

Trial Hearing
WITNESS: CAR-OTP-P-2927

(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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Wednesday, 29 March 2023
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:08] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:31] Good morning, everyone. Court officer,
14 please call the case.
15 THE COURT OFFICER: [9:31:36] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice Edouard Ngaïssona, case reference ICC 01/14 01/18.
18 And for the record, we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:53] Thank you.
20 The presence I think is -- the Prosecution is unchanged as I see it.
21 MS STRUYVEN: [9:31:58] Slightly. Good morning, Mr President. For the
22 Prosecution today, we have Kweku Vanderpuye, Yassin Mostfa, Maria Berdennikova
23 and myself, Olivia Struyven.
24 PRESIDING JUDGE SCHMITT: [9:32:09] Well, Ms Rabesandratana, you also -- you
25 have the same team. Mr Suprun, I see.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Ms Dimitri, nearly the same, yeah?

2 MS DIMITRI: [9:32:14] Good morning, Mr President. Yes, the same team, and for
3 the record, Mr Yekatom waived his right to be present today.

4 PRESIDING JUDGE SCHMITT: [9:32:26] Yes, I know and that's fine with us, on an
5 exceptional basis obviously.

6 Yes, Mr Knoops.

7 MR KNOOPS: [9:32:33] Good morning, Mr President, your Honours. We are in the
8 same composition as yesterday. Mr Ngaïssona is present today. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you very much.

10 Then we can continue and finish the examination of Ms de Bruijn.

11 Good morning, Ms de Bruijn.

12 WITNESS: CAR-OTP-P-2927 (On former oath)

13 (The witness speaks English)

14 THE WITNESS: [9:32:45] Good morning.

15 PRESIDING JUDGE SCHMITT: [9:32:46] I hope you had a good rest yesterday.

16 Well, you know, we always say that and never anybody said to us, "No, I didn't have
17 a good rest."

18 Okay. We continue with the examination.

19 As I said, we also want to finish it today.

20 Mr Suzuki, please.

21 MR SUZUKI: [9:33:07] Thank you, your Honours, and good morning.

22 QUESTIONED BY MR SUZUKI: (Continuing)

23 Q. [9:33:09] Good morning, professor. This morning, I'd like to save us a bit of
24 time potentially and I'd like to take you to an extract from your report, but I'm going
25 to ask you a general question that I hope will take into account the methodology that

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 was employed for this report.

2 So I'll ask Madam Court Officer to take us to the document at tab 4, please, of the
3 Prosecution binder.

4 That's your report in French, professor, CAR-OTP-2122-9155 at 9182, and that's page
5 28.

6 A little bit further down, please. Actually that's perfect, thank you.

7 Professor, this is still on a topic of recruitment of child soldiers and the Anti-Balaka,
8 and I'm going to read the one sentence in French:

9 (Interpretation) "This example perfectly illustrates the recruitment and use of child
10 soldiers by the Anti-Balaka during the last crisis in the Central African Republic.
11 Several children who were lost were enrolled in this fashion."

12 (Speaks English) And like I said, I'm going to ask you a kind of general question on
13 this basis.

14 When we see these kind of qualitative descriptions - numerous, frequent, regular,
15 massively - these kinds of descriptions when they appear in your report, you agree
16 that you're not in a position to give us -- I think what you called it, quantitative proof,
17 these kind of objective statistics, because that's just not the methodology that you
18 employed in preparing this report.

19 Would you agree with that?

20 A. [9:35:33] Yes, I think we discussed that yesterday, extensively.

21 Q. [9:35:36] Okay. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:35:41] And I think we can fairly say that if there
23 were any other similar passages, that this applies, too, yeah?

24 MR SUZUKI: [9:35:53] Thank you, your Honour.

25 Q. [9:35:55] Professor, then I'm going to move on to the section on the effects of

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 enrolment on schooling and living environment.

2 If you could take us to page 9192, please, Madam Court Officer. And that is page 38,
3 professor.

4 A little bit further. Yeah, that's perfect, thank you. And I'm going to read again a
5 sentence in French:

6 (Interpretation) "Even though the children between the Anti-Balaka and the Seleka
7 are in -- were in general deprived, and were in the Central African Republic, the
8 children normally continue their schooling, and those that were directly associated
9 with the Anti-Balaka were more affected."

10 (Speaks English) Professor, you told us that you weren't able to conduct a
11 comparative study between armed groups, so can you -- would you agree with me
12 that you can't conclude that those enrolled in the Anti-Balaka were the most affected?

13 A. [9:37:24] Your Honour, I think that this part refers to a more deeper analysis of
14 the life stories of these children and the way they went through their enrolment in the
15 Anti-Balaka groups and, also, maybe in general, armed groups that keep them for a
16 while.

17 In a situation where schools are closed down, where they are kept away also from
18 that kind of life, I think you can say that children in general who join armed groups
19 are affected in their school-going and in a life that we sort of define as a life for
20 children. So, they are deprived of that kind of life and I don't think we say anything
21 wrong here. It's also from other studies. It's not just this case. It's a general thing.

22 Q. [9:38:27] I understand, professor. But I'm just focusing on the conclusion that
23 those employed -- or enrolled by the Anti-Balaka were the most affected?

24 A. [9:38:36] You mean in comparison to Seleka?

25 Q. [9:38:39] Yes, or other armed groups?

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [9:38:42] I mean, the ones that we spoke to were deeply affected. Yeah, indeed,
2 we did not talk to as many young people of Seleka, so maybe, yeah, you're right there,
3 that also Seleka children were affected.

4 So, here, I think it's also -- I mean, you're right that we should not have made a
5 comparison with the Anti-Balaka, Seleka, I agree, but it doesn't take away the
6 conclusion that they -- these children were really deeply affected.

7 Q. [9:39:29] Madam Court Officer, if you could take us to the document at tab 11 of
8 the Defence binder, that's CAR-D29-0005-0503.

9 As you can see, professor, this is the 2018 UNDP "Human Development Indices and
10 other Indicators". And I'm going to take you to a specific one at page 0569.

11 If you could scroll down to the bottom, please, Madam Court Officer, just to explain
12 the two statistics I'd like to look at.

13 You see there, professor, the "Gross enrolment ratio", the "Total enrolment in a given
14 level of education" and the primary school drop-out rate, the percentage of students
15 who drop out before reaching the last grade of primary education.

16 And if we could return to the top part of the -- thank you. And a little -- that's
17 actually. Perfect. Yeah, thank you, Madam Court Officer.

18 You'll agree with me, professor, that we see the primary school drop-out rate in the
19 Central African Republic is 53.4 per cent, according to this table, and the percentage
20 of students who are enrolled in secondary school, 15 per cent.

21 And my question, professor, is: You'd agree that the same structural hardships and
22 circumstances that result in these kind of statistics, they necessarily apply also to the
23 former child soldiers that you interviewed for your project; correct?

24 A. [9:41:39] Your Honour, I would like to say something on this kind of
25 comparison. It's true these are -- these figures are very high and it's awful, and this

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 is also one of the consequences of the chaotic situation in Central African Republic
2 that is, amongst others, created by the armed groups. So, you could even go further
3 now in the analysis and say that armed groups do not contribute to a stable
4 environment for children, and this is what we also show that the children who go
5 through these armed groups are part of these statistics and -- but also the generalised
6 situation is probably part of the story that we are telling. So, it's not that because
7 those children suffer and others suffer as well, that you can't say that they are not
8 suffering.

9 Q. [9:42:38] Professor, I'm not saying they're not suffering. Can you just answer
10 the question as to whether the same structural hardships also apply to those who
11 were not enrolled in the armed groups, please.

12 A. [9:42:50] I think there is a difference, because many children do not go to schools
13 because schools are closed but they still live with their family, and these children do
14 not go to schools because they're no longer with their family and they're in another
15 structure, so there is a difference. So, behind statistics there are always more stories,
16 so that is what I -- so the story about Anti-Balaka and children enrolled there or
17 Seleka children enrolled there is a different story from children who live in Paoua but
18 who live under condition that their schools are closed.

19 Q. [9:43:37] Just to be clear, you're suggesting that these structural hardships that
20 result in these statistics, they don't apply equally across?

21 A. [9:43:45] There are different reasons why children do not enrol in school, that's
22 all I say.

23 PRESIDING JUDGE SCHMITT: [9:43:52] Well, I think what Ms de Bruijn is saying is
24 that any statistics -- of course, these are figures. They do not reflect the full reality, I
25 think, and I think we can agree on that and we can move on, yeah. And I also

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 understood you this way that irrespective of which armed group, but the armed
2 group as such, any armed group in the Central African Republic contributes to these
3 figures. That's, of course, another -- that's a more general -- general aspect, I
4 understand that, apart from the individual fate of children. But I think I understood
5 you this way.

6 THE WITNESS: [9:44:34] Your Honour, I think that's correct. That's what I, indeed,
7 said, but we did not do research to these other groups.

8 MR SUZUKI: [9:45:00]

9 Q. [9:45:00] You've -- you guessed my next question, professor. To really properly
10 determine whether the children that you interviewed for your project -- determined
11 whether they didn't -- their education was affected because of their school as opposed
12 to other factors, you would need to have done a comparative study to create a control
13 group for these kind of things; is that correct?

14 A. [9:45:28] Your Honour, here we have again a methodological issue. I think that
15 the study that we did was based -- is basically based on the life stories of these
16 children. We did not do a comparative study, so you can take it like that.

17 Q. [9:45:50] Thank you, professor. And if we could go to page 9192, please,
18 Madam Court Officer. I think we're already on it, actually.

19 PRESIDING JUDGE SCHMITT: [9:46:06] Yes, we are there already.

20 MR SUZUKI: [9:46:09]

21 Q. [9:46:10] Thank you. To the second half of the page, please.

22 A. [9:46:36] I don't see anything.

23 PRESIDING JUDGE SCHMITT: [9:46:37] You're not the only one, so don't worry.

24 MR SUZUKI: [9:46:42]

25 Q. [9:46:42] I think -- professor, you have your report in front of you, I think we

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 will proceed.

2 PRESIDING JUDGE SCHMITT: [9:46:47] It's page 38, and you can look at your
3 report, page 38. And which part do you want to refer to?

4 MR SUZUKI: [9:46:54] This extract, this exchange at the -- on the second half of the
5 page, your Honour.

6 PRESIDING JUDGE SCHMITT: [9:46:58] Okay, so the verbatim?

7 MR SUZUKI: [9:47:02] Yes, indeed.

8 A little bit further down, please, Madam Court Officer. Perfect, thank you.

9 Q. [9:47:12] Professor, here we have, again, the informant Owe. And, just to
10 summarise, after more than two visits a researcher made the determination that he
11 seemed to be withdrawn or isolated. Now, we spoke about one local researcher, in
12 particular -- I don't want to say his name. But is he -- do you know if he was the
13 individual who followed these informants or this particular informant?

14 A. [9:47:48] Your Honour, I don't know if that is a relevant question.

15 PRESIDING JUDGE SCHMITT: [9:47:52] No, I -- you don't have to decide if it is a
16 relevant question or not. So, please, answer the question, and it's anonymised, so it's
17 not a problem. You can just say yes or no. That's okay.

18 THE WITNESS: [9:48:05] Okay. Yes.

19 MR SUZUKI: [9:48:09]

20 Q. [9:48:10] Thank you, professor. I'm going to read an extract from -- well, I'm
21 going to read part of this verbatim transcript extract. Your researcher asked:
22 (Interpretation) "Some young children, don't they think that you're an former
23 Anti-Balaka and they don't trust you?"

24 (Speaks English) Professor, yesterday, we spoke about research biases. Would you
25 agree with me that this question is one that can be seen as potentially inducing or

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 leading an informant to respond in a certain manner?

2 A. [9:48:58] Your Honour, I cannot deny that you can read it that way, but you
3 have to understand this in a wider research. It's not just picked as the only one that
4 we have of this kind of *témoignage*.

5 PRESIDING JUDGE SCHMITT: [9:49:15] Well, it's not -- the statement given after
6 being interrogated by investigators. Really, we are -- Ms de Bruijn has extensively
7 explained yesterday that this is a different approach. So let me put it this way:
8 Don't take away from this room today that this is -- would be completely
9 inappropriate. It's simply different and it's okay that the Defence addresses it. But
10 you should also not give it too much weight, I think, in the whole context. Please,
11 continue.

12 MR SUZUKI: [9:49:59]

13 Q. [9:50:00] Thank you, professor. And, yesterday, you informed us that
14 when -- when you were training researchers, you discussed biases and specifically
15 these kind of questions. You would agree with me that in this particular instance,
16 this training wasn't followed?

17 A. [9:50:28] Your Honour, I think that you are taking this really out of context.
18 But if you want to read it that way, it's your decision. What we could do, if you
19 want, show you the whole interview later. But it's -- we take this out because it's
20 illustrating an experience that these children lived through, and the aim of our
21 research was, indeed, to understand these children. So that is probably what you
22 still see in this report, which is written probably with a little bit a different approach,
23 but at the same time I think that this is very relevant to understand, that these
24 children are feeling like that.

25 PRESIDING JUDGE SCHMITT: [9:51:12] And that's another point also with regard

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 to our last discussion that perhaps should be mentioned -- that it is clear that this is an
2 excerpt and we do not know if, perhaps -- if we had the whole transcript -- it was
3 conducted fully and in accordance with common law questioning rules, so -- that
4 before us, the question that could, indeed, be seen, as you say, rightly point out, as a
5 little bit inducive to an answer you have been asked here. You know, what's the
6 reason for that, generally, and then -- and from there it was followed up. So, really, I
7 think we can move on. It's -- it's -- and we don't know who Owe is and -- yeah.

8 THE WITNESS: [9:51:57] Your Honour, maybe I can add something here. Because
9 it is not just talking to these children; it's also observing, and I think that that is also
10 shown in this citation. But, yeah, it's our -- it's clearly that you -- we sort of are here
11 struggling on methodological issues as well.

12 PRESIDING JUDGE SCHMITT: [9:52:17] And I'm right to understand that we -- that
13 this is a very short excerpt of a long -- if we say interview, perhaps we already assess
14 it in a way, of a long communication.

15 THE WITNESS: [9:52:30] Exactly.

16 PRESIDING JUDGE SCHMITT: [9:52:32] Yeah. Please.

17 MR SUZUKI: [9:52:48]

18 Q. [9:52:49] I'll move on.

19 I'd like to speak about the section on the effects on behaviour, professor; similarly,
20 what we spoke about with regard to education. Just broadly speaking, you agree
21 that living through a conflict, experiencing war as a child would have a substantial
22 effect potentially on a child's behaviour; is that correct?

23 A. [9:53:21] Your Honour, even in this report at the beginning, I think, we say
24 something about this, that it's about children in war, indeed. All children who live
25 through war are affected.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [9:53:38] Thank you. And, again, you're not in a position to say whether these
2 perceived behavioural changes in your informants are a result of their experience in
3 the Anti-Balaka or a result of them having lived through a conflict?

4 A. [9:53:55] Your Honour, you're right. We're not psychologists, but in our
5 observations and in the discussions with these children, it is clearly so that this has
6 affected their being. Probably if they had lived in a different situation, in a family,
7 or -- and -- or with their uncles, not going to school, they would also have been
8 affected, but in a different way. And maybe this raises an issue that needs your
9 attention as well that there is this difference in being affected by, and the result is that
10 you don't go to school, that you have problems socially, et cetera. But it is that -- the
11 reason why you enter there in that situation is not the same for all the children.

12 Q. [9:54:54] Thank you. I'd like to move on to the issue of a lack of opportunity
13 after the crisis, similarly the same question: You don't have a control group so
14 you're not in a position to say -- or, rather, you didn't research the kind of economic
15 conditions that children in the Central African Republic who lived through that
16 conflict that they experience what kind of work they were able to find after the
17 conflict, these kind of things; is that correct?

18 A. [9:55:30] Your Honour, for this particular study we were not asked to do that
19 comparison. We do have enough data on how the economy and the situation of
20 young people in the Central African Republic is developing, so the general situation is
21 not very good.

22 Q. [9:55:50] Madam Court Officer, if you could take us to page 9195, please.

23 That's page 41, professor.

24 The second paragraph. Further down -- a bit further down, please. Thank you.

25 Yeah.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 And I'm going to read you an extract from that, professor, in French.

2 (Interpretation) "The young children who come out of the armed groups
3 live -- experience a situation that's completely different with respect to their economic
4 rehabilitation."

5 (Speaks English) Now, again, professor, you just told us there was no comparative
6 analysis that was performed.

7 PRESIDING JUDGE SCHMITT: [9:56:44] Is there any objection with reading this?

8 THE WITNESS: [9:56:46] I did not say that.

9 MS STRUYVEN: [9:56:48] There is. In this section, you can see that two, three lines
10 down they explain that there's an issue of movement from the provinces to Bangui
11 which explains the different situation of those children that end up in Bangui versus
12 the children generally. So I think it's important to put that also to the witness --

13 PRESIDING JUDGE SCHMITT: [9:57:07] No, well -- with all due respect, but -- we
14 have the expert/witness here in the courtroom. She has it in front of her and she can
15 tell us, or she can put it into context if she thinks it is necessary for her answer. So I
16 don't agree with you here. So what was the question, by the way? Yeah, I -- you
17 haven't put it yet, I think, it's really...

18 MR SUZUKI: [9:57:39] Indeed.

19 PRESIDING JUDGE SCHMITT: [9:57:39] Okay. So -- well, I have an idea, but
20 please move on.

21 MR SUZUKI: [9:57:45] Thank you, your Honour.

22 MS STRUYVEN: [9:57:48] There was a question, your Honours. It says -- so he was
23 putting to the witness that that shows -- that sentence -- that sentence taken out of
24 context shows that there was no difference from an economical perspective in respect
25 of all these children.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:58:01] Well, it was not -- you know, when you
2 say it's taken out of context, we always do that in this courtroom because we have
3 very, very lengthy reports. We have testimonies that are lengthy. If we would read
4 everything and by that, complying to what you say, putting everything into context,
5 this is simply impossible for time reasons. It becomes, let's say, objectionable if we
6 clearly have a witness or an expert who does not -- who is not able to put it -- him or
7 herself into perspective. But this witness obviously is able to do that. So, you know,
8 what might be interesting for you, too, some back and forth, actually you seem to
9 enjoy it and I'm happy to see that.

10 THE WITNESS: [9:58:44] I'm sorry.

11 PRESIDING JUDGE SCHMITT: [9:58:49] So you can answer the question now,
12 please.

13 THE WITNESS: [9:58:51] Your Honour, the question is not explicitly stated so,
14 please, can you repeat it.

15 PRESIDING JUDGE SCHMITT: [9:58:56] So I was not so wrong. Okay, please,
16 Mr Suzuki.

17 Have you forgotten? In the meantime -- no, I think...

18 MR SUZUKI: [9:59:16] I think I'm all right, thank you.

19 Q. [9:59:18] Just on the fact that no comparative analysis was performed, professor,
20 your research for this report, it can't support this particular conclusion; would agree
21 with that?

22 A. [9:59:30] I don't agree. Your Honour, I don't agree because as -- as was now in
23 this exchange already stated, the general condition of these children is different from
24 children, and I stated that also in the previous answers, from other children, so there
25 are differences. And you cannot say that we -- okay, it was not a comparison in the

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 sense that we put all together, but we did contextualise and that's also something at
2 the beginning that we say.

3 We do have more knowledge about the situation in Bangui, so -- and in Central
4 African Republic. So if you want, we could write some additional pages, but
5 it's -- yeah, it's not true that we can't say this. And it's also based, as you have to
6 remember, on the interviews we did with children and their life histories. Those
7 were 56 at least. That is not nothing.

8 Q. [10:00:36] I understand, professor. But when you say the general condition of
9 these children is different from other children, as I understand it, you didn't make
10 that comparison for your research, is that it?

11 A. [10:00:51] Your Honour, I think that based also on the literature reviews we did,
12 on the interviews we did, we have a right to say this. And if you want to disagree,
13 that's up to you, but I think we have a right to say this based on our methodology.

14 Q. [10:01:16] Just to be clear, literature review, you mean on other studies -- other
15 sources that are not necessarily cited here; is that correct?

16 A. [10:01:25] Your Honour, that is correct. But we do say in the beginning of the
17 report that anthropological research is also about contextualisation.

18 Q. [10:01:45] And are other conclusions in this report also based on literature
19 reviews that are not necessarily cited; is that -- is that fair to say?

20 A. [10:01:56] Your Honour, I think that you have to be more specific, because
21 there's more conclusions. But, indeed, I think this report is part of a longer research,
22 as we also state in the introductions. As you can see, we did some research
23 elsewhere, both in Bangui, in other parts of Central African Republic. So this kind of
24 background should also be taken into consideration when you read this
25 project -- report. But, yes, I agree, probably we should have put all that in this report.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Yeah.

2 Q. [10:02:45] And just --

3 PRESIDING JUDGE SCHMITT: [10:02:46] If I may -- with this -- with this all
4 exchange back and forth, it's of course, clear that the Defence may address these
5 points, because when you -- and ask simply and we have clarified that, I think,
6 enough -- if there was a control group who was not incorporated the Anti-Balaka and
7 as a basis.

8 So I think that's -- I just wanted to reassure you, Mr Suzuki, so when we -- well,
9 sometimes we try to draw a little bit of tension out of the courtroom. But it's
10 absolutely okay to ask this question, but I think it has been answered now. And if
11 there are similar phrases and sentences, it is clear, and -- from the methodology that
12 Ms de Bruijn and her team have interviewed people which fulfil certain patterns,
13 certain -- yeah, and from that they concluded, and they have also incorporated, let's
14 say, other sources, but not immediate, let's say, not in interviews with other people
15 that were not belonging to this group, so to speak. I think we can really -- we can
16 really move on from there.

17 MR SUZUKI: [10:04:15] Thank you, Mr President. We note that and we will take
18 that into consideration, of course.

19 Q. [10:04:19] I would just like to focus on this extract. Further down, it should be
20 on the same page, but the verbatim extract -- or rather, sorry, a little bit further. A
21 little bit -- perfect. Thank you.

22 Now, here you -- you suggest that certain former child soldiers perform work that is
23 harder than their ages would allow. And you -- and you cite, too, this exchange with
24 the pseudonym Suj. And he -- he -- just to summarise, he refers to getting by at the
25 time of these interviews, which is June 2019, by work, doing tasks such as selling

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 firewood, making bricks, clearing brushwood, pulling up weeds.

2 Now, it says that Suj was 13 when he joined these armed groups, and he was
3 interviewed in June 2019, like I said, so that would make him 18, 19, 20 years old at
4 the time of this interview; is that correct?

5 A. [10:05:30] Your Honour, yes, that's a good calculation.

6 Q. [10:05:36] Thank you. And, admittedly, this is hard work, but it's not
7 particularly inappropriate work for a young man of that age; would you agree?

8 A. [10:05:48] Your Honour, I think I -- I mean, it is okay that he's selling -- how do
9 you -- *charbon, bois de chauffe*. But we can't say it's normal, especially not when it's
10 someone who could have also been in school. So it's not -- it is normal, yes. Many
11 children in Africa, all over the Sahel do this, but it's not what you would expect of a
12 normal life. So, yeah, it's happening a lot, that's true. But that doesn't dismiss the
13 fact that it is not what should have been.

14 Q. [10:06:54] You would agree, though, that he's not a child -- there's no evidence
15 that he is a child when he was doing his work; you agree with that?

16 A. [10:07:01] Your Honour, he was a child when he was in these armed groups, and
17 that's what made him a different person than when he would not have been there.
18 So chances have changed, and that is what we show here, that his chances have
19 changed. And you are referring here to a very structural problem, of course, which I
20 agree with you. There is a structural problem -- economic problem in this country
21 and many children suffer of that. But each child has its own life history why it's at
22 this stage where it is and there is a role also of being enrolled in an armed group.

23 Q. [10:07:46] I'll just go very briefly to those structural problems that you're
24 referring to. Again, back to the human development index report at defence tab 11,
25 please, Madam Court Officer.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 And I won't dwell on this, Mr President. I'll just put these statistics on the record
2 just to give the professor the chance to, I think, in fairness. At page 0577, please.
3 Thank you, Madam Court Officer.

4 And you'll see, professor, under the column "Work that is a risk to human
5 development", we see that 91 per cent of people in the Central African Republic are
6 considered as working poor at \$3.10 a day.

7 And if we can go to page 5 -- 554, I think. Thank you. A little bit further down,
8 please. You see the Central African Republic there, "Population living below the
9 income poverty line", the international poverty line is 66 per cent.

10 I don't want to dwell on this, professor, but these are the structural realities that
11 you're referring to; is that correct?

12 A. [10:09:47] Your Honour, this is indeed the structural realities I'm referring to,
13 but I also said that behind these kind of figures, there is different stories and different
14 reasons why this is so, and I think our report shows one of these reasons why this is
15 the situation in Central African Republic.

16 Q. [10:10:12] Thank you. And my last question on this topic -- my last questions
17 on this topic. In the report, you speak about the lack of opportunity in relation to
18 female former child soldiers who you suggest are stigmatised because they're
19 perceived as having what you call a military mentality. So they're perceived as
20 being brutal, aggressive and are stigmatised for that reason.

21 I should probably take you to it. It's page 43 of the -- of your report. That's it, 9197,
22 and the top paragraph. And I'm going to read you an extract while Madam Court
23 Officer helps us with that. The last two sentences of this paragraph, in French:
24 (Interpretation) "Often one hears in the Central African Republic that female soldiers
25 aren't good to marry. They're only good to marry other soldiers. Even that isn't

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 always the case in practice. We were not surprised to see Kim's sister become
2 engaged to a soldier during our last visit in July 2019."

3 (Speaks English) Professor, my question is: There's no extract here -- there's no
4 indication as whether your researchers actually spoke to the sister of Kim to ask him
5 why -- to ask her why she was marrying this particular FACA. Was that something
6 that the researchers asked her directly?

7 A. [10:12:14] Your Honour, this girl specifically was quite well followed by the
8 team, so they have exchange with her. As it's not here, I cannot confirm that they
9 literally asked her if -- why she married this military man. But I'm sure -- and
10 that's -- I met her as well, and I observed that she is sort of part of this -- possibly,
11 yeah, because we say no that -- in this paragraph we don't say it is like that, but that
12 people talk about it like that. And that she -- yeah, so that is our observation.
13 And we also say in the report that we didn't follow a lot of girls, so this is an
14 observation that is related to exchanges we had with other people in society as well.

15 Q. [10:13:19] I understand, professor, but you would agree with me that if the sister
16 of Kim had actually told the researchers that she married a FACA because she had no
17 prospect of marrying a civilian, then that probably would have been in the report; do
18 you agree with that?

19 A. [10:13:37] Your Honour, I don't agree clearly with that, and it's also not only
20 what people say that we take as data for research. But you're true, it's not there.
21 You're right.

22 Q. [10:13:51] And my last topic for you, professor. The issue of the potential for
23 remobilisation, the loyalty that former child soldiers feel towards their -- their former
24 Anti-Balaka chiefs. And, Madam Court Officer, if you could take us to the document
25 at tab 13, please. That's CAR-D29-0002-0331.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Thank you, Madam Court Officer. Professor, do you recognise this article?

2 A. [10:14:39] It's a blog post, yes.

3 Q. [10:14:42] And this blog post is by your co-author for this report, and the article,
4 or the blog post relates to the risk of remobilisation for former child soldiers in Bangui;
5 is that correct?

6 A. [10:14:56] Your Honour, that's correct.

7 Q. [10:15:01] Were you involved in drafting this article, professor?

8 A. [10:15:05] Your Honour, I was not the one who was editing this article.

9 Q. [10:15:22] If you could take us to the next page, please, Madam Court Officer,
10 0332. A little bit further down, please. Thank you. I'm just going to read out two
11 sentences:

12 "In Bangui, like elsewhere in the Central African Republic, between 2014 and now
13 many children and adolescents have been assisted by UNICEF and partner
14 organisations to exit armed groups and to re-establish themselves in their
15 communities. However, because of these latest upsurges of violence, the young
16 people in Bangui we are following for our research and documentary project have
17 recently been exposed to a potential risk of remobilization."

18 Professor, my question is: The research project that you referred to here, that's the
19 same research project that formed the basis of your report; is that right?

20 A. [10:16:18] Your Honour, this is correct.

21 Q. [10:16:24] And the former child soldiers that are referred to in this article are the
22 same as those that are relied on in your report; correct?

23 A. [10:16:34] Your Honour, that's correct; at least, the general pool, yeah.

24 Q. [10:16:50] If we could go to page 0335, please, the second paragraph, please.

25 Thank you. I'm going to read just a sentence from here and then I'm going to take

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 you to the report. Here you cite an individual (Redacted) who joined the
2 Anti-Balaka group at the age of 14 whom your researchers spoke to in May 2018.
3 "I cannot go back into that [the Anti-Balaka]. Because before I entered, the mothers
4 in neighbourhood would say "my child, may God bless you, may God bless you..."
5 And then I'll take you to page 9193 of the report with the aid of Madam Court Officer.
6 That is page 39, professor, and to the verbatim extract, please. A little bit further
7 down, thank you. Thank you.

8 I'll just read a line out in French:

9 (Interpretation) "I can't go back to the Anti-Balaka because before I entered, the
10 mothers in the neighbourhood would say, "May God bless you, my child, may God
11 bless you."

12 (Speaks English) You would agree with me, professor, that these two subjects are the
13 same -- (Redacted)

14 (Redacted), if you could scroll down a little bit, please, Madam Court Officer.

15 Thank you.

16 A. [10:18:54] Yes, your Honour, I agree. Also, the date is the same.

17 Q. [10:18:57] Indeed. Thank you, professor.

18 And in your report, at page 9201, and that's page 47, professor, the first paragraph at
19 the top.

20 I'll read from the French. This section's about the potential for remobilisation. And
21 you cite three informants (Redacted), and I'll read the French:

22 (Interpretation) "These accounts bear witness to the vulnerability of these young
23 people who after being mobilised by Anti-Balaka leaders and demobilised by UN
24 organisations and child welfare agencies, once again, run the risk of being
25 remobilised because of the contacts between them. The ComZones continue to exert

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 an influence on these former children who were once under their command." End of
2 quote.

3 (Speaks English) Madam Court Officer, I apologise for going back and forth in the
4 documents, but if you could take us back to the document -- back to the article, please,
5 at 0331.

6 PRESIDING JUDGE SCHMITT: [10:20:43] Which page?

7 MR SUKUKI: [10:20:45](Microphone not activated)

8 PRESIDING JUDGE SCHMITT: [10:20:49] First page, okay.

9 MR SUZUKI: [10:20:57] Thank you, Madam Court Officer.

10 Q. [10:21:00] I'm just going to read out -- I'll read through the next page as well.

11 "Nineteen-year-old (Redacted) told us that recently a taxi came to the quarter of town

12 where he lives. Inside was his former Anti-Balaka leader who asked him to follow

13 him to the neighbourhood he used to live in. (Redacted) found many of his former

14 Anti-Balaka comrades had reunited for a meeting in the home of his former leader.

15 They were debating whether to take up arms again. However, (Redacted) didn't

16 want to get involved and left the meeting with a few others, without repercussions."

17 And he's quoted: "There were some who accepted and others who refused. Us

18 who refused left the house to go home. I don't know the outcome of the meeting and

19 I don't even want to ask about it."

20 I'm going to read you one last extract, at 0333, Madam Court Officer. Further down,

21 please. The second paragraph, please. Thank you.

22 This article says: "Surprisingly, for the moment, the 7 young people in Bangui whom

23 we are following closely all resisted re-recruitment, and some even persuaded their

24 peers not to take up arms. This information emerged during our latest follow-up

25 with these youngsters during our last visit to Bangui in May 2018."

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 That was a long lead-up, professor.

2 PRESIDING JUDGE SCHMITT: [10:22:50] And now -- and the question is?

3 MR SUZUKI: [10:22:58]

4 Q. [10:22:58] My question, professor: Would you agree that this information that
5 your former child soldier informants were resisting re-recruitment, convincing others
6 to resist remobilisation -- you even had one that was walking out of a meeting with a
7 former Anti-Balaka commander and refusing to remobilise -- this information is quite
8 relevant to the issue of the potential for remobilisation of former child soldiers and
9 the issue of the influence of the former chiefs; would you agree with that?

10 A. [10:23:38] Your Honour, yeah, it's interesting that these children resist. But this
11 case shows that there is a constant contact or a possibility for contact and a possibility
12 for remobilisation of these kids also through the contact with their ComZones.
13 That's what this case shows.

14 PRESIDING JUDGE SCHMITT: [10:23:58] Well, I think what you mean, I
15 hope -- well, I'm assuming, I'm guessing, is why is it not in the report? Because, you
16 know, it would -- let's assume this happened, everything like that, like it is shown
17 here in this blog, it would have illustrated the conclusion that is made in the report, I
18 think -- well, more visible, so to speak, more understandable.

19 THE WITNESS: [10:24:27] Your Honour, I agree. That could have -- we could have
20 done that, but we didn't do it so it's not there. But what we do show, and the whole
21 story tells us about this, is that there are these contexts and that there's a possibility of
22 remobilised and that this is indeed also happening, but not to everybody.

23 MR SUZUKI: [10:24:54]

24 Q. [10:24:54] Thank you, professor, for your patience. Those are my questions.

25 MR SUKUKI: [10:24:50] Thank you, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:24:59] Thank you, Mr Suzuki. I give
2 Mr Knoops the floor. And since we know each other quite a time now, I think you
3 will fully adapt to the answers of the expert/witness. So if it, well, does not develop
4 as being too promising, I think you can shorten your questioning, to put it this way,
5 yeah. Please -- no, it's not -- yeah, well -- it's --

6 THE WITNESS: [10:25:28] My Honour, this sounds quite threatening.

7 PRESIDING JUDGE SCHMITT: [10:25:31] No, no, not at all, Ms de Bruijn. It's
8 simply that Mr Knoops already announced that he will speak with you about general
9 matters, not specifically with regard to your -- as I understand it, to your expertise
10 that is shown in the report. So it might very well be that your answers are not what
11 he expects, and in that case I ask him to shorten the whole proceeding.

12 THE WITNESS: [10:25:59] Okay.

13 PRESIDING JUDGE SCHMITT: [10:26:00] Mr Knoops, please.

14 MR KNOOPS: [10:26:02] Thank you, Mr President, for your instructions. Your
15 Honours, good morning.

16 QUESTIONED BY MR KNOOPS:

17 Q. [10:26:09] Good morning, Professor de Bruijn. For the Court, we are, of course,
18 aware that the allegation of recruitment of child soldiers is not part of the charges
19 against Mr Ngaïssona. We are well aware of this, so I've selected my examination to
20 two discrete topics: First of all, the formation of self-defence groups and, secondly,
21 the portions in the report which go into the alleged instrumentalisation of the young
22 people into the conflict.

23 PRESIDING JUDGE SCHMITT: [10:26:42] Well, now irony aside, this really sounds
24 reasonable, so please continue. Mr Knoops, please.

25 MR KNOOPS: [10:26:52] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [10:26:53] So, Professor de Bruijn, I would like to enter into examination with
2 you before the break, the first topic on the formation of armed groups. And my first
3 question to you, ma'am, is: You told us yesterday -- in the French transcript T-90,
4 lines 23, 24 -- that the state should reinstate security and should provide protection to
5 its citizens, which was not really the case in many of the regions of the CAR.
6 My question to you, ma'am, is: Is it your opinion that during the conflict in the CAR
7 of 2013-2014, there was a causal relationship between the absence or failure of state
8 security apparatus, state security forces on the one hand, and the advance of
9 self-defence groups?

10 A. [10:28:16] Your Honour, I think, also in the more historical paper we do describe
11 how the things sort of enrolled. At the same time that the armed groups were
12 formed, although it is a historical phenomenon what we also show, you can see that
13 the state sort of collapses. There's a coup d'état. There is a fight. The Chadians
14 come in. And, so, it's certainly that the state was disrupted, and in that situation
15 self-defence groups were able to be formed. And even the leader of the state himself
16 cannot be seen as someone who was not doing the same, almost.

17 Q. [10:29:07] So, your answer to my question is: Yes, there is a relationship
18 between the two phenomenas?

19 A. [10:29:16] Your Honour, there is a relationship but it's not one-one. It demands
20 more explanation than just a few minutes but, yes, there is a relationship.

21 Q. [10:29:27] Would you agree, in line with your answer, that the advance of those
22 groups in 2013, in the CAR, took place without any centralised mechanism,
23 centralised coordination? It happened per village, per community at that time?

24 A. [10:29:49] Your Honour, this is a complicated question, because the way
25 movements function is a combination of the two, I think. There is both a movement

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 from below, one could say, and that one is used and, in turn, that can become part of
2 an orchestrated kind of movement. So it's -- as we also describe in the report, and it's
3 not only us, self-defence groups can exist and can come into being through
4 community-based processes, but the fact that these groups then become united in
5 bigger unities is a steered process.

6 Q. [10:30:40] And on what basis you can say to the Court, what is the foundation of
7 your conclusion that at some point in time it becomes a steered process?

8 A. [10:30:52] Your Honour, this is not exactly the topic of our study, but I'm also
9 working in Mali, in Chad and others to work on these kind of processes, and that is
10 something that is in general happening. And also for this case, there is a suggestion,
11 also in the literature and also what you have seen happening, that the Anti-Balaka,
12 but also the Seleka, have become coordinated.

13 Q. [10:31:24] It's my understanding that this is your opinion based on the literature,
14 or did you research this phenomenon yourself with your colleagues in the context of
15 this study?

16 A. [10:31:38] Your Honour, we did not do interviews on these kind of processes,
17 but we did observe it. I was in Bangui in 2013, so it was in a way part in the
18 sidelines of the studies we did. But I would not say that this is based on a structural,
19 good-based interviewing, no, so -- but there is other literature that helps us also to
20 understand this and other research.

21 Q. [10:32:06] Thank you. On page 25 of your first report, it's tab 3 of the
22 Prosecution binder -- it's the English report. It's page 25.

23 You say in the penultimate paragraph, last sentence:

24 "The Seleka forces reportedly targeted the killing of FACA officers in early 2013."

25 You quote a author, Mr Arieff.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 The sentence which follows, the paragraph, you say:

2 "These dynamics resulted in an absence of FACA and military material within the
3 country to defend the population. This situation explains the proliferation of
4 self-defence groups in the CAR."

5 You've seen it, professor?

6 A. [10:33:16] Mm-mm.

7 Q. [10:33:17] Yeah. Now, my question to you, ma'am, is: Do we have to
8 understand your evidence such that there was, in your opinion, at that point in time,
9 a relationship between the targeting of the FACA by the Seleka and the advance of
10 those self-defence groups?

11 A. [10:33:45] Your Honour, I think that is what we say here based, again, on
12 literature reviews, and also on our observation, as I explained before.

13 Q. [10:34:04] You said yesterday, professor, in your evidence -- and that's the
14 French transcript, page 17, line 4 till 7 -- that there is a tradition of self-defence groups
15 within the CAR, including young people joining them.

16 A. [10:34:34] Mm-mm.

17 Q. [10:34:36] My question to you, ma'am, is the following: Do you agree that this
18 tradition is not so much culturally or religiously fueled, but inherently connected to
19 the fundamental weakness in the CAR throughout the last decennia of the state
20 security forces apparatus?

21 A. [10:35:12] Your Honour, in this report, we go even back to the time of slavery to
22 show how, indeed, an economy or -- the word "tradition" -- I'm sorry that I used it.
23 It's a bit -- at least there is a practice that has come into being in which self-defence
24 groups are a phenomenon that is not strange to Central African population. The
25 FACA, of course, were not part of these slavery situations, so we make it more

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 historical than you try to do now.

2 Q. [10:36:10] Maybe I can make my question even more specific: Do you agree
3 that the advance of self-defence groups within the conflict in the CAR in 2013-2014
4 was not religiously fueled, but had to do with the lack of security provided by the
5 state?

6 A. [10:36:34] Your Honour, I did also refer to this yesterday that religion came in
7 later, and so the religious factor is not at the -- well, I assume, is not at the origin of
8 the self-defence groups.

9 Q. [10:37:04] Madam, you would agree with me, wouldn't you, if I say that this
10 tradition you spoke about shows that it was always the communities themselves, the
11 villagers themselves, who set up these defence -- self-defence structures and,
12 therefore, this tradition does not show that there was a centralised system or
13 coordination which stood at the basis of those groups?

14 A. [10:37:43] Your Honour, I had to listen very well to what you were saying. It is
15 possible, and it's what -- what other cases also show, that self-defence groups are
16 organised based on community -- community's decisions. But it is not so that the
17 way it develops into bigger and larger wholes is without intervention or steering of
18 others, so it's a process that follows each other.

19 Q. [10:38:34] But, again, Madam, it is not based on your own research, it's a
20 conclusion you draw from the literature; is that correct?

21 A. [10:38:44] Your Honour, it's not based on research I did in the Central African
22 Republic, that's correct.

23 PRESIDING JUDGE SCHMITT: [10:38:50] Mr Knoops, you ask her --

24 MR KNOOPS: [10:38:50] Of course --

25 PRESIDING JUDGE SCHMITT: [10:38:51] Really. You know, the witness could

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 simply say, "No, well, that's apart from what we did, so I can't say anything". When
2 she answers, it's clear that the background that she has and the basis of what she
3 answers. So if you ask her these questions, then you also, of course, you expect an
4 answer, no.

5 MR KNOOPS: [10:39:15] Of course, Mr President. Thank you. Yeah.

6 Q. [10:39:22] Professor, would you agree with me that the advance of self-defence
7 groups in 2013-2014 in the CAR, we're speaking about the advance in the advent of
8 those groups was beyond anyone's control, including the authorities, local authorities,
9 national authorities?

10 A. Your Honour, I would disagree, but, again, this is not my research. But there
11 were structures and there were -- so this is something that needs further investigation,
12 I would say. But I would not say that it was complete chaos. There were structures
13 and people were sent away.

14 I was in the refugee camps in Chad, and they clearly had a -- had stories about
15 organised crimes. So, it is not true that there was not a steering at all.

16 But, again, these are not observations that are based on my research in Central
17 African Republic, but these are observations based, for instance, on the research we
18 did in Chad in these refugee camps.

19 And the questions you ask are also more general in relation to what -- how these
20 dynamics function, and there is quite some literature on that, so I could, if you wish,
21 do a further literature review for you.

22 PRESIDING JUDGE SCHMITT: [10:41:03] And then we meet again sometime.

23 THE WITNESS: [10:41:06] We meet again.

24 PRESIDING JUDGE SCHMITT: [10:41:08] We don't know how and we don't know
25 when. Please, Mr Knoops.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [10:41:20]

2 Q. [10:41:22] Professor de Bruijn, in your report -- the English report, tab 3 of the
3 Prosecution binder, page 58, in the second paragraph. You say that:

4 "Among the Anti-Balaka, it was observed that during the crisis, when some villages
5 were attacked, the whole community gathered and committed themselves to defend
6 their village or their land. In these cases, all those who physically contributed to the
7 war effort were called Anti-balaka."

8 My question to you is the following: Do you agree, based on this observation, that
9 the Anti-Balaka was not a distinct group, but, rather, a resistance movement initiated
10 by the local population which ultimately culminated in a myriad of different groups?

11 A. [10:42:39] Your Honour, I think this is -- again, what I answered in the previous
12 question -- on the previous questions as well, this is what is suggested as being the
13 start of the Anti-Balaka, of being probably -- I have to say it differently. It's the start
14 of groups but that then are used and combined in a similar ideology, and that part
15 comes after and is steered. And to -- for your information, I do not base this on the
16 research I did in Central African Republic. The reading we did, yes, but it is very
17 similar to what is happening in other countries where I do do research on these kind
18 of processes.

19 Q. [10:43:40] During your interviews with several individuals, came you across
20 information that individuals were using or misusing the qualification Anti-Balaka to
21 receive protection?

22 A. [10:44:05] Your Honour, in the interviews that we did, we have not come across
23 that particular kind of representation of Anti-Balaka, no. And probably to add to
24 that, the children with whom -- or the young people with whom we discussed their
25 lives, and probably you can also read that a bit in the small testimonies that we

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 included in the report, they were -- they joined Anti-Balaka, so they -- and they were
2 Anti-Balaka. So they felt like that. Those are the informants that we talked to, yeah.
3 But what you suggest is a possibility, I don't deny but we did not come across it.

4 Q. [10:45:03] Madam, I specifically referred to the interview in this regard. You
5 included in your report on page 58 -- if you could please have a look at it. It's below
6 the paragraph we just read out. The February 2018 interview where the individual
7 which was interviewed by you or your colleague said:

8 "If you are not an Anti-Balaka, you would have to leave the village for fear of being
9 considered as a stranger ... which could betray the combatant inhabitants to their
10 adversaries."

11 Does that not imply, professor, that by simply mentioning the name "Anti-Balaka",
12 you assumed that such a person was indeed Anti-Balaka?

13 A. [10:46:09] Your Honour, this discussion goes a bit beyond what we are talking
14 about in the report. But I think being a -- what does -- what is being Anti-Balaka?
15 That's my question. How do you define if someone feels and is Anti-Balaka? The
16 moment we met our youngsters, they were -- they joined Anti-Balaka. Anti-Balaka
17 also had a certain ideology and way of being and they have adopted that or
18 appropriated that kind of ideology. So, yeah, I don't know what you -- there is a
19 moment that they become Anti-Balaka, yeah, of course, and the reasons why they
20 become are maybe different.

21 Q. [10:47:08] Well, that is exactly my question to you, ma'am. How were you, as
22 an academic researcher, able to determine if someone was an Anti-Balaka?

23 A. [10:47:19] Your Honour, I think that I explained several times, we rely on the
24 information that people give to us, on the interviews that we do and on the long
25 history that they convincingly told us and, yeah, so there is always a chance that

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 people completely lie, but I don't think that was the case in our research.

2 Q. [10:47:58] But it is correct, isn't it, that you took at face value if somebody said to
3 you, "I belong to the Anti-Balaka" that you assumed that he spoke the truth and you
4 had no options to verify if he, indeed, was part of an armed group affiliated with the
5 Anti-Balaka?

6 A. [10:48:22] Your Honour, I think here there is a -- we have described, and
7 yesterday discussed, how we recruited these youngsters, so they were also part of
8 another structure who defined who they are. But I think that especially the way that
9 we engaged with them gave us a certainty that these -- their joining Anti-Balaka was a
10 reality.

11 Q. [10:48:55] Were you familiar, ma'am, with the phenomenon of the fake
12 Anti-Balaka and that in 2014 identity cards were distributed to make a distinction
13 between the Anti-Balaka and the fake Anti-Balaka?

14 A. [10:49:15] Your Honour, these identity cards, I'm not aware of -- I have to check
15 with my researchers, and we did not ask children to show us their identity cards.

16 Q. [10:49:39] Today, this morning, and this is the transcript page 8 of the English
17 transcript, line 3, you told us that you didn't research other groups. Were you,
18 professor, familiar with the forum of Brazzaville in 21 till 24 July 2014. My first
19 question: Were you familiar with this forum, this convention where a lot of groups
20 convened?

21 A. [10:50:18] Yes.

22 Q. [10:50:22] Did you take note of the list of participations -- participants of the
23 forum for Brazzaville?

24 A. [10:50:39] Your Honour, I did not use that for research and we did not
25 investigate it.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [10:50:45] Did you have any information how many armed groups participated
2 at that forum?

3 A. [10:50:52] Your Honour, yes, we are aware of that.

4 Q. [10:50:57] And how many, in your estimation, participated in the forum?

5 A. [10:51:02] Your Honour, I don't know. I'm not going to answer something that
6 I can't verify.

7 Q. [10:51:07] But you would agree that there were more groups there than the
8 Anti-Balaka?

9 A. [10:51:13] Your Honour, that is true.

10 Q. [10:51:21] So you would agree with me that not all of the groups who
11 contributed to the war, as you say in page 58 of your report, I just read out, could
12 have been Anti-Balaka in light of the many groups who participated at the forum of
13 Brazzaville; would you agree with this proposition?

14 A. [10:51:59] Your Honour, you say that not all -- what do you want to say? I
15 would like to know.

16 PRESIDING JUDGE SCHMITT: [10:52:07] Yeah, I think -- the question is not easy to
17 understand. Perhaps you can reword it a little bit. I agree with Ms de Bruijn
18 actually. I also asked myself what --

19 MR KNOOPS: [10:52:21]

20 Q. [10:52:22] Well, first of all, in the report I just read out, page 58, you say that "all
21 those who physically contributed to the war effort were Anti-Balaka." That's your
22 proposition in your report.

23 A. [10:52:33] Mm-mm.

24 Q. [10:52:34] Now I asked you whether you concede that at the Brazzaville forum,
25 there were many armed groups who participated in the war who came to Brazzaville

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 for the peace conference. And my question, therefore, is: You would agree that
2 your general conclusion that all those who contributed to the war were Anti-Balaka is
3 not correct because there are many armed groups apart from Anti-Balaka?

4 PRESIDING JUDGE SCHMITT: [10:53:02] Okay. Now we -- no -- so. Actually I
5 think -- I word it generally because I want to hear the answer. I think this is really
6 taken out of context, and it is also an interpretation that I -- and the conclusion that I
7 would not draw, but we do not have a -- we do not have a helpless expert or witness
8 here so you can answer yourself.

9 THE WITNESS: [10:53:26] Yeah, your Honour. I'm sorry, but I think I also would
10 like to withdraw from answer, because, of course, there are many, many different
11 groups, but the Anti-Balaka -- and also in the report we do write about this. So
12 maybe you take one sentence -- if you want to hear from me how these kind of wars,
13 if you call it wars, develop, Central African Republic is now divided in different
14 territories of warlords, one could say. Always different alliances, different groups
15 that work together, do not work together, that split, that come together. These kind
16 of dynamics are indeed there; yeah, you're right. And it's not that -- that we say that
17 that is not the case. But it's also true that the Anti-Balaka at a certain moment in the
18 history of Central African Republic were very numerous and were also dominant in
19 this war. So I hope --

20 PRESIDING JUDGE SCHMITT: [10:54:28] Mr Knoops, the paragraph you're
21 referring to, isn't it -- it refers clearly "In these cases" -- "In these cases", meaning
22 among the Anti-Balaka when -- that emerged in the villages, so she clearly refers to
23 that. And I think -- I always thought this -- this is something you would agree upon,
24 actually. So, if it is your point that this is not correct, but the context is clearly shown
25 by the three connecting words "In these cases" that all those who physically

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 contributed to the war effort were called Anti-Balaka refers to the emergence in the
2 villages.

3 THE WITNESS: [10:55:09] Mm-mm.

4 PRESIDING JUDGE SCHMITT: [10:55:09] And I always thought this is the point of
5 the Defence actually.

6 MR KNOOPS: [10:55:15] Yes, Mr President. The point of the Defence is also that
7 not all war efforts can be attributed to the Anti-Balaka. And my question is
8 whether -- indeed, if Ms de Bruijn now says you should read it differently then okay,
9 but I've read this portion such that all the war efforts which stemmed from all the
10 villages and communities --

11 PRESIDING JUDGE SCHMITT: [10:55:39] (Overlapping speakers) I know, but
12 (Overlapping speakers)

13 THE WITNESS: [10:55:39] But that's (Overlapping speakers)

14 MR KNOOPS: [10:55:42] (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:55:45] (Overlapping speakers) Now, Mr Knoops,
16 but this is, I think we can really say, you know, after I don't know how long we sit
17 together here in the courtroom and taking the evidence, at least, I think we are all
18 aware that there were different groups. And also -- and I'm sure this was not meant,
19 but Ms de Bruijn, if you want to clarify that point, please.

20 THE WITNESS: [10:56:06] Your Honour, I think it's okay. Yeah.

21 PRESIDING JUDGE SCHMITT: [10:56:11] So you're fine with my assessment?

22 THE WITNESS: [10:56:12] Yes.

23 PRESIDING JUDGE SCHMITT: [10:56:12] Okay.

24 MR KNOOPS: [10:56:15] Then we're also fine, Mr President. That was our
25 clarification of the (Overlapping speakers)

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:56:20] Yeah, okay. Please, move on,

2 Mr Knoops.

3 MR KNOOPS: [10:56:22] Yes.

4 Q. [10:56:23] Now, my second topic, the issue of the alleged instrumentalisation of

5 young people within the CAR conflict. I have some questions in regard to your

6 report. The first one --

7 PRESIDING JUDGE SCHMITT: [10:56:35] If I may, Mr Knoops. If this is a new

8 topic --

9 MR KNOOPS: [10:56:39] Yes.

10 PRESIDING JUDGE SCHMITT: [10:56:40] -- I understand, and you're not going to

11 finish in five minutes, so should we have the coffee break now then, yeah? Then let's

12 have the coffee break until 11:30.

13 THE COURT USHER: [10:56:56] All rise.

14 (Recess taken at 10.56 a.m.)

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

16 THE COURT USHER: [11:31:54] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [11:32:15] Mr Knoops, you still have the floor.

19 MR KNOOPS: [11:32:21] Thank you, Mr President.

20 Q. [11:32:25] Professor de Bruijn, we will conclude this morning with some

21 questions on the portions in the report which go into the observations that the young

22 people would have been instrumentalised into the -- or within the conflict in the CAR.

23 My first question to you relates to page 59 of your report, tab 3 of the OTP, where you

24 refer to Mr Bozizé having given xenophobic speeches directed at the Seleka.

25 My first question to you, ma'am, is, did you yourself listen to those speeches or read

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 any transcripts of them, while they might have been in Sango?

2 A. [11:33:23] Your Honour, I did not, but my team did. And, yeah, this is
3 something that happened.

4 Q. [11:33:35] And what is the information your team provided you with in terms of
5 this piece of information?

6 A. [11:33:44] Your Honour, I think that we can refer back to the discussion we had
7 before the break. We try here to show how also the Anti-Balaka had a kind of
8 ideology. They picked up these Bozizé speeches against the Seleka who were
9 composed of many different groups, yeah -- also to answer to your last -- the last
10 discussion. Yeah, and these speeches were there. And -- so we tried to show how
11 children -- because we had to do this work to show how children were also informed,
12 or influenced, yeah. This is what happened. It's happening in all the wars.

13 Q. [11:34:42] You refer to members of your team. Can you recall if the
14 information you were provided with and led to this conclusion was given by any of
15 the master students you assisted -- who assisted you or somebody specific in the
16 team?

17 A. [11:35:04] No. Your Honour, this was provided by the student with whom I
18 work.

19 Q. [11:35:11] In Bangui?

20 A. [11:35:12] He lives in Bangui, yes.

21 Q. [11:35:14] So the student from the Central African Republic?

22 A. [11:35:18] It was, yeah. This is a lived -- the world in which they live, they pick
23 this up and they show it to us. It's part of their research they are doing.

24 Q. [11:35:40] Were you able to check his political background of this student from
25 Bangui?

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [11:35:47] Yes.

2 Q. [11:35:48] Who provided you with this information?

3 A. [11:35:51] Your Honour, be certain that I do discuss with all my students about
4 where they stand, who they are, why they take sides, if they take sides, and that in
5 research you should try not to do so. You can also realise that that is very necessary
6 discussion in the circumstances of -- in which we do this kind of research.

7 Q. [11:36:20] And, ma'am, was it this student who provided you with the
8 foundation of this conclusion in your report, which is to be found in footnote 38, an
9 RFI article of, it says "12 December", but it's probably 27 December 2012.

10 If you, please, have a look at your report.

11 A. [11:36:45] Yeah, can you show it to me?

12 Q. [11:36:48] Page 59, footnote 38.

13 A. [11:37:09] Yeah, this is provided by them and also verified by us. As far as we
14 can, because, indeed, as you say, the parts in Sango I can't understand. But, yeah, it
15 is part of his work.

16 Q. [11:37:26] And how did you verify this portion, ma'am?

17 A. [11:37:31] Through him.

18 Q. [11:37:32] So he was the one who gave the article and he told you this is correct?

19 A. [11:37:35] No, no. The article -- I don't remember exactly how we did it, if you
20 want to know, but this is an article that was written by the French press. We had our
21 own observation in the field, so we used these two here, to say, "Okay, this is a case
22 of -- of speeches that influence people and urge people to go fight against the enemy."
23 And this is also interesting that they use references to the past, that we also describe
24 in the report.

25 Q. [11:38:17] Were you able to read this article yourself?

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [11:38:21] I did not read this, no. This was Jonna Both and him who -- who
2 wrote this down.

3 Q. [11:38:31] And the word "terrorist", who included this in the report?

4 A. [11:38:36] You have to verify this with Jonna Both. And I took their words for
5 the -- the way they provided me with the information.

6 Q. [11:38:46] Well, we have read the article ourselves, Ms de Bruijn, and we then
7 can disclose it to you and the Court as CAR-D30-0012-0001; that's the article referred
8 to in footnote 38.

9 If -- the court officer should -- it's just one page.

10 A. [11:39:24] But this is the article in 27/12. Okay.

11 Q. [11:39:31] Yes. Yeah, the footnotes refers to 12 December, but it's 27 December.
12 Now, please tell us, Professor de Bruijn, if you find for us the word "terrorist".

13 A. [11:39:41] My Honour, I said I rely here on my researcher, so this is then an
14 omission if the word "terrorist" doesn't appear in the text.

15 PRESIDING JUDGE SCHMITT: [11:39:50] Mr Struyven now, yes, I give you the
16 floor.

17 MS STRUYVEN: [11:39:54] To be honest, Mr President, I think this line of
18 questioning is slightly unfair in view of the fact that we have in evidence these
19 speeches. I think we all know what is in these speeches, and I think we all know
20 which words are used in these speeches, and what we see here is an accurate
21 reflection of what is in these speeches. So I find it a bit unfair that this line of
22 questioning is pushed.

23 PRESIDING JUDGE SCHMITT: [11:40:18] No, I -- I -- actually I don't agree here,
24 because it is an expert report and the expert report makes certain conclusions.
25 However, I was actually tempted to say something similar, what you said. In the

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 end, we have the exact -- verbatim what has been said and we have had very different
2 witness testimony on how people perceived it, and in the end we will have to assess it.
3 But that was your interpretation, how it has to be interpreted. We don't -- don't
4 entertain a discussion how you interpret it or somebody else. But it is absolutely
5 okay that Mr Knoops addresses it.

6 I think, however, Mr Knoops, it is clear what the source of this conclusion -- it's not
7 information, it's conclusion, assessment, and in the end assessing of evidence is what
8 the Court does, what this Chamber does, yeah. Please.

9 MR KNOOPS: [11:41:20] Totally correct, Mr President. I just think it's our duty to
10 verify the sources of the academic report.

11 PRESIDING JUDGE SCHMITT: [11:41:27] I told you that it's okay. It's fine. It's
12 absolutely okay. But I -- but I think this -- it is clear now what the source is, yeah.
13 And since you're looking for the next question, and again, we often talk about source
14 of information, but we are not talking about information here. We're talking about
15 the source of an assessment of evidence, because information is clear. The text, what
16 has been said, is absolutely clear. It cannot be changed, yeah, and we have it on the
17 record, indeed. You're absolutely right insofar, Ms Struyven.

18 Mr Knoops, please continue.

19 MR KNOOPS: [11:42:10] The reason I'm pausing every time is my case manager, Ms
20 Giudici, gives me the signal when the translation --

21 PRESIDING JUDGE SCHMITT: [11:42:19] I -- she's holding you up. I understand.
22 Please continue.

23 MR KNOOPS: [11:42:24] The questions are there, but I just have to make the proper
24 moment.

25 Q. [11:42:30] Professor de Bruijn, second question: In the report on page 29, a

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 similar question as the previous one. You say that after having qualified the
2 speech -- speeches of Mr Bozizé, as we just discussed, you say in your report that:
3 "Soon we saw the group of young people called Kokora ... and the group of Patriots
4 emerge, who erected barricades on all the streets of capital in order to --

5 PRESIDING JUDGE SCHMITT: [11:43:16] Can you tell us where we are, please,
6 Mr Knoops, please be so kind?

7 MR KNOOPS: [11:43:21] Page 59, in the fifth line from above.

8 PRESIDING JUDGE SCHMITT: [11:43:24] Thank you.

9 MR KNOOPS: [11:43:25] It's directly after footnote 38.

10 PRESIDING JUDGE SCHMITT: [11:43:33] So it's 59, not 29, yeah?

11 MR KNOOPS: [11:43:37] Yes, 59.

12 Q. [11:43:48] My question also here, Professor de Bruijn, is this assessment based
13 on your own research or that of your colleagues; and, if so, what sources did they use
14 for this assessment?

15 A. [11:44:03] Your Honour, this is an observation of the researchers with whom we
16 work, so that is what it is.

17 Q. [11:44:19] You see, Professor de Bruijn, that after this sentence, the word "the
18 group of young people called Kokora" you see footnote 39. And if we go to footnote
19 39, it refers to a report of the ICG. My question also here to you is: Were you the
20 one who selected this source, or was this source provided by you or anyone of your
21 team?

22 A. [11:44:56] Your Honour, this is something we did in the course of the research,
23 and we use it here to make a sort of a cross reference. I think what we also do here is
24 we show that if you want to see the Anti-Balaka, it's also -- things happened, as you
25 were referring before the break, so it is how it happened -- how things were

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 happening in the street.

2 Q. [11:45:29] Yes. But my question was specifically the source in footnote 39.

3 Were you the one who selected this reference to the ICG report or was this selected by
4 any one of your team?

5 A. [11:45:43] As I explained yesterday, the reports were basically, first of all, done
6 by Jonna Both and the other person, and I was reading with them, so we agreed that
7 this was a good idea to cross-check and to mention this. But it's not my primary own
8 research, no.

9 Q. [11:46:13] My second question, Professor de Bruijn is: Did you read yourself
10 the ICG report before implementing this as a source foundation for the Kokora
11 conclusion?

12 A. [11:46:31] Your Honour, I did not, so that is -- I relied on this -- the researchers.

13 Q. [11:46:38] If I would say to you, Professor de Bruijn, because we read the report,
14 that this report of 2015 refers to page 4 of the ICG report, and on page 4 of this ICG
15 report -- I can provide the Court with the CAR number, if necessary -- you find in
16 footnote 18 of that report also reference to secondary source; namely, a newspaper
17 article of the RFI of 10 May 2014. Were you familiar with the fact that also the ICG
18 report relied on a newspaper article?

19 A. [11:47:24] I did not check that.

20 PRESIDING JUDGE SCHMITT: [11:47:25] Mr Knoops, it was -- I think you -- at least
21 you will present via the Bar table, I assume, so that it would be good to have it in
22 evidence, frankly speaking, this report.

23 MR KNOOPS: [11:47:40] Yes, I could give the CAR number already for the record,
24 Mr President.

25 PRESIDING JUDGE SCHMITT: [11:47:42] Yes, why not now? Yes, yes.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [11:47:44] It's CAR-OTP-2027-1686, and it's on page 1695, specific
2 footnote 18 of the ICG report, referring to a RFI article of 10 May 2014.

3 Q. [11:48:17] Professor de Bruijn, still on the same page, page 59, if you go a little
4 bit below the sentence which is referenced with footnote 39, you see in the seventh or
5 eighth sentence from below -- from above:

6 "... the overtake of the city of Bangui. This galvanised a staggering number of youth
7 and children,"

8 Here we don't have reference to any source, which is also not to be found in the ICG
9 report. So my question to you is: What was the foundation of the assessment that
10 as a result of the foregoing events you described, that this galvanised a staggering
11 number of youth?

12 A. [11:49:22] Your Honour, rereading this I do agree with you that this is a
13 probably too quickly taken conclusion. But what we did observe, and I was there as
14 well in 2013, and we also have other people with whom we discussed these things
15 and they send us also pictures, social media, we're also on the go -- so it's these kind
16 of information that has inspired this formulation. But I agree with you that we
17 should have formulated this differently.

18 Q. [11:49:55] Thank you. Actually, the same frame, if you go to your second
19 or -- the second report, tab 4 of the OTP binder. That's the French report on page 20.
20 There we find a similar reference to the role of Mr Bozizé allegedly instrumentalising
21 the youth, but also reference to a Kokora, and there we find one source -- it's an article
22 of Andrea Ceriana Mayneri also a colleague of you, anthropologist, in an article or a
23 journal, "*Hommes & Libertés*", page 34.

24 Also, here my question to you is: Who selected this source, yourself or any one of
25 your team?

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [11:51:06] It's the same for all the reports, that Jonna Both and the other
2 researchers were responsible for the first selection of all the articles.

3 Q. [11:51:18] And also here my question is: Did you read this article yourself of
4 Ms Mayneri of 2014?

5 A. [11:51:30] I did not. But to be honest, I do read his work so I know him.

6 Q. [11:51:39] We did; we did our research, and we were able to detect this article.
7 It's not yet in evidence, but if we -- and you have to take this on my word, Professor
8 de Bruijn, that on page 34 of this article, there is no reference to the assertions which
9 we find in the report on page 20, specifically not a reference to the alleged
10 instrumentalisation of the non-Muslim youths. Miss -- I thought it was a ma'am -- it
11 is a Mr Mayneri, refers for his source to a Security Council resolution with the
12 sanctions against Mr Yakété, Bozizé and Mr Noureddine Adam.
13 My question to you is: If you hear now from me that the portion in page 20 is not to
14 be found in the article of Mayneri, what would be your response?

15 A. [11:52:58] Your Honour, that is -- that is --

16 PRESIDING JUDGE SCHMITT: [11:53:00] Well, but -- but -- well, I think we -- I
17 think we -- Mr Knoops, it is absolutely enough if you present this article and then
18 show us what -- that it perhaps does not fully correspond with --

19 MR KNOOPS: [11:53:19] Okay.

20 PRESIDING JUDGE SCHMITT: [11:53:20] You cannot ask this witness
21 hypothetically what she would say if I -- you can make your point otherwise.

22 Ms Struyven, anything to add?

23 MS STRUYVEN: [11:53:33] Just by accident, I think from memory I reread that
24 Security Council report sanctioning document rather recently. From memory, but
25 purely from memory, I think it does refer to the instrumentalisation -- the word

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 instrumentalisation. But I wasn't following anymore whether that was a footnote in
2 the footnote of the footnote.

3 PRESIDING JUDGE SCHMITT: [11:53:52] But, now, we're starting to discuss the
4 evidence and that's exactly the point -- and other things. The problem with trying to
5 determine the truth, it's difficult, it's cumbersome, and we have to put a lot of things
6 together. But, still, Mr Knoops would allege or say that we have primary sources
7 and we have secondary sources and we don't know how they are intertwined, and so
8 on, but this we cannot -- we cannot discuss with the witness who simply would be
9 asked to speculate here. Please continue, Mr Knoops.

10 MR KNOOPS: [11:54:27]

11 Q. [11:54:32] Then I have two final questions, Professor de Bruijn, still on the same
12 topic: The foundation of this issue in the report on the engagement of youth. The
13 first question is to be found on page 49 of the English report, tab 3 of the OTP binder,
14 page 49, where you find in the second paragraph, third sentence:

15 "At the basis of this movement were relatives of Bozizé, including Lévi Yakété,
16 political coordinator of a faction of Anti-balaka militia, who allegedly, encouraged
17 'the distribution of machetes to unemployed young Christians,"

18 Here you find, again, the same author, Mr Andrea Ceriana Mayneri and the article of
19 2014 we've just quoted.

20 Also here I have, again, the question: This source was provided to you by one of
21 your colleagues?

22 A. [11:55:47] Your Honour, it's the same.

23 Q. [11:55:48] The same answer -- yeah. And also here you didn't verify if
24 Mr Mayperi was correctly --

25 A. [11:55:59] Mayneri.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [11:56:03] Mayneri, sorry -- Mr Mayneri was correctly quoted?

2 A. [11:56:06] Your Honour, no; I relied on my researchers.

3 Q. [11:56:08] And do you know whether for this assessment on page 49 and the
4 assessment we just discussed on page 50 -- page 20, sorry, of the second report, you
5 were provided only with this article of Mr Mayneri; is that correct?

6 A. [11:56:31] Your Honour, yes, that is correct, for now. Mm-mm.

7 Your Honour, I think that I would like to discuss this with the researchers as well and
8 maybe come back to that later.

9 Q. [11:56:47] The reason why I'm asking you, and it's maybe for your future
10 research, professor, that I've read this article twice, of Mr Mayneri, and I can assure
11 you that the portion which is included on page 49 is not to be found on page 34 of the
12 Mayneri article, so also for --

13 PRESIDING JUDGE SCHMITT: [11:57:11] And -- and -- you can do it -- you can do
14 it like that. That's absolutely fine. And we really would appreciate it if we
15 would -- if you would submit these articles, yeah.

16 MR KNOOPS: [11:57:24]

17 Q. [11:57:24] Finally, Professor de Bruijn, the same article -- no, I'll put it differently.
18 In the same page, on the same page, 49, still of the report of the English version, tab 3
19 of the Prosecution binder, it's the same paragraph, paragraph 2, you see in the sixth
20 sentence, starting with:

21 "It carried out its largest attack on the city of Bangui in December 2013".

22 My first question is the word "it", does this refer to the self-defence group, which you
23 describe above, which included, "Lévi Yakété, political coordinator of a faction of
24 Anti-balaka militia". Is -- is that the inference -- inference from above, the word "it"?
25 Is carried --

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [11:58:38] Your Honour, it is referring to the Anti-Balaka, yeah.

2 Q. [11:58:41] In general or to the group of Yakété?

3 A. [11:58:50] In general; I think it's meant here in general.

4 Q. [11:58:54] But you agree that this might be quite confusing; right?

5 A. [11:58:58] Yes. Your Honour, I agree here.

6 Q. [11:58:59] And could you tell us, Professor de Bruijn, if the foundation of this
7 sentence, because the Mayneri article features above, here we don't find a reference,
8 can you tell us what was the foundation, academically speaking, for the assessment
9 that "it employed many children in its ranks", speaking about the largest attack on the
10 city of Bangui in December 2013?

11 A. [11:59:37] Yeah, the foundation of this is the research of that -- especially the
12 PhD student is -- has been doing in his interviews. I mean, that is what it refers to,
13 yeah.

14 Q. [11:59:52] And there was no other foundation as you can recall then, the
15 information provided by the student to you?

16 A. [12:00:01] Your Honour, I could provide you with the PhD of this student when
17 it's finished.

18 MR KNOOPS: [12:00:13] Okay. These were our questions, Mr President. Thank
19 you, professor.

20 PRESIDING JUDGE SCHMITT: [12:00:17] Thank you, Mr Knoops. And, of course,
21 on behalf of the Chamber, Ms de Bruijn, I would like to thank you that you came to
22 this Court. It's not the usual experience that you have as an academic. I think you
23 will take away, at least, that it was an interesting experience. We wish you all the
24 best for your further studies.

25 And, yeah, this also concludes the hearing for today and the Court is adjourned.

Trial Hearing
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- 1 (The witness is excused)
- 2 THE COURT USHER: [12:00:00] All rise.
- 3 (The hearing ends in open session at 12.00 p.m.)