

Trial Hearing
CAR-V45-P-0001

(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 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, 21 September 2023

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

10 THE COURT USHER: [9:32:50] All rise. The International Criminal Court is now
11 in session. Please be seated.

12 PRESIDING JUDGE SCHMITT: [9:33:09] Good morning, everyone. Court officer,
13 please call the case.

14 THE COURT OFFICER: [9:33:24] Good morning, Mr President, your Honours.

15 Situation in the Central African Republic II in the case of the Prosecutor versus Alfred
16 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.

17 And for the record we are in open session

18 PRESIDING JUDGE SCHMITT: [9:33:41] Thank you very much.

19 Before we start with the presence of the parties, I would like to thank everyone here in
20 the courtroom, the parties, participants, Registry for their flexibility. These are
21 unusual times that require unusual measures, measures that the older people in this
22 courtroom know from the olden times, but still they are now not unusual anymore.

23 A special thank you to CMS, I have to say, that they did an enormous effort to make it
24 possible that we can have this hearing today.

25 Now, for -- I ask the Prosecution for the presence.

1 MS NEITHARDT: [9:34:24] Good morning, Mr President. The Prosecution today is
2 represented by Mr Kweku Vanderpuye, Maria Berdennikova, Yassin Mostfa, Lucio
3 Garcia and myself, Caroline Neithardt. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you. I turn to the representatives
5 of the victims, Ms Massidda first.

6 MS MASSIDDA: [9:34:44] Good morning, Mr President, your Honours, good
7 morning everybody in the courtroom. For the victims of the other crimes appearing
8 today, Mr Chenaifa, Merouane, Ms Mouhia Asso and myself, Paolina Massidda.

9 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you.

10 I turn to Mr Suprun who, together with his team, is in a double role, so to speak,
11 potentially -- potentially, we don't know. Mr Suprun.

12 MR SUPRUN: [9:35:09] Good morning, Mr President, good morning, your Honours.
13 The former child soldiers are represented by Joseph Akem Mevounou, Diletta
14 Marchesi, Ayesha Umana, Patrick Tchidimbo, and myself, Dmytro Suprun. Thank
15 you.

16 PRESIDING JUDGE SCHMITT: [9:35:22] Thank you.

17 I turn to the Defence. Ms Dimitri for the accused, Mr Yekatom.

18 MS DIMITRI: [9:35:22] Thank you, Mr President, good morning. Good morning,
19 your Honours, good morning everyone.

20 Mr Yekatom is present in the courtroom. He is represented today by Ms Alexandra
21 Baer, Ms Yousra Lamqaddam, Mr Narek Chakhalyan, Mr Lionel Messi Tikpa, Mr Gyo
22 Suzuki, MS Sarah Bafadhel and myself, Mylène Dimitri. We also have -- not part of
23 the team, but as observer, a judge from the Court of Appeal of Québec, Mr Simon
24 Ruel, as a visiting professional.

25 PRESIDING JUDGE SCHMITT: [9:35:54] Thank you. Good morning, Judge.

1 I turn to the Defence of Mr Ngaïssona.

2 Mr Knoops, please.

3 MR KNOOPS: [9:36:04] Good morning, Mr President; good morning, your Honours;
4 good morning, everyone in the courtroom. The Defence team of Mr Ngaïssona
5 appears today before the Court with Mr Alexandre Desevedavy, Lina Taki, and Mr
6 Mathias Goffe, and Mr Ngaïssona himself. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:36:16] Thank you very much.

8 And mostly importantly, I now turn to our witness. We will start with the testimony
9 of witness CLRV 1, V45-0001.

10 Mr Witness, good morning, do you hear and understand me well? Yes, please help
11 the witness with the ...

12 Yes, Mr Witness, do you understand me well?

13 THE WITNESS: [9:37:02](Interpretation) I understand you fine.

14 PRESIDING JUDGE SCHMITT: [9:37:05] Thank you. On behalf of the Chamber I
15 would like to welcome you to the courtroom. You are called to testify to assist the
16 Chamber in the case against Mr Yekatom and Mr Ngaïssona. Before continuing, I
17 would like to inform the participants about the shield screen between the witness and
18 the accused. This is simply -- was simply recommended by VWU, and I thank the
19 Defence for rearranging in a manner that we can work with this special measure.

20 Mr Witness, the Chamber granted the request by your counsel for assurances under
21 Rule 74 of the rules, with regard to two specific topics. I think this has been
22 explained to you. You are entitled not to incriminate yourself, but Rule 74 means
23 that no proceedings will be initiated against you in the event that that the area that
24 Rule 74 was applied and confirmed by the Chamber is affected.

25 But in any way, Mr Suprun, you -- if any issue arises, you will tell us and we will

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1 perhaps remind the witness again.

2 Mr Witness, there are protective measures in place to shield your identity. These are
3 face distortion. This means that the public does not see your face; and a pseudonym.
4 This is the reason why I don't address you with your real name, but only address you
5 as "Mr Witness".

6 Mr Witness, I will read now the solemn undertaking to you.

7 I ask you to repeat slowly after me: I solemnly declare --

8 THE WITNESS: [9:38:58](Interpretation) I solemnly swear that I shall tell the truth --

9 PRESIDING JUDGE SCHMITT: [9:39:11] Yes, the whole truth and nothing but the
10 truth.

11 THE WITNESS: [9:39:17](Interpretation) The entire truth and nothing but the truth.

12 PRESIDING JUDGE SCHMITT: [9:39:22] Thank you, Mr Witness.

13 You are now under oath. You have been informed what that means. You have to
14 tell us the truth in this courtroom, and I only want to remind you of that. I think for
15 the technical aspects, making pauses and so on, I can give the floor already to
16 Mr Suprun. Please.

17 WITNESS: CAR-V45-P-0001

18 (The witness speaks Sango)

19 MR SUPRUN: [9:39:51](Interpretation) Thank you.

20 QUESTIONED BY MR SUPRUN:(Interpretation)

21 Q. [9:39:55] Good morning, Mr Witness.

22 A. [9:39:58] Good morning.

23 Q. [9:40:01] We've already met, of course, but I will repeat my name for the court
24 record. I am Mr Suprun and I am representing the former child soldiers of the
25 Anti-Balaka and, in that capacity, I will be putting a number of questions to you this

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1 morning.

2 Before we begin questioning, I'd like to give you some practical pieces of advice.

3 First of all, as you can see, everything that is being said in this courtroom is being
4 interpreted into a number of languages, and to allow the interpreters to do their work
5 properly, I would like to remind you that we should not speak too quickly and we
6 should pause for three-to-five seconds between question and answer.

7 Now, secondly, during your testimony, if you don't understand my question, hesitate
8 not to tell me and I will rephrase.

9 Third, a number of protective measures have been granted to you and when we are in
10 open session, if you think that your answer to any of my questions might identify you,
11 tell me so, or make a sign, a gesture, and we can go into private session.

12 During your testimony, please try to follow the chronological order of the events that
13 you experienced so that the judges, parties and participants can properly understand
14 the experience that you went through.

15 Do you understand, Mr Witness?

16 A. [9:41:48] Yes, I've understood.

17 MR SUPRUN: [9:41:53](Interpretation) Mr President, could we go into private
18 session for my first series of questions?

19 PRESIDING JUDGE SCHMITT: [9:42:01] Indeed, private session.

20 (Private session at 9.42 a.m.)

21 THE COURT OFFICER: [9:42:17] We are in private session, Mr President.

22 MR SUPRUN: [9:42:25](Interpretation)

23 Q. [9:42:27] Mr Witness, we are now in private session so you can speak freely
24 without any fear of being identified.

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:43:22] What is your nationality? Are you from the Central African Republic?

7 A. [9:43:28] Yes, I'm from the Central African Republic.

8 Q. [9:43:35] And what is your religion?

9 A. [9:43:40] I am a Christian.

10 Q. [9:43:47] And what is your ethnicity?

11 A. [9:43:52] I'm from the Ngbaka ethnic group.

12 Q. [9:44:02] Now, Mr Witness, I would like to ask you some questions about your
13 experience in 2014 and 2013. Please follow the chronological order and let's go
14 through these experiences step by step, one thing at a time.

15 First of all, can you explain to the Chamber what were the circumstances under which
16 you joined the Anti-Balaka group?

17 A. [9:44:25] I'll explain to you how I came to join the Anti-Balaka movement.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 One day, Mr Yekatom, Rombhot came to (Redacted). He had asked the local people if

25 (Redacted)

1 (Redacted). Rambo came and met
2 (Redacted) and explained to him that the country had been invaded by the Seleka and
3 the Muslims.
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 And that is how it came to be that we joined the Anti-Balaka movement.
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 A. [9:47:29](No interpretation)
17 MR SUPRUN: [9:47:44] *J'ai pas d'interprétation en française.*
18 PRESIDING JUDGE SCHMITT: [9:47:46] Mr Witness, please repeat your last answer,
19 the interpreters did not get it well. I apologise for that. (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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7 A. [9:52:32] Of course, there were rules to be followed. Here's the rules: The

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [9:52:57] May I shortly, Mr Suprun.

10 Mr Witness, from the Presiding Judge, a question: Were you present when

11 Mr Yekatom spoke with (Redacted)?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [9:57:10] Please wait with a question. A second,

21 Mr Witness.

22 Ms Dimitri.

23 MS DIMITRI: [9:57:14] Yes, Mr President. I will object to this line of questioning.

24 The decision your Honours issued on the Common Legal Representatives of Victims'

25 request for leave to present evidence specified at paragraph 26 that the purpose is

1 limited, and it's to assess the experience and the harm suffered by the victim, and the
2 limited purpose is as to whether he took part in hostilities or in training.

3 Now we're moving away and we're introducing evidence in relation to other
4 individuals -- their own experience or how they integrated the group.

5 So I would object to this line of questioning.

6 PRESIDING JUDGE SCHMITT: [9:58:02] Mr Suprun.

7 MR SUPRUN: [9:58:03] Mr President, if I may, this is -- this falls within the context
8 of the Chamber's decision for the legal representatives to call witnesses and for the
9 scope of the testimony -- expected testimony, because here, this aspect is part of the
10 witness experience.

11 And, also, it's my understanding of your Honour's decision that the witness can speak
12 not only about his experience, but also about the experience of other children who
13 were part of the group, so I --

14 PRESIDING JUDGE SCHMITT: [9:58:34] Well, I agree with you specifically here
15 on -- with regard to this objection. It's clearly in the realm of the experience of the
16 witness, so you may continue.

17 However, when you now mention it yourself, experience of other child soldiers, I
18 would want you to limit that potential line of questioning. You can ask some
19 questions, but we don't want to get 10, 20, 30 other names here. This is what I mean,
20 yes? But it's clear the witness speaks about his own experiences still, so you may
21 continue.

22 MR SUPRUN: [9:59:18](Interpretation) Thank you, your Honour.

23 Q. [9:59:19] Mr Witness, I'm going to repeat my earlier question. (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:02:24] Thank you. Now, Mr Witness, I'd like to continue to talk about your

20 experience within the Rambo group. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:13:16] I'm going to go back to this question which I had put already, which

20 I'd like to clarify one thing. You said when you joined the group of Rambo, you

21 went -- you -- (Redacted).

22 My question is as follows: During your entire experience in the Anti-Balaka group,

23 did you always remain on that particular Anti-Balaka base (Redacted) or did you also

24 go to other bases?

25 A. [10:13:54] When I joined the Rambo group, firstly, we went to (Redacted); that

1 was our first base. After (Redacted), we went to (Redacted). After that, we went to
2 (Redacted). After that, we went to (Redacted); that was our final base and that is
3 where we left the group.

4 PRESIDING JUDGE SCHMITT: [10:14:41] Ms Dimitri.

5 MS DIMITRI: [10:14:43] I would be grateful if I could have spellings of those
6 locations, please.

7 PRESIDING JUDGE SCHMITT: [10:14:50] Yes. How do we do that?

8 Interpreters, please give us the spelling on these locations or simply repeat them as
9 you have understood it.

10 THE INTERPRETER: [10:15:10] Could you ask -- the Sango booth ask for the names
11 to be repeated again, please.

12 PRESIDING JUDGE SCHMITT: [10:15:21] Mr Witness, you have heard this
13 conversation, so we didn't get fully the locations -- the names of the locations. Could
14 you please repeat them slowly so that the interpreters can follow. Thank you very
15 much.

16 THE WITNESS: [10:15:43](Interpretation) Okay. I'm going to repeat it again.
17 We were, firstly, in the (Redacted). After that, we were in the (Redacted).

18 There was a party who was there, and that is mainly made up of (Redacted). The
19 third base is (Redacted). And the fourth base is -- was (Redacted)
20 (Redacted).

21 PRESIDING JUDGE SCHMITT: [10:16:35] Thank you very much, Mr Witness.

22 And you already mentioned the 5 December attack. After the 5 December attack,
23 did you stay with the group?

24 (Redacted)

25 (Redacted)

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- 4 PRESIDING JUDGE SCHMITT: [10:17:38] Mr Suprun.
- 5 MR SUPRUN: [10:17:40](Interpretation)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 A. [10:19:20] The first combat, (Redacted), was the one in
- 18 (Redacted).
- 19 Q. [10:19:32] And this (Redacted) fight, did it happen before the Bangui attack on
- 20 5 December or after that attack?
- 21 A. [10:19:46] The (Redacted) attack took place before the 5 December attack.
- 22 Q. [10:19:55] What was the next combat (Redacted)?
- 23 A. [10:20:04] After (Redacted).
- 24 Q. [10:20:11] Was that combat before or after the 5 December attack in Bangui?
- 25 A. [10:20:20] Yes, it was well before the attack on 5 December.

1 Q. [10:20:30] (Redacted)?

2 A. [10:20:35] After (Redacted)attack, (Redacted).

3 Q. [10:20:50] Again the same question: Was it before or after the 5 December
4 attack in Bangui?

5 A. [10:20:58] It was well before 5 December.

6 Q. [10:21:03] And the fourth combat took place when and where, before or after the
7 Bangui attack?

8 A. [10:21:13] The fourth combat, (Redacted), took place in (Redacted), and that was
9 after the 5 December attack.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 5 PRESIDING JUDGE SCHMITT: [10:23:50] Just a second.
- 6 Ms Dimitri.
- 7 MS DIMITRI: [10:23:53] It's a very, very leading question.
- 8 PRESIDING JUDGE SCHMITT: [10:23:55] I agree with you -- I agree with you,
- 9 Ms Dimitri.
- 10 Please reword, Mr Suprun.
- 11 MR SUPRUN: [10:24:01](Interpretation)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 PRESIDING JUDGE SCHMITT: [10:24:55] Just a second.
- 20 First of all, Mr Suprun, you are yourself a little bit too quick when you start with your
- 21 next question, but that was not the reason why I interrupted.
- 22 I have another question, Mr Witness. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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2 PRESIDING JUDGE SCHMITT: [10:25:42] Thank you, Mr Witness.

3 Mr Suprun.

4 MR SUPRUN: [10:25:44](Interpretation)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:28:22] Mr Witness, I would like to have

23 a clarification. (Redacted)

24 (Redacted)

25 (Redacted)

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5 PRESIDING JUDGE SCHMITT: [10:29:28] So when you were still with the group

6 after the 5 December attack, can you please tell the Chamber where the group went to,

7 where the next base was, after 5 of December.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MR SUPRUN: [10:30:34]

13 Q. [10:30:35] *Vous avez dit le --*

14 PRESIDING JUDGE SCHMITT: [10:30:35] I'm not finished, Mr Suprun.

15 So it is, of course, we are speaking of events that have taken place 10 years ago.

16 How many -- let's say how many days, weeks, months after 5 December attack did

17 you leave the group definitively?

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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11 THE INTERPRETER: [10:33:55] Correction --

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:34:27] Thank you, Mr Witness.

18 (Redacted)

19 (Redacted)

20 THE WITNESS: [10:34:54](Interpretation) No, I no longer remember his name. You

21 see, you must realise that many years have gone by and I can't remember those

22 details.

23 PRESIDING JUDGE SCHMITT: [10:35:05] We fully understand that, and also with

24 regards to timelines and so forth. But you have not really answered my question.

25 My question was mainly aimed at a timeline. And I know it is -- it's been a long time

1 and it's difficult to recall, but perhaps you have an idea, at least, an estimate, how
2 long after 5 December you left the group?
3 You see, was it the next day? Was it a week after? Was it two weeks? You see?
4 Perhaps you can try to narrow it down a little bit so that we have an idea of the events,
5 how they unfolded.

6 THE WITNESS: [10:36:00](Interpretation) After 5 December, I think that we spent
7 five or six months within the movement in all. As for the date that I left, I no longer
8 recall.

9 PRESIDING JUDGE SCHMITT: [10:36:17] Have you ever been in a base of
10 Mr Yekatom's group situated in Bangui?

11 THE WITNESS: [10:36:37](Interpretation) No. I never have been to such a base.
12 I've never been to Bangui.

13 PRESIDING JUDGE SCHMITT: [10:36:47] Mr Suprun, please continue.

14 MR SUPRUN: [10:36:49](Interpretation)

15 Q. [10:36:56] Mr Witness, you said that at one particular point in time, after the
16 attack upon Bangui on 5 December 2013, Rambo's group began to attack the Peuhl
17 people. Did you yourself take part in these attacks upon Peuhl people?

18 A. [10:37:21] I did not take part in the attack against the Peuhl people. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 9 THE INTERPRETER: [10:40:00] Specifies the witness.
- 10 MR SUPRUN: [10:40:03](Interpretation)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
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10 (Redacted)
11 (Redacted)
12 (Redacted)
13 THE INTERPRETER: [10:43:40] Overlapping.
14 PRESIDING JUDGE SCHMITT: [10:43:42] Mr Suprun, just a second please.
15 Ms Dimitri?
16 MS DIMITRI: [10:43:45] Mr President, I'm sure there is a way of asking (Redacted)
17 (Redacted)" rather than saying "Did you" -- I'm not going to repeat it, it was very
18 leading.
19 PRESIDING JUDGE SCHMITT: [10:43:55] Yes, but this is simply a matter of
20 phrasing the question. (Redacted)
21 (Redacted)
22 So rephrase, Mr Suprun.
23 MR SUPRUN: [10:44:14](Interpretation)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

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4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [10:45:33] I'll move on to another matter, Mr Witness.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [10:45:58] The vaccination of these young people who had joined the group was

13 carried out as follows: When the commander would bring (Redacted) to the camp,

14 (Redacted)

15 (Redacted). This tent

16 was made out of palm fronds, and (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 THE INTERPRETER: [10:47:22] Overlapping.

21 PRESIDING JUDGE SCHMITT: [10:47:23] Please slow down,

22 Mr Suprun, the interpretation had not finished.

23 MR SUPRUN: [10:47:28](Interpretation) Yes, of course, your Honour, and my

24 apologies to the interpreters.

25 Q. [10:47:39] Mr Witness, what was the purpose of this procedure that you have

1 described, this vaccination? What was the purpose of the vaccination?

2 A. [10:47:49] The vaccine was intended to protect the combatants, to keep them
3 from any possible danger.

4 Q. [10:48:09] As best as you can recall, Mr Witness, how did the children behave
5 during this initiation process?

6 A. [10:48:30] I haven't understood your question.

7 (Redacted)

8 (Redacted)

9 A. [10:48:50] (Redacted)

10 children, once they were vaccinated, (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:49:25] Now, we are talking about young people, children. Could you
14 explain, what sort of ages are we talking about? Were these children about your age,
15 younger, older? Going by your own perception, according to your opinion.

16 PRESIDING JUDGE SCHMITT: [10:49:46] Ms Dimitri.

17 MS DIMITRI: [10:49:47] Mr President, for the record, I object again. I think this
18 goes beyond the limited purpose of his experience and harm and we are now
19 introducing something that might be -- it's already very prejudicial, but we are now
20 introducing something that might be even more prejudicial and it's not, in my
21 respectful opinion, the role of the victims.

22 PRESIDING JUDGE SCHMITT: [10:50:18] Well, we have -- as everybody in the
23 courtroom recalls, we have allowed the victims' representatives only a small amount
24 of evidence to present.

25 I think three out of 12, that was the application, and we have the witness here and, of

1 course, the witness is not an expert, he cannot tell us how old people have been, but
2 we -- as we always did during these proceedings until now, he can tell us what his
3 perception was, whatever it's worth, whatever the probative value.

4 So, Mr Witness, you spoke of -- I don't use now the word "children" -- of young
5 people (Redacted). From your perception at the time, had they been your age, had
6 they been older, had they been younger?

7 THE WITNESS: [10:51:14](Interpretation) Well, as I said, most of them were older
8 than me, but there were some who were younger than me -- in other words, I was
9 older than them.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:52:53] Mr Suprun.

20 MR SUPRUN: [10:52:55](Interpretation)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

1 (Redacted)

2 (Redacted)

3 Q. [10:53:59] After the vaccination process, was there some kind of test to make
4 sure that the vaccination had worked?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:54:37] Were there any rules to follow or were there any prohibitions upon
9 the children so that this protection would work?

10 A. [10:54:53] There were some rules to follow, in particular, in terms of food, one
11 was not supposed to eat certain kinds of food. Certain actions could not be taken
12 either. You couldn't walk on a clothesline, for example, and you could eat gumbo --

13 THE INTERPRETER: [10:54:55] Correction --

14 THE WITNESS: [10:55:01](Interpretation) You were not allowed to eat certain meals,
15 such as gumbo. * There were many, many rules and instructions. (Redacted)
16 (Redacted).

17 MR SUPRUN: [10:55:46](Interpretation) Just to make sure I've understood your
18 instructions, could I ask the witness about his own observations of what he saw
19 relating to the other young people -- the other children in the group.

20 PRESIDING JUDGE SCHMITT: [10:56:07] I give you -- I give you one shot, so to
21 speak, on that, yes. You know, we don't -- we don't want to extend this too much.
22 Indeed, Ms Dimitri is right when she says there is a limited purpose. On the other
23 side, we have the witness here, he has his own experiences, and Ms Dimitri will, I'm
24 sure, have some questions for this witness. So you can -- you can ask him about his
25 experience. Perhaps you can do that after our break, yes?

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1 So we have the break until 11.30.

2 THE COURT USHER: [10:56:47] All rise.

3 (Recess taken at 10.56 a.m.)

4 (Upon resuming in private session at 11.31 a.m.)

5 THE COURT USHER: [11:31:57] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [11:32:20] Mr Suprun, we are in private session. If
8 you think we should stay there.

9 MR SUPRUN: [11:32:32](Interpretation) Mr President, I think we can go into open
10 session, but before that, I would like to say something to the witness so that he
11 understands what he mustn't say in open session, and after that we can go into open
12 session.

13 PRESIDING JUDGE SCHMITT: [11:32:50] Yes, very good. Thank you.

14 MR SUPRUN: [11:32:54](Interpretation)

15 Q. [11:32:54] Mr Witness, I'm going to ask you some questions on your
16 recollections on the situation of other youths that were present in your group, and for
17 those questions, I would like to go into open session. (Redacted)
18 (Redacted)

19 (Redacted). I advise you that when you answer the question you must do
20 everything not to be identified. And so if that is all right, I'll ask the Presiding Judge
21 to go into open session.

22 PRESIDING JUDGE SCHMITT: [11:33:39] Yes, Mr Witness, you have understood
23 that. When you answer in open session, please do not reveal any information that
24 could reveal your identity, (Redacted)
25 (Redacted).

1 Open session.

2 THE WITNESS: [11:34:20] (Interpretation) That's fine.

3 (Open session at 11.34 a.m.)

4 THE COURT OFFICER: [11:34:24] We're in open session, Mr President.

5 MR SUPRUN: [11:34:32](Interpretation)

6 Q. [11:34:32] Mr Witness, just before the break, you said that you were respected in
7 the group where you were and you also said that in your group there were young
8 people who were more or less your age.

9 My question is as follows: According to your personal observations and knowledge,
10 how were these young people treated in the group?

11 A. [11:35:08] Thank you for the question. As regards the treatment of the young
12 people in the group, I have a lot to say about that. You know, some of these young
13 people -- there were different duties, and these young people had different duties,
14 and some of these young people were older than I was. As I said, these young
15 people were regarded as child soldiers, and others were sent on errands to buy things
16 outside the camp, for example, so they had different duties they had to perform.

17 Q. [11:36:09] Since you've just said that these young people had different duties,
18 could you give us some examples of the duties which these young people had to carry
19 out?

20 PRESIDING JUDGE SCHMITT: [11:36:24] Ms Dimitri.

21 MS DIMITRI: [11:36:27] Mr President, it's -- again it's the same objection. My
22 understanding of the decision is that he can talk about his experience, his harm, how
23 he took part in trainings or hostilities. This was covered.

24 PRESIDING JUDGE SCHMITT: [11:36:43] Yeah, but his experiences, of course, you

1 can interpret in a more narrow and in a more broader way, and I think as long as we
2 are discussing, now, events of which the witness was an eyewitness, I think we can
3 simply let him answer.

4 Please, Mr Witness, so what did you personally observe, which duties have
5 been -- these young people had been obliged to do?

6 THE WITNESS: [11:37:20](Interpretation) These young people were sent to do
7 errands. They did quite a lot of things. Some participated in battle. There were
8 some who were older and there were some who were younger than me, and they
9 were sent to buy things outside the camp. {ICR: (Redacted)}

10 (Redacted).}

11 PRESIDING JUDGE SCHMITT: [11:38:04] Thank you. Mr Suprun.

12 MR SUPRUN: [11:38:09](Interpretation)

13 Q. [11:38:09] Mr Witness, you just mentioned that these young people, or some of
14 these young people, participated in the hostilities. As far as you know, did some of
15 these young people who participated in hostilities -- were any of them killed or
16 wounded during the hostilities?

17 A. [11:38:36] Thank you. What I just said that happened, happened in Mbande.
18 Some who were my age were killed. But you must understand that in a battle, on
19 both sides -- the elements of both sides can die. Some who are lucky get out of it.
20 There were some who were wounded.

21 PRESIDING JUDGE SCHMITT: [11:39:14] I think, Mr Suprun, we've -- we gave you
22 this leeway, you should now move on. Please.

23 MR SUPRUN: [11:39:27](Interpretation)

24 Q. [11:39:28] Mr Witness, during your experience in the group of Rambo, did you
25 ever use any drugs?

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1 A. [11:39:48] Thank you. It's true. That is something that did happen. All the
2 elements who were part of the armed group did have this habit of using drugs so they
3 could overcome the difficulties they were facing. Myself, personally, I did take
4 drugs.

5 Q. [11:40:21] What sort of drugs did you take? What products did you take?

6 A. [11:40:37] We used cannabis. There were the leaves which we collected and we
7 dried them in the sun. We reduced them into a powder and we rolled them up in a
8 leaf so that we could smoke them. We also used drugs called "Tramole", which was
9 white, which was a type of cigarette.

10 MR SUPRUN: [11:41:18](Interpretation) I think, unfortunately, we have to go into
11 private session for the next series of questions.

12 PRESIDING JUDGE SCHMITT: [11:41:23] Yes, we do that.

13 (Private session at 11.41 a.m.)

14 THE COURT OFFICER: [11:41:44] We are in private session, Mr President.

15 MR SUPRUN: [11:41:55](Interpretation)

16 Q. [11:41:56] Mr Witness, could you explain to the Chamber the circumstances
17 under which you left the Rambo group?

18 A. [11:42:29] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 After the failure -- defeat of 5 December, he wanted to enrich himself, so he took by
24 force the cattle that belonged to the Peuhl, (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Secondly, he took a Peuhl in (Redacted) who he suspected as -- to be a traitor. He

4 took that person to (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 next to the well in Korobara.

11 From that, I saw that the climate wasn't good, the girls were being raped, and my

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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14 (Redacted)
15 could flee. And that is how we decided to flee and we (Redacted), and we managed
16 to flee.
17 PRESIDING JUDGE SCHMITT: [11:49:20] Mr Witness, is my understanding correct
18 that this happened after 5 December in (Redacted)? Is this correct?
19 THE WITNESS: [11:49:42](Interpretation) Yes, that is correct.
20 PRESIDING JUDGE SCHMITT: [11:49:45] And, again, I tried before the break, but I
21 know it's difficult, in estimates, but was this a couple of days, one day, a week, or two
22 or three weeks, or a month after the 5 December attack when this happened?
23 THE WITNESS: [11:50:12](Interpretation) I think I told you I joined the group of
24 Chief Yekatom five or six months before that. We left the group sometime after the
25 attack of 5 December. I'm not educated. I haven't got any exact recollection of the

1 date. (Redacted)
2 (Redacted)
3 (Redacted)
4 PRESIDING JUDGE SCHMITT: [11:51:02] Have you ever heard of a place called
5 Yamwara?
6 THE WITNESS: [11:51:15](Interpretation) Yamwara? No.
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 THE INTERPRETER: [11:51:57] The Sango interpreter couldn't quite understand the
13 name that the witness was mentioning.
14 PRESIDING JUDGE SCHMITT: [11:52:03] The Sango interpreter did not get the
15 name that you mentioned. Could you please be so kind to repeat this name?
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 PRESIDING JUDGE SCHMITT: [11:53:29] Mr Suprun.

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21.09.2023

The in-court redactions are identified with {ICR: *text to be redacted*}

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22 Q. [11:59:06] You also said that (Redacted) in 2018 at some point, when the ESF
23 came there to -- to collect all the applications so that you could participate in the case
24 that was pending before the ICC?

25 *A. [11:59:42] At the time, they didn't lead us to understand that it was Yekatom or

1 chief Ngaissona. No, they didn't say that to us. They said it was with regard to the
2 child soldiers who were in Lobaye. It was subsequently that Enfants Sans Frontières
3 recorded our experiences in order to send them here.

4 That's how things happened.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:01:17] Mr Witness, my next few questions will deal with the consequences of
15 your experience within the Anti-Balaka movement.

16 MR SUPRUN: [12:01:20] And for that reason I think we can go into open session,
17 your Honour.

18 PRESIDING JUDGE SCHMITT: [12:01:27] Open session.

19 (Open session at 12.01 p.m.)

20 THE COURT OFFICER: [12:01:52] We're in open session, Mr President.

21 MR SUPRUN: [12:01:56](Interpretation)

22 Q. [12:01:57] Mr Witness, how did your experience within the Anti-Balaka
23 movement have an impact on your life? Did this experience harm you? Did you
24 experience psychological harm?

25 A. [12:02:21] Yes, indeed. You know, a normal person who suddenly {ICR: (Redacted)}

1 (Redacted)}, that has consequences. You know, well before that time, I was -- well, I
2 was an angry person. Even when I sleep now, when I'm sleeping, sometimes I
3 awaken suddenly -- and it wasn't easy for me to carry out my normal activities the
4 way I should.

5 Each time, after I wake up, I have to rest so I can collect my thoughts. That's what I
6 can tell you about the impact that it has had on my life.

7 Q. [12:03:31] Are you still having emotional or psychological problems because of
8 your experience within the Anti-Balaka group?

9 A. [12:03:47] Well, what I just described to you, I would go to church, I would meet
10 with priests, and they would pray for me. And so after their prayers I realised that
11 this no longer had an effect on me and I started to lead a normal life.

12 Q. [12:04:17] Did your experience within the Anti-Balaka group affect your plans
13 for your life, things you wanted to do in life?

14 A. [12:04:33] Yes, indeed. It did impact my life. There wasn't just one impact.
15 There were multiple impacts, many impacts that I can't tell you about.

16 Q. [12:04:57] You just said that there were many impacts and you can't tell
17 them -- tell us about them. Why's that? Why can't you tell us about these impacts?

18 A. [12:05:12] Just because there have been many of them. I could tell you some
19 things but not everything. You know, I need time to remember some things. That's
20 why I can tell you about some things, some impacts but not all of them.

21 Q. [12:05:44] Mr Witness, what would you like to do in the future? Would you
22 like to have some kind of business activity, have a trade, a profession?

23 A. [12:06:02] In my life, a trade -- well, you know, I would like to go back to school,
24 but, as you know, as well, you have to take into account my age. When you're older,
25 * it's difficult to go back to studying again at that age. When am I going to start

1 working and taking advantage of my trade? In our country a person with a diploma
2 is not appreciated, doesn't have a value, so that's why I would like to be relocated to a
3 country in Africa so I can forget about everything I experienced in the past. And I
4 would like to be trained to work in a hospital, for example.

5 Q. [12:07:04] If I've understood you correctly, you would like to become a doctor?
6 Have I understood you correctly?

7 A. [12:07:16] Yes, that's right.

8 Q. [12:07:25] Mr Witness, what do you expect from the International Criminal
9 Court at the end of this trial against Mr Yekatom and Mr Ngaïssona? What do you
10 expect in terms of justice?

11 PRESIDING JUDGE SCHMITT: [12:07:40] I'm not really happy with this question.
12 Can you -- can't you reword it: What would he expect from these proceedings for
13 himself? Please, we do it this way.

14 MR SUPRUN: [12:08:05](Interpretation) Thank you, your Honour.

15 Q. [12:08:07] Mr Witness, I'd like to rephrase my question. What do you hope for,
16 for yourself, personally? What do you expect from the Court at the end of this trial?

17 A. [12:08:23] I haven't understood your question. There are expectations -- well, if
18 you have anything to suggest to me I might be able to say more.

19 PRESIDING JUDGE SCHMITT: [12:08:44] I think -- I think it's fine, this answer. I
20 think we leave it at that.

21 MR SUPRUN: [12:08:52](Interpretation) For my last series of questions, could we go
22 into private session?

23 PRESIDING JUDGE SCHMITT: [12:08:58] I understand.

24 Private session.

25 (Private session at 12.09 p.m.)

- 1 THE COURT OFFICER: [12:09:19] We're in private session, Mr President.
- 2 PRESIDING JUDGE SCHMITT: [12:09:22] And let me just shortly remark, with
- 3 regard to the last answer by the witness, that this, of course, also was an answer.
- 4 Please, Mr Suprun.
- 5 MR SUPRUN: [12:09:38](Interpretation)
- 6 Q. [12:09:38] Mr Witness, before I conclude my examination-in-chief I would like to
- 7 show you two documents.
- 8 The first one is found at tab 2, CAR-V45-000005. And this is a confidential document.
- 9 Tab 2.
- 10 PRESIDING JUDGE SCHMITT: [12:10:31] It's already on the screen.
- 11 MR SUPRUN: [12:10:38](Interpretation)
- 12 Q. [12:10:40] Mr Witness, can you see this document on your screen?
- 13 A. [12:10:53] No, I can't.
- 14 PRESIDING JUDGE SCHMITT: [12:10:58] Perhaps we -- perhaps we can help the
- 15 witness with that.
- 16 THE WITNESS: [12:11:18](Interpretation) Yes, now I can see it.
- 17 MR SUPRUN: [12:11:22](Interpretation)
- 18 Q. [12:11:24] Mr Witness, now, this document is in French, so I will help you. This
- 19 is something taken from *a court ruling for reconstituting a birth certificate, *and this
- 20 is issued by (Redacted). * And this court ruling was
- 21 handed down after an application was made on your behalf, and * by way of this
- 22 judgement, the court ordered the reconstitution of the birth certificate of (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 My question to you is this: Do you recognise this document?

1 A. [12:12:21] Yes, I do.

2 Q. [12:12:24] Can you confirm that this court ruling was handed down subsequent
3 to an application made on your behalf?

4 A. [12:12:46] Yes, that's right.

5 Q. [12:12:53] Thank you. The document can be taken down now.
6 I'd like to show you another document now.

7 And this is tab 3 from our binder, CAR-V45-000006, and this is a confidential
8 document. Can you see the document up on the screen, Mr Witness?

9 A. [12:13:44] Yes, I can see it.

10 Q. [12:13:45] This document is in French as well, so I will help you with this. * Now,
11 this is a birth certificate that has been reconstituted by the substitute judgement

12 issued by (Redacted)

13 (Redacted)

14 (Redacted).

15 So my question to you is this: Do you recognise this document?

16 A. [12:14:25] Yes, I do.

17 Q. [12:14:28] Can you confirm that this is your birth certificate?

18 A. [12:14:38] Indeed.

19 Q. [12:14:42] Thank you.

20 MR SUPRUN: [12:14:45](Interpretation) Mr President, if I could have just a moment
21 to consult my colleagues.

22 PRESIDING JUDGE SCHMITT: [12:14:50] Of course.

23 (Counsel confers)

24 MR SUPRUN: [12:15:49](Interpretation)

25 Q. [12:15:52] Mr Witness, I have good news for you. I have no further questions

1 for you. And I would like to thank you for coming here to testify before the Court
2 and thank you for answering my questions so patiently.
3 MR SUPRUN: [12:16:03](Interpretation) I've concluded, your Honour.
4 PRESIDING JUDGE SCHMITT: [12:16:08] Thank you.
5 We go to open session.
6 (Open session at 12.16 p.m.)
7 THE COURT OFFICER: [12:16:33] We're in open session, Mr President.
8 PRESIDING JUDGE SCHMITT: [12:16:36] Thank you.
9 Ms Massidda, I assume you don't have any questions.
10 MS MASSIDDA: [12:16:42](Interpretation) No, I don't. Thank you, your Honour.
11 PRESIDING JUDGE SCHMITT: [12:16:44] I would also be surprised if Ms Neithardt
12 had questions, but I ask, of course.
13 MS NEITHARDT: [12:16:55](Interpretation) No, the OTP does not have questions.
14 Thank you.
15 PRESIDING JUDGE SCHMITT: [12:17:01] Ms Dimitri, when do you want to start?
16 MS DIMITRI: [12:17:05] With your leave, Mr President, I'd like to take the afternoon,
17 have a look at the transcript, consult with my colleagues in Bangui, because I had a
18 few connection problems, and start tomorrow. My goal is to finish tomorrow. I
19 really hope I can. But I don't want to make a promise that I -- that I can't hold on.
20 But I'll really try to do it in one day.
21 PRESIDING JUDGE SCHMITT: [12:17:26] Yes, but -- but I think we should really
22 finish the witness then tomorrow. So, I mean even --
23 MS DIMITRI: [12:17:31] Yes, that's -- that's just (Overlapping speakers)
24 PRESIDING JUDGE SCHMITT: [12:17:32] Yes, yes, but, you know, it's relatively
25 early. We could also continue at 3 o'clock and give you an hour or whatsoever. But

1 when you -- assuming that Mr Knoops will not have many questions, or no question
2 at all, I'm simply assuming. So I think for, let's say, that we keep the witness until
3 Tuesday then, because we have this -- for half an hour, for an hour, I would
4 not -- would not want to have it this way.

5 MS DIMITRI: [12:18:01] Me neither, and that's why I want to use the afternoon.

6 PRESIDING JUDGE SCHMITT: [12:18:05] Yeah.

7 MS DIMITRI: [12:18:06] The other issue is that I can't send what's in Transcend
8 by -- like, I have a few technical difficulties.

9 PRESIDING JUDGE SCHMITT: [12:18:14] Okay.

10 MS DIMITRI: [12:18:15] But I can assure your Honours that I'm doing everything I
11 can to read the paper copy, reduce and finish tomorrow. I really don't want to drag
12 it until ...

13 PRESIDING JUDGE SCHMITT: [12:18:26] Yeah, okay. So -- so this has worked out
14 very well in the past, and there has to be trust and confidence between the parties.
15 So when you say that -- and we have the option to shorten the lunch break tomorrow
16 and even, if necessary, to extend hours, not -- not too much because we have to go
17 somewhere. But -- well, then we simply assume and trust you that you finish
18 tomorrow.

19 So this concludes the hearing for today.

20 Thank you, Mr Witness, we resume tomorrow, 9.30. And as you have heard from
21 our conversation, we take it that we finish your examination tomorrow. Thank you.

22 THE COURT USHER: [12:19:06] All rise.

23 (The hearing ends in open session at 12.19 a.m.)