

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 Wednesday, 1 June 2022
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:25] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:29] 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: [9:31:45] Thank you.
21 I ask for the appearance of the parties.
22 Ms Berdennikova, first, for the Prosecution.
23 MS BERDENNIKOVA: [9:31:52] Good morning, your Honours and everyone in the
24 courtroom.
25 This morning, the Prosecution is represented by Pierre Belbenoit-Avich,

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1 Kweku Vanderpuye, Yassin Mostfa. I'm also very pleased to introduce our two
2 interns, Alana Goncalves and Raffaele de Maio. And I'm also there,
3 Maria Berdennikova.

4 PRESIDING JUDGE SCHMITT: [9:32:13] Thank you.

5 Ms Douzima Lawson, next.

6 MS DOUZIMA LAWSON: [9:32:19](Interpretation) Good morning, Mr President,
7 your Honours.

8 The victims of the other crimes are represented by myself,

9 Maître Douzima, and I'm assisted by Maître Mouhia Asso. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:32:50] Thank you.

11 MS LAU: [9:32:52] Good morning, Mr President, your Honours. Good morning,
12 everyone in the courtroom.

13 Today, the former child soldiers are represented by myself, Fiona Lau,

14 associate legal officer at the Office of Public Counsel for Victims. Thank you.

15 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.

16 We turn to the Defence. Ms Dimitri, first.

17 MS DIMITRI: [9:33:09] Good morning, Mr President. Good morning, your
18 Honours. Good morning, everyone.

19 Mr Yekatom is present in the courtroom, and still have nearly a full bench,

20 Mr President, because it's easier for them to follow and assist from here. So we have

21 Ms Wilhelmina Wittingham, Ms Daniela Mvougou Police, Ms Sabrina Bayssat,

22 Mr Gyo Suzuki, Ms Lena Casiez, Ms Laurence Hortas-Laberge, and myself,

23 Mylène Dimitri.

24 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you.

25 And Mr Knoops.

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1 MR KNOOPS: [9:33:37] A very good morning, Mr President, your Honours,
2 everyone in the courtroom.

3 Today, Ms Marie-Hélène Proulx and myself will represent the Defence team of
4 Mr Ngaïssona. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:33:46] Thank you.

6 And we have counsel for the witness. Mr Golubok.

7 MR GOLUBOK: [9:33:51] Good morning, Mr President, your Honours. Good
8 morning, everyone in the courtroom.

9 The protected witness is advised by myself, Sergei Golubok. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:03] Thank you.

11 And good morning, Mr Witness. I hope you're feeling well. I see and I also feel it
12 the same way. Although it is June, it's still very cold here in The Hague.

13 So how are you feeling, Mr Witness?

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

15 (The witness speaks Sango)

16 THE WITNESS: [9:34:38](Interpretation) Yes, I'm fine. I feel okay.

17 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you very much.

18 And we continue with the examination by Ms Dimitri.

19 MS DIMITRI: [9:34:57] Thank you, Mr President.

20 Mr President, I'm going to continue on 5 December, so perhaps --

21 PRESIDING JUDGE SCHMITT: [9:35:02] Private session.

22 MS DIMITRI: [9:35:03] Thank you.

23 PRESIDING JUDGE SCHMITT: [9:35:11] And also, we shortened the lunch break,
24 and you have half an hour more today.

25 (Private session at 9.35 a.m.)

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1 THE COURT OFFICER: [9:35:25] We are in private session, Mr President.

2 MS DIMITRI: [9:36:13] Apologies, Mr President.

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

4 Q. [9:36:27] I would like to continue with the attack of 5 December and specifically
5 you're arrival at (Redacted).

6 Now, if I understood you correctly, you left the Muslim cemetery with Coeur de Lion,
7 the leader of your group, and you arrived the (Redacted).

8 Now, can you tell us approximately how many of you were there at the (Redacted)
9 (Redacted).

10 A. [9:37:25] I no longer remember the numbers.

11 Q. [9:37:36] But are you at least able to give us an estimate? Ten, five, 1,000?

12 A. [9:38:04] As I have told you, there were many of us, but I no longer remember
13 the precise number, so I cannot give you an estimate, but there were many of us.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [9:58:18] Yes, he has answered that. That's it.

6 There were only graves at the Yamwara school. Actually, excuse me, whatever we
7 make out of this.

8 It's also -- it's -- I'm not sure. We cannot reconstruct it. But it's strange that before

9 92, we are talking about the attack, and 92, we are talking suddenly about prisoners.

10 So if I had been the investigator, frankly speaking, I would have asked the witness if
11 we are really right on the track here, but we have now the situation that we have this
12 on paper, and we have the live witness here who tells us about his memory.

13 MS DIMITRI: [9:59:14] I understand, Mr President. I -- just for my own
14 understanding, because the statement is not in evidence, I'm trying to also put on the
15 record parts that I will obviously argue at a later sustained.

16 PRESIDING JUDGE SCHMITT: [9:59:31] Absolutely.

17 MS DIMITRI: [9:59:32] But it's not to go against what you're saying. It's just that --

18 PRESIDING JUDGE SCHMITT: [9:59:33] No. I -- actually, it's fully understandable
19 that you do that. And what I have said is only, yeah, assumption or whatsoever, or
20 hypothesis of who could have happened, but I don't know, of course.

21 And what is clear is that we -- that the headlines are not part of the testimony. The
22 headlines are something that the investigators later, I think, inserted.

23 Mr Witness, yes, you want to speak, please.

24 THE WITNESS: [10:00:23](Interpretation) This is what I wanted to say: I can see
25 that this lady is putting questions to me. That is a good thing. That is quite normal.

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1 But if the questions are confusing, I wouldn't know how to answer, but I will try my
2 best to give her a few answers.

3 She has talked of the fighting of 5 December, and then she's also talking about graves.

4 But when the battle was raging, we could not dig graves. We just let the bodies fall.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [10:01:40] And have you this paragraph 92 on the
12 record, and I think can you move on from there. And I understand what you -- it's
13 clear that Defence counsel is looking at potential issues with the former statement.
14 It's perfectly clear. But in the end, it's a live witness, and at some point in time we
15 have to continue.

16 MS DIMITRI: [10:02:06](Interpretation)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:08:09] Just to fill the gap, which already has
4 finished, but nevertheless, there is, of course, an advantage, although it
5 difficult -- more difficult to read, if a witness statement -- if you also have the
6 questions that are put to the witness that are being answered.

7 I don't assume that this witness has, in a row, given you a record of what happened
8 chronologically, 210, or what, paragraphs. So -- and psychology tells us that
9 witnesses -- and, by the way, all we here in the room, too, do not remember
10 chronologically and normally do not speak about events chronologically, because
11 there are interferences and then you spring back and forth, and you cannot figure this
12 out from such a transcript anymore, frankly speaking.

13 Ms Dimitri.

14 MS DIMITRI: [10:09:16](Interpretation)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MS DIMITRI: [10:10:30](Interpretation)

2 Q. [10:10:31] Now I understand that after the attack there was a withdrawal which
3 was done on the same day. So the same day as the withdrawal, you went directly to
4 the Yamwara school; is that correct?

5 A. [10:10:55] That is correct.

6 Q. [10:10:57] So the elements never returned to Gbangba?

7 A. [10:11:17] After our withdrawal to the Yamwara school, no one returned to the
8 Gbangba base.

9 Q. [10:11:32] Before the withdrawal, before the attack, was at any point in time a
10 moment where you would run up against the Seleka?

11 A. [10:11:58] No.

12 THE INTERPRETER: [10:12:01] The witness said in French.

13 PRESIDING JUDGE SCHMITT: [10:12:08] Ms Dimitri, paragraph 91.

14 MS DIMITRI: [10:12:17] I'm sorry. I missed your --

15 PRESIDING JUDGE SCHMITT: [10:12:19] I asked if perhaps paragraph 91 could
16 be --

17 MS DIMITRI: [10:12:24] Yes, that's what I was --

18 PRESIDING JUDGE SCHMITT: [10:12:25] Okay. Excuse me for just -- was too
19 quick.

20 MS DIMITRI: [10:12:29] No problem.

21 Q. [10:12:39](Interpretation) Mr Witness, in your statement (Redacted), which was
22 reread to you in Sango at that time, and which you read and corrected recently, you
23 state, in paragraph 91, that during the fighting there were uniformed Seleka.

24 PRESIDING JUDGE SCHMITT: [10:13:08] And to be -- I would prefer if you read
25 exactly --

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- 1 MS DIMITRI: [10:13:10] Quote, yes.
- 2 PRESIDING JUDGE SCHMITT: [10:13:11] If you quote.
- 3 MS DIMITRI: [10:13:12] No problem.
- 4 PRESIDING JUDGE SCHMITT: [10:13:13] So, Mr Witness -- I can do it because I'm
- 5 still speaking.
- 6 So it is written down here as your statement, Mr Witness: "The prisoners were both
- 7 civilians and uniformed Seleka." So, again, you're speaking here of prisoners.
- 8 The first question: When you say that, "The prisoners were both civilians and
- 9 uniformed Seleka," are you speaking of the ongoing attack of 5 December?
- 10 THE WITNESS: [10:14:02](Interpretation) I see the questions are mixed up, confused.
- 11 We go to talk about 5 December, then we talk about Yamwara, and now we go back.
- 12 I don't understand. It seems all so confused.
- 13 If you want to talk about the 5th, well, then let's talk about the fighting of the 5th, and
- 14 then we can talk about something different. But when I said that the civilians, the
- 15 Seleka civilians shot at us and we with withdrew, it was during the fighting when we
- 16 confronted the Seleka elements and they were shooting at us with heavy weapons,
- 17 like DKM, and that is why we had to flee, we had to withdraw to the Yamwara
- 18 school.
- 19 PRESIDING JUDGE SCHMITT: [10:15:04] And just to clear, when you speak of
- 20 prisoners who were both civilians and uniformed Seleka, this relates to the situation
- 21 at the Yamwara school. Nobody wants to confuse here. It's still not clear in the
- 22 statement, and it's -- it might not be -- it's not your fault, Mr Witness. It's just we
- 23 want to clarify it.
- 24 When you speak of prisoners, do you speak of the situation when you were already at
- 25 the Yamwara school?

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1 THE WITNESS: [10:15:51](Interpretation) If you like to talk about the prisoners, they
2 were thieves or Muslims. Those are the people (Redacted)
3 (Redacted). But this was at the Yamwara school. It was there where we held the
4 prisoners.

5 PRESIDING JUDGE SCHMITT: [10:16:09] So, you see, Mr Witness, it's now perfectly
6 clear what you meant and what you mean today, so there's no problem. So don't be
7 upset. Nobody really wants to confuse you. These are things that are written
8 down and are not completely clear from what is written down, and this is the reason
9 why there are additional questions. No problem with that.

10 Ms Dimitri, please continue.

11 MS DIMITRI: [10:16:46](Interpretation)

12 Q. [10:16:47] In answer to my question, you just said -- I'm still talking about the
13 attack of 5 December, Mr Witness, just before you withdrew. Always 5 December.
14 Are you following me?

15 Okay. I asked you whether at any point in time you met Seleka in 5 December and
16 you said no.

17 However, in paragraph 108 of your statement, you stated that during the attack of
18 5 December, and I quote, "(Redacted)."

19 Are you going back on your statement? Did you, yes or no, meet any Seleka during
20 the attack of 5 December?

21 A. [10:18:07] Could you put the question to me again, please.

22 Q. [10:18:19] You said you didn't see any Seleka during the attack of 5 December.
23 However, in your statement, at paragraph 108, when you're describing the attack, it
24 starts by saying, during the attack, you state, and I quote, "(Redacted)"
25 (Redacted)."

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1 So why today are you saying that you never met any Seleka during the attack?

2 A. [10:19:21] The questions are confused. This is what I said: During the attack

3 of 5 December, (Redacted)

4 (Redacted)

5 (Redacted). This was when we passed the (Redacted).

6 When we went towards Boulata, we met some civilian Muslims who shot at us, who

7 shot at us with heavy weapons, and that is why we fled.

8 Perhaps it's a mistake in the interpretation, but maybe that is what has created the

9 confusion. I don't know.

10 Q. [10:20:29] (Redacted)?

11 PRESIDING JUDGE SCHMITT: [10:20:36] Ms Berdennikova.

12 MS BERDENNIKOVA: [10:20:38] Your Honours, I believe that that's not

13 what -- what the witness has just said. And since --

14 PRESIDING JUDGE SCHMITT: [10:20:43] Indeed.

15 MS BERDENNIKOVA: [10:20:44] -- I'm on my feet, I just also wanted to point out

16 that I think sometimes the confusion comes from, you know, whether -- which part of

17 the 5 December attack are we talking about. Because sometimes the witness talks

18 about (Redacted), but in other parts of his statement, he talks about other locations.

19 And I'm not sure that that's very clear to him from the questions.

20 PRESIDING JUDGE SCHMITT: [10:21:07] Yeah. So, first of all, this objection is

21 sustained. (Redacted).

22 That was the answer to the last question.

23 Secondly, I think, not to confuse the witness, we should not refrain ourselves to

24 the -- the date of 5 December, but indeed also make clear at what point in time we are

25 talking about on 5 December.

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1 So, clearly -- but, clearly, this 107-108 is -- it's speaking in (Redacted), and also 106 is
2 the (Redacted). So Ms Dimitri is right that she addresses this point.

3 And perhaps I can also -- 108, Mr Witness, it says: "During this attack" - and
4 this -- and you are -- from what you said before, it is clear that you're speaking about
5 (Redacted) now - "(Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)." So this was obviously later.

10 And in so far, Mr Vanderpuye, Ms Berdennikova, the headline of this all is attack at
11 the (Redacted), and it's not only about the (Redacted). So it's not advisable to do it
12 this way.

13 So does this jog your memory, Mr Witness? (Redacted) in (Redacted), did that
14 happen, what I read to you as your former statement?

15 THE WITNESS: [10:23:19](Interpretation) (Redacted)

16 (Redacted), we

17 moved towards Boulata, (Redacted)

18 (Redacted). That is how things happened.

19 PRESIDING JUDGE SCHMITT: [10:23:43] Yeah, okay.

20 So, Ms Dimitri, please continue. So we are now after (Redacted), if I understand it
21 correctly.

22 MS DIMITRI: [10:23:59](Interpretation)

23 Q. [10:24:00] I'm going to ask my question again. 5 December in Boulata, yes or
24 no, (Redacted)?

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [10:25:13] I'm going to ask my question again. (Redacted)

4 I'm asking you again: (Redacted)

5 (Redacted) but before you withdrew?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:26:18] (Redacted).

10 Did you also (Redacted)?

11 A. [10:26:45] I don't know what to say. You asked me a question on one subject

12 and then you jump to another question on another subject. I don't remember

13 anything. And I repeat that events took place a long time ago, so it's quite normal

14 that I can't remember all the details.

15 Q. [10:27:15] Are you saying that today you can't remember whether in 5 December,

16 (Redacted) but before the withdrawal, whether, yes or no,

17 (Redacted)?

18 PRESIDING JUDGE SCHMITT: [10:27:31] I think that goes too far, Ms Dimitri. He

19 has -- he has answered the question. (Redacted)

20 (Redacted)

21 (Redacted)

22 MS DIMITRI: [10:28:01](Interpretation)

23 Q. [10:28:01] (Redacted)

24 (Redacted)

25 (Redacted)

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1 Are you withdrawing that part of your statement?

2 A. [10:28:34] Perhaps I didn't explain myself well. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:29:07] I now would like to talk about (Redacted). If I understood correctly,

6 it's the only person who was wounded during the attack of 5 December. (Redacted)

7 (Redacted); is that correct?

8 A. [10:29:46] (Redacted), the only one who was shot by a stray bullet was

9 (Redacted).

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 MS DIMITRI: [10:31:08] If I could just have a moment, Mr President.

18 Q. [10:31:38](Interpretation) And the stray bullet that hit him, where did it come

19 from, if you know?

20 A. [10:31:48] I have no idea. It was during the battle that he was struck by the

21 bullet.

22 Q. [10:32:00] Now I will change topics, and I will talk about Yamwara. Now, in

23 Yamwara, did Alkanto have any aide-de-camp?

24 A. [10:32:24] In Yamwara, Chief Alkanto had aide-de-camps in his section.

25 Q. [10:32:34] Do you remember how many of them were there and who were they?

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1 A. [10:32:45] In any case, quite a lot of time has elapsed, and I do not remember the
2 details. I know that these were my civilian colleagues who were providing guard
3 duty for him. That was the same for the other chiefs like Chief Habib and
4 Chief Montana.

5 Q. [10:33:14] And Alkanto's aide-de-camps, were they women or men?

6 A. [10:33:29] Chief Alkanto's aide-de-camps were men.

7 Q. [10:33:38] And can you describe to me where the elements slept in Yamwara.

8 A. [10:33:50] At the Yamwara school, we were sleeping in the school buildings.

9 Q. [10:34:05] So everyone was sleeping in the school buildings. No one was
10 sleeping outside in the open air?

11 A. [10:34:16] We were sleeping in the buildings of the school, and it was per section.
12 The various sections were distributed in the various rooms.

13 Q. [10:34:35] So no one slept outside. All the elements, all the sections were living
14 or spending the nights in the buildings?

15 A. [10:34:50] The people who were outside were the people who were mounting
16 guard on the various barricades so as to ensure the security of the base. There was
17 also a rotation system on the various barricades.

18 Q. [10:35:19] Apart from the people who were mounting guard at night, did all the
19 other elements sleep inside the buildings, yes or no? Or did others sleep outside?

20 PRESIDING JUDGE SCHMITT: [10:35:38] Ms Berdennikova.

21 MS BERDENNIKOVA: [10:35:39] Your Honours, I believe that the witness has
22 already answered that question. And, also, we're speaking about hundreds of
23 elements. So I'm not sure to what extent he can speak for each one of those
24 hundreds.

25 PRESIDING JUDGE SCHMITT: [10:35:51] I think he has answered question.

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1 MS DIMITRI: [10:35:54] Mr President, I'm sorry. I don't have the answer. He
2 answered to me that some elements were guarding, but he never said, yes, everyone
3 was inside, or, no, some were sleeping outside. When I read the transcript, it's --

4 PRESIDING JUDGE SCHMITT: [10:36:08] Yeah.

5 So, Mr Witness, did anybody sleep outside during the time in the Yamwara school?
6 Meaning in the open, you know, if you recall, if you know.

7 THE WITNESS: [10:36:39](Interpretation) There, sometimes some people stayed
8 outside right up till dawn. Others were inside. We were conversing and smoking
9 right up to the morning hours. That's how it happened.

10 PRESIDING JUDGE SCHMITT: [10:36:58] Thank you, Mr Witness.

11 I think that answers it.

12 MS DIMITRI: [10:37:10](Interpretation)

13 Q. [10:37:11] My learned friend showed you a photograph at tab 31 at the OTP list,
14 and it is CAR-OTP-2119-0185, for the record. I'm not going to show that to you
15 again. And you indicated that Chief Rambo was living in that house.

16 What I would like to know is, was he living there alone or with other elements? And
17 we are still talked here about Yamwara.

18 A. [10:37:57] As you know, the chief cannot sleep all alone. There were always
19 elements around him. There were always elements to provide close security, close
20 protection in the area where he slept. He could not be left alone in the house.

21 Q. [10:38:25] And the métisse woman whose photograph was shown to you
22 yesterday, did she sleep with him in that same house?

23 A. [10:38:36] Yes.

24 Q. [10:38:45] During the entire period when they were at the Yamwara; is that
25 correct?

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1 A. [10:38:58] That is correct.

2 Q. [10:38:59] As far as you know, where did Chief Alkanto sleep?

3 A. [10:39:16] Chief Alkanto, in my opinion -- in any case, I do not know the precise
4 building, room, in which Chief Alkanto spent the nights.

5 Q. [10:39:31] I understand. But he was living in one of the buildings of the school,
6 in one of the classrooms of the school, even though you don't remember which one; is
7 that correct?

8 A. [10:39:49] As I have just said, I do not know the precise room in which he slept,
9 (Redacted).

10 Q. [10:40:01] I understand. I'm not asking you to tell us the room. All I want to
11 know is whether he was sleeping in one of the buildings of the school, whether he
12 was sleeping at that school throughout the entire period when you were in Yamwara.

13 A. [10:40:27] Yes, I saw all the chiefs in Yamwara.

14 Q. [10:40:33] I did not ask you whether you saw all the chiefs in Yamwara. What I
15 want to know is, was Chief Alkanto sleeping in a building of the school in Yamwara
16 or elsewhere? I don't need to know which classroom or which room. I simply want
17 to know whether Chief Alkanto was sleeping in one of the buildings at the Yamwara
18 school.

19 A. [10:41:12] I think I've already answered that question. Was he living inside the
20 school or elsewhere? I cannot know that. But I know that I saw him regularly
21 inside the school premises.

22 Q. [10:41:35] And Chief Habib, was he sleeping in a building within the school or
23 elsewhere?

24 A. [10:41:55] If I'm not mistaken, Chief Habib was sleeping in a small
25 administrative building of the school.

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1 Q. [10:42:07] During the entire period that you were in Yamwara?

2 A. [10:42:23] Yes, because this is where people were being registered.

3 Q. [10:42:30] What about Coeur de Lion? Was he living with Chief Rambo, with
4 Chief Habib in the administrative building, or in a classroom?

5 A [10:42:58] Well, with regard to Coeur de Lion -- in any case, I do not know
6 precisely where you lived, but I suppose that he was sleeping in the same building as
7 Chief Rambo. Because sometimes he was present, sometimes he went on mission.
8 That is how it was.

9 PRESIDING JUDGE SCHMITT: [10:43:19] Did Chief Habib also go on mission
10 everyone once in awhile?

11 THE WITNESS: [10:43:37](Interpretation) Yes. The senior leaders were going on
12 mission when we were there. Tonioa (phon), Chief Habib, they went on mission
13 from time to time. They would go and then they would come back, and that
14 included Chief Montana, also.

15 PRESIDING JUDGE SCHMITT: [10:43:59] Thank you.

16 MS DIMITRI: [10:44:04](Interpretation)

17 Q. [10:44:05] Can you tell me what transportation means were used by the chiefs in
18 Yamwara. How did they move about?

19 A. [10:44:23] At one point, we had a white Hilux vehicle in the base, and Chief
20 Coeur de Lion also had a vehicle.

21 Q. [10:44:48] And at what location in the Yamwara base did they park the white
22 Hilux and the other vehicle?

23 A. [10:45:04] It was inside the base.

24 Q. [10:45:17] But where in the base? In the yard or in front of the classrooms?

25 A. [10:45:23] Yes, yes.

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1 Q. [10:45:29] Were there any communication means in the Yamwara base?

2 A. [10:45:41] Well, when we were in Yamwara, as I have stated here repeatedly, the
3 chiefs always had their small phones.

4 Q. [10:45:56] Nothing else?

5 A. [10:45:57] No, I did not see anything else.

6 Q. [10:46:09] Did the Seleka launch any attack against the Yamwara base, yes or
7 no?

8 A. [10:46:23] No.

9 Q. [10:46:32] I will move on to something else, and I will talk about (Redacted)
10 (Redacted).

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

12 Mr President, I'm -- I'm in your hands as to whether I could do (Redacted) in public or
13 if ...

14 PRESIDING JUDGE SCHMITT: [10:47:22] I think we can give it a try, I would say,
15 yeah.

16 Open session.

17 (Open session at 10.47 a.m.)

18 THE COURT OFFICER: [10:47:44] We are in open session, Mr President.

19 MS DIMITRI: [10:48:00](Interpretation)

20 Q. [10:48:02] You have talked about {ICR: (Redacted)}. You said it took place on
21 28 and 29 December. So if I understand you correctly, it happened only once at {PFR:
22 (Redacted)}.

23 A. [10:48:26] That is correct.

24 Q. [10:48:29] {ICR: (Redacted)}

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)}

9 PRESIDING JUDGE SCHMITT: [10:49:46] We go to private session.

10 (Private session at 10.50 a.m.)

11 THE COURT OFFICER: [10:50:01] We are in private session, Mr President.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [10:52:02] On Tuesday, you testified that Chief Rambo and Coeur de Lion, and I

3 quote: "In person, went and broke down the door (Redacted)

4 (Redacted)

5 In your statement of (Redacted), paragraph 117, you talk about the looting (Redacted),

6 but you never mentioned anywhere the involvement of Chief Rambo.

7 Why then did you decide during your testimony on Tuesday to point out that

8 Chief Rambo, in person, went and broke down the door (Redacted)?

9 A. [10:53:10] I'm correct in stating that because Coeur de Lion had issued a

10 prohibition. It was not possible to go and loot someone else's property. And if we

11 went and pillaged (Redacted), it is because Chief Rambo and Coeur de Lion went

12 themselves and broke down the door and authorised us to pillage the place so as to

13 celebrate (Redacted).

14 According to them, we had suffered quite a lot in the bushes.

15 Q. [10:54:07] And yet you made corrections to your statement last week. And in

16 those corrections, you said that the chiefs went (Redacted) to break down the door of

17 (Redacted) and asked us to go (Redacted). In that correction, you did not bother to

18 add the name of Chief Rambo, even though you were aware that you were dealing

19 with his trial.

20 So why is it that for the first time during your testimony you mentioned the name of

21 Rambo in the pillaging (Redacted)?

22 PRESIDING JUDGE SCHMITT: [10:54:59] Ms Berdennikova.

23 MS BERDENNIKOVA: [10:55:02] Your Honours, it's -- it's being phrased in a way

24 like it's a contradiction, but there is no contradiction. He didn't mention someone

25 that he know mentions.

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1 PRESIDING JUDGE SCHMITT: [10:55:12] He mentioned the chiefs and he mentions
2 now -- he mentioned in his live testimony. He says two names.

3 Mr Witness, so when you made your correction, you spoke of the chiefs.

4 So -- simply what is important is, what is the truth? Were Coeur de Lion and Rambo,
5 did they go with you and did they break the doors (Redacted)? That is ...

6 THE WITNESS: [10:55:57](Interpretation) I confirm that they were the ones indeed
7 who broke down the door of (Redacted).

8 PRESIDING JUDGE SCHMITT: [10:56:03] I think you have to move on, simply. He
9 has answered it.

10 MS DIMITRI: [10:56:07] No problem. I was moving on to my next subject. But
11 just for clarity -- now we can have the break, but for clarity, it's not only about
12 contradictions. I didn't say he contradicted himself. I put an omission.

13 PRESIDING JUDGE SCHMITT: [10:56:22] It is -- yeah, this is -- this is perfectly clear,
14 and it's on the record. And the -- but important is -- not important. Everything is
15 important. But the witness has said now several times -- has mentioned two names,
16 and we have to take this as his live evidence. And, of course, you cannot -- you're
17 not only allowed to address inconsistencies. You're also allowed to address
18 omissions, absolutely. But then the witness has given this answer.

19 We have now a break until 11.30.

20 THE COURT USHER: [10:56:54] All rise.

21 (Recess taken at 10.56 a.m.)

22 (Upon resuming in private session at 11.33 a.m.)

23 THE COURT USHER: [11:33:18] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:33:43] Ms Dimitri has, of course, still the floor.

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1 MS DIMITRI: [11:33:46] Thank you, Mr President.

2 Mr President, I'm going to go on to another subject (Redacted)

3 (Redacted).

4 PRESIDING JUDGE SCHMITT: [11:34:01] Which is?

5 MS DIMITRI: [11:34:03] Yamwara school.

6 PRESIDING JUDGE SCHMITT: [11:34:05] Yeah.

7 So we are in private session? Yes.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MS DIMITRI: [11:34:30] Thank you.

12 Q. [11:34:34] (Interpretation) Mr Witness, I'm still in Yamwara. I would like now

13 to talk about the incident where you state in Yamwara, (Redacted)

14 (Redacted)

15 Could you explain to us if it is a first time in your life that (Redacted)?

16 A. [11:35:28] That's correct.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [11:36:07] The Presiding Judge asked you who (Redacted) at that moment, and

21 you answered (Redacted). Yet, in your statement, you say that it is (Redacted) that

22 (Redacted).

23 Why are you giving two different names for this incident?

24 A. [11:36:44] I didn't say it was that (Redacted) did -- (Redacted).

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [11:37:23] Let me quote paragraph 124, because you say there, that it's not only

4 Coeur de Lion that (Redacted), but even that he threatened you. So I'm going to read

5 it out to you: "(Redacted)

6 (Redacted)

7 Would you like to go back to your statement?

8 A. [11:38:06] According to what you've just read out, last week, if I remember

9 correctly, the question was put to me and I said that (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [11:38:38] Mr Witness, in this paragraph that

14 Ms Dimitri has read out to you, you say:

15 (Redacted)

16 And the question is, was it (Redacted) who (Redacted) or was it (Redacted) who

17 (Redacted)?

18 THE WITNESS: [11:39:18] (Interpretation) I said that it is (Redacted) that (Redacted),

19 not (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [11:39:36] So it is also not true what is here in this

22 paragraph, 124, that (Redacted) threatened (Redacted)

23 (Redacted).

24 That is not true, if I understand you correctly.

25 THE WITNESS: [11:40:06] (Interpretation) The question -- the paragraph you're

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1 referring to, I said that (Redacted) threatened me and then he released me. I said
2 that I was threatened by (Redacted) in Gbangba. From the beginning, perhaps
3 you've mixed things up, but I did not say that (Redacted)
4 (Redacted). That's not what I said.

5 PRESIDING JUDGE SCHMITT: [11:40:37] Please move on.

6 MS DIMITRI: [11:40:49](Interpretation)

7 Q. Who is the person who said that -- who's the person or the people
8 that -- (Redacted)? Who?

9 One person or more person who told you that?

10 A. [11:41:16] It is (Redacted) who told me this –
11 it is (Redacted) who told me this.

12 Q. [11:41:22] Is it the only person who told you that? There was no one else who
13 said, "(Redacted)
14 (Redacted)." No one else told you that?

15 A. [11:41:51] (Redacted) told me the same thing.

16 Q. [11:41:56] (Redacted) and (Redacted) are the only two people
17 who told you that?

18 A. [11:42:10] Yes, as far as I know, those are the only two people who told me that.

19 Q. [11:42:24] Last week, you said it was (Redacted). Again, do you want to
20 change something in your statement?

21 A. [11:42:45] The last -- last week, I don't think I said that it was (Redacted). I talk
22 about (Redacted).

23 Q. [11:43:03] I'm going to change topics. I'm now going to talk about your
24 departure for Sekia.

25 MS DIMITRI: [11:43:11] Mr President?

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1 PRESIDING JUDGE SCHMITT: [11:43:13] Yes.

2 MS DIMITRI: [11:43:13] My next subjects are leaving Yamwara and then the
3 incident (Redacted). I'm -- I could do them in public session or just remain in closed
4 session. I'm in your hands.

5 PRESIDING JUDGE SCHMITT: [11:43:27] (Redacted)
6 (Redacted). Then I think we can give it a try in open session.
7 (Open session at 11.43 a.m.)

8 THE COURT OFFICER: We are in open session, Mr President.

9 MS DIMITRI: [11:43:59] (Interpretation)

10 Q. [11:44:00] Mr Witness, I'd like you to explain to us how did you leave Yamwara?
11 What means did you use? How it did happen when you -- what happened? How
12 did you leave Yamwara?

13 A. [11:44:29] We were walking in columns to go to Sekia. Some were in a car or in
14 a luxury vehicle.

15 Q. [11:44:46] Who was driving the luxury vehicle?

16 A. [11:44:54] The events are so far away, that I'm not in a position to remember
17 anymore. I can't remember who was driving the vehicle.

18 Q. [11:45:05] What was the route between Yamwara until Sekia?

19 A. [11:45:23] Some took the main PK9 route, some left via M'Poko to go directly to
20 Sekia.

21 Q. [11:45:46] And the luxury vehicle went via which way? Which way did the
22 luxury vehicle go?

23 A. [11:45:58] The luxury vehicle took the main route.

24 Q. [11:46:08] That is PK9, is it?

25 A. [11:46:12] Yes, that is correct.

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1 Q. [11:46:16] And which route did you take?

2 A. [11:46:21] We crossed the river M'Poko. We used the small ferry, the fishing
3 vessel, and we moved close to Sekia.

4 Q. [11:46:54] Was all the group in Yamwara at the same time?

5 A. [11:47:03] Yes, we left all at the same time, but I don't know whether there were
6 others who stayed. I don't know that. But I do remember that the majority of
7 elements left the base.

8 Q. [11:47:21] How do you mean? How did they tell that you were about to leave?

9 A. [11:47:32] It was when -- during one of the gatherings. We were in Yamwara.
10 The chief gave the order to leave the base so that we could go to Sekia where we
11 would base ourselves.

12 Q. [11:47:58] The chief who gave you the order to leave Yamwara to go to Sekia,
13 was that Rambo?

14 A. [11:48:10] Yes, it was Chief Rambo who gave the order to leave and to base
15 ourselves in Sekia.

16 Q. [11:48:24] Did you leave some minutes after the order was given by the chief or
17 the next day or even later than that?

18 A. [11:48:53] After the gathering, everyone organised their personal effects and, in
19 the evening, we left to go to Sekia.

20 Q. [11:49:09] When you say "in the evening", are you saying that the sun had
21 already set and it was already night-time?

22 A. [11:49:24] No, no. It was -- it was noon. It was in the afternoon. It wasn't
23 dark yet.

24 Q. [11:49:39] And Chief Rambo was present at the moment of your departure?

25 A. [11:49:45] Yes, Chief Rambo was present. After he had given this order, he

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1 borrowed a vehicle and they headed towards PK9 with some other chiefs. We were
2 marching in columns to go to Sekia.

3 MS DIMITRI: [11:50:19] I'm sorry, but I'm hearing Sango on the French channel.

4 Q. [11:50:36] (Interpretation) Chief Rambo, when he goes into the luxury car to go
5 the PK9 route, is it a few minutes before you, the elements started to leave and go
6 towards M'Poko?

7 A. [11:51:02] No, he left well ahead of us.

8 Q. [11:51:13] During the gathering, at any moment during the gathering, was there
9 a ceremony of any type? What happened during the gathering?

10 A. [11:51:39] The gathering, everybody was in their own section, and just like in the
11 army, there was -- they told us to stand up, rest at attention, and then we were given
12 the invitation that during -- as from that date, we would be going to Sekia and that
13 we would be based in Sekia.

14 That's the order that was given.

15 Q. [11:52:17] And in addition to that, was there a religious ceremony at any point in
16 time?

17 A. [11:52:38] There were at least two people who were acting as preachers and they
18 said some prayers before we left.

19 Q. [11:53:01] I would now like to talk about the incident.

20 MS DIMITRI: [11:53:05] Just a minute. If I can have a minute.

21 Q. [11:53:18] (Interpretation) I'm going to ask you a question. There's maybe a
22 need to clarify. You were talking about two people who were acting as a chaplain.
23 Those two people who prayed, was it at the moment of the gathering? Was it the
24 moment when you were leaving Yamwara to go to Sekia?

25 A. [11:54:05] When I talk about the chaplain, they were always praying at all the

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1 gatherings. Before the agenda was read out, they prayed, and after their prayers, the
2 chiefs would address the elements in Yamwara, even in Sekia. So in all gatherings,
3 in each gathering, we had prayers before the word was given -- or given to the chiefs
4 so that they could instruct the elements.

5 Q. [11:54:47] Do you remember the name of the two chaplains?

6 A. [11:54:57] As I said, this is many years ago and I don't remember their names.

7 Q. [11:55:11] And you say this also happened in Sekia. Those two chaplains of
8 Yamwara were the same ones who appeared in Sekia?

9 A. [11:55:33] Yes, they were Anti-Balaka, but they prayed at each gathering and,
10 then afterwards, the commanders would pray and after the prayers, the chiefs would
11 address the elements.

12 Q. [11:56:00] I believe you haven't answered my question. The two chaplains in
13 Yamwara, are they the same ones who were in Sekia or did you change the chaplain
14 at each gathering?

15 A. [11:56:29] No, there were no other people. There were only those two. When
16 we arrived in Sekia, it was the same ones who organised the prayers and presided
17 over the prayers. It was those two who continued.

18 Q. [11:56:54] And when you say -- what do you mean when you say, they were
19 Anti-Balaka? Were they Anti-Balaka who carried out the ceremony of prayers who
20 claimed themselves to be chaplains?

21 A. [11:57:27] Yes, that is correct.

22 Q. [11:57:35] We're now going to talk about the incident that occurred {ICR:
23 (Redacted)}. In your statement, when you talk -- the incident {ICR: (Redacted)}, you
24 said that this incident shocked you. Am I to understand that it was a scene that is
25 firmly enshrined in your memory?

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1 A. [11:58:43] I hear you.

2 Q. [11:58:44] I'll repeat my question.

3 In your statement, you spoke about {ICR: (Redacted)} in the statement you signed in
4 2019, and you state that this incident shocked you.

5 So it was a scene that left a mark that you can't forget in your memory?

6 A. [11:59:24] As I explained last week, these are events which left a mark.

7 PRESIDING JUDGE SCHMITT: [11:59:39] Mr Golubok.

8 MR GOLUBOK: [11:59:40] Thank you, Mr President. Since I believe the
9 subsequent questions will concern the particularities of the particular incident, which
10 might be identifying, given the participants of that incident, I would suggest that it
11 would be prudent at this juncture to go into private session.

12 PRESIDING JUDGE SCHMITT: [12:00:04] I think Mr Golubok is right.

13 Ms Berdennikova, what do you think?

14 MS BERDENNIKOVA: [12:00:15] I agree, your Honours, and I believe this was
15 covered in private session also during the examination-in-chief.

16 PRESIDING JUDGE SCHMITT: [12:00:21] Then we have to go to private session.

17 Before we do that, perhaps, because we have an audience here to explain it, this is a
18 protected witness and the questions that are now going to be put to him, the answers
19 might potentially reveal his identity and, because of that, it has to be discussed in
20 private session.

21 So private session.

22 (Private session at 12.00 p.m.)

23 THE COURT OFFICER: [12:00:57] We are in private session, Mr President.

24 MS DIMITRI: [12:01:16] Mr President, if I could just have one moment since I'm
25 changing subjects. Thank you.

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1 PRESIDING JUDGE SCHMITT: [12:01:21] Of course.
2 MS DIMITRI: [12:01:55] (Interpretation)
3 Q [12:01:55] Still (Redacted), Mr Witness, you testified -- you indicated that
4 (Redacted) started running alongside the river, but on Tuesday, during your
5 testimony, you said Chief Rambo crossed the stream and fired.
6 In your statement signed (Redacted), you say the same thing. You say, when Rambo
7 arrived, he climbed on board a canoe, crossed the river while firing at (Redacted).
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 A. [12:03:32] (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted) Chief Rambo cross the stream in a canoe and he
21 was firing. (Redacted) was running to the shore of the river, so
22 the two, Chief Rambo, was running and (Redacted) was fleeing, running away. And
23 so he fired, and the weapon fell down. (Redacted)
24 (Redacted). Chief Rambo picked up the weapon that had fallen -- fallen, and shot at
25 (Redacted)

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1 (Redacted)
2 was tired. He was on the ground and Chief Rambo saw him come out on the main
3 road and he fired.

4 And his vehicle arrived. He took it, he climbed on board his vehicle and went on
5 (Redacted)

6 (Redacted), he was already dead, so he was
7 transported in a vehicle and was taken to the hospital (Redacted).

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted). He spoke and then he shot. He shot three times. He was using his
12 automatic pistol and he said, "*Moral haut! Moral haut!*" That is, "Morale high!
13 Morale high!" And after that, he asked people to sing. People sang, and then he
14 left.

15 (Redacted).

16 Q. [12:07:25] And who caused (Redacted) to fall? Was it after -- was it Rambo
17 who shot him or was it someone else?

18 A. [12:07:46] The person who crossed along with Chief Rambo, he's the one who
19 shot (Redacted), and then Rambo picked up his weapon to shoot at him. If he was
20 not present on that day, (Redacted) was going to kill Chief Rambo from my own point
21 of view, because (Redacted) his weapon
22 fell, and if the other person was not there, he could have killed Chief Rambo. But
23 since the other person shot him and he fell, Rambo recovered the weapon and fired it
24 at him.

25 Q. [12:08:48] You said (Redacted) was dead and then he was transported to the

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1 hospital.

2 (Redacted)

3 A. [12:09:09] After the gunshots, there was some calm, so he was taken in a vehicle
4 to be transported to the hospital. (Redacted). He was taken to the hospital.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:10:17] I'll move once again to another topic.

10 MS DIMITRI: [12:10:21] Mr President, for the remaining, I'm looking at all my
11 subjects and they're all going to be (Redacted)

12 (Redacted).

13 Q. [12:10:51] (Interpretation) You spoke at length about a woman nicknamed -- I'm
14 wondering whether that lady was a woman, a leader or a -- simply an element. She
15 was nicknamed *Cheveux de la Mort*.

16 A. [12:11:17] *Cheveux de la Mort* was not a chief.

17 Q. [12:11:20] But she was not a FACA also?

18 A. [12:11:25] No, I'm not sure.

19 Q. [12:11:34] You remember my learned friend (Redacted) and
20 you answered the Presiding Judge and, I quote you, "During (Redacted)
21 me... we had already withdrawn."

22 What I would like to know is, where did you go to? Where did you retreat to during
23 (Redacted)?

24 A. [12:12:22] We returned to the base where we were positioned near the hospital.

25 Q. [12:12:33] So very far from the location (Redacted);

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1 is that correct?

2 A. [12:12:43] Yes. It is quite far away from where (Redacted).

3 Q. [12:12:55] Was the base inside a building?

4 A. [12:13:04] Yes, it was in a house. There was a cemetery nearby.

5 Q. [12:13:16] And so you went back inside the base?

6 A. [12:13:27] That is correct.

7 Q. [12:13:31] And before my learned friend showed you the video (Redacted), had
8 you already seen that footage before?

9 A. [12:13:45] No, I had never seen that video. It is when I arrived here that I saw
10 it.

11 Q. [12:14:12] When you reviewed your statements after arriving here in the
12 Netherlands, you made additions, amongst others, you wrote yourself an addition
13 relating to the (Redacted) incident. What I would like to know is what prompted you
14 to suddenly add that incident relating to (Redacted) to your statement? Had you
15 spoken about it with someone before?

16 A. [12:15:09] No, I did not speak with the other people about that video. I realised
17 that in the initial version, I had spoken about it and, once I came here, I was handed
18 the document and I realised that some parts of the information were lacking. I asked
19 that someone should be allowed to help me to read and understand, so I realised that
20 some information was missing. And so I was compelled to add the information so
21 as to complete the statement.

22 Q. [12:16:02] On Wednesday, during your testimony, you said that you were part
23 of the group (Redacted)
24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [12:16:30] Before the question is answered, again,

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1 (Redacted)

2 (Redacted)

3 Please, you can answer the question, Mr Witness.

4 (Redacted)

5 THE WITNESS: [12:17:38] (Interpretation) I have answered that question. After

6 catching him, he was being stabbed. (Redacted). He fell down

7 (Redacted)

8 (Redacted), and they continued stabbing him.

9 MS DIMITRI: [12:18:18]

10 Q. [12:18:21] (Interpretation) You testified that, "(Redacted)

11 (Redacted)

12 (Redacted)

13 So am I to understand that (Redacted)

14 (Redacted)? Is that the correct understanding?

15 A. [12:18:54] Yes, that is correct.

16 Q. [12:19:02] Last week, you also stated that it was the chiefs who came afterwards

17 to finish him off.

18 Now, did the chiefs also kill him or (Redacted) that killed him?

19 A. [12:19:34] I believe that in the past days, I said that (Redacted)

20 (Redacted). Some chiefs arrived and started

21 beating him. (Redacted), commandants,

22 *Cheveux de la Mort*, and that's how come *Cheveux de la Mort* (Redacted).

23 Q. [12:20:14] Last week, you also said he was shot at with an AK-47. Now, who

24 shot him with an AK-47.

25 A. [12:20:36] That was a long time ago. I no longer remember the name of that

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1 person.

2 Q. [12:20:50] Was it a soldier or a civilian?

3 A. [12:21:00] When I say that he was struck by a bullet, it must only have been a
4 soldier because it was only the FACA who had weapons of war. Us civilians, we
5 only had edged weapons, knives, machetes, axes.

6 Q. [12:21:40] Last week, you testified that the person (Redacted)
7 chief - T-130, 10:35 - and you have just said that *Cheveux de la Mort* was not a chief.
8 So if it was a chief (Redacted), then you would agree with me that it was not *Cheveux*
9 *de la Mort*; is that correct?

10 A. [12:22:19] If I say it that way, it means I do not have a precise recollection of
11 what happened in the video that -- in the video that you saw. The person (Redacted)
12 (Redacted) was not a man, but a woman. There was a man and a woman there.
13 And the person (Redacted) was a woman and it was *Cheveux de la*
14 *Mort*.

15 Q. [12:23:05] (Redacted), my learned friend froze an image of the video from tab 2
16 of the OTP list, (Redacted).

17 We are not going to show you the video again, but at that time you said, while
18 speaking about the man (Redacted), you
19 said that both of them were Anti-Balaka.

20 You also said that it is not possible to identify them from that image.

21 Now, what I would like to know is, can you explain to me if you cannot identify them
22 from the images, how would you know that the man wearing a (Redacted)
23 (Redacted), that both of them were Anti-Balaka?

24 (Overlapping microphones)

25 MS DIMITRI: [12:24:21] Mr President, if the witness could remove his headsets

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1 please.

2 PRESIDING JUDGE SCHMITT: [12:24:27] Ms Berdennikova.

3 MS DIMITRI: [12:24:28] Mr President? May I ask that the witness remove his
4 headsets if my learned friend is going to go back to his evidence.

5 PRESIDING JUDGE SCHMITT: [12:24:38] Ms Berdennikova.

6 MS BERDENNIKOVA: [12:24:43] If I could ask for the reference that is being quoted
7 because, as we know, the witness also did identify and provide some identification
8 based on that footage.

9 MS DIMITRI: [12:24:58] Yes, of course. It's T-130 at -- so for the black shirt, it's
10 T-130, the real-time, I'm sorry I didn't review my notes with the edited version, but it's
11 the real-time at page 39, French version. When he says:

12 (Interpretation) "They cannot be identified from that photograph, from that image."

13 (Speaks English) It's at page 42 and, to help you, it's 12 minutes and six seconds in the
14 real-time transcript.

15 PRESIDING JUDGE SCHMITT: [12:25:46] I think I also recall the answer like that.

16 Thank you very much.

17 Mr Witness, and the question is, you said you could not -- Ms Berdennikova, what's
18 the problem now?

19 MS BERDENNIKOVA: [12:26:06] Thank you for the references. Obviously, the
20 footage consists of more than one image and the witness was shown a footage that
21 lasted two minutes to -- over two minutes, I believe. So it is my understanding that
22 that answer was in relation to the specific screenshot or the portion where the video
23 was frozen and shown to him.

24 MS DIMITRI: [12:26:30] Yes, at 1:42, the video was frozen.

25 PRESIDING JUDGE SCHMITT: [12:26:40] Well, the question -- the question

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1 is -- here, I don't see a problem to ask the witness a question here.

2 Mr Witness, if -- you have seen -- I think you recall vividly this video footage. You
3 have seen it for the first time. It's with some graphic images, and we recall that you
4 said that you could not identify two persons in one screenshot. It was a person who
5 wore -- let me have a look at it. (Redacted)

6 (Redacted). And you also said there were Anti-Balaka.

7 So the question is, how did -- how did you come to the knowledge that they were
8 Anti-Balaka -- Anti-Balaka?

9 THE WITNESS: [12:27:52](Interpretation) You know, a civilian could not kill (Redacted).

10 It was the Anti-Balaka (Redacted), it was not the civilians who killed (Redacted).

11 PRESIDING JUDGE SCHMITT: [12:28:06] Thank you.

12 So this is the conclusion that the witness drew, so we can move on.

13 MS DIMITRI: [12:28:21] Mr President, can I -- may I have a moment, please.

14 There's a --

15 PRESIDING JUDGE SCHMITT: [12:28:24] Yes.

16 MS DIMITRI: [12:28:25] -- an interpretation question from my colleague.

17 PRESIDING JUDGE SCHMITT: [12:28:27] Yeah.

18 MS DIMITRI: [12:28:50] Thank you, Mr President.

19 Q. [12:29:00] (Interpretation) Concerning the person who was wearing a white shirt
20 on the video, you said he was called "(Redacted)". Am I correct to say that it is
21 because you heard the name "(Redacted)" on the video (Redacted), but
22 that, in fact, you did not know him?

23 A. [12:29:33] If he's called "(Redacted)", I can say that maybe no, because in the
24 Anti-Balaka movement, many people were using nicknames.

25 Q. [12:29:49] So you did not know him?

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1 A. [12:29:56] If the photograph was clear and visible enough, I would have been
2 able to identify him. You yourself can see that the image was not sufficiently clear to
3 make it possible to identify that person.

4 Q. [12:30:18] At the beginning of your description of the attack (Redacted), there
5 was an insistence to have a description, a physical description of the person
6 (Redacted). And you said that it was an adult with a white shirt (Redacted)
7 (Redacted).

8 And my question is as follows: (Redacted) that (Redacted)
9 (Redacted), can you explain how you were able to say without seeing -- or before
10 seeing the video, how could you have said under oath that the person (Redacted) was
11 wearing a white T-shirt and a blue pair of trousers?

12 A. [12:31:42] It's a long time ago. We don't have all the details to mind. And
13 perhaps you are right. You showed a video last week. I saw the women (Redacted),
14 and I remembered his name, which I gave you -- or the woman (Redacted),
15 (Redacted)

16 I saw him on the video and I gave you his name, not so?

17 So those are all the details that I have based on my memory.

18 MS DIMITRI: [12:32:28] Mr President, I'll change subject again. I have to stay in
19 closed session, but if I could just have a moment because I now need to reorganise my
20 binder. Thank you.

21 Q. [12:33:09] (Interpretation) Mr Witness, when my learned friend questioned you,
22 you said you went (Redacted). And you also added the nickname in the two
23 statements, which you signed with the OTP office (Redacted). I saw -- I looked at
24 three of your Facebook accounts where you use the name "(Redacted)", called either
25 (Redacted). I'll show you the first account where you see yourself,

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1 which -- (Redacted). It's tab 80 of the Defence binder and you'll see it
2 on the screen, for the -- it's CAR-D29-0016-0067.

3 We can see you enlarged in another photo, but you do agree that one of your
4 Facebook accounts is "(Redacted)"?

5 A. [12:35:01] That is one of my accounts. (Redacted), I
6 created this account. Afterwards I was asked to delete this account. Because I
7 didn't know how to do it -- I didn't know how to delete it, I decided I wouldn't use it
8 anymore.

9 Q. [12:35:21] No problem. We don't have to show this image, but the photo is
10 tab 82 in the Defence binder, CAR-D29-0016-0070. And for the record, the main
11 page ...

12 One moment, please.

13 On this account, which you can see on the screen, you will probably notice - and my
14 colleague will enlarge the image - there's a young girl (Redacted). I'm going to show
15 you another Facebook account which you opened, which is tab 109, where you show
16 the same photo with the young girl (Redacted). This is CAR-D29-0016-0080. There,
17 again, you see the same young girl (Redacted), which you used on the first account,
18 and which you closed down.

19 On this account we see also a young child (Redacted)
20 (Redacted), and it's also your profile photo, which you can see he here on
21 the account "(Redacted)".

22 Are you still following me?

23 A. [12:37:39] Yes, I am following you.

24 Q. [12:37:42] So this is your second Facebook account, (Redacted).

25 Now, I'm going to show you the third account and, this time, the photo of the child,

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1 which has an outfit (Redacted), we see it again in tab 112,

2 CAR-D29-0016-0083.

3 So it's the same child, which you published on your previous Facebook account,

4 (Redacted).

5 Are you still following me?

6 And now we find it again in tab 110, tab 110, CAR-D29-0016-0086.

7 This is (Redacted)-- sorry, this is (Redacted) So it's still your account, on the account,

8 (Redacted), you have as your image the (Redacted);

9 is that right?

10 A. [12:40:03] These are accounts, which I created (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:40:41] No problem.

16 PRESIDING JUDGE SCHMITT: [12:40:49] And we will soon see the relevance of all
17 of it.

18 MS DIMITRI: [12:40:52] Yes, yes, Mr President, yes.

19 I just needed to establish the three accounts. I'm sorry. I'm told that I gave an

20 incorrect reference for tab 110. So it's CAR-D29-0016-0080 and tab 111, the correct

21 ERN is CAR-D29-0016-0081 and it's the zoom on the same image. And the account

22 (Redacted) is at tab 81, CAR-D29-0016-0068.

23 Q. [12:42:01](Interpretation) You can withdraw the image. I'm going to go back to

24 these Facebook accounts a little later. Now, I want to discuss an individual you

25 know. You spoke about that person yesterday. It's a person who did the

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1 (Redacted). You told us that you knew and saw her (Redacted) and you discussed
2 (Redacted) with her.

3 You know her well; is that correct?

4 A. [12:42:43] Yes, I know her.

5 Q. [12:42:51] As far as you know, did she have any connection with (Redacted)
6 (Redacted)?

7 A. [12:43:25] I can't tell you anymore.

8 Q. [12:43:27] And the father of (Redacted) died, is not with us anymore today?
9 (Redacted)

10 A. [12:43:43] I don't know. There is one parent who is a doctor. I think it's the
11 uncle, but I'm not sure.

12 Q. [12:43:53] And the mother of (Redacted)?

13 A. [12:44:01] That is correct.

14 Q. [12:44:11] And the name of the father, if it jogs your memory, is (Redacted).
15 Does that mean anything to you?

16 A. [12:44:26] I'm not sure. I cannot answer. I can't give you any more
17 information than this.

18 Q. [12:44:36] No problem. I am going to show you the photo on [his] passport,
19 which is tab 26, CAR-D29-0015-0001.

20 Can you confirm that this is her photo at the top of the screen.

21 Do you recognise her?

22 A. [12:45:07] That is her, indeed.

23 Q. [12:45:13] You can remove the photo.

24 Do you know her brother, (Redacted)?

25 A. [12:45:26] I know her sister who's called (Redacted) (phon), but I don't know her

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1 brother.

2 Q. [12:45:40] Nevertheless, I'll show you a photo of the brother, and then can you
3 tell me whether you recognise it or not.

4 A. [12:45:49] Yes.

5 Q. [12:45:51] This is tab 66, CAR-D29-0010-0016.

6 Do you recognise him?

7 A. [12:46:21] It could be her older brother.

8 Q. [12:46:29] Does the name "(Redacted)" mean anything to you?

9 A. [12:46:39] No. I know the older brother of (Redacted).

10 MS DIMITRI: [12:46:57] Mr President, I'm told that for your assistance and reference,
11 the person I'm talking about is (Redacted).

12 Q. [12:47:20] (Interpretation) And you say the older brother. Am I right in saying
13 that in 2014, he was about 23 years of age?

14 THE INTERPRETER: [12:47:35] Sorry, he was about 30 years of age, correction.

15 THE WITNESS: [12:47:44](Interpretation) I don't know.

16 MS DIMITRI: [12:47:44](Interpretation)

17 Q. [12:47:46] And do you know what he's doing today, (Redacted)? Is he
18 working or when was the last time you saw him?

19 A. [12:48:06] To be honest, I saw him a long time ago. I -- sometimes I saw him
20 in -- (Redacted). I was in Bangui, then (Redacted), I was in my house, but I didn't
21 spend a lot of time with him. I do know him because he's the older brother of
22 (Redacted). That's all I can tell you.

23 Q. [12:48:34] No problem. I don't need the date when you saw him for the last
24 time. I just would like to know whether you saw him after (Redacted)? Whether it
25 was the next year or it was in 2015 or 2016, so between -- after the moment when you

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1 finished (Redacted),

2 when did you see (Redacted)?

3 A. [12:49:14] Yes, I saw him (Redacted). I was on a motorbike. I just saw him
4 passing by. I don't know whether he lived (Redacted).

5 THE INTERPRETER: If the interpreter understood correctly.

6 MS DIMITRI: [12:49:40]

7 Q. [12:49:41] (Interpretation) Is it correct to say there's another member of his
8 family, the family (Redacted), who is called (Redacted)? I'm going to show you a
9 comment on your Facebook page, tab 25, CAR-D29-0016-0075.

10 Can you see on the right, the name "(Redacted)"?

11 A. [12:50:31] Yes, that must be one of his sisters. There are many in the family. I
12 know him, I know his sister and also a younger sibling.

13 Q. [12:50:46] And you see there's another comment, which we'll come back to a
14 little later, written by (Redacted), who's joking with you, talking about the -- joking
15 about the young woman on the photo, saying,

16 (Redacted)

17 A. [12:51:20] I don't know (Redacted).

18 Q. [12:51:24] We'll come back to that. I'm going to show you the baptism
19 certificate of (Redacted), who was baptised in the same place as you, that's (Redacted).

20 It is tab 63 of the Defence binder, CAR-D29-0013-0100. The baptism certificate you
21 can see the name of his parents, (Redacted)-- and (Redacted), saying he was born on
22 (Redacted)

23 (Redacted)

24 Does this correspond to your recollections? That he had -- was 22, is that what you
25 remember about her?

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1 A. [12:52:30] I don't know. I can't know. I've said it already repeatedly. I
2 wasn't there and I didn't try and find out what age everyone had.

3 Q. [12:52:45] No problem.

4 MS DIMITRI: [12:52:49] I also refer to tab 62 of the Defence binder,
5 CAR-D29-0013-0098. It's the receipt to obtain the birth certificate of --

6 PRESIDING JUDGE SCHMITT: [12:53:06] Is she on the list?

7 MS DIMITRI: [12:53:07] Yes, yes, it's the same --

8 PRESIDING JUDGE SCHMITT: [12:53:09] Do you know the number of --

9 MS DIMITRI: [12:53:10] It's the same number I gave you earlier, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:53:15] But there's a (Redacted)--

11 MS DIMITRI: [12:53:17] It's (Redacted).

12 PRESIDING JUDGE SCHMITT: [12:53:18] But that's (Redacted).

13 MS DIMITRI: [12:53:19] Yes, but (Redacted), who we established through the
14 passport, that is (Redacted).

15 PRESIDING JUDGE SCHMITT: [12:53:27] Yes.

16 MS DIMITRI: [12:53:28] It's the same parents on the passport application.

17 PRESIDING JUDGE SCHMITT: [12:53:30] Absolutely. Good.

18 MS DIMITRI: [12:53:31] Thank you. And I -- still I don't need to show it to the
19 witness, but there is also a tab 11, CAR-D29-0014-0068. So you'll see on the tab you
20 have in front of, your Honours, (Redacted), which is the baptism number. And
21 you'll see at tab 11, next to (Redacted), that the year of birth, 1992, corresponds to the
22 receipt and the birth certificate.

23 It's just for the record, Mr President.

24 PRESIDING JUDGE SCHMITT: [12:54:19] If you start anything new, I would say we
25 have the lunch break until two o'clock and --

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1 MS DIMITRI: [12:54:27] May I just, with your leave, I have five more questions on
2 that person. I'm in your hands. It's just a ...

3 PRESIDING JUDGE SCHMITT: [12:54:38] Yeah, let's give it a try, but you know it
4 should not be shorter than one hour, the lunch break, I would suggest.

5 MS DIMITRI: [12:54:58] It might take longer so maybe we have the lunch break.
6 I'm sorry.

7 PRESIDING JUDGE SCHMITT: [12:55:01] I thought so, so let's have the lunch break
8 until two o'clock, not 2.30, and then we have a two-hour afternoon session, yeah, as
9 we said.

10 THE COURT USHER: [12:55:11] All rise.

11 (Recess taken at 12.55 p.m.)

12 (Upon resuming in private session at 2.04 p.m.)

13 THE COURT USHER: [14:04:12] All rise.

14 Please be seated.

15 PRESIDING JUDGE SCHMITT: [14:04:38] Good afternoon, everyone.

16 Ms Dimitri, it's still your marathon. No, it's really, it's -- if I imagine couple of days,
17 let's say we have two protagonists, you are one of them, it's not so easy.

18 Please continue.

19 MS DIMITRI: [14:05:01] Thank you, Mr President. And thank you for the two-hour
20 session. I hope I didn't deprive any of your Honours to attend the (Overlapping
21 speakers)

22 PRESIDING JUDGE SCHMITT: [14:05:08] Ah, no. We have good reason then to
23 attend something perhaps we would not want so much to attend. It's okay. No,
24 and this is not the reason. The reason is that this is paramount here what's going on
25 in this courtroom.

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1 Please continue.

2 MS DIMITRI: [14:05:25] Thank you, Mr President.

3 I will continue in private session, Mr President, for the -- yeah.

4 PRESIDING JUDGE SCHMITT: [14:05:32] And the audience that we have, they

5 don't hear us, but -- but she knows because she works here. She knows why we are

6 in private session, I assume.

7 MS DIMITRI: [14:05:56] (Interpretation)

8 Q. [14:05:57] Good afternoon, Mr Witness.

9 A. [14:05:59] Good afternoon.

10 Q. [14:06:00] I'd like to go back now to your Facebook page (Redacted). I'm going

11 to show you, this is tab 83, CAR-D29-0016-0069. And I'd like to draw your attention

12 to one of your friends and then we'll go to his page. I'm going to go slowly because

13 I'm going to show you several pages.

14 So you see you are friends, (Redacted), who seems to have done studies in

15 Bangui.

16 I'm now going to take you to the main page of (Redacted). This is tab 16 of the

17 Defence binder, CAR-D29-0016-0001.

18 Here you can see the main page of (Redacted). This is the page of (Redacted). And

19 correct me, but at the top of the page you can see in the URL (Redacted) and in the

20 photos published by (Redacted), we see the photo of (Redacted) which you know. Is

21 that correct?

22 The second row, the photo of the lady is (Redacted), carrier -- the one that has the

23 small square bag?

24 A. [14:08:17] Yes, that's her.

25 Q. [14:08:19] For the records, I don't have to show you, but we have her photo

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1 enlarged. In fact, we're going to show you. We have her photo enlarged in tab 19
2 of the Defence binder, CAR-D29-0016-0002. So it's the same person and I'm going to
3 draw your attention to the fact that some people call her (Redacted) but others, as you
4 can see in the message on the right of an individual (Redacted), some call her
5 (Redacted). Can you see that on the screen?

6 Now I'm going to take you to main page of (Redacted). This is 18, tab 18 of the
7 Defence binder, D29-0016-0003.

8 You can see on the main page, which is public, that (Redacted) and she's studying in
9 the *lycée* (Redacted) in Bangui. I'd like to -- just remember that because this is a
10 visual exercise I'm going to do with you. If you go up a bit, you can see the profile
11 photo which is a photo of the (Redacted) in the circle of the profile. Keep that in
12 mind because we're going to go back to it.

13 PRESIDING JUDGE SCHMITT: [14:10:40] I know that you have -- that you are
14 going to lay a foundation, but relatively soon we would want to see the relevance of
15 the exercise.

16 MS DIMITRI: [14:10:53] Mr President, I can explain. And I really don't want to
17 make the witness feel uncomfortable, if he could -- because maybe it would assist
18 your Honours, if the witness could remove his headsets.

19 PRESIDING JUDGE SCHMITT: [14:11:06] Just for a minute or so. Thank you very
20 much, Mr Witness.

21 MS DIMITRI: [14:11:10] I'm not sure if it's clear for your Honours, but this is
22 Witness P-2582.

23 PRESIDING JUDGE SCHMITT: [14:11:17] Okay. And?

24 MS DIMITRI: [14:11:19] So I'm -- I'm now -- the exercise I'm doing is --

25 PRESIDING JUDGE SCHMITT: [14:11:23] I know that, but -- yes, and the exercise

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1 is?

2 MS DIMITRI: [14:11:27] I'm going to link this Facebook page to another one where
3 there is -- but the thing is in order to show the other one, I first needed to show this
4 one because this one is linked to his account and the other Facebook page that I'm
5 going to show has relevant information on an element of the crime.

6 PRESIDING JUDGE SCHMITT: [14:11:52] The last portion I wanted to hear.

7 MS DIMITRI: [14:11:55] Yes. That's the -- that's the relevance.

8 PRESIDING JUDGE SCHMITT: [14:11:58] Links are nice --

9 MS DIMITRI: No, yes.

10 PRESIDING JUDGE SCHMITT: [14:11:56] -- or fine or not so fine, but when you say
11 there is relevant information, okay, then please proceed.

12 MS DIMITRI: [14:12:04] It's --

13 PRESIDING JUDGE SCHMITT: [14:12:05] Yeah, yeah, okay.

14 MS DIMITRI: [14:12:06] I -- I can't skip a -- it's -- it's a burdensome exercise, but it
15 needs to be done to then establish the link and it will also become relevant when the
16 Prosecution witness will come.

17 PRESIDING JUDGE SCHMITT: [14:12:19] Okay. Okay. But please bear with me
18 that I -- so no problem.

19 So, Mr Witness, okay. He does not hear me obviously.

20 Thank you very much, Mr Witness. So we can continue now.

21 MS DIMITRI: [14:12:42] (Interpretation)

22 Q. [14:12:45] You see, Mr Witness, sometimes there are legal arguments and that's
23 why we ask you to remove your headset.

24 So tab 18 of the Defence binder, I'm going to show you some friends of (Redacted).

25 17 is D29-0016-0004. I'd like to draw your attention, first of all, to (Redacted),

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1 number 2. And then I want us to look, page 0005, where we see (Redacted)
2 (Redacted) and (Redacted), as well as at the top of the page, (Redacted), whom we've
3 just talked about.

4 As far as you know, (Redacted)
5 (Redacted)
6 (Redacted)?

7 A. [14:14:30] Yes, they are the (Redacted).

8 Q. [14:14:43] I'd like to take you to tab 74, CAR-D29-0016-0061. Let me explain it
9 to you. This is a photo which (Redacted) published. I'm going to wait for it to be
10 displayed. And under which you can see on the right (Redacted) is
11 commenting. Is it always (Redacted) that we see on the photo?

12 A. [14:15:26] Yes, it's her.

13 Q. [14:15:32] Do you know the person who is next to her with (Redacted) T-shirt?

14 A. [14:15:49] It's her own child.

15 Q. [14:15:53] As far as you know, how many children does she have?

16 A. [14:15:59] That's the only one. That's the one.

17 Q. [14:16:09] I think you have children yourself. Do you know the age of that
18 child?

19 A. [14:16:22] No, I don't know.

20 Q. [14:16:29] I'm now going to show you another photo of her to see whether you
21 still recognise her. This is 71, Defence binder, D29-0016-0058.

22 This time --

23 (Speaks English) I'm hearing Sango again.

24 (Interpretation) May I start again, sorry.

25 This time this is a new Facebook -- Facebook page named (Redacted). Do you still

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1 recognise her?

2 A. [14:17:29] Yes, it's her photo which you are showing me displayed.

3 Q. [14:17:42] We don't have to show you, but these in 71 you see the main page of
4 her photo with the *même* icon which we saw before. That's

5 CAR-OTP -- D29-0016-0059. And this is tab 72.

6 Now I'm going to take you to the main page of (Redacted) account, which is tab 73 of
7 the Defence binder, CAR-D29-0016-0060. You can see it is the same photo, the
8 (Redacted), which is the same as her other profile, which is (Redacted), which we saw
9 at tab 16. And if we go up a bit, you can see the profile photo, that's to say, with the
10 cap saying "(Redacted)". And on this main page she's put as the age of birth 1992,
11 which confirms she was 22 years old (Redacted).

12 Did you know that she had this account on Facebook?

13 PRESIDING JUDGE SCHMITT: [14:19:40] I thought -- I thought -- you ask him if he
14 knows something about it, but we have of course this documentary evidence which is
15 authentic or not, will be contested or not, but -- and you have provided other
16 documents with regard to the age of this person. I think that's okay. But you had a
17 different question. I was a little bit too quick. I already suspected something which
18 I had to intervene, but unnecessarily.

19 MS DIMITRI: [14:20:10] It's okay, Mr President. I can move on to the next picture.

20 PRESIDING JUDGE SCHMITT: [14:20:14] I think so, yeah.

21 MS DIMITRI: [14:20:16] Yes. Thank you.

22 Q. [14:20:18] (Interpretation) I would like to show you tab 107, because this is -- she
23 recently updated her photo so I want to know if you recognise it on 107,

24 CAR-D29-0016-0077.

25 Do you recognise her on the photo, the profile photo where there's a bird and also the

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1 bigger photo a bit below? Is that still her?

2 A. [14:21:04] Yes, that's her.

3 Q. [14:21:11] And the young man, when you see with the (Redacted), is it the same
4 person we saw before?

5 A. [14:21:24] That's her son.

6 Q. [14:21:30] I want to take you to tab 108, CAR-D29-0016-0078. At tab 108 you'll
7 see on the right-hand side there's a comment of (Redacted)

8 (Redacted). And (Redacted) says

9 to (Redacted)"Good evening. (Redacted)

10 (Redacted)." This is a comment made last week when you were en route here.

11 So my question is as follows: Do you know that (Redacted) and (Redacted) were in
12 contact? Did they already talk about him?

13 A. [14:22:51] I don't know where (Redacted) even lives and (Redacted) never talked
14 to me about (Redacted).

15 Q. [14:23:05] As far as you know, was -- (Redacted) came forward to other people
16 that you know by saying it was (Redacted)?

17 A. [14:23:26] As I've already said, if you show me his photo and say that he is
18 (Redacted), I could say yes or no, or I could say no, (Redacted). But here you talk
19 about (Redacted). No, I'm getting lost in all this.

20 I don't understand anything anymore.

21 PRESIDING JUDGE SCHMITT: [14:23:50] Mr Witness, then it's no problem. You
22 know, the point is by Defence counsel that she shows a Facebook document that
23 (Redacted) had contact with (Redacted), and I think it's absolutely normal that she
24 would, for example, then ask you did you have such a contact or do you know if
25 (Redacted) had contacts -- such contacts with other persons that were at the time in

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1 going to ask you if you recognise the person. It is tab 76, D29-0016-0063.

2 Do you recognise this person on the screen?

3 A. [14:27:30] In any case, I don't know her.

4 PRESIDING JUDGE SCHMITT: [14:27:41] And I think before the lunch break we
5 already had -- at least you addressed at least the name and he said the name doesn't
6 tell him anything so it would make sense at that point in time.

7 If you want to show something with regard to this person, similarly to the exercise we
8 did before, we would not have an objection, but this would be -- would then be less
9 questions to the witness but simply to demonstrate something. If it does not take too
10 much time.

11 MS DIMITRI: [14:28:27] Mr President, can I have just a moment.

12 PRESIDING JUDGE SCHMITT: [14:28:31] Of course.

13 MS DIMITRI: [14:28:33] Thank you.

14 PRESIDING JUDGE SCHMITT: [14:29:34] If I perhaps may assist, Ms Dimitri, if you
15 think this would be of relevance with regard to other witnesses or another witness,
16 I think what you could do is perhaps to defer then with regard to the examination of
17 this witness. If you want to prepare here something with this witness, of course it
18 makes sense to do it here in the courtroom. Otherwise, you can come back to that
19 when we have the other witness in the courtroom or in the video-link location,
20 wherever.

21 MS DIMITRI: [14:30:13] Thank you, Mr President. My intention was to show
22 different pictures because he might (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [14:30:19] Yeah, it's fine, it's fine. You can do that,
24 but if (Overlapping speakers)

25 MS DIMITRI: [14:30:22] And then if he keeps saying no (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [14:30:24] If he keeps saying no, then, then we have
2 to defer that to the other witness.

3 MS DIMITRI: [14:30:53] (Interpretation)

4 Q. [14:31:07] I will now try to show you Facebook pages with a number of photos
5 to determine whether you recognise her. You see, sometimes there are filters and a
6 multiplicity of items on the Facebook page.

7 So let's go to tab 78, CAR-D29-0016-0065. I want to ask you to look at the friends of
8 (Redacted) and you see that among her friends there is -- there is you at the bottom
9 left. (Redacted) is also there. And there are friends like you who are at the bottom
10 left. And I want to find out whether you know --
11 whether you know (Redacted).

12 A. [14:32:31] I don't know (Redacted) all the other people whom you have
13 mentioned. It is true that I am her friend, but I have never seen her and she has
14 never seen her. And in any event, I ended up deleting her page.

15 PRESIDING JUDGE SCHMITT: [14:32:57] Modern times, friend, never seen her.

16 MS DIMITRI: [14:33:01] (Interpretation)

17 Q. [14:33:03] Let me show another picture. Maybe you will be able to recognise
18 her on this picture because before the break, this person had made a statement on one
19 of the photographs that you published or posted.

20 So let me take you to tab 69 and I want to ask you whether you recognise the person
21 on the photograph in tab 69, CAR-D29-0016-0032. Do you recognise her?

22 A. [14:34:02] I think that it is the same person you showed me a short while ago
23 and I told you that I did not recognise her. I think it's the same person, isn't it?

24 Q. (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [14:34:16] I think we have -- we have now I think a

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1 bigger picture and a good picture, yeah, I think this will not lead to anything.

2 MS DIMITRI: [14:34:24] Mr President, with your permission, I would like to show
3 him a picture without any makeup and filter.

4 PRESIDING JUDGE SCHMITT: [14:34:35] Last attempt, as I said, really last picture.

5 So, Mr Witness, you're going to be shown another picture and you are going to be
6 asked if you recognise the person on this picture and this will -- in that role will be the
7 last one of these pictures.

8 MS DIMITRI: [14:34:58] (Interpretation)

9 Q. [14:35:00] I have to show you now two pictures without makeup and I will ask
10 you whether you recognise her or not. The first photograph is at tab 68,
11 CAR-D29-0010-0030.

12 And the second photograph which I will show you to determine whether you
13 recognise her is at tab 27, CAR-D29-0016-0033. But please look at the last
14 photograph at the bottom of page 0034. I put it to you that it is the same person that
15 we see on the screen and I want to ask you whether you recognise her.

16 Look at the last photograph at the bottom of the page.

17 Could you please scroll down and expand the last photograph, last line and the third
18 person.

19 Do you recognise her on that photograph?

20 A. [14:36:56] Yes.

21 PRESIDING JUDGE SCHMITT: [14:37:10] Well, the last one, sometimes it is the last
22 one.

23 MS DIMITRI: [14:37:17] Yes. No, but he said yes, he recognises it.

24 PRESIDING JUDGE SCHMITT: [14:37:22] Yes, and sometimes (Overlapping
25 speakers)

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1 MS DIMITRI: [14:37:23] Without makeup it --

2 PRESIDING JUDGE SCHMITT: [14:37:25] -- it's the last one --

3 MS DIMITRI: [14:37:22] -- makes difference.

4 PRESIDING JUDGE SCHMITT: [14:37:22] Yeah, yeah, it's -- the correct tab number
5 is 27, not 7. In the transcript it was wrong.

6 MS DIMITRI: [14:37:32] If I could just have one moment, Mr President.

7 (Pause in proceedings)

8 MS DIMITRI: [14:37:49] (Interpretation)

9 Q. [14:37:51] So you recognised her.

10 Now let me show you tab 28, CAR-D29-0015-0002. And I put it to you that this is
11 what explains the confusion in your mind, and I'm not reproaching you for that. She
12 opened a page under "(Redacted)", and I put it to that her name is (Redacted)
13 (Redacted). Does that name ring a bell to you?

14 A. [14:38:53] (Redacted). Well I -- I don't remember that name. I never -- I've
15 never known that name. (Redacted)? Maybe that was the name of one of the
16 elements (Redacted). On the Facebook page it's different and here it's another name,
17 and is it the name of someone who was part of the (Redacted)? I don't know. This
18 is quite confusing. Yeah, we have seen another name over there and now we see
19 that she bears the name (Redacted).

20 PRESIDING JUDGE SCHMITT: [14:39:57] Mr Witness, that's absolutely clear that
21 this might be confusing, but since you have -- at least in the last picture you have
22 recognised her, that this was simply the question.

23 And Ms Dimitri, although it's not up to the witness to ask questions, but who is the
24 person?

25 MS DIMITRI: [14:40:19] That was my next question to him. The person he

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1 recognised on the picture, what's -- what name does he know her under, and if
2 you -- if your Honours (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [14:40:30] I think -- I think it's clear that he does not
4 know the name. He has recognised now the face and he seems to assume it could,
5 (Redacted)-- but I think he has already answered these questions. But if you have
6 information, is the person on the list that we had?

7 MS DIMITRI: [14:40:50] No.

8 PRESIDING JUDGE SCHMITT: [14:40:51] No, this is not on the list.

9 MS DIMITRI: [14:40:53] This is not on the list. I have information, but
10 unfortunately, I can't give it with the -- I mean, I'm in your hands. I could give you a
11 P number, but I'm not sure I can -- it's appropriate for me to give it with the witness's
12 headsets on. I see my colleague saying no.

13 PRESIDING JUDGE SCHMITT: [14:41:11] So, Mr Witness, again, please, may I ask
14 you just 10 seconds to put the ...

15 Ms Dimitri, P?

16 MS DIMITRI: [14:41:28] P-2620.

17 PRESIDING JUDGE SCHMITT: [14:41:31] P-2620. That was simply for my benefit,
18 so to speak.

19 Mr Witness. I told you, Mr Witness, this time only 10 seconds.

20 Ms Dimitri, please continue.

21 MS DIMITRI: [14:41:48] (Interpretation)

22 Q. [14:41:51] Witness, I would like to insist on something that I have not fully
23 understood. You know the person whose photograph I showed you. Do you know
24 her by a particular name and do you remember that name?

25 A. [14:42:22] Are you talking about the first photograph? I think it's the same

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1 photograph that you have just presented. Now, if you look at the previous
2 documents, her name was (Redacted), and here we see the name (Redacted) and that's
3 why there is some confusion. Now, I saw this name on her page, but I have never
4 met her. The name (Redacted) that I see here to my mind is a different name.

5 PRESIDING JUDGE SCHMITT: [14:42:53] I think there is not more here to get out of
6 the witness insofar.

7 MS DIMITRI: [14:43:01] May I ask one last question but not -- it's still on the same
8 subject but a bit different. It's not about the picture, not about the individual.

9 PRESIDING JUDGE SCHMITT: [14:43:14] Well, with regard to names, I

10 (Overlapping speakers)

11 MS DIMITRI: [14:43:16] No, it's not (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:43:18] No, no, no, then please go on.

13 MS DIMITRI: [14:43:19] Thank you.

14 Q. [14:43:21] (No Interpretation)

15 THE INTERPRETER: [14:43:26] Overlapping speakers. The interpreters did not get
16 the first part of counsel's question.

17 MS DIMITRI: [14:43:35] My apologies.

18 PRESIDING JUDGE SCHMITT: [14:43:37] Can you please start again.

19 MS DIMITRI: [14:43:38] (Interpretation)

20 Q. [14:43:40] I would like to know, this person whom you have recognised on the

21 photograph tab 23, CAR-D29-0016-0053, I want to ask you about this person whom

22 you recognise on the photograph. As far as you know, does that person have a child

23 as can be seen on the screen? This photograph is published by (Redacted) and the

24 person whom you recognised makes a comment saying "(Redacted)

25 (Redacted)" So as far as you know, did this person have a child or does she have a

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1 child?

2 A. [14:44:47] You are talking about the person whose photograph we saw? Well, I
3 know absolutely nothing.

4 PRESIDING JUDGE SCHMITT: [14:44:58] Please move on now.

5 MS DIMITRI: [14:44:59] Yeah.

6 PRESIDING JUDGE SCHMITT: [14:45:01] I think this ...

7 MS DIMITRI: [14:45:03] (Interpretation)

8 Q. [14:45:04] Let me now show the photograph of a man and ask you whether you
9 recognise him.

10 It's at tab 24, CAR-D29-0016-0055.

11 Do you recognise or do you know this man?

12 A. [14:45:35] I don't know him.

13 Q. [14:45:39] Thank you for going through this exercise with me. And I am now
14 going to change topics.

15 During your testimony you -- well, my learned colleague, the Prosecutor, showed you
16 a school certificate at tab 93 of the Defence binder, CAR-OTP-2128-1201.

17 (Redacted)

18 (Redacted). But let me hop back to this document from (Redacted) because I know
19 that you attended *lycée* (Redacted) before the Seleka arrived.

20 I want to ask my colleague to show the entire document so that we can see the
21 signature of the principal of the school.

22 If you look to the bottom right of the document, you see that the document states that
23 you attended the high school (Redacted), and according to you that is incorrect. This
24 document is signed by principal (Redacted).

25 So you see this document here and please bear it in mind.

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1 So let's now look at tab 15, Defence binder, CAR-D29-0014-0071, it is a
2 photograph -- at page 0071 and 0072. It is a photograph of the wall of the high
3 school and it bears the names of the various principals and the years during which
4 they were principal. (Redacted)
5 (Redacted). So do you see that on the screen?

6 A. [14:48:52] Yes, I can see it.

7 Q. [14:48:53] Is it correct to say that if we return to tab 93, the previous document,
8 not only -- not only did you not attend the high school (Redacted) the
9 principal who signs the document is not the right principal because the -- (Redacted),
10 prof -- rather, (Redacted) was no longer principal at the *lycée*. (Redacted), the
11 principal was (Redacted). Do you agree with that?

12 A. [14:49:58] I told you that I stopped, I ended my studies (Redacted)
13 (Redacted). I don't know how many principals were at the school after I left. Now,
14 I don't know how this certificate was issued. I have nothing to do with it. I am not
15 the one who produced it and I don't know how it was obtained.

16 PRESIDING JUDGE SCHMITT: [14:50:26] I think the witness has a point here.
17 And you have made your point so we can move on.

18 MS DIMITRI: [14:50:31] I was moving on --

19 PRESIDING JUDGE SCHMITT: [14:50:32] It's on the record, we have the documents
20 and they are submitted so it's clear.

21 MS DIMITRI: [14:50:36] Yes, I was moving on. Just for the record, Mr President,
22 can I give your Honours for reference - I don't need to show it to the witness - five
23 ERNs related to this document?

24 PRESIDING JUDGE SCHMITT: [14:50:47] Yes.

25 MS DIMITRI: [14:50:48] And the *proviseur*. So the investigative report that explain

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1 how this document was obtained is at tab 7 of the Defence binder, (Redacted) explains
2 the conditions under which the Prosecution obtained that document. And for the
3 record, we obtained the official nomination of each *provisieur* for each year. You've
4 seen a picture on the wall, but it's tab 94, CAR-D29-0001-0390; tab 95, only the last
5 four digits that change, 0398; tab 96, the last four digits are 0404; tab 97, 0412; and
6 finally, tab 98, 0419.

7 And I'm going to change subject again, Mr President.

8 Q. [14:52:17] (Interpretation) When you met with the investigators of the OTP, you
9 gave them your year of birth, and during your testimony last week you pointed out
10 more than once that you were born (Redacted); is that correct?

11 A. [14:52:47] That is correct.

12 Q. [14:52:54] So you have never in any way whatsoever falsified your date of
13 birth -- your year of birth?

14 A. [14:53:06] No, that is the true date of birth.

15 Q. [14:53:17] So it will be wrong to say that you were born (Redacted) and not in (Redacted).

16 A. [14:53:37] I was not born in (Redacted). I repeat and I confirm that I was born in (Redacted).

17 Q. [14:53:52] Let me show you a Facebook page which you created before you met
18 with the OTP in which you didn't use your nickname but your real name
19 (Redacted) and your true date of birth.

20 Tab 79 Defence binder, CAR-D29-0016-0066.

21 My question then is as follows: And I take it that you recognise yourself on this
22 page?

23 A. [14:54:38] Yes, that's me all right.

24 Q. [14:54:42] Can you explain why on that first page under the name
25 (Redacted) you provided your date of -- your year of birth as being (Redacted)?

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1 A. [14:55:01] I am not the one who created that page. You can see to the left
2 there's someone called (Redacted), he's the one who created the page. (Redacted)
3 (Redacted)
4 (Redacted). So he told me
5 that if I had put (Redacted), Facebook would reject the creation of the page and that is
6 why he proposed (Redacted) in order for Facebook to accept the creation of the page.
7 So this is what happened. And by the way, I did not use that Facebook page.

8 Q. [14:56:03] (Redacted)
9 (Redacted)

10 Let me show you a second page, tab 4, Defence binder, CAR-D29-0016-0071.
11 Once again, it's a page bearing your true name, (Redacted), and once again the date of
12 birth is (Redacted).
13 Would it be a coincidence that this year was again mentioned on this Facebook
14 account?

15 A. [14:57:10] I tried to create a page based on one of my old accounts. In any
16 event, I confirm to you that I was born (Redacted). So I attempted to create a page,
17 but it didn't work so I gave up.

18 Q. [14:57:43] I put it to you that at the time these two pages were created, the issue
19 of your -- your age was not at stake. Do you agree with me?

20 A. [14:58:02] You see, when I was creating that page, well, since you want to verify
21 my age, please look at my baptism card, cross-check there.

22 Q. [14:58:20] We will get to that. So let me show you tab 2. The Prosecutor
23 during the examination-in-chief showed you your baptismal card and you confirmed
24 that the information in it was correct, including your date of birth being (Redacted).
25 Is that your baptismal card?

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1 A. [14:58:55] Yes, it is.

2 PRESIDING JUDGE SCHMITT: Ms Berdennikova.

3 MS BERDENNIKOVA: [14:59:02] Sorry to interrupt. The witness, when he was
4 shown the birth -- the baptism certificate, I believe my colleague just said that he
5 confirmed the information and it was correct, including the date of birth --

6 MS DIMITRI: [14:59:20] No. I said in French the year of birth. I know what
7 (Overlapping speakers)

8 MS BERDENNIKOVA: The year of birth, okay.

9 PRESIDING JUDGE SCHMITT: [14:59:23] Okay. Otherwise I would have
10 sustained the objection. But when you said the year -- because I recall vividly that he
11 insisted --

12 MS DIMITRI: Yes.

13 PRESIDING JUDGE SCHMITT: [14:59:27] -- it was (Redacted) and he confirmed the
14 (Redacted). Everything is okay.

15 MS DIMITRI: [14:59:35] Yes. I was careful with my wording because I
16 remembered.

17 PRESIDING JUDGE SCHMITT: [14:59:39] Okay. Good. Please continue.

18 MS DIMITRI: [14:59:46] (Interpretation)

19 Q. [14:59:49] Now you had confirm -- you have confirmed that the date -- the year
20 of birth on this certificate is exact and I want to refer to the document

21 CAR-OTP-2128-1178 and I want you to look at the date of birth.

22 THE INTERPRETER: [15:00:24] 1197. The interpreter corrects.

23 MS DIMITRI: [15:00:25] (Interpretation)

24 Q. [15:00:28] And I'm going to ask you to look at the year of birth at page 1198.

25 I would like you to look carefully at the screen and look at the year (Redacted). And

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1 I put it to you, Mr Witness, that the (Redacted) and that it was adjusted

2 (Redacted)". As you can see, (Redacted) is very different from (Redacted)

3 A. [15:01:11] (Redacted). Well, I never saw this document with my own eyes,

4 never. So it is only later on and here that I saw this document. (Redacted)

5 (Redacted)

6 Q. [15:01:37] And now that you see the document, do you agree with me, I'm

7 putting the question to you again, do you agree with me that (Redacted)

8 (Redacted) has been changed (Redacted)

9 PRESIDING JUDGE SCHMITT: [15:01:58] I think the witness has answered that. It

10 could be. It -- actually, there is some suspicion but, yeah, not more. And the

11 witness has answered. So I don't know if a *graphologue* could -- could verify that. I

12 assume so actually. Not a *graphologue*, what's the right word for that?

13 MS DIMITRI: [15:02:19] I think it's the right word. I know what you mean,

14 Mr President.

15 PRESIDING JUDGE SCHMITT: [15:02:27] You know what I mean.

16 MS DIMITRI: Yes, yes.

17 PRESIDING JUDGE SCHMITT: [15:02:25] You know, it's clear that we have -- might

18 have some ideas, but well, it's difficult for us to verify. But indeed (Redacted)

19 (Redacted) looks a little bit different than (Redacted).

20 And by the way, I think you gave -- one of these ERNs that you gave last time a

21 couple of minutes ago was the investigative report.

22 How it was obtained, Ms Berdennikova, I don't have it now in front of me, but can

23 you tell me, was it given -- was it given directly to the investigators from the parish,

24 so to speak?

25 MS BERDENNIKOVA: [15:03:16] Well, as your -- as my colleague has noted, there is

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1 an ERN number that describes in detail step by step how the school certificates and
2 the baptism certificates were obtained. They were obtained by an intermediary and
3 then the intermediary describes to the investigators and -- how the material was
4 obtained and that's what is available in the investigation report.

5 PRESIDING JUDGE SCHMITT: [15:03:42] So the original document, so to speak,
6 was given to whom?

7 MS BERDENNIKOVA: [15:03:48] To the intermediary, to P-2580. I mean, we know
8 his name.

9 PRESIDING JUDGE SCHMITT: [15:03:55] Okay.

10 MS DIMITRI: [15:03:59] (Interpretation)

11 Q. [15:04:02] I'd like to draw your attention to the red (Redacted)
12 (Redacted). And I'm going to show you another document, tab 8 of the Defence
13 binder. My -- the team went to the field to the same parish and obtained the
14 information on your baptism. I'm going to show you the receipt from the baptism
15 obtained from my team, (Redacted)". We're going to go back to that number. We
16 see your name, (Redacted), the name of your father and your mother, and here the
17 year of your birth is (Redacted).

18 Do you want to go back on your statement and admit that you are born (Redacted)
19 and not on (Redacted)?

20 A. [15:05:20] I am not born in (Redacted). Please look at this document carefully.
21 It is different from my baptism card, my original baptism certificate.

22 PRESIDING JUDGE SCHMITT: [15:05:33] So this last document that you showed
23 with the D29-0013-0096 was exactly what kind of document?

24 MS DIMITRI: [15:05:44] Mr President, when you go to the parish, you can ask the
25 people at the parish to give you a birth -- a baptism confirmation, the yellow

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1 document. We have a copy of the yellow document. I'm coming to it. And when
2 you ask for the yellow document, they also give you a receipt, which is what we have
3 on the screen.

4 PRESIDING JUDGE SCHMITT: [15:06:13] We only have the receipt at the moment.

5 MS DIMITRI: Yes, yes.

6 PRESIDING JUDGE SCHMITT: Please show us (Overlapping speakers)

7 MS DIMITRI: Yes, I'm (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: Show us the original (Overlapping speakers)

9 MS DIMITRI: [15:06:17] I'm just going step by step.

10 PRESIDING JUDGE SCHMITT: [15:06:21] Yeah, okay, but it's quite clear now.

11 Original document then, please.

12 MS DIMITRI: [15:06:27] (Interpretation)

13 Q. [15:06:30] I'm going to show you tab 5 of the Defence binder,

14 CAR-D29-0013-004 -- sorry, 0004. This is the baptism certificate which my team

15 obtained on the ground and I ask you to look at page 0005, where you can see again

16 the number (Redacted), the number of your baptism. And you can see there

17 "(Redacted)". And again you see the name of your father and your mother. And on

18 the next page you see again the name of your parish. So I ask you the question again:

19 Do you still maintain that you are born in (Redacted)?

20 A. [15:07:39] I am born in (Redacted). I am not born in (Redacted).

21 Q. [15:07:48] I'm going to show you another question to be more specific. In order

22 to make a copy of your baptism certificate, the people in the parish relied on the

23 information contained in the baptism register. My team consulted the register for

24 the baptisms, the same register consulted by the intermediary of the Prosecution. It

25 is tab *6 of the Defence binder, CAR-D29-0014-0065. This is a photo of the original

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1 from the baptism register and I'm going to ask my colleague to go page 0067.

2 And on (Redacted), which is your baptism, which is the same number which appears
3 on the receipt and the certificate, it is indicated that you are born (Redacted).

4 So I put the question to you again: Do you still maintain under oath that you are
5 born (Redacted)?

6 A. [15:09:23] I am born (Redacted).

7 PRESIDING JUDGE SCHMITT: [15:09:29] I think you don't -- you can present any
8 further documents, you don't have to ask the witness (Overlapping speakers)

9 MS DIMITRI: [15:09:35] It was the last one, Mr President.

10 PRESIDING JUDGE SCHMITT: [15:09:38] Last one.

11 MS DIMITRI: [15:09:39] Mr President, just for the record, the *registre de baptême* is
12 also referred in the Prosecution investigative report that is at tab 7,

13 CAR-OTP-2128-1203, and it's specifically at page 1206.

14 PRESIDING JUDGE SCHMITT: [15:10:00] So does that mean that this information
15 was -- or this part of the information, this document was available to the Prosecution
16 too?

17 MS DIMITRI: [15:10:08] The Registry, yes. That's -- that's my submission.

18 PRESIDING JUDGE SCHMITT: [15:10:13] Yeah. Well, first, Mr Vanderpuye,
19 perhaps. We have not heard from you in a long time.

20 MR VANDERPUYE: [15:10:27] Good afternoon.

21 PRESIDING JUDGE SCHMITT: [15:10:28] Good afternoon.

22 MR VANDERPUYE: [15:10:29] I'm not sure that I followed that, but we'll look into it,
23 Mr President. We obviously have some issues with respect to the witness who
24 provided this material. So we'll check into it and we'll report back to the Chamber
25 and to the Defence regarding it.

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1 As to the -- as to the information available to the Prosecution at the time, I think it's
2 pretty clear from the information report what information was available to the
3 Prosecution and the manner in which the documents were acquired. So I'll leave it
4 at that at the moment. Thank you, Mr President.

5 PRESIDING JUDGE SCHMITT: [15:11:03] Well, but you understand that there is a
6 need to explain one or the other thing.

7 MR VANDERPUYE: [15:11:08] Indeed, Mr President.

8 PRESIDING JUDGE SCHMITT: [15:11:10] Okay.

9 Ms Dimitri.

10 MS DIMITRI: [15:11:19] (Interpretation)

11 Q. [15:11:20] We saw the baptism registry where we see (Redacted) as regards your
12 year of birth. I would like to inform you and I would like to suggest that (Redacted)
13 told the Prosecution office that he saw in the baptism certificate the year (Redacted)
14 which corresponds to your year of birth. Did you know -- or why did you
15 know -- why did the -- (Redacted) say, why did he say (Redacted), the same year
16 which you suggested in your statement of (Redacted)?

17 PRESIDING JUDGE SCHMITT: [15:12:17] If you know, Mr Witness. If you know
18 that.

19 And by the way, just before you answer, the tab was tab 6, not 16 like in the -- like in
20 the transcript.

21 THE WITNESS: [15:12:36](Interpretation) In any case, (Redacted), I've never worked
22 together with him so that he could give me an age. Even before the journey, I never
23 met him, so how could he give me an age. Perhaps the others worked together with
24 him, but I personally, even before my trip, I never met him. Does he know the place
25 where I was born? He couldn't say anything about this.

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1 MS DIMITRI: [15:13:18] (Interpretation)

2 Q. [15:13:20] My last question, Mr Witness, I am suggesting to you that you were
3 not honest in your statement and the only reason why you recognise certain elements
4 on the photos and the videos is because you knew them (Redacted)
5 (Redacted) there in 2014 and you didn't know them in the circumstances which you
6 described in your testimony?

7 A. [15:13:58] I didn't know them through these events. Please rephrase your
8 question so that I can understand what you're saying.

9 PRESIDING JUDGE SCHMITT: [15:14:18] May I?

10 Mr Witness, Ms Dimitri suggests to you that the persons that you identified on
11 photographs and videos, you did not identify them because you met them under the
12 circumstances you described in your testimony, meaning as part of operations of the
13 Anti-Balaka, but you could describe them because you met them -- what did you
14 say, 2014?

15 MS DIMITRI: [15:14:51] You met them in 2014 when (Redacted)
16 (Redacted).

17 PRESIDING JUDGE SCHMITT: [15:15:04] Yeah. (Redacted)
18 (Redacted). You can say "This is true." You can say "I don't know." You can say
19 "This is not true."

20 THE WITNESS: [15:15:18](Interpretation) In any case, I've understood what you've
21 said. But if I didn't participate in the Anti-Balaka operations, I wouldn't be here to
22 give you my statement. If I wasn't in the Anti-Balaka group, I wouldn't accept the
23 Prosecution invitation to describe what I experienced. I have told you everything I
24 experienced. I haven't spoken about anything else.

25 PRESIDING JUDGE SCHMITT: [15:15:56] Please move on.

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1 MS DIMITRI: [15:15:59] (Interpretation)

2 Q. [15:16:02] A last question. You said, "In any case, (Redacted), I never had
3 opportunities to work with him so that he could give me an age. Perhaps the others
4 worked together with him." Who are the others who might have worked with him?

5 A. [15:16:34] I saw photos, I saw photos of (Redacted) who had contact with
6 (Redacted), but it's not me. (Redacted)-- I didn't
7 approach (Redacted) who you saw who was the one who falsified the documents to
8 allow (Redacted). We, the true Anti-Balaka were not part of that. We were the
9 nationals or (Redacted).

10 MS DIMITRI: [15:17:11] Mr President, the marathon is over for me. This was the
11 end of my examination. Thank you for your patience.

12 PRESIDING JUDGE SCHMITT: [15:17:19] I thought so, actually.

13 Ms Proulx, any questions?

14 MS PROULX: [15:17:26] I don't think I will surprise you much. No, we have no
15 questions.

16 PRESIDING JUDGE SCHMITT: [15:17:31] No, you don't have questions. I would
17 have been surprised.

18 Any redirect, Ms Berdennikova? It's difficult, of course, because it's mainly about
19 these documents, to be frank, which, yeah, seem quite -- on the face of it need an
20 explanation, to put it this way, and might not -- you cannot give one now, obviously.
21 And I think you cannot provide the explanation via examination of the witness, I
22 assume. This is what I'm asking. So do you have any questions to the witness?

23 MS BERDENNIKOVA: [15:18:13] No, your Honours, no redirect.

24 PRESIDING JUDGE SCHMITT: [15:18:16] Yeah.

25 Mr Witness, this concludes your testimony. I know this was a tough exercise for you,

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1 I understand that, everybody here understands that you have been questioned I think
2 a full week, I think, all together and had to answer all these questions and to look at
3 all the pictures and all these questions sometimes confusing for you, but we need
4 witnesses at this Court to establish the truth and we would like to thank you that you
5 came to this Court and were so patient and answered all the questions. We wish you
6 all the best for your future and a safe trip back home.

7 (The witness is excused)

8 PRESIDING JUDGE SCHMITT: [15:19:23] This concludes the hearing also and we
9 resume then sometime in two weeks, two and a half weeks. We will see
10 which -- what witnesses it will be. There are issues with 0954. We will see what's
11 going to happen.

12 Thank you very much.

13 THE COURT USHER: [15:19:38] All rise.

14 (The hearing ends in private session at 3.19 p.m.)