

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 Tuesday, 28 March 2023
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:52] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:14] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:21] 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 are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:36] Thank you.
20 I ask for the appearance of the parties.
21 Ms Struyven first for the Prosecution.
22 MS STRUYVEN: [9:32:42] Thank you, Mr President. For the Prosecution today we
23 have Mike Yanogo, Kweku Vanderpuye, Yassin Mostfa, Maria Berdennikova and
24 myself, Olivia Struyven.
25 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 The representatives of the victims next.

2 MS RABESANDRATANA: [9:32:58](Interpretation) Good morning, Mr President,
3 your Honours. The representatives of the victims are represented by Mouhia Asso
4 and myself, Elisabeth Rabesandratana.

5 PRESIDING JUDGE SCHMITT: [9:33:07] Mr Suprun.

6 MR SUPRUN: [9:33:09] Good morning, Mr President. Good morning, your
7 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:15] I turn to the Defence.

10 Ms Dimitri next.

11 MS DIMITRI: [9:33:18] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone. Good morning, Madam Witness.
13 Mr Yekatom is present in the courtroom. He's represented today by Mr Gyo Suzuki,
14 Ms Alexandra Baer, Ms Anta Guissé, Ms Cassandra Oboussier and myself,
15 Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:33:36] Thank you.

17 Next Mr Knoops.

18 MR KNOOPS: [9:33:38] Very good morning, Mr President, your Honours. Good
19 morning, everyone in the courtroom. Good morning, Madam Witness. Our
20 defence team appearing for Mr Ngaïssona who is in the courtroom consist today of
21 Ms -- on my right side, Ms Chiara Giudici. And on the second row
22 Mr Mathias Goffe and Ms Tessia Monteiro. Thank you.

23 PRESIDING JUDGE SCHMITT: [9:34:00] Thank you.

24 And we are here because we have a new witness/expert. This is Ms de Bruijn.
25 Ms de Bruijn, good morning.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 WITNESS: CAR-OTP-P-2927

2 (The witness speaks English)

3 THE WITNESS: [9:34:10] Good morning.

4 PRESIDING JUDGE SCHMITT: [9:34:11] On behalf of the Chamber, I would like to
5 welcome you to the courtroom. You are here to help this Chamber to determine the
6 truth in the case of the Prosecutor against Mr Ngaïssona and Mr Yekatom.

7 There should be a card in front of you with a solemn undertaking. Please read this
8 card out aloud.

9 THE WITNESS: [9:34:27] Okay. I solemnly declare that I will speak the truth, the
10 whole truth and nothing but the truth.

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

12 Before we start with your testimony, just a practical matter. You are fully aware that
13 everything we say here is written down and, more importantly, interpreted. And to
14 allow for interpretation we have to speak at a relatively slow pace and please no
15 overlap, meaning only start speaking or answering when the person that has asked
16 you a question has stopped, and perhaps wait one or two or three seconds. Yeah.
17 Thank you.

18 With that, I give the floor to Ms Struyven.

19 MS STRUYVEN: [9:35:06] Thank you, Mr President.

20 QUESTIONED BY MS STRUYVEN:

21 Q. [9:35:11] Good morning, Professor de Bruijn. My name is Olivia Struyven.

22 We have met before. I'm representing the Office of the Prosecutor. I will be very
23 short today, so I will only ask you a few questions about your identity and about the
24 reports.

25 So first of all, for the record, can you give us your full name.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [9:35:29] My full name, Mirjam Elizabeth de Bruijn.

2 Q. [9:35:38] So sometimes you will see me look at the screen. It's exactly for the
3 reason that the President has explained. I will wait until the transcript comes
4 through.

5 Can you give us your date of birth.

6 A. [9:35:56] 21 June 1962.

7 Q. [9:36:01] Now, as part of the procedure to submit your report, I'm just going to
8 ask you to confirm if it's true that indeed you provided two final reports to the Office
9 of the Prosecutor on 26 August 2020?

10 A. [9:36:23] That's correct.

11 Q. [9:36:26] And for the record, it concerns a first report regarding the child
12 soldiers in the Anti-Balaka, and the ERN number is CAR-OTP-2122-9155.

13 And the second report is a more historical report about child recruitment in the
14 Central African Republic, and the ERN number of that one is CAR-OTP-2122-9082.

15 Professor de Bruijn, were you in a position to re-read those reports recently?

16 A. [9:37:13] Yes, I did. I did re-read them.

17 Q. [9:37:20] And can you confirm to the Chamber that these reports, in your
18 opinion, are still accurate?

19 A. [9:37:29] The reports are based on research from 2016 to 2019. And, yeah, they
20 are accurate for that period.

21 Q. [9:37:41] And then a final question. Do you have any objection as to the
22 submission of these reports into the -- into evidence?

23 A. [9:37:54] The reports as they are now can be part of the evidence.

24 PRESIDING JUDGE SCHMITT: [9:37:58] Thank you.

25 I think we can state for the record that the requirements for these two reports with

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 regard to Rule 68(3) are fulfilled.

2 MS STRUYVEN: [9:38:10] Thank you, Mr President.

3 Q. [9:38:14] And then I have only one more question, and it's about two additional
4 documents that were provided to us.

5 It's two CVs. I will show them to you briefly. The first one is CAR-OTP-2122-9897.

6 And I'm just going to ask you to confirm if you recognise this document and if indeed
7 that document was provided from the university to us.

8 A. [9:38:56] Yes, they are.

9 Q. [9:38:59] And then I will show you the second one, which is
10 CAR-OTP-2122-9908. And the question is if you can confirm the same?

11 A. [9:39:25] Yes, I confirm.

12 Q. [9:39:29] (Microphone not activated) I don't see --

13 PRESIDING JUDGE SCHMITT: [9:39:33] Well, she -- yeah, but I think
14 nobody -- nobody will have any objections on that. I'm sure that we will discuss
15 other matters during the examination.

16 MS STRUYVEN: [9:39:42] Thank you very much.

17 I have no further questions.

18 PRESIDING JUDGE SCHMITT: [9:39:45] Not the CV of -- of Ms de Bruijn. Okay.

19 So these were your questions?

20 MS STRUYVEN: [9:39:50] Yes.

21 PRESIDING JUDGE SCHMITT: [9:39:51] Very nice.

22 Mr Suprun, I assume you have some questions.

23 MR SUPRUN: [9:39:58] Yes, Mr President. With the Chamber's leave I have a few
24 questions for this expert witness.

25 QUESTIONED BY MR SUPRUN: (Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [9:40:25] Good morning, Professor de Bruijn. We have already met briefly.
2 May I introduce myself. My name is Dmytro Suprun and I represent a group of
3 victims.

4 (Speaks English) Mr President, it seems that the channel -- excuse me, Professor, are
5 you hearing me well?

6 A. [9:40:45] Yes, I hear you. It was just a bit confusing, the French and the English.
7 Yes.

8 Q. [9:40:53](Interpretation) So let me repeat myself. My name is Dmytro Suprun
9 and I represent the group of victims who were former Anti-Balaka child soldiers. I
10 have a number of questions for you this morning and all of my questions will have a
11 bearing on your report on the effects of the recruitment of child soldiers by the
12 Anti-Balaka.

13 Now, in your report at page 31 you say that one of the reasons that led the children to
14 enrol in the Anti-Balaka was that they had been indoctrinated by the community, in
15 particular by speeches on the need to defend the community.

16 My question is as follows: To your knowledge, were there any other ways by which
17 the children were indoctrinated, in particular once they had already joined the group?

18 A. [9:41:54] Okay. The question is about indoctrination of these children. I think
19 the story of the children is very diverse. First of all, yes, indoctrination is part of
20 attitudes of people who worked with them. At the same time, the children also had
21 a need to flee the situation in which they are, so there is this balance. As you can
22 read in the report, there was violence used against the children, also when they were
23 recruited already. That's a form of indoctrination, of course. So, yes. But I would
24 emphasise as well that there is indoctrination on the one hand and the need for these
25 children to find a home or to be somewhere on the other hand, so there is this balance.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [9:42:50] In your report - and I'm still speaking about the same report on the
2 effects of the recruitment - at page 15 you say that in their narrative, the children told
3 you how they were initiated in a traditional manner.

4 Now, those children, did they tell you what this initiation consisted of?

5 A. [9:43:18] I have to speak to the Judge, my Honour.

6 PRESIDING JUDGE SCHMITT: [9:43:23] Well, that's preferable at least.

7 Because -- well, in our system, it's the judges you have to convince, or everybody has
8 to convince, or not.

9 THE WITNESS: [9:43:35] Yeah, I'm sorry.

10 My Honour, it is -- your Honour, it is -- the question is if the children were also
11 explaining to us about the way they were learning about these practices. That was
12 difficult. They did not speak to us very easily about this, but we have some
13 *témoignages*.

14 MR SUPRUN: [9:44:06](Interpretation)

15 Q. [9:44:06] And, Professor, could you specify what these children told you about
16 what was involved in this initiation process, could you provide the Chamber with
17 some details.

18 A. [9:44:21] Your Honour, I think you can read in the report about this. They did
19 not tell us that much. And it was not part of our research to go deeper into the
20 questions that the children could not -- would not reveal easily to us.

21 Q. [9:44:42] Thank you for that clarification.

22 Now, to your knowledge, was this initiation obligatory for all the children who had
23 joined the Anti-Balaka group? Do you have that detail?

24 A. [9:44:56] The children we spoke to all were aware of these protection measures
25 and they used them. There were also children who did not. And children who did

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 use them could -- told us afterwards that these children really took a risk.

2 Q. [9:45:16] You also say at page 32 that the initiated children had to respect a
3 number of forbidden things as a question of survival within the group.

4 Now, in your opinion as an expert, was that initiation procedure that was applied to
5 children and they were forbidden to do certain things, could it be seen as a form of
6 indoctrination or a form of instrumentalisation of children?

7 A. [9:45:55] Your Honour, I think that the answer to this question is yes. I think
8 it's -- the word indoctrination is difficult of course, because there is -- in these groups
9 there is also - and that's part of the initiation - a group of -- forms of trust are created
10 despite the violence. So, yes, indoctrination in the sense that it is a way to get these
11 children to belong to the group and to not leave.

12 Q. [9:46:30] At page 31, 32 of your report you talk about a young boy who became
13 a bodyguard for one of the group leaders. And he explained to you that the mystic
14 principles of the Anti-Balaka had it that the youngsters would be by the side of their
15 leaders in order to protect them.

16 Now my question is as follows: Did this young boy explain to you exactly what his
17 role consisted of as bodyguard of his commander?

18 A. [9:47:04] Your Honour, this boy told us what we have released in the report and
19 I think that is already clear. He was next to this -- to his chief and, when necessary,
20 he was also ready to kill for his chief.

21 Q. [9:47:28] And to your knowledge, did this boy carry out any military tasks, apart
22 from the fact that he was to stand by or be by the side of his chief?

23 A. [9:47:44] Your Honour, in all the interviews that were done with these children,
24 they were reluctant to explain exactly what they did, how many people they might
25 have killed. So that is not a certain kind of also report when they told us.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 But it's clear that these children lived through terrible things, and where we know
2 them, we have put them in the report. For some children it was also a question not
3 to -- not to talk about this, because they put themselves of course also in danger then.
4 So I think you have to do with what we put in the report, I'm sorry.

5 Q. [9:48:29] At page 34 of your report you talk about a girl who left the Anti-Balaka
6 group in child -- or with child and she was carrying the baby of one of the chiefs of
7 the group. And you say that not all these stories are known.

8 Now, to your knowledge, on the basis of the information that you gathered, what was
9 the extent of the sexual violence practiced in the Anti-Balaka group against children?

10 A. [9:49:02] Your Honour, I think it's -- as we say in the report, we interviewed
11 more than 50 children. Among those children there were not so many girls because
12 they are difficult to reach out to and they hide. They hide, I mean for the public,
13 public sphere.

14 I think as in other armed groups, the practice of using young girls for sex is very
15 accepted and normal, but the numbers I cannot really give to you, but the girls that
16 we spoke to all were having -- all had such experiences.

17 PRESIDING JUDGE SCHMITT: [9:49:58] Mr Suprun, please wait a second.
18 Ms Dimitri.

19 MS DIMITRI: [9:50:00] It's not an objection. It's just that I believe counsel is
20 listening the original channel, so every time you have a question and you're quoting
21 the page, it's missed in French.

22 PRESIDING JUDGE SCHMITT: [9:50:14] Okay, I didn't know that.

23 MR SUPRUN: [9:50:16] My apologies.

24 PRESIDING JUDGE SCHMITT: [9:50:18] Can you adjust, please, Mr Suprun. No
25 problem. And there is nothing in your questions that is in any way objectionable.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 And we all know, yes, well, that this is a report about general -- Ms Dimitri, general
2 aspects of the problem of child soldiers.

3 Mr Suprun.

4 MR SUPRUN: [9:50:41](Interpretation)

5 Q. [9:50:43] Professor, to your knowledge, was sexual violence in the Anti-Balaka
6 group practiced only against the girls or was it also practiced against the boys?

7 A. [9:50:59] Your Honour, I have no -- we have no witnesses who told us about
8 sexual violence against boys, so we don't know it from their testimonies.

9 PRESIDING JUDGE SCHMITT: [9:51:11] Well, I assume you would have
10 incorporated it into your report if that had been the case.

11 THE WITNESS: [9:51:20] Yes.

12 PRESIDING JUDGE SCHMITT: [9:51:21] Mr Suprun, please.

13 MR SUPRUN: [9:51:22](Interpretation)

14 Q. [9:51:24] Thank you. At page 50 of your report you say that the society had
15 resorted to spiritual matters in order to help the Anti-Balaka children. Could you
16 please tell us what spiritual methods these were?

17 A. [9:51:49] Your Honour, you know, the spiritual measures, we never witnessed
18 them. So they were told to us by these children and they are ways to sort of to get
19 the children back into their families and to -- into the social group, to socialise them.
20 We have no witness accounts of what exactly happens.

21 Q. [9:52:23] At pages 38 and 39 of your report you say that the former Anti-Balaka
22 child soldiers were also very affected socially and -- in terms of relationships, and you
23 give examples of children who were discriminated against and even rejected by their
24 family because of their experiences and in the Anti-Balaka group.

25 Now, in your opinion, as an expert and on the basis of your research, in the context of

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 the Central African Republic, what is the most efficient or most appropriate manner
2 to contribute to the reconciliation of Anti-Balaka children and their family and
3 respective communities?

4 A. [9:53:15] Your Honour, you mean with your question, how these children can be
5 best integrated?

6 Q. [9:53:27] My question is more general. I wanted to ask you whether you had
7 an opinion on the best manner in order to contribute to their reconciliation, and
8 reintegration is part of reconciliation, reconciliation being more general than
9 reintegration.

10 A. [9:53:52] Thanks for the clarification.

11 The best -- well, we worked for this research partly together with the -- with UNICEF
12 who have a reintegration programme more general. I think on that programme we
13 can have a lot of critique because they were -- children need -- there are many reasons
14 why children go to these armed groups. One is that they lack futures and that they
15 lack protection. And sometimes also their parents lack protection. So if we go into
16 your question in a very broad way, the main thing that should happen is that a state
17 reinstalls security in the country and the normal state services should be re- -- yeah,
18 reinstalled, if they ever were there. So that is on a very high level.

19 On the other level, I think the families of these youngsters need also a lot of support
20 and a better understanding of what their children went through, because in
21 the -- there where the children are rejected, they're also rejected on the basis of
22 spiritual ideas of sorcery and these kind of ideas that live in these societies. In that
23 sense, there's a lot of work to do for the families and how to accept their children.
24 But there are also mothers, especially mothers who do want really dearly their
25 children back and do everything to get to that, but they are confronted with a society

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 that is not able to really take care of either the mother and her child and that is not
2 able to also really stop the violence. In the sense that there is not probably physical
3 violence, at the end of our research there's not at -- well, we went back, 2020, and we
4 continued to follow the situation in Central African Republic, so there is not a
5 physical -- probably physical violence at the moment against these families, but there
6 is still the structure, the structure of the ComZones, the structure of the relationship
7 with the -- what you called -- also call warlords. That is still there. And in some
8 cases these relations are relations that one could also have with their uncles.

9 So there is a severe possibility that these children fall back into the old relationships,
10 and these mothers can't stop that and that is because the children are not finding their
11 way to a better future.

12 So there is a lot of work to do at different levels in that sort of reconciliation for these
13 kids, yeah, the kids who now -- the ones that we interviewed were children when
14 they were recruited. In the meantime they are now adults, but that doesn't mean
15 that the situation has stopped for them.

16 I hope that I answered your question. Thank you.

17 Q. [9:57:03] Thank you very much.

18 In your report you spoke of various types of prejudice that the Anti-Balaka children
19 suffered. Now, my first question -- my last question for you, Professor de Bruijn, is
20 the recruitment of children younger than 15 into the Anti-Balaka. Did it cause any
21 prejudice to the families or communities of the former child soldiers?

22 A. [9:57:36] It did lead to problems for the families and this is not only because of
23 the children. It's also because of the relations of these children with the people with
24 whom they -- by whom they were recruited, because often there are family ties
25 somehow -- sometimes related, very close related relationships but sometimes very

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 far. But these become then -- it becomes like the family's also related to the -- to the
2 act of the child. So that is a -- that is a problem for the family.

3 The communities, it depends what you mean by "community" because community is
4 a wide notion. I think you should -- what we saw and what we know and what we
5 also discussed with the mothers, the fathers, the uncles of these children is that the
6 families are affected, certainly.

7 Q. [9:58:34] Thank you very much, Professor de Bruijn, for your responses.

8 MR SUPRUN: [09:58:39] (Interpretation) And, Mr President, I have finished.

9 PRESIDING JUDGE SCHMITT: [9:58:42] Thank you also very much, Mr Suprun, for
10 this, let's say -- you followed our direction and all questions were indeed useful and,
11 yes, we thank you for that.

12 I give the floor now to the Defence of Mr Yekatom.

13 I see Mr Suzuki rising -- or not yet rising, but preparing. You have the floor.

14 MR SUZUKI: [9:59:25] Thank you, Mr President. Good morning. Good morning,
15 your Honours.

16 QUESTIONED BY MR SUZUKI:

17 Q. [9:59:35] Good morning again, Ms de Bruijn.

18 A. [9:59:36] Good morning.

19 Q. [9:59:36] We met very briefly earlier, but I will reintroduce myself. I'm
20 Gyo Suzuki and I'll ask you a few questions on behalf of Mr Yekatom today. Yes, so
21 thank you for your patience in advance.

22 I'm going to start with the topic that's not necessarily related to the main subject of
23 your report. So for the next series of questions, if you can -- if you could kind of set
24 aside the issue of child soldiers in your mind.

25 At page 9180 of your report, at OTP tab 4, I'm going to read an extract out for you.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:00:44] And I think it's absolutely fine, you have
2 your reports with you and you hear when you are asked to comment on certain
3 passages, I think it's even a very quick solution, so to speak, that you search for it and
4 then you say what you're referring to specifically, and then I think this helps also to
5 expedite proceedings. Thank you.

6 MR SUZUKI: [10:01:07] Thank you, Mr President.

7 Q. [10:01:09] At that second paragraph from the top, Professor, you speak about
8 this -- well, it's very brief so I'll read it in the French: (Interpretation) "... have a
9 community ... that you say that in some cases, all the community is often associated
10 with the actions of that group, because of the logical of community protection in this
11 case."

12 (Speaks English) Now, is it correct that this is kind of a reference or related to the
13 tradition of collective mobilisation in response to external threats that you speak
14 about in your other report?

15 A. [10:02:02] Your Honour, this question relates to also how the recruitment of
16 people is done for these different armed groups. I think in the report, the historical
17 report, we tried to show how there is a long, well, almost tradition of self-defence in
18 Central African Republic, and the self-defence is always defined along lines of
19 belonging. And part of belonging in Central African Republic is related to ethnic
20 communities, so indeed there is a "*logique*" that the protection is defined in
21 community - in *appartenance communautaire*, how do you say that? - belonging to a
22 community. So, yes, it is a pattern that we have seen regarding also the historical
23 investigation that we did.

24 Q. [10:03:12] Thank you, Professor.

25 And in your other report you argue that a line can be drawn from this tradition of

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 collective mobilisation back from the -- from the colonial era through the emergence
2 of the anti-zaraguina groups, the local self-defence groups, all the way through to the
3 Anti-Balaka; is that correct?

4 A. [10:03:46] Your Honour, this question relates to the continuity of these kind of
5 practices in Central African Republic.

6 Yes, indeed, that's what we try to sort of do research on. It's of course difficult to say
7 that all that happened in the past has still a reflection in the present, but I think there
8 are indeed continuities in this kind of recruitment for the armed groups and based on
9 self-defence ideas, ideologies that you can see during the history. And these kind of
10 practices then become also the grammar of society, so it's not -- that's why we think
11 it's important to look at those -- these historical patterns because they do tell us
12 something about the repertoire that a society has to answer to the total insecurities
13 that they are confronted with and that they create then themselves.

14 Q. [10:04:48] Thank you, Professor.

15 Madam Court Officer, if you could take us to the document at Defence tab number 8.
16 That's CAR-D30-0007-0205, at page 0601, please.

17 Thank you, Madam Court Officer. If you could -- if you could, kind of zoom in to
18 the middle a little bit further down, please.

19 PRESIDING JUDGE SCHMITT: [10:05:44] Perhaps you can -- perhaps you can
20 explain to Ms de Bruijn what kind of document this is. I understand that it's
21 a dissertation from 2012, anthropological dissertation, but perhaps you can explain it
22 to her so that she knows what we are citing off, or you are citing off. Yeah.

23 It's also good for the record, I think, yeah, if we have it.

24 MR SUZUKI: [10:06:12] Thank you, your Honour.

25 Q. [10:06:16] Professor, this is a PhD dissertation submitted by an individual

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 named Louisa Nicolaysen Lombard, who I think you cite in both of your reports, and
2 it's called "Raiding Sovereignty in Central African Borderlands". And I'm going to
3 read you a passage from this dissertation.

4 A little further up, please, Madam Court Officer. Up, please. Perfect. Thank you.
5 "Moreover, few of the people who join rebellions are full-time rebels. As is the case
6 with participating in a local defence force, for most rebels taking up arms is only one
7 of a range of roles that they take on to make a living and further other life projects.
8 The idea that these people require help to be transitioned out of their arms-carrying
9 roles relies on a far more static notion of identity than is actually operative here."

10 And I should have explained that this chapter is about the disarmament,
11 demobilisation in the Central African Republic.

12 And my question, Professor, is: Is it fair to say that this tradition of collective
13 mobilisation and local self-defence groups that you speak about, is it this tradition
14 that gives rise to a kind of fluidity in terms of individuals' participation or enrolment
15 in these kind of self-defence groups or in collective defence efforts?

16 A. [10:07:57] Your Honour, this is a very long debate that you're opening here.
17 We have to also go back then to a discussion, what kind of regions we are talking
18 about and what is happening in terms of the power of the state, the state that should
19 provide security and protect its citizens. That is not really the case in many of these
20 regions, so people take it in their own hands. And indeed, then part of the sort of
21 the labour that is offered to people is self-defence and taking up arms.

22 As you can read also in other books and dissertations on the region, Chad, Central
23 African Republic and parts of Cameroon, you can indeed see that people do go in and
24 out of these groups. I don't know if we then talk about children per se, but, yes,
25 there are sort of professional self-defence people who take that up as their role. Go

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 in and out of the groups, might change also from Anti-Balaka to Seleka to other
2 groups if there are opportunities. But it doesn't -- it's -- it might be true, but it does
3 also say something about the people who lead these groups, because they enter into
4 the chaos of these regions with a certain aim, maybe first to protect, but later it
5 becomes a way of living and a way of living that is then defended with a lot of
6 violence. So to dismiss here the fact that people are sort of free to go in and out of
7 these groups as a stated notion of identity and then sort of -- yeah, I would really have
8 a deep -- I should say that this is a bit too simple for me to explain it. Yeah.

9 Q. [10:10:09] Thank you, Professor.

10 Two things. First of all, this series of questions, I'm not referring to children. You
11 can rest assured. This is not -- this line of question is not about children at all.
12 And the second thing, it's not so much a focus on being free to leave. That that's not
13 what I'm implying either. I'm not suggesting that people are free to leave these
14 groups whenever they want, just so that's clear.

15 But just in terms of the -- the -- well, would you agree that the -- there's a kind of
16 blurring of boundaries between individuals who participate in self-defence groups
17 and individuals who participate in armed groups or individuals who kind of
18 participate in collective action, whether it's continuously or -- or a single action? Is it
19 fair to say that those boundaries are not necessarily that clear?

20 A. [10:11:12] Yes, I can confirm that idea that the boundaries are not that clear.

21 And of course it's different per person, but you see also in other parts of Africa, West,
22 Central Africa, that young people search -- yeah, there is also that part of searching
23 for a living or having no other future and then becoming accustomed to these kind of
24 practices as an easy way to find -- to find their way. So, yes. Also what we refer to
25 in the -- in the report, the more historical report, is how the army functions and also

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 how the army is a way -- in a way organised as a -- almost a self-defence group like
2 the others, recruiting among -- yeah. So it is -- yeah. So I do agree that these
3 boundaries are probably not -- for those who participate in it, yeah.

4 Q. [10:12:14] Thank you, Professor.

5 I'm going to ask my colleague to play a very short extract from a video or a
6 documentary that's in evidence in these proceedings.

7 For the record, that's the document at Defence tab 16, CAR-OTP-2019-1359. The
8 timestamp is 04:13 to 04:28. And the transcript is at Defence tab 17,
9 CAR-OTP-2130-1332, at 1336, lines 87 to 89.

10 And if the interpreters could kindly signal when they're ready.

11 Thank you.

12 We'll go ahead and play that video for you, Professor.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [10:13:05] (Interpretation of the video excerpt)

15 "... we in the Central African Republic with the Balaka, these are the sons of the
16 country. But you can't recognise them. I could be a Balaka, he could be a Balaka,
17 that woman could be Balaka, but you can't recognise them."

18 MR SUZUKI: [10:13:32]

19 Q. [10:13:36] Professor, do you -- would you agree that that's kind a reflection of
20 what you -- or what we've just been discussing here about these kind of blurred
21 boundaries between -- or the blurred boundaries that we've been discussing?

22 A. [10:13:54] Yes, your Honour. This film is a very short excerpt of a much longer
23 film, and I think that part -- what this shows is the trust and the mistrust and the
24 distrust that is created in this society, also by people joining these armed groups,
25 carrying arms, and coming out and then trying to have a different life. Indeed, it's

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 not always known who is -- who was where, but I think in general, what we
2 understood from the young people that we talked to and also their parents, is that
3 people do more or less know if people were joining other groups, but that they don't
4 know how they are today. And that leads to a lot of this feeling of distrust and
5 mistrust among people, which is something that is, what I would say, almost normal
6 in these kind of conflict zones and that leads to a lot of anxiety, a possible -- yeah, a
7 new social fabric in which fear is one of the leading factors in life.

8 Q. [10:15:25] Thank you, Professor.

9 Just in terms of what you're saying about how people -- how people know -- more or
10 less know of people joining other groups, would you agree that -- or, rather, I'm
11 focusing a little bit more on not so much people who personally know other people
12 within a community and whether they're aware of the fact that they had been part of
13 a group or not part of a group or participated in this, but kind of -- I'd like to take a
14 kind of step further back. For example, when someone might not know another
15 person personally, this is the kind of membership of groups that I'm trying to -- trying
16 to pin down here.

17 So in situations where someone might not know personally someone who is
18 perceived to be a member of a group or member of a self-defence group, member of a
19 collective mobilisation effort, is it fair to say in those situations membership is kind of
20 hard to pin down; is that fair to say?

21 A. [10:16:42] Yeah, it's fair to say. I think people are also hiding that identity if
22 they can, but it's very difficult. So it brings into a society of course a certain anxiety
23 and a -- what I already said and I repeat again, feelings of distrust and mistrust that
24 are fed by fear, because the things that happened were really not so nice. So, yeah,
25 so you don't know if your neighbour is part of a group so you don't know if you

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 can -- well, your neighbour you know, but of those people you -- in general the
2 society is full of contradictions that can have a violent effect one way or the other,
3 physically or mentally. So it's a general feeling of fear and related to trust and
4 mistrust.

5 Q. [10:17:42] Thank you, Professor.

6 And so it would follow then that the external perception of these groups is affected by
7 this kind of fluidity in status of participation, or these blurred boundaries, in the sense
8 that members of self-defence groups might be labelled as Anti-Balaka, members of the
9 Anti-Balaka might be externally perceived as self-defence groups, or villagers who
10 kind of mobilise for a day or participated in a -- in a certain defensive action might be
11 labelled as Anti-Balaka as well. Is that something that you would agree with?

12 A. [10:18:30] Your Honour, I think here it is interesting to repeat a bit what -- what
13 we found in Paoua, where we did interviews -- or not we, some of our collaborators
14 in Central African Republic. People who -- I mean, we now talk about ordinary
15 citizens, I think, or the habitants of, for instance, Paoua, who are confronted with all
16 these different military groups around them. Sometimes their own kids are in those
17 groups, sometimes it's their -- even their uncles, but still -- so they know a lot, but
18 they don't talk about it, and they live in a constant feeling of possible violence that can
19 affect them. So it's -- and then it doesn't matter if -- it matters, but it doesn't -- there
20 is this general feeling of violence, a general feeling of insecurity that makes these
21 people the people who they are at that moment.

22 The fluidity, yeah, if you have -- if you take yourself party -- take part of the -- you
23 feel part of the Anti-Balaka more than of the Seleka in this case, it might affect you
24 how you behave to people you think are Seleka or even push them out of your orbit.
25 But, in general, what you hear from people who live these situations but who are not

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 themselves the fighters or part of these groups, they live in total fear because they are
2 in between, and this in-betweenness is very difficult because violence can come from
3 any side and even your relations in these groups might not be of any help. So it's
4 that general fear that we also felt during the research we did in Central African
5 Republic.

6 Q. [10:20:32] Thank you, Professor.

7 And does this kind of general climate of fear, or this anxiety that you're talking about,
8 this kind of combined with the fluidity of the concept of membership to these groups,
9 does it kind of create a looseness or a kind of impreciseness in the external perception
10 of who belongs to what group and who is participating in what group? Is that
11 something that's fair to say? Again, setting aside situations where participants are
12 known to other members of the community, I'm speaking about completely external.
13 People who are external, they don't have personal relationships with the people we're
14 talking about. Is that fair to say?

15 A. [10:21:32] Your Honour, I must say that this question relates again to a very big
16 interpretation of what these groups are and an interpretation that is given by
17 outsiders. As we all have followed, Central African Republic definition of these
18 groups has become related to religion, Muslim versus Christians. It also has become
19 related to ethnicity. And also outsiders have these ideas of the oppositions in their
20 country in their head, because it's said everywhere, it's part of the media so you
21 believe in it. So in that sense there is no fluidity because the groups become
22 associated with a certain identity that is very recognisable and that is related to
23 practices of people around you.

24 So then - and this is the general polarisation that happens in conflict societies,
25 instrumentalised sometimes by those who think they can do their favour with it - that

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 becomes a structure of society that people live in. So the outsider to all these groups,
2 who to my idea do not really exist in Central African Republic, neither in Chad or in
3 Mali at this moment, but they come part of that polarisation as well and this
4 influences their decisions and the way they will also behave and act towards the
5 other.

6 Q. [10:23:16] Thank you, Professor. I just have one last question on this topic.

7 And I'm going to ask Madam Court Officer if you could take us to the document at
8 Defence tab 14. That's CAR-D29-0005-0399, at 0472, and if you could go down to the
9 footnote 228.

10 And this document, Professor, is a 2016 research report by the Catholic Relief Services
11 into the causes of the conflict in the Central African Republic.

12 Thank you, Madam Court Officer.

13 Professor, I think part of this footnote, which I'll -- which I'll read out shortly, I think it
14 kind of touches upon what you just said about the way that this conflict took on a
15 kind of religious dimension and became about religious identity. And I'll read:

16 "That said, it was often that interviewees of one religious identity referred to youth
17 from the opposing religious identity as moving interchangeably between the local
18 self-defence group and the national-level Seleka or Anti-Balaka forces. Indeed, some
19 interviewees made little distinction between the Seleka or Anti-Balaka and their local,
20 religiously similar self-defence group."

21 Is that something that -- that you could tell us a little bit about? Do you agree with
22 that sentiment and did you experience that yourself?

23 A. [10:25:07] Your Honour, the self-defence groups are organised more locally,
24 that's true. Some self-defence groups can become incorporated in those more
25 national organised groups, in that sense they are sort of fluid. So, yes, I do agree that

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 self-defence groups are identified with local situations more than the Seleka and
2 Anti-Balaka groups. So this is a -- yeah.

3 Q. [10:25:44] Thank you. And just one follow-up question, Professor.

4 Is it fair to say that the kind of -- the general anxiety and this fear that you're talking
5 about kind of led -- led people to -- like it says here in the report, it led people to make
6 little distinction between membership of, for example, on the one side, Christian
7 self-defence groups and the Anti-Balaka group together, and Muslim self-defence
8 groups and the Seleka, for example?

9 A. [10:26:35] If you go to the individual stories that we gathered, there is a -- people
10 do distinguish between the two because they -- between the Seleka and the
11 Anti-Balaka. So they do choose deliberately to join one or the other. So there is not
12 a sort of fluid boundary between those two, I think.

13 The self-defence groups, yes, that they are -- they are defined differently and they
14 have different heads - how do you say - warlords or whatever you want to call them.
15 So, yeah, there is. But so for inside -- for people who choose to join or to -- they have
16 a reason why they go to one group and not the other. There can still be people who
17 change minds and see it more as a job and go from one place to the other, but there
18 are certainly many people who are affected by one group and therefore are against
19 the other, or the other way around.

20 I think it's difficult to answer this question on a very general level, because it's not the
21 same for everybody. But of course then, when you look from outside, it is as if the
22 boundaries are blurred. But when you go into the individual stories, you hear
23 different, different reasons to join one or to be pro one or pro the other. So it's -- I
24 find it a bit difficult to generalise.

25 PRESIDING JUDGE SCHMITT: [10:28:13] That is always the problem when you ask

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 such questions, but I think it's simply about if such a phenomenon existed. And
2 nobody expect, from an expert or from any witness, to make such generalisations.
3 So, yeah, Mr Suzuki, please move on.

4 MR SUZUKI: [10:28:37] Thank you, your Honour.

5 I just have one follow-up question on this, your Honour, because I think my question
6 wasn't so clear. I don't think it will be very long.

7 PRESIDING JUDGE SCHMITT: [10:28:50] Well, the witness has mainly
8 answered -- has not really answered the part self-defence groups Anti-Balaka,
9 self-defence groups Seleka. Perhaps you simply limit yourself to Anti-Balaka and
10 self-defence groups.

11 By the way -- well, perhaps I can give it a try.

12 Was there, in your opinion, in your expertise, with people you spoke with, your
13 colleagues, and the field research that you made, was there a clear distinction
14 between local defence groups and Anti-Balaka?

15 THE WITNESS: [10:29:29] Yes, your Honour. Of course they made this distinction
16 because self-defence groups do not have a similar organisation as the Anti-Balaka and
17 Seleka.

18 PRESIDING JUDGE SCHMITT: [10:29:42] Okay.

19 I think you can move on, I would suggest.

20 MR SUZUKI: [10:29:54] I might be pushing my luck here, your Honour, but one
21 very brief follow-up, if you wouldn't mind.

22 Q. [10:30:04] Professor, just following up from the Presiding Judge's question, I
23 understand that you -- there was a distinction between these two -- between these two
24 groups that you could discern, but is it fair to say that from outside, from the outside,
25 from the outside -- not in relation to people who participated in one or new people

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 who participated in one, this kind of thing, I just mean in society generally at the time,
2 was there -- was there a degree of failure to distinguish between, for example, the
3 Christian local self-defence groups and the Anti-Balaka - for example, who was a
4 member of what - taking into account what we spoke about, about the kind of fluidity
5 of membership and -- and these kind of things?

6 A. [10:30:58] Your Honour, if I may, I think the definition of self-defence group is
7 really a bit vague here. Self-defence groups are often organised regionally and more
8 around a village, sometimes also ethnically. So religion there is less of a thing.
9 Anti-Balaka and Seleka might also be seen as originally sort of self-defence somehow,
10 but then recruited -- or interpreted as self-defence by some who are part of it or who
11 see it from the outside, but of course they have a completely different dimension.
12 And I think that is -- yeah, we -- that is -- also the -- the people we spoke to who were
13 not fighting who were experiencing all these different groups around them did not
14 really find security in that situation. So I think that is the most important if you ask
15 what do outsiders who live in this situation see.

16 Q. [10:32:05] Thank you, your Honour.

17 Thank you, Professor. I'm going to move on to a different topic now, getting a little
18 bit closer to the subject of your report.

19 At page 9160 of your report on the effect of recruitment on child soldiers, that's the
20 document at OTP tab 4, around the middle of the page I'm going to read out a
21 sentence for you.

22 And it says in French: (Interpretation)

23 "... to look for the liberation of the children, the 'child soldiers' could be in the conflict
24 of the armed groups (so that they could access to the integration programmes for
25 example) a large number of NGOs, both in the group and also in their own family

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 were -- and their surroundings -- or entourage."

2 (Speaks English) Could you -- could you kindly develop a little bit about this -- I see
3 you have a question.

4 A. [10:33:36] Yes. I'm very sorry, but the translation didn't work fine, so I would
5 like to know where the French citation is that your referred to.

6 PRESIDING JUDGE SCHMITT: [10:33:44] Well, it did -- yeah, it was not absolutely
7 clear. It's your report. I think, as you have made two reports, but mainly you will
8 refer to the French report --

9 THE WITNESS: [10:33:51] Yes.

10 PRESIDING JUDGE SCHMITT: [10:33:52] -- not the historic report that is in English.
11 So your French report, page 6.

12 THE WITNESS: [10:34:02] Yeah. That's what is on the screen now.

13 PRESIDING JUDGE SCHMITT: [10:34:04] Yeah. And there is the portion, perhaps
14 if you can -- you don't have to read it out again, Mr Suzuki, but as any academic, they
15 are quick readers, please point out from where to where.

16 MR SUZUKI: [10:34:21] Madam Court Officer, if you could scroll down a little bit,
17 please. That's perfect. Thank you.

18 Q. [10:34:29] The last four lines, Professor, the sentence that starts with "*En même*
19 *temps*".

20 A. [10:34:37] Yes.

21 Your Honour, you mean that I react to this -- I explain a bit further?

22 PRESIDING JUDGE SCHMITT: [10:34:50] Yeah, exactly.

23 THE WITNESS: [10:34:51] Okay. When we were -- we -- as I explained already, we
24 also did a sort of research together with UNICEF and really followed children who
25 were taken into their -- their projects to reintegrate the children. And also the

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 practices how they liberated children. And in that practice, they were collaborating
2 with what we call the ComZones, the *commandants* who were leading these troops,
3 groups of children, and to do so they would also have some benefits. So in that
4 negotiation, it might have been that the number of children is higher than it -- was
5 represented as higher than it in fact was. That is a *constat* that also UNICEF itself has
6 brought forward in some of their reports.

7 MR SUZUKI: [10:35:54]

8 Q. [10:35:57] Thank you, Professor.

9 And this might be a bit of a general question, but kind of from anthropological
10 standpoint, could you tell us a little bit about the factors that kind of drive this
11 phenomenon of -- of artificial inflation of these -- of these numbers in the context of
12 demobilisation.

13 A. [10:36:25] Your Honour, I think this question is a little bit suggesting that these
14 men would really present many more children than they have. I don't think so.
15 But they would also -- of course, it's a way for them, because there were exchanges
16 and there was money involved, and I think there is a reason also maybe for them to
17 give these children a different future. So it was not only out of their own interest,
18 I think, but also as a chance to give these children a new future. So I don't know if
19 that is a more anthropological, whatever, insight, but it's -- negotiation always goes
20 with benefits, interests of yourself, possible interests of the children and then the
21 interests of the NGO, and that is a negotiation process that takes a certain form.
22 But I don't think that they could not -- they would send the children -- I mean, they
23 would liberate what it is called, these children, when the moment was there. And
24 these children are real and they were under their -- they were in their groups and they
25 did terrible things sometimes.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:37:50] Just a short comment: I would not label
2 this anthropological, but more sociological, economical, perhaps, if you will.
3 Please, Mr Suzuki.

4 MR SUZUKI: [10:38:13]

5 Q. [10:38:14] Thank you, Professor.

6 And in your report, I don't think we need to go to it necessarily, but you speak about
7 how - for the record, that's 9164 - you speak about how the label of child
8 soldier -- well, you speak about the label of child soldier in general and you mention
9 that the label is often important for the child because it can give access to resources, to
10 reintegration and social reinsertion programmes through these ONGs -- these NGOs,
11 rather.

12 And can you develop on that a little bit as well, please, the way that the label of child
13 soldier can lead to access these programmes.

14 A. [10:38:58] Yes, your Honour, this is an interesting element of NGO work all over.
15 NGOs do create labels because they need to have -- to classify people to be able to put
16 them in their programmes and child soldier is one of those labels. That's also a
17 reason why in many academic work the concept child soldier is contested, but indeed
18 it becomes a label that gives you access to resources, to these NGOs or to some kind of
19 trainings, and then you have to use it as a person who wants to be part of those
20 programmes. And even if you don't use it but you are defined as such, then you
21 become a child soldier, but that doesn't -- a term can't hide the things that are behind
22 it.

23 Q. [10:39:59] Thank you, Professor.

24 And can you tell the Court a little bit about what access to these programmes means
25 for the -- for the families of children and for villages or communities. Can you

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 expand on that a little bit, please.

2 A. [10:40:17] Yes, I can. These -- UNICEF has a programme of reintegration,
3 which means that they learn these -- they teach these children some skills that they
4 think can help them for a better future. We had a few examples of children who
5 went in these programmes, and one of the very typical things is giving them a sewing
6 machine so they can become a tailor.

7 Well, in general, for some it might work, but we also came across quite some of
8 these -- the efforts are nice but they do not always work well. So some of the
9 children go into these programmes, but after a certain training they are left on their
10 own and they can't find work, and then they are again back at the same situation as
11 they were before. But then with a very explicit label of being a child soldier. So
12 there is a problematic aspect of that form of integration that does not work for all the
13 youth that we have seen. And, yeah, some of them that we still follow have also
14 fallen back in their old practices.

15 Q. [10:41:36] Thank you, Professor.

16 And just to focus on the effect of -- or the kind of beneficial or positive effects that
17 these programmes can have not on child -- setting aside the child for a moment, but
18 on the wider community. Can you -- can you tell us a little bit about that, at the
19 villages and the communities.

20 A. [10:41:58] As, your Honour, this was not really the topic of our research, but
21 I can say something on it in general because I'm also following these things in other
22 parts of Africa. In general, it's -- of course it's -- it brings in -- resources into a
23 community, it might help mothers, fathers to accept their children. So there's
24 positive sides to these programmes that are having an effect on the community level.
25 But as I said before, there is also -- there are also non-effects of these interventions.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 But without these interventions there's nothing. So there is a lot to say to -- so
2 it -- yeah, it of course helps because it brings resources into a community, but it also
3 has a probably stigmatising effect on some families, it might not help as it is supposed
4 to help. So there's a lot of questions around these reintegration programmes. But,
5 yeah, I keep it to this.

6 PRESIDING JUDGE SCHMITT: [10:43:12] And I think you have already elaborated
7 on that a bit on this, this is page 10 of your report. So these ideas that you now
8 convey are already, let's say, incorporated in the report.

9 Mr Suzuki.

10 MR SUZUKI: [10:43:28] Thank you, your Honour.

11 Q. [10:43:32] And Professor, at page 9163 of your report, again about the label of
12 child soldier and the way that it's been defined, which you touched on earlier, you
13 speak about how the definition of child soldier has this characteristic of non-exclusion
14 and is centred on the protection of the child. Can you explain a little bit what you
15 mean -- mean by that. And that's at 9163, second paragraph --

16 PRESIDING JUDGE SCHMITT: [10:44:08] That's page 9 of your report.

17 MR SUZUKI: [10:44:11] My apologies. Yes.

18 PRESIDING JUDGE SCHMITT: [10:44:15] No, no, you don't. It's -- I simply assume
19 that the expert is more accustomed to -- to the pages in their -- in her report than to
20 our labelling, you know, CAR-OTP-2122-9163. That is, if you are not used to that
21 every day, I think that that's more difficult.

22 So page -- page 9 of your report.

23 THE WITNESS: [10:44:35] Thank you.

24 Can you please repeat your question, because --

25 MR SUZUKI: [10:44:37] My apologies. Yes.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:44:40] No, that was my fault. That was my
2 intervention.

3 MR SUZUKI: [10:44:43]

4 Q. [10:44:45] The third sentence down in that second paragraph, Madam Court
5 Officer, if you could go down a bit. Yes, perfect.

6 About this -- this characteristic of none exclusion and the centring on the protection of
7 the child, can you tell us a little bit more about that, please.

8 A. [10:45:11] Well, my Honour, I'm sorry, I don't know what you want me to do
9 here. Can you maybe explain a bit better.

10 PRESIDING JUDGE SCHMITT: [10:45:18] No, it is -- well, we can -- or perhaps,
11 Mr Suzuki, we can word it this way: If you would like to add something, if you
12 have perhaps more background information on that, you can provide us with this
13 information. Otherwise you can simply say I think what is in the report is exactly
14 not only what I meant to say, but it's also clear enough for everybody to understand.

15 THE WITNESS: [10:45:41] Yes. Okay. Thank you. I think indeed that what we
16 put there is clear enough. I have not so much to add.

17 MR SUZUKI: [10:45:53]

18 Q. [10:45:54] Thank you, Professor. It is a bit of a general question. I'll go to
19 something a bit more specific.

20 Is it fair to say that this kind of principle of non-exclusion and this focus on protection
21 of the child, it kind of flows through to the way that NGOs approach demobilisation
22 programmes in the sense of access to these programmes, is that something that you
23 would agree with?

24 A. [10:46:21] Your Honour, yes, I would say that is how they function, and it's also
25 logical, because they have to put boundaries on their work. So it is normal that they

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 work like this. But you can of course discuss the way they do these things.

2 Q. [10:46:45] Thank you, Madam Witness.

3 And you also mention in your report at 91 -- at page 8, rather, 9 -- CAR-OTP-9162,
4 you mention the fact that -- that some of the NGOs that assisted you in your work
5 weren't receiving continuous finance -- financing, rather.

6 Now, in your experience, were humanitarian aid programmes in the Central African
7 Republic kind of chronically underfunded; is that -- is that fair to say?

8 A. [10:47:23] Your Honour, I don't know if that's the case for all programmes in
9 Central African Republic. It is a general problem in Africa, so you could say yes.
10 Yeah, so they are -- they are searching for funds to do their work.

11 Q. [10:47:42] Thank you, Professor.

12 And this is especially the case with local civil society groups; is that fair to say as
13 well?

14 A. [10:47:54] Your Honour, I think that this is insinuating that they do their work
15 not well or not properly. I am thinking -- I would like to explain a bit the realities on
16 the ground. I mean, people do their work even if they don't have the means,
17 they -- especially the local organisations, they need to. And of course there is also
18 this whole discussion on the industry of the NGOs and that they -- which is all true,
19 but at the same time, they are the only ones who work there so, on this humanitarian
20 field, in this humanitarian field very necessary, and it's a shame that they have -- that
21 they have problems to find enough money, that's something I would like to state here.
22 And it's probably also a shame that they are needed in those regions. So there
23 is -- yes, and there is a problem of funding and they do their best to find funding and,
24 to do so, their practices can be criticised in some cases.

25 Q. [10:49:00] Thank you, Professor. And just to be clear, this is not a -- this is not a

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 trap. This is not -- I'm not implying at all that they're not doing their work properly.

2 I apologise if that came across as such.

3 My next question, Professor, it's fair to say that some of these local NGOs, these local

4 civil society actors that are running demobilisation programmes, they -- they rely on

5 this kind of funding for their kind of very survival, if that makes sense. Is that -- is it

6 fair to say that the margins are that thin?

7 A. [10:49:53] Your Honour, I am a bit reluctant with these questions. I have

8 myself a lot of critique on the organisations that function in these fields because they

9 have -- they are operating in very difficult situations and the -- the effect of what they

10 do is not always what they think it will have as an effect. So there is a -- there is a

11 problem in general.

12 Also the DDR programmes, and there is a lot written about that, do not always have

13 the effect that you want to have them because of the circumstances underneath it as

14 well. So if you ask these question, you should also see in what circumstances are

15 these organisations operating and of which generalised chaos, I would say, they are

16 part in which the people with whom they work have no -- I mean, I call it constraint

17 agency because they have in fact no freedom of choice. And the bit of freedom or

18 the space for choice that these organisations add to that chaos, for some it's a help, for

19 some it's just another try to get a living. And it's in that kind of situation that -- that

20 that's the kind of situation we are talking about here.

21 Q. [10:51:25] Thank you, Professor.

22 And I need to insist this is not a criticism at all of the work of the local NGOs. I'm

23 absolutely not -- that's not my intention at all. Like you say, I'm just trying to get

24 some information about the facts on the ground as you experienced them.

25 If we could go to the document at tab 9 of the Defence binder, please. That's

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 CAR-D29-0002-0326 at page 0328.

2 A little bit further down, please, Madam Court Officer. Thank you, that's perfect.

3 Professor, this is an article in Newsweek, I think from 2018 if I'm not --

4 PRESIDING JUDGE SCHMITT: [10:52:25] It is from 2018, yes.

5 MR SUZUKI: [10:52:28] Thank you, Mr President.

6 Q. [10:52:29] And I'm just going to read you that middle paragraph there:

7 "Disarmament programs have become a key component of the UN's peace-building

8 efforts, but these initiatives are problematic. Aid workers tell Newsweek that,

9 during negotiations, militia commanders attempt to wrest handouts for themselves

10 from international nonprofits and list fake children or relatives as combatants in

11 exchange for benefits."

12 Now, Professor, this seems to corroborate what you -- what you were speaking about

13 with regard to this phenomenon of artificially inflated numbers in this demobilisation

14 procedure -- or process, rather. And again, just to preface my next question, this is

15 not a criticism at all. I'm not implying anything.

16 A. [10:53:21] I'm fine.

17 Q. [10:53:23] Now, in this article it seems like aid workers are kind of aware of this

18 phenomenon, or at least the ones that are sourced for this article. And you kind of

19 touched on this earlier about UNICEF raising this with you. Can you kind of tell us

20 a little bit more about what you personally experience in terms of this -- or heard

21 about, rather, in informal discussions. And it can be completely separate from the

22 research for your report. I'm not implying those two things are linked.

23 A. [10:53:57] Your Honour, you want me to -- to explain a bit more about these

24 practices of NGOs and also how that is resonating in discussions that we had also

25 with people from these NGOs or people in Central African Republic in general.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Yes, these things are recognised and they do happen. I would say that the fact that
2 they recognise and discuss these things is -- is good. And it is very problematic, and
3 I think that is realised by everybody that it is very problematic. And it goes even
4 further, because the -- the programmes they have do not always have, also beyond
5 DDR, do not always have the effect that they want it to have.

6 And again - and I think that the next paragraph in which Louisa Lombard is again
7 cited - this has to do with the general situation that we are confronted with in Central
8 African Republic in which indeed everybody gets benefits out of the war. We also
9 call that economy of war.

10 Q. [10:55:26] Thank you, Professor.

11 And could there be a tendency of NGOs in this process, in the demobilisation process,
12 to kind of accept this phenomenon as a kind of necessary evil in the way that -- or,
13 yeah, accept it as a kind of necessary evil, the important thing being that the
14 programmes run and those who need protection get protection, even if a proportion,
15 whatever the proportion, might not necessarily be the people to whom these aid
16 programmes are really aimed at? Would such a tendency kind of exist?

17 A. [10:56:15] Your Honour, I think this question refers to a very general process
18 of -- through which almost all NGOs in war zones are going through. And they do
19 accept indeed that this exists, but they think that their benefits are still higher in
20 general for the population than the back, how do you call this, than these -- the losses
21 almost for these organisations. And, yeah, that's how the reality is and they accept it.
22 And for them, I hope that they still -- they can continue with their work because they
23 see also very positive effects. Yeah.

24 So you can interpret it as Lombard does, as war economy and part of it, but they will
25 probably interpret it as a collateral damage sort of thing. But at the other hand, they

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 are doing the thing they need to do, yeah. And they of course want to continue
2 doing that.

3 Q. [10:57:23] Thank you, Professor, for that.

4 My last question on this topic, and again I'm not implying any immorality or
5 anything of the sort here, this is not a critique. But, just objectively speaking,
6 the -- with regard to this phenomenon, these local NGOs and civil society actors,
7 they're not necessarily disinterested parties with regard to this phenomenon. Would
8 you agree with that?

9 A. [10:58:07] Your Honour, disinterested parties, I would like to know what you
10 mean by that.

11 PRESIDING JUDGE SCHMITT: [10:58:13] I think that that's also a labelling. I think
12 we have -- we have the -- with regard. What the witness can say or the expert can
13 say is she has said, you know. I -- I take it from -- from your testimony that the
14 NGOs working on the field are aware of the phenomenon; is that correct?

15 THE WITNESS: [10:58:33] They are aware of the phenomenon, yes.

16 PRESIDING JUDGE SCHMITT: [10:58:35] They have to accept it to a certain extent
17 as inevitable, is this also what I can take from your testimony?

18 THE WITNESS: [10:58:45] They do. They have no choice.

19 PRESIDING JUDGE SCHMITT: [10:58:49] Well, I think we leave it at that and then
20 have a break until 11.30. Thank you.

21 THE COURT USHER: [10:58:54] All rise.

22 (Recess taken at 10.58 a.m.)

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

24 THE COURT USHER: [11:31:37] All rise.

25 Please be seated.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:31:58] Mr Suzuki, you have the floor.

2 MR SUZUKI: [11:32:04] Thank you, your Honour.

3 Q. [11:32:07] Hello again, Madam Witness.

4 I'm going to move topics now, getting closer and closer to your report. I just have
5 a -- just a few questions about your CV, just very, very basic questions.

6 Now, can you confirm that this project that was the basis of your research report or
7 research reports was your first encounter with child soldiers as an academic subject; is
8 that correct?

9 A. [11:32:42] Your Honour, very explicitly with child soldiers, yes, but I've been
10 working in conflict zones for quite some time.

11 Q. [11:32:56] Thank you.

12 And your co-author for the report, Ms Both, as I understand it, she -- her PhD
13 dissertation was in -- or on the subject of child soldiers in north-western Uganda. Do
14 you know if she has any further experience than that in this topic?

15 A. [11:33:24] Jonna Both is a very experienced researcher in this field. She did
16 ethnographic research in Uganda indeed. She worked on this report not only, but
17 the research with UNICEF and then also her own academic work extensively. So I
18 think, yes, she's a -- and she's now also working in this field. So she made it really
19 her domain. And then for the report and the research, we work with local
20 researchers as well.

21 Q. [11:33:57] Thank you. And neither of you have prior experience in child
22 soldiers as an academic subject in the context of the Central African Republic; is that
23 right?

24 A. [11:34:09] Yes, that's correct.

25 Q. [11:34:13] I'm going to move on, Madam Witness, thank you for those answers.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 I'm going to move on to the topic of the methodology that you adopted in the -- in the
2 child soldiers -- the French report at OTP tab 4.

3 And first, I'm going to ask Madam Court Officer if you could take us to the document
4 at OTP tab 2, that's CAR-OTP-2122-8995.

5 Thank you. And I think, sorry, that probably isn't for public display. If you could
6 scroll down a little bit, please, Madam Witness -- not Madam Witness, my apologies,
7 Madam Court Officer.

8 Professor, do you -- have you seen this email before?

9 A. [11:35:32] Yes. I did.

10 Q. [11:35:35] And this was an email that was sent to you and to Ms Both after you
11 provided the draft reports to the Prosecution; is that correct?

12 A. [11:35:50] Yeah, that's correct.

13 Q. [11:35:54] And in this report -- and in this email, the Prosecution was seeking
14 kind of more statistics or kind of facts about the research that you undertook for the
15 report; is that right?

16 A. [11:36:11] That's correct.

17 Q. [11:36:13] Thank you.

18 And if we could go to the document at Defence tab 4, that's CAR-OTP-00000106.

19 Again, I think that's not for public display, please. Thank you.

20 And this was the email that was sent in response to the email we just saw; is that
21 correct?

22 A. [11:37:05] Again, correct, yes.

23 Q. [11:37:07] Thank you.

24 PRESIDING JUDGE SCHMITT: [11:37:08] And it's self-explanatory since the judges
25 and everybody is able to read. And it explains, well, at least why there was not

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 really a follow-up to the requests by the Prosecution, to put it this way. Not one that
2 is reflected in the report, to put it this way.

3 MR SUZUKI: [11:37:33] Indeed, your Honour.

4 Q. [11:37:43] I'm just going to read out one or two sentences from this, Professor,
5 because it will lead into my next question. It says up the top that: "I am afraid that
6 it may be different [from] what you hoped for."

7 And down the bottom: "Most of our data therefore being of a different nature than
8 any legal research in preparation for a court case would capture."

9 Just generally, going back to the idea of methodology and the kind of approach that
10 you took to this report, is it fair to say that this exchange kind of encapsulates the
11 difference between an anthropological research project and a kind of forensic
12 statistics-driven research; is that correct?

13 A. [11:38:35] Your Honour, yes, I think there is a difference and we have explained
14 that also in the report. Of course we could also provide some more figures which we
15 tried and we sent as an annex and that was not beyond the ways that we work
16 normally as well. So it's -- there is a difference certainly.

17 PRESIDING JUDGE SCHMITT: [11:38:57] If I also may make a comment, it might be
18 helpful or not, you can decide that for yourself. What -- if we look at the email by
19 the Prosecution from 31 January 2020, what is asked here of the expert is, well,
20 investigative work, more or less, which would, let's say -- you have asked of her OTP
21 work, to put it this way, yeah? So -- and, well -- and I'm not sure if this is the
22 expertise of you. You have another expertise in that regard.

23 If, of course, during your research some information as a side effect is produced, I
24 understand that you asked for that, but essentially if you take it at face value and for
25 itself only, it is more something that you have done yourself to build your case, so to

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 speak, and -- yeah.

2 I don't know if this was such a -- only a self-serving comment by me or helpful, but

3 I think you understand specifically. Mr Suzuki, I think you understand what I mean
4 by that.

5 MR SUZUKI: [11:40:16] Yes, your Honour, thank you. I'm not going to dwell on
6 this topic very long.

7 Q. [11:40:25] Then again, this is not again a criticism at all in terms of the approach,
8 Professor, but just generally is it correct that this kind of anthropological research,
9 there's much less emphasis on kind of corroboration or verification, authentication
10 of accounts; that's correct, isn't it?

11 A. [11:40:46] Yeah, your Honour, maybe I can explain a bit what the
12 anthropological research does. It is more -- it is listening and understanding
13 people's feelings and how they perceive their environments and what it does to the
14 relations they have. So we are not per se after facts. And I think that -- that facts is
15 important, but if you want to understand what facts do to people, you need to have a
16 different approach, and that's what anthropology is about.

17 Q. [11:41:26] Thank you, Madam Witness.

18 And just one more question on this idea of the anthropological approach. You use
19 this term "informants" - *informateur* - throughout your report, and I don't want to get
20 too kind of bogged down in semantics here, but does this also kind of reflect the
21 difference in the approach to data collection between anthropology and a kind of
22 more forensic research? Is that correct as well?

23 A. [11:42:05] Your Honour, this is a very deep debate in anthropology if we can call
24 the people with whom we work "informants" even, because we see them as people
25 with whom we exchange and co-create the reality, yeah.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:42:20] Well, that's a very interesting wording I
2 have to say, "co-create reality." Okay, but the way I -- but I fully understand
3 it's -- completely. We are really talking about the basis of the methodology that you
4 apply. No, that's clear.

5 Yes, Mr Suzuki.

6 MR SUZUKI: [11:42:38] Thank you, your Honour.

7 Q. [11:42:41] And just going back to this idea of non-exclusion that we spoke about
8 earlier as well, is it -- is it fair to say that this also kind of took -- took -- played a part
9 in your research as well? Was it kind of a principle that you kept in mind as well?

10 A. [11:43:01] Your Honour, please help me a bit what you mean now.

11 PRESIDING JUDGE SCHMITT: [11:43:07] Mr Suzuki will explain.

12 THE WITNESS: [11:43:12] Yes, explain to me.

13 MR SUZUKI: [11:43:14]

14 Q. [11:43:15] Sorry, it was a bit vague, the question. I suppose what I meant was
15 being aware of this non-exclusive principle definition of child soldier centred on the
16 protection of the child, this kind of -- this kind of spirit, was that something that you
17 were conscious of in the way that you approached this research as well, taking an
18 inclusive approach to your research and your interviews?

19 A. [11:43:42] I think we did take a very inclusive approach and we talked to
20 children who were defined as child soldiers and also those who were not. So I think
21 there is -- yeah, if that is what you mean, but it's -- for me, your -- your question is not
22 very clear. But maybe I answered it now. I hope.

23 Q. [11:44:06] You did, Professor. Thank you for that.

24 I'm going to go on to just a follow-up on what you just said, Professor, when you said:
25 We spoke to some children who were defined as child soldiers and those who were

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 not.

2 Can you elaborate a little bit about what you mean there?

3 A. [11:44:36] Your Honour, the study we did -- I mean, in this report we report on
4 child soldiers and also on those who demobilised themselves or who demobilised
5 through programmes of UNICEF, but the research is also part of a wider under- -- we
6 tried to have a wider understanding of young people in wars and that's another way
7 also to talk about child soldiers.

8 So it's not only those defined as child soldiers who lived through wars and act
9 probably similar to those that are defined as child soldiers. So we have a more
10 general idea about what happens to children in war. And the child soldier for us is
11 also not only the child who has the arms in his hands or her hands, but also those
12 who work as whatever, cooks or ... So there's a -- there's a lot of variety in types of
13 work that the label "child soldier" probably not covers.

14 Q. [11:45:48] Thank you, Professor. And just my last question on this topic, the
15 kind of non-exclusion spirits that -- that -- adopted by the NGOs and kind of played a
16 part in your research, would you kind of -- would you agree that that's in some ways
17 the polar opposite of the kind of criminal law approach to these kind of matters
18 where these things need to be proven, things like an individual's account or their age,
19 these kind of things need to be proven to very a high standard; is that something you
20 would agree with?

21 A. [11:46:40] Yeah, your Honour, I would say these two approaches are
22 complementary. It's good to have the real facts in some of those cases, but if you
23 have facts without context or without a broader interpretation of this phenomenon, it
24 won't help you far.

25 Q. [11:47:00] Thank you, Professor. I'm going to more of the kind of specific

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 methodology of the research report.

2 First of all, can you tell us who -- who it was that was responsible for drafting the
3 report itself?

4 PRESIDING JUDGE SCHMITT: [11:47:20] Ms Struyven.

5 MS STRUYVEN: [11:47:21] Thank you very much, Mr President. I just want to
6 make one comment.

7 There is a sensitivity here in terms of the names and the cooperation of certain
8 individuals in this report, so I would like to ask your Honours if for -- we can briefly
9 go into private session.

10 PRESIDING JUDGE SCHMITT: [11:47:36] Why not, why not? Why not? I think
11 you're referring to collaborators on the ground --

12 MS STRUYVEN: [11:47:43] In the field, yes.

13 PRESIDING JUDGE SCHMITT: [11:47:45] In the field. No, no, that's fully
14 understandable.

15 Then shortly to private session, yeah. Why not, absolutely.

16 Thank you, Ms Struyven.

17 THE WITNESS: [11:47:54] Okay. So on the crafting of the report --

18 PRESIDING JUDGE SCHMITT: [11:47:57] Please wait a second, but obviously you
19 cannot know that, it has to be announced that we are in private session so that it is cut
20 off.

21 THE WITNESS: [11:48:04] Okay. Sorry.

22 PRESIDING JUDGE SCHMITT: No. Thank you.

23 (Private session at 11.48 a.m.)

24 THE COURT OFFICER: [11:48:22] We are in private session, Mr President.

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted — private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted — private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted — private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted — private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Open session at 11.58 a.m.)

13 THE COURT OFFICER: [11:58:02] We are back in open session, Mr President.

14 MR SUZUKI: [11:58:18]

15 Q. [11:58:22] Thank you, Madam Court Officer.

16 And your involvement in the project, can you tell us how many -- how many visits
17 you made to the Central African Republic for the -- for the purpose of this research?

18 A. [11:58:39] Your Honour, for the purpose of the reports or for the purpose of the
19 research that we did?

20 Q. [11:58:49] For the purposes of the research first, please.

21 A. [11:58:54] Okay. I went to Central African Republic three times. We
22 organised a workshop. We organised meetings with all the youth that we knew in
23 Bangui. I could not travel myself to the north because of, simply, security reasons.
24 And we also -- we created, of all the material that we had, a film that we -- that we
25 showed to the public and then we had new discussions with people around it. So,

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 yeah.

2 Further, I have involvement with Central African Republic through their
3 anthropology department. I've been part of thesis defences and -- but, to be honest,
4 it's not my main field of research. But I do work a lot in Chad. And Chad and
5 Central African Republic, as you know, are well connected and the role of Chad in
6 this whole conflict is very important. So it is -- yeah, it's a regional expertise that
7 I would say I have.

8 And I went with -- later, after this, with students during the -- no, sorry, I have to
9 remember this: 2013, I went there when the Anti-Balaka just sort of occupied Bangui,
10 and we went from Congo to visit Bangui. This was a very tension-rich situation.
11 Another -- I went there in 2000, I think it was '15, we went from Cameroon by car to
12 Bangui because we had students -- I had from another project students working there,
13 PhD students, who worked on more the Fulani site, which is more the Seleka site in
14 the Central African Republic. And I worked with a student, also PhD, on student
15 refugees who, from Bangui and other bigger cities from Central African Republic, fled
16 to Congo. So we traced their trajectories back.

17 So, in all, I supervised three PhDs, and still supervising one. And I had really
18 regular visits to Central African Republic and I have a long expertise in the region.

19 Q. [12:01:35] Thank you, Professor.

20 And just in terms of the interview methodology, we kind of alluded to this. You
21 said that the local researchers, and we won't speak about who they were, they
22 conducted the interviews. But did you and Ms Both also conduct interviews as well?

23 A. [12:01:58] Yeah. Your Honour, I was involved in training these people to do
24 research. So one of our first workshops for this project was meant really to train and
25 to discuss together how this research would go, what kind of methods we would use,

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 where to go, how to do it. The young master students of course had little experience,
2 so we really worked with them on these methods. For the -- those who are now PhD
3 students with a bit more experience, we really worked also on the proposal together.
4 And there were some senior staff also linked to these kind of training. So it was
5 really a training that we did together.
6 And part of the training was also doing interviews together, meeting people, and later
7 we continued to do sessions and interviews. Those that we were involved with were
8 only in Bangui. We did not go to Paoua, Bria, or any other place. So that is -- yeah.
9 But we did do interviews quite a lot ourselves. We even -- we have worked together
10 with a filmer, so we also have a lot of material on film, but we cannot disclose that
11 because of the -- the objections of the people who are in the film.

12 Q. [12:03:30] Thank you.

13 And did -- did you ever conduct group interviews? Were any of the interviews kind
14 of group interviews?

15 A. [12:03:45] Your Honour, we did not organise, if you mean - what is the
16 name? - these group interviews, but we had group interviews in more informal
17 sessions, but with very small groups because children or young people, because there
18 were no children when we talked to them, would not -- rather not speak in large
19 groups. And the best interviews were done in an environment where they feel safe
20 and okay, where we could really chat together. Because interviews in our case are
21 not only interviews, it's more like exchanges and understanding and trying
22 to -- through a -- also repeated interviews, so we don't go one time, but we go often to
23 the same person, to really get a trust relationship so that you know that there is
24 something -- that the things that are said, that we can interpret them correctly. But
25 real group interviews with these young people was not so easy. What did work was

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 with those who went through the programmes of UNICEF to sit together and work
2 with them. We also interviewed them -- or invited them when we did the projection
3 of a film, and those were moments that we were together, but these were not the
4 moments of the in-depth interviews.

5 Q. [12:05:22] Thank you, Professor.

6 And when you say "[we work] with those who went through programmes of UNICEF
7 to sit together and work with them." Are you referring to the -- to the child -- the
8 informants who you interviewed for this project that had gone through
9 demobilisation programmes? You did a kind of -- type of group interview with
10 these -- with these children; is that correct?

11 A. [12:05:56] Your Honour, I think -- yeah, that's right. But it's -- you -- when you
12 say "group interview", you refer to an official setting where you invite people like a
13 focus group discussion, that's not the type of research -- of interview that we could
14 do.

15 Q. [12:06:15] Sorry, it's maybe my -- my mistake in terms of the terminology. I
16 just meant where more than one informant is present during the interview. So
17 that's -- that's what you're referring to; is that right?

18 A. [12:06:30] Exactly.

19 Q. [12:06:31] Thank you. And at these interviews where you spoke to children,
20 these - I'll just call them group interviews for ease of reference - these group
21 interviews with these demobilised children, were the NGO affiliates also -- also there
22 during these interviews, they were also sitting in and participating in this discussion
23 that you're talking about?

24 A. [12:06:54] Your Honour, no, because that would be partial and we took these
25 interviews separately. The NGO in fact was for us also a source of information, so

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 we did interviews with people in the NGO. We did not put them together except for
2 the film presentation, sort of a, yeah, a gathering presentation of some of -- parts of
3 the research where they were together, but we did not interview them together. We
4 did not have people of UNICEF all the time next to us, no.

5 Q. [12:07:36] Thank you. And I think you referred to children, some of these
6 former child soldiers who -- let me rephrase.

7 Did any of the guardians of these former child soldiers that you refer to, did they
8 sometimes sit in on interviews and participate in these discussions as well? Setting
9 aside the group interviews. I'm sorry, I mean the more kind of in-depth one-on-one
10 style interviews.

11 A. [12:08:11] As -- your Honour, no, they were not there. We had one meeting
12 with ComZones, as they might be called, but there were not -- not interviews with
13 them side by side. There were interviews with family members of the children and
14 sometimes mother and child together. But not -- not the ComZone or the relations
15 in -- hierarchical relations in these groups. We did not put them together.

16 Q. [12:08:46] My apologies, that was what I was getting to, rather, the kind of
17 family member. When I meant -- when I said guardian, I meant family members
18 actually. But you have answered the question. Thank you for that.

19 [12:08:59] And you say that the interviews were semi-directive and they were based
20 on interview guides in your report.

21 And I'm going to ask, Madam Witness -- not Madam Witness, Madam Court Officer,
22 if you could take us to the document at tab 5 of the Defence binder,
23 CAR-D29-0005-0950, at page -- well, maybe we can just -- so, Professor, this is a bit
24 self-explanatory here, but it's a guide of research methodology from the
25 university -- it's the *Université libre de Bruxelles*.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 If you could take us to the page at 0957, please, Madam Court Officer. Thank you.
2 I just want to focus on what the interview guide is, and I can read it out for the record,
3 that first sentence at the second paragraph in French: (Interpretation) "...
4 the -- through which the investigator can then list all the subject matter that he wishes
5 to broach in the form of open questions. The guide goes through the various terms
6 of the questions to be covered and the elements of response to be expected."

7 (Speaks English) Professor, can you confirm that this is the interview guide that
8 you're referring to when you -- when you refer to interview guides, this kind of
9 document?

10 A. [12:11:08] Your Honour, I think we -- this is a very general description of an
11 interview guide. You could make it more extensive. And I think an interview is
12 not only the questions. So what we did is -- of course as we were -- we work with a
13 team and we work -- a team, and there are certain themes that we really want to touch
14 upon, so you work together on a list of things that you want to know. During the
15 interview it can be that you can't touch upon it all because it's just not appropriate or
16 it doesn't flow, so you won't do that. Because you are not interrogating a person,
17 you try to go with the flow of the person.

18 Information that comes out of the interview is also not only what the person says, but
19 it's also the attitude, the way the person behaves, the emotions. So, yes, you could
20 say that this is the kind of way that we worked as well, because it's never rigid. The
21 order of themes that you want to touch upon are not fixed and there can also be
22 things happening during the interview that you go in a different direction. So it's a
23 very loose guide. Yeah.

24 Q. [12:12:30] Thank you, Professor.

25 And these interview guides, they're important for a kind of full understanding of any

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 kind of research project; is that fair?

2 A. [12:12:46] Your Honour, in research a researcher has to make clear and be
3 transparent about how he or she works, and these kind of *guide d'entretien*, or
4 interview guide, are part of showing how and what you did, so yes, it is transparency.
5 The problem is a bit that with this ethnographic anthropological research, in which
6 you work also a lot through interviews that are probably a bit more informal or that
7 have an atmosphere that is informal, it's not always possible to completely reproduce
8 the exact things, but we were in some cases happy to have recording the interviews.
9 So that is -- I think it has to do with transparency, that you show these kind of guides
10 and explain how you use them in your research.

11 Q. [12:13:50] Thank you, Professor. And this is not a criticism, but you agree that
12 the research guides were not provided to the Prosecution in relation to this research
13 project?

14 A. [12:14:14] Your Honour, that's correct. And we were not asked to do so.

15 Q. [12:14:22] Thank you, Professor.

16 And as I understand it, local researchers, they transcribe the interviews. They took
17 place in Sango, I imagine, or a local language; is that correct?

18 A. [12:14:47] That's correct.

19 Q. [12:14:49] And all of the interviews are transcribed?

20 A. [12:14:57] Your Honour, they are not all transcribed. They are -- we have a lot
21 in audio. And those that are transcribed are transcribed by the local team.

22 Q. [12:15:16] And those that were transcribed were then translated into French
23 kind of systematically?

24 A. [12:15:25] Your Honour, that's correct. And the researcher with whom we
25 worked, of course, the local, what we call local here, he understands perfectly Sango,

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 and other languages as well. So that is -- he could read and listen directly to
2 the -- the translation was more for me and Jonna than for anybody else.

3 Q. [12:15:57] Thank you. And the individual, the local researcher you refer to here,
4 just to be clear, he doesn't have any experience in translation per se; is that correct?

5 A. [12:16:20] Your Honour, he is a researcher, and researchers do translate, but he's
6 not a translator.

7 Q. [12:16:31] Thank you.

8 And my last question on this topic: You recorded audio for all of the interviews; is
9 that correct? Or not all of them?

10 A. [12:16:47] Your Honour, interviews recording is not always wished for by the
11 people you interview, so if -- if one of these children had real objections, we would
12 not do it. And often that was a first session. That's also why it's important that we
13 went back several times to the same people and we could in the end, I think we
14 recorded almost all the interviews. Part of it -- or we recorded almost for all the
15 informants, as we call them here, also part of sessions of interviews. So we have a lot
16 of audio, yes.

17 Q. [12:17:34] Thank you, Professor.

18 And according to your report, if I understand it correctly, you met children that were
19 involved in demobilisation programmes, either on site while the programmes were
20 themselves running, or through former staff of these programmes. And I think you
21 kind of touched on this earlier, but just to be clear, when you interviewed these
22 children on site, you mean actually physically at the demobilisation programme kind
23 of headquarters or site; is that right?

24 A. [12:18:11] Your Honour --

25 Q. [12:18:12] Again, without the NGOs affiliates being present, that I -- that I

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 understand.

2 A. [12:18:18] Your Honour, I think we are now focusing a lot on the interviews,
3 official interviews. We didn't do them on site because there we were observing and
4 working with the informant who showed us his environment, et cetera. Interviews
5 were always done in separate spaces. But the part of -- part of ethnographic research
6 is that you do not only interview, but you also engage with the person, and in that
7 engagement you receive a lot of information, and especially trust, that then helps to
8 have a more interesting interview with regards to our *guide d'entretien* later.

9 So it is -- it is a whole complex. It's not only the interview. If we only fix on the
10 interview, then we miss the point of ethnography and we also miss the point of
11 understanding these young people in their environment.

12 Q. [12:19:21] And the conversations that you had with NGO staff before
13 this -- this -- this research -- before you kind of started your research, did you speak to
14 them about the expectations or the kind of purpose of your research as well? Or can
15 you tell us a little bit about these prior interactions that you would have had.

16 A. [12:19:50] Your Honour, these were interactions mainly with UNICEF, because
17 those are the people we work with. And for the research proposal itself we worked
18 with people who are based in the Netherlands. We didn't contact people in Central
19 African Republic. So only after the research was agreed upon we were also in
20 contact with people who work for UNICEF in Central African Republic. Of course
21 we discussed with them what the research would entail, and especially our own
22 freedom as researchers in this research project, and they were very happy to
23 participate also as what we call here informants. So we did interview them and we
24 also visited them in their offices, but they did not participate in our research in the
25 sense of being researchers themselves or suggesting to us what to do. That was

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 certainly not the case. The only way they interfered was asking us to come with
2 solutions - and that's of course always the big question - and we had discussions
3 about possible adaptation of their programmes. But these were not influencing our
4 research at all.

5 Q. [12:21:20] Thank you, Professor.

6 And -- and did you -- when you spoke to the NGO staff and NGO affiliates, was -- did
7 you -- did you kind of give them instructions or directions not to speak to the children
8 themselves about the research that you were about to get into, or was that not a
9 specific kind of direction that you gave?

10 A. [12:21:59] Your Honour, we didn't give any direction. And I think interactions
11 between the people in the offices and others just went the way they always did. The
12 children, of course, or these adolescents and young adults, we informed them that we
13 were doing research, because you cannot be a researcher and -- I mean, we are not
14 spies, we do research with an aim and that's what they knew that we were doing.

15 Q. [12:22:34] Thank you. And when you say you met some of the informants
16 through the former staff of demobilisation programmes, can you -- can you explain
17 what you mean a little bit. For example, what do you mean by "former staff" here?

18 A. [12:22:54] Your Honour, sorry, I didn't say former staff. I said they were like
19 our informant. So we did include them, and not for this research but for the -- they
20 are not in the report, this part of our research, but we did interview them as being
21 informants in the project. And they were not former staff, they were working in
22 UNICEF at that moment.

23 Q. [12:23:28] Thank you, Professor. I'm actually referring to what's in the report.
24 Maybe it's best if we were to go to it.

25 The report at tab 4, please, Madam Court Officer.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Page 13, Professor. The fourth line from the top.

2 A. [12:23:45] Will it come on the screen?

3 Q. [12:23:47] I think so.

4 Thank you.

5 The fourth line from the top, the one that starts with "*Nous les avons rencontrés*". As I
6 understand it, you refer to former staff of reintegration programmes here. I
7 understand you weren't talking about that in your evidence just earlier, but could you
8 explain a little bit what's meant here by "former staff"?

9 A. [12:24:32] I don't see ...

10 Your Honour, I'm sorry, but I don't see the former staff mentioned here, so can you
11 please direct me a bit further.

12 Q. [12:25:02] Of course. As I understand it, where it says (Interpretation) "via the
13 intermediary of the former staff members of these integration programmes"?

14 A. [12:25:18] Yes. That's -- but that's another element. It's how we also met -- we
15 met some people who worked in the DDR programmes, who helped us to find people
16 who -- or the youngsters who they guided, so that is -- that is true. We did that, yeah.
17 But we did not interview them. We interviewed the people who were still then
18 working in UNICEF. Sorry for the confusion.

19 Q. [12:25:50] Not at all, Professor. And I was actually referring to the kind
20 of -- the way that you reached or found your informants, so I think we were at
21 cross-purposes.

22 And there's a -- there's a third I think method, or maybe there's a bit of crossover
23 between these two methods, of finding informants in relation to the children that
24 were not involved in demobilisation, the kind of auto-demobilised children.

25 So, as I understand your last answer, it's the former staff of these programmes who

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 also found them for you, or was it a different kind of avenue?

2 A. [12:26:30] Your Honour, this was -- I think we somehow -- somewhere also
3 explain that there was this snowball effect, so you meet also youngsters through the
4 youngsters that you meet through others ways. So we have used different ways to
5 meet with these young people.

6 Of course, when the researchers went into the field, they have access to these field in
7 some cases through UNICEF, also for security reasons. So it's also logical that that
8 was their entry in the field. But you can have an entry and then from that entry you
9 go your own way. So it's -- but it's certain that we had this first contact through
10 employees or older -- or former employees of these organisations.

11 Q. [12:27:24] Thank you.

12 And this might be a bit of a difficult question to answer off the top of your head like
13 this, and if you don't have the answer, it's really not a problem, but in terms of the
14 proportion of each method that was used to find the former child soldier subjects -- or,
15 the informants themselves, could you give us a rough idea of the proportion of
16 the -- as I understand it, there are 59 former child soldiers that you spoke to for the
17 report.

18 A. [12:28:02] I cannot answer that. I think it's -- it's -- because also the interviews
19 went -- took their own way. I mean the -- the children who we found through these
20 organisations, some would not finally end up as our informants, others would and
21 they would connect us to others again. So it's that process that happened. So
22 I cannot give you figures about this. We will have to go back to the details and I'm
23 not able to do that here now.

24 Q. [12:28:42] That's perfectly understandable, Professor.

25 Just to pick up on what you just said here: "The children who we found through the

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 organisations, some would end up informants and they would connect us to others
2 again."

3 So the snowball kind of sampling method wasn't just with the auto-demobilised
4 children, but it was also through some of them who had participated in the
5 programmes as well; is that correct?

6 A. [12:29:13] Your Honour, these children do know each other, so it was indeed
7 that kind of relationships that helped us also to find children. That that is a very
8 accepted way of doing for ethnography.

9 Q. [12:29:33] Thank you, Professor.

10 And like an advantage of this -- this snowball sampling is that it provides
11 ethnographers - excuse me -- with other way to access kind of hidden populations; is
12 that correct?

13 A. [12:29:56] Your Honour, I think that is very correct and also very important as a
14 *constat*. I would like to add to this that we worked in different parts of Central
15 African Republic. So it's not that we only started with three in Bangui and then
16 found our whole network. No. We had this kind of work in different parts of the
17 country.

18 Q. [12:30:19] Thank you, Professor.

19 And -- but on the other side of the -- of the equation, it's something of a disadvantage
20 built into the sampling method that the initial respondent has a degree of control,
21 whether conscious or unconscious, over the way that the interviews -- or, rather, over
22 the next subjects that you might interview for -- or, your informants, rather, that you
23 might interview for your project; is that fair?

24 A. [12:30:58] Your Honour, I think in all research there are biases. And, of course,
25 when you start with three people and you end up with 20 through their relations, yes.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 But it's not that that was not the -- as I said, we did that in different parts of Central
2 African Republic. And when you know people better, you also come further in their
3 network. So it's -- you should then also be aware of those linkages and if they
4 influence the answers of the people or if they are in a certain direction. And
5 we -- I think we are quite sure that we were not caught in a network that tried to steer
6 us.

7 Q. [12:31:45] Thank you, Professor.

8 And just in terms of the guidance that you provided these -- these kind of initial
9 respondents. Can you tell us what -- what kind of guidance you -- you provided
10 them, as in, in order for them to find another informant for you, was there any
11 guidance provided, or you just kind of asked them do you know any?

12 A. [12:32:17] Your Honour, this was a quite automatic process. It's not
13 something -- I mean, these children would refer in their interviews to others, so, yeah,
14 that's the way it worked. And we didn't ask for a specific kind of -- no. Yeah, no.

15 Q. [12:32:41] And did you -- did you take any steps to kind of ensure that
16 they -- they wouldn't speak to the next person that you were going to interview that
17 they referred you to?

18 A. [12:32:53] Your Honour, even if they did, with the method of returning regularly
19 to the same people you will also in the end have interviews that reveal what that
20 person thinks. So I think that the interviewers were well enough trained to not only
21 follow a track that was set out by -- if that happened even, because I don't think it
22 happened. But I think the -- this more in-depth interview and the regular visit and
23 getting to know people better helps also to be a bit confident about the type of
24 information that you gain with those people, yeah.

25 Q. [12:33:42] Thank you, Professor.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Madam Court Officer, if you could take us to the document at tab 10 of the Defence
2 binder. That's CAR-D29-0005-0917 at 0918. Maybe we'll actually stay at the cover
3 page to give some context to this.

4 I think that's relatively self-explanatory. It's just an article. I'm not really going into
5 anything too deep on this topic.

6 If you could go to the next page, Madam Court Officer.

7 I just want to get your opinion on one of the sentences that was -- that -- the second
8 paragraph down, please. Thank you.

9 I'll read a couple of lines from this paragraph:

10 "... snowball samples are subject to sample selection problem because people are more
11 likely to associate with others like themselves. This is the common phenomenon in
12 social network called the homophily principle of social network. For example, male
13 students could be more likely to have male friends than female friends or people with
14 similar political views are more likely to be friends."

15 Professor, would you -- would you agree that this kind of built-in bias of snowball
16 sampling would necessarily applied -- would have necessarily applied to your
17 research project as well?

18 A. [12:35:28] Your Honour, I think here they also refer to network analysis and we
19 didn't do network analysis. But, yeah, of course, the people you ask to relay them to
20 people in their network will relay through their network. And their network is of
21 course related to people they know, so, yeah, this is true. But as I explained earlier,
22 I think you can then sort of go around this by building again good relations with
23 these people and see with whom they work.

24 And also it's not only the children you talk to. It's also the environment that you try
25 to understand. So we have sort of tried to balance, but as we also say in the report,

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 we have not been able to reach out to a lot of females. And this might be the case
2 that we were basically at first sight working with males, but then we try to go to the
3 females as well. So if you do this kind of work, but I'm -- you have to reflect all the
4 time of what you get and if that's enough. Yeah. But also within the limits, and
5 that's also something we explained in the -- later in an annex, the limits of doing
6 fieldwork also for local researchers in this constrained situation was not easy. And
7 then you are also -- I think what we did was probably the maximum of what we could
8 do at that moment. Yeah.

9 But as I said, you need to reflect what you have and see if there is big gaps. And one
10 of our big gaps was, for instance, that we did not get enough youth from the Seleka
11 movement, but we have written about that. The few Seleka that we interviewed.
12 And that's probably an effect of this network -- affect. Yeah.

13 Q. [12:37:35] Thank you, Professor.

14 And -- but concretely in terms of your report, another effect theoretically, for example,
15 if we take into consideration this community bias in sampling, children who
16 have -- have trouble reintegrating into society would be surrounded themselves by
17 children or would tend to be more surrounded by children who have trouble
18 reintegrating in society. Same thing with children who have trouble or weren't able
19 to return to school, they probably would be -- have a higher proportion of children
20 who themselves didn't return to school. This is the kind of community bias that
21 we're talking about potentially here; is that correct?

22 A. [12:38:22] Your Honour, I think, yeah, it could be, but when you look at also the
23 examples that we take -- that we have taken to put in the report, they are quite diverse.
24 So in that sense I think we have tried to cover as much difference as possible. Yeah.
25 But of course there -- I don't deny that there are always biases in research.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [12:38:55] Thank you, Professor.

2 And earlier you referred to the fact that the interviewees -- interviewers were -- were
3 well trained. You're referring to the training programmes that you implemented
4 prior to the research project commencing; is that right?

5 A. [12:39:18] Your Honour, the training was a continuous process I think. But yes,
6 we started the project with a training for the master students and the -- and the others,
7 so -- but then you -- we followed them and discussed, and if there were things to
8 discuss or problems, we could even -- we would even call. So there was a
9 continuous following up on what was being done, by me and colleagues in Central
10 African Republic.

11 And I would like to say some -- because here the -- the example of snowball sample
12 you give us here refers to really a big network and I think that is also a difference that
13 you have to take into account. That was not what we were doing.

14 Q. [12:40:23] Can you explain what you mean a little bit by what you said about a
15 big network versus a small network?

16 A. [12:40:28] Well, snowball sampling is used for, for instance, network -- network
17 research, social network research. We were not interested in social network research.
18 What we did was research into the life histories more or less of these young people to
19 understand what trajectories they had taken to also get more insight into the
20 processes that are behind the situations they find themselves in. And that is quite a
21 different approach from a network analysis, and so we didn't do a network analysis,
22 but we did in-depth, more biographical almost, ethnography.

23 Q. [12:41:20] Thank you, Professor. But just in terms of the community bias, that
24 wouldn't be affected by this kind of big network versus small network distinction;
25 would you agree with that?

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [12:41:35] Yeah, I agree with that.

2 Q. [12:41:39] Thank you.

3 Madam Court Officer, you could remove the document from the screen, please.

4 Thank you.

5 PRESIDING JUDGE SCHMITT: [12:41:51] And we appreciate it that you did not
6 discuss with our expert the mathematical equations in this article. We thank you for
7 that.

8 MR SUZUKI: [12:42:05]

9 Q. [12:42:09] Professor, according to your report, there were 134 interviewees and
10 59 children. Can you tell us, if you can recall, how many of them were under 15, the
11 children that you spoke to, the former child soldiers that you spoke to?

12 A. [12:42:32] Your Honour, I think we have not interviewed a lot of under 15
13 because we did research the children who left were already 18, 18 plus. And this is
14 also something, I have to admit, it is doing research for children under 15 is
15 something ethically quite complex. So, yes, we interacted with quite some young
16 people and the local researchers did interact, but I have no exact numbers. And I can
17 ask, but I don't have that and we were not asked to do it.

18 PRESIDING JUDGE SCHMITT: [12:43:13] If I may, I try to figure it out from the
19 report from -- from verbatim citations and I think I found six.

20 THE WITNESS: [12:43:23] Yeah. Yeah.

21 PRESIDING JUDGE SCHMITT: [12:43:24] Yeah. Might well be that it's not
22 completely accurate, what I'm saying, but it's around about, I think it could be around
23 about that.

24 MR SUZUKI: [12:43:31] Your Honour, I think we counted 10, but I'm not sure if
25 that's the correct --

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:43:38] So you found more. Yeah, you found
2 more. That's --

3 MR SUZUKI: [12:43:41] Just in fairness to -- to --

4 THE WITNESS: [12:43:43] Your Honour, if you want, I can check with Jonna about
5 (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:43:47] No, no, it is -- no, I think -- you know,
7 when -- when Mr Suzuki says they have counted 10, I think there is quite -- quite a
8 chance that there are indeed 10.

9 MR SUZUKI: [12:44:06]

10 Q. [12:44:10] Sorry, we counted 10, Professor, in the report that were cited by name,
11 but is that about a rough -- rough -- does that accord with your understanding of -- of
12 how many children informants that were under 15 that were interviewed for the
13 project, is that something that more or less accords with that?

14 A. [12:44:34] Your Honour, I really have no exact figures, but I know that we
15 interviewed some younger and some older, but all young.

16 MS STRUYVEN: [12:44:51] Excuse me -- excuse me, Mr President, but I think it may
17 be relevant to clarify whether she means 15 at the time of the recruitment or 15 at the
18 time of the interview, because I think there may be some confusion.

19 THE WITNESS: [12:45:02] Yeah.

20 PRESIDING JUDGE SCHMITT: [12:45:03] Yeah, but -- yeah, I think -- I think it is
21 clear for you that from -- from -- that the concept of child soldiers in -- in our legal
22 framework means something different than it is perhaps in a sociological or
23 anthropological context. So we would be, I think, speaking about children under the
24 age of 15 during the events. Yeah.

25 THE WITNESS: [12:45:33] Ah, okay. Your Honour, I think I misunderstood.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Because I think all the children we -- all the young adults we interviewed were
2 under -- or many of them were under 15 when they were part of these groups. So
3 it's -- it's -- that's what's also what we were searching for. But we interviewed them
4 and they either left or were in limbo or --

5 PRESIDING JUDGE SCHMITT: [12:45:58] Okay. Indeed thank you, Ms Struyven.
6 Again, very helpful. Yeah. That's -- that's clear because we -- we -- you know, we
7 have a different context here than -- than Ms de Bruijn has in her academic work.
8 You know, that that's very -- we have to see that and recognise that.

9 Mr Suzuki. But still 10, you have found 10? Okay. Perhaps you will -- will show
10 us.

11 MR SUZUKI: [12:46:29] We did find 10, your Honour, that -- that were referred to
12 that -- for which it was specified that they had joined when they were under 15
13 actually, so I apologise for the miscommunication and thank you.

14 Could I have just a (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [12:46:57] And perhaps in the meantime I can -- no,
16 no, you can -- you can discuss it.

17 (Counsel confers)

18 PRESIDING JUDGE SCHMITT: [12:46:59] In the meantime, the report also explains
19 how the study, the researchers, you have determined the age. I think this is
20 explained in the report.

21 THE WITNESS: [12:47:11] Yes. And, your Honour, to come back then -- because
22 this was really confused -- I was confused by the question. The 59 were the
23 children -- were 15 when they -- or under 15 when they joined in one way or the other
24 these armed groups.

25 PRESIDING JUDGE SCHMITT: [12:47:29] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 MR SUZUKI: [12:47:34] Madam Court Officer, if -- if we could go to -- to the
2 document at OTP tab 4, the professor's French report.

3 Q. [12:47:55] At page 12, Professor, that's 9166, the seventh line from the bottom
4 seems to indicate that the 59 children that you interviewed, they weren't all under 15
5 when -- at the time they were part of the armed groups. So --

6 A. [12:48:17] No, under 18, yeah.

7 PRESIDING JUDGE SCHMITT: [12:48:20] Actually, I also understood it that way,
8 but for the moment, I had not in mind where I got it from, but this is exactly the -- it's
9 page 12 of the report, yeah, second paragraph at the end I think. Thank you.

10 THE WITNESS: [12:48:44] Yes, sorry for the confusion, but they were very --

11 PRESIDING JUDGE SCHMITT: [12:48:47] That's no -- that's no problem at all, no.
12 This is absolutely understandable.

13 Please continue.

14 MR SUZUKI: [12:48:55] Thank you, your Honour.

15 Q. [12:48:57] And there's no problem at all, Professor.

16 And it says -- then maybe just because of the confusion, I'll just follow up for
17 clarification.

18 We counted 10 that were -- from the report, for whom it was clear that they were
19 under 15 at the time. Is that broadly the proportion of the bigger group that you
20 interviewed of children who were under 15 at the time of their enrolment in the
21 group or groups?

22 A. [12:49:31] Your Honour, so we -- I can't answer this question.

23 PRESIDING JUDGE SCHMITT: [12:49:38] I also don't think that is a problem
24 because we have the report and we can, well, read it out of the report. And I'm still
25 wondering -- well, I have only counted where -- where, as I said, the children were

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 verbatim cited and -- well, it could even be less, but it doesn't matter. And they have
2 all, if I understood it, you give them in the reports pseudonyms.

3 THE WITNESS: [12:50:10] Yes.

4 PRESIDING JUDGE SCHMITT: [12:50:11] Yeah, okay. Yes.

5 MR SUZUKI: [12:50:12] Thank you, your Honour. We actually prepared a
6 document internally kind of listing the -- the under-15s. I'm not sure if that would
7 be of assistance to your Honour. We could speak about --

8 PRESIDING JUDGE SCHMITT: [12:50:24] Well, since I -- you are going to prove me
9 wrong, why not? Why not put it -- yeah, why not give it to us. It's okay.

10 MR SUZUKI: [12:50:34] Thank you. We'll organise that at the break if that's --

11 PRESIDING JUDGE SCHMITT: [12:50:40] No, that's fine. It's fine.

12 MR SUZUKI: [12:50:42]

13 Q. [12:50:43] And, Professor, it says in your report that in some cases you spoke to
14 the family or the guardians of -- of some of these informants, the former child soldiers.
15 Can you give us a rough number of how many -- not how many, but in terms of
16 proportion, how many informants did you speak to the parents of, if that's clear?

17 A. [12:51:13] Your Honour, I can try. This was, basically, especially done by the
18 more senior researcher in Bangui and in Paoua. And he did a large proportion of the
19 interviews, so he must have interviewed at least the parents of 20 children, 30
20 children, and also people around it, it's not only father, mother, but parents in the
21 sense of the entourage. And not all in the same depth.

22 Q. [12:51:53] Thank you, Professor. That's actually what I'm getting to next.

23 And that's the document at Defence tab 3, CAR-OTP-2136-1093. If you could take us
24 to that, Madam Court Officer.

25 This is the annex that you provided to the Prosecution further to those emails that

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 we -- we saw earlier. And this made its way -- was translated and made its way into
2 the report, as I understand it.

3 And in the -- in this document you refer to the fact that a selection of the youngsters
4 was followed intensively over a period of approximately two years. Can you give us
5 an idea of, again, the proportion of these 59 informants that were followed
6 intensively?

7 A. [12:52:44] You mean how many we followed in depth?

8 Your Honour, I think we have to distinguish here. The 59 that were followed by the
9 masters students were less followed, not as long as the others. The ones followed by
10 the PhD student were followed and they are even followed today, and then he is
11 following about 20 of these kids.

12 Q. [12:53:24] And just to be clear from your last answer, the one followed by the
13 PhD student -- PhD student, they were also part of the 59 though; is that correct?

14 A. [12:53:35] That's correct.

15 Q. [12:53:37] And, again, I understand that this -- this answer -- if you don't know
16 the answer to this, it's not a problem at all. Do you know how many of the under-15
17 group that were followed intensively in terms of proportion, roughly?

18 A. [12:54:05] Your Honour, I think the youngsters followed by the PhD candidate
19 are all under -- were under 18, at least. And under 15, I have to check how many
20 those are.

21 Q. [12:54:22] Thank you. And you referred to the -- the fact that -- that
22 interviewees -- or interviewers had regular interactions with those that were
23 intensively followed. Can you give us an idea of what you mean by "regular" here?

24 A. [12:54:48] Your Honour, it depends a bit because some were not in the
25 environment and so the researcher have to search for them. But some of those

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 young people are living in Bangui, close, so easy -- easy to access. So, yeah, it
2 depends on where they live. But "regularly" means that every few months, at least,
3 they had an interview. And "regularly" also meant that some of the activities -- those
4 who were in the reintegration programme, they were followed up also in their
5 activities. That's how -- there was not a pattern, if you want to know. There was
6 not a pattern that fits all.

7 Q. [12:55:44] Thank you. And it's correct, isn't it, it's a bit of generalisation, but
8 that many of the former child soldier informants that you spoke to, they're very, kind
9 of, socioeconomically vulnerable at the time of -- during this -- at the time of this
10 interview project; is that correct?

11 A. [12:56:05] Your Honour, most of the children that we worked with were indeed
12 vulnerable in different ways.

13 Q. [12:56:14] Were there -- were there homeless children among those that you
14 interviewed?

15 A. [12:56:33] Your Honour, the definition of "homeless" is quite broad. There
16 were orphans, but they still lived in a house.

17 Q. [12:56:47] And I understand that for those meetings that took place outside of
18 the homes, researchers provided money for food and transport. This includes those
19 that were followed intensively; is that correct?

20 A. [12:57:07] Your Honour, yes, that's correct.

21 Q. [12:57:10] And I understand that you -- that researchers provided money for
22 food and transport -- sorry, just their own food, but also for the food of the
23 informants' dependants sometimes; is that correct as well?

24 A. [12:57:25] Your Honour, yes, I think this is correct.

25 Q. [12:57:29] And can you explain why money was provided -- or money was

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 provided for food for the dependants of these informants as well?

2 A. [12:57:41] It is difficult to do research in these circumstances, and when you are
3 met every day during a long period with the hardship these people live through, you
4 will do at least something, and that something is providing some food. Very small,
5 what we did, but that was already of a lot of help for these families.

6 MR SUZUKI: [12:58:19] Your Honour, I'm moving to the topic of age verification.
7 It might be best to --

8 PRESIDING JUDGE SCHMITT: [12:58:25] Yeah, I think then it makes sense to have
9 the lunch break now. Thank you for the moment. We have a relatively extensive
10 lunch break until 2.30.

11 THE COURT USHER: [12:58:38] All rise.

12 (Recess taken at 12.58 p.m.)

13 (Upon resuming in open session at 2.32 p.m.)

14 THE COURT USHER: [14:32:32] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:32:52] Good afternoon, everyone.

17 Mr Suzuki, you still have the floor.

18 MR SUZUKI: [14:33:02] Thank you, Mr President. Good afternoon, your Honours.

19 Q. [14:33:06] Good afternoon, Madam Witness.

20 Like I said earlier, I'm just going to ask you a few questions about the age verification
21 process. I'm starting with the NGO age verification process. I understand that you
22 relied on the NGOs with respect to the age of some of the former child soldiers that
23 you spoke to.

24 Was it -- was it part of your research to assess the kinds of thoroughness of these
25 verification processes or was that not really the aim of your project?

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [14:33:50] Your Honour, I am -- we -- that was not our aim to really control them,
2 so we didn't do that. But what we did do when we met these youngsters, we would
3 also try to find out through themselves and their parents or their other caretakers, or
4 whatever people who were around them, and we had access to understand better
5 what their age was.

6 Q. [14:34:33] Thank you.

7 And as I understand it, it was where the child's age could not be verified by the NGO
8 or by the child themselves that you then went to the parents or the guardians to
9 confirm that; is that how that worked?

10 A. [14:34:51] Your Honour, no, we did these things simultaneously.

11 Q. [14:34:59] Thank you. And there were no other methods of age verification; is
12 that correct? Again, not a criticism at all, Professor, just ...

13 A. [14:35:11] No, that was not -- that was enough we thought.

14 Q. [14:35:15] Thank you. And did it ever occur that there were inconsistencies in
15 the ages that were provided between say what a former child soldier provided, what
16 the guardian might have provided, what the NGO might have provided?

17 A. [14:35:35] Your Honour, I'm not aware of these, no.

18 Q. [14:35:51] And so at your report -- at page 12 of your report, maybe it's best to
19 take -- take you to it, Professor. That's the document at OTP tab 4 at page 12, the last
20 four lines or the four lines from the bottom.

21 For the record, that's page 9166.

22 Thank you, Madam Court Officer.

23 And I'll just read one of the lines. It says in French: (Interpretation) "In this report,
24 we included only the youth where we could confirm with certainty that they
25 had -- they were less than 15 when they joined an armed group."

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 (Speaks English) And my question is, when you say "certainty", we understand -- we
2 understand that in relation to the verification process that we just spoke to; is that
3 correct?

4 A. [14:37:09] That's correct.

5 Q. [14:37:09] Thank you. And given the nature of your research, and the kind of
6 non-exclusion principle that we had spoken about this morning, it's fair to say that
7 this is not a -- that age verification is not necessarily a priority because it's kind of too
8 time -- or resource consuming and it also might break the trust or prevent trust being
9 built between an informant and a researcher; is that fair to say?

10 A. [14:37:47] Your Honour, I don't think that is fair to say. We did -- especially for
11 this report, we did verify and try to be as honest or to have as much confirmation as
12 possible. So it didn't -- no, it didn't break our relationship with these kids, no -- or
13 youngsters, because they are no longer kids, most of them.

14 Q. [14:38:17] Sorry, just to be clear, I didn't mean that it did break or it might break.
15 I just meant an undue kind of focus on authenticating accounts or verifying accounts
16 might prevent trust being built between an informant and a researcher; is that fair?

17 A. [14:38:39] Your Honour, it depends on how you do it, and I think that was not
18 the case. And so for the cases that we present here, we are quite sure about their age
19 during the -- their recruitment.

20 Q. [14:38:58] Thank you, Professor.

21 And the data collection for this project wasn't done originally with this distinction
22 between an 18-year-old -- or under 18 and under 15; is that correct?

23 A. [14:39:17] That's correct.

24 Q. [14:39:20] So it follows that the guideline, the interview guides that we spoke
25 about earlier would -- they wouldn't have actively sought to kind of distinguish

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 between these two age groups? And the same thing in interviews; is that fair to say?

2 A. [14:39:38] That's fair to say, but we were interested in their age also without
3 writing this report because that was one of our concerns, of course.

4 Q. [14:39:54] And one of the ways that this might materialise, for example, is that
5 when you spoke to informants who weren't themselves former child soldiers and told
6 you about other child soldiers, those answers weren't necessarily -- a distinction
7 wasn't made between those age groups in those kind of general answers; is that fair to
8 say?

9 A. [14:40:31] Your Honour, I think also when you read -- I don't know all the
10 citations by head, but you can see that the children themselves -- or that they
11 themselves already refer to ages or their age mates in -- in referring to their histories
12 in the groups.

13 So I don't know what you are hinting at, but I think that their references in the
14 interviews were clear also age-wise somehow. But indeed, in the interviews that we
15 did with those who were minus 18 or minus 15, we did not have a very distinct topic
16 list for the research for the questions. But we did update them also for this report.

17 Q. [14:41:36] In fairness to you, I'd like to take you to an extract from your report at
18 page 31.

19 That's 9185 of the report, Madam Court Officer, if you could take us to that and if you
20 could take us to the extract -- sorry, the extract of the interview, the second half of the
21 page, please. Thank you.

22 Madam Witness, I think you can see that in front of you, this was the kind of the lack
23 of distinction between under 15 and under 18 that I was suggesting seemed to crop
24 up in the report. Would you agree with me that this is -- this, for example, she refers
25 to minors guarding the base and doesn't necessarily distinguish between under 18 or

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 under 15. Would you agree with that?

2 A. [14:42:43] Yes, but you can also read this as -- because that interviewed
3 youngster was then 14. So he refers to, "We were five", and then, "We were five also
4 young." So -- but we did not verify the ages, of course. That was not in our
5 protocol.

6 Q. [14:43:17] And there was no -- it would follow I think from what we just
7 discussed that there was no comparison that was done between the data collected in
8 relation to under 15s and that collected in relation to under 18s; is that -- is that
9 correct?

10 A. [14:43:42] Your Honour, this is correct, yeah.

11 Q. [14:43:48] Thank you, Professor.

12 Just in relation to the funding of the project, the initial funding of the project
13 from -- by UNICEF, I think this morning you suggested that you had approached
14 UNICEF?

15 A. [14:44:08] Mm-hmm, well ...

16 Q. [14:44:11] Maybe I misunderstood. Could you explain a little bit about how
17 that procedure played out?

18 A. [14:44:18] Your Honour, I think it was -- it's long ago. No. UNICEF had a
19 plan to do research on Central African Republic and they approached the African
20 Studies Centre where I am also based. I'm based both in the humanities faculty and
21 in the African Studies Centre of Leiden University and they approached us. I was
22 then already working in the Central African Republic with amongst the other PhD
23 projects that I mentioned this morning. So they asked us as experts to join in a
24 proposal for funding and so we developed a proposal together and that was funded
25 in the end. And from that proposal, which was much bigger, we got a small funding

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 to do this research and to set up a research group in the Central African Republic.

2 Q. [14:45:24] And does UNICEF have -- have a -- have access to the data that
3 you -- that you collected for the purposes of the project, or is it just the final product
4 or the final report that they have access to? Or can you explain that a little bit.

5 A. [14:45:48] Your Honour, we negotiated our independent position in that project,
6 so we did not have any -- they could not influence our -- the direction of our analysis
7 or any -- anything. But of course we did have exchanges with them because we also
8 wanted our research to become useful, that was also the aim, amongst others.

9 So they -- yeah, we had exchanges. They had access to the data that we gave them
10 and that was also part of our exchange. So we wrote a report for them, which is
11 different from a -- scientific articles that we also wrote, but yeah, I can assure you, we
12 were -- we were really exchanging on things honestly, openly and we kept our -- our
13 own ethics.

14 Q. [14:46:55] Thank you, Professor. And obviously I'm not suggesting that
15 you -- that you didn't.

16 And my final topic on this -- my final question on this topic: The organisations that
17 assisted you to find informants, did you -- did you -- did they -- did you have access
18 to their kind of internal reports, their internal documents for part of this research?

19 A. [14:47:34] Your Honour, yes, we had access to some documents of UNICEF, but
20 we did not search for all the documents of the other organisations.

21 Q. [14:47:56] Thank you. Sorry, I'm just going to follow up a little bit of what you
22 said earlier, Madam Witness.

23 You said "we wanted our research to become useful, that was also the aim". Can you
24 explain a little bit what you -- what you mean by that?

25 A. [14:48:16] Your Honour, I think that when I use "useful", it's not in the way that

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 it is practically used by UNICEF. But research should lead to critical assessments of
2 what is done in the field, so I hope our research has helped UNICEF to realise what
3 they do and what the consequences of their work are and that it helps them to
4 critically reflect on their actions, and that's all that we pretend as researchers.

5 Q. [14:48:54] Thank you, Madam Witness.

6 I'm going to move -- move on to a -- to a slightly different topic. At page 15 of your
7 report, that's at 9169.

8 If -- Madam Court Officer, if you could go to the last paragraph, the first sentence of
9 the -- yeah, perfect, thank you.

10 And I'm going to read in the French: (Interpretation) "Unlike a standard quantitative
11 study, the sample of respondents retained for this study does not aim to
12 be -- represent all the population of children used in the conflict by the Anti-Balaka."
13 (Speaks English) Can you explain the sentence a little bit, can you explain to us why
14 you believe that it's not representative of -- of child soldiers in the Anti-Balaka in
15 general?

16 A. [14:49:56] Your Honour, we say here that we do not pretend that they are
17 representative because we did not do a quantitative examination of -- it's something I
18 already referred to, we did not do a network sampling of all the children. The
19 strength of the research that we did is that we have insight into the lives of these
20 children in depth in the context, and that gives us access to a different kind of
21 information that makes clear and that highlights processes and dynamics instead of
22 quantitative data.

23 Not being representative in the sense of, we did not interview all different categories,
24 we did not go through the whole of Central African Republic, so certainly it was
25 a -- yeah, like qualitative research works, it was a -- you come across and you choose,

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 but you cannot do everything. And it was not quantitative. But I think that
2 the -- these kind of studies do give us insight into processes, histories and dynamics
3 that probably are as important to know as the quantitative. So it's a different kind of
4 study.

5 Q. [14:51:34] Thank you, Professor.

6 And is it also fair to say that on top of what you just said, that it's also the sample size
7 is too small for it to be really considered representative? That's another factor as to
8 why it's not representative as well; is that fair to say as well?

9 A. [14:52:04] I think here we speak different languages. It depends on what kind
10 of science and epistemology you are sort of brought up in. So I think that indeed if
11 you want to make -- and even I think 56 interviews is something that some
12 statisticians could work with. But we did not mean to have that kind of
13 representativity. So yes, if you -- if you want to work with these quantitative
14 methods and the -- well, a different epistemology of what knowledge is, then you are
15 right. But if you link it to a more -- the qualitative research ethnography in which
16 you are more interested in processes and dynamics, then I think this research is rather
17 representative. Also because we have tried to find -- to be certain not to talk to only
18 one category, as you can see in the next sentence as well. We have tried to find
19 diversity in our group. And that's -- yeah, we -- well, believe -- this is the method
20 that you have a variety of people that you know well and you try to go in depth with
21 because that kind of information helps us to understand processes and dynamics. So
22 it's probably not representative in the sense of quantitative statistics, but it comes
23 close probably to understanding dynamics and processes for larger groups and not
24 only ours.

25 Q. [14:54:05] Thank you, Professor.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Madam Court Officer, if you could take us to the document at tab 7, please. It's
2 CAR-D29-0005-0981.

3 Madam Court Officer -- excuse me, Madam Witness, the co-author of this report is the
4 co-author of your report. I see you nodding your head. If we could go to -- I
5 should probably explain. You might be familiar with this already, but as I
6 understand it, it's a study into former child soldiers in -- in the specific district in
7 north-western Uganda.

8 If you could take us to the page 0985, please, Madam Court Officer. And a little bit
9 further down, a little bit -- perfect, thank you.

10 In that left column, it says that "Twenty-one informants were interviewed ... once [and]
11 five other key informant relationships [were] developed further." Left column.

12 A. [14:55:49] Oh, yeah.

13 MR SUZUKI: [14:55:49] And if you could take us page 0989, please, Madam Court
14 Officer. A little further down there's a "Limitations" section. Thank you.

15 And I'll read that out for the record. It says: "This research builds strongly on
16 extended participant observation and semi-structured interviews with a small group
17 of [former child soldiers] that were once part of the UNRF II. While we found
18 references suggesting that their experiences reflect those of a larger dispersed group,
19 more research is needed for confirmation."

20 And just in terms of what you said earlier about how -- how your study is probably
21 not representative in the sense of quantitative statistics but comes close to
22 understanding the dynamics within the -- the -- the former child soldiers they
23 interviewed, is it fair to say that more research would be needed for confirmation of
24 these kind of -- of these -- of your understanding in this regard? Is that fair to say?

25 A. [14:57:07] Your Honour, I think you cannot easily compare these two researches.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 That's first of all -- it's also -- this one is guided also by Ria Reis, Ria Reis, who is a
2 psychological anthropologist and very much interested in psychological conditions of
3 these children. That was not our aim in the report and also not in the research in the
4 depth and also the way that they did this research in which they also were interested
5 in how trauma transfers in these children. So it's -- it's a bit different in that sense.
6 They followed even less young people than we did.

7 But yes, on the other hand, more research is always needed. That's what researchers
8 will always say. But there is also a limit. And I think that you can -- yeah, you can
9 take from research what helps or what confirms other hypotheses. So research
10 always contributes to other further research and that's a normal conclusion.

11 Q. [14:58:22] Thank you, Madam Witness.

12 And my last kind of question on this topic: Another reason why it wouldn't
13 necessarily be representative is also because of the diversity between Anti-Balaka
14 groups and subgroups; is that fair to say as well?

15 A. [14:59:07] Your Honour, I am certain that we captured children from different
16 groups, so if that is not representative, I would doubt. I think it is a bit -- you
17 can -- probably there is -- you may want more research, but I think the dynamics and
18 processes that these children have shared with us and that are confirmed in other
19 research as well may be a very, at least relevant picture of what's happening in those
20 groups.

21 Q. [14:59:46] If we could go to the document at Defence tab 1, please, Madam Court
22 Officer. That's CAR-OTP- -- that's not for public display, I think. Actually, the page
23 that I'm going to ask you to go to is not for public display, please. Tab 1,
24 CAR-OTP-2136-1193. My apologies, page 1204. Thank you. And if you could go
25 to the middle paragraph -- or second paragraph, rather. Perfect, thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Madam Witness, this is from the draft report that was provided by the Prosecution.

2 And I'm going to read part out for you in French: (Interpretation) "Although our
3 study concentrated on the children by the forces, we thought it was necessary by way
4 to have some comparison, to exchange with the young people and the children who
5 were never recruited amongst the armed group. This was -- enabled us to
6 understand the situation better of children who were enlisted by the groups, the
7 armed groups in the Central African Republic."

8 (Speaks English) And there's a footnote down the bottom if you could scroll down,
9 Madam Court Officer. And that says: (Interpretation) "As the regards this subject, a
10 chapter by the authors of this report have been submitted and is being revised."

11 (Speaks English) And, Professor, is it correct that ultimately such a study wasn't
12 undertaken, focussing on children who weren't enrolled in Anti-Balaka groups?

13 A. [15:02:29] Your Honour, we did do these interviews, but they do not really
14 appear in this report.

15 Q. [15:02:46] And can you -- can you tell us why the interviews didn't make it into
16 the final report?

17 A. [15:02:51] Your Honour, this report is written to get an idea about the children
18 who were in those groups, in the armed groups, and we used these interviews with
19 children who were not inside to better understand the condition of children, and that
20 is also somehow appearing in the report, but it's not explicitly used. But it's a
21 context kind of knowledge. It is used in other publications but not here.

22 And by the way, in the annex that we sent later, we have repeated this. There is
23 again a notion of it. I think.

24 Q. [15:04:01] Like you say in this sentence, though, Professor, it's correct, isn't it,
25 that it would have been important or -- for a fuller understanding of the experiences

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 of former child soldiers to kind of do a comparative analysis in that regard, and

2 I think that's what you're alluding to in the sentence that I just read out. Is that -- is

3 that something you would agree with?

4 A. [15:04:54] Your Honour, I do agree with that, and -- but in this report we did not
5 mention it.

6 Q. [15:05:11] Thank you, Madam Witness.

7 If we could go to the document at tab 5, please, Madam Court Officer, that's

8 CAR-D29-0005-0950, and to page 0975. And just the first row at the top, please.

9 Thank you.

10 I understand this is probably a little bit simplistic for an academic of your experience,

11 Madam Witness, but just in the kind of weaknesses of -- or the disadvantages, rather,

12 of qualities of interview research methodology, would you agree with

13 those -- the -- the listed -- and I'll read it in French: (Interpretation) "A weak internal

14 validity for the people questioned and answers that extremely varied and poor

15 representativity."

16 (Speaks English) A bit of a general question, I admit, but is that something you

17 would -- you would agree has a kind of built in disadvantage?

18 A. [15:06:34] Your Honour, I don't know from which year this report is. There has

19 been a lot of discussion on this in -- the difference between quantitative, qualitative

20 research and what they call here "*entretiens classiques*". So it is interesting that this

21 debate is there in which the advantages of such type of studies are highly appreciated

22 and -- yeah and of course all choices for methodologies have their advantages and

23 disadvantages. So we already discussed this validity -- *validité externe*, and we also

24 discussed the *faible représentativité*. I think I answered these questions why I think

25 that might also be a point of discussion.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [15:07:29] Thank you, Professor.

2 If you could take us to page 0956, please, Madam Court Officer. Sorry, could you go
3 to 0959, please, instead.

4 Thank you. A little bit further down, please. Perfect, thank you.

5 And I think you spoke about inherent biases and I think you suggested that they exist
6 in any kind of research project, and I just wanted to focus on this, the kind of framing
7 effect that's mentioned here.

8 And in French I'll just read that first line out: (Interpretation) "The investigator looks
9 for the most possible authentic position and must avoid that the question gives rise or
10 induces certain types of answers."

11 (Speaks English) And my question is: Was this something that was kind of raised in
12 the training procedure? Was it something that was ...

13 [15:09:13] Your Honour, this is what we could also call intersubjectivity, because
14 when you engage in an interview, you have framing both from the interviewed and
15 the interviewee. There are methods to avoid, probably -- it's almost impossible to
16 avoid, but the longer you are in contact with people and the longer an interview takes,
17 I mean, this framing effect can be less obvious and better understandable. So it is
18 important that the researcher analyses these kind of biases, and that's what we tried
19 to do.

20 What also has helped is that in most cases the interviews were done with two people
21 who really engaged with the person, which also helped to discuss together what
22 subjectivities were there. So, yeah, to our best, we have tried to understand our
23 own subjectivities and intersubjectivities in these interviews.

24 Q. [15:10:21] Thank you. And just to focus on the kind of specific issue of
25 questions that might lead or induce interviewees -- or informants, rather, to

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 answer -- to answer in a certain way, is that -- that specific point, is that something
2 that you emphasised in training as well?

3 A. [15:10:46] Your Honour, yes, we did. Well, I don't know if -- what you would
4 like to hear or -- examples or ...

5 Q. [15:11:02] That's -- I was just looking for confirmation, Professor. Thank you.
6 And the last bias I'd like to look through with you on the next page -- Madam Court
7 Officer, if you could go to the first section. Thank you.

8 The positivity bias, I'll read that out for the record in French: (Interpretation) "The
9 positivity bias shows the fact that everything else remaining equal, it's more natural
10 to answer positively to a question rather than negatively."

11 (Speaks English) Same question: Was that something that was emphasised in
12 training as well?

13 A. [15:12:00] Your Honour, I think we did touch on this, not probably in these
14 words. But one of the ways that you deal with these kind of things is indeed, again,
15 this longer interview and not stopping after 20 minutes and also not -- ask questions
16 and not stop at the moment you think you're satisfied, but continue and engage. So
17 I think that that is the way, the methodology or the interview technique that we
18 discussed with this -- in our workshops and that we also tried to apply.

19 Q. [15:12:46] Thank you. And in your report - I don't think we need to go to it - it
20 says at page -- well, page 6, 9160 for the record: (Interpretation) "The data are based
21 on the statements of the boys concerned or in question."

22 (Speaks English) And this is self-declared data; is that -- is that the terminology that's
23 used or the correct terminology?

24 A. [15:13:23] You refer to what?

25 Q. [15:13:25] Sorry, it wasn't clear.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A. [15:13:27] Page 6, and then?

2 Q. [15:13:33] Yes, page 6, the last two lines there.

3 A. [15:13:47] Yes. Your Honour, what we state there is what it is. I can't make it
4 different.

5 Q. [15:13:54] Thank you, Professor. And this is not -- this is not a criticism of your
6 work, I have to insist again.

7 Now, if you could take us to the document at tab 6, Madam Court Officer,
8 CAR-D29-0005-0992.

9 And this seems to be a study or is a study about former child soldiers in Sierra Leone.
10 I think you cite this, actually, in your -- in your report.

11 And if you could go to page 0996, please, Madam Court Officer. If you could go down
12 to the second half of the page, a little bit further down. Thank you.

13 I'm going to read an extract out to you:

14 "As with all self-report data, the interviews with participants were invariably affected
15 by their memory of events, as well as their willingness to divulge personal
16 information. It is possible that participants may have altered or exaggerated aspects
17 of their stories. This may be especially apparent in post-war contexts where
18 individuals may be increasingly cognizant that emphasizing their helplessness,
19 dependence and victims status, particularly to outsiders and humanitarian workers,
20 may be crucial to obtaining aid and assistance."

21 And in full fairness to you, Professor, I'm going to read a little bit further down where
22 they talk about how that was offset in this particular study.

23 If you could go down a little bit further, Madam Court Officer. Thank you.

24 Like you see there, the -- the authors of this report say that the limitations were offset
25 in this case because local social workers were able to corroborate those accounts.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 But focussing on what they -- what they pointed out about this potential tendency
2 to -- to emphasise dependence, helplessness, was this something that was taken into
3 account in your study as well?

4 A. [15:16:26] Your Honour, I think we discussed this also a bit in relation to the
5 effect of NGOs on the concept of child soldiers as they -- the way they use it and it is
6 then used by potential child soldiers to get aid. So that is something that -- that's
7 there. But I think again that we did not just do one interview with these children
8 and we asked a lot of details, and so -- and of course there is memories that might
9 exaggerate things to us, that is possible, but the long-term involvement and also the
10 proximity of the interviewees, especially the local researchers, I think we sort of -- we
11 might have had that at the beginning, but then in the further interviews, things have
12 somehow come to a logical narrative. But we can never know if that is what was
13 really the case. So that is something that is of course difficult to be certain of. And
14 we can't look into their heads what is really happening, but we can get a feeling
15 of -- and I'm sorry, that is subjective, but that's what interviews are. You can get the
16 feeling if someone is really exaggerating or if things are real. And I earlier said that
17 an interview is not just what people say but also what they show and who they are
18 and what their reactions are. So, yeah, there might have been this kind of bias, but at
19 the same time, I think we have come to such a way of interviewing them and having
20 their *témoignages* in such a way that it comes probably close to what they really
21 experienced. And of course they do not tell everything and there are silences and
22 there are things that we don't know. But yeah, we think that our -- that the
23 information they gave us is close to what they experienced in real life. And of course
24 there's always memory, and memory distorts.

25 But we were not aid workers and we were presenting ourselves, and especially the

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 younger researchers, as researchers, same conditions. So that is also important to
2 realise, that when you work with social workers or aid workers, that is also a different
3 intersubjectivity.

4 Q. [15:19:16] Thank you, Professor.

5 And was this -- was the report peer reviewed?

6 A. [15:19:53] The report was read by people here and the report was read by our
7 colleague who knows Central African Republic very well. And that's what it was.
8 And then we also had it published as a working paper, and then it was again read but
9 not peer reviewed in an official journal as we did not publish it, but we did check and
10 we had it read by others just to be able that we did not -- that it was consistent and
11 also up to their standards.

12 MR SUZUKI: [15:20:44] If I could have just a very brief moment, your Honour.

13 PRESIDING JUDGE SCHMITT: [15:20:51] Of course.

14 MR SUZUKI: Thank you.

15 (Counsel confers)

16 MR SUZUKI: [15:21:12] Thank you, your Honour.

17 Q. [15:21:20] And my last question on -- well, it's not really methodology, actually,
18 but at page 9161 of your report at OTP tab 4.

19 Sorry, that's page 7, Professor, the top paragraph.

20 Little bit further up, sorry. The first paragraph on the top. Thank you.

21 And I'll read out a sentence in French: (Interpretation) "Contrary to other
22 environments which we worked in, we didn't hesitate to explain their role in the
23 armed groups and their participation in atrocities."

24 (Speaks English) And the sentence before, you said that you were surprised with
25 the -- with the openness with which they were willing to share their experiences.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Can you tell us what you mean -- can you kind of develop a little bit further on this?

2 A. [15:22:40] Your Honour, this means that they had no -- we were under -- we
3 were impressed by their openness, so they were talking about their situation. That's
4 what it is and that's what is written there. And we have other -- also other
5 experiences that were not so easy. So that's what we state there.

6 Q. [15:23:12] Thank you. And by -- by "other experiences", you mean outside of
7 the context of this research, is that right, that kind of prior experiences?

8 A. [15:23:26] Yeah, both. Because we also refer to -- for instance, just after this we
9 cite a case of interview with a participant in a Seleka camp. But it's also related to
10 the research of Jonna Both, for instance, in Yumbe in Uganda and of my own work in
11 Chad. So it is referring to a wider context, yes.

12 Q. [15:24:01] Thank you, Professor. I'm going to move on from the methodology.
13 If you could go to page 9170, please, Madam Court Officer.
14 That's page 16 of the report, Professor.

15 If you could go down a little bit further, please. Thank you.

16 It says here in French: (Interpretation) "And finally, although we pointed out the use
17 of girls in the armed groups amongst the Anti-Balaka in particular, this often was
18 raised by the boys that were questioned, for example ..." and you go on to cite an
19 interview subject -- or an informant, rather.

20 Can you tell us what you mean or the basis for the -- your conclusion that among the
21 Anti-Balaka in particular groups -- girls were used in armed groups.

22 A. [15:25:36] Your Honour, it's also -- this is based to the number -- to the access
23 that we had to the Anti-Balaka more than to Seleka or other groups. So maybe this
24 "*en particulier*" is a bit -- not so well used in language terms.

25 Q. [15:25:59] Thank you. I understand.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 A little bit further down, the last sentence on the page, you speak about -- I think you
2 touched on this earlier as well, how there were very few or relatively few girls
3 or -- yeah, girls who were able to -- who you were able to speak to for the purpose of
4 this research. And this last sentence in French says: (Interpretation) "This could be
5 due to the fact that since they were often subject of discrimination, the girls preferred
6 to live in recluse."

7 (Speaks English) I understand from the language here that this first part is kind of
8 hypothesising, but just focusing on this idea that they are often the object of -- or the
9 subject of discrimination, that's not based on the transcripts of this interview, is that
10 correct, or the transcripts of -- of your studies? Is that something that actually came
11 up in your interviews?

12 A. [15:27:08] Your Honour, this is also based on observations of course and the
13 position of these girls in society and the way parents relate to them, but it's not
14 something we asked directly, no.

15 Q. [15:27:24] Thank you, Professor.

16 And if we can go to page 9179, page 25, of the footnote at the bottom of the page.

17 Thank you. I'll read it out in French: (Interpretation) "In any case, those who
18 refused to collaborate in whatever way were regarded as traitors and *de facto* they
19 became potential targets."

20 (Speaks English) This is uncited, Professor, but there's an extract on the next page
21 where with this individual named with the pseudonym Nyk that seems to -- that
22 seems to -- that would seem to be the basis for that. But can you confirm that that's
23 the only basis for this conclusion that you've -- that's contained in that part of the
24 report?

25 A. [15:28:39] Your Honour, this is an example and -- that shows something that we

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 saw in other interviews as well. The whole report is sort of constructed in a way that
2 we give examples that are not unique but that we did have confirmation either
3 through other interviews or through interviews of children. So I think, yes, this is a
4 crucial informant for this, but it's not the only -- you cannot state a thing like this
5 based on just one interview.

6 Q. [15:29:22] Thank you, Professor.

7 Can you explain, they were considered by who to be -- to be potential targets? Can
8 you explain that?

9 A. [15:29:52] I think that is -- when you read where the note is referring to, it's
10 children who were tried to be convinced to join, and if you then don't do it, then that
11 means that you become a traitor.

12 Q. [15:30:19] And do you have an idea of how often this -- this might have come up
13 in your interviews, the suggestion that anyone who didn't join the Anti-Balaka was
14 then considered a traitor?

15 A. [15:30:32] Your Honour, we have used this example to show how children were
16 sort of led into those groups. So this is one example how this happened. And there
17 are other examples. There's children who joined voluntarily, there's children who
18 were forced through violence, and this is another example. So we used this to show
19 how the recruitment works.

20 Q. [15:31:00] Thank you, Madam Witness.

21 Now, I'll go to the example that you've -- that you've cited in relation to this -- this
22 suggestion that those who didn't join the Anti-Balaka were considered traitors.

23 If you could go to page -- yes, if you could scroll down a little bit, please, Madam
24 Court Officer. Thank you.

25 Now, this -- this is the extract that you referred to or we've been discussing. And the

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 sentence right under the extracted part of this text, it says in French: (Interpretation)

2 "This testimony that he passed as his story before resourcing himself -- before

3 retracting himself."

4 (Speaks English) Do I understand this to mean that he retracted this story? It's a

5 little bit unclear from the text, Professor.

6 A. [15:32:05] The English translation was a bit strange.

7 Your Honour, I don't get the question maybe.

8 PRESIDING JUDGE SCHMITT: [15:32:22] Well, I think it's also not really clear what

9 you want to know. I think the wording is relatively clear what is meant by it, by the

10 sentence you read out.

11 MR SUZUKI: [15:32:37] Thank you, your Honour.

12 PRESIDING JUDGE SCHMITT: [15:32:38] Because it seems to be *pars pro toto*, to put

13 it this way, so -- one of others, so it's an example for others. I understand it this way.

14 You can correct me, Ms de Bruijn, if you want.

15 THE WITNESS: [15:32:58] No, no, that's ...

16 MR SUZUKI: [15:33:01]

17 Q. [15:33:02] As I understand that, Professor, it -- the way that sentence is written

18 would seem to suggest that he initially told you or researchers that this was his story,

19 and then he, it seems to say, retracted or revised that.

20 A. [15:33:29] Yeah. Your Honour, I think that what we state here is that this

21 *témoignage* or this confession of the -- is also -- is an example of something that

22 happened more times and not only with this child. I mean, that's what we mean

23 with the sentence. I think it's also what we write there, but -- maybe the French is

24 not super correct, but I think -- I don't see what you mean. I don't see your reading

25 at least.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [15:34:06] I understand that the second part of the sentence implies that this is
2 typical of forced recruitment of children. I'm focusing on that little clause in the
3 middle, actually.

4 A. [15:34:18] "... *qu'il nous faisait passer* ..."

5 Q. [15:34:23] But if you don't know anything about that, then that's not ...

6 A. [15:34:31] No, I think ...

7 PRESIDING JUDGE SCHMITT: [15:34:37] Well, there could be an expression of
8 doubt in this. But I think we can move on so it's -- I don't think it's super relevant.

9 MR SUZUKI: [15:35:01] Just one follow-up, your Honour, if I may.

10 Q. [15:35:04] How do you understand what that part of the sentence means,
11 Professor?

12 A. [15:35:12] Your Honour, I think I will stop here with this exchange. I mean,
13 sorry, but I have no reply.

14 Q. [15:35:25] I'll move on, Professor.

15 I'm going to move ...

16 My apologies, your Honour, if I could have just a very brief --

17 PRESIDING JUDGE SCHMITT: [15:36:00] Yes.

18 (Counsel confers)

19 MR SUZUKI: [15:36:55] Thank you, your Honour, and my apologies.

20 The page 9179, Madam Court Officer, down at the very bottom.

21 Q. [15:37:02] I just want to return to another conclusion that you've drawn here.
22 The last sentence, it says in French: (Interpretation) "The limit between these
23 different modes of recruitment is unclear insofar as it's very often that in the context
24 of the enrolment of a child, the child oscillates between forced recruitment or
25 voluntary recruitment."

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 (Speaks English) You use the word "frequent" here, Professor. Can you give us an
2 idea of -- of how frequent this was?

3 A. [15:37:50] Your Honour, you said -- you asked me how frequent this was?
4 I think this refers to a general process that children are -- and that might be interesting
5 in our -- with relation to the memory. Children might remember something as very
6 forced or something that is forced also as voluntary. And the things are mixed in
7 their answers as well. Sometimes they are -- you join something -- and that is maybe
8 interesting to explain a bit about constraint agency. So you join something, but in
9 fact you are also obliged to do it, but you think or you feel that there is also some
10 voluntariness there, but in fact you are obliged.

11 So what we mean here is that it's difficult to really make a strict distinction between
12 these categories of recruitment. Or something that is voluntary can become
13 obligatory. You know, there is -- it is not one -- one strict thing.

14 Q. [15:39:12] Thank you, Professor.

15 And just in terms of proportion, can you tell us -- can you give us an idea of the
16 proportion of each different type of -- of recruitment method that you experienced
17 in -- in your interviews?

18 A. [15:39:31] Your Honour, these questions of how much of this, how much of that,
19 I think that even this remark on -- that the distinction is difficult to make. In some
20 stories, children start voluntary but then staying becomes obligatory because they
21 can't go away, although they might want to go away. Others come in forced and
22 they stay there and it becomes sort of a voluntary stay. So it's difficult to give exact
23 numbers and divisions of this. The stories, sometimes they are very clear and
24 sometimes they are a bit, what you could say, blurred between the different categories.
25 So if you ask me for exact numbers, I have to go back to the co-authors of this work

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 and give you the figures later, if we can even give them.

2 PRESIDING JUDGE SCHMITT: [15:40:27] I assume you can't. Because, as I
3 understand it, specifically with regard to Central African Republic, the transitions are
4 fluid also.

5 THE WITNESS: [15:40:37] Yes.

6 PRESIDING JUDGE SCHMITT: [15:40:38] We had a case in this Court where you
7 could clearly determine how it happened, but this is obviously not the case here.

8 MR SUZUKI: [15:40:51] Thank you, your Honour.

9 Q. [15:40:52] And I want to go to another conclusion of yours, Madam Witness, at
10 page 9180, underneath the extract of Nyk that we discussed earlier. Thank you.

11 And it says that this extract -- I can read it in French actually for the record:
12 (Interpretation) "This testimony that he passed off as his story before changing his
13 opinion is typically the number of cases of forced recruitment of children practiced by
14 the Anti-Balaka."

15 PRESIDING JUDGE SCHMITT: [15:41:47] Do I have a *déjà vu* or haven't we --

16 THE WITNESS: Yes.

17 PRESIDING JUDGE SCHMITT: [15:41:48] -- had that already?

18 THE WITNESS: [15:41:55] We had that already.

19 PRESIDING JUDGE SCHMITT: [15:41:57] That we discussed. I think we have
20 discussed that extensively, please.

21 MR SUZUKI: I'm actually focusing --

22 PRESIDING JUDGE SCHMITT: [15:41:56] And of course you can -- I think we
23 should not entertain etymological inquiries here. There is clearly "... *qu'il nous faisait*
24 *passer ...*" and so on and so forth, that clearly shows that there was by the -- by the
25 researcher there was some doubt about what has been said and some retraction and

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 things like that. We can really deduct that from it, but I think we have covered that
2 extensively now.

3 MR SUZUKI: [15:42:30] I was actually focusing on the -- on the suggestion that it
4 was incontestably typical as opposed to "*de se raviser*" --

5 PRESIDING JUDGE SCHMITT: [15:42:39] But exactly that we have -- we
6 have -- really, I think we had it on the screen already and we have discussed it and
7 Ms de Bruijn has answered how to interpret it or how she interprets it and what can
8 be inferred from that sentence.

9 MR SUZUKI: [15:43:04] Thank you, your Honour. I'm happy to move on.

10 Q. [15:43:07] On the next page at 9181, we have an extract from a former child
11 soldier with pseudonym Owe. And just to summarise the extract, it was a group of
12 five children who were found by the side of the road - they were lost I think is the
13 word that's used - found by the side of the road by a FACA who you said later
14 discovered was an Anti-Balaka chief and brought to Bangui.

15 And I want to read the sentence just a little bit further down, please, Madam Court
16 Officer, that says: (Interpretation) "This extract shows that the Anti-Balaka
17 frequently had recourse to enlist children in a forced way through tricks."

18 (Speaks English) Now, again, we see this word "frequently". You would agree that
19 this is -- this is just a single instance, a single Anti-Balaka chief and group, would you
20 agree with that?

21 A. [15:44:14] Your Honour, I think here we have a methodological issue, because
22 this ethnographic report takes examples to show things that we think are the word
23 "representative", representative for ways that these things worked. So yes, this is
24 one case, but we do not put it in this report because it is just the only case.

25 PRESIDING JUDGE SCHMITT: [15:44:44] Otherwise, you could not write

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 "frequently". However, we have as a -- let's say as a proof in the report, we have this
2 one instance.

3 MR SUZUKI: [15:45:01] Thank you, your Honour.

4 Q. [15:45:04] Just on that point, though, Professor, you would agree that to
5 understand or to be able to assess or evaluate this conclusion, this idea that it was
6 frequent, it is important to understand or to know further details about the basis of
7 when you say "frequent", when you say "often", these kind of words? Is that
8 something you would agree with, even setting aside kind of methodological
9 differences?

10 A. [15:45:34] Your Honour, I cannot set aside the methodological issues here
11 because I think it is the core of the methodological issue. You asked me, in fact, to
12 come with a quantitative proof of what we've done. We didn't do a quantitative
13 study, so we can close the debate here. We don't have it. We can go back to the
14 interviews and make a clear explanation of how many of these kids mentioned these
15 kind of practices. That is something we could do. It was not asked, so we can do
16 that still. But we did not put it here because it's the only case that we have.

17 Q. [15:46:18] Thank you. And this group -- this -- this individual Owe, the
18 informant, and his -- and his -- the group of children that he was found with, were
19 they -- do you know if they were orphans? Do you know what they were doing by
20 the side of the road?

21 A. [15:46:46] Your Honour, as many children in the Central African Republic, they
22 are not in school, they are just at the side of the road. They might have parents, but
23 they might also not have. These children were clearly not taken care of or they could
24 have -- they, at that moment, they were in a situation that they had to search for their
25 own life at the side of the road.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [15:47:21] Thank you. And you conclude in this report that this was a ruse,
2 that this was kind of a deliberate ruse.

3 Did you take into account the possibility of kind of cultural norms that may have
4 dictated this individual's decision to pick up these orphan children in a conflict
5 setting? Is that something that you considered when you concluded that this was a
6 ruse?

7 A. [15:47:50] Your Honour, I think we did do that, because we spoke to these
8 *tuteurs* as well, and they also have an explanation that they take care of these kids, but
9 still, there's no questioning of parents or any idea of knowing -- I mean, *la ruse* is also
10 that they were taken without asking permission of their caretakers and then they
11 were integrated in a group. So that's why we used the word here. It's interesting to
12 refer to our historical paper here because that is indeed interesting to think about
13 what this means in cultural terms. Maybe in the situation of -- that we were
14 encountering at this period in which we place now these children at that moment, the
15 problems in *Centrafrique* were really big and the situation in Bangui was very bad.
16 But when you compare it, and -- and maybe also compared to the historical cases, but
17 still if you compare and you think about, Okay, maybe these men, *tuteur* of
18 ComZones - or how do you call them? - indeed gave a form of protection to these
19 children, I'm not against that kind of reflection, but at the same time -- and also it is
20 something that has happened in the past in other periods very long ago. So maybe
21 it's a practice, but still that practice can also take forms that then make us use the
22 word "*la ruse*."

23 And probably -- maybe it's interesting to see the last sentence of that paragraph:
24 (Interpretation) "We tell the lost children that we need to protect them with a view to
25 use them in the future."

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 (Speaks English) Yeah, and of course this -- I mean, I think that is an interesting
2 debate, and that's also why we wrote the historical part to show how this protection
3 that is lacking of these kids can be one of the reasons that they joined the armed
4 groups. And then we come back to the discussion we had this morning, what are
5 the structural factors behind all that is happening in *Centrafrique*.

6 Q. [15:50:41] Thank you. And there's no extract or suggestion in the report that
7 Owe was not able to leave the group. Is that something you can confirm?

8 A. [15:50:54] Your Honour, I've seen how these children live in the -- in that period
9 or at the Bangui camps. I think they cannot leave even if they want, it's difficult.

10 And also what is the alternative? I think the report also refers to that, probably not
11 this specific case, but that it's also a form of -- it can be a form of protection to be in a
12 group, an armed group, it becomes a way of life.

13 So yes, they can flee, but where to? So it's a -- I think you have to read the report, not
14 in these individual cases, they are important, but take all together and then you see
15 what kind of situation they live in and how these are really forced choices, whatever
16 you say about it, and that some people make use of the fact that these forced choices
17 are part of the Central African Republic's societal dynamics.

18 Q. [15:52:06] Thank you.

19 Now, this -- this -- this informant, Owe, it says that he was 14 years old at the time of
20 his enrolment during the events. During the events - this is referring to the peak of
21 the conflict in 2013, 2014 --

22 A. [15:52:32] Mm-hmm.

23 Q. [15:52:33] -- is that correct? And so when you met him in 2019, he would have
24 been around 19 or 20 years old, is that fair to say?

25 A. [15:52:46] That's okay, yeah.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 Q. [15:52:47] And I think we saw this extract earlier that he was -- he was tasked
2 among other minors to guard the base and to carry grenades and ammunition.

3 I think that was part of the larger extract. We can go to that if you'd like, but --

4 A. [15:53:07] I remember it.

5 Q. [15:53:08] But there -- there's no indication of how old he was when he was
6 actually doing these tasks; is that -- is that fair to say?

7 A. [15:53:15] Well, I think that the indication that he was 14, it's -- is that not
8 enough?

9 Q. [15:53:24] Just to focus on -- on the tasks specifically, Professor. You'll agree
10 with me that there's no specific information about how old they were when -- he was
11 or the other four minors that he refers to, how old they were when they were used, as
12 it were?

13 A. [15:53:49] Your Honour, I think that we do indicate that they were under 15
14 when they were recruited. Maybe they were 15 when they -- and that they also did
15 those tasks then. So I don't know, we have no more proof than what we have.

16 PRESIDING JUDGE SCHMITT: [15:54:13] Well, that would depend of course on
17 how long --

18 THE WITNESS: [15:54:15] Mm-hmm.

19 PRESIDING JUDGE SCHMITT: [15:54:16] -- how long the young person was in the
20 group. And so I understand the report that when he joined the group, he was 14.

21 THE WITNESS: [15:54:25] Yes.

22 PRESIDING JUDGE SCHMITT: [15:54:26] And well, and then if we -- if we knew
23 that he stayed three years, we could say, Okay, probably two thirds of it he was not 14
24 anymore.

25 Please continue.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

1 MR SUZUKI: [15:54:44] Thank you, Mr President.

2 Q. [15:54:48] If we could go to page 9183 of the report, please. Page 29, Professor.

3 And the last paragraph please on the page.

4 Thank you.

5 I'm going to read part of the French here:

6 (Interpretation) "It must be said that -- it must be said that all circumstances were
7 conducive for the involvement of children in armed groups in the Central African
8 Republic. The Anti-Balaka did not hesitate to make the most of the situation in order
9 to achieve their objective, irrespective of the means."

10 (Speaks English) And Professor, I just want to focus on the kind of language that's
11 used here. Would you agree with me that it's a little bit hyperbolic, kind of
12 sweeping statements that aren't necessarily the kind of language that you would
13 expect in academic research; is that fair to say?

14 A. [15:56:27] Your Honour, it's your conclusion.

15 Q. [15:56:38] Do you usually see statements like this in your academic experience,
16 Professor?

17 A. [15:56:44] Your Honour, I don't think it's very relevant, this question. And
18 what we tried to say here is that there is a lot of factors that make these -- these
19 children are not difficult. Are -- are sort of in a situation of dire strait.

20 MR SUZUKI: [15:57:04] I'm looking at the time, your Honour, and it might be a
21 good place to stop.

22 PRESIDING JUDGE SCHMITT: [15:57:09] Yeah, okay.

23 MR SUZUKI: [15:57:11] Thank you.

24 PRESIDING JUDGE SCHMITT: [15:57:13] Well, we take it that you finish tomorrow
25 morning.

Trial Hearing
WITNESS: CAR-OTP-P-2927

(Open Session)

ICC-01/14-01/18

- 1 MR SUZUKI: [15:57:15] I --
- 2 (Counsel confers)
- 3 PRESIDING JUDGE SCHMITT: [15:57:17] Yes, we're absolutely sure.
- 4 MR SUZUKI: [15:57:18] Absolutely, yes.
- 5 PRESIDING JUDGE SCHMITT: [15:57:19] Yes, yes.
- 6 MR SUZUKI: [15:57:20] Thank you.
- 7 PRESIDING JUDGE SCHMITT: [15:57:21] Okay.
- 8 MR SUZUKI: [15:57:21] I think we'll be fine to finish tomorrow.
- 9 PRESIDING JUDGE SCHMITT: [15:57:23] Yes, yes. And I also take it that
- 10 Mr Knoops, you aren't really eager to put any questions to the expert or are you?
- 11 MR KNOOPS: [15:57:33] When it concerns academic issues I'm always eager,
- 12 Mr President.
- 13 PRESIDING JUDGE SCHMITT: [15:57:36] Well, but --
- 14 MR KNOOPS: [15:57:37] I will -- I will confine myself to a maximum 30 till
- 15 40 minutes, so I have some questions which deal with the contextual elements of the
- 16 issue.
- 17 PRESIDING JUDGE SCHMITT: [15:57:53] Okay. Well, so can we -- can we still say
- 18 that we can finish tomorrow I would say, I think, yes. This should really be possible.
- 19 Thank you very much, Ms de Bruijn, for patiently answering all the questions which
- 20 is -- but that's normal, not the most comfortable situation for an academic to sit there.
- 21 Well, but that's part of the job when you do an expertise for a criminal case. So
- 22 thank you for the moment.
- 23 We see each other all tomorrow at 9.30 again.
- 24 THE COURT USHER: [15:58:32] All rise.
- 25 (The hearing ends in open session at 3.58 p.m.)