

Trial Hearing
WITNESS: CAR-OTP-P-2475

(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 Monday, 30 May 2022
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:02] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:31] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:37] 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 are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:52] Thank you.
21 The appearances of the parties. Ms Berdennikova for the OTP first.
22 MS BERDENNIKOVA: [9:31:57] Good morning, your Honours and everyone in the
23 courtroom. This morning the Prosecution is represented by Pierre Belbenoit Avich,
24 Kweku Vanderpuye, Yassin Mostfa, and myself Maria Berdennikova.
25 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you.

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- 1 And the representatives of the victims, Ms Douzima.
- 2 MS DOUZIMA LAWSON: [9:32:15](Interpretation) Good morning, Mr President.
- 3 The victims of the other crimes are represented by myself, Maître Douzima-Lawson,
- 4 assisted by Maître Mouhia Asso. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:32:36] Thank you.
- 6 Mr Suprun.
- 7 MR SUPRUN: [9:32:37] Good morning, Mr President, your Honours. The former
- 8 child soldiers are represented by Fiona Lau, associate legal officer, and myself,
- 9 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:32:49] Thank you.
- 11 I turn to the Defence. First of all, Ms Dimitri.
- 12 MS DIMITRI: [9:32:55] Good morning, Mr President. Good morning, your
- 13 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom this
- 14 morning and he's represented by Ms Wilhelmina Whittingham, Ms Daniela
- 15 Mvougou Police, Ms Anta Guissé, Ms Sabrina Bayssat, Mr Gyo Suzuki, Ms Lena
- 16 Casiez, Ms Laurence Hortas-Laberge, and myself, Mylène Dimitri.
- 17 PRESIDING JUDGE SCHMITT: [9:33:17] Well, quite a staff, so to speak.
- 18 And I turn to Mr Knoops.
- 19 MR KNOOPS: [9:33:22] Good morning, Mr President. Good morning, your
- 20 Honours. Good morning everyone in the courtroom. Our modest appearance
- 21 today with our team restricts to Ms Marie-Hélène Proulx, and Mr Alexandre
- 22 Desevedavy, and myself. And, of course, the defendant in the courtroom.
- 23 PRESIDING JUDGE SCHMITT: [9:33:40] You don't have to be too modest, frankly
- 24 speaking, yes.
- 25 MR KNOOPS: [9:33:42] Thank you, Mr President.

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1 PRESIDING JUDGE SCHMITT: [9:33:43] And then we have counsel for the witness.

2 MR GOLUBOK: [9:33:46] Good morning, Mr President. Good morning, your

3 Honours. Good morning, colleagues, everyone present in the courtroom. I'm legal

4 adviser to the protected witness. My name is Sergei Golubok, I'm counsel. Thank

5 you.

6 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you very much.

7 And, of course, good morning, Mr Witness. I hope you are feeling well and had a

8 good rest in the past couple of days.

9 WITNESS: CAR-OTP-P-2475 (On former oath)

10 (The witness speaks Sango)

11 THE WITNESS: [9:34:26](Interpretation) Yes, I feel good. But since yesterday I

12 started feeling the pain where {ICR: (Redacted)}.

13 PRESIDING JUDGE SCHMITT: [9:34:47] Okay.

14 So, Mr Witness, whenever you think it is necessary that you need a break that you can

15 relax a little bit, calm down, whatever, please let us know. Please raise your hand

16 and then we will give you the chance to do so. Is okay?

17 THE WITNESS: [9:35:09] Very well.

18 PRESIDING JUDGE SCHMITT: [9:35:11] Okay. Then we continue with the

19 examination by the Prosecution.

20 Ms Berdennikova, you have the floor.

21 MS BERDENNIKOVA: [9:35:16] Thank you, your Honours.

22 I'm afraid that, unfortunately for the public, we'll have to finish this in -- in private

23 session. And I don't think I need more than 30, 45 minutes this morning.

24 PRESIDING JUDGE SCHMITT: [9:35:29] Okay. It's okay.

25 Then we go to private session.

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1 (Private session at 9.35 a.m.)

2 THE COURT OFFICER: [9:35:46] We are in private session, Mr President.

3 QUESTIONED BY MS BERDENNIKOVA: (Continuing)

4 Q. [9:35:54] Good morning, Mr Witness. I hope that you're feeling okay. I know
5 you just said that you're experiencing some pain, and please let us know if you need a
6 break at some point. My examination will not take that much longer, so we'll finish
7 before the end of this session, and then your testimony will continue with other
8 parties.

9 (Redacted)

10 (Redacted) so I would just like to show you a few photographs this morning before
11 finishing up.

12 And if I could ask the court officer to please display tab 10 of the Prosecution binder,

13 (Redacted) And if we could zoom

14 into the top left photograph, yeah, on that page, just the complete top left.

15 We do have also a hard copy, a zoomed-in version of a hard copy of this photograph,
16 if -- if that could maybe help the witness.

17 PRESIDING JUDGE SCHMITT: [9:37:32] Actually, I think it's still relatively small on
18 the screen, so if you have such a --

19 MS BERDENNIKOVA: (Overlapping speakers) something like --

20 PRESIDING JUDGE SCHMITT: [09:37:37] Yeah, that looks better, I think. Have the
21 impression. Perhaps we can give it to the witness and -- yeah, to facilitate.

22 MS BERDENNIKOVA: [9:38:03] The quality, unfortunately, even of that one is not
23 great, because the original is not that clear, but we'll try to -- we'll try to make --

24 PRESIDING JUDGE SCHMITT: [9:38:12] Well, we'll see what the witness recognises
25 and continue from there.

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15 (Redacted)

16 (Redacted)

17 Q. [9:41:26] Okay. Thank you for that clarification.

18 Can I now ask you if you recognise anyone in the photograph?

19 A. [9:41:51] Yes, I recognise certain people on that photograph.

20 Q. [9:41:58] Can you describe one by one the people that you recognise, maybe also
21 trying to make it clear who you're talking about by providing a description.

22 A. [9:42:29] Yes, I will explain to you.

23 MS BERDENNIKOVA: [9:42:53] Your Honours, for the sake of clarity of the record, I
24 wonder if it might not be an idea just to give a witness a pen or a marker or
25 something and he could mark the people with numbers that he recognises. And

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1 then we could register it.

2 PRESIDING JUDGE SCHMITT: [9:43:07] I think that would make sense, indeed.

3 Ms Dimitri.

4 MS DIMITRI: [9:43:17] Mr President, perhaps, for the clarity of the record, my
5 colleague might have noticed that we reused that picture in our binder and our team
6 created a numbering system. So you could use our tab, which is already numbered,
7 and it could facilitate, because later on I'll obviously come back to the same. It's just
8 a suggestion.

9 PRESIDING JUDGE SCHMITT: [9:43:39] Actually -- actually, that seems to be -- I
10 don't see anything objectionable to that. On the contrary, I think it would facilitate
11 the procedure.

12 What do you think, Ms Berdennikova?

13 MS BERDENNIKOVA: [9:43:50] No, I'm fine with that, especially it will avoid a
14 confusion later of who we're talking about and which numbers.

15 PRESIDING JUDGE SCHMITT: [9:43:54] Indeed. Yeah, I think we had another
16 instance, but I don't want to recall that. Yeah.

17 So how do we do this now, practically?

18 MS BERDENNIKOVA: [9:44:05] If you could help me with the ERN number, that
19 would be great.

20 PRESIDING JUDGE SCHMITT: [9:44:09] Exactly.

21 MS DIMITRI: [9:44:09] So the equivalent is tab 34 in the Defence binder and the
22 Defence ERN (Redacted).

23 PRESIDING JUDGE SCHMITT: [9:45:26] Which tab is it of your binder, please?

24 MS DIMITRI: [9:45:30] Thirty-four.

25 The document on the screen is the wrong document. (Redacted)

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1 PRESIDING JUDGE SCHMITT: [9:46:13] So I think for you, perhaps, it would be
2 easiest now if -- if we try to work it out this way, that you simply ask do you know
3 one of the encircled with the numbers and ask the witness that. And then we might
4 name them, if he's able to do that. But then of course, he -- it ...

5 MS BERDENNIKOVA: [9:46:43] Well, I see it on the screen now, so that will
6 facilitate things.

7 Q. [9:46:45] Mr Witness, the same photograph is on your screen now, but this time
8 you should be able to see numbers referencing particular individuals. Can you see
9 that?

10 A. [9:47:15] Yes, I can see it.

11 Q. [9:47:17] Once you've had a chance to have a closer look, can you please let us
12 know if there are individuals, and what reference numbers they are, that you can
13 recognise.

14 A. [9:47:52] I know the persons who are numbered on that photograph.

15 Q. [9:48:00] Okay. So may be easiest is if we go from 1.
16 Can you tell us who is the person marked as 1 on this photo?

17 A. [9:48:29] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted).

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1 Just a second.

2 PRESIDING JUDGE SCHMITT: [9:50:08] In the meantime, Mr Witness, thank you
3 very much for doing this exercise. So you came here for testifying and have to
4 do -- really work with this picture.

5 Ms Dimitri, this costs a little bit of time, but it would also, I think, take a little bit time
6 away from your examination, because you don't have then to go through this one by
7 one.

8 So number 3 I would assume now.

9 MS BERDENNIKOVA: [9:50:42] Well, in case -- in fact, I'm just wondering if it's
10 really necessary to go one -- one by one. Maybe -- maybe, because if the witness
11 doesn't know some of them, we could skip them.

12 PRESIDING JUDGE SCHMITT: [9:50:50] No, but he -- but he -- but he -- but he said
13 he knows the people.

14 MS BERDENNIKOVA: He knows them all. Okay. All right. So --

15 PRESIDING JUDGE SCHMITT: [09:50:53] So, simply, do you know number 3,
16 Mr Witness? Number 3 that's -- that's on the photograph.

17 THE WITNESS: [9:51:24] (Redacted)
18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [9:51:36] And number 4?

20 Of course only if you know. Really -- really recognise them, Mr Witness. Only the
21 persons you recognise, of course. So do you recognise number 4?

22 THE WITNESS: [9:52:09](Interpretation) I cannot identify the face of number 4. But
23 number 5 (Redacted).

24 PRESIDING JUDGE SCHMITT: [9:52:36] And number 6? If you recognise the
25 person.

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [9:53:02] And if you -- if you recognise number 7.

3 And if you recognise number 7.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [9:54:12] (Redacted), if you recognise the
11 person, is number 9.

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [9:54:37] Thank you, Mr Witness.

14 And perhaps you know. (Redacted)

15 Do you know any other -- do you recognise any other person on the photograph that
16 perhaps doesn't have a number?

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [9:55:27] So do you mean the person with the --
20 (Redacted)? Do you mean
21 this person?

22 THE WITNESS: [9:55:47](Interpretation) Yes, it is that person, (Redacted)

23 Yes, that is the person. Yes.

24 PRESIDING JUDGE SCHMITT: [9:55:55] Thank you.

25 MS BERDENNIKOVA: [9:56:04]

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1 (Redacted)

2 Q. [10:43:49] All right. Thank you very much for that.

3 I'm about to conclude my examination. So before I do that, I just want to ask you a
4 couple of last questions.

5 And, I mean, we've now -- you know, you've now talked for more than two days and
6 described all the different things that happened to you and what you lived through.

7 Can you just explain to the Judges what kind of impact that had on you and on your
8 life.

9 A. [10:44:49] My situation before, (Redacted)

10 (Redacted) I stayed with my father. There were not many -- there was not much
11 understanding. I went to school and I dropped out (Redacted). I was not a nervous
12 person. I was gentle with everybody. You could shout at me from morning to
13 evening and I would not respond.

14 But the changes that I realised in my life after passing through the Anti-Balaka is that
15 I became very brutal. I also became very nervous. I do not want -- I do not like
16 anybody shouting at me. I cannot bear watching people fight. I cannot bear seeing
17 somebody beating up a child. I do not like anyone giving me orders. I simply want
18 to do what I want to do. And if you speak to me in a sort of violent manner, I will
19 become angry very quickly. And if you shout at me, it becomes difficult. And if I
20 pick up a weapon to attack someone, it is not a joke. I will actually do it.

21 And when I'm nervous I no longer speak. I prefer to isolate myself. That makes it
22 possible for me to calm myself down. And what I usually do to calm myself is to
23 splash some water on my head and to lie down, and I do everything not to speak
24 because I become very nervous. I do not want to see any accident happening in
25 front of me because it can disturb me. When a child is beaten in front of me, it can

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1 quickly annoy me, even if that child is not a member of my family. And even if
2 someone insults the mother of another person, it can quite easily annoy me, make me
3 angry. So I repeat, I have become someone very, very nervous after those events
4 involving the Anti-Balaka.
5 Today, there are things that I can tolerate, but there are others that I cannot tolerate.
6 After the Anti-Balaka, (Redacted),
7 but there, I could quite easily become angry. And when I see something that is
8 happening and that I don't like, I can quickly become angry. (Redacted)
9 (Redacted)
10 (Redacted)
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25 Q [10:57:46] Okay, Mr Witness, thank you very much. That concludes my -- my
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1 questions for you and I want to thank you for your patience and for having, you
2 know, answered for the last several days. I know it was not always easy. You
3 know, it's -- it came across that there were parts, of course, that were more difficult for
4 you, so then I especially want to -- to thank you for bearing with us all this time.
5 Thank you very much.

6 PRESIDING JUDGE SCHMITT: [10:58:12] Thank you.

7 Before we go into the break, Mr Witness, I have one additional question. What are
8 your hopes for the future?

9 THE WITNESS: [10:58:47](Interpretation) After everything that happened (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [11:00:00] Okay. Thank you.

19 We have the break until 11.30.

20 THE COURT USHER: [11:00:03] All rise.

21 (Recess taken at 11.00 a.m.)

22 (Upon resuming in open session at 11.31 a.m.)

23 THE COURT USHER: [11:31:42] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:32:07] Do the representatives -- do the

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1 representatives of the victims have further questions for this witness?

2 MS DOUZIMA LAWSON: [11:32:25](Interpretation) Mr President, the
3 representatives of the victims of the other crimes are of the view that the witness's
4 testimony is clear and concise and, therefore, we do not intend to question this
5 witness.

6 Thank you, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:32:46] Mr Suprun.

8 MR SUPRUN: [11:32:47] Mr President, I have three questions for this witness with
9 the Chamber's leave.

10 PRESIDING JUDGE SCHMITT: [11:32:57] Yes, please, start.

11 MR SUPRUN: [11:33:00] Thank you.

12 PRESIDING JUDGE SCHMITT: [11:33:09] We are in open session, Mr Suprun. Do
13 you think --

14 MR SUPRUN: [11:33:12] Yeah, I can -- I can ask my questions in open session.

15 PRESIDING JUDGE SCHMITT: [11:33:15] Okay. Thank you. Please proceed.

16 QUESTIONED BY MR SUPRUN: (Interpretation)

17 Q. [11:33:25] Good morning, Mr Witness. My name is Mr Suprun, and I represent
18 a group of victims who are former Anti-Balaka soldiers, and I have three questions for
19 you.

20 Mr Witness, during your testimony, you said that from 2013, you were unable to
21 continue your studies. My question is as follows: Does the fact that you didn't
22 continue your school education have -- did it have an impact on your life?

23 A. [11:34:12] Since 2013, when the Seleka came in, I did not attend school. I had
24 intended to go back to school. I really had the intention to return to school, but I
25 didn't have the resources and, then later on, we joined the Anti-Balaka -- or, should I

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1 say that even when we left, (Redacted)

2 (Redacted).

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:35:01] Thank you, Mr Witness. You have just described some of the harm
7 that you suffered during your experience with the Anti-Balaka. My question is as
8 follows: If, at the end of this trial before this Court, Mr Yekatom is found guilty,
9 would you expect reparations for the harm you suffered?

10 A. [11:35:56] My wish is that at the end of this trial, I can register in a football
11 training centre, and, if it were possible for my training to be facilitated in that way, I
12 would really be happy. I wish to have an income-generating trade.

13 Q [11:36:28] Thank you, Mr Witness. I have no further questions for you.
14 Thank you, Mr President. That will be all.

15 PRESIDING JUDGE SCHMITT: [11:36:37] Thank you, Mr Suprun.

16 I give now the floor to the Defence of Yekatom.

17 Ms Dimitri, take your time to ...

18 MS DIMITRI: [11:37:26] Thank you, Mr President. Sorry for the delay.

19 QUESTIONED BY MS DIMITRI: (Interpretation)

20 Q. [11:37:35] Let me introduce myself. My name is Mylène Dimitri. I am the
21 lead counsel for Mr Yekatom.

22 I observed that you speak some French, that you reread your statement in French,

23 that you annotated some comments in French, and so, since you understand French, I

24 would ask you, in any event, to observe a break between my question and your

25 answer. This makes it possible for interpreters to properly interpret what is said and

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1 also allows the court reporters to write down and record everything that is being said.

2 That's my first recommendation to you.

3 Do you understand it?

4 A. [11:38:38] Yes, I do.

5 Q. [11:38:39] My first question, Mr Witness, will address with you the statements

6 that you gave to the OTP in 2019 and in 2020. I would like to know -- well, you

7 explained to us how the Prosecutor contacted you, and I would like to know in

8 relation to the time of your first meeting with the OTP, did somebody come with you

9 to the appointment venue?

10 A. [11:39:36] At the first appointment with the OTP team, as I already today you, I

11 told you that initially, they had contacted {ICR: (Redacted)}, but I don't know who

12 gave them {ICR: (Redacted)} phone number. It must have been the {ICR: (Redacted)} that

13 provided them with {ICR: (Redacted)} contacts. (Redacted) that they

14 were able to contact {ICR: (Redacted)}, and then he gave them my number. They called

15 me and indicated a location for our appointment, and I went there all by myself.

16 PRESIDING JUDGE SCHMITT: [11:40:21] We have to -- I think it was not an area

17 covered that had to be covered in private session, but we have to be sensible to that

18 issue, yeah, Ms Dimitri. I know you are, but I just want to remind you. Also, we

19 anticipate the answers, so that the witness -- the identity of the witness still is

20 concealed, of course.

21 MS DIMITRI: [11:40:47] Mr President, to play it on the safe side, maybe we go into

22 private session. And, unfortunately, I think it's going to be the case for the majority

23 of my -- of my examination. I'm sorry, but ...

24 PRESIDING JUDGE SCHMITT: [11:41:04] No, but this is -- actually, this is to be

25 expected.

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1 We go to private session.

2 (Private session at 11.41 a.m.)

3 THE COURT OFFICER: [11:41:30] We are in private session, Mr President.

4 MS DIMITRI: [11:41:33](Interpretation)

5 Q. [11:41:35] When you say that it was maybe (Redacted) that they obtained

6 (Redacted) phone number, are you referring to (Redacted)? Is that (Redacted)

7 you're talking about?

8 A. [11:42:00] Yes, I'm talking about (Redacted).

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [11:42:40] At the time of the meeting, I understand that you went there alone.

13 But when you entered the meeting room with the members of the OTP, apart from the

14 team of the OTP, did you meet any other witness or any other person during that

15 meeting?

16 A. [11:43:19] When I arrived at the appointment location, the person whom I met at

17 the entrance was the guard, and after that, I went into a room where I met with the

18 investigators of the OTP, as well as his *éléments*.

19 THE INTERPRETER: [11:43:50] The witness says, using that word in French.

20 MS DIMITRI: [11:43:56](Interpretation)

21 Q. [11:43:57] Before they started asking you questions concretely, did the OTP team

22 explain to you the purpose of the meeting?

23 A. [11:44:27] When the investigators of the OTP called me on that day, they

24 received me. We had a good discussion. They asked me about my health. I said I

25 was doing fine. They then asked about my family, and I said my family was okay

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1 and they asked where I was, and I said I was living in (Redacted). Then they told me
2 (Redacted)
3 (Redacted) and then they themselves contacted me, and I told them I was
4 far away from (Redacted). So they came, introduced themselves as investigators,
5 seeking to find out what had happened in the Central African Republic, as they
6 sought to obtain information from me relating to everything that had happened in the
7 Central African Republic.

8 MS DIMITRI: [11:45:33] Mr President, if I could have the assistance of the court
9 officer. My English transcript is frozen, and this is my guide in order not to have
10 overlap.

11 Thanks. It's back. Thank you.

12 Q. [11:45:54](Interpretation) During the meeting, did the investigators from the
13 OTP suggest or point out to you that they were looking for evidence against Mr
14 Yekatom?

15 A. [11:46:23] During our meeting, they told me that they were looking for
16 information and evidence relating to what had happened in the
17 Central African Republic, and particularly, in relation to the matter of Chief Rambo.
18 That is how I then started to tell them about how things had unfolded when I was
19 with the Anti-Balaka movement.

20 Q. [11:46:55] What do you mean? Can you be a little more explicit when you say
21 that they were looking for information in relation to the matter of Chief Rambo.
22 What did they tell you specifically in relation to the matter of Chief Rambo?

23 A. [11:47:33] They told me that they were investigators investigating into
24 everything that had happened in the Central African Republic, and that that is how
25 they had come by my number and had called me.

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1 Well, I was in a good position to narrate to them what had happened in the Central
2 African Republic and tell them the truth about what had happened. I knew the
3 history of the Anti-Balaka, and I was able to tell them the story. I was willing to tell
4 them the truth. Then they asked for my age, my father's name, and they asked me
5 how life was for me.

6 Now, when it comes to the Anti-Balaka, I narrated to them everything that had
7 transpired. Then they asked me questions about Chief Rambo. They asked me if I
8 knew him. And I said, "Yes, that was the chief of the Anti-Balaka, including Coeur
9 de Lion, Chief Habib, and all those other people who were Anti-Balaka leaders."

10 That's what I told them, and that is how we then started to work together.

11 Q. [11:49:05] Did you ask them whether they had effectively obtained your phone
12 number from (Redacted)?

13 Once again, small correction. The phone number of (Redacted), correction.

14 A. [11:49:47] I did not ask them any questions about my (Redacted) phone number
15 since (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [11:51:34] During your meetings with the investigators of the OTP, which led to
4 the production of two statements, one in 2019 and one in 2020 -- and I can provide
5 ERNs for the record. I'll give them both at once. For the French version,
6 CAR-OTP-2107-8393. For the French version of the 2020 statement,
7 CAR-OTP-2130-1529.

8 And, Mr President, for the record, I will probably refer mostly to the first statement.

9 And if I were to refer to the second, I will say "the second statement".

10 Now, Mr Witness, during your meetings with the investigators, which led up to those
11 two statements of 2019 and 2020, did you tell them the truth at all times all the time,
12 that is, to the investigators of the OTP?

13 A. [11:52:58] Yes, I acknowledge that I told them the truth at our first meeting in

14 (Redacted) I explained to them everything as it

15 happened, and I believe that I told them the truth.

16 You see, you may want to -- to know that following the Prosecutor's investigations,
17 they pointed out to me that they -- I was not being called to testify forcibly. They did
18 not -- they wanted everything that I said to come from me directly, and so they
19 wanted to -- to hear my experience and that they were seeking the truth. And so
20 I -- they wanted to know if I would agree, and I said, yes. And as we agreed, then
21 we went on to have discussions among ourselves.

22 Q. [11:54:10] Would it be correct to say that after your statements were taken, the
23 Prosecutor gave you an opportunity to reread the statement and make any corrections
24 or additions thereto, and also to reassure you that everything that you said actually
25 tallies with what was written down in the statement, and that for all this to happen,

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1 you had the assistance of a Sango interpreter?

2 Is this a correct statement to make, so to speak?

3 A. [11:54:55] Yes, that is correct. They only spoke English, and there was an
4 interpreter who interpreted from English to Sango and vice versa.

5 Q. [11:55:11] So it will be correct to say that it is only after this process of rereading
6 the statement by the Sango interpreter, during which you had an opportunity to make
7 any corrections, it is after that, that you signed the statement and indicated that it
8 reflected the truth to the best of your knowledge?

9 A. [11:55:45] Yes, that is correct.

10 Q. [11:55:48] Now, let me turn to your arrival in the Netherlands and the rereading
11 of your statement since you came to the Netherlands. Without mentioning a name
12 or a location, I am of the impression that since you arrived in the Netherlands, you are
13 staying at a hotel in a room, and that when you arrived, you were given your
14 statement from 2019 -- your 2019 statement -- or, rather, the statement of 19 May 2022;
15 is that correct?

16 A. [11:56:26] Yes, that is correct.

17 Q. [11:56:28] Is it also correct to say -- and, please, don't mention the telephone
18 number, Mr Witness. Would it be correct to say that in that hotel room, you have
19 access to your mobile phone?

20 A. [11:56:57] I was provided a telephone where I was coming from, and they
21 proposed to give me another telephone, which is what I used.

22 Q. [11:57:11] Would it be correct to say that you kept your statement for a number
23 of days while you are -- or, rather, in the hotel room?

24 A. [11:57:36] Yes, that is correct.

25 Everything that was transcribed into French, it was not possible for me to read and

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1 correct the errors and mistakes. That is why I asked for some time to read through.

2 And after I read through, I realised that some passages had not been properly

3 transcribed, so I was asked to correct them by writing down the corrections myself. I

4 said, "I am not able to do so," but they insisted. And they said that I should do it

5 myself, and that if there were any difficulties, I would have the opportunity to correct

6 them during the hearing proper.

7 So this is what I was asked to do.

8 Q. [11:58:31] Would it also be correct to say that on 20 May, that is, the day after

9 you received your statement for the first time in your hotel room, you continued to

10 read the statement here at the courthouse, but that you asked members of the

11 witness's protection team for permission to continue to read your statement while at

12 the hotel?

13 A. [11:59:16] I'm sorry. I didn't understand your question.

14 Q. [11:59:19] No problem, Mr Witness. If you don't understand your -- my

15 question, I will repeat it.

16 On 19 May, you received your statement at your hotel room where you were reading

17 your statement. On 20 May, you were told that you should continue reading your

18 statement at the ICC headquarters if you had not finished reading the statement, that

19 is, to read it here in the building in which we are.

20 Am I correct to say that you insisted on correcting -- on continuing to read your

21 statement alone, by yourself, in your hotel room?

22 A. [12:00:14] I was not asked to come and read the statement here at the court. I

23 was simply asked to look through the statement and correct any errors that I may find.

24 But since I did not go very far in my education, I couldn't do it all by myself. So

25 that's why there was a need to find somebody who could help me to understand.

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1 And so it also was the case that if there were other difficulties, I could make the
2 corrections directly during the hearing. So I was not able to make all the corrections
3 in French. I corrected some paragraphs, but could not correct some. And the
4 opportunity was given to me that during the hearing, I would be able to narrate the
5 facts and make the corrections where possible or when necessary.

6 The point is that I was not able to read my entire statement. I could not understand
7 everything that was written in my statement in French.

8 Q. [12:01:27] Am I to understand, Mr Witness, that you asked the staff members of
9 the Court that someone should be placed at your disposal to help you to read the
10 statement and they refused?

11 A. [12:01:47] When I arrived, I made that request. One of the staff members told
12 me that I had to do it myself, in a calm situation, and if there were corrections to be
13 made, I should make them. I was given the statement. I reread it. And I noted a
14 certain number of things, certain number of corrections that were handed to the
15 Prosecutor, but I told them that I did not go very far in school and that I could not
16 read very quickly the entire statement, and that I wanted to have the time to read
17 calmly and to make the necessary corrections. That is how I made the suggestions
18 that we handed over to the Prosecutor.

19 Q. [12:03:04] Am I correct, therefore, to say that you read and reread your
20 statement on 19 May, 20 May, 21 May and 22 May, and that you handed it back only
21 on the 23rd; is that correct?

22 A. [12:03:31] Yes.

23 Q. [12:03:34] Am I correct to say that during all those days, you were in your hotel
24 room with your statement and not at the seat of the Court?

25 A. [12:03:54] That is correct.

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1 Q. [12:03:56] Am I also correct to say that with you in your hotel room, there was
2 no one from the Court to supervise the rereading of your statement?

3 A. [12:04:20] That is correct. I was absolutely alone.

4 Q. [12:04:23] We will change subjects. I want to apologise in advance.
5 Sometimes when I turn to my right, I want to be sure that the English interpretation
6 has been completed.

7 Do you see that?

8 A. [12:04:45] Very well.

9 Q. [12:04:47] I would like to backtrack a little bit. In 2019, 2020, the first time that
10 you met with the OTP in 2019 up to the second time in 2020, the -- did (Redacted)
11 (Redacted) were they at any time
12 aware that you had met with the investigators of the OTP?

13 A. [12:05:27] That, I do not know.

14 Q. [12:05:44] I will show you a photograph. (Redacted), Mr Witness.
15 (Redacted). And I would like to draw your attention to the right of the
16 photograph. And please let me know once it appears on your screen.
17 Can you see the photograph?

18 A. [12:06:07] Yes, yes.

19 Q. [12:06:14] Do you recognise the very tall person in the right of the photo
20 wearing a -- an -- up and down -- blue jacket and he is next to the person wearing a
21 cap?

22 The arrow is on this person. Do you know him?

23 A. [12:06:37] Yes, I know him.

24 Q. [12:06:40] What is his name?

25 A. [12:06:47] I have forgotten his name.

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1 Q. [12:06:50] If I suggest (Redacted), does that ring a bell?

2 A. [12:06:57] Yes, that is his name.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:08:52] To your knowledge, did (Redacted) know at any time -- at any
17 point whatsoever that you were meeting with the investigators of the OTP within the
18 context of this case?

19 A. [12:09:12] I cannot know that.

20 Q. [12:09:26] Did (Redacted) ever talk to you directly by telephone, by SMS, by
21 Facebook, WhatsApp, or any social media about the Office of the Prosecutor at the
22 ICC or the office of victims at the ICC?

23 A. [12:09:55] No. We have never spoken to each other. We never wrote to each
24 other. We never used social media to communicate, including WhatsApp.

25 Q. [12:10:15] And since your first meeting with the investigators of the OTP in 2019,

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1 did you ever see (Redacted) again?

2 A. [12:10:30] No.

3 Q. [12:10:36] I understand that you say you have never spoken to each other, but to
4 your knowledge, did anyone ever tell you -- do you know whether he ever tried to
5 reach out to you in any way whatsoever?

6 A. [12:11:03] No.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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18 (Redacted)

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21 PRESIDING JUDGE SCHMITT: [12:35:12] Let me interrupt you. We need a short
22 break. So let's say five minutes and then we're back. But stay in the room, please.

23 MS DIMITRI: [12:35:19] Of course, yes.

24 THE COURT USHER: [12:35:19] All rise.

25 (Recess taken at 12.35 p.m.)

26

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1 (Upon resuming in private session at 12.39 p.m.)

2 THE COURT USHER: [12:39:06] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [12:39:22](Interpretation) Ms Dimitri.

5 MS DIMITRI: [12:39:23] Thank you, Mr President.

6 May I ask you, until what time do I -- I have a suggestion. I don't mind doing a

7 two-hour session now and a two-hour session this afternoon. I'm a bit worried

8 about time, because I have a section coming up that's going to be complicated,

9 lengthy, and it's going to take me a lot of time. And I'm going to have to go very

10 slow in order for everyone to be able to follow all the numbers and the ERNS. And

11 once that section is done, I'll be in a better position to assess how long I will have with

12 this witness.

13 So it's just a suggestion. Since we're starting the week, we could already start

14 catching up on time, and then if all goes well tomorrow, I could say we could have a

15 normal lunch break.

16 PRESIDING JUDGE SCHMITT: [12:40:14] Well, we have a judges' meeting at a

17 quarter past 4, so two 2-hour sessions would perhaps a little bit -- what about

18 shortening the lunch break, so we have only lunch break from 1 to 2 o'clock today,

19 and then we can -- we can at any time in the coming days proceed like that, what you

20 suggested, yeah.

21 MS DIMITRI: [12:40:40] Thank you very much.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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24 PRESIDING JUDGE SCHMITT: [12:53:35] Ms Berdennikova.

25 MS BERDENNIKOVA: [12:53:38] I'm very sorry to interrupt, but I believe this calls

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1 for speculation on the part of the Defence.

2 PRESIDING JUDGE SCHMITT: [12:53:44] No, no, it does not. It does not. The
3 question was "as far as he knows". And we have an intelligent witness here.

4 Mr Witness, of course, if you don't know, you say you don't know, Mr Witness. But
5 if you have any knowledge about that, or if you have recognised anything that you
6 want to share with us, please tell us.

7 THE WITNESS: [12:54:34](Interpretation) I'm not able to speak on behalf of the
8 (Redacted). I didn't see him do what he was doing. I saw his deputy, I met him, but
9 whether they were aware or not, I'm not able to confirm or deny it.

10 PRESIDING JUDGE SCHMITT: [12:54:51] Thank you, Mr Witness. This is exactly
11 how you should do it. If you're not sure, if you don't know, please tell us. Thank
12 you for that.

13 On the other hand, of course, we had the -- during the examination in the first session
14 by the Prosecution, we had some confirmation of persons. I think I recall the son of
15 (Redacted), if I'm -- if I have it now in my mind. So we take note of that, of
16 course.

17 MS DIMITRI: [12:55:19] Yeah. It's my next question, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:55:23] Oh, okay. Please then, continue.

19 MS DIMITRI: [12:55:34](Interpretation)

20 (Redacted)

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13 (Redacted)

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15 (Redacted)

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19 PRESIDING JUDGE SCHMITT: [12:58:48] Well, wouldn't that be a good -- since we
20 don't have to put the photos again to the witness, he has confirmed the three names, I
21 think, wouldn't that be a good point now to have the shortened lunch break?

22 MS DIMITRI: [12:59:01] Sure. I'm going to go to the pictures anyway for other
23 reasons, but the picture process is going to take time. But we can have lunch.

24 PRESIDING JUDGE SCHMITT: [12:59:09] Okay.

25 In any event, so we have now the lunch break until 2 o'clock.

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1 THE COURT USHER: [12:59:14] All rise.

2 (Recess taken at 12.59 p.m.)

3 (Upon resuming in private session at 2.05 p.m.)

4 THE COURT USHER: [14:05:12] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [14:05:46] So, Ms Dimitri, you still have the floor.

7 I think we are in private session, yeah. And we continue in private session.

8 MS DIMITRI: [14:05:52] Thank you, Mr President.

9 Q. [14:06:10](Interpretation) Good afternoon, Mr Witness.

10 Just before the lunch break, you explained to us that there was a ceremony with white
11 journalists (Redacted)

12 (Redacted)

13 (Redacted).

14 I will show a photo, tab 92 of the Defence list, and you will tell me whether it
15 corresponds to what you have just said. (Redacted)

16 (Redacted).

17 Do you understand my question, that is, while waiting for the photograph to be
18 displayed?

19 Now, look at the two photographs on the screen. Does that correspond to what
20 you've described, that is, the ceremony involving journalists (Redacted)
21 (Redacted)?

22 A. [14:07:54] Yes, that is it.

23 Q. [14:07:59] The photograph can be taken off.

24 Mr President, for my next series of questions, I will now go back on the series of
25 pictures with the numbering system. To make it very clear for the record,

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1 Ms Bayssat had the kindness of preparing a correspondence table. I have paper
2 copies for everyone. I'll explain why. So these pictures originally beared CAR-OTP
3 numbers as an ERN, and now what she's done is that she reused them with her own
4 numbering system and restamped them with the Defence ERN. Later on for the
5 record, if we want to know which Defence ERN corresponds to which page, we have
6 a correspondence table that I could distribute and that eventually, if you believe it
7 would be useful, the Registry could stamp it. And during that series of questions, I
8 will also very often refer to Defence tab 48. The ERN number is (Redacted).
9 To avoid having your Honours go back and forth between tab 48 and the pictures, we
10 also have extra copies of tab 48.

11 PRESIDING JUDGE SCHMITT: [14:09:37] Sounds, at least hearing it first,
12 reasonable.

13 You could perhaps send this comparison table also via email so that I think
14 everybody has it. Also it would be helpful I think for the judges and for Prosecution,
15 for victims representatives.

16 MS DIMITRI: [14:10:23] Of course. We had made extra copies for everyone, but we
17 will also send it by email.

18 PRESIDING JUDGE SCHMITT: [14:10:31] Not everyone works analogue here
19 I think. And for some, for some it might be helpful to have it via email.

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

21 Q. [14:10:46] Mr Witness, we are going to come back to the numbered photographs
22 which you looked at with my learned friend in the early morning. I will also refer to
23 what you said to the investigators of the OTP_(Redacted) in relation to those photographs.
24 You remember that (Redacted), the investigators of the OTP showed you those
25 photographs; is that correct?

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1 A. [14:11:27] That is correct.

2 Q. [14:11:30] Now, I have your statement and the comments that you made on each
3 of the individuals on the photographs. We are going to review them together. I
4 will repeat what you said, and I will ask you to confirm the identity of each of those
5 individuals. Is that okay?

6 MR SUPRUN: [14:11:50] I'm sorry to interrupt you.

7 Mr President, can we also be provided with the documents?

8 PRESIDING JUDGE SCHMITT: [14:11:54] Mr Suprun, please, only speak when I
9 give you the floor, because there was total overlap. I did not hear at all what you
10 had been saying. So now, please, Mr Suprun, again.

11 MR SUPRUN: [14:12:04] I'm sorry, Mr President, for interruption. Can we also be
12 provided these documents, because only one team was provided with the documents.
13 Thank you.

14 PRESIDING JUDGE SCHMITT: [14:12:11] I think, especially in your case, it would
15 make sense that you had it, indeed.

16 MS DIMITRI: [14:12:31](Interpretation)

17 Q. [14:12:32] Mr Witness, we will start with tab 34 of the Defence list,
18 (Redacted).

19 This morning you identified (Redacted)
20 (Redacted).

21 (Redacted).

22 I will suggest to you their family names. (Redacted)
23 (Redacted). Am I correct?

24 A. [14:13:43] That is correct.

25 Q. [14:13:57] Paragraph 206 of your statement, you also talked about a certain

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1 photo, tab 39, (Redacted).

2 Do you agree with me that it's still (Redacted) that we are seeing on this photograph
3 at number 2?

4 A. [14:14:39] Yes, she is the one.

5 Q. [14:14:43] I will now show you a video excerpt. It's a video that my learned
6 friend showed to you last week. Tab 47, (Redacted). My colleague will
7 show you the video at 2:39, and I would like to ask you to pay keen attention to the
8 video. It is not very clear, but I will ask you whether you know (Redacted). She is
9 behind the girl in shorts. And my colleague will point with her arrow to the location
10 where I think (Redacted) is to be found. She is seated at the end of the bench.
11 And when you look at the photograph, she is seated at the extreme right, and she is
12 wearing the same (Redacted).

13 A. [14:16:16] Yes, she's the one.

14 Q. [14:16:19] Thank you.

15 For the record, I would like to point out that (Redacted)
16 (Redacted), are indeed on the list of people (Redacted), the list at tab 48,
17 (Redacted). They are seen at numbers 42 and 43
18 under the names (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [14:18:33] Before you answer, Mr Witness, Ms

4 Berdennikova has an objection, obviously.

5 MS BERDENNIKOVA: [14:18:40] Your Honour, just -- just to note that -- sorry, I

6 need to remove that for the translation.

7 PRESIDING JUDGE SCHMITT: [14:18:45] It's okay.

8 MS BERDENNIKOVA: [14:18:46] The witness cannot possibly comment on a

9 document such as this one, who does not -- that does not refer to himself and the

10 provenance of which he also does not know. We submit that the Defence can put the

11 questions to him, but without necessarily using documents as such with the witness --

12 PRESIDING JUDGE SCHMITT: [14:19:11] Yeah --

13 MS BERDENNIKOVA: [14:19:11] -- not possible to say anything about this.

14 MS DIMITRI: [14:19:12] May I --

15 PRESIDING JUDGE SCHMITT: [14:19:14] Yeah, of course, of course.

16 MS DIMITRI: [14:19:15] -- with your leave, Mr President?

17 I'd like to respond but with a -- I just don't want to influence the witness's answer.

18 If -- with your leave, Mr President, if he could just remove his headsets.

19 PRESIDING JUDGE SCHMITT: [14:19:27] You see, these lawyers have a dispute,

20 Mr Witness. Could you please take your earphones off for a minute. Yeah, please.

21 MS DIMITRI: [14:19:37] Mr President, in my respectful submission, the Prosecution

22 opened the door when they asked, (Redacted)

23 (Redacted).

24 PRESIDING JUDGE SCHMITT: [14:19:57] I have already -- because I would also

25 said something to this, because I anticipate a lot more to come in that regard. So,

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1 first of all --

2 MS DIMITRI: [14:20:06] Indeed.

3 PRESIDING JUDGE SCHMITT: [14:20:08] First of all, it would be, in my humble
4 view, advisable to ask these questions first. So what did you think, in your
5 estimation, (Redacted)? And then I think it's absolutely sufficient to pull up the
6 document, if it is a document and not a newspaper article or something like that, if it
7 is a document, we take note of it, and then we draw other conclusions. You don't
8 have -- so I agree a little bit with Ms Berdennikova also. You are absolutely free to
9 ask the question, but then the document, I think he cannot comment upon. The
10 document stands for itself. And if there are no objections with regards to his
11 authenticity, or if Mr Vanderpuye or Ms Berdennikova does not stand up and say,
12 "This is fabricated," or whatsoever, then we draw our conclusions from that.
13 Is that fine?

14 MS DIMITRI: [14:21:01] Yes, Mr President, but just one clarification. For -- I
15 understand that he didn't give an estimate (Redacted). However, I
16 wanted to also link it to (Redacted) that's written in tab 48. As for the others, because --

17 PRESIDING JUDGE SCHMITT: [14:21:19] No, you're absolutely free to ask on any
18 person that he has identified. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MS DIMITRI: [14:21:44] Thank you, Mr President.

23 PRESIDING JUDGE SCHMITT: [14:21:46] Is this okay?

24 MS DIMITRI: [14:21:47] Yes, I think it's clear.

25 PRESIDING JUDGE SCHMITT: [14:21:51] Mr Witness, thank you for your patience.

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1 So, Ms Dimitri.

2 If I may shortly comment on that. Of course, these -- this exercise by you has or
3 could have a double effect. It could also, let's say, could facilitate the Chamber to
4 assess what the witness said, but it also could, of course, assist the Chamber in
5 identifying exact ages. I think you understand what I mean by that.

6 MS DIMITRI: [14:22:36] Yes, Mr President. Thank you.

7 Q. [14:22:42](Interpretation) This morning, you identified (Redacted). And, for the
8 record, I'll show you the photo, tab 34 of the Defence list. You identified him as
9 being at (Redacted). And you also identified him at tab 38 of the Defence list,
10 (Redacted), as part of the (Redacted). You identified him as (Redacted).

11 In fact, I said I was not going to show you the picture again. But I will ask you the
12 question once again.

13 You were part of (Redacted) with him. Are you in a position to give an
14 estimate of the age (Redacted)?

15 A. [14:23:57] I think it is from the very beginning that I have been asked questions
16 about the ages of these children. I have already told you that I cannot know the
17 precise ages of these people, these persons. I can say that most of the children who
18 were there were 14, 15 or 16 years, but I cannot know the precise age of each of them.

19 PRESIDING JUDGE SCHMITT: [14:24:27] Just a second.

20 Mr Witness, it's absolutely okay. You -- of course, you don't know, but, you know,
21 with some of the children or the young people, (Redacted)
22 (Redacted). You see, because of that, you are asked
23 these questions. It's absolutely okay that you -- if you don't know. And if you're
24 asked an estimate, you can say, "Okay, I thought he was 14 or 16 or 17 or 12." So it's
25 absolutely okay to answer this way.

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1 Ms Dimitri.

2 MS DIMITRI: [14:25:02] Thank you, Mr President.

3 Q. [14:25:06](Interpretation) Since you have said that, according to your estimates,
4 all the children were 14, 15, 16 years -- now, tab 30, (Redacted). I'm going
5 to show that to you.

6 It is the birth certificate of (Redacted), born (Redacted) 1995, which means that
7 she -- he was 19 years at the time (Redacted). So does that refresh your memory
8 about the age of (Redacted) at the time (Redacted)
9 (Redacted)?

10 A. [14:26:15] I have no idea.

11 PRESIDING JUDGE SCHMITT: [14:26:18] Well, I think I had said that the witness
12 has said 14 to 16, and I think that's enough, if you show us the document. And I
13 don't assume that it is contested that this document is correct. And perhaps in the
14 future will be, but nevertheless this is something that we will have to figure out as a
15 Chamber.

16 Ms Berdennikova, you want to add something?

17 MS BERDENNIKOVA: [14:26:48] I just wasn't sure if your comment calls for a
18 response from the Prosecution.

19 PRESIDING JUDGE SCHMITT: [14:26:53] Not necessarily. Not necessarily.

20 MS BERDENNIKOVA: [14:26:55] We don't know the authenticity, of course, the
21 provenance of these documents, so they could very well be contested.

22 PRESIDING JUDGE SCHMITT: [14:27:01] Yes, I understand that. But, nevertheless,
23 it -- at least, at first sight, they appear to be authentic, but ... we will at least not call, I
24 think, a witness who has produced this document to authenticate it.

25 Ms Dimitri.

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1 Q. [14:30:40] I will talk about another individual that you talked about this
2 morning. If you can display once again tab 34, (Redacted).

3 This morning, you identified the brother of (Redacted), and you said his
4 name was (Redacted). In your statement, in paragraph 89, you said that he was not
5 part of the Anti-Balaka; is that correct?

6 A. [14:31:43] Yes, he wasn't part of the Anti-Balaka.

7 Q. [14:31:50] Am I correct in saying that his name, his full name is (Redacted)
8 (Redacted)?

9 A. [14:32:06] I knew him in Sekia only in the name of (Redacted). I don't know his
10 family name.

11 PRESIDING JUDGE SCHMITT: [14:32:30] Is he on the -- is he on the list?

12 MS DIMITRI: [14:32:31] Yes. (Redacted), Mr President. (Redacted).

13 PRESIDING JUDGE SCHMITT: [14:32:35] And could I please ask, interpreter, to
14 switch off ...

15 Okay. I didn't hear you. (Redacted)?

16 MS DIMITRI: [14:32:39] Yes, Mr President, (Redacted) of tab 48.

17 PRESIDING JUDGE SCHMITT: [14:32:44] Yeah. Thank you. Please move on.

18 MS DIMITRI: [14:32:45](Interpretation)

19 Q. [14:32:48] Sir, this morning, and also with me, you talk about the son of (Redacted)
20 (Redacted). I would -- see where he is on the photo.

21 (Speaks English) Mr President, if I could just have a moment, please.

22 (Counsel confers)

23 MS DIMITRI: [14:33:28](Interpretation)

24 Q. [14:33:29] If you look at the photo on the screen, Mr Witness - and for the
25 records, it's tab 34 that's on the screen - is it correct that (Redacted) is one of the

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1 young -- one of the sons of (Redacted)?

2 A. [14:33:59] Yes.

3 Q. [14:34:00] Now I'm going to take you to tab 33, (Redacted). I'm going
4 to ask you to look at (Redacted). Is it the same person, the young (Redacted), son
5 of the chief of (Redacted)?

6 A. [14:34:31] Yes, that's correct.

7 Q. [14:34:44] We can now remove the photo.

8 A little earlier we spoke about their name, namely, you confirmed that one of them
9 was called (Redacted), and you also said at several occasions, and -- you
10 said you knew them and that you grew up in (Redacted).

11 Are you in a position to estimate the age that (Redacted) had?

12 It's number 13 (Redacted) tab 48.

13 A. [14:35:28] I do not know his age.

14 Q. [14:35:39] I'm not going to ask you if he [you] know his name [age], and -- what
15 I'm asking you, to do the same exercise which you did when the Prosecution asked
16 you questions and asked you to estimate the age of some individuals whom you
17 knew.

18 So could you perhaps provide us a rough idea of the estimation which you would
19 make of his age, (Redacted)
20 (Redacted).

21 A. [14:36:22] In order not to make a mistake, as far as this is concerned, I don't
22 know the name -- age of anyone. I estimated that the majority of these children were
23 15 or 16. It's only an estimate which I made. I'm not their father. So I don't know
24 their age.

25 Q. [14:36:48] I just want to show you tab 53, CAR-D29-00 -- (Overlapping speakers)

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- 1 PRESIDING JUDGE SCHMITT: [14:37:01] Please, show it to the Chamber --
- 2 MS DIMITRI: [14:37:02] Yes, I --
- 3 PRESIDING JUDGE SCHMITT: [14:37:02] -- not to the witness.
- 4 MS DIMITRI: [14:37:03] Yes, that's what --
- 5 PRESIDING JUDGE SCHMITT: [14:37:04] You show it to him, because he has
- 6 repeatedly said that he does not know the age. We know the issue. We will have to
- 7 put it together in the end. Please simply show it for the judges and for everyone.
- 8 The witness cannot do more than what he said.
- 9 MS DIMITRI: [14:37:22] Yes, Mr President, I understand that, so I didn't say, "I'll
- 10 show you." I don't know how it was interpreted, but that was not my intention. I
- 11 just wanted for the record --
- 12 PRESIDING JUDGE SCHMITT: [14:37:29] It was interpreted: "I'll show you."
- 13 MS DIMITRI: [14:37:32] No, that's not what I said.
- 14 PRESIDING JUDGE SCHMITT: [14:37:33] Okay.
- 15 MS DIMITRI: [14:37:34] So, for the record, it's tab 53, Mr President,
- 16 (Redacted). It's the birth certificate of (Redacted), born
- 17 on (Redacted), which brings him to approximately 16 years old in 2014.
- 18 PRESIDING JUDGE SCHMITT: [14:38:00] And I also don't have a problem that
- 19 you -- that we do this because it really fits in the flow of the whole thing. Normally,
- 20 you do not -- we do not look at all the documents without putting questions to the
- 21 witness, but this is so -- so much connected with each other that I think it's a good
- 22 thing and also because it facilitates our work later on.
- 23 MS DIMITRI: [14:38:26] Thank you, Mr President.
- 24 Q. [14:38:34](Interpretation) I'm going to look at tab 34 with you,
- 25 (Redacted).

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1 In (Redacted), when you met the OTP team, you said that, as regards (Redacted) of
2 this photo, and I quote you: "He has nothing to do with the Anti-Balaka." And you
3 identified that he was an orphan from (Redacted).

4 A little earlier this morning, you said his name was (Redacted). Am I correct in
5 saying that (Redacted) -- is amongst the list of the children who had the training, this
6 (Redacted)?

7 A. [14:39:53] Yes, that's his family name.

8 MS DIMITRI: [14:40:00] Mr President, just for the record, when I say "the list", it's
9 tab 48. I'm not going to repeat the ERN every time.

10 PRESIDING JUDGE SCHMITT: [14:40:10] We know. We are juggling with all
11 these different documents.

12 MS DIMITRI: [14:40:14] Thank you.

13 PRESIDING JUDGE SCHMITT: [14:40:16] But I think we are still coping. Thank
14 you very much.

15 MS DIMITRI: [14:40:30](Interpretation)

16 Q. [14:40:31] I'm going to take you to tab 35. It's another photo.
17 (Redacted). Can you see the photo on the screen?

18 In (Redacted), you told the OTP investigators that the three seated youths were from
19 (Redacted) and they were not Anti-Balaka; is that correct?

20 A. [14:41:23] That is correct.

21 MS DIMITRI: [14:41:29] If I could have just a moment, please.
22 (Counsel confers)

23 MS DIMITRI: [14:41:38](Interpretation)

24 Q. [14:41:41] I'd like to go back to the photo on 34, because it's something different
25 than what you said in (Redacted). The photo, 34, (Redacted).

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1 In (Redacted), you said to the OTP investigators, in the paragraph 200, the majority of
2 the people on this photo were not part of the Anti-Balaka; is that correct?

3 A. [14:42:17] That is correct.

4 Q. [14:42:20] I'm now going to show you another photo. Tab 37,
5 (Redacted).

6 Well, this morning you pointed out that (Redacted) was called (Redacted) and (Redacted)
7 was (Redacted) and that he came from (Redacted).

8 (Redacted), when you met the OTP investigators, you indicated, specifically as
9 regards (Redacted), that they were orphans from (Redacted) and they were never in
10 the Anti-Balaka; is that correct?

11 A. [14:43:28] Yes, they are orphans. (Redacted) is an orphan, his father. And the
12 other is orphaned through his mother.

13 PRESIDING JUDGE SCHMITT: [14:43:40] And, actually, the other one was also on
14 the photograph tab 34 identified, if I recall correctly.

15 Yes, indeed. Which does not matter a lot, but it's two photographs, but still.

16 MS DIMITRI: [14:44:15](Interpretation)

17 Q. [14:44:16] Just to confirm, can you confirm that they were not part of the
18 Anti-Balaka, because that is what you said to the investigation of the OTP (Redacted)
19 as regards those particular two orphans.

20 A. [14:44:38] Those two were not Anti-Balaka.

21 Q. [14:44:57] I want to now go to 36, (Redacted).

22 Am I correct in saying that when you spoke to the investigators of the OTP (Redacted),
23 am I correct in saying that on this photo there are still orphans (Redacted) who were
24 never part of the Anti-Balaka? And if that is true, could you please provide me with
25 their number.

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1 A. [14:45:54] Those who weren't in the Anti-Balaka group, I would say, 1, I don't
2 know who it is because he wasn't a member of the Anti-Balaka group. And the three,
3 who have their head lowered and the one who is standing a bit aside, all those were
4 not members of the Anti-Balaka group.

5 Q. [14:46:22] Just for clarification, so the one who's aside is (Redacted); is
6 that correct?

7 A. [14:46:43] That is correct.

8 Q. [14:46:46] And who are the three with (Redacted)? Could you give me
9 their number so that we can identify them.

10 A. [14:46:58] (Redacted); those three individuals, I don't know
11 them. So I presume that they were not part of the Anti-Balaka group.

12 PRESIDING JUDGE SCHMITT: [14:47:20] And he has said that the same before
13 when Ms Berdennikova was showing the photographs with the help of your team.
14 And I think I recall that he identified (Redacted)
15 (Redacted). So we don't have to repeat that.

16 MS DIMITRI: [14:47:49] Thanks, Mr President. I'll come back to those when I
17 address them.

18 Q. [14:47:57](Interpretation) When you speak about (Redacted), who was not a
19 member of the Anti-Balaka, am I correct that you're talking about (Redacted)?

20 A. [14:48:17] Yes, that's correct.

21 Q. [14:48:19] It's (Redacted) on the list.
22 I now would like to take you to tab 38, (Redacted).

23 This morning you identified (Redacted). Do you remember his full name?

24 A. [14:49:19] No, I don't know his family name.

25 Q. [14:49:34] I have the list (Redacted). If I say

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1 to you, (Redacted), number 41, does that jog your memory?

2 A. [14:49:49] Yes, I think his name might have been (Redacted). (Redacted).

3 Q. [14:50:03] I note that he was part of the (Redacted) with you. Are you in a
4 position to estimate his age (Redacted)?

5 A. [14:50:23] In any case, I can only repeat, and I ask you that I cannot give you the
6 precise age of an individual, of anybody who is on that photo.

7 PRESIDING JUDGE SCHMITT: [14:50:36] But perhaps it's better we do it this way,
8 Mr Witness, I repeat that -- perhaps I've said that before and I repeat it, you are an
9 intelligent person. You absolutely, of course, understand why you are put so many
10 questions on this. So it's -- you know, this case is also about child soldiers
11 and -- who has been in the Anti-Balaka, (Redacted) -- let me put
12 it, with a twinkle in my eye, you're a little bit tortured by the Defence and also by the
13 Prosecution with these matters. So we really need your patience and your
14 indulgence, so to speak, on that.
15 So when you're asked by Ms Dimitri about the age, perhaps you could -- can try to
16 think back in time (Redacted)
17 (Redacted). We know you can't do more, so please don't be
18 upset when you're asked these many questions about that, but I am sure you
19 understand how important this might be -- these questions might be.
20 Is this okay, Mr Witness?

21 THE WITNESS: [14:52:13] (Interpretation) All I can say is that I don't know the exact
22 age of (Redacted), but I would guess 16 or 17, when we were together. That's what
23 I think his age might be.

24 PRESIDING JUDGE SCHMITT: [14:52:26] Shortly. Perhaps another thing that
25 could help you a little bit, is, you're a (Redacted), as I've understood, and also

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1 others in this room have been (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Ms Dimitri.

8 MS DIMITRI: [14:53:10] Thank you, Mr President.

9 Q. [14:53:14](Interpretation) I have a copy of the birth certificate of (Redacted),

10 (Redacted), who was born in (Redacted). He was born on (Redacted).

11 (Redacted). This means that he was 20 when he was taking part in (Redacted)

12 (Redacted).

13 Do you agree with me that you've made a mistake in your estimation of the age he

14 had during (Redacted)?

15 PRESIDING JUDGE SCHMITT: [14:53:59] I don't allow that. I don't allow that.

16 We draw our conclusions. Please don't -- it is -- this document that you present to

17 the witness, by the way, in the English transcript, it's "1954", that would make him

18 perhaps too old for any purposes, but nevertheless, I understand "1994", it was, was

19 meant. So you have the document. The witness has given an estimation, and we

20 have -- and he would have been -- from the document, we can draw our conclusions.

21 Please move on.

22 MS DIMITRI: [14:54:32] I understand, Mr President. If I may, the point is also -- it's

23 not to make the witness uncomfortable or show him that he's wrong, at all. But the

24 point is also that if your Honours at a later stage decide to base the age of the -- of

25 supposed child soldier based on the estimate that was given by this witness, which

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1 was -- which my learned friend went at length during examination-in-chief, I also
2 want to show that his own estimates are incorrect.

3 PRESIDING JUDGE SCHMITT: [14:55:11] Yeah, but this --

4 MS DIMITRI: [14:55:13] I know it is argumentative.

5 PRESIDING JUDGE SCHMITT: [14:55:15] But it's not necessary. It's not necessary.

6 It's not necessary to -- to confront the witness with -- that he was wrong about such an
7 estimate. It's not necessary, and we won't allow it.

8 You can be absolutely sure that we, of course, recognise that, and we also recognise

9 the age that is given on this list, tab 48. Still in my mind. So we -- so we

10 absolutely -- we absolutely recognise that, without further -- further ado.

11 MS DIMITRI: [14:55:48] I understand. Thank you.

12 PRESIDING JUDGE SCHMITT: [14:55:52] And, of course, if you ask, and the

13 witness says several times, "I'm not sure. It's difficult to estimate," and then you

14 present a document, and he has not lived with the person, only shortly, perhaps two

15 or three times, (Redacted), and then you say, "Well, you see, this is wrong," this is,

16 of course, something that makes a witness uncomfortable. And it's

17 not -- it's -- simply for your point, it's not necessary. Please move on.

18 MS DIMITRI: [14:56:19] Thank you. And, for the record, Mr President, I'm not

19 going to show the next three documents, but it's tab 50, D29 -- CAR -- I'm sorry. I

20 start over.

21 (Redacted). It's the baptism certificate of the same individual.

22 There is also the receipt of the baptism certificate which contains the same

23 information. It's at tab 51, (Redacted). And there's also a copy of the

24 baptism logbook that confirms the information contained in the baptism certificate

25 and in the baptism receipt. And the copy of the (Redacted) as at tab 52,

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1 (Redacted), and it's number 2232. So that's the log in number

2 which -- and that log in number appears on the receipt, as well as on the baptism
3 certificate.

4 PRESIDING JUDGE SCHMITT: [14:57:42] So you can call that a thorough research,
5 I would say.

6 MS DIMITRI: [14:57:50](Interpretation)

7 Q. [14:57:52] I now want to talk now about another individual on the photo, which
8 you can see in tab 38, (Redacted).

9 Could you confirm -- one moment please.

10 (Counsel confers)

11 MS DIMITRI: [14:58:51](Interpretation)

12 Q. [14:58:52] Could you please look at (Redacted). I know this morning you said
13 that you couldn't remember him. (Redacted). I'm going to try and jog
14 your memory.

15 Do you remember a (Redacted)? He did the (Redacted), and

16 I suggest that that is the person at (Redacted).

17 A. [14:59:32] Yes. (Redacted).

18 PRESIDING JUDGE SCHMITT: [14:59:38] Actually, you do such a lot of work that
19 helps us in advance. (Redacted). With

20 the help of your colleagues of your team, always tell us where we find them.

21 MS DIMITRI: [14:59:53] Yes.

22 PRESIDING JUDGE SCHMITT: [14:59:54] And I will analogously mark -- mark it,
23 and then it will be never forgot.

24 MS DIMITRI: [15:00:00] Yes, Mr President. It's number 51 (Redacted).

25 PRESIDING JUDGE SCHMITT: [15:00:06] Thank you.

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- 1 MS DIMITRI: [15:00:09](Interpretation)
- 2 Q. [15:00:12] Are you in a position, if you go -- remember (Redacted)
- 3 (Redacted), can you estimate the age (Redacted)
- 4 (Redacted)?
- 5 A. [15:00:39] I do not know his age.
- 6 Q. [15:00:50] For the record --
- 7 (Speaks English) Mr President, the copy of the original birth certificate is as tab 54,
- 8 (Redacted) It also
- 9 corresponds to tab 13. 13 is the electoral card of (Redacted), and the ERN
- 10 is (Redacted).
- 11 PRESIDING JUDGE SCHMITT: [15:01:45] That's absolutely correct this way, yeah.
- 12 Thank you very much.
- 13 MS DIMITRI: [15:01:50](Interpretation)
- 14 Q. [15:02:01] Now, still in relation to the photograph in front of you, Mr Witness,
- 15 I would like to help you refresh your memory regarding (Redacted). This morning
- 16 you said you no longer remembered him.
- 17 A. [15:02:25] That is correct.
- 18 Q. [15:02:28] If I tell you that his name is (Redacted), would I be correct?
- 19 A. [15:02:44] I know his first name, (Redacted), but not his family name.
- 20 MS DIMITRI: [15:02:49] Just to help the judges and for the record --
- 21 PRESIDING JUDGE SCHMITT: [15:03:00] (Redacted).
- 22 MS DIMITRI: [15:03:02] Thanks. You were faster than me. I'm struggling a bit
- 23 here.
- 24 Q. [15:03:12](Interpretation) Now, are you in a position to estimate the age that he
- 25 had (Redacted)?

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1 A. [15:03:33] I'm asking you to no longer ask me questions about the ages of these
2 people. I do not know their ages.

3 PRESIDING JUDGE SCHMITT: [15:03:41] Then put -- then we do it this way: Put
4 it on the record, your documents that you have that you think prove his age.

5 MS DIMITRI: [15:03:56] Mr President, I'm told that when I explained to your
6 Honours the exercise about me asking him questions on -- asking him to estimate and
7 trying to show that perhaps his estimations are incorrect, it was translated in Sango to
8 the witness that his estimations are lies, which is not what I said and which might
9 explain the discomfort right now.

10 PRESIDING JUDGE SCHMITT: [15:04:24] Then we have to -- let me do this.

11 Mr Witness, then -- now we understand, and especially I, the Presiding Judge,
12 understand why you might feel upset. The Defence counsel has not said that at all.
13 She has not said that your estimations are lies. That is not what it's about. So we
14 have -- I think we have to apologise for that misinterpretation.

15 So what stands is what I have said, that it is important for the Chamber to figure out
16 who was in the Anti-Balaka of these young persons, to put it in a neutral way, and
17 what age they might have had, in your assessment. And that's -- so we have to
18 apologise for that.

19 Ms Dimitri, that is, of course, not fortunate.

20 Actually, I would also be upset if I would have been translated. You asked for the
21 estimation, and then -- estimation cannot be -- cannot be a lie, by the way, ever. It
22 can be wrong or right, or whatsoever, but never cannot be a lie.

23 So, Mr Witness, you have understood that, I think. So please take that and don't be
24 upset.

25 MS DIMITRI: [15:05:48](Interpretation)

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1 Q. [15:05:50] I will ask you the question once again, Mr Witness. Are you now in
2 a position to estimate the age of (Redacted)
3 (Redacted) in 2014?

4 A. [15:06:13] I have told you that I do not know (Redacted). We got to know each
5 other (Redacted). So he was not a member of the
6 Anti-Balaka for him to be known by me. So please do not ask me questions about
7 his age.

8 PRESIDING JUDGE SCHMITT: [15:06:41] It also makes, of course, a difference if a
9 witness has lived together with a certain person for a certain amount of time or only
10 has met him at this location. So you have definitely -- I think I can be outspoken. If
11 the documents are authentic, you have definitely a lot of points here, that there are a
12 lot of people who are -- might not - I have to word it carefully - might not have the
13 age that is -- they have been pretended to have this age. So this seems to be clear.
14 Because of that, I would really appreciate it if you always tell where the person is on
15 the list.

16 MS DIMITRI: [15:07:28] I'll do that, Mr President.

17 Q. [15:07:31](Interpretation) I understand that you knew him only there. I want
18 you to understand that -- I want you to confirm that it is indeed him that you saw on
19 that picture. Tab --

20 THE INTERPRETER: [15:08:07] It was too fast. Even the French transcription
21 didn't get it.

22 MS DIMITRI: [15:08:14](Interpretation)

23 Q. [15:08:15] Do you remember him?

24 A. [15:08:17] No, I did not know (Redacted)
25 (Redacted) I did not know him before that.

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1 Q. [15:08:36] I have understood. But the (Redacted) that is on the screen is indeed
2 the (Redacted) that you knew in (Redacted) and that he's seen in the photograph at
3 tab 38 (Redacted)
4 (Redacted).

5 A. [15:09:06] I cannot speak just any how. I knew him (Redacted)
6 (Redacted). When the photograph was shown to me, I
7 recognised him, but I cannot recognise him on all the photographs (Redacted)
8 (Redacted).

9 Q. [15:09:32] Let us look at (Redacted) on that same photograph. You said this
10 morning that his name is (Redacted). If I tell you that it is (Redacted)
11 (Redacted), would I be correct?

12 A. [15:10:01] Yes, that is his name.

13 Q. [15:10:03] And now (Redacted) on this same photograph. And for the record, it
14 is tab 38, (Redacted). This morning you indicated that (Redacted) is called
15 (Redacted). Now, if I tell you -- I put it to you that his name is (Redacted),
16 (Redacted).

17 A. [15:10:42] Yes, his name is (Redacted).

18 Q. [15:10:50] Are you in a position to estimate the age that (Redacted)
19 was in 2014, (Redacted)
20 (Redacted)

21 A. [15:11:19] I have no idea. It is true that he is short in stature, and many people
22 say that he is quite old, but I do not know his precise age.

23 Q. [15:11:31] And, according to you, (Redacted)
24 (Redacted)?

25 A. [15:11:47] I cannot know that.

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- 1 Q. [15:11:52] For the record, his birth certificate is tab 100, Defence list,
2 (Redacted). So that would have made
3 him 19 years old at the time of (Redacted).
4 Now, let us go -- still on 38, tab 38, the photograph, I would like to -- us to look at
5 (Redacted).
6 Just one minute, your Honour, to consult.
7 (Counsel confers)
8 MS DIMITRI: [15:13:12](Interpretation)
9 Q. [15:13:14] This morning you said that (Redacted). I put it to
10 you that his name is (Redacted); am I correct?
11 A. [15:13:35] That is correct.
12 MS DIMITRI: [15:13:40] (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
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2 So, according to his identity card, (Redacted) would have been 16 or 17 years in 2014.

3 And, for the record, tab 101, (Redacted), and specifically on page

4 (Redacted). It is a judgment on the reconstitution of his birth certificate. And that

5 photograph can be taken off.

6 Mr Witness, I would like to pass on -- move on to another subject. I would like to go

7 back to the list at tab 48. (Redacted)

8 (Redacted) I'm going to give you the names and ask you whether you remember

9 them. Do you understand?

10 A. [15:24:02] Yes, I understand.

11 Q. [15:24:06] Still in reference to the list of -- at tab 48, at (Redacted), there is the

12 name of a boy (Redacted) and whose name is (Redacted).

13 Do you remember him? (Redacted)

14 A. [15:24:47] I did not quite understand your question.

15 Q. [15:24:50] Very well. I will repeat.

16 (Redacted)

17 (Redacted)

18 A. [15:25:13] I know (Redacted).

19 Q. [15:25:23] You know (Redacted). Are you able to give us an estimate of his age

20 (Redacted)?

21 A. [15:25:45] I do not know his age.

22 MS DIMITRI: [15:25:54] For the record, it is tab 59, (Redacted)

23 (Redacted)

24 (Redacted)

25 MS BERDENNIKOVA: [15:26:29] I'm very sorry to interrupt. I just wanted to

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1 clarify that the witness never confirmed the identity. He said that he knows
2 someone called, (Redacted) (phon), but there was no confirmation that he knows this
3 person.

4 PRESIDING JUDGE SCHMITT: [15:26:41] It is -- again, Ms Dimitri, it's really more
5 about documentary evidence that you have, which seems to be -- well, on the face of it,
6 seems to bring you something. I have to be careful with my wording. So, indeed,
7 the witness says he knows someone of that name, yes. (Redacted)
8 (Redacted)
9 (Redacted), and then you present us a document that he might have
10 been older.

11 But even if, yeah, the age (Redacted) would be correct - I think it was 16, yeah - then
12 he would have been 15 in 2013. Wouldn't he?

13 MS DIMITRI: [15:27:27] Yes. But I'm not sure I understand, Mr President. The
14 witness say -- said, "I know (Redacted)." "*Je connais* (Redacted)."

15 PRESIDING JUDGE SCHMITT: [15:27:37] Yes, the name, the name. But if it is the
16 person -- it is different to the recognitions we had via pictures.

17 MS DIMITRI: [15:27:48] Yes, completely. Yes, I agree.

18 PRESIDING JUDGE SCHMITT: [15:27:49] So it's a different sort of recognition, so to
19 speak.

20 MS DIMITRI: [15:27:52] Just so I completely understand and follow your guidance,
21 was it okay that I just, for the record --

22 PRESIDING JUDGE SCHMITT: [15:27:59] No, no. It absolutely -- it's okay. It's
23 okay. But, again, any estimations, it's not necessary to confront -- not
24 estimation -- put the documents to the witness.

25 MS DIMITRI: [15:28:11] Yes, I did do that.

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1 PRESIDING JUDGE SCHMITT: [15:28:12] Yeah, you did do that, and we stick with
2 that.

3 MS DIMITRI: [15:28:14] No, I completely understand. I just wanted to make sure I
4 follow your --

5 PRESIDING JUDGE SCHMITT: [15:28:20] No, no, no. It's okay.

6 So if the witness recognises certain names, it's a little bit less of probative value as if
7 he recognised the names, plus identifies the persons on a picture, but
8 nevertheless -- so it's still something, so to put it this way, yeah.

9 MS DIMITRI: [15:28:40] If I could just have a moment, Mr President.

10 (Counsel confers)

11 MS DIMITRI: [15:28:51](Interpretation)

12 Q. [15:28:55] Mr Witness, to your knowledge, how many (Redacted)
13 (Redacted)?

14 A. [15:29:19] I know of a child, (Redacted), whose name was (Redacted).

15 PRESIDING JUDGE SCHMITT: [15:29:39] Please move on, I think you can. Next
16 person.

17 MS DIMITRI: [15:29:45](Interpretation)

18 Q. [15:29:45] Do you remember another child (Redacted)
19 and whose name is (Redacted)?

20 A. [15:30:04] I know (Redacted).

21 Q. [15:30:11] Thank you. (Redacted). Are you able to
22 estimate his age at that time?

23 A. [15:30:29] No, I'm not in a position to give you an estimate of his age because I
24 do not know it.

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [15:42:22] And in the meantime, for the record, the
3 complete ERN of the last material is (Redacted), at tab 99 of the Defence
4 binder.

5 MS DIMITRI: [15:42:35] Thank you, Mr President.

6 Q. [15:42:47](Interpretation) Let me rephrase this.

7 Do you agree with me that you might have made a mistake as regards the age of the
8 one you called (Redacted)?

9 A. [15:43:12] Yes, you might be right, or if you produce his birth certificate. I
10 made this estimate because of his size. I don't have his birth certificate in order to
11 know his exact age. I only was judging him according to his size.

12 PRESIDING JUDGE SCHMITT: [15:43:36] Thank you, Mr Witness. No reproach at
13 all for that. Really, it is extremely -- I think I can speak for everyone in the
14 courtroom, your recollection is extremely well. You remember a lot of persons that
15 I think there would be few people in this courtroom who would, after eight years,
16 remember so many persons and so many things. That's absolutely okay.
17 Please, Ms Dimitri, continue.

18 MS DIMITRI: [15:44:02] Thank you, Mr President.

19 Q. [15:44:04](Interpretation) I wanted to take you 36 of the Defence binder,
20 (Redacted).

21 We're talking about (Redacted). We talked about him this morning and also last
22 Wednesday. In paragraph 202 of your statement, which you signed with the OTP in
23 (Redacted), you recognised (Redacted), and you said that was
24 an Anti-Balaka who was called (Redacted)
25 (Redacted). Is that correct?

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1 A. [15:45:19] That is correct.

2 Q. [15:45:22] Am I right that his name -- (Redacted)

3 (Redacted) -- his name is (Redacted)

4 (Redacted) is that correct?

5 A. [15:45:54] That's him. But I don't know his family name. I only know him as

6 (Redacted).

7 Q. [15:46:04] I'm going to show you another photo of him, because you recognised

8 him (Redacted). I'm going to show you the photo on tab 64 of the Defence

9 binder, (Redacted).

10 Is that (Redacted)?

11 A. [15:47:07] I doubt. I hesitate. I'm not quite sure that it's Paterne. It might be

12 a photo of another person.

13 Q. [15:47:25] To clarify, (Redacted) who you identified (Redacted) is the one who

14 comes from (Redacted), which you told the investigators about in (Redacted).

15 A. [15:47:49] But the photo which I see here is different from the one that I gave

16 you.

17 Q. [15:47:55] I understand. The photo was taken more recently. It wasn't done

18 in 2014. The photo which --where you identified (Redacted) was a photo of 2014.

19 The photo you have here is a more recent photo because (Redacted) has grown older.

20 I just want to clarify that the (Redacted) talking about and who you identified in the

21 other photo, that (Redacted); is that correct?

22 A. [15:48:30] The (Redacted) which I see here is different from the other (Redacted)

23 who was on the other photo.

24 PRESIDING JUDGE SCHMITT: [15:48:42] Well, I think we have to accept that. It

25 seems that he's speaking about a Paterne from Samba and -- but, you know, we all

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1 change with age. Perhaps at our age - five or six or seven years - does not mean so
2 much, but especially when you are a relatively young person, you can change quite a
3 lot in your appearance. And that's perfectly clear. I think you can move on.

4 MS DIMITRI: [15:49:14] Yes, Mr President. Maybe just one last question on that
5 point. I know I'm always pushing it --

6 PRESIDING JUDGE SCHMITT: [15:49:19] So -- no, no, moving -- moving on
7 immediately. Okay, let's listen to the question.

8 MS DIMITRI: [15:49:23](Interpretation)

9 Q. [15:49:28] Mr Witness, there was only one (Redacted). There was only one
10 (Redacted), is that correct?

11 A. [15:49:39] There was only one (Redacted), yes.

12 PRESIDING JUDGE SCHMITT: [15:49:44] Okay. That made sense, of course.

13 MS DIMITRI: [15:49:49](Interpretation)

14 Q. [15:50:00] You spoke about a (Redacted). I would like to have some
15 information about (Redacted) because you said you passed quite a lot of time with
16 him. (Redacted)

17 A. [15:50:30] Yes.

18 Q. [15:50:36] Paragraph -- which you signed with the Prosecution in (Redacted), he
19 did (Redacted)
20 (Redacted). This is in paragraph 179 of your
21 statement.

22 A. [15:51:10] Yes, that's his name.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [15:55:45] (Redacted)
2 (Redacted), but I'm going to
3 show you another document. It's number 84, (Redacted). On page (Redacted),
4 you can see the name (Redacted). And this is a list of
5 individuals who registered in the DDR programme in 2016, and during the
6 registration of the DDR programme, one photo was taken. Their complete identity
7 and their birthdate was provided to give their profile together with what they had
8 from MINUSCA. And when (Redacted) registered for the programme, he gave his
9 birthdate as indicated in (Redacted), which meant that he was
10 18 years of age (Redacted). Does that correspond to the
11 age which you think he has?

12 A. [15:57:44] The document -- who talk about ages here, I can tell you that over
13 there, the children who were not of age could not enter the army, and therefore, some
14 of them started to give themselves an older age voluntarily so that they could enter
15 the army.

16 PRESIDING JUDGE SCHMITT: [15:58:13] Mr Witness, that's interesting information.
17 But if you -- I think I understood that you knew him relatively well, (Redacted),
18 according to your estimate, if you think back in 2013-2014, was he roughly your age
19 or was he older? What do you think? If you say you can't tell anymore, please
20 answer this way.

21 THE WITNESS: [15:58:50](Interpretation) As I know, (Redacted)
22 (Redacted), but I really question the age that he's indicated here. At that time, if you
23 would have asked me -- (Redacted)
24 (Redacted)
25 (Redacted).

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1 So what I see here, I really question that that's his real age. If you scratch a bit
2 further, you'll probably discover what his real age was. You could -- you can
3 perhaps do that without looking at his birth certificate.

4 PRESIDING JUDGE SCHMITT: [15:59:40] Ms Berdennikova.

5 MS BERDENNIKOVA: [15:59:45] Your Honours, just a comment for the sake of
6 clarity of the record and out of fairness to the witness, I wanted to note that the last
7 document that was shown by the Defence was provided and signed by Mr Yekatom.

8 PRESIDING JUDGE SCHMITT: [16:00:02] Well, nevertheless, it's okay. It's a
9 document. And it might very well be, I'm thinking loud now, that sometimes it is
10 good to be younger, sometimes it's good to be older.

11 Perhaps we can take this as a quasi-philosophical last word for today, Ms Dimitri.

12 MS DIMITRI: [16:00:25] I got the hint, Mr President.

13 PRESIDING JUDGE SCHMITT: [16:00:27] Yes, because we have this meeting by
14 judges.

15 How did you get along today? What do you think?

16 MS DIMITRI: [16:00:40] Better than what I expected.

17 PRESIDING JUDGE SCHMITT: [16:00:43] I also had the impression. I did not want
18 to -- then we reconvene tomorrow at 9.30.

19 And, Mr Witness, thank you very, very much for being so indulgent with everyone
20 here in the courtroom. That is extremely difficult exercise that we ask you to do, and
21 we wish you that you can have a nice evening and come very fresh tomorrow at 9.30.

22 THE COURT USHER: [16:01:10] All rise.

23 (The hearing ends in private session at 4.01 p.m.)