

Trial Hearing

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Yekatom and
5 Patrice-Edouard 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 Monday, 8 April 2024
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:26] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:37] Good morning, Mr President, your Honours.
17 This is the situation in the Central African Republic II, in the case of the Prosecutor
18 versus Alfred Rombhot Yekatom and Patrice-Édouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record, we are in open session
21 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you very much.
22 I ask for the appearances of the parties. We start with the Prosecution.
23 Ms Wakchom.
24 MS WAKCHOM: [9:34:00] Good morning, your Honour. Good morning, to
25 everyone in the courtroom. Today the Prosecution is represented by Lucio Garcia,

1 Yassin Mostfa, Kweku Vanderpuye, and myself, Sylvie Wakchom.

2 PRESIDING JUDGE SCHMITT: [9:34:15] Thank you.

3 I turn to the representatives of the victims. Ms Massidda first.

4 MS MASSIDDA: [9:34:24] Good morning, Mr President, your Honours. For the
5 victims of the other crimes, appearing today, Ms Evelyne Ombeni and myself, Paolina
6 Massidda.

7 PRESIDING JUDGE SCHMITT: [9:34:31] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [9:34:31] Good morning, Mr President. Good morning, your
10 Honours.

11 The former child soldiers are represented by Anne Grabowski and myself,
12 Dmytro Suprun. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you.

14 Now I turn to the Defence. We start with the Defence of Mr Yekatom.

15 MS DIMITRI: [9:34:42] Good morning, Mr President. Good morning,
16 your Honours. Good morning, everyone. And good morning, Madam Witness.

17 Mr Yekatom is present in the courtroom this morning. He is represented by
18 Ms Sabine Bayssat, Ms Alexandra Baer, Ms Anta Guissé, Ms Anne-Sophie Veillette.

19 Last but not least, Mr Régis Tiangaye and myself, Mylène Dimitri.

20 PRESIDING JUDGE SCHMITT: [9:35:05] Thank you.

21 Mr Knoops next.

22 MR KNOOPS: [9:35:08] Good morning, Mr President. Your Honours, good
23 morning. Good morning everybody in the courtroom.

24 The Defence of Mr Ngaïssona appears today with Mr Mathias Goffe, Clémence
25 Fontaine, myself. And Mr Ngaïssona is present as well. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:35:22] Thank you very much.

2 Before we start with the testimony of the witness, a short, kind, and a reminder out of
3 caution: The Chamber reiterates that the expeditiousness of the case is of the utmost
4 importance. It therefore expects that the next evidentiary block, this one, will be
5 fully filled and that hearing cancellations, if any, will be exceptional. I understand
6 that we are on --a good way there, but I still wanted to repeat it.

7 As noted during the last hearing before the break, the Defence -- we would appreciate
8 it, let me put it this way, we would appreciate it a lot as a Chamber if the Defence
9 could organise alternate witnesses if any gaps might occur or might be foreseeable.

10 But this is just, as I said, a nice reminder out caution.

11 We will start now with the testimony of Ms Sokoyo Kobo; this is, D29-6016.

12 Good morning, Ms Sokoyo Kobo. Can you hear and understand me well?

13 WITNESS: CAR-D29-P-6016

14 (The witness speaks Sango)

15 (The witness gives evidence via video link)

16 THE WITNESS: [9:36:39](Interpretation) Good morning. I can hear you very well.

17 PRESIDING JUDGE SCHMITT: [9:36:43] Thank you. On behalf of the Chamber,
18 Ms Sokoyo Kobo, I would like to welcome you to the courtroom. You are called to
19 testify to assist this Chamber in the case of the Prosecution versus Mr Yekatom and
20 Mr Ngaïssona.

21 Ms Sokoyo Kobo, there should be a card on the desk in front of you with a solemn
22 undertaking to tell the truth. Could you please read out loud the content of this
23 card?

24 If there is no card, there is no problem, Ms Sokoyo Kobo. I can read the solemn
25 undertaking out for you and I would like you to repeat after me.

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- 1 So please listen and repeat after me: I solemnly declare.
- 2 THE WITNESS: [9:37:39](No Interpretation)
- 3 PRESIDING JUDGE SCHMITT: [9:37:49] I repeat: I solemnly declare.
- 4 THE WITNESS: [9:37:55](Interpretation) I solemnly declare.
- 5 PRESIDING JUDGE SCHMITT: [9:38:01] That I will speak the truth.
- 6 THE WITNESS: [9:38:05](Interpretation) That I shall speak the truth.
- 7 PRESIDING JUDGE SCHMITT: [9:38:15] The whole truth and nothing but the truth.
- 8 THE WITNESS: [9:38:25](Interpretation) The whole truth and nothing but the truth.
- 9 PRESIDING JUDGE SCHMITT: [9:38:32] Thank you, Madam Witness. You are
- 10 now under oath. You know what this means, you have just sworn this oath.
- 11 I would like also to remind you that when we start now with your testimony, that
- 12 everything we say here in the courtroom is written down and interpreted, and to
- 13 allow for the interpreters to follow what you are saying, please speak at a relatively
- 14 slow pace and only start speaking when the person that asks you a question has
- 15 finished, and perhaps wait a couple of seconds before you answer. Thank you very
- 16 much.
- 17 I think I can already give the floor to the Defence. I was not sure who is going to
- 18 question, yes. Please.
- 19 MS BAYSSAT: [9:39:17](Interpretation) Thank you, Mr President.
- 20 QUESTIONED BY MS BAYSSAT: (Interpretation)
- 21 Q. [9:39:23] Good morning, Madam.
- 22 A. [9:39:30] Good morning.
- 23 Q. [9:39:32] We have already met. I will introduce myself for the record. I am
- 24 Sabrina Bayssat and I am a member of the Defence team of Mr Yekatom and I will ask
- 25 you questions today on behalf of the Defence.

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1 Before that, I have several recommendations to make for you.

2 We are on video link, which is a bit special because you are going to see me on the
3 screen and other people present on the screen, but you'll hear the voice of the
4 interpreter and that will be while you are giving your testimony.

5 As the President has just said, everything that we say here is interpreted and
6 transcribed into a record, and that makes it -- in order to make it possible for the
7 interpreters and court reporters to do their work correctly, I will speak -- I will ask
8 you to speak slowly and observe a pause. And I will do the same between questions
9 and answers when I ask them to you.

10 Now I'm going to ask questions to you and if you don't have any answer, simply say
11 no if you cannot answer. If my questions are not clear, just tell us that they are not
12 clear and I will try to rephrase so that you better understand.

13 Is everything clear?

14 A. [9:41:32] Yes, I've understood well.

15 Q. [9:41:38] If it's clear, I will begin my questions.

16 Can you state your name and complete first name, Madam Witness?

17 A. [9:41:56] My name is Sokoyo Kobo, Sylvie Patricia.

18 Q. [9:42:14] Madam, do you remember having signed two statements in the
19 presence of two Defence counsel, specifically in the presence of Mr Régis Tiangaye?

20 A. [9:42:30] Yes, I remember.

21 Q. [9:42:31] Madam, did you give those statements voluntarily, telling the truth
22 without any promises or threats?

23 A. [9:42:47] Yes, I did that voluntarily; no one forced me.

24 Q. [9:42:58] Madam, last week in the presence of the court protection services, did
25 you have the opportunity to reread your statements and to make any possible

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1 amendments?

2 A. [9:43:19] Yes, it was reread to me.

3 Q. [9:43:29] I will simply show you the modifications that you made last week,
4 CAR-D29-0009-0624.

5 THE INTERPRETER: [09:43:40] That was a bit fast from Defence counsel.

6 PRESIDING JUDGE SCHMITT: [9:43:57] Well, but you got it correctly, I think.

7 The interpreter said that was a bit fast for him; I said he got it correctly. But it's -- the
8 last four digits, 0624, and 25.

9 And we can really make this quick. This did not seem to be very substantial, frankly
10 speaking.

11 MS BAYSSAT: [9:44:27] Okay. *Merci*.

12 Q. [9:44:37](Interpretation) Madam, can you see the document on the screen?

13 Madam, can you see the document that I have just mentioned on the screen, together
14 with your modifications?

15 A. [9:45:04] Yes, I can see the document on the screen very well.

16 Q. [9:45:08] Can you confirm that these are your names and signatures?

17 A. [9:45:22] Yes, it is indeed my name and my signature.

18 Q. [9:45:28] Thank you.

19 Madam, I note that you changed your date of birth on your two statements -- I'm
20 talking about 15 July 1973. Is it correct that you born on 15 July 1973?

21 A. [9:45:53] That is correct.

22 MS BAYSSAT: [9:46:00](Interpretation)

23 Q. [9:46:00] I also note that you corrected something else by specifying that in your
24 family there were six brothers and sisters, including four boys and two girls; do you
25 recall that?

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1 A. [9:46:15] Yes, that is correct.

2 Q. [9:46:26] Can you state the names of your brothers and sisters, please?

3 A. [9:46:34] The eldest are Ambibi, Béatrice. Then there is Kota, Jeanette; Sokoyo,
4 Marie-France; Sokoyo, Aubin; and, lastly, Sokoyo, Jean-Claude.

5 PRESIDING JUDGE SCHMITT: [9:47:10] I think that -- that should -- will do, I
6 would say.

7 MS BAYSSAT: [9:47:15] *Merci*, Mr President.

8 (Interpretation) We can now withdraw the document on display.

9 Q. [9:47:27] Madam, can you tell us where you were born, please?

10 A. [9:47:34] I was born in Bangui.

11 Q. [9:47:40] And what is your ethnic group?

12 A. [9:47:46] I am a Ngbaka.

13 Q. [9:47:55] And your religion?

14 A. [9:47:59] I am an Apostolic Christian.

15 Q. [9:48:12] Today, in which town do you live, Madam Witness?

16 A. [9:48:17] I live in the Carrière neighbourhood.

17 Q. [9:48:31] And can you specify in which town the Carrière neighbourhood is
18 located?

19 A. [9:48:41] It is a neighbourhood which is located in the 6ème arrondissement.

20 Q. [9:48:52] The 6th arrondissement of Bangui town?

21 A. [9:49:01] Yes, that is correct. It is an arrondissement of Bangui town.

22 Q. [9:49:15] Madam, have you always lived in Bangui?

23 A. [9:49:22] I grew up in Bangui.

24 Q. [9:49:31] Did you reside in another town in the Central African Republic during
25 any other period of your time -- of your life?

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1 A. [9:49:43] Yes. I was in Bambari, specifically in the village of Yassikanga. It is
2 a man who married me who took me there and, after we separated, I returned back to
3 my place.

4 Q. [9:50:10] And how many years did you live in Bambari?

5 A. [9:50:23] I spent 20 years there.

6 Q. [9:50:38] Madam, are you married?

7 A. [9:50:43] I have never entered into a marriage.

8 Q. [9:51:00] You talked to us about the man with whom you lived in Bambari.

9 Can you give us his identity?

10 A. [9:51:12] His name is Satem, Narcisse.

11 Q. [9:51:24] Do you have any children?

12 A. [9:51:28] I had four children.

13 Q. [9:51:39] And did you have any children with Satem, Narcisse?

14 A. [9:51:53] I had two children with him and both are deceased.

15 MS DIMITRI: [9:52:22] Yes, Mr President, just a slight Sango correction. I think my
16 understanding is that what she said is, she has children with him and two of those
17 children passed away. But not all the children that she had with this man passed
18 away.

19 PRESIDING JUDGE SCHMITT: [9:52:38] Thank you very much. If we can make
20 these corrections during the testimony of the witness in the courtroom, it's of course
21 preferable.

22 You can relatively quickly steer to the possible potential child we are interested in.

23 MS BAYSSAT: [9:52:57] (Interpretation)

24 Q. [9:53:09] Madam, I understand that the two children you had with Narcisse are
25 deceased. Can you give us the names of the two children who are still alive?

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- 1 THE INTERPRETER: [09:53:20] There is an intrusive noise somewhere.
- 2 THE WITNESS: [9:53:32](Interpretation) There is Yassigounda, Fernila. There is
- 3 Saramandji, Gédéon Bonheur. The two of them are alive.
- 4 MS BAYSSAT: [9:53:53] (Interpretation)
- 5 Q. [9:53:55] I'm sorry, Madam, one of the children was called Gédéon Bonheur
- 6 Saramandji.
- 7 Can you repeat the names of the others, the name of your son?
- 8 A. [9:54:16] Saramandji Gédéon Bonheur.
- 9 Q. [9:54:24] And what about the second child?
- 10 A. [9:54:28] Yassigounda, Fernila Eliane Esther.
- 11 Q. [9:54:50] Thank you, Madam.
- 12 Can you give us the date of birth of Fernila Eliane Esther Yassigounda?
- 13 A. [9:55:06] She was born in January 2000, specifically on the 11th.
- 14 Q. [9:55:15] Thank you, Madam.
- 15 What about the date of birth of Esther -- the place of birth of Esther?
- 16 A. [9:55:29] She was born in Bangui, specifically in the Bimbo -- in Bangui
- 17 specifically in the Bimbo maternity.
- 18 Q. [9:55:42] Apart from Esther and Gédéon Bonheur, do you have other children?
- 19 A. [9:55:52] Yes, I have two other boys.
- 20 Q. [9:55:58] Can you tell us the name of those two other boys, please?
- 21 A. [9:56:04] Of course. Pomolema, Nelson Patrick, Koussagale, Oslin Dejuste.
- 22 Q. [9:56:32] Thank you, Madam.
- 23 So I understand that you have four children, and if I understand you correctly, Patrick
- 24 and Oslin do not have the same father as -- Patrick and Esther do not have the same
- 25 father as Bonheur and -- Gédéon?

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1 A. [9:57:04] Esther and Gédéon have the same father, Patrick has his own father,
2 while Oslin has his own father.

3 PRESIDING JUDGE SCHMITT: [9:57:16] Please also slow a little bit down. Wait
4 until the interpretation has finished, please. Thank you. But the problem is always
5 the same, you are speaking French and that's of course -- you tend to be a little bit too
6 quick, but it's not a problem, yes.

7 THE INTERPRETER: [9:57:43] (Interpretation) Much obliged, your Honour.

8 Q. [9:57:54] Just to backtrack to Esther, who is older between Esther and Oslin,
9 your daughter and your son?

10 A. [9:58:12] Oslin is the one who was born well before.

11 Q. [9:58:28] And now regarding Patrick and Oslin, who is older?

12 A. [9:58:37] Patrick is the older one.

13 Q. [9:58:52] Very well. We will begin with Patrick. Who is Patrick's father?

14 A. [9:58:59] Patrick's father is Kongo, Gaston.

15 Q. [9:59:20] And who is Oslin's father?

16 A. [9:59:28] Koussagale, Aubin.

17 Q. [9:59:45] Do you know Oslin's date of birth?

18 A. [9:59:54] I no longer remember.

19 Q. [9:59:59] No problem, madam.

20 PRESIDING JUDGE SCHMITT: [10:00:06] Perhaps you can try with the witness if
21 she has approximately an idea. You know, she might not know the exact date but
22 she might know, perhaps, the year or, perhaps -- you can simply break it down. I
23 think it's worth a try.

24 MS BAYSSAT: [10:00:25](Interpretation)

25 Q. [10:00:28] Ma'am, I realise you don't quite remember Oslin's date of birth.

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1 Now, you told us a few moments ago that he was born before Esther. Now, I realise
2 that Esther was born in January of the year 2000. Do you remember when Oslin was
3 born in terms -- in relation to the birth of Esther, how many months or years between?

4 A. [10:01:05] After Oslin, I did not conceive quickly, so I really don't remember
5 exactly how much time went by between the two births. I think it was quite a gap.
6 Quite a period of time.

7 Q. [10:01:30] Thank you, ma'am.

8 Ma'am, did you ever hear about MISAB, the MISAB?

9 A. [10:01:44] Yes, I have heard of the MISAB.

10 Q. [10:01:52] Do you remember any mutinies during that period of time -- during
11 the MISAB?

12 A. [10:02:02] Yes, I did hear about that.

13 Q. [10:02:09] As best you can remember, was Oslin born -- well, rather, was he born
14 before the mutinies or after?

15 A. [10:02:26] He was already born -- he was even walking. I had to wean him
16 before the MISAB came in.

17 Q. [10:02:46] Thank you, ma'am.

18 Just for the transcript, I'm referring to items 13 and 14. And these particular exhibits
19 have to do with the setting up of MISAB. I make reference to CAR-D29-0002-0690,
20 and item 14 which is CAR-D29-0001-0565.

21 PRESIDING JUDGE SCHMITT: [10:03:28] And perhaps also for clarification,
22 perhaps not everybody in the courtroom might understand what is meant by
23 "mutiny"?

24 (Counsel confers)

25 MS BAYSSAT: [10:03:49](Interpretation) Would you like me to put the question to

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1 the witness or would you like me to answer?

2 PRESIDING JUDGE SCHMITT: [10:04:01] Well, you can explain or you can put it to
3 the witness, or both. First to the witness and then you might explain further. I
4 leave it to you. But we see that this MISAB was created in 1997, if I understand it
5 correctly. This is clear from the documents, no? So we have it in relation to what
6 the witness has said but still, what mutiny are we talking about? Perhaps if you can
7 ask her first.

8 MS BAYSSAT: [10:04:30](Interpretation) Thank you, Mr President.

9 Q. [10:04:36] Ma'am, could you explain what you meant by the word "mutinies"?
10 What happened?

11 A. [10:04:48] Well, in a way the mutiny, it was like a conflict. At the time of that
12 conflict, there were Chadian soldiers who came in and we called them MISAB. And
13 during that time, we fled. We didn't know exactly what was going on, and you
14 realise when a conflict occurs, you just flee and try to find a place to shelter.
15 So the MISAB came in, but I don't know exactly what happened when they deployed
16 to the country.

17 PRESIDING JUDGE SCHMITT: [10:05:25] Thank you very much, that's -- *ça suffit*.

18 MS BAYSSAT: [10:05:36](Interpretation) Thank you.

19 Q. [10:05:39] Do you remember exactly where you gave birth to Oslin?

20 A. [10:05:47] He was born in Bokanga.

21 Q. [10:06:00] Did you deliver at home or at the hospital?

22 A. [10:06:06] There was no hospital at that place. The father of Oslin was a major
23 and he had taken leave and he was spending his leave at the village. And when the
24 time came for the child to be born, he came and he helped deliver the child.

25 Q. [10:06:42] So did you give birth to your baby in a house?

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- 1 A. [10:06:58] Yes. In the house of my in-laws, yes.
- 2 Q. [10:07:07] And I've gathered that this major helped you. Did someone else help
3 you when the child was delivered?
- 4 A. [10:07:22] When I gave birth, my sister-in-law, Valentine, was also present.
- 5 Q. [10:07:45] And was Aubin present when the baby was born?
- 6 A. [10:07:53] He wasn't there.
- 7 Q. [10:08:00] Where was Aubin when the baby was born?
- 8 A. [10:08:08] He was in Bangui.
- 9 Q. [10:08:18] Were you still with Aubin at the time of the birth?
- 10 A. [10:08:35] Yes, we were still together.
- 11 Q. [10:09:00] Just one detail, ma'am. Now, you said that it was the house of your
12 in-laws. I'm taking it that you mean that it was the house of Aubin's family; is that
13 right?
- 14 A. [10:09:19] Yes, it was in the house of Aubin's father.
- 15 Q. [10:09:40] Ma'am, was there some reason for Aubin staying in Bangui and him
16 not being present for the delivery of Oslin?
- 17 A. [10:09:57] Thank you for your question.
- 18 You see, men don't always behave very well with women. When he got me
19 pregnant, at first he didn't recognise that he was the father of the unborn child. He
20 abandoned me for a while and then his relatives came and took me to their home and
21 so I stayed with them until the baby was born.
- 22 Q. [10:10:43] Thank you, ma'am.
- 23 So I've gathered from your previous replies that you lived in Bambari for about 20
24 years and you have four children.
- 25 Which children came and lived with you in Bambari?

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1 A. [10:11:07] There was Esther and Gédéon. And Patrick as well went to Bambari
2 for a while, but then he went back to Bangui.

3 Q. [10:11:38] Agreed. So you left with, Esther, Patrick and Gédéon. What about
4 Oslin, who did he stay with when you were in Bambari, where did he stay when you
5 were there?

6 A. [10:11:50] Oslin was in Pissa with his father.

7 Q. [10:11:59] So he was with Aubin Koussagale?

8 A. [10:12:05] Yes, that's right.

9 Q. [10:12:09] How old was Oslin when you left him?

10 A. [10:12:32] I don't remember, but he was already going to school. He must have
11 been -- he must have been in CM1 or CM2 by that age -- by that time.

12 Q. [10:12:50] Ma'am, when you were living in Bambari and Oslin was in Pissa, did
13 you stay in --

14 THE INTERPRETER: [10:13:12] Correction --

15 MS BAYSSAT: [10:13:13](Interpretation)

16 Q. [10:13:14] When Oslin was Pissa, did you stay in touch with Oslin?

17 A. [10:13:23] No. We didn't call one another. At one point, I left Bambari, I was
18 moving around and I visited him in -- actually physically before going back home.

19 Q. [10:13:48] And what were the circumstances of this visit to him?

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

21 MS BAYSSAT: [10:13:56](Interpretation)

22 Q. [10:13:57] How often did you visit him?

23 * A. [10:13:59] I would go once a year and then after three or four years I would go
24 see him, then I would leave again.

25 Q. [10:14:17] Do you remember how long you would stay when you would go visit

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1 him in Pissa?

2 A. [10:14:30] Sometimes I would spend a month in Pissa.

3 Q. [10:14:44] And where were you staying in Pissa during these visits?

4 A. [10:14:50] When I would go to see him, I would stay with my -- with Oslin's
5 girlfriend, my daughter-in-law.

6 Q. [10:15:11] And after the Seleka and Anti-Balaka period, did you see Oslin again?

7 A. [10:15:23] Yes, after I went to see him, but when I came back he had already left.

8 Q. [10:15:45] Could we just backtrack for a moment. You told us that you were
9 staying with the girlfriend of Oslin. Could you give us this person's name?

10 A. [10:15:59] Pepe is her name.

11 Q. [10:16:07] Is that her first name or a second name or a nickname?

12 A. [10:16:17] Well, we would call her "Pepe". I don't know her actual true name.

13 Q. [10:16:36] And did Oslin go to school to your knowledge?

14 A. [10:16:49] Yes, he went to the Berengo *lycée*.

15 Q. [10:17:06] And how far did he go in his schooling? Until what year or level?

16 A. [10:17:16] He went as far as the fourth. That's when he stopped.

17 Q. [10:17:25] Thank you.

18 And did you learn about Oslin being baptised?

19 A. [10:17:36] Yes, that's right. I heard about that.

20 Q. [10:17:44] And do you know where he was baptised?

21 A. [10:17:54] At the Catholic church in Pissa. That's where he was baptised.

22 Q. [10:18:03] And were you present at the baptism?

23 A. [10:18:09] No.

24 Q. [10:18:19] Who told you that Oslin had been baptised?

25 A. [10:18:27] When I got there, the family members told me that he had been

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1 baptised at the Catholic church in Pissa.

2 Q. [10:18:46] To your knowledge, ma'am, did Oslin play any particular role at this
3 church?

4 A. [10:19:07] He was a server.

5 Q. [10:19:17] Were there children singing in the choir at the Catholic church in
6 Pissa?

7 A. [10:19:33] Yes, there were some.

8 Q. [10:19:38] And was Oslin part of the choir at this church?

9 A. [10:19:49] Yes.

10 Q. [10:19:57] Ma'am, do you know whether Oslin has any children?

11 A. [10:20:04] Yes. He had two daughters. One of the daughters passed away.

12 Q. [10:20:16] Could you give us the names of these two children?

13 A. [10:20:21] Koussagale, Oslin and Koussagale, Sylviane.

14 Q. [10:20:42] Is there some link between your name, Sylvie, and your
15 granddaughter's name, Sylviane?

16 A. [10:20:59] Yes, that's right.

17 Q. [10:21:07] You mentioned Pepe a few moments ago. Is Pepe the mother of
18 Oslin and Sylviane?

19 A. [10:21:22] Yes, Pepe is their mother.

20 Q. [10:21:30] Now, are Pepe and Oslin still together?

21 A. [10:21:44] No, they've separated.

22 Q. [10:21:52] Ma'am, to your knowledge, were Pepe and Oslin together before the
23 events of the Seleka and the Anti-Balaka?

24 A. [10:22:10] Yes. They were together.

25 Q. [10:22:16] Thank you.

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1 If we could go back to Aubin for a few moments. Now, were you with him -- now,
2 when you were with him, was he working, Aubin Koussagale?

3 A. [10:22:35] No. He wasn't working. He did box though.

4 Q. [10:22:46] And did Aubin remarry?

5 * A. [10:22:54] Yes. He remarried... the first wife died. After that, he got involved with
6 another woman. He had children with her, and ultimately they got married officially.

7 Q. [10:23:19] And this second marriage of Aubin, how did you hear about this
8 marriage?

9 A. [10:23:28] When I got there, Pepe told me about that.

10 Q. [10:23:41] And do you know the current wife of Aubin Koussagale?

11 A. [10:23:53] I know her to see her, but I don't know her name. I don't know her
12 name.

13 Q. [10:24:03] And when Pepe told you about this marriage, what did she tell you?

14 A.[10:24:13] *She just told me that her father-in-law had remarried. Since he was not
15 getting along with the child, the marriage was their business, and it did not interest
16 me.

17 MS BAYSSAT: [10:24:57](Interpretation) Could we have just one moment, please,
18 your Honour.

19 (Counsel confers)

20 MS DIMITRI: [10:25:32] Mr President, if you allow me just for the record, because, of
21 course, Sango is not transcribed. She didn't say that -- I'll say it in French.

22 (Interpretation) She didn't say that she didn't get along with his son, so she wasn't
23 trying to find out all the details about the marriage. She said actually: "I didn't get
24 along with the husband, with Aubin, that's why I wasn't trying to find out more about
25 the marriage."

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1 PRESIDING JUDGE SCHMITT: [10:26:11] Well, if there is nobody who objects, this
2 also makes more sense, frankly speaking. I stumbled a little bit over the wording
3 myself.

4 Please continue.

5 MS BAYSSAT: [10:26:27](Interpretation)

6 Q. [10:26:31] Could you clarify for us, ma'am, who was it that Pepe was not getting
7 along with?

8 A. [10:26:42] Are you asking about the father? I haven't understood your
9 question.

10 Q. [10:26:57] I'm sorry, ma'am. I'll move on to something else. I'll ask you
11 another question.

12 Now, to your knowledge, did Oslin -- was Oslin present at the marriage of Aubin
13 Koussagale?

14 A. [10:27:32] Yes, he was there.

15 Q. [10:27:41] And do you know where the marriage took place, in which town?

16 A. [10:27:49] It was in the town of Pissa.

17 Q. [10:27:54] Thank you, ma'am.

18 MS BAYSSAT: [10:27:57] Your Honour, just for the next few questions, I'll need to
19 go into private session, please.

20 PRESIDING JUDGE SCHMITT: [10:28:04] Private session for a couple of minutes,
21 let's say, yes? Okay.

22 MS BAYSSAT: [10:28:12] *Merci*.

23 (Private session at 10.28 a.m.)

24 THE COURT OFFICER: [10:28:18] We are in private session, Mr President.

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 PRESIDING JUDGE SCHMITT: [10:46:19] (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 MS BAYSSAT: [10:46:51] (Interpretation) (Redacted)
- 9 Q. [10:46:52] (Redacted)
- 10 (Redacted)
- 11 A. [10:47:06] (Redacted)
- 12 Q. [10:47:22] (Redacted)
- 13 (Redacted)
- 14 A. [10:47:36] (Redacted)
- 15 (Redacted)
- 16 Q. [10:48:03] (Redacted)
- 17 (Redacted)
- 18 A. [10:48:25] (Redacted)
- 19 Q. [10:48:30] (Redacted)
- 20 MS BAYSSAT: [10:48:35] (Redacted)
- 21 PRESIDING JUDGE SCHMITT: [10:48:39] (Redacted)
- 22 (Open session at 10.48 a.m.)
- 23 THE COURT OFFICER: [10:48:52] We are back in open session, Mr President.
- 24 MS BAYSSAT: [10:48:58] (Interpretation)
- 25 Q. [10:49:02] I have a series of photographs to show you now and I will ask you to

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1 take the time -- take all your time to look at those photographs very well.

2 MS BAYSSAT: [10:49:16](Interpretation) And court officer, the photographs should
3 not be presented to the public.

4 Q. [10:49:29] To begin with, Madam, do you remember handing over several
5 family photographs to members of the Defence team when we met?

6 A. [10:49:44] Yes, I do recall.

7 Q. [10:49:48] Thank you.

8 We will begin with the first photograph, it is item 7, CAR-D29-0010-0186.

9 Can you see that photograph on your screen?

10 A. [10:50:21] Yes, it is Oslin.

11 Q. [10:50:33] Thank you, Madam.

12 Can you tell us how you came about obtaining this photograph?

13 A. [10:50:43] That photograph, I took it from Bokanga and I took it along with me.

14 Q. [10:50:50] Thank you.

15 Now CAR-D29-0010-0188 -- if I'm not mistaken. Can you see the photograph on the
16 screen?

17 A. [10:51:16] Yes, I can see it. It is Oslin.

18 Q. [10:51:23] Thank you, Madam.

19 Once again, can you tell us how you obtained that photograph?

20 A. [10:51:31] When I came to visit him - and that is before he left - he himself gave
21 all those photographs to me.

22 Q. [10:51:51] Before he travelled to where?

23 A. [10:51:58] Before he went to {ICR: (Redacted)}, he gave them to me and
24 subsequently he left for {ICR: (Redacted)}.

25 Q. [10:52:13] Thank you, Madam.

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1 We will move to the next photograph, CAR-D29-0010-0189 and it is tab 9 of the
2 Defence list.

3 Can you see the photograph, Madam?

4 A. [10:52:42] Yes, I can see it. It is Oslin and his wife.

5 Q. [10:52:58] Is that the person that you referred to as "Pepe"?

6 PRESIDING JUDGE SCHMITT: [10:53:15] There seems to be a problem

7 (microphones overlapping)

8 MS BAYSSAT: [10:53:17](Interpretation) Mr President --

9 PRESIDING JUDGE SCHMITT: [10:53:18] -- with the connection. Since we have
10 five minutes to 11, I suggest that we have the break now and we -- I think we should
11 be able to fix this -- not we, unfortunately, I'm not able to do it, but with the help of
12 the Registry and everyone, fix it, until 11.30.

13 Thank you.

14 THE COURT USHER: [10:53:39] All rise.

15 (Recess taken at 10.53 a.m.)

16 (Upon resuming in open session at 11.32 a.m.)

17 THE COURT USHER: [11:32:25] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:32:48] I heard that and I also -- I see it also that
20 the connection has been re-established, so you have still the floor, obviously. You
21 were showing the photographs.

22 MS BAYSSAT: [11:33:05](Interpretation) Just let me continue about these
23 photographs.

24 Q. [11:33:10] Ma'am, a few moments ago you told us that when you were going to
25 visit Oslin when you were in Bambari you were living in Pepe's home. But before

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1 Oslin and Pepe were together, where were you living then?

2 A. [11:33:37] Before they were together, I was living with my mother. She died
3 and so then I went and I lived with them.

4 Q. [11:33:53] Thank you, ma'am.

5 Let's have another look at these photographs. Tab 9 of the Defence binder,
6 CAR-D29-0010-0189.

7 And we see two people. We see two photographs that have been put together and
8 this seems to be dated 2012.

9 Ma'am, can you see these two photographs up on the screen?

10 A. [11:34:31] Yes, I see them.

11 Q. [11:34:33] Do you recognise someone on this photograph?

12 A. [11:34:41] I recognise two people, Pepe and Oslin.

13 Q. [11:34:50] Now, this photograph of Oslin, do you know where it was taken?

14 A. [11:35:02] I'm not in a position to know that.

15 Q. [11:35:07] Thank you, ma'am.

16 If we could move on to the next photograph. This is tab 10, CAR-D29-0010-0194.
17 Can you see the photograph up on the screen?

18 A. [11:35:38] Yes, I can see it just fine.

19 Q. [11:35:42] Do you recognise this person on the photograph?

20 * A. [11:35:48] This is Oslin. He's at a stall where people charge up their
21 telephones.

22 Q. [11:36:03] Do you know whether he worked in a place like that in Pissa; namely,
23 a stall or a little place where people could go and charge up their telephones?

24 A. [11:36:16] That was after I left. That's what he was doing, that was his work at
25 the time.

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1 Q. [11:36:21] Thank you, ma'am. And just before continuing, let me reassure you
2 that I only have a few questions left.

3 Now, tab 11, if we could, CAR-D29-0010-0192. This is another photograph.

4 And you told us a few moments ago that this child was born in 2002. Is this Esther
5 in the photograph?

6 A. [11:37:14] Yes, this is Esther when she was still a baby.

7 Q. [11:37:22] Thank you, ma'am.

8 Now, the next photograph is at tab 12, CAR-D29-0010-0028.

9 Can you see the photograph up on the screen?

10 A. [11:37:57] Yes, I can see it.

11 Q. [11:38:01] Could we please zoom in?

12 Do you recognise someone in this photograph?

13 A. [11:38:23] I can only recognise Oslin amongst all these people.

14 Q. [11:38:32] Could you tell us which number that corresponds to the person, to
15 Oslin?

16 A. [11:38:47] Number 8.

17 Q. [11:38:55] Thank you, ma'am.

18 Now, the next photograph is at tab 5, CAR-D29-0010-0141.

19 And can you see the photograph up on the screen?

20 A. [11:39:19] Yes, I can see it.

21 Q. [11:39:21] Do you recognise the person?

22 A. [11:39:30] That is Oslin's father.

23 Q. [11:39:47] I'd like to show you another photograph.

24 I'm sorry, ma'am, we'll have to backtrack for a moment.

25 We'll go to tab 10 now, tab 10 of the Defence binder.

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1 Could you tell us how you came to obtain this photograph?

2 A. [11:40:24] All those photographs are from when I came back. He gave them to
3 me before he went to {ICR: (Redacted)}. It was Oslin himself who gave them to me.

4 Q. [11:40:47] Thank you, ma'am.

5 We'll now move to tab 3, CAR-OTP-00025603.

6 And, ma'am, please take the time you need to look at these photographs and tell me
7 whether you recognise someone.

8 A. [11:41:32] The only person I recognise is Oslin. I don't recognise the others.

9 Q. [11:41:42] I'd like to ask my colleague to zoom in to each person and I'll ask you
10 whether you recognise Oslin or not.

11 A. [11:41:55] That's indeed Oslin.

12 Q. [11:42:08] And do you recognise this person?

13 A. [11:42:16] I don't recognise him.

14 Q. [11:42:28] This is Oslin?

15 A. [11:42:38] I don't know this person.

16 Q. [11:42:52] Just for the record, the witness recognised Oslin as
17 CAR-OTP-00025601 and at CAR-D29-0019-8020 at 8025. And the witness did not
18 recognise Oslin at CAR-OTP-2095-5254, nor at CAR-OTP-2095-5468.

19 Could we please now have a look at tab 4, CAR-OTP-00025616.

20 And similarly, ma'am, do you recognise any of these people in the photograph?

21 A. [11:44:24] I only recognise Oslin. Other than him, I recognise no one else.

22 Q. [11:44:34] Just as we did a few moments ago, we're going to zoom in on each
23 face and if you could tell us when you see Oslin.

24 Do you recognise this person?

25 A. [11:44:57] It's Oslin.

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1 MS BAYSSAT: [11:45:02] (Interpretation) CAR-OTP-00025601, Madam Witness has
2 recognised Oslin at that reference number.

3 Q. [11:45:13] Now, do you recognise this person, ma'am?

4 A. [11:45:21] Yes, I do. It's Oslin.

5 Q. [11:45:27] Thank you.

6 Madam Witness has recognised Oslin at 0820 at 0825.

7 Do you recognise this person, ma'am?

8 A. [11:45:54] Yes, I recognise this person. This is indeed Oslin.

9 MS BAYSSAT: [11:46:00] (Interpretation) For the case record, the witness has
10 recognised Oslin at this particular -- from this particular photograph,
11 CAR-D29-0010-0194.

12 Q. [11:46:20] Ma'am, do you recognise this person?

13 A. [11:46:26] No, I don't.

14 MS BAYSSAT: [11:46:33] (Interpretation) Now, Madam Witness does not recognise
15 the person at CAR-OTP-2095-5254.

16 Q. [11:46:44] And now, finally, the last person, do you recognise this person?

17 A. [11:46:54] It's Oslin.

18 MS BAYSSAT: [11:46:57] (Interpretation) Once again, the witness has recognised
19 Oslin in the following exhibit: 8023, CAR-D29-0019-8020 at page 8063.

20 Q. [11:47:17] I'm going to show you another photograph, tab 15,

21 CAR-D29-0016-0174. Do you see the photograph up on the screen, ma'am?

22 Do you see the photograph on the screen, ma'am?

23 A. [11:48:12] Yes, I see it.

24 Q. [11:48:14] Do you recognise this person on the screen?

25 A. [11:48:22] I do. This is the girl who was in {ICR: (Redacted)} who brought the

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1 package that Oslin sent for us.

2 Q. [11:48:40] If we could now have a look at tab 16, please, CAR-D29-0016-0077.

3 Is this the same person, ma'am?

4 A. [11:49:05] Yes, it is the same person.

5 Q. [11:49:09] Thank you. Do you know where she's now living?

6 A. [11:49:23] Around Bimbo.

7 Q. [11:49:27] To your knowledge, how does she know Oslin?

8 A. [11:49:40] She is related to Oslin. And since they live in the same town, he took
9 advantage of the opportunity to give her the package. And I believe they speak the
10 same language. They're from the same ethnic group.

11 Q. [11:50:04] Do you know where she comes from?

12 A. [11:50:14] She's from Bokanga. She speaks the same language as Oslin,
13 Bokanga.

14 Q. [11:50:26] Thank you, ma'am.

15 And do you know what she was doing in {ICR: (Redacted)}?

16 A. [11:50:39] I don't know what she was doing in {ICR: (Redacted)}, but when she
17 came back, she said to me that she was intending to open up a hair salon, but I don't
18 know what she was doing in {ICR: (Redacted)}.

19 Q. [11:51:09] Well, you say that she came back, do you mean that she came back to
20 Bangui?

21 A. [11:51:20] Yes. When she went back to Bangui, she told me that she was
22 intending to open up a hair salon.

23 Q. [11:51:33] Thank you, ma'am.

24 If we could now move to tab 20, CAR-D29-0016-0180.

25 A few moments ago that the full name of your son Oslin is Oslin Geoffroy Koussagale.

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- 1 And this is a photo that has been posted by Dejuste Kdg.
- 2 Do you recognise the person on photograph?
- 3 THE INTERPRETER: [11:52:20] Interpreter correction: The full name was Oslin
- 4 Geoffroy Dejuste Koussagale.
- 5 THE WITNESS: [11:52:29](Interpretation) I recognise the person. This is Oslin.
- 6 MS BAYSSAT: [11:52:33](Interpretation)
- 7 Q. [11:52:33] Thank you, ma'am.
- 8 I have another photograph to show you, and it's also from the same Facebook
- 9 account.
- 10 And this is tab 19 of the Defence binder, CAR-D29-0016-0179. And this is a
- 11 screenshot from Facebook, dated 6 February 2023.
- 12 Do you recognise anyone here in this photograph?
- 13 A. [11:53:20] This is Pepe and her daughter Sylviane. This is the wife of Oslin.
- 14 Q. [11:53:27] Thank you, ma'am. And once again, again from the same Facebook
- 15 account I have another photograph to show you.
- 16 This is tab 18, CAR-D29-0016-0178. And this is a screenshot from 15 December 2022.
- 17 Do you recognise anyone here in this photograph?
- 18 A. [11:54:07] This is Dosline (phon) and myself.
- 19 Q. [11:54:11] Who took this photograph?
- 20 A. [11:54:15] Pepe took the photograph.
- 21 Q. [11:54:27] Do you know why she took that photograph?
- 22 A. [11:54:36] I don't know why. I was holding the child and she was visiting or
- 23 I was holding the child and she took advantage of the moment to take the photograph.
- 24 She said that she would send it to Oslin.
- 25 Q. [11:54:58] The photograph can be taken off the screen.

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1 A few moments ago you said that Oslin provided you with several photographs
2 before he went to {ICR: (Redacted)}. And so here in this photograph, this was
3 posted in December 2022 by Dejuste. Between these two moments in time, the time
4 that Oslin provided the photographs to you and the time that Pepe took a picture of
5 you, were you in contact in any way with Oslin, over the phone or perhaps a
6 voicemail?

7 A. [11:56:01] No, we did not have any contact.

8 Q. [11:56:15] And after Oslin handed over the photographs, how much later was it
9 that you were in contact with Oslin and this photograph was taken, do you remember,
10 when he was in {ICR: (Redacted)}?

11 A. [11:56:42] It was before January. I was in touch with him and so when Pepe
12 came, I said to her that we had talked, but when we went --

13 THE INTERPRETER: [11:56:55] Inaudible.

14 THE WITNESS: [11:56:57](Interpretation) -- he asked that someone take a picture of
15 me with his brothers and to send the photograph. So he prepared this package for
16 us and then after that, I was no longer in contact with him.

17 MS BAYSSAT: [11:57:22](Interpretation)

18 Q. [11:57:23] I reassure you, ma'am, I only have one more question for you and
19 then I will be finished.

20 Do you know a person who joined the Anti-Balaka group during the events?

21 * A. [11:57:47] I know only one person... well, there were two. One person died...
22 both have died.

23 They were part of the Anti-Balaka group, but both of them were killed. Those are the
24 people I know.

25 MS BAYSSAT: [11:58:13](Interpretation)

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1 Q. [11:58:15] Are these Anti-Balaka people from Bambari?

2 A. [11:58:22] Yes, the ones from Bambari.

3 Q. [11:58:37] Thank you very much for your patience, ma'am. That was my last
4 question. Thank you.

5 PRESIDING JUDGE SCHMITT: [11:58:42] I thank you very much on behalf of the
6 Chamber.

7 And Ms Wakchom is the next to question the witness.

8 Do you have an estimate, Ms Wakchom?

9 MS WAKCHOM: [11:58:55] Mr President, with your leave, I would like to take the
10 afternoon to streamline my questions, because there was some new information that
11 would require me to reduce considerably my cross-examination.

12 PRESIDING JUDGE SCHMITT: [11:59:14] I think we can -- we can assume fairly
13 that you finish tomorrow, otherwise I would not agree to it, obviously. Okay, then
14 we can do that.

15 So we would conclude for now and continue tomorrow at 9:30, if I understand you
16 correctly.

17 But it's -- you know, there's some flight tendencies here.

18 No, Mr Knoops, I understand that we have momentarily planned for next week and
19 the week after D-29-1413 on 15 and 16 April; D30-4197 on the 18th, 19th and 22nd;
20 and D30-4720 from the 22nd to the 25th.

21 However, I talked, I think, with Ms Proulx before the break, when we had to cancel
22 D30-4885 - this is the expert - that your team would do everything to fit this expert in.
23 So now we can already foresee that on Thursday and Friday we don't have a hearing.
24 Can't we start with this expert and he's from the Netherlands so it's -- we can, well. I
25 don't know where he comes from, but it should not be a huge problem.

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1 Can you tell us something about it, how you want to try to solve that together with
2 the Chamber.

3 MR KNOOPS: [12:00:53] Yes, thank you, Mr President. I understand your request.
4 I don't think we can prepare the expert at this short notice, Mr President, to be honest.
5 He is in the Netherlands, of course, but the preparations are quite detailed so I --

6 PRESIDING JUDGE SCHMITT: [12:01:13] Well, you know, but I -- actually, I trusted
7 a bit when I had spoken with Ms Proulx that this expert would fit in this block.
8 So -- well, and we always act in this way with Prosecution from day first, with both
9 Defence teams, with victims representatives. If you tell me you can fit him in
10 otherwise, meaning that perhaps -- and we all know that some witness examinations
11 are shorter than expected, then, well, it's also okay. But we have two full days where
12 currently nothing is scheduled and I assume -- I actually have a suspicion who is
13 going to question this expert and I also assume that he will already have started to be
14 prepared and we have still three or four days for that. So I would really -- I would
15 really --

16 MR KNOOPS: [12:02:19] I will ask the team, Mr President.

17 PRESIDING JUDGE SCHMITT: [12:02:20] -- I would -- I would really encourage you
18 and I would ask you kindly to come at least, let's say, tomorrow back with some
19 information how you -- how you try to fit in this expert in this block too. Thank you
20 very much.

21 MR KNOOPS: [12:02:35] Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [12:02:38] Please discuss this also with the person I
23 assume will be the main responsible for the questioning.

24 So this concludes the hearing for today. We continue tomorrow 9:30.

25 THE COURT USHER: [12:02:48] All rise.

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- 1 (The hearing ends in open session at 12.02 p.m.)