

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 25 May 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:46] All rise.
12 International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:11] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:33:14] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:31] Thank you.
21 The appearance of the parties. Ms Berdennikova for the OTP.
22 MS BERDENNIKOVA: [9:33:36] Good morning, your Honours. This morning the
23 Prosecution is represented by Pierre Belbenoit-Avich, Kweku Vanderpuye, Yassin
24 Mostfa and myself, Maria Berdennikova.
25 PRESIDING JUDGE SCHMITT: [9:33:50] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 Ms Douzima.

2 MS DOUZIMA LAWSON: [9:33:51](Interpretation) Good morning, your Honour.

3 The victims of other crimes are represented by myself, Marie-Edith Douzima-Lawson,
4 assisted by Evelyn Ombeni. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:34:06] Mr Suprun.

6 MR SUPRUN: [9:34:07] Good morning, Mr President, your Honours. The former
7 child soldiers are represented by Fiona Lau, associate legal officer, and myself,
8 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:34:18] Thank you. I turn to the Defence. We
10 start now, again, with Ms Dimitri. I know why. You have switched.

11 MS DIMITRI: [09:34:27] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone.

13 Mr Yekatom is present in the courtroom and he's represented today by Ms
14 Wilhelmina Wittingham, Ms Anta Guissé, Ms Daniela Mvougou Police, Ms Sabrine
15 Bayssat, and myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:34:45] Mr Knoops.

17 MR KNOOPS: [9:34:47] Good morning, Mr President, your Honours. Good
18 morning, everyone in the courtroom. This morning the Defence team of
19 Mr Ngaïssona appears in the same composition as yesterday, that is to say Ms
20 Marie-Hélène Proulx; on my right side in the second row, Ms Chiara Giudici and Mr
21 Ali Alabdali, and at the third row, Mr Ngaïssona. Sorry, the right -- the right part of
22 the courtroom, I see.

23 PRESIDING JUDGE SCHMITT: [9:35:10] But still the third row.

24 MR KNOOPS: [9:35:11] Yes, yeah, their row.

25 PRESIDING JUDGE SCHMITT: [9:35:12] Thank you very much. And we note,

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 also, the presence of Rule 74 counsel for the witness. Mr Golubok, welcome. Good
2 morning.

3 MR GOLUBOK: [9:35:23] Good morning, Mr President, good morning, your
4 Honours. Good morning, everyone in the courtroom. Witness P-2475 is advised by
5 myself, Mr Sergey Golubok. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:35:37] Thank you.

7 And, of course, most importantly, we welcome our witness again. Good morning,
8 Mr Witness. We continue with your examination and it is still the turn of the OTP.
9 Ms Berdennikova, you have the floor.

10 WITNESS: CAR-OTP-P-2475 (On former oath)
11 (The witness speaks Sango)

12 MS BERDENNIKOVA: [9:35:56] Thank you, Mr President.
13 Good morning, Mr Witness.

14 Just before I address the witness, I wanted to come back on a question that your
15 Honours posed yesterday in relation to the photographs that we showed. So we
16 checked and the photographs that were taken around the Yamwara and in
17 surrounding area were taken about the investigators in September of 2019.

18 PRESIDING JUDGE SCHMITT: [9:36:25] Thank you.

19 QUESTIONED BY MS BERDENNIKOVA: (Continuing)

20 MS BERDENNIKOVA: [9:36:26]

21 Q. [9:36:26] So yesterday we stopped after playing a few videos, and I hope you've
22 had a nice rest since yesterday and are ready to continue your testimony today.
23 Are you feeling fine?

24 A. [9:36:57] Yes, I'm ready to answer your questions.

25 Q. [9:37:00] All right. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 We're going to play a few more videos, and I believe this can be done in public
2 session. We will play them like yesterday from the Prosecution bench. So the first
3 reference is tab 38. The ERN number is CAR-OTP-2120-0305. And we will be
4 playing an extract of that video which is from 00:49 until 01:30. I'll give the
5 transcript reference as well, which is at tab 24. CAR-OTP-2118-4772.

6 So, Mr Witness, just to clarify a little bit. We're going to do the same thing as we did
7 yesterday and play the whole clip in one go, and then if need be we'll replay it and
8 maybe pause in a couple of places.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [9:38:32] (Interpretation of the video excerpt) "Whereas
11 any -- many still are hiding in the bush. Some came to the neighbourhood where
12 they were surrounded by the new recruits.

13 I have already got my weapons. I'm waiting to fight. I am Central African 100 per
14 cent. I've never carried a weapon, but because of what's happening in my country I
15 want to protect my country.

16 In this abandoned school, the young fighters are learning military discipline, the
17 methods of how to fight and physical training. Often presented as a poorly armed
18 coalition, they explained how they get their arsenal."

19 MS BERDENNIKOVA: [9:39:26]

20 Q. [9:39:26] So can you tell us anything at all about the footage that you've just
21 seen?

22 A. [9:39:46] What I can say as regards this video, you've just followed it directly.
23 This is a training session. What you have seen is individuals with red headbands.
24 You also saw the weapons, the hunting rifles which the elements used in order to
25 fight against the Muslims. They weren't war weapons, but hunting weapons.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 Q. [9:40:33] And did you happen to recognise the location where the video was
2 filmed?

3 A. [9:40:53] I think that the video was taken near Gbangba and another video
4 towards Gbangba, and I also know and see the Yamwara school. The part of the
5 video was taken in the Yamwara school.

6 Q. [9:41:22] Okay. Thank you for that. I'd like to play the extract again and we
7 will pause at 00:30 of the extract. But for the record, in the full version of the video,
8 the original video in Nuix, it's at minute 01:14.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: (No Interpretation)

11 MS BERDENNIKOVA: [9:42:30]

12 Q. [9:42:31] So the last part of the footage, as you've seen, was filmed inside a
13 building. Is that the portion you were referencing when you spoke about the
14 Yamwara school?

15 A. [9:42:54] Yes, that is the building of the school of Yamwara.

16 Q. [9:43:03] And just one more question on this video. Do you recognise the
17 individual who is on the screen in the screenshot now?

18 A. [9:43:22] Yes, the person which you see on the screen is called Bougie Noire.
19 It's one of the children.

20 Q. [9:43:33] Can you tell us a little bit more about Bougie Noire? We may need to
21 go into private session.

22 Do you think -- if you think the answer might identify you in any way, let us know.
23 We can go into private session.

24 PRESIDING JUDGE SCHMITT: [9:44:03] I think it's better to go to private session.

25 It's hard to decide for the witness, I think. Yeah. And we can quickly -- if your

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 further examination can be held in open session then we quickly go back, but to
2 answer this question we go to private session.

3 (Private session at 9.44 a.m.)

4 THE COURT OFFICER: [09:44:35] We are in private session, Mr President.

5 PRESIDING JUDGE SCHMITT: [9:44:40] So, Mr Witness, can you provide us with
6 any details, what you know about this person we are seeing on the screen here?

7 THE WITNESS: [9:45:05](Interpretation) It's one of the children of the camp. His
8 name is Bougie Noire. (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [9:45:30] Mr Witness, do you know what happened
12 to this person later on? Any information about that?

13 THE WITNESS: [9:45:50](Interpretation) I don't know what happened to him
14 afterwards. (Redacted)

15 PRESIDING JUDGE SCHMITT: [9:46:04] That would have been the next question.

16 Okay. Very good. Thank you.

17 Ms Berdennikova, more questions on that, or can we go back to open session?

18 MS BERDENNIKOVA: [9:46:26]

19 Q. [9:46:26] Mr Witness, so you -- you knew Bougie Noire from the Yamwara
20 school, or were you also together in another location?

21 A. [9:47:01] I got to know Bougie Noire (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 MS BERDENNIKOVA: [9:47:57] Thank you. I think we could try open session
2 again.

3 PRESIDING JUDGE SCHMITT: [9:47:59] Open session. Yeah, open session.
4 (Open session at 9.48 a.m.)

5 THE COURT OFFICER: [9:48:19] We are back in open session, Mr President.

6 MS BERDENNIKOVA: [9:48:21]

7 Q. [9:48:21] So the next video that we'd like to play, it's at tab 6 of the Prosecution
8 binder, reference CAR-OTP-2065-3843 with French translation at tab 27,

9 CAR-OTP-2118-5668. So, again, we'll do the same. It's a relatively short footage, so
10 we'll play it in full.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [9:49:03] (Interpretation of the video excerpt) "We don't -- only
13 Sango. The person which you see has been slaughtered, yes, and the body lays here.

14 Have you -- have you cut the meat? Have you put it in the pot? Yes, but there's no
15 cassava and there's not enough spices and there's not enough cassava. So go and

16 look. I've already bought some Maggi cubes. We have some salt. We're going to
17 look for some more cassava.

18 But you're making too much noise. Speak one by one. So let's make sure no one
19 talks.

20 Keep your mouth shut. Let no one talk."

21 MS BERDENNIKOVA: [9:50:29]

22 Q. [9:50:29] So, Mr Witness, did you recognise anybody who appeared in the footage?

23 A. [9:50:54] What I've seen on these images is that there's one child who's called

24 Papillon. {PFR: (Redacted)} {ICR: (Redacted)} {PFR: (Redacted)}.

25 {ICR: (Redacted)}

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 {PFR: (Redacted)}

2 (Redacted)}. {ICR: (Redacted)} {PFR: (Redacted)}

3 (Redacted)}

4 {ICR: (Redacted)} {PFR: (Redacted)}

5 (Redacted)}

6 Q. [9:51:47] All right. So now to avoid any confusion, we'll play the video again
7 and we'll pause and then you can describe to us exactly who it is that you referenced
8 to as Papillon. We'll -- we can try and pause at 00:22.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: (No Interpretation)

11 MS BERDENNIKOVA: [9:52:40]

12 Q. [9:52:41] So does Papillon appear on the screen now?

13 A. [9:52:54] He's on the left. Papillon is the boy who's just next to the one
14 who's -- is wearing a black tee shirt. That is Papillon. He's wearing a white tee
15 shirt.

16 Q. [9:53:15] Okay. So he's the smaller boy in the beige kind of light tee shirt
17 looking a little bit down. That's the one you mean?

18 A. [9:53:42] Yes, that's Papillon.

19 MS BERDENNIKOVA: [9:53:52] Your Honours, maybe just a brief private session.

20 PRESIDING JUDGE SCHMITT: [9:53:57] Yes.

21 (Private session at 9.54 a.m.)

22 THE COURT OFFICER: [9:54:10] We are in private session, Mr President.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [9:54:46] But nevertheless, I repeat - and we have
4 said this many times in this courtroom - I appreciate the efforts of the parties to be as
5 often in public as possible. We often had it with the Defence also who tried to group
6 their questions in a way and we appreciate it, Ms Berdennikova, so -- but we have to
7 be flexible in that regard.

8 MS BERDENNIKOVA: [9:55:14]

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:56:46] And did you happen to recognise anyone else in the footage?

21 A. [9:57:09] The people who are on the screen, I know them, but I can't remember
22 their names anymore. You know, the events took place a long time ago.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 (Redacted)

2 MS BERDENNIKOVA: [9:58:10] All right. Thank you.

3 I think we can go back into open session.

4 PRESIDING JUDGE SCHMITT: [9:58:13] Open session.

5 (Open session at 9.58 a.m.)

6 THE COURT OFFICER: [9:58:27] We are back in open session, Mr President.

7 MS BERDENNIKOVA: [9:58:30]

8 Q. [9:58:31] So the next video that we are going to play is at tab 7. And the

9 reference is CAR-OTP-2065-3897. Again, we'll be showing just an excerpt of this

10 video and that runs from 00:41 until 01:25.

11 And, Mr Witness, in the footage that we're going to play now, I will actually ask you

12 to just pay particular attention to the women that appear in the background. It's a

13 short excerpt again.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [9:59:32] (No Interpretation)

16 MS BERDENNIKOVA: [10:00:19]

17 Q. [10:00:20] So there were three different women that appeared in the background

18 of the video.

19 Did you happen to recognise any of them you?

20 A. [10:00:43] I know all those three women, but the one who appeared first on the

21 screen was Mr Coeur de Lion's girlfriend.

22 Q. [10:01:06] Do you happen to remember her name or her nickname?

23 A. [10:01:26] No, I no longer remember her nickname. As for the second woman,

24 her name is Calenada.

25 Q. [10:01:47] Just to avoid confusion, maybe we can play --

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:01:51] The second -- do you recall, did she have
2 a red shirt on? At least I recall it that the second lady had a red shirt on. So I think
3 there is no confusion.

4 THE WITNESS: [10:02:17] Yes, she is the one, actually.

5 PRESIDING JUDGE SCHMITT: [10:02:20] Because the first is clearly the first. The
6 second is the one with the red shirt and you can now ask the last one. So I think it's
7 relatively clear. You don't have to play it again.

8 MS BERDENNIKOVA: [10:02:30] I'm being too careful.

9 PRESIDING JUDGE SCHMITT: [10:02:31] You can trust also a little bit the capacities
10 to perceive on the Bench.

11 MS BERDENNIKOVA: [10:02:38] Of course, it's more for the record, for the
12 transcript.

13 Q. [10:02:48] We'll move on now from the videos, so those were the videos I
14 wanted to play this morning.

15 Now, yesterday we discussed your stay at the Yamwara school and I'd like to move
16 away from that now.

17 So could you just tell us how long did you stay there at Yamwara?

18 A. [10:03:36] After the battle of the 5th, we withdrew to Yamwara, and thereafter
19 we engaged battle again on the 25th and three days after that battle we went to Sekia.

20 Q. [10:03:57] And who made the decision for the elements to move to Sekia?

21 A. [10:04:15] The decision was taken by Chief Rambo who ordered all the elements
22 to retreat to Sekia.

23 PRESIDING JUDGE SCHMITT: [10:04:30] Ms Dimitri.

24 MS DIMITRI: [10:04:31] Thank you, Mr President. Just for the clarity of the record,
25 I see --

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:04:37] You are barely audible. I don't know
2 what the reason is.

3 MS DIMITRI: [10:04:43] I'm sorry. I have too many things on my desk here. I'm
4 sorry.

5 PRESIDING JUDGE SCHMITT: [10:04:46] Much better.

6 MS DIMITRI: [10:04:47] I'm saying that I see in the transcript the 25th, but I'm not
7 sure if I missed the month or if -- if the witness just didn't mention the month.

8 PRESIDING JUDGE SCHMITT: [10:04:56] Good question. We have, of course,
9 something in mind, but it has to be spoken out. It's not what we think might we
10 right.

11 Mr Witness, when you say the 25th, which month do you mean?

12 THE WITNESS: [10:05:29](Interpretation) After the battle of the 25th, we withdrew
13 to Yamwara and then on the 28th or 29th, Chief Rambo asked us to go to Sekia.

14 PRESIDING JUDGE SCHMITT: [10:05:42] But, Mr Witness, which months do you
15 mean? You said 25th, 28th, which month?

16 THE WITNESS: [10:06:02](Interpretation) January. After the fighting of 25 January,
17 he asked all the elements to go to that location.

18 PRESIDING JUDGE SCHMITT: [10:06:17] Thank you, please continue.

19 MS BERDENNIKOVA: [10:06:22]

20 Q. [10:06:22] All right. So can you give us a description of Sekia?

21 A. [10:06:46] *Sekia is a small locality not far away from town. There is a
22 checkpoint in that town after PK9, * a checkpoint which was set up at PK9, at Sekia,
23 and at Kapou. Now, when it comes to the Anti-Balaka base, we actually set up our
24 base in Sekia. And then we set up a few barricades at Bangui-Bouchia and Mbaïki.
25 That's how things happened.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 Q. [10:07:26] And when, approximately, were these checkpoints set up? Was it
2 after your move to Sekia, shortly after? You know, can you provide us an
3 approximation?

4 A. [10:07:56] After we left Yamwara, we went to Sekia. And it is after we settled
5 in Sekia that we set up the PK9 checkpoint which was controlled by Habib. And the
6 second checkpoint was set up in Sekia. And then there was another one at Samba.
7 And then we had the Sekia checkpoint and then Kapou, and then another one at Pissa
8 and another one again at Bouchia, Mbaïki, Mbata and Mongoumba.

9 Q. [10:08:49] All right. And we will come back to those checkpoints in a little bit
10 more detail. First, I want to ask you, when you arrived in Sekia who was there?
11 Did you see civilians there?

12 A. [10:09:15] When we arrived at Sekia, the checkpoint had been lifted. There was
13 almost no one there and so the chiefs set up there, but four days after {ICR: (Redacted)
14 (Redacted)
15 (Redacted)} and then later on went on to set up other checkpoints. The Muslims
16 from Sekia fled to seek refuge in Pissa and then they found out there were
17 Anti-Balaka in that neighbourhood and that's how they then fled to seek refuge in
18 Mbaïki.

19 Q. [10:10:13] And how did you know that the Muslims fled to Mbaïki and -- well,
20 first to Pissa and then to Mbaïki?

21 A. [10:10:41] As we advanced towards Sekia, we got to Sekia, but there were no
22 Muslims there. The inhabitants told us that they had moved to Pissa. So we went
23 to Kapou, but there were no Muslims there at Kapou. They had learnt that the
24 Anti-Balaka were advancing, so people -- Muslims from those areas, that is Samba
25 and Pissa, took refuge at the Mbaïki mosque to which they fled.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

- 1 Q. [10:11:24] Now, yesterday, you mentioned that {ICR: (Redacted)
2 (Redacted)} and, you know, I'm speaking about the 5 December attack and the
3 Yamwara school.
- 4 PRESIDING JUDGE SCHMITT: [10:11:35] I think we go to private session to discuss
5 this.
- 6 MS BERDENNIKOVA: [10:11:37] Okay.
- 7 (Private session at 10.11 a.m.)
- 8 THE COURT OFFICER: [10:11:55] We are in private session, Mr President.
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:14:31] All right. And one clarification following an answer you gave. You
7 said "As we advanced towards Sekia ..." Can you describe what do you mean by
8 "advanced"? What do you mean by that word?

9 A. [10:15:05] What I mean is that Chief Rambo had ordered all the elements to go to
10 Sekia and to settle there. And that is why I said we left to go to Sekia.

11 PRESIDING JUDGE SCHMITT: [10:15:24] Now, of course, we can ponder again the
12 question of open session, but I don't know what your further line of questioning is
13 going to be.

14 MS BERDENNIKOVA: [10:15:38] I think we could go back into open session
15 because the questions will be more general and organisational in nature.

16 PRESIDING JUDGE SCHMITT: [10:15:46] Yeah, I thought so. So we go back to
17 open session.

18 (Open session at 10.16 a.m.)

19 THE COURT OFFICER: [10:16:00] We are back in open session, Mr President.

20 MS BERDENNIKOVA: [10:16:06]

21 Q. [10:16:06] All right. So the next series of questions I'll ask you a little bit more
22 about the organisation, the kind of structure of the Anti-Balaka elements at Sekia. So
23 not about you individually, but about the group in general.

24 Now, when you -- when your -- when the group arrived in Sekia, how was it
25 organised? Where did the elements stay, for instance? Where did they sleep?

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 A. [10:16:53] When we arrived in Sekia, we slept in schools, in school buildings in
2 Sekia.

3 Q. [10:17:09] And were the elements, again, divided into sections like it was done
4 in the previous places?

5 A. [10:17:31] When we arrived in Sekia, some of them remained in Sekia within the
6 school premises or otherwise in other buildings. But for the rest of us, we had
7 moved on to Mbaïki, all the way to Mbaïki.

8 Q. [10:18:07] All right. And yesterday you spoke about the weapons and the type
9 of ammunition that was available for the 5 December attack.

10 Has the situation in relation to the weapons changed? Did you have the same kinds
11 of weapons available to you in type and in number or not?

12 A. [10:18:48] When we arrived in Sekia, that was after the fighting. We had a lot
13 more weapons at Sekia because we had recovered some weapons at PK9 from Seleka
14 who were fleeing. So while we were in Sekia, we had more weapons than we had
15 had before.

16 PRESIDING JUDGE SCHMITT: [10:19:13] May I shortly.

17 Mr Witness, the question might sound a little bit strange, but when you were in Sekia,
18 had also something changed with regard to your clothing?

19 THE WITNESS: [10:19:45](Interpretation) While in Sekia, we were wearing military
20 uniforms. We had military rangers and we dressed up like soldiers.

21 PRESIDING JUDGE SCHMITT: [10:20:02] Where did these uniforms come from?

22 THE WITNESS: [10:20:21](Interpretation) They were distributed to us by the chiefs,
23 those military uniforms were distributed to us by the chiefs.

24 PRESIDING JUDGE SCHMITT: [10:20:32] Yeah, please continue.

25 MS BERDENNIKOVA: [10:20:33]

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 Q. [10:20:33] Can you provide a visual description of these uniforms and what they
2 looked like?

3 A. [10:21:00] Well, you know, we had military uniforms like military green colour,
4 the type of uniforms that were worn by elements of the presidential guard.

5 Q. [10:21:26] Was there any headgear that was part of the uniforms?

6 A. [10:21:43] Yes, some of us had green berets, others had black berets and others
7 still had red berets. Some elements had entire and complete military uniforms,
8 while some may have had only the trouser and not the top, while others had the top
9 and not the trouser. That's how it was.

10 Q. [10:22:22] And I'd like to also ask you a follow-up questions about the weapons.
11 You described that you had more weapons available to the group.
12 What type of weapons were these?

13 A. [10:22:49] While we were in Sekia, we had AK-47s and MAS-36 in great
14 numbers.

15 Q. [10:23:14] And I will jump back to uniforms for one more question.

16 What were you wearing at the time that you were in Sekia?

17 A. [10:23:37] While I was in Sekia, I had not yet received a military uniform. It is
18 when we got to Mbaïki {ICR: (Redacted)}, and then we advanced to Bouchia where I
19 got the military uniform top. It is only when we got back to Sekia *that I received a
20 full and completely military uniform. From Mongouba and Bangui-Bouchia,
21 {PFR: (Redacted)}

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)}

2 PRESIDING JUDGE SCHMITT: [10:24:51] I think we can discuss this further in
3 private session.

4 (Private session at 10.25 a.m.)

5 THE COURT OFFICER: [10:25:13] We are in private session, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:25:16] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Can we go back to open -- Ms Berdennikova, I have, of course -- I know the former
23 statement. There might not be very many further instances where something like
24 this could happen. I'm not 100 per cent sure, but I think you're -- you're coming
25 more and more to areas which are less potentially endangered, so to speak, or not.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 This would be my question of course, or not.

2 MS BERDENNIKOVA: [10:27:21] In fact, I do envision a few more topics that would
3 have to be covered in private session.

4 PRESIDING JUDGE SCHMITT: [10:27:29] (Overlapping speakers) Yeah, I meant
5 private session. And especially I was imprecise. I meant Rule 74 issues. Private
6 session we can have for different reasons; identification reasons or 74 reasons.

7 MS BERDENNIKOVA: [10:27:46] Of course. Sorry, I didn't understand.

8 PRESIDING JUDGE SCHMITT: [10:27:48] (Overlapping speakers) No, it was my -- I
9 did not express myself properly.

10 So private session or open session?

11 MS BERDENNIKOVA: [10:27:57] I think now that we're in private session, I could
12 cover a topic that (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [10:28:02] If you have this flexibility, fine. Fine
14 with us, of course.

15 MS BERDENNIKOVA: [10:28:06] Yeah, we can stay in private session for -- for now.

16 Q. [10:28:13] Mr Witness, I'd like to ask a couple of follow-up questions from the
17 answer you gave. So first about the uniform, you mentioned that when you
18 returned to Sekia, you were eventually given a uniform.

19 Can you describe how that uniform fit you? And please let me know if my question
20 is not clear?

21 A. [10:29:02] *As I already told you, the military uniforms were not in sufficient
22 number, were not available for everybody. I personally did not receive * military
23 uniforms on time. It is only after we arrived in Mbaïki that (Redacted)
24 (Redacted),

25 then * we went towards Bouchia. And it is only upon my return that I received the

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 full uniform, but it was not my size. It was a larger size. It did not fit, so to speak,
2 But I had to wear it like that.
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 A. [10:30:53] When we arrived in Mbaïki, (Redacted).
14 They were all gathered in the central mosque, so there weren't any Muslims in the
15 town. And we learned that there was one Muslim who was called Dido who was
16 born in Mbaïki and who couldn't leave the town. (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 Ms Dimitri.

2 MS DIMITRI: [10:32:32] I apologise for the interruption, but there was something
3 that's missing from Sango to French and then English.

4 PRESIDING JUDGE SCHMITT: [10:32:38] Yeah, please tell us.

5 MS DIMITRI: [10:32:39] The central mosque, it's the Mbaïki -- the Muslim were at
6 the central mosque of Mbaïki.

7 PRESIDING JUDGE SCHMITT: [10:32:49] Okay. Thank you very much. Okay.

8 Ms Berdennikova.

9 MS BERDENNIKOVA: [10:32:53] Thank you. I'll just repeat the last question.

10 You've referenced to the incident in Mbaïki and you refer to -- (Redacted)

11 (Redacted)

12 Who was part of the group that you're talking about?

13 A. [10:33:31] I'm talking about (Redacted), the Anti-Balaka.

14 Q. [10:33:39] Can you be more specific about the individual elements that were
15 involved in this incident?

16 A. [10:34:03] When we were in Mbaïki, there were (Redacted). It wasn't easy to
17 know everybody. There was Chat Noir, the friend of Coeur de Lion was there and
18 other chiefs. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:35:21] (Redacted)

25 (Redacted). And after that, some people started to stab him with a knife, and at the

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 end somebody cut off his penis. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:36:20] Again, that's no problem and we completely understand that a lot of
6 time has passed by (Redacted)

7 You mentioned Chat Noir. (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:37:06] And why -- why was Dido killed?

11 A. [10:37:24] Dido was killed because he was a Muslim. And as I said, he couldn't
12 flee because he said he was a native of Mbaïki. (Redacted)

13 (Redacted)

14 Q. [10:37:57] And how do you know the reason that Dido did not want to leave?

15 You know, you mentioned he was born there, I believe. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:39:26] Okay. I just want to place this a little bit more clearly,
24 chronologically.

25 Can you provide an estimate of when -- when this happened? For instance, you

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 know, in relation to Djotodia's resignation maybe?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [10:40:53] When we arrived in Mbaïki, (Redacted)

6 (Redacted)

7 Q. [10:41:36] If you recall, at the time of this incident, was Coeur de Lion still alive
8 or -- or not?

9 A. [10:42:01] (Redacted), Coeur de Lion was there. Rambo -- Chief Rambo was
10 also there. He was aware of what was going on.

11 MS BERDENNIKOVA: [10:42:39] All right. May I just have a moment?

12 PRESIDING JUDGE SCHMITT: Of course.

13 MS BERDENNIKOVA: [10:43:11] Your Honours, I would like to play a video now in
14 private session. And I'll give a reference.

15 PRESIDING JUDGE SCHMITT: [10:43:24] Ms Dimitri has an objection?

16 MS DIMITRI: [10:43:29] Indeed, Mr President. If it's tab 2, at this stage I have an
17 objection, but I would like to address it in the absence of the witness, with your leave.
18 But I'm not sure it's at tab 2, but that's what I'm expecting.

19 MS BERDENNIKOVA: [10:43:43] It's tab 2.

20 PRESIDING JUDGE SCHMITT: [10:43:45] So I think what we are going to do -- we
21 don't bring the witness in an uncomfortable situation. What we are going to could is
22 you are playing it if, or not, depends on the objection and what the Chamber's ruling
23 upon it, after the break. If you have some questions now that you can put to the
24 witness, otherwise we would have a break now and then we discuss it first and if it is
25 going to be played the witness is then be brought in, I would suggest. Yeah, so we

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 can discuss it at the start of -- we can also -- of course, the witness can also put his
2 earphones off, so it would be perhaps quicker.

3 Mr Witness, can you put your earphones off for a moment, please. Thank you very
4 much.

5 So -- okay. What is this about?

6 First of all, Ms Berdennikova, what is the video about, then the objection by
7 Ms Dimitri.

8 MS BERDENNIKOVA: [10:44:51] So, yes, the video is the video that we have of the
9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [10:45:03] And the problem that Ms Dimitri has?

11 MS DIMITRI: [10:45:06] Mr President, the problem I have, I don't mind that my
12 learned friend shows the video, but in my respectful opinion it's a bit too early. We
13 had a description by the witness that's incomplete in my view. He spoke about
14 chiefs doing something. I don't know whom. The question was asked in a fair
15 manner by my colleague, but we never obtained a precise answer other than chiefs
16 and Anti-Balaka elements.

17 PRESIDING JUDGE SCHMITT: [10:45:42] That's -- I think there is -- you know, it's
18 difficult to assess now with this information, but nevertheless, Ms Berdennikova, just
19 to pull a little bit out -- the steam out of it, you could ask the witness some further
20 questions for further details and then we can simply play the video, I would suggest.

21 MS DIMITRI: [10:46:05] Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [10:46:06] Is this okay, Ms Berdennikova? Yeah,
23 so ...

24 MS BERDENNIKOVA: [10:46:10] Yes.

25 PRESIDING JUDGE SCHMITT: [10:46:13] So, Mr Witness, I appreciate that you

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 understand my sign language. Thank you very much.

2 So Ms Berdennikova, please move on.

3 MS BERDENNIKOVA: [10:46:27]

4 Q. [10:46:28] All right. So I'd just like to ask you a few more clarifying questions
5 about this. Can you give us, for example, an estimate of how many people
6 were -- how many Anti-Balaka elements were involved in this incident?

7 A. [10:47:07] I can estimate the number of (Redacted)
8 (Redacted)

9 A. [10:47:42] No, they were only Anti-Balaka.

10 PRESIDING JUDGE SCHMITT: [10:47:46] May I shortly? I would like to pick up
11 the suggestion by Ms Dimitri.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:49:06] Mr Witness, do you recall any -- any of
20 these chiefs by who they were, by name? Could you provide us with any names?

21 THE WITNESS: [10:49:33](Interpretation) It's a long time ago. I can't remember the
22 names anymore.

23 PRESIDING JUDGE SCHMITT: [10:49:39] Okay. I think this is the most what we
24 can do in preparation for this.

25 And how long is the video?

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 MS BERDENNIKOVA: [10:49:49] I think it's about something like maybe ten
2 minutes.

3 PRESIDING JUDGE SCHMITT: [10:49:56] Then I suggest that we -- that we play it
4 after the break, I would suggest, because we -- I think it makes sense to have the
5 questions and answers to the video immediately after we have seen the video, yeah.
6 And also, with regard to this afternoon, Ms Dimitri, we can -- I think we can shorten
7 also the lunch break of over an hour so that you can with a very good conscience go
8 to your -- to your date that you have.

9 So we have now a little bit longer coffee break until 11.30.

10 THE COURT USHER: All rise.

11 (Recess taken at 10.50 a.m.)

12 (Upon resuming in open session at 11.33 a.m.)

13 THE COURT USHER: [11:33:18] All rise.

14 Please be seated.

15 PRESIDING JUDGE SCHMITT: [11:33:40] Are we in private session?

16 We are in open session, so unfortunately for the audience we have to go to private
17 session.

18 (Private session at 11.34 a.m.)

19 THE COURT OFFICER: [11:34:03] We are in private session, Mr President.

20 PRESIDING JUDGE SCHMITT: [11:34:07] Thank you.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 who did that? (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: [11:36:24](Interpretation) (Redacted)

16 (Redacted). He was an adult wearing somewhat of a white shirt.

17 PRESIDING JUDGE SCHMITT: [11:36:44] And the other chiefs that were involved,

18 can you give a -- you know, again, very generic, very general things like age, like

19 height, for example, any of the other chiefs? Can you give a description of them?

20 THE WITNESS: [11:37:15](Interpretation) The other chiefs (Redacted), some of them

21 were wearing military trousers while others wore civilian trousers.

22 That is (Redacted). And I say, again, that these things happened a very long time

23 ago.

24 PRESIDING JUDGE SCHMITT: [11:37:37] Absolutely. We understand that,

25 Mr Witness. It's simply to try to elicit some information that might be hidden, so to

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

- 1 speak, in your recollection. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 THE WITNESS: [11:39:17](Interpretation) An AK-47 was used to shoot him, and his
- 11 sex organs were cut off with a double-edged knife.
- 12 PRESIDING JUDGE SCHMITT: [11:39:41] Thank you very much. Then we can
- 13 play now the video.
- 14 MS BERDENNIKOVA: [11:39:49] May I have the floor?
- 15 PRESIDING JUDGE SCHMITT: [11:39:51] Of course, I addressed you. I can't play
- 16 it, so ... we would -- we would -- wouldn't have any progress if I had to do this
- 17 technically, so we would sit here forever. Ms Dimitri would miss her appointment,
- 18 so everything would go astray here. So, yeah.
- 19 MS BERDENNIKOVA: [11:40:10] In fact, I will ask the court officers to play the
- 20 video for us, this one. And for the record, the ERN is -- it's at tab 2. Yes, just a
- 21 moment. (Redacted)
- 22 And it's quite a graphic video, so just everyone's aware.
- 23 PRESIDING JUDGE SCHMITT: [11:40:40] It cannot be shown to the public, I
- 24 assume.
- 25 MS BERDENNIKOVA: [11:40:43] No.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:40:44] Okay, good.

2 MS BERDENNIKOVA: [11:40:46] We'll need to do this in private session, privately,
3 and we'll -- the video is quite long, in fact, 15 minutes, so maybe we don't have to play
4 the whole thing and I could indicate when to pause.

5 PRESIDING JUDGE SCHMITT: [11:41:00] Yeah, but then perhaps you could
6 indicate now how far we are going to play it. It might also be difficult to make a cut
7 somewhere, so I don't know.

8 MS BERDENNIKOVA: [11:41:13] If it's all right, I think I would prefer to maybe just,
9 you know, rise and ask for a pause after a few minutes.

10 PRESIDING JUDGE SCHMITT: [11:41:22] Yes. If this is possible for court usher.
11 Thank you very much. So we do it this way. Thank you.

12 MS BERDENNIKOVA: [11:41:27] Thank you.

13 (Viewing of the video excerpt)

14 MS BERDENNIKOVA: [11:41:56] I'm sorry to intervene. I just -- I noticed the
15 witness is kind of looking around, so I'm not sure that his screen is on the correct
16 channel because I think the channel is different from when we show videos and when
17 the videos are shown from court officers.

18 PRESIDING JUDGE SCHMITT: [11:42:12] Mr Witness, were you able to see the
19 video?

20 THE WITNESS: [11:42:26](Interpretation) No.

21 PRESIDING JUDGE SCHMITT: [11:42:26] Okay. Then perhaps we have to help
22 him with that.

23 THE COURT OFFICER: [11:42:31] The witness has the video in his screen now.

24 PRESIDING JUDGE SCHMITT: [11:42:35] Mr Witness, now the video should be on
25 the screen and perhaps we start -- start from zero, again.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Viewing of the video excerpt)

2 MS BERDENNIKOVA: [11:48:05] Perhaps we just pause there and ask a couple of
3 questions.

4 PRESIDING JUDGE SCHMITT: [11:48:11] Yes.

5 MS BERDENNIKOVA: [11:48:15]

6 Q. [11:48:16] Mr Witness, can you tell us anything about the footage that you've
7 just seen?

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [11:50:31] Mr Witness, do you need a pause?

19 Should we have a short break? Would you appreciate that?

20 THE WITNESS: [11:50:51](Interpretation) We can continue the examination.

21 PRESIDING JUDGE SCHMITT: [11:50:55] Thank you. I have some -- thank you,
22 we appreciate that very much. It's -- it must, of course, bring memories back to you,
23 so -- but so please try to picture yourself at the time, difficult as it may be.

24 So you had left already when this happened, what we see on the screen, if I
25 understood that correctly, yes?

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [11:52:14] Please continue, Ms Berdennikova. We
7 have also not seen on the video persons wearing military attire. I'm not sure if you
8 will address this, Ms Dimitri, or if you -- somehow, but we have not seen that.
9 Ms Berdennikova, please.

10 MS BERDENNIKOVA: [11:52:36]

11 Q. I'd like to ask a couple of follow-up questions on the people that you identified
12 in the video. You mentioned (Redacted), I believe, if that's correct.

13 Can you tell us who is this person?

14 (Redacted)

15 (Redacted)

16 Q. [11:53:28] Was he an Anti-Balaka element?

17 A. [11:53:43] Yes, he too was an Anti-Balaka.

18 Q. [11:53:48] You mentioned that he was the person wearing the white shirt.

19 Was he the one who was standing over the body in the footage?

20 PRESIDING JUDGE SCHMITT: [11:54:03] Can't -- can't we try it -- because there
21 were many people on the footage, so this bears the possibility that we get it wrong.

22 Perhaps you -- perhaps with the assistance of your colleague, you can tell us exactly
23 where to stop again, whom do you understand he refers to and then we can ask him
24 so -- because this is a little bit ...

25 MS DIMITRI: [11:54:26] Mr President, if I can assist. I think, I might be wrong, but

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Overlapping speakers) --

3 PRESIDING JUDGE SCHMITT: [11:54:35] Yeah, he said that. I would like to see it
4 again, frankly speaking. So -- to make sure. Because there were dozens of people,
5 so to speak, on the screen. I think with a little help of court usher and court officer, I
6 think we can get that. And take your time. Really, it's a lot that we demand here.
7 Ms Berdennikova.

8 MS BERDENNIKOVA: [11:55:10] It may be easier, I'm just discussing with my
9 colleague, if it might be easier that we then replay the video.

10 PRESIDING JUDGE SCHMITT: [11:55:19] For yourself, but not for us and stop --

11 MS BERDENNIKOVA: [11:55:21] No, for everyone. But then to know where to
12 stop it might be easier, or I can indicate where to pause (Overlapping speakers) --

13 PRESIDING JUDGE SCHMITT: [11:55:27] I think that is better. We don't have to
14 see it full time again.

15 MS BERDENNIKOVA: [11:55:32] Okay. Okay. If you just give us moment --

16 PRESIDING JUDGE SCHMITT: [11:55:37] (Overlapping speakers) Of course.

17 MS BERDENNIKOVA: [11:55:39] -- show a couple of screen shots.

18 PRESIDING JUDGE SCHMITT: [11:55:39] Yeah, yeah. It's an unusual situation
19 and it takes some time. We are aware of that. Don't feel under pressure here.

20 MS BERDENNIKOVA: [11:56:15] So if we could have the floor and if the witness
21 can have the channel that we're playing on his screen.

22 THE COURT OFFICER: [11:56:30] You have evidence 2 channel.

23 MS BERDENNIKOVA: [11:56:40]

24 Q. [11:56:40] Mr Witness, can you see a screenshot on your computer.

25 And for the record, this is a screenshot at 00:30 -- 00:30 of the video.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 Mr Witness, if you can see the picture on your screen, can you tell us if you recognise
2 anyone in this particular screenshot?

3 A. [11:57:47] The photograph before me is not a clear, so I am not able to identify
4 the persons on it.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MS BERDENNIKOVA: [11:58:23] Yeah, I understand. I was going for -- more
11 for -- also possibly other people, but we'll -- we'll find that -- that portion.

12 Your Honours, I would like to ask a question on an individual before we get to the
13 one that we just spoke about who appears in zero --

14 PRESIDING JUDGE SCHMITT: [11:59:27] But can't we simply -- we have this now
15 on the screen.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [11:59:50] And now we can continue with the other
20 one. Otherwise, we are going back and forth.

21 MS BERDENNIKOVA: [11:59:55] Just for the record, this is at minute 01:10. We're
22 now going to play just a few seconds of the video from minute 01:42.

23 (Viewing of the video excerpt)

24 MS BERDENNIKOVA:

25 Q. [12:01:18] Mr Witness, can you tell us anything about the people who were

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

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

25 PRESIDING JUDGE SCHMITT: [12:07:08] Thank you for the effort. Please,

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 Ms Berdennikova.

2 MS BERDENNIKOVA: [12:07:11] Could we now please show the screenshot at
3 extension 10 of tab 2. So it's the same ERN, 2059-0384 and then -EX10.

4 PRESIDING JUDGE SCHMITT: [12:08:01] I think we have it on the screen, so you
5 can put your question to the witness.

6 MS BERDENNIKOVA: [12:08:12]

7 Q. [12:08:13] Do you see the picture? If you see the picture, can you tell us
8 whether this is the same woman that you spoke about and referred to as *Cheveux de la*
9 *Mort*?

10 A. [12:08:29] Yes, that is her.

11 Q. And do you recognise the man, by any chance, who is standing next to her?

12 A. [12:08:50] The photo isn't very clear. I cannot identify that person, to be frank.

13 Q. [12:08:58] And again, that's no problem.

14 PRESIDING JUDGE SCHMITT: [12:08:59] Mr Witness, that's absolutely okay.

15 Also, you are shown so many videos screenshots, photographs, and I think there will
16 be more in the coming days. So when you're not sure, you tell us simply. It's no
17 problem. It's perfectly clear after so many years that you can't remember everything
18 and you can't identify everybody. That's -- so it's a right approach from you as a
19 witness. Ms Berdennikova, please continue.

20 MS BERDENNIKOVA: [12:09:47]

21 Q. [12:09:47] All right. You mentioned when speaking about this woman that she
22 was the girlfriend of Sakada, if I'm not mistaken.

23 Was Sakada also a member of Yekatom's Anti-Balaka group?

24 A. [12:10:11] Yes, he was part of the Anti-Balaka group of Yekatom.

25 Q. [12:10:25] We can take the picture off the screen.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 All right. (Redacted)

2 (Redacted)

3 A. [12:10:50] (Redacted).

4 Q. [12:11:10] Okay. So I'd like to ask you a few -- few other questions. You
5 mentioned that Coeur de Lion died.

6 Do you recall when -- when Coeur de Lion died?

7 A. [12:11:35] I don't remember the date of his death. We were (Redacted).

8 (Redacted)

9 (Redacted)

10 Afterwards, Coeur de Lion visited us and said he is going to fight in Boda. He left.

11 The first or second day we learnt that he had been hit by a bullet. We were beaten

12 and a little later we learned about his death and we were told he -- his body should be

13 returned to Mbaïki. We waited Mbaïki until the morning. They didn't tell us who

14 was dead and they didn't show us the body. A woman who was in the group who

15 was the girlfriend of Coeur de Lion became very angry (Redacted)

16 and one of the chiefs, chief Sakada, asked what had happened and she said that she

17 heard it said that Coeur de Lion had been hit by a bullet and why she hadn't been told

18 about this and that she wanted to see the body and that the chef then told us the truth

19 and said Coeur de Lion had died and the body had been repatriated to Bangui.

20 After the news of the death of Coeur de Lion, many Anti-Balaka were very, very,

21 demotivated and discouraged.

22 PRESIDING JUDGE SCHMITT: [12:13:25] May I? I have a follow-up question to
23 that.

24 So, Mr Witness, when you learned that Coeur de Lion was dead, what were your

25 feelings about this?

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [12:13:48](Interpretation) When we were in (Redacted), we told
2 (Redacted) that Coeur de Lion had been hit by a bullet, but we didn't know whether
3 he had died or not.
4 (Redacted) told us that Coeur de Lion had been hit by a bullet *and there was every
5 reason to believe he had died. I started to cry. He told me I am a man and I must
6 be strong. We were many who cried because for us if he had -- if he had died, then it
7 would be the end of us and so we felt very discouraged.

8 PRESIDING JUDGE SCHMITT: [12:14:34] Mr Witness, should we have a short
9 break, perhaps, now?

10 Yeah, okay. Then let's -- let's have a break and perhaps, Mr Golubok, you can tell us
11 when -- when we can continue. You can tell the court officers, yeah? Thank you
12 very much.

13 THE COURT USHER: [12:14:52] All rise.

14 (Recess taken at 12.15 p.m.)

15 (Upon resuming in private session at 12.35 p.m.)

16 THE COURT USHER: [12:35:34] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [12:36:02] Mr Witness, are you feeling well to
19 continue for -- at least with the questions with regard to this video and then we have a
20 break? Is this okay? The longer break.

21 THE WITNESS: [12:36:30](Interpretation) Yes, it's okay.

22 THE INTERPRETER: [12:36:33] Says the witness in French.

23 PRESIDING JUDGE SCHMITT: [12:36:37] I've also understood it.

24 Thank you, Mr Witness.

25 Ms Berdennikova, yeah, I think we -- I don't know how long it will take, but maybe

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 10, 15 minutes or whatsoever, and then we have the lunch break.

2 And if, Ms Dimitri, if we cannot start with your examination today, there will be no
3 problem, I assure you. We will -- in the end it comes out. It will function. I can
4 assure you that. So and -- you will not be put under pressure within that regard.

5 Ms Berdennikova.

6 Because we also do not want you to cut off with your questions, of course. You are
7 not finished, obviously, yet.

8 MS BERDENNIKOVA: [12:37:19] No, your Honours. That's correct.

9 THE WITNESS: [12:37:21] I have a few other topics left to cover.

10 PRESIDING JUDGE SCHMITT: [12:37:24] Of course, I think what I can say is, it
11 would be very good to put it this way, if we can finish your examination today.

12 MS BERDENNIKOVA: [12:37:36] I'll do my best, but having said that, there were, as
13 you know, areas that took a little bit longer.

14 PRESIDING JUDGE SCHMITT: [12:37:44] I know. And of course, we stand by
15 what we said that we finish a quarter to 4, then we will have a shortened lunch break,
16 but before we talk any further, please take your time now to continue.

17 MS BERDENNIKOVA: [12:38:03]

18 Q. [12:38:04] Mr Witness, I hope you've had a moment to feel a little bit better, and
19 I'm really sorry that it's dragging out. You know, I see that it's not always easy and
20 there are moments that are more difficult, you know, than others and we all, of
21 course, understand that and very much appreciate your patience, also. So thank
22 you. If you -- if you don't mind, I would like to ask you a couple more questions
23 regarding Coeur de Lion. You know, let me know if any -- anything makes you feel
24 uncomfortable. And we --

25 PRESIDING JUDGE SCHMITT: [12:38:48] (Overlapping speakers) I think you can

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 simply -- I think we are in private session, are we? Yes. So I think you can simply
2 continue now, yeah.

3 MS BERDENNIKOVA: [12:38:59]

4 Q. [12:39:01] So clearly, Coeur de Lion's death has affected you personally. And
5 you mentioned earlier that it demotivated and discouraged some of the other
6 elements.

7 Can you just tell us, you know, why -- why did they feel discouraged like that?

8 A [12:39:40] We were all deeply affected by the death of Coeur de Lion, because
9 Chief Coeur de Lion was a good chief as compared to the others. He did not want
10 the children to be mistreated. He always intervened in support of the children. If a
11 child were mistreated in the absence of Coeur de Lion, when he returned, when he
12 came back and heard about it, he would react and reprimand the person who
13 brutalised the child. He made us some promises and he said that after the war he
14 was going to organise training for young children in order to take them back to school
15 and do everything possible to contact the new authorities of the country to make sure
16 that they have contact with the children who were in the Anti-Balaka group. When
17 Coeur de Lion was heading to Boda to fight, (Redacted) and he informed us that he
18 was going to engage in fighting in Boda and that he was going to come back.

19 (Redacted)

20 But unfortunately, two days later, we learnt that he had been struck by a bullet and
21 then later on we found out that he had died.

22 We heard that he had been hit by a bullet during the Boda battle. I was sure that he
23 was dead, but we were not told so at the beginning. So we all started crying, really
24 crying and being or feeling extremely discouraged.

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 same day we went. It is only the next day (Redacted) that his girlfriend
2 (Redacted) required to know the truth about Coeur de Lion's situation. She wanted
3 to know whether he was still alive or dead, and that is how Chief Rambo told us that
4 he had died and that the body was at the mortuary. So people cried, the elements
5 were crying and everybody was saddened by this death. After Coeur de Lion died,
6 everybody was discouraged. We went back to (Redacted)
7 and then Chief Rambo came and asked the Anti-Balaka in (Redacted) to go to Sekia.
8 And that's how I went to Sekia (Redacted)
9 I was so discouraged (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted). I was moved to a different section, and in Sekia we were the ones who
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:46:28] Can you tell the Judges who did you find when you arrived in

7 (Redacted)

8 A. [12:46:52] When we arrived in (Redacted), we found a chief (Redacted)

9 He was there with the Anti-Balaka elements from (Redacted)

10 Q. [12:47:17] So these were local Anti-Balaka elements?

11 A. [12:47:30] Yes, they were the local Anti-Balakas from that area.

12 Q. [12:47:37] And can you tell us a little bit about the interaction of the local
13 Anti-Balaka (Redacted) with your group when your group arrived there?

14 A. [12:48:08] When we arrived (Redacted), the Anti-Balaka (Redacted)
15 welcomed us properly because we had come from Bangui. We were much more
16 visible and more respectable. There were the village Anti-Balakas, whereas we came
17 from Bangui.

18 Now, when, for example, I personally would have a conversation with (Redacted)
19 from (Redacted) Anti-Balaka group, I would receive all information (Redacted)
20 and he would provide me with news on the ongoing in that locality.

21 Q. [12:49:05] Can you tell us a little bit more about (Redacted) from that local
22 Anti-Balaka group? Do you recall his name?

23 A. [12:49:34] (Redacted), I asked him how he found himself there and he told me
24 that he had come with some other persons. (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [12:53:12] So can you clarify who then became in charge of the local Anti-Balaka
4 group in (Redacted) after your arrival?

5 A. [12:53:43] When we arrived there, Chief Rambo was the commander of all the
6 Anti-Balakas in the Lobaye prefecture.

7 Q. [12:54:13] I'd just like to then move onto a different topic now. Maybe it might
8 be brief enough to cover in the next five, ten minutes.

9 You mentioned that you -- you were in Sekia, then you left, I understand, came back.
10 At some point you said you came back and you were manning barricades where you
11 would collect money.

12 MS BERDENNIKOVA: Perhaps this is something we can do in public session?

13 PRESIDING JUDGE SCHMITT: [12:54:44] I also thought so. We go to public
14 session -- or I make a suggestion. I think we have a -- it's simply easier to remember
15 for everybody, we have the lunch break until 2 o'clock now and then have the last
16 session one hour 45 until a quarter till 4. Yeah, we do it this way.

17 THE COURT USHER: [12:55:06] All rise.

18 (Recess taken at 12.55 p.m.)

19 (Upon resuming in open session at 2.02 p.m.)

20 THE COURT USHER: [14:02:52] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [14:03:16] First of all, I take it we are in private
23 session? Not in private session.

24 Can we, Ms Dimitri, discuss what you want to discuss in open session? Then we do
25 that, yes.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 MS DIMITRI: [14:03:28] Thank you, Mr President. Since I'm obviously not going to
2 start today, I discussed with my team and my client, and with your permission, I will
3 discreetly leave at 15:45 to attend my school date and you can continue the hearing in
4 my absence obviously.

5 PRESIDING JUDGE SCHMITT: [14:03:44] I think others also plan to discreetly leave,
6 as I have heard in the meantime. But perhaps something extraordinary happens that
7 Ms Berdennikova has finished until quarter to four.

8 Without further ado, then, can you continue in open session or do we have to go to
9 private session?

10 MS BERDENNIKOVA: [14:04:04] We can stay in open session for a little bit.

11 PRESIDING JUDGE SCHMITT: [14:04:09] So then we do that. Please continue.

12 MS BERDENNIKOVA: [14:04:14]

13 Q. [14:04:14] Mr Witness, you mentioned before the lunch break this morning that
14 in Sekia elements were manning barricades to collect money from passersby. So I'd
15 like to ask you a few clarifications about that.

16 You already mentioned that there were several barricades around Sekia and nearby
17 places. Can you describe how the manning of the barricades took place in these
18 places.

19 A. [14:04:49] We were working on the barricades. A first barricade was along the
20 PK9 bridge, and the chief sent people regularly over there to stand guard. There was
21 also a barricade in Samba and people were used there as well every second day.

22 There was also a barricade in Sekia. During the gatherings, they designated
23 individuals who were deployed to stand guard on the Sekia barricade. So they sent
24 groups of 10 to the barricades of Kapou and that happened every two days.

25 What we did is that people who didn't have identity on them had to pay 250 CFA.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 The vehicles who went through had to also fill in formality, so did the motorbikes.

2 And this is how we got money and then we gave it to the chief.

3 We stood guard every two days. And when we went to the back, we gave 3,000

4 CFA to the guard and the rest was sent and distributed per section to enable the

5 elements to find food whilst waiting before they -- it was their turn to stand guard at

6 the barricades.

7 Q. [14:07:18] Okay, thank you for those clarifications.

8 I just have a couple of follow-up questions from what you said. You mentioned that

9 the chief sent people to man barricades and said that the chiefs designated

10 individuals to stand guard. Can you provide more details on who were these chiefs

11 or chief?

12 A. [14:08:01] The main base of the Anti-Balaka was in Sekia. Behind the church

13 there was a building where the secretary of the Anti-Balaka resided. He organised

14 the different detachments going to the different barricades.

15 Q. [14:08:36] Do you happen to recall the name of the secretary of the -- of

16 Anti-Balaka?

17 A. [14:08:53] The secretary of the Anti-Balaka was called CB Celio.

18 Q. [14:09:05] All right. And you also mentioned that the money that was collected

19 at the barricades was distributed, you know, among the different sections and you

20 said that money was also given to the chief. Can you specify which chief the money

21 was given to?

22 A. [14:09:41] At the checkpoint there were ComZones and those ComZones were

23 always at the checkpoints. When the elements were deployed to go to the barricades,

24 it was the ComZones who distributed duties and the money was handed to the

25 ComZones, who afterwards distributed 3,000 or 4,000 to the elements. At the end,

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 they sent all the money to Sekia to the chief who was head of the section, and from
2 there they redivided money for feeding the elements. *And then the money was sent
3 to the bureau, which was called CCP, this was the office that was organised or
4 managed by the secretary.

5 Q. [14:10:46] And can you tell us a little bit more about the tasks of the secretary?

6 A. [14:11:08] CB Celio was responsible for recording all the Anti-Balaka elements.
7 He had the list of the elements and the elements were divided into sections. When
8 the money was sent he received the money and he distributed the sums between the
9 various sections.

10 Q. [14:11:41] All right. I'd like to ask questions on a different topic now which
11 might be identifying (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [14:11:50] Then we go to private session, yeah.

13 (Private session at 2.11 p.m.)

14 THE COURT OFFICER: [14:12:00] We are in private session, Mr President.

15 MS BERDENNIKOVA: [14:12:14]

16 Q. [14:12:15] Just one additional clarification question before I move on to the next
17 topic.

18 When you say that the money was distributed amongst the Anti-Balaka sections and
19 Anti-Balaka elements, are you talking about the Anti-Balaka elements under
20 Yekatom?

21 A. [14:12:43] Yes.

22 THE INTERPRETER: [14:12:49] The witness says in French.

23 MS BERDENNIKOVA: [14:12:51]

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [14:22:34] Okay, thank you for that clarification.

20 We'd like to move on to play a video now. I believe it can be played in public
21 session.

22 PRESIDING JUDGE SCHMITT: [14:22:50] Yeah, public session.

23 MS BERDENNIKOVA: [14:22:53] We can -- we will play it from our bench.

24 (Open session at 2.22 p.m.)

25 THE COURT OFFICER: [14:23:01] We're in open session.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 MS BERDENNIKOVA: [14:23:15] Okay. So for the record, the reference to the
2 video that we're going to play, it's tab 13, CAR-OTP-2094-7618. We're only going to
3 play an excerpt from that video which is from minute 09:45 until 11:56. And again
4 for the record, the French translation of that video is at tab 21, CAR-OTP-2118-4260.
5 So we'll play again -- as previously, we'll play the video, it's only a couple of minutes
6 long, and then ask a few follow-up questions and potentially then do a couple of
7 screenshots.

8 (Viewing of the video excerpt)

9 MS BERDENNIKOVA: [14:26:40]

10 Q. [14:26:40] Can you tell us anything about the footage that you've just seen?

11 A. [14:27:05] That video extract shows us the Sekia base. I see Chief Rambo. I
12 see Chief Coeur de Lion. I also see other chiefs, but it's not so clear. I can't
13 remember all the names. I also saw Bojor (phon). I saw women who worked with
14 us, I saw them in that video.

15 MS BERDENNIKOVA: [14:27:43] Well, as the witness is obviously able to identify
16 some people, in order to make it more clear, maybe we could play the excerpt again
17 and I wonder what's the best way to do it. We could pause maybe in places where
18 there are people, multiple people appearing and go through those screenshots.

19 PRESIDING JUDGE SCHMITT: [14:28:11] If this can be done, it's fine. It should
20 not be too suggestive so that we have one person on the screen and he is asked: Is
21 this A or B? Well, we don't have to talk about Mr Yekatom here, I think. But
22 it's -- Ms Dimitri, I know you have other -- other worries and -- so how could we do
23 that? Or the witness could indicate.

24 Mr Witness, we are thinking that when you -- apart from Mr Yekatom, when someone
25 appears on the screen that you think you recall and can name, then simply raise your

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 hand perhaps and then we stop it there. Is this okay with you?

2 Thank you very much.

3 THE WITNESS: [14:29:08](Interpretation) That's fine.

4 PRESIDING JUDGE SCHMITT: [14:29:10] Perhaps we can put the tone a little bit

5 down. It's not about the tone here, it's about the footage, so to speak.

6 And since Prosecution I think is playing it, so please be aware when the witness raises

7 his hand that we can immediately stop it so that we have really the right point in

8 time, so to speak, where we can ask him the question.

9 MS BERDENNIKOVA: [14:29:56] We're coordinating that.

10 (Viewing of the video excerpt)

11 PRESIDING JUDGE SCHMITT: [14:30:19] Stop.

12 And now we ask in a neutral manner whom -- Mr Witness, whom do you -- can you

13 identify here, apart from Mr Yekatom? If you can.

14 THE WITNESS: [14:30:41](Interpretation) The people on the screen are people

15 whom I know, but I have forgotten their names. But the one next to Rambo is Chief

16 Sesse Ngounda (phon).

17 PRESIDING JUDGE SCHMITT: [14:30:59] Okay, thank you.

18 MS BERDENNIKOVA: [14:31:00] Your Honours, for the record, I will read in the

19 timestamp, but of course it's -- with the caveat that it's the timestamp of the excerpt

20 and the excerpt starts at minute 9:45 so this is the timestamp 00:12 of -- of that excerpt.

21 PRESIDING JUDGE SCHMITT: [14:31:22] Thank you. I think we can indeed do it

22 this way.

23 Thank you for your cooperation, Mr Witness.

24 And we can now continue with playing the footage. Or not. Perhaps we wait a

25 second.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 Ms Dimitri.

2 MS DIMITRI: [14:31:35] It's just for the record, so I understand, the excerpts will
3 be -- the excerpts will be submitted? Because I think your excerpt is shorter than the
4 initial video so it might -- it might lead to confusion.

5 MS BERDENNIKOVA: [14:31:50] It is shorter. It's a portion of a -- of a longer video
6 indeed. I think the full video is about 27 minutes. That's possible to --

7 MS DIMITRI: [14:32:00] I don't mind. I just want to know -- (Overlapping
8 speakers)

9 PRESIDING JUDGE SCHMITT: [14:32:02] No, no, it's (Overlapping speakers).

10 MS DIMITRI: [14:32:03] -- for the record.

11 PRESIDING JUDGE SCHMITT: [14:32:05] Yeah, the exercise only makes sense if,
12 when we -- let's now personalise it. If the judges sit in the deliberation room at some
13 point in time and want to see it and really find the exact spot, only then it makes
14 sense. So I think the excerpt would be fine with us, I would assume. And if taking
15 this into regard, if then the timestamp was okay -- or you can also -- you can also tell
16 us where it is from the full video, if you want to submit the full video. I don't want
17 to restrain yourself. There might be -- there might be other portions of the video of
18 interest. But then I think it would make sense to identify where we are here with
19 this footage in the full 27 minutes. That would be better perhaps even. I don't want
20 to be too complicated. Ms Dimitri has a point of course here.

21 (Counsel confers)

22 PRESIDING JUDGE SCHMITT: [14:33:17] It should be possible to tell us. I
23 thought -- I thought you have started by zero. So does it make any difference at all?
24 It does. Okay, it does. Mr Vanderpuye is -- does not agree with me.

25 MS BERDENNIKOVA: [14:33:33] I mean, in essence, just to make it very clear, we

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 started at minute 9:45 of the full original video.

2 PRESIDING JUDGE SCHMITT: [14:33:42] So then we have -- I'm not the one for
3 that. Somebody can do the math, please, for us. I'm on the *iudex non calculat* front
4 actually.

5 And indeed I get now a notice by my staff, it is better to refer to the complete video
6 because otherwise also in the future for Defence or whomever, if we submit
7 additionally extracts, it makes things much more complicated. So I think we should
8 really try to figure out where we are.

9 So 9:40 and here we are at ...

10 MS BERDENNIKOVA: [14:34:25] So this would be 9:57 of the original video, as it's
11 12 seconds into the excerpt.

12 PRESIDING JUDGE SCHMITT: [14:34:35] Okay. Then if there's no objection, to
13 put it this way, by any of us here, then I think we take it at that and perhaps we can
14 continue by (Overlapping speakers)

15 MS BERDENNIKOVA: [14:34:47] Your Honours, the other suggestion that I could
16 maybe have is to -- for the court officers to play the video from Nuix, and then we
17 would have those timestamps. The reason why we're playing it from our bench is
18 because the quality is -- is in HD, whereas the version that is available in Nuix
19 unfortunately is of a lower quality so it's harder potentially for (Overlapping
20 speakers)

21 PRESIDING JUDGE SCHMITT: [14:35:12] Wait, but -- but please, this is not such a
22 complicated mathematical operation, so -- and then we are -- there is -- quality I think
23 should be predominant here.

24 So, Mr Witness, you see sometimes there's a back and forth. This might even amuse
25 you a little bit, but we really try to have something, a procedure here where we can

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 really figure it out when we have left this courtroom, let's say a couple of months
2 later, so this is the reason why we are discussing this.
3 So I think we can continue from there. And we always start then from 9 -- 9 minutes
4 40 something and then we add what we have here. I think that should be possible.
5 So we continue with playing the video, please.
6 (Viewing of the video excerpt)
7 PRESIDING JUDGE SCHMITT: [14:36:42] Stop.
8 MS BERDENNIKOVA: [14:36:45]
9 Q. [14:36:46] Can you tell us who it is that you recognise?
10 A. [14:37:06] The woman standing, whom you can see, is the one who cut off
11 Dido's genitals in Mbaiki.
12 Next to her is Bougie Noire in a white T-shirt.
13 And the one who is somewhat behind with something on the head is Achille.
14 As for the others, I recognise their faces, but I don't remember their names.
15 PRESIDING JUDGE SCHMITT: [14:38:04] May I shortly.
16 You know this Achille that you mentioned, does he wear a yellow shirt? Do you
17 mean this person?
18 THE WITNESS: [14:38:30](Interpretation) No, not that one who is in yellow. The
19 one wearing some kind of cap which is reddish and who is further in the back.
20 PRESIDING JUDGE SCHMITT: [14:38:46] And that was a deliberate try by me, to
21 put it this way. Good. And then we have -- perhaps we have to ask, the woman is
22 I think clear, but the second guy he mentioned, this Bougie Noire, perhaps we have to
23 verify this, whom he means. He can -- perhaps he can describe where he is, number
24 one on the picture, or second from left, or whatsoever.
25 MS BERDENNIKOVA: [14:39:16] Yes. First I'd like to put into the record the

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 timestamp. And the timestamp of the original video here is 10:35.

2 Q. [14:39:34] So the woman you -- you identified a woman, the woman who cut
3 Dido's genitals. Is -- is she the woman who is on the right of the photo wearing a
4 camouflage military uniform and with sunglasses hanging in the front?

5 A. [14:40:06] Yes.

6 Q. [14:40:08] And --

7 A. [14:40:10] She's the one.

8 Q. [14:40:11] And Bougie Noire, you mentioned he's wearing a light T-shirt.

9 Is -- is that the individual in the forefront of the screen -- of the screenshot who is
10 more towards the left of the picture?

11 A. [14:40:37] Yes, he's the one.

12 Q. [14:40:42] I believe we can move on.

13 PRESIDING JUDGE SCHMITT: [14:40:48] Yes.

14 (Viewing of the video excerpt)

15 PRESIDING JUDGE SCHMITT: [14:41:07] Stop.

16 MS BERDENNIKOVA: [14:41:18] Okay. So this, for the record, will be at minute
17 10:48 of the original video.

18 Q. [14:41:36] Can you tell us who you recognise here?

19 A. [14:41:53] The person wearing a military uniform and is holding something in
20 his hand is called Jospin.

21 Q. [14:42:13] I see multiple people here wearing a military uniform. Can you
22 clarify the height of the individual or where they are in the screenshot?

23 A. [14:42:42] He is to the right and is wearing a bracelet.

24 Q. [14:42:56] Is he the individual who has a kind of --

25 PRESIDING JUDGE SCHMITT: [14:43:03] Has a watch on his left -- give it a try,

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 who has a watch on his left hand?

2 THE WITNESS: [14:43:18](Interpretation) Yes, that's the one.

3 PRESIDING JUDGE SCHMITT: [14:43:21] We can move on then.

4 Do you recognise more -- of course. Do you recognise more people? You may
5 answer. I interrupted you.

6 THE WITNESS: [14:43:45](Interpretation) The one who is wearing a yellow T-shirt
7 under a military attire, I know his name.

8 PRESIDING JUDGE SCHMITT: [14:44:09] And can this name be provided in open
9 session or should we go to private session, Mr Witness?

10 THE WITNESS: [14:44:39](Interpretation) In fact, I don't know his real name.

11 PRESIDING JUDGE SCHMITT: [14:44:45] Okay, then. And under what nickname
12 do you know him, if it is a nickname?

13 THE WITNESS: [14:44:59] (Interpretation) Yes, yes, I do.

14 PRESIDING JUDGE SCHMITT: [14:45:04] And what is the name?

15 Okay.

16 THE WITNESS: [14:45:13](Interpretation) Papillon.

17 PRESIDING JUDGE SCHMITT: [14:45:18] I think then we continue from there.

18 (Viewing of the video excerpt)

19 PRESIDING JUDGE SCHMITT: [14:45:33] Again stop.

20 MS BERDENNIKOVA: [14:45:45] Just for the record, this will -- this is minute 10:54
21 of the original video.

22 Q. [14:45:59] Can you tell us who it is that you recognised?

23 A. [14:46:14] The person in front on the photograph, I know him.

24 Q. [14:46:25] Can you describe what the person that you know is wearing. There
25 are some people in a camouflaged uniform and then there is a man in a plain green

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 uniform or jacket. Which one are you talking about?

2 A. [14:46:51] The one who is in the forefront of the photograph with a lot of hair
3 and whose uniform is short-sleeved.

4 Q. [14:47:09] Okay. So I think that's the individual who is in the middle of the
5 screenshot standing in the foreground next to the person who has the plain green
6 jacket on.

7 And what is the -- who is this person?

8 A. [14:47:32] I was not talking about the individual with a green T-shirt, no, no, no,
9 no, no. I am talking about the person who is in front who has a lot of hair. That is
10 the person I am referring to.

11 PRESIDING JUDGE SCHMITT: [14:48:00] Actually I also understood that this is the
12 person. And who is this person?

13 THE WITNESS: [14:48:17](Interpretation) The person I am talking about is the one
14 who is in front and his name is Freddy.

15 PRESIDING JUDGE SCHMITT: [14:48:34] And for the record, the time -- two
16 timestamps, to be sure. First the timestamp from the whole video and then perhaps
17 so that we cannot make any mistake, from the extract too. So that's the best way.

18 MS BERDENNIKOVA: [14:48:52] The timestamp of the whole video should be
19 10:54. And the timestamp of this excerpt is 1:09. And as indicated previously, the
20 previous screenshot was at timestamp 10:48, which I think I mentioned already in the
21 record, which was minute 1:03 of the excerpt.

22 (Viewing of the video excerpt)

23 MS BERDENNIKOVA: [14:49:46] Now we stop at minute 1:17 of the excerpt. So
24 that would be minute 11:02, if my calculations are correct, of the original video.

25 THE WITNESS: [14:50:22] (Interpretation) Can you please bring the photograph a

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

1 little bit backwards.

2 MS BERDENNIKOVA:

3 Q. [14:50:35] Is this a good place? Okay.

4 So now we stop at just one minute earlier at 1:16 of the excerpt, which is 11:01 of the
5 original video.

6 Can you tell us who it is that you recognise here?

7 A. [14:51:12] On the left of the photograph the person on the left is called Merlin.

8 Q. [14:51:30] Can you describe what the person is wearing, just so there's no
9 confusion as to who you're talking about.

10 A. [14:51:48] He is the one standing next to the one who has some kind of a turban
11 around his neck. So it is the individual who is at the end of the photograph. His
12 name is Merlin.

13 Q. [14:52:17] I think that's clear and we can probably continue.

14 (Viewing of the video excerpt)

15 MS BERDENNIKOVA: [14:53:06] Okay, and now we are at minute 1:52 of the
16 excerpt, which is -- which is minute 11 zero -- no, not zero. 37, minute 11:37 of the
17 original video and minute 1:52 of the excerpt.

18 Q. [14:53:52] Can you tell us who you identify here?

19 A. [14:54:03] The individual with a red beret is -- used to be called Coeur de Lion.

20 I have forgotten the name of the person who is standing behind Rambo. He was the
21 ComZone of Sekia and he was the one who manned and supervised the checkpoint or
22 roadblock in Sekia.

23 Then the one who is in the background with a weapon is *Chef* Boica (phon).

24 Oh, I'm sorry, I'm sorry, the one behind with the weapon is Apache. It's not *Chef*

25 Boica (phon). It's Apache.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 Q. [14:55:09] Okay. Thank you.

2 (Viewing of the video excerpt)

3 PRESIDING JUDGE SCHMITT: [14:55:32] So then thank you, Mr Witness, for really
4 helping us with that. That was a little bit cumbersome and perhaps not ideal. But
5 also Ms Berdennikova, everyone else, for your patience here that we went through
6 this.

7 So we can continue.

8 But it doesn't make sense to have a transcript when it is -- like Ms Dimitri correctly
9 pointed out, when afterwards it's not clear what we are referring to.

10 MS BERDENNIKOVA: [14:56:21] Okay. I'd like to change topic now, but I think it
11 might require private session.

12 PRESIDING JUDGE SCHMITT: [14:56:28] Perhaps you can address, what are you
13 going to address now?

14 MS BERDENNIKOVA: [14:56:32] It's about the witness leaving the Anti-Balaka.

15 PRESIDING JUDGE SCHMITT: [14:56:37] Yeah, yeah, yeah. Private session.

16 (Private session at 2.56 p.m.)

17 THE COURT OFFICER: [14:56:52] We're in private session, Mr President.

18 MS BERDENNIKOVA: [14:56:58]

19 Q. [14:56:58] All right, Mr Witness, so I'm going to move on to a different topic
20 now. And you mentioned at some point in your testimony yesterday that
21 (Redacted). Can you give us more details about this and tell us when did this
22 happen?

23 A. [14:57:40] Before going to Mbaiki, everybody was discouraged following the
24 death of Coeur de Lion in Sekia. (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted) Chief Rambo decided to release all the child soldiers and hand them over
10 to the NGO because these children were not supposed to be involved in military
11 operations.

12 So a list was read out, a list was pulled out and read out and it was a list of children
13 that was trumped up. (Redacted)

14 Only the names of children were being called; children that were not even known,
15 and who were not even Anti-Balaka. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 The question was asked, but the answer was that it didn't really matter. The
25 children needed to go into the vehicles and that everything would be sorted out

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 And you may want to know that there were some (Redacted) children or so
13 (Redacted), but there were only 10 child soldiers who had been recognised within the
14 Anti-Balaka movement. I was asked how I knew or how I came by that information,
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [15:45:22] So there is activity in the courtroom.

15 MS DIMITRI: [15:45:24] I was trying to be discreet.

16 PRESIDING JUDGE SCHMITT: [15:45:35] Ms Wagner and Ms Dimitri are leaving

17 us, but we are still -- I think have enough forces here, so to speak, on each side to

18 continue. I would suggest we continue until 4 o'clock. If you're not finished, it is as

19 it is. (Redacted)

20 (Redacted)

21 MS BERDENNIKOVA: [15:45:54] Indeed, your Honours. That would be a good

22 plan because after that, I would just have a very short kind of subtopic to cover and

23 that could be -- we won't have time for it today but on Monday morning.

24 PRESIDING JUDGE SCHMITT: [15:46:08] Fine, fine, fine. No problem. It makes

25 never sense to try to force things in courtrooms. And we had -- we had some

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 interruptions. This happens. No problem.
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [15:56:31] So -- okay.

16 PRESIDING JUDGE SCHMITT: [15:56:33] I think, I think it's -- it's clear that there
17 must be something wrong. I think we can move on here.

18 MS BERDENNIKOVA: [15:56:40]

19 Q. [15:56:41] Okay. Well, thank you very much for clarifying that. We can
20 indeed move on and I have a very few questions left.

21 PRESIDING JUDGE SCHMITT: [15:56:52] Well, we are -- have now nearly two
22 hours of session. Do you want to go into something else or ...

23 MS BERDENNIKOVA: [15:57:00] It's a separate topic that might be better to deal
24 with it in whole on Monday.

25 PRESIDING JUDGE SCHMITT: [15:57:08] Yeah, then I -- then I suggest really -- also

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Private Session)

ICC-01/14-01/18

- 1 the -- it's not only for the Registry, it's also the attention span I think after two hours
- 2 without a break, I think we can now call it a day, so to speak.
- 3 So I thank everybody for their patience. Thank you very much to the court officers
- 4 and also to OTP that you really tried to elicit information in open session whenever
- 5 possible.
- 6 And also, of course, Mr Witness, for patiently answering all the questions that were
- 7 put to you.
- 8 This concludes the session for today, the hearing for today. We resume on Monday
- 9 at 9.30. Thank you very much.
- 10 THE COURT USHER: [15:57:54] All rise.
- 11 (The hearing ends in private session at 3.58 p.m.)