

Trial Hearing
Witness: 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 Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 22 September 2023
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:58] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:12] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:20] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 For the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.
21 I ask for the appearance of the parties.
22 We start with the Prosecution, Ms Neithardt.
23 MS NEITHARDT: [9:33:46] Good morning, Mr President. This
24 morning the Prosecution is represented by Mr Kweku Vanderpuye, Lucio Garcia,
25 Maria Berdennikova, Yassin Mostfa, and myself, Caroline Neithardt. Thank you.

Trial Hearing
Witness: CAR-V45-P-0001

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:33:58] Thank you.
- 2 Next is Ms Massidda.
- 3 MS MASSIDDA: [9:34:01] Good morning, Mr President. It appears that I am alone
- 4 this morning. Paolina Massidda for victims of the other crimes.
- 5 PRESIDING JUDGE SCHMITT: [9:34:10] Thank you.
- 6 Mr Suprun.
- 7 MR SUPRUN: [9:34:11] Good morning, Mr President. Good morning, your
- 8 Honours. The composition of our team is same as yesterday. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:34:16] That is not the case for -- with the team of
- 10 Ms Dimitri, because I see Ms Guissé, so you have to help us out.
- 11 MS DIMITRI: [9:34:23] Indeed, Mr President. The composition is the same, except
- 12 that Ms Guissé joined us.
- 13 PRESIDING JUDGE SCHMITT: [9:34:28] Mr Knoops, finally.
- 14 MR KNOOPS: [9:34:30] Good morning, Mr President, your Honours, good morning
- 15 everyone in the courtroom. We are in the same composition as yesterday, with the
- 16 addition of Ms Proulx on my right side. Thank you.
- 17 PRESIDING JUDGE SCHMITT: [9:34:40] Thank you.
- 18 And good morning, Mr Witness. I hope you had a good rest.
- 19 WITNESS: CAR-V45-P-0001 (On former oath)
- 20 (The witness speaks Sango)
- 21 THE WITNESS: [9:35:01](Interpretation) Yes, indeed. I'm well rested.
- 22 PRESIDING JUDGE SCHMITT: [9:35:04] Very well.
- 23 Then it's now the turn of Ms Dimitri, you may commence.
- 24 MS DIMITRI: [9:35:11] Thank you, Mr President. And thanks again for the break
- 25 yesterday. I can assure you that I reduced with the aim of finishing today, if it all

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 goes smoothly.

2 PRESIDING JUDGE SCHMITT: [9:35:20] And you are aware that we are in open
3 session at the moment?

4 MS DIMITRI: [9:35:30] Yes. Unfortunately, most of it is going to be in private
5 session, starting from the first question.

6 PRESIDING JUDGE SCHMITT: [9:35:35] I understand.

7 So for -- for the audience, this is a bit unfortunate for you, but we have a protected
8 witness and when issues/topics are discussed where the content of what the witness's
9 answers could reveal the identity, we have to go to private session, so you only have a
10 visual impression of what's going on but you don't hear anything.

11 We go to private session.

12 THE COURT OFFICER: [9:36:16] We are in private session, Mr President.

13 (Private session at 9.36 a.m.)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 QUESTIONED BY MS DIMITRI: (Interpretation)

24 Q. [9:37:12] Good morning, Witness. I am one of the lawyers representing

25 Mr Alfred Yekatom. My name is Ms Dimitri and I will be putting questions to you

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 today -- my name is Mylène Dimitri.

2 If you don't understand my question, please just say it to me and I'll repeat it to you,

3 but I would suggest that you give your questions as simply as possible, possibly with

4 "yes" or "no".

5 I would also like you to speak at a nice reasonable pace, because what you are saying

6 is being interpreted from Sango into French and from French to English and it's also

7 being transcribed.

8 Do you understand what I've said?

9 A. [9:37:57] Yes.

10 Q. [9:38:05] Now, I'm going to put my first question to you. I'm going to show

11 you a photo which is at tab 23.

12 And that is (Redacted)

13 And I'm going to ask you do you recognise the person you can see on the screen in

14 front of you?

15 A. [9:38:33] No, I don't recognise that person.

16 Q. [9:38:51] And if I were to tell you that this is Didier Beninga, who worked for

17 *Enfants sans Frontières*, does that refresh your memory?

18 A. [9:39:15] Yes. Yes, I recall that person, I remember. He was the focal point for

19 Pissa, he worked for *Enfants sans Frontières*.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [9:40:15] And would I be right in saying that he has a nickname, and that is

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 "Anomalie"?

2 A. [9:40:27] I don't know. I don't know anything about that.

3 Q. [9:40:38] The photograph may be removed.

4 Witness, I'm going to show you another photo.

5 It's at tab 26 of the folder, and that is (Redacted)

6 Do you recognise the person see on the screen?

7 A. [9:41:03] I don't see the photo on my screen yet.

8 No.

9 Q. [9:41:47] Haven't you seen him recently? The person on the screen, you don't
10 know that person at all?

11 A. [9:42:02] I'm trying to remember, but that person seems to resemble somebody
12 who travelled with us to The Hague. We travelled together.

13 Q. [9:42:31] And when you travelled with him, did somebody accompany you, the
14 two of you? Did somebody escort you?

15 A. [9:42:42] Yes.

16 Q. [9:42:46] How many people? How many people escorted you on the trip?

17 A. [9:42:56] It was just one person.

18 Q. [9:43:02] Who escorted you on this journey?

19 A. [9:43:10] I haven't understood the question well.

20 Q. [9:43:21] You said that one person escorted you and the person on the photo on
21 your journey to The Hague and I'm asking you who was that one person who
22 escorted you?

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MS DIMITRI: [9:45:07](Interpretation) We can remove the photo, thank you.

8 Q. [09:45:15] Now, witness, I'm going to change subject.

9 Now, yesterday when you testified, your legal representative put questions to you
10 regarding what you expected from the International Criminal Court and you said,
11 and I quote at -- and this was at five past 12, you said, "I would like to be moved to a
12 different country in Africa."

13 Now, my question: Through who or from whom did you hear that the International
14 Criminal Court relocates witnesses?

15 A. [9:46:03] Yes.

16 Q. [9:46:16] So, yes, you learnt that the International Criminal Court relocates
17 witnesses. Now my question to you is who told you about that?

18 A. [9:46:30] Well, no, this isn't about the International Criminal Court. Rather, it
19 was the social affairs people. It was a member of the social affairs staff.

20 Q. [9:46:58] Now, let me try and understand. So, a member of the social affairs
21 staff of the Court, is that what you mean? Somebody working with victims here?

22 A. [9:47:16] Yes, I'm talking about the people who take care of the victims.

23 Q. [9:47:23] So the people who take care of the victims explained to you that it was
24 possible that the Court relocate you; is that right?

25 A. [9:47:37] No, no. That's not right. It was just the answer to a question that

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 was put to us. We were asked what we wanted, what we would like, and we simply
2 answered what we would like. It was the people from the social affairs who dealt
3 with us, who were the people involved, not the International Criminal Court.

4 Q. [9:48:12] Now, I'm going to put my question again because you gave your
5 answer and your answer was that what you would like would be to be relocated.

6 Now, now you were telling us that the social affairs people, so the people who deal
7 with the victims, asked you what you would like and you answered, "I -- I would like
8 to be relocated."

9 So now let me put my question in different terms. Did you already know people
10 who had been relocated?

11 A. [9:48:52] No, not at all.

12 Q. [9:49:05] And when you were having that discussion with the victims'
13 representatives, when you were talking about that and when you said that you would
14 like to be relocated, did they reply that, yes, that was a possibility and that it was one
15 of the things that could be done? Is that what you understood from your
16 conversation?

17 * A. [9:49:29] No. This is what I said to them -- and, please, take care to note what
18 I am saying. It was when we were being interviewed, it was then. We were all
19 interviewed and in the course of the interview, they asked us about what we would
20 like. Now, it wasn't the International Criminal Court that would be responsible for
21 our relocation, no; it was the victims' services people who would take care of that, or
22 took care of those things. It wasn't the people who were responsible for victims'
23 services who relocated us. We were only asked what we would like to obtain after
24 the trial, and each of us answered what it was that we hoped for.

25 Q. [9:50:53] And when you say that "we were all interviewed", do you mean you

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 were all together, all of the victims together when you had this discussion?

2 A. [9:51:05] No, no, no. That's not how it was. We weren't all together. We
3 were dealt with separately.

4 Q. [9:51:22] And, now, just a last question on this topic, because I want to
5 understand correctly: The idea of being relocated, you answered that you would like
6 to be relocated. Now, did you come up with that idea on your own or had you
7 learnt that that was something which was possible, something which the Court could
8 do?

9 A. [9:51:50] I'll explain to you how it is that I had that idea. After we'd left the
10 movement, the movement who was led -- that was led by the chief, some child
11 soldiers refused to take part in the Court proceedings. Those of us who were willing
12 to participate weren't at peace. We -- there were a lot of threats against us, there
13 were people premeditating nasty acts against us, and it was against that background
14 that I asked the Court to relocate me so that I wouldn't have to continue to live in fear.

15 PRESIDING JUDGE SCHMITT: [9:52:55] Ms Dimitri, I understand why you are not
16 satisfied, but you have tried different angles and I think you have to move on now.

17 MS DIMITRI: [9:53:04] I am, thank you.

18 Q. [9:53:10] (Interpretation) Now, with regard to that last answer you've just given
19 us, witness, the date after, or the days or time after you arriving here in The Hague,
20 the Victims and Witnesses Section met with you and they have made submissions,
21 and they have said in paragraph 6 -- and I'm going to read this bit in English (Speaks
22 English): "The witness did not experience any direct security threats or incidents in
23 relation to his cooperation with the Court."

24 (Interpretation) End of quotation.

25 So, I would put it to you then that when you met with the unit, the VWU unit, what

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 you said to them contradicts what you said to us a few moments ago. You said to
2 them that you had never been threatened or received direct threats or there had never
3 been incidents, direct incidents, regarding your participation in this proceedings?

4 A. [9:54:41] Well, what you have read is true, but also what I'm telling you is also
5 true, and I'll explain now why I find that it's true.

6 * Long before I came here, we were interviewed. Now, what I have explained to you,
7 or what I have explained has perhaps not been understood correctly. Before I came
8 here, a number of questions were put to me regarding my safety, and I answered
9 those questions saying that currently we don't really have safety problems or issues.
10 But, as regards my situation back in the past, yes, I did have safety issues.

11 Now, before I left to come here I said to those officers that, yes, I was living in -- in
12 some safety -- in safety.

13 Q. [9:55:57] Witness, I'm going to change topic now, and I'm going to ask you
14 about your place of birth and put various questions regarding your personal details.
15 Now, yesterday you testified that you had been born in (Redacted).

16 Now, do you know in what health centre that was?

17 A. [9:56:20] Yes. Yes.

18 Q. [9:56:28] Which one was it?

19 A. [9:56:31] I was born in (Redacted), nowhere else.

20 Q. [9:56:46] And do you know if a notification of birth was issued by (Redacted)
21 (Redacted) when you were born, a birth notification, a birth record?

22 A. [9:57:04] All I know is that I was born in (Redacted). That's all I know.

23 Q. [9:57:13] But after your birth, I suppose that your -- your birth was -- was
24 registered at the town hall and that your parents received a birth certificate; is that
25 right?

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [9:57:28] Yes, yes; they had a birth certificate issued for me.

2 PRESIDING JUDGE SCHMITT: [9:57:32] However, when we ask a person who has
3 just been born about any birth certificates, the knowledge might be very limited. In
4 the Ongwen case we had a witness who answered to such questions, "Well, at the
5 time I was not aware of". So I think I told this story already, so you --

6 MS DIMITRI: [9:57:52] I will bear it in mind, yes.

7 PRESIDING JUDGE SCHMITT: [9:57:54] I assume -- okay, I assume you have
8 perhaps more straight facts to put to the witness, but what the witness -- actually, I
9 could not answer the question, frankly speaking.

10 Please, Ms Dimitri, continue.

11 What I want to say is we are all assuming then in a regular course of affairs such a
12 document would be issued. But when we ask a witness was a birth certificate issued,
13 well, he might not have immediate knowledge about that.

14 MS DIMITRI: [9:58:41](Interpretation)

15 * Q. [9:58:44] At any point in time did you learn from your parents, or perhaps
16 because you had seen it -- did you learn which town hall had issued your birth
17 certificate?

18 A. [9:59:02] No, no, no.

19 Q. [9:59:11] So you don't know which town hall issued your birth certificate?

20 A. [9:59:16] Yes. Yes, that's right.

21 Q. [9:59:22] So, do I understand correctly that at no point in time did you
22 personally have the original of your birth certificate? You never actually had
23 possession of it or had it in your hands? Now, I understand you didn't when you
24 were a baby, when you were just born, but perhaps -- or was there a point in time
25 when you did have your original birth certificate, or were able to hold it in your own

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 hands?

2 A. [9:59:49] The original certainly exists.

3 Q. [9:59:58] And where is the original?

4 A. [10:00:01] It's in my suitcase.

5 PRESIDING JUDGE SCHMITT: [10:00:13] Yes, please -- this begs, of course, the
6 question where is the suitcase.

7 MS DIMITRI: [10:00:19] Where's -- I'm -- I'm --

8 PRESIDING JUDGE SCHMITT: [10:00:20] Yes. Well, I -- perhaps you continue
9 from there.

10 MS DIMITRI: [10:00:29] Yes.

11 PRESIDING JUDGE SCHMITT: [10:00:30] Indeed, I said we want to finish quick, but
12 these -- these might be circumstances where we really wanted to see the document.

13 MS DIMITRI: [10:00:35] Yes, yes.

14 PRESIDING JUDGE SCHMITT: [10:00:38] Please continue.

15 MS DIMITRI: [10:00:45](Interpretation)

16 Q. [10:00:47] So, just so that we go a bit quicker, the suitcase, I suppose that's here
17 at the hotel, so you've got the original of your birth certificate here in The Hague?

18 A. [10:00:59] The original of my birth certificate is at the hotel. I made a copy of it
19 and that's the one I brought with me, which is at the hotel. The original is in Bangui.

20 Q. [10:01:17] Okay --

21 PRESIDING JUDGE SCHMITT: [10:01:20] But still -- but still, that is -- if we put it
22 together with what the witness says here, actually I think we would want to see it,
23 yeah, which could be done, perhaps, during a break, whenever.

24 Yes, Ms Dimitri, continue.

25 MS DIMITRI: [10:01:43] I don't -- to be honest, I'm a bit -- to be honest I'm not sure,

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 does he give it to VWU and then he brings it?

2 PRESIDING JUDGE SCHMITT: [10:01:50] Well --

3 Q. [10:01:54](Interpretation) Is it possible, witness? Is it possible, witness, that
4 you could give us an original copy of this birth certificate at the lunch break to the
5 person who is from the Registry who escorts you such that we could see what it is?

6 A. [10:02:09] Okay.

7 PRESIDING JUDGE SCHMITT: [10:02:15] Thank you very much, Mr Witness.

8 Thank you very much, Mr Witness. We appreciate that.

9 So, Mr Suprun, it's clear you have to -- you have to help us out with that so that we
10 get, after the lunch break, that we have the document. And I see here the court
11 officer is also nodding, so we will enable that and we want to see it after
12 the -- immediately after the lunch break.

13 Ms Dimitri.

14 MS DIMITRI: [10:02:44](Interpretation)

15 Q. [10:02:45] So, I will put my question again. I understand that you have an
16 original in Bangui. You've got a copy of it here in your suitcase. So, this birth
17 certificate, which originally was drafted, was drafted in which town hall, which town
18 hall issued it?

19 A. [10:03:11] The original birth certificate was issued by (Redacted)

20 Q. [10:03:19] And have you always had this birth certificate? Well, you've had
21 this birth certificate for several years in your possession; this is correct, is it not?

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [10:03:43] Mr Witness, (Redacted)

24 (Redacted), how did you come into the possession --

25 who gave it to you?

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [10:04:01](Interpretation) I took the steps (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:04:16] What kind of steps did you take? How
4 was it? Did you go somewhere? Did you go to the town hall, did you go wherever,
5 to the mayor or whatsoever, to receive this document?

6 THE WITNESS: [10:04:37](Interpretation) Yes. When (Redacted)

7 (Redacted), I went to the town hall. I took up contact with the mayor to get my birth
8 certificate.

9 PRESIDING JUDGE SCHMITT: [10:04:54] And why did you think that it was
10 necessary to have a birth certificate, because of, (Redacted)

11 Why did you think this was necessary?

12 THE WITNESS: [10:05:20](Interpretation) Because having a birth certificate can
13 prove that you are a citizen of a state. When they are carrying out the police checks,
14 you can present it to the police.

15 PRESIDING JUDGE SCHMITT: [10:05:35] Okay, please continue, Ms Dimitri. I
16 could also suggest, perhaps -- I don't know how long it would take, how far away the
17 hotel is from this -- the earlier we have that, the better it would be. I could also
18 suggest that we have a little bit longer break for -- and would it be possible to obtain
19 this in half an hour, or at least in 45 minutes?

20 Yes, we can perhaps -- we can continue but, in the meantime, court officer, please try
21 to figure that out.

22 Ms Dimitri.

23 MS DIMITRI: [10:06:14] Thank you.

24 Q. [10:06:22] (Interpretation) This birth certificate, witness, which is in your

25 suitcase, or the copy - the original is in Bangui - did you already show it to your legal

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 representative? Did you already give a copy of it to your legal representative?

2 A. [10:06:38] No.

3 PRESIDING JUDGE SCHMITT: [10:06:46] Well, we would have assumed that the
4 legal representative would have given notice of such a fact -- we would have hoped,
5 at least, if it had been done. Yes.

6 I just have the information -- excuse me for interrupting, really it's -- I just had the
7 information that it lasts -- would last about an hour, so perhaps the lunch break is
8 not -- not the worst idea.

9 Yes. Please continue.

10 MS DIMITRI: [10:07:19](Interpretation)

11 Q. [10:07:22] Have you already indicated to your legal representative that you have
12 a copy of your birth certificate? Have you already spoken about the existence of this
13 document?

14 A. [10:07:44] Where it concerns a birth certificate, it's true that * I spoke about it
15 with my legal representative, but it was a false birth certificate, the number wasn't
16 authenticated. That's what I spoke to him about.

17 PRESIDING JUDGE SCHMITT: [10:08:07] Well, my colleague kindly reminds me
18 that it is also the possibility that the witness cannot distinguish between the document
19 we have already seen that was issued by the town hall and the original, and perhaps
20 he has only a copy of -- we can figure that out after the break. But this has also put
21 into consideration that there is a -- that there's a confusion here, actually. Thank you,
22 Judge Kovács. I think that's indeed an idea we have to take into consideration. We
23 will -- this will solve itself later on. So this also means that we don't, let's say, delay
24 things further and simply continue with the examination.

25 MS DIMITRI: [10:08:54] I will. I'm just going to -- because I also -- it's very difficult

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 for me. I'm asking questions in the dark --

2 PRESIDING JUDGE SCHMITT: [10:09:02] No, we are in the dark.

3 MS DIMITRI: [10:09:03] Yes.

4 PRESIDING JUDGE SCHMITT: [10:09:05] Yes, absolutely.

5 MS DIMITRI: So I'm going to change subject and I'm going to come back to that
6 later on so I can move more swiftly.

7 Q. [10:09:17](Interpretation) Are you currently going to school?

8 A. [10:09:26] No, for the moment I'm not.

9 Q. [10:09:29] So when was the last time that you went to school?

10 A. [10:09:40] I haven't understood the question.

11 Q. [10:09:44] So for how long have you not been going to school? When was it
12 since you last were at school?

13 (Redacted)

14 (Redacted)

15 Q. [10:10:11] And did you carry out your primary school studies, your elementary
16 school studies; and, if you did, at which school did you do so?

17 (Redacted)

18 Q. [10:10:36] Which school?

19 (Redacted)

20 (Redacted)

21 A. [10:10:58] Yes, that's correct, yes.

22 (Redacted)

23 (Redacted)

24 Q. [10:11:17] Now, yesterday you indicated, in answering the question from your
25 lawyer, or your counsel, that you were born on (Redacted). Do you also know the

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 time of your birth?

2 A. [10:11:47] No.

3 PRESIDING JUDGE SCHMITT: [10:11:50] Mr Suprun.

4 MR SUPRUN: [10:11:53] (Microphone not activated).

5 PRESIDING JUDGE SCHMITT: [10:11:54] Microphone, please.

6 MR SUPRUN: [10:11:56] Mr President, this type of question is -- this type of

7 information the witness might not know, because even the hour, I, myself, I don't

8 know in which hour I was born.

9 PRESIDING JUDGE SCHMITT: [10:12:06] Well, yeah, yeah.

10 I think Ms Dimitri will not insist on that. Perhaps your parents tell you later on, so

11 there are always possibilities we can think of. And you might have -- but, yeah, he

12 does not know. We continue from there, Ms Dimitri. And I let the question pass

13 because, as I said, there are -- let's say, you can think of, let's say, instances where the

14 witness might know.

15 Yes, Ms Dimitri.

16 MS DIMITRI: [10:12:35] Mr President, I have another question on that, and there's a

17 reason why I'm asking that question and I'm coming to it in two questions.

18 PRESIDING JUDGE SCHMITT: [10:12:43] Well, then, then we'll see.

19 MS DIMITRI: [10:12:44] Thank you.

20 PRESIDING JUDGE SCHMITT: [10:12:45] And we know each other. Please

21 continue and give it a try.

22 MS DIMITRI: [10:12:48] Thank you. Thanks.

23 Q. [10:13:00](Interpretation) So, because you don't know the time of your birth, I

24 suppose that this isn't information that you gave to your lawyer; is that correct? You

25 never informed your counsel of the time or hour of your birth; is that correct?

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [10:13:14] Yes.

2 Q. [10:13:17] So I'm now going to show you tab 2 of the Defence binder, and this is
3 the judgment on your birth certificate. My colleague will show it on the screen to
4 guide you through it.

5 And I'd like to show you page 2 of this document. It's (Redacted)

6 PRESIDING JUDGE SCHMITT: [10:13:57] And please read it. Read it, please, to
7 the witness, and not show it.

8 MS DIMITRI: [10:14:06](Interpretation)

9 Q. [10:14:06] So, I'll repeat the number. (Redacted),
10 and page number 2 thereof.

11 Now, yesterday your legal representative showed this document, which is going to be
12 presented on the screen, and you indicated that you recognised it. You said that at
13 12:12. And now this document -- in this document it is indicated that you were born
14 at (Redacted)

15 Now, my question is where does this come from?

16 PRESIDING JUDGE SCHMITT: [10:14:51] If you know, Mr Witness.

17 * THE WITNESS: [10:15:12](Interpretation) This information is featured in another
18 birth certificate which did not have a counterfoil, and that's where this information
19 features.

20 MS DIMITRI: [10:15:34](Interpretation)

21 Q. [10:15:34] So, the information that figures on the judgment, on your birth
22 certificate that you recognised yesterday, this information there comes from another
23 birth certificate without a counterfoil, one which concerns you as well; is that correct?

24 A. [10:16:01] Yes. I have two birth certificates, one of which has no counterfoil.

25 Q. [10:16:13] So, just so it's clear, because I'm trying to understand this, you have

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 one original birth certificate in Bangui and the copy thereof is in your suitcase here in

2 The Hague; that's correct, is it not?

3 A. [10:16:33] That's correct.

4 Q. [10:16:35] And you have another birth certificate, so a third birth certificate,

5 which has no counterfoil; do I understand that correctly? Please correct me if I am

6 wrong.

7 A. [10:16:53] There are two of them. One of them is the original. The other,

8 which has no counterfoil, isn't valid. So I made a copy of the original, and that's

9 what I brought with me.

10 PRESIDING JUDGE SCHMITT: [10:17:14] That we will see after the break, then.

11 And, of course, we have here the document that you just discussed with the witness.

12 The information therein must come somewhere -- must come from somewhere, so

13 this is what you try to figure out. But let's see if we are enlightened in the course of

14 your questioning, and perhaps also by the document that the witness will show us

15 after the break.

16 MS DIMITRI: [10:17:55](Interpretation)

17 Q. [10:17:55] If I change subject I will come back to that later, witness.

18 So, within the framework of your participation in this trial, you were aided by a

19 person to fill in the participation form as a victim; that is correct, is it not?

20 A. [10:18:17] Yes.

21 Q. [10:18:20] Do you remember the name of this person?

22 A. [10:18:30] Yes.

23 Q. [10:18:35] What is that person's name?

24 A. [10:18:39] It was my counsel, my lawyer. I presented my birth certificate -- or

25 the birth certificate that I presented for the travel document wasn't valid, because the

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 counterfoil was not there at the town hall, so I asked that another be drawn up which
2 would make it possible for me to get a passport for the visa.

3 Q. [10:19:20] Just so it's clear for you, we'll speak about the birth certificate later.
4 I'm now changing subject. I'm now speaking about the documents that you filled in
5 with the assistance of somebody when you wanted to participate as a victim in this
6 trial. The first time you met a representative of the Court, this person put questions
7 to you and you filled in a form, and that is how you became a victim participating in
8 this case, and I'm speaking about that time. Do you follow that?

9 A. [10:20:10] I haven't understood.

10 Q. [10:20:17] I will repeat. I'll be a bit more direct.
11 Your lawyer provided us with documents concerning you. One of the documents
12 concerning you is a form, an application form to be a participating victim. This is a
13 document which has your name, information about you, and it's a document which
14 was filled in by somebody that you know from (Redacted)
15 (Redacted)

16 Now, do you remember the first time that you came into contact with representatives
17 of the International Criminal Court to fill in an application form in the presence of
18 (Redacted)? That's what I'm talking about. Can you follow me?

19 A. [10:21:22] Yes.

20 Q. [10:21:26] Now, could you explain to me how you were approached by
21 (Redacted) to fill in this document?

22 A. [10:21:41] We met. The problem is that at the time UNICEF and the -- and
23 (Redacted) wanted to make a census of the child soldiers, and that's why at a certain
24 time there was the issue of us being interviewed. And it was in the office in
25 (Redacted) that I was able to meet him.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Q. [10:22:27] Now, when you met (Redacted), what I want to know is what did he
2 tell you to be able to bring you to the office in (Redacted)
3 to fill in the form? Just to help you, the form that I have in my hands and which has
4 your digital signature is a form from (Redacted), so approximately (Redacted) years
5 ago. So what did (Redacted) say to you when he brought you to the (Redacted) office
6 to fill in the form?

7 A. [10:23:08] He didn't say anything to me. When he introduced himself, he just
8 asked to take the information about the child soldiers and we were taken in a group
9 to be interviewed.

10 Q. [10:23:34] You were taken to (Redacted) in a group, to a room, (Redacted)
11 was there. Was (Redacted) there?

12 A. [10:23:52] I don't know (Redacted), I only know (Redacted)

13 Q. [10:24:02] When (Redacted) took you to (Redacted) as a group, how did he
14 introduce himself to you? Did he explain his role in the process?

15 A. [10:24:32] Well, when he brought us there, they presented themselves as
16 members of the staff of the (Redacted) and they were responsible for taking the
17 information about the child soldiers. That's all.

18 Q. [10:24:57] And on that day when you were taken to (Redacted) in a group with
19 (Redacted), before that day, did somebody come to see you to tell you that (Redacted)
20 was going to come and get you to bring you to (Redacted)

21 A. [10:25:29] I haven't understood this question.

22 Q. [10:25:34] No problem, I'll put it again.
23 Now, you've explained to us that you went to (Redacted) in a group with (Redacted).
24 Before that day, did somebody come to see you to say that you were going to go to
25 (Redacted) with (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [10:25:57] When the information arrived in the village, it was the focal points
2 who gave the information saying that child soldiers would be listed by an NGO
3 coming from (Redacted), and those who wanted to participate via (Redacted)
4 could do it.

5 Q. [10:26:44] And who was the focal point where it concerned you?

6 A. [10:26:52] I can't give his name.

7 Q. [10:27:08] Why not?

8 A. [10:27:09] To avoid risks.

9 Q. [10:27:13] But we are in closed session, so I would ask you to give me his name.

10 A. [10:27:36] His name was (Redacted)

11 Q. [10:27:39] And his surname, witness, what was that?

12 A. [10:27:44] I don't know his surname.

13 Q. [10:27:48] Now, if we go back to the form which is at tab (Redacted) of the
14 Defence binder, (Redacted), and if we look at page 2 of this form, this is the form that
15 you filled in the presence of (Redacted).

16 And if we look at that page, it's indicated that the information that figures in this form
17 are certified -- or is certified as exact and true.

18 Now, my question is, when you answered the questions of (Redacted)
19 to fill in this form, did he tell you that it was important that "what you tell me is true
20 and correct"?

21 Did he give you this explanation?

22 A. [10:29:00] No, not at all. He didn't say anything.

23 Q. [10:29:11] Now, when you met (Redacted), you explained to us, "We went to
24 (Redacted), we were in a group and we were asked questions". Well, I think you're
25 referring to interviews that took place in (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Now, when (Redacted) had an interview with you to fill in your participation form,
2 did he note down what you said?

3 A. [10:29:51] Yes, he noted down everything I said.

4 Q. [10:30:00] And so you told him your account, he would note it down. Did he
5 explain to you that it was important that what he said to you -- or that what you said
6 to him was the truth?

7 A. [10:30:13] He noted down everything that I told him. But he didn't read it to
8 me afterwards.

9 PRESIDING JUDGE SCHMITT: [10:30:32] The witness has answered it twice now,
10 so I think we can move on from there. And you can also be relatively direct then
11 now. We also have seen the document and we might assume, as a Chamber, what
12 you are heading at, which you can do in a relatively straightforward way.

13 MS DIMITRI: [10:31:05](Interpretation)

14 Q. [10:31:10] Now, when you took notes, I'm going to show you -- well, actually,
15 my first question is, were you alone or was there somebody with you when you were
16 being interviewed by (Redacted) and he was taking notes? I'm not talking about the
17 other children who were in the vicinity; I'm asking was there somebody who
18 accompanied you personally or were you alone when you were with (Redacted)
19 when he was taking notes?

20 A. [10:31:42] Well, we arrived as a group and he was in his office. Then
21 each -- each one of us entered into his office to have their interview with
22 (Redacted), each one entered one after the other.

23 PRESIDING JUDGE SCHMITT: [10:32:05] Ms Dimitri, please slow down. There
24 was a significant overlap. Please start again with your question.

25 MS DIMITRI: [10:32:11] I apologise. Sorry, I apologise to the interpreter.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Q. [10:32:26] (Interpretation) Witness, I'm going to show you tab (Redacted), page 2
2 thereof. That's (Redacted). Now, you will see down at the bottom of the page there
3 is a signature. It says, "Signature of the victim or person acting on behalf of the
4 victim." It is on the bottom on the left.

5 Now, if you have a look at that signature, could you tell me whose signature is that, if
6 you know?

7 A. [10:33:09] That is my first signature.

8 Q. [10:33:15] Okay. So you were the person who signed. Now, my colleague is
9 going to show to you page 4 -- no, sorry, page 5 of that self same document. Here
10 we see a fingerprint. Is that your fingerprint?

11 A. [10:33:42] Yes.

12 Q. [10:33:47] As I have understood, (Redacted) did not read this form back to you,
13 but you answered his questions and he took notes. And when you answered his
14 questions, did you understand that it was important to tell the truth and is it your
15 understanding that it was or is -- it was important that your answers to these
16 questions be correct and exact?

17 (Overlapping speakers)

18 MR SUPRUN: [10:34:20] Mr President?

19 PRESIDING JUDGE SCHMITT: [10:34:27] Mr Suprun?

20 MR SUPRUN: [10:34:28] Mr President, this question was asked and answered
21 already.

22 PRESIDING JUDGE SCHMITT: [10:34:32] No, no, it was asked in a different manner.
23 It was asked if (Redacted) informed him that he should tell the truth, and now she's
24 asking if it was his understanding no matter what; so it's different.

25 Please answer the question.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Was your understanding when you gave this information that you -- the information
2 that you give should be truthful?

3 THE WITNESS: [10:34:57](Interpretation) Yes.

4 MS DIMITRI: [10:35:20](Interpretation)

5 Q. [10:35:21] Now, we've talked about the focal point, (Redacted). We are going
6 to go to page 4 of the form. Now, what I'd like to understand, because on the form
7 there's a telephone number and -- so we have the telephone number and then it says
8 (Redacted)

9 Now, you said that (Redacted) was the focal point. My question is, was he present
10 that day?

11 A. [10:36:07] Yes.

12 Q. [10:36:14] And you told us a little bit earlier, at 10:27 -- you said you didn't know
13 (Redacted) surname, but if I were to tell you his name is (Redacted), would that
14 refresh your memory?

15 A. [10:36:35] Well, I actually only know his first name. I don't know his surname.

16 Q. [10:36:49] But do you agree that this is his telephone number that's on the form,
17 if you know it?

18 A. [10:36:55] Well, I can't really check his telephone number. I was just a victim.
19 He was the person we were dealing with, so I can't check his telephone number. He
20 was the one who was carrying out checks on us, if you like.

21 Q. [10:37:16] On the form it says, "Telephone number or other way of contacting the
22 victim", and, there, his telephone number appears. Now, can you explain to me why
23 one would have to go via (Redacted) to contact you -- that is, if you know, witness?

24 A. [10:37:39] Because he was the focal point. He was the focal point for the child
25 soldiers.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [10:37:54] Just for the Chamber's reference -- and I don't need to show
2 it to the witness -- tab (Redacted) at page 3, your Honours will notice that the phone
3 number indicated there corresponds to the phone number indicated in the witness
4 participation form and that the full name of the individual is there.

5 So, with that, I will move on to --

6 PRESIDING JUDGE SCHMITT: [10:38:27] Indeed.

7 MS DIMITRI: [10:38:29] Yes. I'm sorry if I'm taking time, but I'm skipping some
8 questions, Mr President, again, and I don't need to show it to the witness, tab
9 (Redacted), for your Honours' reference -- (Redacted) confirms the last name of the
10 individual who is the focal point of (Redacted)-- and the Registry.

11 PRESIDING JUDGE SCHMITT: [10:39:32] And, Mr Witness, there is no problem at
12 all that as a contact address and contact telephone number, there is the number of
13 another person than yourself. So there is no -- it's simply that Defence counsel wants
14 to figure out what this means, but there is no reproach in that, there is
15 nothing -- nothing false with that. That's absolutely okay. Ms Dimitri. Because
16 that might also be in the understanding of the word "focal" point.

17 MS DIMITRI: [10:40:20](Interpretation)

18 Q. [10:40:20] Just one final question regarding the focal point, witness. Now, have
19 I understood correctly that the focal point, (Redacted), is the person who was your
20 link with (Redacted) when you went to (Redacted)

21 A. [10:40:45] (Redacted) was our focal point. Each child soldier who wanted to
22 participate in the proceedings before the Court -- well, (Redacted) called (Redacted)
23 to tell him on which day the child soldiers should be -- or should go to
24 (Redacted)

25 Q. [10:41:28] Thank you, I understand.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Now, that day when you met with (Redacted) in his office and you provided him
2 with the information that we find in the form, was it also you who provided him with
3 the information regarding your identity, such as your name, your date of birth, the
4 names of your parents?

5 A. [10:41:59] Yes.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:44:48] And you explained to us that when you met with (Redacted), it was
23 you who provided information to him regarding your identity, such as your name,
24 your date of birth, the names of your parents.

25 Now, what I would like to understand is why in your statement regarding your

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 identity -- and we're going to put it on the screen. It's the same tab, tab (Redacted),

2 and we'll put this document on the screen --

3 PRESIDING JUDGE SCHMITT: [10:45:31] Page 1?

4 MS DIMITRI: [10:45:33] No.

5 PRESIDING JUDGE SCHMITT: [10:45:34] Not page 1? I thought --

6 MS DIMITRI: [10:45:35] No, page 6.

7 PRESIDING JUDGE SCHMITT: [10:45:36] Oh, you are -- you're not yet there, excuse
8 me. You are not yet there, excuse me.

9 MS DIMITRI: [10:45:49](Interpretation)

10 Q. [10:45:50] Now, if you know, can you explain to me how it is that this statement
11 regarding your identity -- and I'm referring now to the day that you met (Redacted)
12 (Redacted) in his office -- why does it say that the name of your father is (Redacted)
13 (Redacted)-- Sorry, the first is your father and (Redacted)
14 is your mother?

15 A. [10:46:29] Well, this mistake, it's not my mistake; it's a mistake that they made.
16 There is a lot of us at that time. And they were quickly taking notes of everything
17 because there wasn't enough time. And then, afterwards, they didn't read their
18 notes back to us.

19 Q. [10:47:01] I understand. I'm now going to ask my colleague to move further
20 down that document.

21 So this declaration regarding your identity, we see that somebody has certified that
22 the information in the document are correct insofar as that person knows and that
23 they are legally valid.

24 Now, how -- how is it that this person could certify your identity? How did that
25 process work? Was somebody else there, aside from (Redacted), to certify your

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 identity?

2 A. [10:47:53] No. There was just the two of us in the office and, as I said, there
3 were a lot of people there that day and they were working fast because we had to be
4 taken back to our -- our village, which was far -- or our villages, which were far from
5 the capital. So they didn't read back their notes to us.

6 Q. [10:48:24] I understand. Now, I have another question -- and, once again, if
7 you know -- on the screen we can see a stamp. It says (Redacted), and there's a
8 signature on the stamp.

9 Now, I understand that there was only (Redacted) and yourself in the office, nobody
10 else, so have I understood correctly that when you provided the information
11 regarding your name, your date of birth, the name of your father, the name of your
12 mother, not only was there no third person in the office, but the stamp and the
13 signature on this document were not done in your presence? Is that right, witness, if
14 you know?

15 A. [10:49:27] I -- well, I don't know.

16 Q. [10:49:43] And what town or what neighbourhood were you living in when you
17 filled out that form? In other words, when you met with (Redacted) in his office,
18 what neighbourhood were you living in or what town?

19 (Redacted)

20 (Redacted)

21 A. [10:50:41] Yes.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:51:06] And who was the neighbourhood leader at that time? Who was the

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 chief of the neighbourhood at that time when you met with (Redacted)
2 -- if you know?
3 (Redacted)
4 (Redacted)
5 A. [10:51:55] No.
6 PRESIDING JUDGE SCHMITT: [10:51:58] We have a document on the screen. It
7 will be presented to us, so we read it and I think at least the last page, except what has
8 been attested, but it was on the first page, I think you have exhausted, in my opinion.
9 So there was only one person and the witness cannot tell us anything about how this
10 attestation came to play. I think that's it.
11 MS DIMITRI: [10:52:40](Interpretation)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Counsel confers)
18 MS DIMITRI: [10:53:30] Okay. If I can have just a moment, Mr President.
19 PRESIDING JUDGE SCHMITT: [10:53:32] Yes.
20 MS DIMITRI: [10:53:48](Interpretation)
21 Q. [10:53:51] I'm going back to the matter of the statement regarding your identity.
22 You are in (Redacted) office and you provide him with the information regarding
23 your identity. Did you also show him or provide him with documents attesting to
24 your identity; for instance, you know, a birth certificate, a national identity card, a
25 voter's card? Did you provide any -- or a copy of a birth certificate? Did you

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 provide any document of that type to (Redacted) to attest to your identity?

2 A. [10:54:27] No.

3 Q. [10:54:30] (Redacted)

4 (Redacted). Could we put page 6 back up?

5 That -- please.

6 So, in your statement regarding your identity, it is stated that (Redacted)

7 (Redacted)

8 But it appears now, if I have understood correctly, that you don't know that person

9 and, if I understand correctly, you are saying that the chief of the neighbourhood at

10 that time was somebody called (Redacted)

11 Do you know why it is that on this document concerning you and your identity,

12 somebody has written down that (Redacted) is the chief of your neighbourhood,

13 (Redacted) and that he can attest to your identity? Do you know how that has come

14 about?

15 A. [10:55:54] Well, if I -- or the reason why I would have said that is that in Africa

16 people don't just have one name. * People don't just have one name. He may have

17 several names. The name that he is known by is the one I gave you.

18 PRESIDING JUDGE SCHMITT: [10:56:16] Ms Dimitri, there is obviously a

19 misunderstanding. I don't think that it's very promising to continue with that. I

20 think it's -- as I said a couple of minutes ago, we have this document on the screen,

21 this document speaks --

22 MS DIMITRI: [10:56:31] Yes, for itself.

23 PRESIDING JUDGE SCHMITT: [10:56:32] -- in certain ways for itself. So you

24 think -- I would suggest to move on.

25 MS DIMITRI: [10:56:36] Yes. So, indeed.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

- 1 And with that in mind, I'm going to skip a few questions. But I'm going to put --
- 2 PRESIDING JUDGE SCHMITT: [10:56:46] Aren't you going to ask, page 1 there --
- 3 MS DIMITRI: [10:56:50] Yes, yes, yes, yes, but I'm doing it --
- 4 PRESIDING JUDGE SCHMITT: [10:56:52] Okay. Good.
- 5 Yeah, yeah, I know, step after step.
- 6 MS DIMITRI: [10:56:54] I have a different view, because I have other --
- 7 PRESIDING JUDGE SCHMITT: [10:56:58] Yes, of course, of course.
- 8 MS DIMITRI: [10:56:59] Yes. I'm sorry.
- 9 PRESIDING JUDGE SCHMITT: [10:56:55] And sometimes we are ahead and we
- 10 have more in our mind as judges expeditiousness, but I understand. I fully
- 11 understand. But I think now --
- 12 MS DIMITRI: [10:57:06] But my aim is to finish today.
- 13 PRESIDING JUDGE SCHMITT: [10:57:09] Now would -- now would really be the
- 14 time to put this one information to the witness.
- 15 MS DIMITRI: [10:57:12] Yes. It's coming, it's coming.
- 16 Just for the Chamber's reference, because I don't need to show it to the witness, tab
- 17 (Redacted)
- 18 (Redacted)
- 19 And another document, which is at tab (Redacted), where she actually confirms what
- 20 the witness says, the *chef de quartier* of (Redacted)
- 21 So I don't need to show it to the witness, but it's just, because you know our position
- 22 on these -- on these
- 23 *Déclaration* --
- 24 (Overlapping speakers)
- 25 PRESIDING JUDGE SCHMITT: [10:57:59] I'm fine with that. So it's on the record

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 and, yeah.

2 MS DIMITRI: [10:58:03](Interpretation)

3 Q. [10:58:04] So, witness, I have a last question to you. I have a final question,

4 witness, to you.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. (No interpretation)

10 Q. [10:59:21] I shall repeat what I've said.

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 PRESIDING JUDGE SCHMITT: [11:01:22] Ms Neithardt. Ms Neithardt.

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

- 1 MS DIMITRI: [11:01:33] I'm fine for the break.
- 2 MS NEITHARDT: [11:01:35] We have an objection. The document under tab
- 3 (Redacted) we submitted as testimonial in nature, and on a procedural issue here we
- 4 have this objection.
- 5 Also, we consider that this document is in (Redacted) and it's not really clear if we're
- 6 talking about where the witness is living.
- 7 PRESIDING JUDGE SCHMITT: [11:01:56] Well, this is rejected.
- 8 Actually, we have already the answer, but what -- and we did that and we can do that.
- 9 The -- what counsel Dimitri did was she extracted the information out of this
- 10 document and put it to the witness and the witness has answered.
- 11 And that's all that has been done and that's absolutely not reproachable or
- 12 objectionable.
- 13 We have a break until 11.30.
- 14 THE COURT USHER: All rise.
- 15 (Recess taken at 11.02 a.m.)
- 16 (Upon resuming in private session at 11.34 a.m.)
- 17 THE COURT USHER: [11:34:30] All rise.
- 18 Please be seated.
- 19 PRESIDING JUDGE SCHMITT: [11:34:50] Ms Dimitri.
- 20 MS DIMITRI: [11:34:53] Thank you, Mr President.
- 21 Q. [11:35:10] Good morning, once again, witness.
- 22 A. [11:35:14] Thank you.
- 23 Q. [11:35:16] So just to reassure you, we are still in private session, so the public
- 24 cannot hear what you say.
- 25 We spoke about (Redacted)- your focal point - and earlier, * we saw that in your

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 statement, about your identity, the one that was made in (Redacted) office, the name
2 of the mother, as being your mother, in this document was
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)

12 A. [11:37:24] No, I didn't know that.

13 PRESIDING JUDGE SCHMITT: [11:37:29] Well, the relevance will be clear soon?

14 MS DIMITRI: [11:37:34] Yes, Mr President.

15 PRESIDING JUDGE SCHMITT: Okay, good.

16 MS DIMITRI: [11:37:36] Soon, soon. But I have to --

17 PRESIDING JUDGE SCHMITT: [11:37:37] Very soon, please.

18 MS DIMITRI: [11:37:39] Yes, I know, but I -- I will finish today, but I have --

19 PRESIDING JUDGE SCHMITT: [11:37:42] No, but --

20 MS DIMITRI: Yes, but it will --

21 PRESIDING JUDGE SCHMITT: [11:37:44] The question, "Do you know if somebody
22 else had this or that children" does not reveal immediately its relevance, to put it this
23 way. But please continue because when --

24 MS DIMITRI: No, but it's --

25 PRESIDING JUDGE SCHMITT: [11:37:52] When we discuss, it costs time, too.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [11:37:57] But it's also -- the answer now is also relevant for another
2 purpose. That's why I'm asking those questions.

3 PRESIDING JUDGE SCHMITT: [11:38:02] Okay, good. Please continue.

4 MS DIMITRI: [11:38:13] And now again I'm going to skip a few questions, but just
5 mention a few documents --

6 PRESIDING JUDGE SCHMITT: [11:38:15] That sounds good always.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MS DIMITRI: [11:39:56](Interpretation)

19 (Redacted)

20 (Redacted)

21 A. [11:40:19] I think that I spend very little time in the towns. I haven't spent a lot
22 of time there and, as such, * I can't take the time to check his family links or
23 relationships with any people.

24 Q. [11:40:40] So do I understand from that that you do not know (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [11:40:48] Yes.

2 Q. [11:41:08] I'm going to come back to your meeting with (Redacted) where he
3 takes certain information -- takes down certain information. There's a date of birth
4 indicated, (Redacted). Now, the first time that you met (Redacted), did you tell him
5 that you were born on (Redacted)

6 A. [11:41:40] I told him that I was born on (Redacted).

7 Q. [11:41:58] Now, what I want to understand is that on two occasions we see the
8 date of (Redacted) in your participation form to be a victim. You see it on page 1,
9 date of birth (Redacted), and you see it on another document which isn't signed by
10 (Redacted). That's the declaration on the identity.

11 Now, do you have any explanation, if you know, why two different people indicate
12 on your participation form as a victim the date of (Redacted) as your date of birth?

13 A. [11:43:03] I don't know a lot about it because I indicated that it was (Redacted)
14 and they took down my statement and they didn't re-read it to me. That's perhaps
15 where the problem comes from.

16 Q. [11:43:19] Now I would like to speak about the judgment which was filed
17 following an application. We spoke about it yesterday at 12:12. Your counsel asked
18 you if you recognised the judgment which had been presented to you on the screen
19 and he asked you to confirm that it had been filed following an application made on
20 your behalf.

21 So in what way did you manage to obtain the transcript of the court ruling that
22 figures in the case, and I'm referring to tab 2, (Redacted). Now, I want to know,
23 Witness, what were the steps, what was the administrative procedure that you went
24 through to obtain this ruling, because you recognised an application was filed on
25 your name, so how did this work?

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [11:44:50] Well, the court ruling that I had -- and I can tell you how I obtained it.
2 When I was recognised with the status of victim, I didn't have a document, and as I
3 already had the birth certificate, but there was no counterfoil, and as I wanted to
4 prepare to travel, my counsel got this document established in order that the
5 date -- that the birth certificate could be issued.

6 Q. [11:45:41] And just so we understand your counsel, he didn't get this document
7 made on the basis of the birth certificate without a counterfoil, but on the basis of
8 information that you gave him verbally. Do I understand that correctly?

9 A. [11:46:12] This document was issued, as I said. I'm the person who gave the
10 information, and on the basis of the information, this birth certificate was issued to
11 me.

12 Q. [11:46:27] And when we speak about the application, you mentioned an
13 application that was filed in your name by your counsel yesterday and do you know
14 what document -- which document your counsel had to present in order to obtain the
15 judgment or court ruling? How -- what document did he use to underpin this
16 application, or to support this application?

17 A. [11:47:03] I haven't understood your question.

18 Q. [11:47:08] No problem. I'm going to try and repeat it in a different way.
19 Yesterday you testified at 12:12 that you had obtained a court ruling to have your
20 birth certificate on the basis of an application. That is a document that is filed, a
21 lawyer files it in order to obtain a ruling, and you recognised that an application was
22 made on your behalf.

23 Now, what I would like to know, if you know, are there documents that were filed in
24 support of the application that your counsel made on your behalf?

25 A. [11:48:02] Well, when this document was issued, I wasn't present. Now, where

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 it concerns the date, I myself gave it to them, but for the document, I tell you that I
2 wasn't present. I know nothing about that.

3 Q. [11:48:26] Okay. I'm putting this question to you because in the ruling - and
4 I'm still at tab 2 of the Defence binder, (Redacted)- in the ruling -- and I understand
5 that you weren't present, so I was asking -- you can say -- if you don't know, just tell
6 me you don't know. If you know, you know. In the ruling it is indicated that in
7 support of the application - so in order to support your counsel's application - there
8 was a certificate that was presented with information that was filed in order to obtain
9 the ruling. Now, had you already seen these two documents, so the information
10 sheet and the default certificate, or the certificate of default?

11 A. [11:49:33] The document that I had was the judgment and the certificate of
12 nationality. Those were the two documents that I had, that I was aware of.

13 Q. [11:49:51] Did you state to your lawyer or counsel that there was a problem with
14 regards to the counterfoil, that you had a birth certificate without a counterfoil? Did
15 you give the reason why he had to file a new application? What did you tell him?

16 A. [11:50:20] In order to issue a new birth certificate, it was necessary to go there.
17 He wanted me to have a passport issued and it was -- that's the reason why he asked
18 for my birth certificate, but it didn't have a counterfoil, and as such, they asked for it
19 to go to the court with a view to getting a certificate of nationality. And at the
20 tribunal they didn't have access to my birth certificate and that's why they decided to
21 issue a new birth certificate.

22 Q. [11:51:11] And in the ruling which concerns you, it is indicated that you had lost
23 the original following a theft. I understand that you never said that to your lawyer.

24 A. [11:51:30] I haven't understood the sense or meaning of your question.

25 Q. [11:51:38] I understand from your testimony that the problem was that you had

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 a birth certificate which has no counterfoil. Now, my question: Do we -- are we
2 both in agreement that you never said to your counsel that you had lost the original
3 following a case of theft? You never said, "My birth certificate has been stolen"?
4 That's not something that you ever said?

5 A. [11:52:13] No.

6 * Q. [11:52:24] And not only does the judgment that you recognised yesterday
7 indicate that your original birth certificate was lost after a theft, but it speaks about an
8 information sheet. Did you provide an information sheet such that your lawyer
9 could obtain a court ruling to reissue your birth certificate? Did you provide an
10 information sheet? Do you know that or not?

11 A. [11:53:03] I know nothing about that.

12 Q. [11:53:14] I'm going to present a document to you. I'm going to read it for you.

13 (Redacted)

14 (Redacted)

15 I'm going to ask my colleague to go down a bit in the document. Now, witness, I'm
16 explaining to you, this is an information sheet with personal details on it about a
17 certain number of people. And I understand that you didn't go to (Redacted)
18 obtain your ruling. What I want to know is here there's information which concerns
19 you that your lawyer provided in support of the ruling to issue a new birth certificate.
20 Now, were you the person who gave this information -- I'm going to help you, I'll
21 read it. It's written:

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 Now, my question is were you the person who gave this information to your lawyer?

3 * A. [11:55:32] Yes. Where it concerns this information, I gave it in relation to the
4 birth certificate for which I did not have the counterfoil. This information was in
5 that birth certificate.

6 Q. [11:55:55] The one which is in your suitcase in The Hague?

7 A. [11:56:00] Where it concerns my first name, (Redacted), this error comes from
8 the agents who work -- or the officials who work in the court. They are the ones who
9 made this mistake.

10 Q. [11:56:26] I'm going to come back to the mistake, but I'll put my question again.
11 You state that the information that is here in front of us, that you gave it on the basis
12 of the birth certificate for which you have no counterfoil. So this information comes
13 from the birth certificate for which you have no counterfoil, the one which you have a
14 copy of here in The Hague in your suitcase; do I understand that correctly?

15 A. [11:57:06] This new birth certificate which was issued to me, to make it possible
16 for me to travel, this is the one that I have in my case here.

17 PRESIDING JUDGE SCHMITT: [11:57:20] Mr Suprun, a bit late, but nevertheless, I
18 want to hear you.

19 MR SUPRUN: [11:57:26](Interpretation) Yes, your Honour, I just wanted to say for
20 the record that for the moment we don't know what copy of what birth certificate is in
21 the witness's possession and is at the hotel, and that's the reason why questions which
22 suggest that it's the one which comes from the court ruling are incorrect.

23 MS DIMITRI: [11:57:51] As to that part, I agree. As to that part.

24 PRESIDING JUDGE SCHMITT: [11:57:54] Yes, you have a point here, but, on the
25 other hand, we don't know, but the witness knows what kind of document he has,

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 so -- well -- so it is not really reproachable, objectionable, so to speak. But I think
2 with regard -- any further question, let me put it this way, with regard to birth
3 certificates, birthdays, whatsoever, can't we defer that until we have seen this
4 document? Can't you try? I think there are other issues --

5 MS DIMITRI: [11:58:30] If it's -- if it's okay, what I intend to do, because that we
6 have, is what was submitted in evidence by my learned friend yesterday, the
7 judgment, the birth -- I have a series of questions on that and on the procedure that
8 was followed to obtain them, and then after lunch, once I've seen the document that's
9 in the suitcase, if I have any questions on that document, I will come back to it after
10 lunch.

11 PRESIDING JUDGE SCHMITT: [11:59:01] Actually, I agree with that --

12 MS DIMITRI: [11:58:59] Because I -- I --

13 PRESIDING JUDGE SCHMITT: I agree with that procedure.

14 MS DIMITRI: [11:59:04] If I can do as much as I can now and we will finish today.

15 PRESIDING JUDGE SCHMITT: [11:59:07] And if we -- let me put it this way, if
16 thematically you think it's better to have an earlier lunch break, we can also do that.
17 So you know better what your line of questioning will be.

18 MS DIMITRI: [11:59:19] Okay, thank you.

19 Q. [11:59:27] (Interpretation) So, I am putting my question again, Witness. What
20 you can see here, there is a time of birth and there's a name, (Redacted), and there's a
21 time of birth, (Redacted)

22 On the basis of -- so the person who wrote this document speaks to you, and that's
23 how we obtain information. Can you explain how that happened in reality? Who's
24 the person who makes the mistake, who makes this error, if you know?

25 PRESIDING JUDGE SCHMITT: Mr Suprun.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 MR SUPRUN: [12:00:08](Interpretation) Your Honour, I would firstly like to ask that
2 the start of this document be shown to the witness so that we can also -- so that the
3 witness can see what it is. And the witness has already explained that an error was
4 made by the tribunal concerning the first name (Redacted)

5 PRESIDING JUDGE SCHMITT: [12:00:28] That's one thing. The second thing is he
6 has already said that he is not and was not aware of the time, exact time when he was
7 born, so there is obviously an information here where we do not know where it comes
8 from, and the witness obviously will also not know where it comes from.

9 MS DIMITRI: [12:00:47] Mr President, if I may respond?

10 PRESIDING JUDGE SCHMITT: [12:00:49] of course.

11 MS DIMITRI: [12:00:50] And with your permission, because then you'll see where
12 I'm going, if it can be not interpreted to the witness, what I'm about to say.

13 PRESIDING JUDGE SCHMITT: [12:01:01] Okay, on an exceptional basis, yes.

14 MS DIMITRI: [12:01:05] Thank you, Mr President.

15 I'm going on this because you will recall that during submissions, written
16 submissions, email submissions, Mr Suprun said: There's a birth certificate, there's a
17 judgment, there's no more any doubt on the identity and the age of my witness.

18 I want to go through the step-by-step procedure that his colleague, Mr Akem, went
19 through to obtain this. Why? Because if a time of birth was put and not given by
20 the witness, if an incorrect name, first name, is given and nevertheless we obtain a
21 birth certificate on that basis, all that goes to the probative value and the weight of the
22 document Mr Suprun submitted into evidence yesterday.

23 PRESIDING JUDGE SCHMITT: [12:02:02] We -- you don't have -- no, you don't --

24 MS DIMITRI: [12:02:06] That's why I'm going there.

25 PRESIDING JUDGE SCHMITT: [12:02:07] You don't have to explain to the Court

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 how to assess the evidence and what kind of potential relevance/probative value that
2 might have.

3 The problem with that is a little bit that you could perhaps quicker -- be a little bit
4 quicker in the question with the witness, what the witness really knows about the
5 procedure in obtaining. And if the witness says he doesn't know, move on and
6 then -- you know, we -- we have already two - and I repeat - two things that went
7 wrong. That is (Redacted) and the exact hour of -- time when he was born. This is
8 already established.

9 MS DIMITRI: [12:02:47] I completely agree with you, Mr President, and I'm
10 not -- I'm not --

11 PRESIDING JUDGE SCHMITT: [12:02:50] But it's not established how it came into
12 it --

13 MS DIMITRI: Yes.

14 PRESIDING JUDGE SCHMITT: [12:02:49] -- but the witness seems not to know that.
15 So I give you one shot at that and if he says he doesn't know, then we have simply to
16 live with this uncertainty, but the uncertainty -- or, let's say, the mistakes are there.

17 MS DIMITRI: [12:03:06] Mr President, I completely agree. Just one last word on
18 my part, with your leave.

19 I completely agree. And I'm not saying this for the Court, for the judges; of course,
20 I know that -- you know how to assess the evidence. I'm saying it because I have
21 objections. My question was exactly what you just said: "Can you explain to me,
22 Mr Witness, how was it obtained, what was the procedure?" What were the -- that
23 was my question.

24 PRESIDING JUDGE SCHMITT: [12:03:32] Okay, yes.

25 MS DIMITRI: [12:03:34] But if I have objections, I -- I want to go quick, but I need to

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 know if he knows --

2 PRESIDING JUDGE SCHMITT: [12:03:39] No, no, no, it's -- and this line of question
3 is not objectionable. So please put this question, perhaps in -- like you said it now,
4 not in a compound question, please, step by step, so that the witness understands and
5 then we move on from there. So, from now on, please translate again, or interpret to
6 the witness again.

7 MS DIMITRI: [12:03:59] Thank you, Mr President.

8 Q. [12:04:10] (Interpretation) So, Witness, I will repeat my question.

9 Do you know how, in what way, your lawyer -- or on the basis of what information
10 did he obtain a court ruling serving as a replacement birth certificate? How did that
11 actually come about, in fact, in reality?

12 PRESIDING JUDGE SCHMITT: [12:04:34] Mr Suprun, we have discussed that
13 extensively. The witness may answer now.

14 THE WITNESS: [12:04:50](Interpretation) I haven't understood your question, Sorry.

15 MS DIMITRI: [12:04:51](Interpretation)

16 Q. [12:04:57] Now, this document that's on the screen, it states a name and a time of
17 birth: (Redacted)

18 (Redacted)

19 Now, that document was sent by your lawyer Joseph Akem, (Redacted)

20 (Redacted) Now, what I would like to know is how presiding judge Akem obtained
21 that information, on the basis of what did he obtain that information and provide it to
22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [12:05:48] Mr Suprun?

24 MR SUPRUN: [12:05:57](Interpretation) First of all, your Honour, I'd like to point
25 out that the question which was put is not correct. It starts off: The document on

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 the screen states a name, (Redacted)

2 And that -- and then it was said that this document was sent by the witness's lawyer,
3 which is not right. I would ask that this document -- that the top of the document be
4 shown to this document so the witness understands what the document is and can
5 understand the content thereof.

6 PRESIDING JUDGE SCHMITT: [12:06:27] I don't know -- actually, I really don't
7 understand why everybody's so agitated.

8 So what we are talking about is -- Mr Witness, there is -- we can also -- why not -- why
9 share the top of the document, but let me ask now -- the top of the document,
10 so -- which does not tell us who sent -- who sent it, obviously, yeah, which is not
11 important. But there is -- and there is this information and, Mr Witness, you told us
12 (Redacted) is wrong, that's not correct, this name. And you also said you didn't
13 know when exactly the time on (Redacted) you were born. Do you have an
14 explanation, an idea why -- how these two informations came on this document? Do
15 you have an idea how that -- how that happened?

16 THE WITNESS: [12:07:28](Interpretation) These two items of information in this
17 document -- as regards the time of my birth, well, I don't know, I don't know what
18 time I was born. I see that it's here in the document, but I can't read it.

19 As regards the first name (Redacted), you know, even somebody who can't read, who
20 isn't educated, knows their name, and the name that was sent to (Redacted) for a birth
21 certificate to be drawn up was (Redacted). And when they issued the document,
22 they modified the name. That's what I also told you a moment ago.

23 PRESIDING JUDGE SCHMITT: [12:08:37] No, that's fine, Mr Witness. Also
24 you -- it seems to be - let me think aloud now - that he could not have given the
25 information of the exact hour and minute when he was born because he didn't know

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 it.

2 (Redacted) is also not correct.

3 So, somehow this information was given -- or was given on this list and was sent to a
4 *Maître*, whoever this *Maître* was. And we don't -- we don't get much information
5 with regard to this document out of the witness.

6 We should -- we should also not insist, now, on the witness in that regard. It may
7 solve itself, everything, when we -- when we have in the afternoon hopefully -- when
8 we have the document. If not, then we have to assess the situation.

9 MS DIMITRI: [12:09:44] Just one point, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:09:47] Yes.

11 MS DIMITRI: [12:09:48] Because I wanted to be given the opportunity to respond to
12 *Maître* Suprun's objection, and the fact that he objected to me saying that
13 *Maître* Akem is the one who sent it to the (Redacted)
14 I wanted to draw your attention to tab 16 and tab 17.

15 So tab 16 is an extraction of WhatsApp conversations between *Maître* Joseph Akem
16 (Redacted)
17 one who established the judgment.

18 And tab 17 is to better understand what *Maître* Akem sends to (Redacted)
19 (Redacted)

20 (Redacted), which is why I said in my question: (Interpretation) "It is your lawyer
21 who sent that to the (Redacted)

22 (Speaks English) That was the basis of my question.

23 That being said, I'm moving on to --

24 PRESIDING JUDGE SCHMITT: [12:10:58] You don't have to justify yourself. I let
25 your questions pass, because you have to have the chance to -- to question it, and so

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 it's absolutely okay. But you also bear with the Court and with me that I don't -- I
2 cannot read now when you speak in five seconds these documents. This is on the
3 record, like everything that is presented by the parties. We will read it and then we
4 will put it together with the other evidence that we have.

5 MS DIMITRI: [12:11:42](Interpretation)

6 Q. [12:11:43] Now, witness, just so that I understand, do I understand correctly that
7 you yourself did not physically appear before a judge in (Redacted); there wasn't a
8 (Redacted)
9 (Redacted)

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

11 Q. [12:12:03] And in that case, how did you obtain the court ruling serving as a
12 replacement birth certificate -- the paper document, I mean, how did you get it?

13 A. [12:12:27] Well, I have already told you, but I'll repeat it. I told you that I was
14 preparing to make a trip. I had been asked to provide a birth certificate so that a
15 nationality document could be produced. I provided the birth certificate but
16 unfortunately the counterfoil thereof was not at the town hall, and so a new birth
17 certificate had to be issued in order that the passport and the visa could be issued in
18 turn.

19 PRESIDING JUDGE SCHMITT: [12:13:14] Mr Witness, was this document -- was
20 this sent to you by a mail, like in the olden days, or did somebody give it to you? Do
21 you see what I mean? Or did you go to the court and receive it there? You see, I
22 think this is what counsel wants to know.

23 THE WITNESS: [12:13:52](Interpretation) It was my lawyers who provided me with
24 my new birth certificate.

25 PRESIDING JUDGE SCHMITT: [12:13:59] Thank you very much, Mr Witness.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [12:15:10] No, I don't know.

11 Q. [12:15:21] And yesterday in responding to my colleague, you said that a -- an

12 application had been made on your behalf by your lawyer. Now, do you know

13 whether your lawyer physically went to the (Redacted) Do you know how he

14 obtained the court ruling? Did he obtain it by -- through the post or by telephone, or

15 did he actually travel to (Redacted) Do you know?

16 A. [12:15:55] Well, the question that you're -- that you are putting regarding my

17 new birth certificate, well, I must say, I wasn't present so I don't know how the

18 document was handed over, how it was conveyed to him. How that happened, I do

19 not know.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 * Q. [12:17:03] So, do you know -- if it wasn't you, do you know how and where to
2 obtain a birth certificate?

3 A. [12:17:25] I told you that my new birth certificate was provided to me by my
4 lawyers. It was when they took -- were taking my statement that they provided me
5 with my new birth certificate explaining to me that the old one -- that there had been
6 no counterfoil for the old one at the town hall.

7 Q. [12:17:53] Now, during the course of all of these conversations, do you know
8 whether at any point in time the lawyer or team -- a member of the team representing
9 you, did any one of those people inform you at any point in time that in fact this
10 whole process to obtain a court ruling serving as a replacement birth certificate -- so
11 document number 1, the ruling, and the transcript of the court ruling serving as a
12 replacement birth certificate? Did you know that in fact the lawyer had not travelled
13 (Redacted) You didn't appear before the judges, before the court clerks or in the
14 courtroom but, rather, it all happened by WhatsApp, by -- through messaging? Was
15 it discussed with you?

16 A. [12:19:00] I would repeat that this whole process regarding the obtaining of my
17 new birth certificate took place without my knowledge. I have no knowledge of
18 how that happened.

19 PRESIDING JUDGE SCHMITT: [12:19:13] Ms Dimitri, at least with regard to
20 questions to this witness, the subject has been exhausted.

21 MS DIMITRI: [12:19:18] Yes, I was just putting ERNs on the record, Mr President.
22 So, if you allow me just a few seconds, a few ERNs, because I don't need to show
23 them to the witness. Tab 16, CAR-D29 --

24 PRESIDING JUDGE SCHMITT: [12:19:37] Yes, and I have had a look at it. I think
25 it's enough when you say.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted). This is the chain of procession, the manner in which the WhatsApp
- 8 extraction came to my email account.
- 9 And there is also -- and we will make submissions on that later on -- tab 20,
- 10 (Redacted). It's the family law rule on how to obtain judgment. And the
- 11 procedural code, tab 21, CAR-D29 --
- 12 PRESIDING JUDGE SCHMITT: [12:21:04] No. That -- that is too much now,
- 13 because -- it need not be now completely, not every document has to be put on the
- 14 record. You will forward this to us in the Bar table, so it will be --
- 15 MS DIMITRI: [12:21:23] No problem.
- 16 PRESIDING JUDGE SCHMITT: [12:21:24] And we will have to -- yeah, especially --
- 17 MS DIMITRI: [12:21:25] No problem. It was just because for us a motion is not
- 18 done by WhatsApp. But I'll do it by Bar table motion, no problem.
- 19 PRESIDING JUDGE SCHMITT: [12:21:32] No, no; but you have at least now five or
- 20 six documents on the record already.
- 21 MS DIMITRI: [10:21:34] Yes, no problem.
- 22 PRESIDING JUDGE SCHMITT: [12:21:35] You can move on from that.
- 23 MS DIMITRI: [12:21:38] No problem.
- 24 (Counsel confers)
- 25 MS DIMITRI: [12:22:08](Interpretation)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

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Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:25:48] So I understand that this whole process took place without your

9 knowledge, but did you know that you were not alone and that that whole process

10 was carried out not only for you, but for six other individuals?

11 PRESIDING JUDGE SCHMITT: [12:26:10] Mr Dimitri, please continue. This is --

12 MS DIMITRI: [12:26:15] He's the one who mentioned that they were together. I just

13 want -- I mean, if he knows, that it was all -- because obviously it will -- the process

14 will affect --

15 PRESIDING JUDGE SCHMITT: [12:26:26] Did you -- Mr Witness, did you speak

16 with the other persons, with the other child soldiers about how they obtained their

17 certificates? Do you have any knowledge about that?

18 THE WITNESS: [12:26:42](Interpretation) No. No, we didn't talk about that.

19 PRESIDING JUDGE SCHMITT: [12:26:57] Please move on.

20 MS DIMITRI: [12:26:59] If I could just have a moment, Mr President.

21 PRESIDING JUDGE SCHMITT: [12:27:25] Of course.

22 MS DIMITRI: [12:27:26] Sorry, I'm just debating if it's a good time for the break.

23 PRESIDING JUDGE SCHMITT: [12:27:29] I also thought so, actually.

24 MS DIMITRI: [12:27:31] But I might be able to continue. If I could just have a

25 moment to consult.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:27:35] Sure.

2 (Counsel confers)

3 MS DIMITRI: [12:28:19] I think I can continue for -- let's give it a try. I think I
4 might be able to continue for another half hour before and then I will only have a last
5 bit left.

6 PRESIDING JUDGE SCHMITT: [12:28:28] Fine with us; yes, of course.

7 MS DIMITRI: [12:28:32](Interpretation)

8 Q. [12:28:34] Witness, I'm going to move on to a different topic now. I'm actually
9 going to return to a matter we discussed earlier, but I would like to discuss it in

10 (Redacted)

11 (Redacted)

12 (Redacted). * Do you recognise the person you see here? Is she someone you have
13 already seen in (Redacted) or elsewhere?

14 A. [12:29:24] No. No, I don't know them.

15 Q. [12:29:30] Well, perhaps I can jog your memory. This is one of the daughters of
16 (Redacted). Does that ring a bell?

17 A. [12:29:43] As I said, the purpose of our relationship was to facilitate matters with
18 the office, but we have no family relationship.

19 Q. [12:30:02] I'm going to show you something else. This is tab 28,
20 CAR-D29-0016-0063. It's another photograph.

21 Now, do you recognise the lady that you see there? It's (Redacted)

22 (Redacted)

23 A. [12:30:27] No, I don't know her.

24 Q. [12:30:34] Okay. I'm going to show you another photograph and you can tell
25 me whether you recognise her in this photograph. Tab 34, CAR-D29-0016-0032.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [12:31:11] Well, as I said just before, all these people, I don't know them. You
2 keep showing me the same photos. I thought I told you that I don't know these
3 people.

4 (Redacted)

5 A. [12:31:34] No, no, I don't know that name.

6 (Redacted)

7 (Redacted)

8 A. [12:32:07] No, not at all.

9 Q. [12:32:08] I'm going to show you another photograph, tab 35,

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [12:32:29] No.

14 (Counsel confers)

15 MS DIMITRI: [12:32:57] It went faster than I thought. So I don't have much left, but
16 whatever I have left will also depend on the document that's in the suitcase.

17 PRESIDING JUDGE SCHMITT: [12:33:08] Yes, I understand that.

18 So I think we have a lunch break until 2 o'clock.

19 I understood that perhaps between one hour we could obtain this document. This
20 would ideally also give us time enough to make copies, like in the olden days, and to
21 give them to the parties, participants, and the judges. We will try everything,
22 Madam Court Officer, to manage to do that.

23 Thank you very much, Mr Witness, for bringing -- giving this information to us, and
24 we try simply to get the copy that (Redacted) in the meantime. So break until
25 2 o'clock.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

- 1 THE COURT USHER: [12:33:48] All rise.
- 2 (Recess taken at 12.33 p.m.)
- 3 (Upon resuming in private session at 2.03 p.m.)
- 4 THE COURT USHER: [14:03:26] All rise.
- 5 Please be seated.
- 6 PRESIDING JUDGE SCHMITT: [14:03:47] We are obviously still in private session.
- 7 Thank you everyone who was involved for providing us with this document. And I
- 8 understand it everybody has a hard copy. And it's also on the screen, as I have
- 9 understood it, or is it not?
- 10 THE COURT OFFICER: [14:04:08] In evidence 1, your Honour.
- 11 PRESIDING JUDGE SCHMITT: [14:04:12] So we have it electronically.
- 12 And, yeah, Ms Dimitri, you have the floor.
- 13 MS DIMITRI: [14:04:19] Thank you, Mr President.
- 14 PRESIDING JUDGE SCHMITT: [14:04:20] Did you have -- did you have a little bit of
- 15 time to look into?
- 16 MS DIMITRI: [14:04:24] Yes, yes.
- 17 PRESIDING JUDGE SCHMITT: Yeah, okay. Good.
- 18 MS DIMITRI: [14:04:21] Thank you.
- 19 May I ask the court officer to zoom out a little bit, because I want to also see
- 20 the number on the top right of the document.
- 21 PRESIDING JUDGE SCHMITT: [14:04:45] No, I think we -- yeah, exactly. You
- 22 have to go to the top, and then on the right there is a number, and I think that is
- 23 of -- might be of significance.
- 24 MS DIMITRI: [14:04:55] No, if you can scroll down. Yeah. Yes. No. No. I
- 25 want to see the number on top.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [14:04:58] On top. On top.
- 2 MS DIMITRI: [14:04:59] Stop, stop, stop, stop, stop. Good.
- 3 Yes, perfect.
- 4 PRESIDING JUDGE SCHMITT: [14:05:12] Yes.
- 5 MS DIMITRI: [14:05:14] Don't move it. Thanks.
- 6 PRESIDING JUDGE SCHMITT: [14:05:17] Exactly this we want to see.
- 7 MS DIMITRI: [14:05:20](Interpretation)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
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- 25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
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- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. [14:09:00] I'll move on to another topic now.
- 11 MS DIMITRI: [14:09:09] If I can have just a moment, please.
- 12 (Counsel confers)
- 13 MS DIMITRI: [14:09:41](Interpretation)
- 14 Q. [14:09:57] We talked about (Redacted), the focal point, and you said that you
- 15 didn't know his surname. I'm going to show you a photograph now so that you can
- 16 confirm to me that it's him.
- 17 And it's tab 38, CAR-D29-0016-0125.
- 18 So is this (Redacted), the focal point of *Enfants sans Frontières* in (Redacted), the person
- 19 to whom you referred?
- 20 A. [14:10:45] Yes.
- 21 THE INTERPRETER: [14:10:52] The Sango interpreter states that he has not heard
- 22 the witness's answer.
- 23 PRESIDING JUDGE SCHMITT: [14:10:58] So you recognise the person, Mr Witness?
- 24 There was an issue with the interpretation.
- 25 You recognise the person, Mr Witness? There was a problem with the interpretation.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [14:11:15](Interpretation) Yes.

2 MS DIMITRI: [14:11:20](Interpretation)

3 Q. [14:11:24] Now, a bit earlier today you said that you attended (Redacted)

4 (Redacted) up to level CM2, (Redacted). Now, am I right in saying that it was in

5 (Redacted) that you completed (Redacted)

6 A. [14:11:56] I don't know what to answer to that question.

7 Q. [14:12:04] So it was after the events of 2013/2014 that you completed (Redacted);

8 is that right?

9 A. [14:12:14] Yes, that is right.

10 Q. [14:12:22] And I know dates are not easy and this was also before you met

11 the people from *Enfants sans Frontières*; is that right?

12 A. [14:12:29] Yes.

13 Q. [14:12:35] Now, in fact I'm going to show you a copy of the register of

14 (Redacted)

15 This is at tab 48.

16 Now, before we show that to you, do you remember the name of the teacher,

17 (Redacted), do you remember his name?

18 A. [14:13:12] Yes, yes, I remember him well.

19 Q. [14:13:15] Okay, I'm going to show you tab 48, which is document

20 (Redacted)

21 (Redacted)

22 And then we find your name on page 68, I believe. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted). Is that you?

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 A. [14:14:11] No, that's not me.

2 Q. [14:14:20] Okay, you said that that's not you, but we have received a -- a school

3 (Redacted)

4 (Redacted).

5 And that is so the date of birth, (Redacted), which appeared on your victim

6 participation form in two different places. So I'd like to show you that school

7 document and -- which is at (Redacted)

8 Can you confirm the content of that document?

9 MS NEITHARDT: [14:15:17] Mr President, I'm sorry, we don't see the document.

10 I don't know if it's being shown.

11 MS DIMITRI: [14:15:20] It's on tab -- it's on evidence 2, not on evidence 1.

12 PRESIDING JUDGE SCHMITT: [14:15:27] Yes, evidence 2, indeed.

13 MS DIMITRI: [14:15:43](Interpretation)

14 Q. [14:15:44] Do you not consider this to be a school record concerning you? No?

15 A. [14:15:54] No.

16 Q. [14:16:00] Okay. Now, I would put it to you that not only is this your school

17 record, but also that you were also enrolled in the year (Redacted)

18 (Redacted)

19 A. [14:16:25] No, I've never been registered at (Redacted)

20 Q. [14:16:36] I would like to present to you the content of tab 6,

21 (Redacted), and I'm going to give you another opportunity to confirm that it is you at

22 page 0154.

23 And this is the register of -- and I'm looking here at entry 49 and this is the register of

24 (Redacted)

25 Now, I see here (Redacted). I would put it to you that this is your

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [14:17:28] Me? No, I didn't get that far in my education and I only rarely go to
3 Bangui. I have no idea about these documents that you're showing me.

4 Q. [14:17:58] In fact, that I would put it to you that this is -- these records do relate
5 to you and it's not a coincidence that on the -- the school record from (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) appears on your victims participation form is not a coincidence and that

9 (Redacted)

10 on it too, it's because this school record is yours.

11 That's what I would suggest to you.

12 A. [14:19:05] I've told you I have no idea about these documents. And,
13 furthermore, I am very, very rarely in -- in -- in Bangui -- in Bangui. Normally I live
14 in provincial towns. I'm taken by surprise by these documents. * I don't know
15 what you want to do to me.

16 Q. [14:19:15] (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [14:19:28] No, no. It's absolutely okay, Ms Dimitri,
18 that you -- we have the documents, we have the content of the documents, and you
19 have put it to the witness and the witness has answered.

20 So I -- you might have further questions, but I simply wanted to say that, in principle
21 at least, it is on the record what perhaps you wanted to have on the record.

22 MS DIMITRI: [14:20:13](Interpretation)

23 Q. [14:20:16] You said a number of times that you have not been attending school
24 and that you stopped at (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Now I'm going to show you another document, and I understand you haven't seen
2 these documents before, but I must put them to you so that you can comment on
3 them.

4 And this document is from tab 5, (Redacted) and it is a school attendance

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [14:21:24] I've told you that I am only very rarely in Bangui. I don't know what
10 you mean by attending third year. I don't know if it's somebody who has the same
11 name as me, but what I'm telling you is I really have no idea or no understanding of
12 all these documents that you're presenting now.

13 Q. [14:21:45] (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [14:21:50] So I think --

15 MS DIMITRI: [14:21:51] Sorry.

16 PRESIDING JUDGE SCHMITT: [14:21:52] -- this is -- this is clear now. But to put it
17 on the spot, so to speak.

18 (Redacted)

19 (Redacted)

20 THE WITNESS: [14:22:15](Interpretation) (Redacted)

21 I really don't understand what's going on now. I, my country -- I don't understand.

22 I don't always live in (Redacted)

23 (Redacted)

24 so I really have no idea about what you're presenting to me now.

25 PRESIDING JUDGE SCHMITT: [14:23:07] Ms Dimitri, if you have further

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 documents that point to that direction, we don't put them to the witness anymore.
2 We have -- you have the answer. I think it's -- you can put it on the record, simply.
3 Or, or it is -- it is clear that there, let's say, (Redacted)
4 (Redacted)
5 (Redacted)
6 You will not get another answer, no matter how many, how many documents you
7 will show to the witness, I assume.
8 MS DIMITRI: [14:23:41] It's, Mr President, you'll see where I'm going. I need -- I
9 need to -- it's my obligation. I -- I submit that I have two more, only two more,
10 they're more obvious. But it's my --
11 PRESIDING JUDGE SCHMITT: [14:23:55] If they are more obvious --
12 MS DIMITRI: [14:23:56] Yes.
13 PRESIDING JUDGE SCHMITT: [14:23:57] -- then -- then please continue.
14 MS DIMITRI: [14:24:01] Thank you.
15 Q. [14:24:02](Interpretation) Witness, I have two more documents that I want to
16 show to you in this connection. My team has obtained a birth certificate for
17 (Redacted)
18 (Redacted)
19 And I'm going to put it on the screen for you now, or it will be put on the screen for
20 you now. (Redacted)
21 Now, once again, this birth certificate is for the (Redacted)
22 (Redacted). Now, I would put it to you that that is you and it is not a coincidence
23 that we see on this birth certificate a * (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 as your date of birth in your participation form

2 So I would put it to you that this birth certificate is your birth certificate, it's the birth
3 certificate which was (Redacted) when you enrolled.

4 A. (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [14:26:10] Wait a second -- wait a second with
6 the answer, please, Mr Witness.

7 Mr Suprun.

8 MR SUPRUN: [14:26:13](Interpretation) Your Honour, the victim has already
9 answered a number of times that he does not recognise this information. He has
10 stated very clearly that his name is what his name is and what his name is not. And
11 if my colleague, representative of the Defence, wants to show further documents, we
12 feel that those documents basically are presenting the same type of information and
13 relate to the same question.

14 MS DIMITRI: [14:26:47] May I respond?

15 PRESIDING JUDGE SCHMITT: [14:26:49] No. Well, actually, Ms Dimitri, I agree.
16 Because we have -- I have explained several times in this courtroom that documents,
17 if they are authentic, have their own evidentiary value. And the information that is
18 in these documents, in the past four or five documents you have shown, seems to be
19 the same information. And the witness has consistently said the information
20 entailed does not concern him as a person.

21 So everything else is simply adding, perhaps, to the significance, maybe probative
22 value, this -- the Chamber will have to figure out later, but the answer of the witness
23 is clear.

24 So, really --

25 MS DIMITRI: [14:27:36] If I may be heard, just on one point, Mr President. I follow

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 you.

2 PRESIDING JUDGE SCHMITT: [14:27:40] Yes.

3 MS DIMITRI: [14:27:41] What I have shown the witness so far was a document with
4 the name (Redacted) from the (Redacted) school, a document from the
5 (Redacted)

6 Now he's saying it's not him. You suggested -- you asked him -- not you suggested,
7 but you asked him is it, is it an homonym, is it what's happening? Fair enough.
8 Now this document is different. It comes from the (Redacted), but not only does it
9 show (Redacted), but it has the name of the father, the name of the mother, it's a birth
10 certificate. I'm not -- I'm not the one (overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [14:28:18] But he's -- but he is saying this is not
12 the name of his father and not of his mother.

13 MS DIMITRI: [14:28:23] I understand, but he has to -- I have to give him an
14 opportunity to --

15 PRESIDING JUDGE SCHMITT: [14:28:30] You have given (overlapping speakers)

16 MS DIMITRI: [14:28:32] -- to say this is not my birth certificate.

17 PRESIDING JUDGE SCHMITT: [14:28:33] No. Yeah, okay.

18 MS DIMITRI: [14:28:34] He -- I never showed him that document. It's different --

19 PRESIDING JUDGE SCHMITT: [14:28:36] Well --

20 MS DIMITRI: [14:28:37] -- it's a birth certificate, and I'm not the one who submitted
21 into evidence in the first place another birth certificate.

22 PRESIDING JUDGE SCHMITT: [14:28:39] So this is -- this is the last document that
23 we ask the witness if it is him or not, or if it is his birth certificate or not, because then
24 it's repetitive. And I don't know why this is so difficult to understand. This does
25 not devalue or value the document as such. When the witness says it's him, fine for

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 you. If he says it's not him, well, we have to assess if this is a correct answer or not
2 in the end.

3 MS DIMITRI: [14:29:07] But that's why I have to put the question, because I need
4 the answer. If he wants to continue deny on another document, it's not
5 the document that I --

6 PRESIDING JUDGE SCHMITT: [14:29:17] If you had -- now -- now I'm getting
7 a little bit impatient. If you had 50 documents, you show him. We hear 50 times,
8 (Redacted)
9 (Trial Chamber confers)

10 MS DIMITRI: [14:29:32] That's where I'm getting at. That's the last document.
11 Thank you.

12 PRESIDING JUDGE SCHMITT: [14:29:37] Yeah, then -- then at some -- at some
13 point in time bring your best documents. So, you know, we are building this up and
14 up and up and -- so 42 then, my colleague seems to think.

15 MS DIMITRI: [14:29:49] But can I -- yes, but can I first have an answer on the birth
16 certificate, that's --

17 PRESIDING JUDGE SCHMITT: [14:29:55] So, Mr Witness, is this your birth
18 certificate or not? (Redacted)
19 (Redacted)

20 THE WITNESS: [14:30:22](Interpretation) No, no, this is not my birth certificate.
21 Also, I'd like to put a question to the Defence lawyers if I might, your Honour.

22 PRESIDING JUDGE SCHMITT: [14:30:30] No, no. No, it's not up to you to put
23 questions, Mr Witness. You answer questions.

24 Okay, but we have the -- let me put it this way, the expected answer, and now?

25 THE WITNESS: [14:30:45](Interpretation) No, it's not my birth certificate.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [14:30:50](Interpretation)

2 Q. [14:30:53] Fine. I'm going to show you one more document, Witness, and that

3 (Redacted)

4 Now, given that you continue to deny that your name is (Redacted)

5 would like to present this document to you which is a (Redacted)

6 (Redacted)

7 (Speaks English) Mr President, can I kindly ask you to close your microphone, please.

8 I'm sorry.

9 * (Interpretation) Now on this document there is a photo, I would put to you. And

10 on the next page, there's another photo which is a -- which is a closer shot.

11 Do you still deny that your name is (Redacted) and you still deny (Overlapping

12 speakers)

13 A. [14:32:09] That's not a photo of me.

14 I -- once again, I really would like to put a question. May I?

15 PRESIDING JUDGE SCHMITT: [14:32:21] No, no, Mr Witness. You have answered

16 that -- so, to make it clear, this is not you on the -- on the photograph here? Yeah?

17 Do we understand this correctly, Mr Witness?

18 THE WITNESS: [14:32:35](Interpretation) Yes.

19 PRESIDING JUDGE SCHMITT: [14:32:38] Ms Dimitri.

20 MS DIMITRI: [14:32:58](Interpretation)

21 Q. [14:32:59] I put it to you, Mr Witness, that you wanted to hide before this

22 Chamber that you're the son of (Redacted) and that this fabrication as regards your

23 true identity was done with (Redacted) who works in tight cooperation with

24 (Redacted)

25 A. [14:33:49] I have clearly stated that I am not his son. I do not recognise these

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 documents which you have put to me. I don't understand what is going on.

2 Q. [14:34:11] I put it to you, Mr Witness, and I understand you continue to deny
3 this, but it is my duty to put forward my suggestion. I suggest that the photos which
4 I have shown you a little earlier, (Redacted)
5 I suggest you know them very well because (Redacted), the photo I just showed you,
6 is your cousin, as some documents confirm, which have been submitted by
7 the Prosecution and are at tab 29 in Defence binder. Twenty-nine to 31 of
8 the Defence binder.

9 * A. [14:35:07] I am telling you that I do not know these persons. I don't know
10 their situation. As far as I know, these people were never there. What has
11 happened for you to present all these documents to me today. * I said I'd like to
12 have a minute to put a question, but since you don't want me to, when you ask me a
13 question I'm answering you, but when I'm asking to put a question, you don't want
14 me to. I don't understand what's happening.

15 PRESIDING JUDGE SCHMITT: [14:35:35] No, the reason --

16 MS DIMITRI: [14:35:35]

17 Q. [14:35:35] (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [14:35:37] -- the reason, Mr Witness, is that we have
19 different roles in this courtroom and it is the judges and the Prosecutor, your
20 representative and the counsel who are asking questions and the witness are
21 answering, and you have clearly answered the questions by Ms Dimitri.

22 MS DIMITRI: [14:35:59](Interpretation)

23 Q. [14:36:01] During my questioning I asked you to explain the differences which
24 appear in the birth date, which appear in the victim form, in the schooling lists, which
25 I suggest are yours.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Before you came here, did somebody whatsoever try to understand and see why there
2 was this difference in the forms as regards the names of your parents or your birth
3 date? Is there anybody before you came here, did anyone try to ask you do you have
4 any evidence or any other documents confirming your identity?

5 PRESIDING JUDGE SCHMITT: [14:36:46] Mr Suprun.

6 MR SUPRUN: [14:36:47](Interpretation) Your Honour, the first part of this question
7 calls for speculation. "Does somebody try to understand why", it's not up to
8 the witness to explain who somebody else might have understood from the various
9 documents.

10 PRESIDING JUDGE SCHMITT: [14:37:09] Mr Witness, let me put the question.

11 Before you came here in the courtroom to testify, was it discussed that on different
12 documents there appeared different dates of birth for you? Did you discuss this
13 with someone? Did someone address that with you?

14 THE WITNESS: [14:37:38](Interpretation) No, no one. No one asked me any
15 questions.

16 PRESIDING JUDGE SCHMITT: [14:37:41] Well, that's the reason why we have
17 Defence counsel in the courtroom also.

18 MS DIMITRI: [14:37:54](Interpretation)

19 Q. [14:37:56] Did someone -- before coming here, did someone try to obtain your
20 school documents or documents regarding your identity, in addition to the birth
21 certificate which has been submitted by my colleague? Was there anybody else who
22 asked for further documents regarding schooling or your identity?

23 A. [14:38:21] No, no, no, no one asked me any questions.

24 Q. [14:38:42] I'm now going to go back to the participation form which you signed
25 when you were with (Redacted), and I would like to talk about the content of

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 the form, because we'll go through it. A little earlier today at 10:33 you said it was
2 important to tell the truth in this form. And you also recognised your signature.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Do you agree with me, that's my question, that nevertheless there's a significant
14 difference in your account?

15 A. [14:40:47] Well, I told you previously that there were quite a few of us. He had
16 an interview with us and when we had the discussion he took note of everything we
17 said. * But afterwards they did not read back what we said. They took notes in a
18 hurry. I can say it is because of that.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [14:41:54] Yes. I told him what I told you yesterday, but he, he certainly noted
25 down something else and he didn't read through the note that he had taken.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

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Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

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Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [14:49:30] It is incorrect or false information. What he said in that document is
10 incorrect. I can see there are two versions. The document was written with
11 the -- with the ICC is my testimony. (Redacted)

12 (Redacted)

13 Q. [14:50:04] What reference -- what document are you talking? When you say
14 "the document relating to the ICC is my testimony", what document are you talking
15 about?

16 A. [14:50:22] My second statement made here. That one, the one I made with
17 (Redacted) is different.

18 PRESIDING JUDGE SCHMITT: [14:50:36] Mr Witness, when you speak about your
19 second statement, do you mean the statement you made here in this courtroom? Just
20 so that we understand.

21 THE WITNESS: [14:50:54](Interpretation) Okay. I spoke about my statement. I
22 want to be truthful with you. I said the following. Well, in fact, there are two
23 versions. Initially there was a document drawn up by (Redacted). The second
24 document is the one which was drafted by Dimitri. Now that is the truth.

25 The testimony that had I made and Dimitri noted down is the truth, is the truthful

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 document.

2 PRESIDING JUDGE SCHMITT: [14:51:34] I assume this is not you?

3 MS DIMITRI: [14:51:38] (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [14:51:39] I'm just -- actually, I'm joking.

5 So, okay, the position of the witness is clearly that the discrepancies between this

6 document we are discussing since half an hour and his oral testimony in this

7 courtroom are based on a misunderstanding or whatsoever of the taking down

8 process by (Redacted). And there is another one, before you start with -- in the

9 document is it's (Redacted). So we have also seen that, obviously. Yeah. Which

10 does not fully accord to what has been said yesterday when he joined the group. So

11 you don't have to bring that up, it has been noted.

12 Well, if I -- if I may, Mr Suprun, do you know something about a second, second

13 victims application document taken by someone with a -- with a striking resemblance

14 with regard to the name with Ms -- with one counsel.

15 MR SUPRUN: [14:52:47] Mr President, my understanding of the witness's

16 statements are that he had been talking about the differences between the information

17 contained in his victim application form collected by (Redacted), and the second

18 statement he is talking his testimony here. This is what I understood. If we can

19 maybe ask a question to clarify this --

20 PRESIDING JUDGE SCHMITT: [14:53:09] Yeah. Yeah, yeah. Okay, okay, okay.

21 It might very well be that you're you right.

22 So, Mr Witness, you have extensively testified yesterday, and also today, when

23 you are speaking about your second statement, is it about what you said or what you

24 told the Court yesterday and today; is this correct?

25 THE WITNESS: [14:53:52](Interpretation) No. You put questions to me relating to

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 what I said to (Redacted), and I said to you that it was different. And what I told
2 Dimitri was also different.

3 The statement which I made before (Redacted) was when I met all the child soldiers.
4 After that, Dimitri went and look -- took that statement and read it to the Court.
5 And so that was -- was what I regard as the second statement and I think that is
6 the correct one. The one done by Dimitri I think is the good one.

7 PRESIDING JUDGE SCHMITT: [14:54:48] And now I have another suggestion,
8 because we have someone with -- at least with a forename, that's you, Mr Suprun, so
9 we have -- so, excuse me. So do you know something about another statement,
10 Mr Suprun?

11 MR SUPRUN: [14:55:07] Thank you, Mr President. Yes, I think I believe that
12 the witness reference to Ms -- to *Maître* Dimitri, it's a reference to myself rather than
13 my colleague (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [14:55:17] Well, that would -- at least there is
15 some -- some indicia for that. Yes.

16 MR SUPRUN: [14:55:21] Yes, because my clients know -- know me as *Maître* Dimitri,
17 so -- rather than *Maître* Dmytro.

18 In relation to the -- just my -- I would like to contribute, maybe the witness is, in
19 relation to the second statement, the witness refers to the summary of the anticipated
20 testimony I prepared, so I (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [14:55:43] Which -- which, let me just assume, which
22 was produced when you were talking with him.

23 MR SUPRUN: [14:55:48] Yes, exactly, exactly.

24 PRESIDING JUDGE SCHMITT: [14:55:50] Okay. So we leave it at that.

25 So we know now that it's not counsel Ms Dimitri, but it is counsel Mr Dimitri Suprun.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Okay. We have understood now, Mr Witness. Thank you very much.

2 So, Ms Dimitri, please continue.

3 MS DIMITRI: [14:56:13](Interpretation)

4 Q. [14:56:14] Just a question, when you refer to your statement which was read by
5 Counsel Dimitri, your counsel, that statement was read out to you by Dimitri when
6 you were in Bangui; is that correct, it was read out to you?

7 A. [14:56:39] Yes, it was read out to me in the office in Bangui.

8 Q. [14:56:43] And that statement which was read out to you, did you sign it? At
9 some point in time did you sign any document with Counsel Dimitri?

10 A. [14:57:06] No.

11 PRESIDING JUDGE SCHMITT: [14:57:07] It's technically, of course, not a statement
12 we are talking about, as well as the victims applications forms are not a statement.
13 However, I think it is not bad to say this for the record, we had it also in another case.
14 It would be advisable, already at the stage of collecting the victims' applications, to
15 take the utmost care when they are -- when they are taken, and of course afterwards
16 to read out what has been written down.

17 Also, let me say the discrepancies here are so big that it's -- that they're hard to
18 understand, I have to say. You know, it is -- you know, in details we can -- we can
19 err, we can misunderstand things in details 2003, 2004, yes. But this is of course
20 completely different and this might have different reasons.

21 So, Ms Dimitri.

22 MS DIMITRI: [14:58:07] Thank you, Mr President. As a matter of fact it's my next
23 question.

24 Q. [14:58:12](Interpretation) Mr Witness, there are big, significant differences
25 between what you said here in the hearing and what has been written down in your

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 application. At any point in time did your counsel try and understand why there
2 were such big difference? Did they ask any questions about these major differences?

3 A. [14:58:49] Yes, they asked me questions relating to this. When they arrived,
4 they asked me questions to find out why there was a difference between what I said
5 then and what I said previously. I told them that -- that the statement which I had
6 made at (Redacted) was different because we didn't read our statements in -- it wasn't
7 in Sango so that we could provide the necessary corrections and recount the accurate
8 situation of what happened.

9 PRESIDING JUDGE SCHMITT: [14:59:42] I think this is -- this is clear now, what
10 the -- what the position of the witness is in that regard, yeah.

11 And, also, it's not, let's say, the obligation of Mr Suprun to bring it up on his
12 examination, let me put this way. You see what I mean?

13 MS DIMITRI: [15:00:00] That was not my question.

14 PRESIDING JUDGE SCHMITT: [15:00:02] That was not your question, no, but he
15 has answered it. It has not -- it has been discussed, and, well, and the result is
16 the oral testimony in this courtroom yesterday and today.

17 MS DIMITRI: [15:00:21](Interpretation)

18 Q. [15:00:24] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 You gave examples about (Redacted). It's quite a difference. There's quite
2 a difference there between your, your form, the content of your form and the content
3 of your testimony.

4 So, once again, is it your position once again that this is an error made by (Redacted),
5 is that what you're saying?

6 PRESIDING JUDGE SCHMITT: [15:02:00] Mr Suprun.

7 Before you answer, please wait, wait a second, Mr Witness.

8 Mr Suprun.

9 MR SUPRUN: [15:02:05] Mr President, this question has already been asked several
10 times. The witness explained several times what the reason of the difference is. He
11 explained that his statements were incorrectly noted by the person who was in charge
12 of helping him in filling the application form. I don't know whether we need to
13 come back again to particular aspects because he clearly explained that what he told
14 was not (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [15:02:30] He has said -- he has said it three times,
16 so every -- and we can extend it on that. Please move on. I agree with Mr Suprun.

17 MS DIMITRI: [15:02:38] Mr President, may I respond to the objection?

18 PRESIDING JUDGE SCHMITT: [15:02:40] No, no, no. You have his --

19 MS DIMITRI: [15:02:41] It's the centre of his testimony.

20 PRESIDING JUDGE SCHMITT: [15:02:42] Yes, we know that he says --

21 MS DIMITRI: [15:02:43] It's -- it's not a detail. It's if he wants to stand on his
22 position (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [15:02:49] Yeah, he stands on his position, I can
24 already tell you.

25 MS DIMITRI: [15:02:53] Well, I can't, because he didn't answer. It's my duty to put

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 to him differences.

2 PRESIDING JUDGE SCHMITT: [15:03:01] No, it is -- no, that is also a little bit of a
3 misunderstanding. This is obviously some school amongst defence counsel that you
4 have to put everything to the witness. When differences are obvious, we don't need
5 to be reminded four, five, six times. We have heard yesterday what the witness has
6 said. It is obvious that there is a striking difference, to put it even mildly, to what is
7 in this participation form. You have asked him three times about certain aspects of
8 this contradiction. He has three times answered that it was taken, taken wrongly.
9 Now, so we have the answer, however we would -- we would assess that in the end.
10 So please move on. I'm really -- it is absolutely clear it has nothing now, to put it
11 even more on the spot, it has nothing to do, this form, with what he said. So we
12 could take -- we could draw everything what he said yesterday out and say: Why is
13 it not in here? Why is it not in here?

14 And we know the answer. It was taken wrongly by (Redacted), that is the position
15 at least of the witness, for what it's worth.

16 We do not -- this is something that I really encounter (Overlapping speakers)

17 MS DIMITRI: [15:04:23] I was moving on (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [15:04:24] -- encounter here since several years, that
19 I don't know where this comes from, but that sometimes counsel - it's not -- it's not
20 only you, it's also from Prosecution in different cases - insist on the obvious.
21 So it's not a jury sitting here, it's professional judges that are doing this since -- since
22 decades, and we see the difference and we have three answers of the witness why
23 that might have been coming about.

24 So, please, you said you'd continue, so please do so.

25 MS DIMITRI: [15:05:07](Interpretation)

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 Q. [15:05:09] Witness, I am going to put something to you now and this is my last
2 series of questions. I would put it to you that you changed your version (Redacted)
3 (Redacted)-- a corporal chief of the Central African army, Mr Yekatom, because you
4 wanted to claim a greater and more important role in order to be selected as a witness,
5 and so my suggestion to you is that you were never a member of the Anti-Balaka
6 group.

7 A. [15:06:01] Well, if you say that, then I would put a question to you. You say
8 that I was not a member of the Anti-Balaka, but then how did I get (Redacted)
9 Your representative in the Central African Republic provided me with his telephone
10 number. How would I have got his telephone number?

11 Q. [15:06:23] And I would put it to you --

12 PRESIDING JUDGE SCHMITT: [15:06:26] Ms Dimitri.

13 Mr Witness, it is the duty and the obligation of the counsel to defend her client
14 the best way, so she has a completely different role than your counsel Mr Suprun has
15 or the Prosecution has.

16 So this is -- she has to put this to you because that's -- that's her understanding of
17 the case, and you can simply answer: yes, I have been member of the Anti-Balaka and
18 (Redacted)
19 to make myself more important. You can simply deny that, that that's also -- if this is
20 the correct and truthful answer.

21 So what is it?

22 (Redacted)

23 (Redacted)

24 (Redacted) He's familiar with all those localities.

25 PRESIDING JUDGE SCHMITT: Thank you.

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [15:08:03](Interpretation)

2 Q. [15:08:03] Witness, I would also put it to you that your account and
3 the documents that were presented by your counsel regarding your identity and that
4 (Redacted)

5 works with the victims representatives to help you obtain your objective, and that
6 was to be relocated, as he had managed to achieve for his (Redacted)
7 (Redacted)

8 A. [15:09:00] I have said to you I don't know that person, that person you showed
9 to me a bit earlier. I'm not there. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [15:09:27] Mr Suprun, the witness has answered and
15 it's -- it's a sufficient answer.

16 And in the same -- Ms Dimitri, in the same way, you don't have to suggest anything
17 more.

18 MS DIMITRI: [15:09:36] It was my last question, Mr President. Thank you very
19 much.

20 PRESIDING JUDGE SCHMITT: [15:09:39] I thought so.

21 Thank you very much, Ms Dimitri.

22 Mr Witness, this concludes your testimony. Thank you very much for testifying
23 the past two days. It's a difficult experience for witnesses. Sometimes we

24 understand that. We appreciate it, nevertheless, that witnesses make themselves

25 available for the Court, to come to the Court and to help us determine the truth. We

Trial Hearing
Witness: CAR-V45-P-0001

(Private Session)

ICC-01/14-01/18

1 would like to thank you for that and wish you a safe trip back home.

2 THE WITNESS: [15:10:20](Interpretation) Thank you.

3 (The witness is excused)

4 PRESIDING JUDGE SCHMITT: [15:10:25] Before we part, I have a scheduling
5 matter with regard to -- everybody is -- what? No, no, no, the witness can be inside.
6 It's concerning, because the witness might not know who 0952 is.

7 So, after extensive efforts, the Chamber is now going to schedule the testimony of
8 Witness P-0952 from -- I see frightened, actually, some frightened faces, from Tuesday,
9 24 October until Tuesday, 31 October, including this Tuesday, 31 October. So I think
10 there will be some final confirmation via email, but, well, we really did -- did
11 everything and we hope that it now works out. But this is the date that we are going
12 to schedule. Yeah.

13 So, this -- Ms Dimitri, yeah.

14 MS DIMITRI: [15:11:32] Mr President, just one question, just because it has an
15 impact on -- I have to reschedule a trip, a mission.

16 PRESIDING JUDGE SCHMITT: Yeah. I know.

17 MS DIMITRI: [15:11:37] Was this confirmed by the witness or it's the direction -- I
18 just -- I -- like, how set in stone is the date?

19 PRESIDING JUDGE SCHMITT: [15:11:46] It is as much set in stone as it is possible
20 under the circumstances. So if this not works -- no, I don't want to say too much,
21 yeah, but I know it's unfortunate. It's had also repercussions for some of the judges,
22 but it's not so important. But now, as I said, these days stand. If they fall, well,
23 I don't want to say something definitive.

24 This concludes the hearing for today. We reconvene, hopefully, on Tuesday, 9.30.

25 Yeah, okay.

Trial Hearing

(Private Session)

ICC-01/14-01/18

Witness: CAR-V45-P-0001

- 1 THE COURT USHER: [15:12:25] All rise.
- 2 (The hearing ends in private session at 3.12 p.m.)