

Trial Hearing
WITNESS: CAR-OTP-P-1705

(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 Monday, 13 March 2023
10 (The hearing starts in open session at 11.03 a.m.)
11 THE COURT USHER: [11:03:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [11:03:33] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [11:03:38] 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: [11:03:53] Thank you.
21 I ask for the appearances of the parties. We start with the Prosecution.
22 MR BELBENOIT-AVICH: [11:03:58](No interpretation) *Bonjour, Monsieur Président.*
23 *Bonjour, Messieurs les juges.*
24 *L'Accusation est représentée par Kweku Vanderpuye, Sylvie Wakchom, Yassin Mostfa, et par*
25 *moi-même Pierre Belbenoit-Avich.*

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- 1 PRESIDING JUDGE SCHMITT: [11:04:11] Thank you.
- 2 And if we had a translation -- of course, I understood it, but ...
- 3 Well, I think we can continue.
- 4 THE INTERPRETER: [11:04:23] It's Fine. My mic wasn't working, your Honour.
- 5 PRESIDING JUDGE SCHMITT: [11:04:31] No problem. Yeah, please switch it off.
- 6 No problem, I think it's only the introduction of the names, that's no problem, I think.
- 7 With continue with Ms Rabesandratana.
- 8 MS RABESANDRATANA: [11:04:40](Interpretation) Good morning, your Honour.
- 9 Good morning to the Bench.
- 10 Ladies and gentlemen, I would like to greet you. The Legal Representatives of
- 11 the other crimes are represented by Mr Orchlon Narantsetseg, Mrs Mouhia Asso and
- 12 myself, Elisabeth Rabesandratana.
- 13 PRESIDING JUDGE SCHMITT: [11:05:05] Thank you.
- 14 Mr Suprun next.
- 15 MR SUPRUN: [11:05:08] Good morning, Mr President. Good morning, your
- 16 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
- 17 Thank you.
- 18 PRESIDING JUDGE SCHMITT: [11:05:15] Thank you.
- 19 Then we turn to the Defence, Ms Dimitri first.
- 20 MS DIMITRI: [11:05:20] Good morning, Mr President. Good morning,
- 21 your Honours. Good morning, everyone.
- 22 Mr Yekatom is present in the courtroom and he's represented today by
- 23 Ms Anta Guissé, Mr Florent Pages-Granier, Ms Cassandra Obussier,
- 24 Mr Jean Michel Kola and myself, Ms Dimitri.
- 25 PRESIDING JUDGE SCHMITT: [11:05:39] Thank you. And we wish you an

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1 improved health in the next couple of days.

2 Ms Proulx next.

3 MS PROULX: [11:05:45] Good morning, Mr President. Good morning,
4 your Honours. Good morning, everyone.

5 Mr Ngaïssona is also present in the courtroom and he is represented today by
6 Mr Michael Rowse, Ms Saskia Afande, Mr Mathias Goffe, Mr Alexandre Desevedavy
7 and myself, Marie-Hélène Proulx.

8 PRESIDING JUDGE SCHMITT: [11:06:02] Thank you very much.

9 And most importantly we have a new witness in the courtroom.

10 Mr Witness, good morning, can you hear and understand me well?

11 WITNESS: CAR-OTP-P-1705

12 (The witness speaks Sango)

13 (The witness gives evidence via video link)

14 THE WITNESS: [11:06:35](Interpretation) Yes, it's working.

15 PRESIDING JUDGE SCHMITT: [11:06:39] Has the witness answered? Then we
16 would like to have confirmation so we can continue.

17 Well, I give it another try.

18 Mr Witness, good morning. I'm the Presiding Judge (Overlapping speakers)

19 THE INTERPRETER: [11:07:12] There's no reception from the Sango booth,
20 your Honour.

21 PRESIDING JUDGE SCHMITT: [11:07:15] Okay, so --

22 THE WITNESS: [11:07:17](Interpretation) I can hear you and I can also see you,
23 your Honour.

24 PRESIDING JUDGE SCHMITT: [11:07:22] Thank you very much.

25 So, Mr Witness, on behalf of the Chamber I would like to welcome you to

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1 the courtroom. You are called to testify to assist this Chamber in the case

2 of the Prosecutor against Mr Yekatom and Mr Ngaïssona.

3 Mr Witness, there should be a card in front of you with a solemn undertaking.

4 Please be so kind and read this card out aloud.

5 THE WITNESS: [11:08:05](Interpretation) Yes, I can read the card.

6 I solemnly declare that I will speak the truth, the whole truth and nothing but

7 the truth.

8 PRESIDING JUDGE SCHMITT: [11:08:28] Thank you very much, Mr Witness.

9 We have, of course, I see we have a problem with the connection. I thought it would
10 be less serious actually. Well, you see now we have every couple of seconds, and it's

11 only -- not only for a second, it's for a couple of seconds. So perhaps we give it a try,

12 but we try to, of course, improve it. It's -- I'm not -- not very happy with that at the

13 moment. But perhaps we can -- we can make it better.

14 Thank you very much, Mr Witness, first of all. You're now sworn in. You have

15 been informed about the importance to tell us the truth and tell us everything that

16 you recall.

17 And I think for the technicalities, I can give already to the Prosecution, I think I don't

18 have to repeat the protective measures, probably the Prosecutor will do that.

19 So I give you the floor for your examination.

20 QUESTIONED BY MR BELBENOIT-AVICH: (Interpretation)

21 Q. [11:09:37] Good morning, Witness.

22 You remember that we have met a few days ago. I am Pierre Belbenoit-Avich and

23 I am the deputy Prosecutor and I'm going to examine you today on behalf of

24 the Prosecution. First of all, I would like to thank you for your availability today.

25 Your testimony is very important and we were (Redacted)

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1 (Redacted)

2 Now, in -- during your testimony and my examination, we're going to actually look at
3 very sensitive questions, so if at any point of time, if you feel ill at -- at ill ease or if
4 you're not comfortable and you need a break, please do not hesitate to let me know.

5 Now, with regards to the logistics, everything that we say here is interpreted into
6 English, French and Sango. Now, in order to allow the interpreters to work in
7 optimal conditions, it is important that we endeavour, you and I, to speak slowly.

8 And I would like to thank you for waiting for a few seconds after I finish my
9 questions and before you answer.

10 It is also possible that you may not understand some of my questions and they may
11 not appear very clear to you. In this case, please do not hesitate to let me know and I
12 shall reword my questions.

13 Do we agree on that?

14 A. [11:11:24] Yes.

15 PRESIDING JUDGE SCHMITT: [11:11:26] If I may, I think I have to say, it is -- we
16 have a live witness and there are two possibilities to have a live witness, this is
17 jurisprudence at the court. First of all, a live witness that is here in the courtroom,
18 that we normally have no problems, or a live witness that is at the video-link location
19 and the video link is good and we can follow the witness not only orally, but also
20 visually.

21 And there were several instances where the answer of the witness was -- when
22 the screen was black, and actually I think that's not tenable and that's not how it was
23 meant to be. We have to fix that. I have to -- I have to really -- this is unfortunate,
24 of course, and, yeah, that's beyond that what has been foreseen. I'm absolute a, let's
25 say, a supporter of the live video link, live witness via video link, but only under

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1 the condition that we can really observe the witness. But it's every couple of seconds
2 he is -- and not only for a second away but for a couple of seconds away. So we
3 simply have to -- unfortunately, I have to say that we have to stop here and try to
4 establish a better -- a better connection.

5 Mr Witness, you probably have followed. I have to apologise for that. The video
6 link is so bad that we -- every couple of seconds, we don't see you anymore, and
7 you are a live witness and this means that we have to see you, of course, and that is
8 also out of respect to you to say that we don't only hear you, that we can see you, and
9 so we have to fix that.

10 Let me just enquire with the court officer what we can do and what time frame
11 perhaps we can think about.

12 (The Presiding Judging and court officer confer)

13 PRESIDING JUDGE SCHMITT: [11:13:38] So there seems to be an option that we
14 can try, which would perhaps enable us to continue in 15 minutes. So, let's say, we
15 make now a break until 11.30 and then, then we look if we can continue, yeah.

16 THE COURT USHER: [11:13:51] All rise.

17 (Recess taken at 11.13 a.m.)

18 (Upon resuming at 11.30 a.m.)

19 THE COURT USHER: [11:30:04] All rise.

20 Please be seated.

21 PRESIDING JUDGE SCHMITT: [11:30:29] So again, Mr Witness, very warm
22 welcome. Now we see you much better and the connection seems to be much better,
23 which, of course, we are happy to see. So we can continue --

24 THE WITNESS: [11:30:43](Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [11:30:45] So we can continue with the examination

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1 by the Prosecution. You have the floor.

2 MR BELBENOIT-AVICH: [11:30:51](Interpretation) Thank you, your Honour.

3 Could we go into private session, please, so that I can put a number of questions to
4 the witness.

5 PRESIDING JUDGE SCHMITT: [11:31:06] Just a question, when you then start, do
6 we go back to open session? Just because we have some people in the audience.

7 Yeah, okay. So we go for the private dates of name and so on and so forth of the
8 witness into private session. It is a protected witness and that's the reason why we
9 do that, so that his identity is not revealed.

10 So we go to private session.

11 (Private session at 11.31 a.m.)

12 THE COURT OFFICER: [11:31:53] We are in private session, Mr President.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 17 (Open session at 11.38 a.m.)
- 18 THE COURT OFFICER: [11:38:05] We are in open session, Mr President.
- 19 MR BELBENOIT-AVICH: [11:38:11](Interpretation)
- 20 Q. [11:38:14] I'd like us to briefly discuss the situation in Bangui before 2013 and
- 21 before the arrival of the Seleka. Now, without giving any overly specific information,
- 22 in general terms, where were you living at that time?
- 23 A. [11:38:42] At the time we were living in the Boeing neighbourhood, (Redacted)
- 24 (Redacted)
- 25 Q. [11:39:02] Could you explain to us what the dealings were like between

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1 Christians and Muslims at the time. Were they on good terms in your
2 neighbourhood, on poor terms with one another?

3 A. [11:39:20] Before the Seleka arrived, the two communities got along well. And
4 when the Balaka arrived, there was a conflict between the two communities, so
5 the two communities were no longer living side by side peacefully. All the Muslims
6 were driven out, actually.

7 Q. [11:39:55] Very well. Were there mosques in the Boeing neighbourhood?

8 A. [11:40:04] Yes, in the centre of Boeing, in the centre of the neighbourhood. But,
9 after that, all the houses of the Muslims were destroyed.

10 Q. [11:40:11] Very well. I'd like to put one question about that point. You
11 explained that after the arrival of the Seleka, the Muslims were driven out and
12 the houses were destroyed. Could you tell us when that happened, when
13 the Muslims left the neighbourhood and the houses were destroyed?

14 A. [11:40:46] I think it was on the 5th, that is when there were shots fired. Those
15 who could take refuge in kilometre 5 went there. Others took shelter in their own
16 homes and they were killed. The houses were destroyed, the mosque was destroyed.
17 I'm talking about the Boeing sector.

18 Q. [11:41:13] Very well. And you said that some Muslims were killed on
19 5 December, do you know who killed those Muslims?

20 A. [11:41:32] At that time, it was the Anti-Balaka. It was the Anti-Balaka.

21 Q. [11:41:39] Very well. We are in open session, so please be careful not to
22 identify yourself when you give your answers.

23 What is your source of information? How do you know that it was the Anti-Balaka
24 who killed the Muslims?

25 A. [11:42:06] At that time we were living in that area. During the clashes, some

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1 people took part and I heard about that, some of my brothers even. And those who
2 went to see what was going on told me about the events. And after that, my elder
3 brother, his wife had gone out and we all had to stay in the house, actually. He
4 scolded her and we all had to stay in the house.

5 Q. [11:42:51] Thank you. Now if I could ask you to go back to pre-2013, before
6 the Seleka arrived. Are you familiar with the Boeing market?

7 A. [11:43:07] Yes, I'm familiar with the market.

8 Q. [11:43:09] Did you have any opportunity to go to the market at that time?

9 A. [11:43:14] No, I didn't have an opportunity to do that because the situation was
10 difficult and I did not have any opportunity to go there.

11 Q. [11:43:25] Very well. I'm talking about the period of time before the arrival of
12 the Seleka. Let's move forward in time, if we could. I'd like to ask you about
13 the time when the Seleka were in Bangui, before the Anti-Balaka arrived.
14 Do you know approximately when the -- when the Seleka arrived in Bangui?

15 A. [11:44:06] It was in March. I don't remember the exact date.

16 PRESIDING JUDGE SCHMITT: [11:44:19] We have had so many witnesses on that
17 subject, I think when this happened, so if you have specific questions, yes, but no
18 repetitions, please.

19 MR BELBENOIT-AVICH: [11:44:38](Interpretation) Thank you very much,
20 your Honour. I think I can skip over that particular topic.

21 Q. [11:44:46] Mr Witness, could you explain, when the Seleka were in Bangui, did
22 you stay in your house in Boeing neighbourhood or did you move about?

23 A. [11:45:04] When the Seleka entered Bangui, we stayed in our house in Boeing
24 neighbourhood.

25 Q. [11:45:14] Very well. And after that, did you move about or go to other places?

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1 A. [11:45:31] After they entered the city, activities were blocked. Schools were not
2 operating. Nothing was operating normally. So all the family members, all of us,
3 we were at home.

4 Q. [11:45:47] Very well.

5 With your leave, your Honour, could we go into private session?

6 PRESIDING JUDGE SCHMITT: [11:45:59] Yeah, we go to private session.

7 (Private session at 11.46 a.m.)

8 THE COURT OFFICER: [11:46:16] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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Trial Hearing
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- 16 (The hearing ends in private session at 3.45 p.m.)