list speaks for

9 itself. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [10:46:56] Well, actually, I don't agree here

14 because -- why not ask the witness if -- when a certain information appears on a

15 certain document, what this means in his understanding. He can say he doesn't

16 know or he can say he can agree with -- no, I overrule that. I don't agree actually.

17 MR VANDERPUYE: [10:47:17] He's already said that. (Redacted)

18 yesterday almost half the day (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [10:47:27] Well -- but I still -- sometimes there is

21 nearly the same question that tries to elicit nearly the same information but on a

22 different angle, I let it pass here.

23 (Redacted)

24 (Redacted)

25 MS GUISSÉ: [10:47:48](Interpretation) (Redacted)

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1 display (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
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7 (Redacted)
8 (Redacted)
9 MS GUISSÉ: [10:48:55](Interpretation) (Redacted)
10 Q. [10:49:02] (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted) My question is as follows: (Redacted)
16 (Redacted)
17 (Redacted)
18 A. [10:50:07] I'm telling you and I'll repeat again, the verification sheets was
19 individual for each child. (Redacted) with UNICEF, we had individual sheets
20 for each child. (Redacted)
21 (Redacted)
22 (Redacted) But there was an individual verification sheet for each child
23 where all the information concerning that child were contained, *which is why
24 UNICEF collected the individual verification sheets for each child.
25 PRESIDING JUDGE SCHMITT: [10:50:53] May I shortly, because I think this doesn't

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1 really answer the question.

2 So, Mr Witness, but it is correct what counsel is saying that (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) So this correct,

6 yeah? This understanding is correct?

7 THE WITNESS: [10:51:33](Interpretation) Yes.

8 PRESIDING JUDGE SCHMITT: [10:51:35] Ms Guissé, please.

9 But we leave -- please not another time now. I think we've -- otherwise -- otherwise
10 this whole process makes no sense, actually. I mean, the whole -- putting all this
11 data and to have a certain column where it says -- doesn't make sense at all.

12 MS GUISSÉ: [10:52:03](Interpretation)

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)

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- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 PRESIDING JUDGE SCHMITT: [10:58:53] We could do that after the break.
- 20 11.30.
- 21 THE COURT USHER: [10:59:00] All rise.
- 22 (Recess taken at 10.59 a.m.)
- 23 (Upon resuming in private session at 11.31 a.m.)
- 24 THE COURT USHER: [11:31:23] All rise. Please be seated.
- 25 PRESIDING JUDGE SCHMITT: [11:31:51] Ms Guissé, you -- please, you have still

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1 the floor.

2 MS GUISSÉ: [11:31:56](Interpretation) Thank you, your Honour.

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)

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1 your question. It doesn't matter. As I said, no undue hurry (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 A. [11:38:09] (Redacted) to clarify things.
14 They just have the same names, they are homonyms. (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
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- 1 (Redacted)
- 2 (Redacted)
- 3 A. [11:54:45] Thank you. I'm telling you, it's not very clear, (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
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- 20 (Redacted)
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- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 PRESIDING JUDGE SCHMITT: [11:56:59] I know it's still difficult. Any potential

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(Open Session)

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1 for open session?

2 MS GUISSÉ: [11:57:16](Interpretation) I can possibly do five and then -- a few
3 minutes -- a handful of minutes but that's -- no, that's not too bad.

4 PRESIDING JUDGE SCHMITT: [11:57:29] That's better than nothing.

5 Let's go to open session.

6 (Open session at 11.57 a.m.)

7 THE COURT OFFICER: [11:57:51] We're in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [11:57:52] Thank you very much.

9 And for the audience, this will unfortunately be only for a short period. But as I
10 have explained earlier in the morning, that is better than nothing, so to speak.

11 Ms Guissé, you have the floor.

12 MS GUISSÉ: [11:58:03](Interpretation)

13 Q. [11:58:04] Mr Witness, we have reverted back to open session, so please be
14 careful about how you answer my questions.

15 Now, to the best of your knowledge, according to your memory, were there children
16 from Boda among the programme beneficiaries?

17 A. [11:58:22] Thank you. I think the children from Boda, they were incorporated
18 in the second phase of the project, if my memory serves. {PFR: (Redacted)} I believe
19 one child from Mongoumba who had his parents in Boda and then he went to Mbaiki
20 and then he was reunited in Boda. I can remember that. But the Boda children,
21 they were involved in the second phase of the project. That's where they were
22 included, *Bosa, Boganangone and the other prefectures in Lobaye.

23 Q. [11:59:11] Right. I'm still interested in the first phase of the programme, linking
24 in with the ESF list with the 60 names. So I understand that in your memory there
25 was one single child, one case that came from Boda. But my question is this: Do

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1 you recall at what point in time that particular child arrived at the Mbaiki CTO?

2 A. [11:59:46] {ICR: (Redacted)} from Mongoumba {ICR: (Redacted)}. He was
3 retrieved there to go to the CTO at Mbaiki. He was among the UNICEF certified
4 children, UNICEF had the list of that.

5 Q. [12:00:08] Yes, I've understood how he arrived, but that's not my question. I'm
6 still dwelling on the point in time, in other words, was he among those who were
7 there at Pissa during the ceremony or did he reach the CTO later?

8 A. [12:00:32] I told you that the child wasn't at Pissa. Once the -- once he had
9 arrived at Mbaiki, {ICR: (Redacted)}
10 {Redacted)} taken to Mbaiki. I remember the child in question.

11 But it's been a while now and I can't -- I can't remember his name.

12 THE INTERPRETER: [12:00:55] Correction from the interpreter: It's been a while
13 and I haven't seen his name.

14 MS GUISSÉ: [12:01:06](Interpretation)

15 Q. [12:01:08] Do you agree with me, Mr Witness, that when you say -- when we
16 talk about Pissa you're talking about the ceremony, that means that child of Boda
17 came at a later date than that of the ceremony in Pissa; is that correct?

18 A. [12:01:26] No, it's not a later date because, given the experience, there was a ESF
19 and a person from ESF so there was a breakdown and therefore they took this child
20 automatically. {PFR: (Redacted)} They took this child from Mongoumba to take
21 him to Mbaiki.

22 PRESIDING JUDGE SCHMITT: [12:02:09] When we're speaking of ESF, of course,
23 *Enfants sans Frontières*, for those who have not heard that before.

24 MS GUISSÉ: [12:02:19](Interpretation)

25 Q. [12:02:19] To clarify, because we haven't necessarily understand the same

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1 sequence, does this mean, do you agree, that the day of the ceremony of the signing in
2 Pissa, all the 60 children who were going to go to the CTO were not present in Pissa,
3 can we agree on that?

4 A. [12:02:45] I'm telling you that amongst the list of the UNICEF certified list, there
5 were -- {ICR: (Redacted)}. UNICEF had the number
6 of child and their location and that's why I'm telling you, if -- if you had individual
7 sheets of identification, I think that could assist you greatly.

8 PRESIDING JUDGE SCHMITT: [12:03:18] Haven't we -- perhaps you can help me,
9 Mr Vanderpuye and/or Ms Guissé, haven't we had this issue already who was present
10 during the ceremony, if all 60? And didn't we have an answer in the first place
11 already?

12 MS GUISSÉ: [12:03:34] (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [12:03:37] So I think we -- well, you won't -- I expect
14 you don't get a different answer now. So I think we can take it that it is at least not
15 sure that all 60 were there. I think I heard something, I have something in my mind
16 from -- from the first session, that the witness spoke of 40. So, you know, I think that
17 should be enough on that subject.

18 MS GUISSÉ: [12:04:08](Interpretation) I agree with you, your Honour.

19 Q. [12:04:15] To jog your memory, Mr Witness, on the child who came from Boda, I
20 have the list of the 60 in front of me and, number 53, I see the name of a child where it
21 states he came from Lobaye Boda.

22 I don't know whether we can show that to the witness without the public seeing
23 it.

24 PRESIDING JUDGE SCHMITT: [12:04:50] We can show it to the witness without the
25 public seeing it and without mentioning the name, then we can stay in public.

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1 I think that's an idea.

2 So we, please we pull up, that's CAR-OTP-2071-0281. And if we have it on the
3 screen, yeah, we have it already on the screen.

4 Mr Witness, please look at number 53 and please don't mention the name.

5 So Ms Guissé, you can take up from there. I think you want to know if this jogs his
6 memory, the name.

7 MS GUISSÉ: [12:05:32](Interpretation)

8 Q. [12:05:33] Mr Witness, you said you didn't remember the name of the child who
9 came from Boda. Can you see number 53 on the list without saying his name? You
10 can see the place is Lobaye/Boda and he was 17 years old. Does that jog your
11 memory?

12 A. [12:05:55] Yes.

13 MS GUISSÉ: [12:05:57](Interpretation) You can remove the document.

14 PRESIDING JUDGE SCHMITT: [12:05:59] Much appreciated.

15 MS GUISSÉ: [12:06:01](Interpretation)

16 Q. [12:06:04] To finish with this topic, this means that if one witness states that
17 there were four children who came from Boda originally, either he's making a mistake
18 or he's not talking about the same phase of the project; is that correct?

19 A. [12:06:29] Yes, yes, he's not talking about the same phase of the project. He's
20 making a mistake.

21 MS GUISSÉ: [12:06:37](Interpretation) Your Honour, I'll go to another topic and
22 unfortunately we have to go into private session.

23 PRESIDING JUDGE SCHMITT: [12:06:44] I explained this already, a protected
24 witness, and now the next topic will surely dwell into personal matters that would
25 identify the witness so we have to do that in private session.

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1 (Private session at 12.07 p.m.)

2 THE COURT OFFICER: [12:07:06] We are in private session, Mr President.

3 PRESIDING JUDGE SCHMITT: [12:07:27] So, Ms Guissé, you have still the floor.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MS GUISSÉ: [12:08:18](Interpretation)

12 Q. [12:08:19] I'm now going to proceed, Mr Witness, to another topic.

13 According to a document given to us by the Prosecution, and I'm referring to a

14 document at tab 139 of the Defence binder, (Redacted) you

15 were in contact with (Redacted)

16 (Redacted) with in mind the

17 visiting -- the possible visit of the OTP. Do you remember that?

18 A. [12:09:23] Please, could you repeat the question.

19 Q. [12:09:28] We have a document from the OTP of the ICC that states that in

20 March (Redacted) you had an exchange with (Redacted)

21 (Redacted) so that you could

22 have a possible meeting with the investigators of the Prosecution office. Do you

23 recall that?

24 A. [12:10:14] Yes.

25 Q. [12:10:18] (Redacted) to be precise, you also had a discussion with an

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1 investigator of the OTP to discuss (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [12:10:56] I don't remember that. It's a long time ago. I don't remember.

7 Q. [12:11:01] (Redacted)

8 (Redacted) and you provided the numbers to the

9 investigators of the OTP?

10 A. [12:11:23] (Redacted)

11 (Redacted) gave it to the investigators and it (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [12:12:00] No, I had contact with the OTP investigators, but to talk specifically

17 (Redacted) I can't remember. It's a long time ago. I can't remember.

18 Q. [12:12:16] At any point of time within -- with the investigators were you giving

19 advice (Redacted)

20 (Redacted)

21 A. [12:12:37] Could you repeat the question. What advice? Could you please

22 repeat the question.

23 Q. [12:12:45] At any point in time during the investigation of the OTP, (Redacted)

24 (Redacted) and did you give them any advice,

25 doesn't matter what type of advice, within the framework of this investigation?

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1 A. [12:13:06] No. No, I don't remember.

2 Q. [12:13:17] Were you contacted (Redacted)

3 (Redacted) by the OTP and asked you to accompany them

4 or to explain to them what they should do?

5 A. [12:13:40] No.

6 Q. [12:13:46] At any point in time did you meet the OTP investigators not only to

7 give your statement, but also to talk about strategies and the way in (Redacted)

8 (Redacted)

9 A. [12:14:13] No, I don't remember anything of that.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [12:15:01] Yes. I think I was called with the aim -- with the aim of explaining

16 (Redacted) and I transmitted that information and (Redacted)

17 (Redacted)

18 Q. [12:15:28] Could you give me further details. You just come to say I was called

19 with the other. When you say "with the other", who are you talking about?

20 A. [12:15:40] I don't know which (Redacted) which (Redacted) If they ask me about

21 (Redacted)

22 (Redacted)

23 Q. [12:16:00] So when you say "I was called with the other", you're not talking

24 about another person who was with you when you were called, you are talking about

25 the person who took up contact with you; is that what I am to understand?

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1 A. [12:16:18] No. I don't know who is in what (Redacted) When I received the call, I
2 only gave some information and some guidelines so that they could continue their
3 work, but I don't know what happened after that.

4 Q. [12:16:38] I suppose, nevertheless, that the person who contacted you
5 introduced himself or herself by saying I am such an individual and I work for this
6 particular (Redacted) otherwise, I suppose you wouldn't have provided any
7 information (Redacted) without knowing who you were speaking to?

8 A. [12:17:04] No, (Redacted)
9 (Redacted) *So if it is just today, if I am called and asked : "Have you ever worked
10 with (Redacted) I would say yes. If I am asked "Where can we find them?" I would
11 say "Go to this location or that location". That's how I did it, and then it was
12 finished.

13 Q. [12:17:30] So you provided information to an individual, you can't remember
14 who it was, in a (Redacted) which you can't specify, but who was looking for (Redacted)
15 (Redacted) is that what I am to understand?

16 A. [12:17:49] Yes.

17 Q. [12:17:51] And you provided the information so that they could find the
18 children (Redacted) you provided that information; is that
19 correct?

20 A. [12:18:03] Yes.

21 Q. [12:18:10] I would now, in order to be quite clear, you didn't sign any document
22 at all (Redacted)
23 (Redacted) everything that happened happened informally; is that what I am to
24 understand?

25 A. [12:18:38] What document are you talking about? What document did I sign?

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1 Q. [12:18:47] It's you who should tell me. I just asked you whether you signed a
2 document (Redacted)
3 (Redacted)

4 A. [12:19:06] I would like to know why. Perhaps the nature of the document
5 would assist me.

6 Q. [12:19:15] I am going to approach this from a different angle. Did you sign, yes
7 or no, a document which someone (Redacted)

8 A. [12:19:27] I didn't sign a document with someone (Redacted) I didn't sign a
9 document (Redacted)

10 Q. [12:19:40] I now will proceed to another point. I would look at some (Redacted)
11 (Redacted) some of them have already been mentioned and others not. On 22 May
12 (Redacted) you had a meeting with the OTP. On that day did you meet and have
13 (Redacted) with you so that he could meet the investigators of the OTP?

14 A. [12:20:23] I don't remember. When did you say? (Redacted)

15 Q. [12:20:33] Yes.

16 A. [12:20:37] I don't remember.

17 Q. [12:20:45] Do you remember, because you said you were in contact with (Redacted)
18 (Redacted) approached by the OTP
19 investigators?

20 A. [12:21:07] Well, I don't know. I just don't remember. I don't remember.
21 I don't remember.

22 Q. [12:21:24] In order for the Chamber and the parties, the purpose of my questions,
23 I would like to refer to two documents for the records, (Redacted) and
24 document (Redacted)
25 (Redacted)

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5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted) My question is as follows: Have you
13 ever seen this document before?
14 A. [12:27:21] No, I haven't seen that document.
15 Q. [12:27:24] In order to refresh your memory, I'm going to show you at tab 131 of
16 the Defence, CAR-OTP-2114-0192. Could you carefully look at this document. (Redacted)
17 (Redacted)
18 (Redacted)
19 A. [12:28:08] I'm telling you, I don't remember any more. I don't remember this.
20 Q. [12:28:17] Could we go a bit down in the document so that we can see the name
21 of the individual who is supposed to have issued this document. And here you can
22 see that the person who was supposed -- who supposedly delivered this document is
23 (Redacted) who is part of the mayor's office.
24 We have a document for the Court and that is the -- from (Redacted) at tab 14 of the
25 Defence binder, (Redacted) This death certificate said he passed

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1 away before the date of issue of the birth certificate. So we suggest that this is not a
2 genuine document.

3 Do you know a certain (Redacted)

4 A. [12:29:43] I'm telling you I know nothing about this. I don't even know where
5 this comes from.

6 MS GUISSÉ: [12:29:52] For the record, your Honour, I refer also to tab 61 of the
7 Defence binder, document (Redacted) which shows the sequence of mayors
8 and (Redacted) where this certificate was issued. And also the certificate of
9 death of this mayor, which is in tab 53 of the Defence binder, CAR-D29-0013-0121.

10 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

11 MR VANDERPUYE: [12:30:44] I was just wondering if the Defence plans to proffer
12 what leads them to conclude that the death certificate is of this particular mayor, even
13 if he shares the name.

14 PRESIDING JUDGE SCHMITT: [12:30:58] Well, I think that that is what you are
15 heading at, that a person is supposed -- may I, Ms Guissé, Ms Dimitri. That I think
16 what you want to state or to prove, to proffer is that a person has issued this or
17 is -- appears to have issued this birth certificate that was not alive any more, and the
18 conclusions have to be drawn from that, if this was the case.

19 But of course, Mr Vanderpuye, we had the same name several times, so do we know
20 that's the same person? That is, at least from the name here, that is supposed to
21 be -- I have to be correct, supposed to be the same person. That's the point.

22 MS DIMITRI: [12:31:48] Mr President, if I understand correctly what
23 Mr Vanderpuye is heading at, is whether the mayor who signed the birth certificate is
24 the same mayor who died prior to the issuance of the birth certificate.

25 PRESIDING JUDGE SCHMITT: [12:32:03] Well, he cannot be.

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1 MR VANDERPUYE: [12:32:07] It's not a big deal, first let me start with that. But it's
2 just a question of whether or not Defence has some substantiation that the person
3 that's named in the death certificate is indeed this -- is indeed that mayor.

4 PRESIDING JUDGE SCHMITT: [12:32:24] Is indeed the same person that is
5 supposed to have issued this birth certificate.

6 MS DIMITRI: [12:32:30] If I may, at tab 53, (Redacted) is the list of all the
7 mayors of the *délégations spéciales de la mairie de* (Redacted) and on that list there is
8 the mayor that is supposedly dead at the time of the birth certificate, and there is also
9 the *plaque mortuaire*. So there is no other mayor that had the name appearing on the
10 birth certificate in that locality. I hope that clarifies.

11 PRESIDING JUDGE SCHMITT: [12:33:13] Well, and -- yeah, yeah, so if we take it
12 that the mayor was dead, he could not have issued the birth certificate. However,
13 we have to look into that in absolute detail and I think the Prosecution will also do
14 that, but I -- of course the point is clear that you want to make.

15 Ms Guissé, please continue.

16 MS GUISSÉ: [12:33:39](Interpretation)

17 Q. [12:33:44] I'd like to move to another (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [12:34:27] (Redacted)

24 (Redacted) today it's very complicated to be in Anti-Balaka environment that enabled

25 them to commit a number of things. And so all of the information comes from the

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1 children. (Redacted)

2 (Redacted) Beyond that, I can't tell you anything

3 else.

4 Q. [12:35:15] Now, Mr Witness, thanks very much for giving those details, but

5 sometimes my questions can be answered more straightforwardly. If you tell me "I

6 didn't have any document" and you say "no", it's fine. Because I've got lots of

7 questions still for you, Mr Witness.

8 Let me remain with the matter (Redacted) In conjunction with the OTP

9 investigators (Redacted)

10 (Redacted)

11 A. [12:35:57] It's been a while. I can't remember.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [12:37:47] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) these baptism cards to have

2 documentation, to archive things, very sensitive information that UNICEF would
3 then hold.

4 Q. [12:38:26] Would you agree with me when I say that if a child or a (Redacted)
5 (Redacted) provided a baptism card with 1994 written on it, that person (Redacted)
6 (Redacted) to DDR adult programme; wouldn't that be right?

7 A. [12:38:47] Yes, that's right. At the end of the verification sheet with the
8 UNICEF team, (Redacted) that that child wouldn't go that way, then they would be
9 directed to adult DDR programme. That's how it went. (Redacted)
10 (Redacted)

11 (Redacted)

12 Q. [12:39:17] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) to the effect that this document that

18 comes from (Redacted) was aged more

19 than 18, and with that in mind, (Redacted) appraisal, was that possibly inaccurate?

20 A. [12:40:13] Well, I don't think it's the appraisal that was done under UNICEF. If
21 you have the verification sheets for each child, then that would mop up this problem,
22 but unfortunately, all the verification sheets going to an individual child, you
23 should -- all the information should be on the individual verification sheets for each
24 individual child.

25 Q. [12:40:43] Yes, but, Mr Witness, I wasn't asking you about the evaluation sheet.

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1 I was talking about what you said before this Court when you said that (Redacted)
2 (Redacted) that
3 these -- all of these people were under 18 years of age." (Redacted)
4 (Redacted) of
5 these children and, in actual fact, among them there were people who were older than
6 18 or people maybe who lied and that could be the case?

7 A. [12:41:20] I don't know anything about that.

8 PRESIDING JUDGE SCHMITT: [12:41:21] Mr Vanderpuye, shortly.

9 MR VANDERPUYE: [12:41:23] Yes, Mr President, I think the question presumes the
10 accuracy of the information that's being put to the (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [12:41:47] Well, but in the -- actually,

15 I think -- I think we can move on now because of the answer of the witness, but I

16 understand that the Defence at least puts to the witness what he has said before.

17 So -- but, you know, you have the documents now and the witness has said "I don't
18 know". We continue from there.

19 And I -- and if you have possibly, probably, presumably further documents to show
20 with regard to the 60, I don't know if we -- if it makes sense to put it to the witness
21 and not simply show us and tell us -- I think we could shorten that, in my opinion,
22 because it is clear (Redacted)

23 (Redacted) And you have documents that - I'll be careful - seem to show that
24 this was not the case. And that's it.

25 MS GUISSÉ: [12:42:51](Interpretation) Your Honour, I'm not intending to do an

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1 exercise where I will go over all the documents I have on our list, rest assured. But
2 given what the witness has said about specific points, I'm going to refer to him the
3 documents, because I'm going to be putting to him what our theory is so he can react
4 to that. So it's going to be focussed. There are some documents for which I'm
5 simply going to mention the ERN for the record, but from time to time, I will be
6 showing a -- the witness a document. This is just to rest assured about the lengthy or
7 protracted process here, but I need to be -- I need to have the witness respond to the
8 information we have. That's also part and parcel of presenting our theory under the
9 cross-examination process.

10 PRESIDING JUDGE SCHMITT: [12:43:42] But you're presenting your theory not to
11 the witness but to the Court. To put it this way. I think we have already
12 understood your theory, but yeah ...

13 MS GUISSÉ: [12:43:53](Interpretation) Absolutely. But I also must offer the witness
14 an opportunity to possibly provide a new answer to an initial answer that he gave.
15 But I understand, I understand your concern, your Honour, and I'll endeavour to be
16 selective.

17 PRESIDING JUDGE SCHMITT: [12:44:08] Okay, fine. With this you can continue,
18 please.

19 MS GUISSÉ: [12:44:12](Interpretation) For the record, (Redacted)
20 (Redacted) it states that he was born in 1999. And the
21 register that enabled us to establish this baptism card can be found at (Redacted)
22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [12:44:54] If I may, I recall we have this already, but
24 that's not a problem. But going from 1999, he still was not 16 at the time, even if we
25 took that. So it is -- it seems to be the case that indeed what the witness said that

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1 everything here, the whole age process is based on what they told him. I think we
2 have established that already.

3 Please continue.

4 You know, when he was born in 1999 - you don't have to show it again, we have seen
5 it already - then in 2014 he still was not 16, as it appears to be here, because here he
6 was -- I don't -- 16, yeah, he's supposed to be 16.

7 Please continue.

8 MS GUISSÉ: [12:45:47](Interpretation) I don't know whether I finished with the ERN.

9 So the register, for the purposes of the record, can be found at document

10 CAR-D29-0014-0065. And I also mention --

11 (Counsel confers)

12 MS GUISSÉ: [12:46:27](Interpretation) Forgive me, your Honour, I need to consult
13 with my colleague. Just a second.

14 PRESIDING JUDGE SCHMITT: [12:46:35] No problem.

15 (Counsel confers)

16 MS GUISSÉ: [12:47:21](Interpretation)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MS GUISSÉ: [12:54:01] (Interpretation) (Redacted)

19 (Redacted)

20 (Redacted)

21 Now I'd like to move on to a further point. And I'm going to be making a lot

22 of -- making reference for my next questions in -- to item 124 in our list of materials,

23 referring to that a lot, which is the (Redacted) I'll be going to and fro, to and

24 away from that document on a regular basis.

25 Your Honour, I'm moving on to another topic. I don't know whether you want me

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1 to embark on that now or whether you want to --

2 PRESIDING JUDGE SCHMITT: [12:55:11] I think we are not -- I think we can have
3 the break now until 2.30. Why not. Thank you.

4 THE COURT USHER: [12:55:18] All rise.

5 (Recess taken at 12.55 p.m.)

6 (Upon resuming in private session at 2.43 p.m.)

7 THE COURT USHER: [14:43:49] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [14:44:11] We are in private session. Ms Dimitri is
10 standing. You're also standing sometimes in open session but -- so there is no direct
11 connection between the two facts.

12 MS DIMITRI: [14:44:23] Yes, Mr President.

13 Just a slight correction on a tab number, an ERN number I gave when I gave the
14 chronology of the mayors. I made a mistake. And the correct tab is tab 61,
15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [14:44:38] Thank you. We appreciate it.

17 Ms Guissé, you have the floor. Any chance? No; no chance.

18 MS GUISSÉ: [14:44:48] (Interpretation) I do apologise, your Honour.

19 Q. [14:44:53] Mr Witness, I'll just resume with my line of questioning.

20 And you talked about (Redacted) I'd be right in saying that he
21 (Redacted)

22 A. [14:45:10] No, I don't know. I don't know.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
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- 6 Q. [14:46:24] But you did supervise the drawing up (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
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4 Q. [14:49:25] And did you ever learn that (Redacted)

5 tried to claim that he was a child soldier within these proceedings?

6 A. [14:49:41] I never learned any such thing.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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16 (Redacted)

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3 MS GUISSÉ: [14:52:25] (Interpretation)

4 Q. [14:52:26] Yes, I've understood that's what she said, but my question is slightly
5 different. Did you learn subsequently that she wasn't in actual fact a member of the
6 Anti-Balaka?

7 A. [14:52:38] I didn't seek to have that information. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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- 10 (Redacted)
- 11 Q. [14:56:12] Mr Witness, I've taken on board the fact that (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted) So,
- 16 it's not the mission, or the campaign certification mission or campaign; this is
- 17 information (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 A. [14:57:37] Thank you. Now, I just reiterate, it could be during the verification

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1 period they gave different names, and (Redacted) I don't know. If we at
2 least had the verification sheets from UNICEF, well, then we could better compare.
3 Q. [14:58:04] Mr Witness, let me reiterate, there's no point repeating 10 times what
4 you've said. We have acknowledged and taken down what you said about the
5 verification sheets. But my question now is talking about the (Redacted)
6 (Redacted)
7 Now, I'm putting questions to you. Let's be absolutely clear about the foundation of
8 my questions. I'm putting questions to you based (Redacted)
9 (Redacted)
10 (Redacted) all right?
11 So let me carry on then. Let me now show you another photo. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
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6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [15:12:09] Mr Vanderpuye?

8 MR VANDERPUYE: [15:12:12] It's okay, Mr President. The only issue here is that,

9 I think, to recall a name and recall a face are two different things and I

10 don't -- anyway ...

11 PRESIDING JUDGE SCHMITT: [15:12:23] Yeah, indeed. So, if I see it correctly in

12 the statement, the witness was called -- was asked about a name; but, nevertheless, he

13 does not recognise the person obviously.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [15:13:08] Okay.

20 Ms Guissé.

21 I think you will have also documents proving that this is the person or isn't. You

22 don't know, okay.

23 MS GUISSÉ: [15:13:22] (Interpretation) I don't know, your Honour. In fact, the

24 objective was to have (Redacted) that's also

25 to be able to try to obtain information, additional information, about names. You

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1 can have documents, but now with regards to the identification of the person, you
2 know, with the witnesses who come to the hearings, that you try and get that
3 information.

4 PRESIDING JUDGE SCHMITT: [15:13:43] No, I understand, and actually, it is
5 not -- not extremely far-fetched to derive from the statement that the witness might
6 recognise or might connect a name with a person.

7 MS GUISSÉ: [15:14:00] (Interpretation) I'd like to try with another photograph at
8 tab 15.

9 (Counsel confers)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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7 THE WITNESS: [15:17:21] (Redacted) I said during this activity (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [15:17:51] Yes, we have understood that and I think

12 further questions with regard to such birth certificates will have the same answer.

13 However, I have to say that between 13 and 19, there is quite a difference.

14 Mr Vanderpuye?

15 MR VANDERPUYE: [15:18:06] Just a question maybe the Defence can help me with.

16 But what I can see on here is the date of birth is reflected as 20 June 1995, date of birth,

17 and the date of declaration of the birth is 15 June. Am I seeing that right, or do I

18 have it backwards?

19 MS GUISSÉ: [15:18:37] (Interpretation) I think it's the reverse, Prosecutor.

20 PRESIDING JUDGE SCHMITT: [15:18:40] I also think so, actually.

21 Ms Guissé, you see, I think we have this birth certificate. This really suggests 19, and

22 between 19 and 13, you know -- perhaps between 13 and 14 and 13 and 15, it's not

23 such a huge difference, but, indeed. You can continue.

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 THE WITNESS: [15:25:17] (Interpretation) (Redacted)
- 6 (Redacted)
- 7 (Redacted) I could make this clarification.
- 8 (Redacted)
- 9 (Redacted)
- 10 PRESIDING JUDGE SCHMITT: [15:25:47] (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted) But I think we simply have to
- 15 move on here.
- 16 Ms Guissé, please.
- 17 MS GUISSÉ: [15:26:22] (Interpretation)
- 18 Q. [15:26:23] So, I heard your answer stating that a person could give a different
- 19 name.
- 20 (Redacted)
- 21 could you tell me if you have a reaction to that?
- 22 Once again, (Redacted) on the ages (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. [15:27:16] If the information (Redacted) by children as to their age and their
2 name is not correct, would you agree with me that information regarding their
3 membership of an Anti-Balaka group could not be correct either?

4 A. [15:27:37] No.

5 PRESIDING JUDGE SCHMITT: [15:27:40] Mr Vanderpuye.

6 MR VANDERPUYE: [15:27:41] Thank you, Mr President.

7 First of all, I don't have so much an issue with the comparative question, but I do have
8 an issue with what counsel means by a member of the Anti-Balaka, because (Redacted)
9 (Redacted) which dealt with establishing whether they are
10 associated with forces or armed groups, which is clear in the title of the document
11 that counsel's referring to, and I don't know what she means by "member". Maybe
12 the witness does, but I certainly don't.

13 PRESIDING JUDGE SCHMITT: [15:28:13] Okay, but the witness has answered and I
14 think we can continue from there.

15 It's -- but it was -- the understanding was the whole time that we were not
16 talking -- that we are not talking here about (Redacted)
17 whomever is (Redacted) with armed groups,
18 and we are talking since three days about a certain armed group.

19 Okay, Ms Guissé, please.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [15:29:56] Mr Vanderpuye.

4 MR VANDERPUYE: [15:29:58] Yes, Mr President. In light of the witness's answer I
5 was -- my question was: When was the -- the birth certificate issued? Because that
6 seems to presuppose that the witness would have had an opportunity even to see it if
7 had been issued beforehand --

8 PRESIDING JUDGE SCHMITT: [15:30:16] No, I -- I don't think you -- that you get
9 completely right what the Defence wants to show here is -- well ...

10 MR VANDERPUYE: [15:30:28] I think she asked if he had (Overlapping speakers) --

11 PRESIDING JUDGE SCHMITT: [15:30:30] I think it's about -- it's about -- it's always
12 about where the information with regard to the ages of the children (Redacted)
13 came from. (Redacted) what the
14 children told him.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MR VANDERPUYE: [15:31:19] Mr President, just for my purposes, it would be
22 helpful to know when the birth certificates were issued, if not for the witnesses.

23 PRESIDING JUDGE SCHMITT: [15:31:26] Absolutely. Not only for you -- for you,
24 it's also for the Bench. If we could have this information, when they were issued.

25 MS GUISSÉ: [15:31:33] Mr President, it's on this document. It's written on the

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1 document, so if we put the document --

2 PRESIDING JUDGE SCHMITT: [15:31:34] I think it's on the document.

3 MS GUISSÉ: [15:31:35] Everything is on the document: The date of issuance, the

4 date of the birth.

5 And if I can, I will try to go on in English, and bear with me, really, really bear with

6 me, because I need to make a comment.

7 I understand, Mr President, that it is a long process to put documents that maybe the

8 witness has not seen. But because he was called by Mr Prosecutor, because he's

9 supposed to testify on the age of the children (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) put the thing -- the

13 thing that I have on the case.

14 So I won't do it for everybody, but for some people, especially for (Redacted)

15 (Redacted) it is my duty to do it and I have to allow the witness

16 to react to it.

17 PRESIDING JUDGE SCHMITT: [15:32:52] Well, first of all, this was really good.

18 We have understood your point, everything. There was no problem at all with your

19 English, so perhaps you could continue on that -- no.

20 Secondly, it's -- I don't know how many times I have repeated that documents also

21 stand for themselves. If not, it can be proven that they are a falsification. So this is

22 my only point that I have.

23 And the witness has I think now three times said, "I never saw (Redacted)" So

24 this is my point, yeah.

25 So what I want to say by that, you, from your point of view, you do not lose anything.

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1 If you put only on the record we have with regard to number, let's say, 20 on the list,
2 (Redacted)
3 (Redacted)
4 (Redacted) And for -- the more so, I
5 understand also your point with (Redacted) Yes, but when the witness now
6 repeats three or four times (Redacted)
7 (Redacted)
8 (Redacted) That's it. And you present
9 documents that show perhaps something different.
10 So a long speech, I will not -- but sometimes -- it would have been shorter perhaps to
11 if you went through all that, but I really would ask you not to do this exercise with 20
12 more.
13 MS GUISSÉ: [15:34:39] I understand, Mr President, but just for the record, the only
14 issue that we have when it comes to this particular witness is that he's called by
15 Prosecution and I think they will argue it that (Redacted) certified -- made the process of
16 certification and verification. So it's also important for me because there were all
17 these questions on certification, on going to Pissa and talking to people, et cetera, that
18 we see the limit of the certification and verification. That's why I'm putting the
19 questions.
20 PRESIDING JUDGE SCHMITT: [15:35:13] Yes, but -- but nobody has stopped you
21 on any questions with regard to verification, documentation, the two different phases.
22 Nobody would ever stop you on that.
23 Continue and do what you want to do. We have already -- we have already
24 established, Ms Guissé -- and you can continue in French if you're more comfortable.
25 We have already established that we -- that we need the Monday anyway, so you can

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1 simply continue.

2 And, by the way, when I'm on that, I assume, Mr Vanderpuye, that there is no other
3 witness?

4 MR VANDERPUYE: [15:35:50] No. There's no other witness. And I'm trying to
5 avoid a redirect examination, which is why I'm putting some of these questions to
6 counsel to deal with it ahead of it.

7 PRESIDING JUDGE SCHMITT: [15:36:01] I understand. So, but we can still start
8 with the other witness so that we, let's say, at least have your direct examination -- the
9 next witness, I mean.

10 MR VANDERPUYE: [15:36:10] Okay.

11 PRESIDING JUDGE SCHMITT: [15:36:12] Yeah, okay. Fine.

12 Ms Guissé, in French.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 MS GUISSÉ: [16:00:11] (Interpretation) I can see that it's 4 p.m. your Honour.
- 17 PRESIDING JUDGE SCHMITT: [16:00:15] Okay, then this was, again, a very tense,
- 18 long day.
- 19 We then finish the hearing for today, Mr Witness, and we have a three -- three days of
- 20 rest and reconvene Monday, 9:30.
- 21 Thank you.
- 22 THE COURT USHER: [16:00:37] All rise.
- 23 (The hearing ends in private session at 4.00 p.m.)