

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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Thursday, 23 March 2023
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:55] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:11] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:17] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:32] Thank you.
20 The appearance of the parties. Prosecution is unchanged.
21 CLRV and Mr Suprun are unchanged.
22 Ms Dimitri, like always, your team is not easy to overview --
23 MS DIMITRI: [9:31:48] I think we're unchanged.
24 PRESIDING JUDGE SCHMITT: [9:31:48] To overview, to put it this way.
25 MS DIMITRI: [9:31:53] It's unchanged.

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1 PRESIDING JUDGE SCHMITT: [9:31:56] Unchanged.

2 Is Mr Knoops' team also unchanged?

3 MR KNOOPS: [9:31:59] Unchanged, Mr President. Good morning.

4 PRESIDING JUDGE SCHMITT: [9:32:03] And the two accused are also in the
5 courtroom.

6 MR KNOOPS: Yes. Yes.

7 PRESIDING JUDGE SCHMITT: [9:32:04] Thank you very much.

8 Before we continue with the examination of the witness, I want, on behalf of the
9 Chamber, to briefly address the schedule for next week.

10 We have been informed by the Prosecution that the next witness, P-2927, is only
11 available on 28th and 29th - and the 29th only until 2 o'clock - 30 and 31 March 2023.

12 For everyone's planning, I therefore inform you that we will not sit on Monday,
13 27 March, and start with P-2927 on 28 March.

14 Given that the witness is also unavailable in the afternoon of 29 March, the hearing
15 will be adjourned after the second session, obviously, on that day.

16 Well, as regards a second potential contingency witness, things are not looking
17 promising. Actually, I haven't expected otherwise, but let it -- with regard to 2927:
18 Monday, no hearing; on the 29th, that is the Wednesday, only until 2 o'clock.

19 Also the Chamber takes notes of the email sent by the CLRV and Prosecution
20 yesterday in relation to the Chamber's remarks on the questioning of P-2927. Also,
21 we are not surprised that something like that would happen. I would like to clarify
22 that these remarks were not a definite decision precluding the CLRV and OTP from
23 asking questions at all. However, it was a strong guidance from the Chamber, based
24 on two things: First, on its experience in this case so far. And, secondly, on the
25 expected testimony. Three things. And, thirdly, that we have two very big reports

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1 on that. So we will be very vigilant as a Chamber that only questions are asked that
2 are really going beyond what is already in the report.

3 Accordingly, the Chamber expects everyone to take this into account when preparing
4 for the witness's testimony.

5 A long speech before we start. But, next of all, good morning, Madam Witness. I
6 hope you are feeling well today and you hear and understand me good.

7 WITNESS: CAR-OTP-P-2082 (On former oath)

8 (The witness speaks French)

9 (The witness gives evidence via video link)

10 THE WITNESS: [9:34:27](Interpretation) Yes, I see you and hear you clearly.

11 PRESIDING JUDGE SCHMITT: [9:34:30] Very good. Then we continue with the
12 examination of Ms Guissé and I give you the floor.

13 We are in open session. Like always, you tell us if we can stay there or if we have to
14 go to private session.

15 MS GUISSÉ: [9:34:44](Interpretation) Unfortunately, your Honour, we have to go
16 into private session.

17 PRESIDING JUDGE SCHMITT: [9:34:56] That's no -- could we please switch the
18 microphones of the interpreters off when I'm speaking. Thank you.

19 For the explanation of the audience, this is a protected witness and we are going to
20 private session because now issues are discussed with the witness where the answers
21 could identify her.

22 Private session.

23 (Private session at 9.35 a.m.)

24 THE COURT OFFICER: [9:35:37] We are in private session, Mr President.

25 QUESTIONED BY MS GUISSÉ: (Continuing) (Interpretation)

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1 Q. [9:35:48] Good morning. We are in private session, Madam Witness, and we
2 will continue our marathon of questions.

3 Like yesterday, I would ask you to have a break between your answers and my
4 questions. And just like yesterday, I would like to put your talent as a (Redacted)
5 aside and don't go beyond my question and just follow me step by step in my
6 questioning so that we can move ahead as fast as possible and to have a sustained
7 rhythm so that we have correct records. So I thank you in advance for your
8 cooperation.

9 Firstly, I'd like to go back to a document which was shown to you yesterday by the
10 Prosecution. This is the first report of (Redacted). I would like this, the first page,
11 to be displayed on the screen. This is tab 6 of the Prosecution tab,
12 CAR-OTP-2109-0470.

13 So yesterday the Prosecution asked you (Redacted)

14 (Redacted) And you

15 said at 1010, and I quote: (Redacted)

16 (Redacted)

17 (Redacted) End of quote.

18 I think at the moment when the Prosecution showed you this document which you
19 see on the screen, I think there might have been a slight confusion on the dates and
20 that is something I would like to rectify now with you.

21 Yesterday you confirmed that you became aware of the ESF programme (Redacted)

22 beginning of (Redacted) And my question is as follows: Do you agree that the

23 day when (Redacted)

24 (Redacted) Do you agree with that?

25 A. [9:38:41] That is correct.

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1 Q. [9:38:51] So that's the day when you met Mr Yekatom; is that correct?

2 A. [9:38:56] Yes.

3 Q. [9:39:00] So the report that was shown by the Prosecution, which you can see on
4 the screen, which talks about the report of 11 to 13 July, it's not (Redacted)
5 (Redacted) it was before (Redacted) do you agree
6 with that?

7 A. [9:39:21] Yes.

8 Q. [9:39:26] And what you called identification mission was (Redacted)
9 which you talked about in August 2014; do you agree with that as well?

10 A. [9:39:42] Absolutely.

11 Q. [9:39:47] Having clarified that, I now turn back to what you learned about this
12 meeting in *June 2014 (Redacted)

13 Yesterday you said that ESF only came to (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [9:41:48] So if I understand correctly (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [9:42:10] No. I don't know the exact date. And in any case (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [9:42:48] I have understood that there was a moment that you (Redacted) but

8 what I'm trying to understand, you can see -- I don't know if you can see the page, but

9 on the first page of the report (Redacted) about a mission from 11 to 13 June, so it's

10 before July, August. So I'm asking you whether (Redacted)

11 (Redacted) because 11 to 13

12 of June, so that's well ahead of July, August. I simply want to know whether you

13 had a possibility, whether you were able to discuss this report with (Redacted) and

14 he explained to you how he started to work with the ESF (Redacted)

15 (Redacted)

16 A. [9:43:53] When the report was written, when the project was drafted, they went

17 to identify the problems, they went to see the issues and then the report was drawn

18 up. And (Redacted) as a responsible person for the local community also sent there,

19 (Redacted)

20 (Redacted)

21 (Redacted) to verify the situation with the children, are they children that are really

22 Anti-Balaka children and are they in this age bracket. * So things were already

23 moving (Redacted)

24 (Redacted) They had already started their work, but (Redacted), it was as regards

25 verification and identification of these children.

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1 Q. [9:45:24] Well, could we see the document again. And on the left-hand side, on
2 the top, there it says (Redacted)
3 (Redacted)

4 A. [9:45:48] Yes.

5 Q. [9:45:49] And then there's a number of the service (Redacted)
6 (Redacted) and we have a number there. Do you know what that number refers to?
7 Is it a number which (Redacted)
8 (Redacted)

9 THE INTERPRETER: [9:46:15] Overlapping speakers.

10 MS GUISSÉ: [9:46:19](Interpretation)

11 Q. [9:46:21] Sorry, sorry. We need to have a pause between my question and your
12 answer.

13 A. [9:46:28] The number 007 is the number which (Redacted) put on the file, he
14 himself (Redacted) He had already (Redacted)
15 for the various activities, not only for ESF, but various activities since January until
16 June. He had already (Redacted) so they could be informed or they could see what
17 the position was as regards this particular mission and this particular report. This
18 report is the seventh for 2014.

19 Q. [9:47:31] Thank you for that clarification.

20 You can withdraw the document from the screen.

21 Thank you. I'm going to continue now.

22 Were you informed of a meeting -- a previous meeting which took place in Pissa in
23 19 May within the framework of this mission? Is this something that (Redacted)
24 (Redacted) about with ESF, COOPI, *UNICEF and the Anti-Balaka leaders, if you recall?

25 A. [9:48:37] This is part of the process, the process and the working out of the

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1 document for the project. I told you they started this procedure with the various
2 inquiries, with various meetings, various parties, everything there from time to time
3 when he arrived at Bangui or even in (Redacted) in Bimbo, (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted) But the others, whatever (Redacted)
7 and the team did with the ESF and UNICEF was something else.

8 Q. [9:49:47] Thank you for that clarification. I'm now going to move on to another
9 topic.

10 In paragraph 34 of your statement, you state, and I quote you: "At that time the ESF,
11 which had previously submitted a proposal and received funding from UNICEF, had
12 already drawn their action plan."

13 My question on this subject is whether (Redacted)

14 A. [9:50:21] The action plan was sent (Redacted)
15 (Redacted)

16 Q. [9:50:36] Just for clarification, you talked about a (Redacted)
17 (Redacted) Do you know his name?

18 A. [9:50:49] (Redacted) who dealt with organisations, I'm not sure. There
19 were -- there was two. The one for Ombello M'Poko and another for other activities.
20 It's (Redacted)

21 Q. [9:51:23] Yesterday you said that UNICEF came to (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted) am I correct?

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1 A. [9:51:59] Could you repeat the question, please.

2 Q. [9:52:03] Indeed. It's a bit long, my question.

3 Yesterday you said that UNICEF came to (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) am I correct?

8 A. [9:52:35] * I think (Redacted) participated in the implementation of the project

9 half way thorough, and also in the selection of the children via (Redacted)

10 (Redacted) I don't know as whether he was also involved in the design, I don't know

11 anything about that.

12 Q. [9:53:17] I'm now going to move to another topic now. You mentioned

13 yesterday that when (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [9:53:55] Well, yes, I did not (Redacted)

20 That's the continuity. Because from time to time (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [9:55:20] Continuing on that. You also mentioned yesterday at 11:47, and I
5 quote, that (Redacted)

6 (Redacted) End of quote.

7 Am I to understand that the way in which she dealt with this, she considered that it
8 was (Redacted)

9 A. [9:55:55] That is correct. That's what she told me. She said she didn't have

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [9:56:44] I'm now going to move on to another topic. Yesterday around 15:04,
15 that you had the -- that you were (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [9:57:15] As I told you, UNICEF went to see (Redacted)

20 (Redacted)

21 particularly in the beginning so that the children could be installed, so that their

22 families could assume responsibility for these children. So in order to start, they

23 wanted (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [9:58:18] When -- what moment are you talking about? What is the moment
2 which you say is the starting point and when is the point (Redacted)
3 (Redacted)

4 A. [9:58:29] It was at the very beginning. It was when (Redacted)
5 (Redacted)
6 (Redacted) There were host
7 families who looked after them and took them home. And after that, (Redacted) So
8 the rest and the social training, et cetera, that is something (Redacted)
9 That was ESF.

10 PRESIDING JUDGE SCHMITT: [9:59:22] Mr Belbenoit.

11 MR BELBENOIT-AVICH: [9:59:23] (Interpretation) Your Honour, I'm sorry to
12 interrupt, but just by way of clarification, the witness explained that at a certain time
13 that there was (Redacted)
14 It's not very clear with regards to what she's speaking about. What did (Redacted)
15 (Redacted) it's not very clear in the transcript.

16 PRESIDING JUDGE SCHMITT: [9:59:47] Ms Guissé, if you want to clarify this,
17 perhaps.

18 MS GUISSÉ: [9:59:53](Interpretation) I'll quite simply continue with my line of
19 questioning because I hadn't finished with that issue. Thank you, your Honour.

20 Q. [10:00:04] Now, if I understand well, from the moment when the families -- or
21 (Redacted)
22 (Redacted) and it was ESF

23 who managed these activities and the accounting aspects itself; is that correct?

24 A. [10:00:35] Yes, that's correct. What I told you was that it was for identification
25 to start off the project. (Redacted)

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1 (Redacted) but where it concerns the activities themselves, they were programmed by
2 ESF so they could deal with that. Those were the activities, the community activities
3 which -- which it had in its road map -- which she put in the road map.

4 Q. [10:01:18] Do you know the amount allocated to the programme?

5 MS GUISSÉ: [10:01:26] (Interpretation) Just one moment, your Honour, I will see if I
6 can -- I'll put some questions in open session.

7 PRESIDING JUDGE SCHMITT: [10:01:30] Well, I think that could be done in open
8 session, couldn't it?

9 MS GUISSÉ: [10:01:40](Interpretation) In reformulating some of the questions,
10 perhaps, but I can't guarantee that it will be for a long time.

11 PRESIDING JUDGE SCHMITT: [10:01:48] I won't hold you to that. Shortly to
12 private -- we do not say shortly already, we go to open session and hope we can stay
13 there a while.

14 (Open session at 10.02 a.m.)

15 THE COURT OFFICER: [10:02:15] We are in open session, Mr President.

16 MS GUISSÉ: [10:02:19](Interpretation)

17 Q. [10:02:21] Witness, we are once again in open session, so I'm going to formulate
18 my questions in such a way as that you cannot be identified, and if at any time you
19 have the impression that your answer could identify you, please do not hesitate to
20 point that out to me and we can go into private session.

21 So my question was, what the amount was, do you know what the amount was, the
22 overall amount that was allocated to the programme? The total amount.

23 A. [10:03:02] It's such a long time ago that things happened. I no longer have any
24 idea about it, quite sincerely.

25 Q. [10:03:16] Once again, Madam, there's no concern in that regard, we understand.

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1 If you don't remember something, please do as you've just done and tell us that you
2 don't remember. There's no problem.

3 Now, without knowing the exact amount, do you know if the minister of social affairs
4 negotiated with UNICEF as to the amount allocated to the project?

5 A. [10:03:46] That's also something I don't know because this is something that
6 happened between the minister and -- between the ministry and UNICEF. I wasn't
7 involved in that so I cannot know if it was the minister that negotiated that. But it's
8 certain that ESF wrote its project and discussed it and who found the necessary
9 support to carry it out.

10 Q. [10:04:21] With regards to the period in which the cheques were countersigned
11 by the ministry of social affairs staff, do you know if -- well, would you know if, for
12 example, there was justifications that were given with regards to why expenditure
13 was made? Are you aware of that with regards to the sums that were specifically
14 allocated to items?

15 A. [10:05:00] Yes. For transparency, I think that there were -- there were
16 explanations, but these explanations were provided directly to UNICEF because it
17 was UNICEF that accorded the amount thereto, but it was - how would I put this - it
18 was out of a concern that indeed this should be done because at that time there wasn't
19 a situation of security, so {ICR: (Redacted)}
20 (Redacted)}

21 because we're almost at the end of the project, then generally they would do that.

22 And I think that there also had to be in the report -- the justifications have to be in the
23 final report which were given to UNICEF and to ESF.

24 Q. [10:06:16] Outside the transmission of these justifications or explanations, do
25 you know if the minister of social affairs established a financial balance or was this

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1 something that was done by ESF itself?

2 A. [10:06:42] It was the ESF who had to carry out the financial amount, not the
3 ministry.

4 Q. [10:06:56] So just to take the example of the motorbike of the chief of service,
5 Mr Kongaye, now what you said yesterday between 15:01 and 15:03, it was the ESF
6 who provided this means of transport. Was this motorbike provided for in the
7 project? And if so, under what fund this means of transport was taken?

8 A. [10:07:31] I'm sure that that was already in the budget at the start, because that's
9 the means that have to be provided in order to facilitate the work in the field, because
10 Mbaiki -- you had to go to Mbaiki, but you also had to go back to Bangui, and it was
11 also necessary to return to Pissa. So you can see, all of that, that's not something that
12 you can do without transport, without means of transport. {ICR: (Redacted)}
13 (Redacted)}

14 So it was in order to facilitate the activities that UNICEF and ESF carried out, and
15 that's why they provided it for in their budget. And I think that with fuel as well,
16 that they also had to discharge in order to enable the mission to take place. That's
17 the explanation that was given to me.

18 Q. [10:08:47] At the time of the ceremony of 5 August 2014 in Mbaiki, it appeared
19 in one of the reports that ESF still hadn't received the necessary funding and it had
20 started to prefinance the project thanks to its own funds. And in a report that we
21 find at tab 5 of the Defence binder, document CAR-OTP-2071-0285, namely, page 0295
22 thereof, that's for the reference, it is indicated where it concerns the difficulties that
23 there were within the project. And here I quote, that there was a delay in the
24 *disbursement procedures to provide the funds that had been allocated to cover the work
25 because {ICR: (Redacted)}

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1 (Redacted)) to the delay in the opening of an account.

2 I think for the follow-up to my questions, your Honour, I would ask you to go into
3 private session. Thank you.

4 PRESIDING JUDGE SCHMITT: [10:10:20] Private session.

5 (Private session at 10.10 a.m.)

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

7 MS GUISSÉ: [10:10:33](Interpretation)

8 Q. [10:10:35] So with regard to these delays, in this bureaucracy that was
9 mentioned in the report, do you know what is being referred to? Because the report
10 appears to indicate that there was a problem within (Redacted)
11 (Redacted) Do you know what's being referred to there?

12 A. [10:10:59] When they wrote the draft with UNICEF, I don't know how the
13 discussions went (Redacted) but when they wanted to carry
14 out the activities and for transparency, * UNICEF asked (Redacted)
15 (Redacted)

16 (Redacted) And you
17 know that this administrative bureaucracy came from the bank, because it was the
18 bank that imposed provision of certain documentation, (Redacted)
19 (Redacted) And that's
20 how it occurred.

21 It wasn't the administration, no, these were imperatives, these were the requirements
22 of the bank and people -- that's something that had to be done at the time. It was the
23 bank. It wasn't other types of bureaucracy in itself.

24 Q. [10:12:36] Now, still on this financial aspect, without going into -- well, you
25 don't remember the amounts, but do you know if the programme had a fixed, set sum?

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1 Irrespective of the child -- the number of children therein, was there an amount
2 related to the number of children that were registered with the programme?

3 A. [10:13:10] I cannot say exactly if there was a set amount for each child. There
4 were three categories of children. One had to be with host families, one were with
5 families, and if in the host family there were four children and this family wanted to
6 take two children, Anti-Balaka, then six children would be covered. Do you
7 understand? That would be the amount to cover six children, the four children and
8 two others. So you can't give food to children, the Anti-Balaka children, and leave
9 your own children without food.

10 So to the best of my knowledge, there wasn't a set amount. But as I told you already,
11 (Redacted)

12 Q. [10:14:31] Still on the issue of funds, in the file there's a document drafted by
13 (Redacted) who indicated - and here I'm
14 referring to the -- for the intention of the documents -- for the attention of the parties,
15 CAR-OTP-2122-4578, and paragraph 23 thereof.

16 So in this document CAR-OTP-2122-4578, it's indicated there was bad or poor use of
17 funds by ESF, which meant that the children didn't get their installation funds. Is
18 that something that you had heard of before?

19 A. [10:15:17] Yes. What I was saying to you, that (Redacted)
20 (Redacted) Now, in ESF, the ESF had to buy the materials for
21 the children and to carry out the training as well. That's something that had to be
22 done. But it was (Redacted)
23 (Redacted)

24 Q. [10:16:01] Just to know, did you have discussions with (Redacted), with
25 Mr Kakpayen or Mr Mborolo on the subject of financing generally. And if that was

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1 the case, do you remember? With (Redacted) Mr Kakpayen, or Mr Mborolo?

2 A. [10:16:26] I know that from time to time (Redacted)

3 (Redacted)

4 But having (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:17:39] Now, you've just spoken about (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [10:17:54] Yes, it's Mr Mborolo, because he was the chief, or the person in
15 charge, number one person in charge of the project. Kevin was the coordinator, and
16 he also expected from the other Kevin to have reports from him. But when it came
17 to technical reports, it was rather with Mr Mborolo.

18 Q. [10:18:29] Thank you for this clarification. I'm now going to go on to another
19 issue.

20 Now, in paragraph 35 of your statement, you state that via the project, you found out
21 that certain children came from very far away, like Bria and Batangafo, for example.
22 How did you learn that? Was it -- or, how did you find out about that, that they
23 came from Bria and Batangafo?

24 A. [10:19:19] When (Redacted) I wanted to
25 understand how the children had ended up there, and that is how Kevin Mborolo

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1 indicated that there were children who even came from other areas. Had they just
2 come to help the group or had they come -- or were they already in Bangui, and did
3 they find the group? That's not something that I managed to get further clarification
4 over.

5 Q. [10:20:03] Now, still on that paragraph 35, you indicate, and here I'm quoting:

6 "ESF drew up a list of all the children and (Redacted)

7 (Redacted) End of quote.

8 Why (Redacted)

9 A. [10:20:31] Well, as I told you, normally (Redacted)

10 All the activities that were carried out in the field (Redacted)

11 (Redacted) didn't see the list of children. I only

12 knew about it at (Redacted) when (Redacted)

13 (Redacted)

14 (Redacted) It was when the investigators asked me this question, I went to find it, but

15 I didn't find it.

16 Q. [10:21:34] So you have just used the term I saw this list -- well, you weren't able

17 to see it for a long time, so under what circumstances did you see this list?

18 Who -- how did you see it? In whose hands was it, this list?

19 A. [10:22:04] Yes, it was when (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 I managed to have a quick look at it and that is how I saw that there were even

24 children -- or over 20 children who were there, but who were identified as children

25 with -- who were 17 years old.

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1 Q. [10:23:04] Do you remember how many names there were on that list? Because
2 on several occasions yesterday you used the figure 70, 70. Is it at that time that on
3 that list you saw this number of 70?

4 A. [10:23:28] I do think -- well, perhaps during the discussion with Kevin, that this
5 figure was put forward of 70. But as I told you, I didn't have the list myself in order
6 to be able to consult it and to know more about it. So I don't really remember the full
7 circumstance, but I knew -- perhaps it was Kevin, but on the list there were 70
8 children.

9 PRESIDING JUDGE SCHMITT: [10:24:09] If I understand it correctly, Mr Belbenoit,
10 (Redacted)

11 MR BELBENOIT-AVICH: [10:24:20](Interpretation) Yes. Yes, indeed. That's
12 correct.

13 PRESIDING JUDGE SCHMITT: [10:24:23] And we can ask them then about more
14 details.

15 MS GUISSÉ: [10:24:31](Interpretation)

16 Q. [10:24:35] I'll come back later to what happened in Pissa.

17 But for the moment, I will go back to the document that you were able to see.

18 Now, we have a document in which it is indicated that Mr Mborolo had refused to
19 give Madam Condomat a copy of the identification sheets of the children in the
20 programme. So I want to know if on your side whether you had access to any type
21 of identification sheets or materials for the list that you saw.

22 A. [10:25:23] I no longer remember. When it comes to identification documents,
23 (Redacted)

24 (Redacted)

25 (Redacted) So he would be the -- I don't have the documents, so it's not possible for

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1 me to say.

2 Q. [10:26:03] You would nevertheless say (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [10:26:27] Well, I'm sure that (Redacted) but as

7 it's a long time ago, was it -- was it (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:27:15] So once again, and you don't remember that well, we have a

13 document of the person (Redacted) and didn't find the identification documents, but

14 she said when she asked ESF, that ESF refused to give her the

15 documents. So just whether you don't remember, that's one thing, but we have other

16 elements in our files and the information is that that was the documents weren't given

17 (Redacted) So are you sure that -- of what happened with

18 regards to these documents or you just don't remember well and you just say "I don't

19 remember" and that's it? Just to clarify that point.

20 A. [10:28:09] Well, it's been such a long time ago. Because when you (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) That's a

24 question, perhaps, that that question was asked and this was something that had to be

25 seen with ESF because they had the documentation. So they indicated that -- well,

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1 perhaps -- well, they indicated that it wasn't important, but as I said, I don't know.

2 PRESIDING JUDGE SCHMITT: [10:29:05] I think you have exhausted that subject,

3 I would say.

4 MS GUISSÉ: [10:29:09](Interpretation) Just one last clarification on this point.

5 Q. [10:29:17] We are in agreement that when you have a (Redacted)

6 (Redacted)

7 (Redacted) that's true, isn't it?

8 A. [10:29:33] Yes.

9 Q. [10:29:36] I'm now moving on to another subject.

10 In paragraph 60 you say, as regards the agreements signed by Mr Yekatom, and I

11 quote: "This agreement belonged to the ESF (Redacted)

12 (Redacted) And you said, "I don't know

13 what was in the agreement." My question is whether you (Redacted)

14 (Redacted)

15 A. [10:30:24] When (Redacted)

16 (Redacted)

17 (Redacted). But I never received it. I didn't receive it.

18 Q. [10:30:57] If I understand correctly, this agreement, this document * was drafted

19 by ESF; is that correct?

20 A. [10:31:12] Yes, ESF did manage and draft this document, but where it was,

21 where it went, I don't know.

22 Q. [10:31:39] Just a clarification on one thing you said yesterday at 10:37. You just

23 said you just realised you saw a list. And yesterday at 10:37, you said that the list

24 (Redacted) the list of these children (Redacted)

25 (Redacted) so it's Kevin who has the list.

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1 I'm not sure I understood correctly. Did you know whether a list was sent or is that
2 something you assumed?

3 A. [10:32:18] In fact, a list was sent. A list was sent. Because as I was saying, for
4 the identification purposes, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:33:16] When you said the list (Redacted)

10 A. [10:33:28] Sometimes from time to time, the coordinator of ESF (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:34:48] I understand your explanation, but I'd like to know, well, if it didn't

18 (Redacted) because you said ESF could have gone (Redacted) I want

19 to know how you knew, once again, is this an assumption that you're making or do

20 you know that a list (Redacted) And if yes (Redacted)

21 Who did ESF send it to?

22 A. [10:35:22] There is (Redacted)

23 (Redacted)

24 (Redacted)

25 That's what I was told.

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1 PRESIDING JUDGE SCHMITT: [10:35:51] Please move on, Ms Guissé.

2 MS GUISSÉ: [10:35:55](Interpretation) Your Honour, I apologise, I have a final
3 question on this point, because probably as you understand, for the Defence of
4 Mr Yekatom, it's really important.

5 PRESIDING JUDGE SCHMITT: [10:36:07] I fully understand that; however, I think I
6 know the answer already, but -- no, I don't know -- I don't know the question, so
7 I cannot know the answer.

8 MS GUISSÉ: [10:36:17](Interpretation)

9 Q. [10:36:19] One final point. When you said that a list was sent, who told you?
10 If I understood, ESF said they sent a list to the ministry; is that correct?

11 A. [10:36:32] Absolutely. Absolutely.

12 Q. [10:36:40] I now move on to another topic.

13 In paragraph 41 of your statement, you state that (Redacted)

14 (Redacted) and yesterday * at 9:56 you clarified this and said UNICEF * and

15 ESF who dealt with the *training modules. So was (Redacted)

16 (Redacted) *

17 A. [10:37:25] No. It was -- for example, if we do the training, bricklaying, for
18 example, carpentry, (Redacted) They
19 identified their individual -- their resources in order to carry out the training.

20 MS GUISSÉ: [10:37:59] (Interpretation) Your Honour, for part of my questions that
21 follows, I will try and do it in open session.

22 PRESIDING JUDGE SCHMITT: [10:38:05] Open session.

23 In the meantime, I can ask you something. The witness wants to know, because she
24 has an appointment tomorrow afternoon, if this is possible for her to do.

25 MS GUISSÉ: [10:38:36](Interpretation) I still have a lot of questions I want to put to

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1 her. I think Ngaïssona's team has also some questions they would put to her. I

2 can't guarantee it. No, I don't know. I can't guarantee it.

3 PRESIDING JUDGE SCHMITT: [10:38:55] So then I think, unfortunately,

4 Madam Witness, it might very well be that we continue until tomorrow afternoon, so
5 you would have to reschedule your appointment.

6 Please continue, Ms Guissé.

7 (Open session at 10.39 a.m.)

8 THE COURT OFFICER: [10:39:25] We are in open session, Mr President.

9 MS GUISSÉ: [10:39:30](Interpretation)

10 Q. [10:39:32] Madam Witness, once again, we are in open session, so again the

11 same advice. I'm going to put my questions in a certain way. If you think you can't
12 answer them, then we will request to go into private session.

13 The children of the programme were welcomed in the centre in Mbaiki where
14 training was held and some stayed. And yesterday you said that this centre was the
15 site of the minister of social affairs. Am I to understand that the operation of the
16 ministry of the social affairs with this programme was to provide a reception centre
17 for these children?

18 A. [10:40:28] That is correct. Because that particular site was constructed in
19 almost all the prefectures in order to receive orphans and other * vulnerable children
20 with HIV/AIDS. These sites -- that was the purpose of these sites. And since it
21 wasn't operational any more to the extent, we could use them to accommodate the
22 children and to allow them to assume their activities in the meantime.

23 Q. [10:41:05] So if I understand correctly, the usual activities of the centre were no
24 longer taking place and there was only the children who were part of the ESF
25 programme who were there?

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1 A. [10:41:23] Yes.

2 Q. [10:41:26] Do you agree that it is only in the centre of Mbaiki that children could
3 stay, they could stay there and sleep there?

4 A. [10:41:43] That is correct.

5 Q. [10:41:48] I now move on to another topic. I understood from the reports and
6 in the file and also you said that yesterday in the court, the aim of ESF in this
7 programme was to deal with children who were less than *18 years of age; am I
8 correct?

9 A. [10:42:19] That is correct.

10 Q. [10:42:23] Well, I suppose from our exchange of questions yesterday, so the
11 issue was less or more than 15 years, the legal distinction. Am I to understand that
12 this programme was destined for children under *18 that neither the minister or the
13 ESF made a distinction between these two groups. Less than *18 years of age, full
14 stop, that was it; is that correct?

15 A. [10:42:54] That's correct.

16 Q. [10:42:58] I now want to go on to another topic -- well, rather, the same topic but
17 related to the question of age. If I go to paragraph 45 of your statement where you
18 said that {ICR: (Redacted)}, you saw some of the children and you noticed that some
19 had lied about their age so that they could participate in the ESF programme. And,
20 in particular, you said after having claimed that they were 17 years, they lied about
21 their age when you asked the specific question and you thought that their real age
22 was about 24, 25.

23 So my question is as follows: Am I correct in saying that you were not in a position
24 to verify the age of all children who were on the list which {ICR: (Redacted)}
25 there might have been other similar cases to that of the ones that you personally met,

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1 and you were not in a position to personally check whether the children entered the
2 criteria of the programme, so you were based on what you were told on ESF or what
3 you were told within the framework of verification which was done by ESF?

4 A. [10:44:45] If I was -- had been involved in the identification in the beginning,
5 then I would have looked at it child by child to understand the real age of the child
6 and * eliminate them. But, unfortunately, it was like it was. {ICR: (Redacted)
7 (Redacted)} At that particular point in time, there
8 was not much I could do. I was with the children, I joked with them, I chatted with
9 them. That is my training. I checked myself and it's true, the age was more than 18.
10 The children themselves justified why they lied. They wanted to get out of that
11 place. That was their concern. So what could we do? We just had to adhere to
12 what was there.

13 Q. [10:46:16] And as I understood, for the person who lied, he wanted to
14 participate in the programme to have food, to have accommodation, to get clothes, get
15 training, et cetera, that's why he wanted to be part of the programme?

16 A. [10:46:39] That's exactly what the case was.

17 Q. [10:46:45] In paragraph *45, you say that the representatives of ESF were aware.
18 How did you know that the ESF representatives were aware that he lied about his
19 age?

20 A. [10:47:01] Well, that's the question. I did ask them these questions because
21 they too, perhaps, knew the age didn't correspond to 18 years, but as they explained,
22 they can't impose it. We were looking to *save a certain category of children and if
23 somebody decided to do something and do something better, because our concern
24 was to try and create responsible adults for tomorrow. We wanted to have a
25 responsible adults for the future. And if there was someone who wanted to

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1 participate, we couldn't keep him there. So I think the reaction of -- my reaction and
2 those of ESF is that we try and move together. It's easy, that was our objective.

3 Q. [10:48:28] So in paragraph 45, you say ESF identified and you had nothing to tell
4 them, it's because you thought for the good of the children, even if it was more than
5 18 years, if they could -- if a child could benefit from it, there was a degree of greater
6 tolerance; is that what I'm to understand?

7 A. [10:48:55] Precisely.

8 PRESIDING JUDGE SCHMITT: [10:49:00] Mr Belbenoit.

9 MR BELBENOIT-AVICH: [10:49:03] Yes, simply, the witness explained that the
10 questioning child said that he lied because he wanted to get out of that. Get out of
11 what precisely? Just for the clarity of the records, what did he want to get away
12 from?

13 MS GUISSÉ: [10:49:28](Interpretation) Your Honour, there's a lot of times when the
14 Prosecution interrupts during my questions and asks for clarifications. If he wishes
15 to cross-examine at a certain point, then he should do so. Because these are
16 questions that could have been put. The Prosecution has not asked any question as
17 regards this part of the paragraph. So I would like to continue my cross-examination
18 without being interrupted and looking for questions which could have been asked at
19 another stage.

20 PRESIDING JUDGE SCHMITT: [10:50:05] I agree with you. Please continue.

21 MS GUISSÉ: [10:50:12](Interpretation)

22 Q. [10:50:12] You said yesterday, Madam Witness, that -- and you also repeated
23 again this morning, you wanted to have verification and identification because -- and
24 you said this yesterday at 10:16, that other children of the locality came, whereas they
25 were not child soldiers and they came to join the group. You said it yesterday at

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1 several occasions, at 12:11, 12:30, for example, and you saw in Mbaiki youths, just like
2 this young person we're talking about, who seemed to be more than 17, which was
3 usually the cutoff point for the programme.

4 Am I to understand that this case of this young man was not an isolated case within
5 the ESF programme? Because you said in Mbaiki you saw people who could even
6 be in their twenties. Am I to understand that this was not an isolated incident or
7 case?

8 A. [10:51:43] Could you just repeat.

9 Q. [10:51:45] Can I just ask you whether this young gentleman who lied about his
10 age, that there were also other people who were in the same situation as he was as
11 regards the physical appearance of some of the children you saw yesterday, so this
12 case was not an isolated case within the ESF programme?

13 A. [10:52:12] You know, that was for me an isolated case, because I talked with him,
14 but I can't say much about the others. {ICR: (Redacted)}. I couldn't
15 comment on that. But I've understood that it was the same situation, they really
16 wanted to find work and take distance from their past. So roughly speaking, it's
17 more or less the same thing.

18 Q. [10:52:56] And when you say it is an isolated case, you are saying that's the only
19 person where you had a direct exchange on this particular question; is that correct?

20 A. [10:53:11] Yes.

21 Q. [10:53:20] Just to go back to this topic, we heard in public session
22 the -- Mr Kouroupe-Awo, the prefect of Mbaiki, that in the period of 2013 and 2014
23 there was an increase of programmes with various NGOs and the population tried to
24 do what they could to take advantage of the different programmes, even if they
25 weren't eligible. So you know the reality. Is this something that you also noticed, is

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1 this something you saw on the field?

2 A. [10:53:59] I agree with the prefect. As I said to you, they were children who
3 wanted to enter into the programme, they wanted to have some work and try to do
4 what they could to attend the ceremony. * There are some that just turned up like
5 that to register, because they went from one NGO to another. No, it was very
6 difficult. That's what I said myself. And since there wasn't any programmes before,
7 there wasn't enough awareness early on, so each NGO had its own activities. {ICR:
8 (Redacted)} Even the regional direction didn't know all the NGOs.
9 They didn't have a spokesperson with the ministry before implementing their
10 programme. It is an amalgam of things. ESF, nevertheless, did take steps, the
11 necessary steps, and this meant that {PFR: (Redacted)
12 (Redacted)} in order to avoid what the prefect said just now.

13 Q. [10:55:56] I'm going to be quite clear with you, Madam Witness. As regards the
14 Defence, we -- our vision is a bit different, and I'll go back to that when we raise
15 certain names which are on the list, the names which the Prosecution showed you
16 yesterday, but we'll go back to that later. But right now I'd like to know whether
17 these orphans were included in the ESF programme and whether these orphans were
18 part of the Yekatom group. Were they included in the ESF programme? Were you
19 aware of that?

20 A. [10:56:41] No, neither. This was an arrangement. {ICR: (Redacted)
21 (Redacted)
22 (Redacted)} but what was done on the ground, I don't know. And that is why with
23 the identification, I wasn't included in the beginning so I don't know how things
24 unfolded. And even the list, I didn't examine it closely. If I had had the list,
25 {ICR: (Redacted)} to have other experts to check whether

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1 these children are as they say they are. But everything happened so fast. So we
2 had to rely on the facts as they were presented to us.

3 MS GUISSÉ: [10:57:46] (Interpretation) I'm now going to go on to another topic, so it
4 might be a good moment to have a break.

5 PRESIDING JUDGE SCHMITT: [10:57:55] But let's go shortly to private session,
6 very shortly.

7 (Private session at 10.58 a.m.)

8 THE COURT OFFICER: [10:58:12] We are in private session, Mr President.

9 PRESIDING JUDGE SCHMITT: [10:58:14] Thank you.

10 Before we go into the break, Madam Witness, just to remind you that if you hear any
11 information during your questioning in relation to other witnesses or the potential
12 testimony of others, you are not to discuss this with anyone. Is this understood?

13 THE WITNESS: [10:58:40](Interpretation) Yes, I understand you.

14 PRESIDING JUDGE SCHMITT: [10:58:44] Thank you very much, Madam Witness.
15 We have now the break until 11:30.

16 THE COURT USHER: [10:58:52] All rise.

17 (Recess taken at 10.58 a.m.)

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

19 THE COURT USHER: [11:31:25] All rise.

20 Please be seated.

21 PRESIDING JUDGE SCHMITT: [11:31:53] So we continue with the examination by
22 Ms Guissé, and we are in private session.

23 MS GUISSÉ: [11:32:03](Interpretation)

24 Q. [11:32:06] Good morning once again, Witness.

25 A. [11:32:09] Thank you.

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- 1 Q. [11:32:11] I don't know if it's given you a bit more energy, but we are
2 progressing at a speed which is reasonable, so if we continue like that, everything is
3 going to be good.
4 So, now you spoke about the people in charge of ESF earlier and I would like to go
5 back to the first time you said that you met Mr Kevin Kakpayen. We agree that that
6 was in (Redacted)
7 A. [11:32:49] Yes.
8 Q. [11:32:54] (Redacted)
9 (Redacted)
10 A. [11:33:04] (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 Q. [11:34:16] (Redacted)
18 (Redacted)
19 A. [11:34:26] (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 Q. [11:34:56] Did you see Mr Kakpayen after you (Redacted) after -- after
24 (Redacted)?
25 A. [11:35:12] No, we didn't see each other again.

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1 Q. [11:35:17] So with the aid of the court officer, I would like to show a photograph
2 which is at tab 53 of the Defence binder, CAR-D29-0002-0189, and namely the first
3 page thereof.

4 Do you recognise Mr Kakpayen on this photograph?

5 A. [11:36:00] Yes, that is indeed him.

6 Q. [11:36:04] We can take away the document from the screen.

7 A question on Mr Kakpayen for the moment: Did you have the opportunity to
8 discuss the selection process with him for children for the programme, or did he just
9 say we've already selected them, selected the children?

10 A. [11:36:34] I told you that (Redacted)

11 (Redacted)

12 Q. [11:36:54] Now, you didn't see him after (Redacted) but did you have the
13 opportunity to have exchanges with Mr Kakpayen in other -- in another framework
14 other than ESF, for example, more recently?

15 A. [11:37:16] I don't think so. (Redacted)

16 (Redacted) I didn't even ask him any question with regards to the activities,
17 whether they continued, et cetera, because this was programmed, there was a
18 deadline for the programme, so the deadline was almost met when I left, when I left
19 (Redacted)

20 Q. [11:37:55] I just would like to look at Mr Kevin Mborolo. When did you meet
21 Mr Mborolo for the first time?

22 A. [11:38:11] For the first time, they were both together, both Kevins, (Redacted)
23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:39:26] So I understand that your first meeting was held in (Redacted) so were
7 there other meetings with Mr Mborolo in (Redacted) And on how many
8 occasions did you meet within the framework of this project?

9 A. [11:39:39] Quite sincerely, Mborolo, I met with him from time to time. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [11:40:04] (Redacted)

13 (Redacted)

14 A. [11:40:19] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 But I have to explain quite sincerely that I was not involved at the beginning where it
22 concerned the identification of these children. And that's one of the reproaches that I
23 said (Redacted)

24 (Redacted) Should we also take those

25 who have come from far away, or only take those who are in the Lobaye area? And

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1 all those aspects had to be discussed (Redacted)

2 Q. [11:42:02] Did you see Mr Mborolo after (Redacted)

3 (Redacted)

4 A. [11:42:13] I think that he left, or he went to (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) how things were going,

11 because he didn't only just have Lobaye, they also had another prefecture around

12 Bangassou, I'm not sure, something like that. And he said they'd finish with Lobaye

13 and they were dealing with another prefecture there. And they were going to use

14 the experience that we'd had there in order to carry out the programme in that

15 prefecture.

16 Q. [11:44:00] With the aid of the court officer, could we show tab 54 of the Defence

17 binder, document CAR-D29-0016-0123.

18 Do you recognise Mr Kevin Mborolo on this photo?

19 A. [11:44:43] Yes, I recognise him. I recognise him.

20 Q. [11:44:48] Thank you.

21 The document can be taken off the screen now.

22 Your Honour, I think that for my following subject we can try to go into open session.

23 PRESIDING JUDGE SCHMITT: [11:45:11] Open session.

24 (Open session at 11.45 a.m.)

25 THE COURT OFFICER: [11:45:22] We are in open session, Mr President.

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1 MS GUISSÉ: [11:45:36](Interpretation)

2 Q. [11:45:39] So, Madam Witness, we are back in open session, so once again I will
3 try to formulate my questions in such a way so you won't be identified. Now, if you
4 feel that you can't give me an answer without doing so, please don't hesitate to point
5 that out and we will go back into private session.

6 I wanted to go back to the report that Mr Kongaye wrote which was shown to you by
7 the Prosecutor.

8 And I would like us to show the document. This is at 6 of the Prosecution binder,
9 document CAR-OTP-2079 -- 2179-0470. And -- 2109-0470. I'd like us to go to the
10 next page, 0471.

11 Now, in this report, Mr Kongaye writes that -- well, to resituate the context here, we
12 are speaking about the mission of 11 to 13 June 2014, so before the minister of social
13 affairs was officially seized of this matter, and it's indicated that he left to Mbaiki.

14 THE INTERPRETER: [11:47:32] Overlapping speakers.

15 MS GUISSÉ: [11:47:38](Interpretation) Could we go back to the middle of the page.

16 THE WITNESS: [11:47:47](Interpretation) Very well, that's fine.

17 MS GUISSÉ: [11:47:50](Interpretation)

18 Q. [11:47:52] So in this report, it is indicated that the mission left Mbaiki in order to
19 go to Pissa, but that every evening for reasons of security it went to Mbaiki, the
20 mission would stay at Mbaiki for security reasons. Here I'm quoting the report.
21 But the place of mission was in fact Pissa.

22 So my question is as follows: Do I understand that there were no children to be
23 gathered at Mbaiki, but only in Pissa, is that something that was reported to you?

24 A. [11:48:36] No. That was one of my concerns, because I was provided with a list
25 and this was -- it was said this is the children of Pissa. But with regards to Mbaiki,

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1 I think there were children from Mbaiki * who were also identified. But as far as I'm
2 concerned, I didn't know how they carried out the identification there. So I have -- I
3 can't say any more about that. I think that it was the children of Pissa.

4 Q. [11:49:19] So in the report, and this is still on the same page, it is indicated that
5 the first day of 11 June was given over to taking up contact with the administrative
6 authorities of the locality.

7 And on the following page, so on 0472, if the court officer would be so kind.

8 If we can go up a bit in the page, it is indicated that the authorities communicated the
9 name of 222. Well, the expression is 222 child soldiers associated that have
10 been -- whose names have been communicated by those responsible; 133 alone have
11 been verified and identified, among those two girls.

12 Now, I have noted that you didn't participate in the identification process. However,
13 my first question is: * The figure of 222, 133 of which are said to have been verified,
14 were those the numbers that you were able to discuss with {PFR: (Redacted)} or
15 Mr Mborolo?

16 A. [11:50:58] Not at all. Not at all. These figures of 222, I have no idea about that.
17 It's true that {ICR: (Redacted)} but we didn't discuss the figures with
18 regards to the children because, generally, you take a first list and then you divide
19 them up, and in the division you keep the beneficiaries. That's the way it normally
20 works, the process. But I don't know if this is the process that they used. I don't
21 know. He said that those -- it was the people in charge who communicated this
22 figure of 222.

23 Q. [11:52:07] What I'm interested in, and I've noted your answer with regards to the
24 fact that you didn't know anything about the figures, but what is of interest to me is to
25 know if it was normal when there was a project within the framework of the local

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1 community to make a general call. And when I say make a general call, it's -- I

2 understand that there's a meeting with the local authorities and that there is a request

3 to bring together the children under 18 years of age, to bring that to the location.

4 Now, do you know if, within the framework of discussions that could have been {ICR:

5 (Redacted)} whether they explained to the community that the target

6 public was indeed child soldiers? Do you know how the explanations were carried

7 out with the community?

8 A. [11:53:27] What I said to you a moment ago was that normally there should be

9 awareness raising and mobilisation within the community around the issue with the

10 programme before any start thereof, to the best of my knowledge.

11 Now, the process that was going to be used there, {ICR: (Redacted)}

12 (Redacted)} when you go into the field, the first thing you have to do, you have to

13 greet the authorities and you have to show them the mission objective, and that's

14 what {PFR: (Redacted)} So {PFR: (Redacted)}

15 (Redacted)

16 (Redacted)

17 (Redacted)} {ICR: (Redacted)}

18 Q. [11:54:40] I'm going to come back to that later.

19 So this document can be taken from the screen and I'd like to go on to another

20 document, with the kind aid of the court usher.

21 This is the second report of Mr Kongaye at tab 7 of the Defence binder, CAR -- sorry,

22 the Prosecution binder, CAR-OTP-2109-0473, 0473.

23 So I'm going to carry out the same exercise as I did for the first report and at the top

24 left you can see, you can see the title "Service Prefectural of Social Affairs of Lobaye"

25 and you can see the -- its number which is attributed by Mr Kongaye. So it's the 18th

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1 document on these general activities which is referred to his directorate; is that
2 correct?

3 A. [11:56:02] Yes.

4 Q. [11:56:07] So if we can go down so that we can see the title well, just the title, so
5 not going too far down, then this report is entitled "Report on the Activities of the
6 Project to Take Charge of and to Reinsert Children Associated with the Armed Forces
7 Groups of Mbaiki".

8 So on this first page - we don't have to show it - you can see that it's drafted by
9 Mr Kongaye, the chief of the prefectural service, and I would now like us to show the
10 page 0475.

11 PRESIDING JUDGE SCHMITT: [11:57:13] Mr Belbenoit.

12 MR BELBENOIT-AVICH: [11:57:16](Interpretation) Yes, thank you. We're in open
13 session and I don't want this document to be shown to the public. {PFR: (Redacted)
14 (Redacted)}

15 PRESIDING JUDGE SCHMITT: [11:57:28] Okay, then we don't show it any way to
16 the public. So we can continue, Ms Guissé.

17 MS GUISSÉ: [11:57:37](Interpretation) Thank you.

18 Q. [11:57:43] So there's a presentation, a general presentation. So in this report,
19 the second report of Mr Kongaye, he refers to the first Pissa mission which is
20 mentioned in the first report that we saw. You can see at the bottom he indicates
21 "Everything started" -- I don't know if you can see it, but I'm going to read it to you,
22 it's in the last paragraph: "Everything started on 11 June 2014 with a joint mission
23 UNICEF, COOPI-ESF and social affairs in Pissa. The first day of this joint mission
24 was given over to taking up contact with those in charge of the Anti-Balaka and the
25 administrative civil and military authorities."

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1 And if we could go on to the next page of the report, 0476, so he speaks about these
2 meetings with the local authorities, and then it is indicated that the -- during this
3 taking up of contacts, the mission asked for the bringing together of children under 18,
4 both sexes, and to bring them to the town hall of Pissa.

5 So as I indicated to you a moment ago, the way in which this is being done, so every
6 child under the age of 18 is being called for, whether -- whatever their background, to
7 come to Pissa. And afterwards, it is from there that they indicate that they carried
8 out an identification process.

9 And in the second paragraph of this page, you can see that there is a figure which is
10 different to the figure given in the previous report, because here we are speaking
11 about 256 children as opposed to what was indicated in the previous report where it
12 was marked 222 children. So we're talking about the same mission here.

13 So my question is: Do you have any explanation with regard to the difference in
14 figures whereas they are speaking about the same mission? Why in the first report
15 do you speak about 222 and why in the second report are you talking about 256?

16 A. [12:00:43] I must admit I have no idea, no idea, because I was not involved in the
17 very outset.

18 Q. [12:01:07] Do you know whether in the prefecture of Lobaye, in that locality,
19 there were other programmes supported by UNICEF for children in that prefecture
20 before the programme ESF?

21 A. [12:01:32] Before the troubles, yes. But when the troubles all started, the
22 turbulence started, there was only this programme. We didn't have any information.

23 Q. [12:01:51] So if I understand correctly, the family and the children of the locality
24 knew that, as you said earlier this morning, that when there was a programme,
25 potentially, there were benefits and positive things which they could get from a

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1 programme of such an organisation. Do you agree with that?

2 A. [12:02:21] That could be the case.

3 Q. [12:02:21] I saw you nodded your head, but you can't see that in the records.

4 In the second report -- or, rather, in the first report which we just saw, it said that

5 there were 222 children, of 133 were verified and identified. Once again, I

6 understand -- I know you didn't know how this process of identification and

7 verification took place. In the report it is said for this Pissa mission 43 persons were

8 declared eligible for a centre of reintegration in Mbaiki. However, in the second

9 report, you can see, and it is displayed, says that there are 68 individuals who are

10 regarded as eligible.

11 My same question: Do you have any idea why there is such a difference in the

12 figures on the same mission which we can see? Because here you talk about

13 2014 -- June 2014.

14 A. [12:03:53] I was only faced with something -- a mission accompli, and it's only

15 today that I see this. As I was saying to you {ICR: (Redacted)}

16 (Redacted)} we didn't really enter into the details into

17 the normal process. {ICR: (Redacted)} and at

18 that stage, they asked for some guidance.

19 PRESIDING JUDGE SCHMITT: [12:04:37] Mr Belbenoit.

20 MR BELBENOIT-AVICH: [12:04:39] (Interpretation) Your Honour, I'm sorry to

21 interrupt. Once again, I think that -- because there's a difference in the figures

22 between the first and the second report, they could show the last paragraph in the

23 first report which says that this was the first mission and that there would be a second

24 mission in the ensuing days, so maybe that would clarify the situation.

25 PRESIDING JUDGE SCHMITT: [12:05:04] No, I don't think -- we have -- we have

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1 two documents here, and I don't know how many times I have to repeat that, that
2 documents are evidence in themselves, and I also don't know how often I have to
3 repeat that we read all the documents. And if there are discrepancies, we see them
4 even if they are not presented to witnesses. The witness, however -- and this is -- as
5 Ms Guissé has done, can be asked if she has an explanation for that. And obviously
6 she hasn't.

7 I'm not in agreement with Mr Belbenoit, but still, Ms Guissé, I really think that the
8 witness has already made clear that with regard to certain figures, she cannot help
9 you specifically, not beyond what we have in the documents already.

10 MS GUISSÉ: [12:06:10](Interpretation)

11 Q. [12:06:12] Madam Witness, on several occasions you talked about 70 children
12 who benefited from the programme when you went to Pissa *and Mbaiki. In the
13 second report, they talk about 68, three girls and 65 boys. And on the next page, the
14 page that ends 477, it states, and I quote: "Because of the current period which is
15 that of * caterpillar collecting in Lobaye, instead of 68 EAFGA [child soldiers], at the
16 *centre d'écoute* in Mbaiki, there are 45 children of which 3 are girls and 42 boys,
17 whereas the 23 others accompanied their tutors in the *caterpillar camps." End of
18 quote.

19 My first question: When you went to Pissa *and Mbaiki, did they talk to you
20 about -- of this * caterpillar period and what do you... I understand that these were
21 people who were normally accommodated in the centre of Mbaiki. Tell me if I've
22 understood correctly. * These were supposed to be children who were perhaps
23 isolated, who were not in their family, so who, generally speaking, were in
24 Mr Yekatom's group. And there we talk about the fact that they had mentors with
25 whom they would go on caterpillar camps. Were you given any explanation as to

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1 why the people who were meant to be in the group of Mr Yekatom could at the same
2 time go on caterpillar hunts with their mentors?

3 A. [12:08:54] I don't even understand the two reports. It doesn't seem relevant to
4 me. I'd also like to point out as regards your first concern, when you said the second
5 mission {ICR: (Redacted)}

6 (Redacted)

7 (Redacted)

8 (Redacted)}

9 PRESIDING JUDGE SCHMITT: [12:09:55] May I --

10 THE WITNESS: [12:09:55] (Interpretation) {ICR: (Redacted)}

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)} The other missions were together with the ESF and Mr Kongaye.

15 PRESIDING JUDGE SCHMITT: [12:10:42] So the problem that we have here is

16 exactly, I think, what I tried to explain. We have two documents and we can, I think,

17 deduce from what is entailed in these documents, the handwritten one and the

18 second one, that they speak of the same mission, frankly speaking, and there are

19 different figures. And you asked the witness and she doesn't know. And now

20 there are a lot more other missions which blurs the whole thing.

21 We have the documents and we can read the documents and actually, of course,

22 Prosecution you might -- you might put in writing that you think they speak about

23 different missions, but it looks -- if you look at the wording, it looks as if they speak of

24 the same mission. Can we take it from there and continue?

25 MS GUISSÉ: [12:11:39](Interpretation) I agree, yes, your Honour. But the topic

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1 which I'm asking about is the figure of 68 which is different from the mission. I'm
2 trying to find out what's happening in the centre of Mbaiki. This is a topic which is
3 particularly relevant given the statement of the witness.

4 PRESIDING JUDGE SCHMITT: [12:12:04] Yeah, absolutely.

5 MS GUISSÉ: [12:12:05](Interpretation) So I moved on as regards the contradiction.

6 Now I'm talking about 68 children -- 70 children, so three aren't here, and I'd like to
7 know whether this corresponds to what the witness remembers. And if I can't ask
8 her, who can I ask? Yes, yes, yes, I know.

9 PRESIDING JUDGE SCHMITT: [12:12:30] Okay, I am perhaps a little bit too quick,
10 but I seem to know the answer here too, but please give it a try.

11 MS GUISSÉ: [12:12:44](Interpretation)

12 Q. [12:12:45] Following up, unfortunately, I have to go into private session because
13 I'm going to ask for details.

14 PRESIDING JUDGE SCHMITT: [12:12:52] Absolutely, I understand that. We go to
15 private session.

16 (Private session at 12.12 p.m.)

17 THE COURT OFFICER: [12:12:57] We're in private session, Mr President.

18 MS GUISSÉ: [12:13:28](Interpretation)

19 Q. [12:13:29] Madam Witness, I understand that you are confronted with the
20 problem of logistics and numbers in this report. I want you to jog your memory, to
21 go back in your memory when you (Redacted) We will go into the details later. But
22 do you remember that the ESF leaders explained to you that * there was a group of
23 children that had left to go on a caterpillar hunt on a caterpillar camp with their
24 mentor, is that something that you remember? Did they raise that issue with you?

25 A. [12:14:10] Not at all.

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1 MS GUISSÉ: [12:14:20](Interpretation) You can take the document off the screen.

2 Q. [12:14:27] I'm going to move on to another topic, and then I'll come back to the
3 (Redacted)

4 I'm going to go back to the list that you had saw yesterday which the Prosecution
5 showed you. By way of reminder, it is tab 6 of the Defence binder,
6 CAR-OTP-2071-0279.

7 In paragraph 77 of your statement, you said that there were older people, older than
8 18, by explaining a little bit what you said this morning, you couldn't completely
9 ignore those that were over 18 and only deal with the younger group.

10 And in paragraph 45, you said, "The ... range of children I spoke to was between 11
11 and 17." And a little further on you said, "I think that the age bracket between 11
12 and 17 because this is what ESF had documented."

13 The document is displayed, but before talking about the document, Madam Witness,
14 my first question to you is when you say that there are documents who mention
15 children between 11 and 17, I understand that it's not the list that you saw yesterday
16 because there was no child of 11 on that list. What I'd like to know is what
17 document are you referring to when you talk about the document which was of the
18 ESF?

19 A. [12:16:27] When I spoke of the child of 11, it was a child who I questioned. I
20 asked that child the question and the child told me he was 11. If I had his name, his
21 identity, you would see him amongst the children of age of 12, which you can see on
22 that list. Is it -- perhaps we put 12 instead of 11 on the list. But since I don't have
23 his name, I can't identify him. But it was the youngest child. I spoke to him and he
24 said to me that he was 11 years old. If that is his true age, I don't know.

25 MS DIMITRI: Mr President.

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1 PRESIDING JUDGE SCHMITT: [12:17:26] Ms Dimitri.

2 MS DIMITRI: [12:17:28] Yes, because you insisted on raising the matter as they come,
3 I was told by Mr Pages-Granier that the word "caterpillar", "*chenille*" was -- it was
4 mentioned several times in the previous questions, but it was never interpreted by the
5 interpreters. I think they maybe -- perhaps they were looking for the word. It was
6 translated by "camp", and you will understand that it makes a huge difference for us.
7 So I just wanted to raise it because it doesn't appear at all in the English transcript.

8 PRESIDING JUDGE SCHMITT: [12:17:59] And what does it mean?

9 MS DIMITRI: [12:18:01] Caterpillar, it's a -- it's an insect.

10 PRESIDING JUDGE SCHMITT: [12:18:07] Ah, the caterpillar.

11 MS DIMITRI: Yes, I'm sorry.

12 PRESIDING JUDGE SCHMITT: [12:18:05] I thought who is cutting whom?

13 Caterpillar, yeah, now I understand. Well, that's indeed different. You are
14 absolutely right to raise it now.

15 MS GUISSÉ: [12:18:36](Interpretation)

16 Q. [12:18:37] Also yesterday, when you were talking about this young person, you
17 said the age but I think you said -- I'm going to find the exact reference because I'm
18 going to come back to this later. You even said you didn't even know his age, he
19 wasn't quite sure.

20 I want to go back to the documents of ESF - it's not necessary to show it to the
21 parties - which is on tab 5. As regards the ESF, in the Defence binder,

22 CAR-OTP-2071-0285, on page 291, there are several graphs showing from 12 to

23 18 years of age. It's simply to say that we don't have any documents at the moment

24 that have any proof of an age of 11 years of age. If you look at the list and the

25 verification which you said -- which you talked about yesterday at 12:35:06, and I

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1 quote: "To me, in my mind, I only had faith in the list and the ages that were drafted,
2 and I said I had -- I had full confidence (Redacted) Do I understand it's
3 because they started the process, (Redacted)
4 (Redacted) this was the technical aspect which, generally speaking, was managed by
5 ESF? Can you confirm that? Do we agree?

6 A. [12:20:49] I confirm.

7 Q. [12:20:50] And do you agree that you didn't know whether during this
8 verification birth certificates or other official documents were requested by ESF and
9 provided by the children when they registered; is that correct?

10 A. [12:21:17] I don't know.

11 Q. [12:21:19] And with the efficiency of my team, we've found the reference which
12 I was looking for yesterday, which is at 12:10:47. Yes, that's it. You said, "He said
13 that he himself didn't know his exact age." That's what you said.

14 Another question relating to verification or not by the ESF leaders: At some point
15 did you call upon doctors to obtain certificates about their apparent age? Did you
16 ever do that?

17 A. [12:22:16] I don't know. But I'm sure that there was no doctor who tried to
18 verify the age of the children. I would be very surprised, the apparent age of the
19 children.

20 Q. [12:22:35] And following on from that and following on from your statement, so
21 the children from the ESF programme, you met them for the first time (Redacted)
22 (Redacted) Mbaiki, but you didn't know them before that; is that correct?

23 A. [12:22:55] I agree with that.

24 Q. [12:23:00] Yesterday you said that the small one who you thought was about
25 11 years old was poorly nourished, and even for his age or the age that you gave him,

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1 he should have been bigger. Am I to understand that being familiar with the area,
2 that malnutrition was a scourge that affected many children and that had an impact
3 on the growth and physical development of children?

4 A. [12:23:41] It's a negative factor for the psychomotor development of a child.

5 Q. [12:23:55] Consequently, some children, if you want to assess an age of a child,
6 so malnourished children could appear younger than the actual number of years,
7 their actual age?

8 PRESIDING JUDGE SCHMITT: [12:24:18] Mr Belbenoit.

9 MR BELBENOIT-AVICH: [12:24:19] (Interpretation) Your Honour, the witness is not
10 an expert in this question. There could be perhaps a general question. These are
11 malnourished children, so I think it's difficult for her to answer this question in a
12 reliable way.

13 PRESIDING JUDGE SCHMITT: [12:24:34] No, I don't -- actually, I don't agree. (Redacted)
14 (Redacted) can at least -- of course, she's not

15 here as an expert, but she -- you know, when it comes to the age of anybody,
16 specifically in our -- in our realm here in the age of children, we never have experts
17 who have looked into that from a medical -- you know, they had not looked at the
18 teeth or whatsoever, so we have to combine everything we can get. And we have
19 always asked witness how was the appearance, from what did you deduce it from.
20 And this is a witness (Redacted) who can answer the question.

21 So you have heard it, Madam Witness, the malnourishment, could this have an effect
22 on the growth of the children and the appearance of the children, also with regard to
23 their age?

24 THE WITNESS: [12:25:38](Interpretation) May I talk?

25 PRESIDING JUDGE SCHMITT: [12:25:45] Of course, Madam Witness, please

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1 answer. Thank you.

2 THE WITNESS: [12:25:57](Interpretation) According to (Redacted)

3 (Redacted)

4 (Redacted) I can tell you that there is an impact, even a serious impact of malnutrition

5 on the psychomotor development of the child. No one can say anything other than

6 that. Criteria are used to diagnose the apparent age of the child. You cannot use

7 the medical criteria but child psychomotor criteria do make it possible for us to give...

8 Particularly when you have discussions with children, you see subsequently if there

9 was a problem to get enough food, it's a major problem. So these children really

10 have really suffered from malnourishment, and even seeing them like that, it shows

11 that it is difficult.

12 PRESIDING JUDGE SCHMITT: [12:27:20] Thank you.

13 Ms Guissé, of course, yeah. Well, and there was additional information that the

14 witness also (Redacted) so I think we can -- and on top of that, I mention that the

15 judges here had also other cases and, you know, we have heard already things in that

16 regard. And also -- but also apart from that, from malnourishment, also we had

17 heard a lot of evidence I have to admit in other cases about how to -- how to assess

18 the age of somebody. So it's really something that is again a holistic view, like

19 always.

20 Yes, please, Ms Guissé.

21 MS GUISSÉ: [12:28:06](Interpretation)

22 Q. [12:28:08] A final question because you talked about (Redacted)

23 (Redacted) Now, malnutrition, can that also have an impact on puberty and mean

24 that it starts later, be it the morphology, voice or menstruation for girls?

25 A. [12:28:37] I said developments because of the *psychomotor development of the

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1 child. So when you talk about * psychomotor development, it can also have an
2 impact, and what you say is the truth, it's correct. The girls who live in the
3 countryside where there is no diversity in the food they eat, they do also have this
4 problem. They don't have any breasts at a certain point in time. (Redacted)
5 (Redacted)

6 Q. [12:29:32] Thank you, Madam Witness.

7 Yesterday we talked about the school levels, and you said in the country it might be
8 because of malnutritions, the poverty the parents were facing so they couldn't pay for
9 the fees, but does this mean that there was a delay in the initial registration for the
10 schools? Yesterday you took the example of children who went to school for the first
11 time.

12 I'm just trying to see whether we can do this in open session. Please may I have one
13 moment. Just a few minutes.

14 PRESIDING JUDGE SCHMITT: [12:30:23] Well, we appreciate any time we can have
15 in open session. So, please, let's give it a try.

16 Open session.

17 (Open session at 12.30 p.m.)

18 THE COURT OFFICER: [12:30:34] We're in open session, Mr President.

19 MS GUISSÉ: [12:30:52](Interpretation)

20 Q. [12:30:54] Madam Witness, we are once again in open session, so I would ask
21 you to be careful with how you answer. Unfortunately, it will only be a few
22 questions.

23 Now, you mentioned the important delay that there could be when it comes to the
24 schooling of children in the provinces and sometimes that a child could go for the first
25 to school only when they were eight years old, for example. And you also

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1 mentioned the first level, CEI. Now, for the Chamber, for the parties, could you
2 explain how many school levels there are in primary school in the Central African
3 Republic and what are the different levels so that then we know how to follow up.

4 A. [12:31:50] In CAR there are six levels. You have * the CEI, the CP, CE1, CE2,
5 CM1 and CM2, and it's at the CM2 level that the child undertakes a competitive
6 examination, in the sixth level, to go to college.

7 Q. [12:32:29] Thank you for that clarification.

8 Now, in certain provinces where people are poor, is it true that there can be entries,
9 exits from school, re-registrations later, depending on the means that the family has
10 available to them and their family situation, that there are children who have a level
11 of schooling which is cut short, should we put it like that?

12 A. [12:32:57] Yes, that happens quite often that the child can go to school and get
13 almost to the end of the school year, and then there could be a problem, particularly, a
14 problem with regards to food, for example. A child can go to school to recreation
15 and the child flees to go into the field to go and get food, to get manioc, to get other
16 foodstuffs, because in the morning that child has not eaten anything, so that is
17 something that is done. It's always the case. Particularly for the children who are
18 in the countryside, they have a lot of problems in that regard. So either the child has
19 nobody who can provide the food and will go there and -- or otherwise, the taxes are
20 not paid, the school taxes are not paid and the child is sent away. And sometimes
21 the next year, the child comes back but is refused access. They sell small things, for
22 example, to get money, * and then they prefer to keep doing that.

23 * And, in the case of girls, we are promoting school for girls, but they have to be
24 signed up earlier because you would agree that a girl who leaves for school at the age
25 of 8, if you add six years, that would make her already 14 years old, if she doesn't fail.

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1 And if she fails, then it's up to the age of 16. At 16 she can no longer continue, or she
2 will get pregnant, or she might get married with early marriage, for example. So
3 that all harms the schooling of children.

4 Q. [12:35:19] And to go back to the example that you stated yesterday to say that
5 sometimes there could be children who started in the countryside, they would start
6 school at eight years old because you told us that there are six levels of primary
7 school. That means that if somebody starts at eight years and goes to CM2, when
8 they get there -- well, there's a double case when they get to CM2. So they could get
9 to CM2 when they're 16 years old; is that correct?

10 A. [12:35:52] Yes, if she doesn't have to retake the exams.

11 MS GUISSÉ: [12:36:09] (Interpretation) So I see in the transcript in English, I don't
12 know if it's just a transcript problem, but I think we're talking about "them" generally.

13 PRESIDING JUDGE SCHMITT: [12:36:15] Yeah, but I think it's clear from the
14 transcript.

15 MS GUISSÉ: [12:36:27](Interpretation)

16 Q. [12:36:28] So I'm now going on to another subject, and I think unfortunately that
17 it's going to be necessary to go into private session.

18 PRESIDING JUDGE SCHMITT: [12:36:36] Then for the audience, we have a
19 protected witness and the next topic that is going to be discussed with the witness
20 could reveal the identity of the witness and therefore you cannot listen.
21 Private session.

22 (Private session at 12.36 p.m.)

23 THE COURT OFFICER: [12:36:56] We are in private session, Mr President.

24 MS GUISSÉ: [12:37:15](Interpretation)

25 Q. [12:37:16] So, (Redacted) we are once again in private session, so you

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1 can speak freely. Yesterday you mentioned that you spoke individually to some of
2 the children from 15 to 17 years of age in Mbaiki. And I would like to show you a
3 photograph. I think that it wasn't shown to you by the investigators of the Office of
4 the Prosecutor when you were interviewed, so I think you haven't seen them yet.

5 And these are -- well, for the attention of the parties, I would remind everyone we
6 have extracted certain photos of the second report of ESF, which can be found at tab 4
7 of the Defence binder, and that's documents CAR-OTP-2068-0568.

8 So the photograph that I'm going to present to you, Witness, is -- well, it corresponds
9 with a photograph that is on page 0581 of that report. That is for the record.

10 And in order to remind you about the photograph that we have showed with
11 numbers to be able to identify -- we want to identify the people who are in those
12 photos and that's why we've shown them.

13 We can take away the document that's on the screen. I was just speaking about the
14 context of the document that I was going to show, reminding everyone that they are
15 taken from the report, but we don't need to show the report itself.

16 PRESIDING JUDGE SCHMITT: [12:39:07] Let me put it this way, from the last
17 picture, I think we would not want to try to identify the ages of the people so we must
18 have another one. There were some -- what I had on the screen were some elderly
19 people, so ...

20 MS GUISSÉ: [12:39:25](Interpretation) So, the document that we can show for me
21 more clear is the document at tab 16 of the Defence binder, document

22 CAR-D29-0010-0028. And I would ask the court usher to first of all zoom in, if
23 possible, on the faces of number 4 in the photo -- on the face of number 4 in the photo.

24 Q. [12:40:07] And Madam Witness, my question to you is as follows: And here I
25 know that yesterday when we heard about the photograph or you were shown names

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1 on the list, you didn't recognise the names, but I put it to you that number 4 is Forga
2 Gildas - who, your Honour, and for the parties, was at number 9 of the list of the 60
3 ESF names which was shown yesterday at tab 6 of the Defence binder - which
4 identifies on the list of the ESF that child is identified as being 17 years old. We have
5 another document which is also at tab 43 of the Defence binder which says that at the
6 time of training on the electoral card, this child was 23 years old.

7 Now, Madam Witness, do you recognise this person as one of the people who you
8 spoke about when you were in Mbaiki.

9 THE INTERPRETER: [12:41:19] And the name Gildas Forga was put forward.

10 MS GUISSÉ: [12:41:28](Interpretation) Can we go down a bit further so that the face
11 can be seen better.

12 PRESIDING JUDGE SCHMITT: [12:41:36] So do you recognise this person?

13 THE WITNESS: [12:41:46](Interpretation) Yes. I would say that the children (Redacted)

14 (Redacted) in Mbaiki, it was one evening, so I wasn't able to identify

15 them or look at their faces and everything. But what I also told you was that myself,

16 I noted that the 17-year-olds there, there were -- were more of 20 of them and they are

17 not all 17 years old, but there were more than 20 of them. To identify them like that

18 is something that I can't do. These are not children in my family. I'm not familiar

19 with these children. And it's under the circumstances, the evening when they came,

20 they stayed standing up. There weren't even chairs for them to be able to sit on and

21 we didn't -- we weren't able to speak with each other. They left in the evening. We

22 talked like that, but then they left. So I wouldn't be able to recognise the children.

23 But you can -- you can see their faces here. At 17 years old, you can look at the

24 musculature and everything -- the muscles and everything, but that's up to you to

25 assess.

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1 PRESIDING JUDGE SCHMITT: [12:43:13] Exactly. So the -- she will not recognise
2 any of the persons. And we had it already and we have -- and we can put it together
3 with the list and with the age that is entailed in the list and everything.

4 MS GUISSÉ: [12:43:34](Interpretation) So just for the point of the -- just for the
5 record, because we're going from one day to another, so I would say that the
6 document on which we have information of the 23 years is document

7 CAR-D29-0015-0021. And I wanted to carry out the same process -- oh, I'm just
8 going to cut this short.

9 PRESIDING JUDGE SCHMITT: [12:43:59] Mr Belbenoit.

10 MR BELBENOIT-AVICH: [12:44:03] (Interpretation) Yes, the fact that the Defence
11 can make reference to ages, firstly, that might lead the witness and, secondly, with
12 regards to where -- where does this come from? This was an alleged age, so it's not
13 fair to the witness to mention such ages. They're not substantiated and they might
14 influence the witness.

15 PRESIDING JUDGE SCHMITT: [12:44:26] Well, I again disagree I have to say. It
16 is -- it is mainly about the identification, and the witness has already said that she
17 cannot identify. And I expect you to shorten this procedure in that regard. And it
18 is -- it is normal that the Defence, or if the roles are reversed, the Prosecution, puts
19 something to a witness and the foundation for a certain question, and the witness can
20 always say "Okay, I don't agree with it". But it did not manifest itself here because
21 the witness does not identify the person at all. So it is not for -- for that reason, it
22 does not -- it's not causal for anything.

23 Please, Ms Guissé.

24 MS GUISSÉ: [12:45:15](Interpretation) Indeed, your Honour, because Madam
25 Witness has indicated to us that she cannot recognise the faces on the people which

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1 she spoke to individually, I am indeed not going to follow that path. But for the
2 record, I just wanted to indicate that the people -- well, that's the Defence theory,
3 that's the Defence hypothesis that the people identified under numbers 4, 5, 6, 7, 11
4 and 12 on this photograph of -- at tab 16 of the Defence list are people who are all
5 adults and for which we have submitted documentation, electoral cards, birth
6 certificates, baptism certificates, and number 8 as well, which I forgot, these are
7 elements which are submitted for your assessment for the needs of the record, I had
8 to issue a reminder thereof.

9 PRESIDING JUDGE SCHMITT: [12:46:20] Mr Vanderpuye is raising. It's getting
10 serious.

11 MR VANDERPUYE: [12:46:24] No, no, Mr President. But I think -- I think it's fine
12 for the Defence to put their theory to the witness and to substantiate it, but I don't
13 think that it's fine to predicate questions on material that's not in evidence yet before
14 the Chamber, hasn't been tested and does not arise from -- does not arise from the
15 testimony in the case. And if it is the case, then they can put that, but I don't think
16 it's appropriate to do that in the circumstance, because the identities of these
17 individuals are not an established fact in this case, their ages are not an established
18 fact in this case regardless of whether they had electoral cards, birth certificates or
19 anything else. That's not the evidence in the case as yet, and that's not a fair
20 proposition to put to the witness at this juncture anyway.

21 PRESIDING JUDGE SCHMITT: [12:47:21] Ms Guissé, do you want to respond to
22 that? I'm interested what you are saying. I have already also something in mind,
23 but I would like to listen to what you have to say.

24 MS GUISSÉ: [12:47:32](Interpretation) In order to answer the concerns of the
25 Prosecutor -- perhaps I was speaking too quickly. I wasn't waiting for the translation

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1 in French.

2 All the documents -- well, I didn't have the time to mention a lot of them there at this
3 hearing, but the documents that I'm referring to and which I had the intention of
4 referring to are all documents which were already submitted to this Chamber.
5 There's nothing new.

6 PRESIDING JUDGE SCHMITT: Yes.

7 MS GUISSÉ: [12:47:59] (Interpretation) That's the first point.

8 The second point is that when we make suggestions and we say we think that it's
9 such and such a person, this is also based on witness that have been here who have
10 indicated such and such a person, so afterwards, it's put into the debate. But it
11 doesn't come from nowhere. It's not -- well, these are elements that come out of
12 evidence. These are witnesses who have already come or it comes from evidentiary
13 items from witnesses, their statements, for example, of witnesses who will come, so it
14 doesn't come from nowhere, put it like that. I think that it's just when I put to the
15 witness that I think that it's this person, she has already said whatever happens, she
16 doesn't know the name. So when I make that mention, I'm addressing the parties
17 and participants first and foremost.

18 PRESIDING JUDGE SCHMITT: [12:48:58] Two things, first of all, and the most
19 important thing is all what we are discussing at the moment is in a sense procedurally
20 irrelevant as the witness cannot be influenced in any way because she simply does not
21 recognise the person. So you can put to her what you want, an age, a name, she does
22 not recognise. That's the first thing.

23 Second thing, I vividly recall, and I have been going through the documents, that we
24 discussed many of these -- I don't know if any, of course, my recollection is not as
25 such, but we discussed this with at least one witness that I vividly recall. So it's

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1 nothing completely new. So we leave it at that. There is a foundation for that, but I
2 also, Ms Guissé, expect that we do not discuss the same things over and over with
3 different witnesses and, specifically, when the witness has now said she cannot,
4 cannot identify any person. And it does not make any sense to put to her names or
5 ages of certain persons. I think we can conclude it by that.

6 In the meantime, there is a short break, I saw Mr Knoops, with the window of my eye.

7 Do you have questions for the witness, do you know that already, tomorrow? Or --

8 MR KNOOPS: [12:50:33] Ms Pedroso, will conduct --

9 PRESIDING JUDGE SCHMITT: [12:50:39] Oh, Ms Pedroso, do you -- so two things,
10 first of all, you don't have to. Secondly, if you have, of course, it's also fine.

11 MS PEDROSO: Yes, your Honours, so we do have a few questions, but I can assure
12 you they are very limited.

13 PRESIDING JUDGE SCHMITT: [12:50:56] Can We put a time figure on that?

14 MS PEDROSO: [12:50:58] I would say maximum 30 minutes.

15 PRESIDING JUDGE SCHMITT: [12:51:04] Good to know. Thank you.

16 Ms Guissé.

17 MS GUISSÉ: [12:51:09](Interpretation)

18 Q. [12:51:12] I'll come back, Witness, to what I was saying. I'm sorry for this
19 discussion, in-house discussion, if we can put it like that.

20 On paragraph 45 in your statement, what you -- well, you spoke about once again
21 these young man saying that he would have had -- would have been 11 years old, and
22 I am going to present you with a photograph which was shown to you before the
23 investigators of the Office of the Prosecutor in which you recognised him.

24 And this is at tab 14 of the Defence binder, CAR-D29-0010-0026. And for the

25 Chamber and the parties, I would say that this is again an excerpt from

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1 CAR -- 028-0558 and page 0562 and that's the fourth page. So CAR-OTP-2068-0558,
2 page 0562, fourth photograph, which is at the bottom.

3 And the document which is going to be shown, you have the numbers around the
4 faces and it's true that it's not very clear. But before the investigators, you stated that
5 you recognised the young man who said was 11 years old as being number 2. Do
6 you remember having seen this photograph in front of the -- before the investigators?
7 And just to refresh your memory, it was at paragraph 63 -- 73 of your statement, in
8 which you state that he was wearing jeans, a black T-shirt and he had a white bag
9 around his shoulders.

10 So if the court officer could zoom in on the person who was identified. And by
11 going down a bit in the photograph, you will see that indeed, in addition to the bag
12 around his shoulders, he has a very distinctive necklace. Do you remember that you
13 identified this child as being the person who you called your preferred one?

14 A. [12:53:59] Well, if I described his clothing, then I'm sure. But that's in Pissa,
15 isn't it? Or is it Mbaiki?

16 Q. [12:54:06] This is at the Mbaiki centre.

17 A. [12:54:07] Mbaiki centre.

18 Q. [12:54:09] The photo was taken at Mbaiki centre.

19 But I'm just going to ask Madam Court Officer to go and -- to show a second
20 photograph where you see his face better.

21 And that's at tab 12 of the Defence binder, CAR-D29-0010-0024. And here this is an
22 excerpt from page 0562 of the report which is at tab 3 of the Defence binder. Now,
23 with the help of the court officer, could we try to zoom in a bit on the individual
24 number 8 where you can recognise the necklace that we saw on the other photograph.

25 PRESIDING JUDGE SCHMITT: [12:55:18] Yeah, that's much better. That's good.

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1 MS GUISSÉ: [12:55:21](Interpretation)

2 Q. [12:55:23] Do you see the face on the screen and do you recognise the person
3 who you called your preferred one or your favourite?

4 A. [12:55:36] I don't know, but it could be. He did have a *rosary.

5 Q. [12:55:49] Yes, I called it a necklace, but * it's a rosary.

6 A. [12:55:56] It's a rosary. It's a rosary. That is what struck me.

7 Q. [12:56:07] So we have a witness who has come to testify here, and here I'm
8 referring to the witness who states that P-2475, who identifies himself as (Redacted)
9 (Redacted) Does that refresh your memory, as you said and gave this name at a
10 particular time, (Redacted) does that refresh your memory?

11 * THE WITNESS: [12:56:40](Interpretation) I called that person "*chéri*", but this was a
12 way in which I addressed him. I didn't ask the name of the child, but it was a way of
13 getting his confidence. But I really didn't call him by his name. And that is
14 something -- well, I didn't ask to know his name. I don't normally know the names
15 of the young men.

16 MS GUISSÉ: [12:57:06](Interpretation)

17 Q. [12:57:07] So if I ask -- well, if I remember well, (Redacted)
18 (Redacted)

19 (Redacted)

20 A. [12:57:29] Yes.

21 Q. [12:57:30] Precisely we have a document by Kevin Mborolo which confirms the
22 identity of this child (Redacted)-- which would be (Redacted), which would be
23 number 6 on the ESF list.

24 And here I'm referring, for the Chamber and the parties, to CAR-OTP-2071-0259,
25 namely paragraph 72 thereof.

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1 And I would now like us to show on the screen at tab 6 of the Defence binder,
2 CAR-OTP-2071-0279, where we find the name number 6 (Redacted) Do you see
3 the name number 6? And you said that he came from Bangui, and it's marked here
4 "place of return: Bangui, *quartier* Bimbo". And his age is marked on this list and it is
5 16 years old.

6 Now, my question is, would we agree that you hadn't seen this list - how can we put
7 it - on the day in which you were at (Redacted) Mbaiki?

8 A. [12:59:17] I haven't seen this list, I didn't know this list, and I didn't go through it
9 at (Redacted) When we wanted to, I -- we'd already *faire* the identification of the children
10 and I've read through it, but -- just quickly, but I wasn't able to identify it. It was the
11 child who said that -- well, what I remembered from it, I remembered what he was
12 wearing. You don't normally wear a rosary, so that's how I remembered it. He said
13 "No, this is my protection" and then I was making fun of him. That's what drew my
14 attention to him when it came to ask -- but I didn't ask his name, where he was from.
15 That's not something that I dared to do.

16 MS GUISSÉ: [13:00:06](Interpretation) Your Honour, I've finished with this
17 document and this part of my questioning.

18 PRESIDING JUDGE SCHMITT: [13:00:13] Break until 2.30.

19 THE COURT USHER: [13:00:17] All rise.

20 (Recess taken at 1.00 p.m.)

21 (Upon resuming in private session at 2.32 p.m.)

22 THE COURT USHER: [14:32:16] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [14:32:34] Good afternoon.

25 Ms Guissé, you still have the floor. We are in private session.

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1 MS GUISSÉ: [14:32:41](Interpretation) Thank you, your Honour.

2 Q. [14:32:45] Witness, good afternoon.

3 A. [14:32:50] Thank you, wish you the same.

4 Q. [14:32:54] I have to give you some hope. So during the lunch break, I've
5 actually reduced the number of questions. And again, take it with a pinch of salt,
6 but I could finish tomorrow morning. So I just wanted to give you that ray of hope.
7 It's actually going to be shorter than what I said yesterday. But let's see how we
8 make progress.

9 Right. Before moving on to another theme, I just forgot to mention, your Honour,
10 that, for the attention of the Chamber and the parties, I am not going to go into detail
11 on the list that the witness hasn't said, but for the purpose of the records, I have to say
12 that we've given documents, and it's the argument of the Defence that the people on
13 the list in number 4, 16, 29 and 41 of the ESF list in the tab 6 Defence binder are major.
14 So I'm going to come back to you. We spoke about the fact that the population
15 would tend to -- when there's a programme implemented by various NGOs and the
16 population would tend to benefit from -- would try and benefit from them even
17 though they're not eligible.

18 Now, I would like to basically look into another aspect of this. You said -- you
19 haven't said anything, in fact. You said that the former members of the government
20 came and testified here and they said - and I am referring to P-0808, for the Chamber
21 and the parties - they said that the UN fund was sought after by the NGO as such
22 because it was a source of unexpected funding. Now, do you confirm this point and
23 is this something that you also observed in your practice?

24 A. [14:35:31] Could you please reformulate your question.

25 Q. [14:35:44] Yes. I totally agree it was too long and poorly worded. I'm going to

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1 start all over again.

2 A former member of the government came and provided testimony in the Chamber.

3 Just as the NGO programmes were sought after by the population, the UN funds

4 were also sought after by the NGOs, and they saw a source of revenue, unexpected

5 revenue in these funds. Now, is this something that you observed as well?

6 A. [14:36:25] Yes, yes, I did observe that. I did observe that.

7 Q. [14:36:38] Right. I would now like to move on to another aspect of the list

8 provided by ESF, and I would like to broach the subject with you. I would like to

9 know -- I would like to know if the name of (Redacted) on the ESF

10 list, who was enrolled as someone who was 17 during the time of the training, and we

11 do say that she was 22 in 2014. I'm referring to document D29-0016-0060, for the

12 attention of the Chamber and the parties, and also CAR-D29-0013-0100.

13 Now, the name of (Redacted) who was (Redacted) does

14 that ring a bell? Does this name refresh your memory?

15 A. [14:38:05] Right. With regard to the list, I told you that I don't know. I really

16 don't know. I am not used to Pissa or even Mbaiki. I live in (Redacted)

17 (Redacted) and when I go there, I go there

18 (Redacted). But with regard to the people who are there, I have absolutely no

19 knowledge.

20 Q. [14:38:38] You said that you (Redacted) and it was

21 (Redacted) and in your statement you did not remember his name. But if I say his

22 name is Roger Okoapenguia, does that ring a bell?

23 A. [14:39:03] Right. With regard to (Redacted)

24 (Redacted)

25 but there are no names as such and they just say that this is the mayor of Pissa. And

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1 I'm not in touch with these authorities on a regular basis. I don't know.

2 Q. [14:39:46] Without knowing the name of this young girl -- and I forgot to give a
3 reference. The link with the mayor's family is at CAR-OTP-2122-4905.

4 Now, have you seen that in the group of the children who were (Redacted)
5 (Redacted) have you seen young girls and have you seen that
6 these girls basically were older than what -- than the age indicated in their list from
7 their morphology and their body? Now, when I say I'm talking about their
8 development, I'm talking about their breasts and anything that would perhaps be
9 conspicuous to the human eye.

10 A. [14:41:00] There were -- I did notice two girls like that. These girls who were
11 basically much older than 17 or 18.

12 Q. [14:41:13] Now, during (Redacted) the Mbaiki centre, do you remember having
13 met a lady who was part of the ESF staff, she was a cook, her name was Yvette Koeze?
14 Now does that name jot your memory or ring a bell?

15 A. [14:41:47] Not the name. I told you that the name doesn't really ring a bell, but
16 there was a lady who was cooking for these children and working for *Enfants sans*
17 *Frontières*.

18 Q. [14:42:16] Now, in your discussions with Brice Kakpayen, he said that he had
19 recruited at the ESF centre his cousin from Mbaiki, so it's Yvette Koeze. Now even
20 basically before telling you -- without telling you the name, did he say that he
21 recruited someone from his family?

22 A. [14:42:42] No, he couldn't have said that to me. He really couldn't have said
23 that to me, that is sure. Generally, when there are problems like that, people prefer
24 their families. It's a habit. Even the authorities, they suggest names from their
25 family for programmes such as these.

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1 Q. [14:43:19] Yes, I can understand that it doesn't surprise you, but when you say
2 that he couldn't have said that to you, that means that it is not a recommended
3 practice?

4 A. [14:43:37] Generally for such things, it is actually not recommended to take your
5 family members or what -- on what criteria was Yvette selected? But normally, if
6 there is something written in the programme, there should be applications made for
7 that position. But as I said earlier (Redacted)
8 (Redacted) so I don't know.

9 MS GUISSÉ: [14:44:20](Interpretation) For the attention of the Chamber and the
10 parties may I say that it's number 15 on the list Gbade Rostond and the
11 grandchild -- is the grandchild of Yvette Koeze.

12 Q. [14:44:45] Now, I'm trying, nevertheless -- do you have any -- do you know that
13 amongst the beneficiaries of the ESF programme, so I spoke about someone who was
14 related to the mayor, I am also putting it to you that there were people who were
15 related to Kevin Kakpayen.

16 And for the attention of the Chamber and the parties, I'm talking about number 30 on
17 the ESF list, Mbambe Elie, and number 36 on the list, on the ESF list.

18 And I wanted to know if Mr Kakpayen spoke about the fact that he had included
19 members of his family as beneficiaries of the programme, notwithstanding the fact
20 that they were not part of the Yekatom group of children?

21 A. [14:45:59] Now, you see, all this is their internal business. (Redacted)

22 (Redacted)

23 (Redacted) And I

24 told you that there were some children who were not of the age, who did not meet the
25 age criteria to be the beneficiaries of the programme. And I repeat what I say, and

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1 with regards to relations with the members of the family, I really cannot know much
2 on that subject.

3 Q. [14:46:57] Now, during your presence as (Redacted)
4 (Redacted) the trainers, certain trainers working for ESF
5 who were chosen to work with these children? And do you remember a trainer
6 called Omer Kassot?

7 A. [14:47:28] Yes (Redacted) I even saw them doing their work, but I do not know
8 the names, I do not know to which family they belonged to
9 or -- yes, but there were trainers (Redacted)

10 MS GUISSÉ: [14:47:52](Interpretation) For the attention of the Chamber and the
11 parties, I'm saying that number 29 on the ESF list is called Rostond Kassot is the
12 younger brother of the trainer Omer Kassot.

13 Q. [14:48:29] Mr Mborolo (Redacted)
14 (Redacted) Now, did he say that he had included a
15 member of his family who goes by the name Ngoy Bombard? Now, without telling
16 you the name, did he say that he included someone in the programme?
17 And it's number *39 on the list, on the ESF list, for the attention of the Chamber and
18 the parties.

19 Now (Redacted)
20 (Redacted)

21 A. [14:49:22] You said (Redacted) Well, he -- well,
22 you see, since (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. [14:49:50] Do you know the locality called Banda, and did you learn by one

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1 means or the other that the children of the leader of Banda, who goes by the name
2 Godomokoma Bonheur and Godomokoma Oris, number 12 and number 13 on the
3 ESF list, were also included in the programme without being child soldiers.

4 Now, without even mentioning the names, did you know that the head of the
5 neighbourhood who were the first to be informed about the programme tried -- they
6 didn't try, in fact, they actually did include their children in the programme?

7 A. [14:50:43] I'm not surprised at all. I'm telling you that this was at the time
8 when things were not working well on the administrative level, so people -- it's true
9 that there was an organisation and there was a problem and -- and there are certain
10 beneficiaries who were left out at the expense of certain people that you just
11 mentioned, but I cannot -- I cannot deny that.

12 Q. [14:51:23] Again on this ESF list, I know that the names are not going to ring bell
13 at all, but number 42 and 43, we have Pegba Naomi and Pegba Aubin, and I am
14 putting it to you that they are basically part of Mr Yekatom's wife's family and they
15 have been included in the programme without being child soldiers. So my question
16 is basically the overarching -- will include all the other questions I asked. I
17 understand that not only (Redacted)
18 (Redacted) that within this programme over and above children who were overage,
19 the children -- some of the children did not even meet the criteria of eligibility; that is
20 to say, they were not part of the child soldiers and you were not -- they did not talk
21 about this to you at all, even in the tolerance framework you spoke about this
22 morning.

23 A. But, you see, this is Africa and you really cannot hide the reality. Things work
24 like this in Africa, and when people feel there is an advantage, they would rather
25 have their own family. These people you just mentioned, did they actually take part

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1 in a training programme? They did -- again, I really cannot admit anything with
2 respect to that, but it's now I start -- I'm starting to understand and I've understood a
3 lot of things.

4 PRESIDING JUDGE SCHMITT: [14:53:35] Ms Guissé, you have made your point
5 very clear, and it is obvious that the witness was not informed about that. I take it
6 that somewhere, sometime the Defence of Mr Yekatom will summarise that so that
7 we have an overview. We have -- how many do you have on the list? Well, 60.
8 I don't know how many you mentioned yet, but so that it is easier to assess that.

9 MS GUISSÉ: [14:54:08](Interpretation) Yes, your Honour. Time will come when
10 you have to sum up all this, indeed.

11 Q. [14:54:28] Just a last point which basically echoes what I just said. Yesterday at
12 10:16 and 10:28, you said, and I'm actually quoting you on this: "We realised that
13 there are children from the city who were not with the Anti-Balaka." Now, when
14 you say that "we realised", what do you mean exactly? Without knowing the names,
15 did you hear rumours or did someone inform you of something or your attention was
16 drawn to certain things? What do you mean when you say "we realised"?

17 A. [14:55:18] I was telling you that in (Redacted), just like in Mbaiki I spoke to these
18 children (Redacted) because it was (Redacted) and in the back
19 stage there were children who were complaining. They were saying that I did not
20 see this child, but really did not want to act on this and ask questions because that
21 (Redacted) But this is how I assumed, because there were
22 discussions amongst themselves and they said I did not see this one and this one is
23 not part of the group.

24 So when you say that as a (Redacted) I understood that there
25 are certain things that were amiss and I wasn't supposed to speak of that.

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1 THE INTERPRETER: [14:56:29] The interpreter would like to make a correction:

2 Not (Redacted)

3 MS GUISSÉ: [14:56:37](Interpretation)

4 Q. [14:56:38] I'm going to react to this. I understand that this was a rather

5 complicated period. Once again, I understand this concept of tolerance. You say

6 that this is not for me to call out such things (Redacted)

7 (Redacted) you know what's happening in the country, and you -- you

8 really shouldn't dig too deep because you know that you might find problems and if

9 there are children at the Mbaiki centre, that would be okay. Is that it? Was that

10 (Redacted)

11 A. [14:57:20] Yes, because, you see, it was a chaotic period at that point of time and

12 I really do not know much about the two cities and the people who were there, the

13 authorities and their family. I would be sticking my neck out if I spoke, and this is

14 something that would happen at times. (Redacted)

15 (Redacted)

16 Q. [14:58:02] Thank you so much for having shared your experience and for having

17 honestly replied on this rather peculiar situation.

18 Now I'm going to move on to a different point, another point.

19 PRESIDING JUDGE SCHMITT: [14:58:22] Always the reminder, if you see a chance

20 to go to open session, let's do it.

21 MS GUISSÉ: [14:58:34](Interpretation) I will try and -- on the first question, I will do

22 it in private session because -- and then I'll see if I can move on to open session.

23 Q. [14:58:53] Right, I would like to now focus on (Redacted)

24 (Redacted) and paragraph 36 you say that (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [14:59:18] Yes (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MS GUISSÉ: [15:00:15](Interpretation) My screen was frozen in English. Sorry
7 about that.

8 Q. [15:00:21] So how was (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [15:00:36] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [15:01:18] Okay. I'll try for us to go into open session now. So please be very
16 careful when you answer my questions.

17 Your Honour (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [15:01:32] Open session. Open session, please.

19 (Open session at 3.02 p.m.)

20 THE COURT OFFICER: [15:02:05] We are in open session, Mr President.

21 MS GUISSÉ: [15:02:08](Interpretation)

22 Q. [15:02:05] Madam Witness, we are now in open session, so once again, the usual
23 recommendations, if you ever sense that we should be going into private session,
24 please indicate that.

25 A. [15:02:13] Okay.

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1 Q. [15:02:14] One specific point about the schedule or the timeline, because I was
2 confused myself at one point. Do we agree that the two ceremonies, the one in Pissa
3 with Mr Yekatom and the ceremony in Mbaiki with Mr Ngaya, those two ceremonies
4 occurred on two successive days, one day after another?

5 A. [15:02:44] Yes.

6 Q. [15:02:49] I think you said yes. So it was indeed two days, one --

7 PRESIDING JUDGE SCHMITT: [15:02:58] Yes, yes, yes.

8 THE WITNESS: [15:03:01](Interpretation) Yes, yes.

9 MS GUISSÉ: [15:03:02](Interpretation)

10 Q. [15:03:03] So that is why the children that you saw at the Pissa town hall were
11 the same children that saw at the Mbaiki ceremony; is that correct?

12 A. [15:03:19] I couldn't say that because there were many -- there were more of
13 them in Pissa. There were quite a few of them in Pissa because, as I was saying
14 earlier, with the other children, they came to learn about -- well, to learn about the
15 situation, and some of them actually out and out asked to join the group, so when
16 I was telling you that some children were trying to enter the group even though they
17 hadn't been previously identified.

18 The children were transported in two four-by-fours {ICR: (Redacted)}

19 (Redacted)} But once we got there as well, since it wasn't

20 within a compound, there were also bystanders who were interested in what was
21 going on and they joined the group. But then after that, we separated the recipients,
22 we put them off to the side, and these other participants were in another -- on the
23 other side. When they got there for the ceremony, people did talk to one another.
24 They were wearing usual -- normal clothing, ordinary clothing. But once they got
25 there, since it was a ceremony, so ...

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1 PRESIDING JUDGE SCHMITT: [15:05:22] You can continue, Ms Guissé.

2 Mr Belbenoit has decided to remain seated.

3 Mr Belbenoit.

4 MR BELBENOIT-AVICH: [15:06:00] (Interpretation) Sorry to interrupt. I'm looking
5 at the French transcript, but I'm told that the English transcript is still frozen.

6 PRESIDING JUDGE SCHMITT: [15:06:10] Well, I'm also informed that the English
7 transcript is still frozen, but for the sake of expediting the proceedings, I think we can
8 live with that for a couple of minutes, so we continue simply.

9 Ms Guissé, please.

10 MS GUISSÉ: [15:06:26](Interpretation)

11 Q. [15:06:28] I wanted to clarify one point with you. You just said that there were
12 some children who were trying to join the group, they were trying to get in. And
13 you said that those children were taken in the four-by-four vehicle. So did you tell
14 us that people who had not been previously identified were allowed to get into this
15 vehicle, into the four-by-four? Can you clarify this point.

16 A. [15:07:02] Well, to the best of my knowledge, those were the children who were
17 identified and who became recipients. As for the others, I'm really not in a position
18 to give you information.

19 Q. [15:07:29] Going by your statement, paragraph 37, Mr Yekatom had already
20 signed an agreement with UNICEF; otherwise, the project would not have been
21 funded. Is that what you said? Did someone confirm to you that this was an
22 absolute requirement for the funding of the project, namely, that there be a prior
23 agreement?

24 A. [15:07:58] I believe {ICR: (Redacted)}

25 (Redacted)} to demobilise the children under 17. He was in agreement. And so in that

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1 manner the project was funded, because he was in agreement.

2 Q. [15:08:27] Once again, if you could be more specific, which Kevin are you
3 talking about.

4 A. [15:08:45] Kakpayen.

5 Q. [15:08:52] So if I've understood correctly, he was talking about a prior agreement,
6 but not necessarily a written agreement.

7 A. [15:08:59] No, he just explained to me. He just explained to me that the project
8 was being funded because Mr Yekatom was in agreement to -- he agreed to
9 demobilise the children, so before the entire process, I believe that was the discussion
10 he had with Mr Yekatom and that reassured UNICEF and they made the money
11 available.

12 PRESIDING JUDGE SCHMITT: [15:09:47] Ms Guissé, you can also have a look to me
13 if the English transcript -- when I no, I think we can continue. So perhaps we can do
14 it this way, yeah? Thank you.

15 MS GUISSÉ: [15:09:55](Interpretation)

16 Q. [15:10:00] Once again, if we look at paragraph 37 of your statement, we see that
17 there was a meeting in the mayor's office and you met with local authorities, with
18 UNICEF, someone from the gendarmerie, a number of local chiefs and people from
19 the social affairs ministry, and you say that on that day explanations were given to
20 Mr Yekatom. Now, I don't want to really go into the actual content, namely, these
21 explanations, but I'd like to ask you was the discussion with Mr Yekatom held in the
22 presence of all these people I just mentioned? Was the discussion in front of all these
23 people?

24 A. [15:10:59] Okay, the discussion was in front of everyone, even some recipients
25 who were listening to us, some of the recipients who were sitting on the ground.

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1 MS GUISSÉ: [15:11:21] (Interpretation) I'm having a bit of trouble monitoring
2 several things at once, your Honour.

3 PRESIDING JUDGE SCHMITT: [15:11:26] Ms Guissé, that's not a problem. So
4 when the English transcript is frozen, you don't know when the English interpreter
5 has finished interpreting and you want to avoid overlap, so that's fully
6 understandable. No problem. But I think we can continue simply.

7 MS GUISSÉ: [15:11:59](Interpretation)

8 Q. [15:12:01] I would like to ask you something, namely, if there truly had been a
9 prior agreement with Mr Yekatom and that it was for sure, how did you
10 understand -- well, how did you understand or interpret his hesitation when
11 everyone met together?

12 A. [15:12:32] Well, I asked him a number of questions in another conversation and
13 you see, he didn't understand. He was sort of avoiding the question, and I insisted.
14 And so he was prepared by the ESF team, but with him, we didn't have any talks.
15 You see, from a technical point of view, I put some questions. Maybe these were
16 questions that ESF hadn't asked. I asked to have some explanations about some
17 things and he said that he had already said everything to the team and that he didn't
18 have anything to tell me. I just wanted to talk to him {ICR: (Redacted)}
19 {ICR: (Redacted)} so I wanted to better understand what was what and so I put
20 some questions to him. Ultimately, he agreed and we continued the discussion.
21 But even the mayor asked some questions, so -- the mayor thanked him, actually, he
22 thanked him for agreeing to demobilise the children.

23 Q. [15:14:25] Once again, paragraph 37 you said, "It had to be recorded somewhere
24 that he was handing over the children, even the ones from Bria." And you also said
25 that at this stage, you didn't know how many children would be handed over.

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1 So my question on this point is as follows: Have I correctly understood, when it was
2 explained to him that he had to sign the document, am I to understand that no one
3 talked about the number of children at that time? Because several times you talked
4 about 70 children, 70 children, 70 children. Was that number actually uttered on that
5 day?

6 A. [15:15:22] Yes, that was the number that was given to us, the number of 70, but
7 you were able to see 68. There were two missing. {ICR: (Redacted)}
8 (Redacted)}

9 As far as the signing of the document, I said to you that {ICR: (Redacted)}
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)}

16 Q. [15:16:47] Yesterday, you mentioned at 10:42, timestamp 10:42, that Mr Yekatom
17 received this list - I'm not entirely sure which list we're talking about - and he was
18 able to ensure its reliability, and he had been informed of the list that ESF had
19 apparently given to him. Do we agree that this is something that ESF told you but
20 you didn't actually see when ESF actually provided a list?

21 A. [15:17:23] I was not a witness to that.

22 Q. [15:17:43] I think I'll return to your dealings with Mr Yekatom at some stage in
23 the questioning, but first of all, I would like to ask you to confirm something. At
24 paragraph 41 of your statement you said you didn't go back to Mbaiki to the centre
25 after the kickoff ceremony.

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1 Now, did you have an opportunity to go to the day centres that were mentioned in
2 some ESF reports, namely, the Pissa day centres, Mbata, Batalimo and Mongoumba.

3 At any particular time did you have an opportunity to go to these day centres?

4 A. [15:18:47] Personally, no. But all of that was done by {ICR: (Redacted)} He
5 was the one who was authorised to ensure follow-up in the other centres.

6 Q. [15:19:08] Well, I asked you that because, you see, in the documents in the
7 reports that ESF provided that we have gone over, we saw some photographs of the
8 Mbaiki centre, some photographs of the meeting -- well, the first ceremony in Pissa,
9 but we have not seen any photographs of the day centres elsewhere. So I wanted to
10 ask you whether you ever saw any photographs of these supposed day centres?

11 A. [15:20:00] Never. I never saw any such photographs.

12 Q. [15:20:23] At paragraph 54 of your statement you said that as part of the project,
13 the foster families were given financial assistance because they had another mouth to
14 feed, it was a burden for them, and that they were paid an allowance by UNICEF
15 directly?

16 A. [15:20:49] Not directly from UNICEF. It was via *Enfants sans Frontières*. And
17 this was something -- was with UNICEF.

18 Q. [15:21:06] We have a document from an official from the social affairs ministry
19 and this document makes mention of the project, Ms Condomat, and she wrote - this
20 is CAR-OTP-2122-4578, page 4586 - she wrote that "At the end of the project, if the
21 children or relatives of the children were found, the child would go back to the family.
22 Otherwise, the children would be placed in foster families." End of quote.

23 Did you hear about this? Did you know about this part of the project, and do we
24 agree that if a child had relatives in Mbaiki, the child would not be sent to another
25 foster family, the child would remain with the family?

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1 A. [15:22:33] Yes, I believe that is the strategy they used. If the child had a family,
2 a biological family in Mbaiki, that child was allowed to go back to that family. And
3 if there was no family and the child wanted to remain there, the child would be
4 placed in a foster family. Those who were older, in contrast, who had already had
5 some vocational training, were given a number of tools and they would establish
6 themselves.

7 Q. [15:23:28] Do you know how many children were placed in foster families? Do
8 you have that number in mind?

9 A. [15:23:36] No. No, not at all.

10 Q. [15:23:47] And just to save some time, you said that it was UNICEF that paid the
11 allowances to the families directly. Do we agree that you don't know how much the
12 monthly allowance was depending on the number of children? You don't know
13 about that?

14 A. [15:24:06] No, I don't know about that. {ICR: (Redacted)
15 (Redacted)}

16 Q. [15:24:43] About the children who apparently were separated from their families,
17 who was responsible for trying to find family members, UNICEF or the ministry of
18 social affairs, to your knowledge?

19 A. [15:25:02] I believe it was ESF. I believe they were supposed to do that. It was
20 in their programme.

21 THE INTERPRETER: [15:25:22] Interpreter correction: In the previous question the
22 first organisation mentioned was ESF, not UNICEF.

23 MS GUISSÉ: [15:25:30](Interpretation)

24 Q. [15:25:31] To your knowledge, were there children who came to the programme
25 whose relatives had already been identified?

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1 A. [15:25:43] I don't know about any of that.

2 Q. [15:26:24] I'm just taking a moment, Madam Witness, because depending on the
3 answers that I receive from you, I sometimes can drop some questions.

4 A. [15:26:35] I understand.

5 Q. [15:26:56] You saw a video of the demobilisation ceremony and you watched it
6 with the investigators -- correction, you showed it to the investigators, and you did
7 not recognise a number of children.

8 Now, do we agree that -- as you said, that day there were some children who were
9 part of the programme and at times some other children from the local area, do we
10 agree that that is why you said that there were many children that day and it was
11 complicated to identify them? Are we in agreement?

12 A. [15:27:46] Yes, that's right.

13 Q. [15:28:12] I'd like us to return to the topic of the report, the report that was
14 drafted by Children Without Borders directly, not by the section head, not by the
15 prefectural section head but by Children Without Borders, ESF.

16 I would like to know -- I would like to ask could we have the document listed at tab
17 11 of the Defence binder up on -- could that be put up on the screen. Please don't
18 show it to the public. CAR-D29-0010-0023. And if we could go to page 05 -- I'm
19 sorry, I misspoke.

20 PRESIDING JUDGE SCHMITT: I think it's the wrong tab.

21 MS GUISSÉ: [15:29:56] It's the wrong tab. Tab 3 of the Defence, the report,
22 CAR-OTP-2068-0558.

23 PRESIDING JUDGE SCHMITT: [15:30:35] And this cannot be shown to the public,
24 Ms Guissé?

25 MS GUISSÉ: [15:30:43](Interpretation) Just out of precaution, I will say no, but I will

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1 quote the extract so that the public can understand. But I do not want to show the
2 entire report.

3 PRESIDING JUDGE SCHMITT: [15:31:04] Obviously not the entire report, but it
4 depends on what you want to show to the witness.

5 MS GUISSÉ: [15:31:10](Interpretation) It's a commentary on a sentence that appears
6 that's in the report.

7 Q. [15:31:21] In this report it is stated that the only challenge that we met - so this is
8 ESF that's speaking - is the problem of how the project is interpreted by the
9 community which it's confusing with the DDR.

10 So we spoke about the various programmes and the NGOs, so do we agree that the
11 demobilisation programme, disarmament programme, the DDR was something that
12 we were speaking a lot on the radios and in the media and people were familiar with
13 the DDR programme and they perhaps could have confused this programme with the
14 ESF programme?

15 A. [15:32:09] Yes, as I was saying, there were so many NGOs and we don't know
16 these NGOs, they did not introduce themselves and we don't even know how could
17 they have provided support, how could they have been supported by the UNDP and
18 other donors? So there was a lot of confusion in the community and it was chaos all
19 over.

20 MS GUISSÉ: [15:32:51](Interpretation) Your Honour, you can see me turning my
21 pages. I think I can finish tomorrow morning without a problem, but I need to
22 review certain questions that remain so that I can concentrate and I can basically
23 make sure that I'm not repeating myself and I've addressed everything. So I would
24 like -- I'm making a request for suspension right now and if we can refocus, because
25 many things were said today and I haven't actually had the opportunity to see

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1 everything in light of what said today, during the lunch break, and I think this would
2 really condense my cross-examination by a great extent.

3 PRESIDING JUDGE SCHMITT: [15:33:36] Mr Vanderpuye.

4 MR VANDERPUYE: [15:33:37] Thank you, Mr President. If I'm not -- maybe I'm
5 mistaken, but I thought we broke early yesterday as well. So I'm a little concerned
6 about the usage of time. And I don't know that necessarily --

7 PRESIDING JUDGE SCHMITT: [15:33:47] I'm -- no, Mr Vanderpuye, this is -- we
8 had this several times and -- yeah, but several times, and it always brought us an
9 expedition, so to speak. So I think we can, with all of the experience that we have in
10 this courtroom, same with you or with others from your team, if you say you need
11 perhaps an hour or so to digest what has been said and perhaps be able then to limit
12 your questioning, I think we can trust that. So I -- and we take it as a -- as a promise
13 by Ms Guissé that she finishes. And we have also heard by Ms Pedroso that she said
14 that she will only need half an hour. And we will have to continue tomorrow
15 anyway. If we were now talking about losing a whole day or so, I would say, okay, I
16 would perhaps agree with you. I think we can accept that this way.
17 So let's conclude for today. As I said, I'm not taking it only as an expectation, but as
18 a promise.

19 And we will meet again at 9.30.

20 For the moment and for today, thank you very much, Madam Witness. As I said, we
21 hope you have a good rest of the day and we will see each other tomorrow 9.30.

22 THE COURT USHER: [15:35:16] All rise.

23 (The hearing ends in open session at 3.35 p.m.)