

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.

- 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 Ngaissona 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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(Open Session)

ICC-01/14-01/18

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.

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 Gervino Ngaizoui. I
6 understood that he's someone you knew well.

7 Am I correct in saying that Ngaizoui was the name of his adoptive father and Gervino
8 carried out his own enquiries and realised that his father died when he was two
9 months old and that his father was called Bedo (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 Didier Beninga
12 registered his son in ESF. And I just want to find the extract. And that you had
13 a discussion at a certain point of time with the son of Didier Beninga.

14 If I say to you the name of Heritier Pounindji, is that is the son of Didier Beninga?

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 Didier Beninga, did
17 the coordinators of ESF, Kevin Mborolo, Kevin Kakpayen, also registered their sons
18 for training, or their daughters?

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

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.
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5 (Open session at 10.05 a.m.)

6 THE COURT OFFICER: [10:05:43] We're in open session, Mr President.

7 MS DIMITRI: [10:05:53](Interpretation)

8 Q. [10:05:54] Mr Witness, during the *Enfants sans Frontières* training, how many
9 children were there who came from the Seleka armed group?

10 A. [10:06:24] There was no child there from Seleka.

11 Q. [10:06:30] At paragraph 144 of your 2019 statement, you refer to one Seleka child.
12 Does this jog your memory?

13 A. [10:06:59] I have never said that there was a child from Seleka when we were in
14 the ESF demobilisation programme. There was no child from Seleka in that
15 programme.

16 Q. [10:07:25] During your testimony -- (Speaks English) Mr President, I think your
17 mic ...

18 (Interpretation) During your testimony you indicated that you had provided
19 approximate ages. Now Kevin Kakpayen, Kevin Mborolo, did they know the real
20 ages of the children?

21 PRESIDING JUDGE SCHMITT: [10:07:57] Ms Berdennikova.

22 MS BERDENNIKOVA: [10:08:00] Your Honours, I believe that this asks for
23 speculation on the part of the witness, as he cannot possibly know what somebody
24 else would have known.

25 PRESIDING JUDGE SCHMITT: [10:08:09] Yes, it's of course like always, it's how

1 you -- how you phrase the question.

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

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

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

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

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

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

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

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

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

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

20 Q. [10:11:45] Yesterday during your testimony you indicated, while talking about
21 the coordinators of *Enfants sans Frontières* - let me find the excerpt to be sure that
22 I quote you correctly - you indicated that "They lied to us." Can you explain to me
23 what you meant by "They lied to us." And who lied to you?

24 A. [10:12:42] When I say that they lied to us, it is because they made promises to us
25 regarding our training. We were supposed to have three months' training, followed

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

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

6 A. [10:13:46] When I say "they", I'm referring to the NGO coordinators. You see,
7 I was not responsible for the NGO. It is the coordinators who registered us and who
8 considered us as child soldiers and who had the intention or who had promised to
9 train us. Is it really useful or helpful to anyone when you give them 45,000 at the
10 end of three months of training?

11 Q. [10:14:23] Should the amount have been higher? Were you promised more
12 than 45,000 francs?

13 A. [10:14:34] No, it is not about the 45,000. I'm not angry about the 45,000. I am
14 angry simply because they had made promises to those who wanted to return to
15 school that they would have that possibility to return to school. And to those who
16 wanted to learn skills, that they would be provided with training in trades and skills.
17 All they did was provide 45,000 francs.

18 Q. [10:15:07] Yesterday you also said that "They used us to get money or to take
19 money." Can you explain to me what you meant by they used you. I understand
20 that they used the children when it comes to the training, but what do you mean by
21 "They used us to take money"?

22 A. [10:15:49] You are right in asking that question. When I say they used us, it is
23 because they proposed training for child soldiers and there were partners who know
24 that child soldiers are being taken care of by an NGO so they receive subventions, but
25 they do not do it properly. You see, if I remember well, there were some westerners

1 who came and with whom we were able to mingle or play around, and so what we
2 thought was that these people were simply taking advantage of this situation to make
3 money. Now, of all the child soldiers who made any profit or who benefited from
4 any training concretely from the NGO, none, not a single child.

5 Q. [10:16:52] Do I understand well that this training started in August 2014, and
6 ended two months later, and that you spent the third month in what you called host
7 families. And in your case it was father's family, and I don't want to mention your
8 father's name in open session.

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

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

13 PRESIDING JUDGE SCHMITT: I think I agree.

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

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

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

17 (Private session at 10.17 a.m.)

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

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20 (Open session at 12.10 p.m.)

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

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

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

2 PRESIDING JUDGE SCHMITT: Ah, okay.

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

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

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

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

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

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

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

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

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

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

25 PRESIDING JUDGE SCHMITT: [12:12:57] Well, I was imprecise, so I meant from

1 the point where you were taken to get to the base. Do you recall how -- how long it
2 took you?

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

6 PRESIDING JUDGE SCHMITT: [12:13:38] Thank you very much.

7 Please continue, Ms Dimitri.

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

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

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

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

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

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

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

24 Q. [12:15:53] And this Gbangba base, Kpato, is the only base which you knew
25 before 5 December; is that correct? You explained to us how you left the Gbangba

1 base on 5 December, so I just want you to check that between the moment when you
2 arrived at the base before your birthday until 5 December, that's the only base that
3 you know.

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

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

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

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

10 (Counsel confers)

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

14 (Counsel confers)

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

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

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

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

25 Mr Witness, were these two bases, Gbangba and Kpato, were they far away from each

1 other? You said you could move from one base to the other, did it take long to move
2 from one base to the other?

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

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

7 Ms Dimitri.

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

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

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

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

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

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

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

25 Q. [12:22:53] And the first time when you arrived in the group, how many were

1 you, according to you? How many were in the Gbangba base?

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

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

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

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

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

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

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

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

21 You say that when you arrived the two bases existed, Kpato and Gbangba, and that
22 there were elements in both camps, there were elements in Kpato and in Gbangba.

23 What I would like to know, whether the two bases continued to have elements,
24 continued to be operational, to be functional until you departed for the attack of
25 5 December. That's my question.

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

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

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

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

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

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

14 Ms Dimitri, please continue.

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

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

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

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

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

24 Q. [12:29:20] In your testimony in paragraph 55, you describe or you provide
25 a description of some of the elements which lead up to about a thousand elements in

1 Gbangba. At what point in time was it from less than 500 to 1,000? Or is this
2 a mistake in your statement?

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

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

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

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

24 A. [12:33:24] I was asked the question and I said that she was always next to
25 Chief Rambo, but I did not know what was going on between her and Chief Rambo.

1 I am not able to confirm whether or not she was Chief Rambo's girlfriend. But what
2 I can say is that she was always next to Chief Rambo.

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

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

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

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

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

12 You provided a description, a physical description of her. You said that she had
13 a very light complexion. And I think I know the person you are talking about. I
14 will show you a picture, tab 1 Defence binder, CAR -- CAR-OTP-2001-8191.

15 PRESIDING JUDGE SCHMITT: [12:35:47] Can this be shown in open session?

16 MS DIMITRI: [12:35:50] I don't think so, Mr President.

17 PRESIDING JUDGE SCHMITT: [12:35:51] No, then we go to private session.

18 MS DIMITRI: [12:35:55] I'm sorry. I completely forgot we were in public session.

19 PRESIDING JUDGE SCHMITT: [12:35:59] Yeah, there were not so many issues.

20 Mr Golubok would have reminded us forcefully that we should go into private
21 session. But now we do it.

22 (Private session at 12.36 p.m.)

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

24 (Redacted)

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1 (Recess taken at 12.57 p.m.)

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

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

4 Please be seated.

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

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

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

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

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

16 Private session.

17 (Private session at 2.32 p.m.)

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

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5 (Open session at 2.49 p.m.)

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

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

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

14 Please, Ms Dimitri, continue.

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

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

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

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

23 Q. [14:52:00] I will show you another photograph. Tab 14 of the Defence list.
24 CAR-D29-0010-0045.

25 Can you recognise the individual on the photograph wearing a red T-shirt at the

1 foreground of the photograph?

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

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

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

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

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

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

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

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

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

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

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

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

24 Q. [14:55:27] In your statements you talked about the assemblies or gatherings, and
25 in paragraph 102 you stated that during the assemblies - that is 102, paragraph 102 of

1 your statement of 2019 - you said that during the assemblies or
2 gatherings -- paragraph 56, you said that the children were in a different line.
3 Do you -- can you explain what you mean by "a different line".

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

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

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

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

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

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

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

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

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

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

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

7 (Private session at 2.59 p.m.)

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

9 (Redacted)

10 (Redacted)

11 (Redacted)

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23 (Open session at 3.59 p.m.)

24 THE COURT OFFICER: [15:59:10] We are in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [15:59:12] Yeah. Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-2475

(Open Session)

ICC-01/14-01/18

- 1 But we are very shortly in open session, so, because this concludes the hearing for
- 2 today, and we resume tomorrow at 9.30.
- 3 Mr Witness, thank you very much for answering all the questions and we hope that
- 4 you can take a rest this afternoon and evening, till tomorrow.
- 5 THE COURT USHER: [15:59:33] All rise.
- 6 (The hearing ends in open session at 3.59 p.m.)