

Trial Hearing
Witness: CAR-V45-P-0002

(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 Wednesday, 27 September 2023
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:06] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:19] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:33] 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 And for the record, we're in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:47] Thank you.
21 I ask for the appearances of the parties.
22 Mr Prosecution, like always.
23 MR GARCIA: [9:32:52] Good morning, Mr President, your Honours. Lucio Garcia
24 for the Prosecution. I am here with Mr Yassin Mostfa and Mr Kweku Vanderpuye.
25 Thank you.

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- 1 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.
- 2 I turn to the representatives of the victims, Ms Massidda first.
- 3 MS MASSIDDA: [9:33:05] Good morning, Mr President, your Honours. For
- 4 victims of the other crimes, appearing today Mr Chenaifa Merouane and myself,
- 5 Paolina Massidda.
- 6 PRESIDING JUDGE SCHMITT: [9:33:14] Thank you.
- 7 Mr Suprun.
- 8 MR SUPRUN: [9:33:17] Good morning, Mr President. Good morning, your
- 9 Honours. The composition of the team representing the former child soldiers is
- 10 same as yesterday. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you.
- 12 Ms Dimitri next. I thought you had vanished somehow. But you have resurfaced.
- 13 That's a positive sign.
- 14 MS DIMITRI: [9:33:36] Good morning, Mr President. Good morning, your
- 15 Honours. Good morning, everyone. The composition of the Yekatom team is the
- 16 same as yesterday.
- 17 PRESIDING JUDGE SCHMITT: [9:33:40] Very quick. We appreciate that.
- 18 Ms Proulx is not the same composition.
- 19 MS PROULX: [9:33:47] Good morning, Mr President. Good morning, your
- 20 Honours, everyone. Indeed, the composition has changed. Today Mr Ngaïssona is
- 21 represented by Despoina Eleftheriou, Mathias Goffe and Sorenza Bangaya, as well as
- 22 myself, Marie-Hélène Proulx. Thank you.
- 23 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you.
- 24 And, of course, good morning, Mr Witness, and welcome again to the courtroom. I
- 25 hope you had a good rest yesterday.

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1 WITNESS: CAR-V45-P-0002 (On former oath)

2 (The witness speaks Sango)

3 THE WITNESS: [9:34:19](Interpretation) Yes, I did have an opportunity to rest.

4 PRESIDING JUDGE SCHMITT: [9:34:24] Thank you.

5 We continue with the examination by Ms Dimitri. You have the floor.

6 MS DIMITRI: [9:34:30] Thank you, Mr President.

7 QUESTIONED BY MS DIMITRI: (Continuing)(Interpretation)

8 Q. [9:34:47] Good morning once again, Mr Witness.

9 A. [9:34:51] Good morning.

10 MS DIMITRI: [9:34:55] Mr President, I have two or three questions in private session,

11 then I believe I can go back to public for a while, with your leave.

12 PRESIDING JUDGE SCHMITT: [9:35:11] So, perhaps I explain it to the audience.

13 This is a protected witness, and when questions are asked where the answer could

14 reveal the identity of the witness, we have to do that in private session. But, as

15 counsel has said, this will only be a few and afterwards we go back to open session.

16 So, for the moment, private session, please.

17 (Private session at 9.35 a.m.)

18 THE COURT OFFICER: [9:35:33] We are in private session, Mr President.

19 MS DIMITRI: [9:35:53] Thank you.

20 Q. [9:35:57](Interpretation) I'm sorry, Mr Witness, I just had a little bit of trouble
21 with my computer.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [9:37:20] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) When you met with

10 Ms Douzima and she filled out the form, were you the one who gave that name to

11 Ms Douzima?

12 A. [9:38:28] No.

13 Q. [9:38:32] I think we can do this next part in open session, because I'll be asking

14 you some questions about the court ruling that you were shown yesterday. I won't

15 go into the details of this court ruling serving as a replacement for a birth certificate.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [9:39:25] (Redacted)

20 MS DIMITRI: [9:39:36] Mr President, I think we can go in public session. I have a

21 few questions on the procedure and I'm not going to touch the content, so I believe --

22 PRESIDING JUDGE SCHMITT: [9:39:43] Yeah, yeah. No, that seems to be possible.

23 We try it, at least, in open session, but I think it will work.

24 (Open session at 9.40 a.m.)

25 THE COURT OFFICER: [9:40:04] We are in open session, Mr President.

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1 MS DIMITRI: [9:40:09](Interpretation)

2 Q. [9:40:18] As I was saying, I'm going to ask you some questions about this court
3 decision. If you think that your answer might identify you, just let me know and
4 we'll go into private session; is that all right?

5 Now, in response to some questions from Mr Suprun, your lawyer, you said that this
6 court ruling that reconstituted the birth certificate was given to you by Mr Akem and
7 he talked to you about this. Now, do you know how Mr Akem got this court ruling?

8 A. [9:41:06] He met with me and he asked me for my birth certificate. I told him
9 that my birth certificate was at home. And when there was a meeting in Bangui, he
10 told me that I had to come with my birth certificate, and I looked for it, but I couldn't
11 find it. He told me we could get another one. He asked me for my birth date and
12 he was going to use the birth date to get a new birth certificate.

13 Q. (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [9:41:57] Ms Dimitri, you are a little bit too quick.
15 So please keep that in mind.

16 MS DIMITRI: [9:42:08] My apologies to the interpreter.

17 * Q. [9:42:16](Interpretation) I understand. I suppose at that time you didn't give
18 the hour of your birth to Mr Akem?

19 A. [9:42:31] Yes, I told them what time I was born at.

20 Q. [9:42:39] So you know the exact time of day that you were born at?

21 A. [9:42:44] Yes.

22 Q. [9:42:47] And what time were you born at?

23 {ICR: A. [9:42:55] (Redacted)}

24 PRESIDING JUDGE SCHMITT: [9:43:04] (Redacted)

25 (Redacted)}

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- 1 MS DIMITRI: [9:43:09] Yes, I understand.
- 2 PRESIDING JUDGE SCHMITT: [9:43:12] You meant time.
- 3 MS DIMITRI: [9:43:13] Yes. Yes.
- 4 PRESIDING JUDGE SCHMITT: [9:43:14] On a -- let's say, on a daily basis, not with
- 5 regard to a certain date in time.
- 6 MS DIMITRI: [9:43:24] And, Mr President, just for -- just for this specific question,
- 7 could we go to private session, please.
- 8 PRESIDING JUDGE SCHMITT: [9:43:32] Of course.
- 9 (Private session at 9.43 a.m.)
- 10 THE COURT OFFICER: [9:43:47] We are in private session, Mr President.
- 11 PRESIDING JUDGE SCHMITT: [9:43:51] Thank you. And I think we should redact
- 12 that. I want to say that in private session, that's not a problem. The audience is not
- 13 so huge, so no problem here. No worries, please.
- 14 Ms Dimitri, continue.
- 15 MS DIMITRI: [9:44:07](Interpretation)
- 16 Q. [9:44:09] Now, Mr Witness, I realise you gave the entire birth date to Mr Akem,
- 17 including time of day, or -- well, did you give the actual time of day, the hour and
- 18 minute, or the actual time on a watch? Do you know that? Do you have that
- 19 information or not?
- 20 A. [9:44:36] No, I don't.
- 21 Q. [9:44:38] Thank you.
- 22 MS DIMITRI: I think we can go back in public session.
- 23 PRESIDING JUDGE SCHMITT: [9:44:41] Can we go back, you think? Yeah. okay,
- 24 then we go back to open session.
- 25 (Open session at 9.44 a.m.)

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1 THE COURT OFFICER: [9:44:59] We are in open session, Mr President.

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

3 Q. [9:45:12] Yes, now I realise that this is information that you gave to Mr Akem.

4 What I would like to know is this: Once you gave him the information, do you
5 know how - now, this is if you know - do you know how, in practical terms, how did
6 he actually obtain this court decision?

7 A. [9:45:42] No, I don't know. I think he went to Mbaïki.

8 Q. [9:45:53] And you yourself, personally, I realise you didn't go to Mbaïki, you did
9 not give testimony before a court to get this court ruling. Have I correctly
10 understood?

11 A. [9:46:08] Yes, that's right.

12 Q. [9:46:11] At any particular time did you go to the Pissa town hall to get any kind
13 of document? You, yourself, you personally, did you go to the Pissa town hall to get
14 any documents?

15 A. [9:46:38] What kind of document are you talking about?

16 Q. [9:46:46] In actual fact, as part of these proceedings --

17 THE INTERPRETER: Correction.

18 THE WITNESS: [9:46:53](Interpretation) As part of this process to obtain this court
19 ruling, before or after, did you ever go to the Pissa town hall in order to get any kind
20 of document to support this court record or once you got it, did you, yourself, go to
21 the Pissa town hall as part of this process?

22 A. [9:47:25] First we went to the town hall. Mr Akem asked me for my birth
23 certificate and I myself went to the town hall and I asked for a new birth certificate,
24 but I didn't have any money to pay the fee, so I just dropped it.

25 Q. [9:47:57] Okay. All right. Other than that particular time, did you go back at

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1 any point in time to the town hall to obtain a document, or did someone else do that,
2 someone else, a person other than yourself?

3 A. [9:48:17] Yes, that's right.

4 Q. [9:48:22] When you say "that's right", what do you mean? You didn't go back
5 to the town hall to get any document other than that one occasion that you told us
6 about when you had no money and you dropped the whole matter?

7 A. [9:48:37] Yes, that's right.

8 PRESIDING JUDGE SCHMITT: [9:48:44] Mr Witness, to your knowledge did
9 anybody else go on behalf of you to obtain any documents at the town hall? If you
10 know that.

11 THE WITNESS: [9:48:58](Interpretation) Are you talking about my birth certificate?

12 PRESIDING JUDGE SCHMITT: [9:49:16] Yes, Mr Witness. To your knowledge, did
13 anybody -- you said you didn't have the money to obtain the document, the new
14 document. To your knowledge, did anybody else go on your behalf to the town hall
15 to receive such a document?

16 THE WITNESS: [9:49:51](Interpretation) Yes, Mr Akem did.

17 PRESIDING JUDGE SCHMITT: [9:49:53] Ms Dimitri.

18 MS DIMITRI: [9:49:55] Thank you.

19 Q. [9:49:57] (Interpretation) Now, your lawyer, Mr Suprun, showed you another
20 document and this is a transcription of your birth certificate -- that is to say, the birth
21 certificate issued by the town hall in Pissa. This is tab 66.

22 THE INTERPRETER: [9:50:29] Correction.

23 MS DIMITRI: [9:50:32](Interpretation)

24 Q. [9:50:33] 56, CAR-V45-00000009. Yesterday, you testified that you recognised
25 this document, time stamp 11:55. Am I to understand from your answer to the

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1 Presiding Judge that you weren't the one who went to the town hall in Pissa to get
2 this document, the document, namely the transcription of your birth certificate? Am
3 I correct in saying that you yourself did not go personally to the town hall?
4 PRESIDING JUDGE SCHMITT: [9:51:09] Mr Suprun?
5 MR SUPRUN: [9:51:14] Mr President, this question was already asked and answered
6 by the -- by the witness.
7 PRESIDING JUDGE SCHMITT: [9:51:19] Yes, I also think so. The witness went
8 once there, he said, didn't have the money, went back -- you asked him, "Did you go
9 back?" He didn't go back. So I think we can really assume that this has been
10 answered. Please continue.
11 MS DIMITRI: [9:51:48](Interpretation)
12 Q. [9:51:51] So, the document that you said you recognised, this transcription of the
13 birth certificate, am I to understand that it was Mr Akem who gave it to you?
14 A. [9:52:05] Yes.
15 MS DIMITRI: [9:52:52] If I could have a moment, please.
16 (Counsel confers)
17 MS DIMITRI: [09:52:49] Mr President, in light of the answers, I don't intend to go
18 further on that subject.
19 PRESIDING JUDGE SCHMITT: [9:52:58] Yes.
20 MS DIMITRI: [9:52:59] Just for the record, you will recall the email from the LRV for
21 child soldiers sent on 8 September 10:26. In the metadata, the metadata clearly
22 indicated that the documents, the two documents, were transmitted to the respective
23 witnesses by the tribunal and that the witness also obtained from the Pissa city hall.
24 This is why I had to question the witness on the -- on the -- how he obtained the
25 document. And I also -- again, I'm not going to put it on the screen -- just for the

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1 record, tabs 16 and 17, which were addressed with the previous witness, which is the
2 WhatsApp procedure of how these documents were obtained. And that being said,
3 I'm completely changing subject now.

4 PRESIDING JUDGE SCHMITT: [9:53:54] Yes. You can be sure that this did not
5 escape our attention, so you can continue.

6 MS DIMITRI: [9:54:02] Thank you.

7 PRESIDING JUDGE SCHMITT: [9:54:13] But always keep in mind if we can stay in
8 open session, please.

9 MS DIMITRI: [9:54:17] Yes. My microphone stopped working. I can't see the
10 channels. If I could --

11 PRESIDING JUDGE SCHMITT: [9:54:27] Well, the most important thing is that we
12 can hear you and that still works. Not now. I think you will --

13 MS DIMITRI: [9:54:40] Okay, it's fine. It's back, it's back.

14 Q. [9:54:44] (Interpretation) I'm going to change topic now, Mr Witness. I'd like to
15 ask you about *Enfants sans Frontières*, the organisation. Yesterday, you gave
16 testimony and you said that you took part in the demobilisation programme offered
17 by ESF in Pissa. What I would like to ask you is this: What did you mean by a
18 demobilisation programme in Pissa? Could you explain to us what that programme
19 included? What did it consist of?

20 A. [9:55:24] When they came, they took us to Mbaïki and we spent two months
21 there and during that time we learned how to be a trader, how to farm, how to raise a
22 family, how to support a family.

23 Q. [9:55:54] And when you say "they" - "they took us to Mbaïki" - are you referring
24 to the coordinator of *Enfants sans Frontières*? I'll put some names to you and you can
25 tell me if -- are you talking about Kevin Mborolo, Kevin Kakpayen, the

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1 coordinators -- well, namely the coordinator and the assistant coordinator of ESF?

2 A. [9:56:21] Yes, those are the people.

3 Q. [9:56:24] Now, I know that your memory of dates -- I know that it's difficult for
4 you to remember specific dates, so I'll try to refresh your memory and I'll refer to
5 some key events, because I'm trying to understand when you went through this
6 demobilisation programme with the two Kevins from ESF. Am I correct in saying
7 that when you took part in the programme, Ms Catherine Samba-Panza was still the
8 president of the Central African Republic?

9 A. [9:57:13] That is correct.

10 Q. [9:57:19] Am I also correct in saying that when you went through this
11 programme it was the same year when Coeur De Lion died, but that was
12 several months later; is that correct?

13 A. [9:57:37] He was already dead. It was only later, after, that we began the
14 programme with ESF.

15 Q. [9:57:56] I understand. So he had already died and it was a few months after
16 his death, the same year but a few months after his death; am I correct?

17 A. [9:58:13] That's right.

18 MS DIMITRI: [9:58:33] My colleague, Ms Guissé, is reminding me that the next
19 series of questions have to be in private session, I'm sorry.

20 PRESIDING JUDGE SCHMITT: [9:58:40] Okay, then we go to private session.

21 (Private session at 9.59 a.m.)

22 THE COURT OFFICER: [9:59:00] We are in private session, Mr President.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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4 MS DIMITRI: [10:03:13] Excuse me, Mr President. I'm just debating if I can go in
5 public and private, because as you know the decision on the protective measure was
6 given yesterday; so I have to -- I have to reshuffle --

7 PRESIDING JUDGE SCHMITT: [10:03:24] Absolutely. No, no, everybody - also,
8 Mr Suprun - you did a great job in that regard, but you understand that it could not
9 have been on a longer notice, so to speak. So take your time and discuss it with

10 Ms Guissé.

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 MS DIMITRI: [10:04:36] I believe the next series of questions can be done in public.

24 PRESIDING JUDGE SCHMITT: [10:04:41] Yes, open session.

25 (Open session at 10.04 a.m.)

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1 THE COURT OFFICER: [10:04:45] We are in open session, Mr President.

2 MS DIMITRI: [10:05:05](Interpretation) Thank you.

3 Q. [10:05:07] Again, as regards the demobilisation program with ESF, Mr Witness, I
4 would like to know how did you hear about this program? How did it happen that
5 you were selected for the program? Who, in ESF, took up contact with you the first
6 time before going to Mbaïki, when you were still in Pissa?

7 A. [10:05:37] It was some of the staff of ESF. When they arrived initially, they met
8 the mayor and asked that they be shown the child victims so that they could be
9 demobilised, re-educated and so that they would no longer be integrated into any
10 armed groups.

11 Q. [10:06:25] Two questions, after your answer, when you said it's the members of
12 the staff of the ESF, you're still talking about Kevin Mborolo and Kevin Kakpayen,
13 and other members of the staff of *Enfants sans Frontières* like Beninga; is that correct?

14 A. [10:06:46] Well, Kevin Kakpayen, we met him in Mbaïki. After the meeting, we
15 went to Mbaïki and we worked together with that gentleman, Kevin Kakpayen and
16 others.

17 Q. [10:07:12] And when you say the mayor, are you talking about the mayor of
18 Pissa, Okoa-Penguia, is that correct?

19 A. [10:07:30] Yes.

20 Q. [10:07:33] Now, before going to Mbaïki, did you have an interview, a discussion,
21 a talk? Somebody -- did somebody ask you questions before selecting you to be part
22 of those who would spend two months in Mbaïki?

23 A. [10:07:59] Yes.

24 Q. [10:08:14] Who, in particular, specifically, had that talk with you?

25 A. [10:08:23] It's one of the members of the staff of ESF. He was the one who had

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1 a discussion with us, and then a date was fixed so that a vehicle would come from
2 Mbaïki and take us to Bangui or that --

3 THE INTERPRETER: [10:08:48] Sorry, correction --

4 THE WITNESS: [10:08:49] -- that a vehicle would come from Bangui to take us to
5 Mbaïki.

6 MS DIMITRI: [10:08:54](Interpretation)

7 Q. [10:08:55] At 10:53 yesterday, you told Mr Suprun, your lawyer, that the staff of
8 ESF asked you your name, your age and your date of birth. During that interview,
9 did you provide the same information -- I don't want you to repeat it because we are
10 in public session, but did you provide them with the same information, that which
11 you gave in this court as regards your name, date of birth?

12 A. [10:09:32] Sorry?

13 MS DIMITRI: [10:09:44] I think -- to be very clear, I think I'm just going to ask that
14 question in private session, Mr President, and go straight to the point.

15 PRESIDING JUDGE SCHMITT: [10:09:50] Yes, but perhaps this in private session
16 and then --

17 MS DIMITRI: [10:09:52] Yes.

18 PRESIDING JUDGE SCHMITT: [10:09:53] -- as soon as possible we go to open.

19 MS DIMITRI: [10:09:55] Yes, just one question in private.

20 PRESIDING JUDGE SCHMITT: [10:09:58] Yes, yes. Private session.

21 (Private session at 10.10 a.m.)

22 THE COURT OFFICER: [10:10:12] We are in private session, Mr President.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 11 MS DIMITRI: [10:11:58] I think we can go back into open session.
- 12 PRESIDING JUDGE SCHMITT: [10:12:03] Yes, I thought so.
- 13 Thank you, Mr Witness.
- 14 We can go back to open session.
- 15 (Open session at 10.12 a.m.)
- 16 THE COURT OFFICER: [10:12:13] We are back in open session, Mr President.
- 17 MS DIMITRI: [10:12:31](Interpretation).
- 18 Q. [10:12:31] Before going to Mbaïki, how many interviews did you have with the
- 19 ESF staff -- one or more than one?
- 20 A. [10:12:38] We had only one interview.
- 21 Q. [10:12:52] And how many individuals were present during those talks? In
- 22 addition to you, how many other people were there?
- 23 A. [10:13:00] Are you talking about the moment when we filled in the forms with
- 24 ESF in Pissa or are you talking about Mbaïki?
- 25 Q. [10:13:19] I'm talking about Pissa, when you were filling in the forms. Sorry,

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1 just to be clear for you, I'm not talking about the identification sheet for this case
2 which you filled in with Ms Douzima; I'm talking about the demobilisation program
3 of ESF, before leaving to go to Mbaïki.

4 And I repeat my question: At that point in time, how many individuals were
5 present together with you when you had your discussions with ESF before the
6 selection, so that you could be part of the program of two months in Mbaïki?

7 A. [10:14:08] There were many of us. There were many of us when we were
8 filling in those forms. There were also people from the focal point. They, too, were
9 present.

10 Q. [10:14:34] Is that Didier Beninga?

11 A. [10:14:39] Yes, I'm talking about him.

12 Q. [10:14:44] Where did the discussions take place?

13 A. [10:14:51] At the town hall.

14 MS DIMITRI: [10:15:29] If I could have a moment.

15 Q. [10:16:15](Interpretation) Now, when you arrived in Mbaïki to spend
16 two months there, you told us, unless I'm mistaken, that Kevin Kakpayen was present
17 in Mbaïki, you saw Kevin Kakpayen in Mbaïki.

18 In addition to Kevin Kakpayen, which other individuals of ESF occupied or helped
19 you during those two months in Mbaïki?

20 A. [10:16:51] I don't know their names. I have forgotten their names.

21 Q. [10:17:02] The one I showed you the photo of, Kevin Mborolo, was he present in
22 Mbaïki? Did he see how the program was doing? Did you see him on occasion
23 during those two months when you were in Mbaïki?

24 A. [10:17:21] In Mbaïki, there was Kakpayen who came from time to time. He
25 provided us food and told us what we should eat.

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1 Q. [10:17:44] And Kevin Mborolo, did you see him in Mbaïki, the one on the photo
2 that we just saw?

3 THE INTERPRETER: [10:18:00] The Sango booth did not get the answer of the
4 witness.

5 PRESIDING JUDGE SCHMITT: [10:18:03] Mr Witness, there was an interpretation
6 issue. Could you please repeat your last answer?

7 THE WITNESS: [10:18:09](Interpretation) Yes.

8 THE INTERPRETER: [10:18:33] The witness answered in the affirmative, says the
9 Sango booth.

10 PRESIDING JUDGE SCHMITT: [10:18:38] Yeah, I think we understood that, yes.
11 Thank you.

12 MS DIMITRI: [10:18:44](Interpretation)

13 Q. [10:18:44] Now, during your entire stay which you had in Mbaïki, those
14 two months which you spent in Mbaïki, do you remember there was a ceremony at
15 some point in time with the mayor of Mbaïki *and a representative of Bangui?

16 A. [10:19:15] Yes.

17 Q. [10:19:22] At any point in time after the two months which you spent in Mbaïki,
18 did you stay in a host family?

19 A. [10:19:52] Yes, that's correct.

20 MS DIMITRI: [10:20:01] Could we go to private session for one question, please?

21 PRESIDING JUDGE SCHMITT: [10:20:05] Shortly, to private session.

22 (Private session at 10.20 a.m.)

23 THE COURT OFFICER: [10:20:22] We are in private session, Mr President.

24 (Redacted)

25 (Redacted)

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7 (Open session at 10.27 a.m.)

8 THE COURT OFFICER: [10:27:25] We are in open session, Mr President.

9 MS DIMITRI: [10:27:43](Interpretation)

10 Q. [10:27:45] Mr Witness, I'm going to change topics. I will come back later to ESF.

11 I'm going to change topics and I would like to talk about 5 December 2013, the attack

12 in Bangui. Yesterday, at 10:40, when you gave your testimony you answered to

13 Mr Suprun, my co- -- that at the moment of the attack of 5 December you were

14 regrouped in the Kapou forest and Coeur de Lion had left. And upon his return, on

15 5 December, there were three shots in the air and everyone clapped.

16 Now, my question to you: Have I understood correctly that it was in the Kapou

17 forest that Coeur de Lion returned? He came back to the forest and that's where you

18 heard everyone applaud; is that correct?

19 A. [10:29:01] Yes.

20 Q. [10:29:04] Yesterday, at 10:11 in your testimony, you said that you were building

21 small huts for your chief.

22 My question: Am I to understand that it was in the Kapou forest that you built a hut

23 for Coeur de Lion; is that correct?

24 A. [10:29:41] No.

25 Q. [10:29:49] Where was the hut for Coeur de Lion? Where was it constructed?

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1 A. [10:30:00] It was in the Mogné forest.

2 Q. [10:30:14] Now, I want to talk about Boda. Yesterday, I understood from your
3 testimony at 13:40 that you were in the Mogné forest and you passed by the Kapou
4 forest to go to Boda; is that correct?

5 A. [10:30:50] Yes.

6 Q. [10:30:53] So, that entire journey was in the bush and wasn't done through the
7 main route -- you went through track routes, through the bush so that you couldn't be
8 seen; is that correct?

9 A. [10:31:10] Yes.

10 Q. [10:31:13] And is it correct that this journey was done entirely on foot, because
11 you went through the bush?

12 A. [10:31:27] That is correct.

13 Q. [10:31:30] And now, once in the Kapou forest, you continued to go to Boda, as
14 you just said, and you continued on foot in the tracks through the forest; is that
15 correct?

16 A. [10:31:48] Yes.

17 Q. [10:31:50] And yesterday you said that during this battle in Boda - you said that
18 at 10:28 - there were many deaths from your side and others. My question: How
19 many elements in your group died?

20 A. [10:32:20] Many people died. Many of us were taking part in that fighting.
21 We went on -- we were aboard nearly 13 vehicles, 13 motorcycles.

22 Q. [10:32:40] But your group, could you give us an estimate, how many people
23 died from your group? Are we talking about five deaths, 10, 20, 100?

24 A. [10:32:57] There was only one person who died.

25 Q. [10:33:09] So, from your group only one person died?

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- 1 A. [10:33:18] Yes.
- 2 Q. [10:33:21] Who was it?
- 3 A. [10:33:24] Our ComZone.
- 4 Q. [10:33:30] Can you give us the name of the person?
- 5 A. [10:33:35] Yes, Coeur de Lion.
- 6 Q. [10:33:46] So, it's incorrect to say that other than Coeur de Lion, some young
- 7 people died as well? That's not true, is it?
- 8 A. [10:34:08] Are you talking about our group?
- 9 Q. [10:34:15] I'm still talking about your group.
- 10 A. [10:34:26] There were no other deaths.
- 11 Q. [10:34:30] Now, during that entire journey from the Mogné forest to the Kapou
- 12 forest, all the way to Boda, that particular journey, it was Coeur de Lion who led the
- 13 way?
- 14 A. [10:34:54] Yes.
- 15 MS DIMITRI: [10:35:08] If I could have just a moment, please.
- 16 PRESIDING JUDGE SCHMITT: [10:35:09] Yes.
- 17 (Counsel confers)
- 18 MS DIMITRI: [10:36:51] Mr President, I -- my next series - not very long, maybe five
- 19 or six questions - in private session.
- 20 Yes, please.
- 21 PRESIDING JUDGE SCHMITT: [10:37:15] Private session.
- 22 (Private session at 10.37 a.m.)
- 23 THE COURT OFFICER: [10:37:17] We are in private session, Mr President.
- 24 (Redacted)
- 25 (Redacted)

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22 Q. [10:40:55] Now, during my cross-examination I asked you some questions about
23 various documents that had to do with your identity. In particular, I asked you
24 about your -- the names of your parents. Did anyone else talk to you or ask you
25 questions about these discrepancies within your ID documents? Did anyone else ask

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1 you questions about these differences?

2 A. [10:41:38] No, not yet.

3 Q. [10:41:46] Did any of your lawyers ask you for copies of your school records or
4 copies of your identity documents?

5 A. [10:42:08] No, no one asked me any such question, other than Mr Akem who did
6 ask me some questions.

7 Q. [10:42:25] Did someone previously ask you to sign a new declaration of identity
8 for your participation as a victim, the form, the victim participation form?

9 A. [10:42:47] Not yet.

10 (Redacted)

11 (Redacted)

12 Q. [10:43:16] Do you know where that name comes from? If you know. Because
13 that is the name that we see on the attestation of identity that was appended to your
14 *victim participation form, the one that you did with Douzima. It says the name of
15 the father is (Redacted). Do you know where that name comes from, how that
16 name ended up on the form as your father's name?

17 A. [10:43:51] The name that was given to them is not what I hear here. I gave
18 them my name and the name of my parents, but what you've just said does not
19 correspond to the name of my father.

20 Q. [10:44:22] So you never gave the name (Redacted) to Ms Douzima, is that what I
21 am to understand?

22 A. [10:44:28] That's right.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 7 MS DIMITRI: [10:50:08] Yes. Yes.
- 8 PRESIDING JUDGE SCHMITT: [10:50:10] Okay. Please continue.
- 9 MS DIMITRI: [10:50:17](Interpretation)
- 10 Q. [10:50:18] I'd like to show you a photograph of your brother, (Redacted)
- 11 (Redacted). Do you recognise this person?
- 12 A. [10:50:42] Yes, I do.
- 13 Q. [10:50:52] I would put it to you that since you have the same father - and I'll ask
- 14 my colleague to zoom in - I put it to you that he bears the surname (Redacted)
- 15 because his father and your father was (Redacted)
- 16 A. [10:51:24] No, that's not right.
- 17 Q. [10:51:27] Are you denying that (Redacted)
- 18 A. [10:51:38] No, that's not his name.
- 19 Q. [10:51:42] So you are telling us that this is a coincidence that the name (Redacted)
- 20 is to be found at the right on this person's Facebook page?
- 21 A. [10:51:58] Well, sometimes other people take names that are not surnames,
- 22 perhaps the name of their mother, to put on their Facebook page. That's the only
- 23 explanation I can give you.
- 24 Q. [10:52:25] You said --
- 25 PRESIDING JUDGE SCHMITT: [10:52:23] Wait a second. Mr Suprun.

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1 MR SUPRUN: [10:52:28] Mr President, just --just for the record, because the page in
2 the Facebook, it's not identification document, so this means that anyone can take
3 any -- any name and --

4 PRESIDING JUDGE SCHMITT: [10:52:40] Mr Suprun, that is again your
5 interpretation. Please, only objections. We will do this work by ourselves in the
6 end.

7 Ms Dimitri.

8 MS DIMITRI: [10:53:05] (Redacted)

9 Q. [10:53:05] (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [10:53:24] (Redacted)

13 * Q. [10:53:57] Well, actually, I put it to you, Mr Witness, that up until the time that
14 you got the court ruling, you were always called (Redacted) and all the members of
15 your family know you by that name; am I correct?

16 A. [10:54:28] No, that's not true.

17 Q. [10:54:31] I'd like to show you another photograph, and please tell me if you
18 recognise the person.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 14 (Redacted)
- 15 PRESIDING JUDGE SCHMITT: [10:57:10] I would have suggested to have a break
- 16 now until 11.30.
- 17 MS DIMITRI: [10:57:13] Thank you.
- 18 THE COURT USHER: All rise.
- 19 (Recess taken at 10.57 a.m.)
- 20 (Upon resuming in private session at 11.32 a.m.)
- 21 THE COURT USHER: [11:32:10] All rise.
- 22 Please be seated.
- 23 PRESIDING JUDGE SCHMITT: [11:32:29] We are in private session.
- 24 Can I have -- have a word from the interpreters? You listened to the audio, so what
- 25 has the witness said?

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14 I'm going to draw your attention -- or the Court's Chamber, I don't have to show it to
15 the witness, but there is attendance school in tab 50, (Redacted)
16 (Redacted). It is on the screen, Mr Witness. I want to
17 draw your attention to 01 -- page 0171. And you can see at the bottom of the
18 page where there's an X, it says (Redacted) I put it to you, Mr Witness, that this is
19 you and that in fact you changed your name to come here to give your testimony
20 because you wanted that my Defence team would discover documents on your true
21 identity and your true date of birth. That is my suggestion which I am putting to
22 you.
23 A. [11:37:56] That is not my name.
24 MS DIMITRI: [11:38:02] I think that the rest can be done in public session,
25 Mr President.

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1 PRESIDING JUDGE SCHMITT: [11:38:11] Then we go to open session, please.

2 Thank you.

3 (Open session at 11.38 a.m.)

4 THE COURT OFFICER: [11:38:29] We are in open session, Mr President.

5 MS DIMITRI: [11:38:37](Interpretation) Thank you.

6 {ICR: Q. [11:38:40] The Prosecutor in this case, Mr Witness, gave us a report.

7 This is tab 24, CAR-OTP-00000320 and tab 25, 00001600 -- CAR-OTP-00001600, for the
8 record. This doesn't -- you don't have to show this to the witness.

9 The Prosecution sent us a report, Mr Witness, that said Didier Beninga, the focal point,
10 provided documents which were false documents, which were put as evidence in this
11 case. Since Didier (Redacted), were you aware that he participated in any
12 form whatsoever to the falsification of these documents?

13 A. [11:39:54] I didn't understand the question, sorry.

14 Q. [11:40:04] The Prosecutor in this case gave us a report. This report refers to the
15 fact that Didier Beninga provided falsified documents and those documents were
16 submitted as evidence in this case. Since Didier (Redacted), were you
17 aware at all that he participated in whatever fashion possible in the falsification of
18 documents for this case?

19 A. [11:40:50] No, I was not aware of that at all.}

20 Q. [11:40:55] The Prosecutor also submitted a report to us --

21 MR VANDERPUYE: Mr President.

22 PRESIDING JUDGE SCHMITT: [11:41:09] Mr Vanderpuye?

23 MR VANDERPUYE: [11:41:12] If we could go into private session for a moment.

24 PRESIDING JUDGE SCHMITT: [11:41:15] Yes, indeed, we are in open session.

25 Private session.

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1 (Private session at 11.41 a.m.)

2 THE COURT OFFICER: [11:41:32] We are in private session, Mr President.

3 PRESIDING JUDGE SCHMITT: [11:41:32] Mr Vanderpuye, please.

4 MR VANDERPUYE: [11:41:35] Thank you, Mr President. Could I have the witness
5 remove his headphones for a moment?

6 PRESIDING JUDGE SCHMITT: [11:41:39] Mr Witness, please be so kind and
7 remove the headphones for a second. We have to discuss something amongst the
8 participants. Yes? Could you just pull it off. Okay.

9 Yes, Mr Vanderpuye.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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14 Q. [11:44:17] The Prosecutor also submitted a document to us which shows that
15 Didier Beninga tried to dissuade some individuals in speaking with the Defence, or to
16 meet the lawyers of the Defence team. Are you aware of this, that Didier Beninga
17 told individuals, "Don't go and see the Defence team, don't meet the Defence team, it's
18 not in your interest"? Do you know of this type of behaviour of Didier Beninga?

19 A. [11:45:04] I've never heard anything like that.

20 Q. [11:45:08] It is also part of the evidence in this case that Didier Beninga asked for
21 money -- at least in one participating victim in this case. Did Didier ask you, in
22 whatever form, did he ask you or a member of your family for money because you
23 were a victim that was participating?

24 A. [11:45:46] He didn't ask me for anything.

25 Q. [11:45:50] As far as you are aware, because we already have in evidence a case

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1 where Didier asked money from a participant and since (Redacted)
2 (Redacted) - are you aware that
3 Didier asked any participant whatsoever for money in exchange for their
4 participation in the meeting? Did he make any demands or any requests to
5 anyone -- anyone you know, of any victim who participated in this meeting?

6 A. [11:46:38] I don't know.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:48:46] I put it to you, Mr Witness, that you were not part of the ESF
23 programme in Mbaïki. You did not participate in the programme of ESF in Mbaïki
24 and that's why you're having problems to answer my questions on the
25 name -- number of participants, of the name of your host family, et cetera.

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1 A. [11:49:15] I was part of that training.

2 Q. [11:49:35] Well, in fact, we have a list in our file which was provided by the

3 NGO *Enfants sans Frontières* and which contains the list -- the names of the

4 participants who participated in the training which took place in Mbaïki.

5 And this is tab 58, CAR-OTP-2115-0638.

6 And I put it to you that you did not participate in the demobilisation programme of

7 ESF because your name, at least the name as you give it to us, does not appear on this

8 list.

9 A. [11:50:33] My name does appear.

10 Q. [11:50:47] Sorry, I have made a mistake. It's CAR-OTP-2115-0369. Thank you.

11 Tab 58.

12 I also put it to you that you were never part of the Anti-Balaka group whose leader

13 was Coeur de Lion, and that is why that your account of the battle of Boda was, on

14 the one hand, full of contradictions, particularly as regards in the beginning and that

15 you said there were lots of people who died in the group, and now this morning you

16 said there was only one death and that was Coeur de Lion.

17 I suggest to you that these contradictions occur because in fact you were never part of

18 the Anti-Balaka group whose leader was Coeur de Lion?

19 A. [11:51:58] But if I wasn't part of that group, why am I called here to give my

20 testimony?

21 Q. [11:52:12] That's a very good question. I haven't got an answer to that.

22 I put it to you that you were not part of the group because your account on the Boda

23 battles is full of contradictions and goes against the evidence we heard regarding that

24 in this case.

25 A. [11:53:01] Sorry?

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- 1 PRESIDING JUDGE SCHMITT: Perhaps --
- 2 MS DIMITRI: [11:53:02] I'll explain --
- 3 PRESIDING JUDGE SCHMITT: [11:53:05] -- we have to ask directly, do you
- 4 maintain -- or, yeah, perhaps do it this way, because with the suggestion sometimes --
- 5 MS DIMITRI: [11:53:14] Yes, of course.
- 6 PRESIDING JUDGE SCHMITT: [11:53:15] -- it's --
- 7 MS DIMITRI: [11:53:12] They don't -- yes.
- 8 PRESIDING JUDGE SCHMITT: [11:53:12] It's the level of understanding might be --
- 9 MS DIMITRI: [11:53:18] No problem.
- 10 PRESIDING JUDGE SCHMITT: [11:53:19] Yeah. Please.
- 11 MS DIMITRI: [11:53:24](Interpretation)
- 12 Q. [11:53:24] In fact, Mr Witness, I'm giving you now the opportunity to tell us the
- 13 truth, to go back as regards your statement. Your description of the Boda events
- 14 contradicts perfectly with all the information we've received regarding this. You
- 15 now have the opportunity to admit that you were not part of an Anti-Balaka whose
- 16 leader was Coeur de Lion?
- 17 A. [11:54:01] I was in the Anti-Balaka group. Our leader was Coeur de Lion.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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9 MS DIMITRI: [11:56:57] Mr President, that was my last question.

10 And I just have, again, another ERN correction when I referred to the list.

11 PRESIDING JUDGE SCHMITT: [11:57:06] Of course, please, do it -- do it now.

12 MS DIMITRI: [11:57:08] Yes. It's tab 57, CAR-OTP-2071-0279.

13 PRESIDING JUDGE SCHMITT: [11:57:17] Okay. Thank you.

14 So, I understand that this concludes the testimony.

15 Mr Witness, this concludes your testimony. On behalf of the Chamber, I would like
16 to thank you that you came to the Court and made yourself available as a witness and
17 answered patiently all the questions. On behalf of the Chamber and the Judges, I
18 wish you a safe trip back home.

19 THE WITNESS: [11:57:51](Interpretation) Thank you.

20 (The witness is excused)

21 PRESIDING JUDGE SCHMITT: [11:57:53] Just -- you have already received the
22 message. Unfortunately, we cannot have, Ms Massidda, the witness, on Friday.

23 We will have enough time, I think. We try to fit it in in the week after 0952 hopefully,
24 or possibly, probably, has testified. We try to fit it in there. But this is not set in
25 stone, it's just an indication at this point in time.

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- 1 The Court is adjourned.
- 2 THE COURT USHER: All rise.
- 3 (The hearing ends in private session at 11.58 p.m.)