

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 Monday, 24 April 2023
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:04] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:28] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:33] 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: [9:32:48] I ask for the appearance of the parties.
20 Prosecution first.
21 MR VANDERPUYE: [9:32:52] Good morning, Mr President. Good morning, your
22 Honours. Good morning, everyone. Good morning, Mr Witness. The
23 Prosecution is represented today by Irina Galupa, Yassin Mostfa and myself,
24 Kweku Vanderpuye.
25 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you.

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1 Next, the representatives of the victims.

2 MS DOUZIMA-LAWSON: [9:33:12](Interpretation) Good morning, your Honour.

3 The victims of other crimes are represented by myself, Marie-Edith Douzima.

4 PRESIDING JUDGE SCHMITT: [9:33:21] Thank you.

5 Mr Suprun.

6 MR SUPRUN: [9:33:24] Good morning, Mr President. Good morning, your

7 Honours. The former child soldiers are represented by myself, Dmytro Suprun.

8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:29] I turn to the Defence. Ms Dimitri.

10 MS DIMITRI: [9:33:33] Good morning, Mr President. Good morning, your

11 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.

12 He's represented today by Ms Anta Guissé, Ms Laurence Hortas-Laberge,

13 Ms Fiona Houdin, Ms Sabine Bayssat. And Ms Yousra Lamqaddam will join us at

14 the second session.

15 PRESIDING JUDGE SCHMITT: [9:33:54] Okay.

16 MS DIMITRI: [9:33:55] And, Mr President, Ms Guissé's microphone box is not

17 working, if we could have some assistance, please.

18 PRESIDING JUDGE SCHMITT: [9:34:03] That would not help the proceedings.

19 That would not work.

20 But we continue then with the Defence of Mr Ngaïssona. Mr Rowse, please.

21 MR ROWSE: [9:34:14] Good morning, your Honours. As per your decision this

22 morning, I'm Michael Rowse, I'm appearing here on behalf of the Ngaïssona Defence.

23 To my right is Chiara Giudici and behind me is Myriam Hollant. And Mr Ngaïssona

24 is present as well.

25 PRESIDING JUDGE SCHMITT: [9:34:26] Thank you.

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1 And a warm welcome also to our witness. Good morning, Mr Witness, I hope you
2 are feeling well and relaxed today.

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

4 (The witness speaks French)

5 (The witness gives evidence via video link)

6 THE WITNESS: [9:34:38](Interpretation) Thank you very much. Good day to you
7 as well.

8 PRESIDING JUDGE SCHMITT: [9:34:42] Thank you.

9 Before we start, there is this procedural issue, the request for leave to use a document
10 during the examination. And we have the following to decide on that. Please
11 listen.

12 The Single Judge takes note of the Yekatom's Defence request for leave to use a
13 document during the examination of P-2018, to which the Prosecution objects.

14 The Single Judge notes that the material -- no?

15 MR VANDERPUYE: [9:35:15] Sorry, Mr President, the volume has completely cut
16 out on your microphone, I think for everybody.

17 PRESIDING JUDGE SCHMITT: [9:35:26] Well, yeah, then we have to fix that first,
18 obviously. I thought you would object to -- I was -- do you -- I was tempted to say I
19 haven't said anything, what is he objecting to?

20 Well, at the moment, do you hear me now? No.

21 Again, I give it again a try. Is it better now? Yeah.

22 Ms Guissé, Ms Dimitri?

23 MS DIMITRI: [9:36:18] I hear you, but she doesn't.

24 PRESIDING JUDGE SCHMITT: [9:36:23] Well, that's 50 per cent improvement.

25 MS DIMITRI: [9:36:26] It's back, it's back.

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- 1 PRESIDING JUDGE SCHMITT: [9:36:28] It's back, okay. Good.
- 2 Now I ask again for everyone, do you -- normally I ask the witness do you hear me
- 3 with the video-link location 8,000 kilometres away. Now I'm asking you do you
- 4 hear me?
- 5 No, okay.
- 6 THE WITNESS: [9:36:46](Interpretation) I can hear you very well, your Honour.
- 7 PRESIDING JUDGE SCHMITT: [9:36:49] That's a strange thing, Mr Witness. You
- 8 hear me 8,000 kilometres away, but the people in the courtroom don't hear me. So
- 9 that's sort of funny, so to speak.
- 10 Now, Mr Rowse obviously hears me.
- 11 Ms Dimitri still not?
- 12 Ms Douzima has a solution.
- 13 MS DOUZIMA-LAWSON: [9:37:17](Interpretation) It's not working for me either.
- 14 PRESIDING JUDGE SCHMITT: [9:37:20] We go to the deliberation room and try to
- 15 fix that.
- 16 THE COURT USHER: [9:37:25] All rise.
- 17 (Recess taken at 9.37 a.m.)
- 18 (Upon resuming in open session at 9.45 a.m.)
- 19 THE COURT USHER: [9:45:31] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE SCHMITT: [9:45:53] Just to make sure, Mr Witness, do you still
- 22 hear me?
- 23 THE WITNESS: [9:46:01](Interpretation) I can hear you very clearly, your Honour.
- 24 PRESIDING JUDGE SCHMITT: [9:46:04] And does this clear hearing also extend to
- 25 this courtroom? Yes, obviously.

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1 So, now, there was a request by the Yekatom Defence and I have a decision, which
2 follows now.

3 The Single Judge takes note of the Yekatom Defence's request for leave to use a
4 document during the examination of the witness. The Prosecution objects.

5 The Single Judge notes that the material underlying the document in question was
6 available for a substantial period of time and that the Yekatom Defence could have
7 anticipated its use at an earlier stage. Moreover, I have really to say that such a late
8 request should be avoided in the future. And it was not the first time. So
9 Prosecution was right to point that out simply.

10 However, in light of the explanations provided, the scheduling of the current block,
11 and noting the nature of the document, the Single Judge considers that any prejudice
12 is outweighed by the timesaving that would result from the use of the document.

13 But in order to mitigate any prejudice to the Prosecution, the Yekatom Defence is
14 instructed to use the document not immediately, but at a later stage of its questioning.
15 And this finishes the decision.

16 How is your plan, Ms Guissé, for today so that I can perhaps say a little bit more with
17 regard to the decision then?

18 MS GUISSÉ: [9:47:35](Interpretation) Your Honour, there's no problem. I don't
19 expect to use this document before this afternoon. It will be towards the end of all
20 my questioning that I'll use it.

21 PRESIDING JUDGE SCHMITT: [9:47:50] I think, Mr Vanderpuye, to word it this
22 way, you can live with that. Okay. Good. Fine.

23 Ms Guissé, you have the floor.

24 MS GUISSÉ: [9:48:03](Interpretation) Thank you, your Honour.

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

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1 Q. [9:48:07] Good morning, Mr Witness. We are going to resume the line of my
2 questioning and we are going to continue where we stopped on Thursday. I want to
3 be clear, my aim is to finish today, and if you answer my questions specifically, we
4 might be able to do that.

5 Unfortunately, your Honour, for the next questions, I would like to go into private
6 session, please.

7 PRESIDING JUDGE SCHMITT: [9:48:40] For the audience, we have to go to private
8 session because we have a protected witness and the issues that are going to be
9 discussed in the coming minutes, and I don't know how long, could reveal the
10 identity of the witness.

11 Private session.

12 (Private session at 9.49 a.m.)

13 THE COURT OFFICER: [9:49:07] We are in private session, Mr President.

14 MS GUISSÉ: [9:49:24](Interpretation)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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15 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [9:53:59] (Redacted)

25 (Redacted) But my question is different and I'm putting it to you

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1 again. When the churches still existed, was there at any point of time when the

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [9:54:32] I think that during 2014 the majority, even the church, all the buildings

6 were looted by the Anti-Balaka or Seleka movements. * And that's why I'm saying

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [9:55:13] For the records, your Honour, I refer to the document at 144 of the

11 Defence binder, CAR-D29-0013-0099. Also the photo in the register of the church,

12 which still exists now, when we requested a copy, which is tab 145 of the Defence

13 binder, CAR-D29-0014-0063, page 0064. Sorry, I stand corrected. The document is

14 0062 - where you have the date of birth - which is 40, CAR-D29-0013-0080.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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25 (Redacted)

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8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [10:05:20] The problem also for the witness is
12 simply he can only repeat always the same thing. And if we look at his statement, 46,
13 47, the wording or the labelling verifying process is a little bit misleading, in our
14 understanding, our judicial understanding, because if you look at it, it has always
15 been said that it simply (Redacted) by the children.

16 (Redacted)

17 (Redacted). He is not -- because he's -- of course you have to do
18 that, but just also to assure the witness we -- that you don't want to corner him, so to
19 speak, put into a corner. It is simply the verification process was as it was, not more,
20 not less. The best would of course have been if what was -- this was headed by you,
21 one of the last questions that you put to the witness, that they, like we would say in
22 our realm, *proprio motu* would have gone and tried to receive some documents,
23 (Redacted). So this is the situation.

24 Please continue.

25 MS GUISSÉ: [10:06:39](Interpretation) Yes, your Honour. I've heard the

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1 explanations of the witness, but I'm trying to understand and ask questions on things
2 that appear basic when we do (Redacted)
3 (Redacted) there was an obligation of verification. So
4 I'm trying (Redacted)
5 verify the situation. And it should be documented in the records if such a thing had
6 been done or not.
7 (Redacted)
8 very clear, I'm just asking questions (Redacted)
9 (Redacted). That's all. That was
10 my -- that's the only objective of my questioning.
11 PRESIDING JUDGE SCHMITT: [10:07:41] I understand -- I understand your
12 objective. It was not a reproach at all. It was simply a remark and it was -- it is
13 already clear that this verification process was not done ideally, so we really can be
14 sure of that. And I also (Redacted)
15 (Redacted)
16 MS GUISSÉ: [10:08:08](Interpretation)
17 Q. [10:08:15] Witness, now, just to word the question more generally, like the one I
18 asked you on the baptism register, (Redacted)
19 (Redacted) a strategy to conduct
20 systematic verifications in the towns (Redacted) to ensure that there was really
21 no family present in the towns for children who were saying that they were
22 unaccompanied?
23 A. [10:09:02] Thank you. I think I told that there were strategies, (Redacted)
24 (Redacted). But, you see, unfortunately, I told you that these
25 children made mistakes. These children were basically providing the information,

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1 so (Redacted) quite categorical on the information (Redacted)

2 (Redacted) all the verification strategies, (Redacted)

3 (Redacted)

4 Q. [10:09:38] Yes, I do understand that the children (Redacted) erroneous

5 information (Redacted) not in a position to contradict (Redacted) gave you the

6 information. (Redacted) the heads of villages

7 at the heads -- with the heads of groups with the local authorities, (Redacted)

8 (Redacted)

9 (Redacted) and check with these people that such and such child did not belong to such

10 and such family?

11 A. [10:10:19] Right, I'm telling you that in 2014 was a very chaotic period when the state

12 institutions were not in place. These state structures were not in place. The town hall, for

13 instance, as you know, had no authority at times and we had to look for them. So -- so

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) checks with the families and with the community. (Redacted)

18 (Redacted) *And for questions of security, UNICEF (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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1 Prosecutor in tab 123 of the Defence binder, CAR-OTP-2068- (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 Now, in these conditions, given the birth certificates in the light of the fact that there
14 are -- there is evidence showing that many of the children on the list of 60 were
15 actually older than what was mentioned in the list, do you agree with me that (Redacted)
16 assessment is just an assessment * and (Redacted) a mistake?
17 R. [10:22:13] No I do not agree. Regarding the age, I do not agree.
18 PRESIDING JUDGE SCHMITT: [10:22:16] Please wait a few moments. Mr
19 Vanderpuye first.
20 MR VANDERPUYE: [10:22:20] I think it's a question that the counsel can put in the
21 abstract but certainly not based upon the documents that are presented to the witness.
22 From what I can see of these documents, their authenticity has yet to be tested. There's
23 been no evidence as to their veracity, accuracy or anything like that. In fact, to the
24 contrary there's been evidence in this case that the civil service is responsible for issuing
25 these birth certificates have indeed been the subject of investigations as to corruption --

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1 PRESIDING JUDGE SCHMITT: [10:22:56] But we don't know anything about that yet.

2 MR VANDERPUYE: [10:22:59] Right. So I don't think it's a fair question to put the
3 question to the witness based on the document. I think, in general, if counsel wants
4 to ask whether or not they believe that what they have done was adequate, accurate,
5 and so on, that that's a fair question, but I don't think it is based upon -- (Overlapping
6 speakers)

7 PRESIDING JUDGE SCHMITT: [10:23:16] I think we can shorten that.

8 Ms Guissé, you have asked in every single instance the witness (Redacted)

9 (Redacted), assessment (Redacted) he has said yes. Please move on.

10 So this is what I meant a couple of minutes ago when I said that he should not -- it's

11 not necessary to put the witness here in a corner. He has said from day one (Redacted)

12 assessed from the -- from the appearance and also the verification process was, as I

13 already put it, not a verification process that we would perhaps label as verification.

14 This would -- you know, you ask simply the person who has already said is this right,

15 so I think please you can move on from there.

16 MS GUISSÉ: [10:24:14](Interpretation) Yes, your Honour.

17 PRESIDING JUDGE SCHMITT: [10:24:18] And for Mr Vanderpuye, as I said, what

18 we have at the moment, at this point of time is -- are the documents that the Defence

19 provides us with. Yeah. We agree on that.

20 If there is -- there are other documents, if there are -- then, of course, we have to be

21 provided with; otherwise, it's simply what is on the table, so to speak, table of the

22 Bench. Well that's old fashioned, because on the table of the Bench there

23 is -- normally there should be nothing, it should be all electronically.

24 But, Ms Guissé, please continue.

25 MS GUISSÉ: [10:25:02](Interpretation) Yes, your Honour. And for the purposes of

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1 the record, given the objection of the Prosecutor, I think it's important to underline
2 that if the Prosecutor was basing himself only on the statements and the (Redacted) list, he
3 cannot blame us for going to the baptism register which basically was the job of the
4 OTP.

5 So having said that I'm going to move on to another document and another person.

6 Now, this (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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25 PRESIDING JUDGE SCHMITT: [10:46:06] I really -- I -- more and more I feel

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1 confident that when I addressed this already this morning, and I think also on
2 Thursday, the pattern is perfectly clear now. Why not simply tell us the further
3 documents and do not ask the witness the same question over and over again, we
4 receive the same answer over and over again. And again, this -- it is perfectly clear
5 that these documents might have -- the Prosecutor would say might have their
6 evidentiary value in themselves. And for all the future -- for all the future
7 documents you might show to the witness, I know -- we know the answer of the
8 witness already so we can really save time here.

9 MS GUISSÉ: [10:47:00](Interpretation) Your Honour, I will continue to provide
10 elements for the records without showing the documents to the witness.

11 PRESIDING JUDGE SCHMITT: [10:47:11] Yes.

12 (Redacted)

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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6 (Redacted)

7 I have completed this exercise, which was a bit arduous, for the records and I shall
8 now move on to another topic.

9 Before moving on to other points, I'd like to go back to the question of the reports

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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- 18 MS GUISSÉ: [10:57:22](Interpretation) Your Honour, I'm going to move on to
- 19 another subject linked, so perhaps it might be a good moment to have a break.
- 20 PRESIDING JUDGE SCHMITT: [10:57:32] It is. 11.30.
- 21 THE COURT USHER: [10:57:38] All rise.
- 22 (Recess taken at 10.57 a.m.)
- 23 (Upon resuming in private session at 11.31 a.m.)
- 24 THE COURT USHER: [11:31:56] All rise.
- 25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [11:32:17] Well, two are standing. That's a bit
2 surprising. Ms Guissé, please continue.

3 MS GUISSÉ: [11:32:29](Interpretation) Your Honour, before continuing, I would like
4 to just say that I would like to finish on time today, and I can tell you that before the
5 lunch break, but perhaps we really need to shorten the lunch break so that I can really
6 finish today. I just wanted to basically bring this to your notice and I shall come
7 back to you on this before the lunch break.

8 PRESIDING JUDGE SCHMITT: [11:33:04] Okay. Please proceed.

9 MS GUISSÉ: [11:33:09](Interpretation)

10 Q. [11:33:10] Witness, good day once again. We're going to move on to another
11 theme, (Redacted)

12 (Redacted) page 556, it is indicated that (Redacted) was
13 the problem of interpreting the project by the communities that were confusing it
14 with the DDR. Now my question is as follows: Am I right in saying that at that
15 point of time there was a huge communication campaign on the DDR and the
16 populations were informed of the advantages of adhering to the DDR programme?

17 * A. [11:34:15] Thank you. You see, when the community thinks that when we
18 speak of the DDR, it is basically an adult programme which was supposed to have a
19 training programme, compensation and (Redacted)
20 (Redacted) is a bit different -- DDR is a bit different. There was a lot of
21 confusion and the community thought that all child soldiers should be also
22 indemnified and should receive compensation. So there was a lot of confusion
23 within the community. So it was with respect to that. (Redacted) time to
24 explain to (Redacted) which is different
25 from the adult DDR programme.

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1 MS GUISSÉ: [11:35:12] (Interpretation) Your Honour, I think we can try to move to
2 public session -- open session. We'll try for some time.

3 PRESIDING JUDGE SCHMITT: [11:35:20] Open session. You read my mind
4 actually.

5 (Open session at 11.35 a.m.)

6 THE COURT OFFICER: [11:35:40] We are in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:35:44] Please proceed.

8 MS GUISSÉ: [11:35:47](Interpretation)

9 Q. [11:35:48] You said, Witness, and please may I remind you that you are in open
10 session, so please be mindful on how you reply. You said that Mr Yekatom talked
11 about compensation for the children and this was in transcript 222 at 11:54.

12 Now, my question is: Did you understand that he was also confusing with the DDR
13 demobilisation programme?

14 A. [11:36:22] Yes. {ICR: (Redacted)} Yekatom told him
15 that will the children receive compensation. So yes, there was some confusion in his
16 mind as well.

17 Q. [11:36:40] I would now like to move on to the day of the ceremony, which was
18 conducted on 4 August. Now, we have a witness who attended the ceremony and
19 who described the people as follows.

20 So for the Chambers and the parties I'm actually referring to transcript 2018 -- 218 and
21 this is how the person describes: The mayor, the ESF person in charge, the local
22 Pissa authorities, a school principal, representative from the gendarmerie, certain
23 local chiefs, representatives from the social affairs ministry, and later on says some
24 beneficiaries were also there.

25 Now, do you confirm that this was the public and all these people were present

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1 during that ceremony?

2 A. [11:37:47] Now, in the room, in the mayor's building, if you look at the photo, *
3 Rombhot was there, the secretary of Pissa town hall was there next to him and the
4 director of social affairs, Kevin Kakpayen {ICR: (Redacted)}. Perhaps the
5 school principal were amongst the crowd, that I'm not aware.

6 Q. [11:38:25] As you -- when you -- the Prosecutor showed you the ceremony, the
7 video of the ceremony. There were many children who were present, and the same
8 witness says that Mrs Seremandji would have said that amongst these several
9 children, numerous children, there were not only children who were part of the
10 programme, but there were also children from the local neighbourhood who had
11 come to attend the event. Now, do you confirm this?

12 A. [11:39:04] Yes. I was saying that during the ceremony, there were other
13 members of the community, they were all there. But with regard to the photo, the
14 other children of the community were not associated.

15 Q. [11:39:23] You spoke about the secretary of the mayor -- of the town hall. Do
16 you remember his name?

17 * A. [11:39:40] I do not remember his name, but a registrar from Pissa town hall
18 was next to Rombhot in the photo.

19 Q. [11:39:53] You just said that there was also people from the neighbourhood and
20 there were children who were present, even though they were not in the photo.
21 Now, during -- in transcription 124, you spoke about a gathering. I don't know if
22 there were refreshments that were served, things to eat and drink, but can you
23 perhaps elaborate?

24 A. [11:40:25] No, there were no refreshments served.

25 Q. [11:40:33] Do we agree that since there were people coming from outside and

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1 there was a lot of movement, the crowd was basically drawn to the town hall of Pissa?

2 A. [11:40:46] Now, this was the -- this was a ceremony, people could come and
3 attend. I knew that there was a crowd.

4 Q. [11:41:07] The people who -- who were the people who photographed the event
5 on that particular day?

6 *A. [11:41:16] Now, with regards to the photography, there were ESF communication
7 officers there at that time, and I think people from the -- representing the government
8 were there. Now, as far as ESF is concerned, {ICR: (Redacted)} communication officers there.

9 Q. [11:41:39] Do you remember their names, please?

10 A. [11:41:45] Now, it's been quite a while. I do not remember their names
11 anymore. But physically I could perhaps identify them, but I don't remember their
12 names because the event dates back to a long time.

13 Q. [11:42:07] No problem.

14 Now I would like to move on -- I would like to talk about the ceremony, 4 August.

15 Now, we -- now, the next part of my questions -- may I still remind you that we are in
16 open session, so please be mindful of how you answer your questions so that we can't
17 identify you.

18 Now, we've heard a witness in this -- before this Chamber and this was 2082,
19 transcription 117 -- 217 who spoke about the ceremony. And this person said that
20 there was a meeting planned between the members of the ESF and Mr Yekatom and
21 the representative of the social affairs ministry, including the regional director, but
22 Mr Yekatom, he only came for the afternoon session. Now, do you confirm this,
23 please?

24 A. [11:43:14] No.

25 Q. [11:43:21] The same witness also says that the representatives of the ministry

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1 were getting impatient because it was very important for them to leave for Bangui the
2 following day. Now, does this jot your memory?

3 A. [11:43:37] No. I do not recall that.

4 Q. [11:43:47] The same witness said in transcript 217 -- and she said that the -- that
5 Mr Yekatom was reluctant to sign the document. And I'm actually quoting the
6 witness here. He thought that this was another thing that -- with respect to what the
7 NGO had explained at the beginning, and this witness specifically indicates in
8 another document, and this is CAR-OTP-2122-4558, in paragraph 37, and I'm quoting,
9 "He was ready to hand over the children and yet it was difficult to convince him to
10 sign an agreement."

11 Now my question is as follows: Now, do you confirm that on this day Mr Yekatom
12 was reluctant to sign a document of -- sign the disclaimer?

13 A. [11:44:58] There was no reluctance. He came into the room and he -- there was
14 a ceremony and the document was signed and there was no reluctance on his behalf.

15 Q. [11:45:14] The same witness indicates that since there was this reluctance on his
16 behalf, the regional director Mrs Seremandji spoke to him and explained that he must
17 sign the agreement. Now, do you remember her explanations -- and, in fact, this
18 actually lasted for a time before Yekatom signed the document?

19 A. [11:45:46] No, I do not remember that at all.

20 Q. [11:45:59] So I conclude that you do not remember if other people intervened to
21 convince him to sign the document?

22 A. [11:46:07] Yes.

23 Q. [11:46:18] Yet do we agree that it was necessary for this agreement to be signed so
24 that UNICEF could fund the project, because {ICR: (Redacted)} written proof, written
25 evidence that the responsible of an armed group confirms that he had demobilised

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1 child soldiers, this was something that needed to be confirmed; do we agree?

2 A. [11:46:43] Yes, that was part of something, but this was not proof as such,
3 because in the beginning, {ICR: (Redacted)} and UNICEF did carry
4 out the verification. So the fact that they were doing a verification was proof itself,
5 and this disclaimer was just supplementing what UNICEF already knew.

6 Q. [11:47:14] It was also important {ICR: (Redacted)} this document, because during
7 the date of the ceremony {ICR: (Redacted)} hadn't received the funds as yet, am I right?

8 * A. [11:47:30] No. I'm telling you that on the date of the ceremony, {ICR:
9 (Redacted)} by the regional director of social affairs. The
10 reason why the ESF prefinanced it was due to the delays, the director of social affairs
11 was behind schedule because of the opening of the accounts. That was it.

12 MS GUISSÉ: [11:47:55](Interpretation) Your Honour, I've actually come to the end of
13 questions I can ask in open session. The rest of my questioning would be
14 unfortunately in closed session -- in private session.

15 PRESIDING JUDGE SCHMITT: [11:48:08] I will explain that to the audience. This is a
16 protected witness and now questions are going to be put to the witness where the answer
17 would reveal the identity and we have to do that in private session. We go to private session.
18 (Private session at 11.48 a.m.)

19 THE COURT OFFICER: [11:48:43] We are in private session, Mr President.

20 MS GUISSÉ: [11:48:49](Interpretation)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:13:18] Am I right in saying that the charges against Yekatom were subject of
3 discussion on that particular day?

4 A. [12:13:26] Could you expand on that.

5 Q. [12:13:34] I thought it was clear, but I will repeat. On that day did you discuss
6 the charges against Mr Yekatom?

7 A. [12:13:45] Yes, indeed, I think on that day there was a discussion was (Redacted)
8 (Redacted) vis-à-vis the charges brought against Mr Yekatom.

9 Q. [12:14:02] I'd like to move to another point now.

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 A. [12:15:45] I'm telling you, I was clear, I do not remember. But as regards the
25 meeting, I must tell you I don't remember that.

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- 1 Q. [12:16:01] For the Chamber and the parties, I'm referring to tab 142 of the
2 Defence binder, (Redacted)
3 I'm going to read once again in English. And could you display the document,
4 because that might help the interpreters as well to follow. It's not necessary to show
5 it to the witness. (Redacted), tab 42. And this is what is stated and I'm
6 now going to speak in English:
7 (Speaks English) "(Redacted) the OTP contacted (Redacted). He was
8 informed that the OTP would like to meet him possibly around the 3rd April, to
9 which he agreed. Subject stated that he was nervous and said that he wished to
10 speak to (Redacted)
11 (Redacted) He was informed that we would prefer if [we] did not but we could not
12 prevent it. We later contacted (Redacted) [...] and he confirmed that (Redacted) had
13 called him. (Redacted)
14 (Redacted)
15 (Interpretation) Mr Witness, does this jog your memory as regards the conversation
16 that you had (Redacted) with a member of the OTP team?
17 A. [12:18:27] Yes, thank you. As I just said, I was clear what I said, that it's so long
18 ago that sometimes I remember and sometimes I don't. But as regards this, when the
19 OTP contacted me as regards (Redacted), indeed (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 that's how the meeting took place.
25 Q. [12:19:38] So, Mr Witness, when I asked you whether you had any contact with

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1 (Redacted) within the
2 framework of the approach which they should use with the OTP and you answered
3 me in the negative, that wasn't exact; is that correct?

4 A. [12:20:03] No. (Redacted) Sometimes I
5 simply don't remember. I don't know who (Redacted). I haven't got the ability
6 to memorise (Redacted)

7 Q. [12:20:24] So in this report which I've just read out, the extract I've just read out,
8 (Redacted) refers to you by saying (Redacted). Are you a
9 (Redacted)

10 A. [12:20:41] No, no, no. I have no links, (Redacted) I have
11 no links. *(Redacted)

12 (Redacted)

13 (Redacted)

14 There are many of them. I can't remember (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:21:30] I'd like to read out the third paragraph of this document in tab 42, and
18 once again I'm going to do this in English.

19 (Redacted) the OTP contacted (Redacted) who stated that he was unsure about
20 making the interview appointment on (Redacted) what to tell (Redacted).

21 The phone was then taken by a man who later identified himself as (Redacted)

22 (Redacted) and connected with the (Redacted) who dealt with (Redacted). He (Redacted)

23 (Redacted) about the appointment with the ICC. He was strongly advised

24 against this and was informed that we would call (Redacted) back with a plausible

25 reason for him not being at (Redacted) if that was an issue. It was not confirmed, but it is

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1 suspected that (Redacted) may be identical with (Redacted)." End of
2 quote.

3 A. [12:23:14] Could you repeat the question.

4 Q. [12:23:16] I haven't -- I haven't asked my question yet, it's coming. Do you
5 remember that in March (Redacted) when the OTP investigator called (Redacted)
6 (Redacted) intervened to help him within the framework of that
7 telephone call?

8 A. [12:23:40] Once again, for the second time, I'm telling you that perhaps (Redacted)
9 called -- (Redacted), maybe he called me and I told him "go, listen and
10 see" that's what I must have told him. And then after that, he said if I could take him
11 there and I said no. I don't know the content, but I said "go, go". That's what I told
12 him. I didn't accompany him to visit or have his interview with the OTP. So after
13 that, I don't know how things turned out later on.

14 PRESIDING JUDGE SCHMITT: [12:24:24] Mr Witness, you have listened to this
15 piece and simple question: Is this correct that you were the (Redacted) who spoke on
16 the telephone with the OTP investigator? Is this a correct assumption?

17 THE WITNESS: [12:24:42](Interpretation) Yes, indeed. The interview with the OTP,
18 yes, I said that I cannot accompany (Redacted) and I said to the child "go, go". Is that
19 (Redacted), that's me, yes, that's what I said.

20 PRESIDING JUDGE SCHMITT: [12:25:02] Ms Guissé.

21 MS GUISSÉ: [12:25:03](Interpretation)

22 Q. [12:25:08] Mr Witness, yes or no, did you suggest in (Redacted) to accompany
23 (Redacted) with his interview with the investigators? Did you come up with
24 that suggestion?

25 A. [12:25:31] No. I said -- when the (Redacted) called me, I said that he was scared and

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1 he thought they will (Redacted) him, so he was very worried. He was very worried
2 because (Redacted), so he thought (Redacted). And when he
3 asked me for assistance and I said "Go, go and listen," but I didn't say that "I'll come
4 with you".

5 Q. [12:26:05] When I said you offered to accompany him, I'm not saying that you
6 made that suggestion at (Redacted). I say that you said to the investigators, that
7 you proposed or suggested that you would come along with him. Did you do that?

8 A. [12:26:27] Yes, indeed. It's a while back. With all those sort of questions you
9 asked me, am I going to really remember of what happened since 2014 to 2023?

10 Q. [12:26:49] But in any case, can you agree with me that that refreshes your
11 memory on the fact that on several occasions you had meetings with (Redacted)
12 during the investigation as regards this case. Do you agree with that?

13 A. [12:27:08] No, I can't remember, frankly speaking.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:28:39] Before you answer, Mr Witness, we have
25 an objection here by Mr Vanderpuye.

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1 MR VANDERPUYE: [12:28:43] I'm not sure I understand the question. If counsel is
2 asking the witness to explain why someone else didn't say something. But if that's
3 the question then I object to it because I think it would call for speculation.

4 PRESIDING JUDGE SCHMITT: [12:28:57] I have to say that I also -- I think you have
5 a point here. I think the question is indeed unclear. Could you please rephrase.
6 You are right, Mr Vanderpuye.

7 MS GUISSÉ: [12:29:08](Interpretation) Yes, absolutely. I'll rephrase it.

8 Q. [12:29:15] Did you give any instruction to (Redacted) to not mention the
9 contacts you had with him?

10 A. [12:29:27] No. No. I've never done that.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [12:42:29] Now, I would like to move on to another document. This is the
12 document in tab 50 of the Defence binder, (Redacted)

13 Now, this is a baptism card of (Redacted), and we can see in page 001, I think
14 that ends in 01, that the names of her parents are (Redacted)

15 (Redacted) And it is also indicated on the left of the document that she was born on
16 (Redacted) 1992 (Redacted) was held on (Redacted) 2008 in (Redacted).

17 Now, in light of this baptism registry, she was 22 (Redacted) So

18 again I'm asking you the question, because (Redacted)

19 (Redacted)

20 (Redacted) in appearance only 17 as mentioned (Redacted)?

21 A. [12:44:16] (Redacted)

22 no child (Redacted) showed their birth certificate or their baptism card. So you
23 asked me this question several times and I'm saying this -- I'm telling you the same
24 thing. It's the same question again and again.

25 PRESIDING JUDGE SCHMITT: [12:44:35] Actually, we have three different birth

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1 dates here. (Redacted) on the *attestation de reconnaissance*, and then

2 we have on this other document -- no it's the same, (Redacted) so we have -- then she
3 would have been 13 (Redacted) -- 13, 17 or 22.

4 MS GUISSÉ: [12:45:04](Interpretation) Your Honour, I was just coming to that.

5 Indeed, we have documents that come from the OTP with different dates and that's
6 exactly what I am addressing right now.

7 PRESIDING JUDGE SCHMITT: [12:45:22] But our witness -- you know, this is really
8 impossible for him to say something about that.

9 MS GUISSÉ: [12:45:29](Interpretation) My question is perhaps poorly worded, but
10 I'm actually going to come back to it. I'm going to ask him the question: Does
11 (Redacted) was that of someone who was
12 17 years (Redacted).

13 Q. [12:45:50] So, again, Witness, I'm going to ask you that same question: During
14 (Redacted), it was written
15 "17". (Redacted) age to be 17, just (Redacted)
16 (Redacted)

17 A. [12:46:20] I said yes. (Redacted)
18 (Redacted) and you -- they would -- (Redacted)
19 (Redacted) these documents.

20 PRESIDING JUDGE SCHMITT: [12:46:43] But since we have three different dates,
21 Mr Witness, (Redacted)
22 (Redacted) Because this is really a difference that actually you can tell between 13 and 17
23 I think.

24 THE WITNESS: [12:47:09](Interpretation) Indeed at (Redacted)
25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [12:47:16] Thank you, Mr Witness.

2 Ms Guissé.

3 MS GUISSÉ: [12:47:20](Interpretation) Thank you, your Honour. You've actually
4 taken a question off from my list so I can just refer the Chamber and the parties to tab
5 135 of the Defence binder, (Redacted).

6 Now, this is where the investigation report is present, which mentions the birth
7 certificate provided by (Redacted) and I'm also referring the Chamber to tab 148
8 (Redacted). And also tab 149, which is the registry of baptisms in Pissa,
9 (Redacted) And more specifically (Redacted), where we can see that the
10 date of birth is May 1992.

11 Perhaps just to correct the records, these are documents that were submitted by
12 another person, and I'm not going to mention the name here for obvious reasons, but
13 on the subject of (Redacted) and the members of the family. * And it's in tab 135 that
14 these documents are mentioned, just as they were submitted to the investigators.

15 Q. [12:49:28] Now, in light of the documents we've seen previously, especially the
16 statement of recognition, * we can see that (Redacted) indicates that she still
17 lived in (Redacted) in 2019, we can see that at tab 158 of the Defence, page 2410.
18 (Redacted)

19 (Redacted) when the statement was drawn up by the head of the (Redacted) was
20 living in (Redacted) with her biological parents, and in this condition how (Redacted)
21 (Redacted) criteria of unaccompanied children (Redacted)
22 (Redacted)

23 A. [12:50:35] I think we spoke about this and we have been speaking about this for the
24 past four or five days. I said (Redacted) the verification, it was under the supervision of
25 UNICEF and there were verifiers who were conducting interviews with the children.

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1 *So this was the information given by the children and it's on the basis of this
2 information that UNICEF during the selection (Redacted) and gave us
3 the names of the children that should go to the (Redacted). And I told you that those
4 (Redacted) UNICEF had made a certificate of apparent age which UNICEF still holds
5 this day. So I've actually repeated this information on several occasions here.

6 Q. [12:51:32] I would like to move on to another subject, Witness, and I would like
7 to come back to -- to the list that's in tab 132 of the Defence binder,
8 CAR-OTP-2115-0369.

9 Now, when the Prosecutor asked you about this list, which is the DDR list, (Redacted)
10 (Redacted) in electronic format, more specifically in Excel format. (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 PRESIDING JUDGE SCHMITT: [12:54:20] So you don't know, (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted) and that's what I said.
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 (Redacted)

4 (Redacted)

5 A. [12:57:52] Thank you. Until (Redacted), I actually made a

6 difference between the identification form -- identification is the people who identify

7 you, but verification is a process that is done by the -- by UNICEF with (Redacted)

8 (Redacted) Now, in this, it's UNICEF that was proprietor of this form. They

9 were holding the form. And it's UNICEF in fact even holds these forms today. I

10 basically took time to make the difference between verification and identification.

11 (Redacted) only after verification that we (Redacted)

12 (Redacted)

13 Q. [12:58:52] Now, in transcription 223 at 10:29 this is what you said, I'm going to

14 quote you: "All this data was taken from the various identification forms provided,

15 (Redacted)

16 (Redacted)

17 Now, do you confirm what was just said? Do you confirm this point?

18 A. [12:59:34] Thank you, but I realise that you're basically asking me the same

19 questions. I have taken the time to make the difference between identification and

20 verification. UNICEF does the verification (Redacted) the names of the

21 children (Redacted)

22 (Redacted) I repeated this several times.

23 PRESIDING JUDGE SCHMITT: [13:00:10] Ms Guissé, what are the prospects?

24 MS GUISSÉ: [13:00:12](Interpretation) I am making headway, your Honour, but if

25 we can shorten the lunch break, then at least then I'll be sure that we'll be able to

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1 finish today.

2 PRESIDING JUDGE SCHMITT: [13:00:30] Well, you're not the only protagonist, so
3 to speak, here in the courtroom.

4 I turn to Mr Vanderpuye, because if Mr Vanderpuye wants to conduct redirect, we
5 won't have the time anyway.

6 MR VANDERPUYE: [13:00:43] It's an introduction, I suppose.

7 PRESIDING JUDGE SCHMITT: [13:00:47] Well, that was a question, you know,
8 animation, so to speak.

9 MR VANDERPUYE: [13:00:51] I haven't decided, to be honest, Mr President. So
10 it's probably better if we keep it short in the break. It may be yes, may be not.
11 There's one small issue that I'm thinking about.

12 PRESIDING JUDGE SCHMITT: [13:01:05] 2 o'clock.

13 MR VANDERPUYE: [13:01:06] Thank you, Mr President.

14 THE COURT USHER: [13:01:09] All rise.

15 (Recess taken at 1.01 p.m.)

16 (Upon resuming in private session at 2.02 p.m.)

17 THE COURT USHER: [14:02:34] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:02:54] We are in private session. Please
20 continue, Ms Guissé.

21 MS GUISSÉ: [14:03:06](Interpretation) Thank you, your Honour.

22 Q. [14:03:10] Mr Witness, I would like to display the first page of the DDR list -- 132
23 of the Defence binder, and this is in the electronic format.

24 To be clear, this is the Excel version and we ask it to be shown to the witness and we
25 haven't had that possible. It's tab 132, CAR-OTP-2115-0369. We asked it to be

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1 displayed to the Prosecution.

2 So as soon as you see that -- oh, there it is.

3 Can you see the document? Be careful and look at the sixth column where it says,

4 "Year of birth". Can you see that? My colleague has put a cross from the mouse on

5 that. Can you see, "Year of birth"?

6 My question as follows, bearing in mind the previous question (Redacted)

7 (Redacted) based on the year that was given by

8 the child directly or through the year (Redacted) on the verification

9 sheets?

10 A. [14:05:11] Well, it's as if... I'm taking my time to explain to you, I'm telling you

11 that the information in the verification sheet, including the information here, these, is

12 the information that the children gave us. (Redacted)

13 (Redacted)

14 Q. [14:05:50] You also said in the (Redacted)

15 (Redacted)

16 (Redacted)

17 Under those conditions, I would like my colleague -- with the same document, in the

18 Excel version, I would like her to click on the "Year of birth", the first line where we

19 see "EAGFA", because this -- on this Excel document, and I'm sorry, my vocabulary is

20 very specific. I'm not a specialist in Excel, but then you click in "EAFGA", we see the

21 specific list that comes up.

22 So in the column birth year, when you click on this, as has been done, you can see at

23 the top, right at the top, here, after all the mention where we're talking about

24 updating, insertion, host, there's a tab which says the "Year of birth", which results in

25 a particular formula and there -- here, you have "2015-H3".

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1 Can you see that?

2 A. [14:07:56] I can see that.

3 Q. [14:08:05] So the cell in column G, the birth year, which is mentioned here, isn't
4 a manual entry. It's not somebody who writes 2002 or 2001. It is the database that
5 has a formula and states that the year of birth is column H, that's the age, minus -- or
6 rather, which is taken away from the year 2015.

7 To be clear, this means, for example, that if you have 2015, minus 14, which is in
8 column H, that means you are going to get as the year of birth, 2001.

9 However, if we would have taken the reference year as 2014, we would have had 2014
10 minus 14; namely, the end result would have been 2000.

11 My question is as follows: (Redacted)

12 (Redacted)

13 (Redacted) "Verification (Redacted) it's 2014 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [14:10:02] I don't understand what you are saying to me. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [14:10:58] (Redacted)

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- 1 supervise or check his work, particularly for some work like (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted) I can't give you any
- 10 further explanation of (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [14:12:17] Please move on.
- 13 MS GUISSÉ: [14:12:27](Interpretation)
- 14 Q. [14:12:27] I'm going to move on to another subject, Mr Witness. You gave the
- 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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25 Q. [14:21:15] (Redacted)

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1 was a child (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 Q. [14:23:02] I would like to move on to another topic.

17 Do you agree with me that you have a Facebook called (Redacted)

18 (Redacted)

19 A. [14:23:38] Yes.

20 Q. [14:23:41] For the Chamber and the parties, I refer to the metadata which is at 89

21 of the Defence binder, (Redacted)

22 Mr Witness, (Redacted), am I right in saying

23 that you knew (Redacted)

24 A. [14:24:18] Yes, that's true.

25 (Redacted)

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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 (Redacted)

23 (Redacted)

24 Q. [14:27:45] I'm now going to move to another document, which is 118 of the

25 Defence binder, (Redacted)

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1 THE INTERPRETER: [14:28:01] Correction: It is tab 98.

2 MS GUISSÉ: [14:28:02](Interpretation)

3 Q. [14:28:03] And this is a private conversation between (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 So where do all these nicknames come from?

10 * A. [14:28:48] Talking -- listening to such information makes me laugh, because the

11 (Redacted)

12 That's a term that the Cameroonian comedians used and whenever we meet we

13 discuss it to make us laugh.

14 And we said, "This is corrupt" and so on. And this is often what we did when we

15 exchanged information.

16 This was the form of communication we had and this is our type of exchanges in

17 Facebook, and we continue the same style right now today; so it makes me laugh. It

18 still makes me laugh today.

19 Q. [14:29:50] I hear what you are saying, your explanation about jokes, Mr Witness.

20 *So I'd like now to move to a document, tab 99 of the Defence binder,

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [14:30:33] Thank you for this precision. I'd like to now display tab 99. So you

25 said that you basically joked with this, but you have a conversation now with

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Do you remember this message received from (Redacted) and who is he?
- 12 A. [14:32:10] (Redacted)
- 13 This is nothing (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted) would
- 17 basically make observations on (Redacted)
- 18 (Redacted)
- 19 Q. [14:33:08] Again, with regard to discussions with (Redacted)
- 20 (Redacted) with regard to this discussion.
- 21 So this is what he's saying:
- 22 (Redacted)
- 23 (Redacted) So, (Redacted)
- 24 needs intelligent, honest and educated people."
- 25 Now, did you know -- do you know who was he referring to when he talks about

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1 honest people?

2 A. [14:34:03] Thank you. (Redacted) has absolutely nothing to do

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) It was absolutely nothing to do (Redacted)

11 PRESIDING JUDGE SCHMITT: [14:35:03] And also from the wording, and it's from

12 2020, it's not apparent at all. So I only allow further questions if you quickly show

13 what this has to do with 2014; otherwise, I think we have to move on. But you really

14 have to go quickly to the point here.

15 MS GUISSÉ: [14:35:25](Interpretation) I'm coming to it, your Honour. I am coming

16 to it.

17 Q. [14:35:29] Now, I'm putting it to you, witness, that the (Redacted) problems that

18 you spoke about in (Redacted), is in line with poor management and

19 behaviour within ESF. This was observed since the management (Redacted)

20 (Redacted)

21 Now, do you have any comment to make with respect to this?

22 A. [14:36:06] Thank you so much. (Redacted)

23 (Redacted) so it's got absolutely nothing to do with this. (Redacted)

24 (Redacted)

25 (Redacted) we just mentioned

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1 has absolutely nothing to do with the (Redacted)

2 Q. [14:36:40] I'm now moving to another point. (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [14:37:07] Yes. I tell you that (Redacted) -- I saw her on Facebook

6 and then, that was it. We went our ways and it was over. So we did have

7 a discussion on Facebook and then we just went our ways.

8 Q. [14:37:41] I'm telling you this because in transcript 225, (Redacted) you said that

9 you were in touch with the (Redacted)

10 (Redacted) but you were not in touch with them via Facebook. * So I conclude that

11 your testimony has evolved on this point.

12 And my question now is as follows: When did you speak to (Redacted)

13 (Redacted) for the last time? When were you in touch with her for the last time?

14 A. [14:38:22] It's been a very long time. I don't specifically remember the date.

15 It's been a really long time. I don't remember.

16 Q. [14:38:33] Now, under what conditions did you contact her and how did you

17 contact her?

18 A. [14:38:41] (Redacted) if we could

19 meet physically, we could meet physically. As I said, it's been a very long time. I

20 did meet her and once I saw her on Facebook. We just said hello, and until now, I've

21 got -- we never re-established contact. I don't know how she is, where she is; I have

22 no clue at all.

23 Q. [14:39:14] You said only hello? Is that what you are saying; you only said hello

24 to her? Is that your testimony?

25 A. [14:39:21] We did have some discussion, but I -- but it's been such a long time,

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1 how can I remember word for word each sentence I discussed. (Redacted)
2 (Redacted) I'm not going to ask her how -- "How are you?" and that's it.
3 PRESIDING JUDGE SCHMITT: [14:39:42] Please come to the point that you want to
4 make. I know what you want, but the witness has now said he has spoken with
5 the -- with the person and he does not recall at all what it was about. Please
6 continue.
7 MS GUISSÉ: [14:39:56](Interpretation)
8 Q. [14:39:58] For the record, I'd like to refer the Chamber to the document CAR -- to
9 tab 73 of the Defence binder. * So we can see the Facebook of (Redacted)
10 and the URL. We can see the name of (Redacted). So I'm also referring to
11 page 5 where we can see that -- (Redacted). And in the second
12 column of this document, and amongst the Facebook friends there is (Redacted)
13 (Redacted)
14 Now, I would -- for the purpose of the records, I would like to say that in tab 111 of
15 the Defence binder, it's document (Redacted) there is a document that
16 indicates that the date of birth for (Redacted) and it's in tab 153
17 of the Defence binder, (Redacted).
18 And I'd also like you to -- I'd like to refer to tab 80 of the Defence binder,
19 (Redacted). Tab 111 is the metadata of the account.
20 I would like to display tab 154 of the Defence binder, (Redacted), and I'd like
21 to ask you if you can recognise (Redacted) on this photo. We're
22 talking about her, right?
23 A. [14:42:34] Yes, that's her.
24 Q. [14:42:36] Now, I would like to go to tab 95 of the Defence binder, (Redacted).
25 Now, just so that you know, this is -- these are conversations

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1 that you've had with (Redacted), with the account (Redacted). And I would
2 like to go specifically to page 0070, and I would like to focus on a message that you
3 wrote on (Redacted) 2022.

4 You see on (Redacted) 2022, you, (Redacted), you sent a message to
5 (Redacted) and you say:

6 "Thank you[.] [Y]ou must think of me".

7 What are you referring to, witness, when you say to (Redacted) that she
8 should think of you?

9 A. [14:44:03] Thank you. I'm glad that (Redacted) -- I spoke to her and I said
10 that you must think of me. It just means, you should pray to God that we, who are
11 behind this, should not be forgotten. You -- we should just be thought of in her
12 prayers. There was absolutely no other intention.

13 Now, it's not that I'm asking money from her, it's just that I'm happy that (Redacted)
14 (Redacted). And I did not even ask for money, I just said, "Please think of me". It
15 means pray for me. This is what I told her.

16 Q. [14:44:57] I would now like to scroll down and look at the message that you sent
17 on (Redacted) 2022. And it's going to now appear. And this is what you're saying:
18 "Thank you[.] [B]ut you must think of me and only transfer 10000".

19 So here, you agree that you're not asking her to pray for you, but you're asking her to
20 send you 10,000?

21 A. [14:45:32] Thank you. This is again funny, because this is (Redacted)
22 (Redacted). I saw her on Facebook and it was just a way to tease her. That's all.
23 I was teasing her. Because I saw her on Facebook and I'm just, you know, telling her
24 to pray for me, think of me and just teasingly asking her to basically send me 10,000.
25 It's got absolutely nothing to do (Redacted).

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1 Q. [14:46:06] So you're teasing her a bit too much, because in tab 96 of the Defence
2 binder, and I'd like to basically display the document on the screen,
3 (Redacted).

4 And the document shall momentarily be displayed on the screen.

5 * So here, we can see that you're in touch with her more regularly than just once to say
6 hello. And you're also saying on (Redacted) 2021:

7 "[But] you must think of me", again.

8 And I'm going to now show you another document and I will then ask you my
9 question. Tab 110, (Redacted).

10 And this is what you're saying here:

11 "Bj" - I presume it's *bonjour* or hello - (Redacted) you must think of me".

12 And this message dates back to (Redacted) 2021.

13 Now I'm putting it to you, witness, that every time you contact (Redacted) on Facebook
14 to say "You must think of me", it's because you are asking her for money.

15 Your comments, please, on this point.

16 A. [14:48:23] Thank you. This is really -- this is funny. I'm asking -- I'm telling
17 her, "Hello, my (Redacted). Think of me." It means, pray for me. This is what
18 I'm telling her every time. You've seen that in most of the messages I say "Pray for
19 me." I say "Think of me", meaning pray for me.

20 (Redacted), how can I ask her for money? I'm just asking her to think of me
21 and pray for me. That's all.

22 Q. [14:49:02] I'm also putting it to you, witness, that you are not the only person
23 who's asked her for money because (Redacted)
24 (Redacted), also contacted her on several instances.

25 My question is as follows: Are you aware that (Redacted), at least till 2022, was

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1 in touch with (Redacted)?

2 A. [14:49:33] Thank you. I did not know that. I have no information. I do not
3 know anything. I do not know anything concerning what transpired between (Redacted)
4 (Redacted). I have absolutely no information in that respect.

5 MS GUISSÉ: [14:49:48](Interpretation) Now, for the attention of the Chamber and
6 the parties, and for the records, I am referring to the document which is in tab 96 of
7 the Defence binder, (Redacted), and I'm focusing on
8 (Redacted)
9 "You must think of me".

10 THE INTERPRETER: [13:51:08] Addition from the booth: (Redacted).

11 MS GUISSÉ: [13:51:14](Interpretation) I'm also referring to tab 101 of the Defence
12 binder, (Redacted). This is a message from (Redacted), he called (Redacted)
13 and she does not answer.

14 I'm referring to tab 102 of the Defence binder, (Redacted)

15 So here, we can see so many calls between (Redacted)
16 there are two messages asking for money. The first one dates back to (Redacted) 2022
17 and ...

18 PRESIDING JUDGE SCHMITT: [14:51:38] Mr Vanderpuye.

19 MR VANDERPUYE: [14:51:42] I know that counsel is submitting these documents
20 for the purposes of the record, but I think having elicited from the witness that he
21 doesn't know anything about the contacts, that there is really no basis for it. And I
22 know that the Chamber has previously ruled that these kinds of documents should
23 normatively be submitted from a bar table --

24 PRESIDING JUDGE SCHMITT: [14:52:07] I also I agree -- in that, now I agree -- I
25 agree also. I think this should -- also, keeping in mind - how to say it so not to reveal

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1 anything? - that we have a list of witnesses which is -- has been reduced and, yeah, I
2 think we understand each other. You can put this really as documents. This costs
3 too much -- too much time to put all this on the record. You can put it in the request
4 for bar table and it will be -- will be considered then as if you had it put on the record
5 here in the courtroom.

6 MS GUISSÉ: [14:52:47](Interpretation) I understand, your Honour. We're going to
7 proceed the way you indicated. But on these specific messages, I think it's important
8 to refer to these tabs with respect to the specific answers that says that (Redacted) we
9 don't request for money".

10 So it's really important in this context to give the references to the Chamber. And
11 I'm not going to ask the witness to comment. I've actually reached the end of my
12 examination almost.

13 PRESIDING JUDGE SCHMITT: [14:53:29] Almost. Okay.

14 You know, I was already -- you know, I was on the jump already. No, but joke aside,
15 I fully understand that. But if we would have to deal like we had today already,
16 with documents where the witness was somehow involved or so, it's absolutely fine.
17 But Mr Vanderpuye has correctly pointed out that now we are talking about other
18 people and this is -- and you have done it already, but we have to finish that at some
19 point in time. There is a distinction here. Please, continue.

20 MS GUISSÉ: [14:54:16](Interpretation) I'm just going to finish off with my last
21 references, that are very short.

22 Tab 104 of the Defence binder, (Redacted) with a message: "Think of me
23 (Redacted).

24 And lastly, the various messages and the metadata questions that are in tab 114 of the
25 Defence binder, (Redacted); and tab 89 of the Defence, (Redacted).

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1 Q. Now I'm going move on to another theme, witness, and I'm putting it to you
2 that the reason why you and (Redacted), were regularly asking for
3 money from (Redacted) is because she owes you, because you and (Redacted)
4 (Redacted)
5 Your comments, please.

6 A. [14:55:38] Thank you. This is a lie. Not at all. You can check the messages.
7 When I say "Think of me" it means pray for me. It's just a way of basically teasing
8 her. * I'm really glad to see (Redacted), but the messages that he,
9 (Redacted) asks for, I don't know. Because they're from the same locality. I'm not from
10 (Redacted) I don't know what's happening. I work for the (Redacted). So I have
11 absolutely no information on her private life. If you read the content of my
12 messages, what -- what is the point in asking for money? The fact that I'm teasing her
13 and telling her, Give me 10,000 francs, it's just teasing. What you're saying is not true.

14 Q. [14:56:47] On the hearing of 20 April, transcript 225, I asked you the following
15 the question, and I'm going to just remind you, at 12:13:

16 Were you contacted by (Redacted) and
17 who said that they were contacted by the OTP and they asked you to help them or
18 explain to them what they should do?

19 And your answer was: No.

20 Now my question is as follows: Is it your testimony that (Redacted) never
21 basically contacted you to talk about her possible testimony before the ICC?

22 A. [14:57:36] I do not know anything about what you're talking. I do not have
23 (Redacted) that proves that I have requested for money from any (Redacted).

24 * I've never seen that, ever (Redacted). It's unheard of.

25 Q. [14:58:04] You haven't answered my question. Are you telling the Chamber

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1 today that (Redacted) never contacted you to talk about a potential testimony
2 before the ICC, the International Criminal Court?

3 A. [14:58:23] The -- did the (Redacted) contact me for the testimony? It's
4 because (Redacted)
5 (Redacted) But I'm actually not a witness to a former child soldier, I'm not their witness.
6 (Redacted), was I there? (Redacted)

7 (Redacted) I did not know (Redacted) back then.

8 PRESIDING JUDGE SCHMITT: [14:59:01] Mr Witness, but just it's about the later
9 stage, so when it was clear that there are proceedings at the ICC, and the question is,
10 if you talked with one or several (Redacted) about testimony at the ICC; that in itself
11 would be nothing reproachable. You can answer that and you can say, "No, we did
12 not talk about testimony at the ICC" or you can say, "Yes". In itself, I do not
13 see -- but simply Ms Guissé wants to know. Yes, this is the question, we are talking
14 about when the proceedings here already had been initiated.

15 THE WITNESS: [14:59:52](Interpretation) Thank you. (Redacted)
16 (Redacted) there were some who (Redacted)
17 (Redacted) to find out information of the ICC, because they
18 thought maybe the ICC would arrest them or try and look for further information.
19 (Redacted) and maybe some of them looked for me to see and
20 find out what the ICC was. That's the information I can give you.

21 PRESIDING JUDGE SCHMITT: [15:00:27] Okay, allow me, I do not do that often to
22 comment, that is relatively natural under the course of events that this happens, yeah?
23 So really, you can tell that, and Ms Guissé, if you want, you can follow up from there.

24 MS GUISSÉ: [15:00:51](Interpretation)

25 * Q. [15:00:54] And to go -- to follow-up from the question put by the President, is

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1 (Redacted) one of the people who contacted you about potential testimony
2 before the ICC?

3 A. [15:01:18] Could you repeat? Perhaps you could repeat the question, please.

4 Q. [15:01:24] (Redacted) did she contact you in relation to her possible
5 testimony before the ICC?

6 A. [15:01:37] I don't know -- or through Facebook or what? You have to be more
7 specific than that.

8 Q. [15:01:48] Doesn't matter how, which communication - Twitter, Telegram,
9 Facebook - it doesn't matter how. Did she contact you?

10 A. [15:02:00] I think you've checked on Facebook. Did you check? Did she
11 contact me as regards her testimony?

12 Q. [15:02:09] Mr Witness, we have to play our roles. I ask the questions and
13 you're the witness. So I'm the one who asks the questions and I would like you to
14 answer.

15 A. [15:02:21] That's why I'm saying if you check in Facebook, you will -- you would
16 see what's happened as regards her coming to the Court.

17 PRESIDING JUDGE SCHMITT: [15:02:34] Mr Witness, please don't get upset at the
18 end now of your testimony. The question is, you knew of course (Redacted) and you
19 had contact with her and there is nothing reproachable on that. And the question is,
20 if you try to recollect about these contacts, did you also discuss, you know, the same
21 you already yourself mentioned, you know, what is the ICC? What does it mean to
22 be a witness there? What can happen? What will a potential testimony be about?
23 Do you recall having had such a conversation -- communication in a general way with
24 (Redacted)

25 THE WITNESS: [15:03:24](Interpretation) Thank you. As it is a long time ago, and

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1 (Redacted), I can't remember if indeed I had some contact regarding
2 this aspect with her. Right now, I can't remember.
3 PRESIDING JUDGE SCHMITT: [15:03:40] Ms Guissé, please, and if you have
4 something, a document please -- directly please now.
5 MS GUISSÉ: (Interpretation) [15:03:48] I will do so, but I wanted to have him answer
6 the question before that, but I'll come to that immediately.
7 Tab 12 of the Defence binder, (Redacted). We have an audio, and the
8 metadata is in tab 96, (Redacted). And for the interpreters, the
9 transcription or the transcript is tab 4 of the Defence binder, (Redacted).
10 And this message dates from (Redacted) 2022. We're going to show you the audio,
11 Mr Witness, it's in Sango -- the original is in Sango. As soon as the interpreters are
12 ready, they will tell me and then we will play that audio.
13 THE INTERPRETER: [15:05:19] The English booth is ready.
14 MS GUISSÉ: [15:05:33](No interpretation)
15 (Playing of the audio excerpt)
16 THE INTERPRETER: [15:05:46](Interpretation of the audio excerpt)
17 * "Tell me, you've sent me a hello there, what am I to do with hello there? I'm sorry! Seriously,
18 seriously? The country... it doesn't matter. Life is like that. I've sent you the number, if you
19 call me or if you don't, otherwise I'm well, and so is my child. We're all well. Thank God that
20 you are connected today. Where do you normally throw away this telephone? Have the
21 spiders eaten the cables? When did you solder them to connect today, I don't know. Have you
22 forgotten me? But nevertheless, I don't forget you, I still think of you, I always think of you to
23 have information from you about things I don't know. If I'm calling you, perhaps you can tell
24 me, 'Oh, (Redacted), listen, this has happened, that has happened.' You're the one who
25 can inform me from time to time. I can't get any information here. Since we arrived, we still

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1 haven't gone to the first stage. A lady called me to say that in three, six months' time, we
2 could go to the first stage but that would be by video call. We're staying here, we can't go
3 there, we'll talk by video call. Maybe you can get some information about it, you call me and
4 tell me (Redacted) this has happened, but you don't get in touch. Was that the agreement
5 between us?"

6 MS GUISSÉ: (Interpretation)

7 Q. Witness, when (Redacted) gave you this message and you were saying
8 "That was our agreement, you and me", what agreement is she referring to?

9 A. [15:07:39] I just repeat for the last time before this Court, that -- (Redacted)
10 (Redacted) in one way or another, you become (Redacted) to help them. So all the
11 messages -- all the calls means that there was a question of to pray and to do
12 something, but that doesn't mean we had an agreement per se. That is not the
13 content of the message.

14 * With her, we have an agreement. Like anytime... I don't know how she went home,
15 (Redacted). I don't know how it can be said that with you we have an agreement,
16 how. I don't know how... the content of this message.

17 Q. [15:08:47] What information is she talking about? And, I quote: "To allow me
18 to have information from you on things which I don't know anything about."

19 A. [15:09:02] I've told you, I was somebody (Redacted)
20 because (Redacted). So each time these children, those who had my
21 telephone, sometimes when -- they phoned me to find out more. So perhaps she
22 contacted me to have information on the ICC - "What is the ICC?" - * for example,
23 perhaps she only wanted to know about that.

24 Q. [15:09:42] When she says, "From here, I can't get any information." What sort
25 of information is she talking about?

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1 A. [15:09:54] If I remember correctly, perhaps information relating to the Court.

2 Perhaps -- perhaps she wanted to ask me for information about the Court. What is
3 the Court? But not other information as such. I think that was the message. She
4 wanted to have information relating to the Court.

5 Q. [15:10:23] And when she says, and, I quote:

6 "A lady called me to tell me that in six months' time, we will move on to the first
7 phase, but this will be by video call, we can't go there".

8 Do you agree that she's talking about a possible testimony via video, is that what you
9 understood?

10 * A. [15:10:47] That's what I understood. Maybe... I don't know whether she was
11 prepared for video conferences. When she told me that a lady had phoned her, well, I
12 told her that, even that, I don't know, let's just follow... follow the developments on
13 what you are being called about. That's all I know. I don't know anything else.

14 Q. [15:11:13] Since now we are aware that you were in contact with (Redacted)
15 (Redacted) and you talked to them about a possible testimony before the
16 Court, can you tell me how (Redacted) were in contact with you?

17 A. [15:11:41] Well, right now, I'm not in a position to give you the number of
18 (Redacted) who contacted me for clarification; it's a long time ago. * I don't
19 remember the number (Redacted) who wanted explanations about the Court.

20 Q. [15:12:09] So you agree with me that it's not only (Redacted)
21 (Redacted), do you agree with that?

22 A. [15:12:21] I'm telling you I'm not in a position to give you specifically
23 information about the people who contact me. I don't know if it's five, six, seven,
24 eight, nine.

25 I don't know.

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1 Q. [15:12:40] Did you talk to them as regards possible testimony relating to charges
2 against Mr Yekatom? Did you talk in the same way as you did in the ESF office?

3 A. [15:12:54] Yes, this is part of our talks because the question was that he had
4 been -- had some charges (Redacted). So it's -- it was
5 part of the messages. So in my meetings (Redacted), they put the questions
6 regarding that.

7 Q. [15:13:22] I'd like to move on to another point. Mr Witness, you told us that you
8 didn't see (Redacted) for a long while. (Redacted)
9 (Redacted) the end of 2020 and mid-2022, you were
10 in contact with him?

11 * A. [15:13:50] Yes, indeed. Because he was one (Redacted) and that's
12 perhaps why I did have discussions with him as regards the development (Redacted)
13 (Redacted)-- all that sort of thing.

14 Q. [15:14:18] Did you have discussions with (Redacted) directly, face-to-face? Or
15 was it via phone during which you spoke about his activities with the ICC or his
16 contacts with the OTP of the ICC?

17 A. [15:14:37] I think I had some discussions with him via telephone and
18 sometime -- and also face-to-face, if I remember correctly.

19 Q. [15:14:51] And did he already talk about the problems which he had as regards
20 ICC witnesses, (Redacted) specifically because of the fact that
21 *the Prosecution wanted him to stop contacting (Redacted)?

22 A. [15:15:15] Could you rephrase the question, please.

23 Q. [15:15:19] Did he talk to you about discussions with the OTP that he had,
24 particularly the problems as regards (Redacted) who might
25 potentially become witnesses? And did he speak to you about the fact that the

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1 Prosecution asked him to stop contacting (Redacted)?

2 A. [15:15:53] Well, it goes back a long time, so I don't remember. Perhaps if he
3 talked to me about this face-to-face or by phone, it goes back a while, but I cannot
4 remember something like that. I can't remember whether it was by phone or
5 face-to-face. I can't give you any specific information.

6 Q. [15:16:23] For the attention of the Chamber and the parties, I'm referring to,
7 firstly, * to tab 164 of the Defence binder, (Redacted). Perhaps you know
8 what I'm talking about. I would like -- if you can look at the table of calls and the
9 different calls you had with (Redacted) between 13 November 2020 and 21 June 2022.
10 The CDR reports.
11 I put it to you -- and this is on the basis of the analysis that we've carried out about the
12 table that was sent by email, I suggest that between those two days, November 2021
13 and June 2022, each time that (Redacted) had a meeting with the OTP as regards his
14 activities linked to (Redacted) - and, here, I'm referring to
15 a document or an investigation report, (Redacted) - I put it to you that each
16 time you had this type of -- that he had this type of meeting with the OTP, as, for
17 example, 8 November 2021, 9 November 2021, 10 November 2021, 11 November 2021,
18 each time he called you systematically after that to tell you about the scope and the
19 content of the meeting.

20 Can you confirm that?

21 A. [15:18:58] Well, you know, if he called me to tell me about this content, you
22 know, at that time, (Redacted). So he therefore perhaps phoned
23 me to report back on what had happened.

24 PRESIDING JUDGE SCHMITT: [15:19:19] May I shortly? I know you have laid the
25 foundation and it's on the table here, but of course, the flip side of this is that then the

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1 question is half a page long. It becomes half a page long.

2 Do you recall, Mr Witness, that you spoke with (Redacted)

3 spoke with you and informed you about what was going on with the OTP in these

4 proceedings? Do you recall having had such conversations?

5 THE WITNESS: [15:19:51](Interpretation) Yes, indeed. Because he knew that at the

6 time (Redacted), so he called me to report back.

7 PRESIDING JUDGE SCHMITT: [15:20:03] Well ...

8 MS GUISSÉ: [15:20:10](Interpretation)

9 Q. [15:20:12] I put it to you, Mr Witness, that the reason why you were in contact

10 with (Redacted) when the Prosecution said not to interfere with the witnesses, the

11 reason was that you were in the same situation as regards unofficial contacts with

12 potential witnesses.

13 Can you comment on that?

14 A. [15:20:38] Repeat -- could you repeat the question more clearly?

15 PRESIDING JUDGE SCHMITT: [15:20:44] Isn't it easier to ask perhaps the following:

16 Mr Witness, you have heard that the Prosecution admonished, so to speak, (Redacted)

17 not to have contact with (Redacted), not to interfere with the

18 proceedings. Were you aware that you were also not supposed to have such

19 a contact in light of the ongoing investigations by the Prosecution?

20 THE WITNESS: [15:21:13](Interpretation) Could you clarify, please? I don't quite

21 understand the question.

22 PRESIDING JUDGE SCHMITT: [15:21:24] Yes. You have said that you had -- that

23 (Redacted) informed you about the ongoing investigations, and that you have been

24 speaking (Redacted) about the whole matter, did you

25 have any idea or had you been informed by the Prosecution that you were not

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1 supposed to do that? That you were not supposed to have such a contact with the
2 (Redacted) because of the ongoing investigations?

3 THE WITNESS: [15:21:52](Interpretation) Yes, indeed. I think when he reported
4 back to me, there was a question that the -- the investigations couldn't -- the
5 investigators couldn't involve me anymore in the case -- in the proceedings.

6 PRESIDING JUDGE SCHMITT: [15:22:15] Ms Guissé.

7 MS GUISSÉ: [15:22:17](Interpretation)

8 Q. [15:22:19] I put it to you, Mr Witness, (Redacted)
9 (Redacted) who were older
10 than 18 years old and were never part of the Anti-Balaka.
11 Can you comment on that?

12 A. [15:22:40] I must tell you that (Redacted) were in
13 the Anti-Balaka movement. All those children were children who were in the
14 Anti-Balaka movement.

15 Q. [15:22:56] And I put it to you, finally, Mr Witness, that you well and truly - and
16 intentionally - (Redacted)
17 (Redacted)
18 (Redacted)

19 A. [15:23:19] I'm telling you, never, never, did I do that. Because the verification
20 work was done under the aegis of UNICEF. All the children who joined the
21 programme, it is UNICEF who validated it. * (Redacted)
22 (Redacted)

23 MS GUISSÉ: [15:23:46](Interpretation) Your Honour, I am delighted to tell you, I
24 have no further questions.

25 PRESIDING JUDGE SCHMITT: [15:23:53] Thank you, Ms Guissé.

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1 Mr Vanderpuye, you are still thinking? Well, I always have a sense when it makes
2 sense, but -- okay, you might know better. Everything has been put to the witness,
3 the witness has given answers. But it's up to you, actually, if you have --
4 MR VANDERPUYE: [15:24:22] You know, it's funny, I'm still deciding, but --
5 PRESIDING JUDGE SCHMITT: [15:24:26] In doubt, no, I would say.
6 MR VANDERPUYE: [15:24:30] I tend to agree.
7 PRESIDING JUDGE SCHMITT: [15:24:31] Okay.
8 MR VANDERPUYE: [15:24:32] And on that basis, I won't go forward.
9 PRESIDING JUDGE SCHMITT: [15:24:36] Okay, thank you very much.
10 MR VANDERPUYE: [15:24:38] Thank you, Mr Witness.
11 PRESIDING JUDGE SCHMITT: [15:24:41] Mr Witness, you will be happy to hear
12 that this concludes your testimony. On behalf of the Chamber, I would like to
13 thank you, that you have made yourself available as a witness in these proceedings.
14 This can be very tough for witnesses being questioned over days and you have to be
15 concentrated and you have to face also unpleasant questions. So we all know that,
16 but the Chamber -- any court needs witnesses who come forward and to testify. So
17 we thank you for that, and we wish you a safe trip back home wherever that is.
18 THE WITNESS: [15:25:26](Interpretation) Thank you, thank you, your Honour.
19 Thank you, everybody from the Court, including the Defence and the lawyers
20 representing the victim. Many, many thanks.
21 PRESIDING JUDGE SCHMITT: [15:25:39] Well, that is kind to include everyone, I
22 have to say.
23 This concludes the hearing for today also, and we continue tomorrow, 9.30, 1974, I
24 think.
25 Since we have a couple of minutes, you indicated two hours, if I'm correct. It's

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1 a Rule 68(3) witness.

2 And I assume -- it would be logical that Ms Guissé is following it up with this witness.

3 Do you have a -- I know we don't finish, we know that already, but perhaps you can
4 foresee what I have in my mind.

5 MS GUISSÉ: [15:26:21](Interpretation) Your Honour, to use the hearing -- I'm going
6 to follow through after the questioning of the Prosecution, and to benefit from the
7 presence of the witness right here; so I'm going to do the maximum I can. Either I
8 will finish by Wednesday -- in any case, I'm going to use the time when he's here as
9 much as possible, regardless of how I feel.

10 PRESIDING JUDGE SCHMITT: [15:26:55] The Chamber appreciates that a lot
11 because I would also have suggested that, but I think, you know, also the Chamber
12 since -- I don't know when we started, already -- but you know that we don't force.
13 When there is not good reason, we don't force people. But that's good news and we
14 will simply see how it unfolds in the next two days.

15 So we see each other tomorrow at 9.30.

16 THE COURT USHER: [15:27:34] All rise.

17 (The hearing ends in private session at 3.27 p.m.)