

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 30 March 2022
10 (The hearing starts in open session at 10.31 a.m.)
11 THE COURT USHER: [10:31:54] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [10:32:19] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [10:32:27] Good morning, Mr President, your Honours.
17 Second situation in the Central African Republic, 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: [10:32:41] Thank you.
21 I ask for the appearances of the parties.
22 We start with the Prosecution, please.
23 MS GULPA: [10:32:49] Good morning, Mr President. Good morning, your
24 Honour.
25 The Prosecution is represented today by Ms Olivia Struyven, Mr Kweku Vanderpuye,

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1 Mr Yassin Mostfa, and myself, Irina Galupa.

2 PRESIDING JUDGE SCHMITT: [10:33:03] Thank you.

3 Ms Massidda, representatives of the victims.

4 MS MASSIDDA: [10:33:08](Interpretation) Good morning, Mr President, your
5 Honours.

6 The common legal representative team of the victims of the other crimes is
7 represented today by Mr Abdou Dangabo Moussa, Ms Wahida Omari, Ms Mouhia
8 Asso, and myself, Paolina Massidda.

9 PRESIDING JUDGE SCHMITT: [10:33:22] Thank you.

10 Mr Suprun.

11 MR SUPRUN: [10:33:23] Good morning, Mr President, your Honours.

12 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the
13 Office of Public Counsel for Victims. Thank you.

14 PRESIDING JUDGE SCHMITT: [10:33:34] Thank you.

15 I turn to the Defence.

16 Ms Dimitri first.

17 MS DIMITRI: [10:33:36] Good morning, Mr President. Good morning, your
18 Honours. Good morning, everyone.

19 Mr Yekatom, who's present in the courtroom, is represented today by Mr Florent
20 Pages-Granier, Ms Wilhelmina Wittingham, Ms Anta Guissé, and myself, Mylène
21 Dimitri.

22 PRESIDING JUDGE SCHMITT: [10:33:50] And, finally, Mr Knoops.

23 MR KNOOPS: [10:33:52] Yes. Good morning, Mr President. Good morning, your
24 Honours. Everyone in the courtroom, good morning.

25 The Defence team of Mr Patrice Ngaïssona is today appearing before the Chamber

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1 with Ms Marie-Hélène Proulx; in the second row, Barbara Szmatura and Ms Camille
2 Stuckel.

3 Mr Ngaïssona is present. And Mr Landry is following the hearing from the field
4 office. Thank you.

5 PRESIDING JUDGE SCHMITT: [10:34:16] Thank you.

6 And we turn now to the testimony of Prosecution Witness P-1811.

7 Madam Witness, good morning.

8 Ms Dimitri, you have -- have an objection to start with the witness? Any remark?

9 MS DIMITRI: [10:34:39] No, Mr -- Mr President. My sincere apologies. It's a
10 hectic morning. I forget to introduce -- we also have back there Daniela Mvougou
11 as part of the Yekatom team this morning. I'm sorry, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:34:49] Actually, it did not escape my attention
13 that somebody is sitting there, but I did not know whom to relate her to. So thank
14 you for that.

15 So, again, Madam Witness, good morning. I'm the Presiding Judge of this Chamber.

16 My name is Bertram Schmitt. The other two judges, to my right is Péter Kovács and
17 to my left is Chang-ho Chung.

18 Do you understand me well?

19 WITNESS: CAR-OTP-P-1811

20 (The witness speaks Sango)

21 (The witness gives evidence via video link)

22 THE WITNESS: [10:35:37](Interpretation) Yes, I can hear you. I can hear you very
23 well.

24 PRESIDING JUDGE SCHMITT: [10:35:43] On behalf of the Chamber, I would like to
25 welcome you to the courtroom. You are called to testify to this Chamber in the case

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1 of Mr Yekatom and Mr Ngaïssona.

2 It has been explained to you that there are protective measures in place to ensure that
3 your identity is not revealed to the public. I will not go into that into detail, but
4 there is face distortion, so that nobody outside the courtroom can see your face, and
5 we use a pseudonym, and that is why I address you as "Madam Witness" and not
6 with your real name.

7 Madam Witness, you have first to take the solemn undertaking to tell the truth. I
8 will read it out to you, and please follow me and repeat what I am saying.
9 I solemnly declare.

10 THE WITNESS: [10:36:44](Interpretation) I solemnly declare.

11 PRESIDING JUDGE SCHMITT: [10:36:57] That I will speak the truth.

12 THE WITNESS: [10:37:02](Interpretation) That I will speak the truth.

13 PRESIDING JUDGE SCHMITT: [10:37:05] The whole truth and nothing but the
14 truth.

15 THE WITNESS: [10:37:21](Interpretation) The whole truth and nothing but the
16 truth.

17 PRESIDING JUDGE SCHMITT: [10:37:23] Thank you, Madam Witness. You're
18 now under oath. The importance of the oath and to tell the truth has been explained
19 to you already.

20 Before we start now with your testimony, I would like to explain a few practical
21 matters. Everything we say here in the courtroom is written down and interpreted.
22 And to allow for the interpretation, we have to speak at a relatively slow pace so that
23 the interpreters can follow and that they can get everything what is being said.
24 And I would please ask you also kindly to only start speaking when the person that
25 has asked you a question has finished and perhaps pause a little bit so that the

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1 interpreters can catch up.

2 That is from my side all for the moment, and then I give the floor to the Prosecution
3 for their examination.

4 MS GULPA: [10:38:28] Thank you, Mr President.

5 With your leave, I'll remain seated.

6 PRESIDING JUDGE SCHMITT: [10:38:32] Yeah, we have this practice established.

7 So when the witness is not in the courtroom, it makes sense.

8 MS GULPA: [10:38:37] Thank you.

9 QUESTIONED BY MS GALUPA: (Interpretation)

10 Q. [10:38:41] Good morning, Madam Witness. We met this morning. My name
11 is Irina Galupa, and I will put some questions to you today on behalf the Office of the
12 Prosecutor.

13 Before we begin, I have a few observations to make. First of all, as the Presiding
14 Judge has already said, I also am not going to mention your name. I'll simply
15 address you as "Madam Witness". Is that okay?

16 Secondly, if ever you wish to give an answer that is identifying for you, you can
17 notify us about that, and I will ask the Presiding Judge to go into private session.

18 I also know that it is very difficult for to you testify today. I will highly likely ask
19 you questions that you might find unpleasant. However, this is because it is
20 important for the Judges to understand your story.

21 Next, if a question is not clear, or if you want me to repeat or clarify the question, or if
22 you have other questions, do not hesitate to let me know.

23 One last point, if you wish to take a break, do not hesitate to let me know, and I will
24 ask the Presiding Judge to grant you permission for that.

25 Now, regarding your questioning, I'm going to ask you some questions on the

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1 statement that you gave to the OTP in 2017. But, first of all, I would like to ask you,
2 is it correct that you gave a statement to the OTP in July 2017?

3 A. [10:42:09] Yes, that is correct.

4 Q. [10:42:09] (Overlapping speakers).

5 PRESIDING JUDGE SCHMITT: [10:42:11] Excuse me. I don't want to interrupt, but
6 at some point in time we have to -- we need, of course, for the record, the full name in
7 private session and age and things like that.

8 MS GULPA: [10:42:23] Yes. That will come afterwards.

9 PRESIDING JUDGE SCHMITT: [10:42:26] Afterwards. Okay, I'm fine with that.
10 But, still, please don't forget it.

11 MS GULPA: [10:42:29] Yes, thank you.

12 Q. [10:42:38](Interpretation) Madam Witness, I understand that you had the
13 opportunity to see your statement again.

14 A. [10:42:54] Thank you. I no longer remember the date, but I can talk to you
15 about it. I was at home. (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:43:34] Madam Witness, it's -- the thing is the
19 following: Do you recall that you spoke with members of the Prosecution about
20 what happened to you? Do you recall that? That must have been in 2017, quite a
21 long time ago.

22 THE WITNESS: [10:44:15] Yes, I remember that.

23 PRESIDING JUDGE SCHMITT: [10:44:20] And at the time, there has been a
24 statement -- given a statement by you, and that statement has been written down.

25 And the question is: Did you have recently, in the last couple of weeks or

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1 whatsoever, last couple of days, did you have the opportunity to read this statement
2 again, Madam Witness?

3 THE WITNESS: [10:44:46](Interpretation) Yes, someone reread that statement to me.
4 Yes, indeed, that was done.

5 PRESIDING JUDGE SCHMITT: [10:45:11] And I think from -- from the record, what
6 we -- what we saw, you made a few corrections to that. Do you recall that, too?
7 So we have lost connection, obviously.
8 So I think there is a power breakdown at the video link location, so it's not clear when
9 we can continue. We hope that this soon will be the case, so -- but I think to wait
10 here, you know, I like to bridge the gap and everybody, Mr Knoops is very good in
11 bridging the gap too, but nevertheless we don't know when this -- when we can
12 continue. So we -- please don't go too far away. Don't -- perhaps don't leave the
13 room, but we go to the deliberation room and when we -- as when we can continue,
14 please tell us from the side of court officer.

15 THE COURT USHER: [10:47:41] All rise.

16 (Recess taken at 10.47 a.m.)

17 (Upon resuming in open session at 10.58 a.m.)

18 THE COURT USHER: [10:58:03] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [10:58:27] So, Madam Witness, I see you again
21 clearly. The connection has -- had been interrupted. These happen -- this happens,
22 so we are -- we always have to -- I also have to take -- always have to take into
23 account that it is a small wonder, so to speak, that we can have over this long distance
24 this video link testimonies at all. So I have to apologise, Madam Witness.
25 It -- sometimes it can happen that there is a power breakdown.

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1 I repeat the last question that I asked you. You have confirmed that you have
2 read -- that your former statement has been read to you, and I have asked you if you
3 recall that you also made some corrections to this statement.

4 THE WITNESS: [10:59:40](Interpretation) Yes, I made one correction relating to the
5 death of (Redacted)
6 (Redacted). But the rest of my same statement
7 is correct.

8 PRESIDING JUDGE SCHMITT: [11:00:02] Thank you very much.

9 So I think we can continue from there and we know of course that we -- yeah, what to
10 do with that.

11 So I give the Prosecution the floor. Ask her, please, if she -- if she's fine with
12 introducing it into the record.

13 MS GALUPA: [11:00:24](Interpretation) Thank you very much, Mr President.

14 Q. [11:00:27] Madam Witness, would you be -- would you agree for the statement
15 to be used by the Chamber as an item of evidence?

16 A. [11:00:53] Yes, I am in agreement.

17 Q. [11:00:56] Thank you very much.

18 MS GALUPA: [11:00:57] For the record, the conditions of Rule 68(3) are met.

19 PRESIDING JUDGE SCHMITT: [11:01:02] Yeah, they are met. This means for the
20 statement, and which includes the correction we have just been speaking about.

21 Okay. Yeah, they are met, Rule 68(3) requirements.

22 I think we go to private session then for the --

23 MS GALUPA: [11:01:17] Yes, that's correct.

24 PRESIDING JUDGE SCHMITT: [11:01:18] Yeah, we go to private session for some
25 personal matters. Yeah.

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1 (Private session at 11.01 a.m.)

2 THE COURT OFFICER: [11:01:37] We are in private session, Mr President.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

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12 (Redacted)

13 (Open session at 11.05 a.m.)

14 THE COURT OFFICER: [11:05:12] We are back in open session, Mr President.

15 MS GALUPA: [11:05:21] (Interpretation) Thank you very much.

16 Q. [11:05:21] I'm now going to be putting questions to you with regard to your
17 witness statement, and I would like you to clarify a number of matters. If you could
18 answer my questions without providing any identifying information, because for the
19 time being we are in open session.

20 I'd also like to say to you that I'm going to be making mention of paragraphs in your
21 statement. It's not for you. It is for everyone here in the courtroom to be able to
22 understand where I am gleaning my information.

23 So in your statement -- in your statement at paragraph 13, you said that the Muslims
24 and non-Muslims lived together, but after the Anti-Balaka arrived, this changed.

25 Could you please explain to us what you meant when you said that everything

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1 changed?

2 A. [11:06:34] That is correct.

3 THE INTERPRETER: [11:06:36] Message from the Sango booth: Could the witness
4 please be requested to respect the five-second rule before responding.

5 MS GALUPA: [11:06:45] (Interpretation)

6 Q. [11:06:46] I wanted to know what you meant by "everything changed."

7 A. [11:07:04] Well, when I said that the situation changed when the Anti-Balaka
8 arrived, it was because before, the Muslims and Christians lived in complete harmony.
9 Everything was turned on its head when the Anti-Balaka arrived and there were
10 killings. The Anti-Balaka started to kill people randomly and everything was turned
11 on its head.

12 Q. [11:07:37] I thank you. In your statement you mention in paragraph 12 that
13 you were a trader.

14 Did this affect your business in any way?

15 A. [11:08:00] Yes, I went bankrupt. I was not selling anything anymore.

16 Q. [11:08:09] Very well. And in your statement, at paragraph 14 you said that you
17 had heard speak of the Anti-Balaka a long time before you set eyes on them.

18 Could you explain to us in what context you heard speak of the Anti-Balaka?

19 A. [11:08:43] Well, when Djotodia took power, he hadn't even been in power in the
20 presidency for a year before we heard speak of the Anti-Balaka. We heard people
21 speaking about them, but I didn't see them myself. It was only (Redacted)
22 (Redacted) that I saw the Anti-Balaka with my very own eyes.

23 Q. [11:09:18] Very well. And in your statement at paragraphs 16 and 19, you
24 mentioned that (Redacted) the Plateau neighbourhood for a reason that I'm not
25 going to make mention of in open session. Do you know whether the

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1 neighbourhood Plateau goes by another name?

2 A. [11:09:56] Well, when you reach Cattin, the neighbourhood Cattin, you can go to
3 Plateau from there and in that very same sector there is the Boeing neighbourhood.
4 These are the only neighbourhoods that I know the names of.

5 Q. [11:10:17] Very well. If I were to suggest to you the Cité de la Paix or the Cité
6 de la Foi, would that ring a bell?

7 A. [11:10:28] Yes, I have heard those locations mentioned, but I do not recall ever
8 having been to those places.

9 Q. [11:10:40] Very well.

10 MS GALUPA: [11:10:43] (Overlapping speakers) Mr President, I will start asking
11 questions that can identify the witness. May we please go in private session.

12 PRESIDING JUDGE SCHMITT: [11:10:47] Yes, we go to private session. And
13 please also for you, please allow yourself a little bit of time. It's difficult with the
14 translation and the overlap.

15 We go to private session.

16 MS GALUPA: [11:11:05] (Interpretation) Very well. Thank you.

17 (Private session at 11.11 a.m.)

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

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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- 1 (Recess taken at 12.10 p.m.)
- 2 (Upon resuming in open session at 1.31 p.m.)
- 3 THE COURT USHER: [13:31:47] All rise.
- 4 Please be seated.
- 5 PRESIDING JUDGE SCHMITT: [13:32:09] Good afternoon, everyone. Good
- 6 afternoon, Madam Witness.
- 7 I understand that we are in open session. Do you want to continue your
- 8 examination in private session?
- 9 MS GALUPA: [13:32:19] Yes, please, Mr President, in private session.
- 10 PRESIDING JUDGE SCHMITT: [13:32:23] Then we go to private --
- 11 UNIDENTIFIED SPEAKER: [13:32:24] (Overlapping speakers)
- 12 PRESIDING JUDGE SCHMITT: [13:32:24] -- we go to private session.
- 13 (Private session at 1.32 p.m.)
- 14 THE COURT OFFICER: [13:32:49] We are in private session, Mr President.
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
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Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-1811

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Trial Hearing
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Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-1811

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Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

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Page redacted – Private session

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

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- 23 (The hearing ends in private session at 1.59 p.m.)