

Trial Hearing
WITNESS: CAR-D29-P-6025

(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 Wednesday, 24 January 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:47] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:10] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:15] 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: [9:33:29] Thank you.
20 I ask for the appearances of the parties. Ms Berdennikova first for the Prosecution.
21 MS BERDENNIKOVA: [9:33:36] Good morning, Mr President. Good morning,
22 your Honours. Good morning, everyone in the courtroom. And good morning,
23 Mr Witness. This morning the Prosecution is represented by Ms Sylvie Wakchom,
24 Kweku Vanderpuye, Yassin Mostfa and myself, Maria Berdennikova.
25 PRESIDING JUDGE SCHMITT: [9:33:52] Thank you. I turn to the representatives

Trial Hearing
WITNESS: CAR-D29-P-6025

(Open Session)

ICC-01/14-01/18

1 of the victims. First team, please.

2 MS ASSO: [9:33:59] Good morning, Mr President. Good morning, your Honours.

3 Good morning, everyone in the courtroom.

4 For the victims of other crimes representatives, the composition is the same as
5 yesterday.

6 PRESIDING JUDGE SCHMITT: [9:34:09] Thank you.

7 Mr Suprun next.

8 MR SUPRUN: [9:34:11] Good morning, Mr President, your Honours. The former
9 child soldiers are represented by Anne Grabowski, Tayssir Othmani and myself,
10 Dmytro Suprun.

11 PRESIDING JUDGE SCHMITT: [9:34:21] Thank you, Mr Suprun.

12 I turn to Ms Dimitri next.

13 MS DIMITRI: [9:34:25] Good morning, Mr President. Good morning your Honours.
14 Good morning, everyone. And good morning to Mr Witness. Mr Yekatom is
15 present in the courtroom. Today he's represented by Ms Sarah Bafadhel,
16 Ms Anta Guissé, Ms Charlotte Floquet, Ms Sabine Bayssat, Ms Alexandra Baer,
17 Mr Lionel Messi Tikpa and myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:34:48] Thank you.

19 Mr Knoops.

20 MR KNOOPS: [9:34:50] Good morning, Mr President. Your Honours, good
21 morning. Good morning, everyone in the courtroom. Our team today consists
22 of Mr Alexandre Desevedavy, in the second row, Mr Mathias Goffe,
23 Madam Clémence Fontaine. And Mr Ngaïssona is in the courtroom. Thank you.

24 PRESIDING JUDGE SCHMITT: [9:35:07] Thank you.

25 And we will start now with the testimony of Witness D29-6025.

Trial Hearing
WITNESS: CAR-D29-P-6025

(Open Session)

ICC-01/14-01/18

1 Mr Witness, good morning. Can you hear and understand me well?

2 WITNESS: CAR-D29-P-6025

3 (The witness speaks Sango)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:35:38](Interpretation) Good morning, your Honour. I can hear
6 you well.

7 PRESIDING JUDGE SCHMITT: [9:35:40] Thank you very much. On behalf of the
8 Chamber, as the Presiding Judge, I would like to welcome you to the courtroom.
9 You are called to testify to assist this Chamber in the case of the Prosecutor versus
10 Mr Ngaïssona and Mr Yekatom.

11 Mr Witness, you have been informed already about protective measures. I shortly
12 repeat them. There is face distortion. That means that the public cannot see your
13 face during your examination. Only the people in the courtroom can do that.
14 There is voice distortion. That means that your voice is being disguised so nobody
15 can identify you by your voice. And finally that means that we are using a
16 pseudonym. That is why I address you not with your real name, but as
17 "Mr Witness".

18 Mr Witness, there should be a card on the desk in front of you with a solemn
19 undertaking to tell the truth. Could you please read out loud the content of this card.
20 If you have difficulties to read because of your eyesight, I speak it for you, and you
21 speak after me.

22 We have been informed that you have glasses that you find do well, good.

23 THE WITNESS: [9:37:50](Interpretation) I can read it. Yes, I can read it perfectly.

24 PRESIDING JUDGE SCHMITT: [9:38:05] So, Mr Witness, please do that so that you
25 have taken the oath. Please read it out loud for us.

Trial Hearing
WITNESS: CAR-D29-P-6025

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [9:38:18](Interpretation) I solemnly declare that I shall speak the
2 truth, the full truth and nothing but the truth.

3 PRESIDING JUDGE SCHMITT: [9:38:37] Thank you very much, Mr Witness. You
4 are under oath now.

5 One thing, if you -- if ever you feel that it would be good for you that we make a
6 break, then raise your hand and I ask you and I will give you then a break, so
7 whenever this occurs.

8 Normally we have one and a half hour sessions, but that's not written in stone, so
9 whenever you feel, as I said, feel the need for a break, just raise your hand and then
10 we will give you time.

11 I think that's enough from my side for the preliminary, so to speak, and I give the
12 floor to the Defence of Mr Yekatom. You will explain also to speak slowly and these
13 things so we don't have to do this twice. Thank you very much.

14 MS DIMITRI: [9:39:31] Mr President, my sincere apology. For the record, there's
15 also Maître Régis Tiangaye who is following remotely.

16 PRESIDING JUDGE SCHMITT: [9:39:44] Yes, that's fine. We know that, obviously.

17 MS BAFADHEL: [9:39:46] Thank you, your Honour.

18 QUESTIONED BY MS BAFADHEL:

19 Q. [9:39:51] Good morning, Mr Witness. How are you? Can you hear me?

20 A. [9:40:02] Yes, good morning. I'm fine, thank you.

21 Q. [9:40:08] So just by way of formal introduction, Mr Witness, my name is
22 Sarah Bafadhel and I will be asking the questions on behalf of the Defence for
23 Mr Yekatom today.

24 So that you have a road map of my examination, you have an understanding, the first
25 part I will be asking what are really procedural questions in order to get your

Trial Hearing
WITNESS: CAR-D29-P-6025

(Open Session)

ICC-01/14-01/18

1 statement into evidence under a procedure we call Rule 68(3) at this Court. And
2 then I will go into asking more follow-up and clarification questions concerning
3 discrete aspects of your statement.

4 So just before I start, Mr Witness, I just have a few housekeeping matters to deal with.
5 Firstly, with regard to your question -- my questions and your responses, everything
6 is currently being translated from Sango, French and English so it's important that we
7 both speak slowly and clearly and before starting to commence our response or
8 question, to pause at the end of the translation once the translation has completed.
9 This is important so that your entire testimony is accurate and clear to the judges this
10 morning.

11 Any time a question is not clear, please do not hesitate to let me know.

12 Your Honour also just went through the protective measures that have been granted.

13 All I will add to this point is that when we are in open session, like we are now, I will
14 please ask you to be careful about identifying yourself or indeed naming other
15 individuals that may lead to your identification. If at any point there is an answer
16 that you think you can't give fully in open session, then please let me know and we
17 will ask to go into private session.

18 Is that all understood, Mr Witness?

19 A. [9:42:41] Yes, I've understood perfectly.

20 Q. [9:42:44] Thank you.

21 Your Honours, just before I proceed with the substantive testimony, I would say that
22 the witness's testimony is inherently identifying so the majority of the supplemental
23 testimony, with your leave, will be in private.

24 PRESIDING JUDGE SCHMITT: [9:43:00] Absolutely. We have prepared ourselves
25 and this is absolutely clear. This is not fortunate for the public, but it is inevitable.

Trial Hearing
WITNESS: CAR-D29-P-6025

(Private Session)

ICC-01/14-01/18

- 1 So I think we go to private session now.
- 2 MS BAFADHEL: [9:43:12] Thank you.
- 3 PRESIDING JUDGE SCHMITT: [9:43:13] Yes, private session.
- 4 (Private session at 9.43 a.m.)
- 5 THE COURT OFFICER: [9:43:29] We are in private session, Mr President.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Pages 6 to 50 redacted – Private session
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (The hearing ends in private session at 1.10 p.m.)