

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 Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 17 March 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:32:06] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:30] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:35] 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're in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:52] Thank you.
21 The appearance of the parties. I think the Prosecution side is the same like yesterday.
22 Ms Elisabeth Rabesandratana is the same like yesterday.
23 Mr Suprun, but you have help. It's the same composition like yesterday?
24 MR SUPRUN: [9:33:07] Good morning, Mr President, your Honours. We have the
25 same composition of the team as yesterday. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.

2 And now I turn to Ms Dimitri. This is always more difficult and I see at least new
3 faces here in the courtroom.

4 MS DIMITRI: [9:33:20] Indeed, Mr President, we have the addition of Mr Suzuki.

5 PRESIDING JUDGE SCHMITT: [9:33:25] Thank you.

6 And Ms Proulx. It looks like the same. No, okay.

7 MS PROULX: [9:33:31] Not quite. Mr Goffe has left us and Ms Pedroso has joined
8 us.

9 PRESIDING JUDGE SCHMITT: [9:33:40] Thank you.

10 Before we start, Ms Dimitri, of course when you think you need a break and also if at
11 some point in time you say, Okay, it's not possible, then let us simply know. So we
12 are absolutely -- this is absolutely --

13 MS DIMITRI: [9:33:48] Thank you, Mr President.

14 PRESIDING JUDGE SCHMITT: [9:33:49] -- that is absolutely clear, yeah?

15 MS DIMITRI: [9:33:50] Thank you.

16 PRESIDING JUDGE SCHMITT: [9:33:51] And before you start.

17 Good morning, Mr Witness. Glad to see you back at the video-link location. Do
18 you hear and understand me as well as yesterday?

19 WITNESS: CAR-OTP-P-2476 (On former oath)

20 (The witness speaks Sango)

21 (The witness gives evidence via video link)

22 THE WITNESS: [9:34:05](Interpretation) Yes. Good morning, your Honour. I can
23 hear you very well and I can also see you. Good morning, your Honour.

24 PRESIDING JUDGE SCHMITT: [9:34:26] Okay, it was my fault because I have the
25 wrong channel here. So there was translation, yeah? We see. Very often we think

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1 there is a technical problem, it's ourselves.

2 So Ms Dimitri, please continue with your examination.

3 MS DIMITRI: [9:34:41] Thank you, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:34:44] I understand we're in open session.

5 MS DIMITRI: [9:34:48] Yes. And Mr President, unfortunately, with your leave, I

6 would like to go in private session and ... Let me try for a dozen of questions in

7 private and then I'll try to come back in public session.

8 PRESIDING JUDGE SCHMITT: [9:35:01] So for the audience, this is of course

9 unfortunate, but I think you have recognised already that this is a protected witness

10 and when we are discussing issues with the witness where the answers could identify

11 him, we have to do that of course without the public being able to hear that. Yes, I

12 think you understand that.

13 We go to private session.

14 (Private session at 9.35 a.m.)

15 THE COURT OFFICER: [9:35:42] We are in private session, Mr President.

16 MS DIMITRI: [9:35:47] (Interpretation) Thank you.

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

18 Q. [9:35:52] Good morning, Witness.

19 A. [9:35:58] Good morning.

20 Q. [9:36:05] I'm just going to come back to what you said when we were speaking

21 about the members of your family, the women who went -- fled into the bushes

22 during the Seleka period, and you said that they came back (Redacted) in Mbaïki

23 when the calm returned.

24 Now, when you are talking about the calm that returned, we're talking about the

25 Seleka period, right? There was a period where things were calm during the Seleka

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1 period, we're right?

2 A. [9:36:52] Now, when the Seleka were there, it is true that they would
3 proper -- they would not behave -- properly behave and sometimes there would be
4 periods of -- spells of calm.

5 Q. [9:37:12] So let's be very clear, so when there was a period that was relatively
6 calm, the women *from your family left from the bushes and they came back to
7 (Redacted) Mbaïki?

8 A. [9:37:26] Yes.

9 MS DIMITRI: [9:37:42] I'm sorry, but the English Transcend is my guide. Yeah, I'm
10 sorry. I was waiting for the "yes" to appear to move into the next question.

11 PRESIDING JUDGE SCHMITT: [9:37:53] No, no, you can continue.

12 MS DIMITRI: [9:37:57] (Interpretation)

13 Q. [9:37:58] Now, when we spoke about (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted).

17 This was yesterday at 13:09.

18 My question is as follows, (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [9:39:02] Now, she called me on the following day, after the people had told me
22 about the news.

23 Q. [9:39:14] Yesterday, you said at 12:26 (Redacted). Now, can you give me some
24 more details? (Redacted)

25 at which point of time?

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1 (Redacted)

2 (Redacted)

3 Q. [9:40:04] Do you know why it did not work?

4 A. [9:40:14] I do not know.

5 Q. [9:40:27] In paragraph 14 of your witness statement you say that 24 March was

6 the day where you -- when the Seleka arrived and you learnt about this date in school.

7 Now what I would like to know is can you provide me with some details about the

8 schools that you attended. For instance, if you start with March 2013, this was the

9 time the Seleka arrived, which school did you attend?

10 (Redacted)

11 (Redacted)

12 Q. [9:41:31] Were you also schooled (Redacted) at some point in time?

13 A. [9:41:40] Yes.

14 Q. [9:41:44] Before or after the Seleka took power?

15 A. [9:41:57] This was after the Seleka took power.

16 Q. [9:42:06] And in which school did you attend (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [9:42:57] Yes, that is it.

22 MS DIMITRI: [9:43:19] Mr President, my next subject is ESF in general, so I turn

23 towards my colleague. I'm going to be asking details about the programme and ESF,

24 so I don't know if -- I'm happy to stay in private session, but this means --

25 PRESIDING JUDGE SCHMITT: [9:43:43] This is clearly a border line.

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1 Mr Vanderpuye, Ms Berdennikova, what do you think?

2 MR BERDENNIKOVA: [9:43:57] Your Honours, I think we could give it a try, but
3 obviously it will largely depend on the answers of the witness and on -- you know,
4 there might be names of individuals that start popping up and --

5 PRESIDING JUDGE SCHMITT: [9:44:08] Well, that -- I think Mr Dimitri will know
6 better. I have an -- I have an idea that we could give it a try I think. It's such a -- I
7 cannot reason it really, but I have an idea. So let's give it a try.

8 Open session.

9 (Open session at 9.44 a.m.)

10 THE COURT OFFICER: [9:44:38] We are back in open session, Mr President.

11 MS DIMITRI: [9:44:47] (Interpretation)

12 Q. [9:44:47] Witness, we're in public session. We're going to talk about an
13 organisation which is called ESF in *French. I'm going to ask you several questions
14 on the organisation. Please be careful to not identify yourself when you answer my
15 questions. If ever one of the answers might indicate something, you do let me know
16 and we will go into private session. Can you follow me?

17 A. [9:45:23] Yes, perfectly.

18 Q. [9:45:32] In paragraph 57 of your witness statement, well, when we talk about
19 ESF, *Enfants sans Frontières*, you say that the building, the municipal building of
20 Mbaïki was also used as an orphanage. And there are people who witnessed -- who
21 provided witness here and they said that they were orphans in the ESF programme
22 and there are certain documents that refer to children who had been abandoned. So,
23 do I understand you properly when you speak about an orphanage that amongst the
24 children who were present in the ESF programme and the ESF training there were
25 also orphans?

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1 A. [9:46:39] I do not know.

2 Q. [9:46:50] Do you know if there were children in the programme, because these
3 were children who'd been abandoned?

4 A. [9:47:08] I do not know.

5 Q. [9:47:15] Do you know the age group of children that were taken in? Was it
6 25 or less, 18 or less, 20 or less, the age group of the children who were accepted in the
7 programme?

8 A. [9:47:39] I really wasn't concerned about the age of the people who were there.
9 It's true that there were people who were older than I was, but I really do not know
10 the age of everybody.

11 Q. [9:47:59] Now, do you know beforehand that ESF is going to provide an
12 incentive {PFR: (Redacted)}

13 A. [9:48:23] Could you give me an example please of this -- what could have been
14 offered to them?

15 PRESIDING JUDGE SCHMITT: [9:48:35] Ms Dimitri, please, that was too -- too
16 generic. Please be more specific. We don't have any problem with it. You can be
17 straightforward. And it was clear that the witness would not really -- actually, it was
18 clear to me that he would not react to the question.

19 MS DIMITRI: [9:48:51] No, I understand. I was just being mindful because we
20 were in public. But I will give it a more specific try.

21 PRESIDING JUDGE SCHMITT: [9:48:58] Please do. And if you think the answer
22 could reveal his identity, then we -- then we stop and we go to private session. But
23 since --

24 MS DIMITRI: [9:49:12] Well, to be honest, I think it's -- I'm just going to be walking
25 on eggs here.

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1 PRESIDING JUDGE SCHMITT: [9:49:20] Then private session.

2 MS DIMITRI: [09:49:22] Yeah, thank you.

3 (Private session at 9.49 a.m.)

4 THE COURT OFFICER: [9:49:37] We are in private session, Mr President.

5 MS DIMITRI: [9:49:45] (Interpretation)

6 Q. [9:49:46] (Redacted) in the ESF training programme, did you know that they
7 were going to give you an incentive, for instance, clothes, food, they might pay your
8 school fees, a professional kit?

9 A. [9:50:26] No, I did not know that. (Redacted)

10 (Redacted)

11 Q. [9:50:42] Yesterday, around 12:01 you explained (Redacted)

12 (Redacted). Now, was it done orally?

13 A. [9:51:05] Yes, I gave my age orally.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [9:51:55] Do you remember the names of these two people?

18 A. [9:52:02] No, I do not remember.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [9:53:02] No, it wasn't them. They were just making reports on the work that
25 was carried out.

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1 Q. [9:53:18] Just so that I can understand the issue on age, it -- (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted); is that it?

5 A. [9:53:49] Yes. It happened that way.

6 Q. [9:54:00] Now, (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 (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 A. [9:58:45] I do not remember these details. You see, counsel, I was very young
13 at that point of time. I really cannot remember the period.

14 Q. [9:59:00] You said earlier on, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:00:48] (Redacted)

25 (Redacted)

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1 (Speaks English) For your Honours' reference, it's Tab 5, CAR-OTP-2068-0558-0562.
2 You're going to see a section where they discuss the date of the -- of the opening
3 ceremony. I'm not going to put the date to the witness because I understand that he
4 doesn't recall.

5 (Interpretation) (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:02:01] I cannot remember. You know, counsel, I wasn't aware that there
10 was an opening ceremony, so I can't tell you (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [10:03:17] No. We didn't talk about this, so I wasn't aware.

18 Q. [10:03:28] (Redacted)

19 (Redacted)

20 (Redacted)

21 This is tab 31 of the Defence binder, CAR-D29-0010-0136.

22 (Redacted)

23 (Redacted)

24 Q. [10:04:23] Thank you.

25 You can take the photo off the screen.

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1 (Redacted)

2 (Redacted)

3 A. [10:04:54] That's correct.

4 Q. [10:05:00] Is it correct, if you remember, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:07:15] I don't know.

17 Q. [10:07:29] You said earlier that (Redacted)

18 (Redacted). During your first meeting with the investigators of the OTP - and for the

19 reference, this is CAR-OTP-2110-0602 - (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [10:09:12] I don't know.

4 Q. [10:09:23] And at that time, (Redacted)

5 A. [10:09:35] Never.

6 Q. [10:09:45] Still talking about (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [10:11:01] Who are you talking about?

14 Q. [10:11:03] I'm talking about (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [10:11:34] There were many children in that family. There were many children

18 in the house, so I couldn't know the name of everybody. In fact, I didn't regularly

19 visit this family, so I didn't know everybody.

20 Q. [10:11:58] I'm not asking you if you know everybody, I'm simply asking you

21 whether (Redacted)

22 (Redacted)

23 Q. [10:12:31] Yes.

24 A. [10:12:38] Yes, I know him.

25 Q. [10:12:40] And am I correct to say (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [10:13:22] "See", what do you mean exactly?

4 Q. [10:13:28] Did you see him? Did you physically see him somewhere?

5 A. [10:13:39] Yes. I saw him.

6 Q. [10:13:44] Did you socialise?

7 A. [10:13:56] He visited the same -- he was at the same school I was in.

8 (Redacted)

9 A. [10:14:14] Yes.

10 Q. [10:14:24] And *other than seeing him in a school during the year 2014,

11 (Redacted)

12 A. [10:14:47] It is within the neighbourhood, when I walked around, I could bump
13 into him. You know, when you're in the same neighbourhood it's likely that you
14 might see each other from time to time.

15 Q. [10:15:17] Is -- there's a person who said to us during our investigation that

16 (Redacted)

17 (Redacted)

18 Did you know that?

19 A. [10:15:54] I don't know anything about that.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [10:17:22] She didn't give me that information. But if you ask me such a
4 question, how can I answer you? I had no idea about that at that time, so I don't
5 know how to answer that question.

6 MS DIMITRI: [10:17:51] For your Honours' reference, (Redacted).

7 And if I could just have a moment, please?

8 PRESIDING JUDGE SCHMITT: [10:18:07] Of course.

9 Mr Witness, may I address you as the Presiding Judge. If you don't know the
10 answer, simply say no. There's no problem with that, so -- and it's absolutely clear
11 that you don't know everything. So simply tell us if you don't know. That's fine.

12 Ms Dimitri. Okay.

13 MS DIMITRI: [10:18:38] (Interpretation)

14 Q. [10:18:38] Just a final question on this subject, Mr Witness. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:19:17] (Redacted)

19 I'm going to talk about other individuals who worked in this NGO and I'm going to
20 ask you whether you know them, and, as the President said, if you don't know the
21 answer to any of my questions just say, I don't know.

22 Do you remember (Redacted)

23 (Redacted)

24 A. [10:20:02] No, I don't know her.

25 Q. [10:20:09] And so amongst the leaders in ESF, (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [10:20:38] Well, you know, the events go back a long time. I can't remember
4 everybody.

5 Q. [10:20:49] I understand. I don't ask you to remember everybody. I'm giving
6 you specific names to see if you remember those names.

7 (Redacted), do you remember him?

8 A. [10:21:06] I don't know him.

9 Q. [10:21:12] Do you know (Redacted)

10 A. [10:21:29] Yes.

11 Q. [10:21:29] And am I correct in saying that (Redacted)

12 (Redacted)

13 A. [10:21:48] I don't know him.

14 Q. [10:21:55] (Redacted); is that not so?

15 A. [10:22:06] Of course. But the person you've just mentioned, I don't know that
16 person. Did he live -- I don't know him at all. I don't know where he lived.

17 MS DIMITRI: [10:22:30] Mr President, I'm reminded, it's just for your Honour's
18 reference, (Redacted), and for the record the ESF list is at tab 4 of the Defence binder,
19 CAR --

20 PRESIDING JUDGE SCHMITT: [10:22:47] Yeah, you have mentioned it already
21 yesterday, and I have it in front of me.

22 MS DIMITRI: [10:22:57] No problem.

23 Q. [10:23:20] (Interpretation) Continuing with *Enfants sans Frontières*, you said
24 yesterday, when talking about your registration: (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 And that was said yesterday.
- 3 This morning, you explained that (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 A. [10:26:11] Not at all.
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 A. [10:27:18] I didn't say anything.
- 24 Q. [10:27:26] (Redacted)
- 25 (Redacted)

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1 and you don't tell them anything?

2 THE INTERPRETER: [10:27:52] Sango message: The Sango booth didn't get the
3 answer of the witness. Could he please repeat.

4 PRESIDING JUDGE SCHMITT: [10:28:00] Mr Witness, there was a problem with the
5 translation. Could you please repeat your last answer?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 THE WITNESS: [10:29:04](Interpretation) Thank you. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 THE WITNESS: [10:30:22](Interpretation) Right. (Redacted)

22 (Redacted)

23 (Redacted). And that's all.

24 PRESIDING JUDGE SCHMITT: [10:30:48] Well, Ms Dimitri, we have an answer.

25 MS DIMITRI: [10:30:54] (Interpretation)

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1 Q. [10:30:56] From your answer, am I to understand that it was really by pure

2 chance (Redacted)

3 (Redacted)

4 Is this what transpired?

5 (Redacted)

6 (Redacted)

7 Q. [10:31:41] (Redacted)

8 (Redacted);

9 is this what you're saying in your testimony? Is that your testimony?

10 A. [10:32:03] Yes.

11 Q. [10:32:09] In paragraph 61 of your statement, you say that (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 according to your testimony.

16 A. [10:32:53] (Redacted), I do not know. It was two persons -- I'm not sure. I

17 think there were two.

18 Q. [10:33:11] And when you say that "I think there were two people," do you

19 remember (Redacted)

20 A. [10:33:27] I do not know these people. (Redacted)

21 (Redacted), but I do not know these people.

22 (Redacted)

23 A. [10:33:58] (Redacted)

24 I think you mentioned the name of the person, but I do not remember.

25 Q. [10:34:14] Just a moment, because in your statement in paragraph 61, you say

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1 (Redacted). So, was that false?

2 A. [10:34:35] I do not understand your question, counsel.

3 Q. [10:34:38] Now, I -- I am saying that you are changing your testimony, because
4 in paragraph 61 of your witness statement you say (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: [10:35:29](Interpretation) (Redacted)

8 (Redacted)

9 but I haven't understood the question. (Redacted)

10 PRESIDING JUDGE SCHMITT: [10:35:59] Ms Dimitri.

11 MS DIMITRI: [10:36:04] (Interpretation)

12 Q. [10:36:05] So, when you were saying some -- earlier (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:36:55] Why did you say earlier on that (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:37:30] (Redacted). Now, do I understand that -- what I'm trying to
22 understand is you, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:39:10] Quite interesting information, I think, if I
6 may say so.

7 MS DIMITRI: [10:39:18] (Interpretation) Indeed I'm coming to it and --

8 PRESIDING JUDGE SCHMITT: [10:39:22] Yeah, yeah, but it's -- if we take it as the
9 witness says it, it seems in itself reasonable. But okay, yeah, please continue.

10 MS DIMITRI: [10:39:31] Thank you.

11 Q. [10:39:39] (Interpretation) Earlier on, you said that (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:40:44] I know -- I understand that they were in charge of the project and you
18 know that, but my question is, (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:41:28] That's not my question. I'm going to repeat my question because you
24 haven't replied to it. Please listen well.

25 (Redacted)

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1 (Redacted)

2 That's my question.

3 A. [10:41:59] You see, (Redacted)

4 (Redacted)

5 Q. [10:42:21] (Redacted)

6 (Redacted), I'm going to explain this. Please listen well. I've got a small

7 explanation to give you, and then I have a question for you.

8 For the records, I'm referring to tab 6 of the Defence binder, CAR-OTP-2068-0568.

9 We do not need to display that on the screen.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [10:44:29] Thank you so much for the question. You are asking me (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:45:32] What I'm saying is that your -- by virtue of your testimony, you're
2 saying that (Redacted), does not correspond to the contents of the reports of ESF, that
3 explains --

4 PRESIDING JUDGE SCHMITT: [10:45:56] But you're arguing with the witness.
5 The witness has answered, and this is what we have to make out of it. The witness
6 has asked and -- answered twice now. It was his understanding. We would have
7 to ask one of the project if they -- you know, there are -- often in life, there are,
8 hopefully not in a courtroom, there are rules that are not complied, sometimes. This
9 happens. Of course not here. We are speaking of completely different
10 circumstances and -- yeah.

11 MS DIMITRI: [10:47:02] (Interpretation)

12 Q. [10:47:03] I'm putting it to you, Witness, that (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)

16 A. [10:47:45] I'm not rejecting your viewpoint. You're asking me the name of her
17 husband. (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [10:49:21] Mr Witness, is it correct what counsel has
25 put to you?

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- 1 THE WITNESS: [10:49:53](Interpretation) The counsel says that (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 PRESIDING JUDGE SCHMITT: [10:50:23] Mr Witness, that's not the point. The
- 6 point is that counsel put it to you that (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 MS DIMITRI: [10:51:13] (Interpretation)
- 13 Q. [10:51:15] According to one of the reports of *Enfants sans Frontières*, ESF - in tab 6,
- 14 CAR-OTP-2068-0568, page 0572 - the report indicates that you had to follow the
- 15 children who have been reunified with their families. (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. [10:53:08] Did you actually see her go?
- 25 A. [10:53:18] Yes, I did. (Redacted)

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1 (Redacted)

2 Q. [10:53:33] Do you remember the names of the agents who went with her?

3 Anyone special?

4 A. [10:53:49] I knew them, but I do not know their names.

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 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [10:56:59] We have to wait until the link is
2 established again.

3 I think --

4 (Discussion between the Chamber and the court officer)

5 PRESIDING JUDGE SCHMITT: [10:57:20] Okay. We have to reconnect, so I think,
6 it's three minutes to the hour, let's have the coffee break and we start with a fresh link
7 at 11:30 and you'll repeat your question.

8 THE COURT USHER: [10:57:34] All rise.

9 (Recess taken at 10.57:26 a.m.)

10 (Upon resuming in private session at 11.30 a.m.).

11 THE COURT USHER: [11:30:34] All rise.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [11:30:50] So we are in private session and we
14 continue with Ms Dimitri, please.

15 MS DIMITRI: [11:31:03] Thank you, Mr President.

16 Q. [11:31:07] (Interpretation) Mr Witness, I'm going back to the question which I
17 put to you before the *break.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [11:33:26] I also went *back there.

6 Q. [11:33:36] When you say "over there", it's not very clear. Over there where,
7 exactly?

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [11:34:31] And you spoke about (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [11:35:43] No, I didn't do that.

21 Q. [11:35:51] And (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [11:36:26] No, I didn't give any explanation to them. (Redacted)

2 (Redacted). Personally, I didn't say anything.

3 Q. [11:36:48] Fine. I would like to go back -- (Redacted)

4 and the photo which my colleague showed you yesterday.

5 MS DIMITRI: [09:21:00] Mr President, for your -- just for your Honours' information,

6 I'm going to do just a few, three, four. So I'm going to give the reference of the

7 pictures in the report and the reference in the Defence binder with the circle, so it's

8 very clear.

9 PRESIDING JUDGE SCHMITT: Fine, yeah.

10 MS DIMITRI: [11:37:37] And I shouldn't -- I'm not going to be very long on that

11 subject, I just want to reassure your Honour.

12 PRESIDING JUDGE SCHMITT: [11:37:44] Actually, we have already shown it to the

13 witness. I don't expect too much, but you can give it a try. Yeah, okay. But when

14 we see that it's simply a repetition and nothing comes out of it, we stop it, simply.

15 MS DIMITRI: [11:38:00] No, no, don't worry, I don't have many to do.

16 PRESIDING JUDGE SCHMITT: [11:38:03] Okay, good. Please start.

17 MS DIMITRI: [11:38:05] (Interpretation) For the records, the photo, tab 7 of the

18 Defence binder, CAR-D29-0010-0023, (Redacted)

19 (Redacted), and this is tab 5 of the Defence binder, CAR-OTP-2068-0558.

20 And the very same photo without any markings is in tab 13 of the Defence binder,

21 CAR-D29-0010-0031.

22 Then, for the record, the second report of ESF, which is at tab 6 of the Defence binder,

23 CAR-OTP-2068-0568, corresponds -- (Redacted)

24 (Redacted) is on page 0581, corresponds to tab 12 of the Defence binder,

25 CAR-D29-0010-0028. And that same photo without markings is in tab 18 of the

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1 Defence binder, CAR-D29-0010-0036.

2 PRESIDING JUDGE SCHMITT: [11:40:05] Is it possible to do some of that in open
3 session?

4 MS DIMITRI: [11:40:09] No.

5 PRESIDING JUDGE SCHMITT: [11:40:10] No. Okay, please start.

6 MS DIMITRI: [11:40:15] No, I'm sorry.

7 Q. [11:40:24] (Interpretation) Well, Mr Witness, I'm going to show you a photo.

8 So that it is clear for the court clerk, it's Alexandra Baer who will give you the channel
9 and she will manage the photos. Thank you.

10 Mr Witness, in paragraph 66 of your statement where you were shown a photo and
11 you recognised the man (Redacted)

12 (Redacted)

13 (Redacted) of the Defence binder, CAR-D29-0010-0023.

14 (Redacted)

15 (Redacted)

16 A. [11:41:47] I have no image on my screen.

17 Q. [11:41:51] Sorry, please be patient.

18 (Discussion between the Chamber and the court officer)

19 PRESIDING JUDGE SCHMITT: [11:42:38] There is somebody on the way, so
20 perhaps we at least stay a couple of minutes here in the courtroom and wait till it's
21 going to be fixed.

22 It might be a bit early, Ms Dimitri, but are you making progress?

23 MS DIMITRI: [11:43:36] I am. And I can tell you that my biggest hope is to finish at
24 one, as you can imagine, given my state.

25 PRESIDING JUDGE SCHMITT: [11:43:43] Yes, absolutely.

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1 MS DIMITRI: [11:43:45] But it's going to be difficult.

2 PRESIDING JUDGE SCHMITT: [11:43:48] We will see, yes.

3 MS DIMITRI: [11:43:52] But I'm trying my best.

4 PRESIDING JUDGE SCHMITT: [11:43:54] Of course, when we have now these
5 hiccups, it's ...

6 Mr Witness, you still don't see any image on the screen? No? Okay. Please let us
7 know when you see something, please be so kind, Mr Witness.

8 (Pause in proceedings)

9 PRESIDING JUDGE SCHMITT: [11:45:04] Well, I said thank you, but I don't know if
10 it was a simple phrase of politeness or some sort of recognition, but I don't know.
11 But to be polite is always good, it's always okay.

12 Well, the Defence bench of Mr Ngaïssona is nodding so they agree with me. Good.

13 (Discussion between the Chamber and the court officer)

14 PRESIDING JUDGE SCHMITT: [11:45:52] You could please send it to Ms Garcia and
15 then we give it a try from here.

16 MS DIMITRI: [11:46:05] I send what? Just I repeat the tab.

17 PRESIDING JUDGE SCHMITT: [11:46:07] I've been told you send it to her,
18 and -- simply, you know --

19 MS DIMITRI: You're the messenger.

20 PRESIDING JUDGE SCHMITT: I'm the messenger, not more but also not less.

21 MS DIMITRI: [11:46:21] It's tab 7 of the Defence binder.

22 Q. [11:46:49] (Interpretation) I apologise, Mr Witness, and many thanks for being
23 so patient.

24 PRESIDING JUDGE SCHMITT: [11:46:55] I think now it should be on the screen,
25 also of the witness.

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1 Mr Witness, do you see something now on the screen?

2 THE WITNESS: [11:47:08](Interpretation) Yes, I see the image on my screen now.

3 PRESIDING JUDGE SCHMITT: [11:47:12] Okay. We are glad to hear that. So it's
4 about the (Redacted)

5 (Redacted) for you and please tell us if you recognise the name.

6 MS DIMITRI: [11:47:36](Interpretation)

7 Q. [11:47:37] (Redacted)

8 (Redacted) so you can see better.

9 PRESIDING JUDGE SCHMITT: [11:48:10] Well, that's fine. So this is -- the person
10 (Redacted), do you recognise him?

11 THE WITNESS: [11:48:23](Interpretation) Yes, I recognise that person.

12 MS DIMITRI: [11:48:29]

13 (Redacted)

14 A. [11:48:38] No, I don't know his name.

15 Q. [11:48:49] I'm going to show you another photo.

16 This is tab 12 of the Defence binder, CAR-D29-0010-0028.

17 It is the photo which my colleague showed you a little earlier yesterday. So I would
18 like you to look (Redacted)

19 Forga Gildas, do you remember him?

20 A. [11:49:54] I remember him. He was part of the training course.

21 Q. [11:50:01] What -- how old was he, do you think, during the training? How old
22 was he?

23 A. [11:50:19] I don't know, but I think that he's older than I was.

24 Q. [11:50:30] And you think he's older than you by one year, by two years?

25 A. [11:50:44] Yes, I think he's older than me by a year or so, maybe more.

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1 Q. [11:50:57] For the record, (Redacted)

2 he was much older than you.

3 It is tab 30 of the Defence binder, CAR-D29-0015-0021.

4 PRESIDING JUDGE SCHMITT: [11:51:21] It's fine, but just -- with regard -- with

5 regard to the wording, to tell the witness he was much older, it sounds a little bit in

6 his eyes like a reproach. He does -- really, he has even said "he was older than me",

7 so I would appreciate it if we would abstain from that.

8 MS DIMITRI: [11:51:43] I'm sorry if that is how it sounded. It's not --

9 PRESIDING JUDGE SCHMITT: [11:51:46] Yeah, yeah, it's sounded a little bit --

10 MS DIMITRI: No, no --

11 PRESIDING JUDGE SCHMITT: [11:51:46] It's only the sound. Content, everything

12 okay, and also to tell us the document where you refer his age from is all fine, but not

13 putting it to the witness, please. Yes? Thank you.

14 MS DIMITRI: [11:52:00] No, I didn't intend to, but I will explain to the witness.

15 Q. [11:52:02] (Interpretation) Mr Witness, I perhaps -- I'm not reproaching you in

16 any way, perhaps I spoke too fast or too quickly, I'm not reproaching you for not

17 knowing his exact age. I have to ask you questions quite simply. And I appreciate

18 what you're doing, to tell me according to what you think what his age is, but I'm in

19 no way criticising you at all.

20 I now want to talk about (Redacted)

21 (Redacted)

22 We spoke a bit about this this morning. Since you know him well, according to your

23 testimony, could you give me his age which (Redacted)

24 Can you perhaps estimate how old he was?

25 A. [11:53:22] I don't know what age he had, but I think he was older than me, my

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1 big brother.

2 Q. [11:53:34] I'm going to ask you the same question, because you said it see -- it
3 seems to be your big brother, older than you. According to your approximation,
4 how old do you think he was, how many years, how many months older than you?

5 A. [11:54:00] I have no idea. I do know that he was older than I was.

6 Q. [11:54:08] And what makes you think that he was older than you?

7 A. [11:54:14] Only by looking at him physically, his way of thinking, his way of
8 acting makes me think that he is older.

9 PRESIDING JUDGE SCHMITT: [11:54:34] Well, that's actually -- actually a good
10 explanation, because we have nothing else to assess the age. And when you play
11 football in a youth football team, you know exactly, but you cannot describe it, if
12 a person is in your age range or he should play, for example, in the 15, 16 years old.
13 So you simple know it, but it's hard to put it into words. I think it's already enough,
14 also for your purposes, if I may say so, when the witness says, "Oh he was older than
15 me." I would not insist on asking one year, two years, three years. That's very
16 difficult.

17 MS DIMITRI: [11:55:16] I just had one last question on that individual, Mr President.

18 Q. [11:55:18] (Interpretation) Mr Witness, a final question (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [11:55:43] I haven't seen his photo yet. If you could show me his photo, I could
22 perhaps say something about it.

23 PRESIDING JUDGE SCHMITT: [11:56:08] On the photo we have on the screen he's
24 number 5.

25 MS DIMITRI: [11:56:12] (Interpretation)

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1 Q. [11:56:13] I'm talking about number 5, Mr Witness. (Redacted)

2 (Redacted)

3 A. [11:56:30] You are talking of whom? What are you saying?

4 Q. [11:56:36] I'm not talking about an age. I said "minor", whether he was a minor.

5 That's what you said in your testimony. What I'm asking you, according to what

6 you assess, was he a minor?

7 A. [11:56:57] No.

8 Q. [11:57:16] I'm going to show you another individual who you recognised. So

9 (Redacted)

10 (Redacted). Does that mean anything to you?

11 A. [11:58:21] I know him.

12 Q. [11:58:26] And (Redacted)

13 or how old do you think he was?

14 A. [11:58:36] I don't know how old he was.

15 Q. [11:58:46] Was he roughly the same old -- was he roughly as old as you?

16 Younger? Older?

17 A. [11:58:58] He seemed older than I was.

18 Q. [11:59:06] Was he a minor?

19 A. [11:59:15] He was older than me.

20 PRESIDING JUDGE SCHMITT: [11:59:19] Really, leave it at that. He was older

21 than him. You don't get -- and as I said, it's very difficult and it's -- actually, we have

22 to appreciate the effort of the witness that he gives this assessments, I think.

23 MS DIMITRI: [11:59:40] Mr President, I understand. If I can explain -- if we --

24 PRESIDING JUDGE SCHMITT: [11:59:43] I fully -- I fully understand that, but, you

25 know, when you ask him, it's difficult in itself already to -- and we often discuss that,

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1 yeah? If we don't have, let's say, the birth certificates that are really certified and
2 authentic, it's really difficult. So when we have to rely completely on our own
3 perception of a person and especially -- we have a witness here, and he even says he
4 was older. So a minor or not, you know, how exactly do you want it? And he has
5 given an answer.

6 MS DIMITRI: [12:00:25] I'm not sure -- I'm not sure your Honours understand what
7 I'm trying to do. I'm not disputing that -- could we mute the witness for just
8 a moment?

9 PRESIDING JUDGE SCHMITT: [12:00:37] No, no, continue. It costs too much time.
10 Really, please continue. I let it pass. It's quicker than to discuss this for minutes.

11 MS DIMITRI: [12:00:51] (Interpretation)

12 Q. [12:00:52] You spoke yesterday about number 7. Now do you remember - this
13 was (Redacted) spoke about him in detail when my learned colleague was
14 interrogating you - (Redacted), am I right?

15 (Redacted)

16 (Redacted)

17 Q. [12:01:39] I'm going to ask you the same question, and I'm going to ask you to
18 make an effort. What -- how old was he with respect to you, according to your
19 estimation? Was he as old as you?

20 A. (Overlapping speakers)

21 THE INTERPRETER: [12:01:57] Overlapping speakers. I'm sorry, the Sango booth
22 did not catch the answer because there was an overlapping speaker.

23 MS DIMITRI: [12:02:08] (Interpretation)

24 Q. [12:02:08] *Could you repeat the answer?

25 A. [12:02:18] He was older than I was.

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1 Q. [12:02:22] Last question on him. According to your estimation, was he
2 older -- was he older than 18 or younger than 18?

3 A. [12:02:38] I do not know. He should have been more than 18.

4 MS DIMITRI: [12:03:01] If I could have a moment.

5 (Counsel confers)

6 MS DIMITRI: [12:03:14] (Interpretation)

7 Q. [12:03:17] Last question on this photo, Witness. (Redacted)

8 (Redacted)

9 (Redacted). Does that ring a bell?

10 (Redacted)

11 Q. [12:04:05] (Redacted), I'm going to ask you the same question. Please make an
12 effort. How old was he with respect to you?

13 A. [12:04:20] It was him.

14 Q. [12:04:32] I did not understand your answer. Can you estimate his age with
15 respect to yours?

16 A. [12:04:38] He was older than I was.

17 Q. [12:04:51] Was he less than 18 or more than 18, according to you?

18 A. [12:04:58] I do not know.

19 MS DIMITRI: [12:05:12] (Interpretation) The photo can be removed.

20 PRESIDING JUDGE SCHMITT: [12:05:15] (Redacted)

21 (Redacted)

22 (Redacted) when he says these guys were older, that's already something, to put it
23 this way, yeah? Because we are not -- I know, of course, we are not talking about
24 the -- they don't have to be, let me put it this way, forensically, or from the material,
25 they don't have to be older than 18, they have to have been during the events older

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1 than 15.

2 MS DIMITRI: [12:05:56] Indeed, but it's - it was not the reason why I was asking. I
3 was -- I was just trying to see the witness's estimation, let's put it that way, because of
4 what was asked yesterday.

5 PRESIDING JUDGE SCHMITT: [12:06:12] Yes, I understand. But it actually, it
6 looks -- it was quite -- it looked quite consistent on the face of it.

7 MS DIMITRI: [12:06:43] (Interpretation)

8 Q. [12:06:45] I'm going to show you another photo, Witness.

9 This is in tab 3 of the Defence binder, CAR-D29-0010-0042.

10 Witness, could you please look at the photos that are displayed on the screen and tell
11 me if you recognise anyone at all?

12 A. [12:07:23] No.

13 Q. [12:07:26] Thank you.

14 We can now remove the photo from the screen.

15 Witness, you said -- (Redacted)

16 (Redacted)

17 "but I do not know anything about their experience", at 12:22. On another photo
18 shown by my colleague you said that, "No, I do not know much about their
19 experience. I do not know what motivated them -- the experience that motivated
20 them to be in a demobilisation programme such as this one." This was at 12:16.

21 Now, on all individuals (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted). Am I right in saying that?

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- 1 A. [12:09:14] Yes, you are right.
- 2 Q. [12:09:22] So you described them as Anti-Balaka because this is a programme to
3 demobilise Anti-Balaka children; am I right in saying that?
- 4 A. [12:09:37] Yes, that is right.
- 5 Q. [12:09:49] Thank you. I'm going to now change the subject, Witness.
- 6 MS DIMITRI: [12:09:54] I could do the next topic in public session, Mr President.
- 7 PRESIDING JUDGE SCHMITT: [12:10:05] Public session.
- 8 (Open session at 12.10 p.m.)
- 9 THE COURT OFFICER: [12:10:17] We are in open session, Mr President.
- 10 MS DIMITRI: [12:10:27] (Interpretation)
- 11 Q. [12:10:30] Witness, I am now going to change the subject. We just finished with
12 ESF, just for your knowledge.
- 13 My learned colleague interrogated you on paragraph 25 of your witness statement,
14 and on -- this was on what Rambo said when he came. And according to you, he
15 would have said to his elements to not behave badly, and he also added that he was
16 at the Mbaïki station and many people gathered around him and he was actually
17 addressing a crowd. You said that at 10:01 yesterday.
- 18 Now, please listen to me carefully. There are so many people who came here to
19 provide testimony and they speak about -- they spoke about Mr Yekatom's speech at
20 the station, the bus station, and they say that the crowd did gather around him.
- 21 Now, was it the -- were you -- during your testimony in paragraph 25, was it the day
22 you were referring to when the women basically laid their pagnes, which is their
23 traditional robe, on the roads, like they would do for the electoral representatives?
- 24 Was it on that day?
- 25 A. [12:12:14] Yes, it was on that day.

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1 Q. [12:12:23] So, on this day, you heard Rambo speak to his elements, to his
2 soldiers, and some people testified, said that there were both Christians and Muslims
3 present in the crowd and it happened on the same day as the meeting with
4 Bishop Rino; am I right?

5 A. [12:12:56] Yes, you're right.

6 Q. [12:13:02] The imam from Baguirmi came to provide testimony here and he was
7 also present at the bus station when Rambo addressed the crowd that you referred to,
8 and he said that Rambo would have said that he did not want any lack of order in the
9 city. Do you confirm that?

10 A. [12:13:39] I did not see the imam make such a statement.

11 Q. [12:13:50] I'm going to repeat my question because there was an interpretation
12 error, or perhaps I did not formulate my question properly.

13 I'm not saying that the Baguirmi imam made a statement. This is it not what I said.

14 What I am saying is that the imam from Baguirmi came and provided testimony in
15 this Chamber and the imam explained that he - just as you - heard Rambo's speech at
16 the bus station. Are you with me? Are you with me?

17 A. [12:14:31] Yes, I follow you.

18 Q. [12:14:36] And according to the imam, Rambo said in his speech that he did not
19 want any lack of order in the city. I'm just asking you, do you confirm that you
20 heard this? Do you confirm having heard this?

21 A. [12:14:57] Yes, I do confirm having heard this.

22 Q. [12:15:10] Now, there is another witness from Mbaïki who provided testimony,
23 before you, and said that he was also present at the bus station just like you. And
24 Mr Rambo said that no one should attack the other community and -- and if -- and he
25 would sanction this. Do you remember having heard this?

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1 A. [12:15:47] No, I do not remember this.

2 Q. [12:15:57] Amongst all the people who provided testimony on Rambo's presence
3 at the bus station, no one said that he told his elements to pillage Muslims. Now, I'm
4 putting it to you that he never said it. Now do you agree with me?

5 Sorry.

6 PRESIDING JUDGE SCHMITT: [12:16:22] Ms Berdennikova.

7 MS BERDENNIKOVA: [12:16:24] Yes, your Honours. I understand the line of
8 questioning, and I don't have an issue with the facts being put to the witness, but
9 confronting him with, you know, names of or, you know, the fact that this came from
10 other witnesses' testimonies --

11 PRESIDING JUDGE SCHMITT: Yes, I agree -- I agree with you.

12 MR BERDENNIKOVA: [12:16:43] -- isn't appropriate.

13 PRESIDING JUDGE SCHMITT: [12:16:44] It's absolutely okay to ask him -- to put it
14 to him that he did say something, yes or no. But I agree with you in that regard that
15 we should not give the impression in the questioning as if it is a done deal with a lot
16 of other witnesses what has been said. Yes. But the fact is okay. You can put it to
17 the witness. Simply ask him if he heard that. That is the normal -- normal thing.

18 MS DIMITRI: [12:17:16] (Interpretation)

19 Q. [12:17:22] I'm putting it to you, Witness, that during this speech at the bus
20 station that you referred to when my colleague asked you questions, Mr Yekatom
21 would have never said to his soldiers to pillage Muslims. Do you agree with me on
22 this?

23 A. [12:17:55] No, I do not agree with you.

24 PRESIDING JUDGE SCHMITT: [12:18:07] Now, we have exactly the situation, so I
25 think it's easier to ask the witness: Did you hear something like that?

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1 When you heard this speech of Mr Yekatom, you will not have a complete
2 recollection of what he said, but do you recollect that he said something to the effect
3 that the Muslim population should be pillaged? Did you hear something like that
4 during this discourse that he gave?

5 Mr Witness, we are not talking at the moment about what you spoke earlier,
6 yesterday, about that what you said had happened. We are speaking about what
7 you heard Mr Yekatom say at that moment. That is the -- that is the difference.
8 You -- I think you fully understand the difference. So did he say something to that
9 effect, if you recall it?

10 THE WITNESS: [12:19:39](Interpretation) You are referring to the fact that he told
11 the youth to go and pillage Muslims; is that what you're talking about?

12 PRESIDING JUDGE SCHMITT: [12:20:04] Mr Witness, you have said that you heard
13 the speech of Mr Yekatom. Did you hear him say that the Anti-Balaka should -- or
14 the civilian population should go and pillage the Muslims at that time? That's the
15 only question at the moment. It's a question about what he said in his speech.

16 THE WITNESS: [12:20:40](Interpretation) Right. I did not hear him say that.

17 PRESIDING JUDGE SCHMITT: [12:20:47] Well, after a lot of minutes, please,
18 Ms Dimitri.

19 MS DIMITRI: [12:20:53] Thank you, Mr President.

20 Mr President, if I could just have a moment because I might eliminate a few
21 questions.

22 PRESIDING JUDGE SCHMITT: [12:21:04] Of course, of course. For that
23 always -- no, I'm joking of course.

24 (Counsel confers)

25 MS DIMITRI: [12:21:18] Thank you, Mr President.

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1 Q. [12:21:46] (Interpretation) Witness, I'm going to change the subject now. You
2 spoke about Muslims from Kapou, Sekia, Pissa who ...

3 MS DIMITRI: [12:22:06] I'm sorry, I think it's better in private session. I'm sorry.

4 PRESIDING JUDGE SCHMITT: [12:22:10] Yes, no problem. Private session.

5 (Private session at 12.22 p.m.)

6 THE COURT OFFICER: [12:22:15] We are in private session, Mr President.

7 MS DIMITRI: [12:22:37] Thank you. (Interpretation)

8 Q. [12:22:41] You spoke about Muslims from Kapou, Sekia and Pissa who fled and
9 were evacuated by the Chadian MINUSCA contingent and you said that they set up
10 base in the Baguirmi district and you saw it with your own eyes.

11 This was yesterday at 9:51.

12 My question is as follows, Witness, when these Muslims arrived and set up base in
13 the Baguirmi district, did they tell you that they were going to be evacuated by the
14 Chadian MINUSCA contingent?

15 A. [12:23:33] No, it wasn't them. And I didn't have the opportunity to talk about
16 this to them.

17 Q. [12:23:42] Okay. When you -- according to your testimony, you said that you
18 joined the Anti-Balaka, was it during the period when you were at the -- (Redacted)
19 (Redacted)

20 (Redacted)

21 A. [12:24:33] No.

22 Q. [12:24:39] Yesterday, you spoke about the evacuation day done by the Chadian
23 soldiers and you said that:

24 (Redacted)

25 so when the Chadian soldiers arrived to evacuate them, I observed that the crowd

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1 started gathering and I saw manifestations.

2 This was at 9:57 yesterday.

3 Can you tell me how many vehicles did you see in the Baguirmi district at that point
4 of time?

5 A. [12:25:32] No, there were so many vehicles, I really cannot give you a number.

6 Q. [12:25:44] You could see the vehicles with the Chadian soldiers enter the
7 Baguirmi district and recover the Muslims. That's it -- is that it?

8 A. [12:26:00] The Baguirmi district is near the main road. The Chadian soldiers
9 parked their vehicles on the main road and they told us that they've come to evacuate
10 their community. They did not enter the district with their vehicles.

11 Q. [12:26:37] And where were you at that point of time?

12 A. [12:26:47] I was in the district.

13 Q. [12:26:54] At that point of time, were you with one of your family members?

14 When -- who was with you when you were observing the evacuation of the Muslims
15 by the Chadian soldiers?

16 A. [12:27:15] No, there was no member (Redacted) with me. I had gone out and I
17 saw them leave and we could actually hear some gunfire -- gunshots fired by the
18 Chadian soldiers because at that point of time you could hear these gunshots.

19 Q. [12:27:44] Were you inside (Redacted) or were you outside?

20 A. [12:27:50] No, I was not inside the compound, I was outside.

21 Q. [12:28:01] So you were just in front of (Redacted) compound?

22 A. [12:28:08] No, I wasn't in front. I was actually far away from home. I was
23 actually at the main road.

24 Q. [12:28:20] Now, when you say that you went away from the (Redacted), it
25 means that you were at the (Redacted) some time before. Is that how I understand

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1 it?

2 A. [12:28:35] No, I was not inside the compound. I had already left.

3 Q. [12:28:51] But on that day -- earlier on that day, you were in the (Redacted), you
4 heard the Chadian vehicles come, you basically leave and you go to find out what's
5 happening.

6 Did I sum-up the day properly?

7 A. [12:29:14] No.

8 Q. [12:29:20] So could you please explain what happened on that day? Where
9 were you? What were you doing around the (Redacted)? That's my
10 question -- that's precisely my question.

11 A. [12:29:36] I was coming back from the market. There, I'd gone to see a movie
12 and I came back -- I was coming back home. The Chadian MINUSCA contingent
13 came. They had weapons that I'd never seen and I asked people the question, and
14 they told me that it was the Chadian contingent that had come to evacuate the
15 members of the community -- of the Muslim community and this is exactly what
16 happened on that day.

17 Q. [12:30:21] So what I understand, in your statement to the investigators of the
18 OTP in paragraph 33, you claim that you were already in the Anti-Balaka when the
19 evacuation took place by the Chadians. And now you're saying you were in the
20 markets; that you went to -- seeing a film.

21 Isn't that a bit contradictory?

22 A. [12:30:49] What did I say? I told you that before I was in the movement when
23 the Chadians ... I didn't say that. I didn't say I was in the movement. It was after.
24 Not before.

25 Q. [12:31:27] It's after the evacuation that you joined the movement? Is that

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1 correct?

2 A. [12:31:35] Yes. Some had been evacuated and some remained to wait for the
3 second convoy. They didn't all leave together.

4 Q. [12:31:58] Fine. Let's talk about the prefect. Yesterday you said that when
5 somebody -- (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [12:33:17] How could the prefect look for the weapons? I don't quite
15 understand the question.

16 Q. [12:33:28] I will quote 37 of your testimony, when you're talking about this
17 incident, this discussion with the prefect. You say:

18 The prefect was looking for weapons that belonged to the gendarmerie. End of
19 quote.

20 I'm asking you to explain what you mean by the statement. I'm telling you in
21 French -- I've quoted you in French because you read your declaration in

22 French -- your statement. So what do you mean: The prefect was looking after the
23 guns that belonged to the gendarmerie?

24 PRESIDING JUDGE SCHMITT: [12:34:09] Ms Berdennikova.

25 MS BERDENNIKOVA: [12:34:14] Yes, your Honours, it's just in relation to the exact

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1 quotation, because I understand that my colleague is quoting from the French, but it
2 seems that there is somewhat of a discrepancy between the French and the English.

3 MS DIMITRI: [12:34:29] I know. I know, and I don't want to quote the English and
4 that is why in fairness to the witness I want to ask him what he meant, because I
5 looked into it and it's the French version that was reread to him. And I completely
6 understand that the English has a different wording, but that's why in fairness I'm
7 asking him, What do you mean by "*il cherchait des armes*".

8 MS BERDENNIKOVA: [12:34:56] May I?

9 PRESIDING JUDGE SCHMITT: [12:34:57] Yes, of course.

10 MS BERDENNIKOVA: [12:35:01] During the familiarisation process -- and I'm going
11 to try to be careful not to, you know, because the witness is also listening, but during
12 the familiarisation process, I understand that it was done with an interpreter. So
13 first the English version is the authoritative one, which then gets translated into
14 French and during the familiarisation process, the French version gets then translated
15 I imagine into Sango for the witness.

16 So it's not necessarily that particular words that would have been translated to him
17 because there is a difference between the English version of the statement and the
18 way that it was translated in the French.

19 PRESIDING JUDGE SCHMITT: [12:35:42] However, we have the witness here and
20 we can ask him simply to clarify.

21 MS DIMITRI: [12:35:49] That's exactly what I was doing.

22 PRESIDING JUDGE SCHMITT: [12:35:55] And that's what we are going to do now.
23 So we have a live witness and there can be issues, that's clear. But I think we have to
24 give the witness the chance to answer that, why not? I don't see any problem with
25 that.

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1 MS BERDENNIKOVA: [12:36:05] My only point was that it could be misleading to
2 quote that part as it's not the same in the authoritative English version of the
3 statement. It's not necessarily exactly what the witness had said at the time.

4 PRESIDING JUDGE SCHMITT: [12:36:15] So then why not explain the problem to
5 the witness, Ms Dimitri, and ask him -- and then continue asking him -- putting the
6 French version to him.

7 MS DIMITRI: [12:36:28] But if I explain the problem, Mr President, I'm drawing his
8 attention to an English version, which is a language he doesn't speak. All I want is
9 to -- he can tell me, I never said that. I said that. It's not what I meant (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [12:36:41] We have -- obviously, Mr Witness,
12 you're listening, we have obviously difficulties with some translation and Ms Dimitri
13 is trying to clarify something with you, and you are sitting here at the video-link
14 location, you simply answer what you -- answer the question according to what you
15 know today and what is truthful, like you have already said when you were sworn in.
16 So please.

17 MS DIMITRI: [12:37:09] Just to be clear, Mr President, so I'm allowed to just put that
18 sentence and to ask him to clarify?

19 PRESIDING JUDGE SCHMITT: [12:37:21] Yes.

20 MS DIMITRI: [12:37:22] Thank you.

21 PRESIDING JUDGE SCHMITT: [12:37:23] You can say: We have in French, we
22 have it like that. Is that correct?

23 MS DIMITRI: [12:37:27] (Interpretation)

24 Q. [12:37:28] Mr Witness, in paragraph 37, and I'm quoting the French because
25 there's a difference in the English and French version, but I understand that it's the

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1 French version that was used when you made your corrections in French with the
2 assistance of an interpreter. It's written: "*Le préfet cherchait les armes qui appartenaient*
3 *à la gendarmerie*".

4 Can you explain -- did you say that? Because it's in your statement. And if yes,
5 what did you mean to say when you said: "*Le préfet cherchait les armes*"?

6 A. [12:38:21] Thank you. Now you asked me the question but I think -- I think
7 you've made a mistake. Why? Because you said that the English version is
8 different from the French version, it's true. My statement was badly translated.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [12:39:20] So -- and this is enough on that subject.

16 This is a sufficient answer.

17 MS DIMITRI: [12:39:25] (Interpretation)

18 Q. [12:39:28] Thank you for that clarification, Mr Witness. I'm going to change
19 subjects once again.

20 During your first meeting with the investigations of the OTP and, here, I'm referring
21 CAR-OTP-2110-0602.

22 Sorry, excuse me.

23 During your first meeting with the investigators of the OTP, the first time when you
24 met them, before signing your statement, according to the notes that I have, you said
25 you spent two months with the Anti-Balaka, about eight weeks, before the death of

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1 Coeur de Lion. That is what you say. You explained he gave you money to give
2 you -- so you could buy food. He looked after you. He was often at the base. This
3 is in paragraph 41.

4 Does that correspond to your recollection before the death of Coeur de Lion? This
5 was eight weeks before his death.

6 A. [12:40:57] *No, it was not two months before the death of Coeur de Lion, that
7 wasn't it.

8 Q. [12:41:04] What was it then?

9 A. [12:41:12] I think it might have been about one week, that's what I guess. It
10 wasn't a question *of months.

11 PRESIDING JUDGE SCHMITT: [12:41:30] I'm a little bit confused now. So how
12 long did you stay with the group -- with the Anti-Balaka group? You know, you
13 will not have counted the days, but was it a week, was it two weeks, was it a month,
14 two months, three months, half a year?

15 Just if you can give us an estimate?

16 THE WITNESS: [12:41:57](Interpretation) I only spent some weeks and not months
17 over there. I'm talking in terms of weeks.

18 PRESIDING JUDGE SCHMITT: [12:42:22] Thank you.

19 Ms Dimitri.

20 MS DIMITRI: [12:42:28] (Interpretation)

21 Q. [12:42:31] And you explained to us that (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [12:43:04] No one came to me like that.

2 Q. [12:43:12] No one *intervened?

3 A. [12:43:18] No. No, no one. Because they weren't at home; They were in the
4 fields. Only the men were in the town. When the MINUSCA heard the shootings,
5 they fled. They were in the fields.

6 Q. [12:43:46] *And at a given moment in time, did they find out that you were
7 a member, that you belonged to an Anti-Balaka group?

8 A. [12:44:00] They didn't know. If they knew, they would have had more
9 information, but they didn't know.

10 Q. [12:44:12] They didn't know at any point of time? They still don't know that
11 you were a member of an Anti-Balaka group? That you were -- that you had joined
12 an Anti-Balaka group, is that your testimony?

13 A. [12:44:30] They didn't know. (Redacted)
14 (Redacted). But those who were over there in the fields, I didn't say anything to
15 them regarding the movement or my activities in the movement.

16 (Redacted)

17 A. [12:45:06] (Redacted)

18 (Redacted). That's what I said.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [12:46:11] I didn't learn about them being aware or not, but as far as I'm

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1 (Redacted)

2 (Redacted)

3 Q. [12:46:35] So when you left the Anti-Balaka movement, you said you -- in

4 paragraph 45, (Redacted)

5 (Redacted)

6 Do you agree with that?

7 A. [12:46:56] Yes, that's correct.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:48:17] *He says "a week", just a week? Because the *Presiding Judge put the

18 question to you a few minutes ago, and it seems to me that you answered that you

19 spent several weeks, more than a week, at least. *Was it a week, more than a week

20 two months, less than two months, or not at all?

21 THE INTERPRETER: [12:48:38] Overlapping speaker.

22 (Redacted)

23 THE INTERPRETER: [12:48:43] Says the witness.

24 MS DIMITRI: [12:48:46] (Interpretation)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [12:49:30] Mr Witness, when you said a couple of
7 seconds ago (Redacted), does that mean -- do I have and do the judges have to
8 understand that you stayed with the Anti-Balaka (Redacted)? Just to make this
9 absolutely clear.

10 THE WITNESS: [12:49:55](Interpretation) That's correct.

11 PRESIDING JUDGE SCHMITT: [12:49:58] Okay.

12 MS DIMITRI: [12:50:01] Thank you, Mr President.

13 Q. [12:50:07] (Interpretation) I'm going to change topics, Mr Witness.

14 (Redacted)

15 (Redacted)

16 Did you know that?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:51:10] I'm going to speak to you about the list of the 60 children which my
21 colleague showed you yesterday, which is in tab 4 in the Defence binder,
22 CAR-OTP-2071-0279.

23 (Redacted)

24 (Redacted)

25 (Speaks English) For your Honour's reference, it's CAR-OTP-2118-0945, paragraph 56

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1 and 58.

2 (Interpretation) (Redacted)

3 (Redacted) which my colleague showed you yesterday, (Redacted).

4 And he says that in fact amongst the 60 individuals who appear on this list, 40 came

5 from an Anti-Balaka group from Pissa and 20 of -- come from Mbata, but does not

6 mention the presence of any children who belonged to an Anti-Balaka group

7 and -- who came from Mbaïki.

8 Can you offer any explanation?

9 PRESIDING JUDGE SCHMITT: [12:53:14] Yes, Ms Berdennikova.

10 MS BERDENNIKOVA: [12:53:20] Yes, your Honours, an admission in the report

11 that he did not draft is not something that the witness can really comment on.

12 PRESIDING JUDGE SCHMITT: [12:53:25] Yes, an explanation is -- it is

13 something -- no, I actually agree with you, he cannot comment on something that he's

14 not drafted. It is striking, yeah. It is.

15 So you can ask him -- yes, I don't want to put the words in your mouth but --

16 MS DIMITRI: [12:53:46] I'm just --

17 PRESIDING JUDGE SCHMITT: [12:53:47] Or you can say, There is a report that

18 does not mention any Anti-Balaka youth, children, child.

19 Yes, let me try it.

20 Mr Witness, there is a report from this --

21 What's his name again? I'm also not --

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [12:54:09] (Redacted) and he doesn't mention any

24 elements from Mbaïki.

25 So the question that Ms Dimitri has, is, have you really been a member of the

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1 Anti-Balaka?

2 THE WITNESS: [12:54:36](Interpretation) What Anti-Balaka are you talking about?

3 From which area? (Redacted)

4 PRESIDING JUDGE SCHMITT: [12:54:53] I think you understand me perfectly well,

5 Mr Witness. It's only about you. And you said (Redacted), and you said you were

6 in the Anti-Balaka (Redacted), and we want to know if this is correct? If you really

7 were in the Anti-Balaka in the group (Redacted)

8 in the Mbaïki group, if you will?

9 THE WITNESS: [12:55:13](Interpretation) That, I don't know.

10 PRESIDING JUDGE SCHMITT: [12:55:41] Mr Witness, you've been sitting at the

11 video-link location for now roughly two days because you are a witness of the

12 Prosecution and the Prosecution says - and you have said it in your statement - that

13 you have been with the Anti-Balaka in Mbaïki (Redacted) and I'm asking you is this

14 true or not?

15 THE WITNESS: [12:56:02](Interpretation) It's true.

16 PRESIDING JUDGE SCHMITT: [12:56:18] Ms Dimitri, I think we will not finish until

17 one o'clock.

18 MS DIMITRI: [12:56:25] No, I was honestly really hoping so.

19 PRESIDING JUDGE SCHMITT: [12:56:28] No, no, I understand.

20 MS DIMITRI: [12:56:30] I don't have much. I'm going to finish today for sure.

21 PRESIDING JUDGE SCHMITT: [12:56:35] Yes, yes, Of course, yes.

22 MS DIMITRI: [12:56:37] But if we take the break now, I will definitely use the entire

23 lunch break now to reduce what I have left, given the answers.

24 PRESIDING JUDGE SCHMITT: [12:56:52] So when you say you will use the lunch

25 break, you would not find it a good idea to shorten the lunch break?

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1 MS DIMITRI: [12:57:03] I wouldn't mind because I don't have much left, so -- as long
2 as I can ...

3 PRESIDING JUDGE SCHMITT: [12:57:10] Yes, okay. Two o'clock. We continue
4 at two o'clock.

5 THE COURT USHER: [12:57:16] All rise.

6 (Recess taken at 12.57 p.m.)

7 (Upon resuming in private session at 2.02 p.m.)

8 THE COURT USHER: [14:02:31] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [14:02:51] Ms Dimitri, you have the floor. We are
11 in private session.

12 MS DIMITRI: [14:02:55] Thank you, Mr President.

13 Q. [14:03:12] (Interpretation) Good afternoon, Mr Witness. According to a report
14 by the investigators of the ICC - and for the record, CAR-OTP-2135-1589 - (Redacted)
15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [14:04:34] I do not know.

22 Q. [14:04:38] When you went to meet with the investigators of the OTP on the first
23 occasion on 22 May 2019, and I note that on the very same (Redacted)

24 met -- also met the investigators of the OTP. So what I would like to ask you is

25 whether you remember having bumped into him or whether you remember talking to

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1 him on that day when you met with the investigators of the OTP for the first time?

2 A. [14:05:28] I did not bump into him. I do not have any information in this
3 regard and concerning him.

4 Q. [14:05:37] Are you in a position to explain to me the circumstances under which
5 you met for the first time the investigators of the OTP? How was it that you came to
6 meet with the investigators of the OTP?

7 A. [14:06:00] Thank you. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [14:07:19] That's correct.

17 Q. [14:07:23] And can you explain to me in your own words how the investigators
18 explained to you what the purpose of the meeting was? Did he tell you -- did they
19 tell you that they were investigating specifically on Mr Yekatom and on child
20 soldiers?

21 A. [14:07:54] When we met, they started talking about child soldiers. They put
22 questions to me with regards to my identity, to which I responded yes. And they
23 went on to ask a few questions, subsequent to which, they told me that they were
24 there to investigate on the Anti-Balaka, the Seleka and everything that had happened
25 in Mbaiki. And, subsequently, I started to furnish them with explanations.

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- 1 Q. [14:08:39] Okay. During one of the meetings, during one of the meetings
2 with the investigators of the OTP, (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 PRESIDING JUDGE SCHMITT: [14:09:26] Ms Berdennikova.
8 MS BERDENNIKOVA: [14:09:28] Your Honours, before I make my intervention,
9 I would like to request that the witness removes his headphones, please.
10 PRESIDING JUDGE SCHMITT: [14:09:35] He doesn't have headphones, but I think
11 we can mute him. We can mute it, yes, yes. Thank you.
12 Okay. Since it is English, so you can speak freely, Ms Berdennikova, at least in
13 private session.
14 MS BERDENNIKOVA: [14:10:11] Thank you for confirming that, your Honour.
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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- 1 (Redacted). I think I --
- 2 PRESIDING JUDGE SCHMITT: [14:11:12] I -- I also -- but -- but okay.
- 3 MS DIMITRI: [14:11:14] But -- but I agree with you. I can -- I can phrase it
- 4 differently.
- 5 PRESIDING JUDGE SCHMITT: [14:11:19] Yeah. (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 PRESIDING JUDGE SCHMITT: [14:12:04] Yeah, why not. Yes, you can do that. I
- 15 think -- I think that is out of fairness to the Defence. I think you have --
- 16 MS DIMITRI: [14:12:14] Thank you.
- 17 (Discussion between the Chamber and the court officer)
- 18 PRESIDING JUDGE SCHMITT: [14:12:19] Exactly, yeah, yeah. We have to connect
- 19 the witness back.
- 20 Thank you, Ms Garcia.
- 21 MS DIMITRI: [14:12:39] Thank you.
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 A. [14:13:17] What moment in time are you talking about? Could you please

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1 remind me of the day and the date?

2 Q. [14:13:23] Well, at any given moment in time during your meetings with the

3 investigators of the OTP, at any moment in time, (Redacted)

4 (Redacted)

5 A. [14:13:48] Well, the people who introduced themselves to me -- well, I don't

6 really understand your question. (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [14:14:13] No. I shall explain it to you.

10 PRESIDING JUDGE SCHMITT: [14:14:19] No. Can -- does this name ring a bell at

11 all, Mr Witness?

12 THE WITNESS: [14:14:33](Interpretation) No, I do not know that name.

13 PRESIDING JUDGE SCHMITT: [14:14:35] And it seemed clear also from the last

14 answer that the witness thought it was perhaps one of the investigators. So, please

15 continue. He doesn't know the person.

16 MS DIMITRI: [14:14:58] (Interpretation)

17 Q. [14:15:00] (Redacted)

18 (Redacted)

19 (Redacted)

20 Do you remember him? Does it refresh your memory? Otherwise I'll move on to

21 something else.

22 A. [14:15:29] Never, I do not know him.

23 Q. [14:15:30] No problem. Thank you, Mr Witness.

24 I'm going to be showing to you again a photograph that I showed to you this morning

25 that is tab 7 of the Defence binder, CAR-D29-0010-0023.

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1 Could you please look at number 13 on the screen before you, Mr Witness. Do you
2 recognise that individual? That's number 13.

3 A. [14:16:18] I do not recognise this individual.

4 Q. [14:16:22] No problem.

5 And the photograph can be withdrawn from the screen. Thank you.

6 I'm going to (Redacted). I've nearly finished with my questions, Mr Witness, and I
7 thank you in advance for your patience.

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 (Redacted)

23 Now, for the record, I'm not going to present the document, but I'm going to list it to

24 you. It's tab 52, CAR-D29-0016-0078; 53 -- tab 53, CAR-OTP-00000144; tab 54,

25 CAR-D29-0019-0068; and, finally, tab 59, CAR-D29-0018-002 -- 0002, correction.

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1 So my question is as follows: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [14:20:11] I never heard of that.

6 Q. [14:20:18] And my last question to you, Mr Witness. In fact, I put it to you that
7 you never joined the Anti-Balaka under Coeur de Lion, as you described, for two
8 reasons. Inter alia, firstly, you did not recognise Coeur de Lion when I showed his
9 photograph to you a little earlier today; and secondly, Coeur de Lion was deceased
10 before the departure of the Muslims by convoy. Would you be ready to
11 acknowledge that you were not part of the Anti-Balaka?

12 THE INTERPRETER: [14:21:07] Correction: Via the Chadian convoy.

13 THE WITNESS: [14:21:23](Interpretation) Well, what do you want me to say to that
14 if you don't want to accept my version of events?

15 PRESIDING JUDGE SCHMITT: [14:21:35] Mr Witness, you can simply say, "No.
16 It's true what I said, and what Ms Dimitri is wrong." Or you can say, "Yeah, I have
17 to -- listening to that, I acknowledge." You can say both.

18 THE WITNESS: [14:21:57](Interpretation) Ms Dimitri has not said the truth.

19 MS DIMITRI: [14:22:04] Thank you, Mr President.

20 PRESIDING JUDGE SCHMITT: [14:22:10] Well, that's an answer.

21 MS DIMITRI: [14:22:13] That's an answer.

22 Q. [14:22:17] (Interpretation) Thank you very much for answering my questions,
23 Mr Witness.

24 MS DIMITRI: [14:22:21] Thank you, Mr President, for your patience, especially
25 given my voice and my --

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1 PRESIDING JUDGE SCHMITT: Okay.

2 MS DIMITRI: [14:22:23] I'm sorry about that.

3 PRESIDING JUDGE SCHMITT: [14:22:24] You know, at some point in time every
4 voice is dying and yours seems to be really shortly before that.

5 Ms Berdennikova, any questions?

6 MS BERDENNIKOVA: [14:22:37] No, we don't have anything else.

7 PRESIDING JUDGE SCHMITT: [14:22:41] I have a little bit an uncomfortable feeling
8 with regard to that photograph where these six or eight people were because it was so
9 shortly on. Actually, please, Ms Dimitri, can we -- can we pull it on again. Because
10 it was only two seconds and I really would be more comfortable if we show it again
11 to the witness.

12 I don't know which tab it was. Actually, I --

13 MS DIMITRI: [14:23:11] (Interpretation)

14 Q. [14:23:14] Mr Witness, we're going to be presenting you with a last series of
15 photographs at tab 3 of the Defence binder, CAR-D29-0010-0042.

16 PRESIDING JUDGE SCHMITT: [14:23:32] So, Mr Witness, do you know any of these
17 persons?

18 MS DIMITRI: [14:23:36] It's not on the screen.

19 PRESIDING JUDGE SCHMITT: [14:23:38] I think it is now.

20 Mr Witness, do you know any of these persons?

21 Ms Berdennikova, please sit down. The witness is going to answer. I think it's
22 large enough. We don't -- we don't -- it has been enlarged already.

23 So, do you recognise any of these persons on this photograph? And if you want that
24 we enlarge one of those, it's also -- but then tell us which one you want to have
25 enlarged.

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1 THE WITNESS: [14:24:36](Interpretation) Could you please zoom in on this
2 photograph.

3 PRESIDING JUDGE SCHMITT: [14:24:41] Which one? The whole -- okay, then,
4 yeah.

5 Well, that should be really big enough now.

6 Please an answer, Mr Witness. Anyone?

7 THE WITNESS: [14:25:15] (No interpretation)

8 PRESIDING JUDGE SCHMITT: [14:25:19] Well --

9 THE WITNESS: [14:25:28](Interpretation) I am looking at the photographs
10 attentively.

11 PRESIDING JUDGE SCHMITT: [14:25:33] Well, but you know, Mr Witness, last time
12 it was very short on the screen, but this should be enough now. So do you identify
13 anyone on this photograph or not?

14 MS BERDENNIKOVA: [14:25:49] Your Honours, I distinctively heard a name, but I
15 don't think it was translated.

16 PRESIDING JUDGE SCHMITT: [14:25:54] Yeah, then we have to -- we need the
17 translation obviously. This was the most important --

18 Mr Witness, excuse me, there is translation issue, obviously. Did you identify or do
19 you identify one of these persons, and please tell us which one with the number of the
20 photograph or where it is.

21 THE WITNESS: [14:26:14](No interpretation) Coeur de Lion.

22 PRESIDING JUDGE SCHMITT: [14:26:23] And which one is --

23 THE WITNESS: [14:26:22] (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [14:26:23] Yeah, I understand, but which one is
25 Coeur de Lion according to you?

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1 MS BERDENNIKOVA: [14:26:28] Your Honours, not all the numbers appear on the
2 screen.

3 PRESIDING JUDGE SCHMITT: [14:26:34] Yes, yes. So we make it smaller now.
4 And you see, Mr Witness, now we have -- for each of these photographs we have
5 numbers, so which one is according to you Coeur de Lion?

6 THE WITNESS: [14:26:54](Interpretation) Number 4.

7 THE INTERPRETER: [14:26:57] Says the witness in French.

8 PRESIDING JUDGE SCHMITT: [14:27:00] Okay, good.

9 Thank you, Mr Witness. This concludes your testimony. On behalf of the Chamber,
10 I would like to thank you that you have testified for two days and answered patiently,
11 patiently all the questions by the parties and also of the judges. We thank you for
12 that, Mr Witness, and wish you a safe trip back home.

13 (The witness is excused)

14 PRESIDING JUDGE SCHMITT: [14:27:44] So then this concludes also the hearing for
15 today and for this week.

16 We continue at 9.30 on Monday with 1838.

17 THE COURT USHER: [14:28:22] All rise.

18 PRESIDING JUDGE SCHMITT: [14:28:24] And I wish Ms Dimitri all the best over
19 the weekend.

20 (The hearing ends in private session at 2.28 p.m.)