

Trial Hearing
WITNESS: CAR-OTP-P-2476

(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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 16 March 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:05] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:28] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:34] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:49] Thank you.
21 I ask for the appearance of the parties. We start with the Prosecution.
22 MS BERDENNIKOVA: [9:31:53] Good morning, Mr President. Good morning,
23 your Honours. And everyone present in the courtroom.
24 This morning the Prosecution is represented by Irina Galupa, by Kweku Vanderpuye,
25 Yassin Mostfa and myself, Maria Berdennikova.

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- 1 PRESIDING JUDGE SCHMITT: [9:32:08] Thank you.
- 2 Ms Rabesandratana next.
- 3 MS RABESANDRATANA: [9:32:10](Interpretation) Good morning, your Honour.
- 4 Today the represent -- legal representative of other crimes are represented by
- 5 Elisabeth Rabesandratana.
- 6 PRESIDING JUDGE SCHMITT: [9:32:22] Mr Suprun is next.
- 7 MR SUPRUN: [9:32:24] Good morning, Mr President. Good morning, your
- 8 Honours. The former child soldiers are represented today by Hoar Habrelian and
- 9 myself, Dmytro Suprun. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:32:32] Thank you.
- 11 I turn to the Defence. Ms Dimitri first.
- 12 MS DIMITRI: [9:32:36] Good morning, Mr President. Good morning,
- 13 your Honours. Good morning, everyone.
- 14 Mr Yekatom is present in the courtroom. He's represented today by
- 15 Ms Fiona Houdin, Mr Romaric Lionel Messi Tikpa, Ms Anta Guissé,
- 16 Ms Alexandra Baer, Ms Sabine Bayssat and myself, Mylène Dimitri.
- 17 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you.
- 18 Ms Proulx.
- 19 MS PROULX: [9:32:58] Good morning, Mr President. Good morning,
- 20 your Honours. Good morning, everyone.
- 21 Mr Ngaïssona is also present in the courtroom and he is represented today by
- 22 Ms Despoina Eleftheriou, Mr Mathias Goffe, and our new intern Ms Myriam Hollant
- 23 and myself, Marie-Hélène Proulx. Thank you.
- 24 PRESIDING JUDGE SCHMITT: [9:33:19] Thank you very much.
- 25 And most importantly we have a new witness.

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- 1 Good morning, Mr Witness, can you understand and hear me well?
- 2 WITNESS: CAR-OTP-P-2476
- 3 (The witness speaks Sango)
- 4 (The witness gives evidence via video link)
- 5 THE WITNESS: [9:33:36](Interpretation) Yes, I can hear you very well, your Honour.
- 6 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.
- 7 Mr Witness, on behalf of the Chamber I would like to welcome you to the courtroom.
- 8 You are here to assist this Chamber to determine the truth in the case
- 9 of the Prosecutor against Mr Ngaïssona and Mr Yekatom.
- 10 Mr Witness, there should be a card in front of you with a solemn undertaking. If this
- 11 is the case, please read this card out aloud and take the oath by doing that.
- 12 THE WITNESS: [9:34:21](Interpretation) Yes. Thank you.
- 13 I solemnly declare that I shall speak the truth, the whole truth and nothing but
- 14 the truth.
- 15 PRESIDING JUDGE SCHMITT: [9:34:35] Thank you very much, Mr Witness.
- 16 You are now under oath. You have been informed about what that means, so, as
- 17 you have just sworn, you have to tell us the truth. You are obliged not to leave
- 18 anything out. You have to tell us everything that you know.
- 19 There are protective measures in place. We have -- they have been explained to you,
- 20 I don't have to repeat that.
- 21 And I think we can start with the examination by the Prosecution. You will explain
- 22 the more technical matters, I think, by yourself.
- 23 MS BERDENNIKOVA: [9:35:10] Thank you, Mr President.
- 24 QUESTIONED BY MS BERDENNIKOVA:
- 25 Q. [9:35:16] Good morning, Mr Witness.

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1 My name is Maria Berdennikova and I'm a lawyer at the Office of the Prosecutor. I
2 will be asking you a few questions today and you -- you must remember that
3 we -- that we met briefly just on Monday during a courtesy meeting, and I'm glad to
4 see you again today here this morning.

5 As you already know, we do have different languages here in the courtroom, there's
6 interpretation and transcription happening at the same time, so that also means that
7 we need to take our time with the -- asking the questions and answering. So please
8 speak a little bit slower than your usual pace and please just wait, you know, a few
9 seconds after I've asked my question and before you start giving your answer. That
10 will give the interpreters and transcribers the time necessary to do their work.

11 Now, you will notice that I'm referring to you as "Mr Witness". Please don't take
12 that as any sign of disrespect. It's simply one of the means to protect your identity,
13 because, as the Presiding Judging has already mentioned, you do have protective
14 measures in place and there will be portions of your testimony that will also be done
15 in private session.

16 Are you with me so far?

17 A. [9:36:56] Yes, I understand you perfectly.

18 Q. [9:36:58] Okay. Wonderful. Before I start with my questions, I will just ask
19 you to listen very carefully to -- to what I ask you. Sometimes the questions will be
20 a little bit long, because I will have to refer back to your statement. But if ever there's
21 something that you don't understand, do let me know and then I will repeat or I will
22 rephrase the question so that -- so that it's more understandable.

23 And then, finally, if you do need a break at any time, please also let the judges know
24 and -- and that shouldn't be a problem. Is that okay?

25 A. [9:37:50] I have understood you very well and that's perfectly okay with me.

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1 MS BERDENNIKOVA: [9:37:57] Your Honours, I'll ask to go into a brief private
2 session now.

3 PRESIDING JUDGE SCHMITT: [9:38:02] Yes, private session.
4 (Private session at 9.38 a.m.)

5 THE COURT OFFICER: [9:38:18] We are in private session, Mr President.

6 MS BERDENNIKOVA: [9:38:23]

7 Q. [9:38:24] So, Mr Witness, as you've just heard, we are now in private session.
8 That means that the public cannot hear what is being said, only the people who are
9 present in the courtroom are able to hear this, and during this part of the session I'm
10 going to ask you a few identifying questions about yourself. So feel free to give your
11 answers as we are in private session.

12 So, to begin with, I would just like you to state for the record your full name, please.

13 A. [9:39:03] My name is (Redacted).

14 Q. [9:39:10] And do you also go by any nicknames?

15 A. [9:39:30] No, I do not have a nickname. I just have my first name and my
16 surname.

17 Q. [9:39:36] All right. And could you please tell us when and where you were
18 born.

19 A. [9:39:53] I was born in Bangui on (Redacted).

20 PRESIDING JUDGE SCHMITT: [9:39:59] Ms Dimitri.

21 MS DIMITRI: [9:40:02] I'm really sorry to interrupt, Mr President. My -- my
22 machine stopped working, so I can't -- I can't change channel because I keep going
23 from French to --

24 PRESIDING JUDGE SCHMITT: [9:40:14] So perhaps we can -- we can fix that.

25 MS DIMITRI: [9:40:17] No, I think it's fixed, it's just (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [9:40:20] It's fixed now, okay. Okay. Good.

2 Then we (Overlapping speakers)

3 MS DIMITRI: [9:40:21] I'm really sorry for the interruption.

4 PRESIDING JUDGE SCHMITT: [9:40:23] No problem, that can happen. Actually

5 I'm also one of those who quickly think something is wrong and it's all on me in

6 the end.

7 Ms Berdennikova, please continue.

8 MS BERDENNIKOVA: [9:40:37]

9 Q. [9:40:37] I would just like to clarify your last answer. I'm not sure if it's an
10 interpretation issue or -- or not. But you mentioned you were born on (Redacted)

11 (Redacted)

12 A. [9:40:59] I said (Redacted).

13 PRESIDING JUDGE SCHMITT: [9:41:08] Which is, of course, in this instance

14 not -- normally I am very careful, as a Judge of the Chamber to say if something is

15 relevant or not, but that this is relevant is so clear. And it was also in the English

16 transcript it was completely wrong, so -- but now we have it -- have it right. But you

17 have also a document I think that you will later on be referring to.

18 MS BERDENNIKOVA: [9:41:34]

19 Q. [9:41:36] Thank you very much for that clarification, Mr Witness.

20 Can you confirm that you're a national of the Central African Republic?

21 A. [9:41:52] Yes, I'm a national of the Central African Republic.

22 Q. [9:41:57] And, finally, could you tell us what is your religion?

23 A. [9:42:12] I'm apostolic.

24 Q. [9:42:15] Thank you.

25 And I will ask to go back into public session now.

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1 PRESIDING JUDGE SCHMITT: [9:42:19] Yeah, public session.

2 (Open session at 9.42 a.m.)

3 THE COURT OFFICER: [9:42:42] We are in open session, Mr President.

4 MS BERDENNIKOVA: [9:42:52]

5 Q. [9:42:54] So, Mr Witness, we're now back in public session and I'm going to ask
6 you a few questions about your statement.

7 Is it correct that you were interviewed by the investigators and that you gave
8 a statement to the Office of the Prosecution in July 2019?

9 A. [9:43:22] Yes, that is right.

10 Q. [9:43:26] And just for the record, I will read in the ERN of the statement which is
11 at tab 9. It's CAR-OTP-2114-0149. And we have a French translation of it, which is
12 at tab 13, CAR-OTP-2127-0155. And there is also an annex at CAR-OTP-2114-0162.

13 Now, Mr Witness, did you make that statement voluntarily?

14 A. [9:44:25] Yes, I can confirm that this statement was made completely on
15 a voluntary basis.

16 Q. [9:44:36] And is it correct that you had the opportunity to reread the statement
17 recently and during the familiarisation process and that you were able to make a few
18 corrections to it last week?

19 A. [9:44:58] Yes, that is right. I made certain corrections.

20 Q. [9:45:05] Thank you for that.

21 And the ERN of the corrections made by the witness is CAR-OTP-00001299.

22 Mr Witness, could you confirm that the statement, read together with the corrections
23 that you made to it last week, that it fairly and accurately represents what you said to
24 the investigators at the time of your interview?

25 A. [9:45:57] That is exactly it. I told them the truth.

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1 Q. [9:46:04] And so would you agree that the Chamber uses the statement as
2 evidence in this case?

3 A. [9:46:23] Yes, I agree.

4 PRESIDING JUDGE SCHMITT: [9:46:26] Then, like always, for the record, that
5 the conditions for Rule 68(3) application for this witness statement made 2019, read
6 together with the corrections that the witness made are fulfilled.

7 You can continue.

8 MS BERDENNIKOVA: [9:46:46]

9 Q. [9:46:48] So, Mr Witness, the statement that you made and that is now in
10 evidence in this case is quite complete, so the purpose of my questions today will be
11 just to ask you for a few clarifications and a few additional information based on that
12 statement, which also means I'm not going to take too much of your time this
13 morning. And I will ask you a number of questions more or less in chronological
14 order just for the purposes of clarity.

15 And for the purposes of the record I will use the English version of the statement
16 which is at tab 9. I will read in the ERN one more time, but after that I will -- No?
17 It's not necessary.

18 PRESIDING JUDGE SCHMITT: [9:47:37] No, no. It's -- well, that's an overdose of
19 ERN numbers on the record.

20 MS BERDENNIKOVA: [9:47:48] Wonderful.

21 Q. [9:47:50] All right. So, Mr Witness, I would first like to ask you a few questions
22 about Mbaïki and the situation that was there at the end of 2013 and the beginning of
23 2014.

24 Now, we're going to try to do this in open session, as I don't think there should be too
25 much identifying information coming out in the next topic, but if ever you feel that an

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1 answer you need to give may identify you, please let us know and we can revert to
2 private session.

3 However, I do want to reassure you that if any identifying information comes out
4 inadvertently, we do have mechanisms in place also to remove it from the public
5 domain, so I don't want you to worry about that too much. Have you understood?

6 A. [9:48:52] I haven't understood you very well.

7 Q. [9:49:02] All right. I'll explain it maybe in a different way.

8 We're going to continue in public session for the next topic of my questions. But
9 don't worry too much about identifying information, because if ever something that
10 tends to identify you comes out in an answer, it's possible to -- to remove it from
11 the public. So don't worry about it too much. But if you know in advance that
12 the answer that you have to give is very identifying, for example, that it will require
13 you to give your name or something like that, let me know and we can go into private
14 session.

15 Is that more clear?

16 A. [9:49:54] Yes, I understand.

17 Q. [9:49:59] Good. All right.

18 So in your statement at paragraph 31 you say: "The Muslims who lived in the villages
19 of Sekia, Kapou and Pissa fled to Mbaïki because they heard that these villages were
20 going to be attacked by the Anti-Balaka."

21 And then you go on to describe that: "The Muslims from these villages stayed with
22 their Muslim friends and families in Yerima and Baguirmi neighbourhoods of
23 Mbaïki."

24 Now, you also say in the same paragraph that you often went to these
25 neighbourhoods, and I would just like you to give more details on the living

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1 conditions of the Muslims who fled from the surrounding villages you mention, Sekia,
2 Kapou, Pissa. What were their living conditions that you observed when you saw
3 them in the neighbourhoods of Mbaïki where they were staying?

4 A. [9:51:14] What I saw with my very own eyes in these localities were that, when
5 they learned that the Anti-Balaka were about to arrive, they fled and they sought
6 refuge in the city of Mbaïki so that they could be evacuated by the MINUSCA soldiers
7 of the -- of Chad. So they basically set up a base in the district of Baguirmi while
8 waiting for evacuation, and this is exactly what I saw with my own eyes.

9 Q. [9:51:52] And where did these people stay when they were in Mbaïki? Where
10 did they sleep?

11 A. [9:52:15] Who are you referring to? Who are you talking about?

12 Q. [9:52:21] The Muslim civilians that you mentioned fled from the surrounding
13 villages and ended up in Mbaïki, they obviously -- they left their homes that were in
14 other villages. So once they arrived in Mbaïki, where was it that they could sleep?
15 Where was it that they could live?

16 A. [9:52:51] They were living in -- mostly in Yerima and Baguirmi. Yerima is just
17 behind the Mbaïki market, but Baguirmi is a bit separate and it is mostly inhabited by
18 Muslims.

19 Q. [9:53:15] And were they hosted by other Muslims in these neighbourhoods?

20 A. [9:53:34] That is it. They were hosted by people of the same religion, that is to
21 say the Muslims.

22 Q. [9:53:43] Do you know where they received food from?

23 A. [9:53:59] Now, since they were hosted by the Muslim brothers, we saw that they
24 were eating in their homes. They were also having their breakfast there, and this is
25 what we saw.

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1 Q. [9:54:16] Thank you for that clarification.

2 I would like to move on to the time following the Anti-Balaka arrival in Mbaïki now.

3 And you describe this in your statement, in particular you describe how

4 the Anti-Balaka set up a base at the town hall upon their arrival. And at

5 paragraph 30 of your statement you say that: "The Anti-Balaka later caused disorder

6 in Mbaïki."

7 So, in the same paragraph you also give an example of this, and you say that after

8 the Muslims were evacuated from Mbaïki you saw how the property they left behind

9 was looted by the Anti-Balaka.

10 I would just like to ask you to give a little more detail about this, the part where you

11 say you saw the Anti-Balaka looting the property of the Muslims who left.

12 A. [9:55:27] Thank you for the question. When the MINUSCA Chadian

13 contingent came to evacuate the Muslims, the Muslims basically left everything

14 behind. * The Anti-Balaka pounced on their property. The Muslims in fact had left

15 their belongings with certain people in Mbaïki so that they could keep it safe. But,

16 unfortunately, the Anti-Balaka pounced on it and took everything away.

17 Q. [9:56:10] And this, as you explain that this is something you saw for yourself,

18 can you give us an indication of approximately when this took place. Was it shortly

19 after the Muslims left? Was it, you know, some weeks or months after they left, or

20 was this happening throughout weeks and months after they left? Just to give us an

21 indication.

22 A. [9:56:45] It was not one month, it was actually less than a month. It was

23 the day when the Chadian soldiers evacuated the Muslims. It was on that day that

24 * Anti-Balaka started pillaging. It was not after one week, neither one month.

25 Q. [9:57:07] Thank you very much. That's very helpful.

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1 Could you clarify where did you see this? Was it a specific neighbourhood?

2 A. [9:57:32] The district or the neighbourhood where the pillaging was going on
3 was in Baguirmi, and it was actually near the main road. {ICR: (Redacted)
4 (Redacted)}. When the Chadian soldiers arrived to evacuate the Muslims, I observed
5 that the crowd was gathering. I saw manifestations and the pillaging started soon.
6 This is what I saw.

7 Q. [9:58:09] Could you give just a few examples of the type of property that was
8 being pillaged.

9 A. [9:58:26] For instance, they were things from shops, household items and carts,
10 *pousse-pousse*, carts.

11 Q. [9:58:40] And how could you identify that it was the Anti-Balaka that were
12 doing the pillaging?

13 A. [9:58:59] When the Anti-Balka arrived, everyone said they were the Anti-Balaka.
14 And I saw with my own eyes that it's the Anti-Balaka who were committing these
15 acts.

16 Q. [9:59:20] All right. And, to your knowledge, were there any other acts that you
17 describe as disorder caused by the Anti-Balaka in Mbaïki?

18 A. [9:59:57] What I saw with my own eyes is the murder of Djido, the mayor of
19 the town. This is what I saw and that's it.

20 Q. [10:00:12] Okay. Thank you. And we are going to talk about that incident
21 a little bit later today.

22 Now I would like -- I would like you -- I would like to switch to a slightly different
23 topic. And you speak of John Rambo in your statement and you explain at
24 paragraph 25 that it was public knowledge in Mbaïki that he was the leader of
25 the Anti-Balaka when it was formed.

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1 Now, at paragraph 56 you also say that his elements listened to him, and you give an
2 example of an instruction that Rambo gave to his elements. You say this: "I was
3 present when he came and told his elements not to misbehave and not to steal from
4 Christians and if they wanted to steal they should take what belonged to
5 the Muslims."

6 Now, do you recall where this took place? And here, if -- I will just give you a little
7 warming, if you do need to provide information that identifies you, let us know so we
8 can go into a private session.

9 A. [10:01:41] I'm going to answer your question. When it came to the Mbaïki
10 station, a lot of people -- train station, a lot of people went around him, and it was at
11 that time that he started to speak. And it was exactly as the deputies do in the sector.
12 So he was speaking in front of the crowd.

13 Q. [10:02:11] And did this take place -- when did this take place?

14 A. [10:02:27] I no longer remember the date.

15 Q. [10:02:31] Do you recall whether this took place before or after the evacuation of
16 Muslims from Mbaïki?

17 A. [10:02:55] Yes. It was after the evacuation of the Muslims. It was in
18 the afternoon when the evacuation take place. And afterwards he addressed
19 the crowd.

20 Q. [10:03:13] And who was -- who was this crowd made up of? Was it
21 the Anti-Balaka, the population? Was it a large crowd?

22 A. [10:03:41] There were in particular these elements who were around him.
23 There were also the inhabitants of the town. You know that when a person arrives
24 and they're spoken to, a lot of people, they will stop to listen to the speech. There
25 were a lot of people. There were women, there were men, there were children there

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1 as well.

2 Q. [10:04:09] And -- and where were you when this was happening? Were you
3 standing in the crowd as well?

4 A. [10:04:34] Of course. I was there myself. When the people were gathering
5 together, I also went there in order to see what was happening.

6 Q. [10:04:45] And so to come back to the pillaging that we just discussed earlier,
7 the pillaging of Muslim property on the day that the Muslims were evacuated, was it
8 Rambo's elements who were doing the pillaging?

9 A. [10:05:13] There were also the youth of the town. It's true that there were times
10 when the Anti-Balaka themselves were carrying out the pillaging, but sometimes it
11 was the young people from the town. And if the Anti-Balaka saw such young
12 people pillaging, they would get the goods back from them.

13 Q. [10:05:52] So is my understanding correct that they were doing the pillaging
14 together? The youth was doing some of the pillaging and Rambo's elements were
15 also doing some of the pillaging?

16 A. [10:06:15] That's the way it was.

17 Q. [10:06:19] Thank you for the clarification.

18 Your Honours, I'd like to go into a brief private, or somewhat brief, maybe not so brief
19 private session.

20 PRESIDING JUDGE SCHMITT: [10:06:29] Well, yeah.

21 And for -- for the people in the audience, this is because you have already recognised
22 it's a protected witness, and obviously we are entering issues that might identify
23 the witness. Because of that we have to go to private session.

24 (Private session at 10.07 a.m.)

25 THE COURT OFFICER: [10:07:01] We are in private session, Mr President.

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1 MS BERDENNIKOVA: [10:07:08]

2 Q. [10:07:09] So, Mr Witness, I'd like to move on to a different topic now and I'd
3 like to discuss your own experience with the Anti-Balaka now. And I will start by
4 asking you a few questions about the day that you joined them.

5 Now, again, as you've heard, we're in private session, so what you are going to say
6 will stay within this courtroom.

7 You describe at paragraph 33 of your statement that you decided to join
8 the Anti-Balaka before the Muslims were evacuated from Mbaïki and you explain that
9 you went to the Anti-Balaka base for that purpose.

10 Could you just clarify, describe where this base was located.

11 A. [10:08:07] The base was at the town hall.

12 Q. [10:08:14] And are you aware of any other Anti-Balaka bases in or around
13 Mbaïki at the time?

14 A. [10:08:42] No, I didn't hear people speak about bases around Mbaïki. They
15 were mainly based at the town hall of Mbaïki before reposition -- repositioning
16 themselves at the *Maison de jeunes*.

17 Q. [10:09:06] All right. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [10:09:41] (Redacted)

22 (Redacted) that's the reason why I

23 decided to join the ranks of the combatants to get vengeance. (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:10:19] And you say in your statement that (Redacted) did not ask about
2 your age. Did he ask other things about you at this time?

3 A. [10:10:42] He didn't question me with regards to my age. He just asked why
4 I was there and that was it.

5 Q. [10:10:57] Did he ask you, for instance, where you were from? Or did he ask
6 you anything about your parents?

7 A. [10:11:16] No.

8 Q. [10:11:25] And could you describe where you stayed once you were with
9 the Anti-Balaka?

10 (Redacted)

11 (Redacted)

12 A. [10:12:03] Yes.

13 Q. [10:12:10] I just want -- I just want to clarify something. You mentioned that
14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:12:52] Thank you. Now, in your statement you also mention that there
18 were other children within the Anti-Balaka when you joined. And I'm going to ask
19 you a few questions about them now.

20 At paragraph 36 you say that there were two children called (Redacted)

21 (Redacted) the Anti-Balaka when you joined. Do you know the real names of these
22 two children?

23 A. [10:13:29] (No interpretation)

24 Q. [10:13:30] Could you please give us the names.

25 A. [10:13:40] Their nicknames? I only know their nicknames.

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1 Q. [10:13:48] So you only know them by the name of (Redacted).

2 You don't have a first name or another name for them?

3 A. [10:14:10] That's correct.

4 Q. [10:14:14] Now, you also say in your statement that they were younger than you
5 and that you said you were like an older brother to them, which they did not dispute.

6 What else made you think that these two children were younger than you?

7 A. [10:14:49] I knew that I was older than them by looking at them. I knew that
8 they were children. I could be maybe one or two years older than them.

9 Q. [10:15:04] And does that mean that they looked physically smaller than you?

10 A. [10:15:20] Yes.

11 Q. [10:15:26] And had their voice broken yet? Did their voices sound young?

12 A. [10:15:49] Yes, they had children's voices.

13 Q. [10:16:00] And were the -- were the things they talked about or did, was that
14 something that also made you understand they were younger than you?

15 MS DIMITRI: [10:16:12] Mr President.

16 PRESIDING JUDGE SCHMITT: [10:16:18] Ms Dimitri.

17 MS DIMITRI: [10:16:19] Mr President, I let it go for a few questions, but it is already
18 a 68(3) where we have a statement. I'd like to hear the witness with questions a bit
19 more neutral to hear what he has to say, rather than to direct him with a series of
20 elements that made him think that they were younger.

21 PRESIDING JUDGE SCHMITT: [10:16:40] Well, since it is of course important to try
22 to figure out what age a certain person might have had, and since it is also obvious
23 that normally nobody shows their birth certificates, the Prosecutor must try to find
24 out as many information what -- what guided the witness to think they were younger.
25 I think we have enough now. Whatever we make out of it in the end, I think we -- it

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1 all boils down, frankly speaking, if -- also if, let me put it this way, if we -- if we were
2 asked about the age of certain people, it boils down to physical impression that we
3 have. And he said already why he thought and it's also in the Rule 68(3) statement.
4 I think you can move on from there.

5 And, perhaps, Ms Dimitri, if you're not feeling well, I know it's very important -- an
6 important witness for you, you can tell us, then we -- it's -- it's nothing more
7 important than the health, frankly speaking.

8 MS DIMITRI: [10:17:51] It's very nice of you, Mr President. I think I'm okay. It's
9 my -- I'm going to be the one examining the witness. What I -- and I apologise if I
10 wear a mask, but I'm still quite contagious. My kids woke up with 29 degrees this
11 morning. So what I suggest is I'll do a little bit today so I have less tomorrow, but I
12 think -- I really don't want to delay, that's why I'm making a tremendous effort to be
13 here. And, quite frankly, with the medication I'm -- I'm fine.

14 PRESIDING JUDGE SCHMITT: [10:18:27] So I suggest something a little bit
15 modified. That is that we today finish with the Prosecution and the LRVs, and we
16 shorten the lunch break tomorrow and we try, I think that that could be enough.
17 Think about it, Ms Dimitri. Yeah. If you have five hours tomorrow, that that
18 should be enough.

19 Because I simply assume Ms Proulx is not -- not really, really in the, let's say, in the
20 starting line.

21 MS PROULX: [10:18:53] You assume correctly, Mr President. I don't think we'll
22 have any questions for this witness.

23 PRESIDING JUDGE SCHMITT: [10:19:02] So that would also give you, Ms Dimitri,
24 an afternoon, let's say, where you can not only think over what you're going to
25 question, but also that that might also be good for you to recover a bit. Think about

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1 it. You can tell us after the break, yeah? We do it this way.

2 Ms Berdennikova, please continue.

3 MS BERDENNIKOVA: [10:19:26]

4 Q. [10:19:27] Mr Witness, you were just talking about (Redacted)

5 and I would like to ask you a few more questions about them.

6 You say that they were not from Mbaiki and that they were already in the group

7 when you joined. Do you know in -- where they joined the Anti-Balaka?

8 A. [10:20:00] Yes, they joined the group before me.

9 PRESIDING JUDGE SCHMITT: [10:20:03] Can we try that in open session? I think
10 we are in private session. And also --

11 THE WITNESS: [10:20:10](Overlapping speakers)

12 MS BERDENNIKOVA: [10:20:17] I think we may be able ...

13 PRESIDING JUDGE SCHMITT: [10:20:21] And the witness added something.

14 MS BERDENNIKOVA: [10:20:23] Yes.

15 PRESIDING JUDGE SCHMITT: [10:20:24] I'm a bit sorry about myself that I
16 interrupted him. Do we know what he -- what he said? No. Okay.

17 Mr Witness, we had the impression that you added something to your last answer.

18 Could you please repeat that. It did not come through well.

19 THE WITNESS: [10:20:54](Interpretation) You asked me the question as to where
20 they came from. I said that (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:21:11] Thank you very much, Mr Witness.

23 So I -- it's good that this did not escape our attention.

24 Is it still so that we can give it a try in open session? If not, it's -- we cannot force
25 things. Yeah.

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1 MS BERDENNIKOVA: [10:21:25] No, your Honours, in fact, we could go. I was
2 almost at the end of the private session, which, in fact, I think we can switch to public
3 session.

4 PRESIDING JUDGE SCHMITT: [10:21:35] Open session.

5 MS BERDENNIKOVA: [10:21:36] But I will just give a little guidance maybe to
6 the witness prior to --

7 PRESIDING JUDGE SCHMITT: [10:21:40] Yes, and then we go to open session.

8 MS BERDENNIKOVA: [10:21:42] Yes.

9 Q. [10:21:43] Mr Witness, as you heard, we will revert back to open session. I will
10 still ask you a few questions about your experience with the Anti-Balaka and a little
11 bit about the two other children you talk about, but as we will be in open session, I
12 will just ask you to be mindful not to, you know, say your name and I will also refer
13 to the other two children just as "the other two children you spoke about", okay?
14 And we can go back into public.

15 PRESIDING JUDGE SCHMITT: [10:22:12] Public session.

16 (Open session at 10.22 a.m.)

17 THE COURT OFFICER: [10:22:28] We're in open session, Mr President.

18 MS BERDENNIKOVA: [10:22:32]

19 Q. [10:22:33] So, Mr Witness, we just spoke about two children that had joined
20 the Anti-Balaka. And can you tell us when approximately these two children joined,
21 if you know.

22 A. [10:23:03] No, I don't know when they joined the group.

23 Q. [10:23:11] And can you tell us about the tasks that they had within the group.
24 What type of tasks did they do?

25 A. [10:23:33] You want to know what we were doing within the base?

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1 Q. [10:23:39] Yes, I would just like to know and maybe have a few examples of
2 the type of activities or the type of duties that you and these children had within
3 the Anti-Balaka.

4 A. [10:24:07] Yes. We were confined to the base and we prepared the food, we
5 carried out small tasks within the base. We didn't leave the base.

6 Q. [10:24:30] All right. And you mention at paragraph 34 of your statement that
7 when the Anti-Balaka went out on patrols, you had to stay with the other children to
8 guard the base.

9 When you mention "other children", were you referring to the two children we just
10 spoke about or were there others?

11 A. [10:25:09] (No interpretation)

12 PRESIDING JUDGE SCHMITT: [10:25:10] Well, even I understood this answer, but
13 it's good for the record --

14 THE WITNESS: [10:25:13](Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:25:19] Could we please have a translation of
16 the answer of the witness.

17 Mr Witness, there was a problem with the translation. I have to apologise. It's not
18 your fault at all. Could you please repeat your last answer.

19 THE WITNESS: [10:25:50](Interpretation) What I said was that {ICR: (Redacted)
20 (Redacted)}.

21 MS BERDENNIKOVA: [10:26:03]

22 Q. [10:26:04] Okay, thank you very much for -- for giving your answer.

23 Can you give a little bit more detail on how you actually went about guarding
24 the base. Just so we have a better understanding of what it was like, because
25 obviously we were not there.

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1 A. [10:26:37] We would be guarding the base. We had to deal with the security of
2 the base. We had knives as our weapons. We didn't have war arms or firearms.
3 As our weapons, we had knives.

4 Q. [10:27:03] And who gave you these knives that you had?

5 A. [10:27:20] They were knives that were at the base.

6 Q. [10:27:27] And how did you get these knives? Did someone give them to you
7 or did you take them yourself?

8 A. [10:27:48] Yes, they were knives that were used by the other people before us.
9 And after they went to Sekia, we took possession of them, after they left.

10 Q. [10:28:12] Were these people that you took the knives in possession from also
11 Anti-Balaka elements?

12 A. [10:28:30] Yes. These people were all Anti-Balaka. You know, when there's
13 a deployment, some people position themselves in Mbaïki and others in Sekia.

14 Q. [10:28:50] Thank you for -- for the clarification.

15 And just to give you a little information, I thank you for your patience, because some
16 of these questions that I'm asking you, they might seem quite obvious to you, but we
17 do need to have the information just for clarity of the record and for us to understand
18 as best as possible all the details that are necessary for the case. So I do thank you
19 for your patience, even when the answers might seem obvious to you to some of
20 the questions that I'm asking.

21 Now, what were you supposed -- while guarding the base --

22 MS DIMITRI: [10:29:34] I'm sorry for the interruption. I don't know if it's
23 a translation issue, but I got in French that "*Des personnes avant nous et après leur*
24 *déménagement vers Sékia, nous avons pris les couteaux*", so I'm not -- I didn't quite
25 understand who moved to Sekia when the knives were taken. I mean, it might just

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1 be a translation issue, if you -- if you want to clarify.

2 MS BERDENNIKOVA: [10:30:08] I could ask the witness to clarify, but the way I
3 understood is that it was other Anti-Balaka elements from the group that went to
4 Sekia and they took over the knives once they were not in Mbaïki anymore. But
5 I can ask him to clarify, if it's necessary, your Honour.

6 PRESIDING JUDGE SCHMITT: [10:30:29] I think you can move on. I think
7 the important thing is how -- how they -- what weapons, if any, they had or not.
8 Please, go on.

9 MS BERDENNIKOVA: [10:30:46]

10 Q. [10:30:46] Now, Mr Witness, while you were guarding the base, what were you
11 supposed to do when an outsider would approach?

12 A. [10:31:07] You see, if the neighbours or the inhabitants of the village came near
13 the base to see what was happening, we would ask them to leave. There was
14 absolutely nothing in the base to be seen. We wouldn't hurt them.

15 Q. [10:31:30] And approximately, approximately how often would you guard
16 the base? Was this a daily activity? A weekly activity? Could you give us an
17 idea?

18 A. [10:31:59] The day we were together with the chief, some would leave and some
19 would come back. But we, the young combatants, were there to execute certain tasks.
20 We were always there. We were guarding the base and in the evening when
21 the adults would leave to patrol, we children would stay back to guard the base and
22 ensure its security.

23 Q. [10:32:33] When you referred to a chief in your previous answer, who was this
24 chief?

25 A. [10:32:54] Right, I was talking about the leaders, the commanders who were

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1 elder. Coeur de Lion, for instance, he would leave for a combat -- he left for
2 a combat and this is where he fell.

3 Q. [10:33:16] All right. I'd like to ask you about some -- yes. And who gave you
4 the instructions to guard the base?

5 A. [10:33:43] It was the people who were stationed there. I don't know their
6 names. * These were combatants who assumed whichever ranks they chose. They
7 would give us orders and we would execute these orders. I did not know their
8 names, but perhaps I could identify them.

9 PRESIDING JUDGE SCHMITT: [10:34:11] If I may shortly.
10 Did Mr Yekatom, or Mr Rambo as you know him, did he ever give you an instruction,
11 an order?

12 THE WITNESS: [10:34:33](Interpretation) He was not there. Generally, he
13 was -- he was either in Bangui or in Sekia. It's true that from time to time he would
14 come, but not very frequently.

15 PRESIDING JUDGE SCHMITT: [10:34:49] Thank you.
16 Ms Berdennikova.

17 MS BERDENNIKOVA: [10:34:52]

18 Q. [10:34:55] You mentioned, still at paragraph 34, some of the other tasks that you
19 did with the Anti-Balaka such as buying provisions and cooking. Can you tell
20 the judges who gave you the money to buy the provisions.

21 A. [10:35:26] Before Coeur de Lion left, he was the one who gave us the money.
22 After that, it was people who would basically contribute -- people who were there
23 who would contribute to help us buy the food, or provisions.

24 Q. [10:35:53] And how often, approximately, would you say you cooked for
25 the elements? Was this a daily activity or something more rare than that?

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1 A. [10:36:18] We would eat every day. Yes, there were times when we would find
2 nothing to eat. It's when we had no money. Now, when we were basically
3 guarding the roadblocks, this is how we would get the money to buy provisions.

4 Q. [10:36:50] Could you elaborate a little bit more on that. You mentioned that
5 "when we were ... guarding the roadblocks, this is how we would get the money to
6 buy provisions." Could you give a little bit more detail on this.

7 A. [10:37:17] For instance, the passengers who would come from Bangui to go to
8 Mbaïki, we would ask them to pay a certain tax and this is how we would get money
9 to buy food.

10 Q. [10:37:37] And when you mention "we", do you mean to say that you were also
11 doing this, that you were asking for the money at these barriers?

12 A. [10:37:58] No, I've never been stationed as a guard in the barrier. It's the adults
13 who would do so. I was always at the base to ensure its security.

14 Q. [10:38:17] I understand. Thank you for that clarification.

15 The other children that you mentioned who were at the base, did they also do some of
16 the cooking and buying of provisions?

17 A. [10:38:40] Yes, they would do the same thing as I do.

18 Q. [10:38:47] And now you -- we already talked about the children that were
19 present at the base, but are you aware of other children or children having been
20 denied joining the Anti-Balaka or having been stopped from joining?

21 A. [10:39:19] Are you speaking about children who wished to join the group and
22 would have been denied access to the group?

23 Q. [10:39:28] Indeed, I'm just asking if you're aware of any such instances.

24 A. [10:39:49] I don't know anything about that.

25 Q. [10:39:55] Thank you. I would now like to move on to a different topic. And

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1 I'd like to talk about the days leading up to the attack on Boda. Now, I actually just
2 have one question for you here, but I will first quote a portion of your statement
3 because it relates to a discussion between Coeur de Lion and the prefect of Mbaïki
4 ahead of the Boda attack. And to be more precise, at paragraph 37, you say that:
5 "Coeur de Lion called the prefect at his office. He asked for the guns that the prefect
6 had with him to take to Boda. The prefect was looking after the guns that belonged
7 to the gendarmerie. The prefect refused to hand him the guns ..."
8 And I would just like to know how did you learn about this discussion, this
9 interaction between Coeur de Lion and the prefect?

10 A. [10:41:10] Thank you. Coeur de Lion had indeed asked the prefect to supply
11 him with weapons. This was in the town hall. When he called the prefect, he
12 actually came -- the prefect came to the town hall and that's where they had
13 the discussion. {ICR: (Redacted)}
14 (Redacted)
15 (Redacted)}

16 Q. [10:42:04] All right. Thank you for the clarification.
17 Now, later in your statement you -- you provide some information -- you provide
18 some information about the actual Boda attack during which Coeur de Lion was
19 killed. And I'd like to ask you a few questions on events that immediately followed
20 this incident.
21 You already mentioned some of the changes that took place for you after
22 Coeur de Lion's death. You say something similar at paragraph 41, where you say:
23 "Life for us as children in the Anti-Balaka became very difficult after Coeur de Lion
24 was killed." And you explain that you were not eating well, which is what you have
25 said just recently, because Coeur de Lion is the one who used to give you money for

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1 food.

2 Now, aside from the lack of food, were there other changes in the way that
3 the children were treated by the Anti-Balaka after Coeur de Lion's death?

4 A. [10:43:21] After Coeur de Lion's death, in my opinion, our living conditions
5 were rather difficult. For instance, the way one of us was beaten up, and I was really
6 scared. And this is why I wanted to leave the movement.

7 MS BERDENNIKOVA: [10:43:50] Your Honours, I believe I will need to go into
8 a private session again.

9 PRESIDING JUDGE SCHMITT: [10:43:55] Private session.

10 (Private session at 10.44 a.m.)

11 THE COURT OFFICER: [10:44:12] We are in private session, Mr President.

12 MS BERDENNIKOVA: [10:44:19]

13 Q. [10:44:20] Mr Witness, I'd like to follow up on your previous answer and ask
14 you a series of questions on that.

15 And at paragraph 42 you also say that you -- I will quote: "We were being shouted at
16 and punished by the elements." And you did in fact give the example of (Redacted)
17 being beaten after stealing money from a chief.

18 Can you -- can you give any other examples of punishments administered against
19 children in your group?

20 A. [10:45:13] Yes, I'm going to give you an example. When he stole the money, he
21 was tied up, sprayed with water and beaten. I was scared. It was like bullying
22 where that was -- that the new recruits in the army was -- were subject to. And this
23 is what I saw with my own eyes and this is something that terrified me.

24 Q. [10:45:52] And were you ever punished during your time with the Anti-Balaka?

25 A. [10:46:10] No, I was never punished this way, because I never stole. It's

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1 the person who committed the theft, it was him who was punished. And the way he
2 was punished after this theft led me to leave the movement.

3 Q. [10:46:42] All right. I would like to ask you a few questions about Rambo. At
4 paragraph 43 you say:

5 "The children did not like Rambo. He treated us badly. Rambo would threaten us
6 telling us that it was not a joke. He would shout at us and insult us and our mothers
7 and accuse us of things that we had not done."

8 Can you provide a little bit more details on the way that Rambo treated the children
9 in his group.

10 A. [10:47:32] With regards to poor treatment on behalf of Rambo, when he came to
11 our base he would shout at us. He would say that this was not a place for children.
12 And he wouldn't speak the way Coeur de Lion spoke to. He was very violent. And
13 this is why I said that he was treating us badly.

14 Q. [10:48:09] When he said that "this is not a place for children", how did
15 that -- how did you -- what did you understand that to mean?

16 A. [10:48:31] He said that this was not a place for children -- in fact, actually, I
17 haven't understood the question. Could you please reword it.

18 Q. [10:48:47] I'm going to read back the answer that you gave to my previous
19 question. When I asked you in relation to how Rambo treated the children, you said:

20 "With regards to poor treatment on behalf of Rambo, when he came to our base he
21 would shout at us. He would say that this is not a place for children."

22 So I simply wanted to understand what did you understand that to mean. When
23 Rambo would come and shout and say "this is not a place for children", how did you
24 understand that to mean?

25 A. [10:49:43] I understood that this is not a place where we were supposed to

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1 behave like children. We would -- we should not be behaving like children.

2 Q. [10:50:05] So how were you expected to behave then while you were with
3 the Anti-Balaka?

4 A. [10:50:25] We had to behave properly. And that depends on each person's
5 individual behaviour.

6 Q. [10:50:39] Did you have to behave like adults?

7 A. [10:50:57] "You" referring to us, the children?

8 Q. [10:51:05] Yes.

9 A. [10:51:23] Thank you. He wanted us to be brave and that we behave like
10 matured people. We were supposed to be strong and not weak. We had to be
11 *vaillant*.

12 THE INTERPRETER: [10:51:45] And the witness used this word in French, *vaillant*.

13 MS BERDENNIKOVA: [10:51:52]

14 Q. [10:51:55] Now, you also explain at -- sorry, and before I move on to my next
15 question, did Rambo ever ask you to leave the group?

16 A. [10:52:26] No. We would rarely see him. The only day he came was when he
17 came and spoke to us in an aggressive way. In fact, it was very rare that he would
18 come to the base. He was rare -- he would come to Mbaïki, and that was rare.

19 Q. [10:52:55] All right. And are you aware of instances where he would have
20 asked the other two children to leave?

21 A. [10:53:14] No, I don't know. Perhaps he did it after I quit the movement. But
22 in my presence, I haven't heard him ask the other children to leave the movement.

23 Q. [10:53:31] And did anyone else ask you to leave the group or are you aware of
24 anyone else asking the other two children (Redacted) to leave
25 the group?

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1 A. [10:53:55] No, I'm not privy to that.

2 Q. [10:53:59] Okay. You explain, going back to paragraph 43, that Rambo did not
3 beat the children himself but would order his elements to do it. And then you do
4 give an example of this happening to (Redacted) who were beaten
5 (Redacted). Were there other instances where children were beaten or
6 otherwise punished on Rambo's orders?

7 A. [10:54:50] When they stole the object, Rambo was not present. It was the leader
8 at that time who gave instructions so that the children could be beaten up. Rambo
9 wasn't present at that point of time.

10 PRESIDING JUDGE SCHMITT: [10:55:14] Who was that leader who gave this order
11 to beat the children up, if you recall it?

12 THE WITNESS: [10:55:31](Interpretation) I do not know his name. You see, when
13 Rambo wasn't there, the other Anti-Balaka soldiers would act like chiefs and decide to
14 manage the base in his absence. So I do not know the name of this chief.

15 PRESIDING JUDGE SCHMITT: [10:55:56] No problem, Mr Witness.
16 Please, Ms Berdennikova.

17 MS BERDENNIKOVA: [10:56:01] Your Honours, I am about to move on to another
18 topic that will take longer than five minutes, so I wonder if it's -- I'm sorry, I should
19 have stood up. I wonder if it's not a good time to maybe have the break.

20 PRESIDING JUDGE SCHMITT: [10:56:17] It's a good time. Yes.

21 And, Ms Dimitri, you ponder what I have said. And I have also looked into
22 the schedule for this block. I think we -- we could -- we can manage that. But -- but,
23 as I said. No, take your time, Ms Dimitri, really, I don't want to force anything on
24 you. But I have the impression it would be good if you had a free -- not free, of
25 course, you will have to prepare. But nevertheless, if you would not have to start

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1 today, have the impression at least. Good.

2 THE COURT USHER: [10:56:49] All rise.

3 (Recess taken at 10.56 a.m.)

4 (Upon resuming in private session at 11.31 a.m.)

5 THE COURT USHER: [11:31:51] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [11:32:12] We are in private session.

8 Can we go to open session, or? Yeah, open session.

9 (Open session at 11.32 a.m.)

10 THE COURT OFFICER: [11:32:31] We are in open session, Mr President.

11 MS BERDENNIKOVA: [11:32:51]

12 Q. [11:32:54] Good morning again, Mr Witness.

13 Following the break, I'd like to switch topic and I'm going to ask you about a couple

14 of more different issues. It will probably take me about an hour, maybe even less, of

15 your time.

16 Right now I'd like to move on and discuss the day that Djido was killed. And this is

17 something that you talk about in your statement. And you mention that you saw

18 part of what happened on the day and I'll ask you for a couple of clarifications.

19 So, first, at paragraph 51 you say that you saw Djido's wife and children being

20 escorted by the Anti-Balaka to Bishop Rino's vehicle.

21 And I'd like you to clarify what made you think that it was the Anti-Balaka that were

22 escorting Djido's family members to the vehicle?

23 A. [11:34:14] I say that because these were people that I saw, that I knew. And

24 that's why I made that statement. I said that it's the Anti-Balaka who escorted them

25 to the vehicle.

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1 Q. [11:34:25] So these are people you identified as Anti-Balaka because you knew
2 them from before?

3 A. [11:34:44] Yes. I knew them from before because I was part of the group, so I
4 could identify them from that, from that experience.

5 Q. [11:34:56] And did you see others whom you identified as Anti-Balaka within
6 the crowd that day?

7 A. [11:35:22] Are you speaking about the crowd that was in front of Djido's home?

8 Q. [11:35:28] Yes, indeed. That's it.

9 A. [11:35:39] No, the Anti-Balaka weren't part of the crowd. It was much more
10 young people who were living in the south of the town who had come to the Djido
11 neighbourhood. But within the crowd, there were no Anti-Balaka in that crowd.

12 Q. [11:36:00] And approximately how far away were you from when this was
13 happening?

14 A. [11:36:22] {ICR: (Redacted)}

15 Q. [11:36:28] {ICR: (Redacted)}

16 Now, you mention at paragraph 51 that the Anti-Balaka tried to convince Djido to
17 also leave with his family, but he said that he would stay and die there.

18 Could you just clarify how you know this, that this is what was said by
19 the Anti-Balaka.

20 A. [11:37:10] Because the crowd were talking and people said that they'd been
21 asked to -- they'd been asked to leave the town and that he hadn't. He'd been asked
22 to go and he had refused to do so. And I heard people said that, that he'd refused to
23 do it and he'd got people to come from Boda. They'd asked him to leave.

24 Q. [11:37:36] All right. And now I would like to ask you a few clarifications on
25 some of the individuals whom you identified in your statement that were involved in

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1 the incident.

2 And, first, I'd like you to clarify at paragraph 54, where you say: "Likoundou
3 (meaning witchcraft in Sango) from Boda cut the genitals of Djido's body before it
4 was removed by the Red Cross."

5 You then clarify that you did not witness it when it was done, but that you saw
6 a video later of someone cutting the genitals off.

7 First of all, do you know Likoundou's real name?

8 A. [11:38:39] I don't know Likoundou's real name.

9 Q. [11:38:43] All right. And still at paragraph 54, you also mention that you saw
10 an Anti-Balaka woman named Cynthia in the video of the incident. Can you tell us
11 anything more about this woman?

12 A. [11:39:13] Yes. She was in the Anti-Balaka group, she was in Sekia and she was
13 in Rambo's group. She was in Sekia. And when Rambo went to visit Mbaïki, she
14 was also part of that group.

15 Q. [11:39:34] And do you know any other names that she may have used?

16 A. [11:39:53] No. I only know the first name Cynthia. I don't know her
17 nickname.

18 Q. [11:40:03] And do you know the names or possibly nicknames of any other
19 women from Rambo's Anti-Balaka group?

20 A. [11:40:26] No. That was the only one whose name I knew. The others I didn't.

21 Q. [11:40:36] And does Mama ti Godobe or *Cheveux de la Mort* ring a bell for you?

22 A. [11:40:57] No, Mama ti Godobe and *Cheveux de la Mort*, I don't know them.

23 Q. [11:41:08] All right. I'd now like to ask you a few additional questions about
24 the video of this incident which you say that you saw. Could you just very briefly
25 describe the video.

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1 A. [11:41:41] Do you want to talk about the video showing Djido's murder; is that
2 correct?

3 Q. [11:41:46] Yes, indeed. I would just like to know, if you can very briefly
4 describe the video that you did see of this incident.

5 A. [11:42:19] I saw the video of his murder. The person who showed me the video,
6 well, I saw how Djido was -- well, Cynthia cut off his masculinity, and it was after
7 that that they were jumping up with joy, afterwards.

8 Q. [11:42:44] All right. And could you just clarify how did you know that her
9 name was Cynthia, of this woman?

10 A. [11:43:07] I don't know, because she was in the group of the Anti-Balaka. And
11 when they came to the town of Mbaïki, she was walking around. She was called
12 Cynthia. And in Djido's murder, she participated in that. The children were calling
13 "Cynthia, Cynthia, Cynthia." And that's how I was able to identify her as being
14 Cynthia.

15 Q. [11:43:38] And do you recall when approximately you would have seen this
16 video? Was it shortly after Djido was killed or was it some weeks or months later?

17 A. [11:44:08] No, it didn't take several months. It was quite soon afterwards.
18 MINUSCA were calling for people and the -- it was the Congolese contingent, they
19 were firing into the air. People fled. And they were the ones who took
20 the photographs and shared them with people who hadn't participated or hadn't seen
21 the incident. So even the person who showed me the video hadn't been there. But
22 it was shared. And the people who weren't there got to know about it via the video
23 which was shared.

24 Q. [11:44:59] Okay. I understand. Thank you.

25 Now, you mention the involvement of Cynthia on the day of Djido's killing. Are

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1 you aware of the involvement of other Anti-Balaka elements?

2 A. [11:45:31] No, no, I don't know the Anti-Balaka who participated in the murder.

3 According to what I heard, it wasn't the Anti-Balaka. What I saw on the video was

4 Cynthia and the people who were following her applauding her.

5 Q. [11:45:56] Okay. Thank you. We do have a video of the incident also in our

6 possession. And I would like to play a short excerpt of it for you and then see if it

7 appears to be the same footage as the one that -- that you would have seen at the time.

8 And, your Honours, for the record, it's a video at tab 1. The ERN reference is

9 CAR-OTP-2059-0384, with the transcript at tab 7, CAR-OTP-2107-3014. And

10 the French translation at tab 11, CAR-OTP-2118-5633. And we're just going to play

11 a short excerpt of it from minute 01:40 until 02:09.

12 And for the public, it contains some graphic images.

13 If we could have the floor, we could play it from our bench.

14 (Viewing of the video excerpt)

15 MS BERDENNIKOVA: [11:48:29]

16 Q. [11:48:29] Mr Witness, did you see the video that was just shown?

17 A. [11:48:44] I saw the video.

18 Q. [11:48:47] And is this the video that you saw at the time?

19 A. [11:49:02] Yes, it's indeed that one.

20 PRESIDING JUDGE SCHMITT: [11:49:07] Mr Witness, do you happen to know

21 the male person in the video that dragged the body? It was not a young guy, it

22 seemed to be a little bit of an elder guy? Do you happen to know him?

23 THE WITNESS: [11:49:37](Interpretation) No, I don't know him.

24 PRESIDING JUDGE SCHMITT: [11:49:39] Thank you.

25 Ms Berdennikova.

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1 MS BERDENNIKOVA: [11:49:46] Your Honours, I'm afraid that my next topic will
2 require a private session and pretty much until the end of the examination, which will
3 end shortly.

4 PRESIDING JUDGE SCHMITT: [11:49:57] Yes.

5 And so for the audience, you have recognised that this is a protected witness and
6 the Prosecutor announces that they will address issues that could identify
7 his -- him -- could identify him, and because of that we have to do that in private
8 session.

9 Yeah, private session.

10 (Private session at 11.50 a.m.)

11 THE COURT OFFICER: [11:50:35] We are in private session, Mr President.

12 MS BERDENNIKOVA: [11:50:44]

13 Q. [11:50:44] Mr Witness, I'm going to move on to my last topic for today. And
14 this topic relates to the ESF demobilisation programme (Redacted).

15 Now, you describe in your statement that sometime after deciding to leave the
16 Anti-Balaka you learned about the ESF demobilisation programme and – (Redacted)
17 (Redacted)

18 Now, when describing the programme, you explain at paragraph 59: (Redacted)

19 (Redacted)

20 (Redacted)

21 I would just like to know a little bit more about (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 This is at paragraph 60 and 61.

15 And I would like to ask you a few questions on the way this programme was

16 organised.

17 (Redacted)

18 A. [11:54:35] I haven't understood the question. Was it about what happened

19 before I joined the group?

20 Q. [11:54:46] I'll -- I'll clarify what I meant.

21 (Redacted) the ESF, did you speak to any of the staff members at ESF, any of

22 the people who were organising this demobilisation programme (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. [11:58:12] Yes, please. And again, we are in private session.
- 19 A. [11:58:28] Okay. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 Q. [11:59:02] Thank you very much.
- 23 THE INTERPRETER: [11:59:03] The interpreter states that (Redacted)
- 24 (Redacted)
- 25 MS BERDENNIKOVA: [11:59:17]

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:01:04] Thank you very much for that clarification.

14 And do you recall what – (Redacted)

15 (Redacted)

16 A. [12:01:35] I do not remember that.

17 PRESIDING JUDGE SCHMITT: [12:01:47] Do we have a document in that regard?

18 MS BERDENNIKOVA: [12:01:51] I have a follow-up question.

19 PRESIDING JUDGE SCHMITT: [12:01:53] Okay. Yeah.

20 MS BERDENNIKOVA: [12:01:54]

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [12:02:54] Thank you for that clarification.

2 If I may have just one moment.

3 (Counsel confers)

4 MS BERDENNIKOVA: [12:03:15]

5 Q. [12:03:16] Mr Witness, I'd like to show you a document which appears at tab 5 of

6 the Prosecution binder. And it's a document from ESF that contains some

7 information about children, (Redacted), that were demobilised through

8 the ESF demobilisation programme, and I'd just like you to comment on it.

9 As I said, it's at tab 5, CAR-OTP-2071-0279. And if we could zoom into entry

10 number 36.

11 Mr Witness, do you see the document on your screen? If I could just direct you to

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 I would just like to ask you for one -- one -- one question on this document. As you

17 can see, the age of 12 is there. Do you know why it would appear as 12 in this

18 document?

19 A. [12:05:39] I don't know. (Redacted)

20 (Redacted) I'm not sure what the age -- what age was recorded

21 on that document.

22 PRESIDING JUDGE SCHMITT: [12:06:00] That's quite an open -- open answer, a

23 frank answer, I have to say. I think you are going to ask him why, otherwise I would

24 do it.

25 Mr Witness (Redacted)

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1 (Redacted) Do you recall why you did that?

2 THE WITNESS: [12:06:45](Interpretation) (Redacted)

3 (Redacted)

4 (Redacted) So this could have led to a difference.

5 PRESIDING JUDGE SCHMITT: [12:07:04] Thank you. Thank you for that

6 clarification.

7 Ms Berdennikova.

8 MS BERDENNIKOVA: [12:07:10]

9 Q. [12:07:12] Thank you indeed, Mr Witness.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:08:13] Okay.

18 We've reached almost the end of my questions, the questions that I have for you.

19 But before I finish I'd like to ask you -- show you just a few photographs, some of

20 which were already shown to you during your interview, just to ask a couple of

21 additional questions on those.

22 So I would like to -- for you to first have a look at a photograph in document at tab 2.

23 And I'll read in the ERN, which is CAR-OTP-2068-0558. And it will be

24 the top -- 05 -- yeah, at page 0562. It's the top left photograph. Yeah.

25 Now, Mr Witness, during your interview, at paragraph 67 you said in relation to this

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1 photograph: (Redacted) I do not

2 remember their names."

3 Now I know it's been a very long time, it's been almost nine years, in fact, since

4 the photograph was taken. But looking at this picture now, can you add any more

5 details about the individuals that you see here?

6 A. [12:10:10] Yes, if I'm shown their photos, I can comment.

7 Q. [12:10:23] Do you recognise or can you give us any additional information on

8 the photograph of the children that is now on your screen?

9 A. [12:10:59] Yes, I recognise and I can identify some people on the photo. There
10 are some who are in Bangui and I do bump into them.

11 Q. [12:11:19] Is there -- is there anyone in particular that you recognise? You
12 know, for instance, the small boy with the pink backpack who is standing in front of
13 the line, is that someone that you recognise? And if not, could you point us to any
14 specific individuals that you do recognise.

15 (Redacted)

16 (Redacted)

17 MS BERDENNIKOVA: [12:12:14] Could we zoom in a little bit more into this
18 picture.

19 MS DIMITRI: [12:12:32] Mr President.

20 PRESIDING JUDGE SCHMITT: [12:12:35] Yes.

21 MS DIMITRI: [12:12:36] If I can make a -- I hope a useful suggestion. In our binder
22 we have the equivalent pictures and we circled and we put numbers. It's going to be
23 faster, I believe, and much clearer for the record.

24 PRESIDING JUDGE SCHMITT: [12:12:53] Very much appreciated.

25 Yes, then we -- this is tab?

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1 MS DIMITRI: [12:12:58] Tab 8 of the Defence binder.

2 PRESIDING JUDGE SCHMITT: [12:13:00] Tab 8. Then -- okay, then we show this
3 to the witness. Thank you very much.

4 MS BERDENNIKOVA: [12:13:26]

5 Q. [12:13:29] In this version of the photograph, am I correct that you were referring
6 to the individual – (Redacted)

7 (Redacted)

8 (Redacted) Are those the two people that you mentioned?

9 A. [12:14:07] Yes, they're the people I was referring to and they're the people I
10 recognise.

11 Q. [12:14:16] And aside from being able to recognise them, can you tell us anything
12 more about them. Do you know their names? Do you know, you know, what their
13 role was, or anything like that?

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:15:31] And I understand that would be (Redacted)?

20 A. [12:15:47] Yes, that's him.

21 Q. [12:15:50] All right. But do you know anything about these individuals'
22 experience and why they were in the ESF demobilisation programme, or their names?

23 A. [12:16:20] These are child soldiers. I think the programme was for
24 demobilising child soldiers, and that's all I can tell you.

25 Q. [12:16:42] So I take it you don't necessarily know more specifics about these

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1 children's experience?

2 A. [12:16:59] No, I do not know much on their experience.

3 I don't know what led them to be in a demobilisation programme.

4 PRESIDING JUDGE SCHMITT: [12:17:15] And I think we can take it that he also

5 does not know the age of these two. You can ask if you want, so this would perhaps

6 spare the Defence some time, but ...

7 MS BERDENNIKOVA: [12:17:29]

8 Q. [12:17:29] Did you know their age or their names, if you can recall?

9 A. [12:17:56] I do not know their names, (Redacted) he is actually
10 older than I am.

11 Q. [12:18:16] Okay, that's very helpful. Thank you.

12 And what about (Redacted)?

13 A. [12:18:41] I saw him, but I do not know his name or his age.

14 Q. [12:18:51] Okay. Thank you for that.

15 I'd like to show you a couple more pictures. There is one which is on the same

16 page as the previous photograph, but on the bottom right. And I suspect

17 the Defence might have a version of it with numbers.

18 MS DIMITRI: [12:19:16] Yes. I think it's tab 10.

19 PRESIDING JUDGE SCHMITT: [12:19:22] It is tab 10.

20 MS BERDENNIKOVA: [12:19:28] Thank you.

21 Q. [12:19:34] So, Mr Witness, in your -- when you were shown this photograph

22 during your interview, you said at paragraph 67, similar to the previous one: "... I

23 recognise persons who were (Redacted). I do

24 not remember their names."

25 Is there anything else that you could tell us about any of the people who are in this

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1 photograph today?

2 A. [12:20:13] No, I'm not in a position to do so.

3 Q. [12:20:18] That's absolutely fine. Thank you very much.

4 I will show you just one last picture then, which is in a different document.

5 And this is at tab 3 at CAR-OTP-2068-0568. And it's a photograph at page 0581.

6 But, again, if we have a numbered version from the Defence, I would be grateful for

7 the --

8 MS DIMITRI: [12:20:51] Tab 12.

9 MS BERDENNIKOVA: [12:20:52] Thank you.

10 Q. [12:21:16] Mr Witness, this is the last photograph I'd like you -- I'd like to show

11 you today.

12 Now, again when you were shown this picture during your interview, you said at

13 paragraph 69 that you recognise some of the individuals, but you don't remember

14 their names. And in particular you recognized (Redacted)

15 (Redacted)

16 And if we scroll down, we'll be able to see the number.

17 So this would be the person at number 8. You also said that you recognize (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Again, is there anything else, in addition to what you already told the investigators

23 during your interview, that you could say about these three individuals or anyone

24 else in that photo today?

25 A. [12:22:53] I think the ones I identified on this photo (Redacted)

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1 (Redacted) but I don't know anything about their experience.

2 PRESIDING JUDGE SCHMITT: [12:23:15] Thank you very much for the Defence.

3 This shortened the examination by the Prosecution. And I suspect it could also have
4 shortened the examination by the Defence, so this is a win-win situation.

5 Ms Berdennikova.

6 MS BERDENNIKOVA: [12:23:35] Indeed, your Honour.

7 Q. [12:23:37] In fact, this concludes my examination and I would just like to thank
8 you very much for your patience and for answering my questions this morning. So
9 thank you.

10 We're done.

11 PRESIDING JUDGE SCHMITT: [12:23:47] Thank you, Ms Berdennikova.

12 And, Mr Witness, before we continue, I have one or two questions for you.

13 We saw in your statement that (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [12:24:49] So this is very good to hear, because this
20 is also very important.

21 May I ask you what you are doing at the moment for a living?

22 THE WITNESS: [12:25:17](Interpretation) Currently, I do not -- I'm not doing
23 anything because I do not have financial resources, so I had to stop my studies.

24 (Redacted). I had some problems and I left

25 this job. And after that, (Redacted) I started

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1 working (Redacted) and this is what helps me live. This is not my will, this is not
2 really what I want to do, but it does provide for subsistence and so I continue in this
3 path.

4 PRESIDING JUDGE SCHMITT: [12:26:07] So what would you like to do? You said
5 this is not what you want to do. What would be your plans if you could -- could
6 pursue them?

7 THE WITNESS: [12:26:32](Interpretation) What I would like to do, now, it's -- I
8 would like to continue my studies.

9 (Redacted)

10 (Redacted) So I've put

11 myself in the hands of the God and I really put myself and my destiny in the hands of
12 God.

13 PRESIDING JUDGE SCHMITT: [12:27:15] Thank you, Mr Witness.

14 Are there any questions by the representative of the victims.

15 Mr Suprun, I would assume, if any.

16 MR SUPRUN: [12:27:27] Yes, indeed, Mr President. With the Chamber's leave, I
17 have a few questions for this witness.

18 PRESIDING JUDGE SCHMITT: [12:27:31] Mr Suprun, can we do that in open
19 session or do we have to --

20 MR SUPRUN: [12:27:35] I think so, yes.

21 PRESIDING JUDGE SCHMITT: [12:27:38] Then we go to open session.

22 (Open session at 12.27 p.m.)

23 THE COURT OFFICER: [12:27:53] We are in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [12:27:58] You have the floor, Mr Suprun.

25 MR SUPRUN: [12:28:04] Thank you, your Honour.

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1 QUESTIONED BY MR SUPRUN: (Interpretation)

2 Q. [12:28:06] Good morning, Witness. I'm Dmytro Suprun and I represent

3 the group of victims which are the former child soldiers of the Anti-Balaka.

4 My first question is as follows: When you joined the Anti-Balaka group, had you

5 heard of the initiation procedure of new recruits? Normally the ritual

6 with -- involving fetish objects aimed at protecting the Anti-Balaka?

7 PRESIDING JUDGE SCHMITT: [12:28:43] Ms Dimitri.

8 MS DIMITRI: [12:28:45] I believe this is going beyond the scope, in my opinion, of

9 the ...

10 PRESIDING JUDGE SCHMITT: [12:28:50] I think that that would be -- that is too

11 tight. No, the witness can't answer that. It's not --

12 Mr Witness, so had you heard of such a thing, of such initiation processes? Had you

13 heard of that before you joined the Anti-Balaka?

14 THE WITNESS: [12:29:24](Interpretation) Yes, I've heard of these rituals.

15 The person joining the group must be initiated and must bring *gris-gris* and should

16 bear scars. So, to put it in a nutshell, he should be completely armoured, so to speak.

17 PRESIDING JUDGE SCHMITT: [12:29:48] So, Mr Suprun, to avoid any -- any

18 discussions there.

19 So did that -- just one question by me.

20 And did that happen to you too when you joined the Anti-Balaka? This initiation

21 process that you describe.

22 THE WITNESS: [12:30:21](Interpretation) No. But we found *gris-gris* which we

23 wore. But, personally, I didn't follow this initiation process.

24 PRESIDING JUDGE SCHMITT: [12:30:35] Mr Suprun.

25 MR SUPRUN: [12:30:36] Mr President, still if I may, I would like to make a comment

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1 on this, because in response to the Defence objection, the question -- these sort of
2 questions are very relevant for the personal interest of the victims I represent, because
3 the majority of them follow this procedure, so that's why the question I'm asking this
4 witness, which is one of the few witnesses who is expected to talk about the child
5 soldiers, so that's why it's -- it's fully relevant to the interests of my clients.

6 PRESIDING JUDGE SCHMITT: [12:31:04] And that is why I allowed the question,
7 exactly.

8 So you can continue, Mr Suprun.

9 MR SUPRUN: [12:31:15](Interpretation)

10 Q. [12:31:17] Witness, have you yourself undergone military training?

11 A. [12:31:35] No, I haven't undergone military training.

12 Q. [12:31:40] Now, this morning you said that your role was to ensure security on
13 the base, among others, and that you had a knife. My question is as follows: Did
14 somebody in the group explain to you how to use the knife in order to defend
15 the base and how should you defend the base? Defend oneself and how should you
16 defend the base?

17 A. [12:32:12] Nobody told us how to use the knife. But the leaders gave us
18 the order to protect the camp, nobody should enter. But they didn't teach us how to
19 attack with a knife, how to cut people. No, we didn't learn that.

20 Q. [12:32:36] And at any time did you have to use your knife to defend yourself or
21 to defend the base?

22 A. [12:32:51] No, never. I never had the opportunity to do so. I never found
23 somebody. I just had the knife to protect myself, but I never used it.

24 Q. [12:33:10] I'm changing subject, Witness. Now, during the period when you
25 were in the Anti-Balaka group, what was -- what were your life conditions at the time?

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1 What type of food did you eat? Under what conditions did you sleep?

2 A. [12:33:32] As I just said, at the time, we were well treated with Coeur de Lion,
3 we slept well, we ate well. Some of us would carry out the guard, others would
4 sleep. And afterwards, when Coeur de Lion died, we started to have small problems,
5 as I told you. And it was after the death of him that I took the decision to leave
6 the group.

7 Q. [12:34:06] In your written statement given to the Office of the Prosecutor,
8 namely paragraph 34 thereof, you indicated that when you -- they gave you cigarettes
9 and marijuana, but you refused. And my question is as follows: To the best of
10 your knowledge, did the two other children who were in your group smoke
11 marijuana?

12 A. [12:34:42] They were smokers. And that's the reason why they smoked. But
13 I didn't want to.

14 Q. [12:34:54] How much time did you stay in the Anti-Balaka group?
15 Days -- days, weeks or months, according to the best of your memory?

16 A. [12:35:14] I only spent a few weeks there.

17 Q. [12:35:22] Witness, you spoke about {PFR: (Redacted)}
18 (Redacted)} and my question is as follows: Within the framework of this
19 demobilisation programme, did you receive assistance of a psychological nature, so
20 psychological assistance?

21 A. [12:35:54] I don't know if I understand the question. You want to know if I
22 received assistance when I was in the cell or afterwards, after I left?

23 Q. [12:36:09] Witness, I'm going to put my question again. Now, this concerns
24 the period when you had already left the group and {PFR: (Redacted)}
25 (Redacted)} I wouldn't give the name of

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1 the NGO because we are in open session. So my question is as follows: Within
2 the framework of this demobilisation programme of the NGO, did you receive
3 psychological assistance?

4 A. [12:36:55] Those who were responsible for the project would give us advice,
5 saying that the children shouldn't do this type of work. It was this type of advice
6 that they offered, it wasn't an appropriate place for children. That is what they said.

7 Q. [12:37:17] Witness, in your experience of the Anti-Balaka movement, did that
8 have a negative impact on you? Did it cause you any type of harm? Did it have
9 any negative impact on your subsequent life?

10 A. [12:37:52] Could you put the question again, please.

11 Q. [12:37:56] Absolutely, Witness. My question was as follows: In your
12 experience in the Anti-Balaka group, did it cause you anything negative, did it have
13 a negative impact on your life after demobilisation?

14 A. [12:38:34] As far as I'm concerned, I don't know. If I had difficulties to enter
15 into the army, is it with regards to my name, I don't know. Sincerely, there's no
16 incident, a particular incident concerning my current life.

17 Q. [12:39:02] I'll just make it more clear for you, Witness.

18 After you left the army, after you left the Anti-Balaka group and when you went
19 home into your community, my question is as follows: Did you ever have -- were
20 you ever stigmatised by your family or your community because of your experience
21 in the Anti-Balaka group?

22 A. [12:39:37] No, I didn't experience that. Perhaps that happened after me
23 or -- but, in my presence, I was not a victim of stigmatisation.

24 Q. [12:39:53] After you left the Anti-Balaka group, did you ever have psychological
25 or emotional problems related to your experiences in the Anti-Balaka group? Do

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1 you have nightmares, for example? Do you have difficult memories, for example, or
2 other -- anything else?

3 A. [12:40:23] No, I didn't experience that, because I didn't spend time in the group.
4 I don't know. I didn't experience that. I am calm. I sleep calmly because I didn't
5 cause harm to anyone else. So I am calm as far as that is concerned.

6 Q. [12:40:43] My last question now Witness.

7 For you, Witness, if at the end of this trial before the International Criminal Court
8 Mr Yekatom is found guilty, as far as you were concerned, as far as a child soldier,
9 would you consider that it would constitute a compensation for the harm that you
10 suffered, whether a medical or socio-economic harm, if he is found guilty?

11 PRESIDING JUDGE SCHMITT: [12:41:25] Ms Berdennikova.

12 MS BERDENNIKOVA: [12:41:28] Your Honours.

13 THE WITNESS: [12:41:31](Interpretation) I would like to thank you --

14 PRESIDING JUDGE SCHMITT: [12:41:32] Mr Witness, please wait a second,
15 the Prosecutor has -- Ms Berdennikova has an objection or has a remark.

16 Ms Berdennikova.

17 MS BERDENNIKOVA: [12:41:42] Your Honours, I'm not sure that it's an
18 appropriate question to ask at this stage of the proceedings on what would happen
19 if --

20 PRESIDING JUDGE SCHMITT: [12:41:50] Yes, indeed. I agree. I agree. I agree
21 with you. I agree.

22 MR SUPRUN: [12:41:53] If I may, Mr President, similar questions were asked to
23 other witnesses and no objection was raised, either by the Prosecution or the Defence.
24 So I do not see any reason why I cannot ask this question to this witness.

25 PRESIDING JUDGE SCHMITT: [12:42:07] Well, I -- but I already told you that I

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1 agree with the Prosecution. And also -- also how -- how compounded the question

2 was put, I'm not happy with it, actually.

3 Do you have further questions?

4 MR SUPRUN: [12:42:16] No, Mr President, I have finished.

5 PRESIDING JUDGE SCHMITT: [12:42:19] Okay. Thank you very much.

6 So now the question -- actually, Ms Dimitri, again, you know, you always get a sort of

7 a feedback from me. I have the impression also with regard to the last -- some

8 answers the witness gave on questions by Mr Suprun that perhaps it's really a good

9 idea to refer to you -- to tomorrow. But, please tell us what your considerations are.

10 MS DIMITRI: [12:42:48] Thank you, Mr President.

11 I -- I -- here's what I suggest. I could use the next 20 minutes to ask questions. My

12 first series of questions are family related, so they were not impacted by today. And

13 at least I will, you know, remove from my examination dozens or so of questions, and

14 then I will definitely use this afternoon to shorten, because of what was said, and I

15 really appreciate your -- your kindness.

16 PRESIDING JUDGE SCHMITT: [12:43:25] Absolutely. But then I would suggest

17 that you start immediately so that --

18 MS DIMITRI: [12:43:30] Yes, indeed.

19 PRESIDING JUDGE SCHMITT: [12:43:31] That we can finish before the lunch.

20 MS DIMITRI: [12:43:34] That was my plan, yes.

21 PRESIDING JUDGE SCHMITT: [12:43:35] Because otherwise it doesn't make sense.

22 And I assume that we have to go to private session for that.

23 MS DIMITRI: [12:43:41] Yes.

24 PRESIDING JUDGE SCHMITT: [12:43:41] Private session.

25 (Private session at 12.43 p.m.)

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1 THE COURT OFFICER: [12:43:59] We're in private session, Mr President.

2 MS DIMITRI: [12:45:03] We're in private session, right?

3 PRESIDING JUDGE SCHMITT: [12:45:05] Yes, we are.

4 MS DIMITRI: [12:45:06] Thank you.

5 QUESTIONED BY MS DIMITRI: (Interpretation)

6 Q. [12:45:15] Good morning, Witness.

7 My name is Mylène Dimitri and we met this week during the courtesy visit.

8 I would first like to apologise because I'm wearing a mask. I'm a bit ill at the

9 moment. So it's not a lack of respect towards you or to make you not see my face,

10 but it's for medical reasons.

11 So I'm one of the Defence lawyers in the team of Mr Yekatom and I'm going to put

12 a series of questions to you today and tomorrow. I'm going to speak to you in

13 French, so I would ask you to pay attention when you answer my questions, because I

14 have seen during the courtesy visit that you understand French and it's important to

15 take a break between my question and your answer. Are you following me?

16 A. [12:46:26] Yes, I'm following you.

17 Q. [12:46:30] Now I'm going to start by putting questions to you. We are in

18 private session. So my question go into the members of your family, so don't be

19 concerned because we are in private session. And tomorrow, when we go into open

20 session, it will only be for small parts of my cross-examination. Is that okay?

21 A. [12:46:59] Very well, yes.

22 Q. [12:47:07] So earlier this morning, when my colleague was asking you if you had

23 already had a nickname, you replied in the negative. So would I be right to say that

24 (Redacted) doesn't mean anything to you?

25 A. [12:47:32] It means nothing to me.

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1 Q. [12:47:39] Thank you. * For the record it's (Redacted).

2 In paragraph 12 of your statement, the statement that you gave to the investigators of
3 the Office of the Prosecutor -- and for the record, I'm going to use the French version
4 thereof of the statement, I'm going to refer to the paragraph number and I'm going to
5 give the ERN once. CAR-OTP-2126-0155.

6 So, in paragraph 12 thereof you state that (Redacted)

7 (Redacted)

8 Now, when (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [12:49:23] Well, I think I corrected this information. (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:49:40] Yes, that's exactly what I'm speaking about. I think you
15 misunderstood my question, or there was a mistake in the interpreting.

16 My question was, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:50:27] Thank you. And are you able to estimate the distance between
21 (Redacted) and the town hall, SOCATEL, for example?

22 A. [12:50:58] No, I couldn't give an estimation. What I can say is that it's not far
23 away.

24 Q. [12:51:10] If I put it to you that it's approximately 400 metres, 4 to 500 metres
25 away, would that be correct?

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1 A. [12:51:28] No. I can't agree with you, because I haven't made any calculation,
2 so I can't comment on that.

3 Q. [12:51:47] No problem. And when you don't know the answer to one of my
4 questions, don't hesitate to say "I don't know". There is no problem.

5 Could it be calculated differently? Would you be able to say, for example, how
6 many minutes walking it might take between (Redacted) and the town hall?

7 A. [12:52:28] Yes. Going from the (Redacted) to the town hall, running,
8 would take two minutes. If you walk, it would be five minutes.

9 Q. [12:52:49] Thank you for your answer. That's very helpful.
10 You indicated in paragraph 57 of your statement that you went in front of the house
11 in order to bathe. Is that -- is it true that the house was -- (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [12:54:29] No.

22 (Redacted)

23 (Redacted)

24 A. [12:54:55] No.

25 Q. [12:55:01] Are you able to tell me in which neighbourhood (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:55:40] I'm going to come back to that shortly.

6 Now, you state that when power was taken by the Seleka on 24 March 2013, that you
7 were in Bangui (Redacted). That's in paragraph 14 of your statement, and you state
8 that you stayed there (Redacted). And you state that afterwards, approximately one
9 month after your arrival in Mbaïki (Redacted), the Seleka arrived and established
10 their base there.

11 And according to my calculations we're (Redacted).

12 So my question is as follows: Should we understand from your testimony that
13 your -- when you arrived in Mbaïki, so in (Redacted), there was no Seleka?

14 They came after you returned to -- after your return to Mbaïki?

15 A. [12:56:58] Yes. I arrived in Mbaïki well before the Seleka left the town.

16 Q. [12:57:15] My question is a bit different. Please listen carefully to my question.

17 In your statement you state -- in paragraph 14 you indicate that during -- when
18 the Seleka took power, 24 March, that you were in Bangui (Redacted).

19 Thereafter, in paragraph 17 of your statement you state that you stayed (Redacted)
20 (Redacted) in Bangui. (Redacted)

21 (Redacted)

22 Now, you state that afterwards you returned to Mbaïki (Redacted)

23 and you state that it was after one month, approximately one month after you
24 returned to Mbaïki - this is in paragraph 18 - that the Seleka arrived and that they set
25 up their base at the town hall.

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1 Now what I would like to know is if I should understand from your testimony that
2 when you arrived in Mbaïki (Redacted), should I understand that the Seleka had not
3 yet arrived in Mbaïki?

4 A. [12:59:16] When I arrived in Mbaïki, the Seleka were already in the town. They
5 had set everything up before I arrived in the town of Mbaïki.

6 Q. [12:59:33] Very well, I would like to thank you. The reason why I'm asking
7 the question is because through your answer I understand that there's a mistake in
8 your statement. And that's why I'm asking certain questions in order to clarify that
9 point. Do you follow me?

10 A. [12:59:57] I am following you well.

11 Q. [12:59:59] Now I'm going to go back somewhat. When you were in Bangui
12 with (Redacted)

13 (Redacted) Or you left the place where you were near (Redacted) to go directly to
14 Mbaïki?

15 A. [13:00:42] So it was from (Redacted) that I went to Mbaïki. I didn't go via
16 another neighbourhood. (Redacted)

17 MS DIMITRI: [13:00:54] Mr President, I note the time, but, with your leave, and with
18 the -- with your Honour's leave, could I have another 10-15 minutes just to finish
19 that -- that subject?

20 PRESIDING JUDGE SCHMITT: [13:01:03] Then let's have a short two or three
21 minutes break and we stay here and then we come back. And then you --

22 MS DIMITRI: [13:01:09] Thank you.

23 PRESIDING JUDGE SCHMITT: [13:01:09] Because then you are not in a rush.

24 MS DIMITRI: [13:01:11] Thank you.

25 PRESIDING JUDGE SCHMITT: [13:01:11] So I know everybody is, you know, sitting

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- 1 on a hot stool, so to speak.
- 2 MS DIMITRI: [13:01:18] Thank you very much.
- 3 THE COURT USHER: [13:01:20] All rise.
- 4 (Recess taken at 1.01 p.m.)
- 5 (Upon resuming in private session at 1.06 p.m.)
- 6 THE COURT USHER: [13:06:09] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE SCHMITT: [13:06:30] We are in private session.
- 9 Please, Ms Dimitri, continue.
- 10 MS DIMITRI: [13:06:33] Thank you, Mr President.
- 11 Q. [13:06:41](Interpretation) Good afternoon, Witness.
- 12 You spoke about (Redacted)
- 13 (Redacted)
- 14 A. [13:07:07] Yes, that is it. (Redacted)
- 15 Q. [13:07:14] And I don't know if you remember the event that was rather striking
- 16 in Bangui, some referred to this event by calling it --
- 17 A. (Overlapping speakers)
- 18 THE INTERPRETER: [13:07:30] I'm sorry there was an interruption. I'm sorry.
- 19 MS DIMITRI: [13:07:46](Interpretation)
- 20 Q. [13:07:46] Please wait, Witness.
- 21 There was an event in Bangui. This event is referred to as the massacre in
- 22 the Notre Dame Fatima church. Now, this was a very unfortunate event where the
- 23 * Father Nzale died. Now, am I right in saying that (Redacted) in the same
- 24 month on which the event occurred?
- 25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)

22 A. [13:12:08] Yes, that is right.

23 Q. [13:12:09] Now I'm going to show a photo, which is in tab 11 of the Defence
24 binder, CAR-D29-0010 -- 0010-0137.

25 I'm sorry, that's not right.

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1 PRESIDING JUDGE SCHMITT: [13:12:48] So which tab is it?

2 MS DIMITRI: [13:12:51] One.

3 PRESIDING JUDGE SCHMITT: [13:12:52] One.

4 MS DIMITRI: [13:13:13](Interpretation)

5 Q. [13:13:13] In the screen, is it your grandmother whom -- that you see?

6 A. [13:13:20] Yes, I see.

7 Q. [13:13:23] Yes, thank you. We can remove the photo from the screen.

8 So your grandfather, so that's her husband, was already dead in 2013/2014; is that
9 right?

10 A. [13:13:40] No. I never saw him. I did not have the opportunity to see him. I
11 only saw his grave. He had died well before. When he died, I was still a child.

12 Q. [13:14:07] You're also -- you also say that when you made corrections to your
13 statement, notably in paragraph 12, you said that (Redacted)

14 (Redacted). Now, am I right in

15 saying that during the Seleka period (Redacted)

16 (Redacted)

17 A. [13:15:07] Yes, that's right.

18 Q. [13:15:10] Now, am I right in saying that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [13:15:57] Yes, that is right.

23 Q. [13:16:04] Now, in the statement that you provided to the OTP investigators,

24 you explain how the Muslims provoked Christians. This is paragraph 19 of your

25 statement. You describe that the Muslims of Yerima were bad and they would beat

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1 up people whom they found on the streets. This is in paragraph 21.

2 Now, under these very difficult circumstances for Christians, non-Muslims, am I right

3 in saying that during that time, so we're talking about the times of the Seleka (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [13:17:50] Yes, that is right.

12 (Redacted)

13 (Redacted)

14 A. [13:18:22] Yes, he was there.

15 Q. [13:18:30] Is it also right that because of the circumstances prevailing in those

16 times (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [13:19:12] Is it also -- am I also right in saying that she would ensure that

22 everyone came back home at night because of the insecurity that was prevailing

23 during 2013 and 2014?

24 A. [13:19:35] Well, you see, at a point of time the Seleka started shooting and

25 started installing a curfew, they fled and sought refuge in the plantations. But we

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1 stayed on.

2 Q. [13:20:01] Who fled to go into the plantations?

3 (Redacted)

4 (Redacted)

5 Q. [13:20:25] And then, when there was the period of calm that came back, because

6 at some point of time they came back home. I'm going to actually reword my

7 question because it's not clear at all.

8 (Redacted)

9 Do they come back home?

10 A. [13:21:04] Yes, they would come back home and leave. They only would come

11 back to buy food provisions and leave and they waited for the calm to come back.

12 Q. [13:21:22] When it was calm again everyone came back to the family home and

13 started living there; we agree on that?

14 A. [13:21:38] Yes, that is it.

15 Q. [13:21:43] So I'm going to ask my question once again. Now, since there

16 were -- there was insecurity and when there was calm that returned, we make sure

17 that everyone comes back home to sleep; is that right, at night?

18 A. [13:22:12] Yes, that is right.

19 Q. [13:22:15] My last question before the end of the day. In your statement in

20 paragraph 61 you speak about (Redacted). Am I right in (Redacted)

21 (Redacted)

22 A. [13:22:44] Yes, that is right.

23 Q. [13:22:48] Thank you, Witness. We are going to have the cross-examination

24 tomorrow.

25 PRESIDING JUDGE SCHMITT: [13:22:56] Okay. Thank you, Ms Dimitri.

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- 1 Also thank you, Mr Witness, for answering the questions patiently today.
- 2 We conclude for today only. Tomorrow we continue at 9.30.
- 3 THE COURT USHER: [13:23:07] All rise.
- 4 (The hearing ends in session at 1.23 p.m.)