

Trial Hearing
WITNESS: CAR-OTP-P-2082

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 22 March 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:14] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:38] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:31:44] 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: [9:31:59] Thank you. I ask for the appearances of
21 the parties. Mr Belbenoit first.
22 MR BELBENOIT-AVICH: [9:32:07] (Interpretation) Good morning, your Honour.
23 Good morning to the Bench. The Prosecution is represented today by Mr Kweku
24 Vanderpuye, Mrs Irina Galupa, Yassin Mostfa and myself, Pierre Belbenoit Avich.
25 PRESIDING JUDGE SCHMITT: [9:32:20] Mr Rabesandratana next.

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1 MS RABESANDRATANA: [9:32:23] (Interpretation) Thank you, your Honour, and
2 good morning. The LRV is represented by Mr Alexis Larivière, Mrs Evelyne
3 Ombeni and myself, Elisabeth Rabesandratana.

4 PRESIDING JUDGE SCHMITT: [9:32:39] Thank you. Mr Suprun.

5 MR SUPRUN: [9:32:43] Good morning, Mr President. Good morning, your
6 Honours. The former child soldiers are represented by myself, Dymtro Suprun.
7 Thank you.

8 PRESIDING JUDGE SCHMITT: [9:32:51] Thank you. Ms Dimitri.

9 MS DIMITRI: [09:32:53] Good morning, Mr President. Good morning, your
10 Honours. Good morning, everyone. Good morning, Madam Witness.
11 Mr Yekatom is present in the courtroom and he's represented today by Ms Anta
12 Guissé, Ms Yousra Lamqaddam, Ms Fiona Houdin, Mr Florent Pages-Granier and
13 myself, Mylène Dimitri.

14 PRESIDING JUDGE SCHMITT: [9:33:08] Thank you. Mr Knoops.

15 MR KNOOPS: [9:33:11] A very good morning, Mr President, your Honours. Good
16 morning, everyone in the courtroom. Our team appears today before the Chamber
17 with Ms Sara Pedroso, Despoina Eleftheriou, Mathias Goffe and Tessia Monteiro.
18 And Mr Ngaïssona is in the courtroom, Mr President. Thank you.

19 PRESIDING JUDGE SCHMITT: [9:33:32] Thank you very much. And now we start
20 with the testimony of Prosecution witness, P-2082.

21 Madam Witness, do you hear and understand me well?

22 WITNESS: CAR-OTP-P-2082

23 (The witness speaks French)

24 (The witness gives evidence via video link)

25 THE COURT OFFICER: [09:33:58](Via video link) Mr President, this is the court

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1 officer in Bangui. We can hear English only. I'm sorry.

2 PRESIDING JUDGE SCHMITT: [9:34:06] Okay, so we have to fix that. Hopefully
3 that can be done quick.

4 So I think we have now the right channel on the booth. So, again, Madam Witness,
5 sorry for the interruption. Good morning. My name is Schmitt. I am the
6 Presiding Judge of this Chamber and there's Judge Chung-ho on my left side and
7 Judge Kovács on my right side. Do you understand and hear me well,
8 Madam Witness?

9 THE COURT OFFICER: [09:35:06](Via video link) This is me here again, the court
10 officer. We still hear English only. It's not on the French yet. I'm sorry.

11 PRESIDING JUDGE SCHMITT: [9:35:17] Well, I'm informed that it is simply that on
12 the booth there is some wrong channels, so -- switched to a wrong channel, so I would
13 be grateful if this could be fixed relatively quickly.
14 Please let me know when we can continue.

15 THE INTERPRETER: [9:35:49] Message from the interpreters: The AV technician is
16 assisting us in the booths. We hope to deal with this problem immediately.

17 PRESIDING JUDGE SCHMITT: [09:36:37] Could we please be informed if this is an
18 issue that lasts a little bit longer, then we would go into the deliberation room and
19 would not sit here for minutes.

20 THE INTERPRETER: [9:37:02] Yes, it's fine now. We can listen to the French very
21 well.

22 PRESIDING JUDGE SCHMITT: [9:37:06] Finally. So, Madam Witness, I address
23 you on behalf of the Chamber. Good morning. Do you hear and understand me
24 well?

25 THE WITNESS: [9:37:23](Interpretation) Good morning. Yes, I can understand you

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1 well, your Honour.

2 PRESIDING JUDGE SCHMITT: [9:37:29] That is very good news. On behalf of the
3 Chamber, I would like to welcome you to the courtroom. You're called to testify to
4 assist this Chamber in the case of the Prosecutor against Mr Yekatom and
5 Mr Ngaïssona.

6 There are protective measures in place to protect your identity. This is the reason
7 why I address you not with your real name, but as Madam Witness. There is also
8 face distortion and voice distortion. I think this has been explained to you.

9 Madam Witness, there should be a card on the desk in front of you with a solemn
10 undertaking to tell the truth. Could you please read out loud the content of this
11 card?

12 THE WITNESS: [9:38:27](Interpretation) Solemn undertaking: I solemnly declare
13 that I shall speak the truth, the whole truth and nothing but the truth.

14 PRESIDING JUDGE SCHMITT: [9:38:41] Thank you. Madam Witness, you're now
15 under oath.

16 Before we start with your testimony, please keep in mind that everything we say here
17 is written down and interpreted, so this takes a little bit of time, so I would kindly ask
18 you to speak at a relatively slow level. And, please, only start speaking when the
19 person that is asking you something has finished, and perhaps wait two or three
20 seconds so that everything can be interpreted smoothly. Thank you very much for
21 the moment.

22 I give the floor to the Prosecution, Mr Belbenoit.

23 QUESTIONED BY MR BELBENOIT-AVICH: (Interpretation)

24 Q. [9:39:32] Good morning, Witness. You remember that we met some weeks ago.
25 I am Pierre Belbenoit Avich. I'm a trial lawyer and I am going to examine you today

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1 on behalf of the Prosecution.

2 First of all, I'd like to thank you for your availability. It's very important that you
3 can testify here. And I'm just going to remind you that you've granted protective
4 measures within the framework of your deposition and these measures are aimed at
5 protecting your identity from the public, so this is why all questions that are
6 identifying will be asked in private session. If at any point of time when we're in
7 public session, and if there is an answer that could identify you, please let me know
8 and I will request that we move to private session. Do we agree on that?

9 A. [9:40:33] Yes, we do.

10 Q. [9:40:36] Now, with regards to logistics, if I ask you a question which is not clear
11 or you do not understand, please do not hesitate to let me know and I will repeat it or
12 reword it.

13 A. [9:40:52] Okay.

14 Q. [9:40:56] I will examine you for about two hours. First of all, I'm going to ask
15 you certain questions on your identity, and then I will ask you some basic questions
16 on the witness statement that you gave to the OTP investigators in 2019, and then I
17 will ask you some clarification questions to get some additional information.

18 MR BELBENOIT-AVICH: [09:41:25] Your Honour, with your kind leave, could we
19 move to private session?

20 PRESIDING JUDGE SCHMITT: [9:41:29] Of course.

21 (Private session at 9.41 a.m.)

22 THE COURT OFFICER: [9:41:43] We are in private session, Mr President.

23 MR BELBENOIT-AVICH: [9:41:52] (Interpretation)

24 Q. [9:41:52] Witness, what is your name and your surname?

25 A. [9:41:57] I am (Redacted)

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1 Q. [9:42:08] What's your date of birth and your place of birth?

2 A. [9:42:12] I was born on (Redacted) in (Redacted) in the (Redacted)
3 (Redacted)

4 Q. [9:42:25] Is it right that you are a Central African Republic national?

5 A. [9:42:29] Yes.

6 Q. [9:42:31] To which ethnic group do you belong to?

7 A. [9:42:35] I belong to the (Redacted) ethnic group.

8 MR BELBENOIT-AVICH: [9:42:44] (No interpretation)

9 PRESIDING JUDGE SCHMITT: [9:42:45] Open session.

10 MR BELBENOIT-AVICH: [9:42:51] (Interpretation) We can move to open session,
11 your Honour.

12 (Open session at 9.43 a.m.)

13 THE COURT OFFICER: [9:43:05] We are in open session, Mr President.

14 MR BELBENOIT-AVICH: [9:43:11] (Interpretation)

15 Q. [9:43:12] Witness, is it true that you were interviewed by the OTP investigators
16 in May 2019 and they took a witness statement from you?

17 A. [9:43:24] Yes.

18 Q. [9:43:25] And I understand that at the end of February last you reviewed the
19 statement and you made a few corrections.

20 A. [9:43:35] Yes, that's true.

21 PRESIDING JUDGE SCHMITT: [9:43:38] Wait a second. Ms Dimitri.

22 MS DIMITRI: [9:43:41] If I can just make a plea for the interpreter. There's no break
23 between question and answers and they're struggling.

24 PRESIDING JUDGE SCHMITT: [9:43:48] So, Madam Witness, please wait with your
25 answer two or three seconds, please, so that the interpreters can follow. Thank you

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1 very much. And the same applies also for Mr Belbenoit, of course.

2 MR BELBENOIT-AVICH: [9:44:10] (Interpretation)

3 Q. [9:44:10] Madam Witness, could you confirm that the information contained in
4 the statement that you made and the corrections that you made are truthful to the
5 best of your recollections?

6 A. [9:44:26] Yes, the information is true.

7 Q. [9:44:37] Do you agree that your statement can be used as evidence in this case?

8 A. [9:44:44] Yes; why not?

9 PRESIDING JUDGE SCHMITT: [9:44:48] Okay. Then we can state for the record
10 that the conditions for the witness statement CAR-OTP-2109-0452, that's the English
11 version, with the corrections made -- I don't know which -- I don't have the CAR-OTP
12 here -- but with the corrections made, are fulfilled with regard to Rule 68, paragraph
13 3.

14 MR BELBENOIT-AVICH: [9:45:27] (Interpretation) Thank you, your Honours. The
15 translation bears the number CAR-OTP-2122-4558. And the corrections that the
16 witness made are registered under the number CAR-OTP-00001220.

17 PRESIDING JUDGE SCHMITT: [9:45:46] Thank you.

18 MR BELBENOIT-AVICH: [9:45:55] (Interpretation).

19 Q. [9:45:55] Witness, now I'm going to ask you questions in order to get some
20 clarifications or additional information with respect to the information that you've
21 already given to the OTP investigators in May 2019 and that appear in your statement.
22 The objective is not that you repeat what you said at that point of time, because it's
23 already there as evidence. I'm going to ask you very specific questions on the
24 following points: First of all, the knowledge that you could have on the other
25 demobilisation or rehabilitation operations of children coming from the Anti-Balaka

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1 group over and above what you spoke in your declaration, in your statement.

2 Then I'm going to ask you certain additional questions on the demobilisation and the
3 rehabilitation process of children that -- of children that were given in -- by Yekatom
4 that happened in Pissa and Mbaïki. And then I'm going to ask you questions on the
5 discussions you've had with some of these children.

6 MR BELBENOIT-AVICH: [09:47:13] So, with your leave, your Honour, could we
7 move to private session?

8 PRESIDING JUDGE SCHMITT: [9:47:19] Private session.

9 (Private session at 9.47 a.m.)

10 THE COURT OFFICER: [9:47:41] We are in private session, Mr President.

11 MR BELBENOIT-AVICH: [9:47:47] (Interpretation).

12 Q. [9:47:47] I'm going to start with the first theme.

13 You explained to the investigators, and this appears in paragraph 33 of your witness
14 statement, that it is the (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Now, just so that we're clear, do you confirm that as (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [9:48:38] Yes. This is (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:50:04] Thank you, witness. My question is as follows: In your statement,
7 you talk about this demobilisation process of Yekatom. (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [9:50:31] No. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [9:51:01] So, without talking about (Redacted)

14 (Redacted) were you informed on other demobilisation processes where (Redacted)
15 was involved? I'm not talking about (Redacted)

16 but your knowledge.

17 A. [9:51:28] Generally, this is (Redacted). It's

18 about protecting children, minor children and children -- and child soldiers in the
19 whole country. (Redacted)

20 (Redacted). There were groups -- there were NGOs that were also

21 doing the same thing in other prefectures. (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [9:52:37] Right. So you said that there were other NGOs who did the same
25 thing in other prefectures as well. And just so that we're clear, I understand that

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1 there were other demobilisation programmes for child soldiers. Can you tell me:

2 These children belonged to which group?

3 A. [9:53:03] Now, I do not know. You see, the composition of groups -- there were

4 several groups, certainly, in other places as well. So it's these NGOs, along with

5 UNICEF, carried out similar initiatives; that is to say, rehabilitation and

6 demobilisation. But we did not share any information (Redacted)

7 (Redacted). I did not know that such-and-such group did this, but what I can

8 say is that I -- it's *Enfants Sans Frontières* that actually (Redacted)

9 and since they were in Pissa and Mbaïki they said that you had -- (Redacted)

10 (Redacted)

11 Q. [9:54:18] Right. Witness, but I'm talking about -- without referring to any

12 specialised demobilisation programme, do you know whether these children who

13 were demobilised by the NGOs, were they part of the Seleka or Anti-Balaka, some

14 specific information?

15 A. [9:54:43] No, I do not have any such specific information.

16 Q. [9:54:50] Thank you, witness. I'm moving on to another subject. Now, I'm

17 going to ask you a few questions. Now, just to specify who were the stakeholders in

18 the demobilisation and rehabilitation process of children coming from Yekatom's

19 group.

20 So in paragraph 34 of your statement, you explained, and I'm quoting: (Redacted)

21 (Redacted) the head of social services of Lobaye, André-Richard Kongaye, was in

22 charge of working with the ESF."

23 And in paragraph 38, a bit further down in your statement, you explain that

24 André-Richard Kongaye was in charge of these child -- children's centre in Mbaïki

25 and there was a team that was working with him.

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1 And in paragraph 41, you say that after the ceremony that was held in Mbaïki, (Redacted)

2 (Redacted)

3 So can you tell me -- clarify, (Redacted)

4 (Redacted)

5 A. [9:56:12] (Redacted) The NGO

6 explained at the level of UNICEF, and it's UNICEF that came. (Redacted)

7 (Redacted). They said that they are capable of funding the NGO for

8 the demobilisation and rehabilitation programme.

9 I'm sorry, but I was the one who did not explain properly. ESF (Redacted)

10 drafted the training modules, and (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). They're the ones who work with UNICEF (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:58:00] Thank you, Witness. Now, just to clarify things, André-Richard

20 Kongaye who was in charge of the centre, (Redacted)?

21 A. [9:58:18] (Redacted)

22 (Redacted)

23 (Redacted) Kongaye was working in the Lobaye

24 prefecture. There was Mongoumba and Kongaye was the head of the prefectural

25 youth service for social affairs. (Redacted)

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1 (Redacted)

2 Q. [9:59:15] Thank you. (Redacted)

3 (Redacted). You explained that they were drafted by André-Richard

4 Kongaye.

5 Now, I would like the court officer to display the one registered under number

6 CAR-OTP-2109-0470. First of all, please display the first page.

7 THE COURT OFFICER: [10:00:04] Could you please repeat the ERN number?

8 MR BELBENOIT-AVICH: [10:00:14] (Interpretation) Of course, CAR-OTP-2109-0470,

9 tab 6 on the OTP list.

10 Q. [10:00:46] Madam Witness, can you see the document?

11 A. [10:00:49] Yes.

12 Q. [10:00:55] This is entitled "Report of the UNICEF" -- could the court usher scroll

13 down, please? Many thanks -- "Report from the UNICEF-COOPI-ESF joint mission".

14 My first question: (Redacted)

15 (Redacted)

16 A. [10:01:24] (Redacted) he was the section head in the Lobaye area. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:01:50] Thank you.

21 MR BELBENOIT-AVICH: [10:01:54] (Interpretation) Court usher, if you could move

22 to the following page -- 0471.

23 Q. Now, here we read that a group of nine people went to Pissa with a view to

24 verifying and identifying the child soldiers associated -- scroll down, please. Scroll

25 down, please. *A group of three UNICEF representatives and one government

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1 representative, namely, André-Richard Kongaye.

2 THE INTERPRETER: [10:02:35] The document is not visible on the screen. Our
3 regrets.

4 MR BELBENOIT-AVICH: [10:02:41](Interpretation)

5 Q. [10:02:42] Could you explain this to us? Could you tell us more?

6 A. [10:02:48] I believe -- this was a long time ago, so I have forgotten. COOPI was
7 handling -- C-O-O-P-I -- COOPI also provided support to children without borders.
8 I believe it might have been material assistance for children who had to be housed in
9 Mbaïki. I believe it was something like that, because UNICEF provided the funding
10 but COOPI was also associated in this -- in these attempts to provide assistance.
11 That is what I can tell you.

12 May I continue?

13 Q. [10:03:55] Of course.

14 A. [10:03:59] You saw that the first day of that mission, the local authorities - by
15 that I mean the mayor, the neighbourhood leaders and other people who are living
16 close to those children - also took part in the mission.

17 Q. [10:04:26] Thank you, Madam Witness. We also see that some UNICEF
18 officials were part of this mission. Could you tell us whether UNICEF officers were
19 involved in other aspects of the demobilisation and reinsertion of children?

20 A. [10:04:46] That was -- I don't know. It was rather -- well, that's really more a
21 question for *Enfants Sans Frontières*. As I was saying, they were the ones who
22 initiated the project with UNICEF, (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:05:32] Thank you. If you remember, because I realise this was nine years

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1 ago, (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 THE INTERPRETER: [10:07:27] Correction: (Redacted)
15 (Redacted)
16 MR BELBENOIT-AVICH: [10:07:36] (Interpretation)
17 Q. [10:07:36] Thank you. I'll come back to that point a bit later in my questioning.
18 But I did want to ask you a few more questions about this report.
19 Now, could you explain to us, if you know of course, what was the objective of the
20 specific activities that are described in the report; namely, verification and
21 identification of children? What was this all about?
22 A. [10:08:05] Yes. (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted) children in the crowd. (Redacted)

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1 (Redacted) Some agreed, some did not agree. Some wanted to remain, because they
2 thought they would become soldiers. Others said no, they wanted to go back to
3 school. Some had come from very far away and had no parents, but *Enfants Sans*
4 *Frontières* and UNICEF assumed their responsibilities, and we had parents as well.

5 PRESIDING JUDGE SCHMITT: [10:09:15] Please wait a second, Mr Belbenoit.
6 Ms Guissé.

7 MS GUISSÉ: [10:09:21] (Interpretation) Thank you, your Honour. Just a
8 question of clarification. I'm not quite sure what time frame we're talking about,
9 because the Prosecutor is talking about a mission in June 2014 and our witness is
10 responding. But could we clear up the actual time period so that it's perfectly clear
11 on the record of the case.

12 PRESIDING JUDGE SCHMITT: [10:09:49] I think you're right, Ms Guissé. This is
13 worth doing.
14 Please, Mr Belbenoit.

15 MR BELBENOIT-AVICH: [10:09:58] (Interpretation) Yes, I was about to do so.

16 Q. [10:10:01] Madam Witness, just to make things perfectly clear, you mentioned
17 (Redacted). Was that in June 2014
18 before (Redacted) Yekatom in Pissa, before the arrival of the children in Mbaïki?
19 (Redacted)

20 A. [10:10:26] Yes. And I told you (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:10:50] Very well. Could you give us some details? (Redacted)

24 (Redacted)

25 A. [10:11:05] Well, it was an awfully long time ago, 2014. And in the meantime,

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1 there still have been times of danger, and I -- I must point out that (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:12:22] Right. I understand that (Redacted)

10 (Redacted)

11 A. [10:12:34] Yes, yes. (Redacted) it was in Pissa that the

12 group -- it was in Pissa. A few kilometres, perhaps 20 kilometres from Bangui, but

13 20, 30 -- 20 or 30 kilometres. It was between Bangui and Mbaïki. It was in the

14 middle. So, first, you get to Pissa before you reach Mbaïki, and that is where (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: [10:13:31] Correction: (Redacted)

18 MR BELBENOIT-AVICH: [10:13:36] (Interpretation)

19 Q. [10:13:36] Very well. And (Redacted)

20 (Redacted)

21 A. [10:13:42] Yes. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [10:14:31] Very well. So in your statement you mention some discussions with
3 children in Mbaïki. Earlier, you explained that the goal of this verification and
4 identification mission was to determine the children's ages. Could you explain in
5 greater detail? (Redacted) How did things unfold there? (Redacted)

6 (Redacted)

7 A. [10:15:02] In Pissa -- (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 THE INTERPRETER: [10:16:17] Inaudible.

17 MR BELBENOIT-AVICH: [10:16:19] (Interpretation)

18 Q. [10:16:19] Very well. And you say that the goal of the mission was to verify the
19 children's ages. (Redacted) people involved ask these children what their ages
20 were, the children (Redacted)?

21 A. [10:16:32] Yes, but -- well, yes, but the work had already been done by the NGO,
22 *Enfants Sans Frontières*. They already had the list of these children with their ages,
23 with their ethnicity. All that information was already there. The problem was,
24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 And we had foster families who had agreed to take these young children in their
4 families and we also did some training, professional training.

5 COOPI also provided materials so that the children would be able to set themselves
6 up. And I believe some of them did do that, they managed to set themselves up. So
7 that mission was, in my mind, a true success. The goal of identifying the children was
8 also -- well, you see, (Redacted)

9 (Redacted)

10 (Redacted) children from the town who were not with

11 the Anti-Balaka might want to join the group because they might think that it would
12 help them be re-established elsewhere or they might be able to get weapons. (Redacted)

13 (Redacted) reliability of the information; namely, the list of children that had
14 been drawn up who might have been in the bush or who had been operating as child
15 soldiers. (Redacted)

16 PRESIDING JUDGE SCHMITT: [10:19:04] I know it is difficult, but whenever you
17 see a chance that we can go to public session. It might be difficult, but for you and
18 also later on for Ms Guissé, I think it would be good to have at least some parts of the
19 testimony of this witness in open session. For example, if you intend to ask her if
20 she knew in more detail about the age of some of the children and where this
21 information did come from, we could give it a try in open session (Redacted)

22 (Redacted)

23 (Redacted)

24 MR BELBENOIT-AVICH: [10:20:09] (Interpretation) Yes, indeed. I think we can at
25 least briefly go into open session.

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1 PRESIDING JUDGE SCHMITT: [10:20:14] Yeah, then let's go to open session.

2 (Open session at 10.20 a.m.)

3 THE COURT OFFICER: [10:20:31] We're in open session, Mr President.

4 MR BELBENOIT-AVICH: [10:20:41] (Interpretation)

5 Q. [10:20:48] So you've explained to us that you were with the children. Did some
6 of these children -- now, even though their ages had already been recorded by the ESF,
7 during these discussions in Pissa, did these children happen to mention their ages to
8 you?

9 A. [10:21:01] Yes. That was the first question I put to them. And the last was
10 only 11. I'd identified the younger ones. I remember asking one child, and he was
11 11 years old. So the age -- ages range from 17 to 11.

12 Q. [10:21:34] Did some of the children you were talking to whose age you asked tell
13 you that they were 15 or under 15, other than this child who said he was 11?

14 A. [10:21:46] Yes, I said the ages ranged from 17 to 11. There were 17 -- there were
15 kids aged 17, 16, 15, 14, and so on, and the youngest was 11.

16 Q. [10:22:01] Very well. So some children told you clearly that they were 15 or 14,
17 right?

18 A. [10:22:08] Yes, yes.

19 Q. [10:22:14] Do you remember -- do you remember the children who told you that
20 they were 15 or 14 or -- in relation to their experience within the Anti-Balaka, these
21 children between 15 and 11, what did they tell you about their time with the
22 Anti-Balaka?

23 A. [10:22:41] Well, I really didn't delve into that area because I realised they were
24 children. I just asked them how did -- I just asked them how did they end up there.
25 Some said that they were forcibly taken. Others said that they were walking with

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1 their parents and they were taken. Others said that they themselves went
2 voluntarily, they voluntarily went to join the group. So that was the kind of
3 information that I was able to obtain from the children.

4 Q. [10:23:19] So these children who said they were between 15 and 11, did they
5 give you any information about the group that they belonged to? Did they
6 recommend -- did they perhaps mention where they were based or who their leader
7 was?

8 A. [10:23:36] No, no, no. All that sort of work was done by *Enfants Sans Frontières*.
9 That NGO went all the way to their base, I believe, and {PFR: (Redacted)}
10 {PFR: (Redacted)} I'm not so sure. {PFR: (Redacted)}
11 {PFR: (Redacted)}. You see, he had a motorbike so he could
12 travel about, gather information, that sort of thing. That's all. That was all.

13 Q. [10:24:25] Very well. You mentioned that some of these children who said they
14 were between 15 and 11 said that they had been taken by force and were made to join
15 the Anti-Balaka. Now, I realise you don't have a lot of detail about this, about what
16 you were told in Pissa. Did these children tell you about activities that they took
17 part in within the Anti-Balaka? Do you remember?

18 A. [10:25:03] They said that sometimes they were with the grown-ups or the older
19 ones. They would be taken and they would go off to engage in vandalism or even
20 go to the fields and get cassava or they might have cooked some cassava. I really
21 didn't focus on what they were doing.

22 Q. [10:25:42] Right. You explained that the goal of this mission was to check the
23 children's age. Was that why the list of children had to be cross-checked with the
24 officials from the Anti-Balaka group?

25 A. [10:26:05] Yes. They were cross-checked. *Enfants Sans Frontières* did that with

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1 the Anti-Balaka. They did the cross-checking. *Enfants Sans Frontières*, they were the
2 ones who had the lists. That was their job. It was a project. You have to realise it
3 was a project, and {PFR: (Redacted)}
4 {PFR: (Redacted)} and so that we could ensure that those
5 children were indeed demobilised and returned to society. {PFR: (Redacted)}
6 (Redacted)}

7 Q. [10:26:57] Right. Just to make sure things are crystal clear, so these lists drawn
8 up by ESF were later checked, the names of the children were cross-checked with
9 people from Yekatom's group?

10 A. [10:27:19] Yes. Because they checked to determine whether these children were
11 indeed --

12 THE INTERPRETER: [10:27:25] Inaudible.

13 MR BELBENOIT-AVICH: [10:27:30] (Interpretation) Could we go back into private
14 session, your Honour?

15 PRESIDING JUDGE SCHMITT: [10:27:34] Private session.
16 (Private session at 10.27 a.m.)

17 THE COURT OFFICER: [10:27:53] We are in private session, Mr President.

18 MR BELBENOIT-AVICH: [10:27:59] (Interpretation)

19 Q. [10:27:59] One last question on this point. You explained to us that ESF
20 checked the names of the children with officials from Yekatom's groups. How do
21 you know that? How do you know that this cross-checking was done with the
22 officials from the group?

23 A. [10:28:22] Well, that was the whole point. That was the whole point of the
24 mission. When (Redacted)
25 (Redacted) make sure that these were truly children from the Anti-Balaka.

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1 I had information from some sources to the effect that some local children also
2 wanted to join the group. So that's (Redacted) make sure that these
3 children were only children from the Anti-Balaka group, not other children from the
4 prefecture.

5 Q. [10:29:11] Right. So, I understand that Yekatom's officials confirmed that the
6 lists were accurate and the children were indeed part of their group?

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

8 PRESIDING JUDGE SCHMITT: [10:29:19] Ms Guissé.

9 MS GUISSÉ: [10:29:31] (Interpretation) My objection comes a bit late, but
10 there -- there were some leading questions from the Prosecutor that are problematic in
11 light of what was said in the witness's actual statement, so I'm -- I'm sorry that we've
12 come to this point, but really this question about verifying was leading. It was put in
13 a leading manner and the details that were obtained also are problematic. I believe
14 we need to do something in relation to these rather leading questions. This is quite
15 a -- quite a problem for us.

16 PRESIDING JUDGE SCHMITT: [10:30:15] Well, I think you can and you will and
17 you have to address this mentioned verifying process by the witness. Perhaps let me
18 give it a try.

19 Madam Witness, you spoke about that the names were verified. How do you know
20 that? Names and ages, I think I have understood.

21 THE WITNESS: [10:30:49](Interpretation) Yes, as I said, there was the ground work
22 that was done by *Enfants Sans Frontières*, which is the NGO spearheading the mission.
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted). And all the technical aspects,
2 the logistical aspects were done by the ESF and the Anti-Balaka group, UNICEF, and
3 they're the ones who basically drafted the project. (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:31:57] Madam Witness, do you recall whom you
6 asked to cross-check the information?

7 THE WITNESS: [10:32:08](Interpretation) It's the *Enfants Sans Frontières* that had to
8 check if these children came from the Anti-Balaka group. That's it. That was (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [10:32:37] Actually I have to apologise, my question
12 was not clear enough. Specifically, do you ask -- have you asked a certain person
13 from children without borders to do the cross-checking? And who were these
14 persons?

15 THE WITNESS: [10:33:03](Interpretation) I don't understand any -- because (Redacted)
16 (Redacted)

17 (Redacted). Now, this NGO was in charge of the project; they had to identify the children.

18 (Redacted) make sure that it's these children from the Anti-Balaka that are
19 part of the programme, and there should be a verification carried out at the last minute
20 in order to take them on board and take them to Mbaïki and put them in (Redacted)
21 site in Mbaïki. And that's it.

22 So I did not -- it's not one person; it's -- it's more -- it's a legal entity. ESF is a legal
23 entity. (Redacted) the head, Kevin. He gave the orders to his subordinates to go
24 and do the work (Redacted)

25 (Redacted). So, for me, NGO is a legal

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1 entity, so it was an entire organisation and they would actually do their job and it was
2 up to them to do it.

3 PRESIDING JUDGE SCHMITT: [10:34:40] Thank you for that clarification. You are
4 absolutely right. This is an NGO, this is a legal entity, but you have mentioned now
5 a name. So it was this Kevin who was responsible for it. (Redacted)
6 (Redacted)

7 THE WITNESS: [10:35:04](Interpretation) Yes, but it's the -- the head of the NGO is
8 Kevin Kakpayen, and (Redacted). You see,
9 the others were part of the NGO, (Redacted)
10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [10:35:35] That's absolutely understandable. So I
12 think -- I think we know now or we can take it that (Redacted)
13 (Redacted). It was clear that this had to be done -- I'm just summarising --
14 this had to be done by the NGO as a legal entity, but, of course, we know legal entities
15 as such do not investigate or do not make any research. There are persons tasked
16 with that, and the leader was the main person tasked with this -- this was
17 Kevin -- and he might have had other people who carried out the task for him, too.
18 If they did it or not, this is another question, or if they did it properly or not is another
19 question.

20 Mr Belbenoit. And, please, keep in mind if we can go to open session. I think
21 it's -- these issues -- actually the issues as such are not so sensitive, I think, we are
22 talking about. But I understand, of course, we have the protective measures, so...

23 MR BELBENOIT-AVICH: [10:37:12] (Interpretation)

24 Q. [10:37:12] Madam Witness, just a few clarification questions on this very subject.
25 Now, the individuals from ESF, did they specifically tell you who were the people

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1 they contacted within the Yekatom's group to ensure that the children are indeed part
2 of the Anti-Balaka?

3 A. [10:37:31] I told you that this was a project. (Redacted)

4 (Redacted) so they are the ones who basically conduct their

5 project. (Redacted)

6 (Redacted)

7 (Redacted). So, Kevin who signed the list -- but the procedure used

8 to identify these children to -- all this is something that I have absolutely no control

9 over. I do not have any control on the procedure they used or the process itself of

10 identification. They did that (Redacted)

11 (Redacted) because he was part of the mission, and he would go and meet

12 Mr Yekatom. He would go to their base to see if it's true that are there children like

13 that and he would take down their names. All this -- I mean, (Redacted), and

14 every time they came -- they went on a mission, they would do these tasks and that's

15 it.

16 Q. [10:39:26] Right. It's very clear now.

17 Now, in Pissa, you explain in your statement that (Redacted) Yekatom in Pissa. Now,

18 did he deny that the children part of the programme -- were part of the group?

19 A. [10:39:44] He did not deny. He did not deny that because there was proof.

20 There was evidence provided by the NGO. They worked with him for a very long

21 time to identify these children, and these children are on a well-determined list with

22 their age, with their origin and how they joined the group. They had all this

23 information. He had nothing to deny.

24 Now, (Redacted) that these children do not have the right to stay there.

25 They -- he has to manage with the older ones, not the younger ones. And these are

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1 children who the wealth of the country and perhaps they would be future ministers,
2 so he had to really return the children.

3 He did not discuss -- and he asked questions (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) already had mats for

10 them to lie down and eat. There was also some provisions to eat. (Redacted)

11 (Redacted). The children ate. They actually slept and (Redacted)

12 (Redacted) I then met them and we talked.

13 Q. [10:42:22] Right. My last question now on that subject. Now, did Yekatom
14 himself, to the best of your knowledge, was involved in the children's identification
15 process?

16 A. [10:42:36] It's either him or he entrusted this task -- you see, Yekatom was a
17 leader. They have an organisation, but perhaps he entrusted that to someone in his
18 group to support this identification mission. I don't know.

19 In -- anyway, he was informed. There was a list of children, and this list was
20 supplied to him by the NGO and (Redacted). He had this list

21 and he had to guarantee the reliability, and he had to perhaps call the children and
22 talk to them. I don't know. Perhaps he did it.

23 He did call the children and say that since there's an NGO that must take you and
24 take care of you. I prefer that you children who are younger than 18 should go with
25 the NGO. I think he spoke, because even (Redacted). He said

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1 that he had understood the stakes and he really wanted to demobilise the youngest
2 ones because it was hard to retain them. It was very hard to, basically, take care of
3 the youngest ones, because there was a time when peace was trying to return.

4 Q. [10:44:26] Does the name Ephraim Odimba ring a bell?

5 A. [10:44:34] Ephraim Odimba, no.

6 Q. [10:44:38] You spoke about (Redacted) Yekatom in Pissa, and
7 in paragraph 37 of your statement you explain that initially he was reluctant to sign
8 the agreement. Now can you explain why he was reluctant? (Redacted)

9 A. [10:44:58] Now, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 And what the NGO is going to do -- is going -- is that they will try and train the
14 children so that they can have a trade. (Redacted)

15 (Redacted) the mission is to demobilise the children and rehabilitate them in society so
16 that they become responsible adults in the future. They should not think.

17 Now, you see, (Redacted) he saw that it was completely different from what the
18 NGO had explained to him in the beginning. (Redacted)

19 (Redacted)

20 (Redacted) the NGO is specifically there to rehabilitate

21 the children, to train them so that they have a trade and they do not need to go back
22 to where they came from.

23 Q. [10:47:04] In paragraph 42 of your witness statement you say, and I'm quoting
24 you: During the meeting with Yekatom, (Redacted) not talk about what the children
25 were doing at the Anti-Balaka base. During the discussions, he could not speak the

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1 truth. (Redacted)

2 And in the same paragraph you explain that instead of directly replying to the

3 questions, he would ask another question, (Redacted)

4 (Redacted)

5 Now, can you please clarify what you were saying when you said that Yekatom could

6 not have spoken the truth within the framework of the discussions.

7 A. [10:47:49] Yes, (Redacted)

8 (Redacted) asked him what the children were doing, indeed, in this base; what

9 was their role in that base. (Redacted) he said that -- he

10 said he couldn't reply to these questions. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [10:49:36] Right. In order to understand you properly, (Redacted)

20 (Redacted)

21 A. [10:49:44] No.

22 Q. [10:49:47] Right. Now, (Redacted)

23 Yekatom, (Redacted) the specific question of children who were of school-going

24 age? (Redacted)

25 A. [10:50:04] Yes. (Redacted) his attention to the

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1 fact that there are children who are of school-going age and you had to take them,
2 and even the NGO enrolled these children in school (Redacted).

3 Now, of course, the children who did not have the level would go back to
4 doing -- would go into a trade, but children who wanted to go to school were sent
5 back to school.

6 Q. [10:50:50] This is something you explained in paragraph 55 of your statement.
7 You explained that according to the information you received from ESF only 12 went
8 back to school, out of the -- out of the 70 that were part of the programme.

9 Now, when you say that there were children of school-going age, when you say
10 "school", what level of education are you referring to?

11 A. [10:51:17] Now, in my country, there are -- when a child who is 11 and when
12 he's in a province, he could be at the level CM1 or CM2. But children who are 17
13 could all be -- could be in a *lycée* or a high school, or even at a lower level, in middle
14 school. But I did not have the reflex to ask if these children -- how many children
15 went to the primary school and secondary school. I did not have the reflex to ask
16 that question. It's only when the investigators asked me the question, I thought and
17 I said I did not -- I do not know where can I go and get this information to provide
18 more clarifications. I don't know what are the number of children that stayed in
19 primary and how many of them went to a *lycée* or a secondary school. I have no idea
20 with respect to that.

21 PRESIDING JUDGE SCHMITT: [10:52:45] In that regard, Madam Witness, I have a
22 question. And again referring to this paragraph 55, and Mr Belbenoit has already
23 spoken about it, you said there from the around 70 children, only 12 went back to
24 school. We had that already. But then you say, "as the others were above the
25 school age."

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1 In your understanding, what is the age of children who are above the school age?

2 THE WITNESS: [10:53:20] (Interpretation) Now, if you deduct 12 from 70, you've
3 seen children could be, for instance, someone who was in CE1, and if he's 17, he's not
4 going to go back to school. He would rather do something that would get him
5 money, or a vocational trade, because he feels that he's old and he cannot go back to
6 school. And many children did not want to go back to school. But amongst these
7 children there were others who could go back to school, but since they saw that
8 they're already of a certain age, I -- I was just making simulations, (Redacted)
9 (Redacted). And this was it. It was the way it was.

10 PRESIDING JUDGE SCHMITT: [10:54:16] So, I think I understood from the answer
11 that at least above-school age would mean from 17 on, age of 17. You would say
12 that when you speak about children above the school age, this starts from 17; is that a
13 fair understanding of what you said?

14 THE WITNESS: [10:54:37](Interpretation) No. I was actually saying that there are
15 children who already stopped school as early as 10 or 11, they never went to school.
16 And now these children have 17, they'll never go back to school. They're 17. I
17 asked this question to these children. I said that you're only 17. This is
18 your -- you're still of school-going age, so why do you not want to go back to school?
19 They say that they've actually dropped out as early as elementary school and they
20 were actually doing something else before joining the Anti-Balaka group, so now they
21 can no longer go back to school. That's what they said. This was their version.

22 PRESIDING JUDGE SCHMITT: [10:55:39] Okay.
23 Mr Belbenoit.

24 MR BELBENOIT-AVICH: [10:55:49](Interpretation)

25 Q. [10:55:49] I have a question with respect to that.

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1 Can you tell me what is the legal age, what is the minimum legal age for mandatory
2 school?

3 A. [10:56:01] School is compulsory till you get your university diploma. It is
4 compulsory. And I remember when (Redacted)

5 (Redacted). It's -- you know, children were

6 enrolled, you see, as early as eight to 10 in elementary school, so in province there is

7 no - how can I say? - there is no follow-up between what the authorities recommend

8 and what actually happens in the field. If there is no way to enrol children, they

9 don't, and sometimes the children go to school, and when -- they basically are hungry

10 and they find nothing to eat at home, they basically drop out of school. So there are

11 several reasons.

12 PRESIDING JUDGE SCHMITT: [10:57:08] Mr Belbenoit, I think we can have the

13 break now. Or do you have a follow-up question which is directly related to that?

14 MR BELBENOIT-AVICH: [10:57:19](Interpretation) I have a very quick question

15 with respect to what the witness just said.

16 Q. [10:57:25] You said that when you (Redacted)

17 (Redacted). And you

18 said on page -- in paragraph -- page 33, French transcription, you said that "I think the

19 children were doing something that was not proper." Could you please expand on

20 that?

21 A. [10:57:47] I said that because he did not control the children himself. I said that

22 the older children would use the younger ones to do something. I said that

23 somewhere, if I am right. It's not Yekatom as such. It's the older children in the

24 group that would use the younger children to do something that was not proper.

25 And this is how I understand, because in a group it's always like that.

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1 Q. [10:58:28] Right. So, when you say that the older children were using the
2 younger ones, and when you say the younger ones, what -- what age are you
3 referring to?

4 A. [10:58:44] It's 17 and below. But there were also the -- there are 30 or 40 older
5 ones in the group, and when they want to perhaps wash, they would send the
6 younger ones, and the younger ones would get beaten when they don't do their work.
7 And I don't think it's the head of the Anti-Balaka who would do it. It's categorical.

8 Q. [10:59:12] So amongst the younger ones, some had less -- some were less than
9 15?

10 A. [10:59:25] Yes. I said it was 11 to 17. There was one who was as young as 11
11 and this one had never been to school.

12 Q. [10:59:40] Thank you, Madam Witness.

13 MR BELBENOIT-AVICH: [10:59:42](Interpretation) We can go for the break, your
14 Honour.

15 PRESIDING JUDGE SCHMITT: [10:59:47] Okay. Yes, we will do that. And I
16 think all of this will be addressed by the Defence, too.

17 And we -- please, we think about, if we can, after the break also be at least for a
18 couple of minutes in open session.

19 THE INTERPRETER: [10:59:57] Your Honour, just a small request from the
20 interpreters please: If they could stop after the sentence because it's quite intense
21 and there's a lot of overlapping. Just a small request.

22 PRESIDING JUDGE SCHMITT: [11:00:09] So there is a request by the interpreters,
23 and they are really right.

24 For both, also you, Mr Belbenoit, Madam Witness, please wait a couple of seconds
25 with your answers so that they can follow. They have a very, very difficult job and,

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- 1 please, let it make as easy for them as possible.
- 2 THE COURT USHER: All rise.
- 3 (Recess taken at 11.00 a.m.)
- 4 (Upon resuming in private session at 11.31 a.m.)
- 5 THE COURT USHER: [11:31:32] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE SCHMITT: [11:31:37] Mr Belbenoit.
- 8 MR BELBENOIT-AVICH: [11:31:46](Interpretation)
- 9 Q. [11:31:46] Good morning once again, Madam Witness. I'd now like to move on
- 10 to another topic; (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 PRESIDING JUDGE SCHMITT: [11:32:18] Thank you. We go to open session.
- 15 (Open session at 11.32 a.m.)
- 16 THE COURT OFFICER: [11:32:35] We're in open session, Mr President.
- 17 MR BELBENOIT-AVICH: [11:32:44] (Interpretation)
- 18 Q. [11:32:46] Paragraph 40 of your statement, you said, and I quote: Since
- 19 Yekatom didn't want to attend this ceremony in Mbaïki, an Anti-Balaka delegation
- 20 from Bangui led by the Legrand Ngaya -- by Legrand Ngaya attended the event.
- 21 My question is this: Why did Yekatom not attend this event?
- 22 A. [11:33:14] I don't know. I think he might have had some -- something else that
- 23 kept him from going.
- 24 Q. [11:33:28] Thank you. Do you know whether other people from Yekatom's
- 25 group were in attendance at this ceremony held on 5 August 2014?

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1 A. [11:33:41] There was some talk about that, some talk about him attending
2 personally. Ultimately, I believe two people, two Anti-Balaka members from Bangui
3 were going to attend, and those people -- that was Mr Ngaya, {ICR: (Redacted)}, who I
4 mentioned here.

5 Q. [11:34:13] Very well. So, you just mentioned or alluded to the fact that two
6 Anti-Balaka people from Bangui had attended. Do you know under what
7 circumstances this Anti-Balaka delegation came from Bangui? How did that come
8 about?

9 A. [11:34:37] I don't know. Yekatom must have told them to go. Perhaps he
10 wasn't able to attend. I waited, just like everyone else, and that was about it. So
11 those two people came and they attended and we began the ceremony.

12 Q. [11:34:59] Very well. And at paragraph 40, you also said that -- do you have
13 any information about Ngaya representing Yekatom during the ceremony?

14 A. [11:35:21] No. I believe -- now, was he -- I don't have specific information. All
15 I can tell you is that Mr Ngaya said that he was representing the Anti-Balaka group at
16 the national level, *that's it. But the specific information, whether it was in the
17 middle of the ceremony, we heard that Mr Yekatom would attend, and instead these
18 two other people came from Bangui, and they were some of the Anti-Balaka people.
19 We couldn't wait because we had to go back to Bangui, so we held -- we proceeded
20 with the ceremony.

21 Q. [11:36:29] Right. Could the court usher put CAR-OTP-2109-0473 up on the
22 screen. This is tab 7 of the OTP list.

23 Madam Witness, this is the second report {PFR: (Redacted)} and this is at
24 page 17 of your statement. You said that this was drafted by Mr --

25 THE INTERPRETER: [11:37:15] Excessive speed.

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1 MR BELBENOIT-AVICH: [11:37:19] (Interpretation)

2 Q. [11:37:19] The report is entitled "Project activities for the assistance and return of
3 children to society".

4 A. [11:37:46] Yes, go ahead.

5 Q. [11:37:50] The page numbers were 0477 and 0478, second paragraph. Now on
6 this paragraph. We find a summary -- a short summary of the various remarks
7 made or speeches given during this event, and I'd like to ask you to look at the second
8 paragraph where we read: "The representative of the national coordinator of the
9 Anti-Balaka was the second person to take the floor, and he called upon the people
10 and the neighbourhood leaders to support the work that the NGO was carrying out
11 by providing supplies to the EAFGA."

12 First question: Is this an accurate summary of the speech that Ngaya made during
13 the ceremony, to your knowledge, or to your recollection, rather?

14 A. [11:39:06] I remember, {ICR: (Redacted)} was a community approach, and
15 so, in general terms when an activity is carried out in a particular location, {ICR: (Redacted)}
16 the local people involved {ICR: (Redacted)} the population, particularly the authorities, at all
17 levels.

18 Now, you see, we were talking about a lot of children -- 70 children, so it was no easy
19 task to feed them all. So, we were asking if people of good faith could assist
20 and -- we were asking if people could help, because the NGO had to feed these
21 children. So I think that is right. He called upon -- that -- *well, he said that people
22 shouldn't think that these people should be rejected because they were Anti-Balaka.
23 But since they were children, they should be helped. He was stressing that these were
24 children. They had to be accepted. They had to be assisted. So I think that was
25 where he was coming from when he made his remarks.

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- 1 Q. [11:40:35] Thank you, Madam Witness.
- 2 Could we go back to private session, but just for one or two questions?
- 3 PRESIDING JUDGE SCHMITT: [11:40:46] Shortly, back to private session.
- 4 (Private session at 11.40 a.m.)
- 5 THE COURT OFFICER: [11:41:05] We are in private session, Mr President.
- 6 MR BELBENOIT-AVICH: [11:41:15] (Interpretation)
- 7 Q. [11:41:17] Madam Witness, (Redacted)
- 8 (Redacted)
- 9 A. [11:41:29] No. No. He came so late that (Redacted)
- 10 (Redacted)
- 11 (Redacted). I believe by then it was 9 o'clock, or it might have been 1300 hours.
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted) that's how I knew that he had come to
- 15 represent the group at the national level. (Redacted)
- 16 Q. [11:42:36] Very well. You said (Redacted).
- 17 A. [11:42:41] Yes. (Redacted)
- 18 Q. [11:43:01] Right. Thank you, Madam Witness. Now, I'd like to ask you a few
- 19 questions about the discussions you had in Mbaïki with the children who were part of
- 20 the programme, and you mention these various discussions at paragraphs 41 and 52.
- 21 (Redacted)
- 22 (Redacted). Okay?
- 23 A. [11:43:32] Okay.
- 24 PRESIDING JUDGE SCHMITT: [11:43:35] Open session.
- 25 (Open session at 11.43 a.m.)

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1 THE COURT OFFICER: [11:43:49] We are back in open session, Mr President.

2 MR BELBENOIT-AVICH: [11:43:57] (Interpretation)

3 Q. [11:43:58] At paragraph 44 of your statement, you explain that on the first day
4 that you were in Mbaïki, you talked to four children and then two more joined you,
5 and the second night you spoke to 13 children. Could you explain to us under what
6 circumstances did you have these conversations with these children?

7 A. [11:44:26] These were children who had come up to me and *asked me where I
8 was staying and I pointed it out to them, and then they came, and they asked a lot of
9 questions about their lives, how to find their way out, how to find their parents,
10 because I told you that some of these children had come from very far away. And
11 the way -- well, they wanted to know how long it was going to last -- questions like
12 that, about their own lives.

13 And I gave them some advice, because some of them were saying that they wanted to
14 go back to the camp, and I gave them some information about the risks that they
15 would be running, and if it were me, you would go back to school or get some
16 vocational training so that you could find your way out. So, these were questions
17 about their own lives.

18 When we intervened there, they thought that since I was a mother, that maybe I
19 would help them. Some asked if they could go back with them, whether they could
20 have a spot in my vehicle and go back and I said, "No, this is an organisation. It's
21 children without borders who will help you."

22 So, they were asking questions about the organisation, about their lives, and -- you
23 see, their behaviours needed to change, their attitudes needed to change, so I was
24 providing advice and I was explaining that this is an organisation *and that should
25 not run away. And if they ran away, it would only make things worse and that it was

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1 better for them to stay so that we could achieve our goals.

2 Q. [11:47:17] You explained just a few moments ago that some of the children said
3 to you that -- that they wanted to go back to the camp. I know that this was a long
4 time ago, but do you remember -- could you tell us about -- about what age were
5 these children, these children who said they wanted to go back to the camp?

6 A. [11:47:47] The youngest one -- the younger ones, plural -- 14 years old -- 13 or 14.
7 I would say, 13 or 14, even the youngest one. He said that he was so far away from
8 his parents and he would rather go back, and I explained to him that he had to
9 be -- become an adult. And that particular child, I entrusted personally to the section
10 head and he was taken in by a foster family. He was trained, and I believe he
11 became a carpenter or a mason, something like that. But he stayed in Mbaiki,
12 although it was not even a year later that I left, so I didn't stay, you see, to conduct
13 investigations to determine whether some of them remained loyal or not.
14 I talked about this {ICR: (Redacted)}
15 (Redacted)
16 (Redacted)}

17 Q. [11:49:17] Very well. So he explained that the children who were 13 or 14
18 wanted to go back to the camp. Now, I realise this was a long time ago. Which
19 camp were they talking about? Where were they based?

20 A. [11:49:36] No. They just said they wanted to back to the camp. I think they
21 were talking about Pissa -- around Pissa where the Anti-Balaka camp was located.
22 I'm not so sure. It was in the bush, I hope. They weren't talking about the centre.
23 These were children who were almost delinquent, who had joined the group but now
24 we were trying to get them out of that group and they already were wanting to go
25 back. They were already delinquents.

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1 Q. [11:50:23] Very well. If I've understood what you just said, you really needed
2 to convince those children to take part in the programme; is that what you're saying?

3 A. [11:50:33] Yes. Yes. That was my task, truly, and I was very committed to
4 that task. I really wanted to -- well, I don't know. After me, a change -- the
5 problem is, I would have liked an NGO to have a follow-up project or a post-project.
6 We had the project. We got them. We demobilised them. We returned them to
7 society, but there should have been a follow-up project, or at least for a while to make
8 sure that those children might receive vocational training and -- a follow-up project to
9 make sure that they continued.

10 The problem, you see, if they were to go back to their earlier poverty, they would be
11 certain to go back to their camp, so I tried to explain that. We had already started
12 with this organisation, and we wrote something about a post-project activity, about
13 activities undertaken.

14 Q. [11:52:08] Right. Now, you explained that the children hesitated to join the
15 programme. Now, some of the children who are on the ESF list, did they actually go
16 back to their camp and not take part in the process?

17 A. [11:52:24] No, they all took part in the process, because at least there they had
18 food to eat. They were in their group. They played, they had activities together for
19 three months, so they stayed. But it was later on, I said to myself in general terms, a
20 follow-up was needed. That's what I was thinking -- follow-up. And you
21 could -- well, I don't know.

22 The NGO said -- when I went to --

23 THE INTERPRETER: [11:52:59] Inaudible.

24 THE WITNESS: [11:53:02] (Interpretation) -- I had a lot of work. I couldn't
25 continue with my colleagues. One of my colleagues was supposed to continue with

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1 that, but apparently she didn't.

2 MR BELBENOIT-AVICH: [11:53:19] (Interpretation)

3 Q. [11:53:20] Right. At paragraph 43 and 53 you gave some specific information
4 about these children. I won't hark back to that, but about the circumstances of these
5 conversations, I realise that these were not individual conversations but, rather, they
6 were group conversations.

7 A. [11:53:44] Yes. The conversations were in groups, and then after that I
8 removed the children who were hesitant and I spoke to them individually. The ones
9 who hesitated did not want to go to Mbaïki, and I showed them -- well, I tried to
10 show them that it was just common sense if they wanted to be successful in their lives,
11 if they wanted to earn money or whatever, they -- those children, some of them
12 wanted to join the military. They wanted to become soldiers. They got a taste for
13 military life, and I was trying to dissuade them, but they stayed right until the end of
14 the project. They stayed the -- the 70 of them stayed right until the end of the project.
15 But as for the others, I no longer remember.

16 Q. [11:55:11] I realise this was a long time ago, but these children who said that
17 they wanted to join the armed forces and become soldiers, do you remember, in
18 approximate terms, how old were those children?

19 A. [11:55:26] Once again, they were between 15 and 17. I was talking about the
20 older children in the group.

21 Q. [11:55:40] Let me backtrack briefly to the identification of the children. Do you
22 know whether some of the children in the group refused to be on the lists drawn up
23 by the ESF who refused to be part of the process?

24 A. [11:56:05] I'm -- I'm not really sure because, first of all, they were the ones who
25 drew up their own lists and then showed us. I was to the side, and most of the

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1 documents were with the prefectural section head. He was the one who was with
2 them. He was the one who was running the activity, who was responsible for
3 implementation of the activity.

4 Q. [11:56:43] Let me hark back to the conversations that you had with the children
5 in Mbaïki. First of all, you spoke to the children on the first day. How much time
6 did you spend speaking to those children that first day?

7 A. [11:56:57] I believe 1830 to 1930, because they had to go back to their base to
8 have their dinner, so I think it was from 1830 to 1930, about almost an hour or more.

9 Q. [11:57:26] And regarding these conversations with the children on the second
10 day, how much time did those particular conversations take? How much time did
11 you spend speaking?

12 A. [11:57:39] The second day was a bit more relaxed. Already the children had
13 understood. They had been thinking, and when they came back, some came back to
14 apologise and say, "Ma'am, we didn't realise that the project" -- because the project
15 had not been explained to them very well. They thought they would just come, have
16 a meal and leave. Some came and -- some came and asked, "Well, if ever they were
17 to go to Bangui" and then I said that the door was open. We really didn't spend a lot
18 of time with them.

19 Q. [11:58:43] You are giving us a very detailed account of these conversations with
20 these children. Now, did the children speak to you in a spontaneous fashion, or did
21 they answer questions that you put to them?

22 A. [11:58:56] Some spoke spontaneously, sometimes it was them asking the
23 questions. In some cases, I would ask them questions to get more information. It
24 was really a two-way discussion.

25 Q. [11:59:22] At paragraph 45 of your statement, you said, and I quote: The age

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1 range was between 11 and 17. I no longer remember how many were under 15, and
2 it was difficult for me to know what the exact age was of each child.

3 Would you be in a position -- I beg your pardon?

4 A. [11:59:51] Go ahead.

5 THE INTERPRETER: [11:59:53] Overlapping.

6 MR BELBENOIT-AVICH: [11:59:56] (Interpretation)

7 Q. [11:59:56] In approximate terms, how many children with whom you spoke
8 were under 15 years of age? Do you remember that, just a general idea?

9 A. [12:00:09] That's difficult because you see --

10 PRESIDING JUDGE SCHMITT: [12:00:18] Ms Guissé.

11 MS GUISSÉ: [12:00:20] (Interpretation) I beg your pardon. I object, because the
12 witness is being encouraged to engage in speculation. It's clear from her statement
13 she said: I no longer recall how many were under 15. I don't really think we
14 should be trying to have the witness say something when she's already said that she
15 doesn't remember. We should not urge the witness to engage in speculation. The
16 Prosecution is going too far.

17 MR BELBENOIT-AVICH: [12:00:54] (Interpretation) If I could respond?

18 PRESIDING JUDGE SCHMITT: [12:00:56] Yes.

19 MR BELBENOIT-AVICH: [12:01:03](Interpretation) She says that she no longer
20 remembers how many were under 15. My question was in approximate terms. My
21 question is much more general. I just am trying to determine what proportion of the
22 children were under 15. So it's -- it's vaguer, it's broader.

23 PRESIDING JUDGE SCHMITT: [12:01:24] Madam Witness, you have heard the
24 conversation. Can you give an approximation? Do you feel able to do that? And
25 if you say that's too difficult, that's too long ago, you can say so, too.

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1 THE WITNESS: [12:01:48](Interpretation) Currently, it's very difficult because it was
2 6:00 in the evening and it was rather late. And -- and where I was there was no
3 seating area, so we were forced to basically keep standing. We just casually spoke.
4 I did not even have the idea to see how old these children were. I mean, I'm not
5 aware.

6 MR BELBENOIT-AVICH: [12:02:37](Interpretation)

7 Q. [12:02:38] Well, that's not a problem at all, Witness.

8 Now, when you had discussions with the children in Mbaïki, did some speak about
9 their situation when they joined the group? Did certain children say what they were
10 doing, what were their occupations?

11 A. [12:02:59] There were some who said that it was out of *survival reasons. Some
12 of them were actually delinquents who left the home of their parents. Sorry, it's not
13 civic sense, because they just followed blindly. And when they had the opportunity,
14 they just left, they wanted to be soldiers. So they were basically street children
15 because they'd left their homes. So it's this category of children, and they were the
16 ones who were insisting. They were the ones who were saying.

17 Q. [12:03:45] Now, just to be a bit more specific. Did some of these children tell
18 you if they were -- if they attended school; and, if so, until what level?

19 A. [12:03:58] They said that they went to primary school. At least there was one
20 who said that he was in CM2 and he would then be basically taking an exam to enter
21 high school, the first year of high school. And he said that he was basically spotted
22 by an older child and he actually was forced to go out of his -- and he did not have a
23 choice. And this is the child that *basically mobilized children to come and meet me.
24 And I said that if that's the case, we're going to put you on the programme and even if
25 I'm -- and -- and to see what you -- what possible -- what would be the prospects of

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1 getting you back to school. So this is what happened. So he was part of the 12
2 children that went back to school.

3 Q. [12:05:12] So this child who told you that he was in CM2 and he had to basically
4 take an exam to attend the first year of high school, did he give -- did he tell you how
5 old he was?

6 A. [12:05:25] No. I did not ask him how old he was. I did not ask him.

7 Q. [12:05:33] So, can -- am I to understand that he was different from the child who
8 was 11 that you referred to?

9 A. [12:05:40] Yes. He was bigger than the other one who was 11. The one who
10 was 11 was also very -- had a very small build.

11 Q. [12:05:59] So, can you tell us, in the Central African school system, what is the
12 normal age of a child who's at CM2?

13 A. [12:06:10] It's 12 to 13 years. Until 14 *you see.

14 MS GUISSÉ: [12:06:23](Interpretation) Your Honour, objection.

15 PRESIDING JUDGE SCHMITT: [12:06:24] Yeah, Ms Guissé.

16 MS GUISSÉ: [12:06:29](Interpretation) Right, I don't know because it's actually all in
17 French, but my objection is again coming a bit late. The witness has already
18 answered the question, but it's really not a problem. I just wanted to say that the
19 response had been given previously where the witness said that according to the
20 provinces the children were actually enrolled at 10, so having an average is rather
21 complicated. But I will actually get back to this during my cross-examination. I
22 have no other choice.

23 But, generally, I don't know if I have to speak on a micro level, but when I get up it
24 means that I really have an objection.

25 PRESIDING JUDGE SCHMITT: [12:07:14] However, I think to ask -- to ask the

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1 witness if in -- what is the normal age, because she is -- she might know that the
2 normal age for children in -- going to -- to -- to that educational level, I think we can
3 ask her that.

4 So do you know that, Madam Witness?

5 What was, by the way, Mr Belbenoit, the education level that you referred to? Please
6 repeat it.

7 MR BELBENOIT-AVICH: [12:07:52](Interpretation) Yes, your Honour. The
8 witness has already given the answer when I asked her the question. I don't know if
9 it appears. She said 12 to 13 years, up to 14, if the child is running late. I think this
10 has already been answered. It's in the English transcript.

11 PRESIDING JUDGE SCHMITT: [12:08:07] Okay.

12 MR BELBENOIT-AVICH: [12:08:13](Interpretation)

13 Q. [12:08:13] Now I would like to examine you on the child who was 11 that you
14 already referred to.

15 Now, in paragraph 45 of your statement you say that he was my favourite and I said
16 that he was my -- my last darling. Now, you've already said that, but how did you
17 know that he was only 11?

18 A. [12:08:43] It's on the list. I actually *checked the list to see who the older ones
19 were and the younger ones were. And this is how I noticed that there was a child
20 who was 11. He was the only one. And I took his name. I called the head of
21 section and I said, "Can you find this child for me?" And I was the one who asked
22 him to come home -- come to the hotel so that we can discuss. I thought he was the
23 one who must be removed from that base and sent to school.

24 He said that he'd done the elementary school for a few years and after that he -- you
25 see, there's nothing to eat at home so he basically followed the others. And he's the

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1 one who went out of his own volition.

2 Q. [12:09:51] Right. So he said that he'd actually done some years of elementary
3 school, CE-I. So in terms of education -- educational levels with respect to CM1, is it
4 before or after?

5 A. [12:10:08] It's after the first level, when you actually enter the school, you
6 basically -- it's the first year of your schooling. And when you enter the school for
7 the first year, you're at CE-I. It's the elementary school. The first year of
8 elementary school.

9 Q. [12:10:33] Did you talk about this child, about his age, or did you just conclude
10 relying on that list, the ESF list, that he was 11?

11 A. [12:10:44] I asked him the question and he said he didn't know how old he was.
12 This is what he said. I mean, he said that he would be around 11, but I just wanted
13 to make sure that he was 11. You see, it's a child that can be classified as an
14 undernourished child. He was all -- he was very small. He could have been older
15 than he looked. *He should have been bigger if he was 11 years old.

16 Q. [12:11:35] When he spoke, did he have the voice of a child or an adult at that
17 point of time?

18 A. [12:11:39] No, he really had the voice of a child.

19 Q. [12:11:44] The other children whom you spoke to, did they also have the voice of
20 a child?

21 A. [12:11:48] Almost all the children. It's the ones who were 17, even some who
22 were 19 -- some would have been 19, 20. But they reduced their age
23 because -- because as the NGO told them that they would only take children until 17,
24 they -- sometimes when you see some you would say that they were 20.

25 MR BELBENOIT-AVICH: [12:12:34](Interpretation) Your Honour, could we go to

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1 private session, just for a few questions, please?

2 PRESIDING JUDGE SCHMITT: [12:12:39] Private session.

3 (Private session at 12.12 p.m.)

4 THE COURT OFFICER: [12:12:59] We are in private session, Mr President.

5 MR BELBENOIT-AVICH: [12:13:04](Interpretation)

6 Q. [12:13:06] In paragraph 45 of your statement you said that you were not in touch

7 with this child, so we're talking about the child who was 11, but (Redacted)

8 (Redacted). Now, do you know or how did you learn about the

9 name and the surname of this child?

10 A. [12:13:29] No, I do not know. (Redacted) and I -- when he came to

11 discuss, it just -- everything remained in the archives. I don't know his name. But

12 (Redacted)

13 (Redacted). As I said, this child -- as I said earlier, this child did not have

14 the intention to be demobilised, so this is why I wanted him to be taken care of.

15 Q. [12:14:19] All right. You just said that -- I asked him whether you know his

16 name. You said that (Redacted)

17 (Redacted)

18 Now, if I show you a list of children who were part of the programme, could it

19 perhaps jot your memory? Could you remember his name then?

20 A. [12:14:42] If you give me the list with their ages, we're going to see age 11 and

21 we can identify him. But if the age is not present, then it wouldn't be possible

22 because it could have -- you could have two or three children with the same first

23 names. So I cannot really remember that.

24 Q. [12:15:06] Right.

25 So I'm just going to ask the court officer to show you a document on -- which is not on

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1 our binder but on the Yekatom binder. It's CAR-OTP-2071-0279. It's at tab 6 of the
2 Yekatom Defence binder.

3 Witness, could you please take a look at this list and see if you can identify the name
4 of this child, or any other child with whom you might have had discussions? If this
5 list could jog your memory --

6 A. [12:16:00] (Overlapping speakers) I'm sorry --

7 PRESIDING JUDGE SCHMITT: [12:16:00] Wait.

8 Ms Guissé.

9 THE WITNESS: [12:16:08](Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:16:10] Ms Guissé.

11 MS GUISSÉ: [12:16:18] (Interpretation) Thank you, your Honour. I just wanted to
12 say that we've just shown the first page and there are three other pages of the
13 document, so before asking the question, perhaps the witness should be given an
14 opportunity to see all the three pages.

15 PRESIDING JUDGE SCHMITT: [12:16:30] When the question is -- if she identifies
16 any of the names, if she can be shown the first page, and I'm quite sure what the
17 answer will be.

18 So, Madam Witness, do you recognise any of the names here? The names, not the
19 ages. We are speaking about names.

20 THE WITNESS: [12:16:53](Interpretation) No, I haven't actually worked a lot on
21 their names. When I received the list, I received the list and I really do -- have not
22 asked for their names or their surnames or their age. I just received them like that.

23 PRESIDING JUDGE SCHMITT: [12:17:13] Can we show the second page?

24 THE WITNESS: [12:17:15] (Overlapping speakers)

25 THE INTERPRETER: [12:17:18] I'm sorry, I missed what the witness said.

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1 THE WITNESS: [12:17:59](Interpretation) He said he came from Bangui. Is it not
2 Malesseba Christ who is 12 on that list? Because I can see 12 years and 12 years, and
3 another one who is 12 is from Fatima.

4 He says he was 11 and I can't see anyone who is 11. I only saw two children who
5 were 12 years old -- 12 years old.

6 PRESIDING JUDGE SCHMITT: [12:18:39] So, it seems to be clear that the witness is,
7 if at all, identifying any children by the age which is meant, and not by the name, so I
8 think we can stop it here.

9 THE WITNESS: [12:19:02](Interpretation) Yes.

10 PRESIDING JUDGE SCHMITT: [12:19:04] She confirms. So...

11 Mr Belbenoit, you had two hours. How long is it going to take you?

12 MR BELBENOIT-AVICH: [12:19:29] (Interpretation) Perhaps about 20 minutes -- 20
13 minutes.

14 PRESIDING JUDGE SCHMITT: [12:19:33] Yeah, please continue.

15 MR BELBENOIT-AVICH: [12:19:41] (Interpretation)

16 Q. [12:19:41] This child who told you he was 11, did he tell you he had a
17 nickname at that point of time?

18 A. [12:19:51] I did not even ask that question.

19 Q. [12:19:55] What can you tell me about him? Did he tell you where he was
20 based, for instance?

21 A. [12:20:06] He said that he'd left Bangui and he was in Bangui. With respect to
22 others who were in Mbaïki, in Fatima, Fatima again is still Bangui, but he said that he
23 was in Bangui, and he basically joined the group when he was in Bangui, in Bangui.

24 Q. [12:20:28] Did he tell you where he joined the group?

25 A. [12:20:32] No. He said that he joined the group from Bangui. Now, I don't

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1 know where the people are located. It's -- I told you (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted). He is the one who worked with the

6 NGO. He was always with the NGO, together with the NGO.

7 Q. [12:21:30] All right. This child who was 11, did he tell you what he did at the
8 Anti-Balaka base after he joined the group?

9 A. [12:21:46] I really did not have the time to look into these questions and get
10 involved with all this. He -- at least I took him on board because I wanted him to go
11 back to school, given that he was so young. But he said that -- he refused -- he
12 said -- he refused to continue to school and *he was really rather silly -- so I basically
13 took him on another path. It was about giving him some vocational training and
14 stop, you know, thinking and aspiring for weapons all the time. But I really did not
15 have the time to invest personally in him, so I actually lost track of him.

16 Q. [12:22:55] Right. You also said that some children with whom you discussed
17 who were less than 15, whether it was in Pissa or Mbaïki. Now, to be clear, what
18 makes you say that these children were less than 15?

19 A. [12:23:25] I followed the list. I went by the list. I told you that when I reached
20 Mbaïki, I realised that there were seven who -- there were some who were not -- who
21 were more than 17. There were about 20 of them. This is -- they -- sorry, they were
22 about 20. This is what I told you. But I can't identify you -- identify the 70 children
23 and estimate their age. It wasn't my job to do so.

24 PRESIDING JUDGE SCHMITT: [12:24:05] I think this is --

25 THE WITNESS: [12:24:08](Interpretation) Some were more than 17.

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1 PRESIDING JUDGE SCHMITT: [12:24:11] I think we had this several times now.

2 We allow ourselves a short break of five minutes, and, please, don't go away. Stay
3 here.

4 THE COURT USHER: [12:24:22] All rise.

5 (Recess taken at 12.24 p.m.)

6 (Upon resuming in private session at 12.28 p.m.)

7 THE COURT USHER: [12:28:33] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [12:28:38] We are in private session.

10 Mr Belbenoit, you have the floor.

11 MR BELBENOIT-AVICH: [12:28:48] (Interpretation) Thank you, your Honour.

12 Q. [12:28:48] Madam Witness --

13 A. [12:29:04] (No interpretation)

14 THE INTERPRETER: [12:29:05] From the remote location: We cannot see the
15 image.

16 MR BELBENOIT-AVICH: (Interpretation)

17 Q. [12:29:28] Is it all right now? Can you see us?

18 A. [12:29:31] Yes.

19 Q. [12:29:39] You explained to us that some of the children that you had spoken to
20 and who had told you about their experience, who were under 15. You mentioned a
21 child of 15. You mentioned a child -- correction, who was 11 years old. You
22 mentioned a child who was in CM2. You mentioned the list. What about your own
23 perception of these children's ages? Do you yourself have children? Please don't
24 give their names, but do you have children?

25 A. [12:30:17] I'm actually a grandmother.

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1 Q. [12:30:21] On the basis of your own experience of children and your interactions
2 with children in the past and without considering the ESF list, could you tell us
3 whether indeed some of these children you spoke to might have been 15 or under?

4 A. [12:30:45] I told you, amongst these children, these children came in the evening
5 and I couldn't deduce that they were 15 years old, but I just saw them and there were
6 a lot of them. There was not even any room to sit down, so I did not really pay a lot
7 of attention to that. But what I'm telling you, honestly, is that in Mbaïki I noticed
8 that some of the children were over 17. Some of them were over -- when you looked
9 at them, apparently, they were over 17. They might have been about 20 years old.

10 Q. [12:31:38] I'm more interested in the younger children. You explained --

11 PRESIDING JUDGE SCHMITT: [12:31:45] First of all, Mr Belbenoit, you are too
12 quick.

13 Secondly, the question, Madam Witness, was: If, from your experience, let me say,
14 as a mother and grandmother, you could tell or you had -- you could tell that some of
15 the children were under 15? You can say yes or no.

16 Have you heard the question, Madam Witness?

17 THE WITNESS: [12:32:45](Interpretation) Yes, I did hear the question. Fifteen, I
18 would say, yes. There were some children of that age.

19 PRESIDING JUDGE SCHMITT: [12:33:03] Even younger? Please, I think we
20 can -- we have to continue. Children in your assessment, so to speak, which is -- of
21 course, they have not shown you their birth certificate, but in your estimation, were
22 children also younger than 15 years old?

23 THE WITNESS: [12:33:33](Interpretation) I told you that certainly there must have
24 been children because the programme -- what was the programme. In Pissa, I went
25 there to get the children and to talk to them. In Mbaïki, the children came and spoke

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1 to me (Redacted). They came in the evening. And when we had the ceremony, I
2 saw some young children as well. But it's the apparent age, you know. I was not in
3 a position to check their age. So -- so really, I -- I reserve judgement.

4 PRESIDING JUDGE SCHMITT: [12:34:31] Okay. So we have to leave that at some
5 point in time. It has been tried long enough. So, Mr Belbenoit, another issue,
6 please, another topic, if you have one.

7 MR BELBENOIT-AVICH: [12:34:54] (Interpretation) Thank you, your Honour.

8 Q. [12:34:56] One last question. You have said that you couldn't deduce their age
9 and you just saw their -- their shapes. Could you explain what you meant by that?

10 A. [12:35:11] Well, if a child says he's 17 and his -- his build, his body build, I use
11 my own experience as a -- as a mother, that tells me that the child is over 17. And
12 the ones who were 15, maybe they could easily be 17. But I couldn't really make a
13 comparison of apparent age. I couldn't do that because in my mind, when I was
14 there, in my mind, I -- well, I trusted the list and the ages that were recorded. That's
15 all. In my mind, I did not think that one day I would be testifying about the age of
16 children, so, really, I was not focusing on that.

17 PRESIDING JUDGE SCHMITT: [12:36:20] I think we have now several times heard
18 the referral to the list and we have also had evidence on the list, already. Well, if we
19 spend some time on that, that's absolutely natural, given the topic, and it also might
20 spare the Defence a little bit of time in questioning. Mr Belbenoit.

21 MR BELBENOIT-AVICH: [12:36:49] (Interpretation)

22 Q. [12:36:51] This will be my last question.

23 You said that some children were young. Very well. They were 15 or under. And
24 you mentioned the shapes of the children. I suppose you're talking about size.

25 What about the body build? Did that confirm to you in your mind that some of the

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1 children were indeed under 15?

2 MS DIMITRI: [12:37:20] Mr President.

3 PRESIDING JUDGE SCHMITT: [12:37:29] No, I agree with Ms Dimitri, we

4 have -- we have covered that and we have asked the witness from -- and that is the

5 important point, from very different angles and from many angles and at some point

6 in time we have to simply accept the answer. And like always, there were a lot of

7 answers that we got. We have the Rule 68(3) testimony and this will all have to be

8 put together. Plus, I assume that the Prosecution will present other witnesses in that

9 regard and we have to deal with them when it comes to that. And we

10 cannot -- really, at a point in time, we cannot talk a witness into an answer.

11 MR BELBENOIT-AVICH: [12:38:22] (Interpretation) Thank you, your Honour.

12 Q. [12:38:26] Thank you, Madam Witness. I have no further questions for you.

13 Thank you for your time.

14 A. [12:38:32] Thank you.

15 PRESIDING JUDGE SCHMITT: [12:38:33] Thank you, Mr Belbenoit.

16 I think we are still in private session, are we? Yeah. Before we go to open session,

17 Mr Suprun, do you have questions?

18 MR SUPRUN: [12:38:43] I have no questions for this witness, Mr President. Thank

19 you.

20 PRESIDING JUDGE SCHMITT: [12:38:47] Thank you very much.

21 So then the question is, Ms Guissé, do you want to let it -- well, have a look at it in the

22 afternoon?

23 MS GUISSÉ: [12:38:59](Interpretation) Your Honour, I think I can begin this

24 afternoon if we adjourn now. And if I see that some topics need to be adjusted in

25 light of what was said, that -- those topics can be touched upon the following day.

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1 And I do have some things that I can address this afternoon.

2 PRESIDING JUDGE SCHMITT: [12:39:21] Thank you very much. So I think it will
3 be enough if we have the break until 2 o'clock. And you can -- I assume it will be
4 anyway enough that we have two further days, so you can go as long as you want in
5 the afternoon, let me put it this way.

6 A break until 2 o'clock.

7 THE COURT USHER: [12:39:42] All rise.

8 (Recess taken at 12.39 p.m.)

9 (Upon resuming in open session at 2.00 p.m.)

10 THE COURT USHER: [14:00:54] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:01:14] Ms Guissé, you have the floor. We are
13 in open session.

14 MS GUISSÉ: [14:01:26](Interpretation) Thank you, your Honour.

15 QUESTIONED BY MS GUISSÉ: (Interpretation)

16 Q. [14:01:28] Good day, Madam Witness.

17 A. [14:01:35] Good day.

18 Q. [14:01:36] I'm going to introduce myself again - we did have the opportunity of
19 meeting briefly during the courtesy visit - my name is Anta Guissé. I am one of the
20 lawyers for Alfred Yekatom. And on that behalf -- on his behalf, I'm going to ask
21 you questions following on from the Prosecution's questions of clarification relating
22 to what you said either today during the hearing or in your previous statement.
23 I also have questions dealing with the elements in the file, which you might not be
24 familiar with, but which will enable us to understand what you know and what you
25 don't know as regards the facts which occur to you today.

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1 We both speak French, together with the Prosecution, so it's extremely important that
2 we have a pause after my question so that interpretation can take place - and I too
3 must remember to pause before putting a new question to you; it's also important so
4 that the court reports are clear.

5 I'm going to ask you specific questions topic by topic and tell you the time frame I'm
6 referring to, I would ask you therefore to follow my timeline. Obviously, if I put
7 a question to you that isn't clear to you, don't hesitate to ask me to repeat it, and if you
8 do not know the answer, just let me know that.

9 Furthermore, I will respect your protective measures and will not ask you any
10 questions in open session which might identify you but, if at any time you have the
11 impression that any of my questions requires an answer which might identify you, let
12 me know so that I can ask the President to move into private session.

13 Until then -- until that point, do you follow what I'm saying?

14 A. [14:04:18] Yes.

15 Q. [14:04:19] I'd also like to tell the Chamber and the parties that I might refer to
16 the previous statement of the witness, which can be found in the following ERN,
17 CAR-OTP-2109-0452, and the French version, CAR-OTP-2122-4558, and I will refer to
18 it by saying, Your declaration, your statement.

19 So having completed the formalities, I'm going to start with my questioning. This
20 can be done in open session.

21 Once again, Madam, I'm going to talk about the subjects which you discussed with
22 the Prosecution and the first part of my questions are linked to the elements that you
23 mentioned in your statement during the period of the Seleka. So I'm going to start
24 with that.

25 Can we move ahead?

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1 A. [14:05:39] Yes, proceed.

2 Q. [14:05:43] In paragraph 24 of your statement, you state, and I'm quoting, the --

3 "Seleka used to gather in the large mosque in FOUH to organise themselves and to [...]

4 commit crimes."

5 And you added as regards the ransacking of the mosque in paragraph 25 of your

6 statement, and I quote again:

7 It seemed that the Seleka had a lot of weapons within the mosque. End of quote.

8 The --

9 "...Seleka had a lot of guns inside the mosque..."

10 So I understand that you personally didn't witness that, but what sort of information

11 did you obtain as regards the guns and weapons within the mosque and what the

12 imam and the faithful did at that particular level?

13 A. [14:06:53] Thank you for your question. You know -- you know, when you're

14 in a certain neighbourhood, particularly when the trouble started, you hear lots of

15 things. I'm not very far away from this particular mosque and when problems

16 started, it's the youth of the neighbourhood that were talking and saying that there

17 were lots of guns over there and that when you hear this and when you go past the

18 mosque - you heard that they had gone there to look for weapons - and that is how I

19 knew what was going on. But as you said so eloquently, it's not something I could

20 check, it's only something I've heard.

21 Q. [14:08:00] I have understood completely that this is what you've heard. But as

22 regards the atmosphere in the neighbourhood after these rumours, am I correct in

23 saying that these rumours of weapons within the mosque contributed to increase the

24 tension that already existed between the Muslim and Christian communities?

25 A. [14:08:27] Indeed, that's true. And that's why I would like to stress that in the

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1 meantime, there were weapons – *this is what people said, rumors if you want. It was
2 said that there were young people around the mosque seeking to destroy it and
3 collect the weapons. And this is what we were told.

4 There was such a lot of tension that I didn't really go out a lot. I used to stay in my
5 compound. But the youth in the neighbourhood came to my house and reported
6 back to me the facts and said this, and so that's why I reported it back to you as well.

7 Q. [14:09:27] I'm now going to move on to another topic.

8 Again, based on what you noticed, given the facts that occurred, in paragraph 28 of
9 your statement, you mention that the tensions existed between the Muslims that
10 owned businesses and the Christians who worked for them with -- as regards petty
11 jobs with little pay. And there you were describing a social reality and you added,
12 and I quote:

13 "Even when the UN came", end of quote, the behaviour of some of the representatives
14 of this organisation who were Muslims and were -- and I quote again:

15 "...did things that did not help the people..." End of quotation.

16 Could you elaborate? What do you mean by that? Could you give us some
17 tangible examples of what actually happened and how it was felt by the population.

18 A. [14:10:38] Yes, the population, the Christian population often said that the
19 Muslim population - who is protected by the UN - each time that something occurred,
20 they sided with the Muslims. But what I understood {ICR: (Redacted)}, that they
21 defended the minority and I often said to those youths that generally speaking that if
22 something happens, it is the minority that you have to protect first and foremost
23 because the majority, they can defend for themselves. That is my understanding.
24 The understanding of the youth was not like that and they often said to me, "You
25 were there. You always defend the Muslims." But frankly speaking * there were

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1 not many {ICR: (Redacted)}, but this is the rumours that we had in -- from
2 Kilometre 5 and also the Combattant neighbourhood, that the Muslim community
3 was protected. It was only the mosque and the traders over there, perhaps two or
4 three, not more than that. So these are rumours that were circulating from the other
5 neighbourhoods where there were many more Muslims.

6 The UN, it's true, the... the system, in the meantime, when something had happened...
7 But you need to know there was also the issue of self-defence. And they were
8 a minority. So what did you have to do? What could you do? You had to protect
9 yourself. So perhaps that's the reason.

10 Frankly, the -- this is what the population described to me.

11 Q. [14:12:59] Just to go back to what you call "self-defence", am I correct that you're
12 talking about the Muslims who felt that they were being threatened and therefore
13 armed themselves?

14 A. [14:13:13] Yes. The majority of their aggression came from the fact that they
15 were a minority and felt that they had to protect themselves in order to go to the other
16 neighbourhoods.

17 Q. [14:13:34] I want to refer to the representatives of the UN that some members of
18 the population describe by saying that they weren't perceived as impartial, but rather
19 that they were supporting the Muslims or the Seleka.

20 Do you agree with me that you are referring to members of the United Nations who
21 were basically from Chad at that time, Chadian nationality?

22 A. [14:14:14] At the moment of this insecurity they were rather the Muslims from
23 Chad who were looking or dealing with this matter, and the fact that they were from
24 Chad and that they were Muslims was perceived by the Christian Central African
25 population that they sided more with the Muslims.

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1 Q. [14:14:58] Am I correct in saying that they were of Chadian origin*; whereas
2 many of the Seleka or the Seleka mercenaries came from Chad ? Did this contribute to
3 the distrust?

4 A. [14:15:19] Absolutely.

5 Q. [14:15:23] Do you agree with me that this behaviour, which was described by
6 part of the population, was something that was discussed on the national radio and
7 the television, saying that there were people who were concerned about these
8 members of the United Nations who came from Chad?

9 A. [14:15:47] No, I didn't hear this on the radio. In truth, I didn't hear this on the
10 television either. But it's people in the streets that spoke about this, particularly the
11 youth. They were saying this because they saw them and, according to their
12 behaviour, they saw that the Seleka came from Chad and that's why they established
13 in the United Nations' system and said that they were from Chad and came to their
14 defence. So there was something that didn't work properly. That is what people
15 were saying. When -- I didn't listen a lot to the radio, but when I did listen to the
16 radio, I didn't hear anything about that.

17 Q. [14:16:42] And this dissatisfaction as regards the Chadians from the United
18 Nations, am I correct in saying -- from the United Nations or other Chadians, am I
19 correct in saying that for the people who didn't have your understanding of things,
20 they transferred their dissatisfaction to the entire Muslim community?

21 A. [14:17:12] Yes, because of the presence of the Chadians and because of the fact
22 that the Seleka came from Chad, this exacerbated the situation.

23 Q. [14:17:38] I do apologise. I'm so sorry. I made a lengthy pause because this
24 enables the interpretation and transcript to be done, so don't think that I'm not
25 listening to you.

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1 A. [14:17:57] No, no, no.

2 Q. [14:18:02] Given this tension and the growing dissatisfaction of the population,
3 did you notice or did you hear that there were Muslims and, in particular, Chadian
4 Muslims who had been living in Chad for a long time preferred to leave the country
5 to avoid this growing tension?

6 A. [14:18:32] *On the contrary, during the Seleka times, those groups met at
7 Kilometre 5, and they dominated the Central African population. They dominated it
8 and didn't talk about leaving. It's only afterwards when the Anti-Balaka arrived that
9 they started to think about leaving the country. And it was all types of Muslims,
10 people from Chad, from Niger, everybody--even people from Senegal who previously
11 lived in peace but who were all referred to as Muslims regardless – in the beginning,
12 there were no questions about leaving the country because they themselves had the
13 security situation under control, they had a way of looking at the situation so in the
14 beginning, there was no talk of that. The women, the children often are the people
15 they wanted to move away. But in the beginning, it wasn't like that at all.

16 MS GUISSÉ: [14:20:05] My apologies, your Honour. My screen with the transcript
17 in English, when I can see the documents became black. Perhaps it's a connection
18 problem, but all of a sudden I have a problem to follow things on my screen.

19 PRESIDING JUDGE SCHMITT: [14:20:52] Well, that would actually also be an idea
20 that could come from me, but oftentimes it really doesn't help. Did it help?

21 MS GUISSÉ: [14:21:03] No.

22 PRESIDING JUDGE SCHMITT: [14:21:04] So the technician is -- yes, thank you -- on
23 the way, but I think you can continue in the meantime.

24 MS GUISSÉ: [14:21:15](Interpretation) Thank you, your Honour.

25 My problem seems to have resolved itself.

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1 Q. [14:21:18] My apologies, Madam Witness. In paragraph 29 of your statement,
2 you say you:

3 "... also heard that" - and I quote - "some Muslims were buying weapons from the
4 Seleka." End of quote.

5 When you refer to "some Muslims", which Muslims are you referring to?

6 A. [14:21:55] I'm talking about the traders -- civilian traders.

7 Q. [14:22:06] Thank you. Please be careful to have a little break of some seconds
8 before answering my question because sometimes there's an overlap.

9 Do you know when the population, generally speaking, talked about the civilian
10 Muslims who were taking arms, was there a specific name given to them or were they
11 just referred to as "Muslims"?

12 A. [14:22:43] One often said the Seleka.

13 PRESIDING JUDGE SCHMITT: [14:22:49] Mr Belbenoit.

14 MR BELBENOIT-AVICH: [14:22:52] I'm sorry to interrupt. I think the witness
15 didn't say -- the witness -- they -- said -- they took arms. They -- said: The Muslims
16 who were buying weapons.

17 That's something completely different -- but taking weapons is something different
18 from buying weapons.

19 PRESIDING JUDGE SCHMITT: [14:23:10] Well, yes, but I think the -- well, we can
20 clarify it. Madam Witness, the Muslim traders you said that bought weapons from the
21 Seleka, were they also called "Seleka" by the population?

22 THE WITNESS: [14:23:37](Interpretation) Broadly speaking, at the time of the
23 troubles, all Muslims were Seleka. Generally, that is how the population called them.
24 All Muslims were Seleka. Now, it's true there were others who said that they were
25 buying weapons, perhaps it was for their own protection.

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1 PRESIDING JUDGE SCHMITT: [14:24:08] Ms Guissé, please move on.

2 MS GUISSÉ: [14:24:15](Interpretation) Thank you, your Honour. The Prosecution
3 is completely right. My -- I didn't word it correctly, so he was completely correct in
4 pointing that out. Your Honour, for the next part, I would like to move into private
5 session because I've finished with the part we can do in open session. I think as
6 regards the answers, I will try to go into open session from time to time, but the
7 majority of what I'm going to ask now will have to be done in private session.

8 PRESIDING JUDGE SCHMITT: [14:24:52] No problem. And for the audience, you
9 may have recognised that this is a protected witness and the next sequence of
10 questions will deal with issues where the answers of the witness might identify the
11 witness and because of that, we have to go to private session.

12 (Private session at 2.25 p.m.)

13 THE COURT OFFICER: [14:25:12] We are in private session, Mr President.

14 MS GUISSÉ: [14:25:36](Interpretation)

15 Q. [14:25:39] Madam, we are now in closed session -- or private session, so we can
16 speak freely without any fear that you will be identified.

17 I'd like to now go back to your professional career or at least the time when you were
18 aware -- or made aware of the programme ESF as regard the child soldiers. Now, I
19 know that you had a lot of experience (Redacted) and also the

20 (Redacted), so I'm sure I'm going to ask you some questions about that

21 and each time I would like to have -- specific questions I put to you, which I will
22 elaborate as we go through them. So I would like you to listen carefully to my
23 questions and if it's not clear to you or I use a vocabulary which is not appropriate as
24 regards your functions, if there are technical elements and I use the bad -- not the
25 correct words, do not hesitate to correct me.

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1 So you worked as (Redacted)

2 (Redacted)

3 Could you tell us which month of (Redacted) you had that position? When did you
4 have that position?

5 A. [14:27:35] I don't remember, but I think it might have been (Redacted), but I can't
6 remember exactly.

7 Q. [14:27:51] So do you agree with me that in any case it's (Redacted)
8 (Redacted); do we agree on that?

9 A. [14:28:00] Yes. It was -- it was a little before, because (Redacted)
10 (Redacted)

11 Q. [14:28:29] As regards (Redacted), I understand that your (Redacted)
12 (Redacted). But I also understood from your statement that you

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 My first question is as follows, (Redacted)

18 (Redacted)

19 A. [14:29:18] Well, in fact, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 THE INTERPRETER: [14:30:37] Correction from the interpreter: It's (Redacted).

3 MS GUISSÉ: [14:30:40](Interpretation)

4 Q. [14:30:42] So when I say how often, could you perhaps tell me (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [14:31:08] Yes, as of my appointment, you see, (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 Q. [14:35:12] We did not properly hear the place where you went to in

7 (Redacted). Could you please tell the name of the place where you went to?

8 A. [14:35:25] It's (Redacted). I did (Redacted). It

9 wasn't the (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [14:36:02] Right. Just so that it's clear, I'm not going to ask you questions on the

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Now, I'm going to ask you to indulge me because there are things that I do not know,

18 so we basically ask people who were on site, and you are part of these people who

19 were on site.

20 Now, you went to these places (Redacted). That's what you

21 said. Now, am to understand that at that point of time you had (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [14:37:19] Yes. I think these are (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [14:38:19] Mr Belbenoit?

6 MR BELBENOIT-AVICH: [14:38:22] Once again, I'm really sorry to interrupt, your

7 Honour. I understand that my colleague's question was on (Redacted)

8 (Redacted). If these (Redacted) are important for

9 the Defence, it would be interesting to have a clearer idea of the periods (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [14:38:49] I'm quite sure you will address that.

12 MS GUISSÉ: [14:38:54](Interpretation) Indeed, your Honour. That was the first

13 step and I just wanted to lay the groundwork for the following questions.

14 Q. [14:39:07] So you heard my colleague's intervention, Witness. We need to

15 know -- and I'm telling you, without going into details of (Redacted) what really is of

16 interest to us is to know when did you (Redacted) -- the month, for instance? You

17 took office in (Redacted). Now, the (Redacted)

18 (Redacted)

19 (Redacted)

20 That's what I'm interested in.

21 A. [14:39:49] Now, I'm sorry, but I have absolutely no idea of that. When we (Redacted)

22 (Redacted). Given the

23 circumstances today, I never had to look into certain questions. I don't know the

24 dates, and it was basically to (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [14:40:43] Thank you for the efforts in order to provide us the information that
3 you know. It's quite normal that you wouldn't know everything and I know that
4 you wouldn't imagine that we wouldn't ask you all these questions; so if there's
5 something you don't remember, please do tell us. Our role is to ask questions. You
6 may have the answer; you might not have the answer. It is absolutely not a problem.

7 A. [14:41:12] Okay.

8 Q. [14:41:13] In paragraph 33 of your statement, you said that you -- for the very
9 first time you heard of children -- the problem of child soldiers when (Redacted)
10 (Redacted)

11 Now, am I to understand that given (Redacted) am to
12 understand that within the framework of (Redacted) no one spoke to you about this
13 problem before (Redacted)
14 (Redacted)?

15 A. [14:42:02] No one. I never even had the faintest idea that there was this group
16 that is helping -- that existed. So I did not even refer to this.

17 Q. [14:42:22] Now, in this specific period before 5 December 2013, so this was
18 before the arrival of the Seleka in Bangui, do I have to conclude that -- am to conclude
19 that you haven't heard of child soldiers with the Seleka?

20 A. [14:42:49] The Seleka group? No. I heard of child soldiers for the Anti-Balaka
21 group, not for the Seleka.

22 Q. [14:43:08] So when you answered the Prosecutor's question that apart from the
23 ESF programme, you did not know what other demobilisation programmes could
24 have occurred elsewhere, I understand that you did not know that they were
25 demobilisation programmes of Seleka child soldiers. Is that right?

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1 A. [14:43:36] Yes, that is right.

2 Q. [14:43:39] Now I'm going to move on to another subject, which is specifically on
3 your work as (Redacted).

4 There are people who are (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 So my question is, (Redacted)? And what were (Redacted)

9 (Redacted)?

10 A. [14:44:36] Right. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [14:45:34] So to be clear, you were (Redacted)?

17 A. [14:45:37] No. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [14:47:06] One last specification on (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [14:47:23] Yes. The prefecture of Ombella-M'Poko was in Bimbo, more

6 specifically. (Redacted)

7 Q. [14:47:36] Thank you so much for these specifications and I'm now going to

8 move on to another theme, which is on the sequence of your work -- the chronology

9 of your work with *Enfants Sans Frontières*, ESF.

10 Now in your statement in paragraph 36, you said that you were put in touch with ESF

11 in (Redacted)

12 (Redacted)

13 So now do I -- given these dates, am I to understand that you had absolutely no link

14 with the activities that were carried out within the framework of this programme

15 before this date? (Redacted)

16 (Redacted) is that right?

17 A. [14:48:39] Yes, that's right. Because ESF, Children Without Borders, drafted its

18 project and UNICEF validated this project -- accepted to support them (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [14:49:33] I'm sorry -- I'm really sorry to cut you short, but as I told you in the

25 beginning, I'm asking you specific questions to go step by step and (Redacted) --

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1 is actually jumping and making progress in bounds and leaps. So it's going to be a
2 bit complicated for me. For the moment, you could have answered by a yes, and I
3 would go step by step to the various moments you intervened. It's just that it would
4 be clear for the records on which period we're referring to, so I'm actually
5 coming -- I'm going to come to your various interventions but, again, I'm really sorry
6 for having interrupted you, but I'm really going to go step by step.
7 And it really is useful in having short answers and when we review your statement,
8 it's a lot simpler. I don't know if you understand my concern; that's only -- and
9 again, I'd like to thank you for your indulgence on this subject.

10 Now you started working with ESF in (Redacted) and you confirmed that you
11 have -- you did not work with them before this date. Now, can you confirm that

12 (Redacted)

13 (Redacted)

14 A. [14:51:19] Yes. As I was saying, when (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [14:52:48] Thank you so much for straining your memory. Of course, if there

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1 are things you don't remember, please don't hesitate to say so. But do you confirm
2 to me that before (Redacted)? Do
3 we agree with that? (Redacted)

4 A. [14:53:14] *No No No, not at all.

5 Q. [14:53:15] So if I understand you well, your direct involvement with the ESF
6 programme, Children Without Borders, was from (Redacted) to (Redacted) until
7 (Redacted), am I right?

8 A. [14:53:35] Yes.

9 THE INTERPRETER: [14:53:36] Sorry, it was from (Redacted) to (Redacted) --
10 correction from the booth.

11 MS GUISSÉ: [14:53:43](Interpretation)

12 Q. [14:53:46] As you've basically answered too quickly, your response wasn't
13 translated, but we do agree that it said yes? You said yes to my question, that is to say,
14 you were with the ESF for about (Redacted). You worked with ESF for about (Redacted)
15 (Redacted), that is to say from (Redacted) to (Redacted) do we agree with that?

16 A. [14:54:22] Yes, that is it.

17 MS GUISSÉ: [14:54:46](Interpretation) Your Honour, I'm going to try and see if we
18 can move for a few minutes to open session.

19 PRESIDING JUDGE SCHMITT: [14:54:57] (Overlapping microphones)...move is
20 always good, but move to open session, yes? We give it a try.

21 (Open session at 2.55 p.m.)

22 THE COURT OFFICER: [14:55:09] We are in open session, Mr President.

23 MS GUISSÉ: [14:55:27](Interpretation)

24 Q. [14:55:30] Witness, we are now in open session. I'm going to try and ask you
25 questions that -- so that they are neutral and there is no risk of identification. But if

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1 there's a problem, please feel free to ask me to move to private session.

2 Now, in paragraph 33 of your statement, you say that Mr Brice Kakpayen, who was
3 a counsel and national coordinator of the NGO called ESF, went to the social affairs
4 ministry to register the NGO - and I'm quoting you, so that he is --
5 "authorised to carry out activities in the Central African Republic." End of quote.

6 Now my question is as follows, to the best of your knowledge, an NGO, can it work
7 officially with the Ministry of Social Affairs only if it is enrolled or registered with the
8 ministry?

9 A. [14:56:46] Yes, that is it. The NGO must have permission from the ministry
10 which is in charge of the activity. So if it's a security programme, it would be
11 security; if it is a health issue, then it would then be the health ministry and if it's
12 another problem, it would be the social affairs, a community problem.

13 Q. [14:57:19] To the best of your knowledge, the registration of the NGO with the
14 Ministry of Social Affairs, was a condition to obtain funds for associations that were
15 working in partnership with UNICEF?

16 A. [14:57:38] Yes. Because before UNICEF could validate its support, there should
17 be an agreement signed with the ministry.

18 MS GUISSÉ: [14:58:09](Interpretation) Your Honour, unfortunately, my efforts to
19 stay in open session are going to be rather limited. Yes, I really am forced to move to
20 private session.

21 PRESIDING JUDGE SCHMITT: [14:58:22] Well, we take it as a goodwill action or is
22 more possible?

23 MS GUISSÉ: [14:58:39](Interpretation) Your Honour, perhaps later on I could come
24 back, but not know, we have to move to private session.

25 PRESIDING JUDGE SCHMITT: [14:58:46] Yes, private session.

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1 (Private session at 2.58 p.m.)

2 THE COURT OFFICER: [14:58:50] We are in private session, Mr President.

3 MS GUISSÉ: [14:59:15](Interpretation)

4 Q. [14:59:15] You spoke about (Redacted)

5 (Redacted). Now my first question, did you know

6 him before (Redacted)?

7 A. [14:59:35] He's a co-worker. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [15:00:07] You spoke about him at various times in your statement, and in

12 paragraph 58 of the statement you say, and I'm quoting you here:

13 He was overworked and not very efficient.

14 More specifically in paragraph 58, you're talking about (Redacted). Are you

15 referring to (Redacted)?

16 A. [15:00:37] Yes, that's him. But if I said that, it's because he alone couldn't work

17 at (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [15:01:24] Are you talking about a second person who was working with him?

22 Can you recall his name?

23 A. [15:01:33] His name, no. It was (Redacted)

24 (Redacted). But he didn't accept the position in the beginning. So in fact, he --

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 Q. [15:03:46] In paragraph 58, you talk about the organisation which, normally
- 15 speaking, (Redacted)
- 16 (Redacted). End of quote.
- 17 Could you be more specific and tell us what elements -- what are the standard
- 18 documents that (Redacted)?
- 19 A. [15:04:30] Normally -- normally, (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 But I must admit, ESF was an exceptional NGO. The department stressed that it
- 23 would be (Redacted)
- 24 (Redacted). That was respected.
- 25 So the activities went underway. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:06:15] I just want a clarification as regards (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [15:06:49] No, it's only for this particular project. It's not for the association.

10 It's only for this particular project, *because UNICEF requested that -- that

11 (Redacted) because this was a major

12 activity. This was an activity of reintegration. This was a major activity; so (Redacted)

13 (Redacted)

14 After that -- after there was the reintegration, they continued at their particular level,

15 but they were very anxious to make sure that demobilisation took place and it is

16 UNICEF itself who said that this must be what happens.

17 Q. [15:08:02] I'm just going to -- a little bit later as regards funding and we're going

18 to elaborate on that, but before that, I am interested in the issue of the selection

19 process of how you selected children.

20 In paragraph 34 of your statement, you said you had the initial contact with ESF in

21 (Redacted) and you said, and I quote in your statement, the organisation --

22 "had already identified the children and assessed them (Redacted)

23 (Redacted). I do not know how the children were identified and

24 assessed." End of quote.

25 Am I to understand from your statement that (Redacted)

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1 (Redacted) didn't have any specific elements as regards the identification process?

2 A. [15:09:05] That is correct. That is correct.

3 Q. [15:09:16] Could we display a document which you mentioned when you had
4 your interview with the OTP Prosecution investigators, and it's tab 3 of the
5 Prosecution binder, document CAR-OTP-2071-0308.

6 And with the court officer's assistance, we will display this document on the screen
7 for you.

8 Can you see the document displayed?

9 A. [15:10:11] Yes.

10 Q. [15:10:12] This is a sum up of activities of certification for the EAFGA, for child
11 soldiers in the five communes of *Mbaïki, Boda and Baganangone from 20 September
12 11 October 2014. And at the bottom you can see -- if we can go down a bit, please.

13 There you go. You can see:

14 "M'baiki, Boda, Boganagone on [24] September to 11 October 2014."

15 The Prosecutor -- the Prosecution showed you this. Do you recall that you've
16 already seen this during your interview? You can see the signature of Mr Mborolo,
17 (Redacted)?

18 (Redacted)

19 (Redacted)

20 Q. [15:11:21] In fact, the 12/03, whose signature is that? Let's be clear here. This
21 document -- I want to refresh your memory on what you said (Redacted)

22 (Redacted)

23 (Redacted)? So what you said at that

24 time to the investigators in paragraph 80 and you said that --

25 (Redacted)

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1 (Redacted)

2 (Redacted) End of quote.

3 Does that refresh your memory as regards what you said about this document and
4 that's why the document (Redacted)?

5 A. [15:12:22] I do remember. I remember. (Redacted)

6 (Redacted) because Mbaïki is the prefecture -- Boda and Boganangone are two
7 prefectures of Lobaye and Mbaïki. The (Redacted) so
8 he should have accompanied them to Boganangone and Boda, which didn't take
9 place.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) instead of going to Boda and Boganangone, to verify the activities over there.

15 So in the beginning, we weren't involved or associated with it.

16 PRESIDING JUDGE SCHMITT: [15:14:03] Mr Belbenoit, I think we can continue, the
17 answer is clear now of the witness.

18 MR BELBENOIT-AVICH: [15:14:12] (Interpretation) Yes, the question is the reason
19 why (Redacted). I simply want to say that this is a document that goes from 24
20 September to 11 October 2014, (Redacted)

21 (Redacted). So we can -- she was in (Redacted)

22 (Redacted) we can clarify that.

23 PRESIDING JUDGE SCHMITT: [15:14:37] Well, okay, Ms Guissé.

24 MS GUISSÉ: [15:14:42](Interpretation) I will clarify that. I will say to the
25 Prosecution, as the witness has said, I'll go step by step.

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1 Q. [15:14:53] This document, (Redacted) was
2 apparently signed by Kevin Rodrigue Mborolo, and has the date of 24 September to
3 11 October 2014.

4 You said and confirmed that (Redacted)
5 (Redacted)

6 Could you make clear whether it was the beginning or the end of 2014, October?

7 A. [15:15:36] I can't remember that. (Redacted) and I just don't know
8 when. No, I really don't remember. But I know (Redacted). But
9 whether it was before this document was signed by Mborolo, we had already started
10 the activities -- we had started the activities.

11 So the identification, I did make that comment because we were not involved in the
12 identification. Let me repeat, I think I already had said that.

13 Q. [15:16:37] So if I understand correctly, when this document was (Redacted)
14 (Redacted)
15 (Redacted) is that correct?

16 And please, could you repeat your answer, because if you answer too quickly after
17 my question it doesn't -- we don't have the translation. So please remember to make
18 a little break before answering the question.

19 Do you agree with me? I see you've nodded. So please can you confirm that it's
20 because you didn't participate in this stage of the project, that (Redacted)
21 (Redacted) do you agree with that?

22 A. [15:17:28] Yes. After that, I think it was the moment when (Redacted)
23 (Redacted). It was just when (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [15:18:18] Thank you for that clarification.

4 Now, Madam Witness, I know it's a lot of questions in one day, you seem a bit tired.

5 Is that true?

6 A. [15:18:39] No, no, no, I'm fine.

7 Q. [15:18:41] Let me know if you are.

8 A. [15:18:43] No, I'm fine.

9 PRESIDING JUDGE SCHMITT: [15:18:52] However, we have 10 minutes, so
10 it's -- until ...

11 MS GUISSÉ: [15:18:54](Overlapping microphones)

12 PRESIDING JUDGE SCHMITT: [15:18:54] Yes, it's not until 4 o'clock, it's until half
13 past 3.

14 MS GUISSÉ: [15:19:02](Interpretation) Thank you, your Honour. Yes, thanks for
15 reminding me of that, I'd forgotten.

16 Q. [15:19:10] We only have 10 minutes left, Madam Witness.

17 Could we withdraw the document please, from the screen.

18 MS GUISSÉ: [15:19:46](Interpretation) Your Honour, upon reflection, I note that the
19 topic that I want to tackle next is more than 10 minutes, so if you don't mind, we
20 could stop here and then we can start again tomorrow.

21 PRESIDING JUDGE SCHMITT: [15:20:00] I think there is no problem. I assume
22 tomorrow and then perhaps not the whole of Friday, I would assume. We will
23 see -- we will simply see. Madam Witness, we have finished for today. This
24 concludes it. Thank you very much for answering patiently these many questions.
25 We will be coming together tomorrow again at 9.30. Till then, I wish you and

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- 1 everyone all the best.
- 2 THE COURT USHER: [15:20:44] All rise.
- 3 THE WITNESS: [15:20:47](Interpretation) I wish you the same.
- 4 (The hearing ends in private session at 3.20 p.m.)