

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 Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 14 March 2023
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:23] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:45] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:50] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:04] Thank you.
20 I ask for the appearances of the parties. Same procedure as every day.
21 Mr Belbenoit first.
22 MR BELBENOIT-AVICH: [9:32:13] (Interpretation) Good morning, your Honours.
23 Today the OTP is Kweku Vanderpuye, Yassin Mostfa and myself, Belbenoit.
24 PRESIDING JUDGE SCHMITT: [9:32:26] Thank you.
25 Ms Rabesandratana next.

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1 MS RABESANDRATANA: [9:32:32] (Interpretation) Good morning, Mr President,
2 your Honours. Good morning, everybody. Today the representatives of the
3 victims of the other crimes are represented by Mr Orchlon Narantsetseg and myself,
4 Rabesandratana.

5 PRESIDING JUDGE SCHMITT: [9:32:48] Well, the names are not easy.
6 Rabesandratana, Orchlon Narantsetseg, it's not so -- it's not so easy to pronounce for
7 the interpreters because we hear it from the interpreters.
8 Mr Suprun.

9 MR SUPRUN: [9:33:02] Good morning, Mr President. Good morning, your
10 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
11 Thank you.

12 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.
13 I turn to the Defence.
14 Ms Guissé or Ms Dimitri.

15 MS DIMITRI: [9:33:13] Good morning, Mr President. Good morning, your
16 Honours. Mr Yekatom is present in the courtroom, and the composition of the team
17 remains the same.

18 PRESIDING JUDGE SCHMITT: [9:33:20] Thank you.
19 Ms Proulx.

20 MS PROULX: [9:33:23] Good morning, Mr President. Good morning, your
21 Honours. Good morning, everyone. Mr Ngaïssona is represented today by
22 Alexandre Desevedavy, Saskia Afande and myself, Marie-Hélène Proulx. Thank
23 you.

24 PRESIDING JUDGE SCHMITT: [9:33:43] Thank you.
25 And most importantly our witness. We see him very well.

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1 Mr Witness, do you hear and understand me well too? Good morning.

2 WITNESS: CAR-OTP-P-1705 (On former oath)

3 (The witness speaks Sango)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:33:58](Interpretation) Thank you. Good morning.

6 PRESIDING JUDGE SCHMITT: [9:34:01] So the connection seems to be very good
7 today, knock on wood. So I give Ms Guissé the floor for the examination of the
8 Defence.

9 MS GUISSÉ: [9:34:24] (Interpretation) Good morning, your Honour. Good
10 morning.

11 QUESTIONED BY MS GUISSÉ: (Interpretation)

12 Q. [9:34:34] Good morning, Mr Witness. Let me introduce myself because we
13 haven't had the opportunity of meeting each other during the courtesy visit because
14 I was not in The Hague. But I believe you met my co-counsel, Madam Dimitri. My
15 name is Anta Guissé and I am one of the lawyers of Alfred Yekatom. And in that
16 capacity, I will ask you some questions of clarification regarding your testimony that
17 you've given before this Court.

18 I'm going to talk about things that are painful for you, I'm aware of that, so I'll try and
19 be very specific, and if everything goes well, we will finish today.

20 And in order to make this as brief as possible, I would ask for your assistance. You
21 have said a lot of things before the Court, and my aim is not that you repeat what
22 you've already said. But, rather, I would like to have more specific information on
23 particular points of your testimony. So I'm going to try and formulate my questions
24 so that I can obtain that information.

25 Furthermore, I will try and speak slowly so that the interpreters and the court clerks

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1 can understand. Sometimes we were a bit fast yesterday and we lost some of your
2 testimony, so it's important to pace what we say. I, too, I have a tendency to speak
3 fast, so we are both going to try and pay attention to that. I know that you speak
4 French perfectly, so be careful to remember the pause after my questions so that they
5 can be interpreted and translated in all languages.

6 Have you understood what I've said so far?

7 A. [9:36:43] I have understood.

8 Q. [9:36:45] If one of my questions is not clear, do not hesitate to ask me to
9 reformulate or repeat that question. Similarly, if you do not have any answer, just
10 let me know or just say that you can't remember.

11 In order to respect your protective measures, I'm going to have to go into private
12 session.

13 I will start with some small questions on public sessions, but unfortunately, your
14 Honour, for the main part of my questioning we'll have to go into private session.
15 The reference for the parties and the interpreters, basically I'm going to refer to your
16 statement which you gave before the OTP on 1 May 2017. The ERN in English is
17 CAR-OTP-2053-0086 and in the French version CAR-OTP-2104-0565. And I also may
18 mention the corrections you made to your statement and the ERN is
19 CAR-OTP-00001298-000001. I am going to refer to the testimony, your testimony,
20 and the corrections, that is to say, your corrections.

21 So this is of a practical nature. I'm now going to start with my questions which I'd
22 like to put to you.

23 Firstly, I would like to talk about two subjects in public session, and the first is the
24 arrival of the Seleka in 2013 in Bangui.

25 If one of my questions you feel that we have to go into private session, do not hesitate

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1 to let me know so that I can make the necessary arrangements and ask the President.

2 Mr Witness, am I correct in saying that the arrival of the Seleka in Boeing from

3 March 2013, they committed massive crimes and rapes?

4 A. [9:39:44] As regards the Seleka?

5 Q. [9:39:53] Yes, Mr Witness, I'm talking to you about the arrival of the Seleka in

6 March 2013 in Bangui.

7 A. [9:40:05] I didn't -- I wasn't present when they arrived, so I don't have any

8 comment I can make on that.

9 Q. [9:40:27] Let me try and jog your memory, because you did raise this point

10 before the investigators in 2017, paragraph 13 of your statement where you stated,

11 and I quote: "I remember that the Seleka troops committed massacres and rape in

12 the area of Boeing." End of quote.

13 Can you confirm this fact? And does it jog your memory as regards what you said

14 before the investigators of the OTP?

15 A. [9:41:17] No, I don't remember. No, it's not my testimony. Because if I made

16 such an affirmation, I would have the proof. But I didn't see the Seleka in order to

17 confirm that statement.

18 PRESIDING JUDGE SCHMITT: [9:41:30] Ms Guissé, we have also read it, of course,

19 and the witness has even at the time made it clear he has not seen anything. And we

20 have, let's say, other evidence which covers the Seleka crimes, let me put it this way.

21 And I think with this witness you can continue to other more interesting areas, I

22 would say. Because he has said, "I heard these reports from my friends and

23 neighbours." Yes, well ...

24 MS GUISSÉ: [9:42:10] (Interpretation) Your Honour, I've now reached the point of

25 how the information was obtained. If -- it's not the essence of my cross-examination,

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1 but nevertheless, I do feel it's important to put it into context and it's the context that I
2 wanted to create. But I will continue. *And may I remind you that this is one of the
3 rare questions that I wanted to put in open session.

4 Q. [9:42:41] In yesterday's hearing at 11:45, you told the Prosecution, and I quote:
5 "When the Seleka arrived in Bangui, we stayed (Redacted)."

6 End of quote.

7 In your statement in paragraph 14, you provided a version that was slightly different
8 because you said, because of that situation, you and part of your family had to leave
9 your home in an area which was -- and go to an area which was protected by the
10 Sangaris.

11 Do you remember that you said that to the investigators of the OTP? Did you make
12 a mistake or did you actually change the neighbourhood when the Seleka arrived?

13 A. [9:43:55] Yes, the arrival of the Seleka, well, the Sangaris weren't operational at
14 that point in time. When the conflict broke out, after the attack of the Anti-Balaka,
15 the situation was very tense, and we sought refuge with my brothers at the site of
16 M'Poko, but from time to time we went back home because my mother and father
17 were at the house. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:44:58] Is it correct that this was before December 2013, there were sporadic
21 attacks with the Seleka and you could hear them where you were located?

22 A. [9:45:17] I think there were clashes between the Seleka and the Anti-Balaka.

23 There was no balance in the force so they had to advance just until the bridge of
24 M'Poko *and the Balaka fled. We were home and we heard the gunfire from light
25 and heavy weaponry.

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1 Q. [9:46:01] I would like to look at December 2013, after 5 December 2013, in
2 particular, after 5 December.

3 Do you agree with me that during that time there was tension throughout Bangui
4 between the Seleka groups and the Anti-Balaka groups and there were clashes that
5 continued and sometimes you could hear gunshots throughout the town? Is that
6 something you experienced? Is that something you heard after 5 December?

7 A. [9:46:51] I haven't understood your question.

8 Q. [9:46:58] Don't worry. I will rephrase it.

9 After 5 December 2013, did you notice or experience in your neighbourhood the fact
10 that there was tension between the Seleka group and the Anti-Balaka group and
11 sometimes clashes occurred in the town?

12 A. [9:47:34] Yes, indeed. These things *occurred after 5 December. It's true.

13 Tension reigned, the Sangaris intervened, and this curbed the Seleka and this allowed
14 the Anti-Balaka to make headway in the area.

15 MS GUISSÉ: [9:48:11] (Interpretation) Your Honour, I have stopped with my
16 questions in public session and, unfortunately, I'll have to move into private session,
17 with your permission.

18 PRESIDING JUDGE SCHMITT: [9:48:22] Thank you. But we appreciate that you
19 gave it, not only a try, that you did some of your examination in open session.
20 So we go to private session.

21 (Private session at 9.48 a.m.)

22 THE COURT OFFICER: [9:48:45] We are in private session, Mr President.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Trial Hearing
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- 15 (The hearing ends in private session at 2.31 p.m.)