

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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 31 May 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:42] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:34:14] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:34:19] 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: [9:34:34] Thank you.
21 The appearances of the parties. We start with the Prosecution, as always.
22 MS BERDENNIKOVA: [9:34:40] Good morning, your Honours, and everyone.
23 This morning the Prosecution is represented by Pierre Belbenoit-Avich,
24 Kweku Vanderpuye, Yassin Mostfa, and myself, Maria Berdennikova. Thank you.
25 PRESIDING JUDGE SCHMITT: [9:34:52] Yes.

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1 The representatives of the victims.

2 MS DOUZIMA-LAWSON: [9:34:56](Interpretation) Good morning, your Honours.

3 Good morning. The victims of other crimes are represented by myself,

4 Maître Douzima, assisted by Mouhia Asso.

5 MS LAU: [9:35:19] Good morning, Mr President, your Honours. Good morning,

6 everyone in the courtroom. Today the former child soldiers are represented by

7 myself, Fiona Lau, associate legal officer at the Office of Public Counsel for Victims.

8 Thank you.

9 PRESIDING JUDGE SCHMITT: [9:35:32] Thank you.

10 For the Defence, first of all Ms Dimitri.

11 MS DIMITRI: [9:35:36] Good morning, Mr President. Good morning,

12 your Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.

13 He's represented today by Ms Laurence Hortas-Laberge, Ms Lena Casiez,

14 Mr Gyo Suzuki, Ms Daniela Mvougou Police, Ms Wilhelmina Whittingham,

15 Ms Sabine Bayssat, and myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:35:54] Thank you.

17 And Mr Knoops.

18 MR KNOOPS: [9:35:58] A very good morning, Mr President, your Honours,

19 everyone in the courtroom.

20 The Defence team of Mr Ngaïssona today comprises just of Ms Marie-Hélène Proulx

21 and myself. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:36:08] Thank you.

23 And we have also Rule 74 counsel for the witness.

24 MR GOLUBOK: [9:36:12] Good morning, Mr President, your Honours. Good

25 morning, everyone in the courtroom. The protected witness is advised today by

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1 myself, Sergei Golubok, counsel. Thank you.

2 PRESIDING JUDGE SCHMITT: [9:36:23] Thank you.

3 And of course, most importantly, Mr Witness, good morning. I hope you're feeling
4 well and are full of, let's say, of power and enthusiasm to answer further questions,
5 Mr Witness. How's it going today?

6 WITNESS: CAR-OTP-P-2475 (On former oath)

7 (The witness speaks Sango)

8 THE WITNESS: [9:37:06](Interpretation) Yes.

9 PRESIDING JUDGE SCHMITT: [9:37:08] Okay. Then we continue with
10 the examination by Ms Dimitri, of course.

11 You have the floor.

12 MS DIMITRI: [9:37:14] Thank you, Mr President.

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

14 Q. [9:37:44] Hello again, Mr Witness.

15 Yesterday we spoke --(Speaks English) Just a minute.

16 Mr President.

17 PRESIDING JUDGE SCHMITT: [9:38:07] We are in open session, so the question is if
18 we can stay in open session, so ...

19 MS DIMITRI: [9:38:15] Perhaps the next four questions we can stay in open session.

20 PRESIDING JUDGE SCHMITT: [9:38:18] Yeah.

21 MS DIMITRI: [9:38:19] But if the witness believes that his answer can identify him,
22 he could just inform me and then we could of course go in private session.

23 PRESIDING JUDGE SCHMITT: [9:38:29] Yeah. I think that's a good idea.

24 Mr Witness, when you think your answer would potentially reveal your identity,
25 please let us know.

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1 Also Mr Golubok and also everybody else here in the courtroom. The judges are
2 aware of the potential problem.

3 Ms Dimitri, please continue.

4 MS DIMITRI: [9:38:47] Thank you, Mr President.

5 Q. [9:39:00](Interpretation) Mr Witness, yesterday we spoke {PFR: (Redacted)}. I
6 understood that he's someone you knew well. Am I correct in saying that {PFR:
7 (Redacted)} was the name of his adoptive father and {PFR: (Redacted)} carried out his
8 own enquiries and realised that his father died when he was two months old and that
9 his father was called {PFR: (Redacted)} (phon)? Is that correct?

10 A. [9:39:40] I don't know.

11 Q. [9:39:48] Yesterday during your testimony you said that {PFR: (Redacted)}.
12 And I just want to find the extract. And that you had a discussion at a certain point
13 of time with the son of {PFR: (Redacted)}.

14 If I say to you the name of {PFR: (Redacted)}, is that is the son of {PFR: (Redacted)}?

15 A. [9:40:52] I don't know. I don't know his family name.

16 Q. [9:41:03] I would like to know, other than the son of {PFR: (Redacted)}, did
17 the {PFR: (Redacted)}
18 {PFR: (Redacted)}?

19 A. [9:41:37] No. Their children weren't there.

20 MS DIMITRI: Mr President, I think for the --

21 PRESIDING JUDGE SCHMITT: [9:41:59] Well, if -- if -- if you have doubts, then we
22 have to go to private session.

23 MS DIMITRI: I do. I'm sorry.

24 PRESIDING JUDGE SCHMITT: [9:42:00] And for the audience, this a protected
25 witness and, when it comes to questions that -- and the answer to these questions

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1 could reveal the identity of the witness, we have to do that in private session. I think

2 everybody understands that.

3 We go to private session.

4 (Private session at 9.42 a.m.)

5 THE COURT OFFICER: [9:42:44] We are in private session, Mr President.

6 MS DIMITRI: [9:42:49] Thank you.

7 (Counsel confers)

8 MS DIMITRI: [9:43:02](Interpretation)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [9:48:25] Mr Witness, is this the person that you
15 identified as (Redacted), if you recall it?

16 THE WITNESS: [9:48:39](Interpretation) It's not him. The image isn't very clear.

17 MS DIMITRI: [9:48:47] Mr President, if I can assist. We have a TIFF version. I
18 understand that the picture is not clear. We have a TIFF version of the picture. If I
19 could be allowed, with your permission, to show it to the witness since he identified
20 this individual as (Redacted). Perhaps with the TIFF version he'll see it better.

21 PRESIDING JUDGE SCHMITT: [9:49:12] Yeah. Perhaps. Yeah. I think
22 we -- why not? Why not?

23 MS DIMITRI: Thank you.

24 PRESIDING JUDGE SCHMITT: [9:49:12] If we can have the quality of the photo ...

25 MS DIMITRI: [9:49:19](Interpretation)

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1 Q. [9:49:19] I'm going to show you it again, (Redacted), who you identified
2 (Redacted) in a photo that is a bit clearer. Can you see it?

3 A. [9:49:35] I see it.

4 Q. [9:49:41] Is that him?

5 A. [9:49:47] Yes.

6 Q. [9:49:49] Thank you. We can remove the photo.

7 Since he is on the photo (Redacted), I understand that (Redacted)
8 and that it seems to be what you said last Wednesday.

9 If I say to you that (Redacted)
10 (Redacted), am I correct?

11 A. [9:50:29] I don't know.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [9:51:23] I would like to say something as regards this question you've just put
18 to me. I don't know whether the Prosecution would grant me a little time to say
19 something about this.

20 PRESIDING JUDGE SCHMITT: [9:51:40] Mr Witness, there are rules in this
21 courtroom and, actually, the Presiding Judge, that is me, has to grant you to say
22 something. But not a problem. But you are allowed to say something, of course.
23 Please, let us know what you want to say.

24 THE WITNESS: [9:52:22](Interpretation) I'd like to say the following: I lived with
25 people (Redacted), but that doesn't mean I'm their father or

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1 their mother. I'm not their guardian. I don't know where they're born, nor do I
2 know other things about them. I'm not a philosopher to know all the age of every
3 individual. And you ask me questions regarding each individual, where do you live,
4 What age are you. I can't give you details. I can't answer. (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 You asked me questions regarding everybody's age, whereas I, I am only deducting
9 the age according to the size and other things. I do not have the birth certificate of
10 everyone to know what age they are.
11 Ask me the question on what I know, what I experienced. But when it deals with
12 the age of each element, I cannot tell you. At that time I didn't know everybody. So
13 what I can say, what I can answer, ask me on those things. Ask me about my
14 experiences, what I saw, and then I can answer. But when you ask me questions
15 on -- about details about everybody's age, frankly speaking, I'm not in a position to
16 give you all that detail.
17 PRESIDING JUDGE SCHMITT: [9:54:14] Mr Witness, we perfectly understand that.
18 And it -- when you are asked these questions and you say "I don't know", or even if it
19 is perhaps your estimate, assessment might be not correct, that doesn't matter. It's
20 not a reproach to you.
21 I spoke -- a couple of minutes ago I spoke to you about the rules in this courtroom,
22 and amongst the rules is that the Defence has to do the best for their client. They
23 have to put questions to the witnesses. That is not -- that is perfectly normal in
24 the courtroom. You're an intelligent person, you understand that. These are -- and
25 (Redacted), these are the rules of the game, so to speak. Yeah. Defence counsel

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1 must do that.

2 And it is -- and the reason why Defence counsel puts more and more questions to you,

3 I think, one of the reasons is also that you have an extremely good memory. That is

4 one of the reasons. So you have provided actually a remarkable number of

5 information about people that you were with at the time.

6 So please accept that these -- that some of these questions that are put to you, you say,

7 "Yeah, well, I can't really say something about it", then simply continue and say so.

8 Yeah. There is no problem, there is nothing in it that is something that we would

9 perceive as negative from you, not at all. On the contrary, we all saw in the past

10 days what remarkable recollection you have. And that is the reason -- that's

11 the reason why so many questions are put to you.

12 Mr Witness, you understand that?

13 THE WITNESS: [9:56:28](Interpretation) I have understood you completely.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 So as regards the DDR project, many were born in '96, '94, but they had to have -- to

20 be a little bit older in order to enter into the army. And that is why -- in fact, I

21 realised the birth certificate were photocopies, these are things that have been falsified.

22 So I cannot know what documents they produced, whether they are genuine

23 documents or not. So please, I'm asking you to move on to another question so that

24 I can make headways. We're going around in a circle here. You ask me

25 the question of this person or that person and I don't know what to say as regards

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1 that.

2 PRESIDING JUDGE SCHMITT: [9:57:59] Well, okay, so we have taken note of that.

3 And let me put it this way, we have done this exercise, or you have done this exercise

4 yesterday and today so many times, I think it's not necessary to ask for further

5 assessments of ages. I think it's really not necessary.

6 In a way, you know, when the witness has on questioning by the Prosecution given

7 an estimate, then it's on the record. And then present your documents and that's it,

8 not further asking again do you stay by that or so. You simply -- you simply present

9 your documents and the Prosecution may contest if they are authentic or what -- or

10 whatsoever, and we leave it at that, I think.

11 MS DIMITRI: [9:58:47] I understand, Mr President. But is it okay that I still --I

12 have -- I don't have many left, but now I'm going towards those who have a nickname.

13 And that was my last question which remains unanswered, where I'm trying to

14 establish the real name (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [9:59:05](Overlapping speakers) Absolutely, no that

16 is -- that is of course --

17 MS DIMITRI: [9:59:06] (Overlapping speakers) It's different.

18 PRESIDING JUDGE SCHMITT: [9:59:09] That's a completely different issue.

19 So, Mr Witness, you also fully understand that it is important that Defence counsel

20 asks you if you know the real name, yeah. And if you don't know the real name,

21 (Redacted),

22 please say so, so we can continue from there.

23 Ms Dimitri, of course you can ask these questions.

24 MS DIMITRI: [9:59:31] Thank you, Mr President.

25 Q. [9:59:36](Interpretation) Mr Witness, I'm going to ask you this question again.

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1 (Redacted)

2 (Redacted)

3 A. [10:03:13] I don't know. But if you want to take my age or the age that I stated
4 as not being correct, well, it might be best to drop the others ages, and if you want to
5 talk about my specific age, please let -- you can mention that.

6 THE INTERPRETER: [10:03:45] Message from the Sango booth: If the interpreter
7 has properly understood what the witness said.

8 PRESIDING JUDGE SCHMITT: [10:03:53] Please move on. We have -- we all know
9 that assessments by -- by witnesses are not expert opinions. We all know that. And
10 the witness has said different things about that and it's okay. It was eight years ago.
11 We have to also understand a little bit the situation of the witness here.

12 Please move on.

13 MS DIMITRI: [10:04:15] Mr President --

14 PRESIDING JUDGE SCHMITT: [10:04:16] And if -- and in the end, as the testimony,
15 you know, the Chamber can pick what is -- well, what is best for Prosecution, or
16 Defence, or whomsoever. For Defence, yes. So he has said at some point in time
17 he's older than -- "He was older than me one or two years." Yeah.

18 MS DIMITRI: [10:04:35] Thank you, Mr President.

19 Mr President, for my next subject I'm talking (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Open session at 10.05 a.m.)
- 7 THE COURT OFFICER: [10:05:43] We're in open session, Mr President.
- 8 MS DIMITRI: [10:05:53](Interpretation)
- 9 Q. [10:05:54] Mr Witness, during the {PFR: (Redacted)}
- 10 (Redacted)}
- 11 A. [10:06:24] There was no child there from Seleka.
- 12 Q. [10:06:30] At paragraph 144 of your {PFR: (Redacted)} statement, you refer to
- 13 one Seleka child. Does this jog your memory?
- 14 A. [10:06:59] {PFR: (Redacted)}
- 15 (Redacted)
- 16 (Redacted)}.
- 17 Q. [10:07:25] During your testimony -- (Speaks English) Mr President, I think your
- 18 mic ...
- 19 (Interpretation) During your testimony you indicated that you had provided
- 20 approximate ages. {PFR: (Redacted)}, did they know the real
- 21 ages of the children?
- 22 PRESIDING JUDGE SCHMITT: [10:07:57] Ms Berdennikova.
- 23 MS BERDENNIKOVA: [10:08:00] Your Honours, I believe that this asks for
- 24 speculation on the part of the witness, as he cannot possibly know what somebody
- 25 else would have known.

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1 PRESIDING JUDGE SCHMITT: [10:08:09] Yes, it's of course like always, it's how
2 you -- how you phrase the question.

3 So do you have any information, Mr Witness, that these two persons that counsel
4 mentioned knew the age of the children?

5 THE WITNESS: [10:08:50](Interpretation) No, I did not have any such information.

6 MS DIMITRI: [10:08:56](Interpretation)

7 Q. [10:09:02] Did the trainers and staff (Redacted) at any time whatsoever, did they
8 ever ask you to provide any evidence or any document relating to your age?

9 A. [10:09:35] No, they simply asked what our ages were and each individual
10 provided the age they thought was theirs. We never provided any documents.

11 The question that was put to us was simply, "How old are you?" I don't know
12 whether other children were required to provide birth certificates. I don't know.

13 Q. [10:10:07] So, as far as you know, it will be incorrect to say that where a child
14 like yourself did not have a birth certificate or some kind of document, it would be
15 incorrect to say that the doctor provided some kind of an age certificate?

16 A. [10:10:52] No.

17 Q. [10:11:01] In your 2019 statement you point out that you did not see anyone
18 from UNICEF. Would it be correct to say that UNICEF did not come to meet or have
19 discussions with the children, as far as you know?

20 A. [10:11:37] Yes, that is correct.

21 Q. [10:11:45] Yesterday during your testimony you indicated, while talking about
22 (Redacted)- let me find the excerpt to be sure that

23 I quote you correctly - you indicated that "They lied to us." Can you explain to me
24 what you meant by "They lied to us." And who lied to you?

25 A. [10:12:42] When I say that they lied to us, it is because they made promises to us

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1 regarding our training. We were supposed to have (Redacted) training, followed by
2 a holiday, and that there thereafter we would receive training in various trades and
3 skills. But after they sent us on holiday, they did not call us back again for the small
4 trades training which could have changed our lives. So all the promises they made,
5 they did not uphold. That is why I said that they lied to us.

6 Q. [10:13:37] Who is "they"?

7 A. [10:13:46] When I say "they", I'm referring to the NGO coordinators. You see,
8 I was not responsible for the NGO. It is the coordinators who registered us
9 (Redacted) and who had the intention or who had promised to train us. Is it really
10 useful or helpful to anyone when you give them (Redacted)
11 (Redacted)

12 Q. [10:14:23] Should the amount have been higher? Were you promised more
13 than (Redacted)?

14 A. [10:14:34] No, it is not about the (Redacted). I'm not angry about
15 the (Redacted). I am angry simply because they had made promises to those who
16 wanted to return to school that they would have that possibility to return to school.
17 And to those who wanted to learn skills, that they would be provided with training in
18 trades and skills. All they did was provide (Redacted).

19 Q. [10:15:07] Yesterday you also said that "They used us to get money or to take
20 money." Can you explain to me what you meant by they used you. (Redacted)
21 (Redacted), but what do you mean by
22 "They used us to take money"?

23 A. [10:15:49] You are right in asking that question. When I say they used us, it is
24 because they * offered training (Redacted)
25 (Redacted). They receive fundings,

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1 subsidies, but they did not do things properly. You see, if I remember well, there
2 were some westerners who came and * we played with them. I think we were just
3 being used as bargaining chips, and people were simply trying to benefit from our
4 situation. Because, (Redacted), who benefited from training or from anything else?
5 No one. Not a single child benefited from this training from this NGO.

6 Q. [10:16:52] Do I understand well that this training started in (Redacted), and
7 ended (Redacted) later, and that you spent the (Redacted)
8 (Redacted). And in your case it was (Redacted), and I don't want to mention
9 (Redacted) in open session.

10 PRESIDING JUDGE SCHMITT: [10:17:22] Mr Golubok.

11 MR GOLUBOK: [10:17:25] Thank you, Mr President. I think the answer to that
12 question may lead to the identifying information or semblance of identifying
13 information.

14 PRESIDING JUDGE SCHMITT: I think I agree.

15 MR GOLUBOK: [10:17:31] And at this stage I would suggest under Rule 74 --

16 PRESIDING JUDGE SCHMITT: [10:17:38] I think I agree, yeah.

17 We go to private session. There was also potential issues.

18 (Private session at 10.17 a.m.)

19 THE COURT OFFICER: [10:17:59] We are in private session, Mr President.

20 MS DIMITRI: [10:18:03] Mr President, would you like me to stay in private session
21 for the entirety of that subject, or just for that question? I don't mind, I'm just ...

22 PRESIDING JUDGE SCHMITT: [10:18:11] Simply continue and we'll see.

23 MS DIMITRI: [10:18:18](Interpretation)

24 Q. [10:18:18] Let me repeat my question. Is it correct that your training began in
25 (Redacted), lasted only (Redacted)

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1 (Redacted)?

2 A. [10:18:46] No, I did not go to (Redacted)

3 (Redacted).

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:19:27] So you spent only (Redacted) in (Redacted) for the training that is
9 beginning in (Redacted); is that correct?

10 A. [10:19:45] We spent (Redacted) in (Redacted). (Redacted)

11 (Redacted).

12 Q. [10:20:02] (Redacted)

13 (Redacted)

14 (Redacted). Now, as far as you know, was there a financial problem? Why were
15 you not being provided this training to the extent that you had to threaten to go on
16 strike?

17 PRESIDING JUDGE SCHMITT: [10:20:37] Ms Berdennikova.

18 MS BERDENNIKOVA: [10:20:42] Your Honours, this question again calls for
19 speculation on the part of the witness.

20 PRESIDING JUDGE SCHMITT: [10:20:47] Well, he might have information.

21 Somebody might have told him, "You know, we can't provide you with this because
22 there is not enough money there, we have run out of money." So I think, no,
23 I don't -- I don't agree.

24 Mr Witness, please answer the question.

25 So the question was, Mr Witness, to your knowledge, was there a problem in

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1 financing appropriate help for you, in your case? Only if you have information on
2 that.

3 THE WITNESS: [10:21:29](Interpretation) I am not able to know that. You see, at
4 some point (Redacted) we weren't being well fed. Later on they told us that they
5 had run out of money and could not feed us, but that we needed to continue to be
6 hopeful and that, when money would come, things would be better.

7 So what we wondered was whether there was really a financial problem. But we
8 had no idea. It wasn't clear to us that we would spend (Redacted) there and that we
9 would be released thereafter. They told us that they were going to send us on
10 holidays to our (Redacted). But after we left, that was it. That was it.

11 MS DIMITRI: [10:22:39](Interpretation)

12 Q. [10:22:40] Last Wednesday you also explained that the training came to
13 a sudden stop. And am I to understand that after the (Redacted) of training there
14 was no other training (Redacted)?

15 A. [10:23:24] After the (Redacted) of training (Redacted), nothing else happened.
16 What went on was that we just stayed together, we were singing and doing jokes and
17 riddles, and then we were sent on holiday. But they didn't tell us it was the end.
18 The fact is that after we left that was the end, it all ended that way. And we haven't
19 received anything to this day.

20 Q. [10:23:59] Am I correct also to say that you were expected to receive a kick-off
21 kit for your trade? For example, if you are going -- well, you are going to be
22 a (Redacted), you would receive the appropriate material, and mechanics would
23 receive the same kits. And that, for various reasons, none of these kits were ever
24 provided to you; is that correct?

25 A. [10:24:35] Now, did they provide any material or kits after the training? Well,

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1 come to think of it, we didn't learn -- learn anything whatsoever. We didn't receive
2 any training in mechanics, or anything whatsoever. So nobody took anything that
3 could have helped them to forge their way through life. Nothing. Just nothing.
4 We did not learn any trade.

5 Q. [10:25:22] Let me now talk about the coordinators or trainers. How many
6 trainers did you have at your training?

7 A. [10:25:42] There were many of them. I might remember some of their names.

8 Q. [10:25:54] Please kindly give me the names of those trainers whose names you
9 remember.

10 A. [10:26:05] The trainers were (Redacted). There was also (Redacted) whose
11 name I forget. Then there was a gentleman from (Redacted). There was also a staff
12 from (Redacted).

13 He was a big man, but I don't remember his name, unfortunately.

14 Q. [10:26:55] Am I then to understand that there were only four trainers -- five
15 trainers, or that those are the only five that you are able to remember?

16 A. [10:27:20] I don't remember the names of the others.

17 Q. [10:27:29] At the end of your training did you receive any kind of certificate?

18 A. [10:27:50] What -- what certificate are you talking about? You know, we didn't
19 receive any training, so what certificate are you talking about? At the end of
20 the training they simply took photographs. And then they gave us (Redacted), to
21 each one of us. That's how we were released.

22 Q. [10:28:18] So there is no document that attests to your having received any
23 training, if I understand you properly?

24 A. [10:28:32] No, no certificate. We did not receive any certificate.

25 Q. [10:28:41] I want to show you a photograph of a lady and ask you whether you

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1 remember having seen her.

2 It's at tab 3, Defence binder, (Redacted).

3 Can you see that lady to the right of the screen? (Redacted)

4 (Redacted).

5 A. [10:29:50] Yes, I can see her.

6 Q. [10:29:54] Do you remember whether she came and talked with you or

7 (Redacted) who were undergoing the training?

8 A. [10:30:10] I don't remember.

9 Q. [10:30:16] Thank you, we can remove the photo.

10 I would like to talk about the training centres now. Is it correct that there was only

11 one single training centre (Redacted)? There were no other centres elsewhere?

12 A. [10:30:50] There was only a single centre (Redacted). There was only one

13 centre (Redacted).

14 Q. [10:31:01] So you, (Redacted), for example, we sent you to (Redacted). There

15 was never any question to send you to a centre or a place (Redacted)?

16 A. [10:31:30] (Redacted). I heard it said that they wanted to set up a centre in

17 (Redacted), but I didn't see it. I have no information regarding this particular project.

18 Q. [10:31:56] At what point in the training, was it towards the end of the training,

19 that you heard it said that they had the intention to open up a centre in (Redacted)?

20 A. [10:32:20] No, at the very beginning of the training in (Redacted) we were many,

21 many. After two days there was a list and that list was taken to (Redacted), because

22 those who were (Redacted) and had their families went back to (Redacted). But, for

23 example, those who were in (Redacted) and lived elsewhere but not with their

24 parents went back to (Redacted). They said there was a centre in (Redacted), but

25 personally I never saw a centre in (Redacted).

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1 Q. [10:33:06] (Redacted)

2 (Redacted)

3 (Redacted). My question is as follows: After the training, when you returned to
4 (Redacted) and you build your house, did you have -- at any point in time hear or see
5 that (Redacted) existed in (Redacted), that there was a centre in (Redacted)?

6 A. [10:34:02] After having received the (Redacted), I spent a few -- some time with
7 my (Redacted). I tried to sell some (Redacted), which allowed me to build my house
8 with that money. When I was in (Redacted), I saw (Redacted), who were having
9 a training in tailoring, but they said the training wasn't very good. And I wondered
10 how they could have a training and they said they had a training because it's an NGO.
11 I asked them the question how was it possible that we were all in (Redacted) and they
12 have some training. Why there was this discrimination taking place, why is there
13 a group that has a tailoring or sewing course or training, and they said, "Well, that's
14 the way things are." So I said, well, from the moment that I received -- didn't receive
15 a call from anyone and I was in my house. (Redacted),
16 and this helped me live.

17 Q. [10:35:25] If we go back to the centre (Redacted), could you describe the centre
18 in (Redacted). It was what, what sort of buildings? Where did you sleep? How
19 many rooms were there? How many communal areas were there?

20 A. [10:35:57] It was * (Redacted). It was a building, and there were between
21 (Redacted) of us in a room. Everyone had their mat, their blanket. We didn't have
22 beds. However, we did have mats and we shared the same hall. There were
23 (Redacted) of us in a room.

24 In the same building there were also some offices where the leaders, for example,
25 the one who was responsible (Redacted) had an office, and we were subdivided in

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1 groups of 10 or 12 in one room.

2 Q. [10:36:58] Do you remember what building was it in (Redacted)?

3 A. [10:37:16] No. (Redacted)

4 (Redacted). I don't know. But there were three doors. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [10:37:57] Ms Berdennikova.

9 MS BERDENNIKOVA: [10:37:58] Your Honours, it's not an objection, it's a --

10 PRESIDING JUDGE SCHMITT: [10:38:03] Actually, I would have been surprised.

11 MS BERDENNIKOVA: [10:38:05] No, no, it's not an objection.

12 Just for the clarity of the record, because we are talking about the training in

13 (Redacted) and then earlier the ceremony in (Redacted) was discussed, and it just

14 doesn't seem very clear, you know, (Redacted). Because I know the witness

15 mentioned (Redacted), and then he mentioned (Redacted). So

16 perhaps it would just be good to ask him the question are we still talking about

17 (Redacted) or are we talking about many more who were then found in (Redacted) for

18 the training itself.

19 MS DIMITRI: [10:38:39] I think it was clear for me. He said that they arrived, there

20 was (Redacted), and then some of them were sent back (Redacted)

21 (Redacted).

22 PRESIDING JUDGE SCHMITT: [10:38:51] So, Mr Witness, you see, sometimes

23 people do not understand the same thing. Just perhaps to clarify it. The last thing

24 you were talking about, you were still together (Redacted); did we understand this

25 correctly? If I'm wrong, please correct me.

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1 THE WITNESS: [10:39:33](Interpretation) In (Redacted), we were (Redacted). After
2 that (Redacted) came into the training, so we had (Redacted) in the end, but not
3 necessarily in the beginning.

4 MS DIMITRI: [10:40:08] I'm reminded that I need to ask an additional question.

5 Q. [10:40:14](Interpretation) You spoke of (Redacted), who had a training
6 of sewing or tailoring. I just want to clarify, was this sewing training, according to
7 the conversation you had with him, was this given by another NGO or was it still
8 given by (Redacted)?

9 A. [10:41:02] * I met (Redacted), and he told me that it was the same NGO that was
10 offering this training in sewing. And I said to him, "but we haven't been called."
11 And he said no, it was (Redacted) who had asked him, and (Redacted) as well,
12 because they had expressed a desire to learn sewing. And I said, no, this wasn't right,
13 (Redacted) who need to learn a trade,
14 and only two people will get some sort of training in sewing? Then I said, "well, since
15 they haven't called me it's not a problem, but when they call me, I will tell them what
16 I think."

17 Q. [10:42:00] When you talk about (Redacted), *who do you mean? Is that
18 (Redacted)?

19 A. [10:42:24] When I spoke with (Redacted) said that they had made two sewing
20 machines available to them, and that the training wasn't really very solid, it wasn't
21 good at all.

22 Q. [10:43:06] I want to go back to the (Redacted). As far as you know,
23 the (Redacted), did they receive any financial support?

24 A. [10:43:35] In the beginning I don't know. It's only afterwards that I learnt that
25 some of my friends had said that the (Redacted) received financial support. And I

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1 said to myself, ah, that is why -- that is why they (Redacted) us and looked after us.

2 Q. [10:44:00] As far as you know, did some of these (Redacted), if you know, if you
3 know, were they linked to any coordinators (Redacted), all the chief of (Redacted) or
4 the mayor (Redacted)? I don't know if you understand my question. Let me
5 explain. You learnt later on that (Redacted) receiving financial support, so I'm trying
6 to understand how they chose their (Redacted). I'd like to know if some of these
7 (Redacted) were linked in one way or another to a member of the staff (Redacted) or
8 part of the administration of the town hall (Redacted).

9 PRESIDING JUDGE SCHMITT: [10:45:00] Ms Berdennikova.

10 MS BERDENNIKOVA: [10:45:01] I apologise for interrupting, but this is beyond
11 the knowledge of the witness of how the (Redacted) would have been chosen by
12 the organisers.

13 PRESIDING JUDGE SCHMITT: [10:45:16] Well, again, yes. In principle, yes, of
14 course. But the witness might have information about it. You know, the -- he
15 might have talked to (Redacted), so -- and he -- this witness understands perfectly and
16 can, I think, distinguish between speculation by him and what he really knows.
17 So -- so he can answer the question.

18 So do you have any information, Mr Witness, about how these (Redacted) were
19 chosen? (Redacted).

20 If not, simply say you don't have information.

21 THE WITNESS: [10:46:09](Interpretation) As regards the questions that I put to my
22 mother, he said the (Redacted) who were kept were those who were completely done
23 on a voluntary basis. They should give us advice, they should help (Redacted) and
24 enable us to become rehabilitated as we were living in a normal (Redacted). So that
25 is how it happened. It was a test, if you like, for these (Redacted) to rehabilitate us.

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1 (Redacted), we would live

2 normally. So we were sent to (Redacted) in order to become rehabilitated.

3 PRESIDING JUDGE SCHMITT: [10:47:09] And since we're talking about

4 the (Redacted), if I have understood

5 correctly. How was this time with this host family? How did you perceive? Was

6 it a good time for you? Did you like it?

7 THE WITNESS: [10:47:53](Interpretation) I cannot speak about for others, but as far as I

8 am concerned the (Redacted) was really kind with me. This (Redacted) regarded me as

9 one of their children. From time to time I went to that (Redacted) and I spoke to the

10 (Redacted), and sometimes when I crossed and went with my motorbike, I stopped to say

11 hello and chat with them before continuing along my road. I regard this (Redacted) as my

12 (Redacted). Even today, the day and the night, any time when I pass, I stop and say hello

13 to her. I chat with her because, as I say, I regard her as my (Redacted).

14 PRESIDING JUDGE SCHMITT: [10:48:46] That is good to hear that it went -- and

15 that would have been my next question, if you still are in touch. Thank you for this

16 information.

17 Please continue.

18 MS DIMITRI: [10:48:57] Mr President, I'm changing subject. If I could have just

19 a minute, because I need to reorganise my binders.

20 PRESIDING JUDGE SCHMITT: [10:49:04] Okay, we could also have the coffee break.

21 If you tell me you are -- it's such -- so tight, then we can -- then let's have a coffee

22 break a little bit longer than normally until 11.30. Thank you for the moment.

23 THE COURT USHER: [10:49:21] All rise.

24 (Recess taken at 10.49 a.m.)

25 (Upon resuming in private session at 11.33 a.m.)

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1 THE COURT USHER: [11:33:14] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:33:39] I think we are in open session. No, we
4 are in private session, and we continue in private session then, it's ...

5 And I think this tool here should be removed a little bit so that nothing -- nothing
6 happens.

7 MS DIMITRI: [11:34:01] I think it's meant to stop the cold air.

8 PRESIDING JUDGE SCHMITT: [11:34:09] Okay, so it has a function. No, then -- no,
9 no, then I have to be careful. It is also -- I have to change habit then, so ...

10 We can put something small on it, for example. Plus I change my habit.

11 Ms Dimitri.

12 MS DIMITRI: [11:34:24] Thank you, Mr President.

13 Q. [11:34:34](Interpretation) Mr Witness, I'm going to change topics now and I will
14 be talking about the evening when you say you were stopped by an individual who
15 was Anti-Balaka, according to you.

16 (Redacted), at paragraph 34 of your statement, you indicated that you (Redacted)
17 (Redacted) join the Anti-Balaka group (Redacted)

18 (Redacted). At paragraph 69 of your statement you also say that you allegedly
19 joined the group before your birthday (Redacted).

20 So am I to understand from your testimony that you joined the group in
21 (Redacted)?

22 A. [11:36:10] I don't remember the date on which I joined the Anti-Balaka
23 movement. I don't want to lie.

24 Q. [11:36:22] I understand. I'm not asking you to give me a date. I am asking
25 you whether you can confirm what you said to the investigators (Redacted), namely

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1 that it was before your birthday, which according to you was (Redacted)-- I'm sorry,
2 which you say is (Redacted).

3 A. [11:37:01] Maybe you did not quite understand me. They asked me for my
4 birthday and I told them that I celebrate my birthday on (Redacted).

5 Q. [11:37:23] That is what I understand. But what I'm telling you is that (Redacted),
6 when you met with the investigators of the OTP, you indicated that you had joined
7 the group before, before your birthday. And you have told us that you were born on
8 (Redacted). Am I then to understand that you joined the group before (Redacted)?

9 A. [11:38:15] No, I don't -- I don't really know. But the question that was put to
10 me was in relation to my birthday. And I answered them that I celebrated my -- that
11 I do celebrate my birthday on (Redacted).

12 PRESIDING JUDGE SCHMITT: [11:38:36] Ms Dimitri, may I ask you which
13 paragraph, please, you are citing from? You might have said it, but it escaped me
14 attention, perhaps.

15 MS DIMITRI: [11:38:46] Yes, it's 69. I'm going to read it to the witness.

16 Q. [11:38:52] (Interpretation) Witness, I'll read out the excerpt of your statement to
17 you.

18 "I remember that I turned (Redacted) after", after "I had joined the Anti-Balaka."

19 You even go further to say: "We did not celebrate my birthday."

20 PRESIDING JUDGE SCHMITT: I think that's enough.

21 MS DIMITRI: (Interpretation)

22 Q. [11:39:26] So my question then again is as follows: Does this jog your memory
23 in relation to the fact that you joined the group before (Redacted)?

24 A. [11:39:58] Well, they asked me whether I had celebrated my (Redacted) birthday
25 while I was with the Anti-Balaka. And I said no, that I had not had the opportunity

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1 to celebrate my birthday then -- there, rather.

2 Q. [11:40:20] Let me repeat my question. The reason why the investigators asked
3 you the question and insisted on knowing whether you celebrated your birthday is
4 because you told them that you had joined the group before you turned (Redacted)
5 (Redacted); is that correct?

6 A. [11:40:50] I have told you that I joined the Anti-Balaka movement before
7 (Redacted). Then they asked me later on whether I had celebrated my
8 anniversary -- or my birthday when I turned (Redacted), and I said no, that I had not,
9 that it was not possible to celebrate my birthday.

10 PRESIDING JUDGE SCHMITT: [11:41:15] You can move on obviously now.

11 MS DIMITRI: [11:41:22](Interpretation)

12 Q. [11:41:23] Now, (Redacted)
13 (Redacted), do you remember that person's name?

14 A. [11:41:39] I don't know his name.

15 Q. [11:41:45] Do you know where he is today?

16 A. [11:41:55] You are asking me questions -- these types of questions, I don't -- I
17 really don't understand. You see, some of my Anti-Balaka colleagues are in places
18 that I am aware of today. How am I supposed to know the location of the person
19 you are asking me about?

20 PRESIDING JUDGE SCHMITT: [11:42:12] Mr Witness, Defence counsel, Ms Dimitri,
21 asked you the question because she does not know the answer. So she asks you
22 because it might be that you know where the person is. And when you say, like you
23 said now, you don't know, then say "don't know". It's simply like that. No problem
24 with that.

25 Please, Ms Dimitri.

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1 MS DIMITRI: [11:42:42](Interpretation)

2 Q. [11:42:43] I understand that you don't know where he is. But are you able to
3 tell us the circumstances in which you last saw him or the last time you saw him, even
4 if you don't know where he is today?

5 A. [11:43:08] The last time I saw him, well, when we finished, I came to Sekia and I
6 saw him. And I think that was the last time I saw him.

7 Q. [11:43:27] (Redacted), at paragraph 41, you told the OTP investigators that
8 "The chief (Redacted) later died. He was shot."

9 Now, a few minutes ago I asked you where this man is today and you said you don't
10 know rather than tell us that he is dead and that he had been shot. Now, did you
11 really (Redacted)?

12 A. [11:44:15] Well, if you put it that way, I can remember that he was killed,
13 because when we came to Sekia, he was fighting at the PK5 bridge and he was
14 fighting Muslims and it's during that battle that he was killed.

15 PRESIDING JUDGE SCHMITT: [11:44:35] So, and I think we have to be clear what
16 we are talking about. The concept of chief, of course, from the perspective of a -- let
17 me put it this way for a matter of argument, for a foot soldier is something different
18 than from one of the chiefs. So clearly for a foot soldier, a -- there are a lot of chiefs,
19 everyone a little bit higher in the hierarchy. I understand it that you were interested
20 in the one who took him into the Anti-Balaka. So we are talking about this guy.

21 MS DIMITRI: [11:45:11] (Redacted), yeah.

22 PRESIDING JUDGE SCHMITT: [11:45:13] Yeah.

23 So, Mr Witness, to be -- to be clear, when you say the chief died, do you mean
24 the chief, the person that took you to the Anti-Balaka? Did we understand this
25 correctly?

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1 THE WITNESS: [11:45:34](Interpretation) Yes, that is correct. That's correct.

2 PRESIDING JUDGE SCHMITT: [11:45:38] And -- and the person you said that you
3 don't know the whereabouts, was this another chief?

4 THE WITNESS: [11:46:01](Interpretation) It's the same person.

5 PRESIDING JUDGE SCHMITT: [11:46:05] Okay. Good. So then we ...

6 THE WITNESS: [11:46:08](Interpretation) It's the same person.

7 PRESIDING JUDGE SCHMITT: [11:46:14] Thank you.

8 Actually, for me it was not clear. So because of that -- but now it is clear.

9 MS DIMITRI: [11:46:26](Interpretation)

10 Q. [11:46:29] Still talking about your meeting with that individual, that is, (Redacted)

11 (Redacted), in your statement at paragraph 37

12 you say that he was in civilian attire, wearing a black T-shirt and a pair of jeans. Last

13 Tuesday during your testimony you indicated, and I quote you, that he was wearing

14 a pair of trousers and a military uniform and a T-shirt.

15 Now I put the question to you: The person whom you said you saw that evening,

16 was he wearing a military uniform or civilian attire?

17 A. [11:47:34] I told you that the man I met that evening was wearing a military pair

18 of pants or trousers and a black top, and he was also carrying a gun.

19 Q. [11:47:54] (Redacted), when you met with the investigators, why did you not

20 specify to them that he was wearing a military uniform? Why did you tell them that

21 he was dressed in civilian attire?

22 PRESIDING JUDGE SCHMITT: [11:48:09] To be correct, that he -- that he wore

23 military trousers. Because it was a mix, obviously, military trousers, a black T-shirt.

24 And indeed so the question would be -- at the time you told the investigators that

25 he -- that he wore jeans. So the question of Ms Dimitri is why you (Redacted) told

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1 the investigators that he wore jeans and today you recall that he wore military
2 trousers?

3 THE WITNESS: [11:48:52](Interpretation) Because at the time I had not been asked
4 a question on the type of trousers. That is why I said a trouser and a black T-shirt.
5 If I had been questioned about the type of trouser, I would have specified that it was
6 military trouser.

7 PRESIDING JUDGE SCHMITT: [11:49:15] We have -- we have the -- we have it and
8 we have it -- read it into the transcript, so please you can continue.

9 MS DIMITRI: [11:49:24] Thank you, Mr President.

10 Q. [11:49:30](Interpretation) (Redacted) you explained to
11 the investigators of the OTP why it was that you were outdoors that late. You said
12 that you were accompanying (Redacted), who was selling (Redacted) in the streets.
13 That's at paragraph 35.

14 Last Tuesday you explained that you indeed were the one selling (Redacted) in
15 the street and that that is why you were outdoors that late.

16 So I put the question to you as follows: What is the right version? What is
17 the reason for which you were outdoors that late that evening?

18 A. [11:50:30] This is what I said, and please listen to me carefully. When I went to
19 (Redacted), he is the one who was selling (Redacted). He is the one who taught me
20 how to sell (Redacted). Two months later he was no longer there. He had shown
21 me how to do that and so I also started selling (Redacted) and that is how and why
22 I was at (Redacted). And then, upon my return, I ran into this man. It is when I got
23 to (Redacted) that I met (Redacted) there. This was my testimony.

24 Q. [11:51:16] In your statement at paragraphs 37 to 39 you provide a detailed
25 description of how you and (Redacted) had been forced to accompany this man to

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1 the base and you describe with detail the road that you took or that you used.

2 Last Tuesday in your testimony you testified that you were alone with that man when
3 you went to the base.

4 Now the question for you is: What is the right version? Is it that (Redacted) was
5 selling (Redacted) that evening and then you are accompanying him and that that's
6 how you got both abducted and forced to go to the base together? Or was (Redacted)
7 with you at all?

8 A. [11:52:26] Please take into account what I have told you. I went with this man.

9 There were only two of us with that man that night. (Redacted)

10 (Redacted).

11 PRESIDING JUDGE SCHMITT: [11:52:54] I think I also asked him, because I also of
12 course have read the former statement. I think during examination, Prosecution also
13 asked him if he was together with him. So it's clear that you had to pick it up. But I
14 think we have to take it now as it is. This is another story, (Redacted)
15 (Redacted). Yeah.

16 MS DIMITRI: [11:53:16](Interpretation)

17 Q. [11:53:19] You have just said that, and I quote you: "There were only two of us
18 with that man." Who was the second person who was with you with that man?

19 A. [11:53:52] That man and myself. There were only two of us. There was no
20 one else. Just that man and myself and no one else.

21 Q. [11:54:02] Can you tell me your specific location or the specific location at which
22 this man stopped you?

23 A. [11:54:20] It was at (Redacted).

24 Q. [11:54:38] I have read your various answers from last Tuesday and the ones that
25 you have just provided, and I want to understand the following: On Tuesday at

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1 page 12 and 13 you said that you were returning from selling (Redacted). You also
2 said that you had just taken a bath (Redacted)
3 (Redacted). You also said that you were on your way to (Redacted) and then you
4 have just told us that you were (Redacted).

5 Now the question is as follows: From all these versions, what is the right version?
6 Where did you meet this man and where were you going?

7 A. [11:55:43] I used to live in (Redacted). I had left (Redacted) after selling my
8 (Redacted) and I passed through (Redacted) neighbourhood where I took a bath
9 (Redacted) and thereafter went on my way towards (Redacted) because I was headed
10 for (Redacted). It was already late and it is at that time that had I ran into that man.

11 Q. [11:56:18] Now, at the base, and you talked about your arrival at the base in
12 your statement and you say in your statement that when you arrived at the base
13 the chiefs were sitting on a wooden bench surrounded by security agents around
14 them, like -- like presidents. That is at paragraph 40.

15 Now, last Tuesday in your testimony you said that when you arrived at the base you
16 saw (Redacted) and then you went on to specify that (Redacted) and
17 the aide-de-camp of (Redacted).

18 Now my question is as follows: This is a very significant detail that you provide
19 concerning your best friend, namely that when you arrived at the camp he was
20 the (Redacted) for (Redacted) to the extent that even you yourself were afraid of
21 speaking to him. So why did you not mention in your (Redacted) statement that
22 (Redacted) was there as (Redacted) for (Redacted)? Why did you not add that
23 information or specify it (Redacted) or during the several other times that you read
24 through your statement last week?

25 MS DIMITRI: [11:58:05] Mr President.

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1 PRESIDING JUDGE SCHMITT: [11:58:06] Yes, Ms Berdennikova.

2 MS DIMITRI: [11:58:08] If, if, Mr President, I'm sorry, I apologise, but if the objection
3 might have an influence on the witness's answer, let me put it this way, could we
4 please ask the witness to remove his headset.

5 PRESIDING JUDGE SCHMITT: [11:58:24] Well, Mr Witness, please be so kind and
6 put your -- pull your headset off. Thank you very much.

7 Ms Berdennikova.

8 MS BERDENNIKOVA: [11:58:36] I just wanted to, out of fairness for the witness,
9 point out that the witness did submit corrections to his statement following
10 the familiarisation process and some of these corrections are relevant to the topic that
11 is being discussed now.

12 PRESIDING JUDGE SCHMITT: [11:58:54] Then be more specific, please. How is it
13 relevant to paragraph 40?

14 MS BERDENNIKOVA: [11:59:00] Well, your Honours, the witness made specific
15 corrections to the part of his testimony that deals with his abduction, you know,
16 with -- with or without the friend, so that is covered in the corrections that he made.

17 PRESIDING JUDGE SCHMITT: [11:59:15] So did he -- did he say in his
18 corrections -- I don't have it present in my mind at the moment. Did he say that
19 (Redacted) was, when -- he was not abducted with (Redacted), but (Redacted) was
20 already in the Anti-Balaka and when he came first to the Anti-Balaka base, (Redacted)
21 was there as a guard (Redacted)?

22 MS BERDENNIKOVA: [11:59:45] I believe that clarifications that the witness
23 provided are not that specific, so I don't recall that he necessarily says what function
24 (Redacted) would have had, but he does give -- he does make the correction about
25 (Redacted) having not been there at the time of the abduction and him having met

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1 (Redacted) once he arrives at the base.

2 PRESIDING JUDGE SCHMITT: [12:00:10] Okay, that's at least (Overlapping
3 speakers)

4 MS BERDENNIKOVA: [12:00:11] So I just wanted to flag for the record --

5 PRESIDING JUDGE SCHMITT: No, it's okay. That's okay.

6 MS BERDENNIKOVA: [12:00:13] -- that the correction was covered by the witness.

7 PRESIDING JUDGE SCHMITT: [12:00:16] That's okay. That's of course something
8 we have to consider, okay.

9 MS DIMITRI: [12:00:23] Mr President, if I just may respond, my question was very
10 specific to the role, the function.

11 PRESIDING JUDGE SCHMITT: [12:00:28] I have not said that I don't allow
12 the question.

13 MS DIMITRI: Okay, I'm sorry.

14 PRESIDING JUDGE SCHMITT: [12:00:30] So it is -- indeed, you know, I read a lot
15 but this actually escaped my attention or I haven't read it, so because of that, I wanted
16 the information, Ms Berdennikova. So if this information, this specific information is
17 not entailed in the corrections, then it's -- the question is okay.

18 Thank you very much, Mr Witness. So the question was - perhaps you can answer
19 it - in your statement (Redacted) and also in your corrections you do not mention that
20 (Redacted) had this role as (Redacted). Do you recall or can you tell us why you did
21 not mention that in (Redacted)?

22 THE WITNESS: [12:01:30](Interpretation) I said many things when we had that
23 interview. But when you gave me back my statement to reread it, I asked that I have
24 someone who help me to bring about the correction. It was refused. They said I
25 had to do it. I said I couldn't do it. I said I couldn't do it by myself. And I was

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1 told: "Okay, you have to wait for the time of your testimony and then you'll tell
2 the judge directly." If I had had someone who would have helped me to bring about
3 the corrections, I would have done that, but they refused and they said: "In that case,
4 you have to tell the judge." And that's why I'm coming here and telling you
5 the corrections directly.

6 PRESIDING JUDGE SCHMITT: [12:02:31] Thank you, Mr Witness. That's
7 absolutely okay. And that's the reason why you are sitting here, absolutely. So
8 the -- you tell us, as you have said, as you have sworn, you tell us everything you
9 know and you answer all the questions truthfully. Absolutely okay.
10 Please move on.

11 MS DIMITRI: [12:02:55] Mr President, if I just may pick up on that last answer about
12 the correction, with your leave, and then I can move on.

13 PRESIDING JUDGE SCHMITT: [12:03:02] Yes.

14 MS DIMITRI: [12:03:03] Thank you.

15 Q. [12:03:18] (Interpretation) Mr Witness, you've just said that -- that you said
16 the -- to the people who -- that you couldn't do or carry out the corrections to your
17 statement. I would suggest that you did bring about corrections. You, in particular,
18 said that you didn't see (Redacted) within two months, but that you never specified
19 that he was a (Redacted) when you arrived, whereas in (Redacted) you spoke about
20 (Redacted) of chiefs when you arrived at the base.

21 PRESIDING JUDGE SCHMITT: [12:04:13] He has answered that. If -- if we find it
22 sufficient or not, but he has answered that. He has said that he made some
23 corrections and that he wanted more help, but that he simply -- or has been told that
24 he can correct also during his testimony.

25 Which is of course correct, Mr Witness. You can correct everything what you said in

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1 the past here in the courtroom. What matters is what you say here in the courtroom.

2 Please continue.

3 MS DIMITRI: [12:04:42] Thanks, Mr President. The reason I -- maybe there's
4 a difference in French and English, but what I understood is "I told them that I" -- I am
5 sight interpreting here: (Interpretation) "I said I couldn't do it". (Speaks English) So
6 my understanding was that he couldn't do the corrections, so I just wanted to put on
7 the record that the (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [12:05:06] It's okay. It's okay. We understand
9 that, but you can move really -- you can really move on.

10 And by the way, it's -- you know, it's -- we have a full live witness here and it's
11 perfectly clear that after eight years there might be some discrepancies. First thing is
12 it's perfectly clear also that Defence has to draw them out. But we -- when it is done,
13 we simply continue, yeah?

14 And the witness -- again, Mr Witness, really you have understood it perfectly well.

15 Important is what you say during your testimony here live in the courtroom. Yeah.

16 Because the recipients of all this information are mainly the judges who are sitting
17 here, yeah?

18 Please, Ms Dimitri, continue.

19 MS DIMITRI: [12:06:08](Interpretation)

20 Q. [12:06:09] I'd like to go back to (Redacted). And during your
21 testimony, that (Redacted) was already at the base when you arrived, this also
22 includes (Redacted). You also mentioned that (Redacted)
23 were in Gbangba with you.

24 Now, as regards (Redacted), did they arrive before or after you?

25 A. [12:06:54] I can't remember anymore.

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1 Q. [12:07:06] You stated that nothing -- that having seen (Redacted), he was just as
2 small as you were. In that case, when you arrived in the camp, why did
3 the elements be so happy to welcome you (Redacted)
4 (Redacted)?

5 A. [12:07:51] If I said that, it's because, you know, at that moment when (Redacted)
6 arrived at the camp, people were very happy. That was my case when I arrived,
7 everybody was happy, they encouraged me, they told me I would be a brave fighter.
8 They told me that I mustn't be scared, that I would become a man. And that is why I
9 said the people were happy to welcome me.

10 Q. [12:08:31] In 2019, in paragraph 44 and 45 of your statement, you say -- sorry, it's
11 paragraph 45, you say that "no one asked me my age" and you also specify you never
12 gave your age to anyone. Can you confirm that; is that correct?

13 A. [12:09:05] That is correct.

14 Q. [12:09:14] I would like you to describe the base --
15 (Speaks English) Mr President, I'm making efforts to follow your suggestion to try
16 and do public sessions when possible. My next subject is about the base, not
17 necessarily about him.

18 PRESIDING JUDGE SCHMITT: [12:09:42] I think we can give it a try. Yeah.
19 Then we go to open session.

20 May I --

21 (Open session at 12.10 p.m.)

22 THE COURT OFFICER: [12:10:04] We're in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:10:06] May I suggest it might be easier for
24 the witness to answer if he understands what you mean by "describe the base". You
25 can put something to him as alternatives or whatsoever so that he gets an idea what

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1 you mean.

2 MS DIMITRI: [12:10:21] Of course. It was -- my question was more specific.

3 PRESIDING JUDGE SCHMITT: Ah, okay.

4 MS DIMITRI: [12:10:24] I was just introducing the subject.

5 PRESIDING JUDGE SCHMITT: [12:10:26] Okay. All right. Yeah, okay.

6 MS DIMITRI: [12:10:30] Yeah.

7 Q. [12:10:34](Interpretation) Mr Witness, could you describe the base when you
8 arrived. The size of the base. How big was it? What was around the base?

9 A. [12:11:06] Last week I've already described the base. I told you that the base
10 was in a forest. It wasn't in a town. Let me make that clear. There were farmers
11 around and the Gbangba base was a small little area which had been inhabited in
12 the forest, in the bush.

13 PRESIDING JUDGE SCHMITT: [12:11:37] Mr Witness, in your former statement,
14 and from 2019 statement at paragraph 39, that's 210 -- no, 2110-0562, you said that you
15 walked very far and then you crossed a river with a canoe to get to the case; is that
16 correct?

17 THE WITNESS: [12:12:15](Interpretation) Yes. But before arriving at the Gbangba
18 base, you have to cross the river called M'Poko. You have to cross that water before
19 you arrive at the base.

20 PRESIDING JUDGE SCHMITT: [12:12:30] Thank you. I think that is information
21 that we did not have until now.

22 And you said that it -- it took -- it took you about four hours, yeah, can that be
23 correct?

24 THE WITNESS: [12:12:52](Interpretation) To arrive where? Are you talking about
25 the Gbangba base?

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1 PRESIDING JUDGE SCHMITT: [12:12:57] Well, I was imprecise, so I meant from
2 the point where you were taken to get to the base. Do you recall how -- how long it
3 took you?

4 THE WITNESS: [12:13:23](Interpretation) We really had to walk. We walked and
5 walked. Because we walked, we arrived at the M'Poko River, we crossed it, and
6 then we had to go through the bush to arrive. It is very, very far.

7 PRESIDING JUDGE SCHMITT: [12:13:38] Thank you very much.
8 Please continue, Ms Dimitri.

9 MS DIMITRI: [12:13:47](Interpretation)

10 Q. [12:13:48] I know it's difficult, but if you could assist me, it would make it easier.
11 Are you in a position to describe the size of the base? It was big, how? How many
12 steps did you take to cross the base from one end to the other?

13 A. [12:14:23] In any case, the Gbangba base, I don't know how to assess the size in
14 terms of kilometres or length, because we were a bit scattered and everybody was in
15 their little area so -- in the bush. It's really difficult to determine the size of the base.

16 PRESIDING JUDGE SCHMITT: [12:14:53] I think that's understandable how he
17 explains it, so perhaps you can move to another point.

18 MS DIMITRI: [12:15:01](Interpretation)

19 Q. [12:15:04] The name of the base I heard you say is Gbangba Kpato. Is it
20 Gbangba Kpato, is that the base?

21 A. [12:15:20] Yes, that is the name given by the inhabitants of Boeing. In fact,
22 the inhabitants of Boeing have their fields in that zone and they gave that particular
23 name Gbangba Kpato. Some farmers had their fields over there even before we
24 arrived.

25 Q. [12:15:53] And this Gbangba base, Kpato, is the only base which you knew

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1 before 5 December; is that correct? You explained to us how you left the Gbangba
2 base on 5 December, so I just want you to check that between the moment when you
3 arrived at the base before your birthday until 5 December, that's the only base that
4 you know.

5 A. [12:16:32] I do not know any other base than this one. After that, when we left
6 for the attack of 5 December, we were established in the Yamwara base.

7 MS DIMITRI: [12:16:56] Mr President, may I have a moment to confer with my client,
8 please.

9 PRESIDING JUDGE SCHMITT: [12:17:01] Of course, of course.

10 MS DIMITRI: [12:17:03] Thank you.

11 (Counsel confers)

12 PRESIDING JUDGE SCHMITT: [12:17:12] You can take your time, Ms Dimitri,
13 because we have this special situation that your client is a little bit further away. No
14 problem. Take your time.

15 (Counsel confers)

16 MS DIMITRI: [12:18:34] Thank you, Mr President.

17 Q. [12:18:52](Interpretation) Again on this basis -- on this base, on this base,
18 Gbangba, Gbangba Kpato as it was known, am I correct in understanding that before
19 the 5 December attack -- we're going to talk about Yamwara later, I just wanted to be
20 clear in your mind, I am talking before 5 December when you were at the base which
21 you call Gbangba Kpato, was all the group together? All the group together in that
22 base; is that correct?

23 A. [12:19:52] Over there, that's to say in Gbangba Kpato, there was one group in
24 Gbangba and the other in Kpato. You could move between the two bases.

25 PRESIDING JUDGE SCHMITT: [12:20:13] May I shortly.

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1 Mr Witness, were these two bases, Gbangba and Kpato, were they far away from each
2 other? You said you could move from one base to the other, did it take long to move
3 from one base to the other?

4 THE WITNESS: [12:20:45](Interpretation) Sorry, I can't estimate in terms of the -- of
5 kilometres, but all I can say is it's not very far apart.

6 PRESIDING JUDGE SCHMITT: [12:20:55] Thank you. I think we have to leave it at
7 that.

8 Ms Dimitri.

9 MS DIMITRI: [12:21:05](Interpretation)

10 Q. [12:21:07] I understand that you can't estimate the distance -- the specific
11 distance between the two bases, but are you in a position, if you look at the courtroom,
12 what was the distance between the two? Is it the same size as the difference from
13 one side of this court to the other, or is it twice the size? If you left at 10 o'clock, how
14 long would it take you to reach the other base?

15 A. [12:21:51] I don't know how to give you some estimate as regards time vis-à-vis
16 kilometres. But when you leave Gbangba you walk, nevertheless, before arriving.
17 It's not that close. You have to walk, you have to walk to go there and you have to
18 have walk back.

19 PRESIDING JUDGE SCHMITT: [12:22:15] Well, and we know this is a very big
20 courtroom, but I think it's -- it's not big enough to describe this. Perhaps you can
21 make analogies in the future with football fields with the witness.

22 MS DIMITRI: [12:22:30] I'm the wrong person for that.

23 PRESIDING JUDGE SCHMITT: [12:22:32] But you might know how big a football
24 field is, even so, even as a laywoman, to put it in that way.

25 MS DIMITRI: [12:22:49](Interpretation)

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1 Q. [12:22:53] And the first time when you arrived in the group, how many were
2 you, according to you? How many were in the Gbangba base?

3 A. [12:23:11] When I arrived in the base there were roughly less than 500, as I have
4 said before.

5 Q. [12:23:32] For clarification, if you go to the Kpato or Gbangba base, are the two
6 bases occupied at the same time or one after the other? I'm not sure you understand
7 my question.

8 A. [12:24:06] When we were in the two bases I wasn't yet in the group. I arrived
9 and I saw that the base was already set up.

10 Q. [12:24:22] I understand, but my question is a bit more specific. When you
11 arrived within the group, according to your testimony, was the Kpato base already
12 established, as far as you know? Were there elements in the Kpato base?

13 A. [12:24:50] I've told you that there were elements in both bases. You can go
14 from one base to the other, come and go. You know, the two bases had rebels in
15 them. There were one group there and one group here.

16 Q. [12:25:12] And the two bases were occupied until your departure on
17 5 December?

18 A. [12:25:29] It is over there that we set ourselves up. Afterwards, we left to cross
19 M'Poko to prepare ourselves for the battle of 5 December.

20 Q. [12:25:52] I am going to repeat my question, because I think you haven't fully
21 understood it.

22 You say that when you arrived the two bases existed, Kpato and Gbangba, and that
23 there were elements in both camps, there were elements in Kpato and in Gbangba.
24 What I would like to know, whether the two bases continued to have elements,
25 continued to be operational, to be functional until you departed for the attack of

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1 5 December. That's my question.

2 A. [12:26:45] In any case, I haven't understood your question properly.

3 PRESIDING JUDGE SCHMITT: [12:26:49] Well, when you -- did you leave with
4 the other elements for the battle of 5 December from the Gbangba base; is that correct?

5 THE WITNESS: [12:27:19](Interpretation) Yes, everybody left to participate in
6 the battle of 5 December.

7 PRESIDING JUDGE SCHMITT: [12:27:28] Mr Witness, when you say "everybody",
8 does this also mean that the elements from the Kpato base left at the same time,
9 roughly, like you did from the Gbangba base?

10 THE WITNESS: [12:27:54](Interpretation) The two bases had one single chief, so
11 when the decision was taken to participate in the battle, all the elements left. We
12 crossed the river and we regrouped to take part in the battle.

13 PRESIDING JUDGE SCHMITT: [12:28:13] Thank you, Mr Witness. That clarifies it.
14 It was -- was also not clear to me. Thank you.

15 Ms Dimitri, please continue.

16 MS DIMITRI: [12:28:26](Interpretation)

17 Q. [12:28:26] You've just told us that when you arrived there was about -- there
18 were about 500 elements. The 500 was at the Gbangba base, or Gbangba and Kpato
19 all together were 500?

20 A. [12:28:50] I told you that when I arrived over there, the total number of elements
21 in Gbangba and Kpato was just under 500. That's what I said. You should listen
22 carefully.

23 Q. [12:29:11] Sorry, I didn't understand completely.

24 A. [12:29:19] Thank you.

25 Q. [12:29:20] In your testimony in paragraph 55, you describe or you provide

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1 a description of some of the elements which lead up to about a thousand elements in
2 Gbangba. At what point in time was it from less than 500 to 1,000? Or is this
3 a mistake in your statement?

4 A. [12:30:11] As I've already said, and I will repeat, when I arrived in Gbangba,
5 the -- there were less than 500 elements. When we left for the battle of 5 December,
6 that the number of elements increased. When we arrived in Sekia, the Anti-Balaka
7 came from Bangui-Bouchia and other areas and that is why I said that at the end in
8 Sekia the number would have reached up to 1,000. That's what I said.

9 Q. [12:30:58] You said that you saw with your own eyes, and I quote you, it is your
10 statement of last Tuesday, again at the Gbangba base, you stated that you saw with
11 your own eyes the girl of mixed colour who was the girlfriend of Rambo.
12 Now, the judges asked you to describe her a bit. And what I'd like to know is, that
13 girl, where did she sleep, when you said that you were guarding where Rambo slept
14 at night?

15 A. [12:32:00] This -- these past few days I was asked a number of questions about
16 this lady, and I said I wasn't sure whether she was Chief Rambo's girlfriend. But
17 most of the time she was with Chief Rambo. And I also told you that we weren't
18 standing guard near Chief Rambo's house or nearby, but we stood guard at a location
19 which was a little further away from where she spent the night.

20 Q. [12:32:46] So you don't know where she would spend -- she would sleep. But
21 when you say that she was always with Chief Rambo, and I also understand that you
22 say you are not sure whether she was his girlfriend, but can you please describe to us
23 a little bit what you meant when you say in Gbangba that you saw her with your own
24 eyes and then you go on to say that she was always with Rambo.

25 A. [12:33:24] I was asked the question and I said that she was always next to

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1 Chief Rambo, but I did not know what was going on between her and Chief Rambo.

2 I am not able to confirm whether or not she was Chief Rambo's girlfriend. But what

3 I can say is that she was always next to Chief Rambo.

4 Q. [12:33:57] Did she arrive in Gbangba before you or after you? From what time
5 did you notice her? Because I understand that with her clear complexion she would
6 be easily remarkable or noticed. When did you notice her for the first time?

7 A. [12:34:26] I saw her when I arrived there. But I am not able to tell you when
8 she came to the base. I can't tell you that, but I saw her when I arrived there.

9 Q. [12:34:41] When you arrived in Gbangba you saw her, right?

10 A. [12:34:48] I saw her when I arrived in Gbangba, but I am not able to tell you
11 the date on which she came to the base, no.

12 Q. [12:35:06] I understand.

13 You provided a description, a physical description of her. You said that she had
14 a very light complexion. And I think I know the person you are talking about. I
15 will show you a picture, tab 1 Defence binder, {PFR: (Redacted)}

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)}

23 (Private session at 12.36 p.m.)

24 THE COURT OFFICER: [12:36:26] We are in private session, Mr President.

25 MS DIMITRI: [12:36:35] Thank you.

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1 Q. [12:36:36] (Interpretation) Witness, can you take a look at the picture displayed.

2 Would that be the lady you are talking about, the young mixed coloured girl; is that

3 correct?

4 A. [12:36:51] Yes, she is the one indeed.

5 PRESIDING JUDGE SCHMITT: [12:36:57] If you have the information, do we have

6 the name?

7 MS DIMITRI: [12:37:01] I do. I do. It's my next question.

8 PRESIDING JUDGE SCHMITT: [12:37:06] Okay. Good.

9 MS DIMITRI: [12:37:07](Interpretation)

10 Q. [12:37:09] Mr Witness, that mixed coloured girl, her name would be Lina, right?

11 I will try to jog your memory by saying that?

12 A. [12:37:43] I no longer remember her name. And let me specify that these things

13 happened a very long time ago.

14 PRESIDING JUDGE SCHMITT: [12:37:49] Again, Mr Witness, really it's -- I said that

15 before, but I really like to repeat it. You really remember a lot of details, more details

16 than, for example, I would remember after eight years. So it's absolutely okay when

17 you're asked -- and, of course, if you know so many things, you will be asked if you

18 even know more. But if you don't know, it's not a problem at all. Then tell us,

19 "Okay, I have forgotten" or "I don't know at all." There is no problem with that.

20 Ms Dimitri.

21 MS DIMITRI: [12:38:35](Interpretation)

22 Q. [12:38:36] Still talking about women at the base, last Tuesday when my learned

23 colleague asked you whether, to your mind, some girls were 15, 16 or 14 years old.

24 Now, in your statement of 2019 had specified at paragraph 70, and I quote you:

25 "There were young women in the Anti-Balaka. They were all between 19 and

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1 20 years old."

2 So my question is as follows: Would it be correct for me to say that the women, as
3 you mentioned in your statement, were definitely between 19 to 20 years old and not
4 14, 15 and 16 years old?

5 A. [12:40:12] I'm sorry, I did not understand your question.

6 PRESIDING JUDGE SCHMITT: [12:40:15] Actually, I think you can move on. He
7 has said it -- he has said it live, as a live witness, 19, 20, and it's in his statement.
8 So -- and he is perfectly clear about it. He also said in his statement there are no
9 babies, there are no pregnant women, and he never said anywhere that they might
10 have been 14 or 15 years old, as I recall it.

11 If Ms Berdennikova does not correct me, and she doesn't.

12 MS DIMITRI: [12:40:46] Perfect. I'll move on, Mr President.

13 PRESIDING JUDGE SCHMITT: [12:40:48] Yeah.

14 MS DIMITRI: [12:40:50](Interpretation)

15 Q. [12:40:55] I'm sorry for cutting off the interpreter.

16 Now, still back at the Gbangba base, you testified, when the Prosecutor asked you
17 a question, you indicated that it was not possible to spend the nights in the huts
18 belonging to the farmers, "so we lived in the open air. There were no buildings."

19 And yet a little further on you testified that in Gbangba (Redacted)

20 (Redacted)

21 (Redacted).

22 Now, mindful of those differences in your testimony, it would be incorrect to say that
23 (Redacted) in Gbangba; is that the case?

24 A. [12:42:21] When I talked about "buildings", it -- it was not a true house as such, it
25 was a hut that was built with leaves and grass. And so it's not like the normal house

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1 which people would build and live in in their villages. It was a hut built in leaves
2 and straws or grass.

3 Q. [12:43:00] Yet, when it comes to the huts, you specified that it was not possible
4 for you to spend the night in the huts and that you were in the open air. Are you
5 now changing your testimony to say that it was possible to spend the nights in
6 the huts?

7 A. [12:43:32] What I said is that there were huts which belonged to farmers, but at
8 night we did not sleep because everyone was standing guard, everyone was awake.
9 And the chiefs, on the other hand, were able to live in the huts. So it was only
10 possible to find rest in the huts that had been built with grass and leaves.

11 Q. [12:44:13] Let me now talk about the various groups and various sections.
12 Before 5 December, just before 5 December, were there any sections, according to
13 your testimony, or was everyone mixed up together?

14 A. [12:45:00] I have not understood your question.

15 Q. [12:45:04] No problem, I will repeat it.
16 Before the attack of 5 December, the days before the attack of 5 December, were there
17 any sections within the group or were sections only set up much later on, in Yamwara,
18 for example?

19 A. [12:45:34] Well, (Redacted)
20 (Redacted).

21 It is only after the battle of 5 December when we returned to Yamwara, it is only then
22 that the elements were divided up into sections.

23 Q. [12:46:02] Before you left the Gbangba base, I understand there were no sections
24 in place, but then how did chiefs communicate between and among themselves?
25 What means did they use for communication?

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1 A. [12:46:30] When we were at the base, the chiefs such as Chief Rambo and
2 Coeur de Lion, they all had telephones. But us, the ordinary elements, we were
3 prohibited from having telephones or mobile phones on us.

4 Q. [12:46:56] Now the telephones that you may have seen, were they normal
5 telephones?

6 A. [12:47:11] They were mobile tactile telephones.

7 Q. [12:47:18] You didn't see any other communication devices?

8 A. [12:47:24] No.

9 PRESIDING JUDGE SCHMITT: [12:47:26] Ms Dimitri, the last two or three
10 questions you were a little bit too quick. So it's, for the benefit of the interpreters, I
11 think. Because you have done very well until now. But, you know, sometimes
12 people fall back into habits.

13 MS DIMITRI: [12:47:42] I got the look from the interpreter booth. My apologies.
14 May I have just a moment, please.

15 PRESIDING JUDGE SCHMITT: [12:48:09] Of course. Yeah.

16 MS DIMITRI: [12:48:11] Thank you.

17 (Counsel confers)

18 MS DIMITRI: [12:48:27](Interpretation)

19 Q. [12:48:28] I just want to clarify your last answer. The telephones you talked
20 about, these were touch phones, not digital phones, small phones, touch phones like
21 the old Nokia, correct?

22 A. [12:48:51] No, it was not the type of phones that people have nowadays. It was
23 telephones -- they were telephones with what could be referred to as key -- keypads
24 or keyboards.

25 Q. [12:49:23] Was there a telephone network in Gbangba?

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1 A. [12:49:32] Yes, there was a network in Gbangba, but with a lot of interferences,
2 so one had to look for the right location, go up a tree or something, before you could
3 get into the network.

4 Q. [12:49:56] You said that Coeur de Lion and Rambo had telephones. Were those
5 the only two people who had telephones?

6 A. [12:50:10] That is what I saw. I don't know whether any other chief had
7 a telephone. I'm not able to say. But I saw with my own eyes that Rambo and
8 Coeur de Lion had telephones.

9 Q. [12:50:30] Let me hop back to the chief of section and to the sections. You have
10 just told me that there were no sections in Gbangba and that sections were only
11 created subsequently. In your 2019 statement you told the Prosecutor, while talking
12 about the Gbangba base, that the person in charge of your section was known as
13 (Redacted). You even said that you were not talking about (Redacted) who belonged
14 to another section. Then last Tuesday during your testimony you said something
15 else. You said that your first section in Gbangba, that the chief of that section was
16 (Redacted). Now a few minutes ago you just told us that there were no sections in
17 Gbangba.

18 So my question is the following: What is the right version? (Redacted) is your chief
19 in Gbangba? (Redacted)? You don't have a section?

20 A. [12:52:03] I think that the questions you are asking me are rather complex. You
21 have questioned me about when leaving Gbangba whether there were any sections
22 there, and that is why I answered no. And I said that after the attack -- before
23 the attack, everybody was together, there were no sections.

24 PRESIDING JUDGE SCHMITT: [12:52:26] Okay, and I -- indeed you put two
25 questions in one, so perhaps I give it a try.

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1 You are right, Mr Witness, there were -- this was a rather complex, inflated question,
2 so to speak. So in your 2019 statement, at paragraph 55 and it's also at paragraph 58,
3 you said that, paragraph 55 I'm citing, it's 0564, "All the elements were divided into
4 sections." And then you explained what you meant by that.

5 So the question is, because you said today at the Gbangba base there were no sections
6 at all, could you tell us were there sections at the time when you were at the Gbangba
7 base or were there no sections?

8 THE WITNESS: [12:53:28](Interpretation) Okay, this is the answer. At the Gbangba
9 base there were sections. But when we left Gbangba to participate in the fighting of
10 the 5th, that is when all the sections were brought together. Then when we went
11 back to Yamwara, it is at that time that other new sections were created.

12 PRESIDING JUDGE SCHMITT: [12:53:52] Okay. That was the first question in this
13 one question you put to the witness.

14 The second was, it is not completely clear who was in charge of the -- you know we
15 are now back at the Gbangba base, when you arrived there, and it's not completely
16 clear who was in charge of your section. Was it (Redacted) or (Redacted)? Quite
17 similar the names, but do you recall it if it was (Redacted) or (Redacted)?

18 THE WITNESS: [12:54:31](Interpretation) (Redacted), I did not say that he was my
19 chief of section. It is (Redacted) who was my chief. And in Yamwara it was
20 (Redacted) is the one who was my chief of section in Yamwara.

21 MS DIMITRI: (Overlapping speakers) I'm sorry, I was on the original channel,
22 so -- and I don't speak Sango. If I could just --

23 PRESIDING JUDGE SCHMITT: [12:54:58] So now we have the answer and I also
24 recall the you mentioned the name already with regard to the Yamwara base.

25 So, Ms Dimitri, do you have an interpretation issue or ...

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1 MS DIMITRI: [12:55:09] No, I was just saying that I was on the original channel, so
2 I didn't get the answer. The answer for me was in Sango, which is a language I don't
3 speak.

4 PRESIDING JUDGE SCHMITT: [12:55:17] So I can tell you what he said. He said
5 that (Redacted) was his chief in Gbangba and the person with "(Redacted)" something
6 in Yamwara.

7 MS DIMITRI: [12:55:30] Thank you, Mr President.

8 Q. [12:55:37](Interpretation) So (Redacted) was your chief of section in Gbangba
9 and (Redacted) was your chief of section in Yamwara; is that correct?

10 A. [12:55:53] Yes, that is correct.

11 Q. [12:55:59] And (Redacted) was always your chief of section in Yamwara?

12 A. [12:56:12] (Redacted) was my chief of section in Yamwara.

13 Q. [12:56:17] So it was incorrect to say last week that your chief in Gbangba was
14 (Redacted), that is your first chief of section?

15 A. [12:56:40](No interpretation)

16 PRESIDING JUDGE SCHMITT: [12:56:41] The answer was no.

17 THE WITNESS: (Interpretation) No.

18 MS DIMITRI: [12:56:49](Interpretation)

19 Q. [12:56:50] Let us now talk about food.

20 PRESIDING JUDGE SCHMITT: [12:57:00] May I. It's obviously a new issue.

21 I don't know, because we are shortly before 1 o'clock.

22 MS DIMITRI: [12:57:07] I'm in your hands, Mr President. We can --it's six or seven
23 questions, but it could take 10 minutes.

24 PRESIDING JUDGE SCHMITT: [12:57:14] No, then let's have the -- have the -- let's
25 have the lunch break until 2.30. Thank you.

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1 THE COURT USHER: [12:57:23] All rise.

2 (Recess taken at 12.57 p.m.)

3 (Upon resuming in open session at 2.31 p.m.)

4 THE COURT USHER: [14:31:16] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [14:31:51] We are in open session. I wanted to ask
7 you if we can stay in open session, otherwise I would explain to the audience why we
8 go to private session.

9 MS DIMITRI: [14:32:02] Unfortunately, Mr President, we -- we -- I -- we need to go
10 in private session. I could do --

11 PRESIDING JUDGE SCHMITT: [14:32:12] No, no, no, we go to private.

12 MS DIMITRI: [14:32:14] Sorry.

13 PRESIDING JUDGE SCHMITT: [14:32:15] So just for -- for the audience, this is
14 a protected witness, and since counsel wants to put questions to him where
15 the answers could identify him, we have to go to private session and listen to that to
16 private session.

17 Private session.

18 (Private session at 2.32 p.m.)

19 THE COURT OFFICER: [14:32:40] We are in private session, Mr President.

20 MS DIMITRI: [14:32:45] Thank you.

21 Q. [14:32:52](Interpretation) Good afternoon, Mr Witness. Just shortly before
22 the break, you specified that your chief of section in Yamwara was (Redacted), and
23 yet -- (Redacted)-- whereas in 2019, when you gave your statement to
24 the investigators of the OTP, you stated that your chief of section was (Redacted).
25 Do you agree with me that that is what you told the investigators in 2019?

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1 PRESIDING JUDGE SCHMITT: Which -- which paragraph?

2 MS DIMITRI: [14:33:51] Sorry, Mr President, I thought I said it. It's 116.

3 PRESIDING JUDGE SCHMITT: [14:34:05] Thank you.

4 THE WITNESS: [14:34:09](Interpretation) I think that before the lunch break, the last
5 question was asked in relation to how we fed ourselves in Yamwara. I think we had
6 already closed the topic on the section chiefs before the lunch break. I think we had
7 already closed that topic.

8 PRESIDING JUDGE SCHMITT: [14:34:40] No, you know, Mr Witness, sometimes
9 closed topics are opened up again, and this is one of those. So in your statement
10 (Redacted) you said that -- it's paragraph 116, 0573, "My section chief was (Redacted)"
11 at the Yamwara school. And today you said it was (Redacted) (phon), or something
12 like that. So who was -- who was your section chief at the Yamwara school?

13 THE WITNESS: [14:35:34](Interpretation) As I said, in Gbangba -- Gbangba, my
14 chief of section was (Redacted). In Yamwara my chief of section was (Redacted).

15 PRESIDING JUDGE SCHMITT: [14:35:53] Okay.

16 MS DIMITRI: [14:35:57](Interpretation)

17 Q. [14:35:58] Now I will talk about food. You stated that in Gbangba, when you
18 were there, no one went out to buy food. You used cassava leaves and roots planted
19 by the farmers.

20 Am I to understand that everything that the element -- elements ate were the food
21 that was cultivated?

22 A. [14:36:46] Yes, that is correct. The cassava leaves and tubers that were planted
23 by the farmers.

24 Q. [14:37:03] And so when you say no one went out to buy food, am I to
25 understand that neither the boys, nor the adults, nor the section chiefs, nor the main

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1 chiefs went out to procure food, everyone fed on the cultivated products?

2 A. [14:37:38] During that period no one went out to buy food, but the chiefs went
3 out for their missions. I do not know how they fed themselves. But the rest of us
4 soldiers, elements, we ate the products that we found in the farms, cassava, tubers,
5 papayas and so on. But for the chiefs, I think food was cooked for them.

6 Q. [14:38:18] And is it also true that when you said that it was not easy to find food,
7 it means there was a problem of money? That means you -- there was no money to
8 buy food for all the elements, but it was not also easy because it was risky to go out.
9 So when you say it was not easy to find food to eat, is that what I am supposed to
10 understand from your statement?

11 A. [14:39:23] Yes, when I said it was difficult to find food, not only did we not go
12 out, there were a lot of risks. People thought that when you went out there could be
13 possibilities of betrayal. And when one went out to buy food, there was that fear
14 that people were going out to betray the positions of the Anti-Balaka. And not only
15 that, there was no money, we were not working to have money to buy food. That is
16 why I said that it was difficult to find food to eat at that time.

17 Q. [14:40:03] And that situation lasted several months, during the entire period that
18 you were in Gbangba?

19 A. [14:40:24] As I have already said, we did not eat well. And I have also said that
20 we ate cassava leaves, sometimes without oil, and sometimes with cassava tubers,
21 yams, papayas, and whatever we collected in the farms of the farmers.

22 Q. [14:41:06] You have talked about drugs and you said that you took tablets and
23 drugs every day before the attack of 5 December. So all the elements took tablets
24 every day, is that what you're telling us?

25 A. [14:41:33] Even before the attack of 5 December, when we were at the base in

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1 Gbangba, all the Anti-Balaka were taking drugs before the attack of 5 December.

2 Q. [14:41:57] And when you say "all the Anti-Balaka were taking drugs", all

3 the Anti-Balaka were taking tablets, is that what you are referring to as drugs?

4 The red tablets that you have described.

5 A. [14:42:27] I believe that I mentioned the items that we took as drugs, and all

6 the types of drugs that you were -- we were consuming during that period.

7 Q. [14:42:43] And sometimes did you take more than one tablet per day?

8 A. [14:42:58] Before it was difficult to get hold of them.

9 THE INTERPRETER: [14:43:07] The Sango interpreter said there was overlapping.

10 PRESIDING JUDGE SCHMITT: [14:43:14] Mr Witness, there was an overlap,

11 a problem with the interpretation. Please be so kind and repeat your last answer.

12 THE WITNESS: [14:43:45](Interpretation) I said that it was difficult to procure those

13 tablets. And if a friend had just a single tablet, then we would share it amongst

14 ourselves.

15 MS DIMITRI: [14:44:09](Interpretation)

16 Q. [14:44:10] And so if I understand you correctly, if I understand your testimony

17 well, it was difficult. There was no money. But all the elements, all of them, took

18 drugs every day over a period of months before the attack of 5 December; is that

19 correct?

20 A. [14:44:43] Yes, that is what you should understand.

21 Q. [14:44:49] And where were these drugs sourced from to be able to have such

22 sufficiently large quantities?

23 A. [14:45:09] I'm not in a position to answer that question. I do not know.

24 Q. [14:45:21] In paragraph 58 of your statement of 2019 you stated that you never

25 met or heard of an Anti-Balaka in a higher position than Rambo or Coeur de Lion.

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1 Now my question -- my next question is as follows: So, to your knowledge, what
2 was the highest military rank?

3 A. [14:46:24] With regard to the military ranks, there were of course ranks, I did not
4 know them. But the person who was in command of all the Anti-Balaka rebels was
5 Chief Rambo and Coeur de Lion. I don't know the differences between military
6 ranks. There were corporals and chief corporals, but all of them obeyed the orders of
7 Chief Rambo.

8 Q. [14:47:10] In paragraph 114 of your statement, and paragraph 210, you are quite
9 precise, you said Ndongoyoyo was *caporal chef*. You talk about a brigade chief called
10 Celio and you say Alkanto was a *caporal*. So let me put my question to you again.
11 I'm not talking in terms of authority here, I am talking in terms of military ranks.
12 Did you ever hear of an individual who might have had a military rank higher than
13 a chief *caporal*, or the -- higher than the military rank that Rambo or Coeur de Lion
14 might have had during that period?

15 A. [14:48:18] As I have always said, I cannot distinguish between the military ranks
16 of the FACA. They were wearing their ranks, but it was impossible for me to know
17 the differences. I told you that (Redacted) was my chief. I do not know what rank
18 he had. What I can say is that those who were in command of the Anti-Balaka group
19 were Rambo, Coeur de Lion and Abib.

20 With regard to their ranks, that one of them had this rank and the other one had this
21 other rank, I cannot make that difference.

22 PRESIDING JUDGE SCHMITT: [14:49:08] Please move on, Ms Dimitri. There's no
23 chance to go to open session, I think, at the moment?

24 If so, would be, of course --

25 MS DIMITRI: [14:49:22] I could -- we could.

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1 PRESIDING JUDGE SCHMITT: Yeah. Then we go --

2 MS DIMITRI: [14:49:20] I could, but -- but please stop me when -- when you think
3 it's --

4 PRESIDING JUDGE SCHMITT: [14:49:27] Yeah, yeah. Yeah, absolutely.

5 We go to open session.

6 (Open session at 2.49 p.m.)

7 THE COURT OFFICER: [14:49:44] We are back in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [14:49:47] Thank you.

9 Just for the information of the audience, this is a protective -- protected witness, and
10 when questions are put to the witness where the answer could identify him, we have
11 to do, of course, that in private session. And Defence counsel has assured now that
12 we will -- that she will try to put some questions in open session, and we will see how
13 far we get with that. And, if need be, we go -- at any time we go back to private
14 session.

15 Please, Ms Dimitri, continue.

16 MS DIMITRI: [14:50:21] Thank you, Mr President. Thank you.

17 Q. [14:50:24](Interpretation) Mr Witness, I will show you a photograph. Tab 87 of
18 the Defence list. CAR-OTP-2084-1307. My colleague was -- will freeze the video at
19 03:23. I will ask you to look at the man wearing a military uniform and you will tell
20 me whether you have seen him before, following which I will put some questions to
21 you.

22 Can you see the man holding the microphone and who is wearing a military uniform?

23 A. [14:51:54] I do not know him.

24 Q. [14:52:00] I will show you another photograph. Tab 14 of the Defence list.

25 CAR-D29-0010-0045.

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1 Can you recognise the individual on the photograph wearing a red T-shirt at the
2 foreground of the photograph?

3 A. [14:52:43] I do not recognise him.

4 Q. [14:52:50] Just to be more precise, I understand that you don't recognise him.

5 Maybe you don't know his name, but did you ever see him somewhere, did you ever
6 see him before?

7 A. [14:53:17] It was a long time ago. It is possible that I might have seen him once
8 before, but I no longer remember. His face doesn't ring a bell.

9 MS DIMITRI: [14:53:49] Mr President, I'll try my next question, and if there is a risk
10 of identification, please stop me. I don't believe there is, especially if the witness is
11 reminded not to say anything specific --

12 PRESIDING JUDGE SCHMITT: [14:54:03] Yeah.

13 MS DIMITRI: [14:54:05] -- that could identify him.

14 PRESIDING JUDGE SCHMITT: [14:54:08] So, Mr Witness, you have understood it,
15 as long as you don't answer anything that could identify you we can stay in open
16 session.

17 So, Ms Dimitri, give it a try. And Mr Golubok and everyone else will be attentive
18 too.

19 MS DIMITRI: [14:54:31](Interpretation)

20 Q. [14:54:31] During your testimony you talked about how you mounted guard,
21 both in Gbangba and Yamwara. What I would like to know is, according to your
22 testimony, were you mixed up with the adults when you mounted guard at the two
23 bases?

24 A. [14:55:18] Yes.

25 Q. [14:55:27] In your statements you talked about the assemblies or gatherings, and

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1 in paragraph 102 you stated that during the assemblies - that is 102, paragraph 102 of
2 your statement of 2019 - you said that during the assemblies or
3 gatherings -- paragraph 56, you said that the children were in a different line.

4 Do you -- can you explain what you mean by "a different line".

5 A. [14:56:24] During large assemblies, everyone was present. Everyone took part
6 in them.

7 Q. [14:56:42] Let me repeat my question, maybe it was not clear.

8 In your statement of 2019, you explained in paragraph 56 that at the time of
9 the assemblies the children stood up in a different column or line. Does this mean
10 that they were standing away or apart from the adults?

11 A. [14:57:18] During the assemblies we were all together and each one was in their
12 section. The children were in front and the adults were behind. That is why I said
13 that the children were apart and the adults were apart.

14 Q. [14:57:40] And was this how it happened during all the assemblies in the two
15 camps?

16 A. [14:57:54] Yes, that is how things happened. But if a child did not want to
17 stand in front, he could stand amongst the adults. We were all there and we
18 followed the instructions issued by the chief.

19 Q. [14:58:16] And just to better understand, you had assemblies, the children were
20 in front and everyone could see them, except in exceptional cases, that is during
21 the assemblies or gatherings. Did I understand you correctly?

22 A. [14:58:47] During the assemblies those who were smaller in size could stand in
23 front. That is why I said that the children were in front and the adults were behind.
24 But sometimes during the assemblies it was possible that some of the children would
25 stand behind the adults. So all of us were together and we listened to what

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1 the chiefs were saying before we broke up.

2 Q. [14:59:23] I will move on to something else now. I want to talk about
3 the injuries.

4 PRESIDING JUDGE SCHMITT: [14:59:35] Well, that could be identifying. I think
5 we have to go to private session for that.

6 Private session.

7 MS DIMITRI: [14:59:42] That's why I hesitated. Thank you, Mr President.

8 (Private session at 2.59 p.m.)

9 THE COURT OFFICER: [14:59:54] We are in private session, Mr President.

10 MS DIMITRI: [15:00:07](Interpretation)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [15:02:33] And so you were injured -- or, he injured you because you didn't
2 perform your push-ups properly?

3 A. [15:02:43] No, it was not in relation to that. It was in relation to money. There
4 was a money problem.

5 Q. [15:02:56] Can you explain the money problem to us.

6 A. [15:03:16] I think that when the chiefs broke into the (Redacted), I think at that
7 time we were still in the Yamwara school (Redacted), if I'm not mistaken. And some
8 people took a lot (Redacted). And when they were asked -- or, when we were asked
9 to report on how we had used the money, he asked me to report on the money.
10 I didn't have the money. He searched my pockets. And so he asked me to do
11 some -- put me in a push-up position and hit me with the blade of a knife. And
12 that's how I got injured.

13 Q. [15:04:30] So you were going -- you were asked to go and sell (Redacted)
14 (Redacted), and then you were punished because you were suspected of having held
15 back the money from the sale; is that correct?

16 A. [15:04:58] Yes, that is correct. You see, that money was not supposed to be
17 handed over. We were supposed to keep it. But he asked me to give him
18 the money and I said I didn't have the money, so he asked me to take a push-up
19 position and then he flogged me.

20 (Redacted)

21 (Redacted)

22 Q. [15:05:55] Yet, at paragraph 68 of your statement, when you describe your injury
23 (Redacted), I seem to understand that you are not talking about (Redacted), because
24 you have mentioned (Redacted) several times in your (Redacted) statement. But
25 when it comes to drafting or talking about your injury, you said it was inflicted on

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1 you by an Anti-Balaka whose name you don't remember.

2 So is (Redacted), the Anti-Balaka whose name you don't remember, or is it that you
3 were never injured (Redacted)?

4 A. [15:06:47] Maybe you did not quite understand my answer. If you had
5 understood my answer, you would have known that it was (Redacted) who used his
6 knife to strike me. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [15:07:41] You have just explained to us that you were asked to go and sell
11 (Redacted), and that later on, as you came back, you were punished and injured
12 because of money. Now, in your (Redacted) statement you say something different.
13 You say that the injury was inflicted on you because you wanted to go out to look for
14 food and you were prohibited from doing so.

15 So, once again, what is the right version? Were you injured because you wanted to
16 go out and fetch food and it was prohibited, or were you injured because you were
17 asked to go fetch food and sell it, and then you end up being injured because of
18 a money problem?

19 A. [15:08:59] No. (Redacted)
20 (Redacted). So I sold what I was able to take and I kept the money. And, you see,
21 what we sold, the money we got from it was not supposed to be handed over to
22 the chiefs. Even if they were to be shown the money, they might take part of it.

23 (Redacted)

24 (Redacted). So I told him I don't have the money

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 No, he didn't beat me because I was not authorised to go out and look for food.
- 5 PRESIDING JUDGE SCHMITT: [15:10:19] I think you can move on, Ms Dimitri.
- 6 MS DIMITRI: [15:10:26] Yes, I'm going to 5 December now, Mr President.
- 7 PRESIDING JUDGE SCHMITT: [15:10:30] I think you have to stay in private session.
- 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 And, of course, the identity of the witness will not be disclosed. But this is clear,
- 22 clear it's a protected witness anyway and ...
- 23 MS DIMITRI: [15:12:24](Interpretation)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 A. [15:13:02] As I have already said, the chiefs had met among themselves at
3 a distance, and I don't know what they were talking about. After their meeting we
4 were told that there will be an attack on the 5th. Now, before that attack there was a
5 major gathering, or assembly, at which we were told that we are expected to
6 implement everything we had learnt during the attack, that is, put it into practice.
7 So it must have been the 3rd or so and, well, we -- we then left and went through
8 Kpato and crossed the river and then accessed Bangui.

9 Q. [15:14:16] When the chiefs were having their discussion apart, were you able to
10 see them? How far away were you from them?

11 A. [15:14:38] When the chiefs were conferring among themselves, we were all at
12 a distance. They had that meeting among themselves, that is among the chiefs.

13 Q. [15:15:00] And those chiefs, who were they?

14 A. [15:15:13] During that meeting of the chiefs, I saw Chief Coeur de Lion,
15 Chief Abib, Chief Rambo, and other chiefs who were part of that meeting.

16 Q. [15:15:39] Are you able to describe to me what you mean by you were apart or
17 at a distance. What -- what distance are you talking about?

18 A. [15:16:00] Well, I cannot say. I don't know.

19 Q. [15:16:06] You just said that you did not know what they were talking about.

20 A. [15:16:13] Yes.

21 Q. [15:16:15] So you didn't hear them?

22 A. [15:16:17] Yes.

23 THE INTERPRETER: [15:16:22] The witness speaks French.

24 MS DIMITRI: [15:16:26](Interpretation)

25 Q. [15:16:27] So you couldn't hear them?

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1 A. [15:16:31] That is correct.

2 Q. [15:16:36] Yet, at paragraph 84 of your statement you say you heard them talk
3 about it. Is that incorrect? Is it false?

4 PRESIDING JUDGE SCHMITT: [15:16:57] Ms Berdennikova.

5 MS BERDENNIKOVA: [15:17:00] Your Honours, I just wanted to point out that that
6 paragraph -- I don't know if you would like the witness to take the earphones off
7 maybe (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [15:17:13](Overlapping speakers) No, no, no, it's not
9 necessary. Because I think I agree with you.

10 MS BERDENNIKOVA: [15:17:17] Okay. It appears -- (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [15:17:19] It is -- it is not -- not distorted, but it's
12 not -- not the full picture given.

13 So, Ms Dimitri, so let me ask the question.

14 Mr Witness, in paragraph 84 of your statement you said the following, please listen:

15 "Coeur de Lion did not want children to take part in the attack but Rambo said that
16 the children had to be involved as the Arabs are killing our people."

17 First of all, did you hear that? Or how did you come to know that?

18 THE WITNESS: [15:18:14](Interpretation) Yes, I -- I heard it, but when the question
19 was asked as to what the distance was between me and them, it is in answer to that
20 question that I said I could not answer. Coeur de Lion had said that during that
21 battle the children should not be involved. But Chief Rambo objected and said,
22 whether you are small or adult, everybody was obliged to participate in the fighting.

23 PRESIDING JUDGE SCHMITT: [15:18:52] Yeah, yeah, you said that in your
24 statement.

25 Mr Witness, did you hear that, or did someone tell you that? This discussion

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1 between Coeur de Lion and Rambo, did you hear that or did somebody tell you?

2 THE WITNESS: [15:19:31](Interpretation) Well, when Coeur de Lion asked

3 the children not to fight, I understood it. But when it comes to the meeting between

4 the chiefs, I didn't follow it and I didn't hear it myself because I was at a distance.

5 But Coeur de Lion himself requested that children not participate in the fighting.

6 And when he said that, I heard it myself.

7 PRESIDING JUDGE SCHMITT: [15:19:55] Please move on.

8 MS DIMITRI: [15:20:06](Interpretation)

9 Q. [15:20:07] So there is this discussion and, according to your testimony, after that
10 discussion there's a rally or an assembly or gathering; is that a correct understanding?

11 A. [15:20:34] Yes, that is correct.

12 Q. [15:20:37] During the gathering, all the elements of the camp, were they present?

13 A. [15:20:55] That is correct.

14 Q. [15:21:01] Who organised that gathering?

15 A. [15:21:14] According to you, who could have organised that gathering? It
16 could only have been the chiefs.

17 Q. [15:21:25] Maybe my question was not clear. Who asked the elements to gather?
18 Who asked the elements to gather?

19 A. [15:22:03] It was Coeur de Lion and Chief Rambo.

20 Q. [15:22:11] Could you describe to me how it happened. Did they go from
21 element to element asking them to gather? And what did they say? Can you
22 describe to me the scene as it unfolded.

23 A. [15:22:41] When a chief wanted to communicate a message, the supreme chief
24 will ask his deputy to convey the message to the others. Sometimes he could shout,
25 call for a gathering and the -- the other elements will rush from all over to gather to

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1 listen to what the chief had to say.

2 Q. [15:23:11] But specifically on that day, I understand that you say that, generally,
3 when a chief wants to pass on a message, the supreme chief or supreme leader does
4 this and that. Now, my question is specific to that day. What I want to know is
5 about that day. How did it happen? How were the elements gathered? Who
6 spoke and how was the message conveyed?

7 A. [15:23:52] Please can you repeat the question. I didn't understand it.

8 PRESIDING JUDGE SCHMITT: [15:23:56] Ms Dimitri, these were three questions
9 again in one.

10 So, first of all, Mr Witness, when it came -- when you gathered on that day -- you
11 have told us what generally happened. Was on that day something different, if you
12 recall?

13 You said we generally -- described how generally you -- such gatherings would be
14 taken -- have taken place. On that day was something specific or what you just said
15 generally happened applies also to this day?

16 If you recall, of course, only.

17 THE WITNESS: [15:25:03](Interpretation) On that day, and as I have already said in
18 relation to the rally, after that nothing happened. You see, we -- we all gathered in
19 the rally, just as I told you earlier.

20 PRESIDING JUDGE SCHMITT: [15:25:20] Okay. And then I think the question
21 was who spoke at the rally. Who spoke, Mr Witness? Who addressed you?

22 MS DIMITRI: [15:25:36] Mr President, I'm sorry, it's not my question. Maybe I'm
23 not clear.

24 PRESIDING JUDGE SCHMITT: [15:25:40] No, but it's my question.

25 MS DIMITRI: [15:25:43] Oh, sorry, sorry.

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1 PRESIDING JUDGE SCHMITT: [15:25:46] It's my question.

2 So who spoke at the rally?

3 THE WITNESS: [15:26:03](Interpretation) During that gathering, chiefs

4 Coeur de Lion and Rambo spoke. They are the two chiefs who spoke, who

5 addressed the elements.

6 PRESIDING JUDGE SCHMITT: [15:26:23] Please, Ms Dimitri.

7 MS DIMITRI: [15:26:26] Thank you.

8 Q. [15:26:28](Interpretation) Let me hop back to my initial question. Who is it that

9 told you that there was going to be a gathering? How was that gathering

10 announced?

11 A. [15:27:03] When it comes to the announcement of the gathering when we were

12 there, it was possible for us to know the dates and times at which gatherings were

13 supposed to take place.

14 PRESIDING JUDGE SCHMITT: [15:27:17] I think you don't get further here.

15 Because of that I -- I skipped it. So there are different -- there are different

16 possibilities. Of course, there might be, let's say, a bell announcing something, there

17 might be -- it could be from mouth to mouth. The witness has not provided further

18 information. I think it is a little bit in the -- will not say in the dark, but it cannot be

19 solved completely.

20 I assume you have something in mind. But, yeah, I also assume you don't get

21 the answer that -- or the specificity of the answer that you try to elicit.

22 MS DIMITRI: [15:28:11] I understand now. I'll move on.

23 Q. [15:28:20](Interpretation) At what time of day did the gathering take place?

24 I am not asking you for the time. I know it's difficult. But was it in the morning, at

25 night, or in the afternoon?

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1 A. [15:28:52] Rallies were held every day in the morning. Every morning.

2 Q. [15:29:00] Mr Witness, I am not talking about rallies in general. You have
3 testified on a specific gathering which took place before the 5 December attack. And
4 my question focuses solely on that gathering. At what time of day did that gathering
5 take place at which the announcement was made of the attack of 5 December? Was
6 it in the morning, at night, or at what time of day was it?

7 A. [15:29:53] That gathering took place in the morning.

8 Q. [15:30:06] Now for the last time, with the leave of the Presiding Judge, and since
9 we are talking about this specific gathering, I want to ask you, on that morning, who
10 announced to you that there was a gathering and who asked you to gather?

11 PRESIDING JUDGE SCHMITT: [15:30:24] Last attempt. Yeah.

12 THE WITNESS: [15:30:40](Interpretation) When we had -- well, you know, it was
13 not like in Sekia. In Sekia we were used to having these gatherings. And it was
14 about the same thing in Yamwara. So on that morning we may have heard
15 somebody say "Gathering. Gathering", and then everybody ran together to the
16 gathering point.

17 MS DIMITRI: [15:31:15](Interpretation)

18 Q. [15:31:18] And at what location of the camp did you assemble?

19 A. [15:31:30] The assembly took place at Gbangba.

20 Q. [15:31:41] But where in Gbangba? Where the farmers were cultivating, in
21 the bushes, in the forest, where the huts were located? Specifically where in
22 Gbangba did these assemblies take place?

23 A. [15:32:10] It was in our camp.

24 Q. [15:32:19] What was around you at the time of the assembly? Are there huts,
25 bushes, forest? Are there small houses for the farmers? What is around you?

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1 What is to be found around that location of the assembly?

2 PRESIDING JUDGE SCHMITT: [15:33:19] Mr Witness, please answer the question.

3 You know, the reason why these questions are asked is that nobody here in
4 the courtroom was present. So you have a picture in your mind, in your recollection,
5 but we were not there and we don't have. And as many information that we get,
6 the better it is for us to picture ourselves, to imagine what has happened.

7 So if you recall - this is always the same - if you recall, where you gathered, what kind
8 of place was that? Was it in the bush, was it in the fields? You know what I mean,
9 things like that. Only if you recall it.

10 THE WITNESS: [15:34:20](Interpretation) In Gbangba it was not in
11 the neighbourhood. When I said it was in our base, it was in the *brousse* -- in
12 the bush. And when you asked whether there was a hut, it was in the open air.
13 There were bushes, there were trees. And that's where we had the assemblies.

14 MS DIMITRI: [15:34:51](Interpretation)

15 Q. [15:34:53] After the assemblies, I understand that in the evening you saw
16 Coeur de Lion and Chief Rambo. At the time of the assembly, you saw
17 Coeur de Lion and Chief Rambo. How much time elapsed after the gathering before
18 you left Gbangba?

19 A. [15:35:32] After the gathering we left Gbangba towards M'Poko. It was during
20 the night. It was not during the daytime.

21 Q. [15:35:51] So the gathering took place in the morning. You spent the entire day
22 in Gbangba camp and then you left Gbangba at night; is that what I am to
23 understand?

24 A. [15:36:09] Yes, that is correct.

25 Q. [15:36:12] And during all that time, the entire day that you spent in Gbangba

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1 after the assembly, before leaving the camp, Chief Rambo and Coeur de Lion were
2 present; is that correct?

3 A. [15:36:34] Yes, they were present.

4 Q. [15:36:40] And was anything distributed, anything at all, before you left?

5 A. [15:36:52] No, nothing was distributed.

6 Q. [15:36:59] Now, you left the camp all together, all the elements left the camp?

7 PRESIDING JUDGE SCHMITT: [15:37:13] May I -- may I shortly.

8 Mr Witness, do you need a break? Would you prefer to have a break? What do
9 you think?

10 It seems to me that you are a little bit tired and, you know, that it was a long day.

11 That's the impression that I have. If I am mistaken, please tell me.

12 THE WITNESS: [15:37:41](No interpretation)

13 PRESIDING JUDGE SCHMITT: [15:37:47] Well, the witness has said something.

14 THE WITNESS: [15:37:54](Interpretation) I am not tired. But the questions,
15 the way they are being put, where were the assemblies, I think it is those questions
16 that are shocking or surprising me. I am not tired, I am well able to answer your
17 questions.

18 PRESIDING JUDGE SCHMITT: [15:38:21] Mr Witness, then please, please listen
19 carefully what I am saying. Let me explain this to you again. It is clear

20 the Defence counsel will also put questions to you that you do not find comfortable,
21 and perhaps that do upset you. But it is the task of the Defence counsel to defend

22 her client as best as possible. This is -- I have explained that before. This is the rule
23 in the courtroom. (Redacted), this is one of the rules of this game here in

24 the courtroom. So I would really ask you, don't let you be upset and stay calm.

25 Just answer the questions truthfully, and if you don't recall and if you don't know, tell

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1 us so. So there is nothing wrong with that.

2 And also, there is nothing objectionable to the questions of the Defence counsel. You

3 know, we do this quite some years here, and if there is something and if we have

4 the impression some questions are inadequate, then we would interfere. Yeah.

5 So I would really ask you to think about that, to see it as -- as I have worded it, as

6 the rules in the courtroom, as the rules of the game, and please stay calm, and the

7 quicker you have the whole examination is finished. Thank you very much,

8 Mr Witness.

9 So, please.

10 MS DIMITRI: [15:39:51] Thank you very much, Mr President.

11 Q. [15:40:09](Interpretation) I will repeat my last question, Mr Witness. You left

12 the camp all together. All the elements left the camp with Chief Rambo and

13 Coeur de Lion?

14 A. [15:40:27] That is absolutely correct.

15 Q. [15:40:34] Once you arrived the river, or the stream, when you arrived the river,

16 what happened with the group?

17 A. [15:40:59] When we arrived at the shores of the M'Poko River, some took canoes.

18 And there was a small fishing boat, a ferry, and some people boarded it to be able to

19 cross.

20 Q. [15:41:26] And what did the others do?

21 A. [15:41:38] As I have told you, everyone crossed over. If there was not enough

22 space in the canoes or the ferries, I think there were rotations. A team would be

23 crossed over, then they would come back to fetch the others, until everybody had

24 crossed over.

25 Q. [15:42:03] I understand. So it was the same group that crossed the river, no

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1 more, no less. The same group that left Gbangba crossed over to the other side of
2 the river; is that correct?

3 A. [15:42:23] Yes, that is correct.

4 Q. [15:42:26] And what happened on the other side of the river?

5 A. [15:42:37] After having crossed, we took up positions. Because at M'Poko, on
6 the shore of the river, there are houses, shops near the water and there are houses
7 belonging to traders along the river. So we took position there and we were waiting
8 for the bulk of the troops to arrive before advancing.

9 Q. (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [15:43:16](Overlapping speakers) You're a little bit
11 too quick.

12 MS DIMITRI: Sorry. I'm sorry.

13 PRESIDING JUDGE SCHMITT: [15:43:14] A little bit too quick. It's the end of
14 the day. It's clearly, clearly detectable, so to speak. So please slow down a little bit.

15 MS DIMITRI: [15:43:30](Interpretation)

16 Q. [15:43:31] So you took up position, and waited for the entire group to have
17 enough time to cross over, and then you started advancing. Do I understand you
18 correctly?

19 A. [15:43:48] That is correct.

20 Q. [15:43:52] And at that point when you were on the other side of the river, it was
21 still the same group. The group was neither bigger nor smaller, it was still the same
22 group; is that so?

23 A. [15:44:18] When we arrived M'Poko and when the time came to leave, we were
24 moving by columns, first column, second column, third column. It was not
25 the entire group. And when we arrived at a certain location and there were people

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1 who felt like joining the group, then they would join the group. That is how we
2 were advancing.

3 PRESIDING JUDGE SCHMITT: [15:44:54] So I understand it correctly, Mr Witness,
4 that after you crossed the river your numbers increased. Is that correct
5 understanding?

6 THE WITNESS: [15:45:23](Interpretation) After the crossing, I think many people
7 rallied, joined the groups, some young people, and so the numbers rose. And after
8 the attack of the 5th, when we went to Yamwara, we realised that the numbers had
9 grown. In Yamwara we realised that there were many more elements than before.

10 MS DIMITRI: [15:45:58](Interpretation)

11 Q. [15:46:02] At one -- at what point did you split from Rambo's group?

12 A. [15:46:18] I did not understand your question.

13 Q. [15:46:24] At what point did you separate from Rambo's group?

14 A. [15:46:39] When we left M'Poko, upon entering Bangui town, we separated from
15 the group between 7 and 8 p.m. We passed through the Muslim cemetery in Boeing,
16 close to the airport. We passed through there. The others remained on the main
17 road towards M'Poko. They went in the same direction to pass in front of the Foyer.
18 We were advancing (Redacted) in order to come back together at the level of
19 the junction.

20 Q. [15:47:57] And so if I understand you correctly, at around 7/8 p.m. the group
21 separated. Your group went in the direction of the Muslim cemetery and the others,
22 that is Rambo's group, continued on the main road of M'Poko right up to Foyer; is
23 that correct?

24 A. [15:48:34] Yes.

25 Q. [15:48:42] And who was the leader of your group at that time, that is at the time

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1 you separated and were advancing towards the Muslim cemetery?

2 A. [15:48:58] (Redacted).

3 Q. [15:49:08] Who were the chiefs in Rambo's group, that is the other group?

4 A. [15:49:23] I do not know which chiefs were in Rambo's group. That is on
5 the road that they took.

6 Q. [15:49:41] And if I understand correctly, your group advanced (Redacted)
7 (Redacted) that there
8 was a joining up at the Boeing junction?

9 A. [15:50:12] After the attack we all found ourselves at the junction, near
10 the monument of the lady who is carrying a blanket on her head.

11 Q. [15:50:36] The junction with the monument with the woman with the pot on her
12 head, not a blanket, a pot on her head, that is the Boeing junction?

13 A. [15:50:55] Yes, that is the Boeing junction.

14 Q. [15:51:00] And when you say "After the attack we found ourselves at the
15 junction," are you saying that after the attack of 5 December, while retreating, you met
16 up again at the Boeing junction?

17 A. [15:51:28] During our retreat we found ourselves at the Boeing junction
18 somewhere at the level of Foyer, and that is where we all joined up together to take
19 the direction of the Yamwara school. And the lady at the monument was carrying
20 a bowl or a pot.

21 Q. [15:51:59] Now just for it to be very clear in my mind, and please correct me if
22 I am mistaken, you separated from Rambo's group after the river, and you only met
23 up with Rambo again at the end of the attack at the time of the retreat at the Boeing
24 junction. Did I understand you correctly?

25 A. [15:52:33] Yes, that is correct.

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1 Q. [15:52:55] Let us now talk about the women. In which group were they? You
2 have said that there were women aged 19/20 years. In which group were they, given
3 that all the elements left Gbangba?

4 A. [15:53:31] In each group there were women. In the two groups there were
5 women.

6 Q. [15:53:49] And so in your group (Redacted) there were women?

7 A. [15:54:02] Yes.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [15:54:59] Now, last Tuesday you stated that you were talking about the base
14 and you said everybody was wearing a band around their head. Some had a red
15 band, while others had red fabrics on the long knives that they have. Now my
16 question is, the band around the head, was it also red?

17 A. [15:55:49] Yes, the bands tied around the head were red. Anything that was
18 fabric, cloth and so on could serve to show the colour. In any case, it was the red
19 colour.

20 Q. [15:56:19] Those red bands, did all of you wear them for the attack of
21 5 December, or not?

22 A. [15:56:36] No, some people didn't have them.

23 Q. [15:56:47] At any one time were they fabrics of any other colour, cloth, pieces of
24 cloth of any other colour which were distributed for the attack of 5 December?

25 A. [15:57:10] No.

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1 PRESIDING JUDGE SCHMITT: [15:57:24] If you're going to change subject, I would
2 suggest that we call it a day, so to speak.

3 MS DIMITRI: [15:57:34] I slowed down today, Mr President, unfortunately. I took
4 a setback. And I was hoping I could at least finish 5 December.

5 PRESIDING JUDGE SCHMITT: [15:57:50] But how many questions do you have?

6 MS DIMITRI: [15:57:53] Quite a -- half an hour, I guess.

7 PRESIDING JUDGE SCHMITT: [15:57:57] Okay. No, I think then we -- then we
8 finish for today, and tomorrow we will anyway have to shorten, for other reasons,
9 the lunch break. So we'll -- yeah, perhaps we can have more hours on Thursday
10 then. Tomorrow is Wednesday, yes.

11 But I think in the end it should -- should be okay with --

12 MS DIMITRI: [15:58:22] So tomorrow we're shortening the lunch break, which
13 means I'll have more time?

14 PRESIDING JUDGE SCHMITT: [15:58:29] No, unfortunately not, because there are
15 judges going to a reception, and so -- which is at 4 o'clock. Not me, probably, but
16 other judges.

17 Perhaps I can enquire with my colleagues if they go. I think not everybody will go.
18 And if we don't go, we shorten the lunch break and you have half an hour more.
19 Yeah. We do it this way. Okay. Well, it was too complicated.

20 MS DIMITRI: No worries.

21 PRESIDING JUDGE SCHMITT: [15:58:48] So a long speech and without -- without
22 any result at the moment.

23 So then we go shortly back to open session.

24 (Open session at 3.59 p.m.)

25 THE COURT OFFICER: [15:59:10] We are in open session, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [15:59:12] Yeah. Thank you very much. But we
- 2 are very shortly in open session, so, because this concludes the hearing for today, and
- 3 we resume tomorrow at 9.30.
- 4 Mr Witness, thank you very much for answering all the questions and we hope that
- 5 you can take a rest this afternoon and evening, till tomorrow.
- 6 THE COURT USHER: [15:59:33] All rise.
- 7 (The hearing ends in open session at 3.59 p.m.)